

OLLI

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A little more media – Reality TV

- Many people's perception of police come from media – in particular reality TV shows
- *Cops* - 33 years on air, various networks/cable channels/COPSTV
- *20/20*, *48 Hours*, other magazine formats
- Episodes in 43 states, 3 foreign countries
- <https://harpers.org/archive/1993/11/tales-from-the-cutting-room-floor/>

Marshall Project

- “Civil rights activists, criminologists, and other observers have described it as a racist and classist depiction of the country, one in which crime is a relentless threat and officers are often in pitched battle against the poor black and brown perpetrators of that crime.”
- To Steve Dye, the police chief of the Grand Prairie Police Department in Texas, where the show was recently filmed, “Cops” is a powerful marketing and recruitment tool amid historically challenging times for law enforcement.
- <https://www.themarshallproject.org/2018/01/22/bad-boys>

Old Dominion Study

- In June 2004, researchers videotaped 16 episodes of *Cops* and then evaluated them for crime content, and for the racial and gender identity of characters depicted. They found prior studies statistically reinforced in their descriptions of racial misrepresentation on *Cops*.
- The study found that, on *Cops*, African American men were overwhelmingly shown as perpetrators—usually of violent crimes—and LatinX men (rarely depicted at all) were also usually depicted as violent criminals.
- The police officers depicted were overwhelmingly white, and the disproportionately few white offenders were more-often portrayed as involved in non-violent offenses.!
- Statistical correlations between *actual* crime rates and types (by race and gender, as reported by the FBI's UCR and the Old Dominion study's analysis of characters in the *Cops* episodes indicated that the *Cops* episodes (on average) sharply skewed the numbers, racially, making African-American and Hispanic men appear far more responsible for violent crime than they actually are in the U.S. population at large. At the same time, white males were shown on *Cops* as a far less culpable group than they *actually* are, statistically.

The Shared Agenda continues

- Howard Rosenberg, *LA Times*, “uniting” police and media in ride-alongs where each party is “an extension of the other.” -When invading “private property with their cameras rolling,” said Rosenberg, these partnerships’ behavior is “appallingly indifferent” to the “fundamental privacy rights” of the people whose homes they invade, and the resulting TV shows depict “social and moral crises” deceptively, “without context”—doing so in “the most narrow, emotional terms” they can.
- Do participants get paid – No
- Why do they agree to be on the program?
- <http://www.uky.edu/~addesa01/documents/Cops.pdf>

Police Militarization

“Militarization of policing encourages officers to adopt a “warrior” mentality and think of the people they are supposed to serve as enemies” (ACLU)

Police Look Like Military

- <https://www.youtube.com/watch?v=KOA0VbyfjA0>

“Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom.”

Viktor Frankl, an Austrian neurologist, psychologist and Holocaust survivor said,

- On November 10, 1858 officer Robert Cairnes, a new cop with two years service, was on patrol in the old First Ward when he was summoned to a ship at the foot of Wall Street to look for a one-eyed longshoreman, 28-year-old Robert Hollis, also known as Sailor Jack, who was accused of threatening to murder the captain.
- Cairnes, 40, arrested Hollis, an Irish-born father of four, who slugged the officer and ran off. Cairnes, also Irish-born and a father of six, gave chase, firing his pistol into the crowd. He caught up with Hollis and fired a fatal shot into his back at such close range that Hollis's coat caught fire.

Reaction

- “A policeman has no right to shoot a man for running away from him,” argued the NY Times in a contemporary editorial. The newspaper went on to cite a rash of such cases and questioned whether officers should be armed at all.
- According to a transcript of the coroner’s inquisition, the killing of Hollis stemmed from a dispute on Nov. 9, 1858 when Hollis, later described by The Times as a “ruffian” with prior arrests for violent assaults, and his mate visited the ship – the St Charles – asking for work as crewman. Capt. Thomas Conway told them that he had a full crew and could not give them work.

- The pair encountered Captain Conway the next day and again asked for work. When the captain refused they followed him to the ship, where Hollis hurled a brick at Conway, who chased them off at gunpoint and sent for police.
- Hollis was tracked down by Officer Cairnes and the captain, when Hollis “suddenly turned upon the officer and struck him a violent blow, knocking him down and then ran away,” the captain would later testify.

- In his testimony, Degendorf said that Cairnes, ran up exclaiming, “You will get away from me, will you?,” and fired into Hollis’s back – “so near that the back of the man’s coat was scorched.”
- A Second Ward officer, Joseph A. Perkins, was drawn by the shots and saw Hollis’s coat ablaze and put out the fire, demanding of Officer Cairnes, “Are you crazy?”
- “I thought it very singular that he should shoot in the reckless manner he did, when there were so many about who would have assisted him,” Perkins later testified.

- Perkins had to rescue Cairnes from a lynch mob desiring to avenge the executed longshoreman.
- “The following day, a coroner’s jury ruled that Mr. Hollis died from a pistol ball in the heart, discharged ‘in close contact with the body.’ It ruled the shooting ‘not justifiable’ and ordered Officer Cairnes held for a grand jury,” writes the Times.
- “On Nov. 16, 1858 his bail was set at \$10,000 (equal to about \$270,000 today). He made bail the next day – the same day a grand jury declined to indict him. Without elaboration, a handwritten court record in the Municipal Archives notes: ‘Dismissed by grand jury.’”

Killing someone is illegal, except

- No duty to retreat – Stand Your Ground (FL and other states)
- Police officers to protect themselves or others from serious bodily injury or death
- Villainous aggressor – engaged in illegal behavior,
- Determining the intentions of an aggressor

Taught to kill

- Officers are taught to shoot at body mass – not to hit arms, legs, etc.
- Why?

Escalation of Force – Force Continuum

- 1. Show up
- 2. Voice
- 3. Hands on suspect
- 4. Nonlethal – (pepper spray, stun gun, taser)
- 5. Lethal force

Alternative Tactics: De-escalation

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

De-escalation: to decrease the scope or intensity.

- 29 States require training
- 21 states do not mandate it, although individual departments may conduct training

De-escalation techniques

- ***Slowing down*** an encounter by “backing off” from immediate intervention or action. Not every situation requires immediate action. This has historically been a significant lesson in the field training of new officers.
- ***Be compassionate*** but firm, in communicating and “defusing” a tense situation before escalation by either an officer or citizen occurs.
- ***Use discretion*** to the officer’s advantage. Believe it or not, there is no shame in coming back later or decreasing the enforcement action taken to enforce the law.

Why De-escalation?

- Most importantly, individual officers will reduce their chances of being assaulted, mitigate their risk of being sued, and become more effective at their job.
- By embracing de-escalation techniques, over time, officers are likely to see a huge return on investment in the form of increased health, life longevity, and maybe even a promotion.

- Christopher McFarlin, JD

- Studies have shown that citizens base their perceptions of police officers off their last encounter with an officer. Communication is at the heart of all positive and negative encounters.
- Police officers who develop proper de-escalation techniques, use them when appropriate, and mitigate the need for force will see improved job performance. Supervisors will likely see their officers face a decrease in complaints, engage in more professional relationships, and execute higher quality investigations.

#1: Ensure your citizen contact procedures are legitimate and based on respect.

- A police officer stops a car for an equipment violation—the rear taillight is out.
- The officer approaches and asks for the operator's paperwork. The operator asks the officer why he was stopped, but the officer refuses to answer, again asking for the paperwork.
- The situation now escalates, with both parties refusing to budge, and results in the officer forcibly removing the operator from the car.
- Who escalated the situation? Is the officer within his or her legal right to demand the paperwork before explaining why the operator was stopped? In many, if not most states, yes.
- But is refusing to tell the person why they were stopped legitimate —meaning not only legal but the right thing to do?
- No, the respectful thing to do is to advise someone why they are being contacted and immediately take that issue off the table.

#2: Ensure your officers know their legal limitations prior to engaging the public

- A citizen calls the police to report a person acting “sketchy” because he is walking down the street with a ski mask on in August (this is pre-COVID). An officer sees the young man—5’6” and 140 lbs.—walking down the street carrying a shopping bag and wearing ear buds.
- The officer stops his car and gets out, immediately shouting, “Hey, stop right there. Stop, stop, stop.” The man continues to walk, indicating he has the right to walk on and go home. The officer states he has the right to stop the man because “he is being suspicious.”
- The man replies “I am an introvert, please respect the boundaries that I am speaking. Leave me alone.” Officers physically seize the man, eventually bringing him to the ground in a struggle that results in an officer applying a carotid restraint. As the man is being transported to the hospital, he goes into cardiac arrest; he dies a few days later.
- The legal authority of an officer to seize a person for no other reason than there was an “acting suspicious” call and he was wearing a mask is questionable at best. Absent reasonable suspicion of a crime, any seizure of a person is a violation of the Fourth Amendment. Understanding your legal limitation should dictate your interview manner and tactics. If possible, watch the person to see if there is anything suspicious before approaching them.
- Remember that in the absence of reasonable suspicion, people do not have to stop and speak with officers. While it is hard to watch someone ignore you and walk away, officers need to accept it, deal with it and not take it personally.

#3: Appreciate that to influence a person, you need to understand their perspective and purpose.

- Understanding someone's perspective requires officers to utilize any available time and opportunity. Continuing with the previous scenario, once you decide to approach, use requests rather than commands to gain the man's cooperation.
- Greetings and open-ended questions would be better to initiate a conversation than aggressive commands. The man wants to go home.
- Understanding his desire (his purpose), you can emphasize that you will not stop him from leaving, but explain why you wish to speak with him.
- Communication is only effective if it is done in a manner as to encourage two-way participation.

#4: Do not presume what makes sense to you makes sense to others.

- Following some use of force incidents, we sometimes hear statements from officers such as, “If he didn’t do anything wrong, why did he run?” or “He didn’t have a weapon; why didn’t he just put his hands up and comply?”
 - Such statements are genuine attempts to understand how a situation went tragically wrong, but they miss the point: What makes sense to you may not make sense to the person you’re dealing with.
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- Source: Ranalli, Michael (2020). *The Chief’s Chronicle*; New York State Association of Chiefs of Police.

Special Weapons and Tactics (SWAT)

- LA originated after Watts Riots in 1960s
- 1997 - close to 90 percent of cities with populations exceeding 50,000 and at least 100 sworn officers had at least one paramilitary unit.
- In a separate study, Kraska determined that, as of 1996, 65 percent of towns with populations between 25,000 and 50,000 had a paramilitary unit, with an additional 8 percent intending to establish one.

ACLU

Policing—particularly through the use of paramilitary teams—in the United States today has become excessively militarized, mainly through federal programs that create incentives for state and local police to use unnecessarily aggressive weapons and tactics designed for the battlefield.

ACLU documented a total of 15,054 items of battle uniforms or personal protective equipment received by 63 responding agencies during the relevant time period, and it is estimated that 500 law enforcement agencies have received Mine Resistant Ambush Protected (MRAP) vehicles built to withstand armor-piercing roadside bombs through the Department of Defense's 1033 Program.

ACLU Findings (2014)

- SWAT teams were often deployed—unnecessarily and aggressively—to execute search warrants in low-level drug investigations; deployments for hostage or barricade scenarios occurred in only a small number of incidents.
- The majority (79 percent) of SWAT deployments the ACLU studied were for the purpose of executing a search warrant, most commonly in drug investigations. Only a small handful of deployments (7 percent) were for hostage, barricade, or active shooter scenarios.

ACLU

- SWAT deployments often and unnecessarily entailed the use of violent tactics and equipment, including armored personnel carriers; use of violent tactics and equipment was shown to increase the risk of bodily harm and property damage.
- Of the incidents studied in which SWAT was deployed to search for drugs in a person's home, the SWAT teams either forced or probably forced entry into a person's home using a battering ram or other breaching device 65 percent of the time.
- For drug investigations, the SWAT teams studied were almost twice as likely to force entry into a person's home than not, and they were more than twice as likely to use forced entry in drug investigations than in other cases. In some instances, the use of violent tactics and equipment caused property damage, injury, and/or death.

- While the frequency of SWAT operations has increased dramatically in recent years, jumping from 1,000 to 40,000 raids per year by 2001
- Less to do with increases in violent crime and more to do with law enforcement bureaucracy and a police state mentality.
- Majority used for search warrants
- More often deployed in communities of color

SWAT Raids Gone Bad

- In 2008, a SWAT team raided the home of Cheye Calvo, the mayor of a small Maryland town whose address was being used in a drug trafficking scheme. Rather than intercept a 32-pound shipment on its way to the Calvo residence, police allowed the package to be delivered and then invaded the mayor's home, killed his two dogs and interrogated him and his wife on the floor.
- It turned out the mayor and his wife were completely innocent, and the event led Maryland to issue a new statute calling on all state agencies to record their SWAT activity from 2010 to 2014.
- Jonathan Mummolo, a political scientist who conducted the study and now works at Princeton University petitioned a number of states for information on SWAT deployments, but “Maryland had the cleanest and consistently coded set of records on SWAT teams — on why they're deployed, where they were deployed, various actions they took during the deployments,” he said.
- His study also found that record keeping is poor and even nonexistent in many cases.

No Knock Warrants (banned in FL, OR, VA)

- <https://www.insider.com/states-that-allow-no-knock-police-raids-breonna-taylor-2020-9>
- <https://www.youtube.com/watch?v=2ASPmzZNIxE>

Safety?

- According to *author, using SWAT team does not reduce crime or improve officer safety.
- Militarization has become normalized
- Reduced confidence in police, particularly in communities of color.

*Jones, Ben (Ed) (2021). *The Ethics of Policing*. NYU Press, ISBN: 978-1-4798-0373-6.

Appropriate Deadly Force

- Hostage situations (SWAT)
- What is “SWATTING?”
- <https://www.youtube.com/watch?v=kbKhQTtbrYE>

Additional Reading

- Stoughton et al (2020). *Evaluating Police Uses of Force*. NYU Press. ISBN: 978-1-4798-1016-1.
- Taibbi, Matt (2018). *I Can't Breathe: A Killing on Bay Street*. Random House. ISBN: 978-0-8129-8885-7.
- Schwartz, Jeffrey & Virga, Michael (2019). *The Invariable Evolution: Police Use of Force in America*. Kendall Hunt Publishing. ISBN: 978-1-7924-1308-7. Here is a link to the e-version:
https://he.kendallhunt.com/schwartz_virga
- Walker, Samuel & Archbold, Carol (2020). *The New World of Police Accountability*. Sage Publishing. ISBN: 978-1-5443-3917-7.