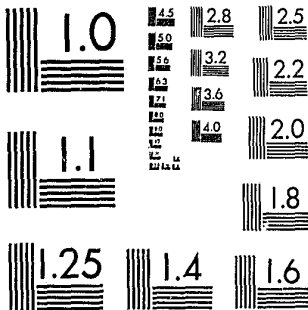


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UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

OFFICER-INVOLVED SHOOTING
POLICY DEVELOPMENT

U.S. Department of Justice
National Institute of Justice

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P R O C E E D I N G S

MR. HOY: My remarks today, I think, can be made from several perspectives. One as a Deputy Chief from a large agency, and the developer of a policy manual for the Los Angeles Police Department, and as the head of a State law enforcement agency, and also I can speak from some experience as a researcher having served two years, two separate times -- one year each -- as Executive Director of a group to establish national standards; as a first effort, we produced the Police Report for the National Advisory Commission on Criminal Justice Standards and Goals, and some of you may recall what it looks like -- it's big, thick "cookbook," giving standards for everything.

And on the second effort was the Police Chief Executive Report on how to select and retain competent chiefs, and that was produced, again, by the Government Printing Office and -- or published by the Government Printing Office, and that was a later effort in 1973.

So those efforts took me into departments of all sizes throughout this country, in developing national standards.

Now, I don't think my expertise lies in what is good for you based upon what is in Arizona. I was just looking at the notebook, and I see that there are some things in the notebook that my staff sent to Nancy, and they're included

in there, and please don't consider them a model, because some of the stuff in there is pretty bad.

There are the standard fifty -- general orders that are old, they're somewhat antiquated, there are lesson plans that are old, and there are proposed general orders that are totally unacceptable. So -- had I known my staff was going to send those, I would have stopped them from it, so please don't consider these as -- models.

The instructors here, with their very excellent backgrounds, both on this panel and in other sessions, are here to share some information with you, and I think you, as the students, should be acquiring some knowledge, but more importantly, I think it's important to put whatever knowledge you gain to work. I often see people from my Department go to training courses and come back, and they don't do anything; they don't put anything to work. And when that happens, I'm wasting my money and the State's money and time.

I think you as trainers, you as investigators, and you as planners and command officers, supervisors, should put what you learn to work. Now, as an example of how you can do that, nearly ten years ago I sat in a class at the National Academy, the FBI National Academy, and I heard Jim Slavin, who many of you may know from Northwestern Traffic Institute, talk about policy, and I sat there as a student, saying:

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"Gee, this reinforces what I already know ,
and in addition, he's giving me some ideas on how to
sell the developing of a policy."

And that motivated me, that -- I think it was a
two-hour class, motivated me to go back to the Los Angeles
Police Department and write a policy manual. Now, that wasn't
easily accomplished, because for 18 years the Los Angeles
Police Department was trying to write a policy manual. 18
years.

And I went back and told my brand-new Chief of
Police, Ed Davis, that I could oversee the writing of a
policy manual if everybody -- all the brass, understood what
policy was, and the reason we couldn't write a policy manual
was because the brass didn't know what policy was. They had
mixed together rules and procedures with policy.

So I was successful in convincing the top brass
what policy was, and then I directed the writing of the policy
manual, and I will discuss a little bit about how we went
through that, so that maybe you can do the same thing.

Now, in order to understand policy development and
training, as it applies to deadly force, I think we need to
recognize some things. One is that control is a part of
police work, and it may require force.

Now, some of us look at force as bad, and that
isn't necessarily true.

WHD

Another thing we have to understand is that written
policy is needed to provide guidance to employees in limiting
their authority, and you do that not only by writing the
limits of authority, but by commendations and discipline that
enforce that policy. Just writing the policy itself doesn't
cut it; you need to go beyond that. And you have to recog-
nize that training has limitations.

Now, the development of human resources, I think
is the most important function of the head of a law enforce-
ment agency. And it's very important -- we tend to say that
"training's screwed up," when an officer in the field screws
up. What are we doing in training? And when I ran the Los
Angeles Police Academy, I was putting 2,000 people a year
through that institution, and I heard, time and time again
that training was screwing up when the people in the field
were screwing up. The supervisors weren't doing their jobs.
So don't look at training as something that answers all the
questions, solves all the problems.

Getting a little more into the control thing that
I mentioned, I think control has to be exercised to effect
arrests and to protect public safety -- and control can be
achieved in any number of ways. The advice that people want,
warnings, or persuasion, or by the use of physical force.

Now, that physical force gets to the issue of females
in law enforcement, and we have to recognize that it does take

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1 physical force in order to do the police job. You don't see
 2 females on professional football teams, at least yet, and --
 3 because we recognize that that takes force, that takes
 4 strength, and police work requires strength. So you ought
 5 to exhaust other reasonable alternatives before you resort to
 6 force, unless you see that nothing else is going to work,
 7 and sometimes it is correct to just use physical force at
 8 the onset of an encounter.

9 But we have to have a policy -- we have to recog-
 10 nize that "reasonable and necessary" force is permitted.

11 I think every police agency should be rated, with
 12 a force index, and you have over here "zero," and this is
 13 "no force." And I don't know of any law enforcement agency
 14 that really fits in that zero category, if they're doing the
 15 police job.

16 You have over here a plus-10, and that's excessive
 17 force, or people call it "brutality," brutalizing folks, and
 18 somewhere on that continuum, you have a profile of a police
 19 department and you have a profile of individual officers.

20 So, I have seen a number of agencies who fit vari-
 21 ous places along that continuum, and some people refer to
 22 certain departments as:

23 "Man, they're brutal, and they do very little
 24 about excessive force complaints."

25 You have other departments that are not brutal. My

WHD

1 Department -- the Arizona Department of Public Safety -- is
 2 kind of on the minus side. We don't have a lot of problems
 3 with excessive force. Now, there are other departments in
 4 Arizona that, man, they'll take you on, and it's pretty evi-
 5 dent that the police department there will clobber somebody
 6 at the slightest provocation, without trying to resort to
 7 other means.

8 So I think you can profile police agencies, and
 9 you might look at your agency, and where you fit on that con-
 10 tinuum.

11 I'm in the business of investigating excessive force
 12 complaints on occasion when other departments come to me.
 13 Right now I have an investigation going of the Scottsdale
 14 Police Department, where 32 of their people are involved in
 15 an excessive-force complaint.

16 Now, that's a third of the department, and that must
 17 have been a hell of a fracas, that 32 Scottsdale officers were
 18 involved in a charge of excessive force. The reason I got
 19 into it is because they're alleging crimes occurred, crimes
 20 were committed by the officers involved. Now, that same
 21 fracas involved several people from the Tempe Police Depart-
 22 ment, and several people from the Maricopa County Sheriff's
 23 Department.

24 So here my people got into it, and we find something
 25 about 50 law enforcement officers were involved, and most of

WHD

8

1 them clobbered somebody. So we have one hell of an investi-
2 gation going, and it's going to take some time to iron out.
3 Now, I'm not a headhunter for other agencies, so I don't get
4 into it unless there's an allegation of crime, and then I
5 assign my criminal investigators, not my internal investiga-
6 tors, to that.

7 Now, some Arizona agencies would not ask the
8 Department of Public Safety to investigate -- to conduct an
9 investigation because they know that they could not survive
10 the results of the investigation. So those departments I
11 mention are not the brutal ones in Arizona.

12 Let's look at how policy is formulated, and -- you
13 analyze objectives, you determine through research principles
14 that will best guide the agency in achieving those object-
15 ives. And the policy has to be based on ethics, and experi-
16 ence, and desires of the community, and the mandate of the
17 law. So all of those things are important in that -- to
18 establish the standards by which the conduct of the department
19 is governed.

20 Now, in the average police agency, policy may be
21 written where you least expect it, and when I undertook to
22 write the policy manual of the Los Angeles Police Department,
23 I had my people go to letters. And you might have an awful
24 lot of policy contained in letters that are written to people
25 who have complained of police procedures, or police conduct.

WHD

9

1 And the various memoranda; sometimes there's a float
2 memorandum saying: hereafter you don't do such and such, and
3 that might be policy, if it's written in a -- in the right
4 way; if it's addressing the large framework, the philosophical
5 policy.

6 And training, lesson plans is another place where
7 you might find policy, and we have to make sure that the
8 lesson plans are consistent with the desires of the agency,
9 the desires of the chief, and that's -- I have some problems
10 with the lesson plans contained in your notebooks about
11 Arizona, because in some cases they don't accurately reflect
12 the policy of the departments.

13 And then, through directives, of course, you'll
14 find policy.

15 You might say you don't have written policy. Every
16 police agency has written policy somewhere; it's just a prob-
17 lem of collecting it and putting it together, putting it in
18 some kind of a form. Because you have policy.

19 The policy that I spoke about, the LAPD policy, is
20 contained in the Police Report, and it's Appendix D to that
21 report, so I think it's good, if you are in the position of
22 writing policy, with regard to deadly force or any other
23 area, you might look at the policy in the Los Angeles Police
24 Department, and if you look at the Police Report published by
25 the National Advisory Commission on Criminal Justice Standards

and Goals, in the Appendix, you'll find that 20-page policy. That policy is also published as a centerfold in the Police Chiefs Magazine a year or so ago.

Now, in the shooting policy, just one more thing before we go on. In September, 1977, the Los Angeles Police Commission adopted a new shooting policy, and the Department resisted it, resisted it greatly. Now, in Los Angeles, the incidence of shootings is high; officer-involved shooting, pretty high. I used to sit as the Chairman of the Shooting Review Board and review every officer-involved shooting, and we averaged one a day on the Los Angeles Police Department. There were an awful lot of discharges of firearms in the field, and very often -- and it's lucky that LA cops are bad shots, because we would have more bad shootings than they already have if they were good shots.

The Police Commission ordered a new policy, and really, I don't care what they ordered, it's up to police management as to whether it's important or not, and it's up to the prosecutor. Now, if you have a prosecutor that will not indict, or file criminal charges on an officer who discharges his firearm, shoots at somebody, shoots somebody where there is no reason to do so, then that is really telling the department: "Okay, you guys, go ahead; we're not going to worry about this."

And if the police agency, its management, does

WHD

WHD

nothing about bad shootings, if they don't evaluate the shootings, if they don't investigate and evaluate them, and take corrective action, then I don't care what the Police Commission, or the citizens really say, it's up to the Police Department to carry it out, and to the prosecutor.

Now, if they're not doing something, they'll get -- and the force is there from the community, as in Los Angeles, they'll eventually have to change something, and in Los Angeles they did. They had to change something because of that community pressure, and that community pressure came through the Police Commission and they pressured the Police Department until finally the Police Department did change. They were dragging their heels, but they finally did change.

So they have a new policy, and they are slowly changing that philosophy on shooting in the Los Angeles Police Department.

So you require a thorough investigation, and then doing something about it, and then using that for training purposes.

Do we have any questions or comments directly affecting -- or on target with my comments? If not, then we'll go on, if you have no comments or questions to talk about now.

Okay, we'll go on.

Nancy, will you get me out of this?

1 MODERATOR: -- Hoy from the Arizona Department of
2 Public Safety. For the balance of the panel, I'll pick up
3 the next two speakers -- the last two speakers, and then some
4 other people.

5 Chief Jim Parsons -- or, Superintendent Jim Parsons,
6 from New Orleans. I mentioned him yesterday, and we show
7 him as from Birmingham, Alabama, but he's moved since then,
8 and Chief Phericon, from Bellview, Washington, and in the
9 back of the room -- let me start on this side: former Chief
10 Ray Hoobler, of San Diego, is sitting back there; he'll be
11 on tomorrow, and First Lieutenant Richard Duke, who's on the
12 panel this afternoon. Lieutenant Colonel Keiter is not back
13 yet, I see.

14 Okay. In the other corner is Ian Wallace; Ian
15 Wallace is the Chairman of the Management Options in Law
16 Enforcement; he came to Law Enforcement from Bellview,
17 Washington, and he stole it. So -- we have a tendency to do
18 that, I think, once in a while.

19 Okay; the next speaker will be Chief Noland Freeman,
20 who's been Chief of Police for the Lexington, Fayette, Irvine
21 County, Kentucky Division of Police since 1976. He's got
22 under him 350 sworn personnel and 100 civilians.

23 He previously served as Chief of Police and Director
24 of Police for four years in Gainesville, Florida, and prior
25 to that, from '58 to 1970, he was a member of the Lexington-

1 Fayette -- or, the Lexington, Kentucky Police Department,
2 rising to the rank of Major.

3 Noland, I'll turn it over to you.

4 CHIEF FREEMAN: It's nice to be here with you all
5 this morning.

6 Kentucky is in a different situation, probably, than
7 some cities or some States, as far as developing policy as
8 far as the use of force is concerned. In Kentucky, we divides
9 force into two categories: force used by a police officer in
10 effecting an arrest, and deadly force.

11 And we're going to deal with deadly force, primarily,
12 and the rules and regulations we have, and the policies and
13 procedures that we have.

14 If you'll -- if you have your papers there, if you
15 will turn to the Kentucky Penal Code, 503.090 -- 503.090,
16 most of our policies and procedures are dictated from this
17 statute. It's very specific, doesn't leave any doubt, tells
18 you what your policies and procedures can be, and you have
19 to work from there and there alone.

20 It's down on the right-hand side of your paper. The
21 Kentucky Penal Code. It lists the page number as 698 on
22 there, paragraph number 503.090. It's behind the second blue
23 tab in that section. About the fourth page over from the
24 blue tab.

25 (Discussion off the record.)

WHD

1 CHIEF FREEMAN: Okay; if you'll go down to para-
2 graph 2 on that, in brackets;

3 "The use of deadly physical force by a defend-
4 ant upon another person is justifiable under Subsection
5 1 only when: ..."

6 and those three areas tell you exactly what conditions you
7 have to have to use deadly force in the State of Kentucky.

8 "...A: The Defendant is effecting the arrest,
9 and is authorized to act as a peace officer.

10 B. The arrest is of a felony involving the
11 use or threatened use of physical force likely to cause
12 death or serious physical injury.

13 C. The Defendant, the police officer, believes
14 that the person to be arrested is likely to endanger
15 human life unless apprehended without delay."
16 and you have to show and prove all three of those items to
17 justify homicide by a police officer in the State of Kentucky.

18 Now, we have two other things going for us in the
19 State of Kentucky involving just the use of force.

20 Number 1, unlike some other States, in Kentucky you
21 may not resist a lawful or unlawful arrest. You may not
22 resist an unlawful arrest in the State of Kentucky. Which is
23 to the police officer's advantage, which you can clarify
24 503.090 even further.

25 And the second is that if a police officer uses more

WHD

1 force than necessary, regardless of whether it's a lawful or
2 unlawful arrest, the person may resist to the point of using
3 that force that's necessary to protect his own life --
4 That means you've got to be right.

5 It really boils down to the fact that you have here
6 a situation where the person has to be removed from the
7 streets for the safety of the public, and himself; two: he
8 must commit a threat of physical violence against the police
9 officer to the point that the police officer feels that there
10 will be great danger of injury to himself or danger of having
11 his life taken. And he must be a police officer.

12 It's very specific, but consequently, we want to
13 move on over into our area where we develop policies and
14 procedures to that effect. Now, when you have it that clear,
15 by State law, that leaves you the alternative of trying to
16 develop something that will work without getting your police
17 officers killed.

18 Now, it's very easy to develop policy, and a whole
19 bunch of policy, to keep the police officers from using
20 deadly force, but when you have it this clear, you don't
21 have to do a whole lot. But then the concern becomes: where
22 do you set the balance to where the police officer doesn't
23 get himself killed?

24 And it's not an easy balance; that balance fluctuates
25 back and forth, according to situations, and there is no

WHD

1 conceivable way that you can establish policy and procedure
 2 for the situations that arise daily, and all you can do is
 3 be precise, to the point that you're trying to set a happy
 4 medium where you can keep the people alive and at the same
 5 time follow State law.

6 Consequently, as you go through the procedures and
 7 policies, and regulations that we have, you'll see that they
 8 are concise and they're directed toward proper training, to
 9 where the person feels confident in the -- his role as a
 10 police officer, and the possibility of using physical force,
 11 and at the same time placing him in a position to where that
 12 he will abide by State law without having to -- a bunch of
 13 review boards.

14 We do have procedures for review, but our concern
 15 is pre-training, and qualification, to where the person doesn't
 16 come up short six months later or a year later and say:

17 "I've never had this in recruit training."

18 The first thing we developed was a general order
 19 involving -- we have three types of orders in our Department;
 20 we have general orders, special orders, and training bulletins,
 21 and I have all three involved in this area, to establish
 22 policy and procedures.

23 I'm not going to throw you any bull, I'm just going
 24 to tell you the facts: I used to be a range officer. So con-
 25 sequently, you're going to find this is weighted heavily

WHD

1 towards proper training with the weapon. I was a range offi-
 2 cer for a number of years, still involved with the range, and
 3 even though I'm the Chief of Police, I'm still an armorer the
 4 Police Department can't get rid of. It just follows you
 5 along, even though I've had other people trained.

6 But as you go through here, you'll see that we've
 7 thought very heavily in the area of training. We were very
 8 concise in the area of establishing a weapons policy as far
 9 as the use of weapons is concerned, because all we had to do
 10 was follow the State law pretty much, on the use of firearms.

11 And as you go through, you'll see there that my
 12 predecessor even signed that order, because it's primarily a
 13 directive of State law; it didn't require a change, and I
 14 don't change orders just to put my signature on them.

15 First, let's go over the general order, the very
 16 first one after the Penal Code. It involves the use of wea-
 17 pons; there is a change that I have on page 1 to that one,
 18 and that change is very simple. We had some female police
 19 officers that were carrying weapons in their purse, and we
 20 don't train female police officers like any other police
 21 officers, or like any other female police officers; we train
 22 them like police officers.

23 They carry their weapons exactly the same way as
 24 the male police officers, and even though they don't have the
 25 wide belt that the police officers have, if they want to carry

WHD

1 the weapon, they get a wide belt, and they wear the belt
2 around their shirts or their pants and they wear a coat that
3 hides their weapon if they're in plain clothes.

4 It wasn't clear in 2(a)(1), so we changed that; we
5 don't have the policy, because it was just changed a couple
6 of weeks ago, but we do have in there the fact that a purse,
7 or a briefcase, and a weapon left in a duty station is not
8 in compliance with this order. So we don't allow females to
9 carry weapons in their purses.

10 What we tried to develop here is weapons we can
11 allow our people to use, and we were very -- I feel that
12 after over a year of research, and a rush research in an area
13 of about three months, we had all types of weapons, all types
14 of ammunition tested; we used different types of mediums for
15 use of the bullets, we tried to develop the best weapons,
16 holsters, whatever we could find that would help our police
17 officers stay alive.

18 So we developed the type of weapon we allow -- a
19 .38 special, we allow a .357; we issue .357 Magnums. In
20 plainclothes, we will allow an optional weapon; that's a 9mm,
21 and the person must qualify with it before he can go out and
22 carry it in plainclothes.

23 We do allow shotguns in our cruisers; every police
24 officer has a cruiser -- we use the home-fleet plan. We have
25 our special -- we call "Emergency duty teams;" they say they

WHD

1 are "TAC" units in some other departments, and they carry
2 even special weapons in their cruisers, and in every case, the
3 weapons are inspected on a biweekly basis, including the
4 revolvers.

5 The ammunition that we have we issue, and there's
6 an order back here in the back involving a training bulletin,
7 that dictates the type of ammunition that the officers are
8 allowed to carry. We furnish them -- every six months we
9 change their ammunition, give them new ammunition; we will
10 give them what -- one issue of whatever they're carrying at
11 the time. If they come to the range and they're carrying a
12 9mm in plainclothes, we issue 9mm ammunition. If they're
13 carrying a .357, we issue them .357 ammunition. If they're
14 carrying a .38, whether it's a 2-inch or 4-inch, we issue
15 them that type of ammunition.

16 We've done some extensive studies in the use of
17 ammunition, to make sure the ammunition was the type of
18 ammunition that would do the job. We had an incidence in
19 one case where the weapon was used that had the wrong type
20 of ammunition in it; in testing with the factory, they found
21 out that the ammunition had exactly the same muzzle energy
22 of a .22-long rifle, in a pistol. Needless to say, the police
23 officer shot five times; he was still trying -- with an
24 empty weapon. I was that police officer.

25 It's the scariest thing to empty a weapon and find

WHD

1 out you'd rather have a baseball bat!

2 So, we've done some extensive studies in that area,
3 and that incident took place just about a year ago, little
4 over a year ago.

5 In our weapons policy, which was -- I beg your par-
6 don; in our use of firearms general order, you'll see that
7 the deadly force there pretty much follows the dictates of
8 the State law; there's very little we could add to it with
9 the exception that we do not allow warning shots, unless a
10 warning shot were used in a situation where the deadly force
11 should have been used anyway. And we have pretty much stopped
12 the use of just shooting up in the air.

13 And that goes back to the case that was brought out
14 by the Director, of the situation where you have to enforce
15 the rules and regulations and policy you establish. Establish
16 very few; make it to where they can understand it, what you
17 do have in force, and that's not an easy job, as far as manage-
18 ment is concerned.

19 Sometimes you have to rely upon your Inspectors
20 office.

21 Now, in the order that you see there, signed by
22 Chief Schaeffer, which has been carried forward, we have in
23 there that the person may be relieved of duty, and in the
24 State of Kentucky, again because of State law, whenever we
25 relieve a police officer of duty, pending the outcome of a

WHD

1 trial or charge or whatever, you may only relieve him with
2 pay. We do not relieve anyone without pay.

3 We have a policy where we send Inspectors to the
4 scene with the investigator, in the case of a homicide, and
5 if we see that the homicide, on the surface is justifiable,
6 we don't do anything. It's paramount that the relief of duty
7 is a showing that there's a possibility that the police offi-
8 cer was wrong.

9 If we have that surface, and we know there's a possi-
10 bility that he was wrong, we will relieve him of duty, with
11 pay, or reassign him, but if it's a normal case of a man doing
12 his job, we don't do anything, with the exception that we'll
13 give him the time off it takes to get his head straight and
14 get him back to work.

15 Now, that's different than some police departments.
16 But I see no reason to punish him, and it is paramount -- if
17 it is paramount to punish him, we relieve a man of duty,
18 unless there are circumstances to show there's a possibility
19 the police officer was wrong.

20 Now, there were three homicides in the Division of
21 Police last year, and in every case the police officer was
22 given a week off to get his head straight, and get on back
23 to work, with the exception of one. He came back to work the
24 next day.

25 We have a situation where we have a coroner system

WHD

1 where he has full police powers. In the case of a homicide
 2 involving a police officer, the Coroner in every case is the
 3 primary investigator, not the Police Department. Our
 4 Detective Division, or CIS -- Criminal Investigation Section,
 5 they are there at the disposal of the Coroner. If any evi-
 6 dence is picked up in a case involving homicide and a police
 7 officer, the Coroner handles it. He takes the evidence.

8 We've found that that's been a very good system;
 9 the Coroner has the option of either having an inquest, he
 10 is given a direct rule, and in every case involving homicide
 11 and a police officer, the prosecutors -- both county and
 12 State -- review the case with the Coroner concerning letters
 13 of disapproval or whatever.

14 Now, question?

15 (Inaudible question)

16 CHIEF FREEMAN: Yes, sir; absolutely. That's there
 17 for one reason and one reason alone, and we carry it as
 18 injury leave; so he can get his head straight. And there's
 19 no question about it; whenever you have to shoot someone,
 20 you don't get over it in a minute, or when that someone tries
 21 to shoot you, you don't get over it in a minute. And we try
 22 to give the police officer a chance to get his head straight;
 23 we have a Chaplain in the Police Department who works directly
 24 with our police officers, and when I say we have a Chaplain
 25 in the Police Department, I mean we have a real Chaplain, and

WHD

1 a real policeman as Chaplain.

2 He works with these police officers directly. In
 3 the case of where the man has been involved in a shooting, or
 4 has been shot at, that Chaplain works directly with him.

5 We're interested in mental health as well as we are physical
 6 health.

7 Yes, sir?

8 QUESTION: You answered my question, Chief. I was
 9 interested as to whether or not there was any -- either
 10 optional or directed, counseling for police officers involved
 11 in a shooting situation.

12 If you happen to know -- but what is the state of
 13 this particular art anyplace else in the country? More and
 14 more departments are going into a clinical psychologist
 15 who's an employee of the police department, generally in the
 16 areas of alcoholism, family problems, et al.

17 I'm wondering the advantage of being able to include
 18 something like this in an order, or in a training program, to
 19 refer a police officer, as you said, who either was a victim,
 20 an almost-victim, or involved in a shooting situation, to a
 21 psychologist, psychiatrist, et al.

22 CHIEF FREEMAN: Let me give you exactly what we
 23 have. We're in the process of working an approach here of
 24 a health program involving law enforcement personnel, and it
 25 goes to the whole gamut of health for the police officer.

WHD

1 It involves his physical health, it involves how
2 he eats, it involves the psychological aspects of the job;
3 there is psychological assistance in this program, it is
4 voluntary at this point, and we're in the process of trying
5 to find out where we are. Like I said, we're in the first
6 year of the basic planning stages of it.

7 And in one of the -- one of the purposes of estab-
8 lishing a full-time Chaplain was to work in this area, and
9 even though he is separate from the program, he was part
10 of the program. And like I said, the Chaplain is a 12-year
11 veteran of the Police Department; he has in the last two
12 years completed the University of Kentucky Seminary. He has
13 his degree in psychology, he has a master's in psychology as
14 well, and the man is doing an extremely good job with our
15 police officers. He's working his tail off; he's having a
16 hard time keeping up with it at this point. He's going into
17 a field where we didn't know whether he'd have enough to do
18 or not, and we found out just the reverse.

19 So yes, we are moving into that, and primarily we
20 do have a staff psychologist now, working with us in this
21 health program, and at this point it is voluntary.

22 One of our major reasons for developing this health
23 program is to try to cure alcoholism; we've got a bunch of
24 them. You've probably got a bunch of them, too, if the truth
25 were known.

WD

1 QUESTION: Let me go on in that; that's a very good
2 point, because of the fact that so many of them are carrying
3 guns.

4 Recognizing that, you know, we have a much larger
5 department than most in the country, we probably have not only
6 more than our share, but all kinds of mental problems, what
7 I'm wondering is this: when you're talking about alcoholism,
8 do you find that the policies you have, you want to refer
9 people voluntarily, or can you refer someone to an alcoholic
10 program by direction?

11 CHIEF FREEMAN: We have the option of either -- I
12 can send a man to the psychologist; just say I want to send
13 him, when it gets right down to it. But our concern is to
14 try to get the person to recognize he's an alcoholic, and
15 that's the hardest program in the world to develop. We're
16 in the process of trying to develop it.

17 We've probably got 10-15 percent of our department
18 that are alcoholics, and that's not high; it may be low com-
19 pared to other departments. But we are concerned enough with
20 it that we're trying to develop something that will recognize
21 who they are, let them recognize themselves. We think that's
22 our best policy.

23 But we are in a situation that when we do recognize
24 we have one -- in fact, I sent one to the psychologist not
25 too long ago, and after a couple of trips to the psychiatrist,

WHD

1 he said:

2 "Look:I'm not crazy, I'm just an alcoholic."

3 He recognized he was. He said:

4 "Let me go to AA."

5 so he's going to AA at this point.

6 I have a number of cured alcoholics in the Police
7 Department; I won't say "cured," I have alcoholics that are
8 on the wagon.

9 If you have somebody --

10 QUESTION: Let me go a step further, because I've
11 got a question that I'd like to try to get answered.

12 CHIEF FREEMAN: How about hitting it directly for
13 me, because we've got to go ahead.

14 QUESTION: Okay. Well, I'll pass that.

15 CHIEF FREEMAN: We'll come back to it.

16 Another question?

17 I think when we get to the stage where we're going
18 to pass these things back and forth, that's a good point we
19 need to bring up. But let me go ahead with this part involv-
20 ing weapons.

21 Firearms qualification: we require the men to quali-
22 fy four times a year with the weapon -- with his duty weapon,
23 and his primary duty weapon is the .357. We qualify them
24 with .38's.

25 The rules and regulations involving the range are

WHD

1 attached; we require that a man qualify twice a year with
2 the shotgun. The range is open every week; if a man comes
3 to practice, any time he walks on the range he's given a box
4 of ammunition.

5 We reload our own ammunition. We have two automatic
6 reloaders, and I have two people assigned full-time, and when-
7 ever I've got sick, lame or lazy, I'll send them down to the
8 range and let them help reload with these automatic reloaders.

9 Firearms proficiency: we do have a Master's Club
10 and a "Possible Club;" both of them are attached to the
11 training bulletin. We have a training bulleting there show-
12 ing the type of ammunition that we issue.

13 We have two weeks of training per recruit, involv-
14 ing the use of firearms; the training that's involved, we
15 are concerned very strongly with the court cases that arise
16 out of abuse of firearms, and the lack of training causing
17 additional court cases. So we work very strongly in the
18 area of explaining why and how to police officers, as far as
19 the use and carrying of the weapons; two weeks out of 18 weeks
20 recruit training is quite lengthy for firearms, but we feel
21 that we want a person not only qualified, but comfortable
22 with the weapon, and I think it very important that we have
23 -- that your guidelines and your policies do two things.

24 Number One: don't establish a gray line; we're
25 fortunate with our State law. It establishes a straight black

WHD

1 line right down the middle. You know where you can go with
 2 the use of your firearm, and then it's up to you to make sure
 3 that your people are qualified to where they can keep them-
 4 selves alive.

5 QUESTION: I was wondering, because -- I think it's
 6 tied into weapons and so on and so forth, to a degree,
 7 because obviously the people we're talking about are carry-
 8 ing guns.

9 My concern is this: what happens if you've got a
 10 ranking officer, okay, of the department, and it is known,
 11 if you will, that this particular individual is or may be an
 12 alcoholic.

13 CHIEF FREEMAN: I have one.

14 QUESTION: Okay. Well -- okay, we've got more than
 15 one.

16 CHIEF FREEMAN: He's not -- he's on the wagon.

17 QUESTION: Alright; and it is gently suggested to
 18 him that perhaps he avail himself of some medical assistance,
 19 and he refuses. Okay. He won't turn around and -- he can't
 20 tell you: "I'm not an alcoholic," but he says: "No, I don't
 21 need it." Alright?

22 Recognizing the political infrastructure that we
 23 all have to deal with in the higher echelons of the Police
 24 Department, what then?

25 CHIEF FREEMAN: Number One: I'm in the unusual

WHD

1 situation where I don't have to worry about politics too
 2 much; we have Civil Service. I'm in the same Civil Service
 3 as our police officers, so for me to have to be involved in
 4 politics would mean that I would have to be tried publicly,
 5 and also have to be tried in front of the Circuit Court,
 6 which I also have an automatic appeal to the Circuit Court.

7 So I'm in a little bit different situation. Also
 8 I have a Director of Public Safety who's in charge of Police
 9 and Fire, and he's our political animal. I let him worry
 10 about it. I make a charge, and that's the end of it.

11 Now, there's no question as far as the authority
 12 that I have in the Division of Police; I can send anybody to
 13 the psychologist, psychiatrist, or if I think he needs medical
 14 help, I can recommend that to Personnel.

15 There may be or may not be political overtones,
 16 but I'm really not too much concerned about the politics as
 17 I am the fact that a person in a position of chief, or major
 18 or whatever, should be a person to set an example. I'm very
 19 fortunate; the assistant chief I have who's an alcoholic hasn't
 20 had a drink in seven years. I'm not saying tomorrow he may
 21 not start hitting it, but I'm in a situation where he's
 22 probably more concerned with the alcoholics in the Police
 23 Department than I am. Because he's been through it.

24 So it is a very good position that I'm in as far
 25 as alcoholism is concerned. But you have a good point.

WHD

1 Alcoholism can play a very great role in the fact that you
 2 -- if you have the use of deadly force or force in a person
 3 whose alcoholism can be proven, and you failed to do your
 4 job and make sure you've identified him, and get him medical
 5 assistance -- (inaudible) --

6 I think that the implied authority that a police
 7 officer has as far as command is concerned, if the Chief of
 8 Police is in a position where he has not done his job, then
 9 there's no doubt about it: they're going to take some money
 10 from him, sad to say. We've had many Federal cases that
 11 are on file, where the chiefs have been relieved of some of
 12 the money out of their pockets because they failed to do cer-
 13 tain jobs in the area of training.

14 So it's either one way or another; either you get
 15 sued or you do your job.

16 MODERATOR: Any other questions for Chief Freeman?

17 QUESTION: Chief, I'd like to know how many uni-
 18 formed people are affected by your policy?

19 CHIEF FREEMAN: 353.

20 QUESTION: Chief, you said you have a little bit
 21 different way of handling an officer-involved shooting, in
 22 the way initially in the treatment of the officer.

23 What type of problems do you run into with the media
 24 in your area in the way in which you deal with the officer?

25 CHIEF FREEMAN: The first time, it was hell. But

WHD

1 after the first time, they knew the procedure, and that was
 2 probably the problem the first time, the fact that they
 3 didn't know the official procedure. But now our procedure
 4 is published, they have copies of it, and they understand
 5 that if we relieve a man of duty in the case of a homicide --
 6 police homicide, that we have probable grounds to believe
 7 that something is not right.

8 If that man is not relieved from duty, or if he's
 9 just transferred from duty, then probably it's all right. I
 10 mean, it was an educational process we had to go through.

11 QUESTION: Yes, Chief; don't you feel that a policy
 12 -- just one week, two weeks, whatever is necessary, of auto-
 13 matic relief from duty, to get his head straight, whether
 14 it's justified or not, that this would take care of a press
 15 problem?

16 CHIEF FREEMAN: Well, we do; we give them injury
 17 leave, a week or more if needed.

18 QUESTION: And they understand that with no ques-
 19 tions?

20 CHIEF FREEMAN: Right.

21 QUESTION: As to why he would be on leave.

22 CHIEF FREEMAN: He's not relieved of duty. He's
 23 given injury leave. When he feels that he's able to come
 24 back to work -- well, in my case, I came back to work the next
 25 day.

WHD

1 QUESTION: Do you feel that a mandatory week would
2 be of benefit or not?

3 CHIEF FREEMAN: We feel that it would.

4 (Inaudible discussion-questions.)

5 MODERATOR: Okay; why don't we take ten minutes for
6 coffee, what have you.

7 (Whereupon a short recess was taken.)

8 - - -

WHD

1 CHIEF PARSONS: Well, since we've been going, I
2 guess a couple of days now, has everybody advanced to where
3 they know what "policy" is?

4 I've been in this business about 24 years, and I've
5 heard the word "policy" used for many, many of those years,
6 and I'm not really sure yet that I know what policy is. I
7 think I know what it's supposed to be, but I'm really not so
8 sure I know what it is.

9 Rather than to go through it -- and by the way, I'll
10 be using Birmingham as an example for anything important.

11 Looking through these different policy statements
12 now, from your different departments, there is one thing
13 that stands out very prominently, which is that they differ
14 from place to place. I think therein lies one of the defini-
15 tions of policy.

16 Policy means it's political; it talks about the
17 values of a given community. A couple of years ago, or a
18 year and a half ago, I think, we watched in New York City
19 when the lights went out and people picked up televisions
20 and walked down the street, and the New York police looked
21 like a herd of lambs, or chickens, and I think the political
22 and social environment allowed only that kind of police
23 activity.

24 In the City of Birmingham, if the police had acted
25 in that manner, they would have impeached the Mayor, fired the

WHD

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1 Chief, and gotten rid of as many police as they could have
2 gotten rid of. They would have expected the police to use
3 whatever force necessary, because that's a value of that com-
4 munity. So that if the Southern community believes very
5 strongly in the right to own personal property, and if it
6 doesn't belong to you and you put your hands on it, in many
7 cases you'll pay the supreme price. And there's just no way
8 the jury will convict you of anything, because it's made up
9 of people of that community, and their values about property
10 are very high.

11 As I said, policy implies "political," and it's
12 different in different localities because of the different
13 environments they exist in.

14 As with any political environment, you have to
15 utilize inputs, and that's demands, supports, recommendations,
16 feedback from previous decisions; all these things have to
17 be taken into consideration, to convert this information into
18 policy decisions. And I would suggest that any police chief
19 that works for any unit of government that has a boss, which
20 is a political representative, and he must take into consider-
21 ation that political entity, and gain as much political
22 assistance and support as he possibly can in developing
23 policy.

24 Policy must be published for wide dissemination,
25 not only for the police but for the public. Talking about a

WHD

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1 policy statement -- in New Orleans, and many commanders say:

2 "Well, that's fine for the police, but what
3 if the press gets hold of it?"

4 Well, we don't operate in a vacuum; we are in a
5 democratic society, and the public has a right to know and
6 expect certain things from their police department, and I
7 think policy must be widely published and widely disseminated.

8 The policy that you have here was published in its
9 entirety in the paper, and the policy manual is placed at
10 all public gatherings, because the public has a right to know
11 and expect certain things from the police department.

12 The two things that we must consider when we talk
13 about policy: policy development is the effort that we use
14 to express our goals. Now, performance is something else,
15 and that's the influence that policy has, and we'll talk
16 about that when we talk about training --

17 Another thing about policy, it's not something
18 that's developed and left for a long period of time. The
19 values in a given community change with the shifts in the
20 political environment, the social, economic and legal environ-
21 ments that you find in any given city. As conservative as
22 Birmingham is today, it's much less conservative than it was
23 24 years ago; the law at that time said "any fleeing felon,"
24 and that meant any fleeing felon.

25 I've known police officers to take the lives of

WHD

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1 people stealing a battery from an automobile, and not one
2 word was said about it. It just was somebody else's battery,
3 and the fellow should have left it alone. If there was any
4 resistance at all, it would be from the immediate family,
5 and that's all.

6 It's different today; and the policy reflects the
7 difference, and I'm not so sure that ten years from now it
8 won't reflect that. If you get a -- when you get a chance,
9 look at the use-of-firearms policy, use-of-deadly-force
10 policy; they still shoot at burglars in Birmingham. Not
11 larceny anymore, not automobile theft, but burglary of a
12 residence, burglary of a business -- if you go in there,
13 you've just bought it. That's all. If you come out and
14 you don't stop, you just bought it. And the community
15 expects that.

16 And that piece of policy worked very well in
17 Birmingham; I wouldn't tell you to plug it into your com-
18 munity unless your people felt the same way.

19 It has to do -- has to be a reflection of the
20 values in that community. You might think -- you know,
21 Birmingham has a reputation for being a racially prejudiced
22 city, and I submit to you today that it's not. That's a
23 value of the black community as much as it is the white,
24 and the blacks there have property and are very proud of it.

25 (Inaudible portion due conversation adjacent mike.)

WHD

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1 In New Orleans they would not allow that; only to
2 defend themselves and the life of another person. That's
3 an accepted value in New Orleans; it certainly is not in
4 Birmingham, Alabama.

5 Okay. You must re-evaluate. I'm sure that
6 Birmingham will continue to become more liberal, unless --
7 and it's been the case for about twenty years; they're always
8 about twenty years behind, and that's not all that bad. That's
9 not all that bad. Sometimes the trend that you follow is,
10 maybe, an undesirable trend.

11 See, why are police reluctant to involve a lot of
12 other people in making policy? You see, there's no other
13 way to do it. It is a political statement. You don't
14 operate in a vacuum; your policy must be in harmony with the
15 values of that community. And over the years, we've had
16 verbal abuse, disputes, very poor relationships between the
17 police and the body politic, and this causes a lot of prob-
18 lems.

19 There are other elitist police agencies that under-
20 estimate the public's ability to understand and comprehend
21 the development of police policy, and that's just about as
22 bad on the other side of the coin.

23 Then I think we suffer with another problem, and
24 that's a poor perception of ourselves as the police officer;
25 we don't feel comfortable in a give and take situation with

WHD

1 the community and with other politicians. I've found in
2 New Orleans an absolute paranoia about City Hall; it's just
3 several blocks away -- a paranoia of becoming involved with
4 citizen groups, and I haven't really found out just why that
5 exists.

6 We talk about public administrative policy as being
7 political, and yet we've known traditional views that public
8 administrators are not supposed to be political. I know
9 that we're not supposed to be political, but I've been in
10 the business all these years, and I've never breathed a breath
11 of air in public life that was not political. I was either
12 trying to survive, or get something from the body politic,
13 developing policy within a political environment. We are
14 political, and there's no way to escape it.

15 There are several reasons for that. We help develop
16 policy, because of our expertise in this field. The politi-
17 cians will have an idea, and they turn it over to the bureau-
18 crat to develop policy, and he's going to review it, and if
19 you're smart, you'll get involved in the development of it
20 so you get some kind of commitment from him when things don't
21 go right.

22 We shape the programs of the politicians, so we
23 are certainly political. We do it, however, with administrat-
24 ive bias, and that may be bad in some cases, it may not be
25 in others.

WBD

1 I really don't think being political in the sense
2 of public policy is bad; I think it's bad politics when you
3 get with one party, or one individual and try to push that
4 individual for personal reasons, but the development of
5 public policy is political, and I think it's an arena that
6 we must get into if we're going to shape the environment
7 ahead instead of sitting there and being bandied about with
8 the political winds of the time.

9 I think the next thing we have to think about is
10 the conversion process, where we convert the inputs, the
11 demands, the money that --

12 (Interruption; change of tape to Side #2)

13 -- into the conversion process, where the bureau-
14 crats, politicians, and sometimes special-interest groups,
15 if you want to involve them in your policy formulations.

16 Now, if you're smart, if you're going to take advan-
17 tage of all this, you'd better get some countervailing power,
18 some people that are -- that have interests on the other side.

19 For example, when we were developing our firearms
20 policy, I have a very liberal Mayor that was elected to office
21 on other issues; he's a good friend of mine, but he's excep-
22 tionally liberal, and if you read the firearms policy, the
23 police use of deadly force (inaudible) -- Birmingham police
24 use their weapons more than anybody else in the country, and
25 it was accepted, but there were special-interest groups

concerned about it.

The Mayor wanted to involve them in the policy process; I had no objection to that, but I pointed out to him that there were other sides to the issue, and we got some others -- the business community, and -- you know, make the policy more comprehensive.

Let's look at what happened here. Now, the output is the policy itself. If we're going to convert -- if we're going to convert the tax revenues, demands and supports on a particular issue into a viable policy, and then watch its effects -- and that was the management decision we talked about before; that'll come back into this conversion process, but if there's one thing important to you, get everybody involved in that policy.

If you get out on a limb by yourself, if you think you know it all, and you're looking at this whole system, a closed system through the eyes of the policeman, you're going to miss out on a lot, because there are a lot of things happening out there. The educational system we have today is modifying the way people think, so you'd better take it into consideration when you're trying to develop policy.

The politicians and the police are judged jointly here, so if you think that you're going to -- you know, get him on a limb, or get out there by yourself, you're going to be "sad but true."

Now, let me say something else about this closed system, and the reason it needs to be modified all the time. You have politics in here, that are changing constantly; you have economics, you have a legal environment, with the Supreme Court changing decisions all the time, and you have a social environment, you know -- there are blacks, and minorities looking at this, this policy -- (inaudible) --

(Balance of this speaker's address inaudible for transcription.)

- - -

LWHD

WHD

1 MODERATOR: Okay; the last member of the panel --
 2 I don't know if anybody's noticed, but we kind of went from
 3 big -- from State to county to big city to small city. That
 4 was the plot behind the order here; -- it's Chief Van
 5 Blaricoth, from Bellevue, Washington.

6 He's been Chief there since 1975; he joined the
 7 Bellevue Police Department in '56, and like many, rose
 8 through the ranks, serving in a variety of assignments, as
 9 you see in the biosketch.

10 He's also served as Editor of the Washington Law
 11 Enforcement Journal, and been a member of numerous boards and
 12 committees, including the State of Washington Criminal
 13 Justice Education and Training Center Steering Committee,
 14 the Bellevue Community College Law Enforcement Program
 15 Advisory Board, and the Seattle-King County Municipal League.
 16 He's lectured at Seattle University, in addition,

17 So with that, let me unwind the cord and turn it
 18 over to him.

19 CHIEF VAN BLARICOTH: I'm amazed that I can't think
 20 of any two places probably more geographically separate and
 21 culturally different than Birmingham, Alabama and Bellevue,
 22 Washington. The Chief here and I seem to think almost
 23 identically on a variety of subjects, and we never even met
 24 each other before.

25 I agree with him that a political constituency is

WHD

1 absolutely necessary, both within your own department, and
 2 in the community at large, if you want to effectively operate.
 3 How necessary? I recently got into a dogfight with my
 4 former City Manager over the need for additional police offi-
 5 cers, and it wasn't the usual question of filling more jobs
 6 than we could find, because we were lowest per capita cost
 7 -- (inaudible) -- and we went to war in the newspapers, and
 8 to make a long story short, he now has another job and I'm
 9 still there.

10 Unless you develop that sort of support out in the
 11 community, you're not able to take some of the actions that
 12 are necessary in administering police departments.

13 It is a very political business; anyone who thinks
 14 it isn't is just denying reality.

15 Policy, procedure, regulation, to me have always
 16 been that policy is what we're going to try to do, why --
 17 it's usually a statement of why we want to do it. Procedures
 18 are those methods that we implement to get us to that goal,
 19 hopefully, and the regulations are the negative factor: "that's
 20 what we're going to do to you if you don't..."

21 The three go together, and in trying to go from
 22 Point A to Point B in any endeavor, you're going to have to
 23 have a policy statement, followed up by a procedure, and then
 24 regulations that you will enforce to make sure that those
 25 policies and procedures are adhered to.

1 In talking to the other gentlemen on the panel
2 here this morning, it became very obvious to me, if I hadn't
3 known it already, that what is good policy and procedure in
4 one area might be very much different in another area, and
5 it depends on local cultural values. What the shooting
6 policy is in Birmingham, Alabama is, for instance, would be
7 totally unacceptable in my community; the public just would
8 not accept it.

9 The Chief and I probably have the same attitudes
10 on the subject of what it should be, but he has to react to
11 what his community standards were, I had to react to what my
12 community standards are. I think that's legitimate, and I
13 just recently wrote a paper which, if you subscribe to
14 Law Enforcement News, you may have seen it around, and at
15 the risk of sounding like a liberal, which I'm sure some of
16 you are going to think I am anyway, I'll read what I had to
17 say about deadly force.

18 I've got a few comments on some other areas that I
19 think are critical to law enforcement -- traffic enforcement,
20 enforcement of world laws, dealing with unions, the police
21 career, public-police alienation, all that. I won't bore you
22 with it, but if you're interested in any of it, I'll give a
23 copy to Nancy and she can make copies for you.

24 Anyway, "Use of Deadly Force:" -- this is what I
25 happen to believe about deadly force:

1 "This is a volatile issue that must be consid-
2 ered in the context of the public's general belief
3 that the police should not shoot at all, while still pro-
4 viding the flexibility to act in those extreme circum-
5 stances that necessitate the use of deadly force.

6 Unfortunately, the debate most often begins..."
7 and by this I mean the public debate -- :

8 "...after the police have flagrantly overreacted, but
9 still try to justify their actions when the outcry for
10 control results from an aroused community.

11 The simple fact is that except for the need of
12 an officer confronted with a life-threatening attack to
13 use deadly force in self-defense, the public has an
14 absolute right to decide when their police will shoot,
15 and should exercise that right. Such a decision is not
16 for the Chief to make unless the public abdicates their
17 responsibility to do so, and it's certainly not for each
18 individual officer to make as a matter of personal judg-
19 ment under the stress of a potential shooting situation."

20 Those of you who have been involved in shooting
21 situations know that you had your mind made up when you were
22 going in as to what you were going to do, and you reacted
23 accordingly.

24 "It should be made and stated in appropriate
25 public forum, with full participation, by every interested

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1 segment of the community, drafted by consensus within
2 lawful constraints, confidentially written into regula-
3 tions and made a part of the basic instructions and con-
4 tinuing in-service training of each officer, and then
5 enforced without exception.

6 For those exceptional situations where crimin-
7 als have barricaded themselves or have taken hostages,
8 the ability to use deadly force is a legitimate option
9 which the police should be prepared to effectively apply
10 as may be necessary.

11 Restraint, however, is the key to real success
12 in such situations, and if properly directed, shooting
13 will only be that last resort which will most often not
14 have to be taken."

15 Another aspect of deadly force that I always like
16 to discuss, that doesn't have quite as much sex appeal, is
17 pursuit driving. The fact of the matter is, we kill more cops
18 and run over and kill more people with those cars than we
19 shoot or get shot.

20 Essentially, that's what I believe about the shoot-
21 ing policy. If a Chief of Police tries to make a shooting
22 policy in a vacuum, it will never be correct. It will not
23 satisfy the needs of the community, it won't be able to take
24 into consideration all of the factors in that environment.
25 You can't do everything about everything.

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1 But if, as Chief Parsons suggests, you include all
2 segments of the community in that decision-making process,
3 you'll come out with something that you can live with, the
4 officers can live with, and the community can live with.

5 I think probably the most important thing that can
6 happen to any of us is to have our life taken, and that
7 applies to the citizen out there on the street, too, and if
8 anyone is going to make a decision as to when the police
9 should shoot, I think it's probably the public that's the
10 ones that are going to get shot.

11 We don't have an absolute right to decide for our-
12 selves, as police officers, when we as the public's police
13 will take a life. I just happen to believe that.

14 Now, lest I come off as a complete jackass, I'd
15 like to state that I'm not a total bleeding-heart liberal,
16 I'm not a member of the ACLU, what have you. I'm an ex-Marine,
17 I was a Marine in the Korean War, a Shootmaster, I was a
18 firearms instructor for years; when I became Chief, I put in
19 Model 59's, which is the 15-shot, 9mm automatic -- that's
20 our service pistol.

21 All our cars carry shotguns prominently displayed
22 in the windows. Our TAG weapons teams use night-scopes, and
23 we've even got a couple of Uzi machineguns kicking around,
24 and my narc's use a mini-45, so my philosophy is: first of
25 all, we ought to be well-armed, better armed, hopefully, than

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our potential opponents, so we don't end up like the Chief from Kentucky here, after firing five, wondering why the guy is still standing there shooting back at him.

Then I think we ought to train our people well, and that means extending the amount of ammunition and time so that they'll feel comfortable in the use of that weapon if they have to use it. A well-trained officer isn't likely to employ his or her weapon earlier than necessary. I think it's usually a mark of poor training if a cop goes around with a gun in his hand, because in many cases, his reaction -- he may not know how to use it properly.

And finally, the necessity to be restrained in that use, and restraint is what we're talking about, I think, when we're developing firearms policy.

Now, you hear me use the word "philosophy" a lot, and you know, if you don't like that word, if it's a turn-off, what I mean by it is, we ought to think once in a while why we're doing what we do. What are we about in this business? Why are we so interested in applying deadly force? What is our real interest?

Are we trying to protect the community, or are we trying to protect our long-standing authority? Why is it that the labor unions are usually demanding a carte blanche authority to use deadly force and the administration is trying to -- in most cases -- react to the community standards that they

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don't want people shot?

That's -- I think we ought to think our way through that periodically, and not just have a knee-jerk reaction whenever somebody suggests that maybe we shouldn't shoot.

If you examine the history of deadly force, you'll find that it derives from the old common law, and you'll be surprised to know that police officers in this country were not allowed to use deadly force and did not carry weapons when they were first employed in the middle 1800's, and it wasn't until a New York police officer armed himself and shot a fleeing felon that -- and of course the courts refused to indict him -- that police officers started to be armed. It wasn't until after the Civil War that it was generally practiced that officers carry arms. Before that time, the police were unarmed in this country.

In those days, the common law prescribed felonies to be punishable by death, yet there were only eight felonies in the common law, and using the felony-misdemeanor distinction as to whether or not to apply deadly force is no longer relevant, because there are so many felonies.

In Washington, D. C., when they changed their deadly force policy, it was the result of an officer coming upon two persons engaged in a homosexual act, which at that time -- and may still be -- in that jurisdiction was a felony, shot one, who was escaping, and killed him, and the only reason he didn't

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1 get the other one was because he moved too fast, and yet that
2 was legitimate use of deadly force under the then-existing
3 policy, and under still-existing law, to stop a fleeing
4 felon.

5 I ask you all to examine your own consciences to
6 see if you think that's a legitimate use.

7 Anyway, there's currently four options being dis-
8 cussed around the country as to what the policy should be
9 on deadly force. The first one says: the State law, as it
10 exists in many jurisdictions, and as it does in mine, that
11 you may use all necessary force, even to taking his life, to
12 stop a fleeing felon. Carte blanche. And that's still the
13 law in our State.

14 In our State, in the adjacent city of Seattle,
15 which we border, they have an on-going controversy as to what
16 the shooting policy is going to be, and as I go through these
17 four options, I'll tell you which each faction favors.

18 Anyway, the first one -- shoot any fleeing felon --
19 that's favored by the police union, which in our State, with
20 collective bargaining and compulsory arbitration, we have a
21 very strong police union.

22 The second option that's usually discussed is that
23 we will limit the shooting of felons to those which involve
24 an inherently dangerous felony, and in my department that's
25 -- those are determined to be murder, rape, robbery, arson or

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1 bombing of an occupied structure. Others have additional
2 ones, some have less. Some include burglary. But in all
3 other felonies, you may not shoot to prevent the escape of
4 the felon.

5 That's currently my policy, and that is the current
6 policy of the Seattle Police Department.

7 The next restrictive level is: police should only
8 shoot those who are currently armed and currently dangerous.
9 I don't know how the hell you determine that, unless the
10 guy's shooting at you! "Armed and dangerous," not based upon
11 the crime that the person was being apprehended for.

12 That's the policy that the City Council has just
13 enacted in Seattle. They've set a new policy after a public
14 hearings and review of all of the various interest groups'
15 various interests.

16 And finally -- which you will find in several U.S.
17 jurisdictions, I believe most of the Canadian jurisdictions--
18 and that is self-defense or the defense of another, and that's
19 the one supported by the Mayor and the ACLU.

20 So here you have four different, competing use-of-
21 force policies, all being hashed out in the public arena,
22 and each interested segment taking various policies. The
23 Guild -- the union -- has gone out on the street with a peti-
24 tion, trying to get the public to vote for the Guild's posi-
25 tion; the Council held their debate to determine what they

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1 should have for a policy and they ended up on a compromise.
 2 The Mayor is still not happy with it, and the policy currently
 3 remains the one that it was.

4 It can get very complex. And then it becomes a
 5 political issue, and our Congressman from that particular
 6 area, and -- the vote's coming up -- decided that he has more
 7 of a conservative than liberal constituency, so he wrote a
 8 letter to the Guild, which of course was run on the front
 9 page of the local newspapers, that he supports the hard-line
 10 policy. Very complex.

11 Generally, the opponents to change in a policy --
 12 and I -- if you have the old "shoot any fleeing felon" policy,
 13 it's dated, and it's going, sooner or later. You may not
 14 believe that; if you don't have unions, you may not believe
 15 you're going to have a union, either. I suspect you will.

16 The opponents to change in a policy, Number 1, you
 17 will frequently find an old-line Chief, status-quo oriented,
 18 who doesn't want to change anything. You'll frequently find
 19 police officers themselves, if they're organized into a
 20 union, actively resisting -- and doing it politically -- any
 21 change in the use of force.

22 The city attorneys, county attorneys -- whatever,
 23 will state that the liability concerns will be increased if
 24 you enact a more restrictive policy than State law; their
 25 argument will go something like this: the State law says you

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1 can shoot any fleeing felons. Therefore we're justified in
 2 doing that. If you enact a more restrictive policy, one of
 3 the officers doesn't obey that policy, then that policy will
 4 be used as evidence against us to increase our liability.
 5 Therefore, let's not have a more restrictive policy, just let's
 6 go with the State law.

7 I think that's normally just functional, because
 8 if people are just following State law, and more people are
 9 shot, people can bring suit against us and our liability will
 10 increase. And there are already a couple of Federal Court
 11 decisions, and I think the Kentucky statute that was referred
 12 to in connection with that.

13 The courts are saying it isn't acceptable to admin-
 14 ister deadly force out on the street to a person who was not
 15 convicted and sentenced to death after a trial. That is con-
 16 sidered a denial of due process, and that's an evolving seg-
 17 ment of the law.

18 And finally, as we heard earlier, you may have a
 19 conservative public that just doesn't want to accept the fact
 20 that their police aren't going to shoot.

21 Who gets shot? A national study that I have access
 22 to, and if any of you want a copy of that, I'll make it avail-
 23 able to you, indicates that persons most likely to be killed
 24 in a police shooting are -- is a young person between the
 25 ages of 17 and 19, the most frequently killed.

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Probably the reason they're most frequently killed is that that age group, as we all know, is responsible for a great majority of the crimes in this country today, so they have a proportionally greater involvement. However, if you examine the age of the people that are killing our police, you'll find the average age is 31. So if we're shooting people to protect ourselves, as is so frequently argued, we're shooting the wrong people.

Race. You'll find, particularly in my area -- and I find this is not the case in the South -- but the shooting is disproportional to the involvement of blacks in crime. More blacks are being shot up in our area than would be justified by the same rationale as "more youth are involved in crime." They're -- blacks are being shot in disproportion to their involvement in crime. That might suggest a little racism in some places.

We find up there, too, that blacks are less up in arms than the whites. The blacks involved in a shooting incident are armed 47 percent of the time, whites are armed 61 percent of the time; if you look at the figures nationally, the whites are more likely to return fire than the blacks. Yet more blacks are being shot.

And 41 to 43 percent of those people who are killed by the police are unarmed. They weren't armed, therefore -- and I know, it's a dark alley, and I was out in the street; I

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have been doing this for 23 years. There are times when you can't tell if a person is armed or not; that's acceptable, and I guess legitimate. But I can recall incidents where he says: "Well, I thought he was reaching for a weapon, or I saw something shiny," and there wasn't any weapon and the bullet was in his back, and these are frequently brought out in the inquests, at least up in our area.

And, sort of a final thought I'd like to get on this matter of who gets shot, is that it may be -- and it's not, or it can't be proven at this point, but there's reason to suspect -- that the more shootings police involve themselves in, the more likely the police are to get shot.

If you look at it proportionally, you'll find that the ratio of police shootings, even though we're shooting five whites for every one officer shot, and six blacks for every one officer shot, in those areas where the police shoot more, more cops get killed. In 1977, there were 91 police officers killed in the United States; 46 of those were in the Southern States, almost half, which I think you'll agree is where the most police shootings occur.

If you create an environment in which the police escalate the level of violence by shooting, you'll find people shooting back, and that's how cops get killed, and I suspect we're all interested in maintaining our own life-spans -- and those of the officers who work for us.

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1 As far as policy and training, I think you have
 2 to -- you have to think out your policy in advance of a
 3 serious incident and implement it. As I alluded to earlier,
 4 most demands from the public -- public outcry, results after
 5 the police have engaged in some sort of an incident that can
 6 best be described as an "over-reaction," and the public says:
 7 "Dammit, that's far enough." Then they want to impose a
 8 policy you can't live with.

9 Far better to develop it ourselves earlier --
 10 controlled by the public anyway, and implement it so that we
 11 can live with it.

12 Let me tell you how the latest incident started up
 13 in our area.

14 A chicano robs a store, leaves the store, fires a
 15 shot, police arrive, he runs into some blackberry bushes. A
 16 blackberry bush is about this high (indicating). He runs in
 17 there and hides.

18 The police surround it, he's in there. Situation
 19 stable, right? No reason for hurting him. They've got K-9
 20 units, they've got gas. What do they do? The sergeant
 21 issues machetes to -- I forget how many officers, and they
 22 proceed to whack their way through the brush! And when they
 23 get to the guy, he stands up, the officer who's closest says:
 24 "Shoot!" and they did; they shot the cop, too. 29 bullets
 25 hit the suspect.

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1 The officer got one of the first ones, and he goes
 2 down, which prevented him from getting killed, and they --
 3 you know, it's a little embarrassing to take this body to the
 4 Coroner with 29 bullet holes in it, and then try to explain
 5 to the public how they got there.

6 You've got to think out your policies before you
 7 have an incident like that, because you damned well can have
 8 one. Young cops will shoot; I know, I was a young cop, I
 9 was ready to shoot. And unless you train them, and restrain
 10 them, you're going to have incidents, and the same way with
 11 the high-speed driving. Once that adrenalin gets pumping,
 12 it's the "I'm going to get that guy." syndrome, and you're
 13 going to have an incident.

14 Anyway, your policy should be clear, unambiguous,
 15 a written statement as to what it is you expect. That's only
 16 fair; if we send them out there we should be able to tell
 17 them what it is that we expect of them.

18 Secondly, we should have -- our training emphasis
 19 should not must be on how to shoot, but when to shoot. If
 20 we -- if you have requalification, and you certainly should
 21 or you've got a negligent training -- that "when and when not
 22 to" should be indoctrinated every time you have requal.

23 Finally, formal review process for all shootings,
 24 and by "formal," I mean you set it up so that you have to go
 25 through a real honest-to-god process, and it's consequently

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1 taken seriously by all the officers, and you enforce your
2 policy to the letter. I just recently suspended a lieutenant
3 for accidentally discharging a shotgun. It was negligence;
4 he should have known better.

5 We make it -- we make our officers aware of it,
6 too. In my Department we have never had a fatal shooting, nor
7 has anyone ever shot one of our officers. Contrary to the
8 experience all around us, in both larger and smaller -- mine's
9 the fourth largest city in the State.

10 And I think that again shows that if we're not
11 shooting, there's a damned good chance they're not going to
12 be shooting back at us. And our clearance rate is higher than
13 the surrounding agencies'; I suspect you still can get some
14 of them later, but if you don't, and the public is willing
15 to accept that, then that's the public's decisions, and you
16 try to make up for the fact that a few get away without shoot-
17 ing.

18 The alternative to taking that route is, I think,
19 the inevitable incident, and the public outcry that follows,
20 and then you'll be forced to live with a policy that you
21 didn't have any part in developing. If you want to see a
22 real mess in action, go up to Seattle now and watch the
23 police union, the Council, the Mayor, the Guild, the ACLU,
24 all fight over what the policy is going to be, and whatever
25 it is, nobody is going to be happy with it.

WHD

1 I'll try to answer any questions. Yes?

2 CHIEF PARSONS: I think it's more a statement, I
3 guess.

4 I worry a little bit about the whole process of, you
5 know, a Chief sometimes trying to modify the law, because
6 that's a political process and it's inherent in democratic
7 government, and I don't know how we can deal with it.

8 Now, you know, we were criticized in Florida for
9 saying, you know, that the police doesn't have -- just don't
10 have any business modifying the State law. And it's the
11 same -- the very same system here, only just at another level.

12 The State, who pays tax revenues, demands support,
13 converted their policy into law, and the law said this,
14 because they didn't want the police fooling with it -- they
15 didn't the Chief in Miami being different from the Chief in
16 Tallahassee or Jacksonville, or Gainesville. They said:
17 this is the way it's going to be, and now it's out of your
18 hands.

19 Now, you know, that's the political process, too,
20 and here's a Chief sitting over here somewhere, in Lakeland,
21 Florida, that says: "I don't agree with this process and
22 I'm going to change it." And I just don't know how solid a
23 ground he's really on in that.

24 And another thing that bothers me: I don't think
25 the law, the old "fleeing felon" law, will ever change, as

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1 long as every Chief just modifies it for his particular
2 community. There'll never be any pressure mounted to bring
3 the law into line.

4 Does that make sense to you? It's the same system,
5 just at a higher level. They're telling you, you know, that
6 you may have your values, but you're only one in this entire
7 State. And if you're going to have an impact on it, you've
8 got to get over here at the State level and do it.

9 See, it's the very same system, just at another
10 level.

11 CHIEF VAN BLARICOTH: I think I disagree with my
12 friend from New Orleans, and I see nothing wrong with exer-
13 cising the -- we're talking about exercising discretion and
14 providing guidelines so officers know what those guidelines
15 are.

16 And I think that a head of a law enforcement agency
17 is within his rights to define the discretion or limit it more
18 than the law. I have no problem with that. In my agency,
19 the law gives me and my officers the right to shoot any flee-
20 ing felon, but we limit that; it's more restrictive than the
21 law, and that's some of the problem I have with the proposal
22 that is in your books.

23 That proposal is too loose; it really adheres to
24 the law, and our existing policy is more restrictive than
25 that. I think that's entirely proper for a law enforcement

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1 agency to further define that, to put those limits of author-
2 ity.

3 CHIEF FREEMAN: When they passed the new Penal
4 Code in the State of Kentucky, I think police officers, down
5 deep, were really satisfied that they finally had "A law,"
6 period, that set "A guideline," because in the past, I remem-
7 ber we'd get in too many of these situations where should we
8 have or should we not have fired a weapon, should he have
9 been somewhere else, or whatever.

10 And with the way the law was passed, it is very
11 restrictive, but it relieves the police officer of making up
12 his mind whether he's going to cause justice or whether he's
13 going to do his job under State law.

14 Now, in that law, it makes it very, very clear that
15 a police officer may protect himself. Now, I live in a
16 State where people like to shoot each other, very similar to
17 Birmingham. And consequently, a police officer has to be in
18 a position where he can protect himself.

19 In three cases we had last year involving justifi-
20 able homicides, every case lasted less than a minute. From
21 38 seconds to 58 seconds. It doesn't give you any time to
22 plan, and we don't have to plan; we know what the law is,
23 and if someone pulls a gun on you, you waste him! It's just
24 that simple.

25 Because second-best in a shooting situation means

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1 you're dead. And the situations we had where they had police
2 officers -- in one case, a man was crazy, pulled out a gun,
3 pointed it right straight at the police officer, fired -- and
4 it didn't go off. The next round was a live one; that round
5 had been used. How it happened, I don't know.

6 In the second incident, we had one -- one of these
7 motorcycle gangs there at the bar, and a police officer drove
8 by there to go to the restroom. And when he goes to go in
9 the front door, they say: "Out back there's a party," and
10 he walks out back, a man pulls out a .25 automatic and puts
11 it to his leather coat.

12 So each one of these situations lasts such a few
13 seconds there's no such things as planning; you either have
14 to have your police officers prepared, to where they react
15 according to the training they've had -- which is one reason
16 why I brought out very strongly that the weapon should be in
17 one spot. You don't have cross-draws, upside-down, behind
18 the neck, behind the shoulder-blade, at the ankle; you have
19 your weapon in one spot, you train them how to use that
20 weapon in that one spot. You try to use them the same way
21 as much as possible.

22 You make sure the weapons and ammunition you give
23 them are adequate to do the job, and not get caught in the
24 situation I got caught in.

25 But if you have -- and here's where you're talking

WHD

1 about politics -- try not to leave your policy to where that
2 it leaves a question of whether a police officer may enforce
3 justice or may not. He should be very clear. In the State
4 of Kentucky, ours is very clear. You protect yourself, and
5 that's the only way you render justice.

6 I think that's the key to the whole situation:
7 have your law to where it's very restrictive, and at the same
8 it tells you exactly what you can do. You can always --
9 you protect yourself, and that's all.

10 CHIEF PARSONS: You know, I don't think I disagree
11 with Laren, except if he continues to modify the State law
12 in Arizona, there will never be any need to change the law,
13 because you're doing administrative rule-making, you're doing
14 legislative functions for them and they don't have the need
15 to change it.

16 In Alabama, we still have the right to shoot a
17 fleeing felon. I was really pushed into this policy, made
18 it, passed it on to the legislature, and now the next session
19 of the legislature, this will go into effect as State law.
20 And they're both in harmony.

21 I think we're tampering with the legislative pro-
22 cess, and it won't modify itself. These demands are supposed
23 to make changes in the system. It's like the marihuana laws;
24 they're still on the books, but we've just decided we're not
25 going to enforce some, or we're going to handle it some other

WHD

1 way, or reduce it to an attempt, and it'll just hang there
2 for 100 years, because we keep modifying it ourselves.

3 That's not our job. The legislative process is
4 for legislatures.

5 CHIEF VAN BLARICOTH: I agree, if the legislature
6 would do their job, but it's been the experience around the
7 country that they just don't move. It's the same way -- I
8 don't know what you all think about gun control; I suppose
9 we could get on both sides here, but I haven't seen many gun
10 control laws, either.

11 Our legislature is divided right down the middle
12 by a range of mountains; it's like two states. One side is
13 metropolitan, the other is rural, and they don't agree on
14 anything. Consequently, we don't get laws like that; it's
15 just a waste of time to -- and I'm not saying we haven't
16 made the effort, but it's been a waste of time. And in the
17 meantime, we're sitting there with the problems of having to
18 deal with the use of deadly force, and it's a very important
19 social issue, and we either deal with it or ignore it.

20 If you don't deal with it, you aren't going to be
21 there long!

22 CHIEF PARSONS: Well, all I have to say to that is
23 that that's the democratic process. You know, it may be an
24 issue for you, but it never gets to be an issue for enough
25 people, and they're not going to move, and that's why they

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1 don't move. You got the problem; they say they haven't. I
2 think that's what they're telling us.

3 CHIEF VAN BLARICOTH: Well, you know, that's a seed
4 that goes even further than we've brought out. Just to give
5 you an example, in our State a -- they passed a law in the
6 last legislature that states that a Judge may not place any-
7 one in jail for a traffic violation. They changed the word-
8 ing of violation for misdemeanor or felony, or whatever; it's
9 now a violation to commit a traffic offense.

10 And if the Judge can't put them in jail, that means
11 the police officer can't put them in jail.

12 And we -- most of us live with the same law, that
13 says if you can't kill a person in the name of justice, a
14 fleeing felon -- some States say a fleeing convicted felon,
15 it stands to reason the police officer can't use the justice
16 the court can't use. And it follows the same path all the
17 way through.

18 Now, that path's been moving now for the last 20-25
19 years; we're just now starting to see the changes in the
20 various States, but it's nothing that's new that's come up
21 right here. It's been a process that's been going on for 20-
22 25 years, since I became a young State policeman.

23 QUESTION: I've got a question, if I may, to direct
24 to anyone to answer. Okay, and not necessarily yourself,
25 Chief.

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1 We happen to have a unique situation, and I don't
2 think it's that unique; there are other county departments
3 in the country that are the same way, where we have got a
4 -- under the Sheriff's office, okay, in the Public Safety
5 Department, we've got a Police Department which you're deal-
6 ing with urban crime and the metropolitan concept.

7 We've got a Department of Corrections; okay? We've
8 got a Court Services Department, which are basically the
9 Deputy Sheriffs, fully sworn and trained, but assigned to
10 civil-type duties -- courtroom security, civil process,
11 Grand Jury investigations, so on and so forth.

12 All right; we are, I'm afraid, much in the midst
13 like LAPD; we've operated with close to 4,000 officers, with
14 very little written policy in this area, and in one section
15 of the Department, virtually none.

16 Do we foresee a need, gentlemen, to have separate
17 shooting policies, depending upon the assignment of each
18 department, meaning that the officers on the street, perform-
19 ing criminal enforcement duties obviously would be dealing
20 with more situations than the fellows that are assigned to
21 say, the courtrooms?

22 Now, the name titles are different, but -- okay,
23 the jobs are different, but they're still the same. They're
24 all deputy sheriffs under law, and you know, I know it's not
25 unique, because other departments segment them the same way.

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1 But should we have one policy for the Officer or
2 the Sheriff? Or should we have separate policies addressing
3 themselves to the particular needs?

4 CHIEF HOY: We resolved that in our home community;
5 we consolidated all government. We have one police department
6 for the whole County; it locks all the rest of them out. It
7 makes it much easier; you make one policy that covers them
8 all. I know you all -- you have a bureaucratic mess up here
9 when you have 25 different agencies doing the same job, but
10 you can cure it.

11 QUESTION: Well, Ed, I'll tell you something: this,
12 room is going to grow wings before the 123 municipalities
13 that are under our jurisdiction -- you know, decide that
14 they're not going to become police departments.

15 The hardest thing in the world is to convince a
16 Chief of Police to get involved in either a mutual assistance
17 pact or a metropolitan concept. Either he goes for it --
18 okay? That Mayor or that City Manager wants his Police
19 Department.

20 So that's not going to happen. But you know, this
21 is not unique, particularly in larger Sheriffs' Departments,
22 where you've got different people doing different jobs.

23 CHIEF: I still go back to the original point. You
24 are going to have to go to your legislators. I don't believe
25 that this can be done on a local level and be done satisfac-

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torily for everyone's needs in a particular community. That goes back to Birmingham.

Birmingham has a State law and uses the policies that may be consistent with the State law, but there may be people there now that are changing to where they don't think they should be consistent with the State law.

So whatever the State law is, if you're not satisfied with it, it needs to be consistent with the whole -- every police agency in the State, and it does require this process on the State level.

Now, there are not many police departments that are going to up and go lobby for a situation like we have in Kentucky, but I think all of us were relieved that we know what the guidelines are, and I think that you would be relieved if you could find someone who would give you that State law that dictates exactly where you use your weapon. And I'm not talking about the individual circumstances involving self-defense.

But we all recognize the fact that every police officer has the right to live.

CHIEF PARSONS: I think the way you'd handle that is to have one basic policy with procedures different for each department or specific function.

CHIEF: You know, we've talked about social, political implications, even psychological, and I have two things

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that I have observed.

One thing is, I have to agree with the Chief from Arizona. There's a strong economic sanction involved with this whole matter of developing policy within or outside or above the State legislature. I think you're all familiar with an article probably printed in the New York -- I think it was the Wall Street Journal, regarding the dilemma of liability insurance many communities are facing, in terms of this rather patchwork type of deadly-force policy that exists.

And as a result, as I stated yesterday, the liability that is incurred by jurisdictions, particularly those of us who may find it very difficult to offset financially, they're not really concerned with who's right or wrong in the shooting. They're not concerned with whether the officer was right, they're not concerned with whether the criminal aspect -- what they're looking at is that actuarial chart, as to what their risks are in terms of possible pay-outs, either through settlements or court duties.

And as a result of that, that has a very definite impression and influence on a Chief or a City Manager or Mayor in terms of getting to the point of putting in a deadly-force policy or use-of-force policy that can indicate to these carriers that along with what the Chief from Kentucky says, along with training, that we are definitely trying to put this thing in a proper focus, so therefore, don't abandon

WHD

1 us.

2 It would be ideal if we could do like some counties
3 and States are doing, going to self-insurance. That's a
4 whole new political hodgepodge, and Michigan, I doubt, is
5 ever going to go for it.

6 The other thing is that I have not seen any statis-
7 tics that indicate that this broad shooting policy of shoot-
8 ing fleeing felons has had any effect on the reduction of
9 crime, particularly in the area of burglaries. Now, when
10 I went up and got -- shall we say, when I went to the mountain
11 about a year and a half ago, over a suspension of an officer
12 shooting at a felon, we monitored our burglary rate, and we
13 definitely know that our reduction in this area is more due
14 to our crime-prevention effort, through our community-rela-
15 tions units, than it was to the crime policy.

16 And the ironic thing is that in our county, we are
17 the only ones that had a strict firearms policy about ten
18 years -- that was in existence, but everybody said:

19 "Well, you know, the Chief had to write some-
20 thing, so he wrote this. It looks good, you see."
21 as Chief McLaren, or Bill McLaren is now reporting in Maine,
22 and I was -- ours was the first county to enforce it, but
23 the County says everybody else has got a Buffalo Bill policy,
24 you know -- your head pops up, you get it blown off!

25 (End of recorded proceedings)

END