AELE Monthly Law Journal

Cite as: 2007 (4) AELE Mo. L. J. 501 Special Articles Section - April, 2007

Use of Force and The Hollywood Factor

By Jeffry L. Johnson

Contents

- The Standard
- Who Decides?
- Why So Critical?
- Policing in the Video Age
- The Hollywood Factor
- The Demonstrative Bullet Fallacy
- The Code of the West
- Violent Police Violent Business
- Bridging the Gap
- The Heart of the Problem

What is the difference between reasonable police force and excessive force? Who decides where one ends and the other begins? How objective is the standard? What influences impact that standard? This article will examine conflicting views of reasonable force, identify and isolate particular factors that have created and perpetuated this growing conflict, specifically between police and community members. It will also attempt to identify how police managers can make that standard more objective, fair and understandable to both officers as well as civilians, particularly those civilians who directly make and influence judgments of officer conduct in force incidents.

THE STANDARD

We know that California law, like most states, allows officers to use "reasonable" force when attempting to apprehend a suspect. The US Supreme

¹ California Penal Code 835a.

Connor.² This 1989 landmark case mandated that the determination of objective reasonableness must be judged from the perspective of the *officer on the scene*, allowing for the fact that force situations often call for split-second decisions, and must be reviewed without regard to the officer's underlying intent or motivation. The Court expressly understood and stated that "not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers," is unreasonable in the final analysis if we are judging it through the eyes of the officer at the scene. Translation? No Monday morning quarterbacking should be allowed.

The truth is, we do see Monday morning quarterbacking, particularly in high profile or video taped force incidents. To some degree there has to be. When we are talking about inflicting injury or even taking someone's life, of course individual officers and police agencies need to be willing to submit to scrutiny. However, the scrutiny must be fair, and based upon an objective standard. Our officers—and our communities—need to be able to count on the rules being consistent, and that they won't change or vary if the incident happens to be a high profile one.

WHO DECIDES?

There are many individuals at various levels that have input into the decision of what is reasonable force. Many are civilians with no law enforcement experience. They may be members of civilian review boards, civil service boards, district attorney offices, attorney general, justice department or part of numerous other outside agencies. They may be civilian administrators, elected officials, politicians, judges, attorneys, members of a grand jury, trial jury, or other entities. And this does not include community activists, special interest groups, and members of the media that impact public opinion and may in turn influence official rulings on force incidents.

Some of these people will have had training and experience in the use of force, but many—probably most—will not. Some will depend upon police force experts to explain and clarify the legal, policy and procedural issues, tactics, equipment, and force option training, as well as the psychological factors that influence force incidents. Yet some of them will have limited—if any—resources to clarify the force incidents they are reviewing.

This can be a big problem. Police officers often forget that most people do not share their experience and knowledge of how force works. Even sworn

² 490 U.S. 386 (1989).

³ Johnson v. Glick, 481 F.2^d, at 1033, quoted in <u>Graham</u> at 390.

officers sometimes become somewhat hazy on practical force principles if they have been removed from it for a long time, if for example they assume management or administrative roles. This can present a problem as well if they are the ones passing judgment on officer force incidents.

Police managers need to periodically remind themselves of the unique dynamics involved in every use of force incident. Further, they must ensure that those civilians who have little or no experience in such matters, yet who are in positions to judge are educated so their concept of reasonableness will be fair and consistent. We all must be aware of the factors that influence reasonableness, and strive to consistently read from the same page of music. If we do not, our officers and our agencies will continue to face unfair scrutiny that will tarnish our reputations and negatively impact our profession.

WHY SO CRITICAL?

The following quote by Federal District Court Judge John Davies, the judge who presided over the Rodney King officers' second trial, helps to illustrate the problem.

Where an officer's initial use of force is provoked and lawful, the line between a legal arrest and an unlawful deprivation of civil rights within the aggravated assault guidelines is *relatively thin*.⁴

The line between reasonable force and a criminal excessive force beating is thin indeed. There is no middle ground, no buffer zone. It's either reasonable or criminal. One extra baton strike, shove or control hold can make the difference between an officer doing his job and being sent to prison.

The diagram below may help illustrate the problem. This being the case, how critical is it that the standard is defined and objective?

FORCE

Reasonable Criminal -

You may recall that in the Rodney King officers' federal (second) trial, Sergeant Stacy Koon and Officer Lawrence Powell were found guilty, subsequent to the LA Riots that ultimately cost over a billion dollars, resulted in the deaths of 58 people, and as many as 2,000 injuries.

⁴ <u>U.S. v. Koon</u>, 833 F.Supp. 769 (1993).

Judge Davies ruled in his sentencing memorandum⁵ that, of the total fifty-plus baton strikes, only about the last six (or so) inflicted by Officer Powell were unreasonable, and therefore excessive. The judge further ruled that Rodney King's head injuries, facial fractures, as well as his fibula (leg) fracture were all part of a reasonable use of force. It only became unreasonable when Officer Powell failed to stop striking him toward the very end of the tape, when it was judged that King had stopped resisting.

This incident went from reasonable to criminal in the blink of an eye. Yet many might disagree on that conclusion. Some may claim the whole incident was excessive from the outset. Interestingly however, the five-second clip of video that was played incessantly on the news for weeks after the event, upsetting so many people and contributing to the rioting and social unrest, was a portion of the incident that was subsequently ruled reasonable and justified by Judge Davies.

This leads us to the conclusion that the public may not always perceive and evaluate force the same way law enforcement and the justice system do. Why is this? It can lead to serious problems when it is members of this same public who are the politicians, board members, administrators or elected officials evaluating police force incidents. In truth, there are actually some very specific influences that have created this divide. Identifying and understanding them may help explain why we see things differently and how we can correct the problem.

POLICING IN THE VIDEO AGE

What causes many in law enforcement to view a force incident as reasonable, yet many civilians to see the same incident as unreasonable? This was not a major issue even twenty-five years ago because, except for the participants and a limited number of civilian eye-witnesses, few people had seen an actual use of force incident. If an incident was scrutinized, it was normally done on the basis of a police report or witness testimony. The introduction and ready availability of the video camera to the general public has had an immeasurable impact on police use of force. It effectively took the force incident off the cold, sterile pages of the police report and brought all of its seething ferocity and violence into the living rooms of the general public. It has also polarized law enforcement from much of the community, because each group often comes to a different conclusion on the reasonableness of a video taped force incident. Why is this?

THE HOLLYWOOD FACTOR

⁵ <u>U.S. v. Koon</u>, 833 F.Supp. 769, at p. 776.

The Hollywood Factor may be defined as the influence the media, i.e., television and the movies have played on the public perception of what constitutes reasonable force. It can be divided into three sub-categories: the *Demonstrative Bullet Fallacy*, the *Code of the West*, and the *Violent Police – Violent Business* misconceptions.



Every person who has reached the age of majority in this country has witnessed literally thousands of force incidents. They have not only observed numerous police fights and skirmishes of various kinds, they have also seen countless officer involved shootings and homicides. The problem is, none of it was real. It was all filmed by people who have little or no experience in police force situations. That is to say *they do not understand or appreciate the physics and dynamics of how force works*. What does a real fight look like? How do people react to the impact of police weapons? What is the physical effect of a gunshot wound? What is it like to be in the shoes of a police officer having to use force in the course of his job? Experience shows that real life is very different from the movies. This doesn't mean that the viewing public does not truly believe they understand how it works and how it looks based on what they've seen on movie and TV screens.

Many also base their ideas of the rules, laws, policies and morality that govern police force based on what Hollywood has shown them. This is often erroneous as well. This is a critical issue that has led to a great deal of public misunderstanding in its perception of force incidents.

The Demonstrative Bullet Fallacy

Ever since Dirty Harry came along with his .44 Magnum hand-cannon, when someone gets shot on TV or the movies (and don't forget video games) two things immediately happen: 1) the victim will jerk convulsively, go flying through windows, off balconies, or lose limbs, and 2) there will immediately emerge a geyser of blood spewing forth from his wound, leaving no doubt that this person

has been shot, and pinpointing exactly where the bullet has struck. This depiction has become progressively more severe and graphic each year in order to maintain the public's interest and ensure box office profits. It definitely adds to the dramatic effect, and it is obvious why Hollywood perpetuates and amplifies it, but it is not reality.

This concept is reinforced by various firearm and shooting magazines that discuss and propagate the idea of handgun "knockdown power" and "one-shot stopping power." The truth is, the whole idea of handgun knockdown power is a myth. It simply doesn't work that way.

The Federal Bureau of Investigation Firearms Training Unit published a concise yet insightful report that speaks directly to this issue.⁶

A bullet simply cannot knock a man down. If it had the energy to do so, then equal energy would be applied against the shooter and he too would be knocked down. This is simple physics, and has been known for hundreds of years. The amount of energy deposited in the body by a bullet is approximately equivalent to being hit with a baseball. Tissue damage is the only physical link to incapacitation within the desired time frame, i.e., instantaneously.⁷

The report cites previous studies that have calculated bullet velocities and impact power, concluding that the "stopping power" of a 9mm bullet at muzzle velocity is equal to a one-pound weight (e.g., baseball) being dropped from the height of six feet. A .45 ACP bullet impact would equal that same object dropped from 11.4 feet. That is a far cry from what Hollywood would have us believe, and actually flies in the face of what even many in law enforcement have come to mistakenly believe.

For example, recall the President Reagan assassination attempt in 1981. The shooter, John Hinkley was firing a .22 cal. Handgun. The courageous Secret Service agent who took a bullet for the president jerked quite noticeably as he observed the bullet strike him in the lower torso. Yet President Reagan, who was struck by the same type of bullet, also in the torso, but didn't know someone was shooting at him, wasn't even aware he'd been hit until minutes after it happened. Often even experienced officers react based on how they believe the dynamics of the force *should* work rather than how they actually do. In other words, even cops are not exempt from the Hollywood Factor.

•

⁶ Patrick, Urey W., Federal Bureau of Investigation, Firearms Training Unit, "Handgun Wounding Factors and Effectiveness" (1989).

⁷ Ibid., p.9.

The FBI report also emphasizes that unless the bullet destroys or damages the central nervous system (i.e., brain or upper spinal cord), incapacitation of the subject can take a long time, particularly if one is engaged in a firefight.

Failing a hit to the central nervous system, massive bleeding from holes in the heart or major blood vessels of the torso, causing circulatory collapse is the only other way to force incapacitation upon an adversary, and this takes time. For example, there is sufficient oxygen within the brain to support full, voluntary action for *10-15 seconds* after the heart has been destroyed.⁸

More often than not, an officer firing at a suspect will not immediately know whether he has even struck his target. The physics are such that the body will rarely involuntarily move or jerk, and usually there is no noticeable spewing of blood or surface tearing of tissue. Often there is no blood whatsoever. In fact, generally in the excitement of the moment the only way the officer will even know he is hitting the mark is if and when the suspect goes down. Seeing how we universally teach our officers to fire until the threat is eliminated—i.e., the suspect surrenders, goes down, and/or is otherwise incapacitated—this may result in the firing of numerous rounds, unlike the "one-shot drop" mentality the movies have created. And if in fact it takes 10-15 seconds for a suspect to become incapacitated, an officer can easily empty a full 17-round magazine before he or she observes any indication of incapacitation whatsoever. If there is more than one officer firing, that total may reasonably increase exponentially.

Too often officers' judgment is questioned when it appears they have fired too many rounds at a suspect. Recall the example of Amadou Diallo, the suspect in the 1999 incident in which four New York PD officers fired a total of forty-one rounds, fatally striking him nineteen times, believing he had a gun. The Diallo incident caused serious rioting, public protest and unrest, comparable to the Rodney King riots in LA.

The four officers were criminally charged but ultimately acquitted after a full trial. The medical examiner testified at trial that based on bullet trajectory, Diallo was standing upright when struck by at least sixteen of the nineteen hits, then was either falling or down for the remaining three. ¹⁰

Were the officers justified in firing as long as the suspect remained upright and was armed as they believed? And even when down, does that mean a suspect

⁸ Ibid., p. 8.

⁹ Newgard, Ken, MD, "The Physiological Effects of Handgun Bullets: The Mechanisms of Wounding and Incapacitation" (1992).

¹⁰ Court TV Archives, http://www.courttv.com/national/diallo/archive.html (1999).

is "incapacitated" and officers must cease firing? How many other shootings have been negatively scrutinized because of the perception that too many rounds were fired? Do you think an understanding of the demonstrative bullet fallacy might make a difference in the way the public views such incidents?

The Code of the West



From the earliest days of film making, Hollywood has instilled in us that there is an unwritten code that all good guys must live by. The code may not always make much sense in the real world, but it has created an implied expectation for real law enforcement.

- 1. Good guys never have the advantage. In earlier films, if the bad guy ran out of ammo, the good guy felt somehow compelled to throw away his own gun and finish the conflict mano a mano. Even in more modern films the code lives on with good guys routinely giving up their guns to save hostages, or fate somehow places them in hopeless, outgunned situations from which they ultimately triumph. With this in mind, how can an officer reasonably strike an unarmed suspect with a baton? Or mace him, or shoot him with a less-lethal weapon or even a lethal handgun? This clearly violates the code of the west, but not sound police training standards. Recruit officers are taught to always maintain an advantage in order to gain and/or maintain control. This may include striking an unarmed (and non-compliant) subject with a baton or impacting him with a less-lethal TASER® or bean bag. It may also include shooting someone who ultimately turns out to be unarmed.
- **2.** Good guys are always outnumbered by the crooks, or at best, numerically even. The image of the lone hero facing numerous villains is pervasive in the movies. The real life spectacle of numerous officers standing over a suspect, attempting to control him (e.g., Rodney King) just feels wrong based on this standard. Yet we train our officers to maintain numerical advantage whenever possible. And there is definitely no rule against more than one officer engaging a single suspect—quite the contrary.

- **3.** Good guys are never the aggressor. Good guys don't fight unless forced to do so. They don't like fighting or using weapons, but are usually really good at both (interesting paradox). It usually takes some dramatic, tragic event to motivate the good guy to use force. In real life officers must often be the aggressors to maintain control, particularly in situations of passive resistance, i.e., refusal to comply with reasonable and necessary directions.
- **4.** Good guys never shoot first or throw the first punch. Movie heroes need full, clear and personal justification before they jump into action. They must first be violently and unjustly assaulted so they have full moral authority to kick butt, and have the audience fully behind them. In real life, an officer can't wait until he or she has been incapacitated by a bullet or knocked unconscious by a punch. He/she must anticipate a suspect's actions and control the situation. The officer may be required to grab, take down, mace, tase, strike, or even shoot a suspect before the suspect has shown any physical aggression. Again, this will always look bad to untrained witnesses and on tape.
- **5.** Good guys never hit a man when he's down. The "Code" tells us once a man is down he is not a threat. By that time he is thoroughly beaten and the movie can end. But even if he's faking, he is no match for the merciful yet lucky hero, who can never be defeated through skullduggery. In reality, once the bad guy is down the hard part is just beginning. He must be taken into custody, handcuffed, searched and booked. The movies usually omit that part, yet it is often the most dangerous stage of the encounter. An officer is at his or her greatest disadvantage and vulnerability when taking a suspect into custody. Direct and intimate contact must be made.
- 6. Once the bad guy surrenders it's all over. Similar to the previous rule, however the bad guy doesn't have to be "down" to surrender. After all, the movie bad guys normally capitulate—or die—when defeated anyway, so the scene can simply end there. But once again, the most dangerous part of the encounter comes after the surrender, when the officer must take the suspect into custody. A feigned surrender is a perfect way to draw an officer into a disadvantageous position, particularly if the officer is acting alone without back up, or the suspect possesses a hidden weapon, superior physical skills or conditioning. It is at this point that the suspect has virtually equal access to the officer's weapons. FBI statistics show that in the last ten years, of all officers killed in the line of duty, nearly 16% had their weapons taken away by the suspect.¹¹

¹¹ FBI Report, "Law Enforcement Officers Killed and Assaulted," (Table 14), www.fbi.gov/ucr/ucr.htm#leoka. (2004).

At this point in the arrest, an officer will reasonably be extremely wary and intolerant of any *active resistance* by the suspect, i.e., fighting, kicking, attempting to take the officer's weapons, etc. More importantly, he will and *must* be intolerant of even *passive resistance*. In other words, even if the suspect is not fighting and is standing there passively, but refuses to turn around and place his hands on his head, spread his legs in order to be cuffed and searched, or in more serious cases, refuses to lay prone on the ground, the officer must take action. He does not have the option to wait-out the suspect, or simply approach nonchalantly and hope for the best. In most cases it is reasonable for the officer to make the suspect comply with his orders through the application of force, e.g., baton strike, TASER®, chemical agent, etc. The problem is, it violates the *Code of the West*, and looks really bad to civilian witnesses and on video.

7. Good guys never shoot a person in the back. This may be the best-known and most oft-quoted code of the west. Shooting someone in the back is conclusive evidence—proof—that the shooting was unjustifiable and unreasonable. Only a cowardly, yellow dog would shoot a guy in the back. Right?

Wrong!

The reality is a gunshot wound to the back only proves where the bullet struck. It provides no more evidence of culpability than does a gunshot wound to the front, side, big toe, or anywhere else.

There are a myriad of scenarios in which an officer is perfectly justified in shooting a suspect in the back, either to defend himself, others, or prevent the escape of a dangerous felon. Examples would include a suspect that shoots at the officer and then runs, or a suspect with his back to the officer who is threatening deadly force against a third person. It is also not uncommon for a person to instinctively turn away if he or she is being fired upon by another, thus causing a back, rather than a front or side wound.

8. Good guys will always outlast bad guys in a fight. In other words, even though the hero has struggled through a long, harrowing battle with the villain, he will never be defeated, or be the first one to surrender or retreat. He is stronger and better than the bad guy. At best they are evenly matched physically, but the hero is never outmatched when it counts.

The reality is quite the opposite. When an officer is struggling with a suspect and is attempting to control and *overcome* the suspect's resistance, it is very analogous to a football game where the defense attempts to control the offense. As anyone who's played football knows, the defense will tire before the

offense because it takes much more energy to anticipate and control the actions of another.

The bottom line is that an officer only has a short time—maybe a couple of minutes—to gain control of a suspect before the officer's energy is spent, placing him or her at a dangerous disadvantage. We call this the *fatigue threshold*. ¹² The fatigue threshold will be reached despite the added strength adrenalin provides (which a suspect has as well). In fact, it may actually contribute to officer "hitting the wall," or experiencing a sudden depletion of strength. Modern officers are at an added physical disadvantage due to the personal equipment they carry, specifically wool uniforms, twenty-pound belts, and motion-constricting, heat-retaining ballistic vests.

The closer an officer gets to his or her personal fatigue threshold, the more dangerous the situation becomes, not only to the officer, but often to the public in general. Once the fatigue threshold is reached or passed without placing a resisting suspect in handcuffs or otherwise restraining him, the officer may easily be overcome, then injured or killed should the suspect(s) be so inclined.

We will often see officers in this situation using increasing levels of force to gain control the closer they get to their fatigue threshold. This point may be reached generally anywhere from one to five minutes into a fight, depending upon such factors as the officer's physical conditioning and abilities, the suspect's conditioning and abilities, the suspects level or intensity of resistance, weapons involved, as well as the surrounding environment, i.e., temperature, humidity level, etc. This issue cannot be emphasized enough; it is an area that has largely been overlooked until now.

9. Good guys always win. Though they face horrendous odds, get beaten and bruised, and are even subjected to temporary disgrace, in the end the good guys always come out on top in the movies. As much as we all wish this were reality, it simply is not. Police officers get beaten and killed daily. Hollywood doesn't portray the real pain—the unsexy part—of injury and death. It doesn't show the real long term damage of a bullet, the chronic, lifetime pain of a severe back, neck, or knee injury, or the lives of injured officers in their prime forced into early retirement at a fraction of their salary. And it doesn't show the pain to young families who have lost a father or mother.

It may be for this reason more than any other that real life use of force can't be like the movies. There is simply too much at stake, and there are no second

-

¹² This condition has also been referred to as "*Parasympathetic Backlash*." See Lt. Col. Grossman, David, <u>On Combat</u>, p.15. (2004).

chances if an officer is too lax or careless in his or her response to a resisting suspect.

Violent Police – Violent Business

The final Hollywood myth is the concept that officers fly from call to call shooting and beating people, maybe even justifiably so. After all, in a one-hour cop show there is at least one officer involved shooting or violent confrontation between every commercial break. It causes one to wonder how Hollywood cops ever get caught up on their paperwork.

The fact is, police rarely use force. Statistics show that nationwide, police officers use force at a rate of 3.61 times per 10,000 calls for service to the public. ¹³ Put another way, *police officers do not use force 99.9639% of the time*. Further, in only a fraction of all force cases—about 0.2%—do officers use deadly force. ¹⁴ And it is still true that the vast majority of officers (even in major cities) never fire their weapons on duty. Yet if Hollywood, the nightly news and some vocal activists are to be believed, one would think the police shoot and beat people as often as they start up their black and whites.

This misconception is important to note. The fact that law enforcement uses force so sparingly should be highlighted as a sign of success. It is clear this is a reality in the United States for a number of reasons, including our higher standards of hiring and training, conscientious force incident evaluation and self-regulation, a high level of scrutiny and even peer pressure within our own agencies, greater levels of diversity within our ranks, as well as our increasing openness to outside examination, e.g., community policing, citizen review boards, advisory panels, public forums, etc.

THE HEART OF THE PROBLEM

Due to the above factors and possibly others as well, it would appear there has arisen a distinct disconnect between how police and the public view reasonable force. Can police managers afford to continue a hands-off approach and allow the untrained, often misinformed public to be the final judge of what constitutes reasonable police force, particularly in high profile incidents, without insisting on even a rudimentary understanding of force dynamics? Further, dare they continue to allow the community to maintain unreasonable and conflicting expectations of its law enforcement officers? No one is suggesting that police agencies take a step backward and exclude or discourage the opportunity for

.

¹³ International Association of Chiefs of Police, "Police Use of Force in America," p. i-ii, (2001). www.theiacp.org/documents/pdfs/Publications/2001useofforce.pdf

¹⁴ U.S. Dept. of Justice, "Use of Deadly Force by Police," p. vii, (Oct. 1999).

community involvement and input. However, much of the community is quite frankly unprepared to judge police force without being educated as to its underlying principles. Simple fair-mindedness coupled with the experience of watching a lot of cop shows does not qualify a civilian to analyze force incidents.

Part of the problem may be that since Rodney King, law enforcement agencies that have experienced high profile force incidents have been so intensely scrutinized and brow-beaten by activists and others in the community, they are fearful to assert their expertise, as if in doing so police managers will appear less objective and risk their own political survival. This issue should not be trivialized. It is not simply an issue of police chiefs being more assertive. In fact, *that is often the exact wrong response*.

BRIDGING THE GAP

First, there needs to be a collective recognition that law enforcement is often on a different page than the average citizen when it comes to how we view police force incidents. There is no shame in this, because there are valid reasons for it. Second, the police must not be shy or apologetic about the fact that the real force evaluation experts come from within its ranks. Just as an experienced surgeon is the best person to judge another surgeon's incision and technique where there is an allegation of malpractice, so an experienced police officer and force expert is most qualified to judge—or at least offer a forensic analysis of—a force incident. This is no great insight, but there is reason to believe that in recent years law enforcement professionals and managers have come to doubt this fact, or at least have been reluctant to assert it.

Next, police managers must take active steps to educate the community, and more importantly, those specific community members who sit behind the desks, on the review boards and the commissions that review police force incidents and decide what is reasonable. The necessary education does not need to include extensive weaponless defense technique training, practical firearms instruction, endless scenarios, case law and statutory law review. They do not need to know how to use force, but it is critical they understand what reasonable force should look like. This can be accomplished in a much shorter time frame, often in one eight-hour course of instruction or less. Critical elements of this training should include a force options explanation (i.e., force continuum or paradigm), basic laws of arrest, role-playing, Hollywood factor misconceptions, review of police force statistics and data, and a question-answer session. Of course, it doesn't hurt to include components like firearms tactical simulation training or police ride-alongs to supplement their understanding.

Another component includes educating the general public. Venues such as community academies, town hall meetings, community forums, neighborhood group meetings and other community and faith-based gatherings provide possible opportunities to train and involve larger numbers of citizens in the process. The training can be limited to one or two-hour blocks, containing little more information than is included in this article. This can pay added dividends in the event of high profile force incidents, by cultivating a cadre of informed, nonaligned advocates that can counter the often shrill voices of those who may be quick to criticize the police, or come with an agenda.

Finally, police officers must also be educated. As stated earlier, they are not immune from the effects of the Hollywood Factor. A failure to fully appreciate these misconceptions can result in serious injury. They must not only be aware of the laws and mechanics of force, but also the practical results of their actions. For example, do you think it is important for an officer to appreciate that when he shoots a suspect, the reaction will likely be very different than what he has seen all his or her life on television? Such training is currently not provided in most academies or advanced officer training. Officers need this understanding, and also need to be able to convey it to the community they contact on a daily basis.

Police managers have made great strides over the last several years involving the community in public safety dialog. They have garnered great support within the communities they serve. Unfortunately, sometimes one high-profile force incident has set back this progress by years. This simply does not have to be. In the vast majority of cases our officers either use no force, or use reasonable force to get their jobs done. But even when they are acting reasonably, the visual spectacle of police force is ugly. It never looks good on tape, and rarely enhances the police image at the visceral level. It is in fact sometimes a dirty business, however cliché that phrase may sound. Progressive, professional and community-centered police agencies need to be proactive in educating the community about police force, not only for the sake of the community, but also for their officers.

BIOGRAPHICAL INFORMATION

Jeffry L. Johnson has 25 years experience as a police officer. He is presently a Commander with the Long Beach Police Department, California, assigned as the commanding officer of the Detective Division. He has been a use of force instructor of both police recruits and advanced officers for 15 years. He has served as a legal expert for the California Commission on Peace Officer Standards and Training (POST), and has participated as a writer for the POST Use of Force Curriculum. He is qualified and has testified as a force expert. He is an FBI

National Academy graduate, holds a Masters Degree in Public Administration, a Juris Doctor Degree, and has been a member of the California Bar for 17 years. He also serves as a private consultant and trainer on use of force issues.

Email: <u>jljohns@longbeach.gov</u> or <u>insighttraining@sbcglobal.net</u>



© Copyright 2007 – Jeffry L. Johnson. All Rights Reserved. Permission was granted to AELE and IACP Net to publish this article.

An earlier version of this article was published by the CPOA in the *Journal of California Law Enforcement*. TASER® is a trademark of TASER International.

AELE Monthly Law Journal

841 W. Touhy Ave.
Park Ridge IL 60068-3351 USA
E-mail: editor@aele.org
Tel. 1-800-763-2802

AELE Home Page --- Publications Menu --- Seminar Information