
11

The Ethics of Force

Duty, Principle, and Morality

Kevin A. Elliott and Joycelyn M. Pollock

“He who fights with monsters should be careful lest he thereby become a monster.”

Friedrich Nietzsche, *Beyond Good and Evil*, 1886

On the evening of July 5, 2011, police officers Manuel Ramos and Joseph Wolfe responded to the Fullerton bus depot regarding a man pulling on the door handles of parked cars. According to accounts published in the *Los Angeles Times* (Winton, 2012b), the officers encountered 37-year-old Kelly Thomas. He was shirtless and, from the look of his disheveled appearance, homeless. They would later learn that Thomas had been diagnosed as schizophrenic when he was 16 years old. The officers did not pat Thomas down, but removed a backpack he was wearing and told him to sit on the curb. Officer Wolfe searched the backpack at the trunk of his patrol vehicle while Ramos stood guard over Thomas. Ramos instructed Thomas to put his legs out in front of him with his hands on his knees. Thomas appeared confused and had difficulty understanding or complying with Ramos’ order as the two exchanged words.

Ramos appeared to become increasingly irritated with Thomas’ failure to follow directions. Ramos eventually donned a pair of latex gloves. “Now see my fists?” he asked. “They’re getting ready to fuck you up.” Ramos grabbed Thomas, who was still seated, by the back of the arm. Thomas protested, pulled away, and stood up. Officer Wolfe came out from behind his vehicle to assist as Ramos drew his baton. Wolfe drew his baton as well, as Thomas moved away from the approaching officers with hands held open in a defensive position. Wolfe then swung his baton at the retreating man’s legs, followed closely by a baton swing from Ramos.

Thomas attempted to run, but was tackled several feet away. Both officers punched Thomas numerous times, while Ramos pinned Thomas down with his body weight. Still struggling, Thomas was heard repeatedly saying that he was sorry and that he couldn't breathe. Corporal Jay Cicinelli, responding to the officers' call for help, arrived on the scene and found the officers still struggling with the pleading Thomas. He kned Thomas twice in the head, and deployed his Taser four times. Thomas screamed in pain while continuing to yell that he was unable to breathe. At this point, Cicinelli used the butt of his Taser to hit Thomas eight times in the head and face. Thomas responded by calling for his "daddy" to help him. In fact, the last words Thomas spoke before losing consciousness forever were for his father's help.

Kelly Thomas died five days later from facial injuries, blood in his lungs, and mechanical compression of his chest that made it difficult to breathe, depriving his brain of vital oxygen (Winton, 2012a). Most of the incident was captured on video by security cameras and tape recorders carried in the officers' pockets. Ultimately, six officers were involved in the altercation that led to Thomas' death. Officers Ramos and Cicinelli have been fired and are currently awaiting trial on involuntary manslaughter charges. Officer Wolfe was fired but has not been charged with any crime. The remaining three officers have retained their jobs and have not been charged.

The beating and death of Kelly Thomas provides an illustration of the tentative relationship between society and its guardians of law and order. Ordinarily, this is a relationship based on mutual trust and respect, but sometimes that relationship goes awry. This chapter examines the use of force by police, including the roles of police and the authority granted officers in the United States and other democratic societies. The authors explore definitions of force and excessive force, department policies, and the general continuum of force, as well as pertinent case law—including the landmark *Graham v. Connor* (1989) case that set precedent for the elusive "reasonableness" standard. Additionally, the authors investigate situational factors, training, the militarization of policing, police subculture, and officer-based factors, such as the psychological and physiological effects of stress. The chapter concludes with a brief review of the major ethical systems as applied to police and coercive power.

Introduction

Americans are historically sensitive to the coercive power of government and any semblance of totalitarianism. Power and authority are fundamental concepts of political order, and police, as the agents of political power, use force as a means to control behavior detrimental to society (Wolfe, 1969). Although the application of force itself is often considered morally neutral, it can, under certain circumstances, constitute an abuse of power.

Despite the tragic death of Kelly Thomas, as well as other well-known cases of brutality, like that of Rodney King in 1991, the use of force by police officers is rare, and the use of excessive force rarer still (U.S. Department of Justice [USDOJ], 2012). Nonetheless, these cases are often so destructive to the relationship between the police and citizenry that a distorted perception of law enforcement develops, resulting in a loss of trust, costly litigation, and, in extreme cases, violence through rioting. The Los Angeles riots of 1992, also known as the *Rodney King riots*, following the acquittal of four Los Angeles Police officers, resulted in the deaths of 53 people and over \$1 billion in property damage (“The L.A. Riots,” 2012). The outcry over the police shooting death of Timothy Thomas in Cincinnati, Ohio produced similar results, leading to four days of rioting and to damages totaling more than \$8 million. However, repercussions from the verdict did not stop there. Officers held their own form of protest following the trial by continuing to respond to emergency calls for service, but refusing to initiate proactive police work. Moreover, in the three months following the trial, civilian shooting incidents increased sixfold (Bronson, 2006; Horn, 2001). Public outcry and protests also followed the death of Amadou Diallo, who was shot in the doorway of his New York City apartment by officers after reaching for his wallet (apparently to retrieve his identification). Officers, who had mistaken Diallo for a rape suspect, fired 41 shots, hitting him 19 times. Diallo, who was not the suspect, was unarmed (Cooper, 1999). Americans remember cases of police brutality regardless of the frequency. And while many of these cases may be considered anomalies, they have, nevertheless, become part of the American psyche, significantly affecting the ways citizens think about police instances of abuse.

The Bureau of Justice Statistics estimates there are over 40 million police-citizen contacts each year, yet less than half of 1% involve the threat or application of force (USDOJ, 2012). Data published in a study by the International Association of Chiefs of Police (IACP) indicates that force was used 3.61 times for every 10,000 encounters, suggesting that force was not applied in 99.9% of all cases (IACP, 2001). As there is no standard measure for excessive force, statistical data is lacking. Given the low frequency of force, however, it appears safe to suggest that very few officer-citizen contacts result in excessive or unreasonable force. Yet, in the words of former Minneapolis police chief and past president of the Police Executive Research Forum, Robert K. Olsen, “Just one use of force incident can dramatically alter the stability of a police department and its relationship with a community” (USDOJ, 2012, p. 1).

Friedrich (1980) asserts that “police use of force is theoretically important because it involves the execution of perhaps the essential function of the state and practically important because it affects the public’s attitudes and behaviors toward police and government more generally” (p. 1). The injudicious use of force by police has led not only to injury and death, but to crippling civil damages, officers convicted and sentenced to jail, and police chiefs and elected officials being removed from office (Fyfe, 1988).

Even when the application of deadly force has been justified, such incidents often polarize communities, leaving those most in need of police services the most suspicious and distrustful.

The Role of Law Enforcement

Balancing the roles of crime fighter and public servant, the men and women of American law enforcement arguably possess more power than any other governmental agent. The sworn peace officer is the only domestic agent of government with the power to take life, based solely on their discretion (Fyfe, 1988). Indeed, Bittner (1970) has argued that police are defined by their capacity to use force. The authority to use spontaneous force on other Americans is what sets them apart from every civilian and any other agent of government, including the military.

Police power is thought to originate in the “social contract,” the implicit agreement between a government and its citizens, a concept developed originally by philosophers Thomas Hobbes (1588–1679) and John Locke (1632–1704). According to this model, citizens give up their right to complete freedom in exchange for protection (Cohen & Feldberg, 1991). Police are granted the power to protect with the caveat that those same powers may be used against those granting the power. Pollock (2012) uses Packer’s (1968) crime control and due process models of the criminal justice system to illustrate that the police role is more often seen as a crime fighter, where controlling crime is prioritized over other duties, than as a public servant whose primary mission is public service. Despite a lack of empirical data in this area, it appears reasonable to suggest that those who subscribe more strongly to a crime fighter model of law enforcement may be more likely, under certain circumstances, to apply coercive force and, perhaps, in some cases, slide into a pattern of abusive behavior. However, before proceeding any further, it is important to define force, as well as its legal and ethical parameters.

Parameters of Force

Force is defined as the authority to use physical coercion to overcome the will of another (Pollock, 2012). Despite the negative connotations often associated with force, officers are clearly within their right to apply reasonable and necessary force in self-defense, the defense of others, in preventing escape, or in overcoming resistance during the commission of a lawful arrest. Indeed, the U.S. Commission on Civil Rights has held that “in diffusing situations, apprehending alleged criminals, and protecting themselves and others, officers are legally entitled to use appropriate means, including force” (USCCR, 2004, p. 2).

Excessive force, in contrast, is defined as that which is “greater than that required to compel compliance from a willing or unwilling subject” (IACP, 2001, p. 1). Unfortunately, defining excessive force is often much easier than actually identifying and measuring it. For example, a USDOJ research report on police use of force distinguishes between excessive force, excessive use of force, police brutality, illegal force, and force that is improper, abusive, illegitimate, or unnecessary (National Institute of Justice & Bureau of Justice Statistics [NIJ-BJS], 1999). Force labeled *improper*, *abusive*, *illegitimate*, or *unnecessary* describes mishandling a situation in opposition to procedure, expectations of the public, ordinary concepts of lawfulness, and the principle of last resort. *Illegal force* expresses force used in violation of law, whereas *brutality* refers to cruel and serious physical or psychological harm to citizens (NIJ-BJS, 1999).

One of the problems with judging the reasonableness or unreasonableness of a particular application of force is the individual judgment involved. The courts apply legal standards; law enforcement agencies apply policies; and the public is prone to emotions, often gleaned from over sensationalized, yet incomplete, media accounts of complex incidents (NIJ-BJS, 1999). Nevertheless, beginning with the landmark *Tennessee v. Garner* (1985) case, the courts have attempted to provide guidance by applying a standard of “objective reasonableness” in determining the lawfulness or unlawfulness of an officer’s application of force, including deadly force.

Case Law

In *Tennessee v. Garner* (1985), the U.S. Supreme Court established standards for an officer’s application of deadly force. Prior to this ruling, officers were legally justified in shooting a fleeing felon, regardless of any clear or present danger to the officer or other members of society. However, in the *Garner* case, the court ruled that officers must demonstrate probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others before applying deadly force. The courts have further defined an officer’s application of force in *Brosseau v. Haugen* (2004) and *Scott v. Harris* (2007), as well as two other noteworthy Supreme Court rulings. In *Monnell v. New York City* (1978) and *City of Canton v. Harris* (1989), municipalities were held liable for failure to properly train officers who violated the constitutional rights of victims. While the courts have since tackled the issues of force, department policies, training, and culpability in alleged violations of constitutional rights in other cases, *Graham v. Connor* (1989) remains the most important decision in recent history.

The case began when Graham entered a convenience store for juice to quell a diabetic episode, but left quickly when he saw the line of people waiting at the checkout. A Charlotte Police Department patrol officer became suspicious on seeing Graham’s quick entry and exit and, subsequently, stopped to investigate Graham and another individual as they drove away.

Graham did not resist the officer but acted erratically, running around the car before sitting down and passing out. Officers responding to the backup call handcuffed Graham; however, they ignored his pleas for sugar or to check his wallet for a diabetic card. They put him face down on the hood of the patrol car and then pushed him into the backseat of the patrol car so roughly that Graham broke his foot, as well as sustained other injuries. When the investigating officer determined that no crime had occurred, he drove Graham home and released him. In his petition for relief under the Fourteenth Amendment's due process clause, Graham sought to recover damages for injuries he sustained at the hands of police during the stop. He had sued and lost at the district and circuit court levels before the U.S. Supreme Court accepted his case for review.

Prior to this case, in allegations that an officer's application of force violated constitutional rights, courts had generally followed the "shock the conscience" test. This standard, derived from the case of *Rochin v. California* (1952), held that police are only assumed to violate substantive due process rights when their behavior is so extreme as to shock the conscience of a civilized society. In *Graham*, however, the Supreme Court held that Graham's claims were best analyzed under the Fourth Amendment, noting that arrests, detentions, and other seizures of a free citizen are best judged by relying on criteria of objective reasonableness. The court had long recognized that the right to detain and make arrests necessarily carried with it the right to threaten or use force, and that whether or not the force used was constitutional was dependent on the particular circumstances of the incident.

The Supreme Court held that the reasonableness of a police application of force "must be judged from the perspective of a reasonable officer on the scene, rather than with 20-20 hindsight" (*Graham v. Connor*, 1989, p. 490). Further, the court noted that officers are required to make quick decisions in stressful and rapidly evolving situations; therefore, the reasonableness of an officer's actions must be judged in light of the given circumstances without regard to underlying intent or motive. The court declined, however, to decide the reasonableness of the force used on Graham, remanding the case back to the lower court for a determination.

Though the Supreme Court in *Graham* ruled that reasonableness "must be judged from the perspective of the reasonable officer on the scene," it is often left to others to decide whether the officers' actions were reasonable. Thus, supervising officers, disciplinary review boards, prosecutors, grand jury members, and, in some cases, civilian juries are all left to decide reasonableness—often relying on different standards. Law enforcement agencies across the board have cited reasonableness in their force policies, yet there is still confusion over what exactly that means. Blair et al. (2011) describe the reasonable officer as "somewhat of a chimera, with no one quite able to definitively describe such an officer" (p. 327). In other words, the legal term implies definitiveness in distinguishing reasonable from unreasonable actions, a distinction that is conspicuously absent in many

cases, especially after the fact when those involved may have different recollections of the incident.

Force Policy and Force Continuum

There is little doubt that *Graham v. Connor* (1989) helped shape “use of force” policies around the country. Law enforcement agencies vary in the length and depth of their force policies, but generally outline the application, reporting, documentation, and investigation of force in similar ways. One example of an agency-specific use of force policy is found in the language used by Los Angeles County Sheriff’s Department (LASD). According to the agency’s *Manual of Policies and Procedures*, the term *unreasonable* includes any unnecessary or excessive force. The policy directs members to use only “that force which is objectively reasonable” in light of the “circumstances presented them at the time force is applied” (LASD, 2012, p. 12). The same policy further proscribes unreasonable force, with an admonition that those who apply such force are subject to discipline and, in some cases, criminal prosecution. The authors reviewed several force policies from variously sized departments across the United States, noting that they appear to follow the same logic and definition of reasonableness as the LASD model.

Many law enforcement agencies also provide officers with appropriate guidance through the development and dissemination of a “use of force options chart” or “use of force continuum.” As courts and experience have consistently pointed out, it is important to teach officers not only the appropriate application of force, including specific techniques, but also to understand when best to apply a particular category of force as determined by a suspect’s behavior. Rather than requiring officers to adhere to a rank-ordered progression of responses that may result in unnecessary risk to the officer or others, force continuums employ categories of force, as well as the discretion to apply any reasonable option within that group to overcome a suspect’s resistance. The categories employed generally include a suspect whose behaviors can be described as *cooperative*, *resistive*, *assaultive/high risk*, or who poses threat of “death or serious bodily injury” to the officer (e.g., see, LASD, 2012, 3-01/025.20). Many of these categories have been recently annotated with advances in less-lethal technologies, greatly expanding the number of available options, while increasing officer safety and reducing the risk of death or serious bodily injury to suspects in most cases.

Less-Lethal Technologies

Recent technological advances have provided a host of less-than-lethal force options, including the Taser and special munitions, that is, 25-mm solid rubber rounds, many of which continue to be tested in laboratory settings and in field operations. Additional options include weapons that fire nets,

thermal guns that raise body temperature, electromagnetic guns that cause seizure-like responses, magnetophosphene guns that produce an effect like a blow to the head, and weapons that temporarily impact balance, visual, or auditory functions (O'Connor, 2011). One of the difficulties with deploying these technologies is deciding where they fit on the force continuum, as well as their reliability in providing less-lethal force consistently without many of the long-term effects associated with more traditional measures. Courts have been slow to approve devices beyond chemical agents without further empirical analysis to determine long-term effects and lethality.

Factors Associated With Use of Force

Police officers wield tremendous discretion in choosing where and when to apply force. Therefore, before judging a particular application of force as reasonable or unreasonable, it is important to explore the decision-making processes used by officers that ultimately led to a particular application of force. This section investigates several aspects that may influence an officer's decision to apply force, including situational and individual factors.

Situational Factors

Research indicates that persons subjected to police uses of force are more likely to live in urban communities, as well as to belong to certain populations, that is, minority, homeless, or mentally ill. Black (1976) postulates that certain groups, along with those from lower socioeconomic classes, receive more punitive treatment from police. Black and others further suggest that because society, in general, finds these individuals offensive, police, as enforcement agents for society, apply more oppressive control and punishment as a response (Herbert, 1998; Muir, 1977; Van Maanen, 1974). While there is general consensus about the types of individuals most likely to receive punitive treatment from law enforcement, theories differ as to the situational factors responsible for this relationship. For instance, rates of criminal activity are often higher in areas occupied by greater percentages of minorities, the homeless, and the mentally ill, thus police presence is more pronounced and citizen contacts are more frequent (Braga, 2001; Weisburd & Eck, 2004). Because of the higher rates of officer–citizen contact, more opportunity exists for the application of force.

Research conducted by Kania and Mackey (1977) found that the level of police violence fluctuated with the level of violence in the community. In applying theories of occupational norms and class conflict, the researchers studied the level of force applied by officers in communities per rates of homicide. Findings from their study support the hypothesis that police officers develop their job demeanor somewhat in response to the expectations of the communities where they work. Where officers work in communities

with higher rates of violence, they tend to use more force in response to conflict; where violence is neither normative nor common, they respond accordingly by using less force.

One factor found to play a critical role in the application of coercive force is a suspect's demeanor. Certainly, police officers expect others to comply with their authority. Thus, the potential for coercive force increases anytime an individual chooses to resist (Engel, Sobol, & Worden, 2000). Tedeshi and Felson (1994) theorized that insubordination and disrespect for police authority might undermine police legitimacy, thus increasing the likelihood of force in an attempt to demonstrate the consequences of such actions.

Griffin and Bernard (2003) offer a different conceptualization of excessive force. Rather than relying on the inconsistent findings gleaned from efforts to identify specific individual personality traits, attitudes, or characteristics, they posit that police extralegal force is best explained via the tenets of angry aggression theory. More specifically, the chronic stressors of police work—when combined with an officer's inability to cope effectively and the social isolation that often accompanies police work—create perceptions of increased threat, as well as the aggression that naturally accompanies such pressures. They further theorize that officers may act on those stressors by directing aggressive behavior toward targets in their work environment.

The beating and subsequent death of Kelly Thomas, however, illustrates a different problem. The National Alliance on Mental Illness estimates that one of seventeen, or 6% of the population, is afflicted with serious mental disease (NAMI, 2012). In addition, there are over 30,000 suicides annually involving mentally ill victims, while it is estimated that "suicide by cop" accounts for somewhere between 10% and 40% of all law enforcement shootings nationwide. Indeed, one feature consistently associated with law enforcement's application of force, including deadly force, is mental illness. Simply put, law enforcement officers are not trained to identify, much less trained to understand or interact with, the mentally ill, often resulting in predictable, sometimes tragic consequences (Ruiz & Miller, 2004).

Race/Ethnicity

Although a lengthy treatment of police–minority issues is beyond the scope of this chapter, it is difficult to overlook such concerns when considering the application of force. Indeed, many research studies have explored the association between a suspect's race/ethnicity and force (i.e., Alpert & Dunham, 2004; Alpert & MacDonald, 2001; Garner, Schade, Hepburn, & Buchanan, 1995). Thus, while studies have established a significant correlation between resistance and force, there have been few findings to support a robust and consistent relationship between race and force after controlling for resistance and other related factors (Engel et al., 2000). For example, studies have demonstrated that Black and Hispanic officers employ force more frequently against minority suspects than White suspects. In fact, data

from one study actually found that the highest levels of force involved Hispanic officers and Hispanic suspects (Alpert & Dunham, 2004).

Others have argued that the resistance offered by suspects varies, with minorities more likely to engage in greater levels of resistance, as measured on the use of force continuum, necessitating a stronger response from law enforcement. Kappeler (1997) found that police application of force was associated with the immediate threat posed by the suspect, the severity of the offense, and whether the suspect was resisting or attempting to escape. A separate study reached a similar conclusion, finding that many of the factors identified by Kappeler were themselves influenced by a host of variables, such as gender, size, and suspect demeanor, as well as the race of the officer and the number of officers present at the scene (Holmes, Reynolds, Holmes, & Faulkner, 1998). Garner and his colleagues (1995) found that officers applied force more frequently when the suspect was antagonist, involved in violent crime, a gang member, intoxicated, or known to carry weapons.

Training

Law enforcement training academies provide officers with a rudimentary knowledge and awareness of many topics with a heavy emphasis on physical fitness, defensive tactics, and weapons. Despite efforts to professionalize policing, training continually reinforces the idea that coercive power is a critical component of policing (Skolnick & Fyfe, 1993).

Over the years, law enforcement training curriculums have required greater numbers of hours for certification. In the 1960s, many departments required only a few weeks of training to become police officers, while it is not unusual for modern academies to run several months. In California, for instance, the 664 hours of instruction for basic peace officer certification covers 41 topics, yet only eight hours is spent on ethics, 16 on cultural diversity, and 12 on use of force (California Commission on Peace Officers Standards and Training, 2012). In Texas, of the state's 736 hours required for examination, only 8 hours is spent on ethics, 4 hours on problem solving and critical thinking, and 24 hours on force options (Texas Commission on Law Enforcement Officers Standards and Education, 2012). And of the 639 hours required for certification in New York, only 12 hours goes toward ethics, two to discretion, seven to force justification, and two to problem solving (New York State Division of Criminal Justice Services, 2012).

There is no question that officers need extensive training in law, firearms, physical fitness, and a host of critically relevant subject areas, but the fact remains that relatively little time is spent teaching ethics, human relations, critical thinking, problem solving, and dealing with the mentally ill. A common complaint among educators is the lack of critical thinking skills students possess as a result of instructors teaching to the tests. Officers leaving the academy may be quite adept in their use of weapons, but sorely under-trained in communication skills, critical thinking, problem solving, and the

ability to deal effectively with certain populations, including the mentally ill. Indeed, with the prevalence of mental illness in the United States (NAMI, 2012), diversity of culture and language, and other traditional problems facing law enforcement, as well as the larger society, it appears reasonable to conclude that additional training in these areas could help to reduce the number of force incidents.

The Military Model

The Oklahoma City bombing, the terrorist attacks of September 11, 2001, and other recent events in American history have increased focus on homeland security, fundamentally affecting the mission of many law enforcement agencies. The enactment of the Patriot Act in 2001 and the Protect America Act in 2007 greatly expanded the powers of law enforcement to fight the “war on terror” (Pollock, 2012). The post-9/11 mission has been broadened to include not only domestic crime but also terrorism, both at home and abroad. Unlike decades past, federal, state, and local police are involved with the protection of critical infrastructure, key assets, transportation security, intelligence gathering, and border security, in addition to more traditional law enforcement duties. Indeed, evidence that certain terror groups may be working with American gangs and Mexican drug cartels has further complicated the threat (U.S. Department of Homeland Security, 2012).

While this shift in the police mission may be both necessary and desirable, the increased pressure to respond to homeland security issues has led to intensified militarization among many police agencies (White, 2006). Brown (2011) contends that this “fog of war” mentality may impair the already precarious ethical judgments of certain officers because of enhanced pressures of nationalism, stress, fatigue, and fear. What may be morally acceptable on distant battlefields is often incompatible with policing American streets, with these conflicting values pulling officers in different directions.

In addition to enhanced militarization, traditional law enforcement training relies heavily on military models of instruction, emphasizing crisp uniforms, polished boots, military decorum, physical training, marching, and stern instructors (Cowper, 2000). Similar to the psychology employed by military trainers, the general intent is to instill discipline and organizational cohesion in students, many of whom have no prior exposure to the military or other paramilitary organizations. Recruits are continuously indoctrinated into the idea that mental toughness is a key component for surviving the high stress, violent environments where much of police work occurs.

Unfortunately, the emphasis on survival, reliance on coworkers, and a jaded view of nonpolice personnel leaves little room for public service, often resulting in detachment and, in some cases, an “us against them” mentality, where anyone not directly connected with policing is viewed with suspicion (Fitch, 2011b). Indeed, few police officers survive long careers without some

level of emotional detachment. The military model of policing has also led to evaluations of performance based on the number of arrests and convictions (“body counts”) rather than objective determinations of the effectiveness of such procedures, that is, whether or not those efforts actually enhance community safety (Brown, 2011; Skolnick & Fyfe, 1993).

Critics of this approach—and especially the emphasis on militarization—cite a rigid, monolithic, secretive world of automatons where creative thinking is smothered and aggressive, confrontational behavior is the preferred method of operation (Weber, 1999). According to Cowper (2000), the modern military model of decision making and command is actually quite different than what is commonly understood by the public. For decades, the military services have worked to decentralize authority, empower members of the enlisted ranks and junior officers, and emphasize leadership at all levels of the organization. Rather than enforcing a strict hierarchy of command, modern military training stresses creativity, critical thinking, and intuitive skills. While it is difficult to escape the similarities between the military and law enforcement—that is, uniforms, organized rank structure, and respect for the chain of command—the missions of the military and law are actually very different.

Nonetheless, it is estimated that over 50% of sworn law enforcement officers have prior military experience or serve currently as members of the National Guard or other reserve units. Of the 120,000 Guard and Reserve soldiers activated as of 2008, over 10% were members of law enforcement (Hink, 2010). In addition, police departments throughout the nation have experienced spikes in applications from military personnel returning from active duty. Policing appears to be a natural fit for many military personnel because of similarities in training, discipline, and structure (Anderson, 2011). While the emphasis on leadership and problem-solving skills emphasized by the modern military could serve society well, there is little evidence at this point to indicate how militarization affects individual police officers.

Police Subculture

When considering situation factors, it is difficult to escape the importance of the larger police subculture on officer conduct, that is, the unspoken values, norms, and ways of doing things that influence the day-to-day decisions and actions of law enforcement professionals (Schein, 1992). Researchers have noted that police subculture endorses a unique value system, with an especially strong emphasis on loyalty, bravery, and autonomy (Crank & Caldero, 2000; Sherman, 1982), as well as, in some cases, the misuse of authority and violation of citizens’ rights (Kappeler, Sluder, & Alpert, 1998; Skolnick & Fyfe, 1993). While subculture plays an important role in teaching new members the craft of policing, it frequently overemphasizes the hazards of police work, despite the relative infrequency of violent assault (Van Maanen, 1974). While officers’ preoccupation with danger works to

unify them, it can simultaneously separate officers from members of the public whom they are sworn to protect (Committee on Law and Justice, 1994; Kappeler et al., 1998).

An appreciation of police subculture is also important because there are instances when it may be more influential in molding young officers than their academy training or department leadership (Fitch, 2011a). This is because formal academy training is often adapted to the real world once officers begin their first assignments (Fielding, 1988). Because of the status associated with acceptance into the police subculture, peer approval may become more important than promotions or formal accolades. Many officers want to be considered part of the police family and, in some instances, will go to great lengths to obtain such an honor—a distinction that often requires unconditional loyalty, occasionally demonstrated by an officer's willingness to violate the law or department policy, including the application of coercive force.

The need for acceptance, blind loyalty, and willingness to apply coercive force may contribute to the “culture of force” identified within some departments. A recent report by the U.S. Department of Justice, Civil Rights Division, into the practices of the Seattle Police Department concluded that the agency had engaged “in a pattern or practice of using unnecessary or excessive force in violation of the Fourth Amendment” (USDOJ, 2011, p. 3). Seattle is the latest, but certainly not the only agency to be accused of similar patterns or practice. A culture of force has been found in many large U.S. cities (Human Right Watch, 1998), which is usually attributed to an absence of leadership, lack of training, and wall of secrecy, as well as normative values that endorse force as an accepted response, even without legal or policy justification.

Individual Factors

A number of studies have attempted to identify individual predictors of excessive force; however, results have been mixed (Cohen & Chaiken, 1972; Friedrich, 1980; Fyfe, 1988; Garner et al., 1995; Terrill & Mastrofski, 2002; Worden, 1995). For example, law enforcement officers are often viewed as authoritarian with aggressive personalities that may increase the potential for coercive force. Altemeyer (1998) further theorized that right-wing authoritarians tend to hold double standards on issues such as patriotic loyalty and civil rights, have higher tendencies to self-righteousness and ethnocentrism, and embrace beliefs that the world is a very dangerous place. It has also been suggested that law enforcement officers become more cynical, angry, and antisocial over time, either as a result of enculturation into negative subgroups or as an outcome of increasing distrust. A study by Carlson, Thayer, and Germann (1971) on social attitudes and personality differences did, in fact, find police officers to be more authoritarian than college students. Subsequent research by Carlson and Sutton (1975) reached a

similar conclusion, finding that police science students and police officers of varying ranks and assignments were more authoritarian than a control group.

In contrast, Fenster and Locke (1973) found officers to be less neurotic than civilians, while subsequent research by Gould and Funk (1998) observed that police recruits consistently score in the normal range on the Minnesota Multiphasic Personality Inventory (MMPI). More recently, a study comparing authoritarian traits as determined by the MMPI-2 between experienced and inexperienced police officers found that both experienced and inexperienced officers tend to be psychologically healthy (Laguna, Linn, Ward, & Rupslaukyte, 2010). Indeed, the failure of researchers to uncover consistent characteristic differences between police officers and other members of society fails to support the notion that a particular personality type is attracted to law enforcement (Walker, 1999). Rather, research data seems to support the notion that police are no different than other working-class Americans (Balch, 1972; Lorr & Strack, 1994; Trojanowicz, 1971)—leading Mills and Bohannon (1980) to conclude that officers appear to be no more authoritarian or inflexible than other members of society, but instead are “bright, assertive, autonomous, self-assured, responsible, and level-headed” (p. 683).

In a study examining the effects of individual and situational variables, Friedrich (1980) found only the behavior of the suspect and public visibility to be significant predictors of force. In a separate study, Worden and Catlin (2002) concluded that a small percentage of officers are responsible for a disproportionate number of force incidents. Data from their study further indicated that those officers suffered from a lack of empathy, antisocial personality, paranoia, and cynicism, as well as a failure to assume responsibility for their actions or to learn from experience. Not surprisingly, these officers also identified strongly with the police subculture. Furthermore, younger, more inexperienced officers have been found to score higher on measures of antisocial practices (Laguna et al., 2010), as well as demonstrating a tendency to apply coercive force more frequently than older, more experienced and educated officers (Cascio, 1977; Terrill & Mastrofski, 2002). Worden (1995) further noted that officers more likely to use force adopt crime fighters as role models. These same officers often believe strongly in discretionary force, while believing that the general public either lacks appreciation or is hostile toward police.

Psychophysiology and Force Science

Many police officers undergo significant personality changes over time. They often become more self-confident and assertive, develop coping mechanisms to defend against traumatic experiences, and, of great importance, adopt a more traditionally masculine view of humanity (Anderson & Bauer, 1987). Officers frequently develop overly masculine attitudes to cope with danger and strong emotions (Reiser & Geiger, 1984). Weapons, uniforms, badges, power and authority, physical prowess, and a quasi-military

environment where the majority of officers are male all contribute to a masculine persona. When provoked, insulted, or resisted, whether during a traffic stop or a long police pursuit, adrenaline surges, increasing the potential for force (Anderson & Bauer, 1987). In such cases, real or perceived threats activate the sympathetic branch of the autonomic nervous system, flooding the body with adrenaline and other catecholamines intended to help the brain and body cope with increased demands for energy and attention. When the suspect is caught, emotions may override an officer's self-control mechanisms, resulting in excessive force (Baker, 1985).

Despite the effects of training and experience, police attitudes are shaped by the perception of threats in their environment regardless of the actual risk (Skolnick, 1966). Officers' perceptions of risk may be further influenced by availability heuristics—that is, the ease with which certain events are brought to mind (Rosoff, Pontell, & Tillman, 1998). While the actual numbers of assaults, injuries, and deaths are very low, the threat of such events is continuously reinforced throughout an officer's career, beginning in the basic academy and continuing through more advanced-officer training courses (Kappeler et al., 1998). As previously discussed, officers spend a great deal of time training in self-defense, weapons, and tactics. While these skills are important for survival, the constant focus on survival creates stress that often manifests itself in isolation, paranoia, and overcoming resistance with coercive force to send a message to those who would resist and to ensure survival.

Where an officer or civilian has indeed been gravely injured or killed, especially where an officer perceived great personal risk, post-traumatic stress disorder (PTSD) may follow. Hill (1984) found that the PTSD following a traumatic event occurs in stages, including disbelief, shock, denial, and confusion. Shortly thereafter, depression typically follows. By the second week, victims of PTSD may experience nightmares, panic attacks, crying, and flashbacks. Hill found that after approximately one month, many officers developed an even stronger masculine façade, often attempting to cope with their symptoms by consuming alcohol and sleeping pills. Unfortunately, while many officers experience PTSD during their careers, few receive help, and the condition often deteriorates into alcoholism, broken families, depression, and an inability to handle stress. There is, however, no evidence that this deterioration affects an officer's decision to use force.

Because of strong emotions—as well as the cognitive, emotional, and physiological changes that accompany those emotions—it is not uncommon for officers to demonstrate only partial recall of the events surrounding a use of force or other traumatic incident. Thus, officers' memories can vary as to the precise sequence of events, as well as the type and the amount of force applied (Honig & Lewinski, 2008). Studies on police physiology have confirmed distortions in time, sound, and memory, as well as other effects, including tunnel vision, dissociation, and “automatic pilot.” And, in rare cases, temporary paralysis and hallucinations have been found to occur (Artwohl, 2002).

Honig and Roland (1998) found that some level of distortion occurred in 90% of the 384 police shootings studied. The psychological and physiological effects of stress are important to understand in studying use of force for two reasons: (1) Personality changes occur because of the need for self-preservation in dangerous, often traumatic occupations; and (2) the natural physiological, cognitive, and emotional changes produced by stress often help explain an officer's poor or distorted recall of events, a phenomenon which often leads to allegations of misconduct or cover-up (Anderson & Bauer, 1987; Bumgarner, Lewinski, Hudson, & Sapp, 2006).

According to "Hick's law," a person's reaction time increases as the number of choices increase (Hick, 1952). In other words, a person's reaction time to stimuli increases by the available number of choices. While an armed suspect is usually concerned only with his personal interest (i.e., escape or escape at the expense of injuring another), an officer must consider the suspect's intent, environment, backdrop, innocent bystanders, and the legality of his actions. Despite the fact that each of these variables requires considerable cognitive resources, an officer is forced to consider each factor both individually and collectively, as well as his own safety, before deciding on a course of action—often in less than a second.

In fact, recent studies at the Force Science Institute at the Minnesota State University, Mankato and Texas State University–San Marcos, using mental chronometry to measure response times have demonstrated Hick's law. For instance, empirical evidence supports a suspect's ability to shoot and turn 180 degrees to run in less time than an officer can react and fire his weapon (Lewinski, 2000; Tobin & Fackler, 1997). Similar findings have been found with knife-wielding suspects, who can close a distance of 21 feet before an officer can draw, fire his weapon, and avoid being stabbed (Lewinski, 2005; Tueller, 1983). These findings provide important support for the reasonableness of deadly force against armed suspects, despite a public perception that the application of force in such situations is unreasonable or excessive.

Ethical Justifications for Use of Force ---

Police officers often enter the law enforcement with little, if any, experience in handling many of the challenges and moral dilemmas offered by police work (Fitch, 2011a). Nonetheless, officers are given vast discretionary powers and the authority to use force when needed (Skolnick & Fyfe, 1993). Many officers are profoundly influenced by normative subculture values, which, in some cases, are contrary to law and policy, especially in cases where those behaviors are positively reinforced by peer pressure (Chappell & Piquero, 2004; Fitch, 2011a). Because most officers have a strong positive image of themselves as good, caring individuals, they often attempt to justify their actions by arguing for the "greater good"—that is, society will benefit by removing a dangerous criminal from the streets.

Utilitarian ethical systems, most often credited to philosophers Jeremy Bentham (1748–1842) and John Stuart Mill (1806–1873), rely on the ends (outcomes) to justify the means (actions). Utilitarianism and other teleological systems weigh the utility and disutility of actions to determine their relative goodness (Kidder, 2003). Because crime damages not only victims but also the larger society, officers may believe it is their duty to deter criminal behavior by any means necessary for the greater good. This may be especially true for offenders who harm officers. Unfortunately, utilitarian logic relies on the erroneous belief that one can predict the outcome of a given course of action, a belief wholly void of empirical support.

Crank and Caldero (2000) describe “noble cause” policing as an ends-based commitment to doing something about “bad people.” Noble cause, however, becomes corrupted when officers violate the law on behalf of personally held moral values—a notion frequently celebrated in television and movies where the protagonist operates outside the law. “Dirty Harry,” a character portrayed by actor Clint Eastwood, perhaps best illustrates this concept. According to Klockars (1980), Dirty Harry inflicts pain on criminals to extract information that will ostensibly save the innocent. A strong belief in noble cause policing can increase the possibility of an officer seeing himself as above the law or as the law, instead of a servant to it. Like Dirty Harry, officers can become frustrated with legal systems that appear to favor criminals, thus ignoring the law and department policy in favor of taking matters into their own hands—a phenomenon illustrated by the video-taped beating of Rodney King.

Waddington (1999) argues that by glorifying force through the cult of masculinity, officers are better able to cope with the moral ambiguity inherent in applications of coercive force. The ethos of force is exalted in law enforcement agencies throughout the nation through the repetition of myths and stories. Younger officers hear tales regaling the virtues of employing extralegal force on criminals or other undesirable members of society, complete with concomitant rationalizations—contributing to a morally insulted police identity (Van Maanen, 1980). The application of extralegal force is further neutralized by the persona of officer as crime fighter—an image that depicts police officers as doing society’s dirty work against overwhelming odds and at great personal risk. By employing this utilitarian framework, an officer is simply applying whatever amount of force is necessary to overcome a greater wrong while making society a safer place for all.

In addition to a distorted view of noble-cause policing, a distorted view of deontological justice can contribute to excessive or unnecessary force. Immanuel Kant (1724–1804) argued that offenders should receive punishment simply because they deserve it with no need to justify it as necessary for the greater good. Some officers may defend excessive force under the philosophy that offenders deserve such treatment as punishment for their crimes (accompanied perhaps by the concurrent rationale that the courts will not punish the offender appropriately). However, despite attempts to justify this view as a valid form of Kantian ethics, the underlying logic is flawed. In

his writings, Kant focused on ethical duty, including the protection of all members of society. Officers have a duty to apply laws, policies, and other universal human rights equally across the board, effectively rendering any unnecessary or illegal force untenable according to the precepts of deontological ethics (Pollock, 2012). Moreover, using coercive power to punish is unacceptable because it fails to conform to universalism—the idea that standards should be applied universally to all people in similar situations, with a person’s behavior in a given context serving as the prototype for the behavior of all other people under similar circumstances—and other parts of Kant’s categorical imperative (Kidder, 2003).

Clearly, an officer’s decision to use force, then, is based on a number of situational and individual factors, as well as an officer’s moral and social reasoning. Proper ethical reasoning, however, requires exposure to an appropriately complex set of moral dilemmas (Kohlberg, 1981), as well as an appropriate level of training in decision making, critical thinking, and problem solving. Consistent with this thesis, Scharf, Linninger, Marrero, Baker, and Rice (1978) found evidence that training officers in recognizing and responding to moral dilemmas, including associated philosophical reflection and legal reasoning, may change how officers view ethics. The logical interface with force seems clear enough: Moral reasoning is a dynamic process dependent on a number of variables, each of which is further influenced by myriad factors. This conception of ethical reasoning makes sense if an officer pauses to consider how the application of coercive force is potentially dependent not only on logical reasoning, but a set of broader, underlying moral and philosophical principles.

Summary

Police officers possess significant amounts of power and authority, and use force as a means to control deviant behavior (Wolfe, 1969). The decision to use force, however, is based on the totality of inputs from myriad sources. Law, department policies, training, situational and individual variables, and ethical systems all affect an officer’s decision to apply force. Nevertheless, each decision to use force has significant ethical and moral implications for the officer, his agency, and the community at large. In the end, however, it comes down to an officer choosing to follow a moral clarity, not letting emotions influence his decisions or following the immoral conduct of others, that is more likely to ensure only necessary force occurs.

The injudicious application of force has led not only to injuries and deaths, but also to crippling civil damages, officers convicted of criminal offenses, and public officials removed from office (Fyfe, 1988). Even when the application of deadly force is legally and ethically justified, such incidents have polarized communities, damaged the public trust, and left those most in need for police services suspicious and cynical. Thus, it is critical

that every police officer understands the ethical, legal, and practical implication of force.

While the courts have established an objectively reasonable standard when assessing an officer's application of force, courts, disciplinary review boards, juries, and civilians often employ different standards when judging the reasonableness of an officer's actions. In an attempt to guide the actions of officers, many departments have established well-defined policies for the application, reporting, investigation, and documentation of force incidents, as well as use of force continuums. These policies and continuums describe when best to apply a particular category of force in response to a suspect's behavior (e.g., see LASD, 2012, 3-01/025.20). Nonetheless, in an attempt to increase the professionalism and objective application of force, the authors make the following recommendations.

Training

Law enforcement training currently places a strong emphasis on physical fitness, defensive tactics, and weapons, while reinforcing the necessity of coercive power (Skolnick & Fyfe, 1993). While each of these topics is of critical importance, training should be expanded significantly in the areas of ethics, critical thinking and decision making, human relations, and identifying and handling the mentally ill.

Police Subculture

Most police officers enter the profession with little, if any, prior law enforcement experience. As a result, inexperienced officers learn the profession by relying on the guidance (either direct or indirect) of senior department members (Chappell & Piquero, 2004; Fitch, 2011a). In doing so, younger officers can learn both proper (lawful and ethical) and improper (unlawful and unethical) behaviors. Thus, police management should be especially cautious in filling the roles of field training, sergeant, and detective, as each of these positions asserts considerable influence on young, highly impressionable officers who look toward the conduct of others as examples of appropriate behavior. In addition, leadership demands involvement and attention to the officers on the street, the issues they face, and the community they serve. Leadership or the lack thereof is evident in well run ethical departments and those that develop a culture of force, respectively.

Community Policing

The primary mission of law enforcement is fighting crime. However, officers and departments vary in their approach. Rather than emphasizing a

crime fighter model of law enforcement, agencies should encourage and reward public service, while emphasizing community policing models and collective problem solving (Pollock, 2012). That is, in addition to encouraging and rewarding arrests, management should encourage and reward officers for working collectively with the public to create better communities.

Ethics Indoctrination

Rather than relying on a few hours of ethics training in the basic academy, law enforcement supervisors and managers should make ethics discussions an integral part of the agency's culture (Fitch, 2008). Supervisors should routinely discuss ethics—including ethical models, cognitive rationalizations, and the results of unethical conduct on officers, agencies, and communities—while paying special attention to the reasoning processes and values underlying an officer's decision.

Force Science

The human body experiences a number of cognitive, emotional, and physiological changes during stress. By educating law enforcement personnel about the kinds of changes they can expect to experience during an application of force, vehicular pursuit, or other traumatic incident, officers will be better prepared to think critically and behave reasonably, regardless of the circumstances. Moreover, a more realistic understanding of response time, available tactics, and less-lethal options should improve both officer and citizen safety during such incidents (Lewinski, 2002, 2005; Tobin & Fackler, 1997; Tueller, 1983).

Hopefully, by educating officers on critical thinking, decision making, human relations skills, tactics, and ethics, officers will better understand the wider implication of force—for the officer, his department, and society. Assaults on officers should decrease, and, with increasing officer understanding, professionalism, and tactics, tragedies like the beating and death of Kelly Thomas will hopefully no longer occur.

Discussion Questions

1. Define *discretion*, *force*, *excessive force*, and *unnecessary force*. Include the concepts that differentiate the various force terms.
2. What legal precedent defines police use of force? Discuss the general components and findings of the cases and the changes brought about to both police and society.
3. What is a force continuum? Discuss the importance of policy and its role in police use of force.

4. What is force science? Discuss key situational variables that impact use of force by police.
5. What is police subculture? Discuss how ethics and subculture affect police and use of force.

References

- Alpert, G., & Dunham, R. (2004). *Understanding police use of force*. New York: Cambridge University Press.
- Alpert, G., & MacDonald, J. (2001). Police use of force: An analysis of organizational characteristics. *Justice Quarterly*, 18(2), 393–409.
- Altemeyer, B. (1998). The other authoritarian personality. In Mark P. Zanna (Ed.), *Advances in experimental social psychology* (pp. 48–92). New York: Academic Press.
- Anderson, P. (2011, August 14). Ex-military lining up for police jobs. *The Topeka Capital-Journal*. Retrieved from <http://cjonline.com/news/2011-08-14/ex-military-lining-police-jobs>
- Anderson, W., & Bauer, B. (1987). Law enforcement officers: The consequences of exposure to violence. *Journal of Counseling and Development*, 65(7), 381–384.
- Artwohl, A. (2002). Perceptual and memory distortion during officer-involved shootings. *FBI Law Enforcement Bulletin*, 71(10), 18–24.
- Baker, M. (1985). *Cops: Their lives in their own words*. New York: Pocket Books.
- Balch, R. (1972). Police personality: Fact or fiction? *Journal of Criminal Law, Criminology, and Police Science*, 63(1), 106–119.
- Bittner, E. (1970). The functions of the police in modern society: A review of background factors, current practices, and possible role models. Cambridge, MA: Oelgeschlager, Gunn & Hain.
- Black, D. (1976). *The behavior of law*. New York: Academic Press.
- Blair, J. P., Pollock, J. M., Montague, D., Nichols, T., Cumutt, J., & Burns, D. (2011). Reasonableness and reaction time. *Police Quarterly*, 14(4), 323–343.
- Braga, A. M. (2001). The effects of hot spots policing on crime. *Annals of the American Academy of Political and Social Sciences*, 578, 104–125.
- Bronson, P. (2006). *Behind the lines: The untold stories of the Cincinnati riots*. Milford, OH: Chilidog Press.
- Brosseau v Haugen*, 543 U.S. 194 (2004).
- Brown, C. A. (2011). Divided loyalties: Ethical challenges for America's law enforcement in post 9/11 America. *Case Western Reserve Journal of International Law*, 43(3), 651–675.
- Bumgarner, J. B., Lewinski, W. J., Hudson, W., & Sapp, C. (2006). An examination of police officer mental chronometry. *Journal of The Association for Crime Scene Reconstruction*, 12(3), 11–26.
- California Commission on Peace Officers Standards and Training. (2012). *Regular basic course training specifications*. Retrieved from <http://post.ca.gov/regular-basic-course-training-specifications.aspx>
- Carlson, H., & Sutton, M. S. (1975). The effects of different police roles on attitudes and values. *The Journal of Psychology: Interdisciplinary and Applied*, 91(1), 57–64.

- Carlson, H., Thayer, R., & Germann, A. (1971). Social attitudes and personality differences among members of two kinds of police departments (innovative vs. traditional) and students. *Journal of Criminal Law, Criminology & Police Science*, 62(4), 564–567.
- Cascio, W. F. (1977). Formal education and police officer performance. *Journal of Police Science and Administration*, 5, 89–96.
- Chappell, A., & Piquero, A. (2004). Applying social learning theory to police misconduct. *Deviant Behavior*, 25(2), 89–108.
- City of Canton v Harris, 489 U.S. 378 (1989).
- Cohen, B., & Chaiken, J. M. (1972). *Police background characteristics and performance*. Lanham, MD: Rowman & Littlefield.
- Cohen, H., & Feldberg, M. (1991). Power and restraint: The moral dimension of police work. New York: Praeger.
- Committee on Law and Justice. (1994) *Violence in urban America—mobilizing a response*. Washington, DC: National Academy Press.
- Cooper, M. (1999, February 5). Officers in Bronx fire 41 shots, and an unarmed man is killed. *New York Times*. Retrieved from <http://www.nytimes.com/1999/02/05/nyregion/officers-in-bronx-fire-41-shots-and-an-unarmed-man-is-killed.html>
- Cowper, T. J. (2000). The myth of the “military model” of leadership in law enforcement. *Police Quarterly*, 3(3), 229–246.
- Crank, J., & Caldero, M. (2000). *Police ethics: The corruption of noble cause*. Cincinnati, OH: Anderson.
- Engel, R. S., Sobol, J. J., & Worden, R. E. (2000). Further exploration of the demeanor hypothesis: The interaction effects of suspects’ characteristics and demeanor on police behavior. *Justice Quarterly*, 17(2), 235–258.
- Fenster, C. A., & Locke, B. (1973). Neuroticism among policemen: An examination of police personality. *Journal of Applied Psychology*, 57(3), 358–359.
- Fielding, N. (1988). *Joining forces: Police training, socialization, and occupational competence*. London: Routledge.
- Fitch, B. D. (2008). Principle-based decision making for law enforcement. *Law and Order Magazine*, 56(9), 64–70.
- Fitch, B. D. (2011a). Examining the ethical failures of law enforcement. In A. H. Normore & B. D. Fitch (Eds.), *Leadership in education, corrections, and law enforcement: A commitment to ethics, equality, and excellence* (pp. 3–22). Bingley, UK: Emerald Publishing Group.
- Fitch, B. D. (2011b). Rethinking ethics in law enforcement. *FBI Law Enforcement Bulletin*, 80(10), 18–24.
- Friedrich, R. J. (1980). Police use of force: Individuals, situations, and organizations. *The Annals of the American Academy of Political and Social Science*, 452(1), 82–97.
- Fyfe, J. J. (1988). Police use of deadly force: Research and reform. *Justice Quarterly*, 5(2), 165–202.
- Garner, J. H., Schade, T., Hepburn, J., & Buchanan, J. (1995). Measuring the continuum of force used by and against the police. *Criminal Justice Review*, 20(2), 146–168.
- Gould, L. A., & Funk, S. (1998). Does the stereotypical personality reported for the male police officer fit that of the female police officer? *Journal of Police and Criminal Psychology*, 13(1), 25–39.
- Graham v Conner*, 490 U.S. 386 (1989).

- Griffin, S. P., & Bernard, T. J. (2003). Angry aggression among police officers. *Police Quarterly*, 6(3), 3–21.
- Herbert, S. (1998). Police subculture reconsidered. *Criminology*, 36(2), 343–369.
- Hick, W. E. (1952). On the rate of gain of information. *Quarterly Journal of Experimental Psychology*, 4, 11–26.
- Hill, W. R. (1984, October). Post-killing trauma, when police officers are the victims. *Law and Order*, 68–72.
- Hink, J. (2010, August). The returning military veteran. *FBI Law Enforcement Bulletin*. Retrieved from <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/august-2010/the-returning-military-veteran>
- Holmes, S. T., Reynolds, K. M., Holmes, R. M., & Faulkner, S. (1998). Individual and situational determinants of police force. *American Journal of Criminal Justice*, 23(1), 82–106.
- Honig, A. L., & Lewinski, W. J. (2008). A survey of the research on human factors related to lethal force encounters: Implications for law enforcement training, tactics, and testimony. *Law Enforcement Executive Research Forum*. Retrieved from <http://www.forcescience.org/articles.html>
- Honig, A. L., & Roland, J. E. (1998, October). Shots fired: Officer involved. *The Police Chief*, 65, 1–5.
- Horn, D. (2001, December 30). Summer of blood: Guns rule the streets. *Cincinnati Enquirer*. Retrieved from <http://www.enquirer.com/unrest2001/race4.html>
- Human Rights Watch. (1998). *Report charges police abuse in U.S. goes unchecked*. Retrieved from <http://www.hrw.org/news/1998/07/06/report-charges-police-abuse-us-goes-unchecked>
- International Association of Chiefs of Police (IACP). (2001). *Police use of force in America*. Retrieved from <http://www.theiacp.org/Portals/0/pdfs/Publications/2001useofforce.pdf>
- Kania, R., & Mackey, W. (1977). Police violence as a function of community characteristics. *Criminology*, 15(1), 27–47.
- Kappeler, V. E. (1997). *Critical issues in police civil liability*. Prospect Heights, IL: Waveland.
- Kappeler, V. E., Sluder, R. D., & Alpert, G. P. (1998). *Forces of deviance: Understanding the dark side of policing*. Prospect Heights, IL: Waveland.
- Kidder, R. M. (2003). *How good people make tough choices: Resolving the dilemmas of ethical living*. New York: Fireside.
- Klockars, C. (1980). The Dirty Harry problem. *Annals of the American Academy of Political and Social Science*, 452(1), 33–47.
- Klockars, C. (1996). A theory of excessive force and its control. In W. A. Geller & H. Toch (Eds.), *Understanding and controlling police abuse of force* (pp. 1–22). New Haven, CT: Yale University Press.
- Kohlberg, L. (1981). *The philosophy of moral development: Moral stages and the idea of justice*. San Francisco: Harper & Row.
- The L.A. riots: 20 years later. (2012, April). *The Los Angeles Times*. Retrieved from <http://www.latimes.com/news/local/1992riots>
- Laguna, L., Linn, A., Ward, K., & Rupslaukyte, R. (2010). An examination of authoritarian personality traits among police officers: The role of experience. *Journal of Police and Criminal Psychology*, 25(2), 99–104.
- Lewinski, W. J. (2000, November–December). Why is the suspect shot in the back? *The Police Marksman*, 25(6), 20–26.

- Lewinski, W. J. (2002, May–June). Stress reactions related to lethal force encounters. *The Police Marksman*, 27(3), 23–28.
- Lewinski, W. J. (2005). Destroying myths & discovering cold facts. *Policeone.com News*. Retrieved from http://www.policeone.com/pc_print.asp?vid=102828
- Lorr, M., & Strack, S. (1994). Personality profiles of police candidates. *Journal of Clinical Psychology*, 50(2), 200–207.
- Los Angeles County Sheriff's Department (LASD). (2012). *Manual of policy and procedure: Use of force*. Retrieved from <http://www.lasdhq.org/divisions/leadership-training-div/bureaus/mpp/3-01.pdf>
- Mills, C. J., & Bohannon, W. E. (1980). Personality characteristics of effective state police officers. *Journal of Applied Psychology*, 65(6), 680–684.
- Monnell v New York City Department of Social Services, 436 U.S. 658 (1978).
- Muir, W. (1977). *Police: Street corner politicians*. Chicago: University of Chicago Press.
- National Alliance on Mental Illness (NAMI). (2012). *What is mental illness: Mental illness facts*. Retrieved from http://www.nami.org/template.cfm?section=About_Mental_Illness
- National Institute of Justice & Bureau of Justice Statistics (NIJ-BJS). (1999). *Use of force by police: Overview of national and local data*. (DOJ Publication No. NCJ 176330). Washington, DC: National Criminal Justice Reference Service.
- New York State Division of Criminal Justices Services. (2012). *Police officer training*. Retrieved from <http://www.criminaljustice.ny.gov/ops/training/index.htm>
- O'Connor, T. (2011). Advanced police ethics. *Megalinks in Criminal Justice*. Retrieved from <http://www.drtoconnor.com/3300/3300lect04a.htm>
- Packer, H. (1968). *The limits of criminal sanction*. Stanford, CA: Stanford University Press.
- Pollock, J. M. (2012). *Ethical dilemmas and decisions in criminal justice* (7th ed.). Belmont, CA: Cengage.
- Reiser, M., & Geiger, S. P. (1984). Police officer as victim. *Professional Psychology: Research & Practice*, 15(3), 315–323.
- Rochin v California, 342 U.S. 165 (1952).
- Rosoff, S., Pontell, H. N., & Tillman, R. (1998). *Profit without honor: White-collar crime and the looting of America*. Englewood Cliffs, NJ: Prentice Hall.
- Ruiz, J., & Miller, C. (2004). An exploration study of Pennsylvania police officers perceptions of dangerousness and their ability to manage persons with mental illness. *Police Quarterly*, 7(3), 359–371.
- Scharf, P., Linninger, R., Marrero, D., Baker, R., & Rice, C. (1978). Deadly force: The moral reasoning and education of police officers faced with the option of lethal legal violence. *Policy Studies Journal*, 7, 450–454.
- Schein, E. (1992). *Organizational culture and leadership: A dynamic view*. San Francisco: Jossey-Bass.
- Scott v Harris*, 550 U.S. 372 (2007).
- Sherman, L. (1982). Learning police ethics. *Criminal Justice Ethics*, 1(1), 10–19.
- Skolnick, J. (1966). *Justice without trial: Law enforcement in a democratic society*. New York: John Wiley.
- Skolnick, J., & Fyfe, J. (1993). *Above the law: Police and the excessive use of force*. New York: Free Press.
- Tedeschi, J. T., & Felson, R. B. (1994). *Violence, aggression, and coercive actions*. Washington, DC: American Psychological Association.

- Tennessee v Garner, 471 U.S. 1 (1985).
- Terrill, W., & Mastrofski, S. D. (2002). Situational and officer-based determinants of police coercion. *Justice Quarterly*, 19(2), 101–134.
- Texas Commission on Law Enforcement Officers Standards and Education. (2012). *Basic police officer certification*. Retrieved from <http://www.tcleose.state.tx.us/content/training>
- Tobin, E. J., & Fackler, M. L. (1997). Officer reaction-response time in firing a handgun. *Wound Ballistics Review*, 3(1), 6–9.
- Trojanowicz, R. (1971). The policeman's occupational personality. *Journal of Criminal Law, Criminology and Police Science*, 62(4), 551–559.
- Tueller, D. (1983). How close is too close? *The Police Policy Studies Council*. Retrieved from http://www.theppsc.org/Staff_VIEWS/Tueller/How.Close.htm
- U.S. Commission on Civil Rights (USCCR). (2004). *Coping with police misconduct in West Virginia: Citizen involvement in officer disciplinary procedures*. Retrieved from <http://www.usccr.gov/pubs/sac/wv0104/wv0104.pdf>
- U.S. Department of Homeland Security. (2012). The U.S. Homeland Security role in the Mexican war against drug cartels: Hearing before the Subcommittee on Oversight, Investigations, and Management of the Committee on Homeland Security, House of Representatives, 112th Cong., 1st Session, March 31, 2011 (testimony of Luis Alvarez). Washington, DC: Government Printing Office. Retrieved from <http://www.gpo.gov/fdsys/pkg/CHRG-112hhr72224/pdf/CHRG-112hhr72224.pdf>
- U.S. Department of Justice (USDOJ), Civil Rights Division. (2011). *Investigation of the Seattle police department*. Washington: United States Attorney's Office.
- U.S. Department of Justice (USDOJ), Community Oriented Policing Services. (2012). *Use of force*. Retrieved from <http://www.cops.usdoj.gov/default.asp?Item=1374>
- Van Maanen, J. (1974). Working the street: A developmental view of police behavior. In H. Jacob (Eds.), *The potential for reform of criminal justice* (pp. 83–130). Beverly Hills, CA: Sage.
- Van Maanen, J. (1980). Beyond account: The personal impact of police shootings. *The Annals of the American Academy of Political and Social Science*, 452, 145–156.
- Waddington, P. A. J. (1999). Police (canteen) sub-culture. *British Journal of Criminology*, 39(2), 287–309.
- Walker, S. (1999). *The police in America: An introduction* (3rd ed.). New York: McGraw-Hill.
- Weber, D. C. (1999). *Warrior cops: The ominous growth of paramilitarism in American police departments* (CATO Institute Briefing Papers No. 50). Washington, DC: CATO Institute.
- Weisburd, D., & Eck, J. E. (2004). What can police do to reduce crime, disorder, and fear? *The Annals of the American Academy of Political and Social Science*, 593(1), 42–65.
- White, J. R. (2006). *Terrorism and homeland security: An introduction* (6th ed.). Belmont, CA: Wadsworth.
- Winton, R. (2012a, May 8). Chest compression cut off homeless man's oxygen, expert says. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2012/may/08/local/la-me-0509-kelly-thomas-20120509>
- Winton, R. (2012b, May 8). Video portrays violent death of Kelly Thomas. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2012/may/08/local/la-me-kelly-thomas-20120508>.

- Wolfe, R. P. (1969). On violence. *Journal of Philosophy*, 66(19), 601–616.
- Worden, R. E. (1995). The “causes” of police brutality: Theory and evidence on police use of force. In W. A. Geller & H. Toch (Eds.), *And justice for all: Understanding and controlling police abuse of force* (pp. 31–60). Washington, DC: Police Executive Research Forum.
- Worden, R. E., & Catlin, S. (2002). The use and abuse of force by police. In K. Lersch (Ed.), *Policing and misconduct* (pp. 85–120). Upper Saddle River, NJ: Prentice Hall.