

FORCE SCIENCE[®] NEWS

Chuck Remsberg
Editor-in-Chief

NEWSLETTER #369

OUR READERS WRITE:

LEOs here & abroad sound off on “necessary” force

Responses from near and far began hitting our in-box within minutes of our announcement last week that the Force Science Institute joins law enforcement organizations in strongly opposing the controversial California Assembly Bill No. 931.

That’s the pending measure that would change the legal standard for judging police use of deadly force in that state from what’s “reasonable under the circumstances” to what’s “necessary” to prevent “imminent” serious or fatal injury. [See *Force Science News*, 7/15/18]

Meanwhile, here’s a representative sampling of the reactions we received, edited in some cases for brevity and clarity. The views expressed are the writers’ own and not necessarily those of their agency.

1 word that will solve the problem

If proponents of Bill 931 are truly concerned about reducing the number of use-of-force incidents, they could use their considerable political influence—facilitated by their partners in the mainstream media—to deliver a simple, unified message:

- When stopped by a police officer, do not resist...always **COMPLY!**
- Even if you disagree with the reason for the stop, or search, or arrest...**COMPLY!**
- When given commands like, “Don’t move,” “Show me your hands,” or “Stop”...**COMPLY!**

For the media and those in leadership positions in every community to collectively send this race-neutral message would have an immediate, dramatic, and sustained impact on restoring civility between the public and law enforcement.

As it is, Bill 931 will create an onerous and inherently dangerous change to existing law that will hold police officers to an extra-constitutional legal standard that is entirely unrealistic, unachievable, and beyond the capabilities of human physiological response to high stress, time compressed, life-threatening encounters.

It is a knee-jerk, legislative “solution” that will further embolden criminals to commit crime with relative impunity, while simultaneously diminishing both the ability and desire of police officers to equitably enforce the law.

*Asst. Sheriff Steve Higgins
Certified Force Science Analyst
San Bernardino County (CA) SD*

A blunt prediction

I'll tell you this: If this bill passes, no one's gonna do anything.

*Gang Det. Richard Goldstein
Riverside (CA) Community College PD*

[Editor's Note: A sobering investigative report on what happened in one major US city when officers did significantly reduce self-initiated, pro-active policing is scheduled for an upcoming issue of Force Science News.]

Price of ultimate victory

Graham v. Conner is the law of the land. If the idiots in California do pass this legislation, the first related case to come before the SCOTUS will nullify it. Unfortunately, that means some poor California cop just doing his job will have been fired and possibly imprisoned in order to get this issue before the Supreme Court.

*Sr. Inv. Ted Bader
Nevada Division of Insurance, Legal Sect.
Carson City, NV*

“A luxury LEOs don't have”

To ask LEOs to use deadly force only when necessary is almost like asking them to wait for the first shot to return fire. It is nonsense.

In the word “necessary” there is an implied certainty. To be certain about something is to unequivocally have explored all possible avenues to solve a problem and realize there is only one possibility. That works well in science to prove a theory when there is a lot of time to study an issue. But it is a luxury LEOs do not have.

Under pressure to make a split-second decision, an officer has to trust that what he sees is what is real. Without that trust the delay it may take to be certain of what is actually going on may be the officer's last moments on earth.

*Agt. Louis-Philippe Gadbois
Sr. DT program advisor
Training & Learning Branch
Canada Border Services Agency*

Unintended consequences

If Bill 931 becomes law it will have two unintended consequences:

1) Its underlying philosophy will be applied to less-than-lethal force, resulting in tax

dollars spent settling a skyrocketing number of baseless “the police abused me” lawsuits;

2) More not less people, both police and civilians, will be harmed because officers concerned about possible repercussions will hesitate to use force when force is necessary.

*Special Agent Bob Hunt
Illinois State Police
Des Plaines, IL*

Tactical officers’ viewpoint

From a statement by the California Assn. of Tactical Officers:

Bill 931 is legislation proposed by well-meaning but naïve politicians that will profoundly change the way potentially deadly confrontations are analyzed.

In a mistaken belief that “unarmed” and “not dangerous” are synonymous and that situations involving a suspect actively resisting or fleeing are amenable to verbal communications, warnings, de-escalation, or tactical repositioning, it blames the police for adverse outcomes.

It increases the burden on police to be entirely correct in the midst of uncertainty by redefining the existing standard, developed over more than a century, to one in which a nearly perfect solution is required. Even more absurd, it reflects a belief that officers involved in potentially life-threatening situations are capable of considering options that will only be relevant if they survive.

In short, this bill, while increasing the burden on police, at the same time ignores the responsibility of suspects for their own actions, even when exacerbating a situation....

The death of Stephon Clark, which is frequently cited as the impetus for this bill, is a tragedy, but if we could change only one thing that would have ensured his survival it would not be increasing the burden on police but simply that he comply with [officers’] instructions.

After all, should we blame the doctor for the adverse consequences of a patient who refuses to cooperate?

*Charles “Sid” Heal
President, California Assn. of Tactical Officers*

Time to shift priorities

If states like California were really driven to help, they would spend less time placing blame and trying to create politically biased and motivated law. Instead they would better support law enforcement by providing improved funding and logistics for additional training.

It’s time for those in power to focus on building skill sets that improve officer capabilities and give LEOs the best possible chance for success.

*Lt. John Remsen (ret.)
Certified Force Science Analyst
Poughkeepsie (NY) PD*

Compliance = automatic de-escalation

If people would just comply with an officer's orders, incidents would naturally de-escalate on their own, but alas people are all too willing to believe the lies of Ferguson, Baltimore, etc.

If this highly suspect bill passes and is incredibly found to be constitutional, there will be irrevocable harm done to society, and the very citizens demanding this law will suffer the most.

*Cmdr. Joe Stubbs (ret.)
De-escalation instructor
Oak Lawn (IL) PD*

Public education needed

What's going in California is going on everywhere. The lack of common public knowledge about how fast situations can escalate into gun fights, why suspects get shot in the back, the differences between what's recorded on videos and what officers remember, and so on makes it hard for police to answer critics.

I believe a huge national educational campaign about Force Science studies is the most important thing needed for officer safety. Right now the public and legislators are mainly hearing from Black Lives Matter and some of the media that are biased against cops.

*Chief Ken Moore (ret.)
Cawker (KS) PD*

How do we fight back?

Police agencies, fraternal organizations, unions, colleges/universities, and general citizens should play a more vocal and active role in pushing back against the rhetoric and ignorance of human factors that are at the root of 931. The question is how do we educate the public on a large scale to counteract the media machine which is so keen on continuing to fuel the fire?

If we can answer that, we stand a chance.

*Dr. Richard Martin
Certified Force Science Analyst
CJ program director
Keuka College
Keuka Park, NY*

Objection to demonizing activist groups

As a black male with 28 years in law enforcement, I find the propensity to label anyone who calls for more police accountability as anti-police to be shameful and disturbing. I am particularly bothered by the constant demonization of Black Lives Matter.

As professionals, we should strive to foster inclusion with the communities we serve. Communities have concerns about the way things are happening and if law enforcement refuses to change, we will have change imposed upon us.

*Officer Henry Herron
Yakima Co. (WA) Dept. of Corrections*

Adios!

If I was a cop in California and this bill passes, I would no longer be a cop in California.

*Ofcr. Kyler Prettyman
Salt Lake City (UT) PD*

“A very dangerous road”

This bill is a very dangerous road. If it goes through, officers will be in jeopardy and Monday morning quarterbacking will be overwhelming. And all because politicians are not taking the time to learn about use of force, or as we really should say, “response to aggression and resistance.”

*Guy Samuelson
Director, CJ Academy
Osceola Technical College
Kissimmee FL*

“Disturbs a carefully crafted balance”

I have long counseled that deviation from the well-thought-out and long-established standards of *Graham v. Connor*, while perhaps well-intended, disturbs the carefully crafted balance between individual rights and societal needs.

Poorly defined concepts such as the use of only the “minimum force necessary,” or merely that which is “proportional” to the deadly threat faced by a police officer, or worse, which impose requirements to attempt de-escalation or tactical relocation before resorting to the use of deadly force, improvidently increase the risk to police officers tasked with resolving already complex, fast-moving conflicts with angry, irrational, and often armed individuals.

If passed, the bill will no doubt further accelerate the migration of professional police officers to other states.

*Stephen Sarnoski
Certified Force Science Analyst
Asst. Atty. General
Hartford, CT*

More prosecution of officers foreseen

Unfortunately I see great difficulties for officers under this new legislation because of anti-police activists and their desire to see officers subjected to much greater investigation and prosecution for carrying out their duties. If the bill is passed I foresee

numerous officers being subjected to prosecution and it will only be on appeal that they will be cleared of any wrongdoing.

*Constable Vince Murphy (ret.)
Police Service of Northern Ireland
Belfast*

“No concept of reality”

Once again politicians are interfering with matters where they have no concept of reality.

It would be great if civilian politicians would stop trying to tell police how to do a job they are clueless about, support their law enforcement agencies, and use their authority only for the purpose of checks and balances to ensure everything is done legally and that they have a transparent, honest, and professionally trained law enforcement agency.

*Deputy Steven Foldy
Dona Ana Co. SD
Las Cruces, NM*

Reality immersion

I think someone should run Ms. Weber [sponsor of Bill 931] through use-of-force training, then a FATS machine, and finally through Shoot/No Shoot drills using SIM Rounds. Let's see what she thinks afterwards.

*Sgt. Richard Rivera
Training & recruiting
Sugar Land (TX) PD*

Amt. Due: \$\$\$\$\$\$\$\$\$

California POST has said to have informed the legislators that this bill will cost \$11 million dollars in the first year alone in order to retrain every peace officer in the state. It will surely be killed due to costs alone.

*FTO Chris Spencer
Certified Force Science Analyst
East Bay Regional Park District PD
Castro Valley, CA*

Post-incident knowledge

Evaluating whether force was “necessary” doesn't seem possible without incorporating some of what *became* known *after* the fact. If this legislative effort doesn't fail, I hope it is quickly defeated during the appeal of a use-of-force incident that was unnecessarily scrutinized. Extremely frightening!

*Maj. Sean Visners
Certified Force Science Analyst
Sunrise (FL) PD*

Stand firm against disobedience

This proposed legislation is a great example of community leaders who worry more about re-election than they do about a civil society.

In a large percentage of LEO shootings, disobedience is the key contributing factor. Chiefs, sheriffs, and elected officials must stand firm against protestors who misrepresent the facts and support someone who wantonly disobeyed. How community leaders deal with the media that fail to acknowledge the disobedience and protestors who want to make heroes out of criminal behavior determines whether we have civil society or anarchy.

*Training Coord. Robert Tokarchic
Northern Virginia CJ Training Academy*

Force Science can help

It is my hope that one or more representatives from Force Science will be present at all venues where this bill is discussed and debated. Your perspective and insight will greatly aid in bolstering the defeat of this bill in its current iteration.

*Dpty. Robert Proctor
Los Angeles County (CA) SD*

Permission granted

I would like permission to post your “reasonable vs. necessary” force article on LinkedIn.

*Chief Todd Fordahl
Angels Camp (CA) PD*