

Within Reason: An Analysis of Department Use of Force Policies in Most-Populated U.S. Cities

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This article serves to examine use of force policy directives as defined by independent and autonomous metropolitan law enforcement organizations with the ultimate goal of establishing both a consensus definition of reasonable force as well as comparing authorization and administration of force. Policies were collected from Campaign Zero's existing use of force policy database and directives were compared with Commission on Accreditation for Law Enforcement Agencies (CALEA) policy standards. Results determined that many departments use similarly constructed directives regarding authorization of use of force as well as an administrative review process of use of force incidents; however, there were notable differences in directives concerning definition of reasonable force; first aid after force; and weapons qualifications and ammunition. It can be concluded that many departments use authority and bureaucratic privileges to define ambiguous policy directives which differ from national policy standards.

CLA Journal
4 (2016)
pp. 1-41

Introduction

It is understood that not everyone loves a superhero; often times, it takes little for the superhero to be viewed similarly as the villain, or that there is “something of the dragon in the dragon-slayer” (Bittner, 1970:7). Law enforcement personnel are socially tied to the role of those aforementioned heroes who enforce legislature for the perceived benefit of mankind. During a typical tour of duty, sworn officers are engaged in handling crime; assisting the elderly or persons with mental illnesses; locating missing persons; providing emergency medical services; mediating disputes in situations of familial, residential, or commercial distress; providing information about government services and processes; coordinating traffic and investigating vehicular incidents; and protecting the rights of individuals to live where they want to live and say what they want to say (Goldstein, 1967:1123). Police officers are essentially street-level bureaucrats, or those men and women, who in their face-to-face encounters with citizens, “represent” government to the people (Lipsky, 1969:1). Additionally, these individuals collectively work within a cloud of fear, fascination, and contempt (Bittner, 1970). One can argue that there is a pleasure of abhorring police who accept the job duties of law enforcement as a responsibility (Bittner, 1970); this leads officers to be involved in the dichotomy of “damned if they do and damned if they don’t” (Goldstein, 1967:1128). This disdain for police personnel can arguably stem from accounts of police misconduct that suggest that those who do battle against evil cannot themselves live up fully to the ideals they presumably defend (Bittner, 1970:7). Opposition to this disdain comes in the form of the belief that because police are required to deal with matters involving subtle human conflicts and profound legal and moral questions, their

activities are often associated with the character of crudeness (Bittner, 1970:9). Recently, law enforcement activities have been highlighted due to a perceived trend in accounts of police misconduct via excessive uses of force.

On July 17th, 2014, “I Can’t Breathe” triggered a national shockwave when Eric Garner lost his life during a use-of-force encounter with New York City Police Department officers; this death, ruled as a homicide, brought police use-of-force under heavy media spotlight. Officers performed a chokehold to detain Garner, which ultimately sparked a great debate regarding police use-of-force. This debate, for some, centered solely around the narrative of conflicting reports suggesting that Garner either did/did not physically engage police officers, yet for others, highlighted the department’s existing policies that banned chokeholds as a reasonable use of force. While the aftermath of Garner’s death included a re-examination and eventual overhaul of departmental use-of-force policies, this event served to question what amount of force was reasonable and when reasonable force was determined, either through policy or officer discretion. No criminal charges were brought against the officers involved, and this served as the first ripple in what many believed to be previously-still waters. On August 9th, 2014, “Hands Up, Don’t Shoot” built on the momentum of its predecessor when Michael Brown lost his life during a use-of-force encounter with Officer Darren Wilson in Ferguson, MO. Conflicting reports suggested that Wilson shot and killed Brown in self-defense during a physical altercation, while others suggested that Wilson shot and killed Brown whom was fleeing. Once again, both media spotlight and national debates surfaced as many quickly turned to the statue of *Tennessee v. Garner* (1985) and the “fleeing

felon rule” as proof of Wilson acting outside of policy. Neither the state of Missouri nor the United States Department of Justice found Wilson guilty of criminal and/or civil violations; this, however, continued the ongoing questioning of reasonable force and how it was policed (no pun intended). The aftermath of 12-year old Tamir Rice in a deadly force encounter with the Cleveland Police Department on November 22nd, 2014 led Cuyahoga County Prosecutor Timothy J. McGinty to suggest that Rice aimed what was believed to be a toy weapon at officers who had a “reasonable fear” for their lives and who are trained to quickly react to situations such as “that it takes only a third of a second to draw and fire a weapon at them” (McGinty, 2015:3). Ultimately, neither of the officers were arraigned on criminal charges in Rice’s death, and the uncertain answers of the aforementioned questions grew all the more ambiguous. On July 19th, 2015, Samuel DuBose lost his life during a use-of-force encounter with a University of Cincinnati officer. Video released by the Hamilton County Prosecuting Attorney Joseph T. Deters reveals the campus officer firing into the vehicle during a traffic stop, and a review report of the incident found that the officer acted “inconsistent with basic police tactics and training” (Kroll, 2015:6).

Without diminishing the lives lost in these events, I would like to focus the direction of this article not on the idea of a police use of lethal force epidemic against African-Americans, but rather, on inconsistent and ambiguous use of legitimate force practices that may exist within thousands of law-enforcement agencies in the United States. Sworn officers are given the legitimate authority via department policies to use force to perform job duties, yet acting on said legitimate authority ultimately lies with at the discretion of the

officer. It is in these inconsistencies that the legitimacy of police authority stands to come under scrutiny; one scrutiny of police authority has been a perceived racial bias in police practices. The USDOJ investigation of the events in Ferguson, MO revealed that Ferguson's law enforcement practices from 2012 to 2014 showed that African Americans were involved in 85% of vehicle stops, 90% of citations, and 93% of arrests despite a population of 67% (United States Department of Justice, 2015:4). Furthermore, the USDOJ found that 90% of documented force used by Ferguson law-enforcement officers was used against African Americans, and that all canine bite incidents occurred with African American suspects (United States Department of Justice, 2015:5). One can argue that the most compelling statement in the report was "...our investigation has revealed that these disparities occur, at least in part, because of unlawful bias against and stereotypes about African Americans" (United States Department of Justice, 2015:5). Such an indictment against the department serves to suggest both that there may be biases in the development of department policies both locally and nationally, and any accusations of biased polices challenge the legitimacy of police authority nationwide. These calls for nationwide review may not be entirely farfetched as we see that many departments may model themselves after one another, which poses definitive positives and negatives.

Literature Review

The Flexibility of Force and Discretion

It is argued that a defining feature of police work is the use of violence as a means of social control and the production of order

(Brucato, 2015:455). This social control and order generally comes from the use of force (ICAP, 2001; Smith et al., 2009; Schatmeier, 2012; Bittner, 1970; Elicker, 2008). The International Association of Chiefs of Police (IACP) defined force as “the amount of effort required by police to compel compliance from an unwilling subject” (ICAP, 2001:1). Previous studies have shown that 1-2 percent of police-citizen contacts involve the threat or application of physical force by the police, while 15-20 percent of arrests may result in the use of force by police to control a resistant suspect (Smith et al., 2009:1). Resistance by any suspect, although found to be less-likely than compliance, naturally increases the likelihood of sustained injuries to officer and/or suspect; however, Smith et. al (2009) argued that regardless of frequency or severity of injuries sustained via resistance and or forceful response, all injuries must be reviewed seriously (Smith et al., 2009:2). Schatmeier (2012) further supported that less than two percent of all law enforcement contacts with civilian persons result in force, yet suggested that roughly 75 percent of those subjected to such force or threats felt that the police officer’s actions were excessive (Schatmeier, 2012:46). This excessive force is defined by the IACP as “the application of an amount and/or frequency of force greater than required to compel compliance from a willing or unwilling subject” (IACP, 2001:1). The principle maintained is that the severity and intensity of the force used must be proportional to the danger of the suspect's present actions and should not be based on the suspect's personal characteristics or any presumed guilt of the crime in question (Miller, 2015:98). The IACP found that of 174,820 reported incidents of force between 1994-2004, excessive force was used 0.42% of the time (IACP, 2001:iii). This

ultimately suggests that excessive force was not present in 99.58% of all reported cases from 1994-2000 (IACP, 2001:iii).

There are vast areas of police function which, in absence of adequate legislative guidelines, are left to the discretion of individual officers (Goldstein, 1967:1126). Moreover, even when existing laws are clearly applicable, the police are often requested to select from among the various alternative forms of action which exist within the outer limits of the authority prescribed by such laws (Goldstein, 1967:1126). The police have always had a great deal of flexibility in their operations (Goldstein, 1967:1131). This flexibility may stem from that guidelines governing police behavior are inadequate, and inadequacy of personal and organizational resources to contribute to the “improvisational” ways in which law enforcement is carried out (Lipsky, 1969:5). It is also important to note that there is no universally agreed upon use of force policy among American police departments (Paoline and Terrill, 2011:179). Agencies are given autonomy, via their policy, to instruct their officers in using force (Paoline and Terrill, 2011:180). Confronted each day by frequently recurring situations for which no guidance is provided, the individual officer either develops his own informal criteria for disposing of matters which come to his attention (Goldstein, 1967:1127). This resonated with Paoline and Terrill’s (2011) interpretation of Weisburd et al. (2000) which found that approximately 43% of officers explained that following the rules is not always compatible with getting the job done (Paoline and Terrill, 2011:180). The potential for arbitrariness inherent with an uncontrolled exercise of discretion is clearly inconsistent with the objective of fairness that constitutes so basic an element in the exercise of any form of government power (Goldstein, 1967:1128),

thus the combination of autonomy and supported ideology of being able to bend the rules may unfortunately result in infrequent, but high-profile cases of excessive force (Johnson and Kuhns, 2009; Thompson and Lee, 2004; Bittner, 1970).

Implementation of Policy and Discretion

Schubert (1976) insisted that police departments consistently develop policies that do not explicitly state when persons who are clearly in violation of a law should not be arrested (Schubert, 1979:67). Schubert further asserted that situations in which a person should not be arrested would put the department in an untenable posture from both the legal and the public relations standpoints (Schubert, 1979:67). Significant results of policies or the absence thereof are the absence of discussions at the police training academies pertaining to when not to arrest, and a lack of supervisory concern with insuring that discretionary justice is meted out to individuals with respect to a law's application (Schubert, 1979:67). The question of what the police "ought to do" becomes subordinated to a concern for identifying the legal threshold at which arrests can be made (Schubert, 1979:67). While legislatures can determine the minimum requirements for arrest, experience demonstrates that legislatures can never deal specifically with the wide variety of social and behavioral problems with which the police are continually confronted (Schubert, 1979:67). While legislation can determine certain requirements for an arrest, there are many other facts that impact the outcome of police encounters. Goldstein (1967) suggested that the formulation of administrative policies affords the police an opportunity to establish sound grounds for the exercise of their discretion (Goldstein, 1967:1131). Careful analysis of existing

practices, which is a necessary step in the formulation of policies, should result in the exposure and rejection of those considerations which, according to standards of fairness and effectiveness, are inappropriate (Goldstein, 1967:1131). Development of defensible criteria would, in addition, afford an opportunity to incorporate into police decision-making considerations that are based upon existing knowledge regarding the various forms of behavior with which the police are concerned (Goldstein, 1967:1131). In the long run, the exercise of discretion in accordance with defensible criteria would create greater confidence in the police establishment. More immediately, it would lead to a reduction in the number of arbitrary actions taken by individual officers, thereby substantially reducing the tensions which such actions often create – particularly in areas in which minority groups are affected (Goldstein, 1967:1131).

Force Implementation and the Race Narrative

Excessive force in arrest situations is often likened in the same sentence as “police brutality,” and Johnson and Kuhns (2009) acknowledged a notorious history of police brutality, especially against minority members such as the 1991 beating of Rodney King in Los Angeles, the 1992 beating death of Malice Green in Detroit, and the 1999 shooting death of Amadou Diallo in New York City (Johnson and Kuhns, 2009:593). Additionally, all of the events in the introduction of this article involved suspects who were minorities. These examples highlight the narrative of white police officers that are accused of using unreasonable or excessive force against minority suspects (Johnson and Kuhns, 2009). Further examples of police use-of-force and race include Thompson and Lee’s (2004) interpretation of Weitzer (2002) that blacks and Hispanics are more

likely than whites to disapprove of the police, to see racism in their actions, and to see them using excessive force (Thompson and Lee, 2004:384). This ultimately has led to obvious trends such as whites being more likely to favor police use of force than are blacks, and blacks being more likely than whites to perceive unequal application of the use of force (Johnson and Kuhns, 2009:597). Bittner (1970) found that the preferred targets of special police concern are some ethnic and racial minorities, but also suggested that the low-income areas and young people all report higher rates of police use-of-force (Bittner, 1970). This can go as far as the belief that the young-poor-black and the old-rich-white doing the very same things under the very same circumstances will almost certainly not receive the same kind of treatment from policemen (Bittner, 1970:11). While race has been a predominate focus in studies of excessive force, there are other factors at play as well (Bolger, 2014; Miller, 2015).

Situational Characteristics of Force

Seeing as how sworn officers are given the legitimate authority to perform certain job duties through means of force, it is important to know the types of crimes and officer demographics in use of force situations (Bolger, 2014). Factors contributing to use of force in a police–citizen encounter include: 1) the contact is officer-initiated, rather than from a 911 call-for-service; 2) the subject is young, male, and/or non-white; 3) there are bystanders present, including both citizens and other officers; 4) the subject resists a lawful request or command on the part of the officer; 5) the subject shows a hostile demeanor or overtly aggressive behavior toward officers; 6) the subject possesses a weapon or object that can be used as a weapon; 7) the encounter follows an automobile pursuit; 8) the

subject is intoxicated; and 9) the subject is mentally ill or cognitively impaired (Miller, 2015:99). It is reported that police use of force is 1.46 times more likely during encounters with suspects that commit serious offenses, 2.97 times more likely when police encounter a resistant suspect, 4.34 times more likely for suspects who were lawfully arrested, 1.34 times more likely when officers responded to conflicts between two or more citizens, and 1.08 times more likely when two or more officers are involved in an encounter (Bolger, 2014:479). For suspect characteristics, suspect race, sex, demeanor, class, and intoxication were significant (Bolger, 2014:479). Bolger (2014) further reports that the minority suspects were 1.06 times more likely to experience police use of force, 1.3 times more likely for males in police encounters, 1.17 times more likely for hostile suspects in police encounters, 1.14 times more likely for lower class suspects in police encounters, and 1.31 times more likely for intoxicated suspects in police encounters (Bolger, 2014:479). One of the officer characteristics was significant: male officers were 1.11 times more likely to use force (Bolger, 2014:479).

Force and Justified Homicide

Brown and Langan (2001) argued that when a police officer kills someone, a determination is made as to whether the homicide occurred in the line of duty and whether the homicide was justified to prevent imminent death or serious bodily injury to the officer or another person (Brown and Langan, 2001:1). Homicides that meet these conditions are known by law enforcement officers as “justifiable homicides” (Brown and Langan, 2001:1). Persons justifiably killed by police are referred to as “felons” due to the belief that at the time of the homicide, the individual was in commission of

a violent felony (Brown and Langan, 2001:3). There are multiple trends that exist in the data; from 1976 to 1998, roughly 8,758 people were killed by means of justified homicide (Brown and Langan, 2001:1). In 99 percent of these cases, police used a firearm to kill the person either via single or multiple gunshot wounds, reportedly consistent with training procedures (Brown and Langan, 2001:3). Hirschfield (2015) further argued that while African Americans comprised 31% of all victims of justifiable homicide, 42% of African American suspects were killed when not attacking anyone (Hirschfield, 2015:1111), highlighting disparities in discretionary use of lethal force.

Theoretical Speculation

The conditions under which street-level bureaucrats are asked to do their jobs often include distinct physical and psychological threats (Lipsky, 1969:6). In order for organizations and street-level bureaucrats to act effectively and use force, they must act with a sense of legitimate authority. Furedi (2015) defined authority as an outcome of a moral influence which, when allied to the power to compel, can gain obedience without either having to argue or to threaten (Furedi, 2015:95). Many police encounters involve little to no use-of-force (IACP, 2001; Smith et al., 2009; Schatmeier, 2012), which suggests that most citizens willingly act on police orders and do not feel forced to comply – this scenario can be seen as the process of authority. The greater the degree of authority that can be imposed, the less the threat (Lipsky, 1969:7). The authority vested in the role of policemen is seen by police as an instrument of control, without which they are endangered (Lipsky, 1969:7). Weber (1921/1968) argued that authority is legitimized on

rational grounds through a belief of the enacted rules and the right of those elevated to authority under such rules to issue commands (Weber, 1921/1968:215). Using this theory, it could be suggested that those under the umbrella of authority invest belief in those who are given authority, and allow themselves to be governed as such. Once an organization has achieved legitimate authority, an organization may become a bureaucracy. These organizations are capable of obtaining the highest degree of efficiency, and is in this sense formally the most rational known means of exercising authority over human beings (Weber, 1921/1968:223). It is superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability (Weber, 1921/1968:223). It thus makes possible a particularly high degree of calculability of results for the heads of the organization and for those acting in relation to it (Weber, 1921/1968:223). It is finally superior both in intensive efficiency and in the scope of its operations and is formally capable of application to all kinds of administrative tasks (Weber, 1921/1968:223). Through the aid of legitimate authority these law enforcement organizations grow to engage in a social contract of authority over citizens while acting as autonomous, bureaucratic agencies that define and dictate the definitions and practices of their rules.

The elements of a rationalized formal structure are deeply ingrained in, and reflect, widespread understandings of social reality. Many of the positions, policies, programs, and procedures of modern organization are enforced by public opinion, by the view of important constituents, by knowledge legitimated through the educational system, by social prestige, by the laws, and by the definitions of negligence and prudence used by the courts (Meyers and Rowan, 1977:343). Meyer and Rowan (1977) argued that

organizations are driven to incorporate the practices and procedures defined by prevailing rationalized concepts of organizational work in society (Meyer and Rowan, 1977:340). These rules define new organizing situations, redefine existing ones, and specify the means for coping rationally with each (Meyer and Rowan, 1977:344). This radical incorporation of outside practices and procedures may stem from crises in legitimacy. Noncompliant encounters highlight assumptions that basic police instructions may be unfair; these assumptions may ultimately be based on personal or historical accounts. When this authoritative power is challenged, police organizations and officers seek out organizations that continue to model legitimate authority. The root to legitimate authority ultimately lies in “development of defensible criteria” (Goldstein, 1967:1131), and this mimicry of defensible criteria used by other organizations sustains a similar path toward legitimate authority. DiMaggio and Powell (1983) cited from Hawley (1968) that a socially constraining process known as isomorphism forces one unit in a population to resemble other units that face the same set of environmental conditions (DiMaggio and Powell, 1983:149). DiMaggio & Powell cited Hannan and Freeman (1977) to further explain how this isomorphism can translate into organizational decision makers learning appropriate responses and adjusting behaviors according (DiMaggio and Powell, 1983:149). These responses and behaviors need not necessarily be coerced, however. The concept of mimetic isomorphism suggests that “uncertainty is a powerful force that encourages imitation” (DiMaggio and Powell, 1983:151). When organizational technologies are poorly understood, when goals are ambiguous, or when the environment creates symbolic uncertainty, organizations may model themselves on other

organizations (DiMaggio and Powell, 1983:151). This mimetic behavior, or modeling, allows uncertain causes or solutions to be addressed viably with little to no expense (DiMaggio and Powell, 1983). Haveman (1993) similarly suggested that repetitive imitation from social actors can institutionalize that course of action (Haveman, 1993). Results found that organizations attend to the actions of successful organizations and will imitate their behavior. The presence of successful incumbents in a new market will legitimate that market, making it more attractive to potential entrants (Haveman, 1993:622). In all, agencies that act with legitimate authority will serve as a model for agencies that may act with authority that is not perceived as legitimate. Policy directives can be implemented that mirror policies of other departments, thus generating a mimetic model of similar behavior with ensuing legitimate authority. To reiterate, if the root of legitimate police authority is development of defensible criteria, this mimicry can expand from local confines. If a lack of constituent organizations in similar environmental conditions are presented, validation may be mirrored externally through larger and/or national organizations. An example of external validation can be department compliance with the Commission on Accreditation for Law Enforcement Agencies (CALEA). CALEA was created in 1979 as a credentialing authority through the joint efforts of International Association of Chiefs of Police (IACP); National Organization of Black Law Enforcement Executives (NOBLE); National Sheriffs' Association (NSA); and the Police Executive Research Forum (PERF) (CALEA, n.d.). Practices deemed as "the golden standard" by agencies such as IACP, NOBLE, NSA, and PERF generate a sense of legitimacy via development of defensible criteria, and policy mimicry of CALEA

standards re-establish and/or solidify legitimacy of the agency and its governance. Any crisis in legitimacy may be solved with isomorphic development of defensible criteria from either local, comparable agencies and/or national organizations.

Hypothesis

Based on existing literature, it can be established that an extensive amount of time has been dedicated to the practice of police use of force. Numerous studies provided statistics to support situational factors of use of force, as well as studies that support a perceived race narrative of minorities as the primary targets of law enforcement. However, I found that there is relatively little research directed toward the policies in which these departments act. As a result, previous research itself yields no definite direction in which an analysis of policy will go. However, based on the theoretical approach to this study, I am inclined to believe that in a profession that demands legitimate authority, departmental use of force policy directives should resemble one another. Mimicry of defensible criteria, from a successful similar agency or successful national organization, brings with it the hope of success. It is in the mimicry of these practices that are deemed as fair and eventually normative that respect and a willingness to submit to police authority derives. While different departments combat different issues in their respective locations, agreed upon policy directives would serve to create uniformity in policing, a key in the creation of a bureaucracy.

Methods

There are two types of data analyzed in the article: individual department use-of-force policies and CALEA standards. All policies used for this analysis were retrieved via an existing database from the Campaign Zero's "Use of Force Project." Campaign Zero and the Use of Force Project is an initiative that highlights police violence in the United States. The initiative supports the idea that police use of force policies lack basic protections against violence and fail to include limits of police use of force such as: 1) failing to make life preservation the primary principle shaping police decisions about using force; 2) failing to require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force; 3) allowing officers to choke or strangle civilians, in many cases where less lethal force could be used instead, resulting in the unnecessary death or serious injury of civilians; and 4) failing to require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor (Use of Force Project, n.d.). Additionally, the Use of Force Project suggests that departments such as Baltimore, Houston, St. Louis, and New York police departments do not make their use of force policies available online and that many police departments redact significant portions of their use of force policies before making them public (Use of Force Project, n.d.). As a result, the Use of Force Project collected department use of force policies from the 100 most populated cities via Freedom of Information Act (FOIA) requests. These FOIA requests were filed and submitted via the organization, "MuckRock" in mid-2015. Using United States Census Bureau data, a list of the 25 most-populated cities and their corresponding populations were

compiled and can be found in Appendix A. Use-of-force policies were ultimately matched with each respective city; it is important to note that the cities of Jacksonville, FL; Seattle, WA; Memphis, TN; Boston, MA; and Portland, OR were excluded because the FOIA requests had not yet been successfully processed and/or completed. The years that each department's use-of-force policy was made effective can be found in Appendix B. A coding scheme was created based on policy directive requirements from the Commission on Accreditation for Law Enforcement Agencies (CALEA). Table 1 briefly highlights the twelve directives required in use-of-force policies for CALEA accreditation.

Table 1: CALEA Use-of-Force Directive Requirements

Use of Reasonable Force (01.03.01)
Use of Deadly Force (01.03.02)
Warning Shots (01.03.03)
Use of Authorized Less Lethal Weapons (01.03.04)
Rendering Aid After Use of Weapons (01.03.05)
Reporting Uses of Force (01.03.06)
Reviewing Reports of 1.3.6 (01.03.07)
Removal from Line of Duty Assignment, Use of Force (01.03.08)
Authorization: Weapons and Ammunition (01.03.09)
Demonstrating Proficiency with Weapons (01.03.10)
Annual/Biennial Proficiency Training (01.03.11)
Issuing Written Directives (01.03.12)

These directives were cross-referenced with the existing CALEA client database; if older versions of policies did not contain directives that met CALEA standards yet the organization was currently CALEA accredited, the organization's policies were recorded as in full compliance with CALEA. Use of Reasonable

Force (01.03.01) was met if the department included a directive that discussed the expectation of using force to meet the objectives of the department. Keywords such as “reasonable,” “minimal,” “necessary,” and other force adjectives were examined. Use of Deadly Force (01.03.02) was met if the department included a directive that authorized sworn officers to use deadly force in permitted situations such as the defense of the officer’s life or another’s. Warning Shots (01.03.03) was met if the department either 1) prohibited warning shots in all situations; or 2) permitted warning shots in limited situations such as the defense of the officer’s life or another’s. Use of Authorized Less Lethal Weapons (01.03.04) was met if the department authorized sworn personnel to use less-lethal weapons in the line of duty, such as oleoresin capsicum/OC spray (commonly known as “pepper spray”); conducted electrical weapons (CEW) or electronic control devices (ECD) (commonly known as “Tasers”); and/or batons. Rendering Aid After Use of Weapons (01.03.05) was met if the department required sworn officers to personally render and/or request medical aid for suspects injured via combat techniques and/or authorized weapons. Reporting Uses of Force (01.03.06) was met if the department required sworn officers to report all use of force incidents to their immediate supervisors or through the appropriate chain-of-command. Reviewing Reports of 1.3.6 (01.03.07) was met if departments included an administrative review process of all reported use of force incidents. Removal from Line of Duty Assignment, Use of Force (01.03.08) was met if the department removed all sworn officers involved in reported use of force incidents from the line of duty. Keywords such as “administrative leave,” “reassignment,” and “removal from duty” were all examined. Authorization: Weapons and Ammunition

(01.03.09) was met if the department outlined all approved lethal and less-lethal weapons and ammunition, as well as the process of inspecting weapons and reporting weapons that are not operational. Demonstrating Proficiency with Weapons (01.03.10) was met if the department included minimum qualifying scores necessary for sworn officers to be authorized to carry both lethal and less-lethal weapons. Annual/Biennial Proficiency Training (01.03.11) was met if the department required all sworn officers to undergo training for all authorized lethal and less-lethal weapons every year or every two years. Issuing Written Directives (01.03.12) was met if the department required all sworn officers to be trained in department policies and be issued copies of department policies before being authorized to use lethal and less-lethal force. The full list of CALEA use-of-force directive standards can be found in Appendix C.

Data and Analysis

Table 2 depicts the occurrence of each directive as it pertains to CALEA standard compliance. The first directive, Use of Reasonable Force (01.03.01), appeared in all of the use-of-force policies. However, reasonable force was notably defined different in each department in the ensuing examples. The New York City Police Department defined reasonable force as “the amount of force necessary to overcome resistance will be used to effect an arrest or take a mentally ill or emotionally disturbed person into custody” (Use of Force Project(a)). The Los Angeles Police Department, while referencing *Graham v. Connor* (1989) defined reasonable force as “force under the circumstances known to the officer at the time the force was used” (Use of Force Project(b)), followed with factors to determine reasonableness. The Houston Police Department defined

reasonable force as “force or physical contact necessary to protect themselves or others, to effect an arrest, or to bring an incident under control” (Use of Force Project(c)).

Table 2: Statistical Chart of Directive Compliance (N=25 agencies)

Directive	Frequency	Compliance Percentage
Use of Reasonable Force	25	100
Use of Deadly Force	25	100
Warning Shots	19	76
Use of Less Lethal Weapons	25	100
Rendering First Aid	20	80
Reporting Uses of Force	23	92
Reviewing Reports	22	88
Removal from Line of Duty	12	50
Authorization of Weapons and Ammo	17	68
Demonstrating Proficiency	14	56
Annual/Biennial Proficiency Training	15	60
Issuing Written Directives	9	36

The Philadelphia Police Department defined reasonable force as “the amount of force necessary to overcome resistance” (Use of Force Project(d)). The San Antonio Police Department defined reasonable force as “the level of force necessary to accomplish a lawful police objective” (Use of Force Project(e)). The San Diego Police Department, using Penal Code section 835a, defined reasonable force as “force reasonable to affect a detention or arrest, to overcome resistance, or to protect themselves or others” (Use of Force Project(f)). The San Francisco Police Department defined reasonable force as “whatever force reasonable and necessary to protect others or themselves” (Use of Force Project(g)). While these

departments dictate that officers use a reasonable amount of force, there is a wide range of definitions for what is “reasonable.” The second directive, Use of Deadly Force (01.03.02), was included in all departmental use-of-force policies. The fourth directive, Use of Authorized Less Lethal Weapons (01.03.04), was included in all use-of-force policies. There was a small variance in the weapons authorized to law enforcement officers – notable differences were the permitted use of beanbag shotguns by the Phoenix Police Department and nunchakus by the San Diego Police Department. Universal policies, within the confines of the sampled departments, consisted directives explaining the department’s view of reasonable force as well as authorization of using lethal and less-lethal force to complete job duties. Three out of twelve policies were met with total compliance, so one may ask, what about the other nine policies?

The third directive, Warning Shots (01.03.03), was included in the use-of-force policies of 19 out of the 25 sample departments. The Houston Police Department redacted the section of warning shots from the copy made available via FOIA request. Other departments such as Philadelphia, San Francisco, Fort Worth, El Paso, and Baltimore did not include a warning shot directive in their use-of-force policies. The fifth directive, Rendering Aid After Use of Weapons (01.03.05), was included in 20 of the 25 departmental use-of-force policies. Departments such as Los Angeles, Houston, San Diego, Fort Worth, and Baltimore did not have stated policies about providing and/or requesting aid for all suspects that were subject to use of force. The sixth directive, Reporting Uses of Force (01.03.06), was found in 23 out of 25 departmental use-of-force policies – the departments that did not have reporting procedures listed in the use of force policy were New York and Los Angeles. The seventh

directive, Reviewing Reports of 1.3.6 (01.03.07), was found in 22 of the 25 departmental use-of-force policies. The departmental policies of New York City, Los Angeles, and Houston did not contain a directive about administrative review of force incidents. The eighth directive, Removal from Line of Duty Assignment, Use of Force (01.03.08), was found in 12 out of 25 departmental use-of-force policies. The departments that did not include a directive about removal from duty or job reassignment were New York, Los Angeles, Houston, Philadelphia, Phoenix, San Diego, Dallas, San Jose, Austin, San Francisco, Fort Worth, El Paso, and Baltimore. This was the first of two policies that were not met with majority compliance. The ninth directive, Authorization: Weapons and Ammunition (01.03.09), was found in 17 of the 25 departmental use-of-force policies. Many policies did not include how to inspect weapons, the process of removing weapons that are not working properly, or the guidelines for safely storing authorized firearms. The departments that did not include these directives in their use-of-force policies were New York, Los Angeles, Houston, San Diego, San Francisco, Fort Worth, Baltimore, and Milwaukee. The tenth directive, Demonstrating Proficiency with Weapons (01.03.10), was found in 14 out of 25 departmental use-of-force policies. Many departments maintained individual training standards for firearms yet were not explicit about minimum qualifying scores that permitted authorized use of a firearm. The departments that did not include these directives in their use-of-force police were New York, Los Angeles, Houston, Philadelphia, Phoenix, San Diego, San Francisco, Fort Worth, Denver, Baltimore, and Milwaukee. The eleventh directive, Annual/Biennial Proficiency Training (01.03.11) was found in 15 out of 25 departmental use of force policies. The

departments that did not include training directives were New York, Los Angeles, Houston, Philadelphia, San Antonio, San Diego, San Francisco, Fort Worth, Baltimore, and Milwaukee. The twelfth directive, Issuing Written Directives (01.03.12), was found in 9 of the 25 departmental policies. Nowhere in these policies did any directives state that anyone authorized to carry lethal and less lethal weapons was to be issued copies of and be instructed in the policies described in standards 01.03.01–01.03.05 before being authorized to carry a weapon. This was the second of two total directives that were not met with majority compliance.

A further analysis of individual departments and confirmation with the existing client database revealed that nine departments were either CALEA certified or met CALEA directive standards. Table 3 reveals that of the 25 sampled departments, 18 out of 25 (72.0%) departments were in either full compliance or majority compliance with CALEA standards. Majority compliance with CALEA standards was met when agencies complied with more than 6 of the 12 CALEA standards. Full compliance with CALEA standards was met when agencies complied with all 12 CALEA standards. Notably, the municipal police departments in Chicago, IL; Indianapolis, IN; Columbus, OH; Charlotte, NC; Washington, D.C.; Nashville, TN; Oklahoma City, OK; and Las Vegas, NV were in full compliance and CALEA certified agencies. In addition, the municipal police department in Louisville, KY met all of the CALEA standards but was not currently CALEA certified in the client database. This suggests that of the sample (N=25), 9 of the 25 departments (36.0%) are using a uniform standard of policing. This further suggests that 16 of the 25 departments (64.0%) are using self-selected policy directives. There are notable differences in the policy

directives of the non-CALEA certified departments. The directives in the New York Police Department use of force policy met 41.67% (5 out of 12) of CALEA directive standards. The directives in both the Los Angeles Police Department and the Houston Police Department use of force policies met 33.33% (4 out of 12) of CALEA directive standards.

The directives in the Philadelphia Police Department use of force policies met 58.33% (7 out of 12) of CALEA directive standards. The directives in both the Phoenix Police Department and the San Antonio Police Department use of force policies met 83.33% (10 out of 12) of CALEA directive standards. The directives in the San Diego Police Department use of force policy met 50.00% (6 out of 12) of CALEA directive standards. The directives in the Dallas Police Department, San Jose Police Department, and Austin Police Department use of force policies all met 83.33% (10 out of 12) of CALEA directive standards. The directives in the San Francisco Police Department use of force policy met 50.00% (6 out of 12) of CALEA directive standards. The directives in the Fort Worth Police Department use of force policy also met 33.33% (6 out of 12) of CALEA directive standards. The directives in the El Paso Police Department use of force policy met 75.00% (9 out of 12) of CALEA directive standards. The directives in the Denver Police Department use of force policy met 83.33% (10 out of 12) of CALEA directive standards. The directives in the Baltimore Police Department use of force policy met 33.33% (4 out of 12) of CALEA directive standards. The directives in the Milwaukee Police Department use of force policy met 66.67% (8 out of 12) of CALEA directive standards.

Table 3: Frequency of Directive Standards Met Per Department

Name of Agency	Percentage of CALEA Standards Met
New York Police Department	5/12 = 41.67%
Los Angeles Police Department	4/12 = 33.33%
Chicago Police Department	12/12 = 100.00%
Houston Police Department	4/12 = 33.33%
Philadelphia Police Department	7/12 = 58.33%
Phoenix Police Department	10/12 = 83.33%
San Antonio Police Department	10/12 = 83.33%
San Diego Police Department	6/12 = 50.00%
Dallas Police Department	10/12 = 83.33%
San Jose Police Department	10/12 = 83.33%
Austin Police Department	10/12 = 83.33%
San Francisco Police Department	6/12 = 50.00%
Indianapolis Metropolitan Police Department	12/12 = 100.00%
Columbus Division of Police	12/12 = 100.00%
Fort Worth Police Department	6/12 = 50.00%
Charlotte-Mecklenburg Police Department	12/12 = 100.00%
El Paso Police Department	9/12 = 75.00%
Denver Police Department	10/12 = 83.33%
Metropolitan Police Department of the District of Columbia	12/12 = 100.00%
Metropolitan Nashville Police Department	12/12 = 100.00%
Baltimore Police Department	4/12 = 33.33%
Oklahoma City Police Department	12/12 = 100.00%
Las Vegas Metropolitan Police Department	12/12 = 100.00%
Louisville Metropolitan Police Department	12/12 = 100.00%
Milwaukee Police Department	8/12 = 66.67%

Conclusions

As one can see, while there is evidence to suggest uniformity in departmental policies of some of the largest municipal law enforcement organizations, there is plenty of ambiguity in use-of-force policies. The departments of New York City and Los Angeles serve as outlier agencies that do not fit the mimetic isomorphic model, thus generating some opposition to the initial hypothesis. The New York Police Department (NYPD) use of force policy met 5 of the 12 CALEA directive standards, and the Los Angeles Police Department's (LAPD) use of force policy met 4 of the 12 CALEA directive standards. I was relatively surprised that many hypothesized comparisons went unfounded, highlighting many omissions in each respective department's use of force policies. While there are absences in the analyzed policies, these organizations and their authority remain legitimate. This may be explained using Goldstein (1967) and Weber (1921/1968); it can be suggested that the departments of New York and Los Angeles have opted to use defensible criteria that afford them the opportunity for individual decision-making considerations (Goldstein, 1967:1131). The idea of defensible criteria may be in large part because these departments are identified as bureaucracies that hold legitimate authority. This idea would be supported through Weber's idea that bureaucracies find themselves superior both in intensive efficiency and in the scope of its operations and is formally capable of application to all kinds of administrative tasks (Weber, 1921/1968:223). However, it is important to note that this legitimate authority is not entirely maintained throughout the course of the bureaucracy's existence without some challenges. While a crisis in legitimacy may have not fully impacted organizations such as the LAPD, one can see how the

aftermath of the Eric Garner case in New York reshaped department policies. These policies, while not in compliance with CALEA, may highlight the NYPD's effort to retain legitimate authority via policy change. Similar organizations, such as the Chicago Police Department, have experienced more broad crises in legitimacy. A recent overhaul of the Chicago Police Department personnel and policies from independently-chosen to CALEA-modeled served as an example of top agencies losing legitimacy and recognized authority: I would hypothesize that the New York Police Department and Los Angeles Police Department, if involved in enough highly-publicized use-of-force incidents that may devalue the legitimate authority of each agency, may elect to re-evaluate department directives in favor of nationally-recognized directive standards.

While the NYPD and the LAPD may not fit the isomorphic models yet retain legitimate authority, many agencies actually fit that very model. This mimetic model may be found in the Texas agencies; many of the metropolitan agencies in Texas met similar CALEA standards. With the exception of Houston (4 out of 10) and Fort Worth (6 out of 10), the Texas agencies averaged from 9 met standards (El Paso) to 10 met standards (San Antonio, Dallas, and Austin). One can see these Texas agencies likened to what DiMaggio and Powell (1983) define as a key step in mimetic isomorphism – “units in similar populations to resemble other units that face the same set of environmental conditions” (DiMaggio & Powell, 1983:149). These same set of environmental conditions, simply being all located in the state of Texas, may allow these organizations to mirror one another which could support why many of the Texas agencies included alike policy directives. This mimicry by Texas agencies generates the narrative of normative policing tactics, at least

within the geographical region of Texas. Another example of mimetic isomorphism may be seen in California agencies, yet not in the positive direction that the Texas agencies revealed. Of the 4 California agencies (Los Angeles, San Diego, San Jose, and San Francisco), 3 agencies (Los Angeles, San Diego, and San Francisco) were not in majority compliance with CALEA standards. Again, a key aspect of isomorphism is met when units in similar populations to resemble other units that face the same set of environmental conditions (DiMaggio & Powell, 1983:149). This perceived mimicry by California agencies vastly differs from that of Texas agencies; 4 out of 6 Texas agencies were in majority compliance of CALEA standards, whereas 3 out of 4 California agencies were not in majority compliance. This then generates a different narrative than that of Texas agencies, which may lead to following a bureaucracy such as the Los Angeles Police Department achieves legitimate authority. In other regions, there was no definite link between region and CALEA compliance. Agencies either in majority or full compliance with CALA standards were spread out immensely from the east coast to west coast, which may suggest that compliance may be linked more to population size rather than region of location. Population size yielded pockets of comparable organizations; in cities with populations of 1,000,000+ (N=10), 6 out of 10 agencies were in either majority or full compliance with CALEA standards. In cities with populations of less than 1,000,000 (N=15), 12 out of the 15 agencies were either in majority or full compliance with CALEA standards. Neither region nor cities' population sizes were tested for significance, so this research cannot suggest if either variable were significant in any possibly mimicry by an organization of another.

Additionally, the vague continuum of definitions of “reasonable force” is a highlighted concern of the results of the research. As one could see from the analysis, phrases such as “the amount of force necessary to overcome resistance” establish a denotation required per directive requirements, yet arguably presents vague connotations of reason to the average officer. Rhetorically-speaking, how do the vague range of definitions continue to exist? Branching off of earlier conclusions as well as the findings of Paoline and Terill (2011), one can argue that autonomy may transcend cooperation. Bureaucracies are in no way mandated to conform with the definitions of cohort agencies, but this lack of conformity can undoubtedly highlight a lack of uniformity in policing practices. In no way does this research condemn the training of officers, but rather reiterate that the concept and practice of “reason” varies by each individual regardless of professional judgment and/or training. A consensus definition of reasonable force may be entirely too unattainable; the ambiguous terms in these policies leave “reason” entirely up to officers who are ultimately trained to fight for their lives. In cases of fear or perceived imminent danger, this concept of reason will be defined and practiced differently by each officer that simply wants to make it home safely at the end of their shift. Furthermore, working in that cloud of fear, fascination, and contempt (Bittner, 1970) heightens officer sensitivity to danger, and can factor into that legitimate or illegitimate practice of reason. Additionally, the directive standards regarding weapons training highlighted another inconsistency in policy standards. Many agencies did not include specifications of all approved lethal and less lethal weapons and/or ammunition, or procedures for maintaining and inspecting approved weapons for use in the line of

duty. Metropolitan departments such as Houston redacted these sections from public availability, which created a challenge of recording the department being/not being in compliance with CALEA standards. Other departments included redirections to additional policy sections for further information, which expanded the challenge of recording the department being/not being in compliance with CALEA standards. Ultimately, this poses an issue with organization; this issue is not with the policy itself, but rather, the structure of the full use-of-force policy. With ambiguity clearly present in department policies, this scrutinizes police authority and its legitimacy, possibly leading to more unfortunate use-of-force encounters.

Limitations and Future Research

While the research was insightful as to the policies and structures of some of the largest police departments in the United States, further research could highlight more marquee differences in the department. The major limitation in this research is the existing gap between what is instituted in the policies versus officer discretion. These policies represent ideal officer behavior and department organization, yet instances of officer misconduct suggest that these policies are not completely complied with in every scenario. While policies may suggest that organizations are/are not in compliance with use-of-force standards, this cannot address officer adherence to these policies via job performance. Ultimately, defensible criteria differ vastly from defensible discretion. Another major limitation of this research was department transparency. Using a database derived of FOIA requests suggests that policies are not made readily available to the average citizen, but rather to those

that know how to retrieve information. Additionally, omissions of cities from the analysis because of unfulfilled FOIA requests, some of which were made multiple years ago, demonstrates a clear lack of transparency by these governing organizations. This lack of transparency, in my opinion, may be the ultimate hindrance on legitimate authority. If policies in place are fair to every citizen, why the degree of difficulty in retrieving said policies? If one is willing to submit themselves to the authority of the police, should that person not have department policies made readily available? This may further demonstrate biases in policies, which would make for an interesting direction to take this research. One major idea for future research would be to obtain more up-to-date versions of department policies. The San Francisco Police Department, for example, is using a use-of-force policy from 1995, over two decades old from the time of this research. More updated policies may show the modeled mimicry of certain departments, and more transparency of the department. If this cannot be met, an alternative suggestion may be understanding how often policies are updated, and the gap between modern day and the last update for many of these organizations. A second idea for future research would be to examine CALEA certification standards for training academies of these municipal law enforcement agencies. While there may be little uniformity in policies, it would be interesting to see the relationship between training academy standards and policy directives. This meets its own challenges, as initial training may not be as important as on-the-job training and department reinforcement. Additional stipulations to the research may be examining notable differences between individual state accreditation standards and nationally-recognized standards. Are there advantages via state accreditation that are not

available via national accreditation? Are policies in place solely to legally protect the department while officers are being trained in alternative methods? A third idea for future research would be to examine the full standard operating procedure (SOP) of each department to see expanded differences between departments. Many of the use-of-force policies noted to see additional sections or directives for further explanation of procedures, so it is important to note that the use of force policy is an incomplete snapshot of all standards maintain by each respective department.

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Appendix A

Most Populated Cities in the United States*

1. New York, NY – 8,491,079
2. Los Angeles, CA – 3,928,864
3. Chicago, IL – 2,722,389
4. Houston, TX – 2,239,558
5. Philadelphia, PA – 1,560,297
6. Phoenix, AZ – 1,537,058
7. San Antonio, TX – 1,436,697
8. San Diego, CA – 1,381,069
9. Dallas, TX – 1,281,047
10. San Jose, CA – 1,015,785
11. Austin, TX – 912,791
12. San Francisco, CA – 852,469
13. Indianapolis, IN – 848,788
14. Columbus, OH – 835,957
15. Fort Worth, TX – 812,238
16. Charlotte, NC – 809,958
17. El Paso, TX – 679,036
18. Denver, CO – 663,862
19. Washington, D.C. – 658,893
20. Nashville, TN – 644,014
21. Baltimore, MD – 622,793
22. Oklahoma City, OK – 620,602
23. Las Vegas, NV – 613,599
24. Louisville, KY – 612,780
25. Milwaukee, WI – 599,642

**Detroit, MI; Memphis, TN; Boston, MA; Seattle, WA; Portland, OR were omitted because use-of-force policies were unavailable.*

Appendix B

Year of Department Policy (in parenthesis)

1. New York, NY – (2013)
2. Los Angeles, CA – (no year available)
3. Chicago, IL – (2002)
4. Houston, TX – (2007)
5. Philadelphia, PA – (2010)
6. Phoenix, AZ – (2015)
7. San Antonio, TX – (2012)
8. San Diego, CA – (2013)
9. Dallas, TX – (2015)
10. San Jose, CA – (2015)
11. Austin, TX – (2015)
12. San Francisco, CA – (1995)
13. Indianapolis, IN – (2012)
14. Columbus, OH – (2014)
15. Fort Worth, TX – (no year available)
16. Charlotte, NC – (2015)
17. El Paso, TX – (2012)
18. Denver, CO – (2010)
19. Washington, D.C. – (2002)
20. Nashville, TN – (no year available)
21. Baltimore, MD – (2003)
22. Oklahoma City, OK – (2014)
23. Las Vegas, NV – (no year available)
24. Louisville, KY – (2004)
25. Milwaukee, WI – (2015)

Appendix C

1. ***Use of Reasonable Force*** – written directive stating personnel will use reasonable force when force is used to accomplish lawful objectives (01.03.01).
2. ***Use of Deadly Force*** – written directive stating that an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similarly used terms that are used to qualify the directive, shall be included (01.03.02).
3. ***Warning Shots*** – written directive governing the discharge of "warning" shots. Generally, warning shots should be prohibited due to the potential for harm. If permitted, the circumstances under which they are utilized should be narrowly defined (01.03.03).
4. ***Use of Authorized Less Lethal Weapons*** – written directive governing the use of authorized less lethal weapons by agency personnel (01.03.04).
5. ***Rendering Aid After Use of Weapons*** – written directive specifying procedures for ensuring the provision of appropriate medical aid after use of lethal or less lethal weapons, and other use of force incidents as defined by the agency. The intent of this standard is to minimize the severity posed by obvious injuries or non-visible trauma commonly associated with some weaponless or hand-to-hand tactics. Such tactics may include neck holds, hard punches to the head, heart, or other vital organs, or restricting respiratory function. "Appropriate medical aid" does not place the burden on the agency to have each injured person immediately evaluated at a medical facility. "Appropriate medical aid" may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals. "Other use of force incidents as defined by the agency" may include procedures for the provision of medical aid to a person injured prior to contact with the agency, but the scope of this standard is limited to actions taken by agency personnel causing, or likely to cause injury (01.03.05).
6. ***Reporting Uses of Force*** – written directive stating that a written report must be submitted whenever an employee: a) discharges a firearm, for other than training or recreational purposes; b) takes an action that results in, or is alleged to have

resulted in, injury or death of another person; c) applies force through the use of lethal or less lethal weapons; and/or d) applies weaponless physical force at a level as defined by the agency (01.03.06).

7. **Reviewing Reports of 1.3.6** – written procedure for an administrative review of each report required by standard 1.3.6 (01.03.07).

8. **Removal from Line of Duty Assignment, Use of Force** – written directive requiring that any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be removed from line-duty assignment, pending an administrative review (01.03.08).

9. **Authorization: Weapons and Ammunition** – written directive requiring that only weapons and ammunition authorized by the agency be used by agency personnel in the performance of their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty, and must address: a) the types and specifications of all lethal and less lethal weapons approved for use, including those weapons used by members of tactical teams or other specialized personnel; b) the types and specifications of ammunition approved for use, including ammunition used in specialized weapons for members of tactical teams or other specialized personnel; c) the procedure for review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor or armorer; d) a process to remove unsafe weapons; e) the procedure for maintaining a record on each weapon approved by the agency for official use; and f) guidelines for the safe and proper storage of agency authorized firearms (01.03.09).

10. **Demonstrating Proficiency with Weapons** – written directive requiring that only agency personnel demonstrating proficiency in the use of agency authorized weapons be approved to carry such weapons. The intent of this standard is to cover the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, or striking weapons (see standard 1.3.9). Demonstrated proficiency includes achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and being familiar with recognized safe-handling procedures for the use of these weapons. The instruction on and qualification with all weapons should be provided by a certified weapons instructor (01.03.10).

11. *Annual/Biennial Proficiency Training* – written directive requiring of at least annual in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that the employee is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. In addition: a) proficiency training must be monitored by a certified weapons or tactics instructor; b) training and proficiency must be documented; and c) the agency must have procedures for remedial training for those employees who are unable to qualify with an authorized weapon prior to resuming official duties (01.03.11).

12. *Issuing Written Directives* – written directive requiring that all agency personnel authorized to carry lethal and less lethal weapons be issued copies of and be instructed in the policies described in standards 1.3.1 through 1.3.5 before being authorized to carry a weapon. The issuance and instruction shall be documented (01.03.12).