

# Police use of force



Police Use of Force Introduction Police officers are authorized to use force under certain circumstances, for instance; controlling a disruptive, aggressive and disturbing demonstration, undergoing arrest of an accused person or controlling a combative individual. These officers are trained properly regarding use of force while fulfilling their duties. However, the use of force by police is a subject of hot discussion amongst public, as many times law enforcement agencies, televisions, newspapers, and civil as well as criminal courts have taken serious actions against excessive use of force by police-officers under a given situation (U.

S department of Justice, 1999). The aim of this paper is to study national as well as international polices regarding the use of physical, verbal or any other kind of force like, chemicals, electronic control devices or lethal weapons by police-men. Moreover, the attitude of public, media, courts and juries towards the excessive use of force will be studied. Force is defined as, a non-negotiable use of police authority to influence the behavior of citizens (Ederheimer & Fridell, 2005).

On the other hand, National Institute of Justice defines use of force as under; ' Amount of effort, used by police to compel compliance by an unwilling subject'. Police ensures the enforcement of law by the legal use of force, verbal as well as physical force can be used in this regard depending upon severity of situation, and the purpose is to decrease the unwanted results of a particular event.

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or friend) should be informed about this situation. Force is defined as, a non-negotiable use of police authority to influence the behavior of citizens (Ederheimer & Fridell, 2005). On the other hand, National Institute of Justice defines use of force as under; ‘ Amount of effort, used by police to compel compliance by an unwilling subject’.

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Reasonable force is that amount of force, which a prudent or careful person can use in a given situation (Ederheimer & Fridell, 2005). Excessive force is the amount of force exceeding the ordinary force (Ederheimer & Fridell, 2005). Excessive use of force became a subject of discussion after the ‘ Rodney king case’ in Los Angeles, afterwards the allegation was made against the police officer, who used force to arrest him. After this event, national as well as international attention focused on the definition of use of excessive force in an event.

There are some strict policies against use of excessive force, and officers get charged because of this; for example; Justine Volpe a police officer of New York police was charged because of the fact that he assaulted Abner Loulma with a broomstick and humiliated the Haitian immigrant who was handcuffed . People have a good knowledge about the laws and policies related to

unjustified use of force by police. Although, these officers have to take decisions so as to cater the situation, but these split-second decisions can become a subject of long term public review (Hess, 2009).

The excessive use of force is an unreasonable act, the reasonableness is determined by the fact, whether a careful officer would have used this much of force in the similar circumstances. The information is gathered about the situation from the officer as well as other police-men involved in this task, however, resistance from the offenders, if occurs during arrest, excessive use of force become justifiable. Otherwise it becomes a negative point for the officer.

Guidelines for the use of force There are several guidelines for the use of force, which vary from place to place and situation to situation, there is not universal rule and guideline for the amount of force used in a particular event. However, national institute of justice gives guidelines for the use of force based upon various factors which are as under: \* The experience of a particular police department \* Law enforcement technologies, which are available at a given place during specific event \* Federal as well as state mandates becomes another influencing factor \* Complex relationship that can develop between police and general public at given place is also another determinant of the use of force (National Institute of Justice, 2009). Use of force continuums Officers have specific training regarding use of force, for this purpose officer's continuums were developed in the year 1960s. These continuums are based upon the resistance faced by the police officer and the amount of force that can be justified at that particular time.

It can be said that the use of force should behave in a linear manner that means the rise should occur from the negligible resistance to increased aggression (Hess, 2009). Law enforcement agencies almost, at all places give policies according to which a police officer can utilize force by keeping the legal boundaries intact. These law enforcement agencies describe the process with a series of different actions, which should be undertaken so as to turn a dangerous situation into peaceful. Graham's Factors

Juries and courts know that the right to make physical arrest gives a right to the officer to utilize some degree of force as well, only then the arrest will be possible in a given situation. Therefore, the reasonableness of the use of force can be decided from the use perspectives of officer who is facing the situation (Hess, 2009). Graham V Connor established some factors so as to aid police department in use of force, these factors are discussed as under: \*

- \* Nature and severity of the crime of the suspect Offender if poses any kind of threat to the police officer or any other person, then use of force can be justified.
- \* Circumstances should be considered, tense and uncontrollable situation can compel officer to use force.
- \* If the offender tries to escape from the situation or fights with the officer then force can be used.
- \* Suspect if actively show physical resistance to arrest then force can be used to control the situation, otherwise, whole effort will go in vein.

Graham's factors are also very helpful for juries to take decision in lawsuits related to excessive use of force (Hess, 2009).

Problems with the use of force There are several problems associated with the police and use of force. Sometimes police officers are not aware of the situation in which they are going to arrest someone; moreover, they should

also be aware of the law-cases in the area (Hess, 2009). There are several reasons because of which police force leave it open to lawsuits, most of these are related to following things like false arrest and excessive use of force and shooting (Hickman, 2006). False arrest can lead to a serious case against the officer who is involved in this.

False arrest can be defined as ‘ it is an action of civil court tending to establish that the officer that claimed an authority to make an arrest did not have any probable cause of this arrest at that time’. The only way to avoid such kinds of problems with the use of force is to obtain an arrest warrant or get the conviction from the court before taking action against someone who is suspected. These arrest warrants and convictions from the court even work when the arrested person is not found guilty of a specific crime.

Moreover, police officers can also reduce these law-suits when they know rules and regulation, which they are going to enforce, they should also know the elements of each and every crime and what was the cause of this crime (Hess, 2009). These officers, who know all these things, can also use ‘ good faith defense’ to secure them in such situation. Use of force during arrest is a very serious matter, sometimes it causes lawsuits, which are most difficult to deal with. It is supposed that the use of physical force is not very much necessary in all kinds of arrest; rather these arrests can be made without use of physical force.

International association of chiefs of police released a report, in which it was observed that the rate of use of force is in 3. 61 per one thousand events. Available Statistics on the use of force Use of force is an issue that has gained considerable public attention in last few years, unfortunately,

television and other media publication determine that excessive use of force has become a norm; they show events and pictures of excessive use of force at much higher than that of the actual rate.

Public is very much cautious about these kinds of events and therefore take a great interest in discussing and scrutinizing such events( Hickman, 2006). However, a detailed study done by National Institute of Justice reveals some important facts about this issue, these facts are briefly discussed in following lines. It has been observed in the study that the rate of complaint against excessive use of force from police is 6 percent, which means 6 out of hundred cases show this. Law enforcement department has written in its report that 92 percent of these complaints have no evidence to support it.

Jury has rejected those cases which are without evidence and no action was recommended against these officers (Hickman, 2006). In the year 1999 and 2000, police officers behaved in a very careful manner, out of 100 calls for police action, only one event showed the use of force from police department (International association of chiefs of police, 2001). Use of police force is although not very common; however it depends upon how someone defines the excessive force according to the severity of event or condition (National institute of Justice, 2009).

A report released by US department of justice reveals some important facts and figures about the use of force by police officers in different events like, arresting a suspect, controlling a combative person and stopping an aggressive demonstration. The report suggests that the use of force by police occurs usually in the form of garbing, pushing, kicking etc. in this regard, a case study was done on almost seven thousand five hundred and

twelve adult-arrest cases, and it was observed that use of physical force and tactics without weapons was done in almost 80 percent cases.

In which, grabbing was most common and was used for half the time. Only 2.1 percent of all arrests showed the use of weapons by police officers (National Institute of Justice, 2009). Conclusion Police officers are trained and given the responsibility to ensure the protection as well as domestic well-being of public. They are armed all the time, it is their duty to coerce the combative person and also comply with the policies and procedures of law enforcement agencies. As police carry lethal weapons therefore their capacity to use force is also a subject of public scrutiny (Hess, 2009).

First and foremost responsibility of police-offices is to improve the public safety and ensure their protection, and therefore the force they have is allowed to be used for the purpose of decreasing death rate of innocent people. Along with that, their duty is to safeguard those who are violating the rules or planning to harm themselves or others. In doing so officers are allowed to utilize force in an effective and careful manner. The amount of force used has a direct relationship with the threat from the criminal and it is limited to the minimum force needed to complete the given target (Hickman, 2006).

While using this force, police officer must keep in mind that they are drawn from their own community and the purpose of their job is to bring peace, happiness and prosperity in that community, keeping this thinking ahead they can perform their job in a required manner, which will not only improve the integrity of the department of police, but also improve the image of



police officers amongst the eyes of general public (Hickman, 2006).

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