

**AN ANALYSIS OF A NATION-WIDE USE OF FORCE**  
**DE-ESCALATION POLICY AND THE IMPACT ON OFFICER SAFETY**

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by

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I wish to dedicate this research to my wife Karen, who has endured all of my goals and aspirations with patience, guidance, and love. From sleepless nights when I was on patrol, to supporting me with understanding and patience through all of my educational endeavors. This body of work would not be possible if not for my best friend.

## Abstract

The recent attention to high profile police-related shootings and deadly force encounters has created a surge in the examination of the tactics and concepts of police force applications in the United States. Police agencies throughout the United States have implemented or are considering implementation of use of force “de-escalation” policies. There is a rising call to create a nation-wide de-escalation policy that seeks to slow down situations and requires police to avoid or reduce force options. A 2016 report submitted by the Police Executive Research Forum calls for a nation-wide de-escalation policy, which implies replacing localized control and supervision that has historically guided law enforcement use of force policies. The call for a nation-wide policy is purely suggestion at this point as PERF lacks the authority to impose such. Yet their suggested policy is leading more agencies to consider de-escalation mandates in policy. This research examined the guidance these policies have on police use of force, and the impact it has on officer safety.

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## I. INTRODUCTION

The ability for law enforcement to use force in the United States comes with great responsibility for the officers, as well as continued scrutiny by society. It is generally accepted and understood that at times during an officer's career he or she is bound to use force and that rarely, that force could rise to the level of deadly force. As technology, training, and police standards have increased, so does the examination on means and methods to reduce incidents of force, and especially deadly force between the police and the public it serves.

This research aims at the most recent proposal for reducing deadly force encounters, through a nation-wide call on policy on the concept of *force de-escalation*. Arguably, the concept of limiting force actions and even methods to avoid force actions has been utilized by both agencies and officers alike since the dawn of civilian policing. The concept and ability for law enforcement to apply force and possibly take a life must be a combination of circumstance, duty, and training. This research explored the foundations of both force concepts and limitations as well as the growing call for a focus on de-escalating those foundations.

What effect are de-escalation policies having on officer safety? ***This thesis hypothesizes that an expectation of officer safety is increased when force de-escalation policies are in effect, and therefore officer deaths and injuries should be reduced.***

## II. LITERATURE REVIEW

### Section One: Influences of Officer Safety

The predominant literature on use of force concepts suggests that officer safety is guided by two influences, categorized as ministerial and discretionary. This section defines the influences further to associate the reader to an understanding that within each influence are multiple sub-factors that officers must weigh to make use of force decisions which are intended to protect the officer. Ministerial influences are to be considered guidelines that are known in advance, codified, and uniform in their application. Discretionary influences would be classified as those variables unique to every situation, changing, and based on an individual officer's perception.

The first example of ministerial influences is the law itself. Laws not only exist that prohibit citizens from harming police officers, but also define how officers are limited on their authority against the public they serve (Civial Action for Deprivation of Rights, 1979). Laws provide standards of expectation for police and the public to follow in black and white. Laws that relate to force incidents and officer safety can be directed by federal law, state law, or legal precedence established by a court. The second example of a ministerial influences is policy, as it defines the desired actions and outcomes by the police on a localized level (Orrick, 2017). Like laws, policies are written and codified in black and white for the officers to understand and be influenced by their intent. It is expected that police agencies create policy to direct their personnel on a wide variety of performance and procedure to include measures aimed, in part, at officer safety.

There is also a stream of discretionary influences of officer safety. For the sake of clarity



and to differentiate, this thesis categorizes an officer's training, experience, ability, age, ethics, bias, and other personal variables that factor into when and how an officer uses force for protection as a discretionary component. This research also acknowledges that the actions by a suspect, the environment, or the nature of the incident plays a dramatic role in force actions and is also considered a discretionary influence.

This research tests the relationship between the establishing of a nation-wide ministerial policy and officer safety, specifically policy on the concept of force de-escalation. A hypothesis has been established that such policies would lead to increased officer safety. To test the hypothesis, an exploration of the available material on the force de-escalation policy proposal, methods of policy-making for officer safety, the legal precedence on use of force policy limitations was done.

As previously stated, policies are often derived and controlled on a local level, guided by the employing governments that have oversight of their police. This has long been the standard of law enforcement policy-making until recently when proposals have called for a nation-wide policy on police force actions (PERF, 2016). Such a nation-wide policy proposal is the first of its kind, and being influenced from a non-governmental organization.

## Section Two: Methods of Policy Making In Policing

The first known policy established for a law enforcement agency was created from Sir Robert Peel's "Nine Points of Policing" (Government of the United Kingdom, 2012). One of the key principles established by Peel was that "the police seek and preserve public favor, not by catering to public opinion, but by the constantly demonstrating absolutely impartial service to the law in complete independence of policy, and without regard to the justice or injustice of the

substance of individual laws” (Peel, 2017). This concept is given credence still today as a general knowledge of the complexity of policing in a free society is oftentimes the root for limiting ministerial policies in law enforcement in favor of discretionary policies. Policy-making for law enforcement is expected to be done at the local level and be a living document, available to change with the times of the community (Orrick, 2017). Allowing policy to be driven by a nation-wide/non-governmental group has inspired this research.

The living document concept of police policy-making appears to embrace President Wilson’s philosophies on government. President Wilson advocated that the performance of those in public service should be reflective of those people they serve, in that those responsible for carrying out the laws should do so in a manner acceptable for those who benefit when the law is applied (Whetstone, 2009). The rules, established as agency policies, have been a localized process administered by the councils, boards, and committees that guide and direct law enforcement activities specific to their communities. By doing so, each community is able to design and manage their police to the type of services, personnel, and actions that their community wants and needs. Also in doing so, local communities could address any officer safety issue through policy. This localized process of identifying the needs and creating policy to adhere to it is a policy-making process is also characterized as the Synoptic/Rational-Choice Model (Lindblom C. E., 1990). Under this method, officer safety issues would be defined, followed by identifying policy alternatives and projecting the outcomes of each alternatives, to proceeding to plan and implement the policy, and ultimately evaluation (Lindblom C. E., 1990). It is recommended that the officers working under the policy also have an opportunity for developmental input prior to jurisdictional approval by the employing municipality or government (Orrick, 2017). This would be especially vital at situations effecting officer safety.

A specific example of policy directed at officer safety was found in the community of Appleton, Wisconsin. Appleton, a city of 74,310 residents with 136 officers (Federal Bureau of Investigations, 2016), is along the eastern edge of Wisconsin approximately 100 miles north of Milwaukee. In response to address the rising concerns that domestic violence calls pose to officers, the City approved a domestic response policy that requires a minimum of two squads when two or more combatants are still at the scene (City of Appleton Police Department, 2012). Not every community would or could consider the additional resources utilized by Appleton in the name of officer safety.

Other communities have also enacted similar policies aimed at officer safety. The use of body armor has been documented to save the lives of over 3,000 officers to date (National Institute of Justice, 2014). The impact of an officer injured or killed in the line of duty has a dramatic social and economic impact on a community. In a recent study, 59% of police employers require their officers to wear body armor (Johnson, 2012). Regardless of the statistics to show that body armor can save an officer's life, there is no proposed policy on making this a nation-wide policy, leaving the decision to require body armor use that of a localized concern. Still, many communities across the United States chose to regulate the standard of body armor in the name of officer safety.

Public policy-making process is also meant to weigh and balance the local value system (Municipal Research Services Center, 1999). The Synoptic/Rational-Choice method is utilized to respond to community concerns about police strategy. A recent example of this was creating a policy that eliminated the New York City Police Department's tactics of a concept known as "Stop and Frisk" (Alam, 2015). The tactic, which allowed officers greater flexibility to question and pat-down suspicious persons on the street, was abolished through policy in 2015 after studies

determined that 3.4 million minorities were negatively impacted by this practice over eight years and contributed to an increased exposure to police use of force actions (Alam, 2015). This process of public policy-making at a localized level to direct police actions is further supported by Appleby's suggestion that each government has its own character (Appleby, 1945) and has its own process of organized actions that serves its citizens. The elimination of "stop and frisk" in New York, was seen as a critical component to address force issues between the police and minorities, while the practice of stop and frisk remains prevalent in many other communities across the United States (Alam, 2015).

Law enforcement is a critical function of government, and remains to be a widely localized function of local government with over 18,000 police agencies in the United States (Presidential Task Force on 21st Century Policing, 2015). Agency policies, on force or other issues, remain to be codified rules of employment (Orrick, 2017). Employers in this case, police agencies, each have their own set of rules to guide their employees on an expected level of performance through policy. Using the Synoptic/Rational Choice method of creating policy, the process also remains to be linear and transparent, allowing for the most influence of localized public input (Lindblom C. E., 1990). The outcomes therefore are not only projected with multiple variables, but also have more public support due to this process (Lindblom C. E., 1990).

While there have been observable nation-wide police initiatives to address issues related to such things as drunk driving, drug abuse, and domestic violence, there has yet to be a nation-wide policy that would in essence direct local law enforcement employees on a national standard of performance or means to improve officer safety. The Police Executive Research Forum or "PERF" is the first to propose such a standard (PERF, 2016). PERF's suggestion for a nation-wide policy was influenced after several high-profile police shootings that involved persons

suspected of mental illness, and persons who were not armed during their encounters with law enforcement (PERF, 2016). PERF further supports their call for a nation-wide policy after eighteen months of research to include four national conferences, interviews with select police decision-makers, and research on similar methods of force tactics used in the United Kingdom (PERF, 2016). Their stated outcome of implementing a nation-wide policy of force issues is to “make policing safer for officers and the public they serve-and, in the process, restore public trust and advance as a profession” (PERF, 2016). Furthermore, PERF offers to “challenge conventional wisdom and practices that have dominated police thinking for decades” (PERF, 2016). The outcome this research concentrates on is the concept that such a nation-wide policy would indeed make policing safer, and will be tested later in this research, but must be acknowledged as a primary goal supported by PERF (PERF, 2016).

Another method of policy-making is the Incrementalism method as defined by Lindblom (Lindblom C. E., 1959), also known as “muddling through”. This process focuses on a central idea and uses multi-lateral control processes to influence and shape policy as the policy is in place, rather than having forecasted results in the Synoptic method. This process of policy-making seeks to remain fluid to social and economic influences to gauge its successes or failures (Lindblom C. E., 1959). The Incrementalism method is a concept that also supports a more localized level of control during the development and analysis of said policy (Lindblom C. E., 1990). Similar to the concepts offered by Orrick on directly developing policy for law enforcement, the Incrementalism theory seeks to create a living, breathing document that can be swiftly altered to the benefit of those impacted most by the policy (Lindblom C. E., 1959) (Orrick, 2017).

### Section Three: PERF's 30 Guiding Principles on Use of Force

In 2016, the Police Executive Research Foundation released a report titled the “Guiding Principles on Use of Force.” (PERF, 2016). The report offered by PERF makes thirty total recommendations for a uniform and nation-wide training and policy implementation on use of force standards for all police agencies in the United States to adopt. Specifically, these standards also have a direct or indirect call for implementation of a concept known as “de-escalation” as it relates to police use of force. It is important to note that PERF's suggested outcome to improve officer safety was an outcome expected for all thirty principles (PERF, 2016). This thesis will only focus on those directed at the call for a nation-wide policy on de-escalation and the impact of that policy alone.

A lack of a national database on police force incidents, especially deadly force incidents, has resulted in data being documented and tracked on a localized level, if at all. To this date, only 750 police agencies voluntarily report their force-related fatal incidents to the FBI (Simmons, 2016). President Obama signed an executive order requiring local agencies to report in-custody and force-related deaths back in 2014, but the order could only be applied to those agencies who received federal funding (Simmons, 2016). It could be reasoned that that any policies developed from specific case incidents aimed at officer safety are conceivable born at the local level since information appears to be held primarily by local agencies.

Some of the more recent high-profile incidents involving police shootings have been subjected to political pressures in creating a mandatory reporting system and a nation-wide use of force policy (Presidential Task Force on 21st Century Policing, 2015). While there are legal precedents on force that apply to all law enforcement in the United States, there is not a nation-wide policy on force or force tactics. This is primarily due to most law enforcement in the United

States is local, and their governing policies falling under local governance by their employing units of government (Presidential Task Force on 21st Century Policing, 2015). Over the past recent years, social and political unrest after police-involved shootings have created a renewed interest in police force actions and proposals for a nation-wide policy on reducing force incidents (Presidential Task Force on 21st Century Policing, 2015). De-escalation has now become the new buzz word to accomplish this task.

The PERF report calls out eight specific strategies related to “de-escalation” in their nation-wide policy proposal (PERF, 2016). While the bulk of the thirty principles are inherently aimed at force incidents with a high tendency towards lethality or when dealing with those with mental illness, they all have a supporting factor to one another. The “Principles” are each outlined in the full report with sidebar and examples of agency policies or initiatives in current practice. The “Thirty Guiding Principles” as stated by PERF are the following:

1. The sanctity of human life should be at the heart of everything an agency does.
2. Agencies should continue to develop best policies, practices, and training in use of force issues that go beyond the minimum requirement of *Graham v. Connor*.
3. Police use of force must test proportionality.
4. Adopt de-escalation as a formal policy.
5. The critical decision-making model provides a new way to approach critical incidents.
6. Duty to intervene: Officers need to prevent other officers from using excessive force.
7. Respect the sanctity of life by promptly rendering first aid.
8. Shooting at vehicles must be prohibited.
9. Prohibit use of deadly force against individuals who pose a danger only to themselves.

10. Document use of force incidents, and review data and enforcement practices to ensure they are fair and non-discriminatory.
11. To build understanding and trust, agencies should issue regular reports to the public on use of force.
12. All critical police incidents resulting in death or serious bodily injury should be reviewed by specifically trained personnel.
13. Agencies need to be transparent in providing information following use of force incidents.
14. Training academy content and culture must reflect agency values.
15. Officers should be trained to use the critical decision-making model.
16. Use distance, cover, and time to replace outdated concepts such as the “21-foot rule” and “drawing a line in the sand.”
17. De-escalation should be a core theme of an agency’s training program.
18. De-escalation starts with effective communication.
19. Mental illness: Implement a comprehensive agency training program with people with mental health issues.
20. Tactical training and mental health training need to be interwoven to improve response to critical incidents.
21. Community-based outreach teams can be a valuable component to agencies’ mental health response.
22. Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.
23. Training as teams can improve performance in the field.



24. Scenario-based training should be prevalent, challenging, and realistic.
25. Officers need access to and training in less-lethal options.
26. Agencies should consider new options for chemical spray.
27. An ECW (Electronic Control Weapon) deployment that is not effective does not mean that officers should automatically move to their firearms.
28. Personal protection shields enhance officer safety and may support de-escalation efforts during critical incidents, including situations involving persons with knives, baseball bats, or other improvised weapons that are not firearms.
29. Well trained call-takers and dispatchers are essential to the police response to critical incidents.
30. Educate the families of persons with mental illness on communicating with call-takers.  
(PERF, 2016)

The PERF report also emphasizes the needed relationship between the police and their communities, and focuses on the training competencies of today's law enforcement officers to do so. It has already been clarified that their goal of implementing these changes to policing is to "make police officers safer" (PERF, 2016). In doing so PERF appears to stray from the Synoptic method of policy-making. By allowing local community engagement into the policy-making process, the Synoptic method makes assumptions that the decision-makers will do what is right for each respective agency and community (Lindblom C. E., 1990). Incrementalism methods have been identified in the report specific to the eight principles on de-escalation strategies, which suggest more of a hypothetical outcome of the policy in lieu of known outcomes and projected alternative outcomes of policy implementation (Lindblom C. E., 1959).

“De-escalation”, as a word itself, is defined as “to decrease in extent, volume, or scope” (De-escalate, 2017). In observing numerous policies and research on de-escalation for use of force, this research has determined that it does not have one widely-accepted definition. PERF does not offer a definition of de-escalation in their report (PERF, 2016). Perhaps the reason why force de-escalation does not have a unified definition is the same reason the term, “police use of force” does not have one either, it’s hard to uniformly define due to the discretionary factors combined with the ministerial components explained earlier.

The definition of police use of force varies by agency to agency and association to association when it comes to the written policy officers must follow. The International Association of Chiefs of Police defines the use of force as the ability of an officer to “effectively bring an incident under control, while protecting the safety of the officer and others (IACP, 2017). The Las Vegas Police Department defines use of force as “an officer’s reasonable attempt to protect themselves or others, effect an arrest or detention, or conduct a lawful search” (Las Vegas Metropolitan Police Department, 2012). Madison (WI) Police Department does not provide a specific definition but rather has procedures and bifurcates deadly and non-deadly force applications by its employees (Madison Police Department, 2016). Just as agency’s uniforms and squad cars vary across this nation, so do their policies and definitions on use of force.

It’s observed that there is no clear and uniform definition of force de-escalation. Therefore, an examination of the similar components of force de-escalation must be established to test the relationship between force de-escalation policy implementation and its impact on officer safety. To find said components, the commonality of definitions and policy language was

explored and the roots of de-escalation practices was identified to support the methodology later used in this research.

It is suggested the law enforcement goal in de-escalation training is to mitigate force options through effective communications, distance, and recognition of signs of crisis (Griffith, 2016). The PERF report only cited one example of a model de-escalation policy through the Seattle Police Department (PERF, 2016). Seattle's policy defines de-escalation as "Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation" (Seattle Police Department, 2015). PERF also cited Chicago Police Department's efforts and training on force de-escalation, but did not specifically raise the policy in the report as a model policy to follow. Chicago does not have a policy on de-escalation, but does have a policy concept titled, "Force Mitigation" and defines their efforts as "Officers will de-escalate and use Force Mitigation principles whenever possible and appropriate, before resorting to force and to reduce the need for force" (Chicago Police Department, 2016). A key component in their mitigation strategy includes the language, "creating more time and distance between the subject and others" (Chicago Police Department, 2016) but fails to mandate the practice and leaves the discretion to the officer. Another definition is offered through the International Association of Chiefs of Police is defined as "Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary" (International Association of Chiefs of Police, 2017).

While the definitions have different language, the common theme seems to mandate that officers' slow things down in an attempt to avoid or reduce force. A second noticeable

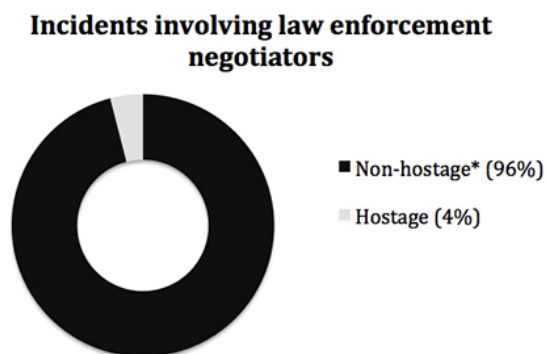
component to de-escalation strategies was the ability to recognize people in crisis and apply crisis communication tools (IACP, 2017) (PERF, 2016). Dr. Lindeman's work on treating 101 survivors of Boston's Coconut Grove Club fire (Lindemann, 1944) is considered the founding research document on crisis intervention recognition. Lindeman's concepts on how to recognize a person suffering from acute grief gave way to psychiatric approaches on treatment. The first step in calming situations of crisis is an analysis of the mental state of a person, and to some degree making a diagnosis of a person in crisis (Lindemann, 1944) .

A separate study of persons in crisis was conducted by Gerald Caplan, who researched families immigrating to Israel after World War II. Caplan intentionally sought to find a case study of persons who found themselves in a period of unrest without sound solutions, or who have failed at what they believed to be a sound solution (Caplan, 1964). Caplan studied the physical, psychological, social, and economic impact of these refugees after experiencing often horrifying conditions in parts of Nazi-controlled Europe. How these people responded to be virtually reintroduced into society was often met with an inability to cope with basic living needs. The result was severe depression, despair, and suicide (Caplan, 1964). In what Caplan termed the "impact stage", the individual may react to what they see as an in-escapable problem and lead to a breakdown in the individual's mental and social functioning without intervention (Poal, 1990) .

These crisis intervention concepts in the field of psychiatry eventually evolved into law enforcement with studies calling for a need to train officers on people in "vulnerable states" (Parent, 2011). The crisis intervention recognition and response techniques have been used in law enforcement for decades, predominantly in hostage and barricaded subject settings, and are

the basis from Caplan’s (1964) strategy of being able to promptly communicate and strategize with people under extreme stress before they reach the impact stage.

The use of crisis intervention strategies was formally introduced into law enforcement training after the failed hostage rescue attempt at the 1972 Olympics in Munich (Grubb, 2009). Since then, law enforcement agencies around the globe began to embrace a strategy of “negotiate first” (Bolz, 1979). Since then, hostage negotiations have evolved to crisis negotiations, seeking to broaden its reach to having trained law enforcement officers respond to people in crisis. While formalized crisis negotiations teams and critical incident teams work in conjunction with SWAT and Emergency Response Teams, the incidents that these specialists are responding to appear to no longer be dominated by what their training was originally intended for. The graph below represents a national study of types of incidents responded to by trained negotiators. It is clear that non-hostage, non-barricaded responses are dominating their calls for service, thus demonstrating the lack of “containment” of people in crisis and reflecting upon what more patrol officers are contending with.



\* Non-hostage incidents include barricaded subjects with or without victims, and suicidal subjects. Source: FBI HOBAS. Report generated August 22, 2013.

(Thompson, 2014)

The above graph provides documentation that more skilled negotiators are dealing with non-hostage situations. Yet a common variable is that the person they are negotiating with is also confined to a single point that allows for the negotiation to happen in the first place. A big part of the negotiation tactic and success rate (85-90%) is that the person is theoretically contained and is willing to negotiate (Rogan, 2013). One could imagine that not all law enforcement contacts are engaged when a person is confined or has reduced mobility. Yet it appears the concepts of de-escalation co-exist with the need for crisis communications to occur at a parallel time (PERF, 2016) (Presidential Task Force on 21st Century Policing, 2015).

The concept of uniformly applying crisis communications, derived from hostage negotiations to “de-escalate” varying force incidents between the police and the public, is not new. To formalize and mandate them in policy is. Many communications techniques learned by hostage negotiators have also found their way into the curriculum of today’s police academies (Soskis DA, 1986). The distinct difference between the trained negotiator and the trained patrol officer is the recipient of the communications and the settings they find themselves in. A relatively new patrol officer may not be well-suited to use basic communication skills with a bank full of hostages. In parallel, a trained negotiator may not be well-suited to use negotiation skills fighting to put handcuffs on a mentally ill subject. The relevance is that effective communication strategies are a critical part of law enforcement in all phases and situations. Therefor the utilization of the communication tactics based from the foundations of critical incident communications often comes early in any use of force scale or continuum as a means to avoid or reduce force options (IACP, 2017).

As demonstrated, no two situations are alike, and the impetus PERF places on applying de-escalation as a mandatory unified force tactic suggests that said strategies would improve

officer safety (PERF, 2016). Should their recommendation of a nation-wide policy move forward, questions remain as to the assurance of using the same medical foundation of hostage negotiations and attempting to apply them to situations that have variables such as time, distance, ability to plan, additional resources present, and the subject's influence by drugs and alcohol.

#### Section Four: Legal Precedence

While the definition for use of force has multiple variations, there is a legal precedence that establishes that police force actions are to be objectively reasonable in the United States (Graham v. Connor, 1989). *Graham* remains to be the primary ministerial component of police force guidance. *Graham* is also vital to the concept of officer safety as it creates a legal standard to differentiate the difference between abuse of power and legal uses of force by officers. The case established a precedence for reasonableness with three main factors to determine:

1. The imminent threat posed to the officer.
2. The seriousness of the incident at hand.
3. The ongoing resistance of the subject, or the attempt for the subject to flee.

Further, *Graham's* decision states "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgements- in circumstances that are tense, and rapidly evolving-about the amount of force that is necessary in a particular situation" (Graham v. Connor, 1989).

By observation, the “*Graham*” case has become the standard for police policies on use of force across the United States as a matter of law. While agencies can deviate their definitions and applications of force from community to community through policy, *Graham* provided a unified set of rules to follow in how to judge police use force as a Constitutional issue. PERF’s second “Guiding Principle”, is a call to policy makers to create “higher standards” than *Graham* (PERF, 2016). In essence, this calls for a policy application that has a higher standard of a Constitutional application when it comes to the seizure of a citizen through force. Through observable research, this appears to reflect the language of the New Orleans Police Department’s policy on use of force, that advises its officer are held to a higher standard than Constitutional requires. (New Orleans Police Department, 2015). While clearly suggested in writing, it’s hard to know what that standard really means to the citizens and the officers alike when at least *Graham* has defined its standards and has applied them to the highest law in the land.

Follett offered a relationship between law and public policy, and cautioned us to the elevation of policy over law (Follett, 1924). That law in its purest form, is a contract between the vast social differences as to what are acceptable behaviors, defined by combination of “principle and precedent” (Follett, 1924). The *Graham* standard is set as legal precedence, through a system of judicial review that our county has established as a right for all citizens. Suggesting a policy is higher than law questions the legality of policy, as the policy is not derived under law but perhaps exceeding it, thus leaving questions raised as to the enforceability when it comes to truly regulating actions and outcomes.

Policy should also be considered a means for those with special knowledge, or provided the authority to govern, to set rules for those to follow within an organization (Follett, 1924). Under Follett’s theory on authority, one must understand that “the exercise of authority more



often represents the consent of the governors than the consent of the governed” (Follett, 1924). How this relates to the Graham precedence is that despite the localized attempt to create new standards not yet defined by law, it does not supplant the legal framework under the Fourth Amendment defined by law under *Graham*. This framework is the test to which officers are reprimanded, exonerated, or generally held accountable to the citizens they serve.

### Section Five: Conclusion

The examination of the materials will be utilized to further establish if a relationship between policy on de-escalation and officer safety does exist. This literature review has established that the supporting theory offered by PERF to create a nation-wide policy is in the best interest of law enforcement, through the utilization of the Incrementalism method of policy-making. This review has further established that policies effecting law enforcement have historically been implemented locally via the Synoptic method of policy-making. The contradiction in methods is not something to be overlooked or cast away as a coincidence. PERF makes no apologies in their methodology in deviating from historical policy-making methods and boldly states it seeks to “challenge conventional thinking” (PERF, 2016).

It is understood that the impact of PERF’s recommendation is not just about officer safety. Some argue that the proposal itself lacks understanding of real-world implications or based on academia (O’Linn, 2016). This report is not intended to argue merit or cause, but to test a relationship of a claim that such policies would make police officers safer. The next portion of this thesis will identify the methodology used to test the claim.

### III. METHODOLOGY

#### Section One: Establishing Commonality of Policy

The literature review has established common themes in force de-escalation policies, and that a proposal for a nation-wide policy is partly designed to increase officer safety. Over eighty agencies were researched in this thesis to determine the existence and language of a force de-escalation policy. To test the relationship between policy and officer safety, agencies that created a specific “de-escalation” policy that includes language linked to the findings in PERF’s report, had to be located. This research has established that PERF seeks to influence a nation-wide de-escalation policy, but does not offer a single definition of de-escalation (PERF, 2016). A review of the agencies researched found commonality in de-escalation language that is used in order to objectively test the policy impact on officer safety. The commonality of policy language includes two predominant factors intend to mandate or influence a police officer to:

1. Slow an incident down.
2. Reduce or avoid force.

Therefore, careful review of agency policies was done to correlate the policy language to those recommendations provided by PERF. While agencies may provide training on de-escalation techniques, it is recognized that training is not policy. Specific language had to exist that defined de-escalation within a policy, contained the recommended language as offered by PERF, and directed officers to implement the policy in their duties.

## Section Two: Quantitative Analysis Through Investigative Observation

To test the relationship, a comparison of agencies with de-escalation policies and without were compared. Specific agencies were selected that implemented de-escalation policies that includes the established influencing language to direct on de-escalating their use of force options. Agencies with de-escalation policies as either stand-alone, or defined within their use of force policies will be identified as category “E1”.

In comparisons, agencies without specific de-escalation policies were researched, and identified in the category “E2”. Those agencies did not implement specific “force de-escalation” policies that directs officers to slow down and avoid force. It is understood that agencies across the United States may have training guidelines or use of force continuums that suggest or call for timely assessment of situations when feasible. This should not be confused with named de-escalation strategies that seek to require officers to slow situations down and reduce their force options. The major difference between E1 agencies and E2 categories is that E1 agencies have specific de-escalation language that directs officers to slow down, reduce and avoid force. E2 category agencies do not direct their employees to the same at the time of this research.

Again, several of the E1 agencies were specifically cited in the PERF report as contributors and subscribers to the “30 Guiding Principles”, which includes de-escalation strategies and support a nation-wide policy (PERF, 2016). Agencies identified as E2 are being established as not having these policies through direct observation of their agency policies available through established websites, or through open records. As many policies may take time to establish through the approval and training process, only those agencies who have established their de-escalation policies were used as E1 classification.

### Section Three: Officer Safety Data Sets

To test the relationship in this research, the policy standard was established. To establish the standard on officer safety, two primary sources of information and classification will be used:

1. Officers feloniously killed in the line of duty.
2. Officers injured as a result of a use of force incident.

Sources of the above data sets were retrieved from various sources of information. The first being the Federal Bureau of Investigation's Law Enforcement Officers Killed and Assaulted summary report (Federal Bureau of Investigations, 2016). The data on officers killed and assaulted is contained by the FBI with 2015 being the most recent completed reports and 2016 reports listed as "preliminary" (Federal Bureau of Investigations, 2016). However, this resource is incomplete as its "officers assaulted" tabulations are only those reported to be assaulted by deadly weapons (Federal Bureau of Investigations, 2016). Thus, this leaves an abundance of valuable information left untapped in finding true injuries to officers from use of force incidents.

To find a true articulation of data on officer injuries, each E1 and E2 listed agencies were independently researched for their known data on officers injured during use of force incidents. This information was directly gathered from E1 and E2 agencies through varying sources to include agency websites, agency self-published reports, and open records requests specific to the agency record keepers. No information on specifics of incidents to include identifying officers, assailants, scenes, or methods was sought in this research. No permissions outside of standard open records were sought in this research. The data provided by independent agencies was used to compile the first complete data set of "officers injured" as reported in Table One of this methodology.

To complete the data sets, a second online database on officer deaths was utilized to compliment the FBI “Officer’s Killed and Assaulted” records. This database comes from the Officer Down Memorial Page (Officer Down Memorial, 2017). The ODMP site collects data from police agencies and foundations on a daily basis to track law enforcement officers killed in the line of duty. This database is refreshed daily to provide an accurate number of officers who are killed or died on duty. It should be noted that the FBI and ODMP tracks all law enforcement deaths in the line of duty to include medical episodes, accidents, and vehicle crashes. Only deaths related to incidents of force applications will be utilized to test the research question. A thorough review of the agencies reporting a death in the line of duty was done to assure that the death was force-related. Both the FBI and ODMP databases were used to provide an accurate data set of “officers killed” as reported in Table One of this methodology.

#### Section Four: Recognized Variables

The data sets are only intended to weigh policy implementation against officer safety. This research recognizes that other influences of officer safety existed. Those influences may include crime rates, geographical settings, social-economic influences, and pure populations of agency jurisdictions.

This research was heavily dependent upon finding agencies with established de-escalation policies, and creating a substantial number of officers to test its impact on their safety. In contrast, a substantial number of officers not working under de-escalation policies was done to establish a control. The safety of the officers was measured by the rates of officers killed and officers injured in each agency studied. The Federal Bureau of Investigations uses a methodology to classify their officers killed and assaulted tracking by size of cities and

metropolitan counties known as “population group” (Federal Bureau of Investigations, 2016). Instead, this research recorded the size of the agency (by number of full time enforcement officers) in lieu of comparing populations served, crime indexes, or geographical locations. It should be noted that of the agencies selected for the research, there was a concentrated effort to find agencies that represent the west, central, and east regions of the United States in metropolitan areas.

This intent of using metropolitan agencies from varying portions of the United States was an attempt to eliminate stated variables and regional political influences. By doing so, the research was better suited to determine any overall impact on officer safety that is specific to the years that agencies did or did not have a de-escalation policy in place through a diversity of sampling. The concentration of metropolitan areas was done on the presumption that there were more police-public encounters and the pools of data would be more robust in nature for comparison value.

## Section Five: The Agencies

Five metropolitan agencies from varying regions of the United States were selected that had established de-escalation policies. These agencies were also selected due to the number of full time law enforcement officers to create a large pool of overall officers to study. The five agencies selected represent a total of 40,879 law enforcement officers that are represented in this research and categorized as “E1” classification. All of these agencies have established de-escalation policies during the five-year study period (2012-2017). The agencies representing the E1 category are:

### E1 Agencies

New York Police Department: 35,395

Dallas Police Department: 3484 officers.

Cincinnati Police Department: 1,053 officers.

New Orleans Police Department: 1,271 officers.

Louisville Metro (KY) Police Department: 1,241 officers.

Total: 42,444 law enforcement officers.

Employee data source: (Federal Bureau of Investigations, 2016)

A control group needed to be established of similar agencies representing metropolitan areas that did not have de-escalation policies in place during the study period. It was also vital that a contrasting total number of officers were represented in this research to be of sizeable number in nature as well. Thus, the six agencies represented in E2 classification total a comparable database of exactly 31,996 officers. No influence of crime rates, incidents of use of force averages, or officer demographics were known in the selection of E2 agencies. The objective selection of E2 agencies was blind to any statistics of officers killed or injured when selected for comparison to E1 agencies. E2 classification agencies are listed as follows:

### E2 Agencies:

Los Angeles Police Department: 12,665

Chicago, IL Police Dept.: 13,318 officers.

San Diego Police Department: 2,516 officers.

Milwaukee, WI Police Department: 1,868 officers.

Orlando Police Department: 697 officers.

Tucson (AZ) Police Department: 932 officers.

Total: 31,996 law enforcement officers.

Employee data source: (Federal Bureau of Investigations, 2016)

## Section Six: Comparable Tables for Correlation

Three distinct correlations between E1 and E2 agencies were made to test the impact on de-escalation policies with officer safety. As previously stated, the data on officers killed and injured is to be used to determine the safety of the officers studied. The three tests are as follows:

1. The comparison between all agencies of years with and without de-escalation policies.
2. A comparison of E1 agencies of years with and without de-escalation policies.
3. A comparison of E1 and E2 agencies against a national average.

A calculation of the officers killed and injured for each of the E1 and E2 categories is provided in a table format and compared over a five-year period with completed years of 2016, 2015, 2014, 2013, and 2012. First quarter or up to date reporting for 2017 was utilized when available from the agency and added to each table when known. Any 2017 data shown as projected is taking the information available up to June 30<sup>th</sup> 2017 and multiplying it by two to show a projection for a year-end accumulation.

Each agency had a designated page that confirms their policy effectiveness and implementation date (for E1 agencies) or a lack of a de-escalation policy (for E2 agencies) along with a minimum five-year record of the established data sets in relation to officer safety



available. The five-year analysis was chosen as de-escalation proposals have been influenced through policy over the past three years (IACP, 2017) (PERF, 2016) (Presidential Task Force on 21st Century Policing, 2015). The addition of two previous years from an “industry trend” standpoint is utilized only as a historical tool of the data set.

The comparisons between the two officer safety data sets and the years that officers worked under de-escalation policies correlates to the relationship between policy and officer safety. The methodology used is standard quantitative investigative observation of data available to determine if any cause and effect exists between de-escalation policy and the known statistics on officer safety. This thesis hypothesizes that an expectation of officer safety is increased when force de-escalation policies are in effect, and therefore officer deaths and injuries should be reduced upon policy implementation.

Tables of all agencies were created to show a frequency rate effect on both officers killed and injured each year during the years researched. For instance, if two officers were shot and killed in the line of duty in an agency with a total number of officers of 100, that would equate to a Death Rate (*DR*) through a simple formula of:

$$DR = \# \text{ of deaths} / \# \text{ of officers. Or } 2/100 = .02\%$$

A similar formula is utilized to factor the Injury Rate (*IR*). If 20 officers of the same agency were injured in a given year, that would equate to an injury rate (*IR*) = .20 using the formula:

$$IR = \# \text{ of injuries} / \# \text{ of officers per agency.}$$

This establishes a frequency rate of death and injury per agency, per year. The frequency correlates to the probability an officer is killed or injured in a specific agency. The tables also reflect the agencies and years with de-escalation policies in effect in red, and the agencies and

years with no de-escalation policy in effect in blue. A sample of the tables to show *DR* and *IR* frequencies is shown below:

(Sample) Table 1: Officer Killed Frequency Rate

<i>Agency</i>	<i>Category</i>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<i>Sample Agency 1</i> (213 <i>Officers</i> )	E1	0 (0)	0 (0)	2 (.0093)	<b>1</b> <b>(.0046)</b>	<b>0</b> (0)	<b>0</b> (0)
<i>Sample Agency 2</i> (5450 <i>Officers</i> )	E2	1 (.00018)	0 (0)	0 (0)	3 (.00055)	0 (0)	2 (.00036)

(Sample) Table 2: Officer Injured Frequency Rate

<i>Agency</i>	<i>Category</i>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<i>Sample Agency 1</i> (213 <i>Officers</i> )	E1	15 (.070)	10 (.046)	27 (.126)	<b>14</b> <b>(.064)</b>	<b>6</b> (.028)	<b>8</b> (.037)
<i>Sample Agency 2</i> (5450 <i>Officers</i> )	E2	212 (.038)	270 (.049)	245 (.044)	219 (.040)	270 (.049)	180 (.033)

The *DR* and *IR* is utilized in a third calculation to test the hypothesis that agencies with de-escalation policies in place should have a positive impact on officer safety. This formula

would be to take the cumulative numbers of all *DR* and *IR* in each independent category in all years researched to equal a total value (*n*) and divide the total value (*n*) by the number of years all agencies have worked under a de-escalation policy (*x*) or total years without a de-escalation policy (*y*) to equal will be referred to in this study as a Danger ***Factor*** (*DF*). The resulting formula demonstrates a positive or negative effect on officer safety based on the policy in place or non-existent. The higher the number, the higher number of incidents of death and injury are prone to officers.

Formula to determine officer Danger Factor with(*DF1*) or without(*DF2*) policy:

$$DF1=n/x$$

$$DF2=n/y$$

- Any field in the table with a NA (Not Available) designation, was not factored into the quantitative analysis to determine the Danger Factor

## Section Seven: Conclusion

The data sets and tables represent the basis of the relationship between policy and officer safety. There was no intent to suggest that other factors do not play a contributing role, as the methodology clearly directs its interest to the years of de-escalation policies to the data sets that correspond to officer safety. The lack of a nation-wide database on use of force incidents and officers injured from them also restricts this research to sampling of a small fraction of agencies across the United States, but does have a significant number of total population group of 74,440 metropolitan police officers between both E1 and E2 agencies to suggest adequate diligence and representation in the findings. It should also be noted that the varying dates of policy

implantation make it difficult to track findings based on a single year. Therefore, the five-year overall research period was intended to reflect recent observable data to test all agencies with.

No personal interviews were conducted to establish policy standards or gain data to reflect the number of officers killed or assaulted. Policy information was collected from open sourced web pages or from the agency's open records process. Officer assaulted data was collected via open sourced material available from the agency or municipality's webpage, or through a review of material gained through open records requests.

#### IV. E1AGENCY ANALYSIS



##### A. Analysis of the New York Police Department

Policy Defined:

Implemented: 10/18/16

“ De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.” (New York City Police Department, 2016)

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	
<b>2013</b>	0	
<b>2014</b>	2	
<b>2015</b>	2	
<b>2016</b>	1	752
<b>2017</b>	1	845

(New York Police Department, 2017) (Officer Down Memorial, 2017)

Comment: New York Police Department started to track and post their use of force statistics in 2016. The data on officer injuries was provided through the NYPD Use of Force Reporting for 2016 and 2017.



## B. Analysis of Dallas Police Department

Policy Defined:

Implemented: 06/03/15

“Where there is no apparent need to take a suspect into immediate physical custody, officers should utilize tactics designed to de-escalate the situation and facilitate a safer resolution whenever reasonably possible. The use of delaying tactics in order to obtain more favorable physical cover and additional officer presence is encouraged, as long as the safety of the officer, citizens, and subject is not compromised in doing so.” (Dallas Police Department, 2015)

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	Unavailable
<b>2013</b>	0	338
<b>2014</b>	0	436
<b>2015</b>	0	215
<b>2016</b>	4	234

(City of Dallas, 2017) (Officer Down Memorial, 2017)



### C. Analysis of the Cincinnati Police Department

Policy Defined:

Dated Implemented: 2/16/17

“De-escalation: Using non-confrontational verbal skills, empathy and active listening to stabilize a person in crisis. De-escalation may also incorporate the use of additional time, distance and resources as well as persuasion, command presence, repositioning, and warnings, to reduce the intensity of a potentially violent situation to decrease the potential need to use force.” (Cincinnati Police Department, 2017)

DATE OF DE-ESCALATION POLICY IMPLEMENTATION: February 16, 2017

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	22
<b>2013</b>	0	11
<b>2014</b>	0	2
<b>2015</b>	1	3
<b>2016</b>	0	7
<b>2017</b>	0	1



#### D. Analysis of New Orleans Police Department.

Policy Defined:

Date Implemented: 12/6/15

“When feasible based on the circumstances, officers will use de-escalation techniques, disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health and crisis resources, in order to reduce the need for force, and increase officer and civilian safety. Moreover, the officers shall de-escalate the amount of force used as the resistance decreases. (New Orleans Police Department, 2015).

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	Unavailable
<b>2013</b>	1	Unavailable
<b>2014</b>	0	Unavailable
<b>2015</b>	1	Unavailable
<b>2016</b>	1	121
<b>2017</b>	0	115

(City of New Orleans, 2017) (Officer Down Memorial, 2017)

Comment: New Orleans Police Department acknowledges and educates its officers that their policy, “places restrictions on officer use of force that go beyond the restrictions set forth under the Constitution or state law” (New Orleans Police Department, 2015).





## E. Analysis of Louisville Metro Police Department

Policy Defined:

Date Implemented: 2003

“When reasonable under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum and communicate and coordinate a response. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion and other tactics as alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options. Officers should perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.” (Louisville Metro Police Department, 2003).

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	1203
<b>2013</b>	1	978
<b>2014</b>	0	1080
<b>2015</b>	0	888
<b>2016</b>	0	586
<b>2017</b>	1	406

(Officer Down Memorial, 2017) (Louisville Metro Police Department, 2017)

Comment: The database this agency uses for tracking reported injuries to officers is one of the most detailed and tracks verbally reported injuries as well as observable and hospitalized injuries.

## V. E2 AGENCY ANALYSIS



### A. Analysis of Chicago Police Department.

Comment: The Chicago Police Department's use of force policy does not contain a specific de-escalation policy or mandate (Chicago Police Department, 2016). The current use of force policy is centered around *Graham v. Connor* and implements Critical Incident Communications training and strategies that were first implemented in 2015. (Chicago Police Department, 2016).

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	1474
<b>2013</b>	0	1403
<b>2014</b>	0	1298
<b>2015</b>	0	1272
<b>2016</b>	0	1072
<b>2017</b>	0	523

(Conway, 2017) (Officer Down Memorial, 2017)



## B. Analysis of the San Diego Police Department

Comment: While the City of San Diego was mentioned in the PERF report for their de-escalation practices, they lack a specific policy that mandates officers to use the strategy. The San Diego Police Department's Use of Force Policy is heavily centered around *Graham v. Connor* and focuses on the officer's perception of danger (San Diego Police Department, 2013).

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	40
<b>2013</b>	0	93
<b>2014</b>	0	104
<b>2015</b>	0	81
<b>2016</b>	1	157
<b>2017</b>	0	Unavailable

(Thorn, 2017) (Officer Down Memorial, 2017)



### C. Analysis of the Milwaukee Police Department

Comment: Over a two-year period, use of force incidents declined sharply by 23.8% overall in all policing districts in Milwaukee. (Brandl, 2016). The current policy on use of force does not specifically mandate de-escalation, but Milwaukee Police Department has offered a voluntary review of its training practices and agency policy with the Department of Justice that seeks to implement de-escalation strategies (Lantigua-Williams, 2016).

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	106
<b>2013</b>	0	185
<b>2014</b>	0	159
<b>2015</b>	0	167
<b>2016</b>	0	134

(Gauerke, 2017) (Officer Down Memorial, 2017)



D. Analysis of the Los Angeles Police Department

Comment: The Los Angeles Police Department also defines their policy around the Graham decision, citing, “The Department's guiding value when using force shall be reverence for human life. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Los Angeles Police Department, 2017)

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	268
<b>2013</b>	0	102
<b>2014</b>	2	105
<b>2015</b>	0	192
<b>2016</b>	0	178

(Los Angeles Police Department, 2012-2016) (Officer Down Memorial, 2017)



E. Analysis of the Orlando Police Department.

Comment: Orlando places a high value in their use of force policy on the officer's force options based on the actions of the person the officer is confronted with through a system known as Resistance and Response Continuum. It is defined as "The "Resistance and Response Continuum" (Attachment A)- A graduated guideline that defines the various levels of resistance and the authorized levels of employee response and techniques. The level of force utilized by an employee is based on the subject's level of resistance." (Orlando Police Department, 2013).

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	47
<b>2013</b>	0	41
<b>2014</b>	0	53
<b>2015</b>	0	47
<b>2016</b>	0	Unavailable
<b>2017</b>	1	Unavailable

(Officer Down Memorial, 2017) (City of Orlando, 2017)



## F. Analysis of Tucson Police Department

Policy Comment: Tucson also provides policy language that promulgates their policy from language offered through the Graham ruling and within compliance to the laws of Arizona. Their policy states: “It is the policy of the Tucson Police Department to treat all members of the public with respect and in adherence with the rights afforded by the United States Constitution and the Constitution and laws of the State of Arizona. In the course of their duties, officers of the Department may find it necessary to use force to overcome resistance, protect property and defend themselves or another person. In any encounter where the use of force becomes necessary, only reasonable force will be used. Under no circumstances will the force used be greater than necessary to achieve lawful objectives and to conduct lawful public safety activities.” (Tucson Police Department, 2001)

<b>Year</b>	<b>Officers Killed</b>	<b>Officers Injured</b>
<b>2012</b>	0	154
<b>2013</b>	0	171
<b>2014</b>	0	146
<b>2015</b>	0	138
<b>2016</b>	0	Unavailable

(Officer Down Memorial, 2017) (City of Tucson, 2016)

## VI. RESULTS OF DATA

### Section One: Officers Killed In Use of Force Incidents

**TABLE 1: Officer Killed Frequency Rates**

<i>Agency</i>	<i>Category</i>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<i>NYPD</i>	E1	0	0	2	2	1	2
		.0	.0	.000056	.000056	.000028	.000056
<i>Dallas</i>	E1	0	0	0	0	4	0
		.0	.0	.0	.0	.0011	.0
<i>Cincinnati</i>	E1	0	0	0	1	0	0
		.0	.0	.0	.00094	.0	.0
<i>New Orleans</i>	E1	0	1	0	1	1	0
		.0	.00078	.0	.00078	.00078	.0
<i>Louisville Metro</i>	E1	0	1	0	0	0	1
		.0	.00080	.0	.0	.0	.00080
<i>LAPD</i>	E2	0	0	2	0	0	0
		.0	.0	.00015	.0	.0	.0
<i>Chicago</i>	E2	0	0	0	0	0	0
		.0	.0	.0	.0	.0	.0
<i>San Diego</i>	E2	0	0	0	0	1	0
		.0	.0	.0	.0	.00039	.0
<i>Milwaukee</i>	E2	0	0	0	0	0	0
		.0	.0	.0	.0	.0	.0
<i>Orlando</i>	E2	0	0	0	0	0	1



		.0	.0	.0	.0	.0	.0014
<i>Tucson</i>	E2	0	0	0	0	0	0
		.0	.0	.0	.0	.0	.0

### Summary of Officer Killed Frequencies: Danger Factor

A comparison of data collected on officers killed sought to find the average of agencies with and without de-escalation policies in effect. This was meant to test the hypothesis that a de-escalation policy would have a positive effect on officer safety in terms specific to the *DR* of agencies researched. To do this, the *DR* data for all E1 and E2 was calculated and separated between red (with policy in effect) and blue (without policy in effect). Again, using the formulas:

$$(DF1=n/x) .003244 / 15 = .00029\%$$

$$(DF2=n/y) .003 / 51 = .000073\%$$

The findings demonstrated that there was an overall *negative* impact on officer safety with agencies with a de-escalation policy in effect reporting a higher Danger Factor (DF1) of officers killed at .0029% compared to a lower Danger Factor (DF2) average of .000075% of those without. Thus representing, at least in the agencies researched, that officers with a de-escalation policy in effect are prone to a higher chance of death per year during a use of force incidents than those without.

Section Two: Officers Injured In Use of Force Incidents

Table Two: Officer Injured Frequency Rates

<i>Agency</i>	<i>Category</i>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<i>NYPD</i>	E1	NA	NA	NA	NA	752 .021	845 .046 (Projected)
<i>Dallas</i>	E1	NA	338 .097	436 .125	215 .061	234 .067	NA
<i>Cincinnati</i>	E1	22 .020	11 .010	2 .0018	3 .0028	7 .0066	1 .0018 (Projected)
<i>New Orleans</i>	E1	NA	NA	NA	121 .097	115 .090	NA
<i>Louisville Metro</i>	E1	1203 .96	978 .78	1080 .87	888 .71	586 .47	406 .64 (Projected)
<i>LAPD</i>	E2	268 .021	102 .0080	105 .0082	192 .015	178 .014	NA
<i>Chicago</i>	E2	1474 .11	1403 .10	1298 .097	1272 .095	1072 .080	523 .78(Projected)
<i>San Diego</i>	E2	40 .015	93 .036	104 .041	81 .032	157 .062	NA
<i>Milwaukee</i>	E2	106	183	159	167	134	NA

		.056	.097	.085	.089	.071	
<i>Orlando</i>	E2	36	47	41	53	47	NA
		.051	.067	.058	.075	.067	
<i>Tucson</i>	E2	154	171	146	138	NA	NA
		.16	.18	.15	.14		

### Summary of Officers Injured Frequencies: Danger Factor

A comparison of data collected on officers injured sought to find the average of agencies with and without de-escalation policies in effect. This was meant to test the hypothesis that a de-escalation policy would have a positive effect on officer safety in terms specific to the *IR* of agencies researched. To do this, the *IR* data for all E1 and E2 was calculated and separated between red (with policy in effect) and blue (without policy in effect). The results of the formula produced the following:

$$(DF1=n/x) 4.8138 / 13 = .37\%$$

$$(DF2=n/y) 3.0634 / 36 = .085\%$$

The findings demonstrated again that there was an overall *negative* impact on officer safety with agencies with a de-escalation policy in effect reporting a Danger Factor average of officers injured at .37% compared to a Danger Factor average of .085% of those without. Thus representing, at least in the agencies researched, that officers with a de-escalation policy in effect are prone to a higher chance of injury per year during a use of force incident than those without.

Section Three: Comparison of E1 Agencies During Years With and Without De-Escalation Policies.

**TABLE 1: Officer Killed Frequency Rates**

<i>Agency</i>	<i>Category</i>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<i>NYPD</i>	E1	0	0	2	2	1	2
		.0	.0	.000056	.000056	.000028	.000056
<i>Dallas</i>	E1	0	0	0	0	4	0
		.0	.0	.0	.0	.0011	.0
<i>Cincinnati</i>	E1	0	0	0	1	0	0
		.0	.0	.0	.00094	.0	.0
<i>New Orleans</i>	E1	0	1	0	1	1	0
		.0	.00078	.0	.00078	.00078	.0
<i>Louisville Metro</i>	E1	0	1	0	0	0	1
		.0	.00080	.0	.0	.0	.00080

Summary: Using just the data from E1 agencies, and using the same formulas to create the Danger Factor in previous tables, a comparison of the years with and without de-escalation policies was done to determine the Danger Factor specific to officer’s deaths in those agencies. With the five agencies sampled over a six-year period, a total representation of thirty years was made with fifteen representing times when an agency had a de-escalation policy in effect and fifteen years when an agency did not. The formula is shown as follows:

*Years with:*  $(DF1=n/x) .00043 / 15 = .00028\%$

*Years without:*  $(DF1=n/x) .0018 / 15 = .00012\%$

Results demonstrate that of the E1 agencies, times when a de-escalation policy was in effect created a higher probability for officers to be killed in the line of duty by more than double. Thus, demonstrating that the impact of the de-escalation policy has a detrimental effect on officer safety in terms of officers killed.

Table Two: Officer Injured Frequency Rates

<i>Agency</i>	<i>Category</i>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<i>NYPD</i>	E1	NA	NA	NA	NA	752 .021	845 .046 (Projected)
<i>Dallas</i>	E1	NA	338 .097	436 .125	215 .061	234 .067	NA
<i>Cincinnati</i>	E1	22 .020	11 .010	2 .0018	3 .0028	7 .0066	1 .0018 (Projected)
<i>New Orleans</i>	E1	NA	NA	NA	121 .097	115 .090	NA
<i>Louisville Metro</i>	E1	1203 .96	978 .78	1080 .87	888 .71	586 .47	406 .64 (Projected)

Summary: Using just the data from E1 agencies, and using the same formulas to create the Danger Factor in previous tables, a comparison of the years with and without de-escalation policies was done to determine the Danger Factor specific to officer's injuries in those agencies. With the five agencies sampled over a six-year period, a total representation of twenty years was made with thirteen representing times when an agency had a de-escalation policy in effect and seven years when an agency did not. The twenty-year total was due to the fact that not all agencies documented and reported injuries during the total years of study. Only the reported years were counted for this analysis. The formula is shown as follows:

*Years with: (DFI=n/x) 4.81 / 13 = .37%*

*Years without: (DFI=n/x) .26 / 7 = .03%*

This data also suggests that an examination of the E2 group alone, comparing years when these agencies had de-escalation policies in effect to those years they did not, the chances of an officer being injured was over ten times higher when they worked under de-escalation policies. Again, this table demonstrates a further weakening that de-escalation policies have a positive impact to officer safety.

#### Section Four: A Comparison of All Agencies to A National Average.

The results thus far demonstrated that de-escalation policies have not shown to have a positive effect on the officer's safety when comparing E1 and E2 agencies. Using two other statistics, a final analysis was made against a national average. The first supporting calculation was gained via FBI reports on officers killed in the line of duty, and averaging the fully reported years of 2012-2015 to create a national average of Death Rate using the same formula for the

agencies in E1 and E2. The numbers reported each year calculated to a national average death rate of **.00079%** of the estimated 530,000 officers documented through the FBI records (Federal Bureau of Investigations, 2016). The E2 agencies in this thesis closely matched the national average with reported value of **.00075%**, while the E1 agencies with de-escalation policies again reported a much higher value of **.0021%**, an increase of approximately **30%** in deaths to officers working in agencies with de-escalation policies.

Using the same factors and formula with the FBI data (Federal Bureau of Investigations, 2016), a national average of Injury Rate was also calculated. The national average calculated for officers injured reported a value of **.095%**, slightly higher than the E2 agencies reported value of **.085%** and remarkably lower than the E1 agency's reported value of **.37**. E1 agencies thus showed a **33%** increase in Injury Rates compared to the national average. Based on the data creating a national average, the final comparison evaluation also demonstrated that de-escalation policies have a negative impact on officer safety.

## VII. RESEARCH CONCLUSION

The stated hypothesis was that de-escalation policies would have a positive impact on officer safety. To test this theory, an estimated 74,440 metropolitan officers currently working the streets were studied in this researched. These officers represented agencies from varying regions in the United States working in larger and urban metropolitan agencies. Facts related to the injuries and deaths reported from their agencies were used to calculate a danger factor of the harm posed to them on a yearly basis in a percentage value. The officers were separated into two groups, those from agencies with de-escalation policies, and those without.

### Section One: Interpreting Results

This research provided due diligence in testing the data available in three varying degrees of comparisons. The first was testing an overall probability of officers killed and injured between agencies with and without de-escalation policies. In this specific analysis, the results demonstrated that the probability is higher for officers to be killed or injured when working in agencies with de-escalation policies. Thus, proving the hypothesis wrong.

The second evaluation was done in comparing just those agencies who created or sustained de-escalation policies over the study period, and what effect those years with de-escalation policies is having on their officer's safety. This evaluation proved that officers are more probable of being killed or injured when their agencies implement or enforce de-escalation policies. Thus, proving the hypothesis wrong.

The final evaluation method was done by creating a national average of probability of officers both killed and assaulted, then comparing that average to the agencies in this research. The findings demonstrated that when compared to the national average, officers working in



agencies with de-escalation policies have a higher probability of death or injury. Thus, proving the hypothesis wrong.

## Section Two: Future Research

Policies directing police action must be designed to protect the public and the police alike. The standards set forth under Graham, have been set under the premise that law enforcement roles and responsibilities are dynamic and ever changing. There is no doubt that cultural, economic, and social value variables play a role in these dynamics. The ability to local government to respond to these variables, research and implement policy changes may be better suited than a national standard. A second component of a nation-wide policy would be who would have the ability to implement said policy in a nation designed around sovereignty of governments. Should the United States Department of Justice seek to follow the PERF recommendations and implement a nation-wide policy, shared responsibility and protection of local officers might also come with the governance of policy. While simple in thought, and a popular topic in today's politics, the details and impact of the liabilities and protections of localized officers needs more consideration.

What this research suggested is that the imposition of a nation-wide de-escalation mandate through policy could show to have a disastrous effect on law enforcement officer's safety. Careful examination of what policy-makers are directing police to do under violent, tense, and rapid unfolding situations may indeed have a negative effect on the outcome and safety of all involved. The ability for local governments to digest more research, training, and policy implementation appears to be the safe method in favor of imposing a nation-wide policy directing police to slow situations down and reduce or avoid force. The recommendations

documented in the PERF report needs further study and determination of potential safety concerns levied against our men and women in uniform. The current de-escalation policies in effect need further study to determine the degree of injury to officers. While this research has shown a significant increase in injury rates to officers working under de-escalation policies, it did not account for the type of injuries reported.

The lack of a nation-wide officer injury database is also being cited through this research. It is very rare to find agencies that are properly reporting officer injuries, or suspect injuries based on the number of agencies contacted and researched for this paper. While use of force reporting tools and documentation efforts seem to be very prevalent, the information contained in the localized reports remains to be an untapped resource of information that our communities could learn from.

### Section Three: Research Significance

Law enforcement is a highly scrutinized profession. It is a profession that sees the worst society has to offer and contributes to the best and worst actions human beings can display towards one another. In order to safeguard the present and future of law enforcement, any concepts that seek to stray or hinder from the Constitutional limitation and expectations of use of force must be presented with sound fact and not emotion or political influence.

What this research demonstrates is that policy indeed impacts lives, and policy-makers must be careful to know the impact policies may have on their workforce. The numbers documented in terms of percentage points and yearly sums in this research have stories behind them. While these numbers are intended to demonstrate a quantitative effect of policy, they do not portray the qualitative effect on the lives of these officers, their families, their agencies, and

communities. These numbers represent mothers, fathers, sons, and daughters who never came home. These numbers represent the unknown officers who lost their ability to play with their kids, go fishing, or read a book due to injury. These numbers have an impact that not only challenges the notions that de-escalation policies are intended to increase officer safety, but also challenges the next generation of researchers and problem solvers to recognize that there are way too many officers being injured and killed in our nation.

If policies are truly intended to increase officer safety, they must be presented with sound methods to address the difficulty our officers are faced with in a rapidly changing society. The most likely and readily available methods were available in the data and reports on use of force incidents across our nation. The most effective means of implementation appears to be done through a localized understanding of what the policy is truly trying to accomplish and not acquiescing to the political influences that seeks to create a higher value than law without truly knowing the impact to officer safety.

The observations gained through this research were to objectively examine a controversial nation-wide policy recommendation in the name of officer safety. Regardless on the origin of policy, de-escalation policies have not yet proven to be to the benefit of officer safety. The significance of this research lies in what is now to be done with it. What actions the readers of this research will take to study, learn from, and formulate ideas designed to increase officer safety are now open to new possibilities. The findings suggest that a nation-wide de-escalation policy would negatively impact safety of the nation's police officers and hypothetically limit local authority in creating alternative policy to benefit police safety. Calls for any policy on officer safety must be done responsibly and must consider the policy outcomes that impact the lives of all officers.

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