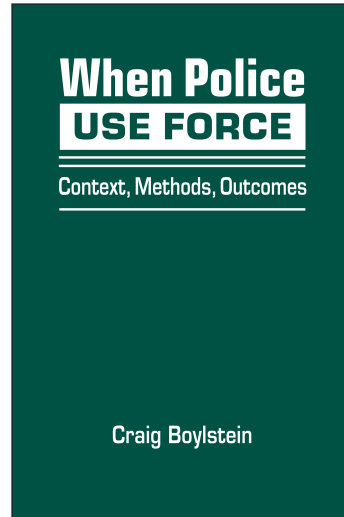


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# When Police Use Force: Context, Methods, Outcomes

Craig Boylstein

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# 1

## Defining Police Use of Force

**For my research on police use of force in the United States, I** begin with the development of a conceptual framework. This conceptual framework consists of a system of concepts, assumptions, expectations, beliefs, and theories that inform my research on the topic (Miles & Huberman, 1994; Robson, 2002). I will use the conceptual framework of police use of force in the United States that I outline in this chapter to define and explain the key variables associated with this concept, ultimately highlighting the relationships among those variables. Before one can measure rates and changes in police use of force, one must define the concept of force so that others clearly understand what is meant by the term. In summary, the way one conceptualizes police use of force will have practical implications regarding how one measures or observes it and what kinds of predictions one will make regarding factors that influence rates.

While police use of force may seem quite different from other kinds of aggressive encounters, similarities do exist across different forms of state-legitimated force. Use of force is a concept frequently presented in studies that contain a national-level unit of analysis. National-level studies on use of force tend to focus on international law, national security issues, and the concept of self-defense. Such macro-level studies often define use of force as aggressive actions conducted by one nation against another (Ferencz, 1972). Aggressive acts between or among nations may involve armed military action (Blechman & Wittes, 1999); cyberwarfare (Hoisington, 2009), such as computer network attacks (Schmitt, 1999); or, targeted drone attacks against select individuals or groups categorized as enemy combatants (Shah, 2010).<sup>1</sup>

Forceful state action against another nation or against state-defined terrorists or terrorist organizations may appear quite different in nature from more localized forms of force, such as the everyday local police-subject



encounters discussed in this book. Ideas about how law governs practice (and who should have influence in establishing and enforcing those laws), concerns over public security, and the ambiguous nature of self-defense, however, are areas of study that remain important in examining any form of state-legitimated aggressive activity, including the type and number of verbally or physically forceful acts used by police officers against the citizens and other members of the public they encounter during their daily work routine. The importance of state control over legitimate forms of force has long been a topic for social and political theorists. For example, Max Weber's 1919 essay *Politics as a Vocation* notes that monopolizing legitimate uses of physical force is critical to establishing state authority. Weber sees the military and police as two parts of the same puzzle (branches of government with legitimate authority to use force on others). In his essay, Weber comments,

Ultimately, one can define the modern state sociologically only in terms of the specific means peculiar to it, as to every political association, namely, the use of physical force. . . . If no social institutions existed which knew the use of violence, then the concept of "state" would be eliminated, and a condition would emerge that could be designated as "anarchy," in the specific sense of this word. . . . [W]e have to say that a state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory. (Emphasis original)

If one were to combine the theoretical propositions of Weber and criminologist Richard Quinney, one could conclude that the foundation of a "just" state is having those state representatives empowered to use violence against other citizens employ such aggressive acts in a consistent, universally justified manner.<sup>2</sup> Quinney (1977) notes, "The concept of justice serves the larger purpose of providing a standard by which we judge concrete actions. We critically understand the actions of the capitalist state, including the administration of criminal justice, because we have an idea of how things could be."

The levels of force that a nation controls are multilayered, ranging from patrols by local police organizations and even private security officers, up through drone strikes on specified targets, to larger military operations aimed at defeating armies or "terrorists" located in other countries. An examination of all forms of state-legitimated force is obviously impractical for one study. For that reason, I focus here on statistical data on local and state law enforcement officers' use of force during police-subject contacts during standard, everyday patrolling. This excludes such police engagements such as riot control, which involves situation-specific protocols, does not entail face-to-face encounters between officers and an individual subject (the kind of force incidents this book is concerned with), and is not included in the existing police-subject contact data.

It has been suggested that the defining characteristic of policing is use of force (Bittner, 1970). Finding definitions of police use of force is not difficult (Alpert & Dunham, 2004; Garner, Schade, Hepburn, & Buchanan, 1995; Paoline & Terrill, 2007; Terrill & Reisig, 2003). It is difficult, however, to find a definition that is universally agreed upon and objectively measurable (Klahm, Frank, & Liederbach, 2014). Research has defined police use of force as “acts that threaten or inflict physical harm on suspects” (Terrill, 2003, p. 56), whereas the International Association of Chiefs of Police (IACP) has defined it as “the amount of effort required by police to compel compliance by an unwilling subject” (Police Use of Force in America 2001). Compelling compliance by an unwilling subject raises many critical issues. For example, how much effort is necessary to compel compliance in a specific situation? Furthermore, with a variety of force options at an officer’s disposal, what kind of force is most appropriate in a specific situation?<sup>3</sup> There are no easy answers as to when to apply force and what type or how much during police-public encounters. One goal of this book is to help make it easier to determine the legitimacy of state-authorized force against a member of the public in future police-public encounters. I will attempt to achieve this goal by analyzing criteria established in assessing subject threat and resistance, which in turn will hopefully help establish ways of deciding the appropriateness of the force used by law enforcement officers as they engage with members of the public during their occupational duties. Before I expand upon my discussion of police use of force, I will present a brief outline of this book’s critical premises and purpose.

1. Using Weber’s theoretical premise that modern states can only be defined sociologically through their monopolization of legitimate physical force against a populace, I first attempt to construct a theoretical framework related to police use of force as one major component of this state monopolization.
2. Once a sound police use-of-force framework is outlined, I analyze current understandings of when specific levels of force used during police-citizen encounters are deemed “necessary and appropriate.”
3. The notions of necessary and appropriate use of police force must be defined and ultimately operationalized.
4. The conceptualization and measurement of necessary and appropriate use of police force is logically intertwined with measuring the level of social justice that exists within any given nation-state.
5. To determine “necessary and appropriate” use of force, one must first consider environmental and situational factors that impact one’s logical assessment of suspect threat to herself and others (including officers and other citizens present in the area) and the level of subject resistance to police (state representative) directives.

6. Once use of force, subject threat, and subject resistance are defined, I explain how these concepts have been measured in studies of police-citizen encounters from 2000–2017.
7. After examining police use of force, subject threat, and subject resistance data, I analyze recent (1985–2016) federal rulings on the legitimacy of specific use-of-force cases (Chapter 2) to understand how the state currently conceptualizes when and what kind of physical force is legitimate in police-public encounters.
8. I then determine if sociological/demographic factors such as race, age, social class, and gender have any effect on predicting level of force used during an encounter or on the percentage of overall encounters where force was used against subjects during police-citizen contact (Chapters 3 and 4).
9. I use existing quantitative data to assess if the various levels of force used against distinct types of subjects (e.g., young African American males, lower-income middle-aged white women) statistically differ (e.g., officers are more likely to swear at members of one group). These findings should help determine if there are areas of concern for levels of social justice in the United States as far as social justice pertains to police-subject encounters.

## **Conceptualizing Police Use of Force**

Not only do police encounter ambiguity regarding the appropriate use of force in their contacts with subjects, but social scientists collecting and analyzing use-of-force data also confront a lack of clarity as to what constitutes use of force and which force scenarios constitute police misconduct. Many researchers (Bazley, Mieczkowski, & Lersch, 2009; Garner, Maxwell, & Heraux, 2002; Hickman, Atherley, Lowery, & Alpert, 2015; Rojek, Alpert, & Smith, 2012) acknowledge the ambiguity with which police use of force is currently measured. Questions regarding the objective assessment of when, how much, and what type of force should be used in specific police-public encounters raise serious concerns over a universal definition of what constitutes necessary, or legitimated, police use of force. Without an agreed-on rubric of what type and amount of force is necessary in police-public encounters, the justification for levels of force used in certain situations often becomes difficult to determine in any objective, universal manner.

Given the high level of ambiguity regarding how to define and measure police use of force, rather than simply offering a definition of police use of force such as the one provided by the IACP (Police Use of Force in America 2001, p. 14) or using a definition published in some particular research study, then quickly moving on to how police use of force is operationally

defined, I first present each of the conceptual aspects involved in how the IACP constructs its definition (the amount of effort used by police, to compel compliance, from an unwilling subject). I analyze the IACP definition of reasonable force in a step-by-step fashion to better understand and define what constitutes reasonable police use of force in everyday practice. The conceptualization of reasonable force, once established, can then be logically compared with what constitutes unreasonable, or excessive, force. While all three aspects associated with police use of force are inextricably intertwined, I believe that eliminating as much ambiguity as possible regarding how to determine reasonable effort in compelling compliance from unwilling subjects will yield the best understanding of when and why police force is necessary (and, conversely, when it is unnecessary).

Although alternative models, such as leadership teams that ultimately make decisions and tailor directives for a police department, do exist across the United States (Wuestewald & Steinheider, 2006), the police chief of a precinct or department typically provides officer directives on the appropriateness of using force in police-public encounters (Angell, 1971; Krimmel & Lindenmuth, 2001). The legal definition of police use of force stemming from the US Supreme Court's 1989 decision in *Graham v. Connor*<sup>4</sup> notes that it must be "objectively reasonable in view of all the facts and circumstances of each particular case." As noted by Terrill and Paoline (2012), determining what is "objectively reasonable" is no easy task, whether undertaken by a police chief or a leadership team, the US Supreme Court, or a jury ultimately deciding what is and is not reasonable force under specific circumstances. Reasonable use of force is often shaped within American policing organizations based on currently existing federal and state laws and regulations. Use-of-force policy is put into everyday practice, at least at the conceptual/theoretical level, through an institutionally established use-of-force continuum (how much and what kind of force to use in specific situations). The organizational use-of-force continuum therefore frequently serves as a rubric or metric that helps establish whether reasonable force was used in any given situation. The first concept I address is "the amount of effort used by police," more commonly referred to as the police use-of-force continuum.

## Understanding the Use-of-Force Continuum

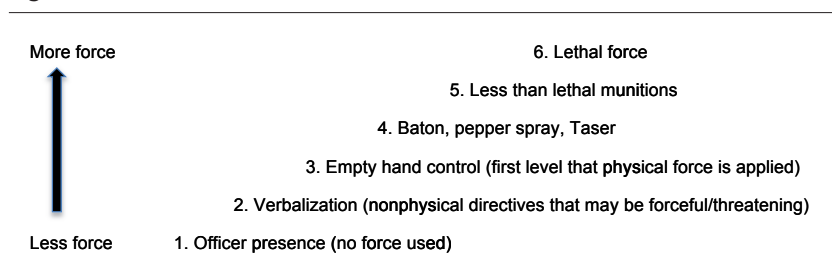
The first issue to examine regarding police efforts to compel compliance from unwilling subjects is whether a universal use-of-force continuum exists. Since most US police organizations are in control of creating and enforcing their own standards as to what constitutes reasonable force, there is a wide variety of use-of-force continuums. Furthermore, not every police

force officially uses a continuum in instructing and assessing what constitutes reasonable force during police-citizen encounters. While not all police organizations implement a use-of-force continuum, an estimated 88 percent do (Smith et al., 2009). A use-of-force continuum is designed to serve as an analytic tool for measuring and examining police use of force relative to the level of an individual's resistance (Terrill, 2001, p. 147). The relationship between amount and type of force used and level of resistance illustrates how various kinds of possible ambiguous factors intersect. That is, one must not only assess if the kind and amount of force used was reasonable but also determine if the individual did in fact resist police directives in such a manner as to warrant a threat or application of such force. This web of ambiguity and uncertainty during police-public interactions led me to ferret out each aspect involved in determining reasonable force individually, at least initially. Even so, due to the nature of police-public encounters, the level and type of force used, the level of subject resistance, and compulsion of compliance will at times overlap, particularly in assessments of actual "real-time" interactions between officers and subjects.

There are many ways of diagramming a use-of-force continuum. One method is linear and steplike; in another, distinct levels of the continuum branch out, depending on the subject's actions (thus an officer could go directly to deadly force if necessary). Another method uses a wheel diagram, which, like a branching diagram, seeks to represent the nonlinear nature of use-of-force decisions. I will first show a traditional steplike continuum model (Figure 1.1) and present a wheel diagram later in the chapter (after I discuss unwilling subjects and compelling compliance). The National Institute of Justice (NIJ) use-of-force continuum (The Use of Force Continuum, 2009) may be displayed as shown in Figure 1.1, with police officer presence in an encounter and no threat or application of force at the bottom, or base, and lethal use of force at the top, or apex, of force options.

Starting at the base of the continuum, officer presence in and of itself is considered the best way of handling compliance during police-public

**Figure 1.1 Standard Use-of-Force Continuum**



encounters (Tyler & Huo, 2002). Simply having a police officer present may be enough to deescalate a situation and control the encounter. In these situations, no threatening gestures, words, or actions are necessary. At times, officers may need to verbalize commands (e.g., “Please hand me your driver’s license and registration”). Such verbal commands are typically given in a calm voice and remain nonthreatening. At this stage, there is no intersection of force and resistance. Officer presence and initial stages of verbalization are nonforceful. The verbalizations are simply calm directives issued by officers to successfully engage with citizens in various kinds of encounters.

Verbalizations are likely to escalate when officers perceive citizen resistance or noncompliance with directives. Commands such as “Stop,” “Don’t move,” “Get down on the ground,” and “Put your hands behind your back” are often succinct and may be vocalized with increased volume and severity of tone. The kinds of commands that I just mentioned are often seen as the last attempt by an officer to obtain citizen compliance to directives without the use of some level of physical or, depending on the circumstance, lethal force. The final verbalization may indeed be a threat of possible lethal force—for example, “Stop or I’ll shoot.” Encounters do not always follow the continuum in stepwise fashion. Rather, officers make split-second decisions about where along the continuum the encounter is at each moment of the interaction. Sometimes lethal force follows verbalizations; other times the threat to use a Taser or pepper spray achieves compliance, quickly deescalating the situation in the view of the officer issuing nonthreatening verbal commands. The fact that officers engage in public encounters throughout the country daily and must make such decisions “in the moment” makes it paramount that rules and guidelines be in place that help to make their decisions regarding use of force as uniform and objectively assessable (in terms of legitimate or nonlegitimate actions) as possible.

So far my explanation of the use-of-force continuum has not discussed the actual use of physical force. While we have covered two of the six “steps” along the continuum, officer presence and verbalization, verbalization has two aspects. One aspect is simple, calm communication or directives from the officer to the subject. The second component involves commands that are often voiced more loudly (certainly not always), sometimes coupled with the threat of physical force if the citizen continues not to comply. In this sense, the force used is not physical. It is simply verbal (a threat of more severe force if the individual continues to resist officer directives). At the next stage the officer’s use of force becomes physical. The third stage on a standard use-of-force continuum, as seen in Figure 1.1, is empty hand control. Like verbalization, empty hand control has two aspects. The first includes what the NIJ refers to as “soft techniques,” which may include grabbing, holding, or using a joint lock.<sup>5</sup> Generally,

soft techniques are used to subdue a subject and precede application of an official restraining device such as handcuffs. The second aspect to empty hand control is “hard techniques.” Hard empty hand control techniques would include slaps, punches, or kicks. A main difference between the two is that soft techniques are used to guide or restrain a subject, while hard techniques are designed to strike and stun a subject. Soft techniques are seen to have minimal risk of injury for subjects, while hard techniques are seen to present moderate risk of injury.

A national study of more than 500 state and local police agencies found that most agencies allowed use of only soft empty hand tactics against a subject who refuses, without physical force, to comply with commands (Smith et al., 2009, p. 7), while just under 50 percent of the agencies reported allowing officers to use chemical weapons in such circumstances. A majority of agencies allowed use of chemical agents, hard empty hand tactics (strikes, punches), and conducted energy devices (CEDs) on a subject who tenses and pulls when the officer tries to use handcuffs (40 percent of agencies in the study did not allow for the use of a CED in probe mode in this circumstance). Seventy-five percent of agencies did allow for CED use if the suspect fled, and virtually all agencies allowed for CED use when the subject assumed a boxer’s stance (Smith et al., 2008, p. 8). The use of a baton by officers was reportedly not allowed by most agencies until the subject threatened the officer by assuming a boxer’s stance.

One scenario of such empty hand controls can be found in the following example obtained from a police force ombudsman report published online (Murphy, 2005). On December 5, 2004, at approximately 2:40 a.m., a married couple was being denied entrance into a nightclub by club staff in Boise, Idaho. The couple went into the club anyway. The wife was allowed to remain in the club, but her spouse was denied access and was being escorted outside. A struggle between the man and security staff ensued. Two police officers had arrived on the scene and pulled the subject up the stairs to exit the premises. To do so, one of the officers applied an empty hand technique called a shoulder pin. A shoulder pin involves applying pressure under one of the subject’s shoulders while applying pressure across the opposite side of the subject’s neck.<sup>6</sup> Once at the top of the stairs, the officers took the man into an alley, where another empty hand technique, a lateral vascular neck restraint (LVNR), was applied. Nonofficers commonly refer to LVNR as a chokehold, but a properly applied LVNR is designed not to completely restrict the subject’s air passage; rather, it impacts the circulatory system by restricting the carotid artery. The man was then handcuffed and eventually charged with trespassing and resisting officers.

The man filed a complaint against both officers with the Boise police department, alleging that the LVNR was unnecessary and unreasonable, as



were both the way he was pulled up the steps and the force applied to his back while he was in a prone position on the ground outside in the alley. The complainant, his wife, the two officers, and the night club manager were interviewed regarding the charges of unnecessary and unreasonable use of force. The event was not recorded by either officer because they claim the event happened too rapidly for them to turn on their recording equipment. The complainant claimed to have two witnesses, but neither could be located to be interviewed. The complainant did see a doctor following his arrest and handed over copies of the medical report. Upon reviewing all evidence, the officers were fully exonerated of all charges by department administrators and the ombudsman. The use of force in this scenario was seen as necessary and reasonable to subdue the subject and to ensure he did not cause harm to others around him. The ombudsman made clear that the fact that the subject's air passage was not completely blocked factored into the decision to exonerate both officers.

I cite the example of a man being pulled up steps by two officers at a nightclub, taken outside, isolated, put on the ground, restrained further, and ultimately handcuffed and arrested because it is not an unusual use-of-force case in the United States. Also, there exists disagreement as to the reasonable use of force between officers and the subject, which not only occurs at the individual level but at the aggregate level as well (the discrepancy in public report data regarding the rate and occurrence of unnecessary force compared to the rate and occurrence of unnecessary force found in officer report data).<sup>7</sup> Such disagreement raises questions about what type of force is reasonable to use in specific circumstances and who should ultimately evaluate the reasonableness of the force used in a specific officer-civilian encounter.

Since the shoulder pin and LVNR empty hand techniques in the nightclub example were both used to simply restrain or guide the subject, they may be categorized as "soft" techniques.<sup>8</sup> I now present an example of a "hard" empty hand technique to clarify the differences between soft and hard techniques. The example I present next had a much different outcome compared to the Boise nightclub arrest. In May 2009 at the Twin River Casino in Lincoln, Rhode Island, Donna Levesque had been ordered to leave the premises of the casino due to unruly behavior (Ortiz, 2012). After being handcuffed and seated on the curb of the casino sidewalk, Levesque moved her leg, brushing it against the officer's lower leg. In response to what he later claimed was a kick to his shin from Levesque, Officer Edward Krawetz kicked the handcuffed suspect in the head with enough force that her body fell toward the cement, her head banging off the sidewalk. Unlike the empty hand control in the Boise example, the kicking incident involving Officer Krawetz was video-recorded. The clearest video of the incident came from a casino security camera. The casino footage of the incident was subsequently



played on local television news broadcasts and posted to YouTube, and photos of the incident were published on Facebook.

A 12-year veteran of the department, Krawetz was suspended without pay and eventually tried for assault with a dangerous weapon. He was eventually convicted of the charge in March 2012 and sentenced to 10 years in prison. The entire 10-year sentence, however, was suspended as long as Krawetz completed anger-management counseling. Officer Krawetz ultimately resigned from the Lincoln police force on August 15, 2012. The Twin River Casino incident is merely one example of hard empty hand techniques, which are used thousands of times in the United States by police officers every year (Eith & Durose, 2011). There are numerous examples of video-recorded encounters on YouTube of grabbing, punching, and/or kicking maneuvers against subjects that may seem excessive at least on the surface. For example, in a more recent (June 5, 2015) case in McKinney, Texas, shown on media outlets throughout the world, a telephone video recording posted on YouTube shows a white male officer, Eric Casebolt, grabbing a 14-year-old bikini-clad African American female who is standing on a sidewalk. The officer grabs her hair, twisting her neck, forcing her to the ground, and forcing all of his weight on her by placing both of his knees on her back.<sup>9</sup> While the McKinney chief of police acknowledged Casebolt's tactics were unnecessary and excessive, referring to them as "indefensible," the vast majority of empty hand techniques, both soft and hard, employed by officers throughout the United States in any given year are ultimately determined to be within departmental policy. For example, the Los Angeles Police Department's (LAPD) 2010 use-of-force annual report indicates that over 99 percent of the 588 police use-of-force incidents involving strikes, kicks, and/or punches in that year were found to be within policy guidelines (Los Angeles Police Department 2010 Use of Force Annual Report).

Discussion of hard and soft use-of-force techniques and departmental policies and procedures that highlight which are appropriate under what circumstances is central to police-subject contact outcomes. That is, determination of which force option is reasonable given the circumstances an officer faces stems from the local departmental guidelines. While many police departments use current federal and state rulings regarding police use of force as guidelines for their policies, departmental history also factors in. For example, the LAPD banned the use of LVNR by officers in 1982 after the department experienced 15 in-custody deaths across a span of seven years following application of the technique against subjects (Cannon, 1999). With a change in policy resulting from the in-custody deaths, officers were much more likely to use baton strikes rather than other techniques, such as an officer swarm-and-subdue effort. Local tax cuts resulted in inadequate funding for the LAPD in the early 1990s, resulting in the

department's experiencing staff constraints and inadequate training of recruits (Cannon, 1999). One such example of improper or inadequate training was illustrated by LAPD officer Laurence Powell, who on video demonstrated a lack of understanding of how to properly use a baton to subdue a resisting subject, with Cannon (1999, p. 81) noting, "Powell was a uniformed accident in waiting and an example of official negligence at its worst." Ultimately department decisions about which force options should be used to subdue a resisting subject are influenced by ongoing historical, social, and economic concerns and are then put into practice, for good or, in rare instances, for ill, by the officers working the beat.

Having examined the first three stages of the standard force continuum presented in Figure 1.1 (officer presence, verbalization, empty hand control), I now focus specific attention on the fourth stage of police use of force: employment of a baton, pepper spray, or Taser. One may question if use of pepper spray or a Taser would have been deemed unreasonable in the Boise nightclub example. Judging from the use-of-force continuum presented in Figure 1.1, open-handed techniques represent less force than a baton, pepper spray, or Taser. Research, however, suggests otherwise, at least when injuries to civilians and officers are considered. For instance, one study of 562 use-of-force events (not involving firearms) that occurred across a two-year period in Calgary, Alberta, Canada (Butler & Hall, 2008), found oleoresin capsicum (OC) spray to be the safest method of force to use in subduing suspects. The active ingredient in OC spray is capsicum, which is extracted from chili peppers. Thus, OC spray is commonly referred to as "pepper spray." The use of chemical weapons dates back thousands of years, with sulfur being a major chemical compound traditionally used in chemical warfare. OC spray was developed in 1960 at the University of Georgia. It was initially sold commercially in 1963 as Halt Animal Repellent. Not until 1989, after three years of research, was OC spray authorized by the FBI for use among special police units, including Special Weapons and Tactics (SWAT) teams. With FBI endorsement, police organizations began using pepper spray, with over 3,000 officially using the product in the early 1990s. Many people are familiar with it. Pepper spray may be contained in a canister. Standing several feet away, one may aim the canister at someone's eyes and disperse the spray. OC contact with a person's eyes causes immediate aggravation, with the afflicted person involuntarily closing his or her eyes. This response enables officers to more easily restrain (e.g., handcuff) subjects without additional, more dangerous (in terms of potential subject and/or officer injury) use of force.

Use of a baton was the most dangerous technique included in the Calgary study for suspects and officers (25.8 percent outpatient hospitalization; 3.2 percent inpatient hospitalization). While the baton, or truncheon, has a long history in police work dating back at least to the nineteenth century,

there were some modifications of the device in the 1970s. The baton flashlight was patented in 1973, while the collapsible baton was patented in 1977, and the baton with a rotatable cross handle was patented in 1979. Other patents have followed, but the flashlight, collapsible, and rotating cross handle batons are the three major forms police currently use. As Figure 1.2 shows, an officer often carries a variety of force options, including a firearm, pepper spray, and a baton. With this variety of options, including verbalizations and empty hand techniques, an officer should apply the appropriate force option in any given situation based on training (learning the use-of-force continuum, participating in simulations of situations that officers may face) coupled with in-the-moment decision processes.

Empty hand physical controls such as “nerve motor point striking and stunning techniques and arm bar takedowns” were the second most dangerous techniques used in the Calgary study (Butler & Hall, 2008), with 13.9 percent of cases requiring outpatient medical care and 4.1 percent entailing hospitalization. Pepper spray resulted in only 1 case of outpatient hospitalization and no inpatient cases. Interestingly the same results held true for the use of LVNR (one outpatient case, zero inpatient cases), perhaps due to infrequency of employment. The results from the Calgary study coincide with numerous studies in the United States that document the highest non-firearm injuries to citizens and officers when “hands-on” tactics are used

**Figure 1.2 Example of Typical Police Belt with Equipment**

Officers of the Los Angeles Police Department wear a utility belt that contains a variety of weapons and other tools and devices that officers may need during their regular patrol duties when they must make quick decisions as to which, if any, to use. For instance, a standard LAPD belt contains a firearm that is clear of any obstruction, OC spray, two magazine clips filled with ammunition, handcuffs, a key clip with a handcuff key and a station key, a PR-24 Monadnock 24-inch baton, a Taser X26 inside a leather holster, and a radio.



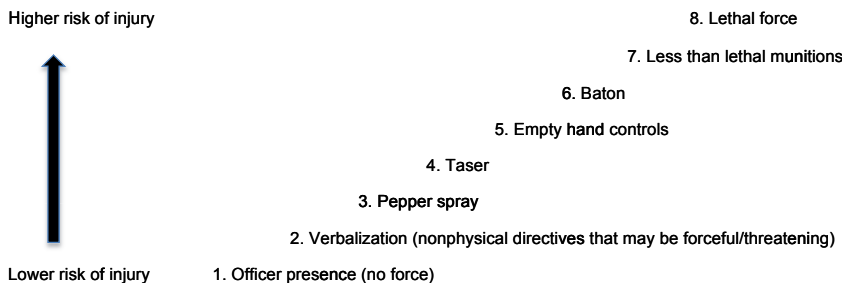
Credit: [https://commons.wikimedia.org/wiki/File:LAPD\\_officers.jpg](https://commons.wikimedia.org/wiki/File:LAPD_officers.jpg)

(Garner, Maxwell, & Heraux, 2002; Smith, Kaminski, Rojek, Albert, & Mathis, 2007) instead of Taser or pepper spray deployment (Alpert & Dunham, 2004; Holt, Kernic, Lumley, Wolf, & Rivara, 2002; Wahl, Schreyer, & Yersin, 2006). Some evidence (MacDonald, Kaminski, & Smith, 2009) suggests that Taser deployment is just slightly more likely to cause injury to subjects than pepper spray use but results in fewer officer injuries compared to incidents where pepper spray is deployed. While approximately 39 percent of all use-of-force incidents result in at least minor injury to subjects, the number drops to 22.1 percent when pepper spray is used and 25.1 percent when a Taser is deployed. Hands-on tactics result in injury to subjects 48.9 percent of the time (MacDonald et al., 2009).

The findings from the 2008 Calgary use-of-force study and from the many studies conducted in the United States indicate that the use-of-force continuum model presented in Figure 1.1 is not optimized to reduce injury risk. Ultimately, using pepper spray or a Taser X26 is likely safer than employing hands-on techniques (except perhaps LVNR<sup>10</sup>) and certainly safer than using a baton. Thus, a revised continuum (Figure 1.3) based on the findings from the Calgary study and numerous studies conducted in the United States might look something like Figure 1.3, where force options escalate in terms of their risk of injury to subjects or to the officer.

The differences between the continuum in Figure 1.1 and the revised continuum in Figure 1.3 reflect a change in emphasis from level of force to risk of injury both for officers and citizens, as well as a more detailed separation of force options based on hospitalization (both outpatient and inpatient) rates. These changes are not minor. In fact, if adopted by policing organizations, the revised continuum would have very practical implications. For instance, rather than employing a wide variety of hands-on tactics, per the revised continuum police should first resort to pepper spray (Stage 3), then a Taser (Stage 4), and then possibly the specific

**Figure 1.3 Revised Use-of-Force Continuum Based on Social Science Data**



empty hand tactic of an LVNR if necessary (Stage 5).<sup>11</sup> As reported in previous research in both Canada and the United States, the two specific force tactics of pepper spray and LVNR result in minor health incidents for both citizens and officers and virtually no hospitalization, either outpatient or inpatient. Also, with pepper spray, expert training in LVNR, and additional training in the Taser X26, the baton as a force option seems redundant, therefore unnecessary. It has been reported (Smith et al., 2009) that many officers in police agencies across the United States rarely use a baton to compel compliance from unwilling subjects. Per the majority of departmental procedure and regulations in departments across the United States, officers should use a baton only if the subject assumes a boxer stance, and even in these situations, officers are much more likely to use a CED or pepper spray. Many officers in fact have stopped carrying a baton, keeping it inside their vehicles (Smith et al., 2009).

In assessing previous research, one can conclude that eliminating the use of a baton in American policing would greatly reduce nonfatal injuries during individual police-citizen encounters while not decreasing policing effectiveness or safety. If confronted with a resistant subject, officers can then decide between whether to use pepper spray (slightly fewer subject injuries compared to Taser) or to discharge their Taser (slightly fewer officer injuries compared to pepper spray) to compel subject compliance. If the officer perceives the subject as an attack threat, then Taser deployment may be preferable to use of pepper spray. If the subject is not seen as an immediate attack threat, then, if national data reports in Canada and the United States on subject injuries are to be trusted, the officer should first use pepper spray. Generally, hard empty hand techniques (punching, slapping, kicking) should be avoided to reduce injury rates both for officers and suspects.

While listed at the same level of force on the standard continuum, as seen in Figure 1.1, in terms of the injuries caused by each, officer use of pepper spray results in the fewest subject injuries, the use of a baton generates by far the greatest number of injuries for both subjects and officers, and the injury rate due to use of a CED such as the Taser X26 falls between the other two tactical force devices for subjects and is the lowest of the three for officers. One police department in Tallahassee, Florida, relaxed its policy on officer use of pepper spray (downgrading it from level four on the continuum, along with flashlights, batons, and stun guns, to level three, physical control techniques) (Morabito & Doerner, 1997). Results showed that male, college-educated veteran police officers were more likely to use pepper spray over other hands-on techniques. As impending threat of subject attack increased, the use of pepper spray decreased, with officers choosing to move toward personal weapons. In keeping with other research I have presented, the Tallahassee Police Department found pepper spray

resulted in fewer officer and subject injuries compared with other hands-on techniques and personal weapons.

### **Compelling Compliance from Unwilling Subjects**

Perhaps unsurprisingly, it has been shown that a subject's actions influence police officer decisions (Black, 1971; Brown, M. K., 1981; Garner, Maxwell, & Heraux, 2002; Lundman, 1979; Mastrofski, Reisig, & McCluskey, 2002; Sykes & Clark, 1975; Worden & Shepard, 1996). The most powerful predictor of subject resistance at time of arrest is subject demeanor (Crawford & Burns, 2002). Police officers are extremely sensitive to subjects' words and actions that undermine the law enforcement officer's authority and/or legitimacy in public interactions (Reisig, McCluskey, Mastrofski, & Terrill, 2004). Disrespectful behavior and language on behalf of the subject significantly increase the odds that a police officer will use force to subdue him or her and compel compliance to officer directives (Mastrofski et al., 2002).

Previous field research examining 12,000 police-public encounters across 12 police beats<sup>12</sup> in Indianapolis and St. Petersburg (Reisig et al., 2004) looked at factors that could help predict what kind of suspects would be most likely to exhibit disrespect to the police. The researchers defined passive disrespect as ignoring officer requests or commands. Active disrespect included derogatory gestures, name calling, slurs, and derogatory comments about the officer, the officer's family, or the profession of law enforcement. Subject disrespect was found to be present in 15 percent of all the observed police-public encounters in the study (Reisig et al., 2004). Results indicated that subjects in Indianapolis and St. Petersburg were almost twice as likely to be actively disrespectful as they were to exhibit only passive disrespect. Regarding police use of force, results indicated officers used some level of force (including verbal commands) in 59 percent of police-public encounters (verbal commands were used in 29 percent of all police-public encounters; threats, 8 percent of the time; restraint techniques, 21 percent of the time; and impact methods [punching, kicking, etc.] only 1 percent of the time). It was further found that police were disrespectful (belittling, cursing, using slurs or obscene gestures) to subjects during 5 percent of all police-public encounters (Reisig et al., 2004). These data are significant in beginning to understand the dynamic nature of police-public encounters, for although police generally only use physical force in roughly 1.5 percent of police-public encounters in the United States, there appears to be a much higher frequency of officers' threatening force and using disrespectful language. The starting point for reducing cases dealing with possible excessive use of force by police in the United States therefore

may in fact be reducing the frequency of verbal threats and eliminating derogatory comments during police-public encounters.

As the number of officers and/or subjects on the scene increases, so does the likelihood that a subject will act disrespectfully, with African American (odds that an officer will experience disrespect from the subject increase by 39 percent when the subject is African American) and low-income subjects most likely to behave disrespectfully toward police (Reisig et al., 2004). One study analyzing subjects who resisted arrest within the district boundaries of a police department in Southern California found that subjects in higher-risk beats (neighborhoods with higher numbers of police service calls) were more likely to resist arrest (Belvedere, Worrall, & Tibbetts, 2005). The Southern California study, in congruence with the findings in other areas of the United States (Reisig et al., 2004), also found that black suspects were more likely to resist arrest compared to white or Hispanic subjects.

When controlling for neighborhood disadvantage (percentage of households headed by a single female; percentage of households in neighborhoods below the poverty line), the statistical significance of subject race disappeared in Indianapolis and St. Petersburg (Reisig et al., 2004). Interestingly, binary logistic models indicated that verbal commands, threats, and restraining techniques are inversely related to subject disrespect, while impact techniques are positively associated with subject disrespect (Reisig et al., 2004). In other words, less severe forms of officer force reduced subject disrespect in Indianapolis and St. Petersburg, while more severe forms of force were likely to increase subject disrespect, further aggravating the situation. Also, the odds an officer will experience subject disrespect go up quite significantly when the subject is mentally impaired, intoxicated, or experiencing/expressing heightened emotion (Reisig et al., 2004). Intoxication and heightened emotion are the two strongest predictors of subject disrespect. The researchers suggest that oral tactics may reduce disrespect among subjects feeling heightened emotion but have no significant impact on those who are intoxicated. Physical force tactics significantly increase the odds of disrespect among intoxicated and emotional subjects (Reisig et al., 2004).

While subject disrespect increases the odds of officer disrespect and use of force, the analysis of police-subject encounters in Indianapolis and St. Petersburg found that police disrespect and use of force do not cause subjects to exhibit disrespect toward the officer. A similar study of systematic observations conducted in Cincinnati, Ohio, however, found that police disrespect did in fact increase the likelihood of subject disrespect and noncompliance with officer directives (Dai, Frank, & Sun, 2011). Both studies collected data at the same general time (1996–1997). Considering that both studies used similar methodology, conceptualization, and statisti-



cal analysis procedures, I wondered if the differences in effects of officer disrespect on the likelihood of subsequent subject disrespect and noncompliance could at least be partially explained by the fact that the two studies differed in terms of police department location (Indianapolis and St. Petersburg versus Cincinnati). For example, previous research conducted in Cincinnati neighborhoods (MacDonald, Stokes, Ridgeway, & Riley, 2007) indicates that race remains a significant predictor of perceptions of unjust police practices, even after considering the economic and other social conditions of the neighborhoods (which was not the case in Indianapolis and St. Petersburg). In fact, in 2002 the Cincinnati Police Department agreed to implement a variety of changes (including adopting a community policing strategy) to better engage the community (Riley et al., 2005). These changes in the Cincinnati police department in the twenty-first century stem from police-community issues reported in the 1990s (and earlier). For example, one pertinent finding regarding police-subject interaction in Cincinnati during the 1990s was that African American residents were significantly more likely to report being “hassled” by the police than other racial/ethnic groups (Browning, Cullen, Cao, & Kopache, 1994). In other words, neighborhoods policed by departments with a recent history of racial disparity in policing practices (e.g., search and seizures, traffic stops, and/or arrests for behavior known not to be racially or class specific [drug possession]) may result in greater subject resistance, particularly if officers exhibit disrespect toward the subject.

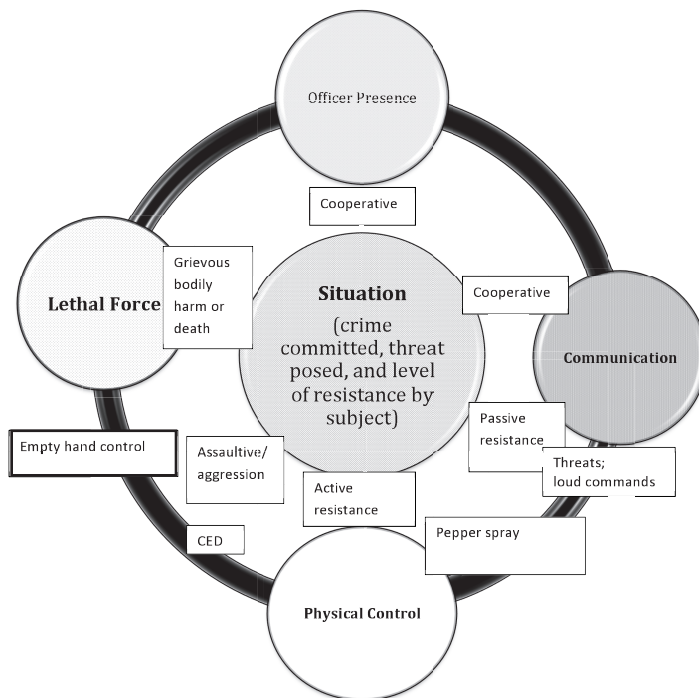
While it is generally accepted that strong verbal commands help reduce subject disrespect and noncompliance, an important cultural component in specific areas of the country (African American residents feeling they are targeted for police harassment) may actually reverse the finding that lower forms of force (warnings, threats, restraining techniques) help reduce noncompliance and subject disrespect. This feeling by some citizens of differential treatment in specific US locations may increase incidents of disrespect during police-subject encounters when officers engage in verbal and/or restraining tactics, which in turn may increase the likelihood that physical or lethal force ultimately gets used during the encounter. If so, this would indicate that different areas of the country require a different use-of-force protocol that takes into consideration the likelihood that certain low forms of force will result in greater subject noncompliance rather than greater compliance.<sup>13</sup>

As mentioned, effort to compel compliance often follows a use-of-force continuum. Figure 1.3 provides a stepwise diagram of less harmful forms of force up to the most harmful (deadly force). It is difficult, however, to assess the reasonableness of any level of force without assessing the level of resistance from the subject. To take subject resistance and situation into account, a wheel diagram of the use-of-force continuum seems



appropriate as it better shows the dynamic nature of police-public encounters (see Figure 1.4). If police use of force is defined as “the amount of effort required by police to compel compliance by an unwilling subject,” we see that officer presence entails the least amount of effort required in this regard. Often it alone will be enough. If not, the officer may have to give directives and communicate with subjects. If the subject ignores the officer, the officer may raise her voice or perhaps issue a threat (e.g., “Leave this sidewalk, or I am going to arrest you”). If the person continues to resist or physically motions in a combative way against the officer, the use of pepper spray would seem reasonable. If the subject shows heightened aggression or pepper-spraying does not terminate resistance, then it would seem reasonable to deploy a CED such as the Taser X26. At this point, virtually all scenarios of subject resistance not involving a firearm should be under control. In rare instances where deployment of a

**Figure 1.4 Police Use-of-Force Wheel**



The officer continually assesses the situation and acts in a reasonable manner to ensure officer and public safety.

CED does not enable the officer to restrain the subject, empty hand controls may be necessary.

One critical aspect when assessing the reasonableness of an act of police use of force is to limit the impact of emotion, history, and socially constructed “threats” on the decision-making process. Police-public interactions that result in use of force, particularly physical force, can become highly emotional. Incidents that are video-recorded and posted on social media and reported throughout news channels can generate emotional arguments long after the event. Historical instances of discrimination within a department or city may also impact judgments regarding the “reasonableness” of police officers using force against unarmed suspects. Also, the characterization of some places and some people as “extremely dangerous” at times rests more on socially created perceptions than on observable facts (e.g., the person has a loaded firearm). Policing is, at minimum, a potentially dangerous job. It has consistently resulted in fewer on-the-job fatalities, however, than other occupations, such as fisherman, logger, aircraft pilot, trash collector, roofer, iron and steel worker, construction laborer, farmer, truck driver, power line installer and repairer, and miner (US Department of Labor, 2014). The fatalities for law enforcement did increase in 2014 compared with past years after 2001 (2002–2013), although a preliminary FBI report notes that the number of officers feloniously killed in the line of duty in 2015 decreased to 41 compared to 51 in 2014. By region in 2015, 19 officers in the South, 9 officers in the West, 5 officers in the Midwest, 4 officers in the Northeast, and 4 officers in Puerto Rico died as a result of criminal acts (2015 Law Enforcement Officers Assaulted & Killed).

Overall on-job homicide numbers may not provide much insight into the overall level of risk involved in a given occupation since only a few occupations result in a substantial rate of on-site homicides (e.g., store clerk, bank teller, law enforcement officer).<sup>14</sup> The Department of Labor Statistics and the US Census Bureau provide rates for both nonfatal and fatal occupational injuries, which provides a greater understanding of total risk an occupation has for individuals working in that field. In terms of nonfatal occupational injury rates per 100 full-time workers (Bureau of Labor Statistics, 2015), police work is the occupation with the third-highest risk (11.3) for sustaining an injury, with aquaculture farming posing the highest risk (13.6), and nursing care, the second highest (12.0). Various kinds of vehicle, home, and furniture manufacturing, along with fire rescue (10.2), resulted in approximately 10 percent of workers in those specific fields reporting a nonfatal injury on the job in 2015. In terms of fatal injuries, however, many occupations possess a higher fatality rate than policing. The fatal injury rate for police and sheriff’s patrol officers is 11.7 per 100,000 full-time employees in that occupational sector. There were 21 different occupational sectors with higher injury fatalities than police work for 2015,

including logging (132.7), fishing (54.8), piloting and flight engineering (40.4), roofing (39.7), refuse and recyclable material collection (38.8), truck driving/sales work (24.3), farming (22.0), power-line installation (20.5), and mining (19.3). In other words, when overall fatalities per occupation are assessed (beyond on-site homicides) the level of risk involved in police work is not as high as several other kinds of work.

One may argue that although other occupations exist where the death rate due to accident is higher than it is in policing, police work is the only occupation where one risks becoming a victim of homicide, but that is not the case either. In 2013 there were more on-job homicides of retail traders, food and beverage store employees, public transportation workers, finance and insurance employees, hospitality workers, and food-service workers than there were of police officers (US Department of Labor, 2014), whereas in 2014 only food and beverage store workers, transit workers, and retail sales workers had a higher homicide total than police officers (Bureau of Labor Statistics, 2015). Thus it is critical to analyze the data on the actual dangers of police-public encounters rather than to continue constructing the job of policing as extremely dangerous simply because we define the people (mostly US citizens) officers come into frequent contact with as hostile, dangerous, and possibly murderous.<sup>15</sup>

Despite events in Baton Rouge, where an individual, Gavin Long, shot six police officers (July 17, 2016), and in Dallas (July 7, 2016) in which an individual, Micah Johnson, killed five officers and injured nine others, policing, nationally, is no more hazardous today (according to official injury and fatality rates) than it has been in the past. The ready supply of firearms has not seemed to increase officer fatalities. In fact, an officer is generally more likely to die in a motorway accident on the job than as a result of a subject using violence against him (US Department of Labor, 2014). Still, officers are indeed killed by subjects each year, and looking at Figure 1.4, one can see that officers must quickly assess a variety of situations accurately and then deal with each with the appropriate level of force to ensure subject compliance. One mistake in judgment could potentially result in an injury or fatality for the officer or others, although this outcome is highly unlikely according to national statistics. Of course, it takes just one misstep by an officer to lead to tragedy. As I have heard antiterrorist experts say, law enforcement must be right 100 times out of 100, while the “bad guys” (terrorists) need succeed only once out of potentially thousands of attempts. We as US citizens should ask, however, how much discretion in use of force (not in violation of a person’s constitutional rights) we should permit when officers are weighing the small probability that the subject is indeed dangerous and ready to attack police or others. I will wait to answer this question until the conclusion of this work, once I have thoroughly analyzed the data and

reviewed the major previous research articles related to the several topics and contexts of police-subject contacts.

In actual practice, police trainers often note that each force situation is unique, and concepts like continuums can provide only general guidance<sup>16</sup> because of the myriad environmental situations patrol officers face on a routine basis. For example, it is widely known that crime levels rise in areas near public bus stops (Hart & Miethe, 2014). Contact within three blocks of a foreclosure has been found to be the most significant predictor of officer injury in Chicago (Caplan, Marotta, Piza, & Kennedy, 2014). Outside actual high-crime sectors within urban areas, potential danger in police work frequently increases with subject contact on highway shoulders, under an otherwise deserted overpass in the middle of the night, on stairs, on an apartment balcony during a raucous party, or during a domestic disturbance.

Officers must also consider other environmental factors, including lighting, surface area, and the presence of multiple officers and/or suspects, during their official patrol duties. For example, one study of Orlando Police Department files indicates that officer injuries were more likely to occur when multiple officers were involved in the contact, when the offending subject was female, was larger than average in terms of body mass index, or had recently consumed alcohol (Covington, Huff-Corzine, & Corzine, 2014). Ultimately officers must assess the injury risk factors they face during contact in an ongoing fashion, and thus their responses/actions are always subject to fluctuation. Rather than proceeding along a steplike continuum, whereby as a situation escalates, so does the level of force necessary to maintain order, police decisions entail deciding which law enforcement “tool” in an officer’s toolbox to use given the environmental, situational, and other contextual circumstances of the current police-subject encounter. In other words, we can look at the wheel diagram in Figure 1.4 as a toolbox; officers must assess whether their presence, vocal commands, or another force option (e.g., baton, flashlight, fists, Taser X26, firearm) is the most appropriate tool, given the specific set of conditions they are currently facing.

In this chapter I have attempted, by synthesizing previous social scientific research on the topic with certain official federal, state, and city reports on policing practices, to define police use of force and begin to assess what levels of force are appropriate in specific kinds of situations. Interestingly, a seemingly simple concept on the face of things becomes extremely nebulous when examined in detail. For example, if we take the IACP (Police Use of Force in America 2001, p. 14) definition of police use of force as “the amount of effort required by police to compel compliance by an unwilling subject,” we find multiple layers of ambiguity in terms of how one objectively determines what amount of effort is reasonable. Coupled with that, how does one determine if a subject is “unwilling” to comply? Furthermore,

if an officer faces an unwilling or disrespectful but unarmed subject, how much and what type of “effort” is appropriate to compel compliance? In truth, there seems to be very little universal agreement on these issues, ultimately leaving enormous leeway for officer discretion, due in large part to the enormous interpretive license officially granted by federal courts with regard to using force against subjects. Bearing in mind all the information on use-of-force continuums and the level of occupational risk officers face, let us now turn to the ways the US federal courts have guided police use of force since 1985.

## Notes

1. Who, it should be noted, may be citizens of the aggressive nation, that is, “rogue” citizens who have become officially labeled war criminals.

2. I do not want to imply that the use of state-legitimated force is the only basis for determining a “just” society. For example, reducing economic inequality and striving to ensure all citizens have equal access to certain services such as health care would also seem important in determining the level of justice contained within a society. I do want to imply, however, that if state representatives unjustly (violate one’s constitutional or universal/global rights) use force upon members of the public without penalty for doing so, then the state is by default unjust at its core (i.e., politically corrupt).

3. For example, is using a conducted energy device (CED) such as a Taser X26 necessary if the subject refuses to put her hands behind her back? Is the use of a CED more appropriate than attempting to restrain the subject using a wrist-lock technique? If so, is one discharge from the CED sufficient? When are two discharges from a CED required to obtain citizen compliance to police directives? If the suspect has already been handcuffed, does that impact one’s determination of how many CED discharges constitute reasonable force? Does the number of officers present at the scene have any impact on what type and amount of force is deemed reasonable?

4. For a more detailed discussion of *Graham v. Connor* (1989), see Chapter 2.

5. Joint locks are often used in the Japanese martial arts, such as Aikido, or in Chinese martial arts, such as Chin Na. Joint lock techniques may include manipulation of the wrist, elbow, neck, knee, or ankle (among other body parts). In policing practices, any of these kinds of joint locks may be used (if authorized by the department). Several types of locks may be used during one encounter. For example, a wrist lock may precede an elbow lock, which in turn may precede handcuffing the subject. Thus, wrist restraint leads to elbow and arm restraint, leading to the application of hand-restraining devices.

6. Thanks to the wonders of YouTube, all use-of-force techniques can be examined visually. Here is a video demonstrating a shoulder pin: “Shoulder Pin to Guillotine—Jujitsu—Wrestle,” video posted to YouTube by GrapplingMechanics on December 1, 2012, <http://www.youtube.com/watch?v=wG4UVEHkIOU>.

7. This discrepancy between public reporting and officer reporting of unnecessary use of force will be discussed in detail in Chapter 3.

8. It should be noted, however, that LVNR involves at least three levels of pressure based upon the level of subject resistance: mild, moderate, and severe resistance requires various levels of LVNR pressure. For this reason, the LVNR can also be defined as a hard empty hand control technique.

9. Only a few days after the incident in question, the McKinney, Texas, chief of police, Greg Conley, would hold a press conference on such media outlets as CNN to announce Officer Casebolt's resignation. Interestingly, little was said about the two officers who return to the video recording at 5:50 escorting a handcuffed young man who is visibly gasping for air, his mouth covered in blood. Chief Conley later stated to media reporters that there were "no reported injuries" from the incident.

10. Of course, this is only if the LVNR is properly applied, not restricting subject airflow, the risk of which may outweigh the benefits of its potentially safe use when properly applied.

11. In many police departments across the United States, the use of an LVNR maneuver is no longer deemed a reasonable application of force. This may be due to improper application of the maneuver where the subject's air passage becomes restricted. The proper application of a LVNR technique, as shown in previous studies, almost never results in subject injury. Another likely reason is that the Taser X26 has effectively replaced the need for hands-on techniques such as LVNR to subdue subjects.

12. As suggested by the Reisig et al. 2004 study and illustrated by the 98 total police beats in Indianapolis and St. Petersburg included in the study, police beats are frequently drawn to best reflect the boundaries of existing neighborhoods in each locality, so the terms "beat" and "neighborhood" may often be interchangeable in policing research.

13. It should be noted that while videos of police force against a variety of citizens across various encounters have been posted online for years, the recent shootings of Alton Sterling in Baton Rouge, Louisiana (July 5, 2016), and Philando Castile in Falcon Heights, Minnesota (July 6, 2016), and the "accidental" shooting of Charles Kinsey while he was lying on the ground with his hands spread in the air in North Miami, Florida (July 18, 2016), seem to have finally sparked a national debate, and therefore it may be that police are viewed in more universal terms (regardless of location) at the moment than they have been previously.

14. Perhaps because of the rarity of on-job homicides, the rates would all be a fraction of 1 percent, thus provide little insight into their differences by occupation.

15. It should be noted that policing does present real physical risk and interpersonal challenges on a regular basis in large part because police engage real-life criminals in various hostile environments and often encounter people when they are intoxicated, combative, and/or experiencing a mental health crisis. Officer equipment (particularly ballistic vests), training, and tactics all mitigate the risks police officers confront. In most instances in which officers are presented with physical threats, they manage them without injury to themselves or others because safety management is part of what policing is about (maintaining/restoring the safety of self and others).

16. Although she or he of course should receive none of the blame for any misstatements in this book, I would like to thank and recognize the reviewer who brought to my attention the concern with environmental factors that law enforcement officers face during their regular shift duties.