

Police Use of Force:  
A Case Study of the Attitudes of Suburban, Rural and Urban Police Officers  
in  
New Jersey

By

Kevin J. Barrett

A dissertation submitted to the Graduate Faculty in Criminal Justice in partial  
fulfillment of the requirements for the degree of Doctor of Philosophy,

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**ABSTRACT**

Police Use of Force: A Case Study of the Attitudes of Suburban, Rural and Urban

Police Officers in New Jersey

By

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Advisor: Professor Maria (Maki) Haberfeld

In a case study of police officers' attitudes regarding the use of force, Birkbeck's, et al transnational study using focus groups is replicated and expanded. Their methodology, scenario and analytical model are used and applied to a different purposeful sample of suburban, rural and urban police officers in New Jersey in an attempt to learn whether suburban and rural police officers apply different justification frameworks in use of force situations than their urban counterparts. Most academic research regarding the police has been focused almost exclusively on officers who patrol large urban cities. This study tries to expand the focus of academic research to include non-urban police officers in an attempt to better understand a core issue in policing; the use of force. Twelve different focus groups, four at each of the sites, were analyzed and it appears that there may be a geographic and demographic influence on how the officers respond to the scenario.

## **DEDICATION**

To my mother, Marjorie Barrett, who was the epitome of love and courage. Mom, you always told us that anything worth achieving would not be easy. As always, you were right. You always inspired me with your determination and outlook on life. You are a prime motivator in my life's pursuits. I love you and miss you.

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## **CHAPTER ONE: INTRODUCTION**

### **Magnitude of Use of Force Decisions**

Police occupy a unique place in society. They are ordinary people given extraordinary power. Their ability to change people's lives in an instant by the decisions they make every day has drawn the keen interest of the public and academia alike. Everyone has an opinion on how the police should respond. Notorious cases like those of Rodney King, Abner Louima, Amadou Diallo and, more recently, Sean Bell, stir strong emotions about what is the proper way for the police to act. Social scientists have studied various aspects of policing, from individual officer characteristics and their effect on how they perform their jobs, to the styles of organizational leadership and their influence on how police officers interact with the public.

While the public has anecdotal evidence about how the police respond through their own experience or those of their friends, these are snippets of real-world policing. Academics have more thoroughly analyzed police officers and what they do in their various research; what is missing from both perspectives is why police officers make the decisions they do. Their actions are observed but their reasoning is not explained. Except when they are the target of a complaint, whether departmental, civil or criminal, officers are rarely asked why they do what they do and, when they are a target of an investigation, they must be circumspect in their response to allegations made against them. It is not the time to engage in a free flowing discussion of use or abuse of authority. However, it is critical for the police to have this dialogue. Only then can ideas be shared in how to best perform their vital task of protecting and serving, with sound

reasoning to base their decisions. Police officers must be able to justify what they do if they are to garner the respect and support necessary to do their jobs lawfully and effectively.

### **Geography and the Criminal Justice System**

Many variables that may impact a police officer's decision making in use of force situations have been studied under the umbrella of psychological, sociological and organizational characteristics. One variable that has been minimally studied is the location where an officer works. Does the type of municipality where an officer is located impact his decisions? Does the **rural** or **suburban** officer act the same as an **urban** police officer in similar use of force situations? The influence of municipal location has not been studied in this regard. Too often, non-**urban** police departments are not studied. They are just thought of as mini-**urban** police departments with the same characteristics and problems, just smaller. While it is unknown what impact geography has on policing, its influence has been examined in other areas. For example, most people know the importance of the real estate adage with regard to home buying: location, location, location. This highlights the importance of geography.

Does the same hold true for areas of academic concern? The field of Public Health has been intrigued by the impact of geography on the delivery of services to various communities. Researchers have studied the differences in **rural** and **urban** public health issues and how population size influences the delivery of services. The assumption is that population size and geography are connected. More importantly, they have sparked an academic debate on the importance of the sub-variables involved.

The two key public health variable classifications are compositional and contextual. The compositional explanation focuses on the individuals who make up the population. Researchers focus on race, gender, socioeconomic status, education, etc., as their population sub-variables or they focus on the contextual variables involved in the surrounding environment. Where a person lives in a fixed geographic location may affect how he/she receives or perceives delivery of a governmental service. Researchers try to determine the impact of the local social and/or physical environment on a particular field of interest. Macintyre, et al (2002) note that these explanations have been seen as competitive and mutually exclusive.

This public health debate is germane to the research being undertaken in this dissertation regarding a police officer's use of force. Do the demographics of police officers account for their attitudes toward the use of force? What features of the locality where an officer works affect his attitude toward the use of force as the contextual explanation would posit? Since the research is a comparison of **urban**, **suburban** and **rural** police officers, both the compositional and the contextual explanations for their attitudes toward the use of force are points of interest.

The impact of geographic location on a part of the criminal justice system was analyzed by Feld (1991) in his study of the variations in the juvenile justice system according to where the offense occurred and was adjudicated. In *Justice by Geography* he explored these differences. He found that, despite the fact that laws and statewide rules are applicable to all juvenile justice matters, there were significant differences in how a juvenile was treated based on where the offense was committed and tried, i.e., an **urban**, **suburban** or **rural** juvenile court. **Urban** court systems deal with much larger

and more heterogeneous populations and are more bureaucratized, formal and severe in dealing with offenders. **Rural** courts work with a more homogeneous social structure and tend to use more informal sanctions when dealing with juveniles, and **suburban** courts were found to be a mixture of both styles. Feld concluded that there was “compelling evidence of ‘justice by geography’. A court’s social context strongly influences the ways in which cases are selected, heard and disposed” (p.162).

Jiao (2001) in his survey of **urban**, **suburban** and **rural** residents in three municipalities in southern New Jersey found that location had a significant influence on citizens’ preferences for the style of policing utilized in their communities. The key independent variable was the degree of urbanism, which was intuitively measured by asking the respondents what type of community they lived in and confirmed by the observations of the interviewer. **Urban** residents preferred a community policing approach, suburbanites wanted police professionalism with its law enforcement orientation and **rural** residents prefer police to have a informal problem solving approach.

While Feld and Jiao have demonstrated that geography influences the criminal justice system and citizens’ preferences for a particular police orientation in their communities, there have been few studies on how, or if, where a police officer works impacts his/her attitudes toward the use of force. Smith (1986) examined this effect and concluded, “Police patrol both people and places. This essay offers a preliminary examination of the territorial dimension of policing. The analysis suggests that police do act differently in different neighborhood contexts (p.337)”.

### **Birkbeck's, et al Justification Framework for Police Use of Force**

In order to further examine the contextual impact of policing, and as a follow-up to the study of *Justification Frameworks for Police Use of Force* (Birkbeck, et al 2006), the researcher used their research instrument to identify the justification frameworks for use of force employed by the police forces in **rural**, **suburban**, and **urban** environments.

The researcher adopted the progression scenario, that was developed by the team of international researchers, and measured the normative responses offered by police officers in major **urban** environments. The instrument used by the researchers in ten different countries was easily adaptable for the **rural** and **suburban** environments and can be replicated with populations of law enforcement officers that were absent from the original design.

Over the last two or three decades, society has witnessed a growing concern about the use and abuse of force by the police. This concern was summarized by Birkbeck (2001) and defined in two statements:

- a) force is a necessary item in the inventory of governmental behavior
- b) but only certain uses of force by government are acceptable (Bittner, 1970).

The growing transparency of police work and the increased number of watchdog agencies providing various forms of oversight for police organizations make the exploration into justification frameworks for use of force extremely timely and relevant.

Three types of circumstances were identified by the researchers, which typically accompany the justification of use of force by the police. These three circumstances are:

1. civilian behavior
2. type of force used by the police
3. officer's goal in using the force (Birkbeck, 2001)

Birkbeck analyzed these circumstances by applying his three theoretical models. They are the *causal*, that involves civilian behavior; the *physical*, which pertains to the type of force used by the police; and the *functional*, which details the officer's goals in using force.

This researcher analyzed these three circumstances in the **rural**, **suburban**, and **urban** environments and engaged in cross-comparison with the same variables (circumstances) as analyzed by the researchers in the major **urban** environment. The hypothetical assumption is that the justification frameworks for police use of force will differ based on the differences in geographic environments and other independent variables that were introduced into the analysis, such as recruitment and training patterns of **rural** and **suburban** versus **urban** police officers.

### **New Jersey's Concept of Police Use of Force**

Since this research was an analysis of **rural**, **urban**, and **suburban** police officers and the volunteers were full-time sworn New Jersey law enforcement officers, the concept of use of force came from two sources: the New Jersey Criminal Code, also known as 2C: and the New Jersey Attorney General's Use of Force Policy.

The New Jersey Criminal Code has a specific statute concerning the use of force in law enforcement (N.J.S.A.2C:3-7). The statute, which was enacted into law in 1978, provides that the use of force is justifiable when the officer reasonably believes that force is immediately necessary to effect an arrest. It then specifies that deadly force can be used to stop certain enumerated crimes such as homicide, kidnapping, arson, robbery, aggravated sexual assault, burglary of a dwelling, or an attempt to commit these offenses,

*and* the officer reasonably believes there is an imminent threat of deadly force to him or a third party.

It also allows for deadly force to be used to prevent the escape of an arrestee who commits those crimes and poses an impending threat of serious bodily injury to another. It is noteworthy that, in the definitions section of the statute (N.J.S.A.2C:3-11f.), it includes less lethal ammunition such as stun guns and TASERS, which is used in most states in non-deadly force situations, but requires the Attorney General's approval to become law which, as of the date of this report, has not been forthcoming.

The New Jersey Attorney General's Use of Force policy was issued in April, 1985, and revised in June, 2000. Not coincidentally, this policy was first issued in the same year as the U.S. Supreme Court's historic use of deadly force decision in *Tennessee v. Garner* 471 U.S.1 (1985). That case forbade the police from shooting at unarmed fleeing felons, after a Memphis police officer shot an unarmed fifteen-year-old burglar who was going to escape from an officer by climbing a fence and running away. The officer's actions were allowed at the time by Tennessee law.

### **Five Ways New Jersey Police Officers can exert Legal Authority**

The overriding principle guiding New Jersey's Use of Force policy is that the use of force should never be considered routine and that the degree of force used should only be objectively reasonable and necessary. The policy goes on to recognize five ways in which a law enforcement officer can exert his authority, including verbal commands, warnings, and even the drawing of his weapon. These do not involve any physical contact and are known as constructive authority.

There is also physical contact, which is considered routine, such as frisking and handcuffing. Closely following physical contact is physical force, which is used to overcome a suspect's physical resistance to the officer's authority or to being arrested. The officer may use his hands or feet or self-defense techniques, such as wrist locks or arm bars, to overcome the suspect's resistance. If the officer feels that it is necessary for his safety and that of others, he can resort to mechanical force, which involves the use of a substance or device other than a firearm to overcome the suspect's resistance. This force includes oleoresin capsicum (OC) spray, baton or K-9 (canine) physical contact with the suspect. The ultimate force level is deadly force, which is the use of a firearm. Officers are trained to use this as a last resort but shoot to stop the threat when they, or others, are facing imminent danger of death or serious bodily harm.

### **Description of Study Sites**

New Jersey is very small in geographical size (7,417 square miles). It is ranked near the bottom of the fifty states in size, but it is the tenth most populous state and the most densely populated one in the country, averaging 1,160 people per square mile. It has twenty-one counties. The total population for 2005 according to the U.S. Census bureau was almost 8,718,000, with a median household income of just over \$56,000. 77% were white, 15% were black, 7% were Asian, and 1% other.

New Jersey allows for the diverse sample sites because it has recognized **urban**, **suburban**, and **rural** areas throughout the state, based on the Uniform Crime Report, State of New Jersey 2005 data and descriptions prepared and issued by the New Jersey State Police Uniform Crime Reporting Unit.

The New Jersey State Police use five categories to describe the demographic character of each reporting municipality. They are:

- **URBAN CENTER**      Densely populated with extensive development.
- **URBAN SUBURBAN**      Near an **urban** center but not as extremely developed and more residential areas.
- **SUBURBAN**      Predominantly single family residential, within a short distance of an **urban** area.
- **RURAL**      Scattered small communities and isolated single family dwellings.
- **RURAL CENTER**      High density core area with surrounding **rural** municipalities.

### **Description of Study Sites**

The police officers selected for this study were from three New Jersey sample populations: the city of Paterson, in Passaic County; Bergen County; and Sussex County. The samples chosen to portray the **urban**, **suburban**, and **rural** law enforcement participants are from representative communities according to the above descriptions issued by the New Jersey State Police.

The **urban** sample is drawn from the officers working in the City of Paterson. The **suburban** sample is drawn from Bergen County and the **rural** sample is from Sussex County. Therefore, the convenience sample is drawn from officers who work in the same county and who share the same basic work experience in very similar types of communities. The researcher had no prior knowledge of who would volunteer to participate in the focus group interviews.

The **suburban** sample was drawn from officers working in Bergen County. There are seventy-one municipalities in the county, each with its own police department. In addition, the county has a police department, which patrols county roads and highways and assists the municipalities when a specialty unit, such as bomb or K-9, is needed for a

specific emergency. There is also a sheriff's department whose main function is to operate the County courthouse and jail.

The **rural** sample was drawn from officers working in Sussex County. Sussex County is located at the northwestern tip of New Jersey. The county is made up of twenty-four municipalities. There is no county police department. There is a Sheriff's department, whose main function is to operate the county courts and the jail, but which does have a small patrol unit. The New Jersey State Police assist in patrolling the county but was not asked to participate in the focus groups since its patrol officers serve rotating assignments throughout the state. The New Jersey State Police frequently re-assign its officers to different county patrol locations, based on the best interests of the force. Officers are not assigned to patrol Sussex County for the bulk of their careers, thus the researcher did not feel any would be a true representative of a **rural** officer.

The table compares the demographics of the study sites:

Table # 1

Demographics of focus group selection site populations.\*

<b>2005</b>	<b><u>Urban Site</u> City of Paterson</b>	<b><u>Rural Site</u> Sussex County</b>	<b><u>Suburban Site</u> Bergen County</b>
<b>Geographic size</b>	8.44 square miles	521.26 square miles	234.17 square miles
<b>Population</b>	150,782	153,130	902,561
<b>Population per square mile</b>	17,650	277	3,775
<b>**Racial Breakdown</b>			
<b>White</b>	30.8%	95.9%	79.7%
<b>Black</b>	32.9%	1.5%	5.8%
<b>Asian</b>	1.9%	1.7%	13.1%
<b>Other</b>	34.4%	0.9%	1.4%
<b>Median household income</b>	\$32,778	\$69,270	\$63,982
<b>Crime rate per 1,000 inhabitants</b>	39%	11.8%	15.1%
<b>Crime index-offenses</b>	5,880 of which 1445 were violent crimes	1,791 of which 89 were violent crimes	13,657 of which 1,022 were violent crimes
<b>Number of sworn police officers</b>	444	209	2,173
<b>Number of sworn police officers per square mile</b>	52	2.5	9.25

\*Sources: 2005 U.S. Census Bureau and N.J. State Police Uniform Crime Reporting Unit

\*\*Hispanics may be of any race and thus not included in separate racial category.

There was a stark contrast among the three study sites. Paterson is clearly an **urban** center, with its extremely diverse population packed into a geographically small city. Blacks and other minorities are a definite majority. The median household income is well below the state average of approximately \$56,000. The city has 52 police officers, with a population of 17,650 per square mile. The crime rate is very high, with just under a quarter of the crimes committed considered to be violent, such as assault and robbery. In fact, the rate per 1,000 inhabitants is more than double that of Bergen County and

more than triple that of Sussex County. One of Paterson's own police officers, while off-duty in the city, was a robbery victim and murdered in January 2007.

Sussex is a **rural** county, with large open areas of mountains and farmland. The population per square mile is 63 times less than that of Paterson and 13 times less than **suburban** Bergen County. White people are the overwhelming majority, with almost no diversity. Its median income is twice that of Paterson's. Violent crime is less than 5% of its total crime index. The county has 2.5 police officers per square mile. It has less than half the amount of officers than Paterson and less than a tenth of what Bergen has patrolling its county.

Bergen is a **suburban** county, with just three cities and many small towns. Even though its geographic size is less than half that of Sussex County, it has approximately 750,000 more residents. There is some diversity. It employs over ten times as many police officers than Sussex County to patrol its streets. The crime rate per 1,000 inhabitants is less than half that of Paterson's but its violent crimes are not appreciably lower. The county has 9.25 officers per square mile.

### **Case Study Methodology**

This study employs a qualitative research methodology, specifically case studies. Case studies strive to explore an issue in-depth through understanding how people who are centrally involved really feel and think about an issue important to them. In this particular instance, no one had a more vested interest in, or knowledge of, the use of force by police officers than police officers themselves. Carl Klockars (1985) is one of many who recognizes the centrality of force to policing when he defines police by writing

in *The Idea of Police*, “Police are institutions or individuals given the general right to use coercive force by the state within the state’s domestic territory” (p. 12).

Information was gathered by using focus groups. They are defined by Krueger and Casey (2000),

as a special type of group in terms of purpose, size, composition, and procedures. The purpose of a focus group is to listen and gather information. It is a way to better understand how people feel and think about an issue, product, or service. Participants are selected because they have certain characteristics in common that relate to the topic of the focus group (p. 4).

There were four focus groups, with between four and five officers needed for each group (**urban**, **suburban**, or **rural** police officers). Ideally groups were to be held once a week to allow the researcher to analyze and adjust the discussion based on the previous findings. The total sample size was fifty participants. The number of groups and participants were enough to get varied opinions, without reaching a saturation point where no new ideas were forthcoming.

The officers were asked their ideas and thoughts with regard to a progressive scenario that was formulated by a group of international researchers headed by Christopher Birkbeck, which included Dr. Haberfeld from John Jay College.

The scenario describes an evolving situation where an officer is on routine patrol and sees two young men sitting in a parked car, possibly smoking marijuana. The men look familiar to the officer; the officer believes they are criminals with whom he, or his colleagues, had dealt in the past. The car might be stolen and the officer makes a car stop. The men ignore the police officer, then verbally abuse him. The officer demands

identification but the driver starts the car and speeds away. The officer pursues the vehicle at high speed until it crashes. The men exit the car and start running away. One appears to be carrying a gun. The man with the gun suddenly turns on the officer and points the gun at him.

At ten points during the scenario the participants are asked the same two questions: What would the officers do? and What do you think about that? The point of the questions is to elicit the thinking of the officers and their justification for, or criticism of, the use of force.

The scenario has been slightly altered, as far as the environmental description, to conform to what the participants would experience at work. For example, **rural** and **suburban** police officers typically ride in single officer patrol cars, while their **urban** counterparts may ride in pairs. Another change is the description of where the suspicious car is located. In the original scenario the suspicious car is located in “a built-up **urban** area”. That is changed to a **suburban** or **rural** street depending on the particular group of participants.

These changes are simply to make the respondents feel that the scenario is one that they would actually encounter in their everyday working environment. To do otherwise could reduce their comfort level and the realism of the scenario, which might change their responses since they would never be in situations such as ‘a built-up **urban** area’ and therefore not have a personal connection to the scenario.

## **CHAPTER TWO: LITERATURE REVIEW**

### **Use of Force: Difficult to Measure**

Use of force is difficult to measure. Fyfe (2002) found that even though the United States Attorney General was mandated by the Violent Crime Control and Law Enforcement Act of 1994 to collect data on the use of force by police, criminal justice professionals still do not have an accurate count of injuries and deaths related to use of force. He found police are reluctant to gather, and provide to the public, this information; thus it is unknown how, or if, the police are trying to minimize their use of force. He suggests reporting use of force data similar to the Uniform Crime Reports since individual police department's actions can be identified.

Pate and Fridell (1995) were the first to suggest that use of force data should be reported in a fashion similar to how crime data are collected by the FBI in the Uniform Crime Reports (UCR). They noted the parallels between attempts to gather these important data sets. In 1870, Congress directed the Attorney General to make an annual report to Congress on crime statistics. This directive was largely ignored until 1930 when the UCR was established. In 1994, Congress mandated that the Attorney General report yearly to them about the number of incidents of police use of force occurring throughout the United States. This has still not completely occurred. When focusing on deadly force, police do keep records and report them to the proper authorities. Pate and Fridell found the same is not true when less than lethal force is used by the police. There is no established reporting system for all agencies to follow, thus accurate records are not kept.

Compounding the measurement problem is the way researchers have primarily used four different methods in their attempts to measure force, possibly skewing the results. Worden (1996) analyzed *observational data* from the 1977 Police Services Study, gathered from three large cities, and found a combined usage of reasonable and excessive force to be in 4% of cases. Fyfe (1988) used observational data like Worden and found force was used in 12% of cases. Terrill (2001) in his observational study found force was used in 15% of the encounters but it zoomed to nearly 60% when verbal force, which is a command or directive given by the officer, was included. Klinger (1995) found that most studies did not include verbal force.

Croft (1985), as did McLaughlin (1992), relied on *use of force reports by officers* and found force was used in 2% and 1% of the cases respectively. Garner and Maxwell (2002) found officers used force in 17% of arrests, while suspects resisted with force almost 12% of the time. Garner, Schade, Hepburn & Buchanan (1995) analyzed use of force reports prepared by *supervisors* and noted force was used in 22% of police citizen encounters.

Greenfeld, Langan, and Smith (1997) in the second annual report, "Police Use of Force: Collection of National Data," used the police-public contact *survey* (PPCS), in which it was found that force was used in 1% of the encounters with people 12 years of age and older. In revising and field testing the PPCS, it was found that many of the face-to-face contacts the public had with the police are during traffic stops, thus they were included in the use of force incidents.

Chevigny (1969) studied *citizen complaints* against officers in New York City, but it was reasoned that this was not a good method of measuring force because there are

more uses of force than citizen complaints, due to difficulties in the reporting process to police administrators. Police departments' informal and formal procedures significantly influence the number of complaints. McEwen (1996) National Data Collection of Use of Force noted that complaint procedures are not well known or complaints are stopped at the informal level.

Legal standards of force are judged on a case-by-case basis. Excessive force was to be measured, according to the United States Supreme Court's decision in *Graham v. Connor* 490 U.S.386 (1989), as the objective reasonableness of the police officer's use of force would be judged from the perspective of a reasonable officer on the scene rather than 20/20 hindsight. The reasonableness of the officer's actions would take into account the severity of the crime, whether the suspect was actively resisting, and whether the suspect posed an immediate threat to the officer or others. However, there was no bright line rule established for how the use of force was to be judged. The Supreme Court ruled that courts must take into account that officers are forced to make split-second decisions under tense, dangerous, and rapidly evolving situations.

McEwen (1996) also reported that there was no single accepted definition of excessive force among police, researchers, and legal analysts. Adams (1996) observed that labeling force excessive was a judgment in which the criteria were not always the same. Police administrators' standards can be quite different from average citizens. "Judgments, however, may be purely subjective assertions that cannot be scientifically verified" (p. 52). Adams made a key distinction between use of excessive force versus excessive use of force – one uses too much force, while the other uses it too frequently.

Academics offer their own views on how excessive force should be defined. Klockars (1996) proffers the 'highly skilled officer' as the benchmark by which force should be measured when he writes, "excessive force should be defined as the use of more force than a highly skilled police officer would find necessary to use in that particular situation" (p. 8). He felt this imposed the highest possible standard for police conduct. Alpert and Smith (1999) criticized Klockars' model, stating that it was unfair since there are no national training standards by which an officer's performance can be objectively measured and compared. Bayley and Garafalo (1989), in their study of patrol officers in New York City in 1986, were consistent with Klockars in that they wanted officers skilled at avoiding force to share their 'trade secrets' with their peers.

Fyfe (1989) distinguished between extra legal and unnecessary violence. "Extra legal violence involves the willful and wrongful use of force by officers who knowingly exceed the bounds of their office. Unnecessary violence occurs when well meaning officers prove incapable of dealing with the situations they encounter without needless or too hasty resort to force" (p. 465). This was a key distinction between officers who knowingly commit criminal acts and others who are just incompetent. The former need to be weeded out of the force, while the latter need to be retrained.

Alpert and Smith (1994) criticized the United States Supreme Court's ruling in *Graham v. Connor* (1989) when they found it unrealistic to expect police officers to understand and follow the court's vague 'reasonable' standard in regard to the use of force. They pointed out that that this standard was used after the fact by juries to assess officers' actions when they are needed prior to the incident to assist the officer in handling the situation. What was reasonable to a police officer was not necessarily so to

a civilian. Officers must articulate and justify their use of force. Alpert and Smith found that threat perception was critical and one must examine the total situation surrounding the use of force. They noted that the public has a dual standard for police officers; people want aggressive law enforcement for others and restraint when they are personally involved. This selfish criterion was used to judge the police officers' actions.

### **Use of Force: Continuums**

In order to study the whole situation, researchers have developed various use of force continuums. Alpert and Dunham (1999) in *The Force Factor: Measuring and Assessing Police Use of Force and Suspect Resistance* pointed out that their continuum was different from some other ones because it tried to measure the use of force by the police vis-a-vis the amount of resistance offered by the citizen. The force factor was calculated by subtracting the level of citizen resistance from the level of police force. This is illustrated in the following table:

Table # 2.1

Alpert and Dunham's Categories of Suspect Resistance and Officer Use of Force to determine Force Factor: Force – Resistance = Force Factor

<b>Suspect Resistance</b>	<b>Officer Force</b>
1. Cooperation/no resistance	1. Police presence/verbal direction
2. Verbal noncompliance/passive resistance/ psychological intimidation	2. Strong verbal order (minimal contact)
3. Defensive resistance/attempted to flee	3. Forcibly subdued, hands or feet (defensive use, open hand)
4. Active resistance	4. Forcibly subdued, hands or feet (offensive use)
5. Aggravated active resistance (used weapon, non-deadly)	5. Forcibly subdued (intermediate weapon)
6. Active resistance (with a deadly weapon)	6. Deadly force

Terrill's (2001) continuum, which is the Resistance Force Comparative Scale, was actually a combination of two continuum – one for police behavior and one for citizen behavior. Terrill's continuum was similar to Alpert and Dunham's (1997) "Force Factor". However, Terrill measured force throughout the encounter while their measure only recognized the highest force used by the police officer and the citizen. Terrill's Resistance Force Comparative Scale allowed researchers to measure whether officers escalated or de-escalated their use of force throughout their encounters with the public.

Terrill, Alpert, Dunham, & Smith (2003) noted that the keys to any use of force continuum are their emphasis on incremental response and proportionality. The goal was to use force in as small as possible doses and to have officers use just enough force to overcome the suspect's level of resistance. Officers could escalate and de-escalate their use of force depending on how the situation was developing.

While taking into account the suspect's actions was an improvement in how to measure and explain why force was used during the police citizen interaction, Terrill (2003) still found fault with Alpert and Dunham's Force Factor because it failed to account for multiple behaviors during an encounter.

Walker's (2005, p.55) Use of Force continuum illustrated the options officers and citizens have during an encounter. Officers are expected to use proportional measured responses to a citizen's action. It is expected that they will use continuum as guides in their interaction with the public. His continuum illustrated the options officers and citizens have during an encounter.

Table # 2.2

Walker's Use of Force Continuum

<b>Citizen</b>	<b>Police Officer</b>		
Compliance	Physical Presence Verbal Response	a) Question	b) Request    c) Command
Non-Compliance	Physical Control	a) Touch	b) Control Techniques
Passive Resistance	Physical Control	a) Touch	b) Control Techniques
Active Resistance	Physical Force		
Aggressive Resistance	Non Lethal Weapon	a) Chemical Spray	b) Baton
Threat to Life	Lethal Force		

While researchers use continuum to analyze officer and citizen encounters, law enforcement administrators use them to guide their officers' actions in their everyday work. Petrowski (2002), while agreeing that force continuum have a place in routine policing, found a flaw, sometimes fatal, with their guidance capability. He thought they cause hesitation on the officer's part in split-second decision making and they are not required under the Graham court decision "reasonable officer standard". He concluded that continuum are too mechanical in fluid, dangerous situations.

In fact, Petrowski felt law enforcement policies should focus on overcoming hesitation, not encouraging it. The Graham court decision did not set a bright line rule for every situation involving the use of force because each case is unique. Continuums are not constitutionally required; officers do not have to select the minimum force necessary, only a reasonable option. Continuums are not helpful when dealing with serious threats and imminent danger. Alpert and Dunham (1997) found in their study of the Miami-Dade police department and two police departments in Oregon that police officers rarely deviate from the use of force continuum.

### **Use of Force: Psychological Characteristics**

In order to analyze the use of force, researchers have divided the components into three main characteristics: psychological, sociological, and organizational. Psychological analysis focuses on the individual personal characteristics of the police officer and/or the citizen to see if there is something about them that makes them more prone to use or provoke force. Worden (1996) wrote that we need to identify bad police officers and weed them out. Los Angeles' Christopher Commission (Independent Commission on the Los Angeles Police Department, 1991) found that a small group of problem officers were involved in a disproportionate amount of incidents where excessive force was used.

With regard to age, Friedrich's 1980 study analyzed Reiss's observational data, gathered in 1966 in Boston, Chicago and Washington D.C., and did not find a correlation between the officer's age and the use of violence. However, Croft (1985) in a doctoral dissertation on police use of force found that younger officers were more likely to use force than older ones. Garner and Maxwell (2002) concurred with Croft.

The research regarding female police officers and their use of force was sparse. Terrill and Mastrofski (2002) found that women officers were no more or less likely to use force than their male colleagues. The gender of the officer, according to Hoffman and Hickey (2005) did not affect the proclivity to use force. They found no statistical difference in the use of force between male and female police officers. Schuck and Rabe-Hemp (2005) concluded that female police officers were less likely to use physical force than male police officers.

With regard to the ethnicity of the officer, virtually no difference was found in the use of force by black or white officers according to Friedrich's (1980) analysis of Reiss's

data. While Alpert and Dunham (1999) agreed that the use of force does not differ depending on the police officer's race, they did note that police officers are inclined to use more force on someone of their own race. A possible explanation given is the assignment of officers to patrol areas where their own race is densely populated. They also found that use of force was unrelated to the officer's personal characteristics such as age and gender.

Weisburd, Greenspan, Hamilton, Williams and Bryant (2000) in their national survey of police officers' attitudes toward the abuse of force concluded that the officer's race was a divisive factor in how they felt about abuse of authority. There was a significant difference in how white and black police officers viewed the use of physical force. Only 17% of white officers thought that blacks were treated harsher than whites in similar use of force situations but more than half of the black police officers felt that whites were treated better than blacks. Black officers also felt that poor people were treated unequally by white officers. Weisburd, et al also noted that there was no gender difference in police officers' attitudes toward abuse of authority.

In a 1972 Rand Institute study, Cohen and Chaiken found that more experienced police officers used less force. Arthur Niederhoffer (1967) thought just the opposite. He found that more experience leads to greater authoritarianism and more aggressive behavior. This was not borne out in Friedrich's analysis, where he found that there was very little change in use of force based on an officer's years on the job. In fact, he found only a slight indication that veteran officers used less force.

Lester (1996) and Terrill and Mastrofski (2002) reported that the higher the education level officers have, the less force they use. They did not offer an explanation

as to why. Worden (1996) found that having a college degree did not influence the use of force one way or another.

Paoline and Terrill (2007) studied the effect of both education and experience on a police officer's use of force. There is an ongoing debate about what makes a good police officer. Is it the experience accrued over the years or a college education that allows them to handle the complexities of the job? The authors fine-tuned this debate and examined these factors as they pertained to the core issue of policing; the use of force. They also examined the extent to which education, combined with experience, affected a police officer's decision making with regard to use of force. Both physical and verbal coercion was analyzed.

Paoline and Terrill concluded, "that both college education and experience matter with respect to police use of force" (p. 191). With regard to education, it mattered whether the variable was physical or verbal force. Police officers with at least some college education were found to use less verbal force than their high school educated counterparts. However, only police officers who had four year college degrees used less physical coercion in use of force situations. They also found that experienced officers use less force, both verbal and physical, in everyday situations. While education or experience was very important in reducing force, the combination of both education and experience did not have a significant effect on coercion levels.

Academics have also focused on officers' attitudes toward their jobs, the community, and their view of the police role. Friedrich (1980) stated that an officer's attitude toward his or her job was related to his or her use of force, but it occurred on both ends of the scale. Those who really liked or disliked their jobs were more likely to use

force. He posited that the frustrated may vent forcefully, while the enthusiastic may be more active and thus come across more situations where force was necessary.

Garner, Maxwell and Heraux's (2002) study supported Friedrich's claim that more active police officers are more likely to use force. They found that officer-initiated stops resulted in more force being used against the suspect. They also noted that when officers responded to a call with emergency lights and siren on, they resorted to force more often. Garner, et al was the only study that took into account the police officer's prior knowledge and awareness of the suspect's criminal history and reputation for weapons possession. They concluded that, the worse the criminal history, the more force was used.

Worden (1996) found that officers who had a negative view toward the community were more likely to use force. While Skolnick and Fyfe (1993) reported that officers who had a narrow legalistic view of their role, as in law enforcement only, were more likely to use force than those who had a broader view of public service to the community.

In keeping with the interactive nature of policing, researchers examined citizen/offender characteristics to see if they had an impact on the officer's use of force. Alpert and Smith (1994), Friedrich (1980) and Worden (1996), found that the citizen's age definitely impacts an officer's decision to use force. The prime targets/recipients of police force are 18 to 25 year old males. Worden found that females were treated with less force, but Friedrich's analysis found no difference in how people were treated based on their gender.

When examining the impact of a citizen's ethnicity on an officer's use of force the findings were contradictory. Lundman (1994) and Adams (1996) suggested that race affects arrest decisions and use of excessive force, but Friedrich's study, when controlling for arrest rates, found no difference in treatment of blacks and whites.

More notable than race was the class status of citizens. The differential treatment has not changed in over thirty years. Friedrich (1980) found that the lower classes were treated more harshly than the upper and middle classes. Terrill (2001) also found, like Black (1970), that police were more coercive toward lower status individuals.

### **Use of Force: Sociological Characteristics**

When Bittner (1970) examined the sociological factors involved in the use of force, he emphasized their importance when he defined the police as a "mechanism for the distribution of non-negotiable coercive force deployed in accord with an intuitive grasp of situational exigencies" (p. 46).

The interaction between officer and citizen is a fluid situation in which they react to each other. It is not asymmetrical and is influenced by many factors that can cause the situation to escalate and/or de-escalate in the course of a single encounter. Alpert and Smith (1994) pointed out that the officer's approach or action can cause citizen reaction, making force necessary. Adams (1996) concurred that officer and citizens feed off each other and one may provoke the other with perceived insults and challenges. Thus, each may contribute to the higher probability of violence. Friedrich (1980) felt that if police officers could learn that their positions sometimes required restraint over ego and appearance when they are challenged, their use of force would diminish but their professional prestige would increase.

Binder and Scharf (1980), using a transactional approach, emphasized the sequential and developmental decision making by both officer and citizen. During an encounter they found too much emphasis was placed on the 'final frame', or end result, which was molded by decisions made in the earlier stages. Both parties contributed to make violence more or less likely. Citizens could be trained, like police are, on how to act during encounters in order to stop violence from occurring.

Researchers have been keenly interested in the effect of citizen demeanor on the officer's response. Most researchers (Pillavin and Briar 1964, Black 1971, Lundman 1974, Terrill 2003) found that disrespectful citizens were treated harsher and with more force. However, Klinger (1994) found that, after controlling for the seriousness of the offense, demeanor did not have an impact on arrest decisions. He noted that although demeanor is conceptually defined as legally permissible behavior, some measures of demeanor in other studies included criminal conduct, such as physical attacks on officers. Lundman (1994) revisited the issue and refuted Klinger by stating that there was no reason to question the impact of demeanor on the use of force since there was over forty years of research detailing and supporting it.

There has been conflicting data on the impact of the visibility of the police/citizen encounter. Some, like Lester (1996) and Alpert and Smith (1994), said that the less visible the encounter was from witnesses, and especially supervisors, the more force than necessary was used.

However, Friedrich's 1980 study found that the more visible the encounter, the more force was used. He posited that this may be because force demonstrated authority and protected the police image. In addition, he found that the more officers on the scene,

the more force was used. However, it was unknown whether they were there because of the seriousness of the offense, which by itself could necessitate the use of more force, or whether their mere presence, regardless of the crime, increased the officers' use of force.

Two other factors, sobriety and the mental health of the citizen, impacted citizen behavior and the police officer's decision to use force. Those who were drunk and the mentally ill got treated more forcefully according to Friedrich (1980) and Worden (1996). However, Novak and Engel (2005), in their study on a suspect's demeanor and mental health, concluded that even though mentally disordered suspects were more hostile in their encounters with police, officers took their mental status into account and used significantly less force with them and deemed it a mitigating factor when deciding to arrest or not.

The final situational characteristic examined was police pursuits. The Rodney King beating was the culmination of a police pursuit and was the genesis for the Christopher Commission's investigation of the Los Angeles police department. Worden (1996) found that the two variables that strongly impact the use of force are, whether the suspect was involved in a car chase with the police and whether or not there were more officers on the scene. He reasoned that making the police pursue a driver was seen as a sign of disrespect, for the officers and the law, that must be punished. The other variable was the amount of officers on the scene; more officers increased the likelihood of force being used. This combination was mixed together in police pursuits where more officers were involved in the high speed chase and ultimately the arrest of the offender.

### **Use of Force: Organizational Characteristics**

The organizational characteristics of police departments that have been studied included the way departments were structured via their rules and regulations and standard operating procedures. There were formal and informal incentives and sanctions from supervisors and administrators that caused a style of policing to develop and influenced how and why a police officer used force.

James Q. Wilson (1968) set the standard for classification of police organizations with his three styles of policing: Watchman, Legalistic, and Service. Wilson argued that officers who used the Watchman style, with its increased reliance on discretion, were more apt to use force than those who used the Legalistic style, with its tighter administrative controls. This was supported by Friedrich's 1980 study.

However, this has not been found to be the case in the Los Angeles police department (LAPD) where the Legalistic style was used. Toch (1996) wrote that "The Christopher Commission on the LAPD noted that the organization uses an across-the-board aggressive, proactive, and peremptory approach to encounters with citizens that lead to escalation of conflict, LAPD officers are trained to command and to confront, not to communicate" (p. 104).

Worden (1996) found that legalistic and thus more bureaucratized departments, with their emphasis on crime fighting, were more apt to use force. He theorized that in smaller and less bureaucratized departments, where administrators can monitor their subordinates more closely, the use of force would decrease.

Bazley, Lersch, and Mieczkowski (2006) changed their focus on use of force studies, which are dominated by patrol officers, to study detectives in an **urban** police

department. They too, examined use of force reports. They noted how detectives can usually plan their responses to use of force situations since they are handling follow-up investigations. This is in contrast to patrol officers who act as first responders where situations are immediate and can be explosive. Surprisingly, they found that detectives used higher force levels than their patrol counterparts.

Grant and Grant (1996) focused on officer selection and the prediction of unnecessary violence in the use of force. They noted that future violent behavior can not be predicted by the initial psychological testing. It was imperative that during the recruit training and probation period, officers' performances be keenly monitored. The Christopher Commission went so far as to recommend continual psychological screening during officers' careers as an approach to decrease use of force incidents.

Many researchers noted the importance of practical police academy training. Fyfe (1996) advocated more realistic role-playing in order to simulate working conditions such as car stops and domestic violence conflicts. He thought officers must be trained to match wits with people because they will have to do so once they graduate from the academy. He found most of the commercially available training material only heightened officers' fears. The material trains recruits to think of their job as only dealing with dangerous people or dangerous situations and not regular people trying to lead ordinary lives.

Bayley and Garofalo (1989) also suggested role-playing of street encounters to increase recruits' tactical skills. They found there was no substitute for practice, which helped to anticipate problems before they surfaced. Alpert and Dunham (1999)

recommended better weaponless training since most use of force incidents involve pushing and grabbing and that is where officers sustained the most injuries.

When recruits graduate from the police academy, they are assigned to ride with and learn from a field training officer (FTO). These veteran officers teach, guide, and evaluate the new officer. It has been found that they have a substantial impact on the recruit's behavior. Toch (1996) found it imperative that FTO's be selected for their people skills or as Muir (1977) said, 'for their enjoyment of talk'.

One of the strongest influences on police officers is their peer group socialization, in which they informally bond together to insulate themselves from the general public. Westley (1953), in his seminal work, *Violence and the Police*, was the first to observe the peer group solidarity of the police and how it encouraged violence when dealing with the public. Violence was seen as normal and secretive.

McNamara (2002) detailed reasons for the strength of the police subculture. He noted that officers are trained to protect each other in all circumstances and to view the outside world as threatening. Officers had conflicts with criminals, politicians, and the general public. They saw themselves as representatives of a higher morality, which justified all they did. This included using violence to carry out their mission of protecting and serving.

Terrill, Paoline and Manning (2003) examined the relationship between the attitudes of police officers toward the police culture and their behavior when they encountered possible use of force situations. In their empirical study of the Indianapolis, Indiana, and the St. Petersburg, Florida, police departments, they concluded that there was not a universally shared police culture, but police officers who held more traditional

views in regard to the police culture were more coercive on the street. These officers valued aggressive crime fighting over everything else and had contempt for superiors and the public who disagreed with their methods of operation.

Cancino (2001) in his analysis of police work fifty years ago vis-a-vis today found that, “while recruitment, selection, training, and demographic characteristics of officers has changed over the past fifty years, the reality of police work has remained the same” (p. 156). He found the same was true for the police subculture.

### **Non-Lethal Force**

While researchers have found that the use of force consisted primarily of physical exertion on the police officer’s part, there are other tools of the trade to accomplish the objectives of compliance with the law or arrest. These include mace/pepper spray, batons, canines (K- 9), stun guns/TASERS and the ultimate: deadly force with a firearm.

Kaminski, Edwards and Johnson (1999) have noted the importance of pepper spray in a police officer’s arsenal in dealing with non-compliant or combative people when they write “... perhaps the most effective less-than-lethal tool to be adopted by police departments for encounters with suspects is Oleoresin Capsicum (OC) or ‘pepper spray’ ” (p. 7). Oleoresin Capsicum (OC) spray is a derivative of cayenne peppers that, when sprayed in the face of a suspect, causes his eyes to tear and swell and his breathing passages to constrict, making him much less aggressive and easier to control.

In their study of the Baltimore County, Maryland, police department’s use of force reports they determined that the use of OC spray was effective in 84.3% of the cases. It was less effective with suspects under the influence of drugs but a little more so

with people who were intoxicated. There were mixed results when using OC spray on the mentally ill.

Morabito and Doerner (1997) found that many of the studies on police use of force were outdated and did not include recent advances in the technological development of less than lethal weapons. Their study, which focused on the police use of Oleoresin Capsicum (OC) spray, noted that the height and weight of police officers relative to the suspect's size was relevant to OC spray use. When police officers were at a physical disadvantage they were more likely to use OC. Further, veteran male officers with college educations were more likely to use the spray rather than grappling with the suspect. They concluded that OC spray resulted in fewer police officer and offender injuries relative to baton, flashlight and firearm use and was a valuable addition to law enforcement's less than lethal weaponry.

Lumb and Friday (1997) concluded that the availability of pepper spray increased police officers' decisions to use force by making them almost overconfident in their ability to confront aggressive behavior. The use of the OC spray was not seen as an alternative to force but rather an opportunity to use more force.

The deployment of canines (K-9) as a police use of force has received scant attention in the literature. There are two competing training methods utilized. They are 'bark and hold' and 'bark and bite'. In bark and hold, the dog only bit if the suspect moved once he is located. In bark and bite, the dog bit the suspect without provocation until the dog handler arrived. In the first case, the K-9 is seen as a less than lethal force option and, in the other, the dog can be viewed as a use of excessive force.

Mesloh (2006) in his survey of police dog handlers in the state of Florida had an unexpected finding. 'Bark and hold' K-9s had a higher bite ratio than the 'bark and bite' K-9s. It was found that any movement whatsoever by the suspect, whether it was intentional or not, made the 'bark and hold' K-9 bite more often than the 'bark and bite' K-9. He concluded that, regardless of the training method, the use of force decision is solely the dog handler's.

While there has been very little research on less lethal alternatives in police use of force there is even less on the latest technology employed: the TASER. The TASER is a device that propels two attached darts that stick to a suspect's clothing and delivers a 50,000 volt, incapacitating electric shock. White and Ready (2007) were among the first academics to empirically analyze the effectiveness of the TASER. They studied a large metropolitan police department's deployment of the weapon during a three year period. They concluded that the weapon was used almost exclusively against people exhibiting signs of mental illness. It was effective 85% of the time. Since the police department studied had strict use requirements detailing when, how, and by whom the TASER should be used, the authors reported positive findings but note, similar to other studies about the use of force, the lack of baseline data surrounding the TASER and its use in other police departments.

### **Deadly Force**

The last step on the force continuum is the use of deadly force by firearm. The prelude to the studies of less lethal uses of force was the examination of police deadly force which began in earnest, according to two presidential commissions, (1968 National Advisory Commission on Civil Disorders and 1967 The President's Commission on Law

Enforcement and Administration of Justice), after the police shooting of civilians had sparked the **urban** riots of the late-1960's. The commissions discovered that police officers were given very little guidance when it pertained to their most important decision: discharging their weapon. In fact, a task force chairman cited the full text of an unnamed police department's firearms policy: "Never take me out in anger; never put me back in disgrace (Chapman, 1967)."

While this lack of guidance was astounding, there have been significant inroads in structuring an officer's decision-making in life and death situations. Most people think that this was initiated by the United States Supreme Court in their famous decision, *Tennessee v. Garner* (1985) 471 U.S. 1. In that case, the Court ruled that the police could no longer shoot fleeing criminals who were suspected of committing non-violent felonies and who did not pose a deadly threat to the police or others.

However, as Walker (2005) noted, in 1972, New York City police commissioner Patrick V. Murphy instituted a new deadly force policy, which clearly limited the discretion of police officers as to when they were justified to fire their weapon. It was no longer proper to shoot at a fleeing felon. Only when a police officer was protecting his life or that of another could he fire his weapon. Murphy also prohibited warning shots and shots at, or from, moving vehicles. He required written reports and internal reviews of all weapon discharges. Murphy was a pioneer in regard to firearm policy and other major police departments followed his lead. By the time the Garner decision was made in 1985 many of the major **urban** police departments had abandoned the shooting of fleeing felon rule and replaced it with more restrictive defense of life policies of their

own. Fyfe (1978) found that Murphy's policies led to significant reductions in officer injuries and deaths.

White (2001) examined the impact of restrictive administrative policy making when it came to the use of force but, in an interesting twist, the restrictive policy was imposed by the Pennsylvania legislature on the Philadelphia police department in their effort to stem the number of shootings in which the Philadelphia police were involved. He agreed with Fyfe's (1988) conclusion that defense-of-life policies do have an impact on shooting behavior but the impact can be tempered by the powerful influence of the police chief and his supervisors, if they do not fully support these restrictive policies.

The first well-known study of the police use of deadly force was conducted by Gerald Robin (1963) in which he examined the police department's records for all police killings of criminals in Philadelphia from 1950 to 1960. He noted the scarcity of literature on police homicides and cited the infrequency of the event. He found that blacks were excessively the targets of police bullets, not only in Philadelphia, but in the nation as a whole. The criminals were young, with more than fifty per cent younger than twenty-eight, and almost exclusively male.

Binder and Scharf (1982) reviewed some of the subsequent studies surrounding the issue of police use of deadly force. They determined that the higher mortality rate of blacks was not the result of racist tendencies of police officers but, similar to Kania and Mackey's conclusion (1977), rather of the characteristics of the communities where the shootings occurred. Large **urban** cities are prone to violent crime and have large minority populations. Police reacted to the nature of the crime not the race of the criminal.

Binder and Scharf offered an insightful analysis of the critical and hair-splitting decisions faced by every police officer when thrust into a deadly force situation. They noted the distinction between a reasonable and a correct decision; the former was based on the information available to the officer at the time he pulled the trigger, while the latter was based on the outcome of the shooting. They also alluded to the “final frame” when they wrote “that the final decision to shoot (or not to shoot) is the endpoint, of a series of decisions, usually with fewer and fewer alternatives as the process progresses toward ultimate confrontation” (p.14).

Fyfe (1981) also examined the issue of race with regard to police shootings but from a different perspective. While previous studies focused on the race of the criminal who was shot by police, he examined the race of the police officer doing the shooting. In his study of the New York City police department he found that, contrary to public opinion, white officers were not quicker to shoot minorities than black officers. Rather “the analysis indicates that minority officer overrepresentation among police shooters is closely associated with racially varying patterns of assignment, socialization, and residence” (p.381). Fyfe reasoned that black police officers often are assigned to patrol poorer minority neighborhoods which have higher crime rates, thus increasing their chances to be involved in a shooting.

The issue of race is always at the forefront of any police-involved shooting. A newly published study by Correll, Wittenbrink, Park, Judd, Sadler and Keese (2007) examined the racial bias of police officers in comparison to community members and college students in the speed and accuracy of their decisions to shoot when faced with video simulations of possible shooting decisions regarding black and white suspects.

Police officers were quicker and more accurate in their shoot/don't shoot decisions and exhibited much less racial prejudice than the other participants. The authors concluded that police training had a positive effect on the decisions that officers made and that they do have an expertise in these situations that civilians do not exhibit. A key question in regard to this study is whether the police reaction to a sterile video simulation under optimal conditions translated into the real world working conditions that officers faced every day.

What was extremely noticeable in the review of the literature was a lack of studies involving **rural** and **suburban** police officers. Ranging from Reiss, Westley, Neiderhoffer, Muir, and Freidrich, to Worden and Terrill and, including National Data Collections on use of force, researchers have focused primarily on large **urban** police departments and officers to study various aspects of policing. Even in Geller and Scott's (1991) exhaustive review of the studies regarding the various characteristics involved in deadly force by police, there was nary a mention of **suburban** and **rural** police officers. However, there were a few studies on different facets of **suburban** and **rural** policing.

### **Studies involving Suburban and Rural Police Officers**

Klofas (2000) felt that the literature on policing had not recognized the changing nature of American communities. While it is known through demographic trends that more people now live outside cities than in them, which has created **urban** concentrated poverty and racial isolation, researchers have not examined the impact of the shifting population on **urban**, **suburban** and **rural** policing. He went so far as to comment that this failure to plan for the effects of these changes are "akin to the 'elephant in the living

room' - obvious and omnipresent but often unacknowledged or ignored" (p.234). The same could be said about **suburban** and **rural** policing.

Liederbach (2005) agreed with Klofas that there is a lack of studies on **suburban** policing. He noted that Walker (1983) had stated that this nearly exclusive concentration on **urban** police departments, as study sites for examining police related issues, had led to a "big city bias" in policing theory. Liederbach found it interesting that in this day and age of community policing there is a lack of studies on policing the communities that most people live in. How can you design strategies that fit the community if you fail to recognize and study them? Researchers just do not know if **suburban** police officers act differently from their well-studied **urban** counterparts or even if they perform similar functions or interact with the public in a uniform manner. The few studies that recognized other policing communities tended to solely focus on the **urban/rural** dichotomy.

Liederbach, through a systematic social observational study, examined the work routines in fourteen **suburban** police departments in Ohio. He found that there are five core functions that police officers in all police departments must perform. They are: routine motor patrol, administrative tasks like report writing, non-duty related activities like personal tasks, driving to and from specific locations, and traffic enforcement. He found, like the communities themselves, that **suburban** policing fell in the middle range between **urban** and **rural**; sometimes leaning toward the **urban** crime fighting style of policing and other times toward the informal and more personal **rural** style.

Wells, Falcone and Rabe-Hemp (2003), in their study of community characteristics and their effect on policing styles in **suburban** police agencies, detailed

the recent trends in policing and the expanded role of the community in determining the operating style of its police department. They compared Community Oriented Policing (COP), which emphasized the partnership between the police and the community to deal with issues of social control, and traditional policing with its more detached crime fighting mission. They concluded that the overall population size of a community and, contrary to popular belief, not its composition was the key factor in predicting differences in department structure.

They, also, noted that, while most people now lived in the suburbs, research on policing remains focused on **urban** cities. In fact, they write, "...a computerized literature search of journal articles having anything to do with **suburban** police departments spanning the period 1975 to 2001 produced only a handful of citations; and most were qualitative descriptive case studies of a few selected communities" (p.568).

Kania and Mackey (1977), in their study of police violence, found that it was a function of community characteristics. They recognized that police use of force was not a common occurrence but was used in reaction to the amount of crime in the community. They analyzed the number of people killed by police in each of the fifty states from 1961 to 1970. They found that, in states with high crime and homicide rates, police were more apt to use deadly force and, conversely, where those rates were low, the police were self-restrained. They concluded that the police use of force was closely related to what the police perceived were the behavioral characteristics of the community: If the community was deemed violence prone, the officers were more apt to use force; if it was not, they would be more restrained in applying force.

Christensen and Crank (2001), in their ethnographic study of police patrol work and culture in a non-**urban** setting, also commented on the lack of studies on **suburban** and **rural** police organizations. In fact, they determined that, while there are themes that all police departments are organized around, there are nuances in non-**urban** policing that must be recognized. Generalizing from **urban** research on the police does not always translate to the **rural** and/or **suburban** setting. They found that policing is not always equivalent. For example, substantive differences were found in the way non-**urban** officers viewed patrol activity. Even though their backups in terms of time and distance may be extremely far away from them, they did not feel the same strong sense of danger so often cited by city police officers. The authors also noted the infatuation with community policing so often cited in the literature. While police community initiatives may be very worthwhile in the city, they posited that they are redundant in the **rural** setting since police-community relations were already positive.

Weisheit, Wells and Falcone (1995) examined what was known about crime and policing in **rural** and small town America and how it was impacted by their environments. They noted the effects of geography alone with regard to response time and the speed with which support services, such as ambulances and fire trucks, can be provided. They cited how **rural** and small town police officers are embedded in their communities as integral members, i.e., church members and coaches, etc. Everyone knew each other, thus they relied on informal social control to deal with minor police incidents. This was in contrast to **urban** police officers, who are often viewed as outsiders, who rarely lived in the communities where they worked.

Weisheit, et al concluded that while **rural** and **urban** policing are similar when dealing with serious crime, there are key differences with how they handled lesser offenses, how they interacted with the public and what the public expected from them. These differences must be recognized before blindly applying **urban** models of policing to **rural** and small town communities.

Weisheit, et al addressed directly the topic of, and reason for, this dissertation when they wrote:

There are good reasons to speculate that **rural** and **urban** officers will show differences in the circumstances under which they use force and in the long-term implications of using force. For example, the **rural** officer is more likely to personally know the offender, as well as the offender's friends and family. This may shape the psychology of using force. It also makes the officer more vulnerable to retribution, since these individuals are likely to know where the officer lives and his daily routine. Conversely, because the **rural** officer is better integrated into the local community, there may be more sources of emotional support after deadly force has been used (p.100).

### **Impact of Environment on Crime and Criminals**

A key question that needs to be explored is, does the above speculation apply to **suburban** police, too? What effect does his environment have on an officer's decision to use force? While these questions, as they pertain to crime fighters, are examined in this study, other researchers have studied the impact of environment on crime and criminals. Cohen and Felson (1979), in their analysis of crime rate trends, posited in their Routine Activity Theory (RAT) that the circumstances that enveloped crime rather than the

individual characteristics of the offenders were the key to understanding and thwarting crime. They believed that most predatory criminal acts required the convergence in time and space of three factors: a willing offender; an available target, and the absence of a capable guardian against crime. They found that, by structural changes in the routine activities of every day people, predatory crime can be reduced.

Another theory which emphasized the impact of surroundings on crime was Crime Prevention Through Environmental Design (CPTED). Fleissner and Heinzelmann (1996) wrote that “CPTED programs, through design and management of the physical environment of buildings, residential neighborhoods, and business areas, increase public safety and reduce fear of crime” (p.1). In this crime fighting strategy, emphasis was placed on environmental factors, such as lighting and building construction, to help reduce the criminal’s opportunities to commit crimes.

While the sheer volume of citizen interaction and use of force situations is much greater in the **urban** environment, the consequences for the citizen, the police officer, and the community are enormous when they occur in the **suburban** and/or **rural** environment. The notoriety of a single case can tear a community apart. This was recounted in Mike Kelly’s (1995) non-fiction work titled *Color Lines: The Troubled Dreams of Racial Harmony in an American Town*. He recounted how a Teaneck, New Jersey, police officer in 1990 was faced with a use of force situation where a teenager was reported to be carrying a gun. The teenager was initially stopped and patted down. When a gun was felt in his pocket he ran from the police officer. During the foot chase the teenager suddenly turned on the officer and was shot and killed. Days of violent protest followed. The officer was subsequently indicted for Manslaughter, tried, and

found not guilty. This case served for many years for officers in northern New Jersey as a reminder of what a use of force situation can turn into for themselves, the citizens, and the community.

Just recently, in March 2007, a New Jersey Park Police officer was indicted for Manslaughter after he shot and killed a man in the Ramapo mountains in Bergen County, after he received complaints about illegal all-terrain vehicles (ATV) riding on State property. After chasing and confronting the man, a scuffle ensued and the man was killed. The police officer's justification for his use of force will be examined at trial.

## CHAPTER THREE: RESEARCH DESIGN

This study examines whether there are differences in the viewpoints of **rural** and **suburban** police officers compared to their **urban** counterparts. There are very few studies of **rural** and **suburban** police departments regarding their use of force and only one (Cancino 2001) that used focus groups as a small part of their sampling technique. Do they think and/or act the same as their **urban** counterparts when they encounter use of force situations? Why or why not? What are the similarities and differences?

### Hypotheses and Research Questions

There are three major hypotheses:

1. There are geographic characteristics that will influence the police officers' use of force.
2. There are demographic characteristics of the police officers that will influence their use of force.
3. There are differences in use of force training, despite New Jersey Attorney General's guidelines, that will influence their use of force.

The following research questions will help to examine the above hypotheses:

- Does where (type of municipality) the officer works affect his attitude toward the use of force?
- Does the size (number of officers) of the organization affect the officer's attitude toward the use of force?
- Does the education of the officer influence his attitude toward the use of force?
- Does where the officer lives affect his attitude toward the use of force?

- Does where the officer attended the police academy affect his attitude toward the use of force?
- Does the type of use of force training (class room or practical role-playing) influence the officer's attitude toward the use of force?

Most studies on policing have emphasized what police officers do, rather than what they think. Whether it is field observation, surveys, or use of force reports by officers or supervisors, the focus has been on the officers' physical actions and not on the thought processes that preceded them. In order to achieve a more balanced view of the complex world of policing, it is necessary to understand the complete picture of the officers' thoughts that precede their actions.

### **Focus Groups**

Focus groups, as first described by Merton, Fiske and Kendall (1956) in their classic work, *The Focused Interview: A Manual of Problems and Procedures*, addressed this issue of trying to fully understand another person's viewpoint when they wrote " ... the interview is focused on the subjective experiences of persons exposed to the pre-analyzed situation in an effort to ascertain *their definitions of the situation*" (p. 3).

More recently, focus groups have been used by social scientists in their attempts to get a total picture of the phenomenon that they are studying. As Patton (1990) explained in his book *Qualitative Evaluation and Research Methods*, "the fact of the matter is that we cannot observe everything. We cannot observe feelings, thoughts and intentions. We cannot observe behaviors that took place at some previous point in time" (p. 278). In order to fully understand, researchers must allow the subjects of their study to express themselves. Patton, like Merton, et al described the way focus groups should

be organized and implemented. There are certain rules to follow so that the studies can obtain information in a systematic and verifiable manner and can be considered scientific research.

Focus groups need to have a minimum of four members. In this research most groups had four participants, while two groups had five. The groups were small enough so that the subjects had an opportunity to participate in the discussion and share their feelings, experiences, and knowledge about a subject that is important to them.

The groups had to be homogenous in order to make the participants comfortable and willing to share their experiences with others without being afraid or self-conscious about how they felt. This facilitated a free-flowing conversation among group members. Also, the homogeneity of groups allowed for cross comparisons among the different groups.

These small and homogenous focus groups were the direct product of purposeful and convenient sampling. The power and logic of this kind of sampling laid in selecting information-rich people to learn a great deal about issues of central importance to the purpose of the research. However, the main drawback of this type of sampling was that the researcher must recognize that, when interpreting the data from a limited sample, he cannot represent it as a full spectrum of experience and opinion.

Krueger and Casey (2000), in their book, *Focus Groups: A Practical Guide for Applied Research* wrote, “...the intent of focus groups is not to infer but to understand, not to generalize but to determine the range, and not to make statements about the population but to provide insights about how people in the groups perceive a situation” (p.83).

In order to capture what was said during the interview and the interaction among group members, the **suburban** focus groups allowed each session to be tape-recorded and transcribed but the **rural** and **urban** groups would not. The researcher took field notes during and after each session and, they were written up and titled Interviewer Notes.

### **Data Collection Procedures**

Justifications for the use of force was examined by using twelve different focus groups conducted from April 23 to August 1, 2007, four each of sworn officers from **urban**, **suburban**, and **rural** counties in northern New Jersey. Approval letters granting the researcher permission to conduct the focus groups in the Spring of 2007 have been received from all the agencies involved. Also, the John Jay College Institutional Review Board approved the research involving human subjects to commence for a year, starting December 21, 2006.

The pool of **suburban** police officers (subjects) was gathered from those officers attending in-service training classes at the Bergen County (New Jersey) police academy. In-service attendees are all sworn police officers from multiple departments with varying degrees of experience. None are trainees attending the present basic academy class. They were asked to voluntarily participate in a discussion about police use of force during their lunch hour. As an incentive to participate, the researcher offered to buy them their lunch but only one volunteer accepted the offer.

Prior to the police academy in-service class beginning at 0900, the researcher, in the hope of gaining voluntary participants for the focus group discussion on the use of

force, introduced himself to the class, briefly explained the project, and asked for their cooperation. If they were interested, they would meet with the researcher at 1000.

At 1000, the researcher personally told all subjects that their participation was strictly voluntary and that refusal to participate involved no penalty or loss of benefits. Additionally, the researcher informed them that they could stop participating at any time without any negative consequence. They were, also, told that the session would be tape-recorded but only this researcher would have access to the tapes and they would be kept at his house under lock and key and would not be released to anyone for any reason. If they agreed to continue, they were then given a written consent form to read and sign, which they all did. Please see Appendix A for the consent form.

The police academy did not offer daily or weekly in-service training classes. The researcher had to appear five days during a full month to gather at least four volunteers since there were days when no officers would volunteer to participate in a focus group. None of these **suburban** volunteers objected to having the discussion audio-taped, therefore, transcripts and interviewer notes are available for analysis.

The selection of **rural** police volunteers was to be handled in the same manner as that for the **suburban** officers. The researcher was to ask police officers attending mandatory in-service training classes in Sussex County if they would voluntarily participate in the research after it was described to them. However, the classes scheduled for May were postponed until late September, 2007. Due to time constraints, another method of sample selection was used to remain on schedule.

The pool of **rural** police officers was gathered by the researcher who called his **rural** contact and asked if there were four individual police departments in Sussex

County large enough to spare four police officers, for a minimum of an hour during their regular work shifts, so the officers could volunteer to be in the focus group discussion. The contact agreed to ask members of her own department if they would participate and then provided the researcher with the names and phone numbers of supervisors in other Sussex County police departments, so that calls could be made to them. She allowed her name to be used as a reference for the researcher since he was unfamiliar with any law enforcement officers in Sussex County. This entrée proved invaluable and all police departments called agreed to participate. The researcher had no involvement in selecting the volunteer participants.

However, the Sussex County prosecutor, who is the chief law enforcement officer in the County, would not allow the focus group discussions to be audio-taped. They were not. The researcher did take handwritten notes during each group discussion from which a summary was taped immediately afterward. The tapes were transcribed and titled Interviewer Notes for each focus group.

The pool of **urban** police officers was supposed to be gathered from those officers attending in-service training classes at the City of Paterson's Police Academy. The attendees would all be experienced police officers. During their lunch hour, they were to be asked to voluntarily participate in a discussion about police use of force. Their lunch would be paid for by the researcher if they agreed to participate. However, due to peak vacation times during the summer, there was no in-service academy training scheduled until the Fall.

In an attempt to expedite the volunteer selection process, a police department memo was read at roll call for each shift asking for interested officers to contact the

researcher. This was met with no response. Finally the researcher's contact within the police department offered the name of a respected member of the department who might be able to assist in gathering officers for the focus groups. This officer helped forge a group and personally called three other ranking officers to ask them to assist the researcher in formulating the other focus groups. They did so while the officers were working. Refer to the Interviewer Notes for each particular focus group for the specifics of how the sample was gathered.

The Paterson Police Director also stipulated that the group discussions could not be taped. They were not, but, as in Sussex, written notes were taken during the discussions and a summary by the researcher was taped immediately after each focus group, transcribed and titled Interviewer Notes.

### **Ethical Considerations**

Because this research project involved human subjects, its data collection procedures had to be outlined in a proposal submitted to the Institutional Review Board of John Jay College for its review. It was stated to the board that, unfortunately, focus groups do not allow for strict confidentiality and anonymity since members of the group know the other participants and can tell outsiders what was discussed in the group, if they so choose. The subjects were told of this risk and were implored to remember that what was said in the room must stay in the room. They were asked to sign a consent form that stated that they agreed to keep the discussion confidential and not reveal what anyone said in the focus group. Every participant signed a consent form.

Since the scenario asked the subjects what they thought about a certain segment of the scenario rather than what they have ever done, the subjects were not exposing themselves to any liability based on their past actions. Everyone was told that only the researcher had access to the audio-tapes and they were kept under lock and key at the researcher's house and would be erased when the dissertation is completed.

The risks to the subjects were minimal and the possible benefits to them and other police officers, in seriously thinking about their use of force and how to deploy it, can possibly be lifesaving to both the officers and the public.

The full IRB committee granted its approval for a one year starting December 21, 2006.

## Data Collection Instrument

The data collection instrument/interview guide was developed by a team of international researchers, headed by Christopher Birkbeck, interested in the justification framework for the use of force by police officers in ten different countries. It is a realistic progression scenario involving the possible use of force that any police officer anywhere might come across, and relate to, in the scope of his daily police activities. After the scenario discussion was over, the officers were asked to fill out a Confidential Demographic Information Sheet. Copies of both are in the Appendices.

The instrument was slightly modified to fit the geographic and work environment that the respondents were used to. For example, the original scenario by Birkbeck's, et al had the officers responding to a street in a "semi-built up **urban** area" in their two officer patrol car. When giving the scenario to **rural** and **suburban** officers, the location of the street is changed to either a **suburban** or **rural** street and the officer is by him or herself since they do not customarily ride in pairs but rather alone. In Paterson, there was a mixture of one and two officer patrol units so the scenario detailed a single officer unit in the scenario.

The scenario was a ten part progression scenario which was a realistic portrayal of police work and its evolving nature. It eschewed the "final frame" description of use of force situations that researchers and the literature decry as simplistic and misleading (Binder and Scharf 1980, Fyfe 1996, Alpert and Dunham 1999 and Terrill 2005). Rather, it described the changing nature of police patrol work and how various factors always had to be taken into account during the entire encounter if the officers' decisions were to be rational and supported.

The scenario is also known as the interview guide. The benefits of a guide are described by Morgan (1988) when he wrote in his book, *Focus Groups as Qualitative Research* “the structure that a guide imposes on discussions is valuable both in channeling the group interaction and in making comparisons across groups in the analysis phase of the research” (p. 47).

Each part of the scenario has the same two follow-up questions. They ask, What would the officer do? and What does the officer think about that? According to Birkbeck’s, et al study, as explained in their “Summary Report of the 3<sup>rd</sup> Meeting of the International Comparative Research Project on the Use of Force by the Police”, the purpose of the follow-up questions was to direct the attention of the focus groups to the justifications or criticism of the use of force, rather than what actions the police might take.

However, every participant answered the questions as if he was the officer involved in the scenario, even after being told not to do so. They all described what they would do but, more importantly, they offered their justification for their action and the group was given the opportunity to agree or disagree and offer its own criticism and/or justification.

### **Data Analysis Strategy**

Focus groups are not drawn from a random sample but rather a small, convenient and purposeful sample. They are unique in that they must substitute verifiability for validity. This is accomplished by audio-taping and transcribing the interviews to develop a written data stream in which to support the findings and from which another researcher can analyze and understand the basis for the researcher's conclusions.

The data that were analyzed consisted of both the transcripts of the audio-tapes of the **suburban** focus group interviews and the field notes, titled Interviewer Notes, that the researcher took both during and after conducting each group. Since audio-taping was not allowed in both the **urban** and **rural** sites, the Interviewer Notes consisted of the researcher's impressions of the police officers responses to each part of the scenario and the group dynamics during the interview; how the officers got along; what they felt was important, etc. The officers also filled out a confidential demographic information sheet for analysis.

When focus group methodology is employed, field notes are not considered part of the data collection but rather part of the data analysis, since the researcher interprets what occurred during the group interviews. This analysis was done within each individual focus group, among the groups of similar officers from the same geographic area, and across the different geographic groups.

Since this study was a replication of Birkbeck's, et al transnational study of police officers justifications for the use of force and it employed their scenario and methodology, their theoretical model was applied to **suburban**, **rural** and **urban** police officers in New Jersey to further analyze the findings.

## CHAPTER FOUR: FINDINGS

In order to keep a sense of each focus group, its members and their contributions to the discussion of the comparative study of the police use of force, the data analysis was laid out in the following manner: first, tables denoting the demographic characteristics of each **suburban** group, in conjunction with the transcripts of each **suburban** session, followed by their Interviewer Notes. Next are the demographic tables for each focus group in the **rural** site, in conjunction with each of the **rural** Interviewer Notes, as well as the same for each of the focus groups in the **urban** site (without transcripts for either). This leads to a comparison of each site's (**suburban**, **rural** and **urban**) responses to each part of the scenario. Three summary tables of the demographics for the **suburban**, **rural** and **urban** sites are then detailed.

### Suburban Site – Bergen County

Suburban Focus Group # 1 conducted on April 23, 2007 at the Bergen County Academy

Table # 4.1

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Department	Live in Municipality/County	Police Academy Attended
32	White	8	Masters Degree	PO	No	Yes/Yes	Bergen County
36	White	11	College Degree	Sup	No	No/Yes	Bergen County
37	White	13	College Degree	Sup	No	No/Yes	Bergen County
38	White	13	Some College	Sup	No	No/Yes	Bergen County

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.2

#### Distribution of Variables by Mean

Variable	Mean
Age	35
Race	4 White
Years on Job	11
Education	1 Some College 2 College Degrees 1 Masters Degree
Rank	1 Police Officer 3 Supervisors
Previous Police Department	4 None
Live in Municipality/County you work in	1 Yes / 4 Yes
Police Academy Attended	4 Bergen County Police Academy

## Interview Transcript

**Suburban Site**  
Focus Group # 1  
Bergen County Police Academy  
April 23, 2007

Transcript Key  
**R is the researcher**  
A, B, C and D are individual officers

**R: This is Monday, April 23, 2007. We are in a conference room at the Bergen County Police Academy. We are participating in our first focus group on the use of force by police in the suburbs. I am going to read it to you. Then I am going to ask you two questions: What would the officer do, and what do you think about that? This is a discussion. We do not have to come up with a consensus.**

**R: First part of the scenario: It is early evening, and beginning to get dark. An officer is on routine patrol in a patrol car in a suburban area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contact, and who have criminal records. What would the officer do? What do you think about that?**

A: Two gentlemen smoking a marijuana cigarette? I am going to stop and talk to them and try to see what they have been smoking.

B: I would stop. I would probably call for another car to come to my location, because it is two parties, and find out if they are smoking marijuana.

C: I would also stop, see what they are doing. If it was deemed that they are smoking marijuana, call for backup.

D: I would stop them as well, and stop behind them and call for backup. If it did turn out to be a marijuana cigarette, I would search the car further, and continue the investigation.

**R: The officer has reason to believe that the car may be stolen. What would the officer do, and what do you think about that?**

B: Same vehicle?

**R: Same vehicle, same scenario, same guys.**

B: I would have to verify it first with headquarters, make sure, in fact, it is stolen.

Because we all know, in the past, I am sure, that sometimes people do not take them out of the computer and we want to make sure.

A: I would have them both get out of the vehicle.

B: Make sure you have someone else there with you – you do not want a two-on-one situation with no backup.

**R: Would you have them get out of the vehicle?**

C: If this is a continuing scenario, if they were definitely smoking marijuana, I probably would have already had them handcuffed and out of the vehicle, and then continue my checks on the vehicle and, you know, whatever else, to see if it was stolen.

D: I would do all of the same, as long, you know, if it was two-on-one, wait till my partner got there, at least, and have the driver, at the least, take the keys out and turn the car off, at the minimum.

**R: The next part is the young men ignore the officer's command that they provide identification and get out of the car – then they verbally abuse him. Same two**

**questions. What would the officer do, and what do you think about that?**

D: Try to take control of the situation and, if need be, get more backup if you only have one and you have to remove them from the vehicle physically, if need be.

B: Yeah – after attempting verbally, again, several times, I would say try to get them out of the car because you do not know what they have in the car, but I would try to verbally command them out with more officers and, if that does not work, then you may have to physically.

A: You may have to spray them, pepper spray them first before, you know, if you know it is going to turn physical, pepper spray them to make it easier for you, so nobody gets hurt physically.

C: That is what I think. I will get more cops if necessary.

B: Yeah – I would, again, just try calling the whole cavalry, get more people in there, and inform them too, that failing to comply with my commands is a further crime.

**R: In response to the officer's demands to show identification, get out of the car, etc., the driver starts the car. What would the officer do, and what do you think about that?**

D: I would start ordering them to shut the car off. I mean, you do not want to be in front of the car, you want to stay back, by your car, and start ordering them to turn the car off, see how that goes.

A: I would draw my weapon at that point. If I believed the car was stolen, and they were under arrest for the marijuana charges, I would draw my weapon and try to control them further from that point.

B: If I had already sprayed them with the pepper spray, and I know incoming units are

coming in, I would try to, as quickly as I could, get them positioned. Either put a car to block their exit, you know, to block them in a little bit to get at least a patrol car situated so that, or if they do take off, you know, to get a good idea— where they are going, or to start a pursuit.

C: Further commands to tell them to comply with what I am telling them to do and you have probable cause to enter the vehicle. At that point in time, you can attempt to get into that vehicle, get those people out of there, and get that vehicle shut off, provided you are not, like, in too dangerous a situation.

**R: The car speeds away, what would the officers do, and what do you think about that?**

A: I would, obviously, in my situation, I would had to have holstered my weapon and run back to my police car and called out that I am now in pursuit of that vehicle.

B: What is the time again?

**R: Early evening.**

A: Hopefully, you have got enough people there that now we are in pursuit of that vehicle, we have a couple of offenses and a couple of crimes that have been committed, so we are good, right at this point, for pursuit of a stolen vehicle.

**R: Okay – so everybody is for pursuing? Now in the scenario, remember, the car may be stolen, it was not confirmed, it just may be stolen. So try not to read so much into the scenario. Try to just stick to the facts as you have them, as we go along, okay?**

**R: The officer is tailing the car, or pursuing the car at high speed through a residential area. What would the officers do? What do you think about that?**

C: Well, you have to make sure, you know, the time of day, traffic, the elements, are there kids out, I mean, you're going to follow the protocol for pursuing the vehicle, the weather conditions. I think I would take into consideration.

A: At this point you, basically, if the car only may be stolen, you, basically, only have a fourth degree crime at best, so you only have the joint, and we do not know, we were not able to search the car. Like B has said, you would have to wait to pursue, and everything, weather, is your vehicle capable, the time of day, traffic, you would have to weigh all the pursuit guidelines before you decide to continue.

D: It is getting very interesting at this point in time. What do we have, we have D.P. (Disorderly Person) possession of marijuana, we have D.P. Attempt at flight, taking the stolen vehicle out, we have a pursuit which is now Eluding, but we also know the identities of the people, right?

**R: Correct. You recognize these people that other cops might have dealt with in the past.**

D: So again, you just initiate and we are starting to go again barring any kids, traffic, what have you, if you are still in it, or we are definitely teetering on we know them, we are going to break it.

B: And depending on how high speed that is, right, I mean, you are talking 100 miles an hour, no, but if you are talking in a residential, 40, 45, that might be a little different, but if it is very high speeds, then probably not.

**R: On page 5, what would this officer, or other officers who may have been coming by, do? What do you think about that?**

A: You guys pretty much covered that, as far as calling out and going over the Attorney

General's guidelines, as to whether or not you pursue. Whether you are going to continue the pursuit, and what information are you all going to give out over the air if you do break it off, what you want this car for, maybe a stop and hold, because you do want these people, you want them for questioning. At that time, the evidence of the crime may be gone, but that is about all you can do at that point. Give it out to other neighboring jurisdictions at this time, and smaller towns. This is probably into the neighboring town, so that you put it out as what, all that we have, the facts that we have, that it is just wanted for stop and hold, and go from there if we are going to stop the pursuit. If it is not that high speed, we can go in pursuit.

C: Just pressing my desk for the status on the stolen vehicle, I mean, have we got anything to back it up other than that? You know, something that I can put out that will really get close to the stop for marijuana.

A: While you are out there, just keep pressing to see if it is a stolen car and just taking all the elements of how fast you are going, if you are going to stop the pursuit, cause, you know, you never know, you have the officers in your town know the identification of these people, so you can get them out of wherever they ...

**R: Their car has come to a halt after crashing into a street light pole, the occupants do not appear to be hurt, officers approach the car. What would the officers do?**

A: Felony stop, because you know they would not get out of the car in the beginning and now they crashed, and they are not getting out of the car, so you're going to still consider it is dangerous, and I would have to take the same approach as C and B said on the felony stop.

B: Weapons drawn and try to make them comply by getting out of the car on a felony

stop and now you're going to use full safety measures for yourself and, well, for them, unless they are hurt, and there may be a reason why they are not getting out of the car, but you still have to take that first precaution,

C: And, again, if you do not have the backup, get as much as we can coming, to get us backup.

**R: As the officers approach the car, the two young men get out and start to run away. What would the officers do, and what do you think about that?**

A: The pursuit – full pursuit.

C: Of course, as we all know, we still do not know what these two individuals, you know, they ran from us, they crashed, now they are running again, and we do not know what they have. I would do it cautiously, make sure you get a K9 come in, and set up the perimeter.

B: Definitely start a perimeter and, hopefully, you have enough people. Somebody could secure the vehicle, or stay with the vehicle, to make sure that maybe they have a weapon, a magazine of a weapon, so we get a heads up; maybe they do have a weapon on them.

D: I am justified in chasing them to begin with so, just, and this continued flight is just heightening the suspicion, so we are on them.

B: And definitely give out that information, what direction you are in foot pursuit of and just pray for the best.

A: Try to get their clothing description.

**R: As the two men are running away, the officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate area,**

**What would the officers do? What do you think about that?**

A: Definitely give that information out, that one appears to have a handgun.

B: I would be pursuing cautiously, and make sure that you're advising the other officers, that may be behind you, to try to get those pedestrians out of harm's way in case the guy wants to turn around and start shooting at you. I mean, somehow get someone to help clear the area of civilians so no one gets hurt, but I would still continue cautiously pursuing.

D: I would do the same thing. I would also, again, try to keep that perimeter so that they would run into somebody else, but, you know, I would still try to run after them, but also observe what is around me, in case, if, you know, he starts shooting, to find some cover as well. And I would advise everybody about the pedestrians, too, the people in the area.

C: Well again, it is kind of big, but you could clear the immediate vicinity. They are just kind of meandering, doing their normal thing, I guess, the pedestrians.

C: I mean, if the guy's got a handgun running up to someone, or had a hostage, you know, I might be backing off, you know, but the rules for a vehicle pursuit do not apply to foot pursuit. So where are these people? Hopefully, they are in positions to take them down, I mean, again, he is carrying a weapon, now he is armed and dangerous; we have every right to stay on him and try and subdue him.

A: I agree.

**R: One of the two men turns and points a handgun at one of the officers. What would the officer do, and what do you think about that?**

A: As long as I had a clear backdrop shoot, look for cover, try to get cover.

B: See deadly force; you can use deadly force.

B: Depending on how exposed you are, and where those pedestrians are, it is a matter of yeah, you might be able to return fire, or, I mean, you got your gun out pointing it at him, the whole time you are hollering to him to stop and, you know, surrender. I do not know, I mean, again, I do not know where the pedestrians are.

B: Is there a house behind him or what.

A: And if you could take cover like B said, and order him to drop the gun, by all means, I am going to have my gun out telling him to drop it unless, you know, you are in a wide open area. I mean, I am seeing deadly force, he is pointing at me. I may tell him to drop it, but you might not be able to get that word out before he shoots you, so...

C: If I am in a situation to turn around to shoot, I mean, it is you or him.

A: Right.

C: And I am still, you know, I know it is an open-ended question and it is vague, for purposes so this does become a discussion, but my initial reaction in a vague situation like this, this guy can just turn around and shoot at me, I am going to shoot.

**R: Now – we have gone through the whole scenario. The number one priority, as it should be, is officer safety. When you make a car stop you are looking to make sure the guys are out of the car, handcuffed – okay. While we were going along, you guys were referring to the Attorney General’s guidelines, as far as pursuits go, and then as far as deadly force goes. We saw that the same way; if you see deadly force, you can use deadly force. That is the summary of this whole thing that I could see: the training that you received at the Bergen County Police Academy, is that the training comes out. The training was officer safety first, then follow the use of force guidelines. As far as pursuit, we will pursue to the point that we followed in the**

scenario. Maybe we do not have enough, the degree of the crime might not be enough to have a pursuit, so we were deciding whether to hold back or not. So, what I find interesting about the scenario is that it is not the final fight. This whole scenario was not the guy pointing the gun at the end. It is how you work up to that point and the decisions that we made as we go along with it. And, you know, this scenario is vague, but when we are working, it is vague also, right? You do not have those clear black lines. You do not know exactly what you have every minute. It is as you go along, you are learning more about the situation and that is really what this situation is about, and that is what you guys have done. You have applied it, and it shows that your background is coming right through in the answers so far, as far as this whole scenario goes. I will end this session and then I am going to turn the tape off and then you can just tell me what you like about it, do not like about it, or we could leave it on recording.

All: Leave it on, I do not mind.

R: Okay – do you like the scenario? The first question is what would the officers do. The follow-up question is what do you think about that. What the research is trying to do is trying to justify these reports. Is it justified at point A in the first part of the scenario, yes or no? Some people say yes, and give the reasons why; some people say no, and justify and give the reasons why. There is no true correct answer, just like when you are policing. We go out into the same scenario; we are all going to do it a little bit different; we are not going to take it the same way.

A: I think, also, like, where we come from, you are a big city, I am from northern Bergen County, I mean, we are small. It is different the way we do things. You guys see a lot

more guns, you know, I maybe saw one gun in my whole career there, so, the way I would take it, I would let it go a little further. On your part, you've got gangs down there, so it is a little bit different, so you are on guard a little higher. I am not so much on guard because we've never had gangs and I have had, like, one gun incident on a motor vehicle stop, so, I think the department and the location fit is...

B: I think that is what he is trying to get officers to do ...

**R: Right, but it is interesting, because they are showing the difference within Bergen County and, what I am doing, I am trying to show the differences among Bergen, which is a suburban county; rural, which is Sussex; and urban, which is Paterson, and you are showing me a difference within the site.**

C: I understand totally what he said, but I am of the impression that, okay, Englewood definitely by far, is much busier than we are. I would never argue, I would never try to compare it, but I almost think that we would have a harder time not becoming complacent than Englewood officers because they see a lot more and I keep a mental note in my head all the time, you know, this could be the stop, this could be, and I always tell myself that, this could be the burglar alarm where it is real and, I try, I am a field training officer and I try to tell everybody I train, "Never think that this is just another alarm, this is the 300<sup>th</sup> alarm I went on, do not think about it. Think that this is the real one; think that this could be the real one, and try not to become complacent." I have been doing this eleven years, and I still tell myself, 'this could be the car stop, this could be', every time I make one. You can not look at it like it is just an old lady who is driving up behind you. It is the drunk that is going to take you out at this stop; you have to be aware of everything.

A: A little bit, but, you know, I always look at how I feel about ratios and, you know, it

is like everybody tries to compare you to New York City. It is always New York City, oh, the New York City cops. I understand that, but I have 10,000 people in my town, they have 10,000 people in a building, around one block, so they do not get all their crime in that one building. It is spread out throughout the whole district or precinct and you are talking about 1,000,000 compared to 10,000 now, so you have to look at it in a bunch of different ways, and it is tough to get that across to people, but, you know, you can try.

D: For the purposes of your research and whatnot, I think all four of us work in very similar neighborhoods, upper-middle to upper-upper, and I, some guys might not like this on the tape, but I think that guys that go to the Bergen Police Academy, the guys that are hired in this area, are more educated and they come from a different mold. I think a lot that actually get hired in this area are very highly qualified. I think all four of us have very similar responses, but the fact it was open floor, I do not think it was different here. I think you might benefit better if we were not sharing each other's information because, you know, I spoke and then we all saw the same thing, but if you are trying to get a more accurate feel as to what a guy would do if he wrote it down and did not speak it, you might see deviations.

**R: The reason that we are doing focus groups is the benefit of the discussion among the officers.**

C: And here, too, like when A, B and D said, it feeds off, you hear what they say and you are like, oh, it kind of – I would do that too, yeah I would do that too. But, you know, when you are on the road, I have been partners with A for almost my entire career, and I could probably tell you things he is going to do before he even does it now, to the point where we feed off each other and the guys that we work with, so if I forget something, he

is doing it, or your partner will be doing it, or the guys that work under you, they are doing it, and you feed off each other, like here, I didn't think of what B was saying, "Oh, that is right, yup, you are right", and we all kind of feed off each other.

B: I think we all threw it out there, but I think if you, if it was South Bergen, you might see some deviations on what guys think.

C: See, I do not think you would, I think you may see deviations on detail, but I think in the whole, if you had the time to sit there and look at the whole scenario, you would have thought of everything that we all thought of together.

B: I agree, but what I am saying is that, like me, I do not go by you. I get some super aggressive guys out there.

D: We are going to be doing a lot of things, a lot faster than other guys and that is what I am trying to get at.

D: Like, I got a very long fuse, and I let things go. They can run their mouth, cause I do not want a confrontation. I got guys that want that confrontation, so they are going to get to certain areas a lot faster than they should, not than they should but than I think that they should.

B: I am the same way as D. I try to, I like, you know, I have a long fuse. I do not get short with people. Everyone has someone like that in the department, over aggressive.

C: I think he is right on. He is very safe.

B: I am very tactical. I am always thinking the worst possible case scenario all the time and then I work it down from there. And that is the way I do it all the time.

A: That is how we operate.

B: If people want to call me aggressive, you know, in my department I have one guy that

thinks I am a little aggressive. I am short, and that is fine, but I am going to be alive probably if the shit hits the fan, and you are not, and that is, God forbid, but that is the way I feel, and I believe that the word, over aggressive...

**R: I didn't say over.**

B: No, I am just saying aggressive, maybe that, you know, being tactical and thinking before you handle things. But I am not obnoxious. I would never, I do not talk down to people. I am not aggressive towards them and they have no idea, they just question, why are you doing that? You know, I take the time to explain all the time, after everything is done, I will explain it to you when I am done, and then I tell them, okay, and it is over, and I do not usually get complaints, you know, one out of a hundred times, I get someone that just totally, you can't reach them.

A: Most of the complaints are when they give them a citation for something. They did not want it and they make a complaint. That is the only time I ever had a complaint in my whole career. One girl, and it was a good thing we had those in-car cameras because she made all these allegations, and we went to look at it and, nothing.

A: I just like the fact that we are here with a sergeant and three patrolmen and we are all thinking on the same level, and it is kind of reassuring me that, okay, I am doing things right.

A: I would like to see more of my guys come here and have this, because I am telling you, it makes you think, because by me, like I said, we are small and complacent. We could go a whole two weeks of midnight shifts and we do not get one call.

B: I think I would write it down and then talk about what we wrote.

A: I think if we just sat there and wrote it, I think it might take too much time and you

would miss some minor detail that you would normally do. If you just say it, you are going to get a lot more out of the police officers, just speaking it instead of writing it.

C: Cops do not like writing.

B: Yeah that is true.

D: I am not saying write an essay but, just...

B : But, just quick as we discussed, even the first thing, "What would you do?", I mean we talked in 30 seconds what would be a page.

D: I am looking at writing; you get a real sense of it, a real genuine response, you keep looking for deviations. That is going to help, or am I wrong?

**R: I can not say that I am looking for deviations. I am just looking for whatever comes our way.**

A: If we all go by the book, and we all go by the AG guidelines and whatnot, then Sussex, us, and Paterson are all going to do the same.

A: A lot depends on the individual. You are an officer in Paterson, you are going to say, "A joint, are you kidding me? I am not stopping for that, now."

C: You also got four guys that seem to know the rules and the policies, too, because we were all right on with the guidelines and it was grilled on us, because in all three of our towns, and even in Englewood, people have money and the town's got money. Sue, sue, sue, sue, sue and, you are, like, I am going to chase somebody and that little girl runs across the street and something happens.

C: You might see some difference in some of the cops' knowledge, too.

A: My prediction is you might get the same reaction from everybody. You are asking them what should you do, or what, so they are going to answer what they should do.

Would they do it? Probably not, like you said, if you are down in Newark and somebody is smoking a joint in the car, yeah, they'll probably drive on by.

A: But I think they are going to answer honestly what they think they would do.

**R: Okay, but the question was, it does not say, what would you do? It says, what would the officer do? Now, is it one and the same? I do not know. Most people said what they would do.**

## Interviewer Notes

**Suburban Site**  
Focus Group # 1  
Bergen County Police Academy  
April 23, 2007

The researcher arrived by 0820 and set up in the assigned room, with the Sony base recorder with microphone and a backup mini-recorder. There were four officers participating: Officer A, a mid-Bergen supervisor; Officer B, a northern Bergen County supervisor; Officer C, a mid-Bergen supervisor; and Officer D, a police officer who works with Officer C. All were white and had an average of eleven years of experience and all were graduates of the Bergen County Police Academy. Officer D has been an adjunct college professor for the last three years. Officer A and Officer B did not know each other.

The police officers' ages were 32, 36, 37 and 38. One had some college; two, a college degree; and one, a graduate degree. Years on the job were 8, 11, 13 and 13. One lived in the town he worked and all lived in Bergen County. None of them had worked previously for another police department. Three worked in patrol and the other was a traffic officer.

The session began with a brief introduction. The researcher read the scenario, one part at a time. It became obvious that they were all well trained. When giving their justifications to various questions of the scenario, they cited the Attorney General's guidelines on use of force and pursuit policies when discussing what crimes were

committed that would allow a pursuit, what the road conditions were, how populated the streets were, etc.

They seemed to read things into the scenario. Where it stated that the car may be stolen, they responded as if it was definitely stolen; where the young men might be smoking a joint, they assumed that they definitely were. Officers A and B noted the differences within Bergen County as far as the towns they worked in were concerned. Officer B stated that, on the midnight shift, he might go two weeks without a call. He also noted that he had made only one gun arrest in eleven years, so he might answer differently from a police officer who worked in a more active town. Officer A noted the difference between police officers in the same department. Some were ultra aggressive while others, like himself, were more laid back. Officer C noted that he was always prepared for the worst and then de-escalated, after seeing that the situation was not as bad as he first thought. He was the most tactically conscious. Officers C and D worked together frequently, to the point of knowing what each would do before they did it. They were all safety conscious.

The focus group lasted for 50 minutes since the participants were on their lunch hours and had to get back to class. All said that they enjoyed being part of the group and liked sharing ideas as a way of reinforcing what they believed in. They all got along and the group went smoothly. All refused to accept the incentive.

### Suburban Site – Bergen County

Suburban Focus Group # 2 conducted on April 24, 2007 at the Bergen County Academy

Table # 4.3

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Department	Live in Municipality/County	Police Academy Attended
24	White	1	College Degree	PO	No	Yes/Yes	Bergen County
26	White	2	High School	PO	No	Yes/Yes	Bergen County
29	White	6	Masters Degree	PO	No	No/Yes	Bergen County
45	White	18	College Degree	Sup	No	No/Yes	Bergen County
52	White	27	College Degree	Sup	No	No/Yes	New Jersey State Police

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.4

#### Distribution of Variables by Mean

Variable	Mean
Age	35
Race	5 White
Years on Job	13
Education	1 High School 3 College Degrees 1 Masters Degree
Rank	3 Police Officers, 2 Supervisors
Previous Police Department	5 No
Live in Municipality/County you work in	2 Yes / 5 Yes
Police Academy Attended	4 Bergen County Police Academy 1 New Jersey State Police Academy

## Interview Transcript

**Suburban Site**  
Focus Group # 2  
Bergen County Police Academy  
April 24, 2007

Transcript Key  
**R is the researcher**  
A, B, C, D and E are individual officers

**R: Welcome to the second focus group at the Bergen County Police Academy. We have five police officers taking part in the discussion group. The police officers will be telling a little bit about themselves after I introduce myself.**

**R: We are here today to participate in a use of force scenario. As I read the scenario, to every part of the scenario, there are going to be two questions (that are going to be) asked. The same two questions, what would the officer do and what do you think about that? When you answer the questions, it is not what you would do, it is what do you think the officer would do. You do not have to personalize it. You can say what you think the typical officer would do, and then what you think about that. What we are looking for in this research is the justification for, or the criticism of, the use of force. There is no right or wrong answer here and what I am going to be doing is comparing, within the four focus groups of the suburban police officers, and going to the other sites, rural and urban, and comparing whether one group answers in a set way as opposed to the other groups. For example, yesterday, people were very noticeable in the way they were answering. I don't want to tell you what it was, how it was noticeable. I will tell you at the end because I don't want to**

**prejudice what you guys are going to be answering to these questions. Now, this is a free flowing discussion, so feel free to talk up and give your opinion. There is no right or wrong answer here: it is just a regular discussion. The first part of the scenario I am going to start right now.**

**It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car, in a suburban area. He notices two rather poorly young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contact, and who have criminal records.**

**First question, what would the officer do?**

A: I think the officer would investigate and begin to interview them.

B: If there seem to be discrepancies as to why they are there, and, well, first of all, they are smoking a joint, so, you know, you make an arrest right there.

C: I would approach the vehicle, see if I smell marijuana and, if I did smell marijuana, I would call for another unit, then I would pull the driver out and talk to him, have my partner watch him, well, actually, I would have the passenger stay in the car, talk to him and see if their stories match and, if they do not and, if I suspect that there is even more marijuana in the vehicle, I would pull him out, have him sit down and I'd run through the car.

D: Pretty similar. I would do the stop, approach the car for the smell of marijuana, call for backup. In the meantime, I would probably pull the driver out of the car, separate them, you know, wait for backup, talk to the driver once backup is there, have the back-up officer speak with the passenger. At that point, if they, you know, are smoking a joint,

you know, you can make the arrest and, you know, strip the car and see what else they have in there.

E: Pretty much like everyone else, I would stop the car, start interviewing. Once back-up arrives, I would ask the driver to step out. If I smelled anything, you know, check his eyes, get his story and my partner would start interviewing the passenger, see if their stories corroborate, or if there is some sort of discrepancy.

A: I would initially call for a backup officer, give all the pertinent information about the car and the people, if they were known to me, and I could wait until the other officer arrives before I even approach the car but, if it was marijuana I smelled, I would take both of them out of the car and question them separately.

**R: The officer has reason to believe that the car may be stolen. What would the officer do? And you guys can jump in as we go along, you do not have to wait to be called on.**

A: Well, again, radio the information into the dispatch to try to determine, in fact, whether it is stolen or not, and I think it's even more reason why the officer should try to wait for the backup officer to arrive before he takes any action with either of these, or both of these, individuals.

D: I would confirm with dispatch definitely, that, whether the car is stolen or not, and if it was, or I had reason to believe it was, I would wait for my backup to get there and I would probably order them out of the car before I approached it.

B: I would, yeah, confirm if it was stolen or not. If it does come back stolen, I would request another officer and I would perform a felony stop on the vehicle.

A: About the same I would confirm that it is stolen, and, if it is stolen, and then make sure there is sufficient back up before effecting arrest.

C: I would definitely confirm it first. We had a situation in town where we had stopped a stolen vehicle and it was never taken out of DMV as stolen, and this poor girl just got her car back about a week ago and had a couple of guns pointed in her face on a motor vehicle stop cause it was stolen. Turns out she was the owner of the car, she had all her paperwork. Guess what happened? I had the car as stolen. They just returned it back and DMV still had it as stolen.

C: So I said, "You better get that cleared up". I said, "You'll be driving in Paterson or something, they are going to rip you out of the car".

**R: The third part is the young men ignore the officer's command that they provide identification and get out of the car, and then verbally abuse him. What would the officer do?**

A: At that point, I think you have enough to arrest both of them, I mean, you are asking for identification and you have the right to do that, but something like this, and they do not pull out their identification; it is a crime in itself if they don't provide identification. If it is a stolen car, you've just got to pull them out of the car. At that point, I do not think it's going to get any better; you are simply just walking up there and you ask for identification and, kind of like, 'what's going on guys' and, all of a sudden they start getting combative and stuff. I think, at that point, you just pull them out and arrest them.

B: I agree. With sufficient backup, I would physically pull them out of the car to effect the arrest. You know, you have all the probable cause you need at that point.

D: Yeah, you have enough, I mean, they have CDS in the motor vehicle. It's enough to arrest them right there. If they are not going to cooperate, why push it?

C: Yeah - I would agree with everybody else, CDS in the vehicle, stolen car, not cooperating, pull them out, make the arrest.

E: I agree. It is a definitely arrest situation and your awareness has to be heightened by the fact that it seems like you are having sort of an altercation with these guys. That's going to make an arrest a little bit more difficult.

**R: Going on to the fifth part, the car speeds away. What would the officers do, and what do you think about that?**

A: I would call in that the car is speeding away, reiterate the license plate, give a description of the suspects, and I would attempt to stop the vehicle, call local towns, let them know the direction they are going in and then you've got to make a determination if pursuit is safe or not.

B: It is a pursuit situation, certainly, with no other factors that would determine whether you stop pursuing. It's just calling it in and you are pursuing this vehicle.

C: Oh – yeah, I would immediately let communications know that the car is speeding away, give them all the information, what direction they are going and everything, and I will be in pursuit of the vehicle until further notified.

D: The car has taken off, we should attempt to pursue it. I know, they don't like the word pursue, but, you know, in this case, but, yeah, that's what you would be doing, you would be pursuing.

E: I agree. Let the station know what occurred, get what other information you can, and attempt to stop the vehicle.

**R: We are on the sixth part. The officer is tailing the car, or pursuing the car at a high speed through a residential area. What would the officers do, or other officers do, who may have become involved here?**

A: Well, I think you have to look into the factors of the area you are in, how congested with pedestrians, bicyclists, even other drivers? Number one is safety. How many other officers are in the area that could handle this situation if you can't proceed? I think the officer would have to take all those factors into his mind and make a decision. Is it, first, a stolen car, CDS? Is it worth getting some pedestrians killed, or bicyclists? You know, if this continues with, you are talking about high speed here, so it depends on how bad the area is, how congested, how, you know, how bad they are recklessly driving, the suspects.

B: Yeah, I mean, there's a lot of variables like you said, time of day, congestion, school zone, anything like that, but, in the end, you are still going to have just stolen property and CDS and it's not like somebody's life is in jeopardy but you will put somebody's life in jeopardy, if you wrap it around a tree or something.

B: I would pursue until I thought it was unsafe.

C: I agree totally with that. Begin a pursuit, but, if there is any element of danger, I would be very ready to break this off. I think the key component in all of this is that the actors here are known to the police officer. You know they are in a stolen car, there's CDS, so maybe you won't be able to make a case on that for whatever reason, but you can get them another time; you know who they are.

D: Yeah, I agree with C. At that point, it's not a big thing. That's what they teach in class, that once you know the identification of the actors, you can just break it off. It is a

stolen car not a life threatening thing; they aren't kidnappers up there. Especially my town, you know it's pretty congested most of the time, you are going through downtown at high speed. Forget it, someone's getting clipped, easy. Even putting the traffic aside, I would probably have to break it off pretty quickly.

E.: I completely agree. I am safe, it's not really worth pursuing at that time, and you would have to break it off.

A: Like I said, if the situation becomes unsafe, break it off, catch them later.

**R: The seventh part. The car has come to a halt, this is page five, the car has come to a halt after crashing into a street light pole, the occupants do not appear to be hurt. Officers approach the car. What would the officers do?**

A: Yeah, I would immediately let dispatch know that the vehicle crashed at this certain location. I would then have them dispatch, you know, probably BLS, ALS, and you don't know if there is any type of injury there. For the most part they are shit birds, but you've still got to; it's still your responsibility to provide first aid to them, have the ALS, BLS respond. Then I would wait. Given that my backup is there, I would then approach the car. It's tough, if you know for some reason, if my backup got lost in the confusion or something and it's just me. They could be hurt. It's all for safety. Do I approach the car and get my head blown off or do I approach because you've got units? I don't know, honestly, I don't know what I would do in that situation, you know, it's kind of a gray area.

B: Yeah, like he said, you approach, see that they crashed, definitely call for an ambulance and medics. Do you wait for backup or do you approach the car. It's kind of

like a Catch-22. I have never really been in that situation. I think if I had to approach, I would definitely approach with caution.

C: Again, I am in total agreement. Call for the EMS in case there are injuries and this is a, basically, a felony stop situation. Are you ordering them out of the car, are you not approaching until you have proper back up, which is more than another single officer? I would wait for at least a couple of more officers to approach and then order them out of the car and, through commands, tell them to present themselves in a way that is not threatening to you.

D: I agree with C. Wait for backup; you don't want to do this alone. And, just in general, a felony stop, gun drawn, make commands and wait for sufficient backup before you really approach close to the vehicle to get them out and handcuff them and, then, if you see there's "EMS", even if they don't look injured, just call EMS just in case.

E: Yeah, I agree pretty much exactly with what C said. I would do exactly the same thing, call the ambulance, felony stop, make sure you have backup and, most likely, you are going to have more units with you from the pursuit. I know I have been in maybe two or three. I know it's not a lot, but there were plenty of units there in pursuit.

D: Especially in these areas, you go in pursuit, everyone's there.

E: Everyone joins in

A: Absolutely, fifteen, twenty cars, show up.

**R: We are on page six, the eighth part. As the officers approach the car, the two young men get out and start to run away. What would the officers do?**

A: The two men get out. I would pursue the driver and, hopefully, you know, one of my other officers would pursue the passenger and I would just, you know, keep dispatch notified of my location, my direction of travel.

A: I am just guessing. I mean, if I pulled up on it and it was that situation, my door and his door would probably be, you know, I would probably be much closer to him than to the passenger, so I would pursue him.

B: I don't know. I know by me, and other towns, the biggest thing is get a perimeter going, you know, definitely call, state that they are running in this area, get other towns in there and set the perimeter. Would I go after them? Yeah, I probably would start running after them till, hopefully, get latched onto them before they got buried down behind some houses or something. They might slip through the perimeter and then, we were talking about this before, you have a perimeter, you have an initial perimeter and for that first couple of minutes, it's easy to get through and, once they are through, they're gone, and you are not going to find them. So I would probably start a perimeter and I would keep chasing them.

C: I would notify dispatch right away and I would start running after the slowest guy – and just continue to give descriptions and my location and, hopefully, catch, you know, at least one guy.

D: I would run after them but I would check the car first, make sure there isn't a third or fourth passenger waiting there, you know, to shoot you. Take a quick glance and then go after the slowest guy, like you said, and then call in a perimeter and ask for other towns, surrounding towns, to send a couple of mutual aids in.

E: I would begin a foot pursuit and, also along the lines of what D said, assuming there are a bunch of cops at this point around there, have somebody keep control of the scene there, sit on that car, of course, to prevent them from doubling back and getting back into it. Hopefully, there would be a few younger guys around that could chase after the faster guys.

**R: We are going at the ninth part. As the two men are running away, the officers observe that one of them appears to be carrying a handgun, there are several pedestrians in the immediate vicinity. What would the officers do?**

A: What I would do if I saw that he had a handgun? I would just order him to drop the handgun and see if, God forbid, if he made any type of movement where he is going to be turning it towards me and pointing the weapon at me, I would have to take appropriate action and, you know, just make sure that you have to be aware of your surroundings, what's beyond your target and everything, but, you know, if someone's pointing a gun at you, you have to do what you have to do.

B: I would definitely order him to drop the weapon, throw it down. If he did make any sort of movement to me or any of the pedestrians, yeah, I would take action.

C: Same thing. You know, put the gun down, put it down, put your gun down and, if he made any type of movement towards me or the pedestrians, you know, he is going to get it.

D: I am in total agreement. He hasn't made any overt act, as using that handgun, at this particular point and with other pedestrians around, I would be more concerned initially with being under cover myself and, unless he turned toward me, I would continue to

pursue and I would have drawn my own weapon certainly, to be ready, but I don't think we are entered into a deadly force situation, right at this instant.

**R: Agree with him, disagree?**

E: No, I agree. Yeah, I would definitely alert dispatch and other officers that this guy definitely has a handgun. But there's pedestrians in the area. I would continue to pursue him and, if a threatening gesture with his handgun was made towards me or somebody else, I would shoot him, without a doubt, if, I feel it's safe that no other civilians get shot by my gun.

**R: Everyone agrees?**

All: Yes

**R: Tenth part. One of the two men turns and points a handgun at one of the officers. What would the officers do and, what do you think about that?**

A: Yeah, I'd shoot him. I'd shoot him.

**R: Why would you shoot him?**

A: At this point, he is, you know, he is going to use deadly force, so I am going to use deadly force, you know, but, whether he means it or not, he is going to use it, so.

B: Yeah, he is presenting deadly force, so you would definitely have to use deadly force, and I'd shoot him.

C: Yeah, I mean, if he is pointing a handgun at me that's threatening deadly force against me. I would use deadly force against him.

D: I would use deadly force. Again, I would definitely shoot him, but then you say to yourself, do I have to make that split second decision, are there people right behind him, you know, civilians, so, you know, in that situation, you might recognize the civilians

right behind him and have a chance to take cover first. It all depends on the situation, but if there are no civilians in danger, I would shoot him definitely.

E: Agreed, all extraneous things aside, it's time to put a cap in his ass.

**R: What was noticeable was the following of the Attorney General's guidelines.**

**You stick to your training.**

C: It's so basic; it's something you hear every day you go to work and from the Academy. You can take the classes, that you see it, you use it.

D: You watch this stupid video with the First Assistant Prosecutor and the updates, and what he keeps saying, over and over again.

B: I have always thought that video was, Frank had a way of ... It's very logical, and it closed very nicely, and I wish I had a dollar for every time I have seen that thing through the years, but it's well presented.

A: Hesitation is causing cops to get killed, so, you know, they really spoke bad about, you know, how we are constantly being trained to think, when can I do this, when can't I, and with deadly force it's too late, you get killed.

C: Did they show you the video of the motor vehicle stop trying to pick up drugs and they are being combative. And the cop is calling the guy sir a thousand times and, this guy's got a right to, put the gun down sir, put the gun down sir, like thirty times, and then the instructor said, "At this time, sir is out the window". Breaks out a gun and shoots the cop – and that was like what you were saying, you are so ingrained when not to use it, then you're thinking to justify the shooting very early on and didn't, for some reason or another he hesitated and, at the last minute, he paid with his life. If you get a chance to take that street survival course by Calvery Press, they usually come to Atlantic City, it's

like a three or four day course, seminar and, if your department will send you, if you can go on your own, it's well worth it. It's really great.

**R: When you guys were in the Police Academy, I know when I was in it, there was no role-playing whatsoever in the training, it was basically all classroom, listen and learn. Is that still true today or have they changed the way they instruct?**

C: I just graduated in the summer and we did the role-playing. I went to two police academies last year and we had role-playing in both of them.

**R: Okay, and did you find that that's better or worse?**

C: I think it's definitely better. It is a lot better if you get out there and actually do it than, you know, sitting in a classroom, staying awake and reading it.

E: I think, you know, role-playing is an excellent way to learn.

A: I went through six years ago and we did a lot more role-playing with motor vehicle stops, which I think is great, cause, you know, you are not ready for someone hopping out of the car and coming after you. If you don't do role-playing like that, you are not used to it. I know this scenario came up; I wasn't part of it, I was watching it. The guy got out and he struggled with the officer and put a gun to the officer's head and was telling the backup officer, "Put your gun down, put your gun down". I am thinking to myself, I don't know what the fuck I would do. They said, after the situation, that you never give up your gun. I never knew that, but role-playing, you know, this whole scenario came about, and everyone was like, oh, shit, you never give up your gun, cause then you got two dead cops, so you never give up your gun, so I think role-playing is valuable in stuff like that.

## Interviewer Notes

**Suburban Site**  
Focus Group # 2  
Bergen County Police Academy  
April 24, 2007

The researcher arrived at 0845 and went directly to three classes to ask for volunteers to participate. At 1000, five officers signed the confidentiality agreement to participate in the focus group. The session began at 1200. The five police officers were: Officer A, a mid-Bergen supervisor; Officer B, a mid-Bergen patrol officer; Officer C, a northern Bergen County patrol officer; Officer D, a county-wide patrol officer; and Officer E, a patrol supervisor from mid-Bergen. The officers did not know each other.

All were white but their experience varied widely. The two supervisors had 27 and 18 years, while the patrol officers had 1 year, 2 and 6 years. Two lived in the town they worked in and all lived in Bergen County. Their ages were 24, 26, 29, 45 and 52. Four had graduated from the Bergen County Police Academy and one from the New Jersey State Police Academy. They all started with the police department where they now work. One was a high school graduate, three had college degrees and one had a Masters degree.

This group was very similar to focus group # 1 in that they noted the law enforcement aspects of their job in their responses to the scenario. They focused on the marijuana, but the smell, not the possible sight of it. Smelling it gives the officer probable cause (PC) to investigate further, especially in the car. They, too, noted the mandatory use of force training that is required twice a year as part of the Attorney

General's guidelines. They cited the Attorney General's Pursuit policy with regard to crime, road conditions and time of day. All were very interested in officer safety.

During the discussion, it was obvious that the higher ranking supervisor was well spoken and experienced but he did not appear to dominate the conversation. The group reached a consensus on all points but the younger officers gave their opinions without hesitation. All included personal experiences from their job or training. For example, Officer C cited two training films he had seen. One was of a police officer in Texas who was so polite and mechanical while watching a motorist load a shotgun after a car stop that he was subsequently killed with it. He also mentioned a film in which a police officer had a gun held to his head while his partner was ordered to disarm. He did not know what he would do in that circumstance and had never heard of the book and movie by Joseph Wambaugh called the *Onion Field*, which is a recounting of a true similar situation involving the Los Angeles Police Department.

The group liked talking in a serious manner about an important aspect of their jobs. The session lasted about forty minutes. Again, all refused the incentive.

### Suburban Site – Bergen County

Suburban Focus Group # 3 conducted on May 14, 2007 at the Bergen County Academy

Table # 4.5

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Department	Live in Municipality/ County	Police Academy Attended
31	White	8	College Degree	Det	No	No/Yes	New Jersey State Police
33	Hispanic	10	Some College	Det	No	No/Yes	Bergen County
37	White	11	College Degree	PO	Yes - 1 year in Corrections	No/Yes	Bergen County
43	White	21	College Degree	Det	No	No/Yes	Bergen County

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.6

#### Distribution of Variables by Mean

Variable	Mean
Age	36
Race	3 White 1 Hispanic
Years on Job	15
Education	1 Some College 3 College Degrees
Rank	3 Detectives 1 Police Officer
Previous Police Department	3 No 1 Yes (1 year in corrections)
Live in Municipality/County you work in	4 No / 4 Yes
Police Academy Attended	3 Bergen County Police Academy 1 New Jersey State Police Academy

## Interview Transcript

**Suburban Site**  
Focus Group # 3  
Bergen County Police Academy  
May 14, 2007

Transcript Key  
**R identifies the researcher**  
A, B, C and D identify the officers

**R: The first part of the scenario: it is early evening, and beginning to get dark. An officer is on routine patrol in a patrol car in a suburban area. He observes two rather poorly dressed young adult males, sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contact and who have criminal records. What would the officer do, and what do you think about that?**

A: Stop behind the car, call in the license plate; you want to run the license plate, check on who is out there, and approach the suspects and see if I can identify them and see what they are doing in there exactly.

B: I was going to say, I think I'd probably also immediately call for another car, and probably take one of the guys out, probably the least threatening guy first, out of the car.

C: Definitely. I would let headquarters know what I have and what I am going to do, and run the plate and then proceed to check all identifications and find out what's going on.

D: I'd call the plate in. I'd watch them for a couple of minutes, see what they are doing, get a little bit more intel, and then initiate contact. I would keep them separated, and take

it from there.

**R: Second part: the officer has reason to believe that the car may be stolen.**

A: If I call the plate in and it comes back as stolen, I would treat it as such, you're definitely now on heightened alert. You do not know if these guys have weapons involved; you do not know what other crimes they have committed with that stolen vehicle. At that point, I would make it a felony car stop. If I already initiated contact with them, and I have one out of the car and one in the car, I would obviously take the precaution to protect myself, not knowing what else they are capable of.

**R: What would be the precaution?**

A: Most likely, get the one guy handcuffed and have the other guy come out. I would draw down on both of them, give them verbal commands and try to get them handcuffed, if my backup was not there. If my backup was, which in most cases in our town is a couple of minutes away, I would just relax and let them know what I know, remain calm and once my backup is there, we have the upper hand, then take them into custody.

D: At that point, I think as soon as I found out that the vehicle was stolen, I would definitely, if I am out of the car already approaching the car, or if I am engaged in conversation with them, I would either have to order them, "Listen everybody get your hands up, let me see your hands at all times", and I would just stay back to a point where I could watch them, and I could be ready for anything that may happen, definitely heightened alert and just, you know, wait for my backup. Definitely, definitely want to see hands at all times, and just stay back to a point where I can see the hands and just be ready for anything that might happen, and radio in right away for my backup to expedite.

B: If I have one of the guys out of the car, I guess if I find out subsequent to that, having

the guy out of the car, I do not know about you guys but, if I hear it on the radio, sometimes they use a codeword, that the car's stolen, I would push off the guy, draw my gun, and retreat behind my door, and hold them there until the other guys come. If one guy runs, he runs.

C: That is right, we do have a code, if there is something that dispatch wants to tell us, a 38, on the radio, so stand by.

A: Maybe that guy's wanted for murder. Hold him.

C: That is what I was going to say. I really can't tell how far you went into approaching the car, if you just saw the car, and you're still in your car, then you might want to stay back and wait until another unit arrives. If you're already engaged in the conversation or engaged the two kids, now you're in a different situation, now you have to, you can't just run back.

A: It is like a fork in the road, once you're already past it, you can't go back. If I know that the car's stolen, I can call it in. I am watching them, and it comes back the car's stolen, alright I am going to sit on the car until there're more cops here.

C: But if you're already...

A: But, if I am already talking with one guy out of the car, then find out that the car is stolen, then you're going to take a different route.

A: Generally, I like to have, if I think that there is a further problem and I am already speaking to them and they have not heard what's going on, obviously if the car is running I will have them turn off the car and, if it is something, that it may be a stolen car or whatever, if there are keys in it, hand me the keys and walk away, and make sure that you got backup and then start sorting people out of the car. I do not like people out of the car

until I know what's going on and I have another officer there. I am one officer, one guy out in front of me and another guy in the car, I can't control both of them at the same time, so I'd rather have everybody in the car until I have a second car there.

B: You want the upper hand: It is, like, to your tactical advantage.

**R: The next part, the young men ignore the officer's demand that they provide identification and get out of the car, and verbally abuse him. What would the officer do and, what do you think about that?**

D: I think, at that point, if I am still by myself, I would think the best route is just to wait for backup, no doubt about it. I am not, if they are already ignoring my commands and I know that the vehicle is stolen, I am not going to proceed or get into something. You never know, at that point, what might be in the car or how they might react, if they are already talking back to you. I think, at that point, it is, I just have to stand by until backup gets there. Once again, depending on how far I am, if I already approached the car, I would probably have to retreat a little bit. I might just take my gun out. I do not know at this point what's going on, you know, it is a stolen car and they are not listening to my commands and, you know, making sure I am waiting for my backup.

A: Along the same lines, if I know the car is stolen, they do not know I know this information yet. They are cursing at me, "Fuck you, cop". "Hey man, just relax, bro, I am just trying to do my job, what's going on?" Blow smoke up their ass, stall them, until my backup gets there. I am not going to try and be a hero and take on two guys. When you do not know what they are up to, you can never underestimate a felon. I will just blow smoke up their ass, you know, "What's going on man, I asked you for identification, I just got a call you guys are hanging out here".

C: Definitely disengage from them and try to calm the situation a little bit, if it is getting out of hand. You have to have a second officer there before you go any further than that cause they may be planning to come after you at one point and then one against two is going to be a problem.

D: I still, where I work, if someone talks to me like that, I would just keep my radio keyed. Anybody could hear what you're saying and that gets people there faster, even if you just call for backup from your own town. The best insurance is to get another guy on your team there.

A: I have done that before. Some people started yelling at me. Key the radio. "Sir, please go back to the car." "F you". They start coming.

D: From everywhere.

A.: And then he doesn't know that they are coming.

D: Right.

A: You do not even have to say, "Hey, get me help here."

B: I think that is a big difference with the smaller towns. We usually have two people working. There are two cars and I am on a stop. Whatever you called out on, the other guy's already working his way over there.

A: They even know your voice, too. I mean, if Officer X calls for backup only when he's got something. You know, there are guys that call for back up, nothing's there, then they are calling back frantic.

**R: Okay – here is the fourth part. In response to the officer's demands to show identification and get out of the car, etc., the driver starts the car. What would the officer do, and what do you think about that?**

A: Again, my concern is my safety at this point, so, if I do not have backup there yet, sorry, at this point, I will probably have my weapon drawn and pointed at the driver, warning him to shut the car off. What that is probably going to do, probably nothing, cause he is probably going to start to go anyway. I am not going to, you know, jump in front of the car. I am not going to try to wrestle him for the keys and I will probably let the guys coming know that he starting the car and he is going to bolt.

D: He will probably start running until you get the guys involved in the pursuit.

A: The chase, yeah.

B: I am not a huge fan of drawing your gun too early because, if you have no reason to use it, then it is in your hand and, if something happens that is not going to require your gun, then your gun's out and it is available. I do not know about pointing a gun at a guy that is starting his car. At that point, I am going to retreat to my car probably and wait to see what the next move is, whether he is going to take off and, again, wait for another guy to get there. That is it at that point.

C: See, I did that once and, complaints. The one time, the driver, he is revving, and I am, like, "Do not do it; do not do it", and he did it and I ended up ripping the handle off the car and a chase. The other one, I reached in, it was a stolen car. I reached in, he went to put into in park, I grabbed that hand, to slow him down a little bit, then yanked him out of the car. There was only one person in the car. You get two people, it is a little bit different, but I would probably react the same way, you already got them on a good solid crime, stolen car. The use of force would be justified.

D: That happened to me, but not with a stolen vehicle. I stopped the car. The car stopped. I approached the car. As soon as I got to the driver's side, the guy just took off.

I just ran back to my car, called it out and, just, I gave them whatever I had. But, I think, I, if it is a stolen car, with two people in the car, I probably would definitely have my service weapon ready and either backup and see if I can see that they are going to start the car. It is because they are going to take off, and then I'd just back up to my car and just engage into whatever's going to happen, but I would just be ready in case; you never know if they are going to turn around and try to shoot at you. You never know what's going to happen but I am going to be ready. I am going home that night.

C: I do not know how much more you need. You got drug use, you got two guys, and you got a stolen car. You know, if my weapon is not in my hand for that, then I...

D: I agree with you. That is why I am going to retreat empty-handed. I am going to have my service weapon ready and, you know, just in case something comes up, I am going to be right there.

C: One guy is one thing, like you said, but, once there is that second guy, I would think that that is one of those times when I am going to be pointing at both of them.

B: I guess it is all a matter of positioning, too. If you're up on the car, and you're in front of him, you know, you're holding a guy and, I do not know, it is hard to say.

D: Right. It depends where you're at in the whole scenario, too. Cause, I mean, if you're still in the car and, if you're halfway, you can still just back up without any problem. You know, just get back to your car and engage whatever's going to happen...

B: A couple of times, in lieu of the weapon, the other people had their weapons out, I used a baton and smashed both windows. They are like, "What are you doing that for"? What's the first thing, you're in a car and the window breaks, what do you do? Your hands come up. I got some good videos on it, too. Very interesting video, too. It is sort

of like the shock and awe. You break the window but, if the window's down, well then, what then, it is a little different.

A: It is a tough call, and you see it a lot. The media Monday morning quarterbacks the shit out of everything. Watch the events unfold so quickly and you have to make the decisions so fast, there is a million what ifs; there is a million different ways this scenario can go. I mean, how far along is the car in drive, already? And the guy's starting to move? I am not reaching in the car. I see him start the car, okay, I am reaching over. I am going to do something. I am going to slow him down.

C: Just from my personal experience, about eight different times, when we had people, finally got them to stop and guys are running around the car. First of all, they are cross-firing each other. The people aren't getting out; they are just sitting in the car. Break the window; get the car open; yank them out; take care of business. Usually, someone has a gun out.

**R: This part is from page 4. The car speeds away. What would the officer do, and what do you think about that?**

A: I certainly would pursue the car. Call it in, your direction of travel and wait for some help and continue with the pursuit. That is all, until I am called off by a supervisor.

B: Which will be soon.

**R: Easy. I do those call-offs.**

B: You have to. Holster my weapon; run to my car and get behind them.

C: Yeah, I would let headquarters know what I have and, then, at that point, I would just, depends on the tour commander, if he wants me to pursue, continue, stop, but I will continue.

D: There it is. Now it is no longer attempting to stop it; it is a pursuit. You have a stolen car. There is a valid reason to pursue. Headquarters didn't know if you walked up to the car, saw the lock was 'punched', there are burglary tools in the car. You say, all right, it is a stolen car; just call out a stolen car; tell them what you got.

**R: We are on to the sixth part. The officer is tailing the car, or pursuing the car at a high speed through a residential area. What would this officer, or other officers who may have become involved, do?**

D: From my experience going through residential areas, if I see there is too much movement going on, kids. I know there are areas where there are kids everywhere on the streets. I am going to slow down, try to keep an eye on the car, try to see where he is going but I am not going to try to stay on the speed that he is going. If I see that the street is clear and I can stay right up on him, I am going to continue to do it until I think that, you know, somebody else is in danger. I am not going to kill a child or anybody else in the area.

A: Absolutely. I mean, you have to use common sense at that point, if it is the middle of the night, in an area like we live in, it is **rural**, you may be able to get away with that. If there are people around, or it is the middle of the day and there are children out and around, you have to call that off, back off on it.

B: Yeah, I feel the same way. Given the circumstances of the surroundings, the population, the traffic at the time, plus, they are known to you, you know these guys, so why risk having some child or some schmo getting hurt when you know who they are.

B: If I didn't know them then I'd have to take into consideration the environmental factors, you know, what's around, people on the street.

**R: The seventh part, page 5: The car comes to a halt after crashing into a street light pole, the occupants do not appear to be hurt, officers approach the car. What would the officers do?**

A: I think you're into a felony stop so, if you can have multiple officers there, it is perfect. One guy gives all the voice commands; the other guy covers. I like people coming to me, rather than go up to the car, so I say to the driver, "Throw the keys out of the car". He throws the keys out. The driver comes out first; you pull him out, take him first and search and do the same with the passenger.

C: I agree. I think somebody has to take control of that situation, make sure everybody doesn't go running up on the car. It is a cross-fire situation. Stay back; have one guy take over and go ahead and bring the guys out of the car, one at a time.

A: Technically, it would be a felony stop but, what really happens, it is like a dog pile. Everyone wants to get their hands on it. That is the way it is. I mean, if you have prior knowledge there is a weapon there, then you treat it differently but, from what I see here, that car becomes a magnet and everyone wants to get their hands on it. That is what happens. You just have to deal with it. You have to try and look out for cross-fire and do the best you can.

A: Ah, it is not always a good thing; it is not always a bad thing. I mean I have the mentality someone's always got a camera. Everything I do is on videotape and there have been situations where people get a little crazy, like videotape. I just scream out, 'videotape' and that literally diffuses the future possibility of excessive use of force, cause every asshole's got a video camera on their phone now, so you have to be careful of what you do.

D: I agree. The perfect scenario would be: totally stopped. Most of the times, it doesn't happen like that. It is not a great thing for everybody to rush to the car, but, we've all done it; we all do it.

A: It would be nice if the guy's not out there by himself.

D: It would be nice if he did it the right way, but, most of the time, it doesn't go that way.

B: That first guy that runs up, then you have to go, too.

**R: Right. You're definitely drawn in.**

C: Yeah. You have to go.

D: From the bad guy's perspective, you have guys rushing the car. The guy's going to know, unless he's a hardened criminal and he knows he is going away for a long time, they are going to give up. Somebody let the round fly on the way up, and everybody thinks, 'Who's shooting?', and then you get like a New York City situation, you're riddling the car with bullets.

B: That is a big problem. I and my Lieutenant, going to a firearms program, and we see that. I do not know if any of you guys is a firearms instructor but you never let the round go. You go, "Who let the round go? Why did you let it go? Why did you guys shoot?" All right, you're co-defendants now. You have to think like that, just cause you hear shit...

A: It seems like a dog pile does always end up in a cross-fire. As soon as you got a guy in the front pointing his gun at the guy in the back. And all it takes is if somebody does have a gun in that car, if one shot does go off, there can be blasting all around.

**R: Okay, we are going onto the next page, page 6, eighth part. As officers approach**

**the car, the two young men get out and start to run away. What would the officers do, and what to you think about it?**

D: I am hoping that, at that point, that I am not just there by myself and there are more guys out on the stop. I am definitely going to aim on one and chase it and call it out where I am headed to. If I am back there by myself and I do not see a unit at the time, I am going to go after one and I am going to try to see where the other one is going and call it out and continue with the one I am going after but, I am definitely going to stick to one.

C: I, pretty much, in my experience with the stuff, but in the tough situations I have had, you pick one, I do not know, the one with the brighter hat or something. You go after that one person. You do not worry about the other one, usually the driver probably. You know, you pick one and then I can forget about the other one. You almost forget that. I hope the other guys chase that one. And you would, just go after him as best you can and hope he doesn't climb a fence cause that sucks – with those shoes you can't climb a fence.

A: I got this thing about chasing people; especially, I got this thing about taking the keys out of the car before I go. I always grab the keys and run, because I am always afraid someone's going to circle around and take my car and I am going to look like an idiot. So I take the keys and run after one guy. It has happened before and usually they get away, cause I am not the perfect guy, like in the class or in the book. Keep on one guy, and like C said, hope that they go after the other guy, and call out. What D said is right, you have to keep telling people where you are, cause I have been through that. It is very wooded by us and you get lost in these woods and, you know, you do not know if

somebody's going to be waiting around the corner for you.

A: I would definitely go after the driver. I have had a couple of those. I'd throw the car in park while it was still moving and, I only keep one key in the ignition. I learned this, just something an older guy told me. I keep one key in the ignition: Throw the car in park; turn it off and hit the lock button and close the door. Sometimes the car is still rolling. It will slow down; just throw the emergency brake on. It is bad for the car but it is better than having that asshole come around and get the car and steal it and then you have to go after the driver.

**R: This is the ninth part. As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity. What would the officer do, and what do you think about that?**

A: Loud verbal commands, "Drop the gun." I want every swinging dick that is out there that I know; that this guy has a gun and I am screaming for him to drop the gun. That way, if there is a shooting and they are going to interview everyone around, "Yeah, that officer told him to drop the gun, I heard it a whole bunch of times". And just chase him and, if he doesn't stop or he drops the gun, obviously I am going to try to pick it up while I'm chasing him and continue to chase.

B: It is getting rougher and rougher. Now, at that point, I am not going to just stop cause he's got a gun. 'Cause, you know, what if he stops? He might come across your partner or something, who doesn't know he has a gun; and shoot him or hurt an innocent person. You do not know. What are you going to do?

C: You know, at this point, I would start thinking that I am going to have to end up shooting this guy. You know there are so many things now. Shooting and running is

almost impossible. Am I going to remember even voice commands at this point, probably not. Probably seem like, oh, shit, he's got a fucking gun and now there are kids over there. By now I am probably thinking, do I have a shot, do I not have a shot, will I hit the innocent people, but, I mean, at this point, I am really going to have to start to think that way. You might have to knock him down and, I think, you know if you did, I think you'd be good because of the situation.

B: That is kind of rough, if he just has a gun and he is running away,

C: I will tell you from experience, we had a robbery, the illegal gambling place. I was working that Sunday; a detective was checking out the place when it was robbed. It turns out we followed the car. Everybody headed towards the area. One of the guys jumps out of the car and the guy that jumps out is the guy that is carrying the gun. I see he is running up across the street. I am coming up on him in the patrol car, so I almost hit him with the car. I saw him with the gun and this is what I did. That is why I did what I did. After I did it, I kind of thought about it and said, "Maybe, I should never have done this, should never have done that", but that is what I did. I got out of the car. I pulled out my gun and I started chasing him through the rear yards of houses. He jumped over three fences, with his gun on the side. Right away, I got on the radio, said, "He's got a gun, he's got a gun". Our sergeant says, "Everybody be careful, they might be carrying guns", but, when I saw him with the gun, right away, I told him, "He's got a gun; he's got a gun". After that, he went over one fence. He kept looking back. I tried to aim to his side and tried to keep moving from side to side so he didn't know where I was at all times. It came to one point where he kind of turned around and, as I am running with my gun and, I kind of slipped and, I thought, I will have to shoot him and, for some reason, he just

looked back, jumped the fence and then he threw the gun up in the air and finally we caught up to him. It was loaded and then, after the fact, I realized that I did things that maybe I should've never done. Maybe I was too close to him. I kept thinking, you know, he could've just turned around and shot at me but that is what I did, you know, I stayed on him. I knew he had a gun and I just kept chasing him. I had my gun out and, at one point, I really thought I was going to have to shoot the guy.

I think that rerunning the scenario in your head is a great thing to do. It sorts of fucks with you but you learn from that. Oh, that is my experience. I learned from it. What I can do better and what can be avoided next time. You rerun it a thousand times in your head.

B: I think probably, in a situation that D was in, when you tell that story at the end of the day, it is in a joking matter. I am chasing this guy and he is doing this and he is doing that and maybe you're having a good time with it later, but, I guess, maybe later you're thinking about it and you say, "Jeez, that is my whole career. That is my life that could have been out the window".

C: Yeah, especially when I know that, at that point, where they turn around, I see that I am going to have to shoot this guy. It was so quick and, then he just turned around and continued and, then to find out that the gun was loaded, it was a 38 special, you know, messes with your mind even more. I am not going to lie. When I got back to headquarters, I was kind of upset.

C: That is why I said that is what I did. After you really think about it, it is like, wow, my family. Why did you put me in that situation? That is what I kept telling the guy, but I was mad; I was loud.

B: I, too, was in a situation with a loaded 223 in his car. We have a couple of motels on Route 17 and I am walking up on cars all the time, just guys who were occupying the cars; Maybe Joes and hookers, maybe using dope, you know, small stuff, and I didn't walk up on this guy. For some reason he pulled out and just went and we went on a chase into Mahwah. Lucky my partner was there 'cause I had no idea where I was. Guy blew out his tires and he was blowing sparks and everything. He got out of the car and ran into somebody's backyard. We found him and when we are bringing him back, he said, "I would've killed you. I would've killed you mother fuckers if I had the chance". And we are, like, we approached his vehicle; in the front seat, right in his front seat is a 223 and nearly 800 rounds of ammo and it was ready to go. So it doesn't matter what vest you're wearing or whatever. If I had just walked up on him, he would have just taken my head right off.

A: At somebody's house, he could have killed people in their house with that.

C: I somehow understand about what you feel about something like that, cause it does mess with you.

B: But then there is also part of you that thinks, you know what, if he had pulled out that gun, how would I have? I would've won, you know, cause you believe in yourself a little bit.

B: You're just hoping that you do not miss that first shot because, if you do, then it is...

B: For two days I was, you know, you do not sleep to think about it.

**R: Did you change your tactic?**

B: I went and got a level three vest. It wouldn't make a fucking difference but that is what I went and did. The heavy level three vest.

**R: Do you wear it?**

B: Yes.

**R: Okay - we are at the tenth part. One of the two men turns and points a handgun at one of the officers. What would the officers do? and What do you think about that?**

A: I think it is time to shoot someone. You're being threatened with a gun, you know, so, I am going to shoot before he gets a shot off.

C: Yeah, I agree with that.

B: Yup. I am going home at night. My family's way too important. You know what, take my fucking job. I will shovel shit over at the Home Depot; my family is too important to me. And you know what, people try to turn it around. Why did you have to shoot my client? It is disgusting what you see in the news today. Why did you shoot my client? Hold on, why did your client have to steal a car? Why did your client have to carry an illegal gun? Why did your client have to point it at me? If your client simply gave up, there wouldn't be a problem.

D: Not only do you have to make a decision, you have to make it in a split second.

B: My uncle, he was a Paterson cop. He always used to say, "I'd rather be tried by twelve than carried by six". I heard it all the time and I think he is right. Why did you shoot him 36 times? "That is all the bullets I had."

B: And then we also, we would have to interject, who's in the way. Are there still pedestrians behind him, or whatever, then that is going to change everybody's idea. Am I going to shoot if there are kids running around behind him or am I going to run for cover?

D: You know what I think. The minute I see someone pointing a gun at me, at that point, it is just my life or his life, and he has got a gun. He is pointing a gun at me, so...

A: You'd probably shit your pants first.

D: Right.

A: That whole thing, that takes like a half a second.

D: I think I am going to go home and, hopefully...

A: Everything is going to work out.

B: We were talking outside. You see a lot of videos where cops are justified and they are hesitating. Why? What's going through their heads? Am I going to get sued? Am I going to lose my job? You know what, fuck all that. I am going home at night. I am justified. I am taking the shot; I am going home. I have been to way too many funerals. I already lost a partner, fuck that. I am going home at night.

## Interviewer Notes

**Suburban Site**  
Focus Group # 3  
Bergen County Police Academy  
May 14, 2007

The researcher arrived at 0840 and went directly to the Hall of Heroes auditorium, where a class on undercover police work was already in progress. He asked for and received permission to speak to the officers. He outlined the research and asked for volunteers. Four officers said they would participate and two others said they could do it the next day. With that promise, another focus group was scheduled for then.

Focus Group # 3 began at 1150 because the officers got out of their class early. The four participants were: Officers A and B, from northern Bergen County towns; Officer C, from mid-Bergen County; and Officer D, from western Bergen county. Officers A and B knew each other, as did Officers C and D. Three of them were detectives (one a supervisor) and the other was a police officer assigned to a street crimes unit. Their ages were 31, 33, 37 and 43 years old. Three were white males and the other was Hispanic. Their years on the job were 8, 10, 11 and 21.

One had some college and three had college degrees. Three were born in Bergen County, while the fourth was born in South America. None lived in the town they worked in but all lived in Bergen County. One officer had previous experience as a prison guard. Three were graduates of the Bergen County Police Academy, while the other went to the New Jersey State Police Academy at Sea Girt.

The group established probable cause (PC) for the car stop. They made sure they were legally justified in the actions they would take. Even though it was explained to them that the discussion was focused on the actions of another officer, they all answered as if they were personally involved. This goes directly to the point of justification for the use of force and the normative criteria used. There was no disagreement on what was to be done or how to do it. The primary concern throughout was officer safety. The men thought tactically at all times. Their next concern was for the safety of the public.

As a group, they were not as fast to act/arrest but rather tried to think through the situation. This might be the result of their detective training. In the part of the scenario when the criminal's car crashed, they were in no hurry to run up to it but rather wanted to wait to make sure of the safest way to do it. When the criminal ran with a gun in his hand, they spoke of all the variables involved in the decision whether to shoot or not. Officer C recounted that he had been involved in a similar situation in his town where, as he was chasing an armed robber, who had just committed a crime, through backyards, when the criminal turned around gun in hand and Officer C thought he would have to shoot. The criminal hesitated for a second, then turned and began running again and threw away the weapon. Officer C stated that he played the situation, and its magnitude, over and over in his mind.

When asked for feedback, the group said that they all liked the discussion and asked if they could read the dissertation when it was completed. The session ended after fifty minutes. No one accepted the incentive.

### Suburban Site – Bergen County

Suburban Focus Group # 4 conducted on May 15, 2007 at the Bergen County Academy

Table # 4.7

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Department	Live in Municipality/ County	Police Academy Attended
26	Hispanic	5	College Degree	Det	No	No/Yes	Bergen County
30	White	7	High School	PO	No	No/No	Bergen County
34	Other/Asian	12	Some College	Det	No	No/No	Bergen County
38	White	16	College Degree	Det	Yes-3 years with another PD in the county	No/Yes	Bergen County
41	White	20	College Degree	Det	Yes- 13 years with another county's PD	Yes/Yes	Bergen County

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.8

Distribution of Variables by Mean

Variable	Mean
Age	34
Race	3 White 1 Hispanic 1 Other/Asian
Years on Job	12
Education	1 High School 1 Some College 3 College Degrees
Rank	4 Detectives 1 Police Officer
Previous Police Department	3 No / 2 Yes
Live in Municipality/County you work in	1 Yes / 3 Yes
Police Academy Attended	5 Bergen County Police Academy

## Interview Transcript

**Suburban Site**  
Focus Group # 4  
Bergen County Police Academy  
May 15, 2007

Transcript Key:

**R identifies the researcher**

A, B, C, D and E identify the officers

**R: We have five police officers from Bergen County. I am going to read this scenario. You can read along with it and then there will be two questions after each part of the scenario. The questions are: What would the officers do and, what do you think about it? First part of the scenario: it is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in a suburban area. He observes two rather poorly dressed young adult males, sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer, as people with whom he or his colleagues have had previous contacts, and who have criminal records. First question is, What would the officers do?, What do you think about that?**

A: I would definitely approach the two individuals. I would advise my dispatch that I would be out with two male parties doing an investigation. You want to go into the whole scenario, about approaching them and about what else I would do after that, or... I would definitely make contact and advise.

B: That is a good question. Are we in uniform now or in plain clothes? So, now I am, like, as a uniform you are approaching, they kind of can tell what you are, as compared to

a plain clothes detective where you have to identify yourselves.

B: I would, you know, probably pull my belt chain out on my waist and I'd identify myself, and I am going to approach in a calm manner, for whatever reason, I do not know. If I know that in the past I have dealt with them, I'll be like, "Guys, what the hell are you doing here, come on, give me a break", along that line, that is. If I have come across them in the past, they are smoking weed, I guess, I tend to take that a bit lighter than other drugs, so to speak.

C: I would approach the vehicle; I would see if I did recognize them, see what it is and then, depending on their reaction and stuff like that, depending on whether I would call into dispatch or not.

D: I would look into the car. If they were smoking, I would call it out; if they were doubled up, I would take them out of the car; if they weren't, I'd wait for another car before I took them out. At the very least, I am going to the car if they are smoking.

E: I'd stop the car, approach the car, see if I can get a status report with the two people in the parked car. I'd get a contact. I would take into account whether their contacts were positive or negative and what other crimes they've been involved in. If it is, they are smoking a joint, if it is marijuana, I mean, I would see if maybe I could get something more out of them and, in light of their cooperation, maybe I would let them go or see what else I can get from them.

**R: We go on to page 2, second part. The officer has reason to believe that the car may be stolen. What would the officer do, and what do you think about that?**

A: If I have reason to believe the car is stolen, obviously get them out, have them sit on the curb. Then I would contact, I guess, dispatch, or call for a unit in the area to come by. I would just try to keep them secure, not let them know what I know.

B: I agree with A with the part saying, you do not always know, not letting them know that you know that the car's stolen, same thing, kind of, you know, mainly focus on the marijuana. It is not a big deal just to keep them calm for the time being for another car to show up.

C: Same thing but I would have a second car there before I pulled them out of the car in the first place. He'd be watching them and I'd be going through the car.

D: Yeah, I agree with them. I definitely, if I knew it was stolen, I'd have another car on the way. A marked unit, if I am like in plain clothes, just for that chance that these guys decide to take off, we can box them in or do whatever you have to do prior to getting, was it in a parking lot, or on the street?

**R: On the street.**

D: Yeah, so kind of box them in so he doesn't get the opportunity to get away and cause further damage.

E: I would, at that point, I wouldn't even approach the vehicle. I would step back, radio my headquarters, advise them of the possible stolen vehicle, they have any available unit to send them to the area. Then try to deal in the surprise and come up on them, like D said, try to box the car in ... It is a vehicle stop at that point.

**R: The third part. The young men ignore the officer's demand that they provide identification and get out of the car, and verbally abuse them. What would the officer do, and what do you think about that?**

A: I am pretty sure I'd have somebody with me at this point, so we are going to do what we have to do. And I know more cars are coming. I know a lot a cops are going to be coming. It is a stolen car. I am going to have 10 or 15 cops there in two minutes. If they are coming at us, I've got another cop. We are just going to, if we've got to detain them, we've got to roll around. I know help is coming, so.

B: I would use verbal commands. Tell them, do not make it worse than it has to be and, you know, to stay seated. This way they are at a lower position and they are not in the position where they can get the better of me. You should be able to see it coming and, again, just wait for the additional unit to come.

C: At that point, I assume that you have a motor vehicle stop. If they refuse to answer the commands, I guess we'd have to extract them from the vehicle and, once we detain them and search them, we could try to find whatever identification they have, whatever identification is in the vehicle.

D: You said they are already out of the car, right, so I am going to make sure that they are not going to both gang up on me from each side, so I'll take a step back, do what I've got to do, try to talk them out of escalating what is already a stolen car to like an aggravated assault or would, you know, turn out even worse.

E: Same thing, just pretty much try to do it more of a verbal thing before it gets to anything physical. Make sure you are dealing with one person at a time, not both at the same time, especially, you know, backup's going to be coming soon, so, if you are holding them off, you are holding them off, for maybe like a minute, if that, tops.

**R: The fourth part is, in response to the officer's demands to show identification and get out of the car, etc., the driver starts the car. What would the officer do, and what do you think about that?**

A: I am going to hit him. I know you are going to hit him if he starts to start the car. I'll put it in gear cause I do not want to get into a motor vehicle pursuit if I do not have to. A crowded street, kids around, whatever, so I am just going to do what I feel is necessary to prevent further problems, further whatever.

**R: Okay, you guys know that you can jump in, you do not have to wait. If you have something to say, please, just jump in.**

B: I mean, at that point, and it is basically all bets off, I mean, you do whatever you've got to do to keep the car there, try to avoid pursuit, try to keep everybody's safety in mind.

C: Absolutely, you are making contact with him. You are extracting him. You are macing him. You are doing something, in order for him not to flee at that point. If he was smoking marijuana at that point, you know, technically you can arrest him. If he's trying to get away, he's already a collar, so you are bringing him in one way or the other, especially he's got a car. You know, when he starts that car, you do not know if he's trying to run you over or whatever he's going to try to do at that point.

D: I am going to do the same thing. I am going to try to use my vehicle to make sure he doesn't leave or, if I am out and if I have to, I'll swing in and try to grab the driver or the keys. It depends.

E: Same thing. You know, if they get back in the car, try to make sure they do not get in the car.

**R: Going onto the fifth part, the car speeds away. What would the officers do, and what do you think about that?**

E: They are both in the car? Chase the car. I wouldn't even think twice about it at that point and ... okay.

**R: What are you thinking about as you are chasing the car?**

E: I am thinking of calling out my location, the direction it is heading, pretty much seeing if there's another car in the area that, you know, if he sees the car coming the other way he might stop or decide, you know, if he sees another car that is there, he might actually terminate any type of chase or anything. He will most likely decide that on his own.

A: Same thing, just call in the location and try to get close to the car, see if you know the people's two identities, then I would probably just chase it if I can, but, if I got to the point that I couldn't control it any more, then just cut it off and issue, do the paperwork.

**R: Okay, when you say do the paperwork, what do you mean?**

A: The warrants and summons. Depending if it is a stolen car, it would be warrants, summons for possession of weed if, you know, I saw them smoking or under the influence, the driver, if you knew him. If not, you are going to chase him again and, if it got out of control, you'd cut it off.

**R: We are in the sixth part. The officer is tailing the car, or pursuing the car at a high speed through a residential area. What would the officers do? and What do you think about that?**

A: That kind of goes with the fifth part; use your judgment, whether to pursue or not. Like you said, do you know the identity of them and it is a stolen car, maybe get a, you

know, use your discretion, children around. If you already know the identity, what's the rush got to be? You are going to get them eventually, the way I look at it.

B: Same thing. You know, if it is later at night, you know, he starts getting on a highway, you know, it is one thing; but, you know, residential streets, you know, school time, something like that, it is a different game.

C: As long as these people are a variable, you take into account the time of day, the traffic congestion, the pedestrian traffic. If the guys are known, you have prior contact, you know where he lives, you know what their identities are. Go back, file the warrants or complaints.

D: I agree, same thing. You weigh it out real quick and, in a residential area, it has to be a little bit more than this to keep pursuing.

E: Same thing. You cannot explain hitting a kid or someone crossing the street for a car that you think is possibly stolen. It is not going to fly; you are going to end up in a lot of trouble. So everything comes into play and you, hopefully, get them at a later time.

**R: We are on page five. The seventh part. The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car. What would the officers do? What do you think about that?**

A: At that point, I would pretty much know if they are in the car, they do not appear hurt. I am not going to approach until I at least have another car. It is going to be definitely a felony stop at that point. You know, if I cannot see in the car, whatever else, we have to extract someone. We are doing it one at a time, and definitely if there's more than one officer, we would wait. If there are like tinted windows, those are going, you know, and

just take it step by step, you've got to calm it down at that point. If they've already come to a crash, and they are already, they are not going anywhere, so to speak.

B: I am running right out as soon as they crash. I think it is a cinch; I am jumping right out. I am grabbing the driver first, probably crazy, but that is what I would do. I do not think. It is probably not safe for me, but, I guess, I am just used to doing stupid things. I think it is the adrenaline, the rush; it ends, you go, you grab him. I am thinking it is more bail-out than anything. I mean, it is hardly the best way, but experience says that, if they are not hurt, they are going to run, so, by us, everybody here is going to run up to the car. If we've got more, or something like that, maybe we would think twice about running after the car, doing it the right way, like we should. We all do pursuits. Nobody ever does it that way.

A: And, also, you want to get one body under arrest to justify the whole scenario.

C: The same exact thing, you are running up to the car. You are grabbing somebody. One of the guys runs, another car is coming, and they are going to pick up the chase after him, too, so...

**R: We are going to go on to the eighth question. As officers approach the car, the two young men get out and start to run away. What would the officers do, and what do you think about that?**

D: I am going after the driver. I am going to do what I have to do. I'll run after the driver. I may say, you know, you'd better stop or I am going to shoot, or anything like that, but my gun's still going to be in my holster, cause I know it is not good out, especially just running after somebody.

A: More than likely, I won't have the radio in my hand, so the other guy's... I am going to throw everything but the kitchen sink at him, my flashlight, the handcuffs, whatever it takes to threaten him. I am not going to worry about threatening him,

B: Like he said, driver number one cause the guy in the car, the other guy, always has a story about, you know, he was trying to get out of the car, whatever, he told him to stop. There's always a story, so we are definitely going after the driver. I have a radio. You can actually yell out where the passenger's running, give a call-in description of what they are wearing, but definitely your driver is your main goal at that point.

C: Yeah, same thing.

**R: Okay, we are going onto the ninth part, as the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity. What would the officers do, and what do you think about it?**

A: Basically, the same scenario. If they draw down on you, obviously you are going to take some precautions, you are going to try to get cover, concealment. But, I mean, as far as they are still running, there's no, there's a threat, but it is not immediate. I mean, he hasn't pulled it out, he hasn't pointed it at anybody or yourself. I mean, you've got to basically keep going after him, I guess.

B: Now, I might be running after him with my gun out, and I'd run, same thing, yelling stop and stuff like that.

C: The guy I am chasing or the other guy? You see, you've got to keep running till he turns and tries to draw down on you. I do not know if I am going to have it out yet. I do not know. I guess you've got to play the situation as it rises. I mean, sometimes you pull

your gun out, you yell stop, freeze, just as a deterrent, so he does stop, 'cause you are out of breath and you do not want to run any further. That's happened before, guy's stopped before, and I do not want to say yes or no, 'cause if that is ever going to happen, you know, you want him to think, "Christ, maybe this guy will shoot me, maybe I better not do it again." As long as the guy is still running, I am catching up, I am just going to tackle him before... I am going to try at least. I am not saying it is going to happen, then all of a sudden he's out of my sight or something. You ain't going to pull your gun out when you are only looking for him.

D: I've already lost him at this point, so, I'll call it in, let them know where D ran, and then let somebody else get him.

C: You've got to catch your breath just to talk over the radio when that happens. I am not even going to get to that point; I'll stay in the car as long as possible.

E: I think the gun is definitely coming out at that point. If I can see something, maybe find some cover or something, at least I'll try to see that, but I am going to at least keep a sight on him. I am not totally going to lose him, whatever distance it might be. I think, at that point, you almost want to get him even more. If you think, he has a handgun at that point, you do not know. If he starts shooting other people are going to get killed, and that is more of an incentive to stop this guy. You are going home before he's going home pretty much at that point, so if he has a handgun, you are not going to take out your nightstick.

**R: Going to the tenth part. One of the two men turns and points a handgun at one of the officers. What would the officers do, and what do you think about it?**

A: Start firing. I mean, you've got to take all the things into perspective, too. If there's kids around, behind him, do you shoot, do you wait, do you take cover? I mean, you've got to take every situation as it presents itself.

B: Are these pedestrians behind? You know, are the suspects behind the suspect's vehicle? You kind of take every situation at hand, then you take your own skills, you know, are you a good shot? I know it is different when you are under pressure; everything is different, but you've got to see, are you, what are the chances of you hitting this guy? You are obviously going to yell gun. You are obviously going to yell out to your partners. If you think it is not even close, I do not know, like I said, you'd almost have to be there. Take the whole scenario in hand, where the pedestrians are, you've been running for so long, a lot of things come into play in those two seconds that people have, you know, a lot of time to think over.

C: There's arguments on both sides. I mean, if there's pedestrians behind me, if you have your safety, the other guys' safety, and there's nobody behind him, it is a free game; just start firing, but you want to prevent yourself from killing sixteen kids on a playground behind him. If he fires back at you, who's behind you? You have to worry about all of that, too. I mean you have a chance to take him out, and there's maybe one or two people in the area behind him, and there's thirty behind you, there's a greater likelihood that someone behind you or yourself is going to get hurt and this guy's going to get away.

D: I think, unless we are actually on a playground, I do not know one cop that says, one of two men turns around, points a handgun, I do not think anybody here would not shoot. I mean, that is it, that is it, that is the ultimate; there's nothing goes past that. The guy's

pointing a gun at you and, like I said, unless you chase him into a church on Sunday morning, unless it is something like, extenuating, I do not think anybody's going to think twice. I do not think you have time to think, you would just chase this guy. I think you are there.

E: I agree. I said in the beginning, I would shoot him. I am going to at least let one off.

**R: Okay. That is the end of the scenario. The summary, as far as I am concerned, has been very similar to all the other groups. What people do is mention officer safety first, then pedestrian safety, then worry about what happens to the criminal. It is in every case. The pursuit and the shooting has been more in line with the Attorney General's Guidelines. It shows that the training is pretty good.**

**Everybody is coming up and saying the basic same stuff. B, I thought you, you are the only one, out of all the different groups, that took in the individual officer's ability as far as shooting. Are you a good shot? Can you do it under pressure? You take into account all these variables. That is the first mention of that variable and it is probably the key one: taking yourself into account. Am I a good shot? Most shootings in police work are between five and seven yards. I thought that was probably the most interesting part of this, when you took (in to consideration) your own, the individual officer's ability, to do something. All of it is safety conscious, which is again good training that we have. I think the use of force training that we get, everybody gets it twice a year, kind of sticks.**

## Interviewer Notes

**Suburban Site**  
Focus Group # 4  
Bergen County Police Academy  
May 15, 2007

This focus group had five participants, the two who promised yesterday that they would participate and three others who volunteered today. They were all there attending the undercover class. The session began at 1200.

There were four detectives and one patrol officer. The volunteers were: Officer A and Officer B, both from a county-wide police department; Officer C and Officer D, from the same mid-Bergen County town; and Officer E, from a south Bergen County town.

There were four detectives and one patrol officer. Apart from those who worked together, they did not know each other. Their ages were 26, 30, 34, 38 and 41.

All had attended the Bergen County Police Academy. Their years on the job were 5, 7, 12, 16 and 20. One had over ten years prior experience with an out-of-county police department and another had over two years with a mid-Bergen police department; both now worked for a county-wide department. Two worked in narcotics, one in general investigations, one in warrants and the other, patrol work. Three were white, one Hispanic and the other Asian. Four were born and raised in Bergen County; one grew up in New York City. Four out of five did not live in the town they work in and three lived in Bergen County, while two did not. Three had college degrees, one had some college and the other was a high school graduate. One felt he worked in an **urban** police department though he did not.

The focus group started with everyone introducing themselves, their rank and their present assignment. Like all the other groups, they established their probable cause (PC) for the car stop. Once it was determined that the car might be stolen, they were the first group not to want to immediately act and arrest. They wanted to play down the situation and not let the criminals know what they knew about the car being stolen. They were interested in distracting the actors and seeing if more information/intelligence could be gained. This could be due to their detective training. They, too, were concerned for their own safety and were mindful of getting backup for assistance. One stated that within minutes he could have ten cars on their way to back him up. The researcher brought up the difference which a **rural** officer might face since his backup might be miles away. It will be interesting to see if the **rural** officers answer differently based on these considerations. All officers felt the dangers of the job.

While discussing the scenario, they were all aware of the surroundings and the potential harm to innocent civilians. This was especially true during the pursuit and the weapon phase of the scenario. While not mentioning the Attorney General's guidelines by name, they all followed them. They spoke of breaking off the pursuit if environmental variables dictated it and not shooting if pedestrians were nearby. One deviation from officer safety was the honest realization that, when the criminal's car crashed, the right thing to do would be to wait and order them out of the car but that they, along with most police officers, would run up to the car and drag them out. This indicated the comfort with the interview environment and the candor of the officers. One very interesting point made by one of the detectives was that the cops would and should take their own firearm capability into account when deciding when to shoot or not.

The officers were in agreement throughout, with no one dominating the discussion. They all got along and respected each others opinions. The discussion lasted about thirty minutes. One of the five accepted the incentive to participate.

### Rural Site – Sussex County

Rural Focus Group #1 conducted on June 21, 2007 at a Sussex county-wide agency

Table # 4.9

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/County	Police Academy Attended
26	White	6	Some College	Det	No	No/Yes	NJDCJ Investigators
32	White	6	College Degree	Det	No	Yes/Yes	NJDCJ Investigators
36	White	2	College Degree	Det	No	Yes/Yes	NJDCJ Investigators
59	White	36	Some College	Det	Yes 30 years NJSP	No/No	New Jersey State Police

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

NJSP = New Jersey State Police

NJDCJ = New Jersey Division of Criminal Justice

Table # 4.10

#### Distribution of Variables by Mean

Variable	Mean
Age	38
Race	4 White (2 Women in group)
Years on Job	15
Education	2 Some College 2 College Degrees
Rank	4 Detectives
Previous Police Department	3 No / 1 Yes (New Jersey State Police)
Live in Municipality/County you work in	2 Yes / 3Yes
Police Academy Attended	3 New Jersey Division of Criminal Justice Investigators Academy 1 New Jersey State Police Academy

## Interviewer Notes

**Rural Site**  
Focus Group #1  
Sussex county-wide Police Agency  
June 21, 2007

The researcher went to a Sussex County government building and met with his phone contact, who was helping to arrange focus groups in Sussex County, the **rural** site. Based on the conversation, she asked her co-workers if any would voluntarily participate in a focus group on the use of force. Four officers agreed. She stated that her boss would not allow the group discussion to be audio-taped. There was no reason given, or sought, fearing that access would be eliminated completely.

The researcher met the four volunteers at 0930. They all worked in the same office. He introduced himself and explained his police and educational background and the purpose for this research. They were given the consent forms and told that the session would not be taped. They stated that they would not have minded had it been.

All of the volunteers were detectives. This was the first group in which women had agreed to participate. Two of the four were female and all were Caucasian. Their ages were 26, 32, 36 and 59. Three of the four have had no road experience as patrol officers.

Three started out as detectives and were graduates of the Division of Criminal Justice's basic course for Investigators held in Sea Girt, New Jersey. The other graduated from the New Jersey State Police Academy. Two had six years of experience, while one other had two and the fourth had thirty-six years on the job. Both women had college

degrees, while the men had some college credits. Two were born and raised in the town in which they worked and three of the four lived in Sussex County.

The first part of the scenario was read to them. It stated: “It is early evening, beginning to get dark. An officer is on routine patrol in a patrol car in a **rural** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contact and who have criminal records”. The detectives were then asked two questions; “What would the officer do, and what do you think about it?” Their answers showed concern about their safety, with regard to where their backup was. In Sussex County, the backup in some towns, like the county seat, are within a minute or two, but in other towns backup can be forty minutes away. The officers described how they would stop the car, call the license plate in to the dispatcher, and find out how far away their back up was. Officer safety was key.

The second part read, “The officer has reason to believe that the car may be stolen. What would the officer do and, what do you think about that?” The officers all stated they would do a DMV (Division of Motor Vehicles) check to see who the owner was and if the car was reported stolen. They read a bit into the scenario by stating that the car might be on a BOLO (Be On Look Out) wanted poster. This would help them determine whether they would make the stop or not, along with how quickly their backup would arrive.

The third part of the scenario read, “The young men ignore the officer’s demand that they provide identification and get out of the car, and verbally abuse him.” The detectives discounted the verbal abuse as totally unrelated to determining what was

taking place. They said that all police officers in the county have a camera in their cars and “are miked up”. The young men’s verbal abuse and their actions would be on camera, so that the tapes could be made for court, and the officers would have a history of what happened.

The fourth part of the scenario read, “In response to the officer’s demand to show identification, get out of the car, etc. The driver starts the car.” The detectives felt that it was imperative to remove the keys from the car. The detective with patrol experience felt that if there were any furtive movements that he would resort to drawing his gun. There was a question of whether to reach in and remove the keys from the car or not to be so physical and put yourself in jeopardy. The reach-in was thought by one of the female officers to be a bad tactic. She felt that you can get the person now or you can get him later. One of the detectives thought of spraying the driver with mace to stop him from trying to drive away. The others stated that you unnecessarily increase your liability if the driver can not see after he is maced, and then tries to drive away. The car becomes a 20,000 pound weapon that is blindly going down the road. The detectives also noted that, if they smelled marijuana, they would have probable cause for the arrest.

The fifth part read, “The car speeds away”. Again, they stated they would radio the information they had to other police units. In their office they have a no-pursuit policy since they drive unmarked cars. Regular police officers, who have marked cars, with all the emergency lights and sirens, follow the Attorney General’s Guidelines on vehicle pursuits.

The sixth part stated, “The officer is tailing the car, or pursuing the car, at a high speed through a residential area”. These officers took into account the time of day,

whether there were kids around, the safety factors both for themselves and the public, especially the public's. They knew who the driver was and they felt that they could pick him up later. Detective work involves a lot of follow-up investigation. It is not immediate decision making and this is in line with their background. They knew who the driver was and they would pick him up later.

In the seventh part, "The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt, officers approach the car." The detectives said they would approach the car with their weapons drawn. They wanted to arrest and handcuff the criminals and then call for an ambulance. This was a little surprising, in that the officers were going up on the car, instead of waiting and having the criminals come back to them. It was a more aggressive patrol approach than a detective one.

The eighth part read, "As officers approach the car, the two young men get out and start to run away." The detectives said they would go after the driver because he is in possession of the stolen property, which is the car. If you pursue the passenger, he can say he had just gotten a ride and he did not know that the car was stolen. The driver would have trouble stating that in court. The detectives were looking from the court perspective of prosecuting the case.

In the ninth part it stated, "As the two men are running away, the officers observe that one of them appears to be carrying hand gun and there are several pedestrians in the immediate vicinity". The detectives said that they would order the man to drop the gun. Stating it in a loud command voice would alert everyone that he is armed. They were looking out for everyone's safety. One of the detectives noted a saying that is common in policing, 'That you would rather be tried by twelve than carried by six'.

The tenth part read, “One of the two men turns and points a handgun at one of the officers.” The reaction among the detectives was unanimous; they would all shoot. The two women stated that they would make sure that they were going home to their kids.

The session lasted about fifty minutes. The basic investigative training they received was handled by the Division of Criminal Justice Training Academy in Sea Girt, which is separate from the State Police Academy located there. The Division of Criminal Justice Academy focuses on investigation rather than patrol duties. Its training regimen is militaristic and the women felt that they were treated the same as everybody else. Once they graduated from their academy, their training was a little different from what police officers receive, which is a field training program where they are partnered with, and trained by, a veteran officer. In this office there was no field training program.

They were similar to the **suburban** officers in that they focused on their safety first of all, then the public’s, then being able to apprehend the criminals. These are proper police tactics. Their detective training was apparent in their focus on what was required to build a good case for court, discounting extraneous issues such as verbal abuse by the criminals.

All four people were very forthcoming; the discussion was free flowing. No one dominated it and the men and women shared their thoughts and comments equally. The women were a bit more laid back in their approach, wanting to make sure what they dealing with, thinking there was no real reason to rush. They were all well trained. The end of the session occurred at 1020.

### Rural Site – Sussex County

**Rural** Focus Group # 2 conducted on July 3, 2007 at another Sussex county-wide agency

Table # 4.11

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/ County	Police Academy Attended
26	White	3	College Degree	PO	Yes-1yr.corrections	No/Yes	Bergen County
32	White	4	Some College	PO	No	No/Yes	Bergen County
32	White	7	High School	PO	Yes-2yrs with another PD	No/No	Bergen County
33	White	8	College Degree	PO	No	No/No	Bergen County

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.12

#### Distribution of Variables by Mean

Variable	Mean
Age	31
Race	4 White (1 Female in group)
Years on Job	5
Education	1 High School 1 Some College 2 College Degrees
Rank	4 Police Officers
Previous Police Department	2 No / 2 Yes
Live in Municipality/County you work in	4 No / 2 Yes
Police Academy Attended	4 Bergen County Police Academy

## Interviewer Notes

**Rural Site**  
Focus Group # 2  
Sussex county-wide Police Agency  
July 3, 2007

The second focus group from the **Rural** area was held in Sussex County, which has a county-wide police department. It began at 1415. The four volunteers were patrol officers. All were white; there were three men and a woman. One was 26, two were 32 and the last was 33 years old. They had 3, 4, 7 and 8 years on the job and two had prior experience in law enforcement. One had worked in corrections for a year and the other was with another police department in the county for over two years. Each graduated from the Bergen County Police Academy. All four were born and raised in Sussex County, though none of them lived in the municipality in which they worked and only two lived in Sussex County. One officer was a high school graduate, another had some college, the third had a college degree, and the last was working towards a Masters degree. The researcher started off the discussion group by explaining the topic: the use of force. He explained who he was, his background and a little bit about the dissertation itself.

The first part of the scenario read, "It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in a **rural** area. He observes two rather poorly dressed young adult males, sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contacts, and who have criminal records."

When this discussion started they all agreed that they would call in the stop to their headquarters and then they would call for backup. It is important point to note that their backup in a **rural** county could be 45 minutes away, with 15 minutes being standard, which is totally different from the **suburban** site where backup is usually 2-5 minutes away.

The second part read, “The officer has reason to believe that the car may be stolen”. These officers put more emphasis on their backup, a result, I believe, of their working by themselves with backup so far away. They wanted to stall the two guys whom they stopped until their backup came. They did not want to agitate the occupants, so they appeared calm and cool, and not tell them, or give them any hint of what might happen or why this stop was being made. Because the officers believed the car might be stolen, they all stated that now was time for further investigation and that their awareness would be heightened.

The third part read, “The young men ignore the officer’s demand that they provide identification and get out of the car, and verbally abuse the officer”. Again, the officers asked if the backup officers had arrived. Should they confront them or continue the dialogue? If the backup came, they would confront them; if the back had not arrived yet, they would continue the dialogue. They were focusing on the tactics of the situation. They discussed ‘why would you get them out of the car?’ If they are in the car, they are confined and you know where they are. They talked about receiving verbal abuse. In **rural** Sussex County, verbal abuse really does not much matter so they did not take it into account at all.

The fourth part stated, “In response to the officer’s demand to show identification,

get out of the car, etc., the driver starts the car”. They all agreed that the first thing the officer should have done was to order that the car be turned off. They had the identification of the driver, so they were not concerned about the car being started. They also said that they did not want to break the pursuit guidelines. Here, though, the pursuit guidelines were more ingrained. It was common sense policing, not a recitation of the Attorney General’s Pursuit Guidelines. They did not want to chase someone and have their car crash or possibly injure someone else, such as a pedestrian. They all spoke of the different mentality in Sussex County, one that it is a little slower, not as dangerous, but one where you have to make sure that you are covered in what you do. They all asked questions about the scenario, trying to make it much more specific, so they could pin it down. They asked many ‘what if’ questions. They tried to answer these kinds of questions using the technique of the police term of CYA (Cover Your Ass). They wanted to be sure. This is a bit different from the **suburban** departments; they had an ingrained mentality of what is imposed by the Attorney General’s Guidelines, as far as chasing or pursuing.

The fifth part stated, “The car speeds away”. They all said that they would not pursue. They began by saying that they would stand there and yell stop, so that people around them would know that they were going to pursue, and that the occupants were breaking the law. The group said that, since they had an idea of who the driver was already, they wondered if the car was really worth pursuing. They discussed which is the greater good, to pursue and catch a criminal or to endanger the public. Their responses were a mixture of the Attorney General’s Guidelines and common sense. They would radio the information about the driver, and the stop, to other towns but they would not

pursue. A side note: because of the size of the county and its winding roads, they have a departmental policy that they are not allowed to pursue motorcycles. There is no such exception in the Attorney General's Guidelines as to whether it is a motorcycle or a car that is to be pursued.

The sixth part stated, "The officer is tailing the car, or pursuing the car at high speed through a residential area". They all agreed that they would not tail or pursue the car at high speed but would keep cruising in the direction of the car. They noted that their boss held an elected office and there would be extreme political fall-out if there was a pursuit and a pedestrian was hit. Their boss might not be re-elected as a result, so they were trying to be circumspect about the ramifications of their actions.

The seventh part was, "The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. The officers approach the car." Again, they discussed backups; they wanted more backup. They were evenly divided about approaching the car with their weapons drawn, two for, two against. Two said that while each would put his hand on it, they wanted their gun hand to be free. They all would walk up to the car, which is a little different from the **suburban** responses, in which half of the groups said they would walk up to the car and the other half would try to stay back. The comfort level may be a bit higher in approaching the car but it is the more dangerous thing to do.

Humor played a part. After the car crashed, one guy said that his thought was, "Oh, man, this sucks". It was notable because they were talking about the next day repercussions of having to write more reports about the crash. Once the car crashed, however, they were all in agreement that they were going to treat the car as a felony stop.

The eighth part stated, “As the officers approach the car, the two young men get out and start to run away”. All agreed on chasing the person closest to them. One officer was, based on his own personal experience, very interested in securing his car, setting up a perimeter and getting the K-9 unit; he would not be running after the men. The area around them is heavily wooded and they all felt that once the criminal ran into the woods, that it was too dangerous for the police to follow, so it is better for them to set the perimeter up and send a county K-9 in to apprehend him.

Then, they talked about whether the car stops were filmed or not; in this county, car stops are. The officers have microphones and their cars have cameras in them. Two of the officers made an interesting point when they stated that on their own car stops they go back and review their tapes, using it is a training tool. They review the tape and determine if they did anything wrong, i.e., “The guy was so mad in response to something I said which I shouldn’t have, or tactically, I should have been standing in this position and not that”. It is a valuable teaching tool to have the cameras.

The ninth part read, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity”. The first thing that came to all the officers’ minds was that they would alert the other officers and yell ‘gun’, so they would know what the criminal was carrying. Then they talked about the ambiguity of the situation. Officers like definite situations and this scenario is designed not to be. Unfortunately, in policing, not much is definite. You have to deal with the information you have at the time. They focused on the word ‘appears’, one of them ‘appears’ to be carrying a handgun. While they thought the handgun might be a cell phone or an Ipod, they would definitely chase them. They would

not shoot them, and they would yell at the pedestrians to get down and order the criminal to drop his weapon.

The tenth part read, “One of the two men turns and points a handgun at one of the officers”. All were very clear that they would shoot him. One officer wanted to know how far away the criminal was, whether there was cover. He wanted to check the surroundings, he was extremely circumspect in his approach to the scenario.

The group as a whole was very talkative. It started at 1415 and ended at 1530. They had some insightful questions. One officer wanted to know if anyone in the other groups had ever had to fire their gun. The researcher had not asked that question but will in the future. Another officer asked the race of the two occupants in this scenario. He asked the other officers what they assumed. They all said white, and he said that originally he thought black and then he questioned himself why he thought that and changed his opinion to white. The group got along well and no one dominated the conversation. They were all patrol officers who had about the same years of experience; they all stated that they liked the group and that it was interesting to talk about a use of force situation before it occurred.

### Rural Site – Sussex County

Rural Focus Group # 3 conducted on July 12, 2007 at a Mid-Sussex police department

Table # 4.13

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/ County	Police Academy Attended
30	White	2	College Degree	PO	No	Yes/Yes	Passaic County
34	White	13	Masters Degree	Sup	No	Yes/Yes	Morris County
40	White	17	College Degree	Sup	No	Yes/Yes	Morris County
42	White	20	College Degree	Sup	Yes- 5 years with another Sussex PD	No/Yes	New Jersey State Police

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.14

#### Distribution of Variables by Mean

Variable	Mean
Age	36
Race	4 White
Years on Job	13
Education	3 College Degrees 1 Masters Degree
Rank	3 Supervisors 1 Police Officer
Previous Police Department	3 No / 1 Yes
Live in Municipality/County you work in	3 Yes / 4 Yes
Police Academy Attended	2 Morris County Police Academy 1 Passaic County Police Academy 1 New Jersey State Police Academy

## Interviewer Notes

**Rural Site**  
Focus Group # 3  
South Sussex Police Department  
July 12, 2007

This is the result of the taping for the third **rural** focus group. It was held at the South Sussex Police Station. The session began at 1415 with four volunteers, all white males. They were 30, 34, 40 and 42 years old, with 2, 13, 17 and 20 years of experience. One was a patrol officer and the other three were supervisors. Three had worked in South Sussex, while the other had worked for five years in another town in the county before transferring. For their recruit training, two of the officers had attended the Morris County Police Academy, one the Passaic County Police Academy and the last, the New Jersey State Police Academy in Sea Girt. Three of them grew up in the town in which they now worked, while the other grew up in an adjoining town. Three of four still live in town and all live in Sussex County. This is consistent with the literature that **rural** officers are more apt to live in, and be part of, the community in which they work.

The researcher started off by reading the first part of the scenario, "It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in a **rural** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contacts, and who have criminal records".

They were asked the same two questions that have been asked after each part of the scenario, “What would the officer do? What do you think about that?” As in every other discussion group, the officers personalized their answers to these questions by answering what they would do, not what another officer would do. As has been standard in all of the groups to date, their emphasis was on calling a backup right away for officer safety. In this town, the farthest away the backup would be was five minutes, which is different from the responses of the other **rural** discussion groups. All had said that it could be thirty minutes.

Smelling burnt marijuana gives the officers probable cause. All cited safety as their primary concern. With two occupants in the car, all would call for backup right away and they would want to know their criminal history. In the scenario it states that the police had had previous contacts with the car’s occupants and that they have criminal records. These officers wanted to delve deeper and find out what the criminal records were.

The second part read, “The officer has reason to believe that the car may be stolen”. These officers spoke of probable cause and the reason to arrest. They wanted to check for physical signs that the car might be stolen, such as a ‘punched’ ignition and/or a missing stereo. They would then perform what is known as a felony stop, where they are on heightened alert. In Sussex County, every patrol officer has a microphone and cars have cameras in them, which are activated simultaneously with the emergency lights. If they turn their microphones off, disciplinary action will be taken against them, so they are used to leaving them on.

One veteran officer, who had worked before microphones and cameras were

required, thought that it showed disrespect for the police officer, as though his word was not good enough and was needed in conjunction with a picture and a verbal recording of what took place. They all agreed that their microphones and cameras were valuable in training and at stopping false accusations. They also said they were useful when they write their reports, because an officer can not see everything on a car stop and while dealing with the driver. If the passenger drops something out the window he might not see it, but the camera would, so they stated that they review their camera film after each and every stop.

The third part read, “The young men ignore the officer’s demand that they provide identification and get out of the car, and verbally abuse him”. One supervisor stated that he would use verbal commands. He was very interested in the use of force variables and how they pertained to the people in the car, i.e., how old were they, how big, how muscular. It illustrated the point that, as a police officer you must look at and be cognitive of all the variables, whether it’s the car, the people in the car, the weather, your surroundings; all of this must be taken into account. He said he would then wait for his backup and the others agreed. In this **rural** area there are not as many criminals as in an **urban** area. The police also know who the criminals are since the majority of arrests involve repeat offenders. A certain small percentage of criminals commit a large percentage of the crimes.

The fourth part read, “In response to the officer’s demand to show identification, get out of the car, etc., the driver starts the car.” Again, they focused on the variables of the occupants, what were they like, were they drunk, were they passive or aggressive? If they were passive or drunk, one officer said he might reach into the car and remove the

guy. Another said he might let the car go, another said he would definitely spray the driver with mace. They call mace, 'karate in a can'.

The fifth part read, "The car speeds away". The officers talked about pursuit and calling for backup from surrounding towns. They were all very aware of the Attorney General's Guidelines with regard to pursuits. They wanted to put the fact pattern of the pursuit on the radio, i.e., what the driver was wanted for, which direction he was going, how fast he was going. This was building a supporting case for their actions. They were very aware of the civil liability involved in pursuits and in policing. They discussed what they knew about what the criminals had actually done, that it was a stolen car, nothing more, nothing less. However, they said in Sussex County a stolen car is a big deal; there might be all of ten of them a year. This was in contrast to the **urban** group. In Paterson, stolen cars are so common that, according to the officers, some people are not even aware that they are in a stolen car, because, at times, they barter their cars for drugs. The car might be passed to several different people trying to get drugs for their own personal use.

The sixth part read, "The officer is tailing the car, or pursuing the car at high speed through a residential area". They again focused on different variables. They wanted to know what time it was and the season of the year. Was it summer, when there are more kids out, or winter, when fewer people are on the road? They stayed with the pursuit. They were looking at all the variables mentioned above: road conditions, weather conditions, driving conditions, and they paid careful attention to what was said on the radio.

It was very apparent that the three supervisors were cautious, careful and analytical about what they said with regard to pursuits. When the researcher told them

that they were following the Attorney General's Guidelines almost to a "t" in their answers, they stated that the promotional tests for their town were handled by Civil Service, which emphasized the Attorney General's Guidelines for the use of force, pursuits and domestic violence. It was necessary to know what the guidelines were to do well in the testing process. Three were supervisors, so obviously they had done well.

The seventh part read, "The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car." They agreed that it had become a felony car stop and they would use command and cover. They would not run up to the car but they also realized that most police officers, in their excitement, do and, after one officer runs up, they all must run up to cover the officer. They also offered that, in different parts of the county, there would be different answers to the scenarios. South Sussex is more a white collar community, while the northern part of the county is more blue collar. One officer had experience in both communities and said that there was a large difference in how you police between them. They also compared Passaic, Bergen and Sussex Counties and stated that, in Sussex County, they do a little bit of everything but it is scaled down and they always have to be prepared. They do a lot of training. One officer is a firearms' instructor. He talked about the benefits of simunitions training, in which police train under realistic role-play scenarios. Simunitions is a pellet-like bullet being fired from a gun, which stings and hurts as it hits you. It does not kill you but it makes role-playing a very real experience.

The eighth part of the scenario read, "As officers approach the car, the two young men get out and start to run away". The response was little different from the other **rural** focus groups that the researcher had conducted. The officers said that they would chase

the driver for miles, if they had to even on foot. In one of the other **rural** focus groups, the group said that the area that they patrol was heavily wooded and that they would not run into the woods, fearing an ambush. These officers said that nothing would stop them; they would go wherever the person being pursued went. They also stated that they relied on the State Police for support personnel. There would be more officers available; if they needed K9 assistance, or a helicopter, if the situation warranted it, they would be able to rely on the New Jersey State Police.

The ninth part stated, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity.” Hearing this, one of the officers talked about a hostage possibility, the first time it had been mentioned in any focus groups. None would shoot for possession of a handgun only. They would be tactical; they would have their hands on their guns, and would be careful, realizing that any second this situation could require deadly force and they would be ready to fire, but at this time their guns would not be drawn.

The tenth part read, “One of the two men turns and points a handgun at one of the officers.” Every scenario so far, every discussion group, had the same response; all agreed that the gunman would be shot and killed, upon pointing the handgun at a police officer.

After the discussion was over, the officers were asked if any had ever fired his gun. None had fired his gun at a human being but all had fired their guns at animals. Shooting animals is a routine part of the job in a **rural** county and they all had experience. It was not uncommon for them to shoot a bear that was threatening people,

to shoot a deer that had been injured as road kill, mainly to put it out of its misery. One officer had even shot a bull. Since they were in a remote part of the state, the officers also carried sub-machine guns in their cars. This is very different from **suburban** and **urban** areas. In **suburban** towns it is 50/50 whether there is even a shotgun in the cars and it is unheard of for sub-machine guns to be in patrol cars in Bergen and Passaic Counties.

The group was not dominated by any one officer. As expected, the least experienced officer had less to say but the others, all of whom are supervisors, shared equally in the discussion. It was obvious that all were well educated and followed police guidelines in responding. The discussion lasted until 1600.

### Rural Site – Sussex County

Rural Focus Group # 4 conducted on July 23, 2007 at a South Sussex police department

Table # 4.15

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/County	Police Academy Attended
32	White	8	College Degree	Det	No	No/Yes	New Jersey State Police
37	White	13	Some College	Sup	Yes-1 year with another Sussex PD	No/Yes	Somerset County
38	White	11	College Degree	Sup	No	No/Yes	New Jersey State Police
41	White	17	College Degree	Sup	No	No/Yes	Somerset County

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.16

#### Distribution of Variables by Mean

Variable	Mean
Age	37
Race	4 White
Years on Job	12
Education	1 Some College 3 College Degrees
Rank	3 Supervisors 1 Detective
Previous Police Department	3 No / 1 Yes
Live in Municipality/County you work in	4 No / 4 Yes
Police Academy Attended	2 New Jersey State Police Academy 2 Somerset County Police Academy

## Interviewer Notes

**Rural Site**  
Focus Group # 4  
Mid-Sussex Police Department  
July 23, 2007

The last **rural** focus group was conducted at the Mid-Sussex police headquarters. The group began at 0930 with four volunteers. The researcher explained who he was and his research. He distributed the consent forms, which they read and signed. He explained that, while the consent form stated that the discussion would be audio-taped, their county prosecutor would not allow it, therefore, it would not be.

All the officers were white males who had been born and raised in Sussex County. Two grew up in the town in which they worked but none of them resided there now. All of them lived in Sussex County. They were 32, 37, 38 and 41 years old with 8, 11, 13 and 17 years' experience on the job. One had worked a year for another police department in the county. Two officers graduated from the New Jersey State Police Academy in Sea Girt and the other two did their basic recruit training at the Somerset County Police Academy. Two worked in the detective bureau and two in patrol. Three of them were supervisors and the other was a detective. Three of them had college degrees and one had some college credits.

The researcher read the scenario to the officers, asking them the same two questions after each part of the scenario. The questions were, "What would the officer do?" "What do you think about that?" As in every other group, the officers personalized these two questions. It was not answered as "What would the officer do?" but rather as if

the question was, “What would you do?” Policing is a personal business. It is an interaction with the public. You are putting yourself on the line.

The first part of the scenario read, “It is early evening, and beginning to get dark. An officer is on routine patrol in a patrol car in a **rural** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contact, and who have criminal records”.

The officers started by stating that, as did all the other officers, they would radio to headquarters and call the car stop in for their own protection. They would provide a description of the occupants, the car, the registration, and they would call for backup. They would also radio as to where they were and what they believed about the possible marijuana smoking. This part of the scenario was particularly personalized because one of the officers in this group discussion had faced a very similar situation. In fact, he had been very badly injured and had to be airlifted to a hospital after checking on a car in a **rural** part of his town. The car suddenly accelerated and struck him. That driver has not yet been located though the crime occurred two years ago.

One of the officers made a very good point. He asked if the contact was initiated by the police or had a witness called up to report a possible crime? He reasoned that, if it was a police officer initiating the contact, the information, based on training and experience, would be better. Eyewitness testimony is often unreliable. Eyewitnesses might call up when someone was just smoking a cigarette. That would not be the case with a police officer seeing the two young men in a car. He would be more familiar with what a marijuana cigarette looks like.

The second part of the scenario read, “The officer has reason to believe that the car may be stolen.” As in every other group, the officers wanted a definite answer. Not a ‘reason to believe that the car may be stolen’, but whether it was stolen or not. In order to facilitate the discussion no definite answer was given. The officers then responded by saying that they wanted to confirm if they knew the driver from previous contact. They wanted to approach and get a good look at him, to see whether they had dealt with him in the past.

The officers said they would be checking for signs that the car was stolen. They would look up the VIN (Vehicle Identification Number) number and call surrounding towns to see if anyone had a car recently stolen. They would do a computer check to confirm whether a car had been reported stolen. They would look for physical signs of it being stolen, such as, the ignition being ‘punched’. They would have the occupants get out of the car, interview them separately and try to verify their stories. They would get their identifications. If they were by themselves, they would have one guy out of the car and leave the other contained in the car until backup arrived. Backup in this town can be only a couple of minutes away.

The third part of the scenario read, “The young men ignore the officer’s demand that they provide identification and get out of the car, and they verbally abuse him”. One officer said that he would arrest them for the crime of obstruction. The supervisors said that they would not at this time since they did not have confirmation on whether the car was stolen or whether the cigarette was definitely marijuana. They explained that verbal abuse was inherent in the job. They then reviewed the different alternatives to the different variables, i.e., whether they would verbally order the occupants out, whether

they would order them out at gunpoint, whether they would mace them. It was a good discussion on the different options available to the police officers. It was obvious that these were seasoned officers.

The fourth part of the scenario read, “In response to the officer’s demands to show identification, get out of the car, etc., the driver starts the car”. Here, a couple of them said that they would mace the driver, and then they brought in the geographic component of policing. Their decision to mace him would be based on location. If they were on a **rural** street, and there was no one around, there would not be afraid that he might be blinded temporarily by the mace and drive into a crowd of people. If it was on a more populated residential street, they would not be as quick to use mace and have the car turn into a weapon driven by a temporarily blinded driver. The other officers stated that they would pull their weapons and command the driver to shut the car off. They would attempt to take the keys. If this failed and a pursuit started, they would advise dispatch and try and read the driver’s reaction to determine if he was ‘stoned’ and did not understand what the officer was telling him to do.

All were very aware of the safety issue. They wanted to make sure that they or any other officers involved were protected. They noted they do not carry nightsticks, neither the PR-24, which is a handled nightstick nor the old style straight nightsticks. As far as weapons go, each carries a shotgun, and an AR15, which is a long rifle. The shotgun is used with a certain type of buckshot for bears. **Rural** police departments are involved in a lot of animal “put-downs” after the animals have either been struck by cars on a highway or if there are bears threatening people on their property. There are, also, rabid animals, such as skunks and raccoons, that the police are responsible for taking care

of. They are all comfortable shooting dangerous animals, something unheard of in **suburban** or **urban** settings.

In the fifth part, it stated, “The car speeds away”. They said they would all run back to their cars and pursue it. They would radio ahead to alert surroundings towns as to what was happening. However, if the driver could be identified, they would not be as likely to pursue. They would follow at a slower speed through smaller residential areas, and then resume the pursuit. They did not want to completely let him go, but they realized that they could catch him another day. Again, these officers had a full discussion of all the variables involved. They wanted to know the time of day, the road conditions and where the pedestrians were. They focused on their familiarity with the occupants and stated they would catch them later. This surfaces in the studies on **rural** policing. **Rural** police are an integral part of their communities and have a tendency to know all the people, good and bad, because there are such small communities.

In the sixth part, “The officer is tailing the car, or pursuing the car at a high speed through a residential area”. This was similar to the officers’ reaction in the fifth part. They wanted to pursue the car, but not at high speed, and they wanted to know whether they could identify the driver. If they could, they would follow the car but at a slower speed, since they were familiar with him and could catch him later.

The seventh part read, “The car has come to a halt after crashing into a street light pole, the occupants do not appear to be hurt, officers approach the car.” The officers agreed on a safe approach. They talked about whether there were wires knocked down in the crash and if they were charged. They would illuminate the area and, at gunpoint, they would order the two men out of the car. They would put their ambulance on stand-by in

case the men were injured in the crash and, as soon as they got the men out of the car, they would handcuff them.

The eighth part read, “As the officers approach the car, the two young men get out and start to run away”. Here the chase started. They would call for a K-9 unit but, in this area, it is usually thirty minutes away. They would all chase the driver since he has legal responsibility for the car. They would radio ahead and start the foot pursuit. They, like some of the other groups, were very interested in taking the keys out of the criminal’s car and the police car, so the criminals did not, after running away, back track to either the police car or their own car, and drive away.

They would advise other agencies of whom they were chasing and, if the occupants ran into a wooded area, they would maintain visual contact and set up a perimeter. These officers were very familiar with their surroundings and they would look at the resources available. They might call the next patrol shift in, call other towns, call for a K-9 and/or call the State Police for assistance. This was certainly a team effort; it was not one officer being challenged. Instead it was the officers doing their job and trying to get as many resources available to help them do it.

The ninth part read, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity.” All the officers stated that they would yell to the pedestrians to get out of the way. They would let the other police officers know about the gun and they would use cover and concealment. They would pursue the criminal but rely on cover, protecting themselves through barriers, whether it was a tree, a mailbox, a car. If the criminal

turned and fired, they would have some type of cover to protect themselves. The focus was not solely on capturing the criminal but on officer and pedestrian safety.

The tenth part read “One of the two men turns and points a handgun at one of the officers”. In this case, all four of the officers said they would shoot. One of the supervisors discussed the different variables involved. Could a viable shot be taken? Was the criminal too far away? Were there people in the area that might be hurt? This was a supervisor’s look at all the alternatives before shooting. He concluded by stating that he would do the same as the other officers and shoot.

At the end of the discussion, all the officers were interested in the findings so far. They wanted to know how their responses compared to the other groups. They also wanted to read the final results of the dissertation. It was obvious that all of them were very bright. Three of them held supervisory rank at an early age and time in their careers. Their responses were well reasoned and considered all of the variables involved.

**Rural** police officers are certainly well equipped. Every car has a computer and a camera and every patrol officer has a microphone. Each has a shotgun and a long gun in the car. They carry special animal guns to dissuade bears from entering residential areas. The researcher did not realize that animal control, the shooting of bears and deer and possibly rabid skunks and raccoons, was such a normal, everyday part of their job. One of the officers said there are about fifty animals a year that are shot by the police. It is a form of animal kindness since they are either rabid, injured or a threat to public safety.

The group ended at 1115.

### Urban Site – City of Paterson

Urban Focus group # 1 conducted on July 5, 2007 at the temporary Paterson pistol range

Table # 4.17

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/ County	Police Academy Attended
25	White	6	Did Not Answer	PO	Yes- 1 year with a PD in Passaic County	Yes/Yes	Passaic County
35	Hispanic	4	Some College	PO	No	Yes/Yes	City of Paterson
41	Hispanic	19	Some College	Sup	No	No/Yes	City of Paterson
49	Other	14	Some College	PO	No	Yes/Yes	City of Paterson

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.18

#### Distribution of Variables by Mean

Variable	Mean
Age	37
Race	1 White 2 Hispanic 1 Other
Years on Job	10
Education	3 Some College 1 Did Not Answer
Rank	3 Police Officers 1 Supervisor
Previous Police Department	3 No / 1 Yes
Live in Municipality/County you work in	3 Yes / 4 Yes
Police Academy Attended	3 City of Paterson Police Academy 1 Passaic County Police Academy

## Interviewer Notes

**Urban Site**  
Focus Group # 1  
Paterson Police Pistol Range  
July 5, 2007

This was the first focus group for the **urban** site, composed of Paterson police officers. It was held at a police pistol range in Passaic County with four officers taking part. This focus group was conducted outside at a table, just before the officers qualified with their firearms, because it was the only place available. The officers all signed the consent forms. The researcher explained that this session would not be taped, per their Police Director's instructions. They all stated that they would not have taken part if it was being taped. The researcher explained his background and the reason for the research.

The four volunteers were all men. One was white, two were Hispanic and the fourth circled Other but did not explain further. Their ages were 25, 35, 41 and 49 and they had 4, 6, 14 and 19 years on the job. Three were patrol officers and one was a supervisor. One officer had a year's prior experience with a Sheriff's department. Three of the officers were graduates of the Paterson Police Academy, while the fourth had graduated from the Passaic County Police Academy. Three felt they worked in an **urban** police department and the other did not circle an answer.

Three of them had some college and the fourth did not circle a response. Three were born and raised in Paterson, while the other grew up outside of the United States. Three still reside in Paterson and one lives in the same county in which he works.

The first part of the scenario read, “It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in an **urban** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contacts and who have criminal records”. The researcher asked the same two questions which are asked after each segment of the scenario. “What would the officer do?” “What do you think about that?” As with all of the different focus groups, the officers responded as if they were the officers involved.

The key for these officers, who work in a busy, high crime city, was ‘how busy was the shift’. This would impact their answer. If it was extremely busy, they might not have time for such a minor stop. They might have to keep answering other radio calls. If it was slower, they would, of course, make the stop and investigate. The officers would do a field interview based on the possibility that the men were smoking a joint. One officer would call for a K-9 unit for a walkthrough, which is the K-9 going around the car to detect marijuana or other drugs. They would also run warrants checks on the two men in the car and see whether the car was stolen.

The second part read, “The officer has reason to believe that the car may be stolen.” All officers stated that they would run the car through the system to see if it was stolen. They would conduct a physical inspection of the car to see if the ignition had been ‘punched’ out or if there were any other signs that the car might be stolen. They would ask the driver to shut the car off and, as they were approaching, they would focus on the body language of the occupants to see whether they were nervous, sweating profusely, etc. Body language was very important to the officers.

As they approached the car, the officers would ask for backup, depending on how busy it was, the backup might take a few minutes or, if it was a regular night, it would be just a minute before it arrives. This is totally different from the **rural** focus groups. Their backup might take thirty minutes in some areas of the county. The **urban** officers compile an activity log sheet. They would put the license plate on this log sheet. They would be able to go back later and run it through the system to see if it was stolen if the shift was too busy and they could not get radio dispatch to run the plate. They average about 20 calls a shift.

The third part of the scenario was, “The young men ignore the officer’s demand that they provide identification and get out of the car, and they verbally abuse him.” Here, there was a bit of difference among the officers. One officer said that he would immediately arrest the driver. The others, who have a little more experience, said that they would use ‘verbal’ judo to try to talk the driver into compliance with the officer’s demand. They called this the diffuse and analyze method; diffuse the situation and analyze the body language of the occupants.

The officers also talked about the importance of backup and stated that the more units that arrived, the easier it was to show the occupants of the car that there was so much force surrounding them, that they would be foolish not to comply and cooperate with the officers.

The fourth part of the scenario read, “In response to the officer’s demand to show identification, get out of the car, etc., the driver starts the car”. One officer stated that he would try to remove the keys from the car and, since the other officers were around the

car, he would draw his weapon for officer safety so his other fellow officers would not get run down. If he was by himself, he would not draw his weapon.

One officer said that under this circumstance that he would definitely mace the driver. He stated that, "You can only take so much shit out there". This officer stated that the guy would be definitely under arrest for obstruction and the use of mace was totally justified.

The fifth part was, "The car speeds away". They stated that, if it was a pursuit of a stolen car, they could only go to a certain point. If the car was moving at a high rate of speed, they would not chase it. It all depended on the boss who was working that night. In Paterson, it is the patrol road sergeant's decision as to whether the officer will pursue a car. The road sergeant listens to the details given by the officer. Knowing the capabilities of the officers that work under him, he bases his decision on the officer's reputation, the facts of the pursuit, and the Attorney General's Pursuit Guidelines.

All the officers took into account many factors, i.e., why are you chasing the car, what time of day is it, what crime is it, are there pedestrians around? Like all the other officers, they considered the public safety as paramount in their decision making.

The sixth part read, "The officer is tailing the car, or pursuing the car at a high speed through a residential area". They repeated pretty much what they said in the fifth part. The sergeant makes the call, depending on the time of day, the speed of the car, the amount of pedestrians, etc. They also took geography into account. "Are you going into a crowded residential area, or a deserted highway or industrial area?"

In the seventh part the scenario stated, "The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the

car”. The officers agreed that they would call an ambulance first and then they would approach with caution. They would look at the condition of the occupants and they would secure the area.

The eighth part read, “As officers approach the car, the two young men get out and start to run away”. These officers were very positive that 98% of the people who run from the police get caught. They stressed that there was plenty of backup. It was a small area that they could cordon off and set up a perimeter and catch the criminal who was running from them. A key point made that the researcher had never heard before was that, in a group, it is the innocent man who runs away from the police to divert attention from the criminal who has the weapon or drugs.

In the ninth part it stated, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity.” All the officers stated that they would alert other units. They would make sure that they were not chasing the criminal into a crowd, aware of the need for the safety of the pedestrians. All the officers wanted to know what the variables were. Were there other guns, were there more people around? At this time, their guns would not be drawn, they would just keep the criminal in sight. They would be shouting at him to drop the gun and they would wait for him to dump his gun. Criminals run, then dump their guns, and see if they can get away.

The tenth part read, “One of the two men turns and points a handgun at one of the officers”. All, without hesitation, just like the other groups, said that they would shoot the criminal. He had chosen his own fate.

The focus group had four experienced officers who all knew each other and appeared to get along. Their stories were realistic about the true nature of policing. They put their own life first, then those of the public, and then the criminals, which is the way they were properly trained. When they talked about vehicle pursuits they relied on their supervisors, especially the patrol sergeant, to guide them as to whether they should chase or not. When it came down to shooting, they did not mention the Attorney General's guidelines, but rather the everyday realistic approach of protecting themselves and making sure that they were able to go home safely.

Today's focus group was different from the other ones that the researcher has held in the past since it took place outside at a picnic table, with the four officers standing discussing the scenario. It was more comfortable than a sterile room setting and the researcher felt that the officers were much more forthcoming about what actually happens in policing.

The group started at 1030 and it finished at 1130.

### Urban Site - City of Paterson

**Urban** Focus group # 2 conducted on July 11, 2007 at Paterson police headquarters.

Table # 4.19

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/ County	Police Academy Attended
39	White	15	Some College	PO	No	No/Yes	City of Paterson
39	Hispanic	14	Some College	PO	No	No/Yes	City of Paterson
39	Hispanic	14	College Degree	PO	No	No/Yes	City of Paterson
39	Hispanic	13	Some College	PO	No	No/No	City of Paterson

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.20

#### Distribution of Variables by Mean

Variable	Mean
Age	39
Race	3 Hispanic 1 White
Years on Job	14
Education	3 Some College 1 College Degree
Rank	4 Police Officers
Previous Police Department	4 No
Live in Municipality/County you work in	4 No / 3 Yes
Police Academy Attended	4 City of Paterson Police Academy

## Interviewer Notes

**Urban Site**  
Focus Group # 2  
Paterson Police Headquarters  
July 11, 2007

The researcher's contact with the Paterson police had two officers call him at home to set up focus groups. One officer was able to get a group together that day and asked if the researcher was available. He arrived at their headquarters within the hour of the phone call. The researcher's contact has a tremendous reputation with the officers and they said they would help any friend of his.

The researcher introduced himself to the four police officers and explained that he was a fellow officer doing research for his dissertation on the comparative use of force by police officers in three different sites in New Jersey: Bergen and Sussex Counties and the City of Paterson. It was explained that this was to be a group discussion to see if there are differences and/or similarities in the ways police officers respond to a scenario typical of one that any officer, anywhere, could encounter. The officers read and signed the consent forms. It was explained that, even though the form stated that the discussion would be audio-taped, it would not be, per the Police Director.

The group discussion began at 1530. The four volunteers were males, all 39 year old patrol officers. Three were Hispanic, and the other was white. One was a college graduate, while the other three each had some college credits. Three officers had been born and raised in Paterson, while the other grew up in New York City. None of them presently lived in Paterson but three of them lived in the county. The officers all attended

the Paterson police academy and had only worked for the Paterson police. They all had about the same amount of experience, with two having 14 years on the job and the others having 13 and 15 years.

The first part of the scenario read, “It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in an **urban** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contact, and who have criminal records.” The researcher then asked them the two questions that follow every part of the scenario. “What would the officers do? What do you think about that?” As in all the other discussion groups, the officers replied as if they were dealing with the scenario themselves.

In the first part of the scenario, they would observe the two men in the car. They would effect a car stop. They would make headquarters aware of what they were doing by calling it in. They would try not to escalate the situation but would run the plates to see if the car was stolen. They would run warrants to see whether the people in the car were known criminals or had active arrest warrants. This is common police procedure.

With regard to the knowledge of the criminals, they wanted to know how many breaks they had been given in the past, which is a way of interviewing during a car stop. For example, they would tell them, “You know we have dealt with each other in the past, we have a history, that I have given you a couple of breaks in the past, but maybe not this time; we have to see how it works out.” They wanted to know about their backup, and

they focused on the smell of the marijuana as the probable cause necessary for the car stop and arrest.

The second part of the scenario read, “The officer has reason to believe that the car may be stolen”. The officers agreed that they would call headquarters and describe the occupants of the stolen car. It is common that occupants of stolen cars get out and start to run away from the police. When this happens, the officers are able to give their backup a description of whom they are chasing. One of the officers wanted to know what type of neighborhood the car stop was in. They thought the occupants sitting on the street might just be casing a house to see if they could burglarize it later. They would, also, check inside the car to see if there were physical signs of the car being stolen, like the ignition being ‘punched’ or the stereo missing.

They also stated that they commonly called the owner to ask if he knew where his car was. Frequently the owner says, “Yeah, it is in my driveway”, when in actuality, the police are staring right at it on a Paterson street. Since they had reason to believe that the car might be stolen, they would use more caution. One officer said he would put his hand on his gun and that, with any furtive movement by the occupants, he would draw his gun. He always started on very high tactical alert, then would deescalate if the situation warranted it. The other officers disagreed. This is common in policing, that each police officer does things a little bit differently. The other officers did not think that they would start high tactically and then de-escalate. They would start low, talk to the occupants and look to see if the car had signs of it being stolen, e.g., the ignition being ‘punched’, and then they would escalate from there.

The third part stated “The young men ignore the officer’s demand that they provide identification and get out of the car, and verbally abuse him”. The officers were very tactically sure that they would give strong verbal commands and make sure that the people either stayed in their car or got back into the car. They thought that the verbal abuse might be a distraction for the officer. One officer went so far as to say that he would handcuff the driver to the wheel to make sure that he would not get out of the car. In Paterson, backup is quite close, and each officer relies on the other to protect him, so whenever they hear that an officer is making a car stop, they start going toward that area, even if they have not been called for backup. One officer stated that he would use his nightstick if the occupants verbally abused him because he already knew that he would arrest them for smoking the marijuana. He thought the use of the nightstick would be a way of taking control of the situation.

The Paterson police officers all stated that they have plenty of backup. It is not just one car or two and they come almost immediately. No one is out there by himself for any extended period of time. The officer who was the most tactical said that he would play it cool with the occupants of the car until he had enough backup and then he would lock them up.

The fourth part read, “In response to the officer’s demands to show identification, get out of the car, etc., the driver starts the car”. Again, these officers would rely on verbal commands or ‘verbal judo’. It is common for an officer to tell the driver to take the keys out of the ignition and place them on the roof or hood of the car. One officer stated that if the driver started the car, he would use his gun to point it at the driver and

would give a strong verbal command. This is legal under constructive authority, which is allowed by the Attorney General's guidelines for use of force.

The fifth part read, "The car speeds away." All the officers said that they would return to their car, radio ahead a description of the occupants and state that they were in pursuit. They all thought that the patrol sergeant would be monitoring the pursuit to determine whether they could continue or not.

On the sixth part it read, "The officer is tailing the car, or pursuing the car at high speed through a residential area." All the officers took into account the variables: the high rate of speed, a residential area, whether kids were out, the time of day, weather conditions etc. They said that it was common for the occupants of a car being pursued to jump out and run. It is also very uncommon for pursuits to be allowed to continue for any length of time. Patrol Sergeants are the ones who are responsible to call them off.

The seventh part stated, "The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car." All the officers stated that, with their guns drawn, they would go up to the car and pull the occupants out, cuff them, and see if everything is okay. Other groups have been 50/50 as to whether the officers would go up to the car or not. It is unusual that they said they would since tactically it is not the best approach and these officers seem to be very tactically conscious, due to working in a city with a high crime rate.

The eighth part of the scenario read, "As officers approach the car, the two young men get out and start to run away." The officers were in agreement that they would start chasing them immediately. One officer said he would rely on his ASP, which is a form of nightstick. It is a telescoping nightstick, and is used to knock the feet out from under

the person being pursued. One officer said that he said that he would talk trash to the person that he was running after, trying to distract him. This would slow the criminal down and make apprehension easier.

The ninth part stated, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity”. All noted that this was the highest threat level. They would yell ‘gun’ to make sure that other officers and the pedestrians in the area knew that there was a threat to everyone and, they would yell to the pedestrians to get down and out of the way. The officers would use strong verbal commands, while being very careful of the pedestrians in the area and they would make sure to keep cover so that, if they were fired upon, they would have a place to seek refuge. They all noted that the police do not retreat; they chase and capture.

In the tenth part of the scenario, it read, “One of the two men turns and points a handgun at one of the officers”. All officers were in agreement, as were the other groups, that they would shoot. They said that, ‘He was done’, meaning that they would shoot, because he was aiming a handgun at them. They also told stories of how remarkable it can be with criminals, that they can jump forty feet out of buildings, land on their feet and be okay. In one instance this actually happened. One officer was chasing a criminal, who did not even turn around completely; he turned slightly, pointed his gun under his one arm, while he running away and was able to shoot the police officer. The officer was saved because the bullet hit his gun and then his hand, but he did sustain a devastating injury.

The officers all worked in the same unit and it was obvious that they all got along well with each other. No one dominated the conversation. One officer stated that he is always on high alert and then de-escalates as the situation warrants it. The others felt that they escalated their actions as the situation called for it. The officers agreed on how they would respond to the scenario, hinting at their shared police academy training. Like the other focus groups, they were concerned with safety issues and concentrated on good field tactics. All four participants stated that they liked taking part in the discussion, that it was beneficial for them, and that they had not talked previously in a serious manner with their fellow officers about the use of force. The discussion ended at 1620.

### Urban Site – City of Paterson

Focus group # 3 conducted on July 16, 2007 at Paterson police headquarters.

Table # 4.21

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/ County	Police Academy Attended
34	White	9	High School	Det	No	Yes/Yes	City of Paterson
34	White	8	Some College	Det	No	No/No	City of Paterson
35	White	13	High School	Det	No	No/Yes	City of Paterson
37	Hispanic	7	High School	Det	No	No/Yes	City of Paterson

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.22

#### Distribution of Variables by Mean

Variable	Mean
Age	35
Race	3 White 1 Hispanic
Years on Job	9
Education	3 High School 1 Some College
Rank	4 Detectives
Previous Police Department	4 No
Live in Municipality/County you work in	1 Yes / 4 Yes
Police Academy Attended	4 City of Paterson Police Academy

## Interviewer Notes

**Urban Site**  
Focus Group # 3  
Paterson Police Headquarters  
July 16, 2007

The researcher arrived at the Paterson police department slightly late at 1905 for his scheduled appointment to conduct the third **urban** focus group. His contact was not working this night. There were seven detectives at their desks in their unit's office but they had not been told that the researcher would be arriving to solicit their help. After he explained who he was, his police and academic background and the nature of his research, four of them decided to volunteer.

The researcher told them that the consent form stated that the group would be taped but that their Police Director would not allow it, therefore, it would not be taped. They all signed the consent forms agreeing to participate.

The four volunteers were all anti-crime detectives. None had worked for another police department and all had received their basic recruit training at the Paterson police academy. They mentioned that it was not unheard of for Paterson officers to transfer to other, higher-paying jobs with **suburban** police departments and then return to Paterson because "there was nothing to do" in suburbia.

They had worked together for over five years and appeared to get along, with no one dominating the conversation. Three of them were white and the other was Hispanic. Three had been born and raised in Paterson. Today, only one lives there but they all live in the county. They were similar in age; two were 34, one, 35, and the last, 37. Their

time on the job was 7, 8, 9 and 13 years. Three were high school graduates, with the fourth having some college credits. The detectives were very similar in background and outlook with regard to policing.

The researcher read the first part of the scenario which stated, "It is early evening, and beginning to get dark. An officer is on routine patrol in a patrol car in an **urban** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contacts, and who have criminal records". They all stated that they would jump out of the car and investigate. There was certainly, with the marijuana smoking, enough to investigate. They would run warrant checks on the two men in the car. These detectives did not vary in their opinions at all. There was no discussion of different ways of handling things; they all agreed on one set way of dealing with the scenario.

The second part read, "The officer has reason to believe that the car may be stolen". Again, the officers responded that this would be another reason to go further. They noted that the sight of the marijuana, as well as the smell of it, along with the totality of the circumstances with the men in the car and the belief that they had criminal records, would certainly provide reason to investigate and go further. They would run arrest warrant checks on the occupants.

The third part read, "The young men ignore the officer's demand that they provide identification and get out of the car, and verbally abuse him". All of them immediately said that they would arrest the people in the car for obstruction. Now, this is understandable from an all-around warrant squad, gang enforcement unit, street crimes

unit, geared toward a proactive response. They were a bunch of no-nonsense police detectives who would not tolerate any interference with their investigation.

The fourth part read, “In response to the officer’s demands to show identification, get out of the car, etc., the driver starts the car.” Again, the detectives showed their proactive approach. All stated that they would reach in and pull the driver out. There would be no discussion, no asking please, just physical force.

In the fifth part, it read, “The car speeds away”. One officer gave important input. He said it depended on where the other cop was standing. If the cop was standing in front of the car, then to protect him, he would have to use, or be prepared to use, deadly force. The others talked about the time of day, the area, whether it was residential or business, and they stated that they would give chase until a supervisor determined that the chase was over. This was an example of the proactive nature of policing. Police officers just do not think of losing when they are pursuing someone they need to arrest.

The sixth part read, “The officer is tailing the car, or pursuing the car at a high speed through a residential area.” The detectives were relentless; they all said they would continue pursuing the occupants. They would take into consideration the time of day, and they would keep the siren on to warn the public, but they would not stop chasing the car.

Regarding the seventh part, “The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car”. All were in unison. They stated that they would run up to the car, rip the two occupants from it, and handcuff them. One stated that he wanted to project aggression to avoid conflict.

The eighth part stated, “As officers approach the car, the two young men get out and start to run away”. All said they would start chasing the men and they would also begin ‘trash talking’ them. The detectives were trying to psych the men out, stating that they would not get tired; they could chase them forever. From their experience, this seems to have the effect of wearing down the people being chased. This was never mentioned in the **Suburban** or **Rural** focus groups.

The ninth part read, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity.” The detectives stated that they would continue the chase and, depending on where the pedestrians were, they would tell them to get down. They would also use their radio communication to try and set up more units to assist and would tell them that a gun was involved.

The tenth part stated, “One of the two men turns and points a handgun at one of the officers.” All four, in unison, like every other officer interviewed, said that they would shoot immediately.

These officers appear to work well together; they have known each other for a long time. They were united in their approach, proactive, no-nonsense, and aggressive. They were unwilling to discuss anything. If you broke the law while you were in their presence, they were ready to arrest you. This is a necessary element if you are going to be in a unit that specializes in arrests and getting gangs, drugs and guns off the street. The session ended at 1950.

### Urban Site – City of Paterson

Urban Focus group # 4 conducted on August 1, 2007 at Paterson police headquarters

Table # 4.23

#### Demographic Variables of Volunteers

Age	Race	Yrs on Job	Education	Rank	Previous Police Dept	Live in Municipality/ County	Police Academy Attended
26	Other/ Arabic	3	Some College	PO	No	No/Yes	City of Paterson
28	White	2	College Degree	PO	No	No/Yes	City of Paterson
29	White	7	College Degree	PO	Yes-2 years with another County's PD	Yes/Yes	City of Paterson
37	Hispanic	5	Did Not Answer	PO	No	No/Yes	City of Paterson

Note:

PO = Police Officer

Sup = Supervisor

Det = Detective

Table # 4.24

#### Distribution of Variables by Mean

Variable	Mean
Age	30
Race	2 White 1 Hispanic 1 Other/Arabic
Years on Job	4
Education	1 Some College 3 College Degrees
Rank	4 Police Officers
Previous Police Department	3 No 1 Yes
Live in Municipality/County you work in	3 No / 4 Yes
Police Academy Attended	4 City of Paterson Police Academy

## Interviewer Notes

**Urban Site**  
Focus Group # 4  
Paterson Police Headquarters  
August 1, 2007

This was the last **urban** focus group, as well as the last of the twelve focus groups necessary for the research to be completed. The group was held at Paterson police headquarters and was initiated after a respected retired member of the department called some of his former colleagues and vouched for the researcher and the project. They, in turn, asked if some of their officers would be interested in participating in the discussion group.

The discussion started at 1130. The four volunteers were all male patrol officers. They were partners in two officer cars that performed regular patrol duties. They were 26, 28, 29 and 37 years old. Two were white, one was Hispanic and one was Arabic. Two of them had college degrees, one had some college and the last did not answer the question. All of them were raised in Paterson. One still lives there, while all of them live in the county in which they work. They have 2, 3, 5 and 7 years of experience. All had graduated from the Paterson Police Academy. One officer transferred to a police department in another county for a couple of years before returning to Paterson. This is not an uncommon experience; most officers who go to another department leave for financial gain, but some return because they miss the action and/or experience that an **urban** department provides.

The first part of the scenario stated, “It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in an **urban** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. The two young men look familiar to the officer as people with whom he or his colleagues have had previous contacts, and who have criminal records.” The researcher then asked the two questions that appear after each segment of the scenario, “What would the officer do? What do you think about that?”

As in every other group, the officers answered as if they were personally involved. All agreed that they would radio for backup. There was a discussion about how you would know it was a joint, since it was dusk. They discussed it back and forth, agreeing that you could tell by the smell of the marijuana if you got out and investigated. They were focusing on the probable cause, a theme throughout the groups.

These officers also focused on the past history of the occupants and thought it was very important. If it was someone that they did not know, they would not be as quick to investigate. They would still investigate, but not as quickly and as thoroughly. If, however, they were people with whom they had dealt in the past, who they knew to be criminals, the officers would be much more thorough and check harder as they investigated. They would run warrant checks to see if there were any active arrest warrants from other towns or from Paterson, a standard police operating procedure. They thought the smoking of ‘a joint’ was not a big deal.

They were also took into consideration the time of day and where it occurred in their shift. If it was toward the end, they might act differently from it falling during the middle or beginning. If it was at the end of their shift, the variables to be considered

were: did they want the overtime, did they want to go home or not, because if you made the arrest, it was going to be an extended day. Those types of variables influenced their decisions.

The second part read, “The officer has reason to believe that the car may be stolen.” The group responded that they would conduct a felony stop. Two of them stated that they would use their P.A. (Public Address) loud speaker to tactically stop the car and have the occupants step back to them. Their car doors provide cover for the officers. The other two officers stated that they would approach the car and look for obvious signs of whether the car was stolen, such as the ignition being ‘punched’. These officers, like every other officer interviewed, wanted the scenario to be definite. The car was either stolen or not, not possibly stolen. That is how police officers work, in a fact finding and decision making mode. It is never maybe or could be; it is always it is or it is not.

The third part read, “The young men ignore the officer’s demand that they provide identification and get out of the car, then verbally abuse the officer.” All four officers were in immediate agreement that they would take absolutely no resistance on either person’s part and would arrest them right away for obstruction. The occupants would be removed from the car, placed on the ground and arrested. This no-nonsense approach is indicative of policing in a high-crime **urban** area. Police officers may not have the time to prolong a call. Once they see a reason to arrest, they make it and the call is over, except for the paperwork back at headquarters.

The fourth part stated, “In response to the officer’s demand to show identification, get out of the car, etc., the driver starts the car”. These officers stated that since they had called for backup units, they would have already blocked the men in with their vehicles.

Then they would use verbal commands to try to get the occupants to come out of the car and, if they did not respond to those, the officers would reach into the car and drag them out.

The fifth part read, “The car speeds away”. Immediately, the officers said they would start their chase. They would put the direction of travel, with a description of the car and the occupants, over the radio. They stated that the crime had just gone from obstruction to eluding, giving them a legal basis for their actions.

The sixth part read, “The officer is tailing the car or pursuing the car at high speeds through a residential area”. This response, like those of other officers, focused on the different variables, i.e., the time of day, whether school children are out, were they driving through a residential zone. They stated that they would chase until they were stopped by a patrol supervisor. Some supervisors are very quick to break off the pursuit, which the Attorney General’s Pursuit guidelines allows without any repercussions of any kind, while other supervisors are not as eager to stop the pursuit and allow the officers to continue.

The seventh part read, “The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car.” The men were very forthright in their responses. They would approach with weapons drawn. They knew it is not the tactically textbook approach but, in actuality, officers do run up to the car and start to pull people from it. This indicated that these officers were really providing a true-life depiction of what they do and how they do it.

The eighth part read, “As officers approach the car, the two young men get out and start to run away.” These officers, who were all young and fit, stated they would

start a foot pursuit and there would be plenty of units in the area to make the apprehension as quickly as possible. Paterson is a small city, only eight and a half square miles, with a lot of police officers. Even officers inside headquarters would respond if the chase became too dangerous or there was a gun involved. Police officers would come to help their fellow officers.

The ninth part read, “As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity”. The group was concerned for pedestrian safety. They would yell that the criminal has a gun. They would tell the pedestrians to seek cover and get out of the way. They would call for a supervisor, and they would definitely have their guns out and give verbal commands to the criminal to drop the weapon.

The final part read, “One of the two men turns and points a handgun at one of the officers”. All four officers’ immediate response was that they would shoot. One officer repeated what was said in other groups, “I would rather be tried by twelve than carried by six.”

It was apparent that the officers got along well with each other, particularly between the partners. There was very little disagreement about how they would handle the scenario. They were action oriented and to the point. For example, as soon as one of the occupants of the car started to give them a hard time and failed to comply with their requests to provide identification, they would be immediately arrested for obstruction. There was no discussion of alternatives, just action/arrest. They were all concerned with having probable cause and justification for stopping and investigating. They were also,

concerned with officer and civilian safety. No one dominated the discussion, possibly because they were all of the same rank. The group ended at 1215.

## Demographic Summaries of All Three Sites

### Suburban Focus Group Demographics for 18 volunteers

Table # 4.25

#### Distribution of Variables by Mean

Variable	Mean
Age	35
Race	15 White 2 Hispanic 1 Other
Years on Job	11
Education	2 High School Graduates 3 Some College 11 College Degrees 2 Masters Degrees
Rank	6 Police Officers 7 Detectives 5 Supervisors
Previous Police Department	15 No 2 Had worked for other police depts. 1 Had worked as a corrections officer
Live in Municipality you work in/ Live in County you work in	4 Live where they work 15 Live in Bergen County 14 Born and Raised in Bergen County
Police Academy Attended	16 Bergen County Police Academy 2 New Jersey State Police Academy

**Rural** Focus Group Demographics for 16 volunteers

Table # 4.26

Distribution of Variables by Mean

Variable	Mean
Age	35
Race	16 White
Years on Job	11
Education	1 High School Graduate 4 Some College 10 College Degrees 1 Masters Degree
Rank	5 Police Officers 5 Detectives 6 Supervisors
Previous Police Department	11 No 4 Had worked for other police depts. 1 Worked as Corrections officer
Live in Municipality you work in/ Live in County you work in	5 Live where they work 13 Live in Sussex County 13 Born and Raised in Sussex County
Police Academy Attended	4 Bergen County Police Academy 4 New Jersey State Police Academy 3 New Jersey Division of Criminal Justice Investigators Academy 2 Morris County Police Academy 2 Somerset County Police Academy 1 Passaic County Police Academy

## Urban Focus Group Demographics for 16 volunteers

Table # 4.27Summary: Distribution of Variables by Mean

Variable	Mean
Age	35
Race	7 White 7 Hispanic 2 Other
Years on Job	9
Education	3 High School Graduates 8 Some College 3 College Degrees 2 Did Not Answer
Rank	11 Police Officers 4 Detectives 1 Supervisor
Previous Police Department	14 No 2 Had worked for other police depts..
Live in Municipality you work in/ Live in County you work in	5 Live where they work 15 Live in Passaic County 1 Did Not Answer 13 Born and Raised in Paterson
Police Academy Attended	15 City of Paterson Police Academy 1 Passaic County Police Academy

## **CHAPTER FIVE: DISCUSSION AND CONCLUSIONS**

### **Major Findings**

- Police everywhere feel a strong sense of danger.
- Officers from the three sites displayed noticeable differences in their attitudes toward the police use of force.
- There are two demographic variables, education and rank, that appear to impact an officer's attitude toward the use of force.

### **Outline of Analysis**

The analysis of the findings was a four-step process. First, the demographic summaries were analyzed and discussed. Next, a qualitative analysis required by focus group methodology was undertaken to increase the understanding of a very sensitive issue from the police officer's perspective. Then, Birkbeck's theoretical models on the police use of force are detailed and applied to the data for further analysis. Finally, this study's use of force hypotheses are addressed.

### **Analysis of the Demographic Summaries**

The volunteers in all three sites had a mean/average age of 35 years old with an age range of 24 to 59. Their race is reflective of the sites where they work. Bergen County is mostly white, as is the case with most of the officers in the focus groups. Fifteen of eighteen are white. Sussex County is overwhelmingly white and all the officers who participated were, too. Paterson is a very diverse city and the officers in the focus groups were also, with less than half being white. There were no black officers who took part in the focus groups at any site. There were opportunities for blacks to participate but, for reasons unknown, they chose not to do so. At the Bergen County

Police Academy, there were black officers in the in-service classes that volunteers were solicited from yet none chose to participate. In Bergen County and in Paterson, the same was true for female officers; they were also in the classes where volunteers were sought yet they chose not to do so. Sussex County was the only site where women volunteered to participate, with two in Focus Group # 1 and one in Focus Group # 2.

The officers in all three sites had about the same experience, with the **suburban** and **rural** officers averaging eleven years on the job, while the **urban** officers average nine years. The range of experience is from two to thirty-six years on the job. These were seasoned officers with plenty of experience.

The **suburban** and **rural** officers had about the same high level of education. Thirteen of the **suburban** officers had college degrees, with two of them also having Masters, while there were ten **rural** officers who had college degrees and one with a Masters. The **urban** site had three officers with college degrees.

The **suburban** and **rural** sites appeared to be the same, with regard to the rank of participants. The ranks were evenly spread, with about the same amount of police officers, detectives and supervisors volunteering. The **urban** site was predominantly police officers, eleven of sixteen, with four detectives and only one supervisor. The **suburban** site was the only one where officers were self-selected. They chose to volunteer after being asked by the researcher. In the **rural** and **urban** sites, for reasons explained earlier, the officers were asked to volunteer by members of their own departments. It was explained that their participation was strictly voluntary and they could refuse to do so with no penalty. They all agreed to participate and signed consent forms to that fact.

With regard to having previous police experience, the **suburban** and **urban** sites were very similar; almost all had only worked for one police department. While, in the **rural** site, nearly one-third of the participants had previous police experience with another law enforcement agency. There were no obvious or explained reasons for this.

The residency of the officers for the three sites was very similar. Almost a third of the officers in the **rural** and **urban** sites lived in the municipalities in which they worked, while a quarter of the **suburban** officers did. New Jersey police officers are only required to live in the state. All the officers worked close to home, with almost all living in the respective counties where they worked. In addition, the officers were mostly born and raised in their respective sites. While Bergen and Sussex Counties are quite large, the city of Paterson is only eight and a half square miles. Most police departments either required residency on the day of the police entrance exam (Paterson) or gave preference to their residents who passed their test (most towns in Bergen and Sussex Counties).

Finally, with regard to where the officers received their basic police recruit training, the **suburban** and **urban** sites were similar, each having one training academy where their respective officers were trained. Almost all **suburban** officers were trained at the Bergen County Police Academy. The **urban** officers, except for one, were trained at the City of Paterson's Police Academy. However, the **suburban** officers, after they graduated from the academy, worked for a myriad of police departments throughout Bergen County, each with their own culture and way of doing things, while the Paterson officers all worked together under the same organizational structure and shared similar police experiences. The **rural** officers, since Sussex County does not have its own police

academy, were scattered throughout the State to receive their basic police training. They attended six different academies, with one of them being Bergen County's, before returning to their respective communities after they graduated.

### **Qualitative Analysis of the Focus Groups**

Patton (1990) explained the qualitative analysis methodology used with focus groups when he wrote, "Data interpretation and analysis involve making sense out of what people have said, looking for patterns, putting together what is said in one place with what is said in another place, and integrating what different people have said" (p. 347). This analysis, detailed below, began when the focus group responses were studied after they were asked the same two questions: "What would the officer do?" and "What do you think about that?" after each part of the scenario.

#### **First Part of the Scenario**

*It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in a built-up **urban** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. (The two young men look familiar to the officer, as people with whom he, or his colleagues, have had previous contacts, and who have criminal records.)*

All four **suburban** focus groups' responses were essentially the same. They would stop and investigate. They would immediately call for backup for their own safety. They would get out and interview the occupants and see if they could smell the marijuana, which would give them probable cause to search the vehicle and, possibly arrest the occupants. Group # 4 was comprised mostly of detectives (four of the five participants). One evidenced his detective experience by stating that, since marijuana

possession was a relatively minor offense, he would try and 'turn' the occupants into confidential informants by not arresting them on that charge, in the hope of getting information on more important criminal activity.

The **rural** focus groups all would stop and investigate but were concerned with officer safety, especially the ability of backup police officers to arrive in a timely manner. Groups # 1 and 2 noted that sometimes their backup was forty minutes away, depending on which part of Sussex County they were in. Group #3, which is a local police department, noted that the longest it takes for backup to arrive in their town is five minutes.

The **urban** focus groups offered new dynamics as to whether they would stop and investigate and what they would do. Group # 1 wanted to know how busy the shift was. If it was very busy, they might not have the time to stop and investigate; if it was not, they would get out and see what the two men were doing in the car. Group # 2 wanted to know how many breaks had been given to the occupants in the past. Group # 4 stated that, if the occupants were known criminals, they would investigate them much more thoroughly to see if they had active criminal warrants and/or if the car was stolen. They also wanted to know the time of day and how it matched up to the shift. If the car stop was toward the end of the shift, they might act differently. Officers who wanted to make overtime might investigate more thoroughly in the hope of finding criminal activity that would require them to stay and be paid overtime to process their prisoner. Others, who wanted to go home, might not be as thorough.

## Second Part

*The officer has reason to believe that the car may be stolen.*

All four **suburban** focus groups were concerned with verifying that the car was, indeed, stolen. They noted cases where cars had been stolen, recovered and returned to the owner, but were never taken out of the computer and were still listed as being stolen. This has had terrifying consequences for the owners when they were stopped by police at gunpoint, thinking that they were criminals driving stolen cars.

The **suburban** groups were still concerned with their own safety and were waiting for their backup to arrive before proceeding further. Thinking that the car might be stolen and smelling the marijuana, they were on heightened alert and ready to ‘draw down’ (pull their guns out) and arrest if it became necessary.

The **rural** focus groups wanted to stall until their backup arrived. After the backup arrived they wanted to do a computer check for a stolen car and inspect for physical signs, such as a ‘punched’ ignition or missing stereo. Group # 3 noted that in Sussex County a stolen car was “a big deal since they only get about ten a year”. This is in stark contrast to Paterson, where a stolen car is such a common occurrence that people sometimes do not even know they are in one, since the car has been “traded” several times for drugs. Group # 4 wanted to get the occupants out of the car so they could confirm their identities.

Similar to the **suburban** and **rural** focus groups, the **urban** officers were concerned with their own safety and the availability of backup officers. However, in Paterson, it usually takes only a minute for help to arrive. Group # 1 stated that they would focus on the body language of the occupants. Group # 2 would call headquarters

with a description of the occupants, since pursuits and ‘bail-outs’ were not uncommon. Then, if the occupants ran, the police would know the descriptions of whom they were trying to catch. Group # 4, comprised of patrol partners, stated that they would make a ‘felony’ stop using their P.A. (Public Address) loudspeaker and their car doors for cover, while commanding the occupants to exit the car, one at a time, and walk slowly back to the officers to be searched and interviewed.

### **Third Part**

*The young men ignore the officer’s demand that they show identification and get out of the car, and verbally abuse him.*

There was a divergence of opinions among the **suburban** groups. Group # 1, where three of the four were supervisors, stated that they would give strong verbal commands to gain compliance, while waiting for their backups to arrive. One supervisor stated that he would mace and arrest the occupants.

Group # 2, even though a mix of supervisors and police officers, agreed that they would arrest the occupants immediately for the crime of obstruction. Groups # 3 and # 4, where seven of the eight were detectives, with no supervisors, wanted to wait for backup, while trying to calm the situation.

All the **rural** focus groups discounted the verbal abuse and continued to investigate. Group # 1 noted the benefit of having cameras in the patrol cars and microphones on the officers to record what transpires on traffic stops. They allow supervisors, judges and juries to see how the civilians behaved at the scene on the day of the arrest. Group # 3 did not even mention the verbal abuse. They discussed the use of force variables pertaining to the occupants, i.e., how old they were, how big and

muscular. Group # 4, which was comprised of an officer and three supervisors, disagreed on what action they would take. The officer would arrest immediately for obstruction. The supervisors felt that taking the verbal abuse was just part of their job. They discussed the various alternatives for gaining compliance, such as, strong verbal commands, ordering the occupants out of the car at gunpoint, or macing them.

The **urban** focus groups were much stronger in their response to the verbal abuse. They were no-nonsense officers. Groups # 2, 3 and 4 would arrest immediately for the crime of obstruction. This was predictable for Group # 3, all anti-crime detectives, whose mission is to arrest as many criminals as possible. But Groups # 2 and 4 were regular patrol officers who have various duties. Group # 1 had one officer who wanted to immediately arrest, while the others wanted to use ‘verbal judo’ to gain compliance before resorting to arrest.

#### **Fourth Part**

*In response to the officer’s demands (to show ID, get out of the car, etc.), the driver starts the car.*

The **suburban** groups were determined to keep the car there. They would do whatever it took to achieve that goal. Officers mentioned hitting and macing the driver and/or reaching in and taking the car keys. Group # 1 would give strong verbal commands to turn the car off. One supervisor would draw his gun, since it was a stolen car with marijuana in it and the occupants were trying to leave the scene.

Group # 3 discussed whether drawing a gun at that point was a good tactic.

Officer B said:

I am not a huge fan of drawing your gun too early because, if you have no reason to use it, then it is in your hand and, if something happens that is not going to require your gun ... I do not know about pointing a gun at a guy that is starting his car. At that point, I am going to retreat to my car, probably, and wait to see what the next move is, whether he is going to take off, and again, wait for another guy to get there. That is it at that point.

The **rural** groups did not have a consensus on what they would do. One officer in each of Groups # 1, 3 and 4 thought the driver would be maced but others disagreed, feeling that it unnecessarily increased their civil liability if the driver crashed because he was temporarily blinded from the mace. Others in the groups discussed drawing their guns and commanding that the car be turned off. One even felt that, since he knew the driver, he would let the car leave but issue the appropriate criminal complaints back at headquarters. Group # 2 discussed the pursuit guidelines and how there was a different mentality in Sussex County. Policing was slower-paced and it was very important to “CYA” (Cover Your Ass). Their boss was an elected official so he, and they, felt political pressure when controversy arose. If they pursued the car and it hit a pedestrian, there would be major political fallout.

The **urban** officers noted that it was common practice in Paterson for officers to command drivers, after they have been pulled over, to place the keys on the hood or roof of the car to avoid the problem of it driving away from them. If the driver failed to

comply, the officers would physically pull him out of the car.

### **Fifth Part**

*The car speeds away.*

All the **suburban** groups agreed that they would pursue the car. They would radio their headquarters with all the information regarding the car, its occupants and the direction of travel, so other units and towns could be notified and be ready to assist. Officers A and D in Group #1 discussed the crimes that had been committed and decided the fact pattern of the crimes committed warranted a pursuit.

A: At this point, you, basically, if the car only may be stolen, you basically only have a fourth degree crime at best, so you only have the joint and, we do not know, we were not able to search the car. Like B has said, you would have to weigh to pursue, and everything, weather, is your vehicle capable, the time of day, traffic, you would have to weigh all the pursuit guidelines before you decide to continue.

D: It is getting very interesting at this point in time. What do we have? We have D.P. (Disorderly Person) possession of marijuana, we have D.P. (Disorderly Person) attempt at flight, taking the stolen vehicle out, we have a pursuit, which is now Eluding, but we also know the identities of the people, right?"

The **rural** focus groups were divided among whether they would pursue or not. Group # 1 was all detectives who drove unmarked cars. They are not allowed, by office policy, to pursue. Group # 2 said that, since they knew the driver, they would not pursue

even though they were allowed. They noted a departmental policy that forbids the pursuit of motorcycles due to the winding roads and large size of Sussex County.

Group # 3 was very aware of the Attorney General's Pursuit Guidelines and the civil liability involved. They would put the fact pattern on the radio to limit their exposure to civil liability and pursue the stolen car. Group # 4 agreed that they would pursue the car but would tailor their speed to the vehicle location. If the stolen car was driving through a residential area, they would go slower but they did not want to completely let the stolen car go. They would pick up their speed when they were in less populated areas. They also realized that, since they are more familiar with their residents and criminals, they could get the driver another day if the pursuit became too dangerous.

The **urban** groups all would pursue. However, they noted that it was 'just' a stolen car, so they would only go to a certain point/speed before they would break it off or a patrol sergeant would order them to stop. They, too, cited all the public safety variables, i.e., traffic congestion, crime committed and innocent civilians imperiled, that an officer must take into account while doing his job.

### **Sixth Part**

*The officer is tailing the car (or pursuing the car at high speed) through a residential area.*

All the **suburban** groups would not continue to blindly pursue. They discussed the New Jersey Attorney General's pursuit guidelines and the fact patterns of the crimes committed that would allow for pursuits. The officers were ever mindful of the public's safety. If they felt that the pursuit would jeopardize the public's, or their own, safety they

would not hesitate to call it off, especially since the occupants were known to them. They would be arrested later.

The **rural** focus groups remained divided on what they would do. The two county-wide agencies would not pursue, while the two local police departments would continue their pursuit.

The **urban** focus groups stated that they would continue to chase until stopped by a supervisor. They said it was rare for a pursuit to last any length of time. Group # 3, the anti-crime detectives, stated that they would be relentless in capturing the suspect.

### **Seventh Part**

*The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car.*

The **suburban** groups were divided on how they would approach the car. Groups # 1 and # 2, who had all five supervisors from the **suburban** site in them, wanted to call for backup and then do a ‘felony’ car stop. This is perfectly described by Officer A in Group # 3 when he said:

One guy gives all the voice commands; the other guy covers. I like people coming to me, rather than go up to the car, so I say to the driver, ‘Throw the keys out of the car’. He throws the keys out, the driver comes out first. You pull him out, take him first and search and do the same with the passenger.

Even though all police officers know that safety and proper police procedure call for them to employ the felony stop as described above, Groups # 3 and # 4 admitted that, realistically, officers usually run up and drag the occupants out of the car at gun point. They likened it to a ‘dog pile’, where one officer runs up, causing the others to follow

him and jump on the car and its occupants.

Officer A in Group # 3 also noted the calming effect of cameras on police use of force when he stated:

I mean, I have the mentality someone's always got a camera. Everything I do is on videotape and there have been situations where people get a little crazy. Like videotape, I just scream out videotape and that literally diffuses the future possibility of excessive use of force, cause every asshole's got a video camera on his phone now, so you have to be careful of what you do.

The **rural** groups were divided in their responses to the car crashing. Group # 1, which was not allowed by office policy to pursue, stated that they would approach the car with weapons drawn and arrest the occupants. This was a surprising immediate patrol approach rather than a more deliberate detective response. Group # 2 agreed with # 1 and would approach the car.

Groups # 3 and 4, which are predominantly supervisors, decided that they would use a safer and more tactical method by using command and cover. This is known as a 'felony' stop approach, which is outlined above. These groups realized that some officers do run up to the car and they were prepared to follow them, since officer safety dictates it.

There was no disagreement among the **urban** officers. They all would run up, with their guns drawn, and rip the occupants out of the car. Group # 4, the patrol partners, noted that this approach was not very tactical but it is what occurs in real life. One of the anti-crime detectives in Group # 3 reasoned that he wanted to project aggression to avoid conflict.

## **Eighth Part**

*As officers approach the car, the two young men get out and start to run away.*

All four **suburban** groups agreed that they would pursue the occupants on foot, call other towns for assistance, and set up a perimeter to contain the occupants in a fixed location. Group # 4, comprised mostly of detectives, stated that they would run after the driver since he had the legal responsibility for the car, possessing stolen property. Officer B in Group # 4 related why he would chase the driver:

Like he said, driver - number one, because the guy in the car, the other guy always has a story about, you know, he was trying to get out of the car, whatever, he told him to stop. There's always a story, so we are definitely going after the driver. The driver does not have these ready-made excuses to tell the police and the courts.

The **rural** groups all would engage in foot pursuit of the occupants. Groups # 1 and 4 stated that they would chase the driver since he has the legal/criminal responsibility for the car. Group # 2 was more pragmatic, stating that they would chase the person closest to them. They also noted that Sussex County has a lot of woods and they would not chase a suspect into them, fearing an ambush. Instead, they would set up a perimeter and call for a K-9 unit to flush the suspect out. Group # 3 stated that they would pursue for miles and would call the State Police for assistance, i.e., K-9 units or even a helicopter.

The **urban** officers, too, would run after the occupants. They noted that there are plenty of available backup units and that ninety-eight per cent of those who attempt to flee get apprehended. Group # 1 made an interesting point when they said that it was the

less guilty of the occupants who runs from the police in the hope that this distracted them from the other occupant who had a weapon or a larger quantity of drugs. The more culpable then tried to blend into the crowd and slip away. Groups # 2 and 3 said that they found that 'trash talking' the person they were pursuing was an effective means of distracting and slowing criminals down in order to arrest them.

### **Ninth Part**

*As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity.*

All the **suburban** groups would continue their pursuit and would issue loud verbal commands to the gunman to drop his weapon and surrender. This would alert others, police and pedestrians alike, to the increased danger of the situation.

There are so many variables that the officers must take into account in a highly stressful situation. Officer C in Group #3 detailed what was going through his mind as he chased a gunman when he said:

You know, at this point, I would start thinking that I am going to have to end up shooting this guy. You know, there are so many things now. Shooting and running is almost impossible. Am I going to remember even voice commands at this point, probably not. Probably seem like, oh shit, he's got a fucking gun, and now there are kids over there. By now, I am probably thinking, do I have a shot, do I not have a shot, will I hit the innocent people, but, I mean, at this point, I am really going to have to start to think that way. You might have to knock him down and, I think, you know if you did, I think you'd be good, because of the situation.

Realizing the obvious danger of the situation, the **rural** groups focused on their, and the public's, safety. They would keep chasing the gunman. A detective in Group # 1 stated the well-known police adage, "I would rather be tried by twelve than carried by six". The twelve he referred to are a jury and the six are pallbearers at a funeral. They, too, would yell "gun" to alert police and pedestrians to the dangerous situation. An officer in Group # 2 noted the ambiguity of the situation. He referenced the Diallo case when he said, "The man could be pulling out his wallet or a cell phone". The split-second decisions a police officer must make can be life altering for him, as well as the suspect.

The **urban** groups were similarly interested in their and the public's safety. They would yell to alert them that the man had a gun. They were mindful of not chasing the suspect into a crowd fearing the hostage-taking possibility. Group # 2 stated that the police do not retreat; they chase and capture.

### **Tenth Part**

*One of the two men turns and points a handgun at one of the officers.*

The **suburban** groups were unanimous that they would shoot the gunman. Group # 1 noted how the Attorney General's Deadly Force Guidelines allow that, if an officer sees deadly force being used against him, which is the pointing of the gun at the police, he can use deadly force. Officer A in Group # 3 also referenced the often heard rationale for a police shooting when he said, "My uncle, he was a cop. He always used to say, 'I would rather be tried by twelve than carried by six'. I heard it all the time and I think he is right".

The **rural** groups agreed that, on seeing the gunman pointing his weapon, they would shoot immediately.

The **urban** groups, also, were in total agreement that they would shoot the gunman. There was no mention of the Attorney General's Use Of Force Guidelines. They focused on their own safety. An officer in Group # 4 repeated the same police adage about it 'being better to be tried by twelve...'

Summarizing the reaction of the three sites of officers to the use of force scenario, there is a range of attitudes that appears based, at least partially, on geography. This agrees with Liederbach's (2005) conclusion but a different reasoning is applied. Where he found that rural police officers tended to be more informal in their dealing with the public in day-to-day affairs, in this use of force scenario that was not the case. Rural officers were more legalistic and technically precise. They were book smart. They knew the legally correct way to police and they applied it. They discounted the verbal abuse of the officer during the scenario since the law allows it. They knew the Attorney General's guidelines on the use of force and vehicle pursuits inside and out. They were keenly aware of the civil liability and discussed all factors, such as the crime, public safety, time, weather, etc., involved in the scenario. The suburban officers were in the mid-range of attitudes. They were similar but not totally in step with the rural group. On some issues they thought more like urban officers. For example, they, too, were smart and very aware of the legal parameters of their actions but some would not tolerate the verbal abuse and would arrest.

**Urban** officers were more street-wise. Their actions hinted at the Watchman style proffered by Wilson (1968) where increased discretion equals increased use of

force. They are more action oriented crime fighters, which is understandable since there is much more crime in the city of Paterson. In their responses they appeared more real. They explained that, if their shift was too busy, they might not even stop for the two men on the side of the road possibly smoking marijuana. They wanted to know what time during their shift that the stop occurred. It made a difference in their decision as to whether they wanted overtime or to go home. They would not take any verbal abuse. These were no nonsense officers who would arrest immediately. During the scenario when the car crashed they would all run up and rip the occupants out rather than follow the felony stop procedures. These **urban** officers thought differently than their **suburban** and **rural** counterparts.

### **Birkbeck's Theoretical Model Applied to the Focus Groups**

Birkbeck (Draft, 2001) provided three theoretical models he used to organize and analyze his team's international research on the use of force by police officers. He felt that "the circumstances" were key to justifying the use of force. He posited that there were three types of circumstances that justified the use of force: civilian behavior, types of force used by police, and the officer's goal in using force. He used three models to try and conceptualize these circumstantial justifications for the use of force: the *causal*, the *physical*, and the *functional* models.

The *causal* model emphasized civilian behavior over other types of force or goals officers hope to achieve by using force. This model justified police force as a retributive response to something that a civilian did in the encounter or something that he did in the recent past. The civilian caused the police response by his act of aggression or his

resistance to a police procedure. This usually resulted in a harsh response by the officer. The police response can be verbal and/or physical and sometimes results in arrest.

The *physical* model emphasized the type and physical effects of force. Force is justified by the effect it produces on civilians. Use of force continuums, which try to mandate how a police officer responds to certain specific actions of civilians, are prime examples of the *physical* model. Birkbeck noted the mechanical character of this model because it encouraged police officers to recognize the amount of force being used against them and then select the next greater level of force allowed to overcome the civilian's behavior. The police officer decides what action to take based on his evaluation of the circumstances. In New Jersey, police officers are taught and required to follow the New Jersey Attorney General's guidelines on the use of force. A key component of the guidelines is that officers are allowed to use only the amount of force necessary to overcome the opposition they are presented with. These guidelines are considered so important that all police officers must receive in-service training on them twice a year.

The *functional* model emphasized the officer's goals in the use of force. They can be protecting and serving the public or preventing crime by arresting criminals, etc. Birkbeck wrote "the use of force does not only depend on civilian behavior but on the type and urgency of the police task-in-hand" (p.6). In the officer's point of view, the ends justified the means.

In order to apply Birkbeck's theoretical models to the scenario it must be remembered, as Weisheit, et al (1995) noted, that police officers everywhere react similarly when addressing serious criminal behavior. No matter where they work, they will confront serious crime as they are sworn to do. Differences in police attitudes are

more obvious when they are dealing with lesser offenses and in their daily interaction with the public. That being said, there were nuances in how the officers from the three sites addressed the scenario that evolved into a deadly force situation. These nuances allowed Birkbeck's models to become applicable.

The *causal* model, which focused on civilian behavior as the circumstance that justified the use of force and was seen as retributive in nature, was much more apparent in the **urban** site. In the first part of the scenario, the officers stopped to investigate the young men sitting in the car possibly smoking marijuana and who, the scenario stated, "... look familiar to the officer, as people with whom he, or his colleagues, have had previous contacts, and who have criminal records." While both **suburban** and **rural** officers stopped, the **urban** officers were the only ones who focused on the past behavior of the occupants, wanting to know how many breaks they had been given before and, because of their past, would investigate them much more thoroughly than if they were new to the system.

In the third part of the scenario, where the young men in the car ignored the officer's demand that they present their identification and then verbally abused the officer, the **urban** officers reacted swiftly and sternly. They would immediately arrest the occupants for obstruction. There was no discussion. It was plain that they would not allow anyone to treat them disrespectfully. This coincides with Lundman's (1994) literature review on the effect of demeanor on the use of force. Those who act negatively toward the police got treated in a harsher manner.

In stark contrast, almost all of the **rural** officers discounted the verbal abuse as "just part of the job" and would not arrest. However, all the studies (Pillavin and Briar

1964, Black 1971, Lundman 1974 and Terrill 2003) regarding the impact of demeanor on an officer's use of force had been conducted in **urban** areas. It remains to be seen how **rural** officers would react in studies focused solely on demeanor and the use of force. Liederbach (2005) found that **suburban** officers' usually fell in the middle range between **urban** professionalism and **rural** informality in their actions. This became evident in this part of the scenario. The **suburban** officers responses fell in the middle of the two groups: some would immediately arrest, while others would not.

In the ninth and tenth parts of the scenario, where the man is first seen running with the gun and then points it at the officer, the **urban** officers, unlike both the **suburban** and the **rural** officers, never mentioned the Attorney General's Use of Force guidelines while discussing their justification for their actions. Their reaction was simply *caused* by the gunman. They were not guided by Birkbeck's *physical* or *functional* models.

In contrast, the **rural** and the **suburban** officers appeared to rely more on Birkbeck's *physical* model when justifying their actions. The *physical* model, with its reliance on use of force continuums, tries to guide an officer's decision making in a predetermined manner. The available use of force options are drilled into an officer at the basic recruit academy and in mandatory twice yearly in-service training. Accompanying this training is a review of the New Jersey Attorney General's Vehicle Pursuit Guidelines. Both detail what officers are allowed to do in dangerous situations. The pursuit guidelines training dovetails with use of force training since, as Worden (1996) found, officers used more force at the end of pursuits, i.e., the Rodney King incident.

Petrowski (2002) pointed out a possible fatal flaw in the *physical* model, with its reliance on use of force continuums in order for the police to gauge the threat that was presented and then using only the next greater level of force necessary to overcome it. He stated that this example of the *physical* model is useful in non-life threatening situations but, it caused officers to hesitate in deadly force situations which resulted in tragic consequences for the officer. Petrowski noted that the *Graham v. Connor* 490 U.S.386 (1989) United States Supreme Court decision did not require officers to follow continuums but only to act reasonably when employing force.

Throughout the scenario, **rural** and **suburban** officers constantly referred to and discussed the law and guidelines regarding use of force when justifying their decisions. For example, in the fifth part, where the car speeds away, two **suburban** officers painstakingly detailed the possible crimes involved so far and whether they allowed them to continue pursuing the car. It was a thoughtful response rather than a visceral ‘I have got to catch them no matter what’ one, which the *causal* model dictates. The **rural** officers recited the pursuit guidelines practically verbatim and were well aware of the civil liability incurred if you did not follow them.

In the tenth part, or as Binder and Scharf (1980) stated, the “final frame”, meaning the culmination of the encounter, all three groups responded using the *functional* model, by immediately stating that they would shoot the gunman if he pointed the gun at them. Their response was based on the civilian’s behavior and, more importantly, on achieving the task at hand, which was stopping a deadly threat to them and the public. The officers evidenced none of the hesitation that Petrowski was concerned about but responded to the urgency of the situation.

### **Use of Force Hypotheses Addressed**

There are three major hypotheses guiding this research on the core issue in policing: the use of force. Over the last forty years researchers have studied the many facets of this issue. However, they have concentrated their attention almost exclusively on the **urban** police officer working in major cities. The purpose of this research was to see if police officers working in **suburban** and **rural** settings think differently from their **urban** counterparts, when reacting to the same use of force progression scenario. Is a police officer's attitude toward the use of force shaped by his environment? Do the geographic characteristics of where they work affect their policing or are they the demographic characteristics of the individual officer? What about the training they receive in the police academy? Does that influence their attitude toward the use of force?

After undertaking both qualitative and theoretical analyses, officers' attitudes toward the use of force do appear to differ somewhat. These differences are attributable to several factors. It appears that where an officer works does affect his attitude toward the use of force. The officers themselves recognize the differences in their police experiences based on their locale. These differences are not only inter-county but intra-county. The **rural** officers in focus group #2, conducted on July 3, all spoke of the different mentality in Sussex County. They felt that it was a little slower paced, not as dangerous, and that you had to make sure you were covered in everything you did. The CYA (cover your ass) mentality was, to them, just the cost of doing business in a **rural** county. This attitude, and how it applies to the use of force, is borne out in the responses of all the **rural** focus groups where they discussed all the variables involved. They were very calculating in their decision making.

The intra-county differences were stated by Officer B in **suburban** focus group #1, conducted on April 23, when he noted the difference in his experience in the northern part of Bergen County, where there is very little crime, to a small mid-Bergen County city, where the police confront drugs, guns and gangs on a routine basis. He explained how he would handle things in a much more laid back manner and not be as quick to use force in the scenario, based on his police experiences. The intra-county differences were also mentioned by **rural** focus group # 3, conducted on July 12, when they noted that the southern part of Sussex County is more ‘white collar’ while the northern part is more ‘blue collar’. One officer who had experience with both communities felt that there were large differences in how you police them.

Officers in **suburban** and **rural** counties are aware of the differences in policing within their counties. If differences in policing are felt within the **suburban** and **rural** communities, they must be seismic when compared to large **urban** police departments. As Walker (1983) noted, there is a “big-city bias” when it comes to studying the police. There is a pronounced need for the study of all facets of **suburban** and **rural** police.

In this study, where the officer attended the police academy appears to have affected his attitude toward the use of force. On the surface, where an officer attended the police academy should have had no impact, on his attitude toward the use of force. All police academies in New Jersey must follow the Police Training Commission’s required curriculum on use of force training. The recruits all received similar classroom instruction and practical role-playing training in car and pedestrian stops, domestic violence situations and building searches for fleeing felons etc.

However, after reviewing the responses of the focus groups it was apparent that the Paterson police officers, who comprised the **urban** site, all reacted in basically the same no-nonsense manner throughout the interview. When the researcher mentioned this to the Paterson Police Director during a phone interview on August 13, 2007 he was not surprised. The Director stated that a possible reason for this was that up, until about two years ago, Paterson had its academy recruits patrolling the city with experienced officers on weekends to gain practical experience after they completed about half of their academy training, including firearms qualification. The recruits would return to the classroom on Monday with invaluable experience they could relate to their academy training. He felt that the no-nonsense attitude might be a police cultural identity learned from the recruit's time on the street working with and observing senior officers. The Director felt very strongly about the benefits of this on-the-job training.

All the Paterson officers involved in the focus groups had received this unique field experience as part of their academy training. In the future, it would be interesting to study Paterson police officers who now can not receive this real life training to determine whether their attitudes toward the use of force are different from the no-nonsense one observed in the present study.

The police literature, while not speaking directly on the issue of recruits patrolling the streets while still in the academy, certainly leans towards recognizing and supporting some of its underlying premises. Fyfe (1996) and Bayley and Garofalo (1989) advocated more realistic role-playing to increase the recruit's ability to deal more effectively with the public. Toch (1996) noted the importance and impact of field training officers on rookie police officers. Westley (1953) pointed out that peer group socialization and

solidarity encouraged police violence and McNamara (2002) found that police officers are trained to protect each other and that is one of the strengths of the police subculture.

Except for the unique and now discontinued Paterson training experience noted above, the type of use of force training, whether classroom or practical role-playing, was thought to possibly influence the officers' attitudes toward the use of force. However, it can not be determined whether the type of use of force training affects the officers since it does not differ in the various police academies. All recruits must receive both academic class room instruction and practical role-playing training in the use of force according to the Police Training Commission's required curriculum for all approved police academies in the state of New Jersey.

It appears that, in these focus groups, the level of education might influence the officers attitudes toward the use of force. The **suburban** and the **rural** officers had much more formal education than their **urban** counterparts. They were more likely to talk about and then apply the law and the Attorney General's guidelines in regard to the use of force. Paoline and Terrill (2007) found that more educated police officers used less force when interacting with the public. With regard to Birkbeck's theoretical models, more educated police officers were more apt to apply the *physical* model with its emphasis on justifying force by the effect it produced on civilians. It was a measured legalistic response to the civilian's actions. This was in stark contrast to the **urban** officers who were much more likely to apply Birkbeck's *causal* model, with its immediate response to a civilian's actions or 'circumstances'.

However, since the **urban** site only had one supervisor in it while the **suburban** and **rural** sites had eleven combined, it is left for future studies to decide whether

education or rank is the determining variable on an officer's attitude toward the use of force. Reuss-Ianni (1983) noted the difference in perspectives based on rank, when she concluded, that there were two separate cultures, street cops and bosses, competing within the police organization to define the police role and its delivery of services. While she did not examine the use of force, per se, her research strongly hints about a probable divergence of opinion on the topic based on rank.

Supporting a possible divergence in attitude based on rank is the finding by Bazley, Lersch & Mieczkowski (2006) that detectives used more force than patrol officers. This was also the finding in this study for the **urban** site detectives in Focus Group # 3, conducted on July 16 in Paterson. However, the detectives in the **suburban** focus groups did not display a propensity for more force than the patrol officers. It is for future studies to determine if the variable affecting force is rank, geographic location, or a combination of both.

It was thought that the size of the organization, based on the number of officers employed, might affect the officer's attitude toward the use of force. Worden (1996) found the larger police departments tend to be more legalistic and bureaucratic and their officers were more forceful. The relationship between size of the organization and the use of force was unable to be determined in this study since the **suburban** officers were employed in various size departments throughout Bergen County, ranging from 15 to 80 officers and there were only one or two officers from a particular department. This does not allow for a comparison among the three sites.

Another variable thought to possibly influence an officer's attitude toward the use of force was where he lived. Weisheit, Wells and Falcone (1995) reasoned that since

**rural** police officers tend to live in the communities they work and have ties to it, such as being church members and coaches, they would be less apt to use force and would be supported more by the community if they had to use it, especially deadly force, because they are thought of as integral community members.

In this case study this logic could not be determined. While there were some differences in the officers attitude toward the use of force based on their geographic location there was no difference in the amount of officers from each site who lived in the town in which they worked. The **rural** and **urban** sites each had five officers, while the **suburban** site had four. It can be assumed that all these officers had ties to their respective towns, therefore, it could not be determined what specific effect community roots had on police officers' attitudes toward the use of force.

### **Scope and Limitations**

While focus groups offer the researcher the unique opportunity to discuss with police officers what and how they think about the use of force, instead of solely trying to place their own interpretations on either actions they observe or survey results they review, they do have drawbacks that must be recognized.

Since a purposeful and convenient sampling technique is used to form the focus groups, it is recognized that, when interpreting data from a limited sample, the experiences are not represented as a full spectrum of experience and opinion. The volunteer participants may not speak for all officers in the municipality or county where they work.

In addition, because the interview was limited to only verbal behavior, the researcher was unable to tell definitively if what the police officers said was a true indication of how they thought and acted, or if they were merely trying to impress their fellow group members or the researcher.

As in any study of people's attitudes regarding a topic of scholarly investigation, there is a possible weakness in the connection between a subject's attitude and his/her actual behavior. A particular attitude expressed in a discussion does not automatically mean that the subject will behave in that manner.

This study does not purport to speak for all officers from the respective **urban** city and/or **suburban** and **rural** counties. The sampling methodology involved in focus groups just does not allow it but it does not diminish the attempt to understand the justifications for the use of force from the police officer's point of view.

## Contributions to the Literature

This research, which is a follow-up study to Birkbeck's, et al investigation on the justifications for the use of force by police, allows researchers to build upon their findings to include **suburban** and **rural** police officers. This grants a more complete view of how all police officers may think about their unique responsibility in using coercive force.

Their realistic progression scenario is an obvious enhancement tool in the basic training of police officers. Correll, et al (2007) noted the positive influence training had on officers' decisions to shoot or not. This scenario can help officers learn how to use their discretion in use of force situations before they progress to that stage. In addition to their other training, this scenario allows them to think about and prepare for a possibly life altering situation before it occurs. The benefits are clear.

Using focus groups definitely contributes to the literature in that it is one of the few methodologies that gives an opportunity to the men and women, who use force legitimately as part of their jobs, to voice their opinions. Police officers are often studied, observed, and surveyed about their use of force but rarely asked their thoughts and opinions in an attempt to understand the world as they see it.

Additionally, this study using **suburban and rural** police officers is an attempt to understand a facet of small town policing since it has been neglected in the literature. Small town police departments comprise the majority of officers in the country. They have the same enormous responsibilities as their inner city counterparts when it comes to the use of force. This study may spur other researchers to further investigate **suburban** and **rural** policing.

## APPENDICES

### Appendix A

#### INFORMED CONSENT FORM

You are being asked to **voluntarily** participate in a research project involving a group discussion on the use of force by police officers. Your decision will not affect your status in the in-service class you are attending today. There has been a lot of research on the subject studying **urban** police officers but very little looking at **suburban** and **rural** police officers. The **purpose of the research** is to see what differences, if any, there are between how these officers use force and their **urban** counterparts.

The group will consist of between four and eight officers. The discussion of a progression scenario involving the use of force will last for one hour. It will be **audio-taped**. **The tapes will be heard only by the researcher and stored at his house under lock and key until the dissertation is completed when they will be erased.** No one will have access to them but this researcher. The information gathered is for dissertation research only and will have no exposure to, or impact on, your own police department, career or this academy. **Please respect the privacy and confidentiality of all participants in the group and promise not to reveal what anyone says during the discussion.** If you agree to take part in the study your lunch will be paid for by the researcher.

**Remember that your participation is strictly voluntary and that you may stop participating at any time without any penalty whatsoever.**

The **principal investigator** for this research is **Kevin Barrett** who is an Englewood police officer and doctoral student at the CUNY campus of John Jay College. He can be contacted **by phone at (201) 641-6230 or by Email at [kjbarrett114@aol.com](mailto:kjbarrett114@aol.com)**. If you have any questions regarding this study or your rights as a volunteer you can also contact Dr. Maki Haberfeld at (212) 237-8381 or by E-mail at [mhaberfeld@jjay.cuny.edu](mailto:mhaberfeld@jjay.cuny.edu) or Ms. Joanie Ward, John Jay College IRB contact person at (212) 237-8961 or by E-mail at [jward@jjay.cuny.edu](mailto:jward@jjay.cuny.edu).

**I have read the above consent form, any questions have been answered and I voluntarily agree to participate in the discussion and not reveal to anyone what was said during it.**

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SIGNATURE OF VOLUNTEER

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SIGNATURE OF RESEARCHER

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TODAY'S DATE

**Appendix B****Data Collection Instrument/Interview Guide****FIRST PART OF THE SCENARIO**

*It is early evening and beginning to get dark. An officer is on routine patrol in a patrol car in a built-up **urban** area. He observes two rather poorly dressed young adult males sitting in a car parked on the roadside, apparently smoking a joint. (The two young men look familiar to the officer, as people with whom he, or his colleagues, have had previous contacts, and who have criminal records.)*

**FIRST QUESTION**

**What would the officer do? What do you think about that?**

**SECOND PART**

*The officer has reason to believe that the car may be stolen.*

**SECOND QUESTION**

**What would the officer do? What do you think about that?**

**THIRD PART**

*The young men ignore the officer's demand that they provide identification and get out of the car, and verbally abuse him.*

**THIRD QUESTION**

**What would the officer do? What do you think about that?**

**FOURTH PART**

*In response to the officer's demands (to show ID, get out of the car, etc.), the driver starts the car.*

**FOURTH QUESTION**

**What would the officer do? What do you think about that?**

**FIFTH PART**

*The car speeds away.*

**FIFTH QUESTION**

**What would the officer do? What do you think about that?**

**SIXTH PART**

*The officer is tailing the car (or, pursuing the car at high speed) through a residential area.*

**SIXTH QUESTION**

**What would this officer (or other officers who may have become involved) do?**

**What do you think about that?**

**SEVENTH PART**

*The car has come to a halt after crashing into a street light pole. The occupants do not appear to be hurt. Officers approach the car.*

**SEVENTH QUESTION**

**What would the officers do? What do you think about that?**

**EIGHTH PART**

*As officers approach the car, the two young men get out and start to run away.*

**EIGHTH QUESTION**

**What would the officers do? What do you think about that?**

**NINTH PART**

*As the two men are running away, officers observe that one of them appears to be carrying a handgun. There are several pedestrians in the immediate vicinity.*

**NINTH QUESTION**

**What would the officers do? What do you think about that?**

**TENTH PART**

*One of the two men turns and points a handgun at one of the officers.*

**TENTH QUESTION**

**What would the officers do? What do you think about that?**

**Appendix C****Confidential Demographic Information Sheet**

Age: \_\_\_\_\_

Race: White Black Hispanic Other \_\_\_\_\_ CIRCLE ONE

Ethnicity: \_\_\_\_\_

Sex: Male Female CIRCLE ONE

Highest level of Education: High School graduate Some College College degree  
Graduate work Graduate degree CIRCLE ONE

Where were you born and raised? \_\_\_\_\_

Do you live in the municipality you work in? Yes No CIRCLE ONE

Do you live in the county you work in? Yes No CIRCLE ONE

**POLICE INFORMATION**

Rank: \_\_\_\_\_

Police Department: \_\_\_\_\_

Years on the job: \_\_\_\_\_

Present assignment: \_\_\_\_\_

Did you ever work for another police department? If yes,

Where? \_\_\_\_\_

For how long? \_\_\_\_\_

Where did you attend the Basic police academy class? \_\_\_\_\_

Do you work in a **SUBURBAN, RURAL OR URBAN** police department? CIRCLE ONE

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