Spring 2021

Historical Analysis of Policing in the United States: Impact on Use of Force Policies

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HISTORICAL ANALYSIS OF POLICING IN THE UNITED STATES: IMPACT ON USE OF

FORCE POLICIES

By

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B.S., Chicago State University, 2012

CAPSTONE PROJECT

Submitted in Partial Fulfillment of the Requirements

For the Degree of Master of Public Administration and Master of Arts in Criminal Justice

Governors State University

University Park, IL 60484

2021

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HISTORICAL ANALYSIS OF POLICING IN THE UNITED STATES: IMPACT ON

USE OF FORCE POLICIES

PYRAMID FORMAT

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May 2021

TABLE OF CONTENTS

Chapter

Abstract

This research aimed to conduct a historical analysis of police use of force in the United States. As numerous high-profile incidents regarding excessive force used by police officers against African Americans have occurred in the last several years, the research sought to highlight the connection of past and present police policies, practices, and behaviors. Qualitative research was used in the form of document analysis. Police use of force policies were analyzed in twenty of the largest city departments in America. Six themes were pre-selected by the researcher to compare the requirements of police officers when involved in use of force incidents. The findings revealed inconsistencies in policies that brought forth the argument of implementing national standards in-force policies.

Introduction

Use of Force is a necessary course of action taken by police officers to restore order and safety when all other means are exhausted. This action aims to gain control of the situation and individual as quickly as possible while protecting all parties involved, including themselves, other officers, and members of the public who might be in danger. However, excessive force is the unreasonable force used beyond what is necessary to gain compliance which is highlighted in a series of high-profile incidents in America, including deadly force used against unarmed citizens at the hands of police officers in the last several years.

Outrage, protests, civil unrest, nationwide and worldwide media coverage, and intense criticism of the police have escalated. There has been increasing concern from members of the public, specifically racial and ethnic minorities, who view police interactions as being overly aggressive tactics and abuses of force disproportionately used against minorities. Police and citizen relationships have historically lacked trust and legitimacy, particularly among the poor and minority communities.

After the 2014 shooting death of Michael Brown in Ferguson, Missouri, racial tensions began to implode among citizens and the police. This period has been considered the most widespread of civil unrest since the 1960s. The civil unrest has also led to the consensus nationwide that effective police reforms are desperately needed for both the officer's and citizen's protection. De-escalation policies and training have been the top recommendation for police reform. Except for implicit bias training, the implementation of de-escalation training is the most sought after by policymakers, politicians, police executives, civil rights activists, and citizens (ABC News, 2020).

However, the effectiveness of this training is often challenged with many concerns about the risks to officer safety (Terrill, 2016). These deadly police encounters have also led to the "Defund the Police" movement that emerged during the George Floyd protests in May 2020, after a Minneapolis police officer killed Floyd.

Problem Statement

The use of force is a significant component of policing and one of the most controversial issues in law enforcement today. Although use of force policies have been created, there has been an increase in officer-involved injuries and deaths. The root of the problem stems from a troubled history of police interactions with citizens, specifically, interactions between police and minorities. Historically, there has always been a strain on police and minority citizens' relationships in America. Another problem is that there is no universally agreed-upon meaning of use of force, which has created issues about enacting policies, training, and implementing modified procedures, leading to different training and techniques among departments based on how they view use force.

Purpose Statement

The purpose of this study is to analyze the history of police use of force in the United States and provide an understanding of how past and present police practices and behaviors are linked; thus, resulting in periods of civil unrest and the ongoing efforts to reform American police departments. The use of force policy was introduced to regulate the amount of force police officers used when attempting to gain compliance from an unwilling individual. This strategy has been under intense criticism since 2014.

Theory

The theory used to explain the use of force in confrontations between law enforcement and minorities is the Critical Race Theory (CRT). Derrick Bell and Alan Freeman developed the Critical Race Theory, and it was used to study the changing relationship between race, racism, and power. This theory indicates that white supremacy and racial power are maintained over time, and in particular, those laws in the justice system may play a role in this process. Critical Race Theory provides a way of viewing the world that helps people recognize the effects of historical racism in modern American life. Legal scholars started this movement behind the idea to examine how laws and systems uphold and perpetuate inequality for traditionally marginalized groups (Bhambra, 2017).

Research Question

Historical analysis was used in this study to analyze the presence, meanings, and relationships of use of force incidents in America over some time. The central question for this research study is: How have past and current police practices and behaviors contributed to the ongoing issue of excessive force used against minorities?

Sub-Questions

1) How does the critical race theory explain the relationship between race and American law?

2) What impact would a national use of force guide have on the outcome of use of force incidents involving minorities?

3) What effect does de-escalation training have on the outcomes of police use of force incidents?

Limitations

Although historical research can add important contextual background information required to more fully understand and interpret research problems or to replicate a previous study, there are also some disadvantages associated with this method of research. One disadvantage is bias in interpreting historical sources, since perspective is mainly the consequence of the author's background and the current political, social, and economic circumstances at the time in which the author is writing. For example, currently we are in a period of social unrest due to the killing of African Americans by police officers and these events may alter the author's opinions and views. It is a conscious or unconscious tendency on the writer or researcher to interpret what they research (Woolterton, 2015).

Another limitation in historical research is that the information that is presented may be exaggerated in order to provide a more detailed version about an account, because many of the papers or references that are used were not originally intended to be researched. Additionally, certain books or articles may have not been preserved and therefore may be inaccessible or incomplete (IAC Publishing, 2020).

Summary

This research proposes to provide an understanding of the history of police use of force in America, particularly excessive force used against minorities, and how this has impacted use of force incidents today. This proposal also addresses the need for effective police reform, specifically de-escalation training implemented nationally. Also, there has been no widespread scientific testing on this type of training; therefore, there is limited concrete evidence that it works. This research test the critical race theory to examine how laws and systems have been embedded as a regular practice within society or an organization to target minorities. To improve

relationships, there must be an appropriate balance between an officer's ability to protect

themselves while also protecting all people they are mandated to serve; without inflicting

unlawful and unnecessary use of force.

Literature Review

Introduction

Historically, police and minority citizens have always had strained relationships in America. Particularly, African Americans have been the target of unjust laws and practices throughout the nation's history. The modern police force was created in the 1900s, but its beginnings date back to the colonies. The birth and development of policing in America can be linked to various historical, legal, and political conditions. The institution of slavery and the control of minorities was a significant feature of the early shaping of American policing. The unfortunate reality we must face is that racism manifests itself in individual attitudes and stereotypes and the basic structure of society (Alexander, 2010).

Slave Patrols and Night Watches which later evolved into modern police departments, were both designed to control the behaviors of minorities (Hassett-Walker, 2020). A major turning point in policing occurred during the 1960s, when African Americans began challenging how the police treated them. As a response to police treatment and racial profiling, they began to riot and boycott as peaceful protests erupted in the U.S., mainly in the South. The police started using harsh tactics to maintain order, including tear gas, attack dogs, and high-pressure water hoses.

Police use of force incidents against African Americans over the past several years has been one of the most significant social justice issues following numerous high-profile deaths of unarmed black citizens by police. There is no universally agreed-upon definition of use of force; however, the International Association of Chiefs of Police has described use of force "as the amount of effort required by police to gain compliance by an unwilling subject" (Police use of force, 2001). Put into perspective, what is most significant in police shootings depends on

whether the officer reasonably believed that their or others' lives were in danger and nothing to do with whether the shooting victim posed a threat.

This review analyzes the historical evolution of American Policing, which includes the use of force, and provides a framework of how past and present police practices are connected. Police reform includes various measures; however, the researcher only addresses de-escalation training and policies that have received widespread support considering that the adoption of de-escalation training and policies remains highly controversial with concerns to officer safety. De-escalation training also received a major endorsement by The President's Task Force on 21st Century Policing, which was created by an executive order signed by former President Barack Obama in 2014, as a response to the unrest in Ferguson, Missouri, following the shooting death of Michael Brown by police.

Use of Force Guidelines

The use of force continuum was created during a time in which there was no clear judiciary guidance about the type and amount of force a law enforcement officer could use in any given situation (Flosi, 2012). Continuums included basic verbal and physical restraint, less-lethal force, and lethal force options when a resisting subject confronts an officer. Many law enforcement officials and experts are currently questioning the need for force continuums, with many critics arguing that they are no longer needed because the courts have already provided sufficient guidance in 1985 and 1989 regarding how much force can be used to compel compliance by an unwilling subject. This standard derives from two United States Supreme Court cases, Tennessee v. Garner (1985) and Graham v. Connor (1989).

In Tennessee v. Garner (1985), the Court ruled that when a police officer is pursuing a fleeing felon, the officer may not use deadly force to prevent escape, unless the officer has

probable cause to believe that the suspect poses a significant threat of death or serious physical

injury to the officer or others (Spitzer, 2019). In Graham v. Connor (1989), the Court established

a standard to analyze police use of force. All claims of excessive force during an arrest, terry

stop, or other seizure of a free citizen are examined carefully under the objective reasonableness

standard under the Fourth Amendment (Wyllie, 2017). Thus, there is a consensus that this is the

only standard that needs to be articulated in an agency's policy or adhered to by officers

regarding the seizures of free persons (Peters & Brave, 2006).

Historical Context of Policing

The beginnings of policing in America focused on its community patrol system and crime

prevention methods which stemmed from English traditions. During the colonial period in

America, policing began as a night watch program comprised of volunteers in the 1600's in

Northern colonies, specifically in Boston. This system was not very effective because the

watchmen often slept or drank on duty, and some of them were put on watch duty as a form of

punishment. As the nation grew, different forms of policing were used as the night watch

program was becoming increasingly ineffective for large communities. In 1838, Boston

established the first publicly funded, organized police department employed with full-time on-

duty officers. These officers were tasked with safeguarding property and the transport of goods,

as Boston was home to a large shipping commercial center (Olito, 2020).

Policing in the South was different during this time as the focus was not on protecting

shipping and goods but on preserving the slavery system. Slave Patrols made up of white

volunteers were encouraged to use vigilante tactics to uphold slavery laws while chasing

runaways and preventing slave revolts. The first formal slave patrol was created in the Carolina

colonies in the early 1700s. The military became the primary function of law enforcement in the

South During the Civil War; However, during the Reconstruction era, many local sheriffs

performed similarly to the earlier slave patrols enforcing segregation and the disenfranchisement

of freed slaves. Following the establishment of the first centralized police department in Boston

in 1838, similar police forces began to formulate in New York City, Chicago, Philadelphia, and

New Orleans. By the 19th century, most large cities established formal police departments.

Political organizations began to emerge in the late 19th century, which resulted in the first known

cases of police corruption (Olito, 2020).

Traditional and Critical Models of Police History

Political Era

A critical component to understanding the history of policing is the political era, which

began in the 1840s and ended in the early 1900s. During this era, officers obtained or bought

their positions from political leaders. Unlike today, they were held to no standards, selection

processes, testing requirements, and training were non-existent. Political support was key to

police legitimacy. Officers performed duties such as crime control and order maintenance and

provided various social services, including soup kitchens, providing lodging, and assisted in

finding work for immigrants (Kelling & Moore, 1988). Foot patrol was the central focus of

policing during this era, and officers paid greater attention to the request of the citizens because

their respective politicians encouraged them to keep constituents happy.

Ultimately, the personal relationships between officers and politicians, combined with the

inadequacies in hiring practices, led to corruption in the political era. Officers were well regarded

and respected by neighborhood residents because of the bonds formed; however, a non-existent

command structure and support from politicians created a sense of distrust from outsiders,

particularly immigrants. Policing during this era was described by Fogelson (1977) as on an

ethnic basis, which means that police functions varied according to the ethnic makeup of the

resident. Discrimination and abuse were common during this era, and police regularly targeted

those that did not belong in their town, such as outsiders and strangers (Kelling & Moore, 1988).

Studies on policing were not very common until the 1950s; however, scholars have

documented the consistent oppression of African Americans by police throughout this era.

According to Douglas Blackmon's study of historical documents from the American South since

the end of the Civil War (2012), there was a pattern and practice of convict leasing, in which

African Americans were targeted by police and arrested for unreasonable offenses, who were

later traded by the courts to work and pay off their fines, many until their death. This allowed

official laws, police policies, and courtroom practices to be utilized to maintain a consistent

source of free black slave labor even after slavery was outlawed. These unjust practices

continued until World War II, when America, seen as the "leader of the free world," became

embarrassed about the inconsistent condemnation of the German concentration camps and not its

own system of slavery (Alexander, 2010).

Also documented by sociologists is how police actions in response to race riots during the

political era through to the Civil Rights era magnifies a blatant disregard for the lives of black

rioters. For example, in Grimshaw's (1963) publication titled "Actions of Police and the Military

in American Riots" he mentioned the police response to the 1917 race riots in East St. Louis,

Illinois which showed police officers allowing white mob members to take their weapons and

use them against blacks. The supervising officer was later charged for failing to calm the

increasingly violent crowd and instead chose to watch the angry mobs murder minorities in the

street.

Many scholars associated these racial issues with the origins of policing as an accepted system for controlling the powerless, focusing on dominating African Americans. They mentioned that police officers in the South before the Civil War conducted slave patrols to uphold slavery and segregation rules, contained slave revolts, justified discriminatory practices against blacks, and generally kept black people inferior to whites (Williams & Murphy, 1988). Upon review of the literature, many view policing today as an extension of these racist institutions. The Center for Research on Criminal Justice published a report, "The Iron Fist and the Velvet Glove" (1977), which defined the role of modern police as enforcing class, sex, race, and cultural oppression and protecting the power of the wealthy from the poor. Rather than viewing the police as essential to the operation and safety of modern society, the authors viewed police duties as a way to control and exploit African Americans.

There was public concern about corruption, structural disorganization, and political connections, which resulted in demands for police reform (Kelling & Moore, 1988). The standard of professionalism began to be incorporated into American police departments in the early 20th century (Walker 1977, 1984). Advocates of police reform believed that police legitimacy should only be regulated according to criminal laws. Officers should not be expected to accommodate every request made by citizens, which allows for a more professional relationship between police and the citizens of the community. During this time, the model of professionalism in police departments was credited to August Vollmer, who is described as "the father of modern policing" because of the influential role he played in introducing early 20th-century police reforms, including the militarization of American police departments (Kuzmarov, 2017). According to Kelling and Moore (1988), the reform era of American policing began in the 1920s and extended through the 1970s.

Reform Era

The structural changes in police management reflected broader philosophies in policing during this time. The classical organization theory can explain such developments because it entails the formal organization and concepts to increase management efficiency. This bureaucratic model focused on rules, regulations, hierarchy, and specialized functions to establish superior-subordinate relationships. Police departments in the reform era no longer relied on political influence and implemented an internal command structure and a hierarchical promotion structure based on the military model (Kelling and Moore, 1988).

The organizational functions continued with hiring standards and structured training. New officers were taught that crime could be fought professionally while making decisions with strict regard for criminal laws and viewing citizen interactions as informational sources. Crime and arrest rates began to be documented by departments which showed an attempt to reduce crime and maintain efficiency. Finally, the police force was starting to function traditionally, with the invention of the automobile, the telephone, two-way radios, and the 9-1-1 emergency system that was implemented in 1968 (Smith, 2017).

The professional police model was challenged following the civil unrest of the 1960's and the civil rights and antiwar movement (Goldstein, 1990). Despite the increasing and once successful efforts to reduce corruption, improve police tactics, and hiring practices, police legitimacy was negatively viewed, with most of the population displeased (H. Goldstein, 1990; Kelling & Moore, 1988; Reisig, 2010). Minority communities held the highest level of dissatisfaction as they feared and hated the police (Fogelson, 1977).

Crime rates doubled between 1960 and 1970, and some members of the public began to notice the unfair treatment of black citizens compared to whites in the criminal justice system,

which led to the police being viewed as the link in society that denied African Americans equal protection under the law (Uchida, 2015). The issue of race and policing was on full display. Most of the riots between the 1960s and 1970s resulted from the excessive force used against black citizens by police, especially when death occurred.

Confronted with widespread concern about the unfair treatment of blacks, President Lyndon B. Johnson signed an executive order to investigate the causes of the 1967 race riots in the United States and provide recommendations for the future. The report's findings concluded that the race riots were caused by a lack of economic opportunity, inadequate social service programs, police brutality, racism, and the white dominating media. The results of the investigation also suggested that the leading cause of urban violence was racism on behalf of whites and that they were responsible for race riots and rebellions.

Furthermore, the report emphasized the strained relationships between police and African Americans, harassment and abuse of minorities, and racial disparities in police treatment of blacks, including use of force (A&E, 2010). According to Western Michigan University history professor, Sally Hadden (2020), these strained relationships and fear of police within African American communities could be traced to generations of "slave patrols" that worked with sheriff's departments across the South to capture and terrorize runaway slaves.

Community Policing Era

Public demands for police reform began to grow during the community policing era, stemming from violent memories of the Civil Rights movement and recommendations from the Kerner Commissions (1968) recommendations. Police Departments were dedicated to repairing the broken relationships they had with the community. Kelling and Moore (1988) defined the years following the 1970s as the community policing era. Efforts were focused on ensuring that

community members viewed police as public servants rather than militarized units. Foot patrol

returned as the primary method of policing based on the thought that a visible presence would

mend police-citizen relationships and reduce fear by promoting positive relationships (Kelling &

Moore, 1988). The community policing era brought numerous innovations in police strategies.

Preventing crime became the new focus instead of emphasizing rapid response and arrest

rates of the preceding decades. Incorporated into 21st century policing, controlling crime, and

order maintenance services are still the focal point; community-oriented policing is still

emphasized. Crime control in the 21st century is more data-driven, and evidence-based practices

have been adopted in police departments nationwide. Technology is a huge component of 21st

century policing with innovations such as GIS crime mapping, DNA and forensics, CompStat,

body cameras, facial recognition software, and gun-shot detection systems (White and Fradella,

2016). White and Fradella (2016) believed that policing in America is more evidence-based and

innovative, creating a much safer environment and policing culture. However, there is still a

significant problem that still exists today with evidence that shows issues of race relations and

disparities in the 21st century.

There have been numerous incidents over the past 50 years that police officers have used

excessive or deadly force against unarmed black citizens and, subsequently, cleared of any

wrongdoing in many cases. The officer who fatally shot Michael Brown in Ferguson, Missouri,

in 2014 was not charged. Similarly, that same year, officers shot and killed 12-year-old Tamir

Rice in Cleveland after mistaking his toy gun for a real weapon. Furthermore, South Carolina

Officer Michael Slager who murdered Walter Scott in 2015, as he ran away from a traffic stop

for a broken taillight and Minnesota police officer Jeronimo Yanez who fatally wounded

Philando Castille during a traffic stop as Castille reached for his driver's license both highlight a pattern of officers charged with murder, but later acquitted by a jury.

The murder of Botham Jean by Dallas police officer Amber Guyger, who entered into the wrong apartment and shot Jean as he laid on his couch, and Breonna Taylor who was also killed by police in Kentucky as she slept in her bed, are just two of the many examples of unfair treatment that African Americans have historically faced in this country. Most recently, George Floyd died on May 25, 2020, after being handcuffed and pinned down to the ground under the knee of Officer Derrick Chauvin, who is white, for nine minutes and 29 seconds (Fitz-Gibbon, 2021). After video surfaced, large protests erupted across the country, sparking a nationwide racial justice movement not seen since the civil rights protest in the 1960s.

The impact was felt worldwide as tens of thousands of people took to the streets to draw attention to their own countries' controversial racial histories and policies (Aitken, 2020). Chauvin was convicted of second- and third-degree murder, as well as second-degree manslaughter. Furthermore, the killing of Floyd led to the controversial "Defund the Police Movement", an initiative that calls for reallocating funds from police departments and invest them in non-policing forms of public safety and community support, such as education, social services, youth services, healthcare and other community resources. Since the 1960s, large portions of government budgets have been spent on law enforcement. Specifically rooted in President Lyndon B. Johnson's "war on crime," this initiative focused on crime control through law enforcement and prisons (Hinton, 2017). These cases demonstrate the continuing issues of police use of force among African Americans and why there is increasing public demand for police reform.

De-escalation Training

De-escalation can be defined as "the strategic slowing down of an incident in a manner that allows officers more time, distance, space and tactical flexibility during dynamic situations on the street" (Department of Justice, 2015). This form of training has gained widespread support among police agencies and reformers. U.S. Senator Tim Scott stated that a major challenge in the split-second decision that an officer may be faced with is the need for more training, specifically de-escalation (ABC News, 2020). The debate surrounding de-escalation training is teaching police officers to rely on their communication and negotiation tactics rather than physical force is a reasonable and effective approach to reduce the number of use of force incidents across the country.

Experts and law enforcement officials who currently mandate de-escalation training in their departments concluded that they are uncertain of its effectiveness because there is no conclusive evidence of whether it works or not. Furthermore, a national mandate for officers to complete de-escalation training does not exist. Only 15 to 17% of American police departments practice a form of crisis intervention that includes de-escalation training. For example, the New York Police Department (NYPD), was among the first agencies to provide its officers with some form of de-escalation training after the death of Michael Brown. The San Francisco Police Department implemented a training program that resulted in a 24% decrease in use of force incidents in 2019 compared to 2018. Furthermore, California passed a legislature requiring all of its officers to participate in de-escalation training (Cipriano & Riley, 2020).

De-escalation training continues to gain more support among law enforcement officials. Police academies across the country are teaching some form of de-escalation training. For instance, Washington State Police Academy has incorporated such training into its curriculum.

Sue Bahr, a member of the Washington State training commission, believes this particular training was needed because it moves away from the military model of training police officers like soldiers. According to Bahr, the mission is different as soldiers are trained to conquer, and police officers are trained to protect and keep the peace (CNN, 2021).

Issues with De-escalation Training

De-escalation training has been widely implemented among U.S. law enforcement agencies following numerous use of force incidents. This training has received vast support from politicians, police officials, experts, and the public. However, very little is known about the effects of de-escalation training on police and citizen interactions, mainly because this training has not been rigorously studied. As Robin Engel (2020), a professor at the University of Cincinnati's School of Criminal Justice points out, the few studies that have been done shows that de-escalation training probably has slight-to-moderate benefits and much of the research has methodical weaknesses such as, a lack of control groups and inconsistencies in self-reporting instead of observation-based data. Many researchers believe that there is not enough systematic research about de-escalation in policing to show whether it is practical or direct its use (Mckenna, 2020).

Engel (2020) also argues that de-escalation training on its own is not practical and does not change an officers' behavior. According to Engel, police departments should adopt a strong use-of-force policy that emphasizes de-escalation tactics, combined with accountability and supervisory committee. However, the challenge is that departments have different approaches to the use of force policy which creates a variance in training and use of force philosophy (Smith et al., 2009). Another issue with de-escalation training is the content of the curriculum and the number of required hours varies dramatically. Without a governed standard, Gilbert (2017)

argued that the current lack of training and training standards creates injustice in American policing.

Many Police Chiefs and Sheriffs across the country state many reasons why they have not implemented de-escalation training in their agencies. Some believe the training is just a trend; others cite cost, lack of staff, or a simple belief that the training is unnecessary or serves as a criticism of traditional policing (Williams, 2015).

Summary of the Literature

Police use of force dates back to the beginning of the establishment of law enforcement. It is used to gain compliance from an unwilling subject. Police officers should only use the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm. However, this practice has been used disproportionately against African Americans, as highlighted by numerous high-profile incidents since 2014, stemming from fatal encounters caused by excessive force by police. This literature review analyzed the historical foundation of policing in America, including the racist roots the country was built. This review provides a theoretical framework of how past and present police practices are connected, resulting in a continuance of racist and oppressive practices in law enforcement today. American policing has long faced challenges in developing trust and legitimacy with minority and poor communities.

De-escalation is viewed as a solution to help reduce use of force incidents. However, there are mixed results on this training's effectiveness because of the lack of empirical research conducted. Also, there is no national mandate for de-escalation training, resulting in a non-collective mission among American police agencies. Further research is needed to establish a standard regarding use of force policies and the implementation of de-escalation nationwide.

Methodology

Research Design and Strategy of Inquiry

Qualitative research was used for this study to observe human habits and behavior. This approach was used to analyze the issue of police use of force among African Americans in the United States and provide a theory that explains the unfair treatment. Qualitative research involves collecting and analyzing non-numerical data such as, text, video, or audio to understand concepts, opinions, or experiences. It can be used to gather in depth insights into a problem or generate new ideas for research. In this case, the major problem is racial disparities in police use of excessive force that stems from America's historical past of racism and superiority among African Americans. One benefit to qualitative research is its flexibility. The data collection and analysis process can be adapted as new ideas or pattens emerge because they are not rigidly decided beforehand. Another advantage is that qualitative research occurs in natural settings as data collection is based on real-world contexts or in naturalistic ways.

Although qualitative research offers many advantages it is important to discuss some of the disadvantages. Subjectivity in this research method is due to the researcher's primary role In analyzing and interpreting data, qualitative research cannot be replicated. The researcher decides what is important and what is irrelevant in data analysis, so interpretations of the same data can vary greatly. Also, in qualitative research it is difficult to draw generalizable conclusions because the data may be biased and unrepresentative of the wider population.

The strategy of inquiry that was utilized is historical analysis. History is an account of some past event or combination of events. Therefore, historical analysis is a method of discovering, from records and accounts, what happened in the past. True historical research does not focus on just the accumulation of the facts but rather on the facts' interpretation. Historical

research aims to present a factually supported rationale to suggest how and why historical events

may have happened (Leedy and Omrod, 2015). Although historical research has some

advantages, it also has a significant disadvantage, including relying on documents for

information rather than people. Deductive coding also presents a disadvantage because it can

create bias from the researcher as predefined codes were selected.

Sample Population

This research study's sample population are police use of force policies in the 20 largest

police departments in the United States. The sample population was chosen by the researcher

because police departments are not required by law to make their use of force policies public,

however larger departments tend to make their policies public. Purposive sampling was used for

this study to identify the selected population. This sampling method allowed the researcher to

analyze use of force policies in police departments throughout the country. The researcher had

prior knowledge about the purpose of their study which allowed the sample population to be

purposely chosen.

Instrumentation

Documents were analyzed which allowed the researcher to evaluate the use of force

policies among the 20 selected police departments. This method was chosen to allow the

researcher to examine the data to understand use of force issues in law enforcement and develop

empirical knowledge. These documents contain text that the researcher used to compare the

variations in the guidelines that determine action. The use of force policies that the researcher

examined is available via public records.

Data Collection

The researcher found the 20 use of force policies by completing an internet search for each police department. Some departments had their use of force policies separate which made it easier to locate, and other use of force policies were combined with the department's entire general orders. The police departments are listed as follow: New York, Chicago, Los Angeles, Philadelphia, Houston, Washington D.C, Dallas, Miami, Phoenix, Las Vegas, Baltimore, Atlanta, Columbus, San Francisco, Detroit, San Antonio, Boston, Memphis, Honolulu, and Milwaukee.

Data Analysis

Upon collecting the data**,** the researcher analyzed the data in 20 police use of force policies from agencies across the country to highlight the need for a national standard in use of force policies. The data is analyzed using deductive coding, which is characterized by a set of pre-established codes selected by the researcher based on the general orders established in police use of force policies. The pre-established codes were selected because they most accurately represent the ongoing issues of use of excessive force cases against African Americans. The researcher will use a codebook in a Microsoft Office table to help keep information organized throughout the data analysis process. The six codes the researcher selected are:

1) De-escalation

2) Duty to intervene

3) Bans chokeholds and strangleholds

4) Requires exhausting all means before shooting

5) Requires comprehensive reporting

6) Restricts shooting at moving vehicles

The coding will yield a yes, no, under review, or yes since 6/2020 response based on policy
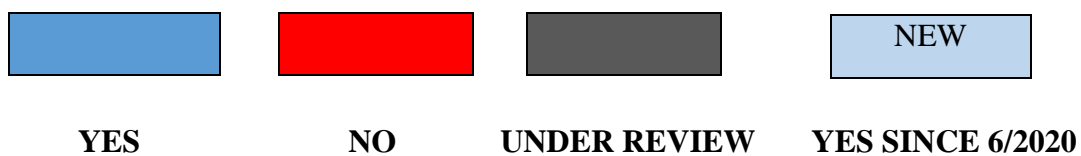
implementation.

Findings

The researcher applied the six pre-established codes to the data which resulted in the discovery of inconsistencies in use of force policies among American police departments. Twenty use of force policies were analyzed to compare requirements regarding use of force. A spreadsheet and table were developed to illustrate the departments' use of the chosen themes. Also, each theme is described according to the Police Use of Force Project, (2021).

Table 1   **Use of Force Policy Items**

Use of Force Policy	Requires De-escalation	Duty to Intervene	Bans Chokeholds and Strangleholds	Requires exhausting all Means Before Shooting	Requires Comprehensive Reporting	Restricts Shooting at Moving Vehicles
New York	YES	YES	NEW	NO	NO	YES
Chicago	YES	YES	YES	YES	YES	UNDER REVIEW
Los Angeles	YES	YES	YES	NEW	NEW	YES
Philadelphia	YES	YES	YES	YES	NO	YES
Houston	NEW	YES	NEW	NEW	YES	UNDER REVIEW
Washington D.C.	YES	YES	YES	YES	YES	NO
Dallas	YES	YES	NEW	YES	YES	NEW
Miami	YES	YES	YES	YES	NO	YES
Phoenix	NEW	YES	NEW	NEW	YES	NEW
Las Vegas	YES	YES	NEW	NEW	NO	YES
Baltimore	YES	YES	YES	YES	YES	NO
Atlanta	NEW	NEW	YES	NO	NO	NO
Columbus	YES	YES	YES	NO	NO	NO
San Francisco	YES	YES	YES	YES	YES	YES
Detroit	UNDER REVIEW	NO	YES	YES	UNDER REVIEW	NO
San Antonio	YES	YES	NEW	NEW	NEW	NO
Boston	NEW	NEW	YES	YES	NO	YES
Memphis	NO	NEW	NEW	YES	YES	NO
Honolulu	YES	NO	NEW	NO	YES	NO
Milwaukee	NO	YES	NO	NO	NO	NO

Legend:
- (Blue) YES
- (Red) NO
- (Gray) UNDER REVIEW
- (Light blue) NEW — YES SINCE 6/2020

Requires De-escalation

De-escalation is a behavior intended to prevent the escalation of conflicts. As shown in table 1, 13 out of 20 (65%) of the sampled police departments require de-escalation, 2 out of 20 (10%) does not, 1 out of 20 (.05%) are under review, and 4 out of 20 (20%) have updated their policy since 6/2020 to incorporate de-escalation.

Duty to Intervene

An employee has a duty to intervene to prevent or stop the use of excessive force by another employee when it is safe and reasonable to do so. As shown in table 1, 15 out of 20 (75%) of the sampled departments have a duty to intervene, 2 out of 20 (10%) do not, zero (0%) are under review, and 3 out of 20 (15%) have updated their policy since 6/2020 to require intervention.

Bans Chokeholds and Strangleholds

The use of any neck restraint for the purpose of gaining control of a subject is prohibited unless deadly force is authorized. As shown in table 1, 11 out of 20 (55%) of departments ban chokeholds/ strangleholds, .1 out of 20 (05%) do not ban, zero (0%) are under review, and 8 out of 20 (40%) have updated their policy to reflect the ban on chokeholds.

Requires Exhausting all Other Means Before Shooting

When the circumstances permit, it is the officer's responsibility first to exhaust every reasonable means of employing the minimum amount of force, including the officer's physical presence and verbal skills, before escalating to a more severe application of force. As shown in table 1, 10 out of 20 (50%) of the sampled population requires the exhaustion of all other means before shooting, 5 out of 20 (25%) do not, zero (0%) are under review, and 5 out of 20 (25%) have updated their policy to reflect this requirement.

Requires Comprehensive Reporting

Officers are required to report all use of force, including intentionally pointing a firearm at a

civilian. As shown in table 1, 8 out of 20 (40%) of the sample population require comprehensive

reporting, 9 out of 20 (45%) do not, 1 out of 20 (.05%) are under review, and 2 out of 20 (10%)

have updated their policy to require comprehensive reporting.

Restricts Shooting at Moving Vehicles

Officers should not discharge a firearm at a moving vehicle unless a person in the vehicle is

immediately threatening the member or another person with deadly force by a means other than

the vehicle. As shown in table 1, 7 out of 20 (35%) of the sample population restricts shooting at

moving vehicles, 9 out of 20 (45%) do not, 2 out of 20 (10%) are under review, and 2 out of 20

(10%) have updated their policy to restrict shooting at moving vehicles.

Table 2   **Use of Force Policy Item Percentages**

	YES	**NO**	**UNDER REVIEW**	**YES SINCE JUNE 2020**
REQUIRES DE-ESCALATION	65%	10%	.05%	20%
DUTY TO INTERVENE	75%	10%	0%	15%
BANS CHOKEHOLDS	55%	.05%	0%	40%
REQUIRES EXHAUSTING ALL MEANS BEFORE SHOOTING	50%	25%	0%	25%
REQUIRES COMPREHENSIVE REPORTING	40%	45%	.05%	10%
RESTRICTS SHOOTING AT MOVING VEHICLES	35%	45%	10%	10%

Discussion

The use of force is a significant component of policing and one of the most controversial issues in law enforcement today. Although use of force policies have been created, there has been an increase in officer-involved injuries/deaths. Most recently, police officers in Virginia held A black and Latino Army Lieutenant, Caron Nazario at gunpoint, handcuffed him, and doused him with pepper spray during an illegal traffic stop. Also, in Minneapolis Daunte Wright who is black, was shot and killed by police officer, as she mistook her gun for a taser. The extent of the problem stems from a troubled history of police interactions with citizens, specifically, interactions between police and minorities. Historically, there has always been a strain on police and minority citizens' relationships in America. Another problem is that there is no universally agreed-upon meaning of use of force which has created problems pertaining to enacting policies, training, and implementation of modified procedures, leading to different training and techniques among departments based on how they view the use of force.

The research study investigated the need for a national standard regarding use of force policies. The results revealed inconsistent requirements in policies regarding force used by police officers. Law enforcement agencies create their own policies resulting in variations in handling force incidents involving injury or death. The ban of chokeholds became significant after the police murder of George Floyd, resulting in 40% of departments implementing the chokehold ban as a result of Floyd's death. The duty to intervene by officers also became a policy issue with the killing of George Floyd and many departments have updated their policies since Floyd's murder to require this duty (Schaul & Kindy, 2020).

As of June 2020, only half of the sample population requires officers to report use of force incidents, which can lead to unlawful encounters among citizens and law enforcement

because the officer knows that the incident does not have to be reported. De-escalation has received widespread support among public officials and police administrators since 2014, however it was not required by 20% of the sample population until June 2020. The requirement to exhaust all means before shooting is not required by 25% of the sample population, which is alarming given the fact that police officers have less than lethal use of force options. The restriction to shoot at moving vehicles is only required by 45% of the population which means that an officer can shoot at a moving vehicle without the threat of deadly force by the occupants.

It is beyond the scope of this study to determine if a national standard among law enforcement agencies regarding the use of force or more restrictive policies decreases incidents. Further research is needed to establish if policies are a factor in use of force encounters. However, the study does provide new insight into why incidents of excessive force continue to occur, including the idea that a citizen's injury or death at the hands of police could be a matter of what department the officer was employed, as they implement various use of force standards.

Conclusion

The research aimed to explore and understand the relationship between past and present police policies and practices to use of excessive force experienced by African Americans throughout the history of this country. The researcher chose historical research, which involves developing an understanding of the past through examining and interpreting evidence. The evidence for this research study existed in the form of recorded data, texts, and documents analyzed and corroborated with further evidence, which was then used to develop an interpretation of past events that hold some significance to the present.

The researcher began the study by providing a historical analysis of police use of force to highlight the racist roots incorporated into the foundation of America and its police departments. The critical race theory indicates that white supremacy and racial power are maintained over time. In particular, laws in the justice system may play a role in this process. Critical Race Theory provides a way of viewing the world that helps people recognize the effects of historical racism in modern American life. Excessive force used by police officers against African Americans has been a significant issue in American society for far too long.

The lack of requirements and variations in police use of force policies have resulted in numerous incidents involving injury or death among minorities. Use of force policies varies significantly among individual law enforcement agencies. This creates a landscape where each agency, including neighboring jurisdictions, are operating under different and inconsistent policies. The analysis of the use of force policies confirms the inconsistencies in perhaps the most critical component of policing. Additionally, there is no single, universally agreed-upon definition of use of force.

Based on these conclusions, legislators should adopt clear and comprehensive use of force policies nationally that include de-escalation training, proper use of equipment and weapons. These policies should prohibit racial profiling and incorporate performance standards and investigations of officer-related use of force incidents. Furthermore, police agencies are not required to provide the federal government with use of force data that would illustrate if force was applied more or less often. Similarly, the research findings provided data that echoed this same practice. Only 40% of the sample population requires reporting use of force incidents. The researcher recommends a national database to be created requiring police agencies to report all incidents involving force. This will also allow for further research to be conducted to determine the trends in use of force incidents.

References

ABC News Network. *Police reformers push for de-escalation training, but the jury is out on its*

    effectiveness. ABC News. https://abcnews.go.com/Health/police-reformers-push-de-

    escalation-training-jury-effectiveness/story?id=71262003.

A&E Television Networks. (2010, July 21). *Kerner Commission Report released*. History.com.

    https://www.history.com/this-day-in-history/kerner-commission-report-released.

Aitken, P. (2020, May 31). *Protests sparked by George Floyd's death get support from around*

    the world. Fox News. https://www.foxnews.com/world/protests-spread-across-globe-

    george-floyd.

Alexander, M. (2020). *The new Jim Crow: mass incarceration in the age of colorblindness*. New

    Press.

Alpert, G. P., & Dunham, R. G. (2000). Analysis of police use of force data. Washington, DC:

    National Institute of Justice.

Bayley, D. H., & Mendelsohn, H. (1969). Minorities and the police: Confrontation in America.

    New York: Free Press.

Bhambra, G. (2017, October 29). Critical Race Theory. Retrieved September 27, 2019, from

    https://globalsocialtheory.org/topics/critical-race-theory/

Blackmon, D. A. (2012). *Slavery by another name the re-enslavement of Black Americans from*

    the Civil War to World War I. Icon.

Fitz-Gibbon, J. (2021, April 20). *Jury finds Derek Chauvin guilty on all charges in the death of*

    George Floyd. New York Post. https://nypost.com/2021/04/20/derek-chauvin-jury-reaches-

    verdict-in-george-floyd-case/.

Flosi, E. (2012, May 30). *Use of force: Downfalls of the continuum model*. Police1.

    https://www.police1.com/use-of-force/articles/use-of-force-downfalls-of-the-continuum-

    model-dtXx4gU5SWkIvJwW/.

Gilbert, C. (2017, May 5). Not trained to not kill: Most states neglect ordering police to learn de-

    escalation tactics to avoid shootings. American Public Media Reports. Retrieved from

     http://www.apmreports.org/story/2017/05/05/police-de-escalationtraining

Hinton, E. K. (2017). *From the war on poverty to the war on crime: the making of mass*

    incarceration in America. Harvard University Press.

IAC Publishing. (n.d.). *What Are Some Disadvantages of Historical Research?* Reference.

    https://www.reference.com/world-view/disadvantages-historical-research-

    b729f07cbc316c7f.

International Association of the Chiefs of Police, *Police Use of Force in America, 2001*,

    Alexandria, Virginia, 2001.

Kuzmarov, J. (2017, October 5). *What August Vollmer, the Father of American Law*

    Enforcement, Has to Teach Us. HuffPost. https://www.huffpost.com/entry/what-august-

    vollmer-the-f_b_12333080.

Longley, R. *The History of Modern Policing and How It Has Evolved*. ThoughtCo.

    https://www.thoughtco.com/the-history-of-modern-policing-

McKenna, S. (2020, June 17). *Police Violence Calls for Measures beyond De-escalation*

    Training. Scientific American. https://www.scientificamerican.com/article/police-violence-

    calls-for-measures-beyond-de-escalation-training1/.

News, C. and J., Staff, T. C. R., Cipriano, A., & Riley, E. (2020, October 29). *How De-*

    Escalation Training Can Cut Police Use of Force. The Crime Report.

    https://thecrimereport.org/2020/10/29/how-de-escalation-training-can-cut-police-use-of-

    force/.

Nwoko, S. (2020, November 3). *Police Use of Force Policy and Excessive Force*. Evidence-

    Based Society. https://www.ebpsociety.org/blog/education/270-police-use-force-policy-

    excessive-force.

Olito, F. (2020, June 3). *Protests against police have broken out across the country. Here's how*

    policing has evolved in the U.S. since its beginnings in the 1600s. Insider.

    https://www.insider.com/history-of-police-in-the-us-photos-2020-6.

Peters, J., & Brave, M. (2006, January). Force Continuums: Are They Still Needed? *Police and*

    Security News, *22*(1), 1–5.

Philimon, W. (2020, June 7). *Not just George Floyd: Police departments have 400-year history*

    of racism. USA Today. https://www.usatoday.com/story/news/nation/2020/06/07/black-

    lives-matters-police-departments-have-long-history-racism/3128167001/.

Police Academy Emphasizes De-escalation Training . Police academy emphasizes de-escalation

over force. https://www.msn.com/en-us/news/world/police-academy-emphasizes-de-

escalation-over-force/vi-BB1e6nhj.

Police Use of Force Project. (n.d.). http://useofforceproject.org/#project.

Rahtz, H. (2010). *Understanding police use of force*. Lynne Rienner Publishers.

Sanchez, R., Lemos, G., & Parks, B. (2020, November 5). *Judge orders one trial for four ex-

cops charged in George Floyd's killing, keeps case in Minneapolis*. CNN.

https://www.cnn.com/2020/11/05/us/george-floyd-officers-trial/index.html.

Schaul, K., & Kindy, K. (2020, September 7). *Half of the nation's largest police departments

have banned or limited neck restraints since June*. The Washington Post.

https://www.washingtonpost.com/graphics/2020/national/police-use-of-force-chokehold-

carotid-ban/.

Skolnick, J. H., & Fyfe, J. J. (1994). *Above the law: police and the excessive use of force*. The

Free Press.

Smith, E. (2017, November 14). *The Surprising History of the 911 Emergency System-And Why

It Could Be in Trouble*. Popular Mechanics.

https://www.popularmechanics.com/technology/infrastructure/news/a27114/911-

emergency-system/.

Smith, M., Kaminski, R., Alpert, G., Fridell, L., & Kubu, B. (rep.). *A Multi-Method Evaluation*

    of Police Use of Force Outcomes: Final Report to the National Institute of Justice (pp. 1–

    173).

Terrill, W. (2016). Deadly force: To shoot or not to shoot. Criminology & Public Policy, 15(2),

    491–496.

VerBruggen, R. (2020, June 15). *Examining Police Use of Force from Every Angle*. National

    Review. https://www.nationalreview.com/2020/06/book-review-evaluating-police-uses-of-

    force-examines-most-important-laws-policies/.

Waxman, O. B. (2019, March 6). *The History of Police in America and the First Force*. Time.

    https://time.com/4779112/police-history-origins/.

Williams, H., & Murphy, P. V. (1988). The evolving strategy of the police: A minority view

    (Perspectives on Policing, No. 13). Washington, DC: U.S. Department of Justice, Office

    of   Justice Programs, National Institute of Justice.

Williams, T. (2015b, December 8). Police chiefs say scrutiny over videos has radically changed

    their   work. New York Times. Retrieved from

    http://mobile.nytimes.com/2015/12/09/us/police-chiefs-   say-scrutiny-over-videoshas-

radically-changed-their-work.html?_r=0

Woolterton, S. (n.d.). Bias in Historical Research.

    https://englishhistoryauthors.blogspot.com/2015/06/bias-in-historical-research.html.