

MODULE 5:
USE OF FORCE REFORM MEMO

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OCTOBER 12, 2020

Use of Force Policy:

One of the most challenging issues that a police officer faces on a daily basis is the potential and necessity to use reasonable force on a hostile and combative individual. The Los Angeles Police Department's policy states, "personnel may use objectively reasonable force to carry out their duties" (Lapdonline, 2020).

"When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment 1. to protect the officer or others from immediate physical harm, 2. to restrain or subdue an individual who is actively resisting or evading arrest, or 3. to bring an unlawful situation safely and effectively under control" (National, p.2).

The LAPD policy is consistent to the standard that the Supreme Court decided in *Graham vs Connor*. "Using the *Graham* standard, an officer must apply constitutionally appropriate levels of force, based on the unique circumstances of each case. The officer's force should be applied in the same basic way that an 'objectively reasonable' officer would in the same circumstances. The Supreme Court has repeatedly said that the most important factor to consider in applying force is the threat faced by the officer or others at the scene" (Clark, 2014).

This standard protects the officers that utilize force by using the reasonable standard of another officer in the same situation, rather than hindsight by a layperson. "We can't judge police officers on a 20/20 hindsight. We really have to judge them with another reasonable officer in their circumstance and how they would have reacted" (Fritzvold, 2020).

Side Handle Baton:

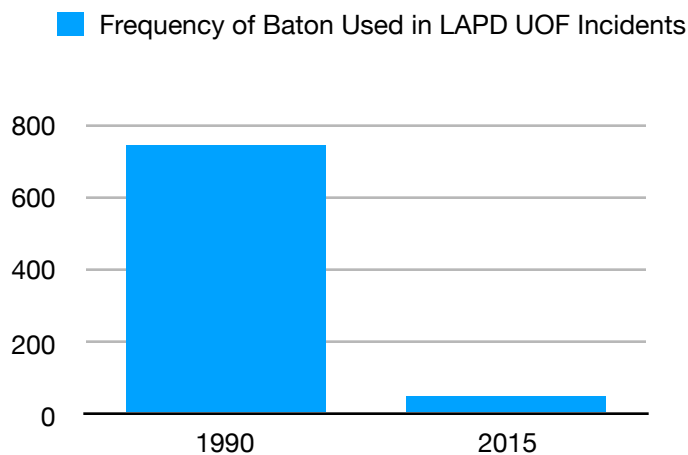
"The side-handle baton was introduced to American law enforcement in 1972. The most famous example of this is the Monadnock PR-24, whose iconic design and use by Los Angeles sheriff and police departments have popularized it for many departments across the country"

(Wong, 2016). The PR-24 has been a mainstay with the LAPD for years. However it is now infamously tied to the Rodney King incident in 1992. King was detained during an investigative stop for driving under the influence. The detention became combative and a use of force occurred. “The grainy black and white images showed a group of LAPD officers delivering 56 crunching blows to the African American motorist” (Winton, 2016). The main image was of multiple LAPD officers using the PR-24 baton with repeated strikes at King. The optics became the catalyst to the 92 riots and the mistrust and disconnect with the African-American community.

Historical Perspective:

Since that time, the usage of the Baton with the LAPD officers as well as across the nation has decreased significantly. “Baton use declined in the late 20th century as other less-than-lethal options such as TASER weapons and pepper spray became more widely available. Despite their usefulness, many officers have stopped carrying batons because their use often requires more justification than other options” (Wong, 2016). Officers currently have more options than ever before in the utilization of various less-than lethal tools.

“In 1990, Los Angeles police officers used their batons 741 times during force incidents, more than any other weapon. But the infamous (King) video marked the beginning of the end for the baton’s reign. By 2015, LAPD officers used their batons just 54 times” (Winton, 2016). Figure-1 demonstrates the reduction of the usage of the baton in use of force incidents in LAPD in 1990 compared to 2015.



Technological Change:

The baton has been an efficient tool for generations of officers. However, with the advent of technology and improved policing methods, the baton has lost its relevance and usefulness in the 21st century policing methods. The OC Spray, tazer, bean bag shotgun, 40 MM foam bullet, and other variations of these tools, have shown to be a better choice to utilize and access in the field. With the exception of it being an efficient crowd control tool, “the baton may have fallen out of use for less practical reasons, too. The image of a police baton can be controversial, that isn't lost on officers. “A very important concept — this is something we hammer into the guys — is something can be lawful, but it looks awful” (Mueller, 2018). The optics of striking someone with a bat like appearance for pain tolerance is not a favored choice for officers. Moreover, the need to get close to the combative subject and have the potential of fighting for the batons another critical issue for officer safety.

Appleton Police Department Lt Bill Krieg explained that, “the baton still has a variety of uses, though. The simple act of displaying a baton can help officers prevent an assault before it happens, even if they haven't actually struck anyone with it in years. The tool is still a good tool, but our usage of it is evolving as the needs change” (Mueller, 2018). The days of the intimidating officer as the warrior model has been replaced with that of the guardian method. Our neighbors in the community view the officers as human beings that help them with their problems, rather than stormtroopers with fancy weapons, that runs into their homes and placing handcuffs on people. “Training officers to de-escalate encounters and minimize the use of force is critically important, and police officials at PERF's conference said it is also important to recruit officers who have a realistic understanding of what policing is about. On a day-to-day level, they said, most officers spend most of their time providing services to the community” (Critical, p.38).

Training and Evolution in Policing:

De-escalation and community oriented officers are the new tools needed for effective communication and garnering relationships with our diverse community. “De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning” (National, 2020). “The Las Vegas Metro Police Department trains officers to be aware of this guideline, and that it isn’t a steadfast rule or policy. All training the officers receive, whether during the baseline instruction to the brand new officer, or with advanced skills after completing field training, has the strong emphasis on de-escalation” (Critical, p17).

The challenge for finding this type of “guardian” officer who has the talent for de-escalation rather than force has become more complicated with the current negative nationwide climate regarding controversial shootings in our African-American communities. Additional programs have been created to provide stronger and more efficient engagement and partnership in our challenging areas of our communities. “Through a partnership with the Advancement Project and the Housing Authority of the City of Los Angeles, the program involves officers going into the housing developments with the intent not to make arrests but to create partnerships, create relationships, hear the community, and see what they need—and then work together to make those things happen” (Final Report, 2015). Moreover, the modern officer is in transition and evolving, along with his tools, for a new era and culture of policing.

Conclusion:

Police Defense Attorney, Brad Fields explains that during our present negative climate, “the national mood is clearly keeping people out of the profession right now. We want to change the national dialogue, we want to change the national mood so that it does” (Fritzvold, 2020). The removal of the baton from the officers belt will help provide a bridge for further trust, and will dissolve the stigma that it infamously burdens from just a few decades earlier.

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