

# Decisionmaking and the Police Use of Deadly Force

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A precarious relationship exists between democratic societies and the police agencies that have been created for the purpose of maintaining law and social order. In an attempt to maintain law and order, police officers may be required to use force in their day-to-day contact with the public. Police have at their disposal the capacity to act as judge, jury, and executioner, if need be. Force that is legitimately and properly applied serves as an essential ingredient in maintaining an ordered society (McLaughlin, 1992; Ross, 2002).

The decision to use deadly force, however, is of such significance that, if at any time a death results, the appropriateness of the action will always be questioned. Police use of lethal force can only occur in those few situations in which no other reasonable option is available. When an officer is issued a firearm, the expectation is that it will only be used in very limited circumstances. The vast majority of police officers within the United States and Canada will complete their entire careers, without having to shoot or utilize potentially deadly force (Griffiths, Parent, & Whitelaw, 1999). In those rare instances when deadly force is used, however, the decisionmaking by the officer is often complex, multifaceted, and instantaneous.

When police officers use firearms against individuals, it is assumed that they are using lethal force. Police officers within the United States and Canada are trained to shoot to kill contrary to the common notion that training involves techniques in wounding assailants. Police firearms training emphasizes hitting the target's centre of mass to eliminate a potentially lethal threat; however, the majority of people shot by police do not die (Parent, 1996, 2004).

Generally, officers who discharge a firearm or utilize other potentially deadly force are attempting to immediately incapacitate a perceived threat. This decision-making process will usually transpire when the individual officer is under stress, allowing for the influence of both physiological and psychological factors (Parent, 2004).

In North America, both law and policy govern police use of force. The use of deadly force by the police must occur only within the parameters of state and federal legislation as well as organizational policies. Within this legal framework, the police are also empowered to utilize discretion. Geller and Scott (1992) define *official discretion* as an authority conferred by law to act in certain situations in accordance with an official's or an official agency's own considered judgment and conscience. Government legislation and organizational policies within the United States and Canada serve to provide only the outer limits of police discretion in using force.

There is no obligation for the police to use force whenever it would be legally justifiable. The use of force, including deadly force, is dependent upon both the unique circumstances of the incident and the unique decisionmaking of the officer. If two officers are faced with the exact same circumstances, one individual officer may decide to employ deadly force while the other may choose a nonlethal method of dealing with the perceived situation. Thus, both discretion and perception may vary between individuals.

## Incident Evaluation and Force Options

Prior to reacting to any situation with the application of force, a police officer is required to evaluate the incident. Through analysis of all of the information known, a police officer will attempt to select the most appropriate use-of-force response. By law, and by profession, the response must be the *least violent option available* that will safely gain control of the situation (JIBC, 1992, 2006).

When police officers find themselves facing a violent individual or superior numbers, the level of potential danger is increased significantly. As a result, the police officer must quickly disable the attacker(s) and improve the likelihood of control. In these instances, compliance tools, such as pepper spray and impact weapons, may provide the necessary means for the police officer to control the situation.

When a police officer determines that physical force is necessary to establish control, the officer must compare his or her own physical abilities with those that are exhibited by the subject. Since there is no *field test* by which an officer can “measure” their subject, a visual evaluation occurs. Factors that will contribute to the police officer’s assessment of the subject include the individual’s size, gender, demonstrated skills, muscular development, and age. In conducting this rapid field assessment, the officer will compare his or her potential for achieving control to the subject’s potential to resist. A police officer who reasonably believes that he or she possess a physical advantage will generally be able to gain control of the subject with a minimal level of force (Griffiths et al., 1999; JIBC, 1992, 2006).

## Demonstrated Threats

Individuals who police officers confront can demonstrate various levels of potential danger. These dangers are typically in the form of weapons or levels of resistance. When dealing with weapons, both the type of weapon and the manner in which it is carried or held can influence an officer’s perception of potential danger.

The dangers associated with levels of resistance can quickly change within the context of any particular incident, and as such, police must be alert to all possibilities. Levels of resistance can be broken down into six distinct categories:

1. *Nonverbal Intimidation* – Gestures and facial expressions that present an aggressive position
2. *Verbal Noncompliance* – Threats, arguments, or refusal to obey a lawful request
3. *Passive Resistance* – Dead weight, linked arms, sit-ins, etc.
4. *Defensive Resistance* – Physical actions that impede the police officer

5. *Active Aggression* – Actual assault upon the officer(s) by way of punching or kicking
6. *Deadly Force Assault* – Active aggression that places the officer(s) at risk of death or grievous bodily harm (includes, but not limited to, assaults with various types of weapons)

## Levels of Response

Individuals often have no control over the situation(s) they face; however, some control can occur by exercising an appropriate level of response. These responses include five distinct force options that are available to all individuals, not only police personnel:

1. *Presence* – The mere presence of an individual may alter the behavior of the participants at an altercation, thereby facilitating control.
2. *Dialogue* – Verbal and nonverbal communication skills may resolve the conflict and result in voluntary compliance.
3. *Empty Hands* – Physical force is issued to gain control.
4. *Compliance Tools* – Empty hands are insufficient to gain control, and as a result, equipment or weapons must be used.
5. *Deadly Force* – The situation requires complete incapacitation of the subject in order to gain control. As a result, deadly force is the only option available to reduce the lethal threat.

## Theoretical Explanations for the Police Use of Deadly Force

Within this framework, researchers in the United States have attempted to explain the underlying reasons for extreme violence including police use of deadly force (MacDonald, Kaminski, Alpart, & Tennenbaum, 2003; White, 2003). In their attempts, researchers have derived a number of theoretical perspectives, each providing a viewpoint that must be considered within the unique circumstances of individual lethal force incidents. Wolfgang and Ferracuti's (1967) "subculture of violence" is one of the most cited theories of violence. These authors present the concept that there exists in different communities "subculture(s) with a cluster of values that support and encourage the overt use of force in interpersonal relations and group interactions" (p. 314).

Geller and Scott (1992) state that the structural theory asserts the significance of "broad-scale" societal forces, such as lack of opportunity, institutional racism, persistent poverty, demographic transitions, and population density; these combine to determine both homicide rates and to influence the police use of deadly force. It is argued that these factors serve to facilitate violent crime within a community, thereby influencing the propensity for police use of deadly force (MacDonald et. al., 2001).

The interactional theory focuses upon the character of relationships that escalate into homicide. Police use of force is seen as resulting from the interaction process itself. The act of the participant precipitates the acts of the police officer. This may result in an escalation of conflict that culminates in deadly force being utilized. In their 1982 study, Best and Luckenbill state that the most severe form of violence, murder, takes a sequential form. In his analysis of 70 murder cases, it was noted

that in every case, the killing was a culmination of an interchange between the offender and the “target” (victim).

The transaction of violence would occur in a sequential form. The “target” would act in a manner that the offender deemed to be offensive. In response, the offender would typically retaliate with a verbal or physical challenge. These events would establish a “working agreement,” favoring the use of violence. A battle would then ensue, typically leaving the target dead or dying (Best & Luckenbill, 1982, pp. 161-166).

In applying Luckenbill’s theory to police use of deadly force, the police officer would typically take on the role of the target. A police officer unknowingly attending the scene of an in-progress crime or, attempting to intervene in a violent situation, is typically perceived as the “offensive individual” by threatening the goal of the perpetrator.

As this interaction commences, it becomes apparent to both the target (police officer) and the offender (suspect) that each individual favors *opposing outcomes*. The police officer, if allowed to fulfill his or her role, will not only terminate the offender’s progress towards his or her goal but will also hold the offender accountable for his or her actions. In most instances, this accountability will occur in a court of law with consequences that may include punishment and the possibility of imprisonment.

It is within this context that the offender retaliates with the use of violence or the threat of violence. The offender sees the option of surrender or compliance as being an unsuitable means of settling the confrontation (Hannon, 2004; Luckenbill, 1977).

The offender’s actions, or inaction, will ultimately determine what level of force is required by the police officer. Should the offender choose to display a real, or perceived, potentially lethal threat towards the officer or another individual, then it is likely that police personnel will respond with their firearms or other appropriate levels of force.

Violence by police is also said to be situational in nature. In each particular situation, there is a unique set of dynamics that include personality, stress, and danger. Parent (1996, 2004) significantly emphasizes that, in some instances, the police officer is forced to react within seconds, and there is little that the involved officers can do differently to alter the nature of their encounter.

An essential factor in controlling this situation is the obligation of individual police officers to check for specific factors as they approach the scene of a potentially violent encounter. The mere presence of a police officer may serve to intensify and escalate the situation into which they are entering. Researchers have noted that a key factor in increasing the amount of time available to an officer is the training in violence reduction (JIBC, 2006; Parent, 1996). This would include such matters as deciding upon how, and when, to enter a situation, and what precautions to take including developing a habit of checking in-progress crime scenes for the purpose of identifying dangers, options, and bystanders (Geller & Scott, 1992; JIBC, 2006).

## Physiological Influences upon Decisionmaking

It is also important to recognize that an officer engaged in a potentially lethal encounter will experience a variety of perceptual alterations. Tunnel vision may occur, which, in effect, nullifies the officer's peripheral vision. The officer may require this vision in order to see other dangers and other alternatives to deadly force or to become aware of the presence of innocent bystanders (Klinger, 2001; Sheehan & Warren, 2001).

Researchers have cited "time distortions" and "increased auditory and visual acuity" among other physiological effects of high-stress confrontations. The physiological changes (more commonly known as the "fight or flight syndrome") are intrinsic within human beings, acting as survival mechanisms (Klinger, 2001; Sheehan & Warren, 2001). Murray and Zentner (1975) note that the "alarm stage" is an instantaneous, short-term, life-preserving, and total-sympathetic-nervous-system response that occurs when a person consciously or unconsciously perceives a danger-inducing stressor.

Upon stimulating the sympathetic nervous system, epinephrine is released from the adrenal medulla and, at the adrenergic nerve endings, is transported to target areas. The cardiovascular rate and output are increased, making more blood available. At the same time, the blood supply is shunted to the brain, heart, and skeletal muscles. The respiratory rate and depth are increased to ensure adequate oxygenation. The individual's metabolism is increased up to 150%, providing immediate energy and producing more body heat. Muscle tone is increased so that activities may be better coordinated. Pupils dilate so that maximum light can be used in viewing the situation. Vision is initially sharp. Finally, less essential functions such as digestion and excretion are diminished and sphincters tighten (Murray & Zentner, 1975).

These physiological changes enable the individual to act appropriately upon being faced with a perceived danger; however, there are times when, with the intensification of stress, opposite physiological changes can occur. Cardiovascular output may diminish, and respiration may become difficult with hyperventilation and dizziness occurring. The person may feel nauseated and hungry, muscle tone may relax to the extent that incoordination results. Pupil dilation may become fixed causing blurred vision. Finally, an individual's sphincter tone may diminish to the extent that involuntary defecation or urination occurs (Klinger, 2001; Murray & Zentner, 1975).

Individual officers who have been involved in shootings have detailed how the often split-second incident appeared to unfold in "slow motion" with their only focus being upon the actions of the assailant. In most cases, the police officers have responded to the perceived threat in an "automatic" manner, based upon their repeated training in dealing with life-threatening situations. In the vast majority of cases, a potentially violent encounter will develop into a lethally violent situation in just a matter of seconds (Klinger, 2001; Parent, 1996, 2004; Sheehan and Warren, 2001).

The perceptual alterations that occurred within the officer (usually within seconds) are frequently met in an equal amount of time by the deployment of deadly force.

This situation has typically caused police investigators and external reviewers, such as the courts, to take the view that it would be unrealistic and unfair to expect that a police officer, facing a perceived threat to his or her life or that of another individual, must take the “time” to explore all the options and variables present. Owing to the dynamics of a typical shooting situation, both the police and courts have tended to view any controversial hindsight as being unrealistic (Klinger, 2001; Parent, 1996, 2004).

This is not to say, however, that police officers should be relieved of their obligation to check for specific factors as they approach the scene of a potentially violent encounter. The police officer must invoke information-gathering and tactical decisionmaking prior to the onset of a violent encounter. The rapid timing and physiological effects that occur during the violent encounter will reduce the force options available to the officer, often leaving him or her with no alternative but the use of deadly force.

## **The Influence of Stress upon Decisionmaking**

Stress is a physical and emotional state that is always present in a person but is intensified when environmental change or threat occurs to which the individual must respond. An individual's survival depends upon constant negotiation between environmental demands and the person's own adaptive capacities (Klinger, 2001). Human performance under adverse conditions has been the focus of research for a number of years. Schade, Bruns, and Morrison (1989) state that experimentation and observational examination of threat, stress, and anxiety suggest that elevated stress levels negatively affect any performance. These authors note that physical and social settings serve to heighten anxiety including dark or poorly lit places, high crime and violence areas, angry or upset people, and nonsupportive social structures. While these factors affect all individuals, police officers are likely to experience even higher levels of anxiety, as they often have little choice in entering a dangerous situation.

Skolnick (1966) stated that in reaction to the pressures they face, police officers develop “perceptual shorthand” to identify certain kinds of people as “symbolic assailants.” These symbolic assailants are individuals who use specific gestures, language, and attire that the officer has come to recognize as a prelude to violence. This may also apply to symbolic settings that the officer has come to recognize as having the potential for danger.

The responding police officer's arousal level will be heightened upon confronting a perceived symbolic situation. This recognition and arousal pattern may serve to “trigger” the use of deadly force, whether it is actually required or not. An officer's preconceived expectation may serve to alter facts, thereby creating an improper situational assessment and response. Symbolic situations may additionally provoke fear within an individual officer. This fear may include the fear of serious injury, fear of disability, or fear of death (Klinger, 2001; Sheehan & Warren, 2001).

Additional stressors within policing include the recent deinstitutionalization of the mentally ill and the increased usage of mind-altering and hallucinogenic drugs. These two factors alone have forced the police to deal with more disturbed and violent individuals. The recent widespread manufacture and distribution of

methamphetamine has also added to this situation, frequently causing the user to be aggressive and violent. Police officers, more than ever before, are likely to encounter violent or deranged individuals on a frequent basis.

In the past 15 years, large numbers of distressed individuals suffering from diseases such as schizophrenia have been released from institutions. Many of these individuals are now living on the streets and are frequently encountered by the police (JIBC, 2006; Parent, 2004). The behavior exhibited by a mentally ill individual can easily be misinterpreted as an aggressive act, indicating the requirement for the use of force. In many instances, police officers must be able to assess and interpret the cues of an individual (often within seconds) in order to ascertain the correct procedure in dealing with him or her. For example, a mentally distressed individual waving a knife in the air, while shouting and raging, may be “talked down” by a police officer using verbal communication techniques.

This same mentally distressed individual, however, may cause another officer to perceive that his or her life is in danger, thereby requiring the use of deadly force. Police officers are now increasingly placed in the precarious situation of being required to assess correctly and instantaneously the people they confront on the street.

Finally, these events have been exacerbated by the perception that the corrections system releases untreated dangerous offenders prematurely into the community. The prognosis for many of these individuals is that they will offend once again. Nevertheless, legislation requires that offenders be released into society upon the completion of their sentence. This situation further serves to intensify both the fear and stress level(s) of individual police officers. The police may unknowingly have to deal with a released dangerous offender, one who has demonstrated the potential for violence (Griffiths et al., 1999).

## **Conclusion**

Modern-day police agencies are faced with having to deal with both contemporary crime and a general public who often expect immediate solutions to problems that are deeply rooted within society. These solutions must be achieved within the parameters of legislation, constitutional guarantees, and the complexities of our criminal justice system. The police are additionally expected to maintain a level of service that is considered to be professional, accountable, and transparent to all individuals within society.

Unlike other occupations within society, however, realistic “street” conditions within the United States and Canada have caused the police to be preoccupied with the potential for violence during their day-to-day duties. Police agencies within North America perceive that they are tasked with policing a violent society, an ineffective criminal justice system, and offenders who may be armed with superior weaponry. Added to this situation, technology has created cheap and effective monitoring devices available to all members of the public. Police officers are not only expected to uphold the law, but their very behavior in doing so is frequently monitored and criticized by the public (Griffiths et al., 1999; JIBC, 2006; Skolnick & Fyfe, 1993).

In conclusion, the various theories and empirical studies surrounding the police use of deadly force and potentially deadly force have been analyzed and discussed. Throughout these various explanations, it is clear that no single theory serves to explain why the police use of deadly force occurs.

The noted levels of stress and fear faced by police officers may serve as explanatory variables in police use of deadly force. An officer who perceives a threat will act on that perception. The physiological and psychological changes that occur to police officers under stress may also serve as important factors in an officer's decision to deploy deadly force.

In many instances, organizational, physiological, psychological, and sociological forces combine to influence and direct the individual police officer in the deployment of deadly force. These same physiological, psychological, and sociological factors may equally influence and direct the role of the victim, leading to his or her demise in a deadly force encounter. Future research regarding decisionmaking and the police use of deadly force will hopefully provide additional insight and solutions to a complex social problem.

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