

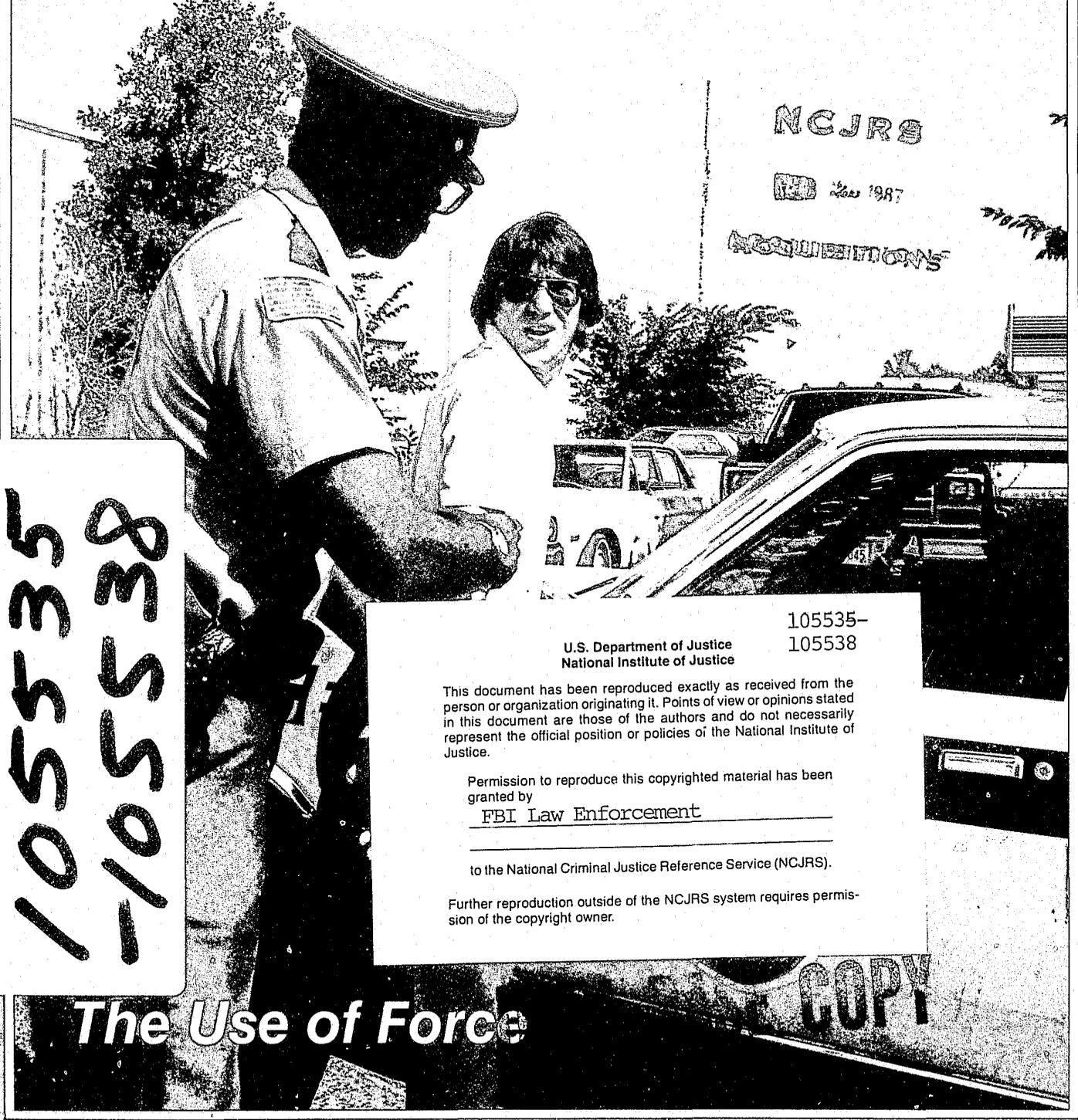


January 1987

# FBI

FILM WITH EACH ARTICLE

## Law Enforcement Bulletin



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### The Use of Force

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## FBI Law Enforcement Bulletin



United States Department of Justice  
Federal Bureau of Investigation  
Washington, DC 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

Published by the Office of  
Congressional and Public Affairs,  
William M. Baker, Assistant Director

Editor—Thomas J. Deakin  
Assistant Editor—Kathryn E. Sulewski  
Art Director—Kevin J. Mulholland  
Production Manager—Mark A. Zettler  
Reprints—Beth Corbin

### The Cover:

The St. Paul, MN, Police Department developed a pure research project designed to measure the resistance encountered by police officers and the force used to overcome that resistance. See article p. 6.

The FBI Law Enforcement Bulletin (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Ave., N.W., Washington, DC 20535. Second-class postage paid at Washington, DC. Postmaster: Send address changes to Federal Bureau of Investigation, FBI Law Enforcement Bulletin, Washington, DC 20535.

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Police Conduct

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# The Use of Force One Department's Experience

By

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Lawsuits brought against criminal justice agencies have become common features on court dockets throughout the country. Agencies held responsible for the actions of their employees are forced to prove that their personnel have received adequate training and supervision. Motivated by the national increase in liability suits, the chief of the St. Paul Police Department decided to initiate a study on the use of force employed by the officers in his department. This study would not only track officers' actions but also measure the involved citizens' levels of resistance. As a sidelight, it was hoped that the results of such a study would also provide a useful tool for educating citizens and politicians on the scope of the problems faced by the officer on the street who must routinely take people into custody.

The police chief maintained a researcher's objectivity, stating that he was not sure what the results of an accurate assessment would show. It was possible that significant training or operational deficiencies would be identified. In early 1985, a pure research project was designed to measure the resistance encountered by St. Paul police officers, the force or weap-

ons used to overcome that resistance, and the effect of the encounter on the officer and citizen.

## Methodology

A decision was made early in the design process not to track individual officers. Trying to implement a reporting system that could be used in performance appraisals would make quality control extremely difficult and almost certainly guarantee skewed data. Therefore, to aid in building acceptance of and compliance with the project, the use of force was studied on a department-wide basis only.

It was also decided that all cases where officers must take a citizen into custody would be examined. This would include not only arrests but also the frequent transports of intoxicated individuals to the county detoxification facility and the acutely mentally ill to hospitals. These nonarrest cases are becoming a larger part of the urban police function as the governing philosophy of the social welfare system shifts from institutionalizing to mainstreaming clients.

The only way to insure complete data on all desired cases was to require that a separate report be pre-

pared every time someone was taken into custody. Understanding that such a process would be unfavorably received by street officers, the goal was to create a checklist-like report that could be completed in 30 seconds, plus be in a format readily acceptable to police officers and researchers alike.

The "Use of Force" report, a one-sided form that takes approximately 45 seconds to complete, consists of three categories. (See figure 1.) The first section, "level of resistance," is intended to measure the degree of force encountered by the officer(s) while attempting to take an individual into custody. This resistance is measured on a 13-step continuum progressing from "no force, no hand-cuffs" to an "armed suspect firing at officers."

The second section of the report, "police weapons used," again is a progressive scale. Its 16 steps range from "none" to "Critical Incident Response Team special weapons." This section includes the use of a flashlight, canine, and NOVA XR-5000 stun gun (a concurrent experimental project in the department) in an effort to track items not always thought of as police weapons.



Lieutenant Lundstrom



Ms. Mullan

The third section of the form is "effect of force/resistance on suspect/police." This section contains two scales for measuring the results of custodial encounters on civilians and officers, with progression from "no visible injury, no complaint of pain" to "died." A subscale was included for tracking the effectiveness of the stun gun.

There is no requirement or provision for a narrative on the use of force form. It is always used as a supplement to an original report. If more information is needed than is available from the checklist format, it is possible to go to the narrative of the original report, using the complaint number assigned to the incident.

All data from the use of force reports, exclusive of the reporting officer's name, are entered directly into

the department's computerized records system. The self-coding nature of the reports makes them immediately ready for data entry with no further manual manipulation. The information is then analyzed using the statistical package SPSS-X, with a variety of summary report formats available.

### Quality Control

Quality control was a major concern throughout the project; data that could not be statistically validated would be of little value. The primary validation measurement was done through post-arrest interviews with 102 subjects. Their accounts of the manner in which they had been taken into custody were compared to the use of force reports completed by the arresting officer(s).<sup>1</sup> A weakness in this validation method was that it did not in-

**FIGURE 1**

1. PAGE _____ OF _____		CITY OF ST. PAUL		USE OF FORCE				DEPARTMENT OF POLICE		2. C.N. _____
DAY	DATE	MO.	YEAR	TIME	LAST NAME (Suspect)	FIRST NAME	MID. INTL.	OFFENSE		

ARREST MADE  YES  NO

**I. LEVEL OF RESISTANCE**  
(May check more than one)

- \_\_\_\_\_ 1. No force, no handcuffs.
- \_\_\_\_\_ 2. No force, suspect handcuffed.
- \_\_\_\_\_ 3. Unarmed suspect resisted control, had to be physically handled with minimal force, no blows were struck, all parties remained standing.
- \_\_\_\_\_ 4. Number 3, plus at least one more officer was needed for assistance.
- \_\_\_\_\_ 5. Unarmed suspect resisted control, officer or suspect fell to the ground or blows were struck, no police weapons were used.
- \_\_\_\_\_ 6. Number 5, plus at least one more officer was needed for assistance.
- \_\_\_\_\_ 7. Unarmed suspect resisted control, police weapon(s) used.
- \_\_\_\_\_ 8. Number 7, plus at least one more officer was needed for assistance.
- \_\_\_\_\_ 9. Suspect armed with club or similar weapon and threatened or attacked officer.
- \_\_\_\_\_ 10. Suspect armed with knife or similar weapon and threatened or attacked officer.
- \_\_\_\_\_ 11. Suspect used motor vehicle to assault one or more officers.
- \_\_\_\_\_ 12. Suspect armed with firearm threatened officer.
- \_\_\_\_\_ 13. Suspect armed with firearm shot at officer.
- \_\_\_\_\_ 14. Other \_\_\_\_\_

**II. POLICE WEAPONS USED**  
(May check more than one)

- \_\_\_\_\_ 1. None.
- \_\_\_\_\_ 2. Fist or hands.
- \_\_\_\_\_ 3. Federal Streamer.
- \_\_\_\_\_ 4. Standard baton.
- \_\_\_\_\_ 5. Riot Baton.
- \_\_\_\_\_ 6. Flashlight.
- \_\_\_\_\_ 7. Canine.
- \_\_\_\_\_ 8. STUN gun.
- \_\_\_\_\_ 9. Service revolver pointed at suspect.
- \_\_\_\_\_ 10. Ser . revolver fired.
- \_\_\_\_\_ 11. Shotgun pointed at suspect.
- \_\_\_\_\_ 12. Shotgun fired.
- \_\_\_\_\_ 13. Chemical munitions.
- \_\_\_\_\_ 14. Capture nets, restraints, or similar.
- \_\_\_\_\_ 15. Concussion grenades.
- \_\_\_\_\_ 16. C.I.R.T. special firearms.
- \_\_\_\_\_ 17. Other \_\_\_\_\_

**III. EFFECT OF FORCE/RESISTANCE ON SUSPECT/POLICE**  
(Check one in suspect column, may check more than one in police column)

Suspect	Police
---------	--------

- \_\_\_\_\_ 1. No visible injury, no complaint of pain.
- \_\_\_\_\_ 2. No visible injury, complaint of minor pain, no medical treatment required.
- \_\_\_\_\_ 3. Minor visible injury (redness, swelling, abrasion), no medical treatment required.
- \_\_\_\_\_ 4. Injury requiring outpatient medical treatment (stitches, x-rays, doctor's exam).
- \_\_\_\_\_ 5. Injury requiring overnight hospitalization.
- \_\_\_\_\_ 6. Died.
- \_\_\_\_\_ 7. STUN guns only.
  - \_\_\_\_\_ a. No effect.
  - \_\_\_\_\_ b. Suspect submitted to arrest after seeing STUN gun demonstrated.
  - \_\_\_\_\_ c. Suspect immobilized with no side effects.
  - \_\_\_\_\_ d. Suspect immobilized with side effects.

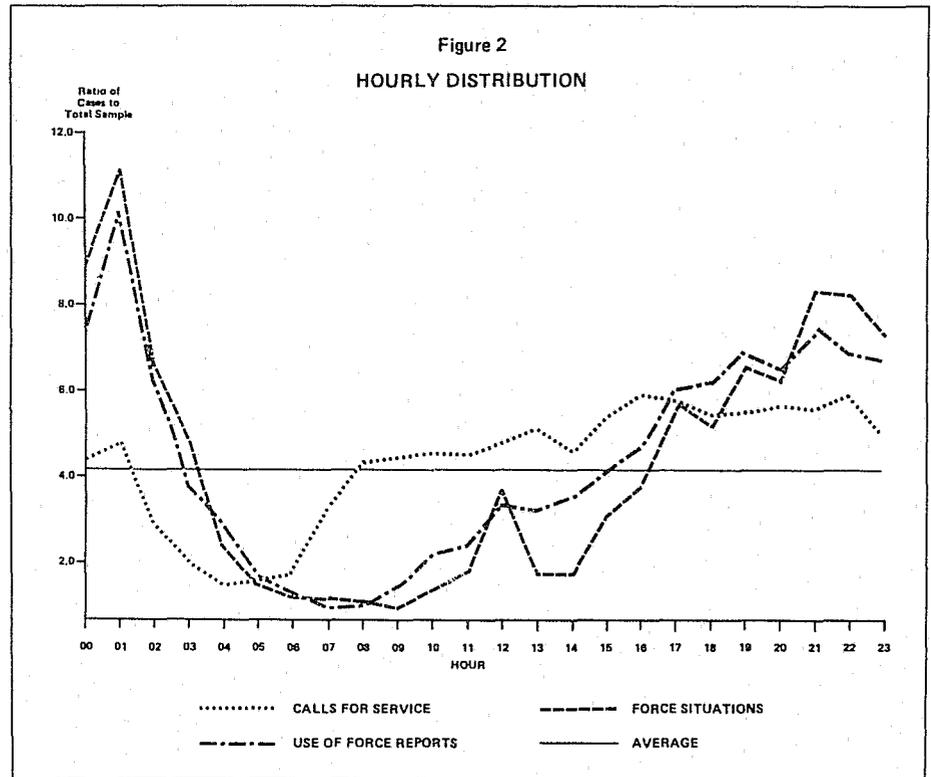
REPORTING OFFICER #1	Employee #	REPORTING OFFICER #2	Employee #	TYPIST	SUPV.	P.O.	CODE CLERK	CARD
REC _____	COORD _____	SYSTEMS _____						

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clude intoxicated or mentally disturbed individuals. However, the nature of the condition causing their confinement was considered to generally preclude accurate post-custody interviews.

These quality checks did identify some problems with the study data that required minor modification of the final reporting to insure no unsupportable statements were made. The major difficulty occurred in the first two categories of level of resistance, which are "no force, no handcuffs" and "no force, suspect handcuffed." The post-custody interviews indicated that officers had significantly understated the number of persons handcuffed. This anomaly was corrected for final reporting by combining the first two levels of resistance into one broader category of "no force." This eliminated the potential for measuring what ratio of persons taken into custody were handcuffed, but little else in the way of inquiries was lost.

The only other significant discrepancy found between officers' and subjects' arrest accounts was in the category of "police weapons used." The interview group indicated underreporting of the "service revolver pointed at suspect" category by the officers. Followup investigation of these cases revealed that the problem arose when there was more than one officer at the arrest scene, and an officer other than the reporting squad pointed a service revolver at the subject. From a pure research perspective, this could be corrected by requiring every officer at the scene of a custody incident to file a use of force report. This option, however, was rejected on the basis of being overly burdensome on patrol officers and that element of data was assumed to be invalid for this study.



**Results**

The study data covered a 12-month period from March 1, 1985, to February 28, 1986. A full-year cycle was used to determine if there were any significant differences in the use of force by citizens or officers during the widely varied seasons in Minnesota's climate. Nearly 12,000 cases were included in the sample, a number large enough to be considered universal for statistical purposes.

Evaluation of results required that some threshold level of resistance be chosen as the point where the use of force becomes significant. These "force situations" were defined as all cases where the reported level of resistance encountered was minimal "unharmful suspect resisted control, had to be physically handled with minimum force..." This level of escalation was selected because it is at this point that the officer, department, and city become exposed to considerably greater risk. In these cases, the officer's immediate safety is threatened, with training and conditioning being key elements in insuring that he/she remains in control. This reliance on



*William McCutcheon*  
Chief of Police

training and physical condition also exposes the city and department to potential lawsuits for any injuries caused by overzealous use of force or weapons.

Figure 2 represents the hourly distribution and relationship of calls for service, use of force reports (all per-

Figure 3

No Force/Force Comparison  
for Selected Custody Incidents

Custody Incident	Number of Cases in Sample	Percentage of Cases	
		No Force	Force
TOTAL SAMPLE	11,989	85.4	14.6
Part I Crimes Against Persons	718	82.6	17.4
Aggravated Assault	479	78.5	21.5
Part I Crimes Against Property	1,745	90.5	9.5
Burglary	470	83.0	17.0
Theft	1,079	94.3	5.7
Total Part I	2,463	88.2	11.8
Detox Run	2,144	79.3	20.7
Warrant	1,232	93.8	6.2
Driver's License Violation	1,196	97.3	2.7
Driving While Intoxicated	830	89.8	10.2
Other Assault	711	69.5	30.5
Traffic Accident	436	94.0	6.0
Disorderly Conduct	227	45.8	54.2

sons taken into custody), and force situations as defined above. Custody situations and force situations are a much smaller portion of the work load during the early morning and day hours. During the evening and late night, this is dramatically reversed, with custody and force situations involved in a much larger ratio of cases. These ratios were found to be consistent for each day of the week and throughout the year, with calls for service being the independent variable.

Figure 3 shows the no force/force percentages for selected offenses, as well as for the total sample. Of interest from a risk management perspective is the number of force situations involved with transporting intoxicated persons to detoxification facilities. While this is usually considered a service rather than an enforcement function, the level of resistance encountered is significantly higher than for most arrests, and therefore, exposes the department to relatively greater risks of liability. Any city with a similar pattern may want to consider this as an additional cost of campaigns against public drinking or intoxication.

The numbers in figure 3 also have general training applications. As reinforcement in officer survival courses, it is noteworthy that even in the most mundane arrests for driver's license violations, significant resistance is encountered in 2.7 percent of the cases.

**Applications**

The internal applications resulting from this type of study are interesting and of some use, but the greatest potential for the data is with outside interest groups that may have occasion to question the quality of training or supervision in the department. To meet this need for quantitative data, one of the hypotheses tested by the project was that the use of force is a common occurrence for police officers in St. Paul and that force is used professionally with minimal injury to citizens or police. That hypothesis proved to be true. In the 11,989 custody situations, officers encountered significant resistance 1,750 times during the year, or nearly 5 times per day. Of all those cases, only 1 percent resulted in injuries to suspects that required outpatient medical treatment; five individuals were hospitalized overnight; two died.

This type of validated statistical information should be admissible and defensible in any civil suit where the quality of overall department training is questioned. It can also be presented to community groups as part of any package describing department performance.

**The Future**

The department has discontinued the use of the report because this initial sample size is valid for answering any obvious questions. To continue the study indefinitely would be an un-

necessary drain on resources. The department does plan, however, to conduct a second study in 1988 using these initial results as a baseline.

Few changes are planned for the next edition of the study. A series of three check boxes will be added to indicate if the individual taken into custody was arrested, transported to a detoxification facility, or taken to a hospital. The instructions for the "police weapons used" section will also be clarified so that any weapon used at the scene, whether by the reporting or an assisting squad, is recorded.

This method of periodic study should make it possible to track changes in the risk attached to the officers' and department's functions. It will also test the hypothesis of many veteran officers that people in general are becoming more likely to physically challenge the custody process.

**Conclusion**

As the resources available to local government become critically scarce, funding requests by all departments are more closely scrutinized. If law enforcement executives want to support claims of increasing work loads and ongoing dangers to street officers, properly validated local studies such as this should become a common management information supplement for agencies of all sizes. National or State statistics can readily be dismissed by local legislative bodies that may prefer to assume that their city is safe; that any problems noted in broader studies belong to their more poorly managed neighbors.

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**Footnote**

Chi-square testing to the .05 level of significance was used to determine if there was any difference between arrestees' and officers' accounts of the incidents. Chi-square testing was also used to validate the sample data, indicating no significant difference between sample and population statistics.