

LAW ENFORCEMENT MANAGEMENT INSTITUTE

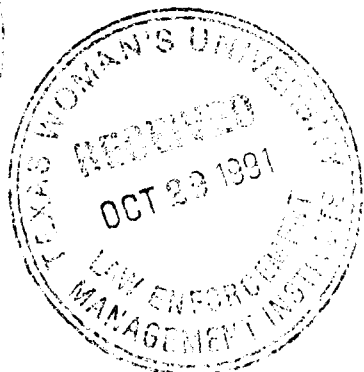
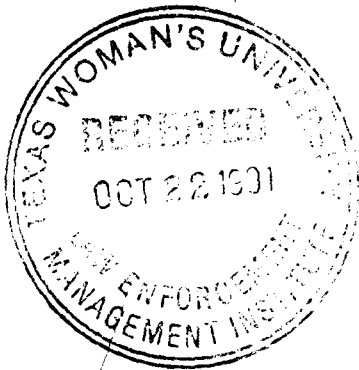
"HOW TO AVOID THE USE OF DEADLY FORCE"

A RESEARCH PAPER
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
MODULE III

BY

KEVIN J. L GREGORY

WHITE SETTLEMENT POLICE DEPARTMENT
WHITE SETTLEMENT, TEXAS
NOVEMBER, 1991



#78

TABLE OF CONTENTS

SECTION TITLE	PAGE
Introduction	1-4
I. Training	4-10
A. Communication	5-6
B. Emotional Control	6-8
C. Safety	8-10
II. Administrative Control	10-16
A. Deadly Force Policy	10-12
B. Personnel Policy	12-15
C. New Philosophy	15-16
III. Alternatives	18-24
A. Lights	17-18
B. Chemical Weapons	18-19
C. Batons	19-20
D. Less Than Lethal Ammunition	20-21
E. Electrical Stun Devices	21-23
F. Future Alternatives	23-24
Conclusion	24-26
Endnotes	27-28
Bibliography	29

INTRODUCTION

Deadly force is defined as that amount of force that is likely to produce death or serious bodily injury. For the purpose of this report, deadly force will refer to the use of the firearm by the peace officer. The Texas Penal Code justifies the use of deadly force in at least nineteen instances. Not only does it authorize a person in using deadly force in defense of life, but also to prevent the imminent commission of robbery, arson, burglary, and theft or criminal mischief at night.

What can happen to a peace officer or administrator when the officer chooses to use deadly force as an option to solve a situation? The officer may suffer from a variety of symptoms that are collectively labeled as post-shooting trauma. These symptoms include insomnia, flashbacks, loss of appetite, mood swings, depression, loss of sex drive, and other negative psychological and physical manifestations. The administrator may lose a good officer in the process. This loss could also result in the unplanned expenditure of thousands of dollars in training and equipping a new replacement officer. The administrator may also lose some sleep over the ensuing "nightmare" of events to follow.

Once the media finds out about the deadly force in-

cident, the officer and administrator may face the "court of public opinion." The officer and the reputation of the police department may be tried and judged on half truths and inaccurate facts provided by a media that allows unsworn accounts to appear as fact. The media spotlight may be turned on the officer and the administrator who ultimately represents the department. The officer's photograph may be splashed across the newspaper or on national television. The chief administrator, who carries the final responsibility, may be called before the media to answer for the officer's actions and training. Every word or answer that the administrator issues may be closely examined by the media and concerned citizens. Should the administrator say something that is not "politically correct," the administrator could lose their standing in the community. An insensitive remark could cost them their job in the end.

The officer's career and discipline record may become public knowledge. The discipline and training record of the department may be scrutinized and questioned. A riot may result if the officer uses deadly force against a minority. A major riot could wipe out a department's budget in equipment and personnel overtime costs.

Immediately after a deadly force incident, an internal affairs investigation begins. The investigation will determine if the shooting was within departmental guidelines. This investigation could divide the department, with the

rank and file on one side and management on the other. The officers may ask, will the chief back his troops or the special interest groups? The chief will have to make a decision that could have long range effects on their tenure. The shooting and investigation could effect department morale, which would need to be watched closely. The officer's and chief administrator's career may be placed in jeopardy. The officer may face indictment, arrest, trial, and possible prison time if found guilty. The administrator may face forced retirement or resignation if the shooting was unjustified or unpopular.

The officer and administrator can also expect the inevitable civil lawsuit by the victim's survivors whether or not the shooting was justified. The chief administrator's name will be at the top of the list of those who may be sued for wrongful death, failure to supervise, train, or negligent retention. Based on the above consequences, it might be in the officer's and administrator's best interest to see that deadly force was used properly or not at all.

The purpose of this report is to give the police officer and administrator some ideas on how to avoid the use of deadly force. Deadly force may be avoided through department training in communication, emotional control and safety tactics. Sound personnel policies on deadly force, confrontational avoidance, risk assessment, employee screening, and performance observations may also help

avert the use of deadly force.

A new philosophy on law enforcement will be discussed. This philosophy will emphasize the value of life and place public safety over criminal apprehension. Concern for civil rights, ethics, and a moral atmosphere within the department will be encouraged. It will suggest that crime prevention and deterrence play a greater role in fighting crime. Opening lines of communication between police and citizens through teamwork, citizen police academies, and community policing will be mentioned.

Finally, a list of alternatives to deadly force will be provided for the officer and administrator to pick and choose from. The list will examine the latest in powerful lights, debilitating chemical agents, collapsible batons, less than lethal ammunition, and electrical stun devices that can emit a shocking two-hundred-thousand volts. A brief look at future alternatives to the use of deadly force will be presented. This look will include the use of sound, sleeping gas, lasers, particle beam weapons, and even adhesives and lubricants to hinder the flight of suspects.

TRAINING

The United States Air Force has a saying, "training is the first command." In other words, an officer's career begins with training. This is also true for law enforcement. If we are to change the way officers think and react

in deadly force situations, then we must begin with training at the entry level and throughout their careers. The avoidance of deadly force can be taught through training in communication, emotional control, and safety.

COMMUNICATION

"A policeman's principle weapon is not his gun, but rather his communication and persuasion skills."¹ In other words, your mouth is your best defense. Words can calm a person down or they can cause a fight. There are officers that can talk a suspect into surrendering without a fight or the use of force. At the same time, there are those officers that can turn a parking ticket into a riot. Officers must be taught to carefully weigh for effect, what they say and how they say it. Officers must learn the skill of verbal persuasion. "Their basic skill should be that of a salesman to persuade people to change their minds."²

Officers could take lessons from used car salespersons when it comes to manipulating people to "buy into" doing something that they really do not want to do. Many deadly force conflicts could possibly be avoided if officers would just be willing to listen and allow people to talk their problems out. "Officers need to be taught negotiation skills and be trained in crisis intervention techniques and strategies."³ The TCLEOSE approved hostage negotiations course should become a part of the required curriculum for peace officer certification advancement.

Crisis intervention skills could be taught by suicide hotline volunteers. Compromise and negotiation skills should become a part of the officer's training. Flexibility is the key to prevent conflicts from escalating into deadly force. Officers need to be taught to "use imagination, humor, guile and poise to avert deadly force."⁴ A Honolulu police officer said that it is considered "more macho here to knock him (the suspect) physically on his ass or to bullshit him out of it."⁵ in other words, they have learned to use physical non-lethal force and verbal persuasion to gain compliance without the use of deadly force. Officers must be taught the "low key" approach and to "display non-aggressive body actions"⁶ that are a form of non-verbal communication.

Ian K. McKenzie PhD., who is a police psychologist for the Ft. Worth P. D., recommends that officers learn inquiry and interview skills to conduct questioning of witnesses or complainants. Dr. McKenzie also recommends that officers use empathetic responses along with summarizing, note-taking, and para-phrasing to help control hostile situations. Often the emotionally distressed person just wants to know that somebody cares. The officer can help calm things down by showing some care and concern. The use of deadly force can possibly be avoided through the use of communication skills to de-fuse hostile situations.

EMOTIONAL CONTROL

"Training in restraint and patience is at least as

important as training in the use of deadly force."⁷ If officers could be taught to wait and think before acting, then hasty decisions to use deadly force could possibly be averted. Patience and coping skills could be taught through the use of role playing and conflict management scenarios.

The Tarrant County Junior College Criminal Justice Training Center has used student actors to help train police cadets in handling domestic disturbances and hostile situations. The student actors play the part of the emotionally distressed person. The police cadet plays the part of the officer who must learn to cope and deal with the problem. The action is videotaped and reviewed by the cadet and instructor.

Officers need more training in controlling hostile situations. Officers will react as they have been trained. If they have not been properly trained to react with restraint and patience, then their reactions will be based on instinct and emotions rather than cool logic. Emotions can cloud clear thinking. "The officer who is afraid and cannot control fear, (or anger,) may not be able to assess shooting situations rationally."⁸ "Errors would be less likely if the officers were under better control."⁹ Officers must learn how to deal with stress producing situations without losing emotional control.

Seminars such as the one recently hosted by the Grand Prairie Police Academy on the "physical and psychological aspects of stress and burnout," will become more common

as the law enforcement community begins to recognize the link between stress and the abuse of force. Officers must learn to act rather than react.

The only way to learn patience and restraint is through instruction and practice. Officers must be placed in real life simulations which test their patience and coping skills to the limit. Only by pressure under fire can the officer learn emotional control.

SAFETY

In order to avoid the unnecessary use of deadly force, officers must learn some new tactics in safety. Officer and citizen safety must be emphasized over criminal apprehension. The "John Wayne" mentality where the marshall brings them in dead or alive must be buried once and for all. "Tombstone courage" where the officer takes risks must be discouraged and forgotten. The mindset of the veteran and rookie officer alike must be changed to accept the idea of tactical withdrawal. Officers must be taught to "back off in certain confrontations in which the risk of shooting becomes unacceptably high."¹⁰ "Officers must be taught to avoid dangerous situations except when there is no other choice."¹¹ "Alternative strategies to avoid the final frame (of the shoot/don't shoot scenarios)"¹² must be developed. In other words, the officer must also be taught to look for ways to avoid being placed in situations where his only option is to shoot or don't shoot. The emphasis should be on confrontation avoidance until

the officer has the tactical advantage.

New training methods must be developed that would "train officers in rapid and accurate assessment of risk factors and dangerous situations."¹³ When the risk factors become too great, the officer would be taught to back off until additional help arrives. Officers must be taught to wait before rushing into hazardous situations. Training must include the recognition of real and false threats. An example of a false threat would be a suspect armed with a rock, ashtray or baseball bat standing outside the danger zone. A real threat would be a suspect armed with a gun or knife within the danger zone. A suspect attempting to escape or flee is also no longer a threat to the officer, unless the suspect is armed with a deadly weapon.

The "Surviving Edged Weapons" videotape by Calibre Press recommends using the acronym "IWD" as an aid in assessing deadly force threats. The "I" stands for intent, the "W" for weapon, and the "D" stands for delivery system. The officer should ask the following questions based on the acronym. Does the suspect have the intent to use deadly force? Does the suspect have a deadly weapon? Does the suspect have the means to deliver the deadly weapon? If the answer to all three questions is yes, then the officer will know that a real threat exists and deadly force is an option. Tactical withdrawal, confrontation avoidance and threat assessment are three safety tactics that can help the officer avoid the unnecessary use of deadly force.

ADMINISTRATIVE CONTROL

"The first level of control of deadly force is state statute, the second is law court decision, and the third is administrative policy of the particular department."¹⁴ There is not much the police administrator can do about the first and second levels of control. However, the police administrator can effect policy. The following paragraphs contain some ideas on how to control the use of deadly force through departmental policy.

DEADLY FORCE POLICY

Any deadly force policy instituted should state that deadly force may be used only in life or death situations and only as a last resort. "The firearm must be considered to be a defensive weapon to be used only when necessary to protect human life or to prevent bodily injury."¹⁵ "The only decision that the officer (should be) required to make is whether or not life is in immediate danger."¹⁶ The policy should also state that deadly force may be used only after other alternatives such as tactical withdrawal, containment, negotiation, and the use of less than lethal weapons have been eliminated as options due to time or circumstances. Policy should mandate that the officer seek to use other alternatives before using deadly force if time permits. Deadly force should be the last option considered and not the first when an officer is confronted with a deadly force situation.

The use of deadly force by the officer should not become an automatic reaction every time the officer is

faced by a threat. "Death is (and should be) the weapon of last resort."¹⁷ Police executives may want to consider an operational rule that requires "police officers to call for specialized backup support upon confronting an armed but not immediate threatening opponent."¹⁸ Instead of confrontation, officers should try to contain and control the suspect and wait for the SWAT team or other similar emergency services unit.

If the officer works for a department that does not have such teams, then policy should mandate that the officer back-off and wait for the field supervisor, or additional assist units to arrive before taking further action. Once the armed suspect is contained, then the negotiation team can begin to work on the suspect to surrender, thus hopefully avoiding the use of deadly force.

Policy should "forbid or strongly discourage risky confrontations."¹⁹ In situations that have been determined as "high risk", policy should encourage the officer to do everything possible to maintain the tactical advantage. Officers should stop, wait, and think before confronting armed suspects alone, if at all possible. High risk calls should require mandatory assist units to be dispatched. The responding officer should also be required to wait until the assist unit arrives before taking action, if circumstances permit. The Ft. Worth Police Department has initiated a mandatory assist policy that requires officers to wait for their assist unit to arrive before taking

action.

Such a policy will probably meet with resistance from the remaining "John Wayne" personalities among the officers who want to rush in and "kick ass and take names;" or the type of officer who wants to "shoot them all and let God sort them out." However, to the professional officer, this policy will be accepted as rational in light of the hazards of the job.

A "rule restricting high speed chases and rapid response"²⁰ may be worthy of consideration. Not only can the high speed chase and rapid response lead to accidents, but they can also place the officer in a tactical disadvantage. The officer should wait until the assist unit is there, before the officer stops or confronts the armed suspect. To sum it all up, officer and citizen safety should be the number one priority of the department. This priority should be supported by policies that incorporate well thought out safety tactics.

PERSONNEL POLICY

"Pre-employment screening to identify individuals whose personality could indicate a high risk of inappropriate aggressive behavior,"²¹ could be conducted to eliminate "hothead" recruits that cannot control anger. Recruits could also be tested in role playing simulations to see how well they can control the emotions of fear and anger. The uncontrolled impulse of anger could possibly lead to the use of deadly force out of revenge or hate. The uncon-

trolled impulse of fear could possibly lead to the use of deadly force out of a false sense of self preservation.

Psychological testing could be conducted on an annual basis to identify those officers that are at risk of losing impulse control under stress. This kind of testing could also be used to identify any veteran officers that may have degenerated into "black glove cops," who are prone to the use of excessive and unnecessary force. The police executive must have the means to "identify the (mentally) unfit"²² and the officers that have become "crispy critters," due to career burn-out. The U. S. Air Force has what they call a "personnel reliability program" to evaluate personnel in key positions for physical and mental reliability. The officer in the missile silo or the bomber pilot on alert status undergo periodic medical and psychological evaluations for emotional and physical fitness. The military has recognized that certain officers have the power of life and death in their hands and should be watched very closely. These observations are made to insure that the officers do not lose their ability to make rational judgements under long periods of stress. Ft. Worth P. D. psychologist Ian K. McKenzie stated that "policing in the USA is like slow combat. The pressures, fears, and concerns among officers are much the same as those among fighting troops. The trouble is in the war against crime there is no end."²³ Police officers also have the power of life and death in their hands. Police firepower has increased with the in-

troduction of semi and fully automatic weapons. The opportunity for disaster caused by "combat fatigue" or stress, is more frequent for the police officer than the peace time military officer. Police officers displaying low stress tolerance could be re-trained, given vacation, or released from duty if determined to be unfit physically or emotionally for street duty. It is imperative that "assessment centers ...be designed to measure officer's abilities"²⁴ to control emotions and make rational decisions under stress.

Police executives need to "track officer behavior"²⁵ through required use of force reports. Each use of force report would be reviewed for indications of faulty decision making and excessive force. If the review indicates excessive force, then the officer would undergo re-training, disciplinary action, or termination. The inability of the officer to control the use of force could have deadly consequences for the victim. Field supervisors must carefully observe officer behavior for indications of faulty decision making or lack of self control.

Field performance by patrol officers must be monitored by supervisors to identify those officers that take risks unnecessarily. Risk takers would be subject to re-training. Stress questionnaires could be conducted annually to identify those officers that are becoming stressed out. Officers identified as having high stress levels would be required to seek counseling or take vacation to recuperate. The police executive may want to consider a mandatory vacation

policy to cut back on or avoid entirely the use of excessive force by over-stressed officers.

NEW PHILOSOPHY

The law enforcement community must develop a new philosophy regarding the use of deadly force and crime fighting. This new philosophy must emphasize the value of life and place public safety over criminal apprehension. If police procedures cannot be carried out safely, then they should be re-developed or eliminated. The police executive should "demonstrate great ...concern for the civil rights of citizens,"²⁶ as an example to the officers in the department. A "moral atmosphere"²⁷ that places high values on ethical behavior should be encouraged within the department. The value of life must be emphasized over property. Public safety should become the first priority. "Recent research has found no case in which an officer was punished for not using deadly force when he could have."²⁸ Instead of just "no" punishment, the police executive may want to consider a safety award or an "award for commendable restraint,"²⁹ to be given to the officer who could have legally used deadly force but chose another, safer alternative. The award would be given to the officer for using superior intellect and judgement to arrive at a non-deadly course of action. Crime prevention and deterrence should be emphasized over traditional "crime fighting" methods where the patrol officer dispenses "street justice" with a gun, club, or fist. "Community conflict teams"³⁰ and citizen police

academies could be developed and used to open up communication and thus ease tensions between citizens and police.

The emerging concept of community policing should also be considered. The police department should become a part of the community which they have pledged to serve and protect. The walls separating the police department from the community should come down. Police isolation from the community should be ended. The police and citizens should work together to find solutions to community problems that cause tension that can erupt into deadly force confrontations. Deadly force caused by misunderstanding and lack of communication can be avoided.

ALTERNATIVES

"We have placed too much emphasis on weapons and the use of force and far too little emphasis on alternatives to the use of (deadly force.)"³¹ Police officers already know how to shoot and use deadly force. What they need to know is what the alternatives to deadly force are and how to use them. Using the firearm should not be the only response or answer to an attack that the officer has at their disposal. Going for the gun and "clearing leather" should not necessarily be the first reaction to a deadly threat. The officer should be trained to use alternatives to deadly force with equal speed. The following paragraphs contain information on recommended alternatives to deadly force that are available now or in the future.

LIGHTS

There are currently powerful hand held lights on the market that can be used to temporarily blind an assailant, thus averting the need for the use of deadly force. These hand held spot lights, though bulky, put out five-hundred-thousand to one-million candlepower of light at great distances. The technique of blinding an assailant has been used throughout history. Ancient Greek soldiers used highly polished shields to bounce sun rays into the eyes of the opposing forces. Searchlights were used in both World Wars to blind enemy bomber pilots flying over their targets at night. The principle is the same in all three examples. The enemy cannot attack what he cannot see. At night the pupils of the eye dilate to allow in the maximum amount of light available. The pupils constrict rapidly when a bright light is directed into them, causing temporary blindness.

The "Streamlight SL 35X" flashlight puts out forty-thousand candlepower of light. The "SL 35X" has been used in the field to temporarily blind suspicious persons on traffic stops and field interviews at night. High power, high energy lithium batteries and miniaturized, high pressure xenon lamps are now combined to produce high intensity light in small hand held flashlights. Perhaps in the future with the continuing advancement in electronic miniaturization, the "Streamlight" or even the six inch mini "maglight" will be upgraded to produce

five-hundred-thousand to one million candlepower capability.

CHEMICAL WEAPONS

"Cap-stun" is a chemical weapon that is available now and looks promising. According to the manufacturer, "cap-stun" is a new product using tincture of oleoresin capsicum derived from hot peppers as it's active agent. Chinese soldiers used ground up pepper to blind their enemy at close range as far back as twenty-three-hundred years ago. So the idea is not new but the packaging is. The manufacturer states that cap-stun has been proven to be "superior to mace, CS, and CN tear gas." It is claimed that "cap-stun" will "instantly control drunks, psychotics, attack dogs, as well as drug users." "Cap-stun" acts as an inflammatory agent rather than an irritant like the tear gases. When inhaled, "cap-stun" causes the mucous membranes of the respiratory system to swell thus preventing all but life support breathing. The gas also causes the eye capillaries to dilate so the subject is temporarily blinded. The "fight" is taken out of the attacker for up to thirty minutes with no harmful after effects. Unlike tear gas, there are no fumes to effect the user. The Irving Police Department has adopted the use of "cap-stun" for it's officers as a non-lethal alternative.

"Freeze" is another new chemical weapon on the market. "Freeze" combines both oleoresin capsicum and CS tear gas to provide the best effects of both agents.

"Freeze" has recently been adopted by the DeSoto Police Department in response to yet another instance of police excessive force being videotaped by a civilian. The search is on to come up with an effective chemical agent that can be used to stop an attack or temporarily disable a suspect without the use of deadly force. Perhaps in the future manufacturers will develop a chemical agent that will instantly knock-out any suspect without permanent harm. It has been recommended that the police and military work together to develop such an agent. The military has been working with chemical agents for some time now and their experience and knowledge could prove invaluable. Due to increased public awareness concerning the use and abuse of force by the police, the law enforcement community is looking for alternatives to physical force that may result in permanent injury to suspects.

BATONS

The police baton is quickly becoming a symbol of excessive force lawsuits but should not be ruled out entirely as an alternative to the use of deadly force. The baton, if used correctly is a very good less than lethal weapon. It should, however be used for defensive purposes only and in response to an attack or to defend another person from attack. The baton, if issued, should be the collapsible kind like the "ASP" or "PR-24X," that can be easily carried on the duty belt. The non-collapsible baton is more often than not left in the patrol unit or squad room locker.

The best defensive baton is the "PR-24" side handle baton. The "PR-24" baton has all the qualities of the straight baton plus the advantages of better control and protection of the hand and fingers. Blocking with the "PR-24" baton is reflexive in nature and easy to learn. An officer, if trained properly, can use the "PR-24" to control a suspect with armlocks and wristdrags. Compared to the "PR-24," the straight baton is limited in it's use and is more prone to be used in the two-handed over head swing that can get officers in trouble with excessive force lawsuits. The "ASP" baton is collapsible, but has the same problems as the straight baton as it is offensive in nature and does not afford blocking protection for the hand and fingers. The "ASP" also has the tendency to collapse on the hand, pinching it when used in a forward thrust to the abdomen. The days of the night stick weilding cop on the beat are numbered. Society has come to expect high tech. The baton is a primitive weapon that originates from the club used by cavemen.

LESS THAN LETHAL AMMUNITION

Less than lethal "deterrent shotgun ammunition" has been developed to provide officers with an alternative to deadly force. According to the manufacturer, "light weight rubber slugs and buckshot travel at a very high velocity and produce the same short range energy and knockdown power as conventional ammunition... but without the penetration." This kind of ammunition would allow greater use of the shotgun than now is experienced by the patrol officer.

At present, the shotgun is of very little value or use to the officer. The shotgun is too inaccurate to be used in residential areas without the danger of injuring or killing innocent bystanders. The shotgun could be used to deliver less than lethal force with rubber ammunition. An attacking suspect could be shot and stopped without the use of deadly force. The mere presence of the shotgun could act as a deterrent. If the suspect did attack, then the officers could use the non-lethal ammunition as an attempt to avoid the use of deadly force. In response to an armed suspect call, the assist officer or field supervisor could respond with the shotgun loaded with the rubber ammunition. Then the responding officers would have an alternative to deadly force available to be used if needed. Less than lethal ammunition has been used by international police forces to break up riots and disturbances with mixed results. There have been fatalities associated with the use of plastic or rubber ammunition. Perhaps in the future manufacturers will develop non-lethal ammunition that can effectively stop an attacker without the risk of lethal results.

ELECTRONIC STUN DEVICES

"Recent technology has allowed the development of (electrical weapons that) discharge a high voltage spark (fifty-thousand volts) at a very low amperage (0.3 joules.)"³² In 1985, the Dallas Police Department conducted a pilot program to test the "Nova XR-5000" stun gun which produced forty-thousand volts of electri-

city. The "Nova" stun gun was rated sixty-three percent effective in incapacitating suspects without injury. The program was discontinued until a more advanced and dependable less than lethal weapon could be obtained.³³ Global Exchange has produced an electrical baton that produces one-hundred-twenty-thousand volts of electricity from two nine volt batteries. Shamash Int. has developed the "Parali/azer Generation 2000" sixteen inch hand held stun device that emits two-hundred-thousand volts. Field results are not in yet.

The "Taser" is an electrical weapon that has been in use with the Los Angeles Police Department since 1984. The "Taser" was developed to "control violent or potentially violent suspects"³⁴ without the use of deadly force. The "Taser" delivers fifty-thousand volts of electricity "that dominates the existing neuromuscular system. The muscles in the body contract, causing the suspect to become virtually helpless. When the 'Taser' release bar is depressed, two darts are propelled. The darts pull two fine conducting wires from a cassette. Once attached to the clothing or body of the suspect, the 'Taser's' current jumps from the darts to the body causing involuntary muscle contractions and resulting loss of balance."³⁵ The "Taser" is effective at distances of up to twelve to fifteen feet. The "Taser" is in use with several major police departments such as, the Los Angeles, New York, Houston, San Diego, and more recently the Irving Police Department. The "Taser" has been rated as eighty percent effective by the Houston and

and San Diego Police Departments, and sixty-five percent effective by the New York City Police Department.³⁶ The "Taser" was rated by the Los Angeles Police Department as approximately thirty-five percent more effective than the service weapon in causing the suspect to immediately cease resistance.³⁷

According to the manufacturer, the "Taser" can be used to neutralize and incapacitate a potentially dangerous (suspect) without a fight, without bullets, and without injury. The 'Taser' is a safe, reliable method to bring a life-threatening situation to an immediate halt, without batons, torn uniforms, or liability."³⁸ At the present time, the "Taser" appears to be one of the most promising and effective alternatives to deadly force. Perhaps in the future the "Taser" will be upgraded to two-hundred-thousand volts or more and made small enough to be carried on the duty belt or attached to the service sidearm.

FUTURE ALTERNATIVES

What kind of alternatives to deadly force will be available in the future? According to Professor Gene Stephens of the University of South Carolina, who is also the president of the Futurist Society, we may see in the future the development of several new less than lethal weapons for police use. Professor Stephen's favorite non-lethal weapon of the future is the "sound gun." "Using ultrasound, this gun could have settings from

'stun' to 'knock-out' to 'kill' to disintegrate' or 'dematerialize.' The technology is available, but the problem is direction. So far no one has figured out how to make it uni-directional. Still low-level ultra-sound could be used in prison riot and hostage situations now."³⁹ "Soma aroma" gas may become the chemical agent of choice to put suspects to sleep harmlessly before they attack. Look for laser and particle beam weapons to be the standard issue sidearm of the future. Weapons like these could be used with pin-point accuracy to incapacitate without killing the suspect. It is not unforeseeable to expect "ray" guns that can be set on "stun" or used as tractor beams to stop a suspect. It has even been suggested that adhesives called "instant mud,"⁴⁰ and lubricants called "instant banana peel,"⁴¹ will be used to hinder the flight of suspects. There is a demand from society to develop humane alternatives to the use of deadly force and an expectation that technology will provide the answer.

CONCLUSION

When an officer uses deadly force, the officer and administrator may face a variety of negative consequences. The officer may face an internal affairs investigation, possible criminal charges, arrest, prison time, and post-shooting trauma. The administrator may confront an event that could bring disrepute on the department and themselves. A deadly force incident can effect the whole department.

The officer, the suspect, their families, and everyone from the administrator on down may be touched by the event. Deadly force can victimize more than one person. In a deadly force incident, there are no real winners, only survivors whose lives will never be the same again.

The use of deadly force to apprehend a criminal, who will more than likely be placed on probation or parole, is not worth an officer's or administrator's career. Deadly force should only be used as a last resort, and avoided entirely if at all possible. Deadly force places the officer and the suspect in a no win scenario. By using an alternative to deadly force everyone involved wins. The administrator wins because there will be one less critical incident to contend with and one less problem that could damage and divide the department. The officer wins because of the great amount of stress that will be avoided. The suspect wins because he or she will continue to live and eventually be released anyway.

It has been said, "that the best way to control the bullet is to keep it in the gun." The use of deadly force can be avoided by through advanced training planned and coordinated by an administrator educated in the latest techniques. Training in communication, emotional control, and safety tactics can assist the officer in controlling hostile situations before they break out in deadly force. Personnel policies, written and developed by the administrator can serve to protect the vicarious liability

of the department and administrator. Policies on deadly force, confrontational avoidance, and risk assessment can help guide the officer in the proper use of deadly force. Employee screening, mandatory use of force reports, and field performance observations can reduce the occurrence of deadly force incidents. By emphasizing concern for civil rights, the value of life over property, and by demonstrating ethical and moral behavior, the administrator can help set an example for department personnel to follow. By making public safety, crime prevention and deterrence a priority, the administrator can help eliminate some the causes of deadly force events.

Less than lethal weapons, provided by a progressive administrator, can give the officer an alternative to the use of deadly force. High intensity lights, effective chemical agents, collapsible batons, rubber ammunition, and electrical stun devices are some of the alternatives that should be made available to the officer. The administrator should also keep their eyes on future developments in less than lethal weaponry.

Finally, the best way for an officer to avoid the use of deadly force is to "just say no," except in defense of life. Then everyone will breathe a sigh of relief, including the administrator who may dodge a "bullet" that could stop their career.

ENDNOTES

¹Barker, Thomas and David L. Carter, eds. Police Deviance. Cincinnati, Ohio: Anderson Pub. Co. c 1986. 173.

²Ibid., 179

³Scharf, Peter. The Badge and the Bullet: Police Use of Deadly Force. New York, NY, USA: Praeger, c 1983. 159.

⁴Ibid., 160.

⁵Ibid.

⁶More, Harry W. Jr. ed. Critical Issues in Law Enforcement. Cincinnati, Ohio: Anderson Pub. Co., c 1983. 43.

⁷Barker, Police Deviance, 172.

⁸Scharf, The Badge and the Bullet, 157.

⁹Ibid., 153.

¹⁰Ibid., 241.

¹¹Scharf, The Badge and the Bullet, 158.

¹²Barker, Police Deviance, 177.

¹³Scharf, The Badge and the Bullet, 144.

¹⁴Ibid., 49.

¹⁵Ibid., 50.

¹⁶More, Critical Issues. 96.

¹⁷Ibid., 111.

¹⁸Scharf, The Badge and the Bullet, 135

¹⁹Ibid., 91.

²⁰Ibid., 65.

²¹Barker, Police Deviance, 173.

²²Ibid., 51.

²³ McKenzie, Ian K. Cops, Crime and Camcorders. Signal 50, September 1991. 13.

²⁴ Scharf, The Badge and bullet, 179.

²⁵ Ibid.

²⁶ Ibid., 192.

²⁷ Ibid., 170

²⁸ Barker, Police Deviance, 207.

²⁹ Ibid., 179.

³⁰ Ibid., 38.

³¹ Ibid., 174.

³² Americans for Effective Law Enforcement, Inc. Use of Force Tactics and Non-Lethal Weaponry. Chicago, Il. c 1988. 6.

³³ Bonner, M.A. Non-Lethal Force. (thesis, Law Enforcement Management Institute.) appendix E. 4-5.

³⁴ Ibid., appendix G. 1.

³⁵ Ibid., 2.

³⁶ Ibid., 10.

³⁷ Ibid., appendix H.

³⁸ Law and Order., June 1991, 47.

³⁹ Stephens, Gene, to Kevin Gregory, Este, 5 September 1991. Transcript in the hand of Kevin Gregory. Ft. Worth, TX.

⁴⁰ Hyman, Christopher J. Weapons of the Future. (thesis, University of South Carolina, 1987.) 2.

⁴¹ Ibid.

SELECTED BIBLIOGRAPHY

- Americans for Effective Law Enforcement, Inc. Use of force Tactics and Non-Lethal Weaponry. Chicago, Il. c 1988.
- Barker, Thomas and David L. Carter, eds. Police Deviance. Cincinnati, Ohio: Anderson Pub. Co. c 1986.
- Bonner, M.A. Non-Lethal Force. (thesis, Law Enforcement Management Institute, n.d.)
- Hyman, Christopher J. Weapons of the Future. (thesis, University of South Carolina, 1987.)
- McKenzie, Ian K. Cops, Crime and Camcorders. Signal 50, September 1991.
- More, Harry W. Jr. ed. Critical Issues in Law Enforcement. Cincinnati, Ohio: Anderson Pub. Co., c 1983.
- Scharf, Peter. The Badge and the Bullet: Police Use of Deadly Force. New York, NY., USA: Praeger, c 1983.
- Stephens, Gene, to Kevin Gregory, Este, 5 September 1991. Transcript in the hand of Kevin Gregory. Ft. Worth, TX.
- Sweetman, Sherri. Report on the Attorney General's Conference on Less Than Lethal Weapons. U.S. Department of Justice, National Institute of Justice. c 1987.