

## Topics of Discussion

### Use of Force Continuums

In today's Critical Issues Report, PERF addresses a use-of-force concept that has been getting some attention recently as a possible reform measure: use-of-force continuums.

It is somewhat surprising that use-of-force continuums are being discussed as a reform measure, because they are a rather old concept, dating to the 1990s and earlier. The basic idea was that police agencies could give officers some direction on use of force by matching certain types of situations with various levels of force. Often, use-of-force continuums resembled a staircase, as seen below:

For at least 15 years, PERF has been raising concerns about the thinking behind use-of-force continuums. In our 2005 report, *Chief Concerns: Exploring the Challenges of Police Use of Force*, PERF said that use-of-force continuums "do not accurately reflect the dynamic nature of potentially violent situations, in which the entire range of officer, subject, and force options must be constantly assessed throughout the course of the interaction."

In 2012, PERF's report *An Integrated Approach to De-Escalation and Minimizing Use of Force* expanded on the concerns that police executives had about use-of-force continuums.

In the first place, a linear use-of-force continuum may unintentionally result in greater use of force by officers, because it suggests that the way to resolve conflicts is to keep taking another step upward toward higher levels of force until the incident is over.

Use-of-force continuums are an overly simplistic approach to complex problems. Instead of teaching officers to think in a big-picture way, asking themselves, "What is the problem I am trying to solve here, and how can I solve it?," a continuum places all of the focus on various types of force, as opposed to other possible solutions such as communication skills and de-escalation tactics.

As Los Angeles Assistant Chief Sandy Jo MacArthur expressed it in PERF's 2012 report, "There's a tendency for officers to look at a continuum and think, 'If the subject does X, I use force option Y.' This is the danger in continuums."

Chuck Ramsey, then Police Commissioner in Philadelphia, added, "It's easy for us to go up the use-of-force continuum, but the hard part is bringing it back down, and de-escalating situations effectively."

### A Better Approach: The Critical Decision-Making Model

In 2015, PERF issued a report calling for a much different, more sophisticated approach to use of force developed in the United Kingdom, called the National Decision Model, which PERF adapted and renamed the Critical Decision-Making Model (CDM). This model gives police officers much more credit for being able to assess dozens of factors in a situation and find the best way to resolve it, in ways that might not require any use of force.

The CDM teaches officers to start asking themselves the following types of questions as soon as they get a call:

“What do I know about what is happening at the scene of this call? Is there a history of previous calls at this location? What do we know about the person who made the call? Is there any indication of a mental health issue at this call? Is there a person with a weapon at the scene?”

And then, after arriving at the scene, officers are taught to keep asking questions as they work through a 5-step process:

1. Collect information.
2. Assess the situation, threats, and risks.
3. Consider police powers and agency policy.
4. Identify options and determine best course of action.
5. Act, review, and re-assess.

In 2016, PERF included the CDM in our 30 Guiding Principles on Use of Force and our ICAT training program to implement the 30 Guiding Principles and defuse critical incidents.

The CDM is a much more flexible and intelligent approach to use of force than use-of-force continuums, because it teaches officers how to think in a structured, organized way about what they are facing, and the best approach to handling it.

Recently, the Critical Decision-Making Model was an essential underpinning of PERF’s 2019 Suicide by Cop Protocol and Training Guide, which teaches officers how to peacefully resolve incidents in which someone is attempting to force an officer to use lethal force.

Under an antiquated use-of-force continuum model, an officer responding to a “suicide by cop” situation might think, “The subject is brandishing a knife. Therefore, I should use an Electronic Control Weapon. And if that doesn’t work, I am justified in using my firearm to defend myself.”

But under the Critical Decision-Making Model and our Suicide-by-Cop protocol, the officer is taught to understand the nature of the incident, use distance and cover to slow the incident down, and use communication and tactical skills to resolve it without using lethal force.

And officers are taught very specific things to say, or not say, with suicidal persons. The goal is to redirect the person's thinking away from suicide. Thus, the officer should not say, "I don't want to shoot you," because that reinforces the subject's thinking about suicide.

If the officer says, "I don't want to kill you" while pointing a firearm at the suicidal person, that may actually increase the probability that the person will run toward the officer with a knife or other weapon, resulting in the officer using lethal force against them.

Rather, the officer should ask questions and try to steer the conversation toward something positive, for example, by saying, "Can you tell me about something good in your life, or something you'd like to do someday?"

This type of critical thinking approach is not provided by any use-of-force continuum.

### The Test of Proportionality

Another important new concept developed by PERF in our 2016 Guiding Principles is that police use of force must meet the test of proportionality. In considering how to respond to a threat, officers should ask questions such as:

Am I using only the level of force necessary to mitigate the threat? Is there another, less injurious option available that will allow me to achieve the same objective? Will my actions be viewed as appropriate—by my agency and by the general public—given the severity of the threat and totality of the circumstances?

Cathy Lanier, then Chief of Police in Washington, DC, provided the following example of proportionality:

"In a traffic stop that starts to go really wrong, like the Sandra Bland case, once you get into that confrontation to enforce an arrest, when things are that excited, the chances for things to go wrong in that arrest scenario are pretty high. So we need to teach officers that it's OK in a scenario like that to step back. You've got the person's information, you have the driver's license, you have the tag number, so you can get a warrant and make an arrest later. If the situation is tense, and there's no immediate threat to the public, step back, get the warrant, and go make that arrest later when there's not so much tension."

### Leaving Outdated Concepts Behind

To summarize, assessing a situation and considering best options is not a steady march to higher levels of force, which is the approach suggested by the "continuum" concept.

Rather, the best police response requires assessing the facts of a situation, goals, strategies, tactics, and options.

This is part of the challenge facing the policing profession in 2020. Outdated approaches such as the use-of-force continuum are still ingrained in police thinking in some departments.

Newer concepts such as the Critical Decision-Making Model and the test of proportionality provide officers with better ways of thinking about difficult situations, and a much wider array to tools to resolve incidents.