

Use of force essay



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Whenever a law enforcement officer places an individual under arrest or is involved in a deadly force scenario the officer has used some degree of force.

The incidents where an officer has to make a split second decision and use physical force to control a situation is known as Use of Force. The use of force varies as situations present themselves to the officer and they must decide what level of force is necessary to control the situation. Often the use of force is subject to much debate and not a year goes by without some media coverage of some law enforcement officer accused of using excessive force. In dozens of studies of police use of force there is no single, accepted definition among the researchers, analysts, or the police.

(Department of Justice) While there is no single definition of the use of force there is a legal test that must be passed to rule out the possibility of excessive force. The use of force must be reasonable and necessary in order for the lawful application of the use of force. There have been many cases of law enforcement officers being accused of using excessive force with high profile cases such as, Rodney King and the recent subway shooting in Oakland California. These excessive force complaints occur in all facets of law enforcement from small municipalities to large scale cities. Law enforcement officers have to undergo many hours of training in both the recruit academy and while on the job in order to ensure proper use of force. Officers must make use of force decisions whenever apprehending a fugitive, at a minimum they will have to handcuff the accused.

Often times the use of force complaints come whenever an officer has to go hands on with a criminal and are forced to literally fight the perpetrator into submission. This becomes difficult to do whenever the person being arrested is under the influence of drugs, becoming very strong and difficult to control. For obvious legal reasons all law enforcement agencies utilize some form of a Use of Force Matrix which outlines when and what use of force is to be used on an individual based on his posture and actions. This use of force matrix utilizes a graded approach whereas an officer will use only the force necessary to exercise and arrest. Law enforcement officers may use that amount of force necessary to effect the lawful purpose intended, provided that no reasonably effective alternative to the use of force appears to exist at the time the force is used. The privilege to use force is not limited to the amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable officers to effect the arrest or otherwise neutralize the resistance of a subject.

If a suspect refuses to be arrested the officer will have to utilize a higher level of force dependent upon the suspect's actions. For example, if a suspect is resisting arrest, the officer may use a taser or other force methods to arrest the individual. An officer cannot simply resort to higher levels of force without proper justification. Officers must utilize only the force which is necessary and justified. There are times when an armed suspect may prompt an officer to use the highest level of force, deadly force, if he feels him or another person's life is in jeopardy.

The result of not going utilizing his weapon on this use of force scenario could mean death to the officer or the public. Deadly force is the highest level in the use of force matrix. Deadly force is that force which a reasonable person would consider likely to cause death or serious bodily harm. Its use may be justified only under condition of extreme necessity, when all lesser means have failed or cannot reasonably be employed. In determining when the use of deadly force is appropriate, officers must consider the totality of the circumstances to include evidence of hostile intent versus unintentional act, the seriousness of the incident, and other factors associated with the incident. When appropriate (without endangering the lives), officers must attempt to stop or control unauthorized acts using lesser means of force such as presence, verbal warnings, or physical constraint.

Advocates for the use of force argue that using an element of force reduces the chance of injury to both the officer and the suspect. The use of the taser as an intermediate use force over the baton has been said to have greatly reduced injuries. “ There has been a big impact on the community since we started using them. It?? s prevented several deadly force encounters,” Baton Rouge police spokesman Sgt.

Don Kelly said. “ They (Tasers) have saved the lives of officers and suspects. ” (Ward, 2009) Another form of the use of force is handcuffing, which is used in almost all cases where an officer places and individual under arrest.

Placing a suspect in handcuffs helps an officer deescalate a situation by reducing the suspects ability fight, this helps prevent injury to the officer and the suspect. Pepper spray is another commonly used device used by officers and is considered a less lethal use force and can be used to control a suspect

who the officer thinks may resist arrest. Advances in nonlethal neutralizing agents—most notably oleoresin capsicum, or “pepper spray”—give today’s law enforcement officers a means to control subjects without resorting to a physical confrontation or to the deadly force level of the force continuum.

(Hunter, 1994) Suicidal suspects present a unique challenge to law enforcement officers. They will often be irrational and provoked at the mere presence of a law enforcement officer. Sometime they will attempt to display a hostile act towards an officer in an attempt to get the officer to shoot them. This scenario is called suicide by cop. These more often than not, result in a officer shooting the suspect, simply not doing so could result in the individual shooting the officer or family member.

Sometimes a suspect will go on a shooting rampage such as the Columbine shooting. The suspects in this case had the intent of killing as many people as they could before killing themselves. Simply attempting to talk them out does not work, they have only one goal in mind, to kill people. The actions of this and other shootings like it have prompted law enforcement agencies to adopt a new method of intervention, they call it ??? active shooter??? training. After Columbine and with the threat of terrorism, we now know that containment of threat tactics may not always serve.

The officers on the spot may have to deal with, engage and search for an active shooter. (Meyer, 2004) Law enforcement officers trained in active shooter scenarios could potentially prevent numerous loss of life by rapidly deploying to a situation and interdicting the adversary. The old method of standing by until assistance arrives will cost lives as the longer it takes for

officers to enter the building the more people the adversary can kill. The LA bank robbery is another incident where the use of force was necessary to prevent armed bank robbers from fleeing risking the public. These bank robbers were armed with AK-47 assault rifles, body armor, and 2800 rounds of ammo.

Both robbers were killed after shooting 1300 rounds injuring 17 people. This is another incident where negotiating with the suspects would not have produced a positive outcome. Opponents for the use of force argue that the police often go beyond their legal authority when using force which results in excessive force complaints. The much publicized Rodney King incident of 1991 in which officers who had pulled king over for going 115 on Highway 210 in Los Angeles and ultimately beating him with batons after he was said to have resisted arrest, all of which was caught on camera. The public outcry and acquittals caused the April 29, 1992 Los Angeles riots in which took 53 people's lives and caused over \$1 billion dollars in damages.

(Grey) The NAACP often charges that minorities are the subject to a higher level of force that more often than not results in excessive force. Another example police using excessive force is the Oakland subway shooting of 2009 where a suspect was shot in the back following an arrest. The suspect was handcuffed and laying face down when an officer who was allegedly attempting to fire his taser accidentally upholstered his handgun and shot the suspect in the back, killing him. Again, this incident was also caught on tape and played on TV, sparking enormous public outcry. Law enforcement officers have a commitment to serve the public.

These law enforcement officers are not immune to feeling and can often get overwhelmed by a situation and utilize an excessive level of force. For example, an officer gets upset with a rude suspect and tases him. Or the witnessing of a shooting may not be able to control his or her emotions and let their feelings interfere with using proper use of force on a suspect believed to have committed the crime. Law enforcement officers must be trained to use the lowest level of force possible and must attempt to deescalate a situation reducing the likelihood for the need to use force.

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