Critical points to ponder about a "Don't shoot at vehicles" policy

A growing number of agencies are specifying in policy that moving motor vehicles per se should no longer be considered deadly threats and that officers should not use deadly force to protect themselves or others from vehicular attack.

Firing is permitted only when someone inside a vehicle is posing an immediate lethal threat with some means other than the vehicle itself. To defend themselves, officers are encouraged to move to cover out of a vehicle's path rather than shoot.

The unforeseen problem with such an ultra-restrictive mandate, according to Dr. Bill Lewinski, executive director of the Force Science Institute, is this:

Given the realities both of vehicular assaults on cops and of human performance under stress, violations of these policies may be inevitable, resulting in a rash of unfair disciplinary actions while failing to achieve the goal of reducing officer-involved shootings.

"Most often," says Lewinski, "these policies seem to be driven by political pressure and are based more on speculation than on solid behavioral science.

"In my opinion, prohibiting a police officer from shooting to disable a driver or persuade him to stop using a vehicle as a weapon is likely to increase the risk of injury and death to officers and possibly to innocent civilians as well."

Before a department adopts a blanket no-shoot policy, Lewinski suggests that the following questions be candidly considered:

• Will officers really be able to comply with the policy?
"Behavioral science tells us that in many cases the honest answer to that question is 'No,'" Lewinski says. He explains:

"Regardless of how a written policy may view them, moving motor vehicles in and of themselves can be deadly weapons, and some offenders do use them to target cops. Officers are well aware of this serious danger.

"In training, officers are taught that when their lives are at grave and immediate risk and there is no other feasible option to protect them against serious bodily harm or death, they are to draw their sidearm and shoot--or, if they already have it in hand, to fire it at the threatening suspect. In other words, you meet imminent deadly force with deadly force.

"This is instilled to the depth that a shooting response to a life threat is virtually automatic and reflexive, similar to throwing out your hands when you trip and are about to fall.

"Automatic decision-making dominates when there is too little time--seconds or less--to analyze a threat and determine a reasoned response. Vehicle assaults commonly occur under such time-pressured conditions."
"In a best-case scenario, a no-shoot policy will underscore the potential dangers of vehicles, motivate officers to plan ahead and strategically avoid making themselves vulnerable. But vehicular assaults often unfold dramatically, rapidly, and unexpectedly--beyond an officer's control. And that's when the policy falls apart.

"Chances are that an officer facing an on-coming vehicle will not even remember a no-shoot policy amidst his or her desperate, instinctive reaction. If it does flit to mind, it's likely to cause confusion, hesitation, and/or inappropriate action. Anything that causes you to think about options when there's no time to think will impair your performance.

"All this is to say that however well-intentioned they may be, rigid no-shoot policies hold officers accountable to an unrealistic standard of behavior. That's why agencies that have adopted stringent policies tend to still have officers who shoot at cars. They aren't necessarily being defiant. They just can't overcome a compelling trained reaction."

• What retraining realistically will be required to achieve compliance?
"First," Lewinski says, "we need to know a lot more about the nature of vehicular attacks and the circumstances under which they occur than we do now. We can't design and train good tactical responses without a thorough knowledge of the problems we're addressing. And at the moment, there is no reliable, comprehensive research on vehicular assaults.

"Also we don't know how much or what kind of training is necessary to change behavioral instincts. Certainly it takes more than just announcing a policy change and expecting automatic conformity.

"One major Canadian agency that adopted a rigid no-shoot policy 'retrained' its officers by exposing them to one simulator scenario involving a vehicle coming toward them. That department later reversed its new policy as a failure, after shootings at moving vehicles continued to occur.

"For a department to override an officer's instinctive response and instill its preferred decision-making to an effective level, it must reinforce the new value repeatedly and far before any real-world incident occurs. This includes providing officers with the experience necessary to read and correctly respond to the kinds of situations they are likely to encounter on the street.

"In effect, the training must create a new automaticity as a default reaction that officers will resort to without conscious thought under the massive stress of a mortal threat.

"Training to this level will be very intensive and very expensive. I've assessed training in three different countries, and I have never seen a police training program capable of doing this. Without it, it will be very difficult to build anything more than an initial awareness of the policy change."

• Does the proposed policy reflect the true complexity of vehicular assaults?
"Strict no-shoot policies offer a simplistic solution to a complex problem," Lewinski says. "Like most simplistic solutions, they often fail to take important factors into consideration."
"These policies try to impose what might be called the 'El Toro' model of reaction—officers are expected to perfectly escape the path of an oncoming vehicle much as a matador sidesteps a charging bull, thus avoiding the need to shoot. But that may not be possible.

"An officer may have fallen or be injured and physically unable to leap out of harm's way. Or an on-looking officer may need to save an injured fellow officer or a child who's immobilized by fear.

"Or there may not be time to escape if the vehicle is rapidly accelerating and the officer is only a car length or two away. Research has shown that for the average person to sprint even two strides and cover four feet takes about three quarters of a second, not allowing for the time required for a threat to be perceived and processed. An officer will be even slower because of the weight of his or her duty gear. The officer's response time will often be significantly greater than the acceleration and travel time of the vehicle.

"Because of a trick of the mind called 'looming,' a more distant vehicle moving forward may appear to be closer and speeding faster than it actually is, and an officer experiencing that terrifying phenomenon may feel an enhanced urgency to shoot in hopes of stopping the driver.

"In reality, you don't have to be directly in front of or in rear of a car to be in jeopardy. With a slight turn, a moving vehicle can easily compress against or hit an officer standing to the side. The closer you are, even to the side of a vehicle, the faster it will seem to be going. Mere proximity can appear to more than double the actual speed.

"When you're in range of a vehicle coming in your direction, it's difficult to predict exactly where it may go and how it may threaten you. The potential path of danger—the area a moving vehicle could cover—can change in a fraction of a second and be far wider than an officer can flee from.

"To expect a safe escape 100% of the time can be quite illusory. This is especially true when the incident occurs unexpectedly, unfolds rapidly, and creates an almost immediate threat to life.

"One fear that seems to drive no-shoot policies is the 'uncontrolled projectile' concern. That is, if the driver is shot and incapacitated, the vehicle would then become an 'unguided missile' that may cause significant damage or injury before it finally stops.

"Again, this seems to be a theoretical assertion that's made without documented research; as yet, there is no scientific basis for it. It seemed logical when I first started to investigate the human factors in officer-involved shootings, but having closely analyzed dozens of incidents in which officers shot and either killed or seriously wounded a driver attempting to assault them with a vehicle, I have found that the vehicle invariably has rolled forward two to eight car lengths and then stopped."

• Have outliers been considered?

"People who write policy generally have some specific concepts in their head of the kind of situations they are addressing," Lewinski says. "With no-shoot restrictions, they may envision a vehicular confrontation where an officer can feasibly sidestep the threat, or they may imagine a suspect car fleeing away from a scene where shooting would be clearly inappropriate."
"But they may not consider the kinds of outlier possibilities in the crazy world of policing in which the policy makes no sense.

"Some years ago an offender in San Diego stole a National Guard armored tank and proceeded to drive down a street squashing parked cars and endangering motor traffic and pedestrians. In Toronto, a barefoot EDP in the dead of winter hijacked a snowplow and went on a two-hour rampage during which he struck and killed a police sergeant.

"Does a policy that prohibits the use of deadly force against the driver of a moving vehicle really serve the public good in such circumstances?

"Sometimes on traffic stops, officers reach inside a vehicle for the keys or open a driver's door for an extraction and get trapped or pinned in the vehicle when the driver suddenly accelerates and speeds off. Sometimes officers are crushed or pinned against another vehicle or some other object. Deadly force in these situations may be the only choice that can save them.

"When formulating policy, administrators need to be aware that there are many unanticipated variables that may arise, not just the ones they are intending to prohibit."

• What's better?

"Of course," Lewinski says, "there are circumstances in which shooting at moving vehicles is illegal or at least undesirable, and the proper parameters of use of force need frequent reinforcement. So does tactical training that lessens the risk of officers unwittingly placing themselves where they are vulnerable to vehicular attack.

"But by the same token, it is hardly defensible to impose restraints on self-defense that are unrealistic, unscientific, and likely to prove unenforceable. A number of departments that have adopted stringent no-shoot policies have, in fact, reversed themselves because these measures proved not to be feasible.

"While this issue continues to be researched, any policy specifically addressing deadly force and motor vehicles should permit officers to protect themselves and others from what is reasonably perceived to be a threat of death or serious injury or, under the guidelines established by the Supreme Court, to prevent the escape of a violent felon.

"An alternative is not to single out vehicles for special mention but to implicitly include them in a broad policy that permits deadly force at an officer's reasonable discretion when an imminent threat is perceived."