

Police and the Use of Force

Overview

Few issues have the potential for more controversy and the generation of negative police-community relations than those surrounding allegations of excessive force or brutality. Unfortunately, given the role of the police and the incidents of violent crime in our society, the use of force is an everyday reality. The proliferation of easy-to-use smartphone-cameras, too, has publicized numerous encounters between everyday citizens and police, including police-involved shootings. For these reasons, it is important that all citizens, and young people in particular, understand the laws that govern use of force and are able to distinguish, on an informed and reasonable basis, between its legitimate and illegitimate uses. This lesson focuses on the issue of police use of force in field situations. After a brief focus activity, students read and discuss a reading that describes laws and rules affecting the types and level of force, including deadly force. Then, in a paired activity, students take the role of police officers, review guidelines, and apply them to hypothetical cases. Finally, in a debriefing discussion, students compare their responses.

Teacher Tips

This lesson can serve as an intervention lesson to help students understand issues raised in use-of-force cases that arise in the community or that are publicized in the press and social media.

Objectives

Students will be able to:

- Describe a situation in which police have a legitimate need to use force.
- Distinguish between uses of non-deadly and deadly force.
- Identify the consequences faced by police officers who use excessive force.
- State and support opinions about the level of force appropriate in given hypothetical situations.

Materials and Preparation

- **Handout: Police and the Use of Force** (Reading) (1 per student)
- **Handout: Police Department Regulations and Situation Report** (1 per student)
- **Handout: Cases (#1–4)** (1 case per student pair)

STANDARDS ADDRESSED

National Civics Standards

Standard 3: Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good. **Middle School Benchmark 1:** Understands the difference between the “rule of law” and the “rule of men” (e.g., government decisions and actions made according to established laws vs. arbitrary action or decree). **High School Benchmark 2:** Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict . . .).

California History-Social Science Standards

8.3 Students understand the foundation of the American political system and the ways in which citizens participate in it. (6) Describe the basic law-making process and how the Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government

11.11 Students analyze the major social problems and domestic policy issues in contemporary American society.

12.2 Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (3) Discuss the individual’s legal obligations to obey the law

Common Core State Standards (ELA-Literacy)

Speaking and Listening Standards

SL.6-8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 6-8 topics, texts, and issues, building on others' ideas and expressing their own clearly.

SL.6-8.3: Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.

SL.11-12.1: Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

SL.11-12.3: Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

Reading in History /Social Studies

RH.6-8.1: Cite specific textual evidence to support analysis of primary and secondary sources.

RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

RH.6-8.3: Identify key steps in a text's description of a process related to history/social studies (e.g., how a bill becomes law, how interest rates are raised or lowered).

RH.6-8.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

RH.6-8.10: By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

RH.11-12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

RH.11-12.4: Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).

RH.11-12.10: By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

Writing in History/Social Studies

WHST.6-8/11-12.1: Write arguments focused on *discipline-specific content*.

WHST.6-8/11-12.9: Draw evidence from informational texts to support analysis, reflection, and research.

WHST. 6-8/11-12.10: Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

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Procedure

1. Focus Activity--Fact versus Fiction

- A. Lead a brief discussion by asking:
 - In fictional movies and on television what kinds of actions do police take when arresting a criminal? (Students might suggest handcuffing, fist fights, shooting, martial arts, etc.)
 - Do you think these fictional incidents often happen in real police work? (Students should state and support opinions.)
- B. Explain to students that, in spite of how the police are portrayed in movies and on television, much of their work is routine and does not involve the use of force. Further explain that there are strict rules about how police use force when dealing with citizens or people suspected of committing crimes.

2. Reading and Discussion: Police Use of Force

- A. Distribute and have students read **Handout A1, Police and the Use of Force**.
- B. Lead a class discussion using the following questions:
 1. Why do police officers sometimes have to use force when doing their jobs? (To protect themselves and others from harm or to arrest a person who resists.)
 2. According to the law, what level of force can an officer use in a given situation? (An officer may use the amount of force that is reasonable and necessary in a given situation, however police departments may, as a matter of prudent training of officers, adopt more restrictive standards.)
 3. Why might deciding what force is reasonable and necessary be difficult for a police officer in the field? (Excitement, darkness, and the movements of a suspect can create confusion.)

3. Paired Activity--Making Decisions About the Use of Force

- A. Divide the class into pairs of students and explain that in this activity they will take the role of police officers and make decisions about the level of force to use in a particular situation.
- B. Distribute copies of the **Police Department Regulations and Situation Report** handout to each student and review the material. Explain that students will work in pairs and each pair will receive one case to review. It is each pair's job to decide what to do based on the department regulations and the reading. Both students should fill out an individual report and be prepared to discuss their decision with the class.
- C. Distribute one case to each pair.
- D. As students complete their assignment, create the following chart on the board.

<u>Level of Force</u>	<u>Reasons</u>
Case 1.	
Case 2.	
Case 3.	
Case 4.	

Ask all the pairs that had to decide Case #1 to join you in the front of the class. Read the case out loud to the class. Then have the first pair make its report and fill in the chart as appropriate. Continue the process until all pairs have reported. Compare the results and reasons. Repeat the process for Cases 2–4.

- E. Debriefing: Conclude the activity by leading a class discussion using the following information as a guideline.

Case 1. The officers probably would first try to de-escalate the situation by talking calmly to Julia. Her threat to “slap” the officers is conditional and not immediate (“If you didn’t have those badges . . .”). If, however, she continued yelling—especially about “slapping” the officers—she would likely be interfering with the officers’ duties. The officers would then be justified in arresting and handcuffing Julia. If Julia resisted that, the officers would be justified in using a physical restraint.

Case 2. The officers would be justified in using non-deadly force such as chemical spray since handcuffing did not work and the suspect assaulted one of the officers. Since there is no **immediate** threat of death or serious injury to the officers—though Tony is screaming, his threat of violence is focused on the future—and since Tony has no visible weapons, deadly force most likely should not be used.

Case 3. Because the woman is flailing, the officers would be entitled to use a physical restraint technique for their protection and to make sure the woman does not hurt herself. Since she appears to be a victim of someone else, additional force appears to be unreasonable. Did the presence of Sheldon affect the officers’ decision about the use of force at all? Should it affect their decision?

Case 4. Under the circumstances—a felony arrest, the darkness of night, the suspect’s movements, and seeing a possible weapon—the officers probably entitled to use deadly force in this situation.

Then ask:

- How did it feel to try and make these decisions?
- How much more difficult would it be to make these decisions in the field?

4. Writing: How Much Force Is Too Much Force?

- A. Each student should write a well-developed paragraph answering the following question:

Do filmmakers and television producers have a responsibility to portray police use of force accurately? Why or why not? Use your notes from the discussion and activity for information to support your answer.

Police and the Use of Force



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Danger is part of police work. Sometimes officers have to deal with a person who resists arrest. Sometimes they confront a person who is armed or threatens violence. To protect themselves and others in the community, officers might have to use force to make an arrest or disarm a suspect.

Sometimes officers encounter people who are merely angry about something. For example, neighbors might yell at each other. Officers are trained to de-escalate, or reduce the danger in, tense situations like that. Officers de-escalate tense situations using calm verbal communication whenever possible. At other times, officers are trained to use strong voices to get people to comply with orders, such as “exit the vehicle” or “keep your arms raised.”

Officers are also trained and equipped to use force, if necessary. They are trained how to take charge of a situation using verbal commands. They are taught how to use self-defense techniques, too. Officers are equipped with both chemical and electronic weapons. With these, police more easily can overcome a suspect without causing great injury or risking great injury to themselves. They also carry pistols and batons, and patrol cars are often equipped with shotguns. These weapons are very dangerous and can only be used in certain circumstances.

Reasonable Force

As a general rule, police may use whatever level of force is reasonable and necessary to make an arrest. Shooting an unarmed person who has stolen an apple from a fruit stand would clearly not be reasonable. Clubbing a suspect with a baton when a simple arm hold would work is not necessary.

In training programs, police officers learn how much force may be used in different cases. They practice using just enough force for each situation. Whether it is an arrest, crowd control, or an armed suspect, they are taught to begin with the lowest level of force possible.

The level of force should only increase if the situation requires it. For example, if a suspect quietly goes along with arrest, the officer should use a simple pat-down search for weapons and handcuffing. But if the suspect suddenly throws a punch, a higher level of force may be required. This might require the officer use a physical-restraint hold. On the street, fear, anger, darkness, and split-second changes can make deciding what force is reasonable and necessary much more difficult.

Deadly Force

In some situations police officers have to use deadly force. Deadly force is force that poses a high risk of death or serious injury to a person. It does not matter whether death or serious injury actually results. State laws govern the use of deadly force. Some police agencies and departments have even stricter rules officers must follow when using deadly force. In general, an officer should use deadly force only if:

- The officer believes that deadly force is necessary to prevent death or great bodily injury to the officer or another person.
- The officer believes that the deadly force does not create a great risk to innocent persons.

In spite of the limits on deadly force, its use can be very controversial. This is especially true if the suspect who is killed or wounded by the police is unarmed or turns out to be innocent. By law, a suspect need not be actually armed for the police to use deadly force. Sometimes a suspect will reach inside clothing in a threatening manner or grab something the police mistake for a weapon. If the police have a reasonable and good faith belief that the use of deadly force is necessary to prevent death or serious injury to themselves or another, they are allowed to use it.

Another situation that creates controversy is when a suspect is armed with something other than a gun. This might be a knife or a screwdriver. Some people argue that in these circumstances a police officer should not shoot to kill, but only to wound in the legs or other non-vital spot. Police experts argue that such actions would put the life of officers and others in danger. They claim that trying to hit a suspect in a non-vital spot is often very risky. Rapid movements by the suspect, darkness, and the excitement of the moment all make shooting accuracy very difficult. To take such a risky shot, they argue, would make it more likely that suspect could injure or kill someone, or that a bystander could be hit by a stray police bullet.

If a police officer makes a mistake about the use of force, the consequences can be very serious. Police departments themselves investigate every use of deadly force. Police departments also investigate if citizens complain about the level of force used against them. If a complaint is upheld, an officer can be penalized by being demoted or even fired. In addition, if the case is serious enough, police officers can be charged with a crime. If they are tried and convicted, they can be punished by a fine or prison time. Finally, police officers can be sued by victims of force. If they lose in court, they and the police department can be forced to pay damages, sometimes hundreds of thousands of dollars, to the victim.

Writing & Discussion

1. Why do police officers sometimes have to use force when doing their jobs?
2. According to the law, what level of force can an officer use in a given situation?
3. Why might deciding what force is reasonable and necessary be difficult for a police officer in the field?
4. Should police officers, or the cities that employ them, be required to pay money damages if they lose a lawsuit for using excessive force? How might such lawsuits effect the work of police officers?

Police Department Regulations

Use of Force Guidelines

You and your partner are police officers. The following are department guidelines for the use of force in the field. Your job is to study the rules and be prepared to use them. The Department allows four levels of force:

1. **Arrest and Handcuffing:** To be used in most situations when the suspect follows verbal commands and gives in to arrest.
2. **Physical Restraint:** A martial arts hold to be used when the suspect resists arrest, but is not armed.
3. **Non-Deadly Force:** Chemical spray or electronic weapons for use if physical restraint does not work or is impossible.
4. **Deadly Force:** Use of firearms or blows from baton above the shoulders. May only be used if the suspect poses an immediate threat of death or great bodily injury to an officer or bystander.

Rules:

- Officers must start with the least amount of force necessary.
- More force may be used only if the situation reasonably appears to require it.

SITUATION REPORT

Directions: Working with your partner:

- 1) Read the case assigned to you.
- 2) Use the *Police Department Regulations and the Police and the Use of Force* readings to decide what level of force, if any, should be used in the case.
- 3) Fill out the report and be sure to give reasons for your choice. Be ready to discuss your answers with the class.

Case Number: _____ Name: _____

Level of Force (From Department Regulations): _____

Reasons: _____

Use of Force Cases

Case #1: Julia

A serviceman comes to Julia's home to turn off the gas because of an unpaid bill. Julia, a 39-year-old woman, stands in the way of the serviceman and yells at him on her front lawn. As they argue, the noise attracts several curious neighbors to the sidewalk to see what is going on.

Two police officers happen to drive past and stop to investigate the confrontation between Julia and the serviceman. When it appears to Julia that the officers have taken the serviceman's side, she yells at the officers, "Get off my property! Now! If you didn't have those badges, I'd slap you both!"

Case #2: Tony

Tony, a tall, thin, 17-year-old boy, is in his car speeding and swerving back and forth between the lanes on the highway late one night. Two police officers stop him and ask to see his driver's license. Tony, who had obviously been drinking, becomes enraged and verbally abusive.

One of the officers, a 20-year veteran of the police force, attempts to handcuff him, but Tony pushes him away. He then slugs the other officer and retreats to the other side of the car. "I'll kill you if you come near me again," he screams.

Case #3: Marta

Marta, a short, thin, 22-year-old woman is walking alone down a deserted street at four o'clock in the afternoon. Her clothing is ripped and she seems dazed.

Two police officers who are driving by stop to see if she is all right. As they approach, Marta starts screaming, "Leave me alone, I'm sick of being hassled." The police officers try to calm her, but she just keeps screaming and backing up. At one point she staggers and almost falls. Suddenly she starts flailing her arms at the officers. Nearby, Sheldon, a 30-year-old man, pulls out his smartphone and appears to be recording Marta and the police officers on video.

Case #4: Samuel

Six police officers are assigned the job of arresting Samuel. He was a large, buff man in his early 20s. While out on parole, he had been identified as participating in an armed robbery of a bank.

As police approach Samuel's apartment in the dark, the door swings open. A large man matching Samuel's description runs down the steps and across the yard. The police yell for him to stop and chase him. When the man reaches a fence, he turns toward the officers and reaches under his coat. One of the officers sees light reflecting off what appears to be a metal object in the waist band of Samuel's warm-up pants.