

POLICE SHOOTINGS: CITIZEN AND  
OFFICER PERCEPTIONS

by

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## **DEDICATION**

To Colleen who has remained in my corner and has been a constant inspiration to our future endeavors. Through her support my academic career was possible.

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## I. INTRODUCTION

On August 9<sup>th</sup>, 2014, Ferguson, Missouri Police Officer Darren Wilson was responding to a theft call at a local convenience store. While enroute, Officer Wilson came into contact with two teenagers walking in the middle of the street. One of the teenagers, Michael Brown, fit the description of the theft suspect. Officer Wilson blocked the path of Michael Brown with his police cruiser at which time evidence and witness testimony state that Brown reached into Officer Wilson's cruiser and a physical altercation began. Officer Wilson shot twice from inside his patrol car, striking Brown once in the hand. Brown fled on foot and Officer Wilson gave chase for a short distance down a residential street. The pursuit ended with a face to face standoff that according to witness statements, court records, and evidence, Brown advanced forward toward Officer Wilson, and Officer Wilson shot ten times. Brown succumbed to his injuries as a result of the shooting.

The shooting in Ferguson, Missouri, sparked immense protest among citizens in the community and across the United States (Davey & Bosman, 2014). Since the Brown shooting, American law enforcement and citizens have been at different ends of the use of force spectrum and a need for change is the main focus of many community leaders. The increase media coverage on law enforcement shootings and a push to make sweeping policy changes for police departments has increased since Ferguson, Missouri. For example, in 2014 the deaths of Eric Garner in New York, Freddie Gray in Baltimore, and Samuel Dubose in Ohio have all lead to intense criticism and public scrutiny of police actions (Goodman & Yee, 2014; Perez-Pena, 2015; Stolberg, 2015). More recently in 2016 the shooting deaths of Alton Sterling and Philando Castile resulted in protest in

Dallas, Texas. The protest led to the shooting deaths of five Dallas area police officers on July 7, 2016. Within a week of the Dallas shooting, the protest continued throughout the nation and also in New Orleans, where on July 17, 2016, police officers were ambushed and three officers died. All of these incidents have dominated media reporting and have made police use of force the subject of much debate. The concerns the media reflects relates to instances of police abuse of power. The amount of coverage given by the media portrays that police brutality is rampant and the police departments are out of control (Adams, 2015). The citizen's belief, from the media coverage, that police use force frequently, has fueled these incidents throughout the nation despite research indicating that police rarely use force (Adams, 2015; Bittner, 1970; Garner, Maxwell, & Heraux, 2002; Klinger, 1995). Although the situations of police use of force is rare or used infrequently, it is neither the intention of the author in this study to minimize the problem or suggest that the issue can be dismissed as unworthy of serious attention (Adams, 2015). The perceptions of the citizens as it relates to use of deadly force is extremely important as it can fuel civil unrest.

Citizens form opinions about use of force through an assortment of media such as mass media and friends and family. These beliefs of police use of force places citizens in a subculture that has a different view on police use of force compared to the criminal justice system. These beliefs formulated as to the prevalence of police use of force is believed to cause conflict.

On the other side of the spectrum are law enforcement officers. The men and women who go to work like any other profession however, they wear a badge, have a gun and have the distinct authority by law to use force if needed to protect themselves or

citizens. The police receive hundreds of hours of training in various aspects of the law, defensive tactics, marksmanship and use of force. The ability to use force, including deadly force, sets police officers in a profession apart from any other career regardless of where one is in the world. Under tense and uncertain circumstances, police see use of force incidents quite different than the regular citizen. This special category that places police officers in a unique profession that allows them to use force is also the same category that is under scrutiny by the public, the police subculture.

The two opposing views cause conflict between the citizens and police. Like in any other profession, the police develop their own subculture that insulates them from the pressures of the job including ridicule from the community. They develop solidarity and empathy among one another. There is also a subculture of citizens that have their own belief system. This belief system includes the perception of how police should use force. It is here that the present study will look at the beliefs of the two cultures: citizens and police as it relates to perceptions of acceptable levels of use of deadly force. The present study will look at various areas of training police receive such as case law and force continuums. The study will go on to explore the correlates of force, conflict theory and perceptions of both police and citizens. The study will continue with the methods for the current study, the results and finally a discussion.

### **Present Study**

The current study attempts to gain a better understanding of the conflict between citizen's culture and the police subculture as it relates to the perceptions of how officers use deadly force. It is in the opinion of the researcher that the reason there is much debate over police use of force is due to the way that the public perceive and define the

acceptable levels of force that police implement. Meaning, the citizen's form their own cultural beliefs about what force should be. The police definition and practical use of force is grounded in case law and policies. It is here, within the different definitions of acceptable levels of force where conflict between the citizens and police occur.

However, to fully understand this conflict one must take a look at, case law, correlates of force, the training the police officers receives, and the beliefs and perceptions of the two different cultures. This study will examine true deadly force incidents and will pose questions to both citizens and officers as to their perceptions of the acceptable levels of force that was used in each scenario.

In summations, it is easy to have a knee jerk reaction to media sensationalism over specific incidents of police use of force. However, to make fully informed policy decisions, one must look at the history and case law that surrounds the issue of force in the United States. With this basis, there is a need to look at how officers are trained on both the laws and practical aspects of their work. Finally, consideration must be given to the perceptions of the citizens and officers cultures, when deadly force is used. This is a very important aspect since citizens entrust police as the sole proprietors of force. The citizens must feel that the laws implemented and procedures are fair and just. Together, this information will provide a better understanding of what types of policy should be crafted and where exactly resources should be concentrated.

### **Purpose**

The purpose of this study was to fill a gap in research that is scarce as it relates to the perceptions of police and citizens of deadly force incidents. The current study compared the police culture and citizen culture as it relates to their perceptions of

acceptable levels of deadly force. This research study sought to look closely at acceptable levels of deadly force as seen from citizen's and officer's perspective when looking at the same scenarios.

Officers gain valuable knowledge through their tenure as police officers, on the job training and non-verbal behavior such as pre-attack indicators that assist in making critical decisions while out in the field. Officers are also trained on case law and use of force continuums. Theoretically officers will be more versed in different levels of acceptable force as compared to citizens who learn about use of force through different media such as friends, family, television, internet, and newspapers. Many citizens may not know or be aware of case law or differing levels of force (Novak, 2009).

The catalyst to change contentious use of force issues within the community may rest in understanding where the police and citizen's opinions divert as it relates to the laws that regulate the use of force. Coming to a middle ground and understanding the citizen's point of view and the officer's perception may reduce conflict.

## II. LITERATURE REVIEW

Literature that looks at how citizens and police view deadly force incidents is scarce. Most of the work focuses on issues concerning race, policing biases, and use of force specifically. Few studies looking into how or why certain deadly force events are interpreted differently from officer to officer or person to person exist. The relevant research in conflict theory as it relates to officers' use of force presents inconsistent findings (Thompson & Lee, 2004). However, the existing literature did provide useful information for a better perspective on the current landscape surrounding use of deadly force. Because of the lack of research relating specifically to comparing police and citizen perceptions of the use of force, this literature review takes a building blocks approach. We will look at the definitions of force, excessive force, and deadly force to better understand the relevant case law used in the realm of the criminal justice system. The review will continue with case law, use of force continuums, force correlates, and culture conflict as well as the perceptions of officers and civilians at it relates to use of force.

### **Force**

In the United States, there is no singular agreed upon definition for force. The definitions and limitations of force are as diverse as the jurisdictions. The fact that the citizens may have their own definitions of force versus police and the criminal justice system often causes even more confusion. In this conundrum between the way that citizens and officers view force, it is important to find an operational definition for force.

In attempting to find a universal and unbiased definition for force, the research looked at the International Association of Chiefs of Police (IACP) 2001 forum. The

IACP states that force is the amount of effort required by police to compel compliance from an unwilling subject (IACP, 2001). Most of the force applied by police officers are at the lower end of the force spectrum, for example, pulling, pushing, twisting to cause pain discomfort and ultimately gain compliance (Adams, 2015; Klinger, 1995). Most recently, the IACP has added and simplified the definition of force to any physical effort to control, restrain or overcome the non-compliant suspect which does not include deadly force (IACP, 2017). The IACP in defining force as physical, eliminates ambiguous definitions such as: verbal commands, the presence of the officer or the presence of a weapon. These elements are not force *per se* but have been considered as such in the past and in other research. The current study will not define force as verbal commands or presence of a weapon.

To further explain force, the Model Penal Code has additional language that assists in demonstrating how and when officers can use force. According to the Model Penal Code, when officers use force, they must have an immediate law enforcement objective for the force they use (Dubber, 2002). Law enforcement objectives such as keeping the status quo, securing the scene, and safety concerns are all valid reasons that officers may use to justify the use of force; if reasonable under the circumstances. However, officers are not authorized to use force out of malice, to punish, or for any reasons that are not for a law enforcement purpose (Dubber, 2002).

### **Excessive Force**

Excessive force is the application of an amount and/or frequency of force greater than that required to compel compliance from a willing or unwilling subject (IACP, 2001). Consider an officer arresting a suspect who is offering minimal resistance. In

accomplishing the arrest, the officer, strikes the suspect with a baton when the degree of the suspect resistance was minimal. The force used by the officer in this instance may be excessive however, force and excessive force are rare occurrences in law enforcement (Klinger, 1995).

### **Deadly Force**

This study adopts the IACP (2017) definition of deadly force. Deadly force is force that as used or as intended to be used, could cause death or serious bodily injury (IACP, 2017). Deadly force could be produced by hands, objects, vehicles, or firearms. In policing, deadly force is mostly applied by the use of a hand gun: however, in other instances a blow to a suspect's head by an officer's night stick or flashlight could be deemed as the use of deadly force. Deadly force is the most severe type of force that can be implemented by police.

This study revolves around police and citizen's perception of what makes the use of deadly force acceptable. The police view of acceptability is grounded in legal decisions regarding whether a use of force was acceptable or not such as the "objective reasonableness" standard test provided under the court case *Graham v. Connor* (1989). When compared to police, citizens may have their own perceptions of what defines acceptable conduct by police. Regardless of how citizens or officers perceive a situation, court cases have defined how officer's actions will be judged. The following section discusses the major case law findings on the use of force by police officers.

### **Case Law**

Case law provides insight for officers and agencies on conduct surrounding use of force. Officers view the use of force through the lens of case law and departmental



policies. The United States Constitution is the governing body for how all laws are created, implemented and enforced in the United States. The United States Constitution sets the broadest blanket on the use of force. However, each state, county, and city may set more restrictions that reflect how force will be used and applied in each jurisdiction. State and local entities may decide to give more rights to citizens by restricting officers' use of force. As an example, an officer may be legally justified in pursuing a suspect on foot, but departmental policies may restrict the officer from any foot pursuits of suspects. The Fourth Amendment has the most effect on law enforcement use of force situations. It is within these confines of both case law and policies that officers learn and understand what constraints are placed on them when using force.

The Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

(U.S. Const. amend. IV)

Once an officer decides to use force, the officer's action falls under the purview of the Fourth Amendment and under seizure laws. According to case law surrounding the Fourth Amendment, officers will be judged on how reasonable their actions were at the time the force was applied. Every case in which force is used is unique with its own set of circumstances and facts. As such the precise meaning of the Fourth Amendment is determined by individual case decisions. Three major cases impacting police use of force are: *Tennessee v. Garner* (1985), *Graham v. Connor* (1989), and *Terry v. Ohio* (1968).

Two other cases decided in lower courts are *Plakas v. Drinski* (1993) and *Mountoute v Carr* (1997).

In *Tennessee v. Garner* (1985), police officers were dispatched to a burglary in progress. Once the police arrived they were met by a neighbor who explained she heard glass breaking next door. Police went around to the rear of the house where they saw Edward Garner running from the house. The police told Garner to stop. He did not. Instead, he began climbing a fence. The police, then shot Garner. Police had probable cause to arrest Garner for his crime, but the police used excessive force when carrying out that arrest, which in turn made the arrest or seizure unreasonable under the Fourth Amendment. This case should not be confused with a fleeing felon that poses a threat to the community. In *Tennessee v. Garner* (1985) the Supreme Court further explained:

“Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.” (*Tennessee v Garner*, 1985, pg 11)

In *Graham v. Connor* (1989) the contention was also the use of excessive force. Graham, a diabetic, asked his friends to take him to a local store to buy some juice. Once at the store Graham saw that the line was too long and decided to leave. The police officer observed Graham’s behavior and became suspicious of Graham. The officer conducted an investigatory stop a short while after Graham left the store. While officers investigated the circumstances, Graham was treated harshly by officers who handcuffed Graham tightly, threw him against the hood of a car, and then into a patrol car. Graham sustained injuries including a broken foot, cuts and bruises and a ringing in his ear.

Graham was eventually released after officers checked with the store owner that nothing had occurred at the store. In this case, The Supreme Court ruled that police used excessive force because the force used was not authorized and, if authorized, was excessive. It was during this case that the Supreme Court coined the phrase “objective reasonableness.” This would become the standard used to determine if force used was indeed excessive. The objective reasonableness test, examines all the facts for each specific case. Under the facts, the officer must have used a reasonable amount of force with respect to the given situation. The IACP in 2017 defined “objectively reasonable” as force that at the time it was used would have been implemented by a reasonable and prudent officer given the same sets of facts (IACP, 2017).

In the case of *Terry v. Ohio* (1968), the Supreme Court authorized officers to stop someone because of reasonable suspicion, which has come to be known as the “Terry Stop.” An officer on foot patrol observed two individuals walking suspiciously back and forth to one particular store. After several minutes of observing the same behavior, the officer, due to his training and experience, suspected that the men might be attempting to commit a crime. The officer intervened by detaining the suspects, and patting the outer clothes of both suspects for weapons. The officer ultimately found a gun and arrested the suspects for being in possession of a concealed weapon. Because of this case, the Supreme Court held that police officers with reasonable suspicion that someone committed, was about to commit, or was in the process of committing a crime are allowed to stop and question the suspect. This case also provided that police officers with articulable reasonable suspicion that the suspect may possess a weapon, could conduct a pat down search of the outer clothing for weapons. The officer must believe that there is a

violation of a law, that the person committed or is associated with the violation and that the person may be armed. The officer does not have to have probable cause to detain nor does the officer have to be certain that the person is armed. The officer need only to be able to state in words why the officer suspected the person of committing a crime, and that the person may have a weapon (*Terry v. Ohio*, 1968).

*Terry v. Ohio* is not specifically a use of force case, however, the ability for police officers to detain individuals under less than probable cause circumstances is a tool to detect and deter crime. These “Terry Stops” have also lead many to question the purpose of such government intrusion into individuals lives. In addition, many use of force incidents occur under “Terry Stops” justification. Toch (1969) found that half of police led encounters (Terry Stops) with citizens turned into violent situations. Police initiated encounters, such as the one identified by Toch, occur daily in the United States. These stops fit the definition of a “Terry Stop” when police officers have reasonable suspicion that a crime may or will soon be committed and, therefore, may stop and detain a citizen to investigate the suspicious circumstances. These encounters are problematic and, if misunderstood by the citizen, have the potential to turn into a violent encounter (Toch, 1969).

Two other cases decided in lower courts that also deal with use of force are *Plakas v. Drinski* (1993) and *Mountoute v Carr* (1997).

In *Plakas v. Drinski* (1993), Konstantino Plakas fled on foot from police after striking another police officer with a fire poker. Police in fresh pursuit gave Plakas several commands to stop and put down the weapon; however, Plakas refused. With the assistance of other deputies, Sheriff Deputy Jeffrey Drinski negotiated with Plakas over

several minutes. Plakas still armed with the poker, raised it over his head and charged officer Drinski. Officer Drinski could not retreat because of trees behind him and decided to fire one shot at Plakas, striking Plakas in the chest. Plakas died from a single gunshot wound to the chest. The contentious issue that was decided was whether police officers having other alternatives such as using chemical sprays, a dog, or just keeping their distance, should be required to use all lesser deadly force options. The court decided that police officers *do not* have a legal requirement to use all reasonable less than lethal force to affect an arrest when the suspect poses a threat (*Plakas v. Drinski, 1993*).

In *Montoute v. Carr (1997)*, police officers responded to a 911 call of a disturbance at a bar. Once Officer Steven Carr arrived, he immediately heard a gunshot. Officer Carr then observed Francis Montoute approaching Officer Carr with a shot gun in hand but pointed towards the ground. Montoute was repeatedly told by officers to drop the gun, but, Montoute refused. Montoute passed the officers still holding the shotgun in his hand, at which time Montoute began to run. Officer Carr shot two rounds. One round struck Montoute. The court stated that, from the facts of the case, Montoute posed a danger to officers and the public and that officers are not required to wait until the threat of serious bodily injury or death occurs before using deadly force. If the officer has reasonable information that the suspect committed a crime involving serious bodily injury or poses a threat to the public or officer, then the officer may use deadly force (*Montoute vs. Carr, 1997*).

It is through case law that officers are bound when making encounters with citizens. Officers are judged by the reasonableness of their decisions to use force during an encounter. An officer's reaction time and an officer's perception of the facts at the

time the force was used is also taken into consideration in the decision to use force. Studies depicting an officer's reasonable time to react to differing scenarios and complexities of tasks have been studied in the past (Blair, Pollock, Montague, Nichols, Curnutt, Burns, 2011). In addition to reaction time, is an officer's perception of the situation. Perceptual distortions have been reported by many officers under high stress situations such as deadly force incidents. Perceptual distortions such as tunnel vision and auditory exclusion (inability to hear) have been reported by many officers under high stress situations (Artwohl & Christensen, 1997; Klinger D., 2004; Klinger & Brunson, 2009). To properly analyze an officers actions under the "objectively reasonableness" test the courts must take a look at all of the facts for each case.

In addition, it must be noted that, in general, an arrest by Fourth Amendment standards is a seizure. Likewise, any action by police may turn into a seizure. Whether police are detaining a suspect for questioning or a formal arrest, if the suspect is no longer free to go about his business then by Fourth Amendment standards it would be considered a seizure. As one can see, the laws are complex, but these cases provide some direction and insight regarding use of force. One must take all the information surrounding each incident to determine if the officers' actions were reasonable.

These cases further inform the policies and procedures that are used by police departments across the country. Police training is designed to teach officers how to acceptably use force. Policies regarding force continuums warrant a closer look and will be discussed in the next section.

## **Training Policies: Use of Force Continuums/Models**

Departments or agencies training on force will typically cover case law, the policies of the department as it relates to use of force, and the different force options to include self-defense. The Bureau of Justice Statistics (2013) calculated national averages for training academies. A major training area that consumed on average of 213 hours was use of force and firearms. These blocks may include command presence, ground fighting, pressure-point control, and hand-cuffing (Reaves, 2016).

In developing training programs most departments will develop models or force continuums for officers to follow when employing force. Models or continuums demonstrates how and when to employ different types of force that are in accordance with case law. Departments have adopted use of force continuums or models that allow officers to understand under what circumstances they can and cannot use force. Anywhere from eighty percent to ninety-seven percent of law enforcement departments have some policy that guides their officers in use of force situations (Terrill & Paoline, 2006; Terrill & Paoline, III, 2012). There are varying types of force continuums, but the central premise is concentrated around the resistance level of the suspect. In other words, as a suspects' resistance increases so does the police officer's use of force options.

Use of force continuums teach officers several methods to handle situations and what level of force is at their disposal depending on their particular jurisdiction or department policy. Most use of force continuums have been depicted on a scale where the force reasonably allowed by the officer is connected to a resistance used by the violator. The force continuums begin with the least severe forms of force and increase to the most severe. Recently, a new concept, called the Dynamic Resistant Response Model (DRRM)

has been developed and published in the FBI Law Enforcement Bulletin (Joyner & Basile, 2007). According to the researchers who developed the DRRM, the older step ladder approach actually confuses both law enforcement officers and citizens because the citizens believe that an officer is required to start at the lowest level on the ladder and exhaust all means until the officer reaches the top of the ladder or uses deadly force. The researchers argued that an officer taught in this manner focuses on their own actions first and not the resistance levels of the suspect, causing confusing at the time of implementation (Joyner & Basile, 2007). However, DRRM places the emphasis on the suspect's resistance towards the officer and categorizes it into four levels: no resistance (complying), passively resistant (non-threatening), aggressively resistant (threatening), and deadly resistant. An officer faced with a situation is expected to assess the suspects' level of resistance within one of these categories and use the requisite amount of force during the incident.

Use of force models developed to assist officers and administrators in teaching the acceptable amount of force established by case law. The force implemented is dictated by the resistance level of the suspect. Typically, the models depict verbal commands at the lowest level and least severe followed by grabbing the suspect. The initial grabbing or intermediate levels of force would be described as a firm grasp of the suspect or the manipulation of joints (Klinger, 1995). In the escalation of force, kicks, baton strikes, punches and the use of a TASER are applicable. The last form, and the most severe, is deadly force. Deadly force is statutorily allowed when the officer perceives the suspect as threatening and deadly force is immediately necessary. Taking the entire situation into consideration is extremely important as most often officers use multiple types of force



prior to using lethal force. In contrast, some situations develop so rapidly that officers may not have enough time to use any lesser amounts of force prior to using lethal force. The totality of the circumstances dictates why the officer chose the force option during the incident and allows one to understand the decisions the officer made during the encounter.

In a survey study of law enforcement agencies, eighty percent of responding agencies used some form of force continuum (Terrill & Paoline, 2006). Most agencies have approximately three to nine different levels of force and eighty-six percent of surveyed agencies placed officer presence or verbal commands on a level by itself. Nearly ninety-eight percent of agencies responding placed deadly force on a level by itself (Terrill & Paoline, 2006). Although many officers and departments teach use of force as a continuum, in no way should it be considered as a hardline rule that a lower force option must come prior to a higher use of force option, such as lethal or deadly force. The situation dictates which force option is appropriate. As researchers Terrill and Paoline discovered, some agencies teach the force continuum by linking a suspect's behavior with the force to be used. In other words, the resistance by the suspect is linked to a responding level of force for the officer. Other agencies place an "out-clause" in their policies, meaning, an officer is allowed to jump around on the continuum, as needed, depending on the resistance presented, and is not required to adhere strictly to the linear force continuum (Terrill & Paoline III, 2012). These types of clauses or policies allows officers the flexibility during a given situation because incidents may escalate from attempting to simply arrest a violator to a deadly force situation within a matter of seconds.

## Correlates of Force

The United States has more than 18,000 federal, state, and local law enforcement agencies employing more than 750,000 police officers (Banks, Hendrix, Hickman, & Kyckelhahn, 2016). The most recent data available estimated that “among persons who had contact with police in 2008, an estimated 1.4% had force used or threatened against them during their most recent contact, which was not statistically different from the percentages in 2002 (1.5%) and 2005 (1.6%)” (Eith & Durose, 2011, p. 1). In addition, the IACP reports, “out of 45,913,161 calls for service, police officers used force on 177,215 incidents. This results in police using force at a rate of 3.61 per 10,000 calls for service or .0361 percent. Expressed in another way, police did not use force 99.9639% of the time” (ICAP, 2001, p. i). Furthermore, a study conducted on the use of force prevalence for the New York Police Department discovered that in 519,948 “Terry Stops”, approximately 14% of those stops led to use of force, and .01% led to weapons being used as a force option (Morrow, White, & Fradella, 2017). The above cited reports indicate that police use force far less than one would have expected. In addition, when police do use force it is at the lower end of the force spectrum (Klinger, 1995). The current landscape on the prevalence of use of force and the use of weapons to gain compliance is rare. Although these numbers are consistent through the literature as it relates to the prevalence of use of force, one must be cautious to underreporting and biases in reporting.

To have a better understanding of the dynamics of force incidents, one must look at prior research of force at the individual, community and organizational levels. Most studies have taken considerable steps to look at use of force in the context of individual

(micro level), neighborhood (macro level), or police organizational characteristics.

Correlates are defined in statistical terms as a way to measure or describe the relationship between two variables (Gravetter & Wallnau, 2014). Below, relationships have been studied as they relate to the use of force by police/citizens, community and police organization. In other words, what variables have been found to be related to the use of force?

Individual suspect characteristics when encountered by police have been studied at length. The demeanor of the suspect was a predictor of police use of force and increase likelihood of arrest (Brown, 2005; Nix, Pickett, Wolfe, & Campbell, 2017; Worden & Shepard, 1996). In the context of these studies, demeanor was defined as: disrespect or hostile behavior. Other factors that have also been studied in regards to suspect characteristics are, those intoxicated, lower class, male, suspected of having a weapon, and who resisted. Those suspects were more likely to be the recipients of force (Lee, Jang, Yun, Lim, & Tushaus, 2010; Sun, Payne, & Wu, 2008). In contrast, Terrill and Mastrosfski (2002), found that officers did not use more force on suspects who disrespected the police. In addition, Klinger (1996) found no correlation with suspect demeanor. In the above research, force is to be expected when suspects resist and possess a weapon, as these are consistent with use of force continuums and case law.

Recently, race has been a contentious issue as it relates to the police use of force. Some studies have focused solely on race suggesting that it is a correlate, but when other factors are controlled for the correlation appears to go away. For instance, males who were minorities and lower social economic status citizens were more likely to be subjected to force (Sun, Payne, & Wu, 2008). The demographic profile of those suspects

who have received a disproportionate amount of force have been African Americans and minorities according to several studies (Engel & Calnon, 2004; Holmes, 2000). Contrary to the racial disparity, some found little support for the race of the suspect as a determinant of force (Lee et al., 2010).

Profiles of the officers have also been considered as a leading argument for the use of force in certain circumstances. Specific officer characteristics that have been studied are: age, race, gender, experience, and education. There have been mixed findings among researchers when looking at officer characteristics in predicting or explaining use of force. The area that has received the least amount of attention has been female officers. Researchers Paoline and Terrill (2005), found that women were no less reluctant to use force compared to their male counterparts. This is a strikingly different finding from the assumptions that women are reluctant to use force (Paoline & Terrill, 2005). More research is needed that looks into female officers.

The majority of studies have focused on male officers. In one such study, officers who were white, older and more educated received fewer complaints related to force (Cohen & Chaiken, 1972). Several studies found that younger, inexperienced officers were more likely to use force (Sun et al., 2008; Terrill & Mastrofski, 2002). To explain why younger officers are more likely to use force, researchers have stated that less tenured officers are placed in higher crime areas while tenured officers are assigned to less demanding areas with less crime, which may explain the age of the officer and use of force disparities. One study found that officers who had low self-control were more likely to be involved in a police shooting (Donner, Maskaly, Piquero, & Jennings, 2017).

The racial composition of the officer and the suspect was found to have no relationship in predicting force (Lee et al., 2010). In a “shoot and don’t shoot” study, police officers are no more likely to have racial bias in shooting than those in the communities they serve (Correll, Wittenbrink, Judd, Park, & Sadler, 2007), meaning that officers and citizens are equally biased with no significant differences among the shoot or don’t shoot scenarios as it relates to race.

Educational requirements for officers has been researched to determine if officers with more education are better police officers. Among researchers who studied officer’s education, Worden (2015), found those officers with college degrees were more likely to use force, while those officers with “bachelor’s degree are somewhat less likely to use improper force" (p. 181). Conversely, Paoline & Terrill (2007) found that officers with some college, and those with greater experience used less force. In addition to education, increased employment screening tests and training hours lowered use of force complaints (Stickle, 2016). Other researchers found no differences among police officer’s education and deadly force situations (Sherman, 1981).

Researchers have taken a look at the community or neighborhoods to better understand how spatial factors may be related to police officer encounters and use of force. A high concentration of unemployment rates in a community has a significant impact on the use force of police officers (Lee et al., 2010). In a study of civil right complaints authored by Holmes (2000) found that Black civil right complaints, particularly in large cities, had a strong positive relationship, suggesting that Blacks are disproportionately victims of police use of force for those respective communities. In addition, (Sun et al, 2008) found that socially disadvantaged neighborhoods were more

prone to receive force compared to other neighborhoods. These findings of disadvantaged neighborhoods receiving more force were also supported by a research study conducted by Terrill and Reisig (2003). In their research study, they found that disadvantaged neighborhoods that included higher homicide rates, police officers were more likely to use higher level of force.

The culture of the organization has also been researched to determine any negative effects on officer's use of force. One organizational factor, training, was found to be significant but positive with higher levels of force (Lee et al., 2010). However, Lee et al., (2010) cautions that these findings should be carefully analyzed. Lee et al., (2010), stated that it would not be reasonable to assume that more training indicates more use force, but that more training may indicate that departments who have had use of force complaints or incidents offer more training to curtail the prevalence of force being used.

The above literature on correlates of force provides a scientific basis for relationships among variables that are found during use of force incidents. However, a significant amount of research is still needed to fully develop a better understanding about force. The current study hopes to advance and fill a gap of knowledge as to the perceptions of citizens and police as it relates to deadly force incidents. For the current study, the author suggests a way to understand the current issues in use of force perception of citizen and police is through the lens of culture conflict theory.

### **Culture Conflict**

A landscape in understanding the contentious incidents between the citizens and police is to turn to an area of study that looks at the conflict between cultural groups. As previously discussed, police are trained on case law, department policies, and defensive

tactics to learn how and when to use force. In contrast, citizens in general have no such training in use of force but develop an opinion on what they believe force should be through an assortment of media, such as the news, social media, friends, and family. These two cultural views about use of force create the perfect climate for conflict, and, as such, a discussion of cultural conflict theory is warranted.

The current study, will look at cultural conflict as the main lens to understand the current landscape of conflict regarding use of force. The citizen culture will be primarily those individuals that encompass the general population while the police culture will be analyzed as the “subculture of police.” As stated by Sellin (1938), conflicts of cultures are inevitable when the norms of one culture migrate to, or come in contact with those of another (Sellin, 1938).

Conflict theory presents various facets of power, authority, and interest that propel and influence diverse groups of people to advance and control resources, leading to conflict. The cultural conflict theory posits that the powerful group (sometimes considered the government) is able to exert the most power to influence the implementation of norms into laws which ultimately creates conflict among lower, less powerful groups (citizens). Conflict theorists who have contributed and have studied the complexities of societal groups are (Turk, 1969; Quinney, 1970, as cited in Liska & Messner, 1999). The present study seeks to understand the dynamics at play among the citizen culture and the police culture relating to the views of police use of force that is promulgated through various case law and is greatly misunderstood, thus creating conflict.

Sellin (1938), argues that norms or cultural rules are based on a consensus of the way people should act under certain circumstances. In homogenous societies, cultural rules or norms are implemented into laws fairly easily. In heterogeneous cultures, where there are various individuals of different backgrounds and cultures there tend to be struggles or conflicts (Vold, Bernard, & Snipes, 2002). This conflict occurs from cultural groups who have interpretations, definitions, beliefs, values, norms, and ethics that are different from other groups. Conflict theorists have exposed several conflicts among societal groups that span from political and economic interests to race and gender. As stated earlier, most of the conflict among the groups are within the belief and cultural systems that compete for resources.

The norms and value system of societal groups create conflict when opposed with a different value and belief system. One can look at different countries and see that different social groups have unique and distinct characteristics for their specific cultural beliefs and values. In addition to the larger social groups, smaller groups can be subdivided into subcultures. They remain part of the whole, but they tend to have slightly different cultural values and beliefs from the bigger set. As described by Sellin (1938), communities with diverse cultures had more conflict than communities with similar cultures. The United States is a perfect example of a diverse set of groups. Two of the groups being examined in this study are; citizen and police that have conflicting ideas about the role of police and the use of force.

### **Citizens**

Citizens in the United States interact with police on a regular basis under numerous contexts from consensual encounters to emergency situations. The perceptions,



values and beliefs that the citizens hold about police officers' use of force comes from the person's cultural background, individual experiences, friends, family, schools, and the media (Surette, 2010). In fact, some studies have found that citizens vicariously experience negative views about police use of force from the experience of friends or the media (Gabbidon & Higgins, 2009).

One of the most popular ways that citizens gain knowledge and an understanding about the world in which they live is through the news media. The news media have a profound effect on the messages conveyed to their audiences both young and old on an international level. For example, Cable News Network (CNN) was able to cast a global net on news as an influential outlet within a couple of years affecting political action on numerous topics (Volkmer, 1999). The messages in the media can shape an individual's perceptions, beliefs, values and attitudes about use of force (Cheng, 2014; Gabbidon & Higgins, 2009). Highly publicized police misconduct reported via the media had a profound negative effect on citizen's opinions (Callanan & Rosenberger, 2011; Weitzer, 2002). In a survey study by Cheng (2014), found that learning about crime mainly through the news media is associated with public satisfaction with police, to different degrees.

In addition, films and video games also influences how citizens understand and deal with police. Films have a profound effect on how citizens view a police officer's abilities and it may not always be realistic. Numerous examples of unrealistic officer expectations can be found throughout Hollywood movies such as: "22 Jump Street," "Bad Boys," "Beverly Hills Cop," "Die Hard," and "Lethal Weapon". These movies add to citizen's perceptions of what and how police officer's abilities should be, (however

impracticable and foolish they may be). Heider (2015) explained, individual perceptions of a situation are key to understanding how the person interprets a given situation. Personal interpretation of police shootings is key to understanding the outcry of the community.

Novak (2009) stated, in writing about the public perception about use of force, that citizens may not be familiar with or understand the Graham standard, relying on a 20/20 hindsight viewpoint about use of force incidents. This provides the catalyst for the beginning of the conflict between police and citizens. In other words, the citizens may not understand how to apply the legal standards of reasonableness as do officers and the courts.

During a time when media spreads quickly it is crucial to know the facts and avoid assumptions or inaccurate information being conveyed to avoid conflict. Sources such as the: internet, applications, social networks, smart phones and television all are media for information on police use of force incidents that updates the users instantly. These media are often the primary source of information for students (Vulic & Mitrovic, 2015).

Recently, information from the media has spread quicker than ever before about police shootings. These reports have caused an outcry from the public for police reform. Some may argue that individuals from some communities have created a subculture of hate towards police officers suggesting a “war on cops” (Hattem, 2015). For example, one may look at the shootings and killings of several police officers in Dallas, Texas, and in Baton Rouge, Louisiana, in 2016. In addition, misleading media accounts of the prevalence of force can help create biased perceptions of police shootings (Lott, 2017).

These incidents may have been fueled by the reporting of other shooting incidents. These subcultures may presume from information supplied by the mass media that police officers are routinely killing citizens, and they seek out personal justice.

According to Swan (2015) cultural panics from the American public occur from the spread of exaggerated information and the prevalence and seriousness of crime which fuel change or reform to a system. These cultural panics are not new. Since the 1980's individuals voiced their opinions about the violent video games, media portrayal of crime, and movies that may be fueling the epidemic of crime.

Thompson and Lee (2004) state, in their study, that there are many factors at play when analyzing different groups within the community such as race and class that affect attitudes toward police. It is not one contentious issue that causes a conflict but multiple personal characteristics, and the context under which police officers use force that either wins or loses citizens approval (Thompson & Lee, 2004).

The public develops their perceptions of use of force from a variety of outlets and these outlets may create unrealistic expectations on the part of the public. Additionally, recent news coverage of police shootings may have created a generally negative perception of police use of force in the public eye. These negative perceptions may create conflict between the citizens and police.

### **Police subculture**

The law enforcement profession, as in any other profession, has a natural tendency for subcultures to develop. The present study will look at the sociological perspective as it relates to the socialization process of becoming a police officer that may give some insight to the police subculture.

In some respects, the police subculture has developed from hiring regular citizens from the public. Candidates are chosen and must complete rigorous requirements of the hiring process to weed out those who do not possess the aptitude or the value system of the police profession (Kappeler, Sluder, & Alpert, 2015). The candidates must then successfully complete additional training in the academy. The purpose of the academy is not only an indoctrination phase of becoming a police officer but it is also a socialization period for the recruits. The recruits learn the culture of the police profession, how to act, what can and cannot be done both on duty and off duty, police jargon, values, ethics and morals. This socialization process however, is no different than what happens in other professions. Corporations develop similar practices and understandings for its employees that are transmitted from tenured employees to the new hires. Research demonstrates that the training phase creates a profound change for each individual officer as they are introduced into the police subculture (Kappeler, Sluder, & Alpert, 2015).

During the academy, and in subsequent field training, officers are taught the dynamics of the police function and use of force. During training, officers become proficient in firearms and defensive tactics. Instructions about law, policy, firearms and defensive tactics are covered in extensive blocks, exceeding three hundred and eighty (380) hours (Reaves, 2016). After receiving training, officers are given the authority to use force. This authority places officers in a distinct subculture of their own (Bittner, 1970; Kappeler, Sluder, & Alpert, 2015).

The police subculture is further shaped by interactions with more tenured officers and the socialization from day to day. As in many social groups, the perspectives on use of force by police are viewed differently from the citizens. The subculture develops a “we

versus them” subcultural mentality. This mentality may come from the solidarity among officers that only they understand their profession or from the day to day interactions with citizens who have no real appreciation for the difficulty of making on spot assessments and decisions, sometimes under tense and uncertain circumstances. According to research, the police believe that their jobs are dangerous (Brandl & Strohshine, 2003; Paoline & Terrill, 2014).

Using the lens of conflict theory, an officer’s beliefs may be very different from regular citizens who observe the police profession from the safety and comfort of their homes. These two perspectives, citizen’s subculture and the police subcultures, are primed for conflict as they relate to the use of deadly force. The main portion of the police subculture as it relates to use of force is guided by the laws and policies discussed above under the Fourth Amendment, but is also transformed by the socialization process of the police profession itself; while the citizen subculture uses media, friends and family to develop unrealistic views of the abilities of the police. As stated earlier by Sellin (1938), communities with a variety of cultural values (heterogeneity) had higher rates of conflict. As for the present study, the researcher would view the citizens and police having a high rate of variability in perceptions of the application of force. As such the police and ordinary citizen divert in respects to opinions as to when and how to implement force creating the current immense conflict.

The unique perspective by officers on the topic of use of force is different than the citizens. This area of conflict between the police and citizens as it relates to use of force specifically deadly force is where this study seeks to gain more information.

## Perception

Differing opinions of acceptable levels of use of force creates conflict between police and citizens. The conflict that arises is fueled by the perceptions of each group. As such, perceptions will be discussed briefly as it relates to use of force.

Rojek, Alpert, & Smith (2012) addressed the conflict between citizens and how police use force. The study explored individual perceptions held by the suspect and the officer in a use of force situation. In this study, both citizens and officers adamantly defended and legitimized their own actions by justifying what they perceived occurred during the encounter. Police will use words such as: “the suspect failed to comply with my demands so I used an arm bar to gain compliance.” On the other hand, the suspect will justify their actions by stating that: “the officer did not give me time to react” (Rojek et al., 2012, p. 307). The study revealed that in some use of force incidents, there is a lack of understanding of the position or status held by officers in the community. For example, police perceive or interpret themselves as the authoritarian figure; when demands are made they are to be followed or use of force is likely (Rojek et al., 2012, p. 305).

Differing perceptions by the citizen of the same situation creates conflict. The mere presence of the police uniform is a display of power and authority. According to Rojek et al., (2012), the citizen must understand the officer’s authority and the citizen’s status. If neither the officer nor the citizen understand, or if communication breakdowns during an encounter, use of force is surely to escalate (Rojek et al., 2012). Rojek and colleagues concentrated on twenty-one selected cases and qualitatively looked into both perceptions and interpretation of the encounter from two different cultural viewpoints. The result of the study found that citizens viewed their own resistance level differently,

with most citizens claiming they offered little to no resistance, and not to the extent that justified use of force by the police. On the other hand, all officers claimed some level of resistance by the citizens (Rojek et al., 2012).

Thompson and Lee (2004) examined citizens' approval of police use of force utilizing five questions from the 1998 General Social Survey. They found that citizens perceived the officers' actions with approval if the suspect was actively threatening. Conflict or disagreements with the participants were observed with ambiguous situations. Thompson and Lee (2004) study specifically looked at approval of citizens. The citizen's approval is also how the citizens perceive the officers' actions which is what the current study is interested in.

The study conducted by Rojek et al., (2012) and Thompson and Lee (2004) exemplify the divide and conflict among citizens and police as it relates to use of force and is further evidence that supports that different cultures produce different perceptions. In an attempt to understand the conflict between police and citizens, the present study will collect the opinions of both citizens and police as it relates to actual deadly force shootings. It is believed that police and citizens, will have different beliefs, values and norms as it relates to acceptable use of deadly force.

### **III: METHODOLOGY**

The purpose of this study was to understand if there is a difference of perceptions between the public and police as to acceptable levels of deadly force. Since human subjects were used submission to the Institutional Review Board (IRB) was necessary. The IRB at Texas State University approved the survey questionnaire and assigned the number: 2017515.

This section defines the design of the study, describes the sample of participants, and defines certain terms that were used. In addition, a synopsis of the actual shootings used to develop the vignettes are included. The section will go on to describe the manner in which the questionnaire was administered.

#### **Research Question**

Is there a difference between citizen's perception and police perceptions as to acceptable levels of deadly force?

#### **Design**

A survey containing ten vignettes was in the study. A survey was used because it provides versatility and efficiency that can be used in a college setting to reach many students, faculty, and law enforcement officers quickly. Although presented within this thesis as vignette's 1-10, during the actual survey, the vignettes were randomized to balance out any order effects.

The study asked participants to assess the use of deadly force within each vignette and make a scaled determination about the level of force used by the officer in each scenario. Participants rated each vignette from (0) to (100). Unacceptable was (0) while



acceptable was (100). The term, “acceptable” was chosen for use in this research study for its plain meaning and because it is more generally understandable by the two groups being assessed than legal jargon. The term “acceptable” is similar to the term “reasonable” and is used as a proxy for the court’s judgment of the reasonableness of an officer’s actions.

The questionnaire contained ten vignettes. Each vignette was based on true-life events that progressed through the criminal justice system and had a final disposition. The researcher believes that the survey questions are designed in a way that provides a reasonably accurate depiction of the events of each case and the deadly force used. See Appendix Section for questionnaire. Prior to finalizing and submitting the survey, the researcher pretested on a sample of students, and their feedback was used to refine the survey for the study reported here.

### **Vignettes**

The basic design of this study involved having two groups of participants (police officers and civilians) read ten vignettes based on real cases where officers shot a suspect and indicate how acceptable the participants thought the officer’s use of force was. Each of the cases in this study involved an armed or perceived to be armed suspect and the use of a firearm by the police officer to subdue the suspect. A suspect was considered armed if the suspect was in possession or perceived by the officer to be in possession of one of the following: bat, club, knife/sword/machete, gun or vehicle.

As mentioned above, the shootings for inclusion for this study were actual police shootings. Only cases with final dispositions by a court were used to develop these vignettes. Cases that had been finally disposed provided a real world, final determination

of whether the officers' use of deadly force was reasonable, according to court decisions. In addition, only criminal cases were used for this study as opposed to civil cases.

Cases were identified using the following search terms: “deadly shootings, fatal shooting, and officer/police involved shootings” in Google. Once a potential case was found, the researcher used news articles, open records, Freedom of Information Act requests, and Lexis Nexis to gather the basic facts, charges, and dispositions or final judgments on each case. The researcher stopped searching once 5 justified and 5 unjustified cases were identified.

### **Sample**

To provide a level of protection from harm, all participants gave their informed consent prior to taking the survey. All participants gave their responses anonymously. Law enforcement and Texas State University students and faculty were surveyed. The law enforcement sample was a convenience sample of law enforcement officers who had recently attended Advanced Law Enforcement Rapid Response Training (ALERRT) sponsored courses. ALERRT routinely conducts a survey 90-days after students complete their courses. The ten vignettes for this study were included at the end of the ALERRT 90-day survey. A total of 1,163 officers were sent the survey. One hundred twenty three (123) officers began the survey, but only 104 officers completed the survey. Missing data was excluded from the study. A response rate of approximately 8 % was observed with the law enforcement data set.

The Texas State University sample was randomly selected from the university e-mail distribution list for students and faculty. Four hundred faculty were randomly selected from the faculty and staff of the university. For the students, 400 students from

each class (freshmen, sophomore, junior, senior) totaling 1,600 surveys were randomly selected and contacted via e-mail. Although the researcher attempted to account for all e-mails, human error was inevitable. One e-mail was misplaced and the total cumulative sample population was 1999. There were 1999 e-mails sent to Texas State University students, faculty, and staff. One hundred seventeen (117) surveys were started and 105 surveys were completed. Missing data was excluded from the study. To prevent law enforcement officers from being counted in the civilian population as current students at Texas State University, the questionnaire asked if the participants had current or prior law enforcement experience. Eleven (11) students answered “yes” to this question, and were later included into the law enforcement sample. A response rate of approximately 5 % was observed with the student and faculty data set.

In both the civilian sample and the law enforcement sample, reminder emails were sent after approximately two weeks. After approximately two weeks after the reminder emails, the researcher gathered another distribution email list to submit for a second sample of civilians and law enforcement. This method was repeated twice until the current sample size was achieved.

A total of 123 law enforcement (LE) personnel and 117 students and faculty (civilians) participated in the study. One emergency medical service (EMS) employee and one firefighter from the LE data set were moved into the student and faculty data set. Any participants with missing data were excluded from the study. After removing the missing data, the finalized LE sample was  $n = 101$ . The finalized civilian’s sample was  $n = 94$ . The total participant count was  $n = 195$  (See Table 1).

**Table 1. Sample Descriptive Statistics**

	Civilians/students	LEO
Sample size	94	101
Age	36.12 (*14.77)	39.00 (*9.35)
Female	57	13
Male	37	88
Race/Ethnicity		
Asian	1	0
Black	4	12
Caucasian	67	79
Latino/Hispanic	20	7
Other	2	3

\*Standard Deviation in Parentheses

### **Justified Officer Shootings**

In the first five cases the officers were determined by the court to have used acceptable or reasonable amount of force. Two of the cases were chosen due to the notoriety they received such as Sean Bell who was shot and killed in New York and Ousmane Zongo also shot and killed in New York. In addition to the notoriety, the facts of the cases such as being armed or being perceived to be armed was a determining factor for inclusion in the study. Below are brief synopses of each justified case used for this study.

The first vignette involved officers from the New York Police Department (NYPD). According to several news articles on November 25, 2006, Sean Bell was leaving a night club. Two officers in plain clothes (not in uniform) overheard Bell and a friend talking about possibly going to go shoot someone. As Bell was entering his vehicle, officers identified themselves and attempted to stop Bell from leaving. Officers gave verbal commands to stop, but Bell attempted to run over the officers twice. Bell was

then shot by several NYPD officers who fired 50 bullets (Donald, 2007). Bell died as a result of the injuries. In 2008, several officers were acquitted of manslaughter, assault and reckless endangerment charges (Fernandez, 2008; Flegenheimer & Baker, 2012).

According to Queens, New York Records Department, this case was sealed.

The second vignette involved an officer from the Detroit Police Department. According to several news articles and court records on August 29, 2000, officers responded to a call about a man chasing children with a knife at a residence (Abbey-Lambertz, 2014; Heath, 2014; Suhr, 2000). Upon arrival, officers David Krupinski and Brandon Hunt observed Erroll Shaw and his son in the driveway at opposite ends of a vehicle. Shaw looked at the officers and immediately ran into the backyard. Shaw then returned a few seconds later with a metal rake held over his head, walking towards Officer David Krupinski. Both officers, retreated backwards. Hunt backed into the vehicle in the driveway, leaving Hunt nowhere to go. Officer Krupinski, fired twice at Shaw (Heath, 2014). Shaw died as a result of his injuries. On August 10, 2001, a jury in Detroit, Michigan, found Officer Krupinski not guilty of homicide: death by weapon (Krupinski v. Detroit, 2001).

The third vignette involved an officer with Mobile, Alabama Police Department. According to Civil Action number 00-0014-CB-M, on October 21, 1999, Tamann Bullard was at a business with a knife at the time police officers were called (Bullard v. City of Mobile, Alabama, 2000). Several officers arrived and Bullard moved into the business where employees were located. After numerous verbal attempts to disarm Bullard, Bullard lunged towards Officer Jeffrey Graham and Officer Horace Jackson. Officer Graham fired two shots, while Jackson fired three shots at Bullard. Bullard died as a

result of injuries sustained from the incident. According to the Civil Action number 00-0014-CB-M, both Officer Graham and Officer Jackson's actions were justified. No resulting criminal charges were found to be associated with this case.

The fourth vignette involved officers with the Minneapolis, Minnesota Police Department. According to United States Court of Appeals, Eight Circuit Court case number 06-3504, on March 10, 2002, officers responded to Abu Kassim Jeilani who was walking in the middle of the street with a machete and tire iron (Hassan v. City of Minneapolis Minnesota, 2007). Officers attempted to talk with Jeilani but he did not comply. Numerous officers deployed their TASER's; however, the TASER's proved ineffective at incapacitating Jeilani. Jeilani continued to walk down the street and into a mall parking lot where innocent bystanders were. Officers continued to give verbal commands to Jeilani to place his weapons down. Jeilani refused to put his weapons down. Jeilani moved towards officers Jensen, Dinh, and Kimmerle slashing his machete at the officers. Officers Jensen, Dinh and Kimmerle fired their weapons at Jeilani. Jeilani died as a result of injuries sustained from the incident. According to the Eight Circuit Court case number 06-3504, the officers' actions were justified and no charges were found to have been filed against the officers.

The fifth vignette involved an officer with the Shreveport, Louisiana Police Department. According to United States District Court, Western District of Louisiana, Shreveport Division, Civil Action number 04-0587, on March 15, 2003, Marquise Hudspeth failed to stop at a stop sign at which time police officers attempted to conduct a traffic stop (Hudspeth v. City of Shreveport, 2006). Hudspeth refused to stop and led officers on a vehicle pursuit. After several minutes, Hudspeth pulled into a gas station,

got out of his vehicle, and with a two handed shooting stance, pointed a silver object at officers (Klass & Prine, 2004). Believing the silver object was a gun, officers fired their weapons killing Hudspeth. The silver object was determined to have been a cellular phone (Cosgrove-Mather, 2003; Klass & Prine, 2004). According to the Civil Action number 04-0587, the officers' actions were justified. No charges were found to have been filed against the officers (Cosgrove-Mather, 2003).

### **Unjustified Officer Shootings**

The last five cases involved situations where officers were found to be unjustified in shooting a suspect or had not used a reasonable amount of force. Below is a brief synopsis of these cases.

The sixth vignette involved an officer with the Culpepper, Virginia Police Department. According to court decisions, court documents and news articles, on February 9, 2012, Officer Daniel W. Harmon-Wright was dispatched to a suspicious vehicle in a school parking lot (Champion, 2015; Harmon-Wright v. Culpeper County, 2013; Weil, 2012; NBC29, 2015). Officer Harmon-Wright made contact with the driver of the vehicle and identified the driver as Patricia A. Cook. Officer Harmon-Wright requested identification from Cook. A struggle between Cook and officer Harmon-Wright began for the identification of Cook. Cook slowly began to manually roll up her window on officer Harmon-Wright's arm (Weil, 2012). Harmon-Wright claims his arm was stuck inside the vehicle (Champion, 2015). Cook began to slowly drive away. Officer Harmon-Wright jumped onto the running board of the vehicle and gave verbal commands to stop, but Cook refused. Officer Harmon-Wright shot Cook and then jumped from the vehicle at which time Officer Harmon-Wright fired several more shots into the

vehicle. Cook died as a result of injuries sustained during the incident. According to Virginia Court of Appeals case number CR12000131-01, Harmon-Wright was found guilty of voluntary manslaughter, involuntary manslaughter by unlawfully shooting into an occupied vehicle, and unlawfully shooting into an occupied vehicle.

The seventh vignette involved officers with the Pittsburgh, Pennsylvania Housing Authority Police Department. According to the court decision, court document and news articles, on April 6, 1995, officers attempted to stop Jerry Jackson for a traffic violation (Commonwealth of Pennsylvania v. Charmo, 2001; McNulty, 2001; Mock, 2005). Jackson refused to stop and led police officers on a vehicle pursuit. The pursuit ended when Jackson's vehicle crashed into the Armstrong Tunnels. Officer John Charmo claims that the vehicle crashed, spun 180 degrees, and faced officers in a threatening manner causing officer Charmo to shoot (Mock, 2005). Several officers shot more than 50 bullets into Jackson's vehicle including officer Charmo (McNulty, 2001). Jackson died of injuries suffered during the incident. According to Commonwealth of Pennsylvania v. Charmo, 2001, Charmo later plead guilty to involuntary manslaughter.

The eighth vignette involved an officer with the New Milford, Connecticut Police Department. According to Appellate Court of Connecticut Court case number 21991, On December 29, 1998, Officer Scott Smith responded to assist another officer in foot pursuit of Franklyn Reid (State v. Smith, 2002). Officer Smith was able to give chase to Reid who continued to run for a short distance. Officer Smith gave verbal commands that Reid did not comply with at first. However, Reid gave up in the middle of a busy street with Reid's hands in the air. Officer Smith's handgun was out and pointed towards Reid while trying to arrest Reid. Reid was placed on the ground, face down, with Reid's hands



out of view of Officer Smith. Officer Smith claims Reid turned in a sudden motion towards Officer Smith (Pearsall, 2000). Officer Smith fired one round into Reid. Reid died of injuries sustained during the incident. According to court case documents, Officer Smith was convicted of manslaughter.

The ninth vignette involved an officer with the New York Police Department. According to news articles on May 22, 2003, Officer Bryan Conroy was assisting with a search warrant (raid) in a plain clothes (not in uniform) capacity. The search warrant operation was being conducted on a warehouse building where Ousmane Zongo was working. Zongo began to run away from Officer Conroy after Officer Conroy yelled “Police, don’t move!” (Ross & Siemaszko, 2005). Officer Conroy claims Zongo approached him in a threatening way. Officer Conroy believing that Zongo could grab Officer Conroy’s service weapon that was drawn and pointed at Zongo, fired five shots killing Zongo (Maul, 2005). Officer Conroy was convicted of manslaughter (People v. Conroy, 2005).

The tenth vignette involved an officer with the Bella Vista, Arkansas Police Department. According to news articles, on January 20, 2010, Officer Coleman Brackney attempted to stop James Ahern for a traffic violation. Ahern refused to stop and led officer Brackney on a vehicle pursuit (Freiberg, 2012). Ahern later crashed in a borrow ditch. Officer Brackney got out of his police cruiser and went behind Ahern’s vehicle. Officer Brackney observed the vehicle reverse towards him, at which time Officer Brackney fired several shots into Ahern’s vehicle (Crites & Rich, 2015). Ahern died as a result of injuries sustained during the incident. Officer Brackney was later charged with manslaughter but plead to a lesser unknown charge (Crites & Rich, 2015). No court

records were located for this case. In addition, Officer Brackney is currently working as chief of police for a small community (Crites & Rich, 2015).

### **Procedure and Administration of the Questionnaire**

The survey software, Qualtrics, was used to administer the questionnaire and gather the data. Qualtrics provided the versatility needed to submit and obtain participants' responses via e-mail. Qualtrics allowed for the participants to conveniently open the survey through computers, smart phones or tablets without any distortion of information.

Participants were e-mailed the survey. After reading the purpose of the study, the participants had the option to proceed into the survey by clicking on the link at the bottom of the e-mail or discontinue with no further action needed. By clicking on the link, the participants were acknowledging the voluntary nature of the survey and also giving consent to participate. It should be noted that the instructions also advised the participants the option to skip or to stop the survey at any time for any reason. The law enforcement survey differed slightly. As stated earlier, the inclusion of the ALERRT questions preceded the current survey questions, which were at the end.

After acknowledging their consent and clicking on the link, the participants would be taken to the survey questionnaire. The survey was constructed so that the participants could only read one vignette at one time. After each vignette, the participants would make an assessment on their perceptions of the officers' actions on a sliding scale that was presented below the vignette. The sliding scale was a horizontal line that had a circle/dot that was defaulted to begin in the center (middle) of the scale. This allowed each participant to make a determination of acceptableness by either moving the dot left

towards unacceptable (0) or right towards acceptable (100). (See Appendix Section for the survey and vignettes) If the participants forgot to choose an answer, the survey would ask the participants if they forgot or would like to continue without answering. However, it was not a requirement that the participants had to choose an answer. As stated above, this was just a reminder if the participants had forgotten to choose an answer. The participants continued to read through all ten vignettes and provide their perceptions of acceptableness. After the tenth vignette was presented, a separate area of the survey would prompt the participants to provide answers to age, sex, Ethnicity/Race, and if they had current or prior law enforcement experience.

## IV. RESULTS

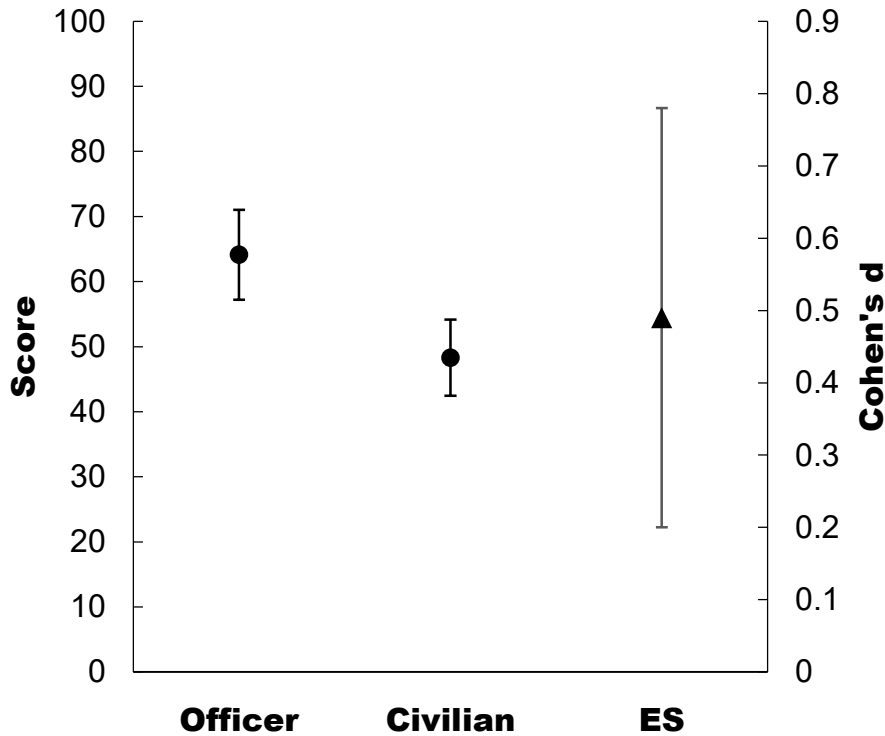
This chapter details the results of the study. Results are presented for each vignette. Each subsection begins with the text of the vignette, followed by a description of the results, and concludes with a figure depicting the results. Recall that acceptableness was rated on a 0 (unacceptable) to 100 (acceptable) scale. Scores above 50 indicate that the participants found the force used to be acceptable and scores below 50 indicate that the participants found the force used to be unacceptable.

### Vignette 1

Vignette 1 read:

Two plain clothes police officers (not in uniform), A and B overheard two friends that were leaving a night club, may be planning a drive by shooting. Believing one of the friends had a gun, the officers intervened to stop the two friends from driving off. Officer A identified himself as a police officer. The car holding the two friends, tried to run over officer A twice. Officer A started firing while yelling to the car's occupants: "Let me see your hands." Other officers responding to the scene, perceived they were being attacked and fired their weapons at the vehicle. During the shooting, officers fired 50 bullets. The individual driving the vehicle was shot and later succumbed to injuries sustained as a result of the police shooting.

Figure 1 displays the means and effect size of the group difference for Vignette 1. Civilians had a mean score of 48.31 (SD = 28.58; 95% CI [42.45, 54.16]) and LEOs had a mean score of 64.12 (SD = 34.98; 95% CI [57.21, 71.03]). A t-test was conducted to examine the differences between the means of each group. This test was considered statistically significant ( $t$ - equal variances not assumed  $(_{189,859}) = 3.466$ ,  $p < .001$ , 95% CI [6.81, 24.80]) and suggestive of a medium effect size for Vignette 1 (Cohen's  $d = 0.49$ , 95% CI [.20, .78]). Civilians perceived that the force used was less acceptable than law enforcement.



**Figure 1. Vignette 1 Means and Effect Sizes**

### Vignette 2

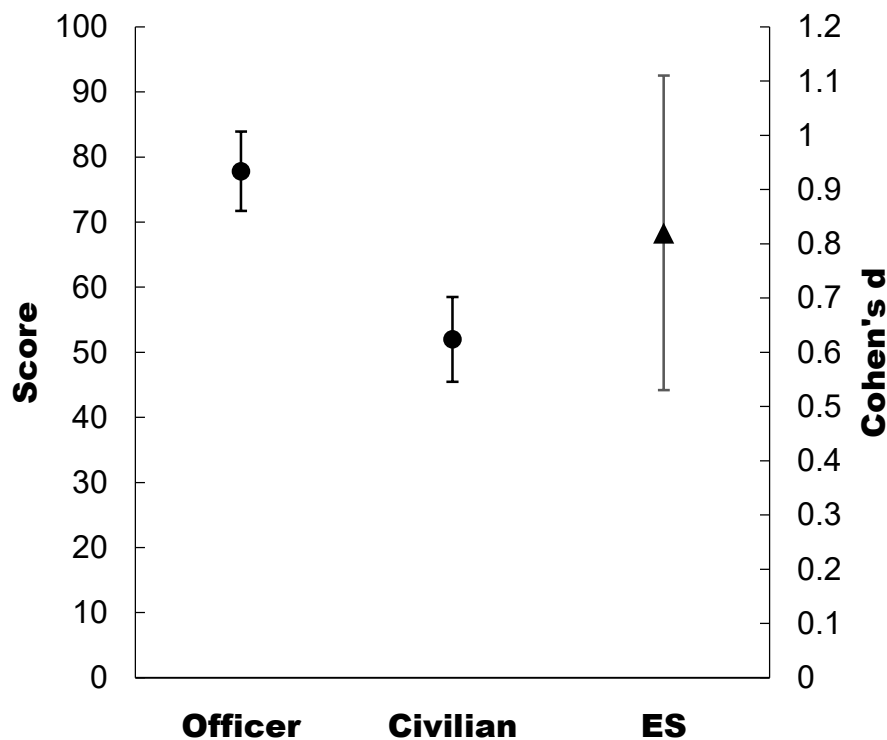
Vignette 2 read:

Four officers responded to a 911 call at a residence. The call involved a family member chasing the children with a knife. When the officers arrived, they observed outside the residence, an older man and younger man at opposite ends of a vehicle in the driveway. The older man ran into the backyard and returned a few seconds later with a metal rake held over one shoulder. The older man walked towards officers A and B. Police officer A and B backed up and drew their weapons. Officer B backed into the car in the driveway and was no longer able to retreat. The man raised the rake over his head, ready to swing it down on officer B. Officer A fired twice at the older man. The older man later succumbed to his injuries as a result of the police shooting.

Figure 2 displays the means and effect size of the group difference for Vignette 2.

The civilians had a mean score of 51.98 (SD = 31.78; 95% CI [45.47, 58.49]) and LEOs had a mean score of 77.82 (SD = 30.81; 95% CI [71.74, 83.91]). A t-test was conducted

to examine the differences between the means of each group. This test was statistically significant (t- equal variances assumed  $(_{193}) = 5.763, p < .001, 95\% \text{ CI } [16.99, 34.68]$ ) and suggestive of a large effect size for Vignette 2 (Cohen's  $d = 0.82, 95\% \text{ CI } [0.53, 1.11]$ ). Civilians perceived that the force used was less acceptable than law enforcement.



**Figure 2. Vignette 2 Means and Effect Sizes**

### Vignette 3

Vignette 3 read:

Officers responded to a 911 call about a man with a knife. Six officers arrived on scene at the entrance of a business to find an individual wielding a knife. Employees at the business were in the building at the time officers arrived. The individual wielding the knife stated, "I'm going to kill him; you can't stop me". The individual wielding the knife backed into the building where employees were present. After repeated verbal attempts from the police officers to drop the knife,

the individual lunged towards officer A approximately 8 to 10 feet away. Officer A fired twice and Officer B fired three times. The individual succumbed to injuries sustained as a result of the police shooting.

Figure 3 displays the means and effect size of the group difference for Vignette 3.

The civilians had a mean score of 69.47 (SD = 29.92; 95% CI [63.34, 75.60]) and LEO had a mean score of 92.89 (SD = 18.34; 95% CI [89.27, 96.51]). A t-test was conducted to examine the differences between the means of each group. This test was considered statistically significant ( $t$ - equal variances not assumed  $(152.110) = 6.531$ ,  $p < .001$ , 95% CI [16.33, 30.50]) and suggestive of a large effect size for Vignette 3 (Cohen's  $d = 0.94$ , 95% CI [.64, 1.24]). Civilians perceived that the force used was less acceptable than law enforcement.

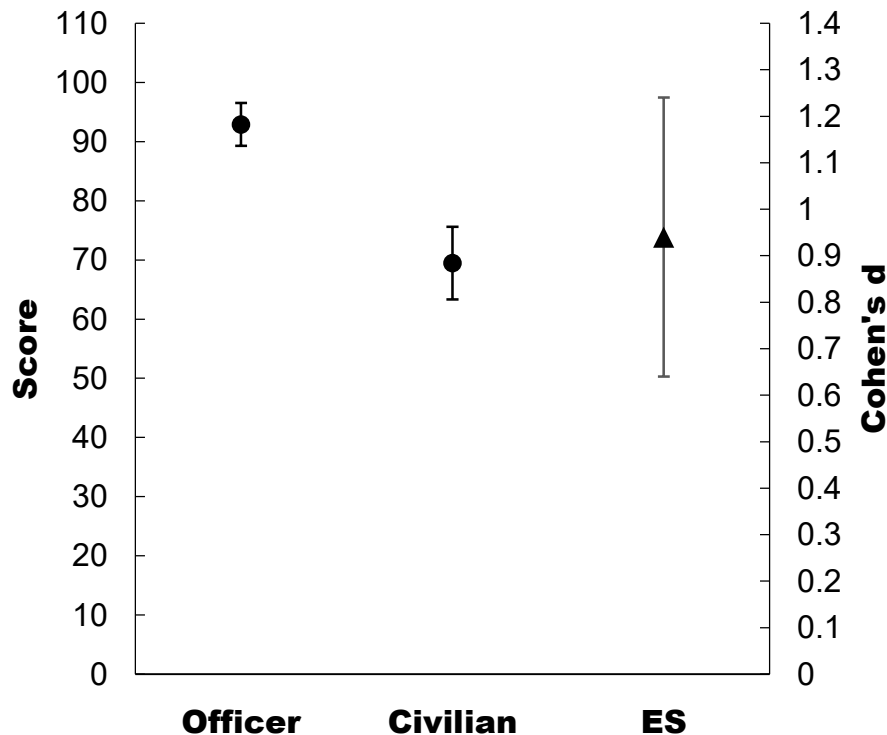


Figure 3. Vignette 3 Means and Effect Sizes

## Vignette 4

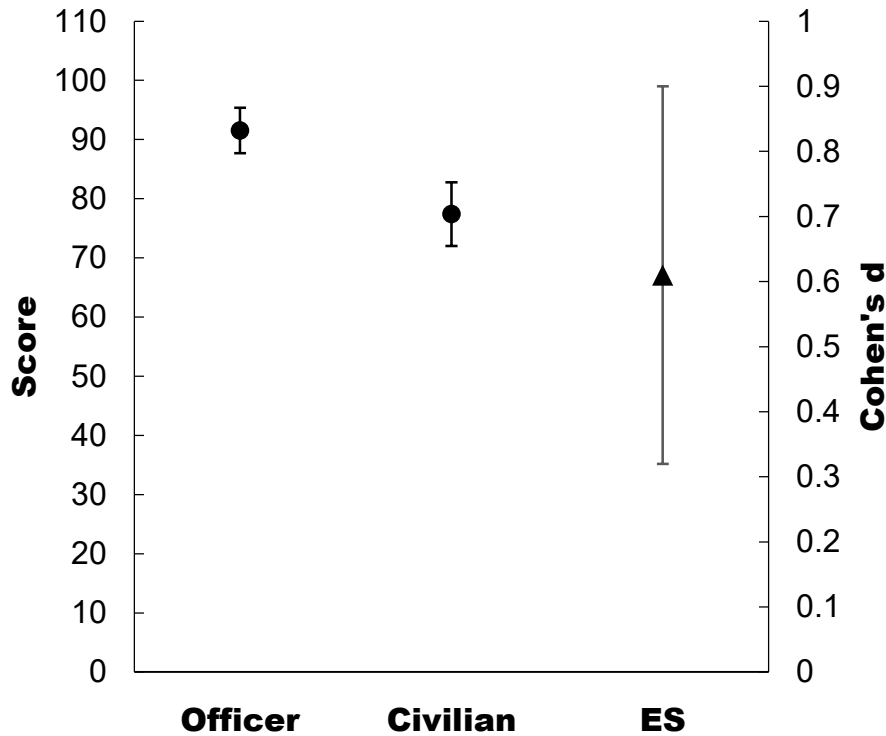
Vignette 4 read:

Seven officers were dispatched to assist another officer who had encountered an individual on the street wielding a machete and tire iron. The individual was moving to a populated area and refused to put down his weapons. Several officers used their TASER but were unsuccessful. The individual ran into a mall parking lot and officers deployed their TASERs several more times but the TASERs were unsuccessful. Armed and swinging the machete, the individual charged several officers who retreated into their patrol cars. The individual charged several more officers: A, B and C who all gave verbal commands to put down the individual's weapons. The individual refused to put down his weapons. Officers A, B, and C, fired at the individual. The individual succumbed to injuries sustained as a result of the police shooting.

Figure 4 displays the means and effect size of the group difference for Vignette 4.

The civilians had a mean score of 77.40 (SD = 26.21; 95% CI [72.03, 82.77]) and LEO had a mean score of 91.51 (SD = 19.46; 95% CI [87.67, 95.36]). A t-test was conducted to examine the differences between the means of each group. This test was considered statistically significant ( $t$ - equal variances not assumed  $(171.048) = 4.242$ ,  $p < .001$ , 95% CI [7.54, 20.67]) and suggestive of a medium effect size for Vignette 4 (Cohen's  $d = 0.61$ , 95% CI [.32, .90]). Civilians perceived that the force used was less acceptable than law enforcement.





**Figure 4. Vignette 4 Means and Effect Sizes**

### Vignette 5

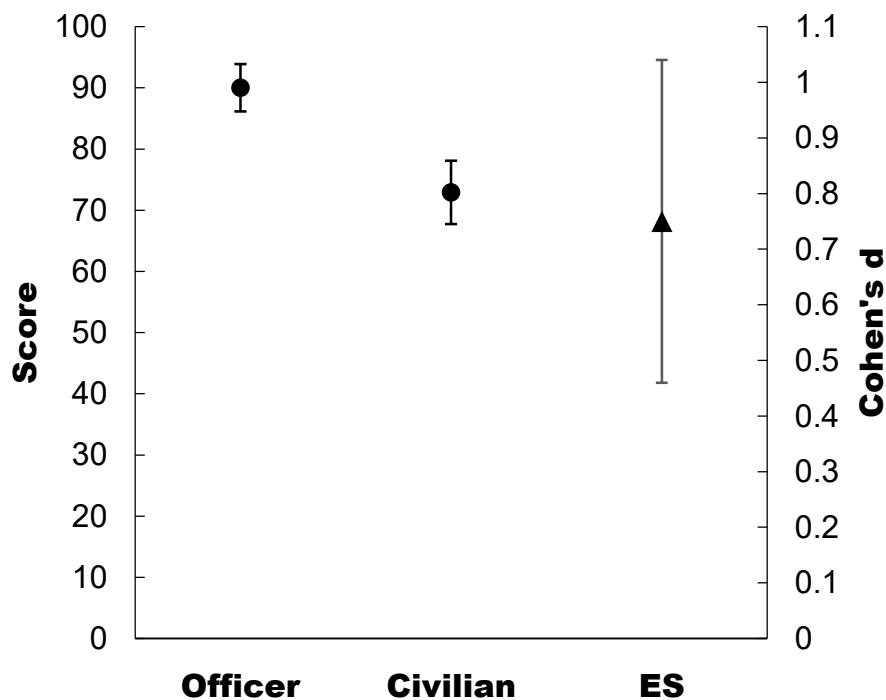
Vignette 5 read:

Officer A attempted to stop a vehicle for not stopping at a red light. The driver refused to pull over and led officers A, B and C on a pursuit. After the pursuit, the driver pulled into a gas station, got out of his vehicle, and walked towards officer A using a two-handed shooting stance and pointed a silver object at officer A. Officer A dove behind officer A's cruiser. The driver then pointed the same object at officer B who retreated backwards away from the driver. Officer C gave verbal commands to the driver to "get down". The driver turned and pointed the object at Officer C. Officer C crouched down believing the object to be a gun. Officer B and C fired their weapons until the driver was on the ground. The driver succumbed to injuries sustained as a result of the police shooting.

Figure 5 displays the means and effect size of the group difference for Vignette 5.

The civilians had a mean score of 72.91 (SD = 25.33; 95% CI [67.76, 78.10]) and LEO had a mean score of 90.02 (SD = 19.51; 95% CI [86.17, 93.87]). A t-test was conducted

to examine the differences between the means of each group. This test was considered statistically significant ( $t$ - equal variances not assumed  $(174.591) = 5.254$ ,  $p < .001$ , 95% CI [10.68, 23.53]) and suggestive of a medium effect size for Vignette 5 (Cohen's  $d = 0.75$ , 95% CI [.46, 1.04]). Civilians perceived that the force used was less acceptable than law enforcement.



**Figure 5. Vignette 5 Means and Effect Sizes**

### Vignette 6

Vignette 6 read:

An officer responded to a school parking lot to a call involving a suspicious person. The officer contacted the suspicious person who was in the driver's seat of a vehicle. The officer asked for identification. The officer attempted to grab the identification card but the driver refused. The officer and driver tugged back and forth for the identification card. The driver, still in the vehicle, manually began to roll the window up. The officer's arm was still inside the vehicle, attempting to obtain the identification. The driver began to gradually drive away. The officer

jumped onto the running board of the vehicle while shouting to the driver to “stop”. The officer jumped off the running board and shot twice hitting the driver. The officer ran alongside the vehicle and shot five more times. The driver succumbed to injuries sustained as a result of the police shooting.

Figure 6 displays the means and effect size of the group difference for Vignette 6.

The civilians had a mean score of 36.56 (SD = 33.11; 95% CI [29.78, 43.35]) and LEO had a mean score of 37.93 (SD = 32.42; 95% CI [31.535, 44.33]). A t-test was conducted to examine the differences between the means of each group. This test was not considered statistically significant ( $t$ - equal variances assumed  $(193) = 0.291$ ,  $p = .771$ , 95% CI [-7.89, 10.62]) and suggestive of a small effect size for Vignette 6 (Cohen’s  $d = 0.04$ , 95% CI [-.24, .32]). Civilians perceived that the force used was less acceptable than law enforcement in Vignette 6.

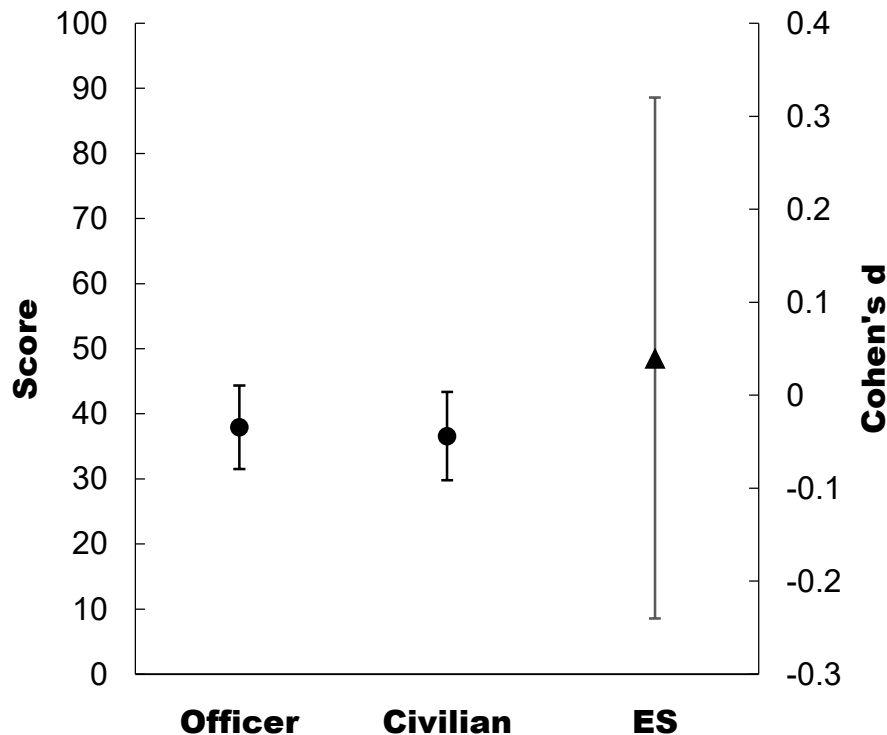


Figure 6. Vignette 6 Means and Effect Sizes

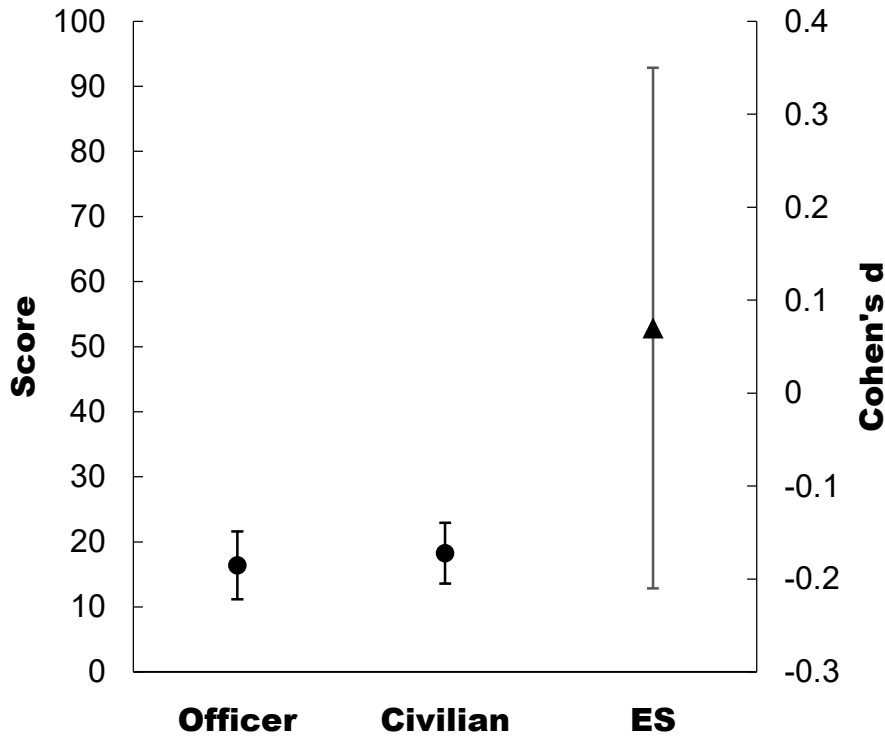
## Vignette 7

Vignette 7 read:

Police officer A attempted to stop a vehicle driving the wrong way on a city street. The driver refused to stop and led police on a pursuit. During the pursuit, several officers joined the chase. Several officers shot 16 times at the vehicle while in pursuit of the driver. The pursuit ended with the vehicle crashing and being pinned against a wall by officer A's patrol car. Officer A and other officers shot into the vehicle 35 times. The driver succumbed to injuries sustained as a result of the police shooting.

Figure 7 displays the means and effect size of the group difference for Vignette 7.

The civilians had a mean score of 18.26 (SD = 22.71; 95% CI [13.60, 22.91]) and LEO had a mean score of 16.40 (SD = 26.47; 95% CI [11.17, 21.62]). A t-test was conducted to examine the differences between the means of each group. This test was not considered statistically significant ( $t$ - equal variances assumed  $(_{193}) = 0.525$ ,  $p = .600$ , 95% CI [-8.85, 5.13]) and suggestive of a small effect size for Vignette 7 (Cohen's  $d = 0.07$ , 96% CI [-.21, .35]). Civilians perceived that the force used was more acceptable than law enforcement in Vignette 7.



**Figure 7. Vignette 7 Means and Effect Sizes**

### Vignette 8

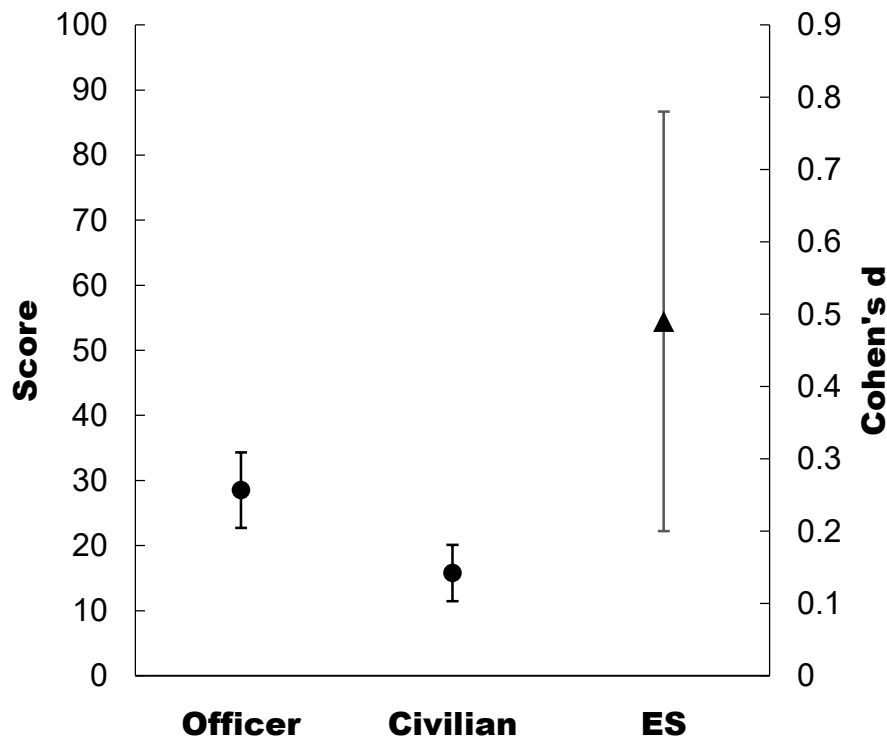
Vignette 8 read:

Police officer A assisted officer B in apprehending an individual with warrants for the individual's arrest. A foot pursuit ensued after the individual observed officers A and B getting out of their unmarked vehicle. After a short foot pursuit, the chase ended with the individual giving up and complying with officer A's command. While arresting the individual, Officer A was standing over the individual, while the individual was laying with hands out of view officer A. Officer A claims the individual made a sudden movement. Officer A fired once. The individual succumbed to injuries sustained as a result of the police shooting.

Figure 8 displays the means and effect size of the group difference for Vignette 8.

The civilians had a mean score of 15.80 (SD = 21.11; 95% CI [11.47, 20.12]) and LEO had a mean score of 28.52 (SD = 29.47; 95% CI [22.71, 34.34]). A t-test was conducted to examine the differences between the means of each group. This test was considered

statistically significant ( $t$ - equal variances not assumed  $(181.382) = 3.484$ ,  $p < .001$ , 95% CI [5.51, 19.93]) and suggestive of a medium effect size for Vignette 8 (Cohen's  $d = 0.49$ , 95% CI [.2, .78]). Civilians perceived that the force used was less acceptable than law enforcement.



**Figure 8. Vignette 8 Means and Effect Sizes**

### Vignette 9

Vignette 9 read:

Police officers conducted a search warrant on a warehouse. An individual inside the warehouse began running. A plain clothes police officer (not in uniform) gave chase while shouting “police, don’t move”. The plain clothes police officer (not in uniform) cornered the individual. The individual walked towards and came close to the plain clothes police officer in a threatening manner. The plain clothes police officer (not in uniform) fired five times. The individual succumbed to injuries sustained as a result of the police shooting.

Figure 9 displays the means and effect size of the group difference for Vignette 9. The civilians had a mean score of 34.67 (SD = 28.64; 95% CI [28.80, 40.54]) and LEO had a mean score of 41.06 (SD = 35.81; 95% CI [33.99, 48.13]). A t-test was conducted to examine the differences between the means of each group. A t-test was conducted to examine the differences between the means of each group. This test was not considered statistically significant ( $t$ - equal variances not assumed  $(_{188.798}) = 1.380$ ,  $p = .169$ , 95% CI [-2.74, 15.52]) and suggestive of a small effect size for vignette 9 (Cohen's  $d = 0.19$ , 95% CI [-.09, .47]). Civilians perceived that the force used was less acceptable than law enforcement in Vignette 9.

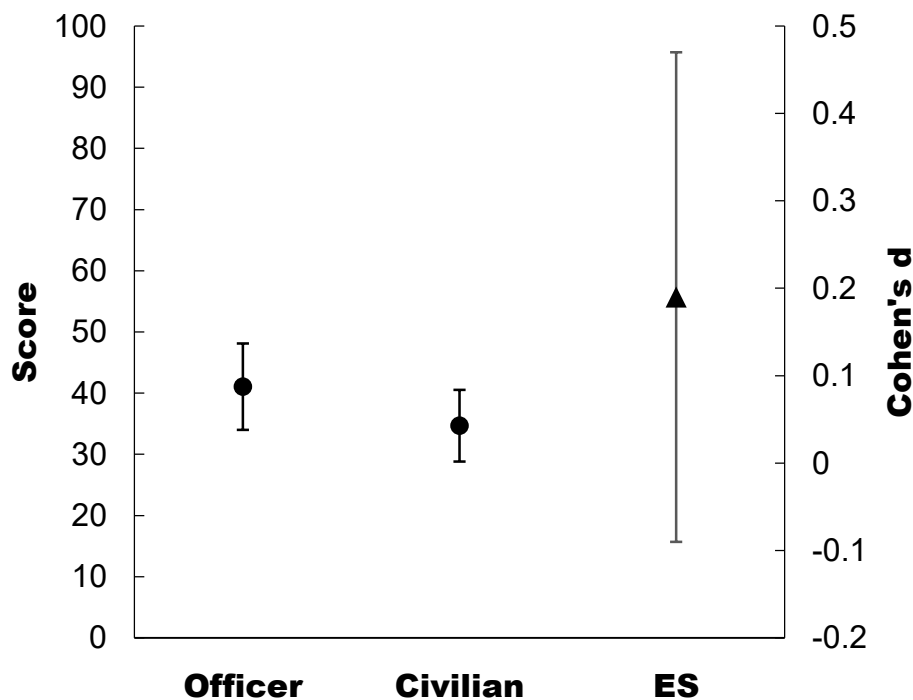


Figure 9. Vignette 9 Means and Effect Sizes

## Vignette 10

Vignette 10 read:

A police officer attempted to stop a car suspected of driving drunk and was led on a pursuit on rural highway. After several minutes, the vehicle crashed and was temporarily disabled. The pursuing officer exited his patrol car. The officer went behind the individual's vehicle as the driver reversed towards the officer. The officer shot six times into the vehicle. The driver succumbed to injuries sustained as a result of the police shooting.

Figure 10 displays the means and effect size of the group difference for Vignette 10. The civilians had a mean score of 49.43 (SD = 32.89; 95% CI [42.69, 56.16]) and LEO had a mean score of 70.48 (SD = 33.30; 95% CI [63.90, 77.05]). A t-test was conducted to examine the differences between the means of each group. This test was considered statistically significant ( $t$ - equal variances assumed  $(193) = 4.436$ ,  $p < .001$ , 95% CI [11.69, 30.40]) and suggestive of a medium effect size for Vignette 10 (Cohen's  $d = 0.63$ , 95% CI [.34, .92]). Civilians perceived that the force used was less acceptable than law enforcement.



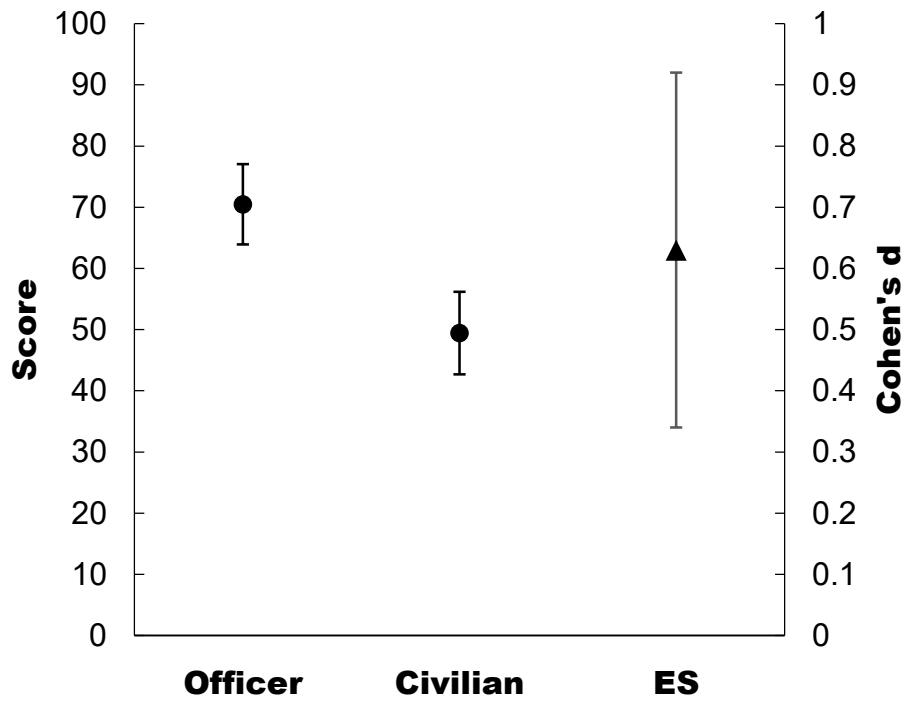


Figure 10. Vignette 10 Means and Effect Sizes

## V. DISCUSSION

The results of this study found significant differences among perceptions of both police officers and citizens as it relates to levels of acceptableness of deadly force. Consistently citizens rated use of deadly force as less acceptable than did police officers. In addition, although the citizens rated the use of deadly force lower than did police officers, on average, the citizens' answers were in agreement with the court decisions. A discussion of the results is warranted.

There is limited information that provides an overview of the perceptions of both officers and citizens as it relates to use of deadly force incidents. With that missing information, one cannot fully make an informed decision either for or against changing policies.

Some in the community may believe that there is a rise in police use of force from the amount of coverage by the media (Adams, 2015). Current research and reports available on the prevalence of police use of deadly force state that deadly force is a rare occurrence (Adams, 2015; Bittner, 1970; Garner, Maxwell, & Heraux, 2002; Klinger D. A., 1995). However, another contentious issue of deadly force incidents is that of reporting justifiable homicide by police. Compiling accurate reports of police justified homicide is difficult. There are missing data as it relates to how many individuals are killed by police, raising another argument for the actual totals of civilians killed by police (Williams, Bowman, & Jung, 2016). Whatever the argument, both civilians and police must come to an agreement on how to effectively police the community, while still providing a sense of safety for officers.

As stated earlier, the current political climate in the United States places officers and civilians at different ends of the spectrum as it relates to perceptions of acceptable levels of deadly force creating conflict among the civilian and police cultures (Haberfeld, 2014). It was hypothesized that there would be a difference between officers and civilians as to acceptable levels of deadly force. Officers are educated and trained in use of force tactics. On the contrary, citizens have no education or training with use of force. Citizens' exposure to use of force incidents comes in the forms of media accounts, television, friends, and family. Due to the manner in which citizens receive their information about use of force, and their exposure to those incidents, it is not expected that their perceptions of force coincides with the case law regarding acceptable levels of force.

For the present study, civilians and police officers had significantly different perceptions of the acceptableness of the force used in seven out of the ten vignettes. The differences may represent the area where civilians are unaware of current case law and officer training that determine the reasonableness of the officers' actions. As a result, the difference in perception is what may drive the argument of unreasonable force.

Vignettes 1 through 5 were all justified situations (according to court case outcomes and media coverage) where the officer involved used a reasonable amount of force. In all five vignettes, civilians had significantly different perceptions of acceptableness of the force used. For the first five vignettes, the civilians had a lower perception of acceptableness compared to the police sample. The difference among the civilians sample and the officer sample was large enough that it is likely not due to chance, and that there are real differences in the population of civilians versus police officers perception of acceptability.

Vignettes 6 through 10 were all unjustified situations (according to court case outcomes and media coverage) where the officer involved used an unreasonable amount of force. Only for Vignette 7 did the civilians have a higher level of acceptableness than did the police sample. In Vignettes 8 and 10, civilians had a significantly different perception of acceptableness of the force used; the civilians had a lower perception of acceptableness compared to the police sample. As stated earlier, the results for Vignettes 8 and 10, indicate that the difference among the civilians and officers was large enough that there actually are differences in perception among the participants.

An interesting and unexpected result developed. On average, civilian's perceptions coincided with rulings in regard to acceptable levels of force. In other words, civilians' perceptions of whether the use of force was acceptable or unacceptable was the same as the courts' findings in each case.

Only Vignette 10 provided both civilians and law enforcement officers difficulty in assessing the officers' actions within the vignette; according to the court case outcomes and media coverage. Both the officer and civilian sample concluded that the officers' actions were acceptable however, the court ruling for Vignette 10 was an unjustified amount of force used by the officer. The answers provided by the participants could be due to the manner in which the vignette was written.

The results of the study on the average response to each vignette demonstrates that there are two opposing cultures; citizens and police. On average, the citizens perceived the officers' actions in each vignette as less acceptable than did the law enforcement sample. This is indicative that citizens and police diverge in their beliefs of acceptable police use of deadly force. These results gives credence to culture conflict

theory where two opposing cultures meet, conflicts are bound to occur due to different value and belief systems (Sellin, 1938). The variability of the citizen and police perceptions of deadly force incidents is believed to be where conflict occur during these contentious incidents.

As the study results show, there are differences in perceptions of both civilians and law enforcement officers. This culture conflict may be due to civilians not knowing or understanding current case law of the “objectively reasonable” officer (*Graham v. Connor*, 1989). In addition, civilians have no such training, education or experience in use of force or deadly force creating a difference in perceptions about what is reasonable or acceptable conduct. Civilians’ exposure to police use of force comes in the form of media coverage, television, friends, and family. Furthermore, civilians may place their own values and beliefs when perceiving certain incidents as acceptable or not. Under a personal value and belief system of acceptability of an officers actions, citizens may find themselves outside of court decisions when judging officers’ actions creating conflict.

As stated earlier, although there are differences among civilian and police as to the acceptability of deadly force, for this study, on average, citizens were equally capable of deciding between acceptable and unacceptable uses of deadly force as were officers when given the case facts.

Currently, citizens are exposed to various news articles on a daily and weekly basis of deadly force incidents that do not provide citizens with all the facts contributing to false information about the prevalence of deadly force situations (McLaughlin, 2015). A host of articles demonstrates that misinformation depicted by the media helps portray a

negative view against the police, skewing citizen's perception of the truth (Callanan & Rosenberger, 2011; Cheng, 2014; Novak, 2009).

### **Policy Implication**

There are many factors at play when there is a use of force situation especially deadly force. The current conflict between the amount of force used by police is at the forefront of legislative policy debate. The current study was not meant to be exhaustive, but rather to determine, on a small scale, whether or not citizens and law enforcement officers perceive the same events differently. The purpose was to fill in a gap of knowledge that has not been explored in depth as it relates to perceptions of deadly force among civilians and the law enforcement communities.

The current study was important as it may shed some light on the conflict among the citizens and police. For the current study, the police were able to make the correct determination of acceptableness according to the outcomes of the case. This may provide insight that officers are properly being trained to assess the correct amount of force. In addition, if provided with the facts of each case, citizens may be capable of deciding acceptable and unacceptable levels of force. The key is that police agencies and the criminal justice system must be able to provide those facts promptly without compromising the investigation to avoid negative assumptions by the community. However, in some cases, details of the facts may not be possible since deadly force incidents are investigated by the police as any other homicide. Some case facts may need to remain confidential for the integrity of the case.

To avoid conflict among the community and the police, future policy and stake holders may benefit from developing programs in the community that inform citizens

about the process the criminal justice system takes and how it arrives at the conclusion of reasonableness.

### **Future Direction of Research**

The researcher for this study purposefully removed variables such as gender and race. By removing this information, and providing only the facts, the current study is believed to provide a base line for future variables in understanding perceptions of civilians and officers. Future studies should attempt to determine to what extent, if any, factors such as race and/or gender interact with respondent's perceptions of the officer's actions. Other studies may benefit from developing community programs that educate civilians in case law and use of force tactics. This in turn may assist the community in assessing an officers actions appropriately. In addition, the current study did not ask the participants why they believed the officers' actions were or were not acceptable. Other research may find a qualitative approach to the current study fruitful in identifying certain factors that participants consider important when making their determinations of acceptableness.

### **Limitations**

Inherent with any research endeavor are limitations. The present study had several limitations which will be covered below. Some of the case dispositions were sealed or expunged by the courts, and, as such, final dispositions were not obtainable. To adjust for this unforeseen development, the researcher used more than one news media outlet publication that were following the case at the time the cases were active. This provided the researcher with a reasonable amount of accuracy for the cases to be included into the research.

Another limitation of the study is in the difficulty in writing a detailed synopsis of each case that provides the facts of what occurred for a survey design. The vignettes were written in a manner that could provide as much information concisely to avoid longer vignettes that may have discouraged participants from continuing with the survey. By providing more details or facts about a case, it may provide a more accurate depiction of what occurred. With more facts, participants may be able to make a better determination of how they perceived the officers' actions. Caution should be used with including more information. A low response rate may have been attributed to the lengthy IRB required e-mail format for requesting participation. As such, longer and more detailed vignettes may deter individuals from continuing with the survey. Striking a balance is key when providing the facts of each case.

Concerns of external historical events may affect some of the participants. However, since all participants have the same possibility of being exposed to the same historical event, this should remain constant over the sample of participants and not affect the results. Generalizability is also a concern since the design of the survey chose a national sample of police and a convenience random sample of civilians. Due to the sample and also the low response rates it is believed that to make a proper determination of generalizability, more testing is needed.

Although there are limitations in any study, the limitations within the current study were believed to be acceptable. The current study was based upon vignettes provided to the participants with simple facts. It is the belief of the researcher that the limitations were reasonable and did not detract from the results of the study. The goal of this project was to understand the conflict that is observed between the police and citizens



as it relates to deadly force. The outcomes are believed to be fruitful and may guide future studies, training and policy. A future distance goal of the author is to help reduce use of deadly force encounters overall.

## APPENDIX SECTION

### Survey Questionnaire

Q1. Please rate the officers' actions on a scale of unacceptable to acceptable.

Two plain clothes police officers (not in uniform), A and B overheard two friends that were leaving a night club, may be planning a drive by shooting. Believing one of the friends had a gun, the officers intervened to stop the two friends from driving off. Officer A identified himself as a police officer. The car holding the two friends, tried to run over officer A twice. Officer A started firing while yelling to the car's occupants: "Let me see your hands." Other officers responding to the scene, perceived they were being attacked and fired their weapons at the vehicle. During the shooting, officers fired 50 bullets. The individual driving the vehicle was shot and later succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q2. Please rate the officers' actions on a scale of unacceptable to acceptable.

Four officers responded to a 911 call at a residence. The call involved a family member chasing the children with a knife. When the officers arrived, they observed outside the residence, an older man and younger man at opposite ends of a vehicle in the driveway. The older man ran into the backyard and returned a few seconds later with a metal rake held over one shoulder. The older man walked towards officers A and B. Police officer A and B backed up and drew their weapons. Officer B backed into the car in the driveway and was no longer able to retreat. The man raised the rake over his head, ready to swing it down on officer B. Officer A fired twice at the older man. The older man later succumbed to his injuries as a result of the police shooting.

Unacceptable

Acceptable



Q3. Please rate the officers' actions on a scale of unacceptable to acceptable.

Officers responded to a 911 call about a man with a knife. Six officers arrived on scene at the entrance of a business to find an individual wielding a knife. Employees at the business were in the building at the time officers arrived. The individual wielding the knife stated, "I'm going to kill him; you can't stop me". The individual wielding the knife backed into the building where employees were present. After repeated verbal attempts from the police officers to drop the knife, the individual lunged towards officer A approximately 8 to 10 feet away. Officer A fired twice and Officer B fired three times. The individual succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q4. Please rate the officers' actions on a scale of unacceptable to acceptable.

Seven officers were dispatched to assist another officer who had encountered an individual on the street wielding a machete and tire iron. The individual was moving to a populated area and refused to put down his weapons. Several officers used their TASER but were unsuccessful. The individual ran into a mall parking lot and officers deployed their TASERs several more times but the TASERs were unsuccessful. Armed and swinging the machete, the individual charged several officers who retreated into their patrol cars. The individual charged several more officers: A, B and C who all gave verbal commands to put down the individual's weapons. The individual refused to put down his weapons. Officers A, B, and C, fired at the individual. The individual succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q5. Please rate the officers' actions on a scale of unacceptable to acceptable.

Officer A attempted to stop a vehicle for not stopping at a red light. The driver refused to pull over and led officers A, B and C on a pursuit. After the pursuit, the driver pulled into a gas station, got out of his vehicle, and walked towards officer A using a two-handed shooting stance and pointed a silver object at officer A. Officer A dove behind officer A's cruiser. The driver then pointed the same object at officer B who retreated backwards away from the driver. Officer C gave verbal commands to the driver to "get down". The driver turned and pointed the object at Officer C. Officer C crouched down believing the object to be a gun. Officer B and C fired their weapons until the driver was on the ground. The driver succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q6. Please rate the officers' actions on a scale of unacceptable to acceptable.

An officer responded to a school parking lot to a call involving a suspicious person. The officer contacted the suspicious person who was in the driver's seat of a vehicle. The officer asked for identification. The officer attempted to grab the identification card but the driver refused. The officer and driver tugged back and forth for the identification card. The driver, still in the vehicle, manually began to roll the window up. The officer's arm was still inside the vehicle, attempting to obtain the identification. The driver began to gradually drive away. The officer jumped onto the running board of the vehicle while shouting to the driver to "stop". The officer jumped off the running board and shot twice hitting the driver. The officer ran alongside the vehicle and shot five more times. The driver succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q7. Please rate the officers' actions on a scale of unacceptable to acceptable.

Police officer A attempted to stop a vehicle driving the wrong way on a city street. The driver refused to stop and led police on a pursuit. During the pursuit, several officers joined the chase. Several officers shot 16 times at the vehicle while in pursuit of the driver. The pursuit ended with the vehicle crashing and being pinned against a wall by officer A's patrol car. Officer A and other officers shot into the vehicle 35 times. The driver succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q8. Please rate the officers' actions on a scale of unacceptable to acceptable.

Police officer A assisted officer B in apprehending an individual with warrants for the individual's arrest. A foot pursuit ensued after the individual observed officers A and B getting out of their unmarked vehicle. After a short foot pursuit, the chase ended with the individual giving up and complying with officer A's command. While arresting the individual, Officer A was standing over the individual, while the individual was laying with hands out of view officer A. Officer A claims the individual made a sudden movement. Officer A fired once. The individual succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q9. Please rate the officers' actions on a scale of unacceptable to acceptable.

Police officers conducted a search warrant on a warehouse. An individual inside the warehouse began running. A plain clothes police officer (not in uniform) gave chase while shouting "police, don't move". The plain clothes police officer (not in uniform) cornered the individual. The individual walked towards and came close to the plain clothes police officer in a threatening manner. The plain clothes police officer (not in uniform) fired five times. The individual succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



Q10. Please rate the officers' actions on a scale of unacceptable to acceptable.

A police officer attempted to stop a car suspected of driving drunk and was led on a pursuit on rural highway. After several minutes, the vehicle crashed and was temporarily disabled. The pursuing officer exited his patrol car. The officer went behind the individual's vehicle as the driver reversed towards the officer. The officer shot six times into the vehicle. The driver succumbed to injuries sustained as a result of the police shooting.

Unacceptable

Acceptable



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