



FORCE SCIENCE® NEWS

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Building articulation while the camera rolls

I. Building articulation while the camera rolls

When it comes to body cams and dash cams, don't rely on the video alone to tell your side of the story. Your verbal narration as the action unfolds can be a critical component of what the device records, advises Dep. Chief William Mazur of the Atlantic City (NJ) PD.

Mazur is an instructor with the Force Science course on Body Cameras & Other Recordings in Law Enforcement. He spoke with Force Science News recently after a presentation to the class at the Force Science Research & Training Center in Chicago.

Where it's practical to do so, supplying a running commentary on your perceptions and actions while the camera is on can help maximize the benefit of that equipment during the contact, Mazur explains.

"This can be especially important in search-and-seizure and use-of-force situations," he says. "By narrating what you're experiencing and what's motivating your actions, you can provide a strong foundation for reasonable suspicion and probable cause."



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"Officers usually articulate this information after the incident, when they're writing their report. But if you articulate critical details as you go along--what you're seeing and feeling, what you're thinking--and then back it up with your report, the case becomes more of a slam dunk."

"**ARTICULATING YOUR MINDSET.**" Typically, officers may build their PC silently, mentally noting that "something's wrong here" from such things as the distinctive smell of burnt marijuana on a vehicle stop, evasive or inconsistent answers during a field interview, pre-attack cues in a confrontation with a hostile subject, resistive tension in a potentially combative arrestee, and so on. Mazur suggests stating aloud (and thus contemporaneously recording) the important indicators you're aware of; "articulating your mindset," he terms it, so your actions are better understood.

His department has been advocating this in training for about 18 months, he says. Most officers who were skeptical in the beginning have become enthusiastic converts.

"It takes practice to retrain your brain to automatically and comfortably narrate," Mazur says. And it's important to stay flexible. "There may be times when you don't want a subject to hear what you're thinking or seeing. Then you may be able to go to your patrol car or step out of earshot to record what's in your mind."

"You don't have to speak long paragraphs or use perfect grammar. Just a few words--even one word ('Gun!')--can be helpful."

"Sometimes the camera doesn't capture everything, and the voice articulation may cover what's missing in the video. On the

other hand, there may be gaps, distortions, or confused chronology in an officer's memory after a highly stressful incident and contemporaneous narration may straighten out those lapses."

LEGAL UPDATES. As a part of training, his department will be hosting frequent updates and interactive debriefs from local prosecutors on case law and other legal developments so that officers thoroughly understand on a practical level the elements to emphasize in recorded articulation for proper policing. "This is especially effective for officers when they can pose hypothetical questions and scenarios and get prosecutors' guidance," Mazur says.

"The narration concept is in its early stages, but it will continue to grow," he believes. "It creates a mind-set picture for people who are judging an officers' actions, and in most cases it will show that officers are doing things right."

BUSTED! Mazur touched on another body cam development from Atlantic City during his class presentation. Late last year, a middle-aged male complained that he had been assaulted by ACPD officers during an arrest, alleging that one officer banged his head several times against a vehicle.

Body camera footage reviewed during investigations by the department's IA unit and the county prosecutors Official Corruption Unit "showed that was not even remotely like what actually happened," Mazur says. "In fact, the suspect had threatened one of the officers and had directed racial slurs at him."

Consequently, the complainant has been charged and indicted for marking false

reports to law enforcement officers, an offense that carries a possible penalty of 18 months' incarceration upon conviction. Trial is pending at this writing.

Mazur says: "This is clear evidence that when you conduct yourself appropriately and you have a body-worn camera, you can have an independent, impartial, and objective witness to support your account of the circumstances."

Dep. Chief Mazur can be contacted at: WMazur@acpolice.org.

II. 8 "key findings" from new study on killing of unarmed suspects

Probably no single force event raises more questions, inflames more protests, and generates more misperceptions than the police killing of an unarmed suspect. Now, thanks to a new 437-page study published in book form, we know more about the circumstances that drive these fateful encounters and the lessons for training and street performance to be drawn from them.

In Context: Understanding Police Killings of Unarmed Citizens presents the research of a team headed by Nick Selby, a Texas detective who's an expert in law enforcement data analysis and founder of the Dallas-area analytics technology firm StreetCred Software, Inc.

In Force Science News #297 [11/19/15], we reported on this project while the data collection was still underway. Now we supply a summary of the findings and the conclusions reached by Selby and his law enforcement-backgrounded co-authors, Ben Singleton and Ed Flosi (a certified Force Science Analyst).

MOTIVES & METHODS. The killing of unarmed individuals compelled examination, Selby explains, because that seemed in the popular mind to be the deadly force area most likely to harbor unacceptable police conduct. Other sources assembling data on the subject, such as the Washington Post, he writes, were good at "counting the high-level number of people killed by police" but tended to ignore important facts, "such as why the decedent was killed."

In short, "There was no context...which makes it impossible for the police to learn from mistakes and build on strengths" and for the public to better understand officers' deadly force decisions.

"[T]his lack of research and analysis," notes former Cmsr. Lawrence Murphy of the Nassau County (NY) PD in a foreword to the study, "has allowed the media to run unchecked with a narrative that claims the police are killing unarmed people of color at an alarming rate."

The task Selby and his co-authors set "was to search as far and wide as possible to get context"--from witness statements, audio and video recordings, medical examiner and coroner reports, grand jury hearings, police accounts, toxicology reports, news stories, and other publicly available information.

In the end, they documented and detailed what they believe is every so-called "unarmed" fatality at the hands of LEOs in the U.S. last year--153 in all.

The cases were not "cherry-picked" to support a point of view, Selby insists. The objective was "to be objective," not to "defend officers indiscriminately." Indeed,

the researchers concluded that while most controversial killings were fully justified, in some cases the cops were "just plain wrong."

KEY FINDINGS. Nearly 300 pages of the book are devoted to describing and dissecting the 153 fatalities, one by one, month by month throughout the year. For each, the basic circumstances are reconstructed and then the three authors, each drawing on his own policing experience and other relevant expertise, offer observations on the human dynamics and other influential factors that shaped the encounter.

Among the important findings are these:

1. The cause of these deaths is often not shooting

"Belying a powerful media narrative to the contrary," the authors write, "nearly half of the 153 cases involved no shooting, and the decedent died by other cause." Most often, that cause was "an abnormal reaction or complication after officers deployed tools or techniques with the intent of using non-deadly force."

In other words, involved officers were trying to avoid the likelihood of an unarmed suspect's death or serious bodily harm. Even in cases where there were shootings, 27% of the time officers deployed a TASER before going to a firearm.

"To me," Selby told Force Science News, "this says that officers tried to do absolutely everything they possibly could to avoid taking a life in at least a quarter of incidents."

2. Police are not targeting minorities for special attention

"Media narratives that the police are more likely to target black people in deadly encounters are, statistically speaking, demonstrably wrong," Selby writes.

Contacts with about 70% of unarmed people who died at the hands of police were initiated by citizens complaining that the subjects were posing some danger to the community, the research shows. Even when police do select their targets, that group "does not vary significantly from the racial composition" of the group collectively identified by citizen complaints. But the authors state they could not determine, given the data at hand, whether the police treat white people differently once an event begins. "This is a separate question that must be answered, using a much wider array of contextual data," they note.

The study points out: "[T]he majority of those ultimately killed by police were themselves engaging in behavior that was criminal (which brought the police to the scene) and posing direct threats to law enforcement or other civilians (which most often precipitated the use of force)." All told, 70% of the unarmed subjects killed "were in the process of violent crimes or property crimes at the time of their fatal encounter with police."

3. Drugs & mental illness are strong factors

"While media, political, and activist attention has been centered on race, in our research the most significant findings by group of decedents involved illegal drug use and mental health issues," the study states. "Almost half the cases, 46%, involved suspected or proved acute narcotic intoxication and/or mental health crises--

from a public health standpoint, an astonishing number."

Unarmed mentally ill people accounted for 19% of the death toll, while 27% were under the influence of acute narcotic intoxication, meth-induced psychosis, PCP, or synthetic drugs. In almost every acute drug case, the researchers report, the "decedents fought with the police and others, and after they were immobilized, suffered heart failure or heart attacks." In nearly 70% of these cases, officers had used tools "intended to be non-lethally."

4. There is no systematic illegal use of force by American LEOs

In their case-by-case analysis, Selby and his colleagues did find more uses of force that they considered questionable than they expected; about 7% of cases "appeared to involve the unjustified use of deadly force by a police officer."

But is there anything approaching an "epidemic" of systematic and illegal use of force against unarmed civilians, as some activist groups would have us believe? No, the authors conclude, there is not.

They invite readers to "compare our analysis to your own and point out where you disagree" and they provide over 500 source notes where the facts they report can be checked.

5. Officers need to build confidence with hand-on techniques

Taking what they admit is a controversial position, the authors argue that officers today may be too quick to use control tools like CEWs or OC, instead of applying hands-on

tactics to subdue some unarmed subjects. The researchers say they were "struck by several incidents...that might have easily been addressed [successfully] by going hands-on" instead of resorting quickly to a less-lethal or deadly weapon.

Sometimes unarmed "rowdy" people need to be "grabbed and secured," even though they may fight in response, Selby writes. "Officers should be expected not to treat every assault as a life-and-death situation...."

"Over-reliance on TASER or pepper spray has its own set of dangers. Officers who do not practice fighting...risk being surprised by physicality, over-powered or out-manuevered by those they confront... [T]hose who practice their physical skills are mentally and physically [better] prepared."

6. Expansion of police video is urgently needed

In only 26% of the 153 "unarmed" cases studied were video recordings available, and often these came from bystanders or non-police surveillance cameras. Aggressive efforts of agencies "to expand their video coverage...can't be delayed any longer," the study warns.

While video is by no means a panacea, without it officers are not protected from [false] accusations, and the agency loses community trust," the study states. Within three years, the researchers predict, "if video is unavailable, the police will be disbelieved on principle."

7. Police must release more data--and soon

"The key finding that can drive the greatest impact from a policy perspective was

informed by the very difficulty we faced finding data to support the police account of incidents," the researchers assert.

"Law enforcement agencies simply must find better ways to release more data...more quickly. There is a significant public interest in this data, and the public has a legitimate right to understand how it is being policed....

"Police agencies failing to release information look like they're hiding something, [while] agencies that release data when they have it are invested with the trust of their communities.... Release early, release often, put a face to the investigation, and don't ever appear to be hiding."

8. A reminder, to ward off complacency...

To correct media and protester implications and as a reminder for officers, Selby and his team offer this nugget of reality: "It is a mistake to equate 'unarmed' to always mean 'not dangerous.' "

Seven out of 10 unarmed people killed by police during the study period "were in the middle of committing crimes such as robbery, carjacking, assault, serious destruction of property, or burglary." More than one-quarter had already assaulted and injured civilians in violent attacks, and two had committed murders before police cut

short their crimes--"this despite the fact that the decedent was not armed."

The book *In Context* can be ordered on line, in Kindle or print formats, by searching the title on Amazon.com or in B&N Nook format by searching the title on barnesandnoble.com. Lead author Nick Selby can be reached at: nick.selby@gmail.com

EDITOR'S NOTE: Another new book that sets the record straight about unarmed offenders, as well as other "narrative distortions" about police use of deadly force, is *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, by Heather Mac Donald, praised at this year's ILEETA annual training conference as "one of the few journalists who advocates for police officers."

For more details, see the recent review of this hard-hitting book by Doug Wyllie of PoliceOne found when you [CLICK HERE](https://www.policeone.com/use-of-force/articles/188667006-New-book-breaks-down-anti-police-protest-movements-narrative-distortions/)

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