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Geoffrey P. Alpert and Michael R. Smith

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POLICE USE-OF-FORCE DATA: WHERE WE ARE AND WHERE WE SHOULD BE GOING

GEOFFREY P. ALPERT

University of South Carolina

MICHAEL R. SMITH

Virginia Commonwealth University

Research on police use of force has become a topic of considerable interest to practitioners and researchers. This article focuses on the various methods used by agencies and researchers to collect use-of-force information. Police managers and researchers often have different interests and needs concerning these data and collect only the types of information important to their needs. The authors' suggestion is to have a supervisor document all aspects of police-citizen contacts where force is used. The supervisor should receive input from all involved parties, including the officer(s), suspect(s), and witness(es). Finally, a panel of experts could be used to determine if the approach to the situation and any force used were reasonable.

Research on police use of force has become a topic of considerable interest to practitioners and researchers. Historically, investigations on the use of force by police had been conducted only by commissions and interested groups as a response to a specific incident or series of publicized events. Well-known incidents that created an uproar that led to civil disturbances and police reform include the beating to death of Arthur McDuffie in Miami (1979) and the beating of Rodney King (1991) in Los Angeles (see Alpert, Smith, & Watters, 1992). As a consequence of these and other events, police administrators and researchers have looked critically and comprehensively

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at the use of force and its justification, levels, and methods. Unfortunately, it is difficult to explain, describe, or measure what level of force is necessary and reasonable in all situations (Alpert & Smith, 1994). However, research has been conducted on these various aspects of force, and a series of findings and recommendations have been presented in the literature. What we know about police use of force has been based upon research conducted in a limited number of jurisdictions and by a limited number of methodologies. What is missing from our thinking about police use of force is an understanding of the type of agencies from which the data have been collected and an analysis of the relevance of the data upon which research findings have been based.

The results of past research efforts have been presented in other places and will not be reviewed here (see Geller & Toch, 1995). This article will focus on the various methods used to collect use-of-force information. Police managers and researchers often have different interests and needs concerning information on the organization and collect only the types of information important to them. On one hand, managers are looking to improve organizational efficiency and effectiveness and do not always need a high level of specificity. On the other hand, researchers may require data elements that are different from managers, and they may require more detailed information that can be used to explain variance in the level of force used or that can help them describe or infer from the events under study. Police use of force is an area of interest to both managers and researchers but one that suffers from a lack of understanding, empirical information, and valid measures. In 1981, The U.S. Commission on Civil Rights noted,

Police officers possess awesome powers. They perform their duties under hazardous conditions and with the vigilant public eye upon them. Police officers are permitted only a small margin of error in judgment under conditions that impose high degrees of physical and mental stress. Their general responsibility to preserve the peace and enforce the law carries with it the power to arrest and to use force—even deadly force. It is essential, therefore, that these sweeping powers be subject to constant scrutiny to ensure that they are not abused.

The term used by the U.S. Commission, *constant scrutiny*, can be operationalized in many ways. In any case, scrutiny translates into a broad movement of accountability and requires, at a minimum, that the actions taken by officers are recorded and analyzed. The recording and analysis of officers' use of force is a necessary tool to control any excessive actions. Incredibly, although police agencies authorize their officers to use force against citizens,

there are no legal requirements that an agency measure, record, or evaluate the nature and extent of force used by its officers.¹

Over the years, many departments have voluntarily chosen to collect some of this information, but its accumulation is neither consistent among agencies nor always suitable to use as managerial or research data. This article will begin with a brief description of the legal and policy standards that govern police use of force. It will then turn to a discussion of use-of-force information, the various ways this information is collected, and the biases inherent in the various collection methods. Finally, we will present suggestions for an improved data-collection strategy, which include a system that has a supervisor document all aspects of police-citizen contacts where force is used. Under this suggested system, the supervisor should receive input from all involved parties, including the officer(s), suspect(s), and witness(es).

LEGAL AND POLICY STANDARDS GOVERNING USE OF FORCE

In 1989, the U.S. Supreme Court decided *Graham v. Connor* and set forth the constitutional limitations on the use of force by police. The plaintiff in *Graham* was a diabetic who was injured during a violent encounter with Charlotte, North Carolina police officers. He sued the police department and the officers involved alleging that his due process rights under the 14th Amendment had been violated. The Supreme Court held that all claims of excessive force by the police must be judged under the reasonableness standard from the 4th Amendment. Specifically, the Court held that police officers may use no more force than an objectively "reasonable officer" would have used under the circumstances. The Court declared that the reasonableness of an officer's use of force depends upon the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to flee.

Because the reasonableness of an officer's actions depends upon the unique facts and circumstances of each case, it is difficult to draw "bright line" rules that separate legally reasonable force from illegally excessive force. However, in an effort to provide their officers with guidance on the use of force, many law enforcement agencies have incorporated force continua into their use of force policies. These continua present officers with a series of escalating steps in the use of force that they are required to follow whenever possible (Connor, 1991). Table 1 is an example of a common

TABLE 1. Police Use-of-Force Continuum

No force
Officers' presence in uniform
Verbal communication
Light subject control, escort techniques, pressure point control, handcuffs
Chemical agents
Physical tactics and use of weapons other than chemicals and firearms
Firearms/deadly force

use-of-force continuum taken from police policies. Policies that incorporate continua such as these typically state that officers should escalate their use of force along the continuum as the suspect's resistance increases and de-escalate their use-of-force as the threat posed by the suspect diminishes. These policies also permit officers to skip steps within the continuum if necessary, such as when a cooperative suspect suddenly produces a gun and threatens the officer with deadly force.

Another variation on the use-of-force continuum shown above incorporates both suspect resistance and officer response levels (see Table 2).

A policy that includes a use-of-force continuum similar to this one is designed to provide officers with guidance on using force against resistive suspects. Officers are presented with clear examples of suspect resistance matched with the appropriate use-of-force responses. Consistent with the constitutional requirements from *Graham v. Connor* (1989), this type of policy helps ensure that officers use the levels of force that are appropriate under the circumstances.

USE-OF-FORCE INFORMATION

Police departments that collect and maintain use-of-force information generally compile it for administrative and bureaucratic purposes (Adams, 1995). Historically, agencies collected only limited information on the use of deadly force. These data included information on shots fired purposely. Many agencies collected information only on shots fired that hit their intended targets. Some agencies included only that shots were fired, not the number of shots, situational, environmental, personal data, or information on precipitating events (Alpert & Fridell, 1992). As a result of questions and complaints from citizens, the media, and the courts, agencies began to collect more complete and comprehensive information on all shots fired. For

TABLE 2. Use-of-Force Continuum Resistance and Response Levels

<i>Suspect Resistance Level</i>	<i>Officer Level of Control (Force)</i>
Suspect presence	Interview stance
Verbal resistance	Verbal commands
Passive resistance	Transport techniques (handcuffs, subject control, pressure points)
Defensive resistance	Chemical agents
Active physical resistance	Physical tactics/weapons
Firearms/deadly force	Firearms/deadly force

similar reasons, agencies began to collect information concerning officers' use of force other than firearms (Alpert & Fridell, 1992).

Many progressive police managers were concerned with their officers' behavior and recognized the benefits that could be gained from empirical information on the use of force. These administrators realized that policies, training, and resulting behavior could all be improved by assessing the nature and type of force that was being used by officers (Alpert & Smith, 1994). Similarly, they recognized the important ways the public would be served by requiring officers to report and explain their actions. In other words, the collection, analysis, and use of data would help control officers' use of excessive force. Other police chiefs and administrators did not understand the need for information on the use of force. In fact, some rejected the idea of collecting the information based on the idea that "the more you document, the more that can be used against you."² Some of these out-of-date managers rejected the notion that information on agency custom and practice would be helpful. These departments did not require officers to report or collect the information on the use of force. Other managers interpreted the data collection as a necessary burden on their officers and required them to provide only minimal information, usually as part of an existing incident or arrest report. These managers may have trusted their officers, did not want to know what was going on in the street, or believed that "street justice" was a necessary aspect of policing.

In the agencies that were collecting information, the quality and quantity were problematic. Furthermore, departments collected the information in different ways and used it for a variety of purposes. Often, the content, scope, and level of specificity were insufficient for the needs of researchers but satisfied the managers' requirements. Pate and Fridell (1993) reported some problems with agency data:

Data collected from agency records have drawbacks. . . . First of all, official data from any governmental agency reflects the agency perspective and may or may not fully represent reality. Relatedly, researchers who have studied force within individual departments, most likely achieved access to the most progressive departments, which were more amenable to scrutiny. Another problem is that information from departmental records on force are frequently incomplete and variations across departments may be so great that it could be inappropriate to assume that the data from an individual department, or several departments, is representative of law enforcement in the United States. (p. 24)

A range of procedures is available to law enforcement agencies that want to collect this type of information. The levels of data collection range from comments on a general incident report to a detailed special report that requires a comprehensive investigation of the use of force. The next section of the article will explain the various mechanisms for collecting use-of-force data.

MECHANISMS FOR COLLECTING USE-OF-FORCE INFORMATION

Agencies have the capability to collect information on the use of force in a variety of ways and can address the officer versus suspect dilemma. This section of the article will review the various mechanisms by which police officers can explain their version of an encounter in which force was used.

In a comprehensive study conducted in the 1950s, Westley looked at several aspects of policing, one of which was the use of force:

The use of force against the suspect is justified by the men on the basis that they are acting in the interests of the community. They feel that they are only using the methods of the suspect, and that in doing so they frequently apprehend men who are a danger to the people in the community. . . . It is likely that the individual men, faced with specific situations, make their decisions in terms of a complex of factors that are not easily disentangled but among which their desire for prestige, their feeling that they are performing a community service, and their definition of the criminal as having abrogated his rights as a citizen form a substantial basis for the use of force (Westley, 1970, pp. 129-130).

Historically, police officers have justified the use of force in a variety of ways (Hunt & Manning, 1991; Kappeler, Sluder, & Alpert, 1998). As noted by Pate and Fridell (1993), information collected from agency records is likely to reflect the official position and may not fully describe what actually

happened. Therefore, officers' versions of the facts of an encounter may differ from the facts as experienced by the suspect.

Before describing the various mechanisms that agencies can use to collect information on the use of force, it is important to define the levels of force that could be captured by such reports. That is, there must be some level that triggers a reporting mechanism. In some jurisdictions, this may be an arrest or an injury. In other words, any interaction that does not result in an arrest or injury may not require any type of report, but any interaction that does result in an arrest or injury requires a written report. Other jurisdictions may require a report for any use of force, including the use of handcuffs or even a come-along hold. A middle ground that is found in many jurisdictions requires a form to be completed when an officer uses more force than a simple come-along, or when a suspect complains of some injury. For example, the Miami-Dade Police Department requires a report when (a) force is applied that is likely to cause an injury or a complaint; (b) an injury that results or may result from a struggle; (c) there is a complaint of an injury; (d) a chemical agent is discharged; (e) a baton is used; (f) the Lateral Vascular Neck Restraint (LVNR) is utilized; or (g) there is an injury or complaint of an injury that results from guiding, holding, directing, or handcuffing a person who offers resistance. The discharge of a firearm also requires a form to be completed (i.e., Miami-Dade Police Department Administrative Order 2-34).

INCIDENT REPORTS

Most police agencies require officers to complete some type of report on all incidents in which they become involved. These can range from a brief summary to a detailed description. Incident reports can have a separate section for the use of force or can simply reflect what the individual officer believes to be important to the resolution of the incident or the control of the suspect. Officers may be required to explain any force used or it may be at their discretion to explain the tactics or injury. Because these reports are general and cover a variety of issues, it would be difficult to isolate the specific elements surrounding the use of force. If administrators rely on the information captured in the general incident or arrest report, they may be receiving an incomplete and biased version of the facts. It is highly likely that if the use of force or explanation of an injury is mentioned, the version reported by the officer as part of a larger report will be written to justify any action that has been taken or any injury suffered by a suspect (Hunt &

Manning, 1991). Incident reports may serve as a good summary of an incident, but they are not sufficient to capture the details of a disorderly or violent police-citizen encounter. The use of a separate form would provide an officer with the opportunity to explain more completely the specifics surrounding his or her use of force.

CONTROL OF PERSONS OR USE-OF-FORCE REPORTS

A specific form that records the specifics of a police-citizen encounter and includes some level of force, injury, or complaint is the best way to capture the details of the confrontation. A variety of use-of-force reports exist and can vary from agency to agency. These reports can range from a brief description of the force used to a detailed narrative of the events that transpired leading up to the decision to use force, the suspects' actions, and the officers' response.

A brief description. A use-of-force report that requires only summary information can assist the agency by creating a record of how often force is used, whether a weapon was used, and how the force was used. Of course, the utility of the form is limited only to the level and specificity of information required. The brevity of the information collected requires less time and effort for the officer than a more comprehensive form. These types of forms range from requiring only a few details to a detailed description.

A detailed description. An agency could require all officers involved in some level of force to provide a description of the incident by a combination of preselected choices and a detailed narrative. The information collected by preselected response boxes could include environmental factors, type and level of force, weapon use, injury, and so forth. This time-saving tactic, along with a narrative, could provide managers with a detailed understanding of the police officers' actions. The actions of the suspect also need to be reported to understand the nature of the interaction. This type of report provides a more in-depth explanation of the control of a suspect than simply identifying the police use of force.

A control of suspect form. Building upon a detailed use-of-force report, a control of suspect form requires documentation on the actions of both the suspect and the officer. This type of report includes actions taken by the offi-

cer to control the suspect and any actions taken by the suspect to resist the officer. Utilizing a combination of preselected categories and narrative, an officer will provide a detailed description of what happened during the encounter. It is important to include a sequential account of all actions taken to control the suspect.

Who provides the information? In each of the reports noted above, it is the officer who relates the information on the encounter. Having the officer complete the form provides, as Pate and Fridell (1993) explained, the official version of the event. The officer may have a vested interest in some facts being understood in a way in which they did not occur. For example, if an officer were reporting the use of force and head injury of a suspect, he or she would have to justify that level of force by demonstrating that the suspect was resisting and could not be controlled without that type of defensive tactic. The report could read,

Suspect resisted by pushing me away and taking a swing and hitting me in the head. I tackled the suspect who hit his head on the side of a chair as he fell to the ground. The suspect was handcuffed and taken into custody without further incident. His injury was treated at the scene by paramedics.

Other officers at the scene could write that they observed a scuffle and saw the suspect and officer fall to the floor but were not in a position to see how the injury occurred. This type of report could be read by a supervisor and approved as reasonable or necessary force with an unfortunate but unavoidable injury. If, however, the suspect were able to provide his or her version, it might be reported that the officer shoved the suspect, tackled him, and hit him on the side of the head with his flashlight while they were on the ground. Certainly, each party has a vested interest in the official or accepted version of an incident. Therefore, it is important to have both parties tell their story.

Although a citizen can file a complaint against an officer, the process may be time consuming and difficult for the citizen. Collecting information from both the officer and the suspect involved in use-of-force situations may provide the agency commanders with the most comprehensive understanding of the incident. The options for this type of report include having the officer provide a narrative and having the suspect also provide a narrative to the officer. Obviously, the suspect would not feel completely comfortable with

and trusting of an officer with whom he has just been fighting. A good alternative is for the officer's supervisor to complete a Supervisor's Control of Persons Report.

A SUPERVISOR'S CONTROL OF PERSONS REPORT

Perhaps the best method for agencies to collect information on situations where officers must use force to control suspects is to have the supervisor travel to the scene and interview the officer(s), suspect(s), and witness(es). Additionally, the supervisor should take pictures of any injury or if there is a complaint of an injury. These forms can combine preselected categories for demographic, level and type of force, resistance, weapons, and other information. For example, the Miami-Dade Supervisor's Report of Use of Force to Control includes blocks of information on the suspect's race, ethnicity, disease, injury, treatment, impairment, observed behavior, and level of resistance. Similarly, information on the officer includes level and type of force used. That information is supplemented by a detailed narrative from each of the parties' perspectives. That is, the supervisor writes a sequential account of all relevant actions: the original call or observation, the officer's and suspect's behavior, what caused the suspect to resist, and the level and type of resistance. Similarly, the officer's actions and the level of force and how it was used must be included. Information on any injury, complaint of injury, and treatment must also be included. The supervisor must detail the sequential ordering of who did what to whom, why, and what the result was.

This comprehensive type of report requires that supervisors ask officers and suspects a series of questions and record their responses. It is critical for the supervisor to understand that her or his job is to capture the stories provided by the parties, not to justify the officer's actions or to argue with the suspect. In fact, in some cases an officer's version of the facts will differ from that of the suspect. This type of information would provide the agency with sufficient data to paint a panoramic picture of the use of force, levels, environmental factors, and suspects' resistance. It would also allow researchers to investigate numerous aspects of the agency's custom and practice of using force (Alpert & Dunham, 1998).

Although there may be criticism of having a supervisor interview a suspect at the scene, the process provides an efficient method to obtain both versions of what took place. If the process is effective, it can provide the

agency with a variety of measures of force relative to the level of suspect resistance.

THE BENEFITS OF A SUPERVISOR'S CONTROL OF PERSONS REPORT

If the data accumulated from Supervisors' Control of Persons Reports were reliable, then they would be of benefit to all parties. The agency could track the use of force by officer, assignment, length of service, ethnicity, gender, or any other available variable. Similarly, these trends could be computed relative to the suspects' level of resistance, personal characteristics, or any other known variable. These management tools could provide important information about the behavior of officers, the need for training, or modifications to policy. Of course, the information taken by a supervisor would be preferable to that reported directly by the officer.

Determining the reliability of the reports taken by supervisors would require an evaluation of the form's content compared to the suspect's version of the interaction. This type of analysis would require an independent interview of the suspect to see if the supervisor reported correctly what the suspect stated and if the statement made to the supervisor by the suspect was tainted. Certainly, the supervisor could be viewed by the suspect as the officer's friend and accomplice, who would twist the facts to justify the police officer's actions.

The actions and demeanor of the supervisor could deflect his or her potentially negative influence on the suspect. One measure of the Supervisors' Control of Persons Reports is the number of disagreements between officers and suspects. It is expected that some percentage of reports would include disagreements between officers and suspects.

A FIRST TEST OF THE SUPERVISORS' CONTROL OF PERSONS REPORT

To determine the number of reports that included disagreements between officers and supervisors, all Miami-Dade Supervisors' Control of Persons Reports for 1997 were examined. Out of the 334 reports, 43 (13%) included disagreements between suspects and officers on the level of force used by the officer and the suspect's level of resistance. Only 9 of these cases included disagreements between a witness and suspect and the officer. The

preliminary conclusion is that the method of having a supervisor interview the parties involved in a use-of-force situation, ask a series of questions, take pictures, and interview witnesses (when available) is the most efficient and effective method for collecting police use-of-force data.

It is important to stress the need for supervisor training, prompt reporting of force incidents by officers, and prompt response by the supervisor. Furthermore, these reports need to be verified and reviewed to determine trends and practices.

MEASURING THE NATURE AND EXTENT OF USE OF FORCE

Over the years, researchers have used a variety of methods to assess how frequently and under what conditions police officers use force. The sections that follow describe each of these methods and discuss their various strengths and weaknesses.³

POLICE AGENCY RECORDS

A number of researchers have used arrest records, existing use-of-force reports, or both in an effort to measure the nature and extent of police use of force. For example, Croft and Austin (1987) examined use-of-force reports from both the Rochester and Syracuse police departments during the years 1984 to 1985. They were able to use the reports to classify the force used into specific types, such as arm lock, mace, wrestling, grabbing, and striking.

In a more recent study, Alpert and Dunham (1998) analyzed use-of-force reports completed in Dade County, Florida from 1993 to 1995. The Metro-Dade police form contains categories for type of force used by the officer⁴ and for how a particular type of force was used.⁵ The form also contains information on other potentially relevant variables such as the level of resistance offered by the suspect, officer and suspect injuries, whether the suspect was drug or alcohol impaired, and so forth. In the same study, Alpert and Dunham also examined critical incident forms from two police departments in Oregon (Springfield and Eugene) that contained use-of-force data. These forms captured data on a range of officer use-of-force activities (from handcuffing to the use of a firearm), the perceived mental state of suspects, the type of suspect resistance (if any), and a variety of other variables.

Agency records such as these can be a useful source of data on police use of force where they exist. However, there are several problems associated

with using these types of records for research purposes. To begin with, many police agencies do not routinely capture detailed information on the use of force, if they collect the data at all. With more than 17,000 police agencies in the United States and with the majority of those having 10 officers or fewer, there is wide variation in the availability of official records involving use of force. If use-of-force incidents are recorded at all, there will likely be significant variability among agencies in the thoroughness and accuracy of the data collected.

Where use-of-force data are available from official records, they are also likely to vary widely in their scope. For example, in Alpert and Dunham's study, data from Dade County was taken from use-of-force reports routinely prepared following use of force incidents. Data from Oregon, on the other hand, were drawn from a job task analysis instrument designed primarily to identify the physical abilities required for police work (Farenholtz, Peak, & Rhodes, 1995). Although the two sets of data shared some common characteristics, they were, in many ways, noncomparable (Alpert & Dunham, 1998). Agency use-of-force data will vary according to the definitional criteria established by each agency, for when a use-of-force report must be completed, the forms themselves will use different definitions and classifications, and they will differ according to the variables for which information is recorded. Given the current state of affairs, with no uniform system in place for capturing use-of-force information, researchers are left with site-specific data that has limited external validity.

CITIZEN SURVEYS

In 1996, for the first time, the Census Bureau, in conjunction with the Bureau of Justice Statistics (BJS), conducted a nationally representative survey of 6,421 persons older than the age of 11 to determine the nature and extent of their contacts with the police during the previous year (Greenfield, Lanagan, & Smith, 1998). Among the questions asked of the respondents was whether the police had used force against them. Of the persons surveyed, only 14 reported that they had been the recipients of police use of force. Although BJS extrapolated these cases to the population and estimated that approximately 500,000 people had force used against them the previous year, this figure contains a large margin of error because it was based on so few responses. Acknowledging its limitations, the 500,000 person figure represents less than 1% of police-citizen contacts for the year.

As pointed out, the accuracy of the survey results regarding use of force are questionable because of the small number of responses. In addition, the survey asked respondents whether police used or threatened to use force against them without specifying or defining what constitutes force. In subsequent surveys, respondents were presented with a set of police actions (officer pushed, hit, threatened you with a flashlight, etc.), and respondents were asked to identify all that apply (Greenfield, Lanagan, & Smith, 1998). This change helped researchers report more precisely the nature of the force used by police against citizens.

Without a substantial increase in the sample size, however, the results of the survey with respect to use of force will still contain a significant possibility of error. All indications are that police use of force, when measured as a percentage of police-citizen contacts, is an exceedingly rare event (Bayley & Garofalo, 1989; Greenfield, Lanagan, & Smith, 1998; Reiss, 1971). Measuring social phenomena with low baseline rates of occurrence poses unique challenges for survey researchers using random sampling. Moreover, as Adams (1995) points out, it is not clear whether police-citizen contacts are the appropriate denominator to use when evaluating the prevalence of police use of force, or whether some other denominator, such as arrests, would be more useful.

OFFICER SURVEYS

In the summer of 1994, researchers from Rutgers University and Arizona State University distributed a use-of-force survey instrument to officers of the Phoenix, Arizona Police Department. For a 2-week period, Phoenix officers were instructed to complete one of the instruments every time that they made an arrest—whether they used force or not. The surveys were completed anonymously and captured a wide range of data on the nature of the force used (if any), the characteristics of the officers and suspects, the nature of the events giving rise to the force, and the social and physical conditions under which the force was used. The researchers found that officers used force (defined, at a minimum, as the use of some weaponless tactic such as a wristlock) in approximately 22% of all arrests made during the data collection period (Garner, Buchanan, Schade, & Hepburn, 1996).

The advantage of this methodology for studying police use of force is that it eliminates the vast majority of police-citizen contacts that do not involve an arrest and therefore contain a low probability of force being used. On the other hand, not all use-of-force encounters result in an arrest, and

thus this methodology would underreport police use of force to some degree. Also, like any survey, its accuracy depends upon the honesty and conscientiousness of the respondents. However, by administering the use-of-force instrument anonymously, the researchers helped ensure that the responses that they received would be truthful. This study is currently being replicated under a multisite grant from the National Institute of Justice, with results expected by late 1998 (Garner, 1995).

FIELD OBSERVATION

Some of the earliest empirical studies of police use of force placed researchers in the field to observe firsthand the nature of police-citizen encounters in street-level situations. In the summer of 1966, Reiss used field researchers to observe police-citizen encounters in Boston, Chicago, and Washington, D.C. His researchers found that police used force in only 44 of the 1,565 encounters observed (Reiss, 1971). Worden's (1995) reanalysis of the police services study data from the late 1970s indicates that officers used force in only 1% of 5,688 encounters between police and citizens observed in 24 police departments in three metropolitan areas. Likewise, Bayley and Garofalo's (1989) more contemporary study of police in New York City uncovered only 36 incidents of physical force by the police out of the 1,059 police-citizen encounters observed.

As with the BJS survey of police-citizen contacts conducted in 1996, these studies indicate a low baseline rate of police use of force. Consequently, one of the principal drawbacks to field observation as a method for studying police use of force is its marked inefficiency. Researchers will spend many hours of fruitless observation before witnessing a use-of-force encounter. Although some researchers have attempted to minimize the problem (Reiss, 1971; Worden, 1995), it is possible that police officers will act differently in the presence of a civilian observer whose stated purpose is to make a detailed record of the officers' actions for others to study. This problem of reactivity (Hagan, 1997) will most likely occur in hostile encounters between police and citizens where no other witnesses are present. These are precisely the kinds of encounters where police would also be the most likely to use excessive force if the observer were not present.

Currently, the National Institute of Justice is funding a replication of the police observational studies from the 1960s and 1970s. This ongoing study is using field observations to explore police-citizen interactions in modern, community policing-oriented cities. Although police use of force is not the

primary focus of the study, the researchers will gather data on use of force as part of their overall research effort. When available, the data from this project should yield valuable information on contemporary police use-of-force practices.

MEASURING EXCESSIVE FORCE

Currently, two methods have been used to measure excessive force by police: field observation and analysis of citizen complaints. Each of these methodologies will be discussed in the sections that follow.

FIELD OBSERVATIONAL STUDIES

Reiss' landmark observational study of police in 1966 included data on excessive force. Of the 44 observed incidents where police used force, the field observers classified 37 of them as involving excessive force (Reiss, 1968). The observers used the following criteria to determine whether the force used was excessive:

- if a policeman physically assaulted a citizen and then failed to make an arrest: proper use involves an arrest;
- if the citizen being arrested did not, by word or deed, resist the policeman: force should be used only if necessary to make the arrest;
- if the policeman, even though there was resistance to the arrest, could easily have restrained the citizen in other ways;
- if a large number of policemen were present and could have assisted in subduing the citizen in the station, in lockup, and in the interrogation rooms;
- if an offender was handcuffed and made no attempt to flee or offer violent resistance; and
- if the citizen resisted arrest, but the use of force continued even after the citizen was subdued.

In his reanalysis of the Reiss data, Friedrich (1980) used the judgment of the original coders rather than the observers to gauge the extent of excessive force. The coders labeled force as excessive if (a) it was not required to make an arrest or (b) it was not required for an officer to defend himself. Of the 1,565 observed encounters where police regarded citizens as offenders, 28 incidents (1.8%) involved the use of excessive force.

Determining how frequently police use excessive force largely depends on how *excessiveness* is defined. For example, the figures reported by Reiss

(37 instances of excessive force) are probably higher than the figures reported by Friedrich (1980) (28 instances of excessive force) because Reiss' observers used a broader definition of excessiveness than his coders. As many researchers and police officials have noted, excessive force is difficult to define and depends upon the idiosyncrasies of a given police-citizen encounter (Adams, 1995; Alpert & Smith, 1994; Klockars, 1995; Worden, 1995).

Because of the difficulties in precisely defining excessive force, the definitions used by both the observers and the coders in the Reiss study are unsound and simply do not reflect the realities of police work or the current legal and policy standards for excessive force. As Klockars (1995) points out, police sometimes use force quite appropriately against citizens without arresting them.⁶ Consequently, labeling force as *excessive* if it did not occur in conjunction with an arrest (as the observers' first criterion does) may have overstated the prevalence of excessive force. However, the use of force may have been required by an officer to defend him or herself (one of the criteria used by the coders), yet may also have been more extreme than was reasonably necessary under the circumstances. Under the prevailing legal standard of reasonableness,⁷ such force would be excessive, yet it may not have been labeled as such by Reiss's coders.

Similar to the Reiss study, the police services study contains data on the use of excessive force. Of the 59 recorded instances of force being used by the police in that study, observers categorized 23 of the incidents as excessive. In deciding whether the force used was reasonable or excessive, the observers were apparently told to label force as excessive if the officer was "kicking ass" (Worden, 1995). This definition is dubious on its face, thus rendering highly suspect any conclusions that might be drawn from the study about the prevalence of excessive force. In addition to their weaknesses in defining excessive force, both the Reiss study and the police services study are quite dated, and neither contain a sufficient number of force incidents upon which to draw reliable conclusions.

The field observation studies point to some obvious difficulties in measuring how frequently police use excessive force. At some point, either when the event is recorded by the observer or later when it is coded for the purpose of analysis, a judgment must be made concerning whether the force used in a particular encounter was excessive. This judgment is crucial, and yet in the early observational studies, it was made by research assistants who utilized highly suspect definitions of excessive force. This technique

holds promise in identifying police excessive force practices, provided that enough detail about each use of force encounter is recorded to enable the group of experts to make an informed judgment about the appropriateness of the force used by the police.

CITIZEN COMPLAINTS

A few studies have used citizen complaints about police brutality as a proxy measure for examining the prevalence of excessive force by police. For example, the New York City Police Department conducted a national survey of citizen complaints in some of the nation's largest police agencies and found that between 1983 and 1984, the rate of complaints for excessive force per 100 officers ranged from 0.3 in Nassau County, New York, to 21.3 in Chicago, Illinois (Adams, 1995).

Using citizen complaints as a true measure of excessive force by police is of limited value. The rates at which citizens complain against the police vary widely from city to city (Walker & Graham, 1998). Moreover, many (perhaps most) citizens who believe that they are the victims of police brutality probably do not complain. Even if citizens complain about excessive force, the complaints themselves do not show whether the force used by the police was actually excessive or whether the complaints were meritorious. In the recent national survey of police-citizen contacts conducted by BJS, 10 of the 14 citizens who reported that they were threatened with or had forced used against them also reported that they may have engaged in some behavior that provoked the use-of-force response by the police (Greenfield, Lanagan, & Smith, 1998).

USING EXPERT PANELS TO EVALUATE EXCESSIVE FORCE

When police are sued for allegedly using excessive force, both the plaintiff and the defendant officer typically rely on expert witnesses to assist the fact finder in determining whether the officer acted appropriately. The role of the expert is to analyze the facts of the case and to provide an opinion as to whether the force used by the officer was appropriate under the circumstances. Police excessive force cases, like those alleging medical malpractice, involve potentially harmful activities conducted by persons with specialized training and expertise. Because the use of force is a unique police activity that requires specialized knowledge and skill beyond the

experience of the typical juror, use-of-force experts play a vital role in helping jurors (and even judges) reach a considered judgment regarding the reasonableness and legality of an officer's conduct.

Prior studies that attempted to categorize police use of force as excessive relied upon faulty definitions of excessive force applied by laypersons who lacked the experience and training to make judgments about the appropriateness of the force used. We propose that future researchers use a panel of police use-of-force experts to review force incidents captured as part of a research effort. These panels would perform a similar function to that of an expert witness in a police use-of-force case. They would review the facts surrounding use-of-force incidents, apply contemporary standards of police conduct to those facts, and decide whether the officers acted appropriately in using the force.

Using the Miami-Dade model, for example, a panel could examine the use of force reports and accompanying narratives prepared by field supervisors to determine whether the force used during the encounters comported with contemporary legal and policy standards regarding the use of force. This approach should provide a much more accurate picture of how frequently police officers use excessive force. The findings of these panels could be used as part of a basic research effort on police use of force, as well as by police agencies in identifying problems to be addressed through training, policy, or operational changes.

CONCLUSION

Police have been granted the awesome power to use force to control suspects and to maintain order. Unfortunately, many of those agencies whose officers use force do not keep information on its application. This has led researchers to base their work on a limited number of agencies that keep proper data and that have allowed them to review and analyze them. Much more could be learned about police use of force if agencies would collect appropriate information. This information should include the series of events leading up to the encounter, a sequential ordering of actions that occurred during the encounter and their effects, and a description of the investigation after the encounter. Once gathered, police agencies could use these data to understand and manage the use of force by their officers.

Among the methods currently used by agencies, the least demanding is a simple explanation by the officer of why force was used, what force was used, and against whom it was used. This method provides important

information, but it is subject to reporting bias and both careless and intentional error. Certainly, the most appropriate method currently used by agencies is similar to the model used by the Miami-Dade Police Department discussed above. This method of having a supervisor write a report based upon interviews with participants and witnesses adds a level of oversight into the reporting process. Although this method has its potential problems, it allows for several versions of the incident as experienced and observed by those involved. Reporting the suspect's version of the encounter is a critical component to a use-of-force management system.

Once an official version or official versions of the incident is (are) collected, then an expert panel can review and analyze the decisions made by the officer(s) based on training, prevailing legal standards, and policy. These assessments should form the basis of the agencies' control and management of the use of force and should guide policies and training decisions.

Once agencies systematically begin to collect and analyze their use-of-force data, researchers will be able to develop theoretical models of police behavior, statistical models to test those theories, and practical information to assist agencies in developing or altering their existing training regimens and policies. Unless and until police agencies take the initiative to collect this important information, police managers and researchers must continue to rely on a limited number of agencies that are willing to have their records opened and scrutinized.

NOTES

1. Many accreditation organizations require that law enforcement agencies collect use-of-force information (see Commission for the Accreditation of Law Enforcement Agencies [CALEA] standard 1.3.5a-d).

2. For example, the Miami-Dade Police Department has been criticized for crimes committed against tourists. Had the agency not maintained a separate category of tourist-related crimes, it could not have responded properly to the criticism. Similarly, some agencies are criticized for hate crimes and must respond. Interestingly, the most stinging criticisms are directed at those agencies that record and maintain data on specific crime categories. The best responses are also from those agencies that collect the data.

3. A detailed discussion of prior research efforts to measure police use and abuse of force, as well as the methodological challenges faced by police use-of-force researchers, can be found in Adams (1995).

4. This category contains entries for the following types of force: hands/arms, fist, foot/leg, handgun, shotgun, radio, flashlight, PR-24 baton, K-9, chemical agent, special weapon, and lateral neck restraint.

5. Categories include threaten, grab/hold, push/pull, strike/hit, bite, throw, discharge, and restrain.

6. Simply stepping between two drunken bar patrons about to engage in a fistfight and pushing each away from the other may technically qualify as an assault but would not necessarily (or appropriately) involve an arrest.

7. The Supreme Court defines excessive force as more force than a reasonable officer would use under the circumstances (*Graham v. Connor*, 1989).

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Geoffrey P. Alpert is a professor of criminology at the University of South Carolina. He has been studying police use of force for 20 years.

Michael R. Smith is an assistant professor in the Department of Criminal Justice at Virginia Commonwealth University. He holds a J.D. from the University of South Carolina and a Ph.D. in justice studies from Arizona State University. He is a former police officer and has conducted a variety of police-related research and evaluation projects. His areas of interest include police use of force and civil rights. He is the author of numerous scholarly articles, book chapters, and monographs on police and law-related topics.