lic officials, and that the unconstitutional acts of these officials were directly caused by agency custom and practice. Thus, if an individual were able to demonstrate that he had been unconstitutionally beaten and arrested by a police officer, and that the police department involved had a history of encouraging or tolerating such misconduct, he would presumably be entitled to money damages from both the officer and the government agency that employed him.

[5] In addition, elected officials, who serve as intermediaries between citizens and police, may often be tempted to react defensively to judgments against police, regardless of whether such defensiveness is in the citizens' best interests. Consequently, citizens' ire may be redirected at what may be portrayed by elected officials as the arbitrariness of the courts, rather than at the police misconduct that gave rise to judgments against the taxpayers. For an elected mayor to acknowledge that his police department has operated unconstitutionally is not easy. It requires him to admit that the person he appointed as police chief (or who was otherwise determined to have been best qualified for that position) has performed his duties in a manner that violates the fundamental law of the land.

[6] See Manning (1977), who argues that the police have assumed—or been given—the "impossible mandate" of responsibility for crime control and order maintenance, and that most police are unwilling to admit that they cannot accomplish it.

[7] This is not to suggest that police currently operate with no *a priori* restrictions. As Goldstein (1977) points out, police operations are greatly influenced by legislators, and by the decisions made by prosecutors and judges in prior *similar* matters. My point is that police make decisions about specific individuals and situations before they have come to the attention of other officials.

[8] These principles were first articulated in a training-program I developed in 1976 while on the staff of the New York City Police Academy.

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What We Know about Police Use of Force

Kenneth Adams

Ambrose Bierce, a social critic known for his sarcasm and wit, once described the police as "an armed force for protection and participation."[1] In this pithy statement, Bierce identifies three critical elements of the police role. First, by describing the police as "armed," their ability to coerce recalcitrant persons to comply with the law is emphasized. Because police carry weapons, it follows that the force they use may have lethal consequences. The capacity to use coercive, deadly force is so central to understanding police functions, one could say that it characterizes a key element of the police role.

Second, the primary purpose of police is protection, and so force can be used only to promote the safety of the community. Police have a responsibility for safeguarding the domestic well-being of the public, and this obligation even extends in qualified ways to protecting those who violate the law, who are antagonistic or violent toward the police, or who are intent on hurting themselves. In dealing with such individuals, police may use force in reasonable and prudent ways to protect themselves and others. However, the amount of force used should be proportional to the threat and limited to the least amount required to accomplish legitimate police action.

Third, the concept of participation emphasizes that police and community are closely interrelated. Police are drawn from the community, and as police they continue to operate as members of the community they serve. The community, in turn, enters into a solemn and consequential relationship with the police, ceding to them the power to deprive persons of "life, liberty, and the pursuit of happiness" at a moment's notice and depending on them for public safety. Without police, the safety of the community is jeopardized. Without community support, police are dispossessed of their legitimacy and robbed of their effectiveness.

This three-element definition of police makes it easy to understand why abuse of force by police is of such great concern. First, there is the humanitarian concern that police are capable of inflicting serious, even lethal, harm on the public. Second, there is the philosophical dilemma that in "protecting" the whole of society, some of its constituent parts, meaning its citizens, may be injured. Third, there is the political irony that police, who stand apart from society in terms of authority, law, and responsibility, also are part of society and act on its behalf. Thus, rogue actions by a few police, if condoned by the public, may become perceived as actions of the citizenry.

Recent developments in policing have elevated concerns about police use of force beyond ordinarily high levels. In particular, community policing, which is becoming widespread as a result of financial incentives by the federal government, and "aggressive" policing, which is becoming widely adopted as a solution to serious crime problems, have come to the fore as perspectives of choice by policing experts. Community policing emphasizes the role of the community as "coproducers" of law and order in conjunction with the police. Communities naturally vary in attributes, and they vary in how they are defined for the purposes of community policing. Consequently, some communities look to add restrictions on police use of force, while others are satisfied with the status quo, and still others seek to ease current restrictions. Regardless of the community's orientation on this issue, community policing means increased levels of accountability and responsiveness in key areas, such as use of force. Increased accountability hinges on new information, and new information stimulates debate.

The other emerging perspective is "aggressive" policing, which often falls under the rubric of broken windows theory, and, as a strategic matter, is concerned with intensifying enforcement against quality-of-life and order maintenance offenses. The influence of aggressive policing can be seen in the proliferation of "zero tolerance" enforcement strategies across the nation. The concern is that the threat posed by petty offenders may be exaggerated to the point that use of force becomes more commonplace and abuses of force more frequent.

The Violent Crime Control and Law Enforcement Act of 1994 mirrored congressional concern about excessive force by authorizing the Civil Rights Division of the U.S. Department of Justice (DOJ) to initiate civil actions against police agencies when, among other conduct, their use of force reaches a level constituting a pattern or practice depriving individuals of their rights. DOJ exercised that authority when, for example, it determined that an urban police department engaged in such conduct and negotiated a consent decree that put in place a broad set of reforms, including an agreement by the department to document its use of force and to implement an early warning system to detect possible abuses.[2]

Use-of-force concerns also are reflected in the attention the media give to possible instances of police abuse. An accumulation of alleged abuse-of-force incidents, widely reported in the media, encourages overgeneralization by

giving the impression that police brutality is rampant and that police departments across the nation are out of control. For example, Human Rights Watch states, "Allegations of police abuse are rife in cities throughout the country and take many forms."[3]

Before considering the details of recent research efforts on police use of force, it is useful to summarize the state of our knowledge.[4] We know some details about police use of force with a high degree of certainty. These items represent "facts" that should frame our understanding of the issues. Other details about police use of force we know in sketchy ways, or the research is contradictory. These items should be subject to additional research using more refined methods of inquiry. Finally, there are some aspects of police use of force about which we know very little or next to nothing. These items represent critical directions for new inquiry.

As is often the case with important policy questions, the information that we are most confident of is of limited value. In many cases, it does not tell us what we really need to know, because it does not focus squarely on the important issues or is subject to competing interpretations. Conversely, the information that is most critical for policy decisions often is not available or is very difficult to obtain. Such is the case with police use of force. The issues that most concern the public and policy makers lack the kinds of reliable and solid information that advance debate from the realm of ideological posturing to objective analysis. Nonetheless, it is important to take stock of our knowledge so that it is clear which issues can be set aside and which should be the target of efforts at obtaining new knowledge.

What, then, is the state of knowledge regarding police use of force? We begin with issues about which we have considerable information and a high degree of confidence in our knowledge. Discussed next are issues where knowledge is modest and considerably more research is merited. Finally, we conclude with issues that are critical to debates over police use of force and about which little knowledge exists.

What We Know with Substantial Confidence about Police Use of Force

Police use force infrequently.

Whether measured by use-of-force reports, citizen complaints, victim surveys, or observational methods, the data consistently indicate that only a small percentage of police-public interactions involve the use of force. As Bayley and Garofalo observed, police-citizen encounters that involve use of force and injury are "quite rare."[5]

Because there is no standard methodology for measuring use of force, estimates can vary considerably on strictly computational grounds. Different definitions of force and different definitions, of police-public interactions will yield different rates[6] (see "Working definitions"). In particular, broad definitions of use of force, such as those that include grabbing or handcuffing a sus-

pect, will produce higher rates than more conservative definitions. The Bureau of Justice Statistics' (BJS) 1996 pretest of its Police Public Contact Survey resulted in preliminary estimates that nearly 45 million people had face-to-face contact with police over a 12-month period and that approximately 1 percent, or about 500,000 of these persons, were subjected to use of force or threat of force[7] (see chapter 2 in *Use of Force by Police*). When handcuffing is included in the BJS definition of force, the number of persons increases to 1.2 million.

Expanding and contracting definitions of "police-public" interactions also work to affect use-of-force rates but in an opposite way from definitions of force. Broad definitions of police-public "interactions," such as calls for service, which capture variegated requests for assistance, lead to low rates of use of force. Con-

Working Definitions

Police use of force is characterized in a variety of ways. Sometimes, these characterizations are functionally interchangeable so that one can be substituted for another without doing injustice to the factual interpretation of a statement. At other times, however, differences in terminology can be very consequential to a statement's meaning. For example, "deadly force" refers to situations in which force is likely to have lethal consequences for the victim. This type of force is clearly defined and should not be confused with other types of force that police use.

In contrast, "police brutality" is a phrase used to describe instances of serious physical or psychological harm to civilians, with an emphasis on cruelty or savageness. The term does not have a standardized meaning; some commentators prefer to use a less emotionally charged term.

In this report, the term "excessive force" is used to describe situations in which more force is used than is allowable when judged in terms of administrative or professional guidelines or legal standards. Criteria for judging excessive force are fairly well established. The term may also include within its meaning the concept of illegal force.

Reference also is made to "excessive use of force," a similar, but distinctly different, term. Excessive use of force refers to high rates of force, which suggest that police are using force too freely when viewed in the aggregate. The term *deals with* relative comparisons among police agencies, and there are no established criteria for judgment.

"Illegal" use of force refers to situations in which use of force by police violated a law or statute, generally as determined by a judge or magistrate. The criteria for judging illegal use of force are fairly well established.

"Improper," "abusive," "illegitimate," and "unnecessary" use of force are terms that describe situations in which an officer's authority to use force has been mishandled in some general way, the suggestion being that administrative procedure, societal expectations, ordinary concepts of lawfulness, and the principle of last resort have been violated, respectively. Criteria for judging these violations are not well established.

To varying degrees, all of the above terms can be described as transgressions of police authority to use force.

versely, narrow definitions of police-public interactions, such as arrests, which concentrate squarely on suspects, lead to higher rates of use of force.

The International Association of Chiefs of Police (IACP) is in the process of compiling statistics on use-of-force data being submitted by cooperating agencies. These data indicate that force is used in less than one-half of 1 percent of dispatched calls for service. From this point of view, one might well consider police use of force a rare event. This figure is roughly consistent with the preliminary estimate reported by BJS, although the IACP figure is subject to the reporting biases that may exist in police agency data. Furthermore, IACP data are not yet representative of the national picture because of selection bias; the estimate is based on a small percentage of police departments that voluntarily report information on use of force.

Garner and Maxwell found that physical force (excluding handcuffing) is used in fewer than one of five adult custody arrests (see chapter 4 in *Use of Force by Police*). While this figure hardly qualifies as a rare event, it can be considered low, especially in light of the broad definition of force that was used.

In characterizing police use of force as infrequent or rare, the intention is neither to minimize the problem nor to suggest that the issue can be dismissed as unworthy of serious attention. Society's ends are best achieved peaceably, and we should strive to minimize the use of force by police as much as possible. However, it is important to put police use of force in context in order to understand the potential magnitude of use-of-force problems. Although estimates may not completely reassure everyone that police are doing everything they can to minimize the use of force, the data do not support the notion that we have a national epidemic of police violence.

Another purpose for emphasizing the infrequent nature of police use of force is to highlight the methodological challenges of trying to count or study infrequent events. In this regard, methodological approaches can vary considerably in terms of cost efficiency, reliability, and precision of information obtained. In BJS's 1996 pilot household survey of 6,421 persons, 14 respondents, or roughly 1 in 450, said that they were subjected to use of force or threat of force by police over a year's time. The household survey approach has the benefit of providing national-level estimates based on data that are free of police agency reporting biases. However, as noted by BJS, the preliminary estimates derived from such a small number of respondents are subject to a wide margin of error. This issue is particularly important if one is interested in tracking changes over time, because a very small change in reporting can have a very large impact on estimates. In the survey's continuing development, the next pilot test will use a sample about 10 times the size of the 1996 pilot test as well as involve a redesigned questionnaire.

Police use of force typically occurs at the lower end of the force spectrum, involving grabbing, pushing, or shoving.

Relatively minor types of force dominate statistics on police use of force. Garner and Maxwell (see chapter 4 in *Use of Force by Police*) observed that

police use weaponless tactics in roughly 80 percent of use-of-force incidents and that half the time the tactic involved grabbing the suspect. Alpert and Dunham (see chapter 5) found that in Miami 64 percent of use-of-force incidents involved grabbing or holding the suspect. In the BJS pilot national survey, it was estimated, preliminarily, that about 500,000 people were "hit, held, pushed, choked, threatened with a flashlight, restrained by a police dog, threatened with or actually sprayed with chemical or pepper spray, threatened with a gun, or experienced some other form of force."[8] Three-fifths of these situations, however, involved only holding. Finally, Pate and Fridell's survey of law enforcement agencies regarding use of force and civilian complaints also confirms that minor types of force occur more frequently than serious types.[9]

As a corollary finding, when injuries occur as a result of use of force, they are likely to be relatively minor. Alpert and Dunham (see chapter 5 in *Use of Force by Police*) observed that the most common injury to a suspect was a bruise or abrasion (48 percent), followed by laceration (24 percent). The kinds of police actions that most captivate the public's concerns, such as fatal shootings, severe beatings with fists or batons that lead to hospitalization, and choke holds that cause unconsciousness or even death, are not typical of situations in which police use force. These findings reassure us that most police exercise restraint in the use of force, even if one has concerns over the number of times that police resort to serious violence.

From a police administrator's point of view, these findings are predictable. Officers are trained to use force progressively along a continuum, and policy requires that officers use the least amount of force necessary to accomplish their goals.

Another affiliated finding is that police rarely use weapons. According to Garner and Maxwell (see chapter 4 in *Use of Force by Police*), 2.1 percent of adult custody arrests involved use of weapons by police. Chemical agents were the weapons most frequently used (1.2 percent of arrests), while firearms were the weapons least often used (0.2 percent of arrests). Most police departments collect statistics on all firearm discharges by officers. These data consistently show that the majority of discharges are accidental or are directed at animals. Only on infrequent occasions do police use their firearms against the public. One implication of these findings is that increased training in how to use standard police weapons will be of little value in dealing with day-to-day situations that involve use of force. Training, if it is to be effective in reducing the use of force, needs to focus on how to gain compliance without resorting to physical coercion.

Use of force typically occurs when police are trying to make an arrest and the suspect is resisting.

Research indicates that police are most likely to use force when pursuing a suspect and attempting to exercise their arrest powers. Furthermore, resistance by the public increases the likelihood that police will use force. These findings appear intuitively sound given the mandate that police have regarding use of

force. Police may use force when it is necessary to enforce the law or to protect themselves or others from harm. The findings also seem logical in view of police training curriculums and departmental regulations. Alpert and Dunham (see chapter 5 in *Use of Force by Police*) find that police almost always follow the prescribed sequence of control procedures they are taught, except when suspect resistance is high, in which case they tend to skip the intermediate procedure.

The conclusion that police are most likely to use force when dealing with criminal suspects, especially those who are resisting arrest, is based on four types of data: arrest statistics, surveys of police officers, observations of police behavior, and reports by the public about their encounters with police.

Arrest statistics show that resisting-arrest charges often are involved in situations in which officers use force. The interpretation of this finding is ambiguous, however, because officers may bring such charges in an attempt to justify their actions against a suspect. Some commentators even would argue that resisting-arrest charges are a good indication that police officers acted inappropriately or illegally. Because we are relying on official reports by officers who are involved in use-of-force incidents, and because they have self-interest in presenting the situation in the most favorable light possible, we cannot rely on arrest records alone in determining what happened.

Fortunately, other research is available to help clarify the situation. The pilot national household survey by BJS included a series of questions about the respondent's behavior during contact with police.[10] The preliminary analysis revealed that of the 14 respondents in the sample who reported that police used or threatened force against them, 10 suggested that they might have provoked the officer to use force. The provocative behaviors reported by suspects include threatening the officer, assaulting the officer, arguing with the officer, interfering with the arrest of someone else, blocking or interfering with an officer's movement, trying to escape, resisting being handcuffed, and resisting being placed in a police vehicle.

Research by Alpert and Dunham (see chapter 5 in *Use of Force by Police*) confirms that. criminal suspects are not always cooperative when it comes to arrest. In almost all (97 percent) cases in which police officers used force in a Florida jurisdiction, the suspect offered some degree of resistance. In 36 percent of use-of-force incidents, the suspect actively resisted arrest, and in one-quarter of the incidents the suspect assaulted the officer. The researchers observed that the most common type of suspect force was hitting or striking a police officer (44 percent).

Garner and colleagues, after using statistical controls for more than 50 characteristics of the arrest situation, the suspect, and the police officer, found that forceful action by suspects was the strongest and most consistent predictor of use of force by police.[11] Furthermore, they found that while 22 percent of arrests involved use of force by police, 14 percent of arrests involved use of force by suspects. Police officers in Phoenix completed a use-of-force survey after each arrest to generate these data.

Finally, Bayley and Garofalo tallied 36 instances of force used by police or suspects out of 467 police-public encounters observed firsthand by

researchers.[12] They found that in 31 incidents police used force against suspects and in 11 incidents suspects used force against police.

One implication of the research is that the decision to use some level of force probably has legal justification in most cases. Force is likely to be used when suspects resist arrest and attempt to flee. Also, in a significant number of instances, suspects use force against the police. These findings leave open the issue of *excessive* force, since issues of proportionality are not clearly addressed. However, the findings do suggest that many debates over excessive force will fall into gray areas where it is difficult to decide whether an officer acted properly, because there is credible evidence that the use of force was necessary.

What We Know with Modest Confidence about Police Use of Force

Use of force appears to be unrelated to an officer's personal characteristics, such as age, gender, and ethnicity.

A small number of studies suggest that use of force by police is not associated with personal characteristics, such as age, gender, and ethnicity. Bayley and Garofalo concluded that use of force is not related to age, although it may be related to experience.[13] Worden, in an analysis of observational data on 24 police departments in 3 metropolitan areas, concluded that the personal characteristics of police officers do not have a substantively significant effect on use of force.[14]

Likewise, Garner and colleagues reported that the race of suspect and officer is not predictive of use of force.[15] However, they found that incidents involving male police officers and male suspects are more likely to involve force. Alpert and Dunham (see chapter 5 in *Use of Force by Police*) found that officer characteristics are of little utility in distinguishing between force and nonforce incidents.

Hence, gender and ethnicity appear unrelated to use of force. Given the limited research in this area, these conclusions should be accepted with caution and additional verification of these findings is needed.

It is widely accepted in criminology that violence, along with a wide variety of other risk-taking and norm-violating behaviors, is a young man's game. Thus, we should expect that young, male police officers should use force more than their female colleagues or older officers. The fact that this is not clearly the case seems surprising.

A lack of relationship between age and gender, on the one hand, and use of force, on the other, may be a function of police hiring and deployment practices. Retirement plans keep the age of police officers lower than that of most other occupations, and seniority, which is derivative of work experience, often brings more choice in work assignments, including duties that limit one's contact with criminal suspects on the street. Both these tendencies serve to constrain variation in the age of police officers who are exposed to potentially violent situations. This may attenuate the relationship between age and use of force. However, it is equally plausible that young male officers are

assigned to high-crime areas where frequent use of force is necessary to gain compliance. Finally, it is possible that exposure to the police culture works to encourage the use of force, thus counterbalancing the decline in aggressivity that comes with age as demonstrated in criminological studies. More research is needed to disentangle these relationships.

The finding that an officer's race is unrelated to the propensity to use force runs counter to the argument that racial animosity lies at the heart of police abuse. Indeed, Alpert and Dunham's research (see chapter 5 in *Use of Force by Police*) indicates that officers are more likely to use force against suspects of their own race. The lack of relationship between race and use of force, as well as between gender and use of force, is probably disheartening to those who argue that integration of police agencies along racial and gender lines will do much to reduce the incidence of police violence. Again, more research is needed to understand the situation of minority and female police officers with regard to their use of force.

Use of force is more likely to occur when police are dealing with persons under the influence of alcohol or drugs or with mentally ill individuals. More research is needed.

Police come across a wide variety of situations in their work. They encounter problems that range from relatively minor to serious to potentially deadly. They also interact with people exhibiting various mental states, including persons who are hysterical, highly agitated, angry, disoriented, upset, worried, irritated, or calm.

Two situations that often give police officers cause for concern are when suspects appear to be under the influence of alcohol or drugs and when civilians appear to suffer from serious mental or emotional impairments. The concern stems from the fact that in such situations a person's rational faculties appear impaired. In dealing with problem situations, officers most often talk their way, rather than force their way, into solutions. For this reason, when a civilian is in a highly irrational state of mind, the chances of the police officer having to use force presumably increase and the possibility of injury to both officer and civilian increases as well.

Research carried out for the President's Commission on Law Enforcement and Administration of Justice observed that alcohol use by either a suspect or an officer increased the chances that force will be used.[16] Garner and colleagues found that alcohol impairment by suspects was a consistent *predictor* of police use of force, while drug impairment predicted increased use of force for some but not all measures of use of force.[17] In contrast, Alpert and Dunham (see chapter 5 in *Use of Force by Police*) observed that alcohol or drug impairment of suspects was unrelated to police use of force or subsequent injury. That finding is interesting because, although impaired civilians did not demonstrate an increased propensity to resist an officer's actions, when they did resist they were more inclined to do so by actively resisting or assaulting the officer.

Part of the disparity in findings between the President's Commission's research and more recent studies may be attributed to the fact that police offi-

cers today are better trained in how to deal with impaired civilians. Most police officers now receive training in a variety of violence reduction techniques, and this development is partly attributable to concerns over the President's Commission's findings and over the frequency with which police now are called to respond to large-scale violence, such as riots.

Questions about how police deal with civilians who appear to have impaired mental states are important from administrative and practical points of view. Police officers are expected to exercise restraint in dealing with impaired civilians, while at the same time they need to be cautious about protecting their safety as well as the safety of other civilians. This puts them in a precarious situation, one in which mistakes of judgment or tactics can have grave consequences.

From a practical standpoint, police regularly encounter civilians with impaired mental states, which makes the problem more than academic. Alpert and Dunham (see chapter 5 in *Use of Force by Police*) found that in 42 percent of use-of-force situations, suspects appeared to be under the influence of alcohol or drugs. Overall, the research on whether police use force more frequently in relation to civilians with impaired mental states is inconsistent. Further investigation, with an emphasis on implications for training, could reduce the risk of force and injury for both police officers and civilians.

A small proportion of officers are disproportionately involved in use-of-force incidents. More research is needed.

We often are told that a small number of people are responsible for most of the productive or counterproductive work in an organization. For example, we hear about the 80/20 rule in organizational management. That is, 20 percent of the workers account for 80 percent of the work. Policing has its counterpart explanation for deviant or illegal behavior. It is called the rotten apple or rogue officer theory, and it is often used to explain police corruption. Recently, a variation of this theory has become the principal explanation for use-of-force problems in police departments. In this context, we speak of "violence prone" police officers and we point to these individuals as the reason why a department has problems with the use of force.[18]

People with extraordinary work performance, either good or bad, are noticeable when compared with their colleagues, and their salience leads us to think that their work is highly consequential to the good fortunes or misfortunes of an organization. The utility of this perspective for police managers attempting to deal with illegitimate use of force lies in the presumed concentration of problem behaviors in the workforce. If only a handful of police officers accounts for most of the abuses, then effective solutions targeted at those individuals should deal with the problem. The nature of the solution, be it employee selection, training, oversight, or discipline, is less important than its degree of effectiveness and its ability to be directed at the problem group of employees.

The Christopher Commission, which investigated the Los Angeles Police Department subsequent to the Rodney King incident, highlighted the "violence prone" officer theory.[19] The Commission, using the department's database, iden-

tified 44 officers with 6 or more civilian allegations of excessive force or improper tactics in the period 1986 through 1990. For the 44, the per-officer average for force-related complaints was 7.6 compared with 0.6 for all officers identified as having been involved in a use-of-force incident for the period January 1987 through March 1991. The 44 officers were involved in an average of 13 use-of-force incidents compared with 4.2 for all officers reported to be using force.

Put another way, less than one-half of 1 percent of the department's sworn officers accounted for more than 15 percent of allegations of excessive force or improper tactics. The degree of disproportion (30:1) is striking and suggests that focusing efforts on a handful of officers can eliminate roughly 1 out of 7 excessive force incidents. This finding has led many police departments to implement early warning systems designed to identify high-risk officers before they become major problems. Most of these systems use administrative records, such as disciplinary records and citizen complaints, to monitor officer performance for possible problems.

The concept of an early warning system for risk management of problem police officers is not new. In the early 1980s, a report on police practices by the United States Commission on Civil Rights found that "[e]arly warning' information systems may assist the department in identifying violence-prone officers."[20] Consequently, it was recommended that "[a] system should be devised in each department to assist officials in early identification of violence-prone officers."[21]

Until recently, these systems received limited acceptance, owing in part to concerns over possible abuses. The abuses include use of inaccurate information, improper labeling of officers, misuse of confidential records regarding discipline and other personnel matters, and social ostracism by peers and community for officers identified as problematic. There also were concerns about limited resources and about increased legal liability for the organization and individual officers.

As Toch observes, the violence-prone officer paradigm often is based on a variety of loosely articulated theories of violent behavior.[22] The theories include concepts such as racial prejudice, poor self-control, and ego involvement. Furthermore, these theories often overlook the possibility that greater-than-average use of force may be a product of situational or organizational characteristics.

For example, an officer's work assignment may involve a high-crime area that contains a high proportion of rebellious offenders. Also, divisive, dehumanizing views of the world, such as "us-them" and "good guy-bad guy," that facilitate violent behavior may be supported by the organizational culture. Further, administrative views of work roles and products, communicated formally or informally, that emphasize crime control through aggressive police behavior may encourage confrontational tactics that increase the chances of violent behavior by either civilian or police officer. Unless the reasons for violence propensity are accurately identified, the effectiveness of interventions targeted at violent police officers is a hit-or-miss proposition.

Of the 44 officers identified by the Christopher Commission in 1991, 14 *subsequently* left the department as of October 1997. Of the 30 remaining offi-

cers, two had a use-of-force complaint that was sustained after review between 1991 and 1997.[23] This low number may be due to a variety of reasons, such as difficulties in sustaining citizen complaints, reassignment of work duties, negative publicity leading to a change in behavior, or greater circumspection when engaging in misconduct. However, the finding also may reflect regression to the mean. This is a statistical phenomenon postulating that extreme scores gravitate toward the mean or average score, thereby becoming less extreme over time.

For example, groups of police officers who receive many citizen complaints, or who are disproportionately involved in the use of force, or who frequently are given poor performance ratings, will tend to become "better" over time, in the sense of statistically looking more like the "average" officers, even if nothing is done about these problems. Statistical regression represents a serious threat to the validity of early warning systems based on the assumption that extreme patterns of behavior persist over extended periods of time.

What We Do Not Know About Police Use of Force

The incidence of wrongful use of force by police is unknown. Research is critically needed to determine reliably, validly, and precisely how often transgressions of use-of-force powers occur.

We do not know how often police use force in ways that can be adjudged as wrongful. For example, we do not know the incidence of excessive force, even though this is a very serious violation of public trust. We could pull together data on excessive force using police disciplinary records and court documents, for example, but the picture would be sketchy, piecemeal, and potentially deceiving. When it comes to less grave or less precise transgressions, such as "improper," "abusive," "illegitimate," and "unnecessary" use of force, the state of knowledge is even more precarious.

In discussing this issue, we will concentrate on excessive force, because these transgressions are of utmost concern to the public and because well-established professional and legal criteria are available to help us evaluate police behavior. Notwithstanding a generally agreed-upon terminology, we should recognize that developing a count of excessive force that is beyond all dispute is an unworkable task. This is so because difficult judgments are involved in deciding whether use of force fits the criteria for these categories in a given situation, and reasonable people will disagree in such judgments. We clearly need more accurate, reliable, and valid measures of excessive force if we are to advance our understanding of these problems.

Academics and practitioners both tend to presuppose that the incidence of excessive force by police is very low. They argue that, despite their shortcomings, agency statistics provide a useful picture of the use-of-force problem. These statistics show that most officers do not engage in force on a regular basis, that few people are injured by police use of force, that only a small number of people complain about police misconduct involving use of force, and that only a handful of these complaints are sustained.

The argument has appeal. We believe that the vast majority of police officers are professionals who respect the law and the public. If use of force is uncommon, civilian complaints are infrequent, and civilian injuries are few, then excessive force by police must be rare. That conclusion may indeed be correct, but to the extent that it hinges on official police statistics, it is open to serious challenge.

Current indicators of excessive force are all critically flawed. The most widely available indicators are civilian complaints of excessive force and civil lawsuits alleging illegal use of force. Civilian complaints of excessive force are infrequent, and the number of substantiated complaints is very low. These figures are consistent with the argument that excessive force is sporadic. However, complaint mechanisms are subject to selection and reporting biases, and the operation of complaint systems, which typically is managed by police, wields considerable influence on whether people will come forward to complain.

Civil lawsuits against police are exceedingly rare relative to the number of times that police use force. Because the legal process is highly selective in terms of which claims get litigated, lawsuits are a very unreliable measure of illegal use of force. With both civilian complaints and lawsuits, small changes in administrative practices can have a large impact on the magnitude of the problem measured in these ways.

The difficulties in measuring excessive and illegal force with complaint and lawsuit records have led academics and practitioners to redirect their attention to all use-of-force incidents. The focus then becomes one of minimizing all instances of police use of force, without undue concern as to whether force was excessive. From this perspective, other records, such as use-of-force reports, arrest records, injury reports, and medical records, become relevant to measuring the incidence of the problem.

From a theoretical perspective, understanding all use-of-force incidents helps us to put wrongful use of force in perspective. However, because political, legal, and ethical issues are very serious when we are dealing with excessive force, pressures to know the incidence and prevalence of these events with precision will always be present.

As a corollary of our current inability to measure excessive force, we cannot discern with precision changes in the incidence of these events over time and across places. This means that we can neither determine whether excessive force problems are getting better or worse nor determine the circumstances under which those problems are more or less severe.

The impact of differences in police organizations, including administrative policies, hiring, training, discipline, and use of technology, on excessive and illegal force is unknown. Research is critically needed in this area.

A major gap in our knowledge about excessive force by police concerns characteristics of police agencies that facilitate or impede this conduct. Although many of the conditions that arguably lead to excessive or illegal force by police seem obvious, or appear to be a matter of common sense, we *still* greatly need systematic research in this area. We need to know, for exam-

ple, which organizational characteristics are most consequential, which characteristics take on added significance in various environments, and which characteristics are redundant or derivative of other characteristics.

Many formal aspects of the organization—such as hiring criteria, recruit training, in-service programs, supervision of field officers, disciplinary mechanisms, operations of internal affairs, specialized units dealing with ethics and integrity, labor unions, and civilian oversight mechanisms—plausibly are related to levels of officer misconduct. It makes sense that poorly educated, badly trained, loosely supervised, and inadequately disciplined officers are likely to be problematic, and that when such officers are in the majority, the organization is on the road toward disaster. Yet, we lack research that systematically addresses these questions.

Less formal aspects of police organizations—officer morale, administrative leadership, peer culture and influence, police-community relations, relations with other government agencies, and neighborhood environments—also plausibly have a part in levels of officer misconduct. Alienated officers who do not have a clear vision of their role and responsibilities and who are working in disorganized agencies and interacting with the public under stressful circumstances probably are more likely to abuse their authority, including their authority to use force. Research that systematically addresses these questions is lacking.

Methodological investigation of relations between organizational elements and use-of-force transgressions will help explain police misconduct at a theoretical level. More importantly, research on these questions will allow us to deal effectively with police misbehavior. Faced with serious misconduct problems in a police agency, we need to focus scarce resources on those aspects of police organizations that are most clearly related to ensuring proper conduct of officers with regard to use of force. Generalized efforts to reform police organizations that are expected to reduce misconduct problems tend to be inefficiently focused and thus appear clumsy, inadequate, and misinformed.

Research must focus on establishing the relative cost-effectiveness of various strategies to reduce or eliminate police misconduct. Furthermore, only strategies that are solidly grounded in theory, practice, and empirical research will provide reliable solutions with predictable costs and benefits.

Influences of situational characteristics on police use of force and the transactional nature of these events are largely unknown. More research is necessary.

Research on police-citizen encounters reveals that use of force by police is situational and transactional. That is, police respond to circumstances as they first encounter them and as they unfold over time. For example, Bayley and Garofalo observed that the situations most likely to involve police use of force are interpersonal disturbance and violent personal crime.[24] Beyond this, however, we do not know much about the types of events that enhance the likelihood that police will use force.

Similarly, we have noted that when suspects attempt to flee or physically resist arrest police are more likely to use force. We also noted that in many cases

both police and suspects use force against each other. However, these findings do not address the transactional nature of police-public encounters in that they do not describe the step-by-step unfolding of events and interactions. Knowing that police use force if suspects physically resist arrest, it matters if police use force without provocation and the suspect responds by resisting or vice versa.

A variety of situational elements plausibly are related to police use of force. If police are called to a scene where there is fighting, they may have to or believe they have to use force to subdue the suspects. If they are called to a domestic dispute where emotions are running high, they may have to or believe they have to use force to gain control of the situation. If they are called to intercede with a civilian who is recklessly brandishing a weapon, they may have to or believe they have to use force to protect themselves and others. Use of force in such circumstances maybe justifiable, but to the extent that it is predictable, we can prepare officers for these encounters and devise alternative strategies that minimize or eliminate the use of force.

Some situational factors may increase the chances that force of questionable legitimacy will be used. For example, officers sometimes use force on the slightest provocation following a high-speed car chase, when adrenaline levels are high. They may use force more frequently when they are alone, because they feel more vulnerable or believe that they can get away with it. They may use force more frequently as a way of emphasizing their authority when suspects are disrespectful or when there is a hostile audience to the encounter. At this point, however, knowledge about the types of police-citizen encounters in which police are likely to use force is rudimentary.

Police-public encounters are transactional in the sense that all the actors in a situation contribute in some way to its development and outcome. Understanding the transactional nature of police use of force is important because it emphasizes the role of police actions in increasing the chances that force will be used.

From this perspective, it is possible to minimize the use of force by modifying the behavior and tactics of police officers. By understanding the sequences of events that lead police to use force, we can gain a greater degree of control over those situations and possibly redirect the outcome. But we have only a basic understanding of the transactional nature of use-of-force situations, despite the fact that sequences of actions and interactions are highly germane to determining whether use of force was excessive or illegal.

NOTES

[1] Bierce, Ambrose, *The Devil's Dictionary*, New York: Dover, 1958: 101.

[2] "Justice Department Consent Decree Pushes Police to Overhaul Operations," *Pittsburgh Post-Gazette*, March 1, 1998, C-1.

[3] Based on an investigation in 14 cities, Human Rights Watch described the brutality situation as follows: "[p]olice officers engage in unjustified shootings, severe beatings, fatal chokings, and unnecessarily rough physical treatment in cities throughout the United States, while their police superiors, city officials and the Justice Department fail to act decisively to restrain or penalize such acts or even to record the full magnitude of the problem." Human Rights

Watch, *Shielded from Justice: Police Brutality and Accountability in the United States*, New York: Human Rights Watch, 1998: 1, 27.

[4] A previous summary of research on police use of force can be found in McEwen, Tom, *National Data Collection on Police Use of Force*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics and National Institute of Justice, April 1996, NCJ 160113.

[5] Bayley, David H., and James Garofalo, "The Management of Violence by Police Patrol Officers," *Criminology*, 27(1)(February 1989): 1–27; and Bayley, David H., and James Garofalo, "Patrol Officer Effectiveness in Managing Conflict During Police-Citizen Encounters," in *Report to the Governor, Vol. III*, Albany: New York State Commission on Criminal Justice and the Use of Force, 1987: 131–88.

[6] Adams, Kenneth, "Measuring the Prevalence of Police Abuse of Force," in *And Justice For All: A National Agenda for Understanding and Controlling Police Abuse of Force*, ed. William A. Geller and Hans Toch, Washington, DC: Police Executive Research Forum, 1995: 61–97.

[7] Greenfeld, Lawrence A., Patrick A. Langan, and Steven K. Smith, *Police Use of Force: Collection of National Data*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics and National Institute of Justice, November 1997, NCJ 165040.

[8] Ibid.

[9] Pate, Antony M., and Lorie A. Fridell, with Edwin E. Hamilton, *Police Use of Force: Official Reports, Citizen Complaints, and Legal Consequences*, Vols. I and II, Washington, DC: The Police Foundation, 1993.

[10] Greenfeld, Lawrence A., Patrick A. Langan, and Steven K. Smith, *Police Use of Force: Collection of National Data*.

[11] Garner, Joel, John Buchanan, Tom Schade, and John Hepburn, *Understanding Use of Force By and Against the Police*, Research in Brief, Washington, DC: U.S. Department of Justice, National Institute of Justice, November 1996, NCJ 158614.

[12] Bayley, David H., and James Garofalo, "The Management of Violence by Police Patrol Officers"; and Bayley, David H., and James Garofalo, "Patrol Officer Effectiveness in Managing Conflict During Police-Citizen Encounters."

[13] Ibid.

[14] Worden, Robert, "The 'Causes' of Police Brutality," in *And Justice For All: A National Agenda for Understanding and Controlling Police Abuse of Force*, 31–60.

[15] Garner, Joel, John Buchanan, Tom Schade, and John Hepburn, *Understanding Use of Force By and Against the Police*.

[16] Reiss, Albert J., Jr., *Studies on Crime and Law Enforcement in a Major Metropolitan Area*, President's Commission on Law Enforcement and Administration of Justice, Field Survey No. 3, Washington, DC: U.S. Government Printing Office, 1967.

[17] Garner, Joel, John Buchanan, Tom Schade, and John Hepburn, *Understanding Use of Force By and Against the Police*.

[18] Toch, Hans, "The 'Violence-Prone' Police Officer," in *And Justice For All: A National Agenda for Understanding and Controlling Police Abuse of Force*, 99–112.

[19] Independent Commission on the Los Angeles Police Department, *Report of the Independent Commission on the Los Angeles Police Department*, Los Angeles: Independent Commission on the Los Angeles Police Department, 1991.

[20] United States Commission on Civil Rights, *Who's Guarding the Guardians? A Report on Police Practices*, Washington, DC: United States Commission on Civil Rights, 1981: 159.

[21] Ibid.

[22] Toch, Hans, "The 'Violence-Prone' Police Officer," 112.

[23] Office of the Inspector General, Los Angeles Police Commission, "Status Update: Management of LAPD High-Risk Officers," Los Angeles: Los Angeles Police Commission, 1997.

[24] Bayley, David, H., and James Garofalo, "Patrol Officer Effectiveness in Managing Conflict During Police-Citizen Encounters."

31

Use-of-Force Policy, Policy Enforcement, and Training*

Lorie A. Fridell

Introduction

Police officers have the right to use reasonable force—even deadly force—in the course of doing their jobs.[1] At times, they are required to make split-second decisions regarding whether to use force and what type of force to use. The agency executives (that is, chiefs and sheriffs) must provide tools to their officers so that they can make those difficult decisions. The goal of a law enforcement agency executive is not to eliminate use of force by his/her officers, but to "optimize" it (Fridell and Pate, 1997). This means that force is used to the extent necessary so that officers are able to conduct law enforcement functions and do so without injury or death. Force is not used when it could be avoided, and force is used only in the amounts necessary to achieve legitimate objectives.

Critical to achieving force optimization in a department are (1) the adoption of sound and effective policies, (2) implementation of mechanisms to promote policy adherence and accountability, and (3) training to ensure that officers have the knowledge, skills, and judgment to act in accordance with agency policy.

Policy Content

The breadth of activities covered by agency policies and the comprehensiveness of those policies have increased over the years. Policies related to force, particularly deadly force, are no exception. In the late 1960s, the Presi-

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