

### ***Force Science News #304***

Vehement opposition to PERF's alarming policy proposals: Readers share their thoughts

Our in-box quickly overflowed as readers reacted to *Force Science News* #303 [[Click here](#) to read it or visit: [www.forcescience.org/fsnews/303.html](http://www.forcescience.org/fsnews/303.html)] sent on 2/3/16.

That edition reported on a position paper released days before by the Police Executive Research Forum (PERF), which strongly recommended 30 "Guiding Principles" for law enforcement agencies regarding use of force.

Some readers agreed with a few PERF proposals, such as urging more scenario-based training, requiring "in-depth" education on dealing with the mentally ill, and expecting officers to render first aid to suspects after a force encounter.

But vehement opposition to the vast majority of PERF's more provocative recommendations far overshadowed the narrow points of agreement. Police attorneys, administrators, command staff, trainers, and line officers alike questioned PERF's motives as well as the organization's grasp of today's law enforcement realities, and many devoted pages of arguments supporting their objections to what they considered toxic propositions. (For two of the longer replies, sent by three prominent attorneys, [CLICK HERE](#) or visit: [www.forcescience.org/perfresponse.html](http://www.forcescience.org/perfresponse.html))

Here's a representative sampling of responses to the PERF paper and the recommendations that drew the heaviest fire. Many are excerpts from long statements, edited for brevity and clarity. They do not necessarily reflect the official views of the agencies represented.

To read PERF's Guidelines in full, [click here](#)

**To see how our subscribers on the front lines responded, read below.**

**\*\*\*NOTE:** PERF's executive director Chuck Wexler says the organization is making training videos, PowerPoint presentations and other "curriculum materials" available to departments "ASAP" to meet the "tremendous interest" in PERF's recommendations. Getting these implemented, he says, "will be a top priority for PERF over the next year and beyond."

#### **• GENERAL REACTION**

##### **"Losing serious credibility"**

I have not met a law enforcement official yet who does not have serious problems with what has been proposed. In my opinion, PERF is losing serious credibility in the law enforcement community with its recommendations.

*Dpty. Chief Ken Cox  
St. Louis County (MO) PD*

##### **Human research not considered**

There was a failure to even look at the research on how humans make decisions in high-stress,

high-stakes, short-timeframe situations. The leaders who pushed this without evaluation of how we truly make decisions in "tense, uncertain, and rapidly evolving situations" failed their officers and the community.

*Ofcr. Lon Bartel, Rangemaster  
Peoria (AZ) PD*

### **Direct threat to officer safety**

As a former LAPD officer and now a primary attorney for the LA Police Protective League, I have responded to over 1,000 major uses of force, many of them OISs.

I am seriously concerned that any practical implementation of PERF's recommendations will be the direct cause of officers being seriously injured or killed.

*Atty. Gary Fullerton  
Fullerton & Hanna, LLP  
Van Nuys, CA*

### **Chiefs who've forgotten reality**

The report reflects the opinions and ideas of chiefs who are giving in to interest groups and politicians who have no idea how quickly an incident can escalate or the factors that come into play regarding an officer's decision-making process.

Reading these recommendations it's not difficult to see why many of our rank-and-file officers feel that nobody--not even their own leaders--have their back. Have these chiefs forgotten that many of the use-of-force cases that have been in the media were found to be justified by local prosecutors and the DOJ?

Is this really where we want to go in the name of political correctness? Remember, the majority of the public expects us (and supports us) to protect them despite what the liberal media, politically correct politicians, and activists may want everyone to think.

Being a leader means being able to do what is right when the going gets tough. That includes standing up for our officers and the legal principles that guide them when they do the right thing.

*Dale Gustafson  
Chief of Police  
Suburban Cook County, IL*

### **"A blueprint for plaintiffs"**

This report will likely become a blueprint for plaintiffs to file suits against agencies, citing it as gospel when in fact it is misleading.

*Exec. Dir. Michael Gray  
San Diego (CA) Regional Training Center*

### **Political correctness & appeasement**

In my opinion, these recommendations were written based on political correctness and to appease a vocal segment of society that is supported by the news media. PERF and some segments of our society seem to be missing the primary function of police officers: LAW ENFORCEMENT.

*Chief Howard Burton  
Penn Hills (PA) PD*

### **How the strategy will play out**

"In order to get along," several of PERF's recommendations will be accepted and crammed down the throats of American police agencies. First they will become "best practices" as adopted by the larger agencies, then smaller agencies will be bludgeoned into adopting them by a tilted legal system that punishes those who have done something "outside of best practices." It's a brilliant leftist strategy.

*Ken Murray  
Author, Training at the Speed of Life  
Reality Based Training Assn.  
Gotha, FL*

### **Real chiefs needed**

What is needed is for real, working police chiefs and law enforcement professionals to look at the issues, not academics and "politician police chiefs."

*Chief Carl Merino  
Roy City (UT) PD*

• **REASONABLENESS STANDARD.** PERF: "*Departments should adopt policies that hold themselves to a higher standard than the legal requirements of Graham v. Connor.*"

### **Cops' best friend**

The Supreme Court's "objective reasonableness" standard of *Graham v. Connor* is the best friend LEOs have ever had. It forces judges and jurors to place themselves in the shoes of the reasonable officer when judging reaction to a threat of serious bodily harm or death.

Policies that would further restrict officer reaction to deadly threats most certainly will result in more officer deaths, serious injuries, negative administrative action, civil suit losses, and officer criminal prosecution.

*John "Mike" Callahan  
FBI supervisory special agent/chief division counsel (ret)  
Boston, MA*

### **Beware the pitfalls**

For an agency to draft policies and train officers on non-legal standards is inviting disaster in the

courtroom when officers and their agencies are sued. Such a move will substantially drive up insurance and litigation costs beyond the reach of many small agencies.

*Dr. David Salmon, Chief administrator  
OSS Academy  
Spring, TX*

### **"Law of the land--period"**

The *Graham v. Connor* decision is not merely an optional legal standard, it's the Supreme Court's explanation of what the *Constitution requires*. That's the law of the land--period. If PERF wants to change the Constitution, go right ahead. But don't mislead readers into thinking that Constitutional law has suddenly become optional for police chiefs, prosecutors, and jurors.

*Exec. Dir. William Johnson  
Nat'l Assn. of Police Organizations  
Alexandria, VA*

### **"Most disturbing"**

This is one of PERF's most disturbing proposals. By its very nature, the concept of requiring officers to exercise restraint that exceeds the "objective reasonableness" standard implies that they have to be *unreasonably* cautious in their actions.

Such policies would result in another level of scrutiny that will cause officers to be disciplined when they act within the law but outside of these new policies. It could go even further, where officers who hesitate or fail to take action are complained on by the public or sued if third parties are injured or killed because the officer failed to act reasonably in accordance with the law.

*Chris Jones, Training coordinator  
Combined Law Enforcement Assns. of Texas  
Austin, TX*

### **If not *Graham*, what?**

If the guidelines of *Graham v. Connor* are not sufficient, I would like to know what the standard of judging use of force would be based on.

*Officer Steve Hansen  
Kern High School District  
Bakersfield, CA*

• **PUBLIC OPINION.** *PERF: By policy, in assessing use of force, "officers must ask themselves, 'How would the general public view the action we took? Would they think it was appropriate...?'"*

### **"Force is not pretty"**

What?! Officers are supposed to stop and consider "How will this look?" I can tell you how it will look--ugly. Force is not pretty.

If we get to the point where how things appear is more important than how they really are, we are in a lot of trouble. We're already halfway there.

*Training Ofcr. Michael Fadden  
Atlantic County (NJ) Training Center*

**"Dangerous and irresponsible"**

Anytime an arrest is not conducted with a textbook cooperative person, it will likely alarm the general public. The public does not understand violence or the appropriate response to it.

For example, we do not wait until an offender is shooting at us or plunging a knife into us to discharge our firearms. We can begin shooting as soon as we reasonably believe the firearm or knife is going to be used against us or a third party.

Instructing officers to hesitate in tense situations to ponder whether the public would agree with his/her response is dangerous and irresponsible.

*Training Investigator Ed King  
Rockford (IL) PD*

**Martyr training**

I cannot in good conscience train police officers to be martyrs in an effort to appease public perception.

*Lt. Jay Callaghan  
Norman (OK) PD*

**"Fantasy, not reality"**

The general public has no idea how or why police officers do what they do when they do it. No matter what we do as officers, we're always wrong. "Why didn't the police shoot him in the leg?" " Why didn't they just shoot the knife out of his hand?!" This is the general public's perception. Fantasy, not reality

*Greg Erie, Training Unit Coordinator  
Waterloo (IA) PD*

**Target prosecutors for education**

Our focus on education needs to be directed at the state/county/city attorneys who will be prosecuting and indicting officers. If we can get them to understand the split-second decisions officers must make, it will eliminate the unneeded and callous prosecution of officers who are only out there protecting their communities.

*Det. Sgt. Robert Ciancio Jr.  
Criminal Investigations Unit  
New Carrollton (MD) PD*

• **VEHICULAR SHOOTING.** *PERF: "Shooting at vehicles must be strictly prohibited...unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself."*

### **Helpless to stop mass murder**

What happens when a homicidal maniac takes a mini-monster truck and purposely drives it through the fairgrounds, a concert, or other place where people are packed together and cannot escape? The only weapon he is using is the 6,000-lb. vehicle, yet he is crushing and killing people at a rate far faster than if he was using a pistol.

An officer on the scene is unable to stop the mass murder because he is forbidden by policy to shoot the driver. How are you going to explain that one when the media shoves a microphone into your face?

*Sgt. Charles Humes Jr. (ret.)  
Toledo (OH) PD*

### **Must shoot to stop the assault**

We've seen several cases where an officer was in a struggle with a driver on a traffic stop and ended up being dragged down the road. The only way to stop the vehicle is to shoot the driver.

*Sgt. Mike McGowan, Rangemaster  
Oconee County (SC) SO*

• **21-FT. RULE.** *PERF: "Agencies should eliminate from policies and training all references to the so-called '21-foot rule' " regarding officers confronted with an edged weapon.*

### **Teach correctly, don't eliminate**

We have improperly taught this valuable concept for years. The real "21-foot rule" meant that an officer, with his sidearm holstered, would not be able to draw and fire two center-mass shots on a knife-wielding assailant who started at 21 feet and rushed the officer to attack. What instead got taught was: if a guy has a knife and is 21 feet away or closer, you're dead.

The "rule" shouldn't be eliminated. It should be taught correctly, and with the concepts of cover, distance, time, and communication.

*Sgt. Aaron Evans  
Special Operations Unit  
Lee's Summit (MO) PD*

### **"No basis in reality or research"**

At a PERF conference I attended last year, one of the first things Exec. Dir. Chuck Wexler did was attack the 21-foot rule, totally distorting it, stating that officers are taught to always shoot anyone who is armed and is within 21 feet.

The majority of PERF's recommendations have no basis in reality or research and are only misinformed opinions.

*Lt. Kevin King  
Dir., Training & Hiring  
Spokane (WA) PD*

### **Field-tested in combat training**

Eliminate this concept only if you wish to trade the officer's life for that of the suspect. Any aggressive action within this range does justify deadly force. We proved this time and again over a three-year period while teaching city and border police in Iraq and Afghanistan. Almost 100% of the young recruits were eating a rubber knife before they could get an AK or Glock into action.

*Dpty. Randy Wilkins  
Cass County (NE) SO*

• **DE-ESCALATION.** *PERF: "De-escalation should be a core theme of an agency's training program."*

### **Wrong emphasis**

De-escalation should not be a "core theme" of training. Decision-making should be. De-escalation strategies can be woven into the decision training.

PERF seems to have failed to understand that the police are only one element of a potential force encounter. The subjects, along with other parties at the scene, play a significant role in how events play out.

*Brian Willis  
Certified Force Science Analyst  
President, Winning Mind Training Inc.  
Calgary, AB, Canada*

### **Communication requires comprehension**

As a CIT trainer/coordinator, I once asked a group of 40 mental health professionals if they ever had a consumer they weren't able to communicate with because that consumer didn't have the ability at that time to understand what was being said to them. All 40 held their hand up.

That is sometimes the situation police face, not in an office or hospital setting but in dealing with an individual who is armed and in attack mode. If a subject is not able to understand or comprehend de-escalation attempts, force may be necessary to resolve the situation.

*Sgt. Timothy Adams  
Miami Gardens (FL) PD*

### **Communication shouldn't be an isolated skill**

Trying to teach officers how to de-escalate potentially violent situations, without giving them the tools and training to lawfully overcome an offender's resistance if/when de-escalation tactics fail, is like trying to teach a baby how to walk on a floor of hot coals. Doomed to failure.

As an officer learns communication skills *in context* with hand-to-hand techniques, intermediate weapons, and lethal tactics and the understanding of the psychological, emotional, and physical dynamics of a volatile incident and potentially violent confrontation, he/she can gain a competent skill level. The officer's competence and confidence in his training will be seen by the offender, who is then less likely to resist the officer's lawful commands.

*Sgt. Troy Young  
Personnel & training  
Garner (NC) PD*