USE OF FORCE POLICY ADEQUACY IN RURAL AND URBAN AGENCIES

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ABSTRACT

Police use of force has become one of the most widely covered topics in the media today. Especially in the past year, police use of force incidents have been heavily scrutinized and reviewed, and it was one of the most prominent topics of discussion in the 2020 presidential election. Previous studies have shown that there are factors which influence an officer's choice to use force beyond the circumstances of the encounter itself. The purpose of this paper is to evaluate the adequacy of a rural law enforcement agency's use of force policy – the National Park Service – while comparing it to an urban-tailored law enforcement use of force policy – the State of Minnesota – based on previous use of force research findings. It is ultimately recommended that the National Park Service modernize its use of force policy to be more consistent with the Minnesota policy. Recommendations for future research are also discussed.

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CHAPTER 1: INTRODUCTION

Police use of force has become one of the most widely covered topics in the media today. Especially in the past year, police use of force incidents have been heavily scrutinized and reviewed, and it was one of the most prominent topics of discussion in the 2020 presidential election. Policing policy has swept into the heart of the 2020 presidential election as controversial police killings of Black Americans have also triggered sometimes violent clashes between officers and protesters in multiple U.S. cities (Pearce, 2020). It has been shown that there are factors which influence an officer's choice to use force beyond the circumstances of the encounter itself. Factors such as training, gender, department atmosphere and policy, and proximity of backup have all been recognized to directly affect officers' choices to engage in the use of force in a given situation, and the levels of force to which they go. The purpose of this paper is to evaluate the adequacy of a rural law enforcement agency's use of force policy while comparing it to an urban-tailored law enforcement use of force policy based on previous use of force research findings. Specifically, the factors surrounding the decision to use force will be compared to the legal and policy restrictions established by Minnesota Statute 609.06: Authorized Use of Force and now reflected in the Minnesota Peace Officer Standards and Training (POST) Board's Model Use of Force Policy, and the National Park Service Use of Force Policy for Law Enforcement Rangers.

Research suggests that an officer is more likely to use force with more use of force training, if a male, if the department promotes it, and a partner is at their side (Day, 1956; Brannon, 1956; Boydstun, Sherry, and Moelter, 1977; Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire, Faulkner, Mathers, Rowland, and Wozniak, 1991; Weisheit, Wells, and Falcone, 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003;

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Logan, Evans, Stevenson, and Jordan, 2005; Rabe-Hemp, 2008; Barrett, Haberfeld, and Walker, 2009; Bolger, 2014). By extension, it could be supposed that an officer is more likely to use force if backup is close by. Assuming rural police departments and sheriff's offices have a large area to cover with a low number of officers, and urban police departments and sheriff's offices have proximally smaller areas with a high number of officers, it follows that an urban officer is more likely to escalate an encounter to involve the use of force and that a rural officer is less likely to escalate an encounter into a use-of-force situation, which is reflected in agency policy (Day, 1956; Brannon, 1956; Boydstun et al., 1977; Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire et al., 1991; Weisheit, 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003; Logan et al., 2005; Rabe-Hemp, 2008; Barrett et al., 2009; Bolger, 2014).

Use of Force Defined

Broadly speaking, the use of force by law enforcement officers becomes necessary and is permitted under specific circumstances, such as to affect arrest, in self-defense or in defense of another individual or group (NIJ, 2020). There is no universally agreed-upon definition of use of force. The International Association of Chiefs of Police has described use of force as the "amount of effort required by police to compel compliance by an unwilling subject" (IACP, 2001). Officers receive guidance from their individual agencies, but no universal set of rules governs when officers should use force and how much (NIJ, 2020).

Officers should only use the reasonable amount of force necessary to either effect arrest or to protect themselves and the public from harm. Often this amount is determined by a use of force continuum: basic verbal and physical restraint, less-lethal force, and lethal force. The level of force an officer chooses depends on the situation, but other factors such as training, gender,

department attitude, and having a partner on scene also influence the decision (Day, 1956; Brannon, 1956; Boydstun et al., 1977; Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire et al., 1991; Weisheit, 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003; Logan et al., 2005; Rabe-Hemp, 2008; Barrett et al., 2009; Bolger, 2014). The goal is to regain control as soon and as safely as possible (NIJ, 2020).

To account for varying situations and other factors contributing to the decision to use force, policies governing such actions are based on a wide array of variables. The variables considered, including the factors listed previously, depend largely on the attributes of individual agency areas. A policy written for Minneapolis, Minnesota may not be applicable to the rural Wind Cave National Park in South Dakota, just as a policy from Wind Cave may not be applicable to Minneapolis. For use of force policy to be effective, each agency must formulate and adjust their policy to allow or disallow certain practices from being used.

To achieve this goal, many agencies throughout the country have utilized use of force continuums. The National Institute of Justice has published a common continuum used by many agencies nationally. The first and lowest level of most use of force continuums is Officer Presence. This level does not use any verbal or physical force. Instead, this level deters or stops crime just by having an official present (NIJ, 2020).

The second level is Verbalization. This level of force is not physical. It consists of calm, nonthreatening commands in the beginning. If a contact must be escalated due to noncompliance, officers may raise their voice and shorten commands, but still do not get physical (NIJ, 2020).

The third level is Empty-Hand Control. In this level of force, officers use bodily force to gain control of a situation. This level has two parts: soft techniques and hard techniques. When using soft techniques, officers use grabs, holds, and joint locks to restrain a suspect. Hard

techniques involve an officer using methods such as punching or kicking to gain control of an individual (NIJ, 2020).

The fourth level is Less-Lethal Methods. This level makes use of the technologies that officers carry on duty. There are three common types of equipment used by many officers today: blunt impact devices, chemical devices, and conducted energy devices. Blunt impact devices are objects such as batons or nonlethal projectiles, like beanbags, used to immobilize a combative person. Chemical devices are aerosol sprays or projectiles filled with chemicals used to restrain an individual, such as pepper spray. Conducted energy devices produce high-voltage, low amperage jolts of electricity at a distance (NIJ, 2020). The most popular of these is the Taser, which when deployed correctly results in Neuro Muscular Incapacitation (NMI). NMI is the involuntary stimulation of both the sensory nerves and the motor nerves which may interfere with the attacker's ability to utilize the affected muscles (Axon, 2020). Total NMI results in an assailant being completely locked up and unable to move.

The fifth and last level is Lethal Force. This is when an officer uses lethal weapons to gain control of a situation. This level must only be risen to if an offender is a serious threat to an officer or other individual. Multiple weapons can fall into this category, but the most obvious is an officer's firearm (NIJ, 2020).

Typically, use of force continuums are depicted in diagram form to reflect the hierarchy of force options. Appendix A presents a common use of force diagram used by the U.S. Department of Homeland Security's Federal Law Enforcement Training Center. The levels of force in the diagram generally correspond with the NIJ use of force continuum's levels of force options.

Use of force continuums such as the one discussed are commonly relied upon when developing policy. Actions by suspects are met with reactions by officers. When paired with other considerations, policy is formed allowing or disallowing control practices.

Minnesota Law Enforcement

The Minnesota law enforcement policy process is governed primarily by the Peace Officer Standards and Training Board, otherwise known as the POST Board. The POST Board establishes statewide standards for policy and practice, as well as training. These standards must be followed by all law enforcement agencies and officers within the state.

This agency was established in 1977 when the Minnesota legislature debated the role of law enforcement in society and then passed several amendments to change the original agency, the Minnesota Peace Officer Training Board. These amendments abolished the previous board and created the new one that exists today.

The mission of the POST Board was to create the first law enforcement occupational licensing system in the United States, establish law enforcement licensing and training requirements, and set standards for law enforcement agencies and officers. Today, the POST Board is responsible for licensing over 10,500 active peace officers. The board has the legislative authority to create administrative rules that have the force and effect of law (MN POST Board).

The overall goal of the Minnesota POST Board is to establish guidelines that have the force of law for all peace officers in the state to follow. To phrase it another way, every action a police officer takes is regulated by the rules set forth by the POST Board. While individual department standards can be more restrictive than the standards the POST Board establishes, they must be at least as restrictive as the state standards. According to the board's website, the board and its staff perform the following list of functions (MN POST Board, 2020):

- Administer a professional licensing program, which includes examination development and administration, licensure, and re-licensure.

- Develop, coordinate, and approve continuing education programs for peace officers and parttime peace officers.

- Work cooperatively with law enforcement trainers, educators and practitioners to develop in-service training programs.

- Help offset local governments' expenses for peace officer training through administration of a reimbursement program.

- Develop learning objectives for and certify the Professional Peace Officer Education programs at participating colleges and universities.

- Provide technical assistance to colleges, universities, law enforcement agencies and other groups involved in the practice of law enforcement and law enforcement education.

- Conduct studies and research projects that relate to peace officer education and the practice of law enforcement.

- Establish and implement professional policy standards of conduct for agencies.

- Process allegations of professional misconduct and the unauthorized practice of law enforcement.

- Prepare and transmit annually to the Governor and legislature a report of activities. These functions carried out by this board are the reason Minnesota is so selective of who they allow to join their ranks as a law enforcement professional. Even though they can be quite cumbersome, they are necessary to provide the public with the best service possible. A policy change by the POST board is usually spurred on by one or more events. During

the summer of 2020, Officer Derek Chauvin used force on suspect George Floyd in Minneapolis,

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MN. It is alleged that Officer Chauvin, while using an authorized control tactic (kneeling on the suspect's back), caused Floyd to suffocate. The encounter ended with Floyd's death. This spurred nationwide riots, looting, and civil unrest, which led the board to edit the state's model use of force policy.

The POST Board currently requires law enforcement agencies in Minnesota to have, at a minimum, 17 policies in place which cover a wide range of topics and practices. The first required policy is a use of force policy. To assist agencies, the POST Board provides several model policies for law enforcement agencies to use, either wholly or in part, in order to ensure agency compliance with POST rules and regulations, and with state law. The POST Board's newly revised model use of force policy, which is listed in Appendix B, was written based upon the Chauvin-Floyd incident. The important part to note is the incident occurred in a metropolitan area, which led to the change in the Minnesota POST use of force policy. Additionally, most law enforcement officers in Minnesota, who are governed by the provisions of this policy, work in metropolitan and larger regional hub agencies (MN POST Board, 2021). Therefore, for the purpose of this paper, an assumption is made that the Minnesota POST Board policy can be considered an urban-tailored policy and can be examined as such.

National Park Service Law Enforcement

The National Park Service Division of Law Enforcement protects and preserves 413 areas which comprise 84 million acres across every state except Delaware, and include 123 historical parks or sites, 74 monuments, 58 national parks, 25 battlefields or military parks, dozens of preserves, recreation areas, seashores, parkways, lakeshores, and the White House (Bumgarner et al., 2017). NPS Rangers' history began largely with the creation of Yellowstone National Park in 1872. The first superintendent, Nathaniel Langford, was tasked with protecting and preserving

the park. He received little to no funding however, and ultimately resigned due to being powerless against the harms brought to the park. Finally in 1877, Congress allocated $10,000 to protect the park with new superintendent Philetus Norris and an assistant superintendent, who became the first park ranger (Bumgarner et al., 2017).

It was not until 1915 that an official agency was created. The National Park Ranger Service was created by the Secretary of the Interior and intended to bring all the rangers and parks under one agency. One year later in 1916, the National Park Service was created, bringing together 37 protected areas across the United States.

Today, the NPS employs roughly 22,000 permanent, temporary, and seasonal workers who are assisted by over 440,000 volunteers. It maintains 879 visitor centers and contact stations for the estimated 307.2 million visitors who attended national parks in 2015 (National Park Service, 2017). Rangers with firearms and arrest authority comprise a small percentage of the individuals employed by the NPS, and the number has been getting smaller over time. From 2005–2014, the number of permanent NPS law enforcement park rangers dropped 14% from 1,548 to 1,322. The number of seasonal law enforcement park rangers fell 27% (671 to 492). As of August 2015, there were 1,329 permanent law enforcement rangers and 425 seasonal law enforcement rangers on the government payroll working in the national parks (Bumgarner et al., 2017).

Commissioned federal law enforcement rangers are primarily responsible for enforcing laws and are expected to perform a variety of public safety responsibilities such firefighting, search and rescue operations, and emergency medical services (Bumgarner et al., 2017). The safety and well-being of national park visitors are mostly maintained by NPS uniformed rangers. Park rangers maintain law enforcement authority, including the right to carry firearms, make

arrests, and execute search warrants. They provide general policing services to visitors of the parks and conduct investigations of criminal offenses committed against the NPS or inside national parks (Bumgarner et al., 2017).

People go to parks for many reasons: their commercial and scientific utility; social and recreational pursuits; environmental management and preservation; individual subsistence; spiritual development and religious ceremony; and criminal pursuits (Bumgarner et al., 2017). As a result, rangers, like local cops, must be prepared to interact with and confront a wide array of individuals, including the mentally ill and emotionally unstable. National parks have been the site of numerous suicides and suicide attempts, as some individuals seek to end their lives in the serenity of the parks and/or utilize the natural landscapes as part of the process (Bumgarner et al., 2017).

Another issue, like in the larger society, is crime. Traditional crimes such as burglary, theft, and assaults occur in NPS areas, but so do other less common crimes such as poaching, wildlife and agricultural crimes. Attributes of national parks provide opportunities for these non-traditional crimes, as parks are large and often remote geographical areas that extend police response time and hamper backup efforts for law enforcement intervention (Bumgarner et al., 2017). Rangers are often isolated from their colleagues, and thus must be notably cautious when encountering dangerous activities. The general lack of immediate backup support for park rangers arguably results in suspects feeling more confident engaging in violence against rangers (Bumgarner et al., 2017). From 2011–2015, only one ranger was feloniously killed in the line of duty. However, there were 94 assaults against park rangers which resulted in injury. More recently, in 2019, there were a total of 170 park rangers assaulted (injury and non-injury), amounting to approximately 13 assaults per 100 fulltime park rangers, compared to 11.8 assaults

per 100 law enforcement officers nationwide that year (Federal Bureau of Investigation, 2019). For further comparison, the U.S. Park Police, which is a separate law enforcement division of the National Park Service and operates in the urban, metropolitan areas of Washington DC, New York City, and San Francisco experienced 36 assaults in 2019, or approximately 6 assaults per 100 sworn officers (Federal Bureau of Investigation, 2019).

Broadly, National Park Service (NPS) policy is created by the Department of the Interior in Washington, D.C. and based on the Constitution and modern case law. Like Minnesota and other jurisdictions, however, there are levels and subcommittees that write and implement these policies. First, the Department of the Interior's Departmental Manual (DM) 446 prescribes policies and procedures for administering and implementing the law enforcement programs in the Department. Director's Order 9 (DO 9) provides direction on how law enforcement will be accomplished within the NPS. This order is published for officer use in Reference Manual 9 (RM-9), and it governs all law enforcement actions within the National Park Service (Reference Manual 9, 2015).

RM-9 policies are written by the Office of Law Enforcement Operations and Policy of the National Park Service to best suit law enforcement action in the NPS. They are then approved by the Deputy Chief of Law Enforcement, Security, and Emergency Services and sent to the Associate Director of Visitor and Resource Protection of the NPS (Reference Manual 9, 2015). RM-9 is updated whenever a major change needs to be made, such as new case law. The last edit of RM-9 was in March of 2015.

RM-9 states that "the objectives of the law enforcement program are primarily the detection and investigation of criminal activity, the apprehension and successful prosecution of criminal violators, and the prevention of criminal activities through resource education, public

safety efforts, and deterrence. The NPS program provides law enforcement in a consistent, efficient, and effective manner to both serve and protect the public and protect resources. the program is directed toward the preservation of public order, safety, education, protection of resources, and tranquility" (Reference Manual 9, 2015).

Essentially what this means is law enforcement rangers in the NPS are tasked with enforcing all laws, rules, and regulations set forth by the NPS. This includes proactive law enforcement activities such as traffic control; emergency response to calls for service such as crashes, medical emergencies, and domestic disputes; and prevention techniques through education, community policing, and officer presence. Rangers also, in most areas, provide assistance to local and state law enforcement agencies when called for assistance to emergency incidents.

As was previously mentioned, because of the nature of most national parks and their inherent ruralness, law enforcement rangers are primarily rural officers (Beauchamp, 2020). They work in some of the most remote areas in the country, sometimes in areas as isolated as remote islands. There are certain issues that come with situations like this that urban area officers do not experience, the most significant being proximity to resources such as medical facilities, communication points, and the availability of backup. Rangers must take these factors into consideration when engaging in official action. If they do not, they could end up in a dangerous and even deadly situation (Dwyer and Howell, 1985). Since most NPS rangers work under these circumstances, for the purposes of this paper, an assumption is adopted that the policies that guide the actions of NPS rangers can be considered rural policy.

Policies regulating the use of force, to be adequate and effective, should be sufficiently instructive as to define acceptable use-of-force behavior and the circumstances in which it might

occur, but also sufficiently broad as to not unintentionally limit officer options when force would otherwise be justified.

Appendix B lists the Minnesota policy which guides the use of force by peace officers, followed by Appendix C which lists the use of force policy for the National Park Service, whose law enforcement rangers operate primarily in rural contexts. The Minnesota statute includes language which is mirrored in the POST Board model use of force policy and which has been routinely adopted verbatim by Minnesota police agencies into their own use of force policies. The language provides very specific guidelines concerning the circumstances in which force may be used and goes on to proscribe certain use of force tactics and behaviors. The National Park Service policy, by contrast, is quite brief and offers relatively little in the way of guidance or prohibitions.

This paper will explore these two approaches to the use of force, one embodied in the Minnesota POST Board's model use of force policy, which is specific and tailored to an urban context, and the other embodied in the National Park Service use of force policy, which is vague and written for a primarily rural law enforcement audience. In light of the comparison, the National Park Service policy will be evaluated for its sufficiency and appropriateness as a use of force policy.

CHAPTER 2: LITERATURE REVIEW

There have been numerous works published over the years showing differences in police officer actions based on factors outside a given situation. Some very early studies examined the use of one- or two-officer patrol cars, and how that affected numerous variables. Some others attribute differences in use of force on gender, claiming that women are less likely to use force than men. Still others focus on training, basically stating that the more training officers receive in using force, the more likely they are to develop a "warrior" mentality and resort to physical means more often (Day, 1956; Brannon, 1956; Boydstun et al., 1977; Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire et al., 1991; Weisheit, 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003; Logan et al., 2005; Rabe-Hemp, 2008; Barrett et al., 2009; Bolger, 2014). These factors and others have been studied and shown to influence department policy. Below, many such studies are summarized and discussed.

Gender and Force

Rabe-Hemp (2008) claims women police officers use less force than their male counterparts. The study used data from the Project On Policing Neighborhoods, a study by the National Institute of Justice. It was conducted in two police departments: Indianapolis, Indiana and Saint Petersburg, Florida. The sample was made of 7,601 police encounters with citizens that lasted over a minute, involved at least three verbal exchanges between the officer and the citizen, or involved some use of force by either the officer or the citizen. After controlling for the relatively small population of female officers, it was found that females were 27 percent less likely to employ extreme controlling behaviors such as threats, physical restraint, searches, and arrest in their interactions with citizens (Rabe-Hemp, 2008).

Bolger (2014) invoked the strategy of meta-analysis. The purpose of this was to identify the most influential correlates of police use of force decisions. He took 44 separate analyses pulled from 19 articles, which together included samples from 12 separate databases. He concluded that, when examining the variables that trigger police officer reaction during an encounter, the use of force is more likely during encounters that involve serious offenses, a resistant suspect, during the course of an arrest, when citizens are in conflict with one another, when more officers are present, and during an encounter that the police initiated. Also, it was found that female officers are slightly less likely to use force than their male coworkers. However, most importantly was the fact that officers were more likely to use force when there were multiple officers on scene (Bolger, 2014).

Differences between Rural and Urban

It was found in Decker's (1979) study that rural law enforcement officers give much attention to public needs rather than strictly upholding the law. This conclusion was formed based on the observed informality of officer interactions with the public, giving status crimes such as drunkeness and gambling little attention, but strictly enforcing the laws on felonies and domestic issues. Most laws were upheld not because of the police, but because of the unspoken rural value structure the communities uphold. Therefore, rural officers are able to do their jobs in a more informal fashion, leaving unpleasant interactions such as use of force to a minimum (Decker, 1979).

Regoli and Poole (1980) measured three variables of officer perception; they were officers' senses of self-regulation, calling to the field, and autonomy. For rural officers, self-regulation was the dominant concern. This finding is important because it can be explained by the sense of community outside work that rural and small-town officers feel, and that urban

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officers do not have as often. With such a small police presence, officers have little choice but to use a community-based approach; they have to be friends with the public in order to be effective (Regoli & Poole, 1980).

Crank (1990) found that both organizational and environmental factors affect arrest rates strongly, but vary between urban and rural departments. In fact, environmental factors had a much stronger influence on rural department rates than on urban department rates. Thus, when defining environmental factors in this way, rural departments are heavily influenced by their sparse populations and other special circumstances that urban departments do not encounter. (Crank, 1990). It can then be inferred that these circumstances heavily influence policy.

The study performed by Maguire and colleagues (1991) is important because it found that rural police, as a result of their scant numbers, have a wide variety of duties to attend to outside of traditional "law enforcement". Officers studied still believe law enforcement and patrol are their most important functions, but they also understand that community service and keeping order were large parts of their job as well. Community members surveyed by telephone believed that overall, law enforcement was an officer's most important task, but community service was right behind (Maguire et al., 1991). This is important because it shows that it is essential for rural officers to maintain good community relations, just as it is for urban officers; but further, because the direct support of other officers on the job is often difficult to come by, it is nearly impossible for rural officers to do the job without community.

Weisheit and colleagues (1994) found that rural law enforcement officers had much different attitudes and procedures compared to traditional urban officers. Often, it was reported that crime is handled informally in rural areas. If a juvenile vandalizes something, instead of being arrested and put through the justice system, that child is taken home to the parents. Police

also were found to be much closer to the community. Instead of being some foreign force, they were considered members of the community, and they knew citizens on a personal level outside work. Finally, rural officers strongly agreed that they perform many non-law enforcement functions. This is most likely the result of being part of the community. Overll, rural officers employ a naturally acquired community-policing style that really aids in performing their job functions without resorting to more commonly-portrayed, militarized policing methods (Weisheit et al., 1994).

Oliver and Meier (2001), in a study of rural conservation officers and their stress levels, found that officers experiencing long distance and wait times for back-up reported higher levels of stress. Naturally, this leads to feelings of isolation, which causes stress (Oliver and Meier, 2001). This again shows how important backup is to law enforcement officers---a luxury most rural officers do not have, which influences use of force policy.

Logan and colleagues (2005) examined barriers to services for rural and urban victims of sexual assault. They found that a big problem for victims was limited police availability in the form of long response times. The women surveyed did not say that they believed they were low priority, however. Rather, they attributed long response times to the fact that rural officers have a large geographic area to cover. Response times in rural areas are often lengthy and directly affects how officers handle situations and how administrators write policy (Logan et al., 2005).

Barret and colleagues (2009) studied the attitudes relating to use of force among New Jersey law enforcement officers in rural, suburban, and urban settings and drew conclusions from the officers' responses to scenarios. First, urban officers seemed to be much more reactive in their work. Each time the hypothetical perpetrators escalated the situation, the officers also escalated to meet that level. In fact, the Paterson, NJ officers surveyed seemed to be very action

oriented, with crime-fighting as their main concern. This in turn caused using force to be the apparent go-to for problem-solving (Barrett, et al., 2009).

By contrast, the rural officers were much more careful in their approach. They were much more book-smart, taking time to consider the actions of the offender and responding appropriately and legally. When it came to the part about verbal abuse, all the rural officers stated that it was "part of the job" and did not allow it to change their decisions. They also noted that, being in such a large rural area, the availability of backup was sparse. Overall, the rural officers were much more careful and cautious than their urban counterparts, with the suburban officers reflecting resembling something of a mixture of the two (Barrett, et al., 2009).

Effect of Immediate Backup

Day (1956) examined the advantages and disadvantages of having a single-officer patrol car. Day (1956) found that there were multiple pros and cons to each. Single-officer cars were cheaper, response times were faster because of having more cars deployed in an area, individual officer performance rose, and officer safety went up as a result of being more cautious to engage when alone. However, Day (1956) also found negatives, such as that observation dropped because a driver focusing on the road misses details, calls must be screened to avoid dispatching multiple cars when not needed, officer credibility is based on merit rather than partner affirmation, and that in general having two officers is safer than one (Day, 1956).

University of Missouri scholar and Kansas City Police Chief Bernard C. Brannon (1956) found that in 1952 there were 30 officer injuries of all types in his department, none of which were serious. In 1954, that rate rose slightly to 38 incidences of officer injury, also none of which were remotely serious. With the single-officer cars, however, the department's total mileage for the year more than doubled, the crime rate dropped, and response times were shortened.

Therefore, it can be assumed that there were slightly more injuries because more calls were responded to, so it was shown that officers are just as safe alone as when in pairs, but only if a partner is close by (Brannon, 1956).

Boydstun et al. (1977) concluded that single-officer cars were safer. After extensive statistical analysis, the conclusion was drawn that single-officer cars had far fewer injuries than their double-officer car counterparts. In fact, single-officer cars had significantly fewer incidents across the board for all factors. It is speculated that this is a result of a less forceful approach. Thus, one-officer cars were found to be safer than two-officer cars as long as there was help in the area (Boydstun et al., 1977).

Kessler (1985) found support in his study for one-officer cars as well. He concluded that two single-officer cars response times are faster than one double-officer car. The importance of this is that he concluded that officers are more concerned about self and peer safety when alone. In other words, they believe that in order to safely carry out their duty, backup is a necessity (Kessler, 1985). Once again it is shown that officers are more likely to engage when there are more than one, and department policy usually reflects that.

Carmen and Guevara (2003) conducted a study on officer perceptions of performance, applicability, effectiveness, and safety issues when assigned to two-officer units, compared with a one-officer unit, for patrol operations in an urban setting. Among a host of results, it was found that officers believed they were more likely to be injured in two-officer cars than single-officer cars (Carmen and Guevara, 2003). Officers believed that with partners on scene immediately, they may be more likely to get into a physical altercation rather than deescalate.

Use of Force Continuums

Terrill and Paoline III, (2012), in a study of less lethal force policies, found that of the agencies and departments in their sample, over 80 percent used some type of use of force continuum in their policy. Additionally, the most common type of continuum used was a linear continuum. Linear continuums are modeled in the form of a ladder or hierarchical steps. This type of continuum approach is to "rely first on the officer's presence to quell a situation, and if that fails, to move to increasingly severe types of force" (Terrill and Paoline III, 2012). Another type of a continuum structure is referred to as a modified-linear design, where subject resistance is placed into one of several levels and force options for escalation and de-escalation are presented within each level (Terrill and Paoline III, 2012). Results also revealed that it is difficult to identify a typically used force continuum approach that ranks tactics in relation to citizen resistance levels. Although some departments are quite restrictive in terms of allowing officers to use more severe forms of force only on actively aggressive suspects, other agencies are quite liberal and place a large amount of discretion in officers hands by allowing them to use nearly all types of force against nearly all types of resistance (Terrill and Paoline III, 2012). This can be seen when comparing Minnesota to the National Park Service in that Minnesota's policy is quite restrictive and specific, while the NPS policy is quite vague.

Use of Force Policy

White (2001) examined 982 police shootings in Philadelphia from 1970 through 1992. In 1974, the PPD's highly restrictive deadly force policy was abolished, giving officers a higher level of discretion. Then, in 1980, the PPD instated a new deadly force policy that was once again quite restrictive.

White (2001) found that the 1974 policy change led to an increase in police shootings. However, the percentage of non-assaultive incidents decreased after the removal of the administrative policy, meaning that there were fewer unprovoked shootings (provoked shootings being ones where the suspect had a means of using deadly force). Thus, it was found that the Philadelphia Police Department used deadly force more when policy was restrictive than when they operated under no formal administrative policy (White, 2001). This was largely a result of the "bust their heads" attitude Mayor Frank Rizzo and Police Commissioner Joseph O'Neill had, which led to the previous policy not being enforced. Once the heavily enforced, restrictive policy under Mayor William Green and Police Commissioner Morton Solomon went into effect in 1980, a sharp drop in shootings was observed (White, 2001). In summary, use of force policy was found to be an effective way to control officer actions, but only when strictly enforced. This is why policy must be largely left up to individual departments so it can be molded to each unique department to meet unique needs.

Alpert and MacDonald (2001) examined the relationship between agency-level characteristics and reported departmental use of force data. They focused specifically on departmental use of force reporting systems. The authors found that agencies with reporting systems that required use of force reports to be filled out by the using officer and a supervisor had much lower reported rates of force. An explanation Alpert and MacDonald (2001) gave for this finding was that the higher level of accountability discouraged officers from using force as readily as officers in departments with low levels of accountability. This helps show that officers who must adhere to a strict accountability policy use more restraint when escalating a contact to using force.

MacDonald and colleagues (2003) analyzed three years of official use of force reports in the Miami-Dade Police Department. They focused on the measure of "relative" force, or whether the levels of force varied according to the type of offense an officer was responding to. The authors found support for the claim that the type of call for service had an effect on force: domestic disturbance calls and property calls were the top two offenses that most commonly ended with a use of force. It was also found that officer use of force fluctuated on a continuum similar to many other departments. The more the offender escalated the contact, the higher the level of response an officer used (MacDonald et al., 2003). Once again it can be concluded that a clear use of force policy must exist to guide officers in their work.

Terrill, Leinfelt, and Kwak (2008) examined police use of force from a smaller police agency perspective. They used use of force reports involving arrests over a three-year period from a small agency in the upper-Midwest. It was found that the majority of force officers used was located at the lower end of their force continuum, such as soft hand control. Results also indicated that behavior displayed by suspects was usually toward the upper end of the continuum. This led to the finding that the most powerful predictor of force was the level of suspect resistance, which caused officers to fluctuate along the use of force continuum and varied responses as such (Terrill, et al., 2008). Even in rural areas, restraint was displayed among officers with a solid use of force policy to guide their actions.

Ingram and Weidner (2011) examined sergeants from five municipal police agencies and their attitudes regarding the clarity, discretionary assistance, restrictiveness, and guidance of their departments' less-lethal force policies. All five agencies integrated some type of force continuum into their use of force policies. Overall, results indicated that sergeants generally had positive attitudes about their departments' less-lethal use of force policy (Ingram and Weidner, 2011).

There were some exceptions. The main exception that is noteworthy here is that the sergeants that were least supportive of their department policy felt that it was not clear enough to provide officers with much guidance. Once again, this supports that all departments should implement clear, specific use of force policies.

More recently, Terrill and Paoline III (2017) examined the relationship between organizational use of force policy and the use of less lethal force to determine if policy was effective. They examined 3,340 use of force incidents from three large urban agencies: the Charlotte-Mecklenburg Police Department, the Albuquerque Police Department, and the Colorado Springs Police Department. Each agency had varying policy restrictions, which allowed the authors to assess whether use of force policy is related to officer behavior on the street. The authors found that policy strongly affected officers' decisions to use force. Officers in Charlotte-Mecklenburg, who had a very strict use of force policy, were found to use force much less readily than officers in Colorado Springs and Albuquerque, who operated under much less restrictive policies (Terrill and Paoline III, 2017). Officers in Colorado Springs, who operated under the least restrictive use of force policy, were found to resort to using force much more often. It was therefore demonstrated that administrative use of force policy is paramount to controlling officers' use of force (Terrill and Paoline III, 2017), which means that to be as reasonable as possible, officers must have strict guidelines to operate under pertaining to the use of force.

Finally, Jennings and Rubado (2017) examined the effect department use of force policy had on officer-involved gun deaths. Specifically, a policy was studied which required officers to write a report for incidents that involved them drawing and pointing their gun at a suspect, even if they did not fire. The authors found that the firearm reporting requirement contributed to fewer

police involved shooting deaths. They assert that because of the reporting requirement, officers may be less willing to draw their firearms when unnecessary to avoid paperwork. The fewer times the gun is drawn, the fewer opportunities there are to shoot someone, and the safer the public is (Jennings and Rubado, 2017). Once again it can be concluded that department policy contributes heavily to officer actions.

CHAPTER 3: POLICY RECOMMENDATIONS

The preceding literature is indicative of several things. For one, the literature shows there are factors which influence an officer's choice to use force in addition to the circumstances of the encounter itself (Day, 1956; Brannon, 1956; Boydstun et al., 1977; Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire et al., 1991; Weisheit et al., 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003; Logan et al., 2005; Rabe-Hemp, 2008; Barrett et al., 2009; Bolger, 2014). The literature also shows that department use of force policies do in fact influence officers' decisions to use force, and the level of force to which they go (White, 2001; Alpert and MacDonald, 2001; MacDonald et al., 2003; Terrill, Leinfelt, and Kwak, 2008; Ingram and Weidner, 2011; Terrill and Paoline III, 2012; Terrill and Paoline III, 2017; Jennings and Rubado, 2017).

Further, the literature suggests that rural officers tend to be more careful and slower to escalate a potential force encounter than urban officers (Barrett, et al., 2009). This is likely partially due to the tendency of rural officers to handle calls informally, to view themselves as members of the communities they are policing, and to see their jobs as embodying more than law enforcement (Weisheit, et al., 1994). The notion that rural officers are slower and more careful in using force than urban officers is also consistent with previous literature indicating single officer units were involved in use of force incidents less often than two-officer units (Day, 1956; Boydstun, et al., 1977). However, the literature does not suggest that rural officers are in no need of a range of force options, despite their relative reluctance to use force. To the contrary, rural officers arguably are in need of wider flexibility than are urban officers in choosing legal force options given their isolation and lack of supporting resources—a flexibility with which they might be safely entrusted given their reluctance to escalate a force encounter.

Because of the influence a well-crafted use of force policy can have on officer behavior, and given the wide disparity in factors that lead to incident involving the use of force, an explicit and enforced use of force policy is integral in keeping officers accountable in the field. The two policies discussed in this paper, Minnesota Statute 609.06: Authorized Use of Force as reflected in the Minnesota POST Board Model Policy on the Use of Force and the NPS RM-9 Ch. 10: Use of Force Policy, were chosen because of their vast difference from one another. Based on the previous literature, both have beneficial and detrimental elements.

As has been previously discussed, the Minnesota Peace Officer Standards and Training Board recently changed the state use of force policy. This change was spurred by the Officer Derek Chauvin/George Floyd case that occurred in Minneapolis during the summer of 2020 that resulted in the death of Floyd. The change consisted of adding a new subdivision, Subdivision 3: Limitations on the use of certain restraints. The new clause prohibits peace officers from putting a prisoner in a "choke hold," tying all of a person's limbs together behind the person's back to render the person immobile, or securing a person in any way that results in transporting the person face down in a vehicle, unless deadly force is warranted. A chokehold is defined in this policy as:

> "A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries."

The last part of this definition bans a commonly-trained law enforcement technique known as the carotid restraint or lateral vascular neck restraint, in which officers may render a combative

suspect momentarily unconscious (usually for about 30 seconds) by restricting the flow of blood and oxygen to the brain, thereby allowing officers to secure the suspect with handcuffs. Policing scholars have held for years that to be effective, a use of force policy must be clear, specific, and strictly enforced (White, 2001; Alpert and MacDonald, 2001; MacDonald et al., 2003; Terrill, Leinfelt, and Kwak, 2008; Ingram and Weidner, 2011; Terrill and Paoline III, 2012; Terrill and Paoline III, 2017; Jennings and Rubado, 2017). By going so far as to delineate in writing what holds and tactics are allowed under certain conditions, Minnesota has gone above and beyond the norm regarding specificity and clarity as to what tactical actions are and are not acceptable. Agencies and officers operating under this policy have more direction than ever before, which should aid in the prevention of excessive force incidents.

The National Park Service Use of Force Policy is the opposite of Minnesota's. It does not mention situational factors, specific holds, or tactics. In short, it states that "…officers are authorized to use a wide variety of defensive equipment and appropriate force options in response to various threats and other enforcement situations. The ability to transition from one type of force to another and stop the use of force is critical…". Essentially what this means is that NPS rangers are given weapons and tactics to use however they please, as long as it is appropriate and within legal boundaries for a situation. There are positive and negative aspects of this.

The positive is that the policy gives broad freedom to officers to do their job effectively. To an ethical, responsible officer, such a policy will protect them from harm by allowing them to use whatever level of force and tactics they reasonably believe to be necessary to accomplish the legal goal. A small, light officer is given the freedom to escalate an encounter to weapon use

faster to protect himself or herself, just as a large, strong officer can choose to use less dangerous tactics because they have the physical ability and confidence to do so.

The problem is the amount of freedom and discretion the NPS policy allows enables officers to abuse their power. The lack of any guideline on levels of force or techniques, for some officers, may lead to excessive force incidents. New officers, who are inexperienced and even sometimes unknowledgeable, could benefit from a more detailed policy. However, the NPS policy's ambiguity does leave room for individual parks to restrict their officers depending on differing environmental factors.

The NPS should add substance to its policy in order to provide direction to officers and guide their decisions. Four specific suggestions regarding the NPS policy appear below:

1) The policy should include a clause that states the policy   is not to stand alone---i.e, that each park must add to it to meet individual needs and circumstances of that park.

2) The policy should include the use of force continuum listed in Appendix A in the actual language itself, which would delineate to officers what tactics are appropriate at what times.

3) The policy should include language instructing officers to take special care when dealing with mental/physical health patients.

4) The NPS policy should include a section about when officers should cease using force, such as when a person is properly restrained.

The Minnesota POST Board's and the National Park Service's use of force policies were compared in this paper because they are on the extreme ends: one is very restrictive and one is very vague. The most effective policy change for the NPS would be to move towards greater specificity, such as is contained in the Minnesota policy, but without going so far as to prohibit

tactics that are otherwise legal under the United States Constitution. The proposed language

adjustments for the NPS policy brings it closer to a modern, detailed, and enforceable policy

while still being sensitive to the needs of unique park settings. It is important for policy to be

clear and guiding, but flexible enough to accommodate the environments within which officers

operate and without unnecessarily precluding constitutionally permissible tactics should a

reasonable officer determine they are warranted under the circumstances.

CHAPTER 4: SUGGESTED FUTURE RESEARCH

To further examine whether urban and rural officers need policies tailored to their situations, future study of this topic should employ a quantitative, nonexperimental, correlational design to examine individual use of force incidents and statistics and compare them to department policy to discern the most effective policy. A quantitative research design is grounded in numbers. Quantitative research hypotheses are predictions a researcher makes about the expected relationships among variables.

In such a study, variables would be *uses of force*, *department policy specificity, urban/rural department,* and *type of call*. These variables would then be evaluated using statistical procedures. The measurements of such variables could be captured through data gathered on use of force by the Minnesota Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI), which is collected annually and then compiled into numerical classifications. According to the BCA, ninety percent or more of Minnesota law enforcement agencies have been reporting use of force data to the FBI each year since 2018 (Minnesota BCA, 2020). This suggested future study would focus on use of force instances from 2018 through the present.

Nonexperimental designs lack the manipulation of any variables. There is no treatment group, nor is there a control group. No intervention is performed. A nonexperimental design would be usable for this study because no variable would be manipulated. The project would simply take urban officer use of force incidents and compare them to rural officer use of force incidents to find differences that could explain actions. The only additional variable outside of *use of force*, *department policy specificity, urban/rural department* is *type of call*. The *type of call* is determined by the Incident Complaint Reports (ICRs) and is important to control for so

the generally higher-stress calls from urban areas do not cause inaccurate interpretations of data when compared to the often lower-risk calls experienced in rural areas.

Specifically, the project should be correlational. This type of research focuses on the relationship between variables, while factoring in the degree to which the variables are related. While a correlation found between variables does not equal a causal relationship, the possibility of causation should not be excluded (Vogt, 1999). As Campbell and Stanley noted (1963, p. 64):

"[correlational] data are relevant to causal hypotheses inasmuch as they expose them to disconfirmation. If a zero correlation is obtained, the credibility of the hypothesis is lessened. If a high correlation occurs, the credibility of the hypothesis is strengthened in that it has survived a chance of disconfirmation. …In this sense, the…correlational approach can provide a preliminary survey of hypotheses, and those which survive this can then be checked through…experimental manipulation."

In this study, the strength and direction of relationships between being an urban or rural law enforcement officer and using force would be examined based on department policy. In other words, the correlation between department policy and department use of force incidents would be examined. The relationships would likely be affected by call type and circumstances, however, so it is imperative to include ICR data. It should be noted that even a strong relationship does not necessarily prove causality. However, any relationships identified in this study between urban or rural settings, use of force policy specificity, and use of force outcomes could further the claim that the settings and policy language are important for understanding uses of force.

The purpose of the study would be to identify differences in department use of force policy that influence their decision to use force. It would propose that, as an officer is more

likely to use force with more use of force training, if a male, if the department promotes it, and a

partner is at their side, officers would be willing to resort to using force depending on the content

and enforcement of their department's policy. This would be evaluated based on the following

hypotheses:

- An officer is more likely to use force if a department policy is less specific/basic.

- An officer is more likely to use force if department policy is not enforced.

- An officer is less likely to use force if department policy is specific.

- An officer is less likely to use force if a specific department policy is enforced.

Independent Variables

The independent variable in the study would be *department policy specificity*.

Department policy specificity, would be operationalized as the detail each department's policy

holds. Essentially it would be the content – with a focus on how narrow and specific each policy

is. This variable would be dichotomous, with policies being as classified as "basic" or

"specific." Policies that adopt the Minnesota POST Board Model Policy verbatim or that closely

resemble the model policy and its' contents would be labeled "basic." Policies that explicitly

ban particular tactics in some or all circumstances, or that offer detailed scenario-driven use of

force guidance would be labeled "specific."

It should be noted that many Minnesota law enforcement agencies adopt the POST Board

model policy verbatim, or something closely resembling the model policy. However, a number

of agencies—particularly larger ones—often adopt more expansive and detailed use of force

policies. Consequently, it is expected that variation in the degree of specificity in use of force

policies across Minnesota exists.

Dependent Variable

The single dependent variable in the study would be *use of force*. The level of force

referred to as "use of force" in this study would be defined by the Minnesota Bureau of Criminal

Apprehension as being any use of force by an officer that results in death or serious injury, or the

discharge of a firearm in the direction of the suspect (Minnesota BCA, 2020). The Minnesota

BCA's definition includes, but is not limited to gunshot wounds, broken bones or extremities,

puncture wounds, and blunt force trauma. Originally, data were only collected on officer firearm

discharge. With the wide array of alternative force options, such as OC/CS gas (mace), tasers,

batons, and hard hand-control tactics, the breadth of data collection was extended to the current

definition to encompass all instances of a suspect being physically controlled and/or hurt in the

process. In this study, use of force data are collected from the Minnesota DPS and organized

through the BCA. *Use of force* data, therefore, follows the DPS definition. This variable is

measured dichotomously.

Control Variable

The control variables in the study would be *type of call* and *urban/rural department*. Law

enforcement officers respond to a wide array of calls. One call can be as calm and simple as a

driver needing a jump-start, and then the next can be an active shooter. Regular police calls for

service in large cities differ greatly from small, rural areas. A routine call in Saint Cloud might

be unheard of in Battle Lake, and vise versa.

A big part of officers' response comes from the Initial Complaint Report (ICR). The ICR

provides the case number of the incident to which officers have been called and contains all the

relevant information about the nature of the call, the caller, victims, suspects, and eventually the

officer's report regarding his or her response to the call. The manner in which officers respond

and the number of officers that do respond originally relies on the dispatched ICR but can change as a call develops and more information becomes available. One example of a call often heard in a big city such as Minneapolis is gang violence. Minneapolis is large enough that there is a notable amount of gang activity, and where there are gangs, there is gang violence. These types of calls are known to be dangerous from the start, and often they escalate to high if not lethal levels of force.

Law enforcement officers in rural communities, however, do not usually experience calls of the same nature as urban cops do. Many calls for rural officers are even outside of the usual perceived scope of "traditional police work". The ICR will once again be an important factor to account for, because that will determine initial response. Often, these calls consist of anything as simple as a citizen being locked out of their house, to a small bar fight between two patrons; gang activity and violence is generally nonexistent. That is not to say low-threat calls of this nature cannot occur in urban areas, but often they are handled by someone other than the sworn police force, which is often busy with more pressing matters.

As a result of the disparity of calls received and responded to by urban and rural police agencies, it is imperative for this study to control for offenses. That is why the variable *type of call* is controlled for. *Type of call* would be coded continuously to account for the wide variety of calls police answer, with each successive number meaning a different, more serious type of call than the previous type. A call for a rival gang shootout is unlikely in rural areas. A call for a loose horse is unrealistic in urban areas. This study will examine the responses of officers to calls of similar seriousness to facilitate equality among officer calls and responses and avoid skewing the data.

Urban/rural department would be defined by the area in which a law enforcement agency resides. The Minnesota BCA defines urban areas as metropolitan, and for the purposes of the Minnesota Uniform Crime Report, "metro areas contain a principal city or urban area with a population of at least 50,000 people" (MN UCR, 2018).

The Minnesota Bureau of Criminal Apprehension (BCA) defines counties as metro or nonmetro based on population. In this study, law enforcement departments that reside in areas labeled as "metro" by the Minnesota BCA are defined as being urban departments. Officers that work in such departments, therefore, are considered "urban officers". The early Minnesota BCA reports classified agencies as being "urban" as well, but found that in classifying them in this way, many agencies were misclassified (Minnesota BCA). The BCA's definition of urban was defined as any area served by a police department. This caused many rural areas to be classified as urban because they were patrolled by a police department. This was inaccurate, however, because of small towns with police departments. An example is the small town of Climax, Minnesota. The town consists of 266 residents who have their own small police department. Clearly, it is a rural area. Under the previous classification, Climax would be considered urban. Being highly inaccurate, the BCA redefined areas to the current metro and nonmetro statuses. This variable is measured dichotomously.

Additionally, the law enforcement departments that are in jurisdictions labeled as "nonmetro" by the Minnesota BCA are considered to be "rural" departments in this project. The officers that work for "nonmetro" departments are considered to be "rural officers" in this study. The original Minnesota BCA reports labeled agencies as being "rural" as well, but found that by classifying them in this way, agencies were mislabeled (Minnesota BCA). The "nonmetro" classification, therefore, was more accurate for statistical purposes. An example is Saint Louis

county in northern Minnesota. While much of the county is served by the sheriff's office and would then be classified as rural, the county contains the large city of Duluth, Minnesota and departments with high population areas, thus making the current classification more accurate. For this project, "nonmetro" will be referred to as "rural". This variable is measured dichotomously.

The variables for this prospective study are summarized in the table below.

Table *1*

Variables

Independent Variables	
Department Policy Specificity	Basic / Specific
Dependent Variable	
Use of Force	Force resulted in serious injury, death, or there was a firearm discharged: yes/no
Control Variable	
Type of Call (ICR seriousness)	1, 2, 3, 4, 5, 6, …etc.
Urban/Rural Department	Urban or Rural

Time Dimension

This study would employ a cross-sectional time dimension. Data from the past four years on law enforcement officer use of force in the state of Minnesota would be gathered from the BCA and the FBI. The time frame of four years would be used because that is how long the BCA has been requiring all departments to submit data. The BCA compiles all use of force reports monthly. The FBI then takes this compilation and publishes annual data and analyses on use of force for each state. While the data does span over multiple years, the single occurrence of pooling the data with no follow-up method results in a cross-sectional design.

Potential Other Variables

This proposed future study is specifically interested in the relationship between use of force policies and instances of uses of force. However, the literature makes clear that many other

variables can also influence uses of force. Consequently, additional research using the dataset in

this study could be conducted to explore further the influences of variables such as gender,

community demographics, availability of police resources, and the completion of training on

topics such as use of force, de-escalation, mental health crises, and others.

CHAPTER 5: CONCLUSION

It has been shown that there are factors which influence an officer's choice to use force beyond the circumstances of the encounter itself. Factors such as training, gender, department atmosphere and policy, and proximity of backup have all been recognized to directly affect officers' choices to engage in the use of force in a given situation, and the level to which they go. The purpose of this paper was to evaluate the adequacy of two law enforcement agency policies based on previous use of force research findings. Specifically, the legal and policy restrictions established by the Minnesota POST Board and the National Park Service Use of Force Policy for Law Enforcement Rangers were considered against the backdrop of prior research evaluating use of force policy and other factors relating to officer use of force incidents. Recommended adjustments to the language of both policies were provided to make the Minnesota POST Board model policy more flexible and the National Park Service policy more specific.

Research suggests that an officer is more likely to use force with more training, if a male, if the department promotes it, and a partner is at their side (Day, 1956; Brannon, 1956; Boydstun et al., 1977; Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire et al., 1991; Weisheit, 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003; Logan et al., 2005; Rabe-Hemp, 2008; Barrett et al., 2009; Bolger, 2014). By extension, it could be supposed that an officer is more likely to use force if backup is close by. Assuming rural police departments and sheriff's offices have a large area to cover with a low number of officers, and urban police departments and sheriff's offices have proximally smaller areas with a high number of officers, I believe that an urban officer is much more likely to escalate an encounter to involve the use of force. Additionally, a rural officer is much less likely to escalate an encounter into a use-of-force situation, which is reflected in agency policy (Day, 1956; Brannon, 1956; Boydstun et al., 1977;

Decker, 1979; Regoli and Poole, 1980; Kessler, 1985; Crank, 1990; Maguire et al., 1991; Weisheit, 1994; Oliver and Meier, 2001; Carmen and Guevara, 2003; Logan et al., 2005; Rabe-Hemp, 2008; Barrett et al., 2009; Bolger, 2014).

Prior research overwhelmingly suggests that law enforcement agencies implement a strong policy that is strictly enforced. When such results are compared to Minnesota's new policy, it is clear the state is heading in the right direction. However, the Minnesota policy is not without its faults. Environment and resources must be considered in each agency's policy, as well as other factors that make each one unique. When the literature is compared to the National Park Service policy, it is shown that the NPS is in large need of modernization. My proposed policy language attempts to address the concerns in both policies. Minnesota is moving in the right direction, and the NPS should consider following their lead; however, some discretion must be left to individual officers to account for the uniquely rural challenges on the job.

REFERENCES

Alpert, G. P., & MacDonald, J. M. (2001). Police use of force: An analysis of organizational characteristics. *Justice Quarterly*, 393-409.

Barrett, K. J., Haberfeld, M., & Walker, M. C. (2009). A comparative study of the attitudes of Urban, Suburban and Rural Police Officers in New Jersey regarding the use of force. *Crime, Law, and Social Change*, 159-179.

Beauchamp, T. (2020). Beyond the "pine pig": Reimagining protection through the US national park ranger. *Radical History Review*, 137: 96-118.

Bolger, P. C. (2014). Just Following Orders: A Meta-Analysis of the Correlates of American Police Officer Use of Force Decision. *American Journal of Criminal Justice*, 466-492.

Boydstun, J. E., Sherry, M. E., & Moelter, N. P. (1977). Patrol Staffing in San Diego: One- or Two-Officer Units. *Police Foundation*.

Brannon, B. C. (1956). Report on One-Man Police Patrol Cars in Kansas City, Missouri, A. *Journal of Criminal Law and Criminology*.

Bumgarner, J., Crawford, C., & Burns, R. (2017). *Federal Law Enforcement: A Primer.* Durham: Carolina Academic Press.

Campbell, D.T. and Stanley, J.C. (1963). *Experimental and Quasi-Experimental Designs for Research.* Boston: Houghton Mifflin Co.

Carmen, A. d., & Guevara, L. (2003). Police officers on two-officer units: A study of attitudinal responses towards a patrol experiment. *Policing: An International Journal of Police Strategies and Management* , 144-161.
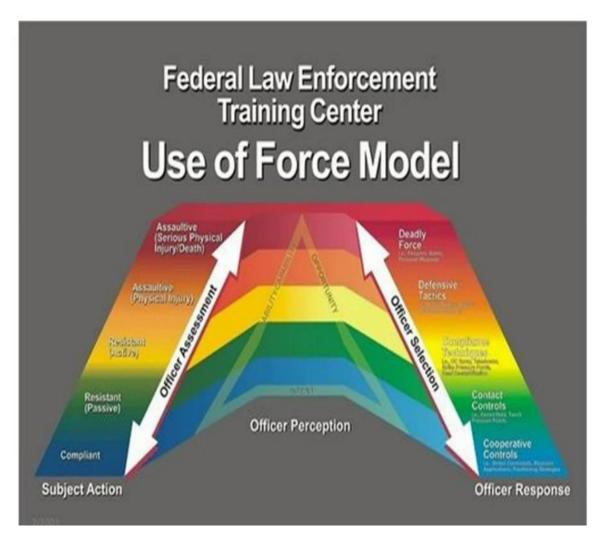
Crank, J. P. (1990). The Influence of Environmental and Organizational Factors on Police Style
in Urban and Rural Environments. *Journal of Research in Crime and Delinquency*, 166-
189.

Day, F. D. (1956). The Issue of One-Man vs. Two-Man Police Patrol Cars. *Journal of Criminal
Law and Criminology*.

Decker, S. (1979). The Rural County Sheriff: An Issue in Social Control. *Criminal Justice
Review*.

Dwyer, W.O. & Howell, R. (1985). The evolution of enforcement in the service. *Ranger: The
Journal of the Association of National Park Rangers*, Spring Issue.

Federal Bureau of Investigation (2019). *Law Enforcement Officers Killed and Assaulted 2019*.
https://ucr.fbi.gov/leoka/2019/topic-pages/federal-officers-killed-and-assaulted

Ingram, J. R., & Weidner, R. R. (2011). Front-line supervisors' perceptions of less-lethal force
policies: examining the 'transmission belts' of police departments. *Journal of Crime and
Justice*, 221-233.

Jennings, J. T., & Rubado, M. E. (2017). Preventing the Use of Deadly Force: The Relationship
between Police Agency Policies and Rates of Officer-Involved Gun Deaths. *Public
Administration Review*, 217-226.

Kessler, D. A. (1985). One- or Two-Officer Cars? A Perspective from Kansas City. *Journal of
Criminal Justice*, 49-64.

Logan, T., Evans, L., Stevenson, E., & Jordan, C. E. (2005). Barriers to Services for Rural and
Urban Survivors of Rape. *Journal of Interpersonal Violence*, 591-616.

MacDonald, J. M., Manz, P. W., Alpert, G. P., & Dunham, R. G. (2003). Police use of force: Examining the relationship between calls for service and the balance of police force and suspect resistance. *Journal of Criminal Justice*, 119-227.

Maguire, B., Faulkner, W., Mathers, R., Rowland, C., & Wozniak, J. F. (1991). Rural Police Job Functions. *Police Studies: The International Review of Police Development*, 180-188.

Minnesota POST Board (2020). *Minnesota Board of Peace Officer Standards and Training Biennial Report for Fiscal Years 2019 - 2020*. https://dps.mn.gov/entity/post/ Documents/POST%20Biennial%20Report%20FY19-20.pdf

Minneosta POST Board (2021). *Agency Statistics 2021*. https://dps.mn.gov/entity/post/ Documents/Agency%20information%20by%20type%20and%20size%202021.pdf

National Park Service Reference Manual 9. (2015). Washington D.C.

National Park Service (2017). "National Park Service Overeiw." https://www.nps.gov/aboutus/upload/NPS-Overview-02-09-17.pdf

Oliver, W. M., & Meier, C. A. (2001). Stress in Small Town and Rural Law Enforcement. *American Journal of Crimnial Justice*.

Overview of Police Use of Force. (2020). *National Institute of Justice*.

Police Use of Force in America. (2001). *International Association of the Chiefs of Police*.

Rabe-Hemp, C. E. (2008). Female officers and the ethic of care: Does officer gender impact police behaviors? *Journal of Criminal Justice*, 426-434.

Regoli, R. M., & Poole, E. D. (1980). Police Professionalism and Role Conflicts: A Comparison of Rural and Urban Departments. *Human Relations*, 241-252.

Terrill, W., & Paoline III, E. A. (2012). Examining Less Lethal Force Policy and the Force Continuum: Results from a National Use of Force Study. *Police Quarterly*, 38-65.

Terrill, W., & Paoline III, E. A. (2017). Police Use of Less Lethal Force: Does Administrative

   Policy Matter? *Justice Quarterly*, 193-216.

Terrill, W., Leinfelt, F. H., & Kwak, D. H. (2008). Examining police use of force: a smaller

   agency perspective. *Policing: An International Journal*.

Vogt, W.P. (1999). *Dictionary of Statisitics and Methodology: A Nontechnical Guide for the*

   Social Sciences (2nd ed.). Thousand Oaks, CA: SAGE.

Weisheit, R. A., Wells, L. E., & Falcone, D. N. (1994). Community Policing in Small Town and

   Rural America. *Crime and Delinqency*, 549-567.

White, M. D. (2001). Controlling Police Decisions to Use Deadly Force: Reexamining the

   Importance of Administrative Policy. *Crime and Delinquency*, 131-151.

APPENDIX A: USE OF FORCE CONTINUUM

(Source: Federal Law Enforcement Training Center)

APPENDIX B: MN POST BOARD MODEL USE OF FORCE POLICY

USE OF FORCE AND DEADLY FORCE MODEL POLICY

MN STAT 626.8452

1) **PURPOSE**

It is the policy of the (law enforcement agency) to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE;
POLICIES AND INSTRUCTION REQUIRED;
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;
MN STAT 609.06 AUTHORIZED USE OF FORCE;
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

2) **POLICY**

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.

3) DEFINITIONS

a) *Bodily Harm:* Physical pain or injury.

b) *Great Bodily Harm:* Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

c) *Deadly Force:* Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

d) *De-Escalation*: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

e) *Other Than Deadly Force*: Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

f) *Choke Hold*: A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

g) *Authorized Device:* A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

   a. obtained training in the technical, mechanical and physical aspects of the device; and
   b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

4) PROCEDURE

   a) General Provisions

     1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

     2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.

     3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

     4. All uses of force shall be documented and investigated pursuant to this agency's policies.

   b) Duty to Intercede

     Regardless of tenure or rank, an officer must intercede when:
      a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
      b. physically or verbally able to do so

   c) Duty to Report

     An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer.

   d) De-escalation:

     1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

     2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

e) Use of Other Than Deadly Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

   a. effecting a lawful arrest; or
   b. the execution of legal process; or
   c. enforcing an order of the court; or
   d. executing any other duty imposed upon the public officer by law; or
   e. defense of self or another.

f) Use of Certain Types of Force

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

   a. Chokeholds,
   b. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
   c. Securing a person in any way that results in transporting the person face down in a vehicle.

2. Less than lethal measures must be considered by the officer prior to applying these measures.

g) Use of Deadly Force

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;

   a. To protect the peace officer or another from death or great bodily harm, provided that the threat:

      i. can be articulated with specificity by the law enforcement officer;
      ii. is reasonably likely to occur absent action by the law enforcement officer; and
      iii. must be addressed through the use of deadly force without unreasonable delay; or

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b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

h) Training

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.

2. In addition, training shall be provided on a regular and periodic basis and designed to

   a. Provide techniques for the use of and reinforce the importance of de-escalation
   b. Simulate actual shooting situations and conditions; and
   c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.

3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

g) Recordkeeping Requirements

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

APPENDIX C: NPS USE OF FORCE POLICY

<u>RM-9 CH. 10: USE OF FORCE POLICY</u>

Commissioned law enforcement personnel are authorized to use a wide variety of defensive equipment and force options in response to various threats and other enforcement situations. These options are provided in order to permit commissioned officers to select the defensive equipment or tactics that are most appropriate for the circumstances. The ability to transition from one type of force to another and stop the use of force is critical.