

Testimony by Chuck Wexler, Executive Director

Police Executive Research Forum

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**POLICE EXECUTIVE
RESEARCH FORUM**

Thank you for the opportunity to offer my perspectives on the important mission of the Task Force on 21st Century Policing.

For more than 20 years I have served as executive director of the Police Executive Research Forum (PERF), which is a research and policy organization based in Washington, D.C., dedicated to advancing the profession of policing. PERF is also a membership organization of police chiefs and others with an interest in policing.

In my testimony, I will describe findings from PERF's current research and what we have learned from many forward-thinking leaders in policing today.

Each year, PERF conducts research projects on the most important issues in policing. For example, last September, PERF convened a meeting in Chicago of nearly 200 police chiefs and other officials to discuss the implications of the incidents in Ferguson, Missouri. In another project last year, PERF released a set of recommendations for police agencies that deploy body-worn cameras¹ – the small video cameras that officers wear to provide a video record of their encounters with members of the public.

You have asked me to focus my testimony on use-of-force investigations and oversight.

Your interest in use-of-force investigations may stem from the fact that when there is a controversial officer-involved shooting or other use of force, in the large majority of cases, the use of force is found to be justified by the circumstances. But in some cases the officer's use of force does not appear to have been necessary, and so community members become frustrated.

We need strong systems for reviewing police uses of force, and these systems must demonstrate transparency to the public. State and local jurisdictions are considering a variety of proposals to increase accountability in these investigations.

I believe there is also a larger issue that is beginning to gain traction among progressive police chiefs, namely, that in addition to reviewing particular use-of-force incidents after the fact, we need to acknowledge that some of these incidents could have been prevented, and we must try to find ways of preventing those incidents in the first place.

In other words, leading police chiefs are saying that we need to “go upstream” to the minutes before a controversial shooting or other use of force happened, to analyze what occurred and why, examine all of the factors that were involved, and ask whether the officer may have missed opportunities to de-escalate the situation.

So instead of focusing solely on the narrow issue of whether a use of force was legally justifiable under the circumstances, we should also look at whether other choices were available that could have prevented those circumstances from developing.

More specifically, following are some of the lessons we have learned from PERF’s research over the years that can help reduce police use of force:

Policies matter: Strict, carefully written policies can stop unnecessary uses of force. For example, PERF has long called for policies that bar officers from shooting at moving vehicles.² If the driver is shot, the vehicle becomes a totally unguided threat. So if a suspect is aiming a moving vehicle at an officer, it is safer for everyone for the officer to step out of the way, if possible, rather than shooting at the vehicle.

The New York City Police Department implemented this policy in 1972, and the number of fatal police shootings immediately plummeted, from 93 in 1971 to 66 in 1972. That trend continued downward, and fatal shootings by NYPD officers have remained below 20 in every year since 1998, with 8 fatalities in 2013.³

And yet, some police departments across the country still have policies allowing officers to fire at moving vehicles. This one policy change could significantly reduce shootings by police.

Tactics matter: Police are trained in tactics for many different types of situations. Over the last year or two, there has been a growing discussion about tactics for officers to de-escalate or disengage from low-level confrontations. The goal is to avoid putting officers in a position where they will have no alternative but to use deadly force.

We have learned that any time officers realize that a situation appears to have potential for requiring use of force, the officers should call and request that their

supervisor come to the scene immediately. We know that having a supervisor at the scene can prevent unnecessary uses of force.

De-escalation skills are critical: In traditional police culture, officers are taught never to back down from a confrontation, but instead to run *toward* the dangerous situation that everyone else is running away from. However, sometimes the best tactic for dealing with a minor confrontation is to step back, call for assistance, de-escalate, and perhaps plan a different enforcement action that can be taken more safely later.

For example, if a person on the street seems determined to start an argument with an officer, sometimes the best tactic is to refuse to engage. As one chief expressed it, “Somebody has to be the adult in the room, the one to de-escalate tensions, and it has to be the police officer.”

Furthermore, some chiefs speak of a “duty to intervene.” In other words, if officers see another officer overreacting to a heated situation, they should be required to step in and de-escalate the encounter.

“Respect” is often at the heart of conflict: Often, issues of respect figure in low-level confrontations between police officers and people on the street. Words matter, and the manner in which an officer initiates an encounter with a community member can help establish a tone of mutual respect. In situations where a community member may be agitated, the officer must be the grown-up and attempt to de-escalate the encounter.

Learning from incidents is not “second-guessing”: In the aftermath of a controversial shooting by an officer, it is not unusual to hear police say, “The officer had to make a split-second decision; we shouldn’t second-guess that decision.” And it is true that police often must respond quickly to complex situations; many of the most controversial incidents play out in a minute or less.

However, today’s police departments know that it is not “second-guessing” to learn from tragic incidents in order to prevent the next incident from happening. This is how police departments learn, develop new policies and tactics, and take lessons from each other.

Persons with mental illness: Often it seems that our streets are filled with disturbed individuals leading troubled lives. People with mental illness (or a developmental disability, drug addiction, or other conditions) can act erratically and dangerously. If the person starts to wave a knife or other weapon, the results can be tragic.

Police encounters with mentally ill persons occur so often that most police departments have developed a variety of protocols to reduce the chances that force will be used.⁴ Often the first step is to teach officers basic skills in recognizing symptoms of mental illness, so they have a better chance of correctly recognizing a cry for help.

Many departments have Crisis Intervention Teams, in which police officers team up with mental health workers to de-escalate potentially dangerous encounters. When police encounter a dangerous mentally ill person on the street, officers are trained to “slow the situation down,” call for back-up, and avoid provoking the person. Asking questions can be more effective than issuing orders that the person may not be capable of understanding.

From the officer’s perspective, slowing the situation down, and trying to maintain some physical distance from the mentally ill person, provides time to talk to the person, de-escalate the tension, get more people on the scene to help, and reduce the risk that the person might make a threatening move and trigger a use of force by the officer.

Integrated training: Many police chiefs endorse “scenario-based” training programs, in which officers experience real-world situations and learn to make good decisions. Such training aims to replicate the quickly changing, often chaotic circumstances that occur in the moments before a use of force, so officers can gain realistic experience in responding to these stressful situations.

Too many departments have training programs that are fragmented, with separate courses on use of force, encounters with mentally ill persons, and so on. Integrated courses that combine these concepts are more effective in teaching officers what they need to know. We need to re-engineer how police training is conducted, so that it integrates all aspects of police work in ways that mirror what actually happens on the street.

As more police departments deploy body-worn cameras, footage from the cameras can be used in recruit training and in-service training. In some cases, video may provide examples of officers who successfully de-escalated an incident or used their skills and tactics to avoid a use of force. In other cases, videos of incidents that ended badly can be an effective tool for teaching officers what not to do.

Diversifying police forces: Leading police chiefs have said that racial and ethnic diversity within a police force is “necessary but not sufficient.” Having a department that reflects the community brings different perspectives to the police department, and it helps to build relationships with communities. It is also important to ensure that all officers, regardless of their race, ethnicity, or gender, are carefully trained and supervised. The role of first-line supervisors, typically sergeants, is extremely important, because they are in the

best position to know what officers are doing and to detect signs that officers may be experiencing problems or engaging in improper behavior.

Comprehensive approaches: 2014 was a challenging year for the policing profession. If there is one thing we have learned through all the work that PERF has done over nearly 40 years, it is that with proper policies, training and supervision of officers, and critiquing of incidents, we can reduce use of force. Good policing is the sum of all of these elements, which must be done simultaneously and continuously.

Police departments nationwide have changed how we deal with crime. Instead of focusing only on making arrests, today's police work to prevent crimes from being committed. These efforts have been successful; violent crime rates are half of what they were in the 1990s. **Today we need to make a similar change in our approaches to reducing use of force. Instead of focusing almost entirely on how we investigate incidents after they occur, we need to develop strategies for preventing incidents. We need to collect accurate information, analyze patterns, develop best practices, and measure how each department is doing to reduce use of force.**

Thank you for this opportunity to share my views. I would be glad to answer any questions that members of the Task Force may have.

¹ Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned
<http://www.policeforum.org/assets/docs/Free Online Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf>

² See, for example, U.S. Customs and Border Protection Use of Force Review: Cases and Policies.
<http://www.cbp.gov/sites/default/files/documents/PERFReport.pdf>

³ “Annual Firearms Discharge Report, 2013.” New York City Police Department. Page 50, Figure A.4.
http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2013.pdf

⁴ An Integrated Approach to De-Escalation and Minimizing Use of Force
http://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf

Other PERF reports regarding police use of force:

Legitimacy and Procedural Justice: A New Element of Police Leadership
<http://www.policeforum.org/assets/docs/Free Online Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf>

Civil Rights Investigations of Local Police: Lessons Learned
http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf

Managing Major Events: Best Practices from the Field
http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf

2011 Electronic Control Weapon Guidelines
http://www.policeforum.org/assets/docs/Free Online Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf

Strategies for Resolving Conflict and Minimizing Use of Force
http://www.policeforum.org/assets/docs/Critical_Issues_Series/strategies%20for%20resolving%20conflict%20and%20minimizing%20use%20of%20force%202007.pdf