

Police use of force



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Members of the police force are government officials who enforce the laws and maintain social order. They are engaged in a dangerous and stressful occupation that can involve violent situations that must be controlled. In many of their confrontations with the public it may be necessary for the police to administer force to take control of a suspect. Every day, law enforcement officers face danger while carrying out their responsibilities. When dealing with a risky, unpredictable situation, police officers usually have very little time to assess it and determine the proper response.

A use of force is an intentional act by a police officer which may cause pain and/or injury to someone for the lawful purpose of controlling their actions. Police enforce social order through the legitimized use of force. Use of force describes the amount of effort required by police to compel compliance by an unwilling subject. Police have to use force to subdue suspects every day. A police officer may use force when it is lawfully necessary to control the actions of another person. The five components of force are physical, chemical, electronic, impact, and firearm.

To some people though the mere presence of a police officer can be intimidating and seen as use of force. Police have the right to use force while protecting themselves. That force must be reasonable, justified, and within policy. Good training can enable the officer to react properly to the threat and respond with the appropriate tactics. Force should be used in only the minimum amount needed to achieve a legitimate purpose. In most cases, police officers are legally allowed to partially use force.

The amount of force police use should be the minimum amount needed to eliminate the threat presented, thereby minimizing the risk and severity of

any injury that may occur. The level of force an officer uses will vary based on the situation. Reasonable levels of force are guessed by cops on the street, second-guessed by police review boards and sometimes tested in civil lawsuits and criminal prosecutions on a case-by-case basis. It is generally up to the police officers to weigh whether they are being threatened, and what force the suspect is using to resist arrest.

The goal is to get a suspect to comply, and to be subdued enough not to resist arrest. Officers should only use the level of force that is being used by suspects against the officers. A use of force continuum is a standard that provides police officers with guidelines as to how much force may be used against a resisting subject in a given situation. Most law enforcement agencies have policies that guide their use of force. These policies describe an escalating series of actions an officer may take to resolve a situation.

This continuum generally has many levels, and officers are instructed to respond with a level of force appropriate to the situation at hand. The officer may move from one part of the continuum to another in a matter of seconds. Various criminal justice agencies have developed different models of the continuum, but there is no universal standard model. Police officers are always being criticized. There are no illusions on the part of any experienced officer that their actions will not reverberate beyond the immediate scene of an incident.

It is an accepted part of the job, an expectation for which every officer must be prepared. Police officers have to articulate, explain, and justify their actions. The failure to do so adequately can lead to the release of a suspect, civil liability, and/or criminal charges. As long as the facts known to the

officer at the time of their decision to use force were objectively reasonable, then the use of force will be lawful. The improper use of force can be divided into two categories: unnecessary and excessive.

The unnecessary use of force would be the application of force where there is no justification for its use, while an excessive use of force would be the application of more force than required where use of force is necessary. Excessive force is any force beyond what is necessary to arrest a suspect and keep police and bystanders safe. The term excessive will have different meanings in different jurisdictions. Excessive force is generally beyond the force a reasonable and sensible law enforcement officer would use under the circumstances.

The instant compliance is obtained, anything beyond that becomes excessive. The officer has the ability to exercise whatever the minimum force is in their mind to counter a defense, each time a defense to an arrest is offered. Very few incidents of force result in charges of excessive force. Excessive force by a law enforcement officer is a violation of a person's rights. It is also a direct violation of the Fifth and Fourteenth Amendments of the U. S. Constitution regarding cruelty and protection of the laws. The use of excessive force is a criminal offense.

The legal test of excessive force is whether the police officer reasonably believed that such force was necessary to accomplish a legitimate police purpose. The frequency of police use of force events that may be defined as justified or excessive is difficult to estimate. The public constantly scrutinizes police officers. Episodes where police engage in excessive use of force have been well publicized in the media. Widespread media attention to these

events unfortunately conveys the impression that rates of use of force, or excessive use of force, are much higher than what actually occurs.

Excessive force cases have received more attention due to some of the high profile cases that reach the media. The public sometimes perceives the use of force by the police as an offense even when the force used is lawful. Just one use of force incident can dramatically alter the stability of a police department and its relationship with a community. When any kind of physical use of force is required, there is always a chance of injury to the officer or the suspect. When police use force and injury results, concern about police abuse arises, lawsuits often follow and the reputation of the police is threatened.

Injuries also cost money in medical bills for indigent suspects, workers' compensation claims for injured officers, or damages paid out in legal settlements or judgments. The critical nature of law enforcement decisions regarding the use of deadly force demands the clearest possible guidance with respect to the legal standards controlling the officers' actions. A lack of clarity can negatively increase an officer's legitimate concerns for safety, especially in circumstances that are tense, uncertain, rapidly evolving, and/or dangerous.

In dealing with an unpredictable, dangerous situation police officers have very little time to organize themselves psychologically and assess the ability to determine a proper response. Police officers can lose their heads in the heat of a chase. Stressed and full of adrenaline, they can get angry. Police get training to learn how to keep calm. The individual officer, the

department's training program, and the officer's supervisors, may all be held responsible in excessive force situations.