Dissertations

8-12-2016

To Shoot or Not to Shoot: An Analysis of Police Officers' Deadly Force Decision-Making Processes

Jordan Clare Pickering
University of Missouri-St. Louis, jcpwx3@mail.umsl.edu

To Shoot or Not to Shoot: An Analysis of Police Officers' Deadly Force Decision-Making Processes

Jordan C. Pickering
M.A., Criminal Justice, University of Nevada, Reno, 2011
B.A., Psychology, University of Nevada, Reno, 2009

A Dissertation Submitted to The Graduate School at the University of Missouri - St. Louis in partial fulfillment of the requirements for the degree
Doctor of Philosophy in Criminology & Criminal Justice

August 2016

Advisory Committee

David A. Klinger, Ph.D.
Chairperson

Geoffrey Alpert, Ph.D.

Kristin Carbone-Lopez, Ph.D.

Finn-Aage Esbensen, Ph.D.

TABLE OF CONTENTS

ABSTRACT

How police officers exercise their unique power to use deadly force continues to be a topic of interest among academics and, due to recent events, has moved to the forefront of public policy concerns. A number of scholars have proposed theories as to how police officers make the decision to use deadly force, but arguably the most comprehensive deadly force decision-making framework was put forth by Arnold Binder and Peter Scharf three and a half decades ago (1980; Scharf and Binder, 1983). They posit that officers' decision-making processes during an encounter that either includes police use of deadly force, or could have reasonably included police use of deadly force but did not, can be broken down into a four-phase model: anticipation, entry and initial contact, information exchange, and the final frame. Binder and Scharf believe that decisions made by a police officer during prior phases of the encounter have bearing on the officer's final decision regarding whether to use deadly force. Previous work has referenced this framework when analyzing the differences in decision-making between officers involved in incidents in which they discharged their weapons and officers who held fire in incidents wherein no officers shot (Scharf and Binder, 1983; Fridell and Binder, 1992). Scholars have yet, however, to study decision-making processes during incidents in which multiple officers are involved, but only some chose to discharge their weapon. Such an analysis would not only contribute to our understanding of how police officers make decisions during this type of encounter, but it may also shed light on why, given the same situation, some officers make different decisions regarding the use of deadly force.

Using qualitative data collected during interviews with police officers across the United States who were involved in incidents in which at least one officer discharged his or her firearm and at least one officer did not, this study assessed the extent to which the Binder and Scharf deadly force decision-making framework applied to officers' decision-making processes in events where only some officers present chose to shoot. The sample used in the analysis consisted of 83 police officers: 46 who chose to use deadly force during their incident and 37 who chose not to use deadly force, but were present when another officer fired at a suspect.

Initial coding of the interviews summarized each instance of decision-making using the model proposed by Binder and Scharf (1980; Scharf and Binder, 1983). The initial codes were used to identify when and how decisions were made in each of the four phases, as well as the situational context in which decisions were made by the participating officers. A constant comparison method was used to assess the decision-making processes of the police officers in the sample. Comparisons were made between shooters and witness officers as two separate groups and among police officers involved in the same incident with goal of identifying themes directly related to officers' decision to use or not to use deadly force.

By focusing on the decision-making processes of police officers participating in the same incident, the findings from this study shed light on reasons why, given the same situation, some officers decided to use deadly force against citizens, while other officers choose to hold fire. In addition, the way in which the data were collected provided an opportunity to assess whether and how individual officers' decision-making processes were impacted by the presence and decisions made by other officers involved in the same

incident. This is a critical addition to the deadly force literature, as past research on the topic has viewed the decision by a police officer to use deadly force as an individual choice and not as one potentially influenced by the presence of, or decisions made by, other officers on scene.

CHAPTER ONE: INTRODUCTION

As John Goldkamp (1976:169) reminds his readers, "the power to take life exists not only at the final stage of the criminal justice process where the state may execute prisoners under the sentence of death," but it also exists "at the earliest stage where deadly force may be used by police." The irreversible nature of the death penalty has led to stringent and unwavering requirements that all decisions relating to this sentence be carefully made and scrupulously reviewed after the defendant has received due process, yet police officers are given the power to make quick decisions to take the life of citizens (under certain circumstances with no form of prior review whatsoever) (Fyfe, 1981). Adams (1999:14) states that the capacity of the police to use deadly force is "so central to understanding police functions" that one could argue it "characterizes the key element of the police role."

Officer-involved shootings have long garnered "considerable controversy" by the media and the public (McElvain and Kposowa, 2008:505). Although the use of deadly force by the police has been a contentious topic in the United States for some time, a number of recent high profile cases (including incidents in Ferguson, Missouri, Cleveland, Ohio, and North Charleston, South Carolina) have moved police use of deadly force to the forefront of public policy concerns. Criminal justice researchers and policy makers are now seeking to gain a better understanding of *how* and *why* police officers make the decision to use deadly force against citizens.

We still know relatively little about how often police in the United States use deadly force (Fyfe, 2002; Klinger, 2012; Sherman and Langworthy, 1979). For we lack a sound national database for counts of police use of deadly force. While the FBI's

Uniform Crime Reporting (UCR) system does include some information on police-caused deaths, it is a mess. Current data from the UCR states that 461 individuals were justifiably killed by law enforcement in 2013 (Federal Bureau of Investigation, 2014). Data provided by UCR aggregate counts and additional details about each homicide event provided by Supplementary Homicide Reports (SHRs) still fail to capture all homicides caused by law enforcement, however. The Bureau of Justice Statistics designed the Arrest-Related Deaths (ARD) program in an attempt to capture all deaths that occurred during the process of arrest in the United States and a recent evaluation of this program sought to compare arrest-related death counts from the ARD program and SHR data. Findings from this evaluation revealed that between 2003 and 2009, the ARD program only captured, at best, 49 percent of all law enforcement homicides and the SHR only captured 46 percent (Banks, Couzens, Blanton, and Cribb, 2015). In addition to issues associated with the aforementioned data sources, assessments of justifiable homicide counts from another data source, the National Vital Statistics System, also uncovered underreporting, undercounting, and inconsistencies in citizen deaths at the hands of law enforcement (Loftin, Wiersema, McDowall, and Dobrin, 2003; Sherman and Langworthy, 1979).

Not only do we lack accurate counts of the number of citizens killed by the police, but even if we had a sound count of law enforcement-caused homicides, we would still be missing a large part of the deadly force picture. The data collected by the aforementioned methods count only deaths and fail to capture cases in which police used deadly force that did not result in the death of an individual. This is a big problem because there are many instances in which police use of deadly force does not result in the death of a

citizen, but rather a wounding of the suspect or a miss altogether (Fyfe, 1978; Geller and Scott, 1992; Klinger, 2012). In fact, McManus, Griffin, Wetteroth, Boland, and Hines (1970:128) state that "relatively few bullets of all those fired [by police] hit the target at which [they are] aimed." Instances such as these are not captured in data that are limited to homicide counts caused by law enforcement. We may not have an accurate count of how often police use deadly force in the United States, but best estimates, which include instances in which no one is hit by police bullets but police shots were fired, place this count at a few thousand per year (Fyfe, 2002; Klinger, 2004).

While national data are poor, researchers have collected and analyzed the available national data and data in a small number of police agencies seeking to provide insight into why officers choose to pull the trigger. Scholars have identified individual, situational, environmental, and organizational factors that may come into play during an encounter in which an officer decides to fire his or her weapon. Some individual officer characteristics that have been found to be related to officers' use of deadly force include their gender (Fyfe, 1978; Geller and Karales, 1981; McElvain and Kposowa, 2008), their race (Binder, Scharf, and Galvin, 1982; Fyfe, 1978; 1981; Geller and Karales, 1981; Gellar and Scott, 1982; McElvain and Kposowa, 2008), their age and rank (Binder et al., 1982; McElvain and Kposowa, 2008), their level of education (McElvain and Kposowa, 2008), and their assignments (Blumberg, 1983; Fyfe, 1978; Gellar and Karales, 1981).

Prior studies have also identified a number of situational factors that influence officers' use of deadly force. Characteristics of the suspect involved can have bearing on an officer's decision to fire, including the gender of the suspect (Fyfe, 1978; Geller and Karales, 1981; McElvain and Kposowa, 2008; Milton, Halleck, Lardner, and Albrecht,

1977), the race of the suspect (Fyfe, 1982a; Geller, 1982; Geller and Karales, 1981; Goldkamp, 1976; Meyer, 1980; Milton et al., 1982; Robin, 1963, 1964; Sherman, 1982), the age of the suspect (Fyfe, 1978; Milton et al., 1977), and the suspect's demeanor (Binder et al., 1982; Dwyer et al., 1990; Fridell and Binder, 1992; Geller and Karales, 1981). Additional studies have also found connections between the type of crime committed by a suspect and the use of deadly force by the police (Fyfe, 1978; Geller and Karales, 1981), whether the suspect was armed (Dwyer et al., 1990; Geller and Karales, 1981; Hayden, 1981; White, 2002), and the type of weapon with which the suspect was armed (Fyfe, 1978; Geller and Karales, 1981; Milton et al., 1977).

A number of environmental factors have been linked to police officers' use of deadly force. For example, a number of studies have found that instances of police use of deadly force coincide with levels of violence (Fyfe, 1982b; Geller and Karales, 1981; Alpert, 1989), as well as with levels of economic inequality and high minority concentration within the community (Fyfe, 1978; Jacobs and O'Brien, 1998; Sorensen, Marquart, and Brock, 1993).

Lastly, findings from a few studies have revealed connections between organizational policies and police use of deadly force among the officers in the department. An assessment of officers' use of deadly force in New York City (Fyfe, 1978) and Los Angeles (Meyer, 1980) revealed that after each department placed restrictions on "defense of life" and "fleeing felon" policies that had been in practice for years, the number of officer-involved shootings markedly decreased. Examples of such restrictions enacted in New York included only using deadly force in defense of life or when attempting to apprehend an individual suspected of committing a violent felony,

discontinuing the use of warning shots, and refraining from firing at moving vehicles (Fyfe, 1978). In 1977, police officers working for the Los Angeles Police Department were prohibited from firing at suspects who were disobeying orders or appeared to be reaching for weapons in situations where there had been "no assault and no use, display or threat of a weapon" (Meyer, 1980:105).

Another strain of research has focused specifically on the decision-making processes through which officers make choices during a deadly force incident. A number of scholars have posited theories that seek to explain why police officers choose to use deadly force. Some have branded the decision to use deadly force as one made in a split-second after the officer has exhausted all other options (Geller and Karales, 1981). Others have argued that an officer's decision to use or not to use deadly force is influenced by decisions made by the officer previously in the encounter (Binder and Scharf, 1980; Reiss, 1980; Scharf and Binder, 1983). These theories, however, remain largely untested to date.

The current study was designed to add to the existing literature on police use of deadly force by empirically assessing a deadly force decision-making framework originally proposed by Arnold Binder and Peter Scharf in 1980. This decision-making framework was used to guide the qualitative analysis of in-depth interviews with 83 police officers across the United States who were present at an officer-involved shooting. The officers in the sample were selected because they were present at an incident in which one at least officer fired and at least one officer held fire. Of the 83 officers in the sample, 46 officers fired shots during their incident while 37 did not fire but were present when a fellow officer took a suspect under fire. The interviews conducted with the 83

officers were analyzed to determine whether the Binder and Scharf decision-making model (detailed below) holds true among each of the police officers in the sample. The data used in this dissertation allowed for an analysis of this deadly force decision-making framework that has yet to be completed: an assessment of the decision-making processes of multiple officers involved in the same event, some of whom chose to use deadly force and some who did not.

DEADLY FORCE DECISION-MAKING MODELS

Academic consideration of how officers come to make the decision to shoot emerged in the early 1980s. An early conception of deadly force decision-making was that an officer's decision to shoot was one that was made in a split-second when the officer was left with no other option in order to preserve his or her safety or the safety of citizens. While this "split-second" decision theory may explain how some officers decide to use deadly force, others have argued that we should be cautious of accepting this simplistic understanding of deadly force decision-making (Fyfe, 1986; Reiss, 1980). One of the scholars who opposed this simplistic explanation of the decision to shoot was Albert Reiss. Reiss (1980:127) argued that although officer-involved shootings are often conceived as the result of quick decisions, this view does not coincide with the idea that decisions are "formulated in terms of a series of choices or related decisions" and each decision "is contingent upon prior choices" made by the individual. Drawing from his line of thinking, Reiss proposed that an officer's decision to shoot may be best understood as the result of a series of sequential choices made by the officer during the encounter. That is, the series of choices an officer makes during an event can expand or

restrict the number of choices available to the officer later in the encounter, which may have direct bearing on his or her decision to use deadly force (Reiss, 1980). Reiss does acknowledge, however, the difficulty in breaking down an officer's decision-making process and pinpointing specific "choice points" during a process that often unfolds in a very short amount of time (Reiss, 1980:128). According to this line of thinking then, the task should be to focus on identifying possible factors of the police-citizen encounter that influence officers' decision-making and the outcome of the incident.

Taking Reiss' considerations into account, two scholars sought to advance the notion of a deadly force decision-making process and aimed to identify key factors that affect how officers make decisions during potentially violent interactions with citizens. Arnold Binder and Peter Scharf argued that police officers' decisions regarding the use of deadly force are best explained as the result of a series of decisions made by officers during specific temporal frames throughout encounters with citizens (Binder and Scharf, 1980; Scharf and Binder, 1983). More specifically, Binder and Scharf state that the deadly force decision-making process can be best described as involving four phases wherein decisions made by officers in previous phases can impact the decisions they make in subsequent ones.

The first phase of their model, the *anticipation* phase, begins when an officer is made aware of an incident, either through a call into dispatch, personal observation while out on patrol, or some other avenue. Once the officer arrives on scene and begins to make direct observations of the situation at hand, he or she has initiated the *entry and initial contact* phase. If the officer decides to make verbal or physical contact with the suspect, he or she enters the *information exchange* phase of the incident. During this phase, the

officer communicates with the suspect, often in an attempt to gain compliance. The point at which the officer decides to fire his or her weapon or decides that the use of deadly force is not necessary is the *final frame* phase of the event.

Empirical assessments of Binder and Scharf's deadly force decision-making framework have provided some support for their model. Scharf and Binder (1983) assessed their own framework by analyzing qualitative data gathered in interviews with officers involved in police-citizen encounters. Some of these officers used deadly force and others were involved in other situations in which deadly force could have reasonably been used, but officers opted to hold their fire. Binder and Scharf then compared the decision-making processes of officers who shot with those who arguably could have used deadly force but refrained from doing so. Binder and Scharf reported that regardless of the outcome, the decision-making processes of all police officers involved in potentially violent police-citizen encounters follow the four-phase framework they had originally proposed.

The findings from Scharf and Binder's assessment advanced scholarly understanding of deadly force decision-making, but were limited. To make comparisons between officers in different situations who chose to shoot and officers who chose not to shoot, Scharf and Binder (1983) attempted to control for situational differences by matching incidents based on similar characteristics. For example, in one instance, the authors compared a case involving a middle-aged woman armed with a knife who was shot by police with another case involving a middle-aged woman armed with a knife who was not shot by police.

Drawing from the cases from the original Scharf and Binder study, Fridell and

Binder (1992:389) assessed the Binder and Scharf framework. Again, these data were

collected from officer-involved shootings, as well as from police-citizen confrontations

"in which a police shooting reasonably could have been expected but did not occur," and

found support for Binder and Scharf's four-phase decision-making model. Their findings

suggest, among other things, that the decisions made by officers in the information

exchange phase of the encounter are critical as they relate to the officer's final decision to

use or not use deadly force.

Although not directly assessing the Binder and Scharf framework, White (2002)

briefly references the model in his study of officer-involved shootings among officers in

Philadelphia during two time periods (1970-1978 and 1987-1993).[1] White found that

police officers were more likely to use deadly force earlier in the encounter (e.g., when

they first entered the scene or made contact with the suspect) when confronted with a

gun-wielding suspect. Although he does not dwell on this finding, he does acknowledge

that it is applicable to Binder and Scharf's multi-phase decision-making framework and

that early decisions made by officers attending to a "man with a gun" call (e.g.,

maintaining distance between himself/herself and the gun-wielding suspect, finding

cover[2]) can escalate or reduce the likelihood of a police shooting.

While the aforementioned studies have contributed to the understanding of how

police officers make decisions during high-risk police-citizen encounters, there are

notable limitations to these works. While Binder and Scharf sought to assess police

---

[1] White's 2002 analysis was only limited to incidents in which police gunfire occurred and did not account for instances in which officers arguably *could have* fired, but did not.

[2] "Cover" can be defined as a large object or fortification that provides a officer protection from potential dangers.

officers' deadly force decision-making processes by comparing cases wherein at least one

officer shot to cases with similar situational circumstances in which at least one officer

held fire, the fact remains that these officers did not participate in the same incident.[3]

Therefore, one can make a strong argument that important unaccounted for situational

differences in Binder and Scharf's comparison analysis could have impacted officers'

decision-making.

An additional factor that many past studies on deadly force decision-making have

failed to address, including Binder and Scharf's work, is how the presence of other

officers may impact an individual officer's decision-making. Specifically, if a police-

citizen encounter involves multiple officers, do the decisions of one officer impact the

decision-making processes of the other officers present? A number of scholars, such as

Klinger (1997) and Walsh (1986), have emphasized the fact that a lot of police work is

done in groups. That is, many aspects of police work require officers to work with one

another to draft solutions and solve problems. It seems reasonable to assume that this

same notion of "group work" can be applied to situations involving a high potential for

deadly force. While some such incidents are limited to one officer and one suspect, many

involve multiple officers (Klinger, Rosenfeld, Isom, and Deckard, 2016; White 2002).

Therefore, in congruence with its recognition in other aspects of police work, it seems a

reasonable task to assess how different officers involved in the same incident make

choices during events that result in police use of deadly force.

---

[3] A notable exception to this were the few instances in which the authors describe incidents involving one specialized unit from Newark comprised of multiple officers. The individual decision-making processes of each of the officers involved, however, were not discussed.

OVERVIEW OF THE STUDY

The sequential deadly force decision-making model put forth by Binder and Scharf seeks to account for the various factors that may impact an officer's decision to use deadly force. The current study, therefore, was an empirical assessment of the applicability of the four-phase decision-making framework proposed by Binder and Scharf (1980; Scharf and Binder, 1983). Data from interviews with 83 police officers across the United States who were involved in an incident that resulted in police use of deadly force were analyzed. This subset of 83 interviews, drawn from a larger sample of 218 interviews, included responses from multiple officers involved in 24 incidents that concluded in police use of deadly force.

This sample was selected to assess the Binder and Scharf deadly force decision-making model for a number of reasons. First, the sample of 83 officers included multiple officers involved in the same distinct incidents, some of whom chose to fire and some of whom chose to hold fire. Second, although Scharf and Binder (1983) were able to assess their framework by comparing the decision-making processes of officers involved in *similar* incidents, they were not able to assess differences in the decision-making process among police officers involved in the *same* incident. The qualitative data used in this dissertation allowed for the analysis of the decision-making processes of multiple officers who were involved in the same event, yet differed in regard to their use of deadly force. By accounting for situational differences, the analysis was designed to shed light on whether differences in the decision to use deadly force among the officers involved in the

11

same event is primarily due to significant differences in the decisions they made throughout the incident.

Third, by studying officer-involved shootings in groups, I was able to examine the effect that the presence of other officers on scene played in how and why police officers made decisions regarding the use deadly force during a potentially violent police-citizen encounter. This is a factor that was not accounted for in Binder and Scharf's original model, but which might impact how police officers made decisions and moved through the decision-making framework proposed by the authors.

In sum, this analysis was conducted to provide additional insight as to whether police officers involved in deadly force incidents complete the decision-making process as outlined by Binder and Scharf and if the factors identified by the authors do, in fact, directly impact officers' decision-making. Therefore, the first question my dissertation was designed to answer is:

Do the decision-making processes completed by the different police officers involved in the same incident follow the deadly force decision-making framework as proposed by Binder and Scharf?

Because both "shooters" and "witness officers" (i.e., officers in the sample who did not use deadly force but were present at an event in which a fellow police officer used deadly force) were interviewed, these data allow for the analysis of decision-making processes among officers involved in the same incident who made different decisions regarding whether to use deadly force. The second question this dissertation was designed to answer is: *Given the same situation, do stark differences in how police*

officers move through the Binder and Scharf decision-making process account for why

some officers chose to use deadly force and some chose not to use deadly force?

The data also allowed for an analysis of decision-making at the incident-level. One factor that could influence officers' decision-making during a high risk police-citizen encounter, but is not identified in the Binder and Scharf framework as a factor, is the presence of other officers. One could argue that the presence of other officers and the decisions they make could have the potential to influence the decisions made by an officer in early stages of the incident, which in turn may influence that officer's decision to use deadly force in the final frame. Therefore, the third and final question this dissertation was designed to answer is: *How does the presence of other police officers affect the choices made by an individual officer during a deadly force incident?*

CHAPTER TWO: POLICE USE OF DEADLY FORCE

Police are entrusted with the power and authority to use coercive force when necessary (Bittner, 1970). Although police rarely decide to use deadly force, the social impact of this decision is great and our society has a vested interest in understanding how police officers decide when to exercise such power. Research on police use of deadly force has examined various factors that may influence officers' use of deadly force, including individual, situational, and organizational elements. Many of the early studies cited in the subsequent sections of the literature review assessed officers' use of deadly force within a single department (Fyfe, 1978, 1982b; Geller and Karales, 1981; Hayden, 1981; Robin, 1963; Rubenstein, 1977). As deadly force research progressed, scholars were able to access data from multiple departments, make comparisons within and across departments, and gather information pertaining to the suspect, the situation, and officer-provided explanations regarding why deadly force was used.

INDIVIDUAL AND SITUATIONAL FACTORS

Scholars have analyzed the individual characteristics of the officer in relation to the use of deadly force, including police officers' gender (McElvain and Kposowa, 2008), race (Binder, Scharf, and Galvin, 1982; Fyfe, 1978; 1981; Geller and Karales, 1981; Geller and Scott, 1982; McElvain and Kposowa, 2008), officers' level of education (Aamodt, 2004; Binder et al., 1982), officers' age and rank (Binder et al., 1982; Geller and Karales, 1981; McElvain and Kposowa, 2008), and their assignments (Blumberg, 1983; Fyfe, 1978; Geller and Karales, 1981).

Findings from a number of studies have revealed that male officers are more likely to use deadly force than female officers (Fyfe, 1978; Geller and Karales, 1981; McElvain and Kposowa, 2008). This finding is consistent with what is known about officer behavior and use of other types of force. For example, Alpert and Dunham's (2004) assessment of force used by officers in Prince George's County Police Department revealed that female officers were more likely to use lower levels of force, such as verbal commands or defensive force against suspects if necessary, compared to their male counterparts. The small number of cases that resulted in police use of deadly force in their sample all involved male officers.

Regarding officers' race, scholars who have assessed the use of deadly force among police departments in New York (Fyfe, 1978), Chicago (Geller and Karales, 1981), and Riverside, California (McElvain and Kposowa, 2008) found that most police officers involved in shooting incidents, regardless of the race of the perpetrator, were white. Conversely, these studies also revealed that most suspects involved in police shootings, regardless of the race of the officer, were black (Fyfe, 1978; Geller and Karales, 1981; McElvain and Kposowa, 2008). As Fyfe (1978) notes, however, these findings could be consistent with the fact that policing has been a white male-dominated occupation, and therefore, white males are more likely to be involved in deadly force incidents.

Interestingly, given the prominence of white officers among shooters, a number of studies have also found that black and Hispanic officers are disproportionately involved in shootings when compared to their representation in the department (Fyfe, 1978; Geller and Karales, 1981). Geller and Karales (1981) reported that minority-race officers in

Chicago (e.g., black and Hispanic) were more likely than white officers to shoot civilians. These findings could be connected to the fact that minority officers were more likely to live in and be assigned to high-crime areas of the city, therefore increasing the likelihood of being involved in an incident that may conclude in the use of deadly force (Fyfe, 1978; Geller and Karales, 1981).

Results from prior research have also identified relationships between experience, officers' rank, and use of deadly force. McElwain and Kposowa (2008) report that the risk of being involved in a shooting decreases for police officers as they age and their years of experience in law enforcement increase. Fyfe (1978) found that officers in supervisory positions were less likely to use deadly force than patrol officers and detectives. In their assessment of officers who had used deadly force in Chicago, Geller and Karales (1981) found that line officers were more likely to use deadly force when compared to officers in supervisory positions. This finding, however, may be best explained by the fact that officers in supervisory positions are less likely to be out on the street and interacting with citizens when compared to line officers (Geller and Karales, 1981). Finally, an officer's assignment may have direct bearing on their likelihood of being involved in a deadly force incident. For example, Geller and Karales (1981) reported that officers assigned to special operations groups, tactical units, and robbery units were far more likely than officers assigned to any other unit to shoot civilians while on duty in Chicago.

Some researchers have also analyzed the characteristics of the suspects involved in police shootings. In regards to gender, officer-involved shooting suspects

overwhelmingly tend to be male (Fyfe, 1978[4]; Geller and Karales, 1981; McElvain and

Kpowosa, 2007; Milton et al., 1977). The picture is not so clear where the race of the

suspect goes. Findings from early studies on police use of deadly force suggest that

minorities are disproportionately targeted by the police (Fyfe, 1982a; Geller, 1982; Geller

and Karales, 1981; Goldkamp, 1976; Meyer, 1980; Milton et al., 1982; Robin, 1963,

1964; Sherman, 1982). Some scholars, however, have argued that this disproportionality

can be explained by situational and environmental factors. In New York City, for

example, Fyfe (1978) found that although blacks made up a disproportionate share of the

suspects in officer-involved shootings, they were also more likely to have been armed

with a firearm and engaged in a robbery at the time of the shooting. This finding, Fyfe

(1978:141) argued, suggests that police officers do not have "one trigger finger for whites

and another for blacks," noting that the disproportionate number of minority suspects in

police shootings could be due to factors other than racial discrimination or police

misconduct.

The findings of racial disproportionality may also be explained by the higher

levels of violent crime and the lower levels of cooperation with law enforcement that are

typically found in communities with primarily minority residents, which in turn may lead

to an increase in officers' use of lethal force (Geller and Karales, 1981; Robin, 1964).

Jacobs and O'Brien (1998) argue that the environment in which officer-involved

shootings take place needs to be accounted for, as they found that police shootings are

more likely to occur in large, more populated cities with higher levels of race inequality.

---

[4] Fyfe's (1978) analysis of shooting suspects in New York City found that although females were present
at officer-involved shootings, a male accompanied most all of them at the time of the shooting.

The racial effects captured in past studies could also be due to a greater number of officers being assigned to areas with higher rates of violent crime and increased number of calls for service, which also tend to be areas characterized by low socioeconomic status and high percentages of minority residents (Geller and Karales, 1981; McElvain and Kposowa, 2008). This can create an environment in which the police begin to associate violent crime with the underclass and minority residents, causing members of the underclass and minority residents to feel "over-policed" by law enforcement, therefore creating feelings of resistance toward the police. This then may lead to an increase in situations in which citizens attack officers, thus concluding in police use of deadly force (McElvain and Kposowa, 2008).

Finally, the age of the suspect has been another factor linked to officer-involved shootings. In their analysis of officer-involved shootings in seven U.S. cities, Milton and colleagues (1977) found that almost three-quarters of the shooting victims were under the age of 30, and 50 percent were under the age of 24. An analysis of deadly force incidents in New York City revealed similar findings, as more than half of the suspects on which age data were available were less than 24 years old at the time they were involved in a police shooting (Fyfe, 1978).

Research on police-shooting suspects also suggests that most are armed at the time of the police shooting. Fyfe's (1978) analysis of deadly force incidents in New York City revealed that the majority of suspects shot at were armed with handguns at the time of the shooting. Milton and colleagues (1977) found that 57 percent of the suspects involved in the shootings they examined were armed at the time the officer fired. Geller and Karales (1981) found that the majority of the police officers in Chicago who

18

intentionally used deadly force reported being threatened by a perpetrator with a gun at the time they decided to fire.

Furthermore, scholars have also found relationships between police use of deadly force and the type of incident to which officers are responding. Assessments of officer-involved shootings in New York City (Fyfe, 1978) Chicago (Geller and Karales, 1981), and Philadelphia (Robin, 1963) revealed that the type of incident in which police most often used deadly force was armed robbery. In contrast, Milton and colleagues (1977) found that the most common type of incident in which deadly force was used in seven U.S. cities involved disturbance calls (i.e., family quarrels, fights, assaults, disturbed persons, reports of an individual with a gun).

Most recently, White (2002) conducted a multivariate analysis of situational factors related to officer-involved shootings using data from the Philadelphia Police Department. He argues that such an analysis was necessary because many previous studies on situational factors and police use of deadly force have only assessed simple bivariate relationships, ignoring "more complex and likely important multivariate relationships" (White, 2002:726). His results indicate that the type of incident in which an officer is involved is a critically important predictor of deadly force. For example, "man with gun," robbery, and disturbance calls were more likely to conclude with an officer-involved shooting.

As previously stated, deadly force data are often difficult to come by. To identify situational characteristics that play into officers' decision to use force then, some scholars have used vignettes and asked participating officers to identify which situational factors they would consider if they found themselves in a similar situation in real life. In one

such study, Hayden (1981) provided officers in a police department with brief synopses of three situations and asked officers to identify, in the order of importance, which situational factors would most impact their decision to use deadly force. Participating officers who reported that they would have used deadly force in each scenario consistently selected five situational factors that affected their decision: the type of weapon the suspect had, the location of the interaction, the physical distance between the officer and the suspect, the availability of back-up, and whether cover was available to the officer (Hayden, 1981). These results suggest that regardless of the differences in the situations posed to the officers, most officers considered the same type of information and attached similar weight to the aforementioned factors.

Similarly, Dwyer and colleagues (1990) provided a sample of police officers with written scenarios, asking officers to read each scenario and then decide whether they would a) refrain from drawing their weapon, b) draw their weapon, c) draw their weapon and aim it at the suspect, or d) shoot the suspect. Officers were then asked to explain why they chose the action they did. Based on these responses, the authors found four situational factors that significantly predicted the likelihood that officers would shoot: (1) the suspect had a weapon, (2) the suspect intended to harm the officer, (3) the suspect was committing a felony, and (4) the suspect was leaving a building.

COMMUNITY AND ORGANIZATIONAL LEVEL FACTORS

Past studies have looked at community context and how it relates to deadly force and found positive relationships between levels of violence in the community and the shooting behavior of police officers (Fyfe, 1986; Geller and Karales, 1981; Jacobs and

O'Brien, 1998). That is, a number of scholars have reported strong relationships between officer-involved shootings and violent crime rates and homicide rates in the area (Fyfe, 1978, 1986; Sherman and Langworthy, 1979; Matulia, 1985). As previously mentioned, police shootings tend to occur in high-crime areas characterized by high concentrations of minorities and high levels of economic inequality (Fyfe, 1978; Jacobs and O'Brien, 1998; Kania and Mackey, 1977; Sorensen, Marquart, and Brock, 1993; Waegel, 1984). Jacobs and O'Brien (1978) argue that as economic inequality within the community increases, so too will police use of lethal force. It is the "disparities in economic rewards" that tend to "produce potentially unstable social order," which needs to be quelled by force on the part of the police (Jacobs and O'Brien, 1998:843). Regarding high minority concentrations within a community, some have posited that dominant populations are threatened in areas characterized by a large racial underclass (Blalock, 1967), causing fear of crime to increase. Police departments then may be more likely to use coercive force against members of a minority population in response to the growing fear of crime within the community (Jacobs and O'Brien, 1998).

Lastly, past studies have found relationships between organizational characteristics and police use of deadly force. Lee and Vaughn (2010) detailed how administrative failures, such as a breakdown of division of labor, authority, and control, may contribute to officers' use of deadly force. In addition, deadly force policy within police departments can affect officers' use of lethal force. Fyfe (1980) in New York City and Meyer (1980) in Los Angeles found a decrease in officers' use of deadly force after more restrictive policies were implemented in their respective police departments.

In 1977, the New York City Police Department provided detailed guidelines for when their officers could use deadly force in "defense of life" or "fleeing felon" cases. These guidelines stated that NYPD officers could use deadly force provided that every other means of coercion was utilized before they fire their weapon, officers could no longer fire if said gunfire would place innocent citizens in harm's way, officers could not fire warning shots, they could not fire their weapon from a moving vehicle, or discharge their firearm to summon the assistance of other officers (Fyfe, 1978). The NYPD also established a review board consisting of the Chief of Operations of the police department and two deputy police commissioners who had the ability to review each officer-involved shooting (Fyfe, 1978). The board was permitted to conduct hearings if need be, interviewing civilian witnesses to the shooting, the officer(s) involved, and supervisors of the officer(s) involved. An analysis of the officer-involved shootings in New York City revealed "a considerable reduction" in the frequency of police shootings after these guidelines were established (Fyfe, 1978).

Meyer (1980) found similar results in his assessment of officer-involved shootings in Los Angeles. In 1977, the Los Angeles Police Department adopted a policy restricting the shooting of fleeing felons unless the police officer knew that the suspect had committed a felony involving the death or serious bodily injury of another individual. Although the department saw a decrease in officer-involved shootings prior to the new restrictions taking into effect in 1977, the kinds of incidents that were specifically restricted by the new policy (e.g., using deadly force against non-violent fleeing felons, firing at suspects who disobeyed orders or made furtive gestures as if reaching for weapons) substantially declined (Meyer, 1980). Such findings have led a number of

scholars to encourage police departments to establish clear guidelines and procedures outlining officers' discretion to use deadly force (Fyfe, 1980) and to place more restrictions on when officers are authorized to use deadly force (Fyfe, 1982b; Gellar and Karales, 1981; Reiss, 1980).

DEADLY FORCE DECISION-MAKING THEORIES

A number of theories have been proposed to explain how police officers make the decision to use deadly force. The two most commonly referenced vary in terms of when in the incident the decision to fire one's weapon occurs, how long it takes for an officer to make such a decision, and the various factors that influence an officer's decision to pull the trigger. The following section will be devoted to reviewing two deadly force decision-making theories.

SPLIT-SECOND DECISION-MAKING

Geller and Karales (1981) note that early conceptualizations of deadly force decision-making revolved around the "split-second" model. This was the belief that there is a decision point during a deadly force incident at which an officer decides to fire his or her weapon and that this decision is often made "only at the last moment when the citizen had failed to heed all warnings" (Reiss, 1980: 127). This assumption may have been grounded in the fact that all too often, police officers do not attempt to diagnose problems until they find themselves in the middle of one (Fyfe, 1986). Assessing police use of deadly force through this split-second lens, however, fails to account for other factors that may contribute to officers' decision-making during this type of encounter, such as decisions made early in the encounter (Fyfe, 1986; Reiss, 1980). The split-second

23

decision-making theory ignores the possibility that the decision to use deadly force is influenced by other decisions made by the officer previously in the encounter that may have decreased the number of other available options for the officer (Fyfe, 1986; Reiss, 1980). That is, if the analysis of officers' decision to use deadly force is reduced to one point in time during which a decision to pull the trigger is made, this suggests that the decisions made by officers earlier in the encounter had no bearing on his or her decision to fire. By focusing only on the point at which an officer makes this decision, this narrows attention to only one frame of the incident and fails to account for anything that occurred previously (Fyfe, 1986).

All police-citizen encounters that result in an officer-involved shooting are different and while some may be prolonged events, such as a hostage situation, others may begin and conclude in a matter of minutes or seconds. Fyfe (1986:477) argues, however, that in most police-citizen contacts, police officers often have time "to attempt to prevent the potential for danger from being realized." Because most police officers are dispatched to scenes of potential violence (as opposed to already being present when violence erupts), officers can use the time between when they are assigned to a location and when they arrive on scene "to avoid split-second decisions" by using the information they have been given by dispatch to diagnose the problem and consider possible solutions (Fyfe, 1986:477). Such considerations may impact the officer's decision to request back up, where he or she will park their vehicle upon arrival, how close the officer is to available cover and concealment, and how the officer will approach the perpetrator. All of these decisions, in turn, may impact whether or not an officer may find himself or herself in a position later in the encounter where deadly force is necessary.

Because the "split-second syndrome" viewpoint fails to consider a number of potential influences on officers' deadly force decision-making, Reiss (1980) encouraged scholars to view police use of deadly force as the result of multiple decisions made by an officer during an incident. He refers readers to sequential decision theory, stating that this model "focuses both upon the options or alternatives attached to each decision and how each decision affects subsequent ones" (Reiss, 1980:127). That is, each decision made by the individual is contingent upon prior decisions he or she has made. Decisions made by an officer during police-citizen encounters can either increase or decrease the number of potential options available to the officer, as well as the number of potential solutions to the issue at hand. According to Reiss (1980), when the number of available alternatives to deadly force are narrowed by decisions made by an officer earlier in the encounter, the officer may find himself or herself at "a point of no return" in regards to the use of deadly force, therefore substantially increasing the likelihood that deadly force will be used (127). Fyfe (1986) echoes this notion, arguing that police officers should be trained as diagnosticians and be provided with the decision-making skills necessary to assess and diagnose problems, consider all possible solutions, and be cognizant of the fact that each decision they make has the potential to expand or constrict the options they will have available to them later in the encounter.

THE BINDER AND SCHARF DECISION-MAKING FRAMEWORK

In 1980, Arnold Binder and Peter Scharf sought to advance the notion that a police officer's decision to use deadly force is best described as "a contingent sequence of decisions and resulting behaviors" that "[increase] or [decrease] the probability of an

eventual use of deadly force" (116). Potentially violent police-citizen encounters often require officers to make important decisions in a short amount of time and complex social forces may explain why one officer may choose to use deadly force while another may not (Scharf and Binder, 1983). To best understand how officers make decisions during such an event and how decisions made previously in the encounter can impact subsequent decisions made by the officer, Binder and Scharf believe that the police-citizen encounter must be analyzed using a framework consisting of four phases: anticipation, entry and initial contact, information exchange, and the final decision.[5] A visual of this framework is provided in Figure 1. Binder and Scharf also identify a number of factors, which they refer to as "social influences", that they believe impact officers' decision-making in each of the four phases. Figure 2 provides an overview of these influences. The subsequent paragraphs will provide a detailed explanation of each of the figures below:

Figure 1: The Binder and Scharf Deadly Force Decision-Making Framework

---
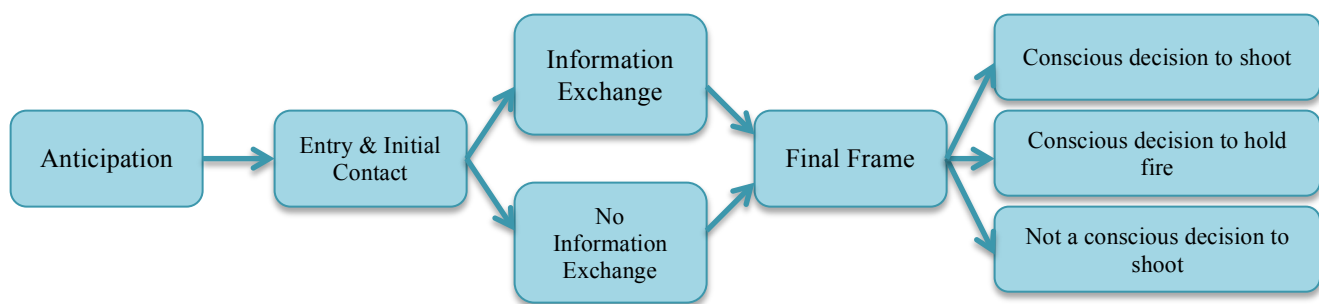
[5] This phase model was modified in their 1983 book, wherein the authors referred to the final decision phase as the "final frame" and added a fifth phase, the aftermath (Scharf and Binder, 1983). This fifth phase will not be included in the analysis, as it occurs after the officers' decision to use or not use deadly force and thus is not relevant to the focus of this project.

Figure 2: The Binder and Scharf Deadly Force Decision-Making Framework with accompanying social influences (as originally proposed by the authors in 1980 and subsequently updated in 1983)

Phase 1	Phase 2	Phase 3	Phase 4
Anticipation Social Influences: • Mode of information • Believe accuracy of information • Prior information known to officer about situation and/or suspect	**Entry & Initial Contact** Social Influences: • Physical appearance of suspect • Distance between self and suspect • Safety and timing • Cover	**Information Exchange** Social Influences: • Information given by suspect • Body language of officer/suspect • Changes in the degree to which officer controls the situation	**Final Frame** Social Influences: • Movements by suspect • Immediate threat by suspect • Dangers to others (i.e., citizens) implied by decision to shoot

Anticipation, the first phase of the incident, occurs as the encounter is being initiated and includes the time from notification, or dispatch, to the arrival of the officer on scene. During this phase, officers may receive information about the incident, the caller, or the suspect from a dispatcher, a fellow officer, or a citizen. Furthermore, "the words used by others to describe the opponent" to the officer "may greatly affect the [approach] that the officer takes toward the incident" (Scharf and Binder, 1983:112).

According to Binder and Scharf, officers often use the information they receive during the *anticipation* phase to develop a working definition of the situation they are about to enter (Scharf and Binder, 1983). During this phase then, the authors hypothesize that the mode, quality, and credibility of the information officers receive about the incident or the suspect involved eventually influences the outcome of the incident (as demonstrated in Figure 2 above). That is, police officers' decision-making in this first phase may be influenced by matters such as: from whom they receive the information

(e.g., dispatch, another officer, or a citizen), the quality of the information they receive (e.g., amount of detail about the situation and/or suspect involved), and how credible or accurate they believe that information to be.

For example, Scharf and Binder (1983) note that citizens may distort the information they give police officers during the initial call in order to ensure that their call is a high priority and police attend to their issue as soon as possible. A citizen observing a prowler on their property may call the police and report a "man with a gun," knowing that this will be labeled a high priority call (Scharf and Binder, 1983). Because this information has come from a citizen, an officer may not give credence to the "man with a gun" report from the citizen, instead opting to "downplay" the call because past experience tells the officer "that all calls are exaggerated" (Scharf and Binder, 1983:119). On the other hand, the officer may trust in the information reported by the citizen caller and over-anticipate the seriousness of the incident, leading him or her to prepare for a confrontation with an armed individual upon arrival on scene. In sum, Scharf and Binder (1983) believe these early understandings of the situation and how and what information officers choose to process can impact officers' decision-making during this initial phase.

Upon arriving on scene, officers enter the *entry and initial contact*[6] phase of the encounter. During this phase, officers may make a number of decisions, such as how or when to approach the citizen, as well as gather information about the suspect and the situation at hand through direct observation. Binder and Scharf believe a number of factors may play a role in officers' decision-making during the entry phase, including the amount of distance between the officer and the perpetrator, the availability of cover, and

---

[6] Throughout the remainder of this dissertation, the entry and initial contact phase will be referred to as the *entry phase* for the sake of brevity.

the physical appearance of the perpetrator (Scharf and Binder, 1983). Once the officer

has arrived on scene during this phase, Scharf and Binder believe the officer immediately

seeks to expand the options available to him or her. An example of this would be finding

a good position on scene (e.g., not too close to the suspect) and seeking out cover. The

authors provide a number of examples in which police officers fired at suspects because

they were not protected by cover and in close proximity to the armed individual, thus

leaving the officer exposed to serious harm at the hands of the suspect. In these cases, the

officers' early decisions to not seek cover and distance upon arrival on scene directly

influenced their later decision to fire.

It is also during the entry and initial contact phase that officers are able to confirm

or disregard previous information that they received in the anticipation phase, an action

Scharf and Binder (1983) identify as being pivotal to determining the outcome of the

situation. In some cases, this may mean that the situation to which officers were

originally alerted is not as serious as they considered it might be. The authors provide

readers with an example of an officer receiving a call about a man with a gun attempting

to murder another individual. Once the officer arrived on scene however, he observed

that the man wielding the pistol was so intoxicated that the officer "didn't think he could

hit me with that gun" and that this situation was "not what I expected from dispatch"

(Scharf and Binder, 1983:123).

Alternatively, police officers can arrive on scene and directly observe situational

characteristics that suggest a far greater degree of danger than they had initially

considered (Scharf and Binder, 1983). Another example provided by the authors involved

officers who received a call about a domestic dispute between a man and a woman. They

received information that the female wanted the male out of her house and was insisting that one of the items he was trying to leave with was hers, inciting an argument between the two. The officers reported that they "were expecting a nothing thing," but upon arrival observed the male throwing things and threatening the officers with a broken bottle and a kitchen knife (Scharf and Binder, 1983:124). In both cases, officers used their direct observations of the scene and the situation to adjust their original definition of the situation and ultimately used the new definition to guide their decision-making.

Scharf and Binder (1983) note that many, but not all, police-citizen encounters have a third phase, the *information exchange*, during which the officer and the suspect communicate. This communication may be verbal, such as the officer issuing commands to the suspect, or it may be non-verbal, such as the officer and the suspect exchanging looks or adjusting their postures based on the presence of the other party. This exchange can last seconds or hours depending on the situation. For example, an officer may issue a command to the suspect and the suspect complies with the officer's command. In such a case, the information exchange phase might last mere seconds. In a more complex encounter, such as a hostage situation, the information exchange phase may last for hours while officers attempt to resolve the situation at hand. Information provided to the officer by the suspect, the body language of the officer and the suspect, the type of communication made by the officer, and changes in the level of control the officer has over the situation are all factors that may influence an officer's decision-making during this phase (as noted in Figure 2).

For example, Scharf and Binder (1983:126) argue that the body language of the suspect "may be critically important in determining the outcome of some situations." If

the suspect takes an aggressive stance toward the officer or abruptly advances at the officer, the officer may interpret this as a threat, which will guide his or her decision-making at this point. Conversely, the authors also note that police officers' body language can be equally as important during this phase (Scharf and Binder, 1983). A citizen may interpret an officer's body language as being "unreasonably violent," leading the citizen "to fight to defend himself" (Scharf and Binder, 1983:126). Thus, the decisions officers make regarding their approach to communication with the suspect, both verbal and non-verbal, during this phase of the encounter can expand or constrict the decisions and options available to the officer. Scharf and Binder (1983) note that the information exchange phase provides officers with the opportunity to prevent the suspect from hurting himself or herself, as well as other officers, through non-lethal means.

If the situation cannot be solved through communication or other less-lethal means, police officers may consider the use of deadly force. Scharf and Binder (1983) believe that at some point during the encounter the officer will make the decision to either use deadly force or decide that the use of deadly force is not necessary, thus entering the *final frame* phase. This decision might be deliberate and planned, as exemplified in a sniper operation, or this decision "might simply be the reflexive squeezing of the trigger" (Scharf and Binder, 1983: 115). Regardless of whether an officer decides to shoot or not to shoot, Scharf and Binder (1983) believe that this decision can be influenced by the perpetrator's movements, implied dangers to others on scene as perceived by the officer, and the officer's assessment regarding the degree to which the suspect is an immediate threat.

In sum, as one can see when referencing Figure 1, Binder and Scharf posit that decisions made by officers involved in high-risk police-citizen encounter can be classified as occurring in one of the four phases. The authors believe that officers' decisions and actions follow this linear four-phase model, thus making it an optimal framework through which to analyze deadly force decision-making.

After initially proposing this model in a 1980 article, Scharf and Binder expanded on their model in their 1983 publication. Using narratives collected from police officers involved in shootings and officers who had been involved in high-risk situations during which they opted to hold fire, the authors found evidence of officers' decision-making being predicated on decisions made earlier in the encounter. While the stories from shooters and non-shooters were drawn from different incidents, Scharf and Binder attempted to compare the decision-making of officers who shot to the decision-making of officers who held fire by selecting officers involved in incidents that shared situational similarities, including the behavior of the suspect(s) toward the officer and the type of weapon possessed by the suspect.

In their 1992 article, Fridell and Binder also assessed the Binder and Scharf deadly force decision-making model using the same data utilized in Scharf and Binder's 1983 analysis of their own model. They found that incidents characterized by surprise or ambiguities, such as not having information about the suspect(s) involved, the inability to determine the mental state of the suspect, and failure to consider early on that the situation could end in police gunfire, were more likely to result in a shooting. Furthermore, their findings suggested that the information exchange phase of an incident is a "critical point in the process" (Fridell and Binder, 1992:393). That is, officers'

communication with the suspect played a large role in their decision to fire or hold fire.

For example, roughly 44 percent of shooters in their sample reported that communication

during this phase of the incident did not help to diffuse the situation, but rather made their

opponent "much angrier" (Fridell and Binder, 1992:395). This anger and non-compliance

on the part of the suspect may have increased the likelihood that these situations

concluded in police gunfire. On the other hand, the authors found that roughly 20 percent

of the non-shooting officers said that communication made their opponent "much

calmer" (Fridell and Binder, 1992:395). This calmness could have encouraged these

suspects to comply with officers' commands, which may have eliminated the need for

officers in these situations to use deadly force.

RESEARCH QUESTIONS

      While the Binder and Scharf model has been assessed using data from officers

who chose to use deadly force and those who could have but chose not to (Fridell and

Binder, 1992; Scharf and Binder, 1983), the data used in prior studies to assess this

decision-making model did not include shooters and non-shooters who participated in the

same incident. Using this model to assess the decision-making of officers involved in the

same incident may provide insight into why, given the same situation, some officers

choose to fire, while others do not. What accounts for this within-situation difference in

use of deadly force? Is the difference in outcome due to differences in decision-making

that occurred in earlier phases of the encounter? Do officers who ultimately choose to use

deadly force consider factors not considered by officers who choose not to shoot?

Although a number of scholars have emphasized the importance of understanding how officers make decisions during police-citizen encounters (Alpert and Rojek, 2011; Binder and Scharf, 1980; Fridell and Binder, 1992; Reiss, 1980; Scharf and Binder, 1983), few have had access to the type of data necessary to complete such an analysis. That is, one would need data that identifies the cues that officers see during a potentially violent police-citizen encounter, how these cues are considered and used in officers' decision-making processes, and an explanation of why officers selected the particular responses they chose (Alpert and Rojek, 2011). Furthermore, in police shootings that involve more than one officer, it is still unknown how the presence of other police officers and the decisions they make influence the decision made by other officers involved in the event. This is a topic of inquiry regarding deadly force decision-making that should be addressed, but such questions can only be answered by analyzing data collected from multiple officers who were present at the same officer-involved shooting.

One way to capture information about the aforementioned factors is through in-depth interviews with police officers who have been involved in an incident that concluded in police use of deadly force. In doing so, officers who have been present at and involved in such an incident are provided with a private forum in which to detail their decision-making process, as well as identify key factors and cues that impacted their decision-making process during the officer-involved shooting. Therefore, using data drawn from interviews with 83 police officers who were involved in an incident that concluded with police use of deadly force, this dissertation was designed to fill the aforementioned gaps in the deadly force literature and to answer the three questions that were first stated in the initial chapter of this dissertation.

1. *Do the decision-making processes completed by different police officers involved in the same incident follow the deadly force decision-making framework as proposed by Binder and Scharf?*

2. *Given the same situation, does a significant difference in how police officers move through the Binder and Scharf decision-making process account for why some officers chose to use deadly force and some chose not to use deadly force?*

3. *Does the presence of other police officers impact the decision-making process completed by an individual officer during a deadly force incident?*

The next chapter details the data and analytical methods that were put to use to examine these three questions.

CHAPTER THREE: DATA AND METHODS

Qualitative methodologies have commonly been used in past studies focused on police use of deadly force. Qualitative work allows researchers to "get close to the subject matter" by gaining understanding "through lived experiences and perspectives of critical actors" (Shover, 2012:11). Therefore, this dissertation has been designed to gain a greater understanding of police officers' decision-making processes during deadly force incidents using data derived from in-depth interviews with officers who have been involved in this specific type of police-citizen encounter.

The first section of this chapter will describe the data collection methods used by the interviewer. The second section will provide readers with a description of the sample that will be used in the analysis. Characteristics of the officers in the sample, as well as characteristics of the incidents in which they were involved, will then be discussed. Finally, the third section of this chapter will outline the analytic strategy that was used to analyze the data garnered from each of the interviews included in the analysis.

DATA

The data used in the analysis were collected as part of a Bureau of Justice Assistance study geared toward understanding police officers' decision-making during officer-involved shootings. During 2011 and 2012, Professor David Klinger from the University of Missouri – St. Louis conducted interviews with police officers in the United States who had been directly involved in incidents in which police bullets were fired. Officers were eligible to participate in the study if they had been present at an officer-involved shooting and either themselves fired during the event or could have shot, but

held fire during the event. This interview framework created two groups within the sample Klinger developed: police officers who were "shooters" and police officers who were "witness officers" during the event.

A chain referral sampling method with multiple strategic informants located in various geographic regions was used to recruit participants. The interviewer used initial contacts within multiple departments who then communicated with other officers who fit the inclusion criteria. This technique was utilized to develop a sample that included multiple officers involved in single incidents. In the end, the interviewer conducted a total of 218 interviews of shooters and witness officers that covered distinct officer-involved shootings.

For the purposes of this dissertation, the original sample of 218 police officers was narrowed down to a subsample of 83 police officers who were involved in 24 distinct shootings. These 83 officers were selected from the larger original sample because they were present at a deadly force incident in which at least one officer involved fired a shot *and* at least one officer involved held fire: 46 of these officers fired shots and 37 did not. A brief description of each incident included in the analysis can be found in Appendix A.

INTERVIEW STRUCTURE AND DESIGN

After police officers who agreed to participate in the study signed an informed consent form, interviews with each individual officer began. Each interview was conducted in private, with only the interviewer and interviewee present. All interviews took place in one of three sorts of locations: police headquarter buildings, police station

houses, and hotel rooms. Each interview was audio recorded and later transcribed.[7] The

transcriptions from the 83 officers selected for this study were for the present study.

To collect information regarding officers' decision-making, the interviewer used a

modified critical incident method to conduct each interview. The critical incident method

is a knowledge elicitation strategy that uses cognitive probes in order to determine one's

decision-making process and situational assessment during non-routine events. Klein,

Calderwood, and MacGregor (1989) established this retrospective interview strategy to

gain a better understanding of how individuals who work in occupations that require

expert judgment make decisions. Examples of such occupations include urban and

wildland firefighters, paramedics, and tank platoon commanders.[8]

The critical incident method is a step-by-step process that starts with asking the

interviewee to provide a brief description of the incident in question. The interviewer

then uses probing questions to collect more information about different aspects of the

event and the interviewee's decision-making process during the incident. As Klein and

his colleagues (1989:465) note, such probes are used to "obtain information at its most

specific and meaningful level" and most of the interview should be focused on

"uncovering these cues." The authors also stress the importance of using this method to

strike a balance between a completely structured approach and a completely unstructured

approach to an interview. Although the interviewer should ask interviewees the same

questions at each decision point, the order and wording of the questions asked should

follow the natural flow of dialogue (Klein et al., 1989). The semi-structured format of

---

[7] A number of interviews were randomly selected and their audio files were checked against the typed
transcription in order to ensure that the interviews had been transcribed accurately.
[8] The study from which the interviews used for this dissertation came appears to be the first to employ the
critical incident method framework to examine officer-involved shootings.

this method allows the interviewer to collect specific information from the interviewee while also providing the interviewee with the opportunity to reflect on the strategies he/she selected and the decisions he/she made during the incident.

At the beginning of each interview, participating police officers were asked to complete a brief questionnaire in order to provide the interviewer with basic information about themselves and the incident.[9] Next, each officer was asked to recount the incident as they experienced it to activate his or her memory regarding the incident. Using participants' responses on the initial questionnaire and their initial recounting of the event as guides, the interviewer then led officers through a timeline reconstruction of the incident. It was during this portion of the interview that officers provided details relating to what decisions they made and how they made them. A series of different probes were then used by the interviewer to collect information regarding the officers' situational concerns, goals, and whether or not they considered multiple options at each decision point. Each interview concluded with participating officers sharing lessons learned from the encounter and possible training and policy implications of it. Due to the wide range of topics discussed, interviews lasted more than an hour on average.

SAMPLE DESCRIPTIVES

The aforementioned questionnaire sought demographic information about the officers and information about each incident in which each officer was involved.[10] This

---

[9] Additional data about officers' participation in their shooting event(s) were collected in the questionnaire and during the interviews, but the discussion here is limited to the data pertaining to officers' decision-making processes, as that is the focus of this study.

[10] Some of the participating officers were involved in multiple incidents captured in the sample and made different decisions regarding their use of deadly force in each incident.

demographic information will be reviewed in the following section, but can also be referenced in Table 1 and Table 2 in Appendix B.

Most of the 83 subjects are male (90 percent). The majority of the subjects are white (80 percent), with the additional officers identifying as Hispanic (17 percent), black (1 percent), Asian (1 percent), and other (1 percent). At the time of the event in question, the youngest officer in the sample was 24 years old and the oldest officer was 57, with an average age of 37. Most of the 83 officers in the sample had completed some college (43 percent) or had earned a four-year college degree (41 percent) at the time of the event. The majority of the police officers in the study worked for a municipal police agency at the time the officer-involved shooting in question took place (88 percent), with the additional officers being employed by county (10.8 percent) or state agencies (1.2 percent).

At the time of the event, most subjects held the position of patrol officer (86 percent), but seven (7) held the rank of sergeant and five (5) held the rank of lieutenant. The number of years an officer had served in law enforcement prior to being involved in the incident in question ranged from less than one year to 35 years. The average number of years between when an officer became a law enforcement officer and when the event about which they were being interviewed occurred was 12. Lastly, many of the subjects were performing general patrol duties at the time of the event (48.2 percent), but some officers reported being involved in a special patrol assignment when the shooting occurred (18.1 percent), taking part in a SWAT operation (12 percent), apprehending a suspect or engaging in detective work (9.6 percent), executing a search warrant (4.8 percent), working a traffic-related (2.4 percent), K-9 (1.2 percent), off-duty (1.2 percent),

or administrative (1.2 percent) assignment, or identified their assignment at the time of the event as "other" (1.2 percent).

Participating police officers also shared information about the other officers on scene, citizens present at the time of their shooting, and the suspects who were involved. The average number of officers present at an incident was 3.5.[11] The majority of the police officers in the sample reported that the other officers with them during the time of the event were from their own law enforcement agency (86.7 percent). In a small number of cases, some of the other officers involved in the shooting were from the officer's own agency and some of the officers were from another law enforcement agency (10.8 percent). Lastly, in two incidents, officers reported that the only other officers present during their incident were from another law enforcement agency (2.4 percent).

Participating officers were asked to report whether non-suspect citizens were present at the time of the officer-involved shooting. The number of citizens present ranged from zero to 60, with the average number of citizens present being 2.5. Nearly half of the officers, however, reported that there were no non-suspect citizens present at the scene when the officer-involved shooting took place (48.2 percent).

Regarding the suspects involved, most of the 24 incidents captured in the sample included only one suspect (95.2 percent), but a small number of incidents included multiple suspects (4.8 percent). Of the suspects who were armed at the time of the officer-involved shooting, 56 percent of them were armed with a handgun. Aside from firearms, additional weapons used by suspects present at the incidents included in the sample were motor vehicles (9.6 percent) and edged weapons, such as knives (6

---

[11] When one incident involving 16 officers in the sample is removed (Incident #20), the average number of police officers present at the time of the shooting drops to 2.9.

percent).[12] Nearly 23 percent of the officers in the sample reported that the suspect fired at them during the incident. Some officers reported that the suspect fired at other officers on scene (33.7 percent) and only a small percentage of officers reported that the suspect fired shots at citizens on scene during the incident (4.8 percent).

ANALYSIS STRATEGY

To analyze the deadly force decision-making model proposed by Binder and Scharf, I completed a qualitative analysis of the aforementioned 83 in-depth interviews in which some officers fired and some did not. Qualitative analysis can be used to investigate specific concepts of interest, but can also provide insight into concepts that may have gone unobserved in previous studies using different analytic methods (Charmaz, 2006).

Because I was assessing the Binder and Scharf framework, I needed to apply this four-phase framework to the data drawn from the interview transcripts. To begin, I read through each narrative and demarcated when each of the four phases described by Binder and Scharf appeared to begin and end. The decisions officers made and how they made them were then categorized based on when they occurred in the incident using the four phases proposed by Binder and Scharf: anticipation, entry and initial contact, information exchange, and the final frame. By organizing officers' thoughts, actions, and decisions based on when they occurred during the incident, this framework provided the ability to assess how officers made decisions in each of the phases and which, if any, social influences impacted their decision-making during each phase.

---

[12] A more comprehensive list of the weapons possessed by the perpetrators in these incidents can be viewed in Table 3 in Appendix B.

To properly apply this framework to the data, it was necessary to have a comprehensive understanding of when one phase ended and another began according to the original authors. The *anticipation* phase began when the officer was dispatched to a call or made an independent decision to make his or her way to the location of the incident. The anticipation phase continued until the officer arrived on the scene of the incident. Once the officer arrived on scene, decisions made from this point until the officer made verbal contact with the suspect were categorized as occurring in the *entry and initial contact* phase. If the officer made verbal contact with the suspect, this initiated the *information exchange* phase.[13] The information exchange phase continued until the officer entered the *final frame* stage, which occurred when the officer made the decision to use deadly force or made the decision not to fire.

It is necessary to note that not every officer's account will include all four phases. For example, if, after being dispatched to a location and upon arrival on scene, an officer made a quick decision to fire his or her weapon, Scharf and Binder would argue that this encounter lacks an information exchange phase. In this example, the officer arguably did not have time to verbally communicate with the suspect before making the decision to fire. According to this train of thought laid out by the authors, decisions made by this officer prior to his or her decision to use deadly force would be classified as occurring in either the anticipation phase or the entry phase, but not in the information exchange phase, as that phase never transpired during the encounter.

After applying this framework to each narrative, I separated the narratives into two groups: shooters and witness officers. By reviewing each group separately, my goal

---

[13] If the officer did *not* engage in verbal contact with the suspect, they did not enter the information exchange phase and their decisions were coded as occurring in either the entry or final frame phase. More information about why this decision was made will be addressed in a subsequent section of the dissertation.

was to identify themes that were specific to either officers who chose to use deadly force or to officers who chose not to use deadly force during their respective incidents. Once the narratives were separated into two groups and the four-phase framework had been applied to each transcript, I completed an open coding of each interview. The process of open coding can be best described as reading the interview data and applying open-ended codes or themes to particular descriptions or actions (Charmaz, 2006). An initial open coding of the data allowed me to identify key factors that influenced or impacted officers' decision-making when they made decisions during each phase. Open coding also provided me with preliminary themes and initial codes that were later condensed into categories (Charmaz, 2006; Neuman, 2006). Next, I completed close, repeated readings of each narrative, which enabled me to refine the codes and themes that emerged during the initial open coding process.

Throughout the coding and categorization process I used a constant comparative method. This method involves the systematic comparison of statements across the various levels of data (Chamberlain, 1999). According to Strauss (1989: 25), this process forces the analyst to "[confront] similarities, differences, and degrees of consistency of meaning" among categories. To accomplish this, I compared officers' statements and descriptions of their actions, thoughts, and decisions to other statements and descriptions they gave regarding their actions, thoughts, and decisions during the interview. This comparative method allowed me to label the considerations officers made when making decisions and then group each based on their conceptual similarities and differences, thus creating specific categories related to decision-making (Corbin and Strauss, 1990). In addition, as Charmaz (2006) notes, this process also provides researchers with an

opportunity to identify instances when the data do not fit into previously identified patterns. This constant comparative process allows researchers to identify similarities and differences in the data, but also serves as a way to minimize subjectivity and bias during the coding process (Charmaz, 2006; Corbin and Strauss, 1990). Once the data were coded, I used basic tabulation to count and total each instance of the observed patterns to assess their strength.

Once I completed within-interview comparisons, I then began conducting across-interview comparisons. That is, officers' decision-making processes were compared to the decision-making processes of other officers in their respective category (i.e., shooters and non-shooters). Finally, I grouped officers' narratives by incident in order to assess officers' decision-making processes in relation to the processes of other officers on scene at given shootings. The goal of this incident-level analysis was to understand whether differences in the decision-making process of the officers involved could explain why some officers chose to use deadly force during the incident and other officers did not. Again, I continued to use a constant comparative method when coding each narrative. I reviewed each officer's interview, comparing statements, descriptions, and rationales linked to decision-making provided by one officer to statements, descriptions, and rationales linked to decision-making provided by the other officers involved in the incident. The continued use of the constant comparative strategy throughout the analysis allowed me to adjust and refine my conceptual definitions of the categories and subcategories I had created.

Using a constant comparative method during the coding process also allowed me to identify deviant cases, which were those that are not consistent with previously

identified patterns and themes. The existence of such cases is important to address when considering the strength of a theoretical perspective. As Sullivan (2011: 906) states, the "deductive testing of evidence in support of or against specific theories is an important aspect of explanatory development."

LIMITATIONS

There are some limitations associated with the data that were used in this study. First, because the sample is a non-probabilistic sample, the findings from this study may not be representative of the larger police officer population in the United States regarding deadly force decision-making. But, as Marshall (1996:524) notes, non-probabilistic sampling methods are common in qualitative work, "where improved understanding of complex human issues [are] more important than the generalizability of results."

Second, the interviews were conducted by a single interviewer. This may be considered a limitation, as a single-interviewer has the potential to bias the data collection by dictating which questions are asked and the way questions are asked, thus leading to inconsistencies in data collection. It can also be argued, however, that relying on a single-interviewer is better than utilizing multiple interviewers, as the use of multiple interviewers can also introduce issues of inconsistency and bias across interviews. Should there be some concern regarding consistency and potential bias introduced by the interviewer, the author of this study transcribed the majority of the interviews and can confirm that the interviewer asked respondents the same series of questions and in the same manner during each interview she was responsible for transcribing.

Third, police officers' accounts of their incident were reported to the interviewer

retrospectively and, as such, this may introduce issues associated with validity and

reliability, specifically associated with memory, recall, and distortion.[14] A number of

concerns have been voiced regarding retroactive accounts of traumatic events. First,

individuals may have an incomplete recollection of the event in question (Hardt and

Rutter, 2004; Krinsley, Gallagher, Weathers, Kutter, and Kaloupek, 2003) or report false

memories (Hardt and Rutter, 2004), or suffer from incomplete recall (Della Famina,

Yaeger, and Lewis, 1990; Mollica and Caspi-Yavin, 1991). Second, individuals may only

be able to recall what they were aware of at the time of the event, which may lead to an

incomplete account of the incident (Hardt and Rutter, 2004). Lastly, repeat storytelling of

the incident in question, whether in the form of formal reviews or therapeutic sessions,

may lead to inconsistent reporting by the individual (King, King, Erikson, Hwang,

Sharkansky, and Wolfe, 2000). The focus on traumatic events and the growing need to

gain a better understanding of such phenomena, however, often requires researchers to

collect trauma histories using retroactive interviewing (King et al., 2000).

Although these are all considerable limitations regarding the analysis of

retrospective data, the data collection efforts used by the interviewer may help to mitigate

some of these potential problems. For example, scholars have recommended that when

using retrospective data, researchers should attempt to corroborate retrospective

recollections by gathering data from additional sources that can support or discredit the

information collected during the initial interview (Hardt and Rutter, 2004). Because the

data that will be used in this analysis were collected from multiple officers who

---

[14] The average time between the date of the shooting incident and the date of the interview was five years. The range of years in which shootings took place among the officers in the subsample was 1996 to 2011.

participated in the same shooting, individual officer's accounts of what transpired were cross-checked with responses provided by the other officers on scene. Furthermore, the critical incident method used by the interviewer was designed to minimize potential sources of bias by first asking the interviewee to provide an uninterrupted account of the incident (Klein et al., 1989). It was not until this initial account was completed that the interviewer began to ask probing questions. This interview process also lends itself to a comprehensive assessment of the incident in question, as each interviewee reviewed the incident with the interviewer multiple times during the interview, allowing any possible discrepancies to be identified and discussed.

In sum, while there may be limitations regarding the sample used in this dissertation, these data provided information about decision-making during deadly force incidents that other data sources are lacking, and as such, were optimal for answering my research questions. The subsequent chapters will detail the findings from this study, with each chapter addressing the findings of one of the three research questions proposed by the author. Lastly, the dissertation concludes with a discussion of the results and training and policy implications associated with my findings.

CHAPTER FOUR: ASSESSMENT OF THE BINDER-SCHARF DEADLY FORCE DECISION-MAKING FRAMEWORK

As noted previously, the first question this dissertation was designed to examine is: *Do the decision-making processes completed by the police officers in the sample follow the decision-making processes outlined by Binder and Scharf?* That is, do each of the officers in the sample enter into and make decisions in each of the four phases described by Binder and Scharf? In addition to their outline of these four phases, Scharf and Binder (1983) identified a number of social influences that they believe impact officers' decision-making in each phase. While assessing the presence of these social factors and whether they influenced officers' decisions would have been ideal, it became clear that the nature of the data would not allow for the measurement of every social influence proposed by the authors.[15] When these social influences could be identified in the data, however, they were coded as such and will be discussed when applicable.

The following section will detail the results yielded from this portion of the analysis. As is common in qualitative studies, excerpts from some of the narratives were selected to serve as examples when discussing themes and patterns that emerged from the data. The work begins at the start of the Binder and Scharf model: the *anticipation* phase.

ANTICIPATION

Binder and Scharf (1980; 1983) argue that the deadly force decision-making process begins with the *anticipation* phase. This phase is initiated when an officer is dispatched to a call or makes the individual decision to become involved in an incident

---

[15] The Binder and Scharf framework was applied to the interview transcripts for the present analysis *after* interviews had already been conducted. Therefore, the original interviewer did not have this model in mind when crafting interview questions for participating officers.

and continues until the officer arrives on the scene of the incident. The authors assert that at this stage, officers will be collecting as much information as they can about the situation they are about to enter and the suspect (or suspects) involved. Information about the situation or the potential suspect(s) can come from dispatchers, other police officers, or citizens who have made the call to the police requesting assistance.

The majority of the police officers in the sample (n=78) began their decision-making process in the anticipation phase and did collect information about the situation and potential suspect(s) they were about to encounter. Fifty-nine (59) officers (33 shooters, 26 witness officers) in the sample used this time to collect information about the type of situation they would be arriving to and/or the suspect with whom they would be dealing. Such information often included what was known about the situation (e.g., the type of call, whether suspect(s) could be, or were, present), the suspect's physical description, whether the suspect was armed, the perceived emotional state of the suspect, and what was known about the suspect's past criminal history.

In addition, 11 other officers (six shooters, five witness officers) had previously collected information on the suspect prior to getting involved in the incident. For example, most of these 11 officers had been involved in investigations of the suspect and, when they received a call that they believed involved this suspect, they made the decision to become involved in the incident. These officers did not necessarily collect additional information about the suspect during this phase, as they were relying on the information they had previously collected prior to the call.

Contrary to what Binder and Scharf suggested, some officers in the sample did not use their time in the anticipation phase to collect information about the incident they

were en route to address. Interestingly, eight (8) officers reported that their decision to initiate involvement in their incident was in response to a request by other officers to serve as back-up. These officers did not use the anticipation phase to collect additional information other than the type of incident to which they would be responding. Instead, these officers engaged in information collection once they arrived on scene (i.e., when they entered the entry and initial contact phase; see below).

Furthermore, some of the 78 officers in the sample who operated within the anticipation phase framework also used this time to communicate with their fellow officers (via the radio) about the information that was known to them about the situation and the suspect(s). At times this was with the goal of drafting a plan with other officers who were en route to the same incident (12 officers) or communicating known information about the situation or suspect(s) with other officers or dispatchers (8 officers).

In sum, most of the officers in the sample began their incident in a fashion consistent with Binder and Scharf's notion of the anticipation phase. That is, all but five officers gathered information about the situation they were on their way to attend, the potential suspect(s) involved, or both, prior to arriving on the scene of the incident. The five officers who did not act in conformance with the anticipation phase were already on the scene of an incident when they observed a suspicious-looking individual or situation and independently made the decision to initiate action. This means, by Binder and Scharf's definition, that they were unable to collect information about the situation or the suspect(s) *prior to arriving on scene*, which eliminates the anticipation phase.

An example of this type of deviant case comes from Incident 20, which involved 16 officers (the incident with the largest N of officers involved). Officer #35 was a supervisor of an anticrime unit who was conducting a nightly patrol in his vehicle when he spotted a male who looked suspicious. Officer #35 described this man as "heavily tattooed [with a] big mustache, bald head," leading this officer to assume that the man "was a parolee. . .no doubt in my mind that this guy's been to the joint." When the officer approached the man, he described how this individual kept "looking over his right shoulder to see what my move was going to be." Officer #35 made the decision to approach this individual and initiate a conversation with him. As Officer #35 approached him, the male drew a pistol and shot at Officer #35. Officer #35 did not fire shots back, but instead requested back up to apprehend the fleeing assailant. Fifteen (15) additional officers responded to the request for assistance and 11 eventually fired shots.

Another example wherein the anticipation phase was eliminated involved four officers in Incident 47. These officers were members of an anticrime team in a large city who were tasked with making routine contact with individuals hanging around an area of the city known to be a location for criminal behavior. As two of these officers were preoccupied talking to other citizens on scene, the other two officers sought to talk to an elderly man who rebuffed their attempt to speak with him. While the second pair of officers persisted, the elderly man drew a weapon and fired at one of the officers. Three of the four officers returned fire. Because the officers in this incident were already on scene when the situation unfolded, they began their decision-making process in the entry phase and never entered the anticipation phase described by Binder and Scharf.

It should be recognized that although the five deviant cases are not representative of the majority of the sample, they still signify an inconsistency with the deadly force decision-making model as proposed by Binder and Scharf. The authors acknowledge that officers may skip – or not enter – the information exchange phase, but they do not state that officers may fail to enter and complete the anticipation phase. Therefore, in contrast to Binder and Scharf's original model, police officers involved in a deadly force incident may initiate a potentially violent police-citizen contact in the entry phase.

ANTICIPATION PHASE: SOCIAL INFLUENCES

Two possible social influences that Binder and Scharf believe affect officer decision-making during the anticipation phase include the mode of information (i.e., who the information is coming from) and the believed accuracy of the information. Results from the analysis suggest that these factors can, in fact, impact officers' decision-making early in the incident. Furthermore, the mode of information and the believed accuracy of the information can impact officers' decision-making in subsequent phases as well.

Although not a strong pattern, a few of the officers in the sample detailed how the mode of the information they received influenced their decision to become involved in the incident in question. For example, three officers, all involved Incident 20 that began when another officer was shot at when he tried to stop a suspicious pedestrian noted that they chose to get involved because they knew the initial officer would not request back-up unless it was a very serious matter. When Officer #35 broadcast on the radio that shots had been fired at him, that the suspect has run off on foot, and requested that additional officers make their way to the scene, Officer #37 reported how he knew this was a

legitimate request, saying, "Bob[16] is Bob and he doesn't cry wolf. And if he's chased the [suspect] that was shooting at him, then it's. . .it's serious." Officer #42 echoed this thought, stating that he thought the call was "serious because it's Bob Johnson" requesting back-up and "he doesn't normally just call these things out." Lastly, when detailing why he originally thought this call was high in danger, Officer #42 mentioned why the mode of information in this case mattered, saying:

> "It was an officer putting it out. We get a lot of calls of 'shots fired' and it turns out it's nothing, but we had an officer – a sergeant – a squared away, well-respected guy saying that there are shots being fired, so you know it's legit. Something is happening."

These officers' descriptions demonstrate that because they knew the officer who requested assistance was a sound source of information, they placed more stock into the information being broadcast. Had another officer put out the call for assistance, it leads one to wonder whether officers would have put the same amount of stock into the call and responded in the same fashion.

ENTRY AND INITIAL CONTACT

After police officers arrive on the scene of the incident, Binder and Scharf (1980; 1983) assert that officers begin observing the situation and the suspect, thus reconciling the information they received in the anticipation phase with what they are directly observing now that they are present at the scene. These direct observations will either confirm or dispute the information received by officers in the previous phase. Using this

---

[16] To preserve the confidentiality of the research subjects, pseudonyms will be used throughout this study.

new information then, Binder and Scharf suggest that the officer will update his or her

assessment, or working mental model, of the situation and respond accordingly.

Similar to what was observed in the anticipation phase, many officers continued

to collect information during the entry and initial contact phase, both through direct

observation and from the reported observations of other officers. The majority of officers

(52 officers; 27 shooters and 25 witness officers) used the beginning stages of this phase

to provide one another with situational updates, coordinate plans (whether it be a building

entry or a suspect apprehension plan), or direct incoming officers where to go on scene.

These officers thus used communication as a tool to ensure they all had the same

information, which allowed them to have similar conceptions of the situation at hand.

Consistent with Binder and Scharf's description of the entry phase of the

encounter, the results suggested that upon arrival on scene, officers (both shooters and

witness officers) often began assessing the situation. Ten (10) of the 83 officers explained

that after they arrived on location, they tried to get more information about the suspect,

such as known background information or observations of the suspect made by other

officers on scene. In addition, nine (9) officers in the sample described focusing on the

suspect's demeanor or overall appearance, observing that the suspect in their incident

appeared to be "agitated," "calm," "passive," or "not acting like a typical suspect does."

This new information was then commonly used among these officers when deciding on

their next steps in the encounter.

At times, this newly acquired information during the entry phase altered officers'

perceptions and definitions of the situation, causing them to view the situation as more

serious than they had originally considered it to be in the anticipation phase. For example,

in Incident 12, Officer #15, a SWAT officer, was called to respond to a barricaded persons incident. A female had called the police to alert them that her husband had barricaded himself and one of their children in their home and she was afraid he was going to harm the child. When asked how he rated the level of danger of this situation on a one-to-ten scale (with one representing "low danger" and 10 representing "very high danger") based on what he knew about the incident prior to arriving on scene, Officer #15 rated it as a one because he had responded to many SWAT call-ups that turned out to be false alarms in terms of violence. Once he arrived on scene, however, Officer #15 learned that the suspect had been violent toward his family in the recent past and this led him to believe that the situation was more serious than he originally thought. As he put it:

> I'm starting to put on my gear and a supervisor came up to me and he goes, "Hey, [the suspect], he came home from work, got in a fight with his wife". . .and the most telling thing to me that ramped me up the most was, [my supervisor] goes, "They started fighting and he pulled a gun and started throwing his two year old daughter around and threw her into the wall and broke the dry wall." That was the one thing that made go, "This guy is a mean mother-fucker". . . you know, I'm like this guy's crazy. . .Cause he threw his daughter into a wall. . .And I thought anybody that does that is not right. . .anybody that does that is fucked up. . .mean. And it turns out he did have a long history of violence. . .I said, "If this guy comes to the door and he does not [come] completely out, I'm shooting." Even if he's unarmed [when he exits the home]. . .he's already shot at his wife. . .I'm not letting him back in [the house].

Receiving the information that the suspect had been violent toward his daughter led this officer to believe that this situation was likely far more dangerous than he had originally considered. After learning this, Officer #15 made the personal decision that if the perpetrator exited the house, he was going to shoot. He then decided to communicate his intent to the other officers around him, telling them, "I'll give him commands like 'Come here,' but if he starts to shut that door, we're launching." Not only did information

acquired after arrival alter Officer #15's definition of the situation, but it also played a

considerable role later in the incident when officers drafted and executed a hostage rescue

plan, during which Officer #15 fired at the suspect.

Another example of how information acquired during the entry phase altered

officers' ideas comes from Officer #69, who was involved in Incident 46. He described

how what he viewed upon arrival at the scene of his incident drastically changed his

initial mindset about the nature of a situation to which he responded. Incident 46 involved

two officers who were dispatched to a community center after someone had reported that

shots were being fired. At first, these officers were surprised and in disbelief, as they

were working a traffic detail a few blocks from the community center and had not heard

any gunshots. Surely if shots had been fired, they would have heard something, or so they

thought. After arriving on scene and making their way to the community center front

door, Officer #69 described how they came upon the body of a young woman who had a

gaping shotgun wound to her chest. He soon noticed that there was a duffle bag in close

proximity to the woman's body containing shotgun ammunition. Officer #69 realized at

this point that this could be an active shooter situation, saying:

> She had multiple shotgun wounds to the chest. Like close contact. There was
> smoke or steam coming out of her chest. As I looked around, there [were] two
> gym bags. One of the gym bags was open. Spilled out of it were several 12 gauge
> shotgun cartridges and a box of ammo. He. . .he came. . .you know, it's not like
> he took a club out of his pocket and just beat her. In my brain it was like he came
> ready. Ready for war. Ready for battle. Ready to do a killing. I don't know. But
> he came ready. With the extra ammo he could walk through that building and just
> keep killing until he's stopped. . .So yeah, I took that much more serious. . .And
> of course, he's gone into the shelter. About that time, [the suspect] appeared
> behind the glass doors and [my partner] engaged him verbally.

Officer #69's partner during this incident, Officer #104, echoed this change in perceived seriousness of the situation upon viewing the victim and, soon after, the suspect armed with a shotgun, describing:

> When I saw the victim. . .and oh, by the way there was a box of shotgun shells next to her and there was a whole bunch of shells lying around her. . .at that point there was that, that fear factor and that adrenaline rush. You've got your gun out. You've got it trained, but now you know, you're at home plate and it's a full count. Bases are loaded, you know? It's up to you to do your job or strike out. When I saw [the victim] and then [the suspect] with the gun. . .that's when everything came to. . .came to a head.

Both of these officers originally questioned whether this "shots fired" call was legitimate, as they failed to hear shots being fired when they were in close proximity to the reported location. Upon arrival, however, their direct observations of the deceased victim with a shotgun wound to her chest, a bag filled with shotgun ammunition, and seconds later seeing a man holding a shotgun, led these officers to change their original perception of the incident from disbelief to a legitimate call involving a suspect who had the potential to harm other citizens and themselves. Eventually, Officer #104 fired shots at the armed suspect while Officer #69 held fire.

The aforementioned examples show how some of the officers in the sample used new information they received during the entry phase (whether it was through direct observation or from other officers) and adjusted their definition of the situation. This is consistent with the decision-making process as described by Binder and Scharf. That is, officers' decision-making during such an encounter is fluid and can be influenced by newly acquired information and shifting situational conditions.

One of the social influences identified by Binder and Scharf that could impact officers' decision-making during the entry phase was safety. That is, Scharf and Binder (1983) found that officers often make decisions and behave in ways to protect their personal safety when first arriving on the scene of an incident. In congruence with Scharf and Binder's findings, "safety" was a common theme that influenced decision-making among shooters and witness officers during the entry phase among the officers in the sample used in this study. Of the officers who later used deadly force during their incident, eight (8) officers described taking actions intended to enhance their personal safety once arriving on scene and 11 officers reported drawing their weapons during this phase of the encounter. Among the witness officers, 12 officers described taking actions designed to enhance their personal safety, such as finding cover, and nine (9) officers drew their weapons during this phase of the incident. These behaviors on the part of shooters and witness officers may have been the result of training and on-the-job experience. As Skolnick (1966) noted, danger is ever-present in police work and because of this fact, police officers are encouraged to be cautious at all times to preserve their safety.

One interesting finding from the analysis of officers' entry phase actions regarding safety is that for many officers, safety concerns extended to their fellow officers and this can, at times, impact their decision-making. Eighteen (18) officers (10 shooters, 8 witness officers) described how their concern for another officer impacted their decision-making upon arrival on the scene of the incident and before verbal contact was made with the suspect.

A good example of this can be found in Incident 59, which involved four officers who responded to reports of shots being fired at a local high school. Officer #133 and his partner were the first officers on the scene. Officer #133 made the decision to wait for at least two additional officers to arrive before entering the school. This was a tactical decision; he had SWAT experience and wanted to enter the school with three additional officers so they could utilize what is known in police culture as a diamond formation wherein one officer takes a leading, (or "point") position, officers flank the front officer (one on the left and one on the right), and the last officer positions him or herself behind them, thus forming a diamond. Officer #133 described his reasoning thusly:

> My thought process at that point was that [it was] an active shooter, although we were not hearing shots immediately when we arrived on scene. We were informed that there had been a classroom taken over and shots had been fired. So, my thought process was to go in immediately, neutralize that threat by containing, stopping, controlling that scene as fast as possible, but as intelligently as possible. In other words, instead of having two people covering where I know that I can't physically cover every 360 degrees, if I have the opportunity to go in – in that diamond formation - then I'm going to have a lot higher odds of successfully resolving that situation.

While Officer #133 does not directly say it, it appears that he believed utilizing the diamond formation would provide these officers with more protection from an armed student, and, by maintaining their safety, the entering officers would be able to do their job and protect the students and teachers inside the school from further harm. When it came time to decide which positions in the diamond the officers would take, Officer #133 decided that he would be in the front (the point position) not only because of his SWAT experience, but also because he valued the safety of his fellow officer, explaining:

> I'm on point because I chose it. And I'm on point because I think I had the most tactical background at that particular time given my time on SWAT, as well as just my experience in general. And I felt that personally, if I'm going to make a

decision as to do something that I was going to put myself in what I considered the most vulnerable position. I'm asking somebody to do something that is going to put them directly in the line of fire as well, and so I felt that the odds of somebody being in that line of fire were higher given that point position than they would be say in a rearguard position. [I was] protective I guess. . .if you will.

As is evident in this description, Officer #133 was well aware that he was asking these patrol officers to do something – and enter a situation – that may place them in harm's way if they made their way into the school and the suspect fired at them. While he recognized his SWAT experience may justify why he chose to be the point officer, the remaining part of his explanation shows that he was cognizant of the safety of his fellow officers and this contributed to his decision to take the lead upon entering the high school. This incident continued when the officers found the armed student barricaded in a classroom, at which point a standoff ensued until the student emerged from the classroom with a firearm in a raised position in his hand and aimed in the direction of police officers, at which point three of the four officers interviewed fired shots (including Officer #133).

Another example of how concern for other officers' safety impacted officers' decision-making during the entry phase can be observed in Incident 47. As previously mentioned, this incident involved four officers who were members of an anticrime team and tasked with patrolling a high-crime area that was known for being a narcotics hub and was the location of many calls for service. When Officer #103 spotted the elderly man who looked suspicious, he felt the need to alert the other officers to his uneasy feeling about this individual, stating that although the other officers may not have noticed this man or felt the same uneasiness about it, he was "still making sure that other people are paying attention to what I'm paying attention to. If I felt uncomfortable, they needed

to feel uncomfortable." Alerting the other officers to his suspicions arguably changed the trajectory of this incident. Had Officer #103 not said anything, perhaps his fellow officers would have continued their contacts with other individuals and left the suspicious-looking man alone. Instead, the officers who were alerted to the elderly man's odd demeanor attempted to make contact with him, at which time he pulled out a firearm from his waistband and fired at the officers, causing three of the four officers to return fire.

In sum, the analysis of officers' social influences during the entry phase revealed that safety concerns did drive the decision-making of some of the officers in the sample. Again, it is necessary to note that these findings are not limited to only shooters or only witness officers, but rather were decision-making patterns observed by officers who made varying decisions in the final frame phase. Such findings suggest that shooters and witness officers may have more commonalities in their decision-making and the ways in which social influences impact their decisions than they do differences.

INFORMATION EXCHANGE

Scharf and Binder (1983) designate the information exchange phase of the encounter as the point at which the police officer and suspect make verbal or non-verbal contact. A shortcoming of the authors' description of this phase, however, is that they do not clearly explain what constitutes as a non-verbal interaction between police and the suspect. Scharf and Binder (1983) briefly allude to the use of gestures on the part of the officer or citizen as the basis for non-verbal communication, but this is the only point of clarification provided. Because Scharf and Binder did not provide a clear definition of

what constitutes "non-verbal contact" and for the sake of conceptual clarity, information exchange was limited to verbal communication between the police and the suspect(s) in this study. More specifically, officers in the sample were coded as engaging in information exchange only if they made verbal contact[17] with the suspect.

Working off of this definition, 36 officers (21 shooters, 15 witness officers) entered the information exchange phase. That is, they relied on verbal communication to either convey their intentions to the suspect, or to gain a better understanding of the suspect's intentions. When analyzing the circumstances under which the 36 officers in the sample issued verbal commands to the suspect in their respective incidents, 22 officers who made verbal contact with the suspect did so to ask the suspect to drop his/her weapon (14 shooters, eight witness officers). The remaining 14 officers who issued verbal commands during this phase did so for the following reasons: five (5) officers informed the suspect that he/she was under arrest (one shooter, three witness officers), four (4) officers communicated to the suspect that they needed to stop and talk to him/her (four shooters, two witness officers), four (4) officers requested that the suspect exit his/her vehicle (four shooters, two witness officers), and one (1) officer used verbal communication to instruct a suspect to stop running to evade police contact. In addition to communicating with the suspect, officers also communicated with one another about the suspect, the situation at hand, and, given what information they had at this point, how the situation may play out.

---

[17] For the purposes of this study, "verbal communication" occurred when an officer spoke directly to the suspect. Initiation of the verbal communication was a non-factor. Police-suspect verbal exchanges took many forms among the incidents in the sample, from informing the suspect that officers were on the scene to issuing commands to the suspect in attempt to gain compliance.

Of the 83 officers in the sample, 47 officers did not enter the information exchange phase. Consistent with Binder and Scharf's conception of this, 17 of these 47 officers did not issue commands to the suspect because there was not time to do so. To illustrate why these 17 officers did not issue verbal commands to the suspect(s) in their respective incidents, descriptions of three of the seven incidents follow. For more detailed information about the other four incidents in which at least one officer did not enter the information exchange phase, please see Appendix A.[18]

Incident 20 involved 16 of the officers in the sample and began when Officer #35 was fired upon by an assailant. After the suspect shot at Officer #35, he fled on foot. Responding officers received word from a resident of the area that there was rustling in nearby bushes about a block from the assault on Officer #35. This led a small group of officers to believe the suspect may be in said brush. Six officers (Officers #28, #29, #31, #32, #34 and #41) congregated in this street near the brush and began discussing the situation at hand. As the officers were talking, the suspect emerged from bushes and fired shots in the direction of the officers, then fled from them on foot down a nearby sidewalk. As the suspect was running away, four of these officers (Officers #29, #31, #32, and #41) shot at the suspect without saying anything to him, thus entering the final frame stage and skipping the information exchange phase of Binder and Scharf's decision-making model.

Similarly, Incident 124 involved four officers who were members of a team assigned to execute a search warrant of a residence. Officers believed that individuals dwelling in the home were involved in drug trafficking and two of the officers involved, Officer #183 and Officer #213, had been working for months to build a case to support

---

[18] Incidents 11, 90, 105, and 127 included at least one officer who did not enter the information exchange phase because he or she did not have time to communicate with the suspect.

the request for a search warrant. Once the officers had collected the necessary information and obtained the warrant, they worked to gather a team of officers to participate in serving said warrant.

Officer #213 explained how he worked with the officers involved in the incident to draft an entry plan into the home. Participating officers were assigned a place in the entry line up: the first officer was charged with breaching[19] the door to the home and, simultaneous to the breaching of the door, another officer would break a nearby window of the home to detonate a stun grenade[20] to disorient anyone who may be in the home at the time. Additional officers in the line-up would then file into the home, with the goal of locating and apprehending any individuals in the home and proceeding with their search of the location.

Upon entering the home, however, officers were immediately fired at by two suspects. To prevent the suspects from continuing to fire, one of the four officers instantly began returning gunfire (Officer #213 was the only shooter). The other three officers who were interviewed and held fire did so for one of three reasons: one officer chose to attend to a fellow officer who had been shot by suspects' gunfire (Officer #184), another officer did not have a clear shot of the suspects because other officers in front of him in the entry line-up were in his line of fire (Officers #183), and because other officers had already engaged the suspects in gunfire, a third officer chose to hold fire (Officer #185). Although these officers varied in their use of force, one commonality they shared was, due to how quickly this incident unfolded upon their entry into the home, each of

---

[19] The process of "breaching" an entryway requires an officer to breakdown a fortification (such as a doorway) for the purpose of entry.

[20] A stun grenade, or a flashbang, is a non-lethal device used by law enforcement to temporarily disorient a suspect's senses (such as sight and/or hearing).

these officers failed to issue verbal commands to the suspects, thus not participating in the information exchange phase.

A third example of an incident that unfolded so quickly that officers did not enter Binder and Scharf's information exchange phase was Incident 103, which involved two of the officers interviewed. Officer #147 was on his way to work and driving on a busy highway when he spotted a highway patrol officer, Officer #152, who had initiated a traffic stop and appeared to be administering a field sobriety test to the driver. Officer #147 soon saw that an additional police vehicle was heading in the direction of the stopped highway patrol officer, which signaled to Officer #147 that this highway patrol officer had requested back-up and something about the traffic stop was not right. This officer decided to pull over to assist, noting that he was approximately 15 yards away from the highway patrol officer, when very quickly he noticed that Officer #152 was in a physical altercation with the driver he had pulled over. Officer #147 soon lost sight of Officer #152, leading him to believe that he had fallen next to or in front of the driver's vehicle. When Officer #147 heard the gears of the driver's vehicle grinding, he thought Officer #152 was about to be run over and felt he had very little time to prevent the driver from seriously injuring or killing Officer #152. Because he believed giving verbal commands to the driver would not stop him from harming Officer #152, Officer #147 decided to fire at the driver to protect Officer #152. Because this incident unfolded so quickly, Officer #147 did not have time to issue verbal commands to the driver before he made the decision to use deadly force.

In addition to the 17 officers who did not enter the information exchange phase because their incidents unfolded rather quickly, 30 officers (17 shooters, 13 witness

officers) did not make verbal contact with the suspect in their respective incidents, but not for the reason originally proposed by Binder and Scharf. These 30 officers, who participated in 14 different incidents, did not make verbal contact with the suspect(s) because another officer had already initiated verbal communication with the suspect(s). This finding is worth noting, as it is unique to incidents that involved more than one officer. That is, many of these 30 officers may have very well verbally communicated with the suspect(s) in their incidents had other officers not been present. Because this finding is unique to incidents that involved more than one officer, this may explain why Binder and Scharf did not consider this vis-a-vis the information exchange phase in their writings; most of the cases they considered were single-officer events. The presence of other police officers and how their choices about contacting suspects impacted officers' decisions in the information exchange phase will be expanded upon in Chapter Six of this dissertation.

On another note, one factor that was present in a few of the incidents studied here but was not mentioned by Binder and Scharf in their description of the information exchange phase is the use of a formal negotiator. Four (4) of the 24 incidents captured in the sample involved the use of an officer who had formal training and was designated by a police agency as an expert in crisis negotiation. In these cases, the negotiators were tasked with engaging in verbal contact with the suspect. Some of the officers involved in these incidents described how this type of communication with the suspect was used in an attempt to coax the suspect out of the location or as a de-escalation tool. The use of a negotiator, however, limits the number of officers who are supposed to verbally communicate with the suspect, which explains why some of the officers who were

involved in these incidents did not enter into what Binder and Scharf designated as the information exchange phase. The implications of this finding for the Binder and Scharf model are discussed below.

In sum, the analysis of the information exchange phase among shooters and witness officers provided some support for Binder and Scharf's conception of this phase. The results suggest that officers may, at times, enter the information exchange phase and communicate with the suspect for a number of reasons. The results from the analyses also support Binder and Scharf's hypothesis that not all officers enter the information exchange phase, as some potentially violent police-citizen encounters can proceed quickly, thus not providing the involved officers the time needed to open lines of communication before having to make the decision to use or not use deadly force. Both shooters and witness officers can be observed in both groups (i.e., those who entered the information exchange phase and those who did not), suggesting similarities between decisions made by those who chose to shoot and those who chose to hold fire.

One key finding from the current analysis that was not addressed by Binder and Scharf concerns the use of crisis negotiators. As previously noted, much policing is group work and the division of labor when negotiators are present means that Binder and Scharf's focus on individual officers would appear to miss the mark when it comes to their notion of information exchange. The use of a designated crisis negotiator to open the lines of verbal communication with a suspect eliminates the need for other officers present to engage in verbal contact with the suspect. Consequently, the use of negotiators indicates that Binder and Scharf's decision-making framework should be expanded to include the notion that police work groups can frame encounters with police in particular

ways that will exclude some officers from engaging in some aspects of the initial Binder and Scharf model.

INFORMATION EXCHANGE: SOCIAL INFLUENCES

One of the social influences that Scharf and Binder (1983) identify as applicable to officers' decision-making in the information exchange phase is the level of control over the situation that an officer may feel he or she has. While the police officers who were interviewed were not directly asked about how much control they felt they had throughout the incident, a number of officers did report that, during this phase, they could tell by the suspect's behavior that he or she was not going to comply or reported having "a bad feeling" about how the situation would conclude. Seventeen (17) officers (11 shooters, six witness officers) explained that during this point in the incident, they did not expect the suspect to comply with their commands and considered that the incident may not conclude without the use of deadly force.

An example of this was found in the decision-making of Officer #149 who participated in Incident 105. This incident involved four officers in the sample who were part of specialized team tasked with identifying and apprehending a suspect who had been breaking into vehicles in a particular neighborhood. An officer spotted a male exit a vehicle he had been driving and break into a vehicle parked in an alley, and alerted the other team members. By the time officers converged on the suspect, he had returned to his vehicle and was attempting to flee, so they used their vehicles to try to block the suspect's vehicle from leaving. Multiple officers, including Officer #149, were issuing commands to the suspect to exit his vehicle. The suspect, however, refused to comply,

69

and instead began moving his vehicle back and forth, attempting to break free from the vehicle enclosure officers had set up. In the midst of this takedown, one of Officer #149's fellow officers, Officer #166, had exited her vehicle and found herself trapped behind the suspect's vehicle.

Officer #149 described his summation of the situation at this point, saying:

We've moved up to within maybe 10 feet or so of [the suspect's] car and we've been telling him the whole time, "Stop and put your hands up!". . .that kind of thing. And I look inside of the [suspect's car] and he's trying to go from reverse to drive, from drive to reverse. And I see him doing it and I recognize that [Officer #166] is behind the car. Everything else he'd hit so far he'd totally destroyed. I felt like if he hit her with that car that she would be either crippled or killed. This all happens in my head immediately. . .it just sort of dawns on me and that if we don't do something right now, she's probably going to get run over by this car.

While Officer #149 does not directly reference his level of control over the situation, one can see from his description that, based on the suspect's behavior and non-compliance with police commands, he saw this as a situation in which the suspect was dictating action. He highlights his concern about the suspect's control over the safety of a fellow officer, leading him to the conclusion that if the officers did not act quickly to somehow alter the suspect's behavior that Officer #166 could be seriously wounded or killed. In fact, soon after reaching this conclusion, Officer #149 (along with another officer interviewed) decided to shoot the suspect in order to prevent him from running over Officer #166.

Another example that highlights an officer's perception of his level of control during the information exchange phase can be drawn from Incident 26. This incident involved four officers who were going to apprehend a suspect who was wanted on a felony family violence warrant in a bail bondsman's office. Each of the officers stated

70

that prior to making contact with the suspect, they thought this apprehension was going to go smoothly. Once they entered the bondsman's office and issued commands to the seated suspect to stand up so he could be placed under arrest, the suspect quickly became defensive and began posturing like "he [was] going to fight" (Officer #53; witness officer). Officer #172, the second witness officer in this incident, reported that the suspect's demeanor and behavior also signaled to him that this situation was not going to conclude as easily as they all thought, saying:

> [The suspect] moved away from us. Believe it or not, it's something I hadn't seen before, it's something they hadn't trained us for either. He didn't run and he didn't stand and fight, which is the two things that you expect. [Suspects] either wanna a piece of you or they try to get away. I'm a little more aggressive by nature, even though I'm kinda small, I don't know, so when [the suspect] moved away from us I jumped on him. . . first thing I did, I grabbed him and I tried bringing him down. . .and that's when Joe jumped on him, too. The other officer's on his right side and that's when I hear Greg yell that [the suspect] has a gun. . .and when I heard him call, "Gun!", I was like holy shit. I knew what was gonna happen. I knew that this was gonna end badly.

Interestingly enough, Officer #172 was confident that these officers would overtake the non-compliant suspect once he stood up and backed away from the officers. Even though the suspect did not listen to their commands and multiple officers attempted to physically restrain him, Officer #172 felt they had him "under control physically" because "I had four cops there." Once he heard another officer had spotted a gun on the suspect, however, Officer #172 changed his view of the situation, noting that this signaled to him that the situation could go in a direction he had not previously anticipated and that he and his fellow officers may not, in fact, be able to physically control the suspect. After a physical altercation between the suspect and officers ensued, two of the four officers fired shots at the suspect.

71

Another example of how a suspect's demeanor and/or actions can suggest to officers that they are losing control of an encounter can be found in Incident 11, which included four officers who had been involved in a vehicle pursuit. Officer #25 made the decision to participate in the pursuit when he heard it on the radio. As he was en route to the location of the chase, he heard on the radio that the suspect had been purposefully ramming into other officers' vehicles with his car in an attempt to flee. The suspect eventually crashed his vehicle, which ended the pursuit and gave officers the opportunity to exit their vehicles and issue verbal commands to the suspect to exit his vehicle. Officer #25 described how he issued commands to the driver to exit the vehicle, but rather than complying with the officer's request, the suspect began lurching his car forward toward a fellow officer's vehicle with the officer still inside. Officer #25 explained that the suspect's behavior at this point signaled that he was not going to listen to officers' commands and he was not going to stop his flight. He stated:

> You know I was thinking right there this is okay. [The suspect] has nowhere else to go. I was getting out of my car to hear him going back and ramming us again. It was kind of one of those things like, 'Are you kidding me?' And that's what raised my concern, my worry for us, because he's not showing any indication that this is going to stop. It's going to be us or him. And that was the scenario I felt that he was putting us in by just continually ramming us. You know, whatever it took for him to get away, that's what he was going to do at the time.

As one can see, Officer #25 believed the suspect's behavior indicated that he would do whatever was necessary to escape apprehension. This officer then made the decision to exit his vehicle and draw his weapon, continuing "to treat it as a felony [stop], pointing the gun, [trying to] get [the suspect] out of the car." In the final phase of the incident, Officer #25 made the decision to fire at the suspect.

Another officer involved in this incident, Officer #14, made a similar interpretation of the suspect's mindset, but did not use deadly force in the final frame phase of the incident. When witnessing the suspect's erratic driving during the high speed chase, Officer #14 reported that this behavior on the part of the suspect made it clear that he had no intention of being apprehended. He stated:

> You can tell this guy is just driving like a madman now, you know? You can tell he's not going to stop. I mean just years of experiencing, you know, high speed pursuits, you could tell this guy wasn't going to be getting out and surrendering anytime soon.

Once the suspect crashed his vehicle and officers surrounded his vehicle with their own, the suspect continued to try to break his vehicle free by backing into the surrounding police vehicles. Again, this behavior suggested to Officer #14 that the suspect did not intend to surrender. At this point, Officer #14 drew his weapon, explaining:

> I was already exiting my vehicle and I saw [the officers'] weapons drawn, so I remembered starting to draw mine. But I was thinking the whole time this guy might get back on the road, but, it was almost a point of no return then, you know?

This officer did not fire at the suspect because by the time he felt he had a clear shot, Officer #25 had already shot the suspect. What this incident demonstrates, however, is that regardless of whether an officer decides to shoot or hold fire, officers can observe a suspect's behavior, make similar inferences about the suspect's intentions and their perceived level of control over the situation, and then use these perceptions to guide their subsequent decision-making.

73

Suspect Demeanor

Another social influence identified by Binder and Scharf as impacting officers'

decision-making during the information exchange phase is the suspect's demeanor, or

response to officers' commands. The authors note that officers often use verbal

commands at this point to inform the suspect what he or she needs to do to reduce the

threat posed to the officers. For example, if a suspect is armed with a firearm, an officer

may issue commands to the suspect to "Drop the weapon." Therefore, in addition to

analyzing officers' behaviors and decisions during this phase, it is also necessary to

assess suspects' responses to what officers say in each incident.

As previously noted, 36 officers issued verbal commands to the suspect in their

respective incident. If Binder and Scharf's hypothesis holds true, one would expect to

find that more shooters than witness officers were confronted with non-compliant

suspects. By not listening to officers' commands, such non-compliant suspects limit the

options available to police to resolve the incident.

None of the suspects who received commands from the 36 officers who issued

them complied with the orders given. Twenty-two (22) of the 36 officers who issued

verbal commands told the suspects to drop the weapons they possessed. Fourteen (14)

additional officers issued commands to the suspect to do a variety of other tasks (e.g.,

stop and exit his/her vehicle, stop to talk with the officers, or request that the suspect

cease from fleeing from custody). Of the 36 officers who issued verbal commands, 21

officers ultimately used deadly force in the final frame phase and 15 officers refrained

from using deadly force.

It is important to note that these 36 officers participated in 20 different incidents. Of those 20 incidents, there were 10 that included at least two officers who issued verbal commands to the suspect, one who eventually used deadly force and another who did not. To demonstrate the similarities observed among officers who engaged in the same behavior (i.e., issuing verbal commands to the suspect) and how they interpreted the suspect's non-compliance in their incident, a few examples will be reviewed below.

Incident 43 involved two officers: Officer #65 was a field training officer at the time and his trainee, Officer #113, was with him when they received a call reporting multiple homicides at a local apartment complex. Officer #65 explained that his trainee wanted to work on one of her weak points (e.g., verbal communication), so they opted to respond to the location of the call, even though both officers made it clear in their interviews that they initially believed this to be a prank call. Upon arrival on scene, however, the officers were confronted with a visibly angry male. Since Officer #113 was in training and wanted to practice her stern communication skills, Officer #65 told her to initiate verbal contact with the suspect. As Officer #113 was beginning to approach the suspect, Officer #65 saw that the suspect was armed with two knives. Fearing for his trainee's safety, Officer #65 began issuing commands to the suspect, explaining:

> I'm thinking ok, now this is great training opportunity because we're going to have a little standoff here until this guy surrenders. And you know, [I am] just giving him commands, "Alright, drop the knives." At this point, I still didn't think anything of this. I hadn't even drawn my weapon at this point. I'm just, "Drop the knives. Come on. What's going on?" It was just kind of a thing of ordering commands by rote, you know? "Drop the knives. What's your problem?". . .He didn't actually ever [listen]. . .I had that sick feeling in my stomach that I'm going to have to shoot this guy. And I actually said to him, I said, "Come on buddy, don't make me do this."

His officer-in-training, Officer #113, was also issuing commands to the suspect. She also reported similar concerns about the suspect's behavior, saying:

> I figured, you know. . .remember, I was out to prove that "Hey, I'm gonna control this guy." I'm gonna walk up and say, "Hey, come back here" and I'm actually gonna make him do it when he doesn't want to. . .I remember my FTO saying, "Stop!" I think we were both definitely saying, "Stop! Don't come any closer!" And [the] guy kept walking. . .there's a guy with a knife approaching, he's well within twenty-one feet. So I took the slack out of my trigger.

Both Officer #65 and Officer #113 issued verbal commands to the suspect to drop his knives, but the suspect remained non-compliant by continuing to hold on to his weapons and move toward the officers. At this point, both officers considered that this situation could conclude in the use of deadly force. Officer #65 verbalized this consideration to the suspect, while Officer #113 described her recognition that based on the totality of the circumstances in front of her, she could, and may have to, use deadly force. This situation ultimately concluded with Officer #65 firing shots at the suspect while Officer #113 held fire.

Another incident that involved multiple officers who issued commands to a suspect was Incident 118. This case involved two homicide detectives who were searching for a man they suspected of committing a recent homicide. They had a photo of the suspect and identified a number of locations he could be based on where he was using the victim's stolen credit cards. These officers were driving around one of these locations hoping to find their suspect and bring him into custody. They happened upon a man who matched the suspect's description and, while still in their undercover vehicle, discussed whether they agreed that the man they saw could be their suspect and, if so, what would be the best way to apprehend him. They called for back-up, but were afraid that once the

suspect heard the sirens from arriving patrol cars, he would run. Therefore, they agreed

that they should make contact with him immediately, as they did not believe back-up was

far behind.

Upon exiting the vehicle, they agreed that Officer #217 would be the one to issue

commands and his partner, Officer #168, would be the one to take the suspect into

custody. As they approached the suspect and began to execute their plan, however,

Officer #217 described how the encounter quickly went awry, explaining:

> I had opened the door and step[ped] out of the car and I'm literally on the sidewalk. [The suspect] is walking towards me. I immediately start issuing commands and now I'm face to face with him. He's looking at me. "Police, don't move! Police, get down on the ground! Police, don't move!" Those kinds of commands. And he. . .[my partner] is in my peripheral vision out in the middle of the street and he may have been yelling some commands as well, but he. . .[the suspect] for whatever reason, he has this. . .it was almost Hollywood-like transformation of his face where he turned. . .he turned to this animalistic facial expression where he was gritting his teeth. . .a very angry look. And he immediately dropped the bottle he was carrying and his hands went out in front of him like this in a claw sort of. . .zombie sort of hand thing. . .and he let out this scream that was a growl. And he starts running towards me.

His partner, Officer #168, described similar behavior on the part of the suspect in

his account of the information exchange phase, saying:

> I can see my partner in the peripheral and I start hearing the commands. And I'm looking at the suspect the whole time. As soon as I hear that, I put the gun up on him and put a sight picture on him. He had been walking totally unaware [we] appeared, and then as soon as he starts hearing the commands, he freezes, just stops in his tracks. He's looking directly at [my partner], but not doing anything, so I start yelling out, "Police, freeze. Don't move. Police." He – this has all happened – from this point, just extremely fast. He looks at my partner, looks at something between my partner and I, is what it appeared to me, and then looks directly at me. He drops into a slight crouch, just gets a look of absolute rage on his face, baring his teeth. I kind of describe it as a war cry, [and] just starts screaming. He throws his hands out directly in front of him and starts running.

Again, both of these officers issued verbal commands to the suspect in their incident and ended up dealing with a non-compliant individual who had no interest in listening to the officers and instead decided to physically attack them. As one can see, both of these officers made the same decision (i.e., to issue verbal commands to the suspect) and observed the same aggressive, non-compliant behavior from the suspect, yet in the final frame phase, Officer #168 decided to fire shots and Officer #217 held fire.

In sum, these findings suggest that suspects' responses to officers' commands may not have as much of a direct influence on an officers' decision to shoot or hold fire as the original Binder and Scharf model had opined. True, the results do suggest that more officers who dealt with non-compliant suspects ended up using deadly force compared to those who did not shoot, but the fact that the number of officers who chose not to shoot - despite being faced with an individual who posed a dangerous threat - was relatively close to the number of officers who did choose to shoot is worth noting. If anything, this finding demonstrates that both shooters and witness officers confronted suspects who were not willing to comply, yet they still made different choices regarding the use of deadly force. In addition, as exemplified by incidents presented above, shooters and witness officers in the same incident can have similar reads of the suspect during this phase, yet ultimately make different decisions regarding whether to use deadly force. While the reason for this difference has yet to be determined, the response of the suspect – or lack of response – does not definitively explain why some officers chose to shoot and others did not.

Line in the Sand

Furthermore, when describing how a suspect's demeanor and physical appearance can impact officers' decision-making in the information exchange phase, Scharf and Binder (1983) describe how officers can use this to form a metaphorical line in the sand. That is, officers may create "if. . .then" conditions in their mind that would lead them to make the decision to fire their weapon at a suspect, thus entering the final frame. For example, if an officer is involved in an encounter with an armed individual, the officer may tell himself or herself that *if* the suspect raises his or her weapon in the direction of this officer, other officers, or citizens, *then* they will shoot.

This notion of drawing "lines in the sand" and how the creation of such lines are not exclusive to shooters are illustrated by Incident 123, which involved two officers in the sample (plus two who were not interviewed) who ultimately made different decisions regarding their use of deadly force. These officers were responding to a call of an armed individual at a local high school. While Officer #182 considered that they could have a suicidal subject on their hands, Officer #188 explained that he believed it was an active shooter inside the high school. Both officers arrived separately at different locations on the high school grounds, but near the suspect, who was pacing back and forth outside the school and carrying a rifle. Officer #182 took a position facing the suspect, while Officer #188 ended up arriving at a location behind the suspect. Officer #182 and other officers on scene (who were not interviewed) were issuing commands to the suspect to put his weapon down, but the suspect failed to comply; instead he reportedly raised and lowered the weapon in the direction of other officers on scene. At this point, Officer #188, who had positioned himself behind the armed suspect, drew a line in the sand, explaining:

I was looking. . .really trying to pay attention to everything was going on because I was waiting for that moment when [the suspect] turned around and came back [toward me]. If he saw me there, I thought in my mind [that] if he saw me, he was gonna be like, "Oh, fuck" and he was gonna just draw and come up just out of instinct. . .there's an officer there. . .boom. I had made my mind up. If he turned towards me, I would have killed him.

The suspect had lifted and pointed his rifle in the direction of other officers, but not at Officer #188, the witness officer. Had he fired at this point, he would have shot the suspect in the back, something he was not willing to do. The suspect never turned around to face Officer #188, which meant he did not cross this officer's line in the sand, so Officer #188 did not fire. He did make it clear, however, that had the suspect crossed that line he drew in his head, he would have fired, explaining:

I watched [the suspect] point that gun towards [other officers] multiple times. It was like three or four times he points his rifle. He just flat armed pointed. Obviously, he's doing it in a threatening manner. I mean, if I'm gonna shoot somebody with a rifle, I'm gonna come up, draw up, and the whole bit. But he never really does that. There was no doubt in my mind if he had flipped around and that gun had come up [toward me], he'd have been dead. I had a great shot.

Although Officer #188 chose to hold fire, another officer (Officer #182) eventually fired shots at the armed student, bringing the standoff to a close.

Another example of an officer drawing a mental line in the sand but who held fire was found in Incident 68. This incident, which involved three officers in the sample, began when officers received a call reporting an individual with a grenade in a courthouse. Officers #91 and #92 arrived on the scene and both agreed to enter the courthouse to assess the situation. They took time to find a safe location relative to the position of the suspect inside the courthouse and were soon joined by a few additional

80

officers. Officer #92, the witness officer, recalled receiving a command for his supervisor over the radio about how to handle the situation, explaining:

> . . .you know, one of the lieutenants comes over the air and says. . .I mean to me at the time it seemed really asinine, "Do not allow the man to move freely around the building. Use any force necessary to prevent that." It's like well, I don't care about moving around the building – if he takes a step towards me he's. . .I'm going to use whatever force necessary.

At this point in the encounter, the suspect did not move and because of this, Officer #92 held fire. As the situation progressed, however, the small group of officers in the building made the decision as a collective that deadly force was necessary in order to prevent the suspect from detonating the grenade and causing serious harm or death to anyone in the blast radius. Officer #92 was ready and prepared to fire at the suspect, but other officers on scene had fired before him and by the time he went to pull the trigger on his weapon, he could see that the suspect had been hit by police gunfire and was no longer a threat.

One final example of officers' decisions to establish conditions under which they would fire was found in Incident 59, which was the incident involving a student who had barricaded himself in the classroom of his high school and to which four of the officers interviewed responded. Once officers entered the school, located the suspect, and allowed additional officers to arrive, the designated crisis negotiator (Officer #80) began verbally communicating with the suspect. As this was going on, Officer #89 described how he considered the circumstances under which he would use deadly force, explaining:

> . . .that was the advantage of having had so much time to anticipate and pre-plan and schema what he was going to do. So, you know, the decision in my mind had already been made. If [the suspect] comes out with a gun pointed at anybody or even in his hand, he's probably going to get shot.

Verbal communication with the suspect went on for about 45 minutes until the suspect stood in the doorway of the classroom and raised his arm with the gun in his hand, at which point Officer #89 fired at the suspect. When asked if he made a conscious decision to fire his weapon and use deadly force, Officer #89 described his pulling the trigger as a reaction to the suspect's behavior, but felt this reaction was grounded in considerations he had already made, saying:

> I was reliant upon my own judgment and perception of what was happening to make that decision for me. And fortunately, I guess, [the suspect] presented himself in a schema that I had already anticipated or expected and I just reacted to it, as opposed to him coming out in some unorthodox way where I would have had to actually consciously say "Can I shoot him now?" or "Am I supposed to?" or "Do I need to?" That thought never occurred. It was pure reaction.

Another officer involved in this incident, Officer #133, echoed Officer #89's mindset, explaining that he too had considered conditions under which he would shoot if the suspect engaged in certain behaviors, explaining:

> For me, it was pretty clear that – he was told numerous times not to grab the weapon, not to touch the weapon, to set the weapon down, to leave the weapon in the classroom and come out. He was given ample opportunity to do that over this period of time. And when he grabbed that weapon and started to come up with it, I was not waiting to see – or waiting for him to fire a round at us first. As soon as he reached for the gun and became – I had made a decision that if he reached for the gun and I saw him actually grab the gun that I was going to deploy my weapon on him.

Officer #133 described his decision to fire his weapon at the suspect as a conscious one, saying that he had already made the decision to fire had the situation matched the conditions noted above. When the suspect moved toward the doorway and toward officers with a gun in his hand, this officer fired multiple shots.

82

These examples demonstrate that officers do, in fact, consider potential situations in which they would make the decision to use deadly force, thus drawing a line in the sand or creating an "if. . .then" scenario in their minds. These examples also show that this behavior was not limited to officers who ultimately decided to fire shots. An officer may fire shots when the suspect's behavior matches that which the officer has designated as his or her line in the sand, but if a suspect's behavior does not cross this line, this may explain why, at times, officers who held fire did just that. The creation of "if. . .then" scenarios and mental models among shooters and witness officers in the information exchange phase is yet another example of the similarities that exist in the decision-making of officers in potentially violent police-citizen encounters regardless of their decision in the final frame.

In sum, the findings from the first three phases reveal that, regardless of whether an officer chose to use deadly force, certain factors consistently impacted officers' decision-making throughout their respective incidents. Both groups of officers, shooters and witness officers, engaged in similar behaviors and decision-making patterns as they related to retrieving and processing information in the anticipation phase, making direct observations and refining their situational definitions in the entry phase, and the use (or lack thereof) of verbal communication, perceptions of the suspects' behavior and/or demeanor, and "if. . .then" scenarios in the information exchange phase.

Once arriving at the final frame phase, however, notable differences among shooters and witness officers began to emerge.

FINAL FRAME

According to Binder and Scharf's decision-making model, the final phase of the incident is marked by an officer's *decision* to use or not to use deadly force. That is, at a certain point in high-risk police-citizen encounters, Binder and Scharf assert that an officer will either decide that deadly force is necessary and make the decision to shoot, or the officer will decide that the use of deadly force is not necessary and will choose to hold fire. This decision was observed in the majority of the cases included in the sample wherein officers made the decision to either fire their weapons or hold fire and executed this action immediately following the decision to do so. There were instances, however, in which officers did *not* make a decision to either use or not use deadly force during the final frame of the incident. The following section will detail findings from the analyses drawn from the final frame phase of officers' decision-making process in order to finish out these basic findings.

THE DECISION TO SHOOT OR HOLD FIRE

As noted previously, of the 83 police officers in the sample under analysis, 46 officers fired shots during the incident under consideration and 37 officers did not. Of the 46 officers who fired shots during their respective incidents, 32 of these officers made the conscious decision to use deadly force and pull the trigger. These officers made the decision that deadly force was necessary and executed this decision by firing at the suspect for a number of different reasons. The most frequent reason reported by officers for using deadly force was to protect himself or herself or a fellow officer from what they believed to be an immediate threat to innocent life (n=21 officers). Additional reasons for

why the shooters reported making the decision to fire included furtive, potentially dangerous motions or other behavior exhibited by the suspect that led the officer to believe the suspect posed a deadly threat (n=7), returning fire at a suspect who began firing shots at him or her (n=2), being asked to fire shots at the suspect by a fellow officer (n=1), and firing at the suspect because he/she saw the suspect was armed with a firearm (n=1).

When analyzing the decision-making process during the final frame phase of the 37 officers in the sample who did not shoot, 19 of the officers reported that they *did* consider shooting during the final frame but ultimately decided it was not necessary. When asked why they considered shooting but ultimately decided against it, officers' explanations included: another officer had already fired at the suspect (n=4 officers), the officer did not feel threatened by the suspect at the time (n=3), by the time the officer considered shooting, the suspect was no longer a threat (n=3), a fellow officer was in his/her line of fire (n=3), he/she did not have a clear view of the suspect (n=2), he/she could not see that the suspect was armed (n=2), and he/she did not feel they would be justified in using deadly force at the time (n=2).

The descriptions of the above officers' decision to either fire or hold fire are consistent with how Binder and Scharf describe an officer's decision-making during this phase of the potential violent police-citizen encounter. Most of the officers in the sample who used deadly force did so because they had determined that the use of deadly force was necessary and they followed through with this decision. In addition, most of the witness officers who did not fire did so because they made the decision that the use of deadly force was not necessary at the time they considered shooting and, therefore, chose

85

to hold fire. What is perhaps most interesting, however, was that upon analyzing officers'

accounts during the final frame phase of their incident, it became clear that not all of the

officers in the sample fell into one of these two categories described by Binder and

Scharf.

Is There Always A Decision?

Binder and Scharf's deadly force decision-making model is predicated on the

notion that all police officers involved in high-risk encounters with citizens make a

decision to either use deadly force or refrain from doing so, with the exception of

instances in which an officer's firing behavior is the result of unconscious reaction. Some

of the narratives in this sample, however, suggest that not only do shooters not always

make the decision to shoot, but that witness officers do not always make the decision to

hold fire.

When analyzing the decision-making of the officers who decided to use deadly

force, it became clear that not every officer who fired shots made the decision to do so.

Where shootings go, 14 officers reported that pulling the trigger was *not* the result of a

conscious decision to fire their weapon, but rather, was a subconscious reaction to what

they perceived or defined as a threatening action by a suspect they faced. To demonstrate

this finding, three examples of this sort of shooting are provided below.

In Incident 18, two officers in the sample were involved in a vehicle pursuit of a

robbery suspect who police had been searching for over a four month period. When other

officers called out that they had located an individual driving the car associated with the

suspect, Officer #22, who had been involved in the investigation of the robberies,

believed him to be the man he had been looking for and decided to join the pursuit. The suspect later crashed his vehicle and fled on foot, leading officers, including Officers #22 and #119, to chase him on foot through a local neighborhood. As other officers were attempting to set up a perimeter throughout the neighborhood to catch the suspect, Officer #22 reported that at one point during the chase, the suspect drew a gun on Officer #119 and threated to hurt him. Officer #22 issued commands to the suspect to drop his weapon, but the suspect did not comply. Rather, he said to Officer #119, "I don't want to hurt you, but I'm going to [have to]. I'll do [it]. You know I will." Upon hearing the suspect threaten his fellow officer, Officer #22 fired shots at the suspect. When asked why he fired at the suspect, Officer #22 reported:

> I don't remember pulling the trigger. I remember seeing the gun. . .I don't remember the actual trigger pulls. I remember [the] gun, Kevin's in trouble, get your sights on target, and as soon as I got sights on target that's when I started shooting. That's when the recoil started happening, you know? But I remember, you know, as soon as those sights came on line that's when the recoil started happening and I don't remember the trigger pull. And I really. . . I don't consciously remember thinking, "I need to shoot this guy." I saw [the gun] and I did it. You know, I saw, I did. There is that gap of. . .you know. . .I don't remember the thought process of "I need to shoot this guy" and I don't remember the thought process of "squeeze the trigger," you know? So, all's I remember is "Get your sights up" and boom! That's. . .you know. . .that's how fast it was.

Officer #22 went on to describe that he had seconds to take action, as Officer #119 was in danger of being seriously injured or killed by the suspect. Furthermore, Officer #22 explained that Officer #119 did not have his weapon drawn at the time, so he could not have fired shots to defend himself. He was able to process that the suspect was armed, that Officer #119 was in trouble, and that he needed to raise his weapon, but he had no sense that he made a conscious decision to pull the trigger.

Two officers involved in Incident 59 provide additional examples of unconscious firing behavior. As previously mentioned, this incident involved four officers who responded to a local high school where an armed student had barricaded himself inside a classroom. During the extensive negotiations that occurred (about 45 minutes to an hour long), officers who had been waiting outside the classroom considered many possible outcomes. Officer #89 described how he had created a line in the sand in his mind for the suspect: if the suspect exited the classroom with the gun in his hand, he was going to shoot. Later in the encounter, the suspect attempted to exit the classroom with a gun in his hand in a raised position and pointed in the direction of the officers, at which time Officer #89 fired shots.

Officer #89 explained that because he had considered this as a possibility and made the conscious decision to fire *if* the suspect's behavior met these conditions, his shooting behavior was more of a reaction to the suspect's behavior, explaining:

> You know, there was no. . .you know, I prepared for it and obviously all my training had prepared myself to take a shot like that. . .but there was no conscious decision to do it. It was pure reaction. I mean, I had already made that conscious decision beforehand, you know. . .if the threat presents itself I'm going to take the shot. And so there was no thought process in it. It was just, you know, well, here's the scenario.

Another officer involved in this incident, Officer #135, had not drawn any sort of proverbial line in the sand during negotiations, but rather described pulling the trigger as an unconscious reaction to the suspect emerging from the classroom with a gun in his hand, saying:

> I don't actually remember consciously pulling the trigger or coming up on target. So it was just – just based on training. [I] just kind of just kicked into training mode. I do not consciously remember in my brain saying, "I need to pull the

trigger." It just. . .I pulled the trigger. It was just a reaction to [the suspect] presenting the gun.

The examples provided by Officer #89 and Officer #135 both demonstrate how officers' firing behavior can occur without conscious choice, but also provide two different pathways to such behavior. For example, although Officer #89 reported that he did not make a conscious decision to fire his weapon, he did acknowledge that he had previously identified conditions under which he *would* fire and, when the suspect's behavior paired up with the mental boundaries that he had created, he fired his weapon without conscious thought. In comparison, Officer #135 explained that he had not previously considered conditions under which he would fire, but rather that his shooting behavior could be best summed up as a simple reaction to the armed suspect emerging from the classroom. This behavior on the suspect's part was something Officer #135 recognized from training, which led him to shoot without consciously deciding to do so.

One last example of an officer's unconscious decision to use deadly force comes from Officer #92. This officer, along with one other officer (#106) in the sample, was involved in Incident 69. These officers received a call of a man with a gun in a local neighborhood. Upon arriving on scene and engaging in a brief search for the suspect from their vehicle, the officers believed they found the individual matching the suspect description provided to them by dispatch. When they issued commands to the suspect to stop so they could talk with him, he fled on foot. Both officers chased after him.

At this point, Officer #92 drew his TASER because he did not see the suspect in possession of a gun and, therefore, decided to use less-than-lethal force to prevent the suspect from escaping. As he began to raise his TASER to fire, the suspect turned around

and faced Officers #92 and #106, lifting his sweatshirt up and reaching down into his

waistband. This movement suggested to Officer #92 that he was reaching for a weapon.

In the next moment, Officer #92 shot the suspect. He explained, starting when the suspect

first reached toward his waistband:

> So, as he's doing this, I've got the "Oh shit". . .He's reaching. I can't see his right hand. I don't want my TASER in my hand anymore. I want my gun. Sight wise, I can clearly remember him turning. I can clearly remember his right hand finally coming into my view. I can remember [the suspect] doubled over tugging on that gun. I mean, he was yanking on that gun. I can remember seeing that. I have the visual memory of that, but my inner dialogue is, "I want to get rid of my TASER. Oh crap, who just shot?" I don't remember drawing my gun. I don't remember sighting my gun. And I do not remember the decision to pull the trigger.

Based on his narrative, Officer #92 was cognizant of his desire to switch from

holding his TASER to holding his gun, but when he heard the sound of a gunshot, he

struggled to understand where the shot came from. Little did he realize that he had not

only drawn his weapon and aimed it at the suspect, but that the shot he heard had come

from his firearm and that he was the one who had pulled the trigger. In sum, the three

aforementioned examples demonstrate how, consistent with Binder and Scharf's

conceptualization of the final frame phase, not every officer who fires shots during a

high-risk police-citizen encounter makes the conscious choice to do so.

Upon analyzing the responses provided by officers who fired shots, there were

three officers whose decision to fire could not be classified as either conscious or

unconscious. For example, when asked directly if his decision to use deadly force was the

result of a conscious decision, one officer struggled with labeling how he came to pull the

trigger. In addition, there were two officers who fired shots at different times during their

incident and shared that while one of their shots was the result of a conscious decision to shoot, others may not have been. The stories of these three officers appear below.

Officer #117 became involved in Incident 88 when he and a fellow officer were called to complete a welfare check at a local apartment complex. A neighbor reported hearing loud moaning from the apartment next door and was concerned for the resident inside. The officers arrived at the location and, when the resident was non-responsive to their knocking, they located the maintenance man for the apartment complex who was able to let them into the apartment. Once they entered the apartment, they were confronted by a knife-wielding male. Both officers drew their weapons and issued commands to the suspect to drop his weapon. The suspect was not compliant and, soon after, Officer #117 used oleoresin capsicum (OC) spray in an attempt to disorient the armed man. Because he thought the suspect would be subdued by the OC spray, Officer #118 moved close to the suspect in an attempt to apprehend him. Instead, the suspect began moving rapidly toward the officers and the maintenance man. At this point during the encounter, Officer #117 shot the suspect. Officer #117 described the moment of his trigger-pulling thusly:

> The guy was like right on top of me. I mean within, you know, basically a little bit further than arm's length. So, you know, I had the barrel [of the gun] trained I guess. . .basically center mass [on the suspect]. And, you know, I couldn't have really missed. So yeah. . .it could have been more of a reaction. . .I mean as I was firing. . .it was happening so quick. I don't know if I really had any conscious thoughts going through my head.

When the interviewer returned to this portion of the incident at another point in the interview, Officer #117 clarified his mindset at the time he fired the weapon, saying that he believed his decision to fire was "a little bit of both" (conscious and unconscious).

91

When asked to clarify why he classified his decision to fire as both conscious and unconscious, he stated:

> The unconscious I think it was more a reaction, but the conscious being, you know, part of your training and, you know, aiming center mass and putting him down. And, once again, you know, if I'm put in that situation, I'm going home at night. So, I think that may have played a part as well. Yeah, it could be a little of both.

Officer #117 recognized that his decision to shoot may have been a reaction to the suspect approaching him with a knife at a rapid pace, but he also acknowledged that he was cognizant of his training at the time (i.e., what he could or should do under such circumstances). Furthermore, he reported being cognizant of his desire to survive the encounter. To Officer #117, this consideration of training and thoughts of survival led him to believe that there was some conscious thought behind his decision to shoot, but he could not say with any sense of certainty if his was a conscious or unconscious decision to pull the trigger.

The two officers whose trigger-pulling included some based on conscious choice and some rooted in unconscious thought had a much clearer sense of how they came to fire their guns. The first of these officers, Officer #29, was involved in Incident 20, the case involving 16 officers who were pursuing a man who had fired shots at one of their sergeants. He was one of the officers shot at when the suspect jumped from the bushes in which he had been hiding. Officer #29 gave chase, along with other officers, and made the conscious decision to fire multiple rounds at the fleeing suspect. When the suspect collapsed, Officer #29 was one of the officers who surrounded the suspect and began issuing verbal commands to him. When the suspect moved, Officer #29 fired a reactionary shot at the suspect. He explained:

I can't tell you if [the suspect] reach[ed] for his gun or he just turn[ed] toward his gun. But I remember movement towards the gun. What it was exactly, I don't know. I remember clearly the lieutenant yelling out, "He's getting up!" "He's getting up!" or "He's going for it!" or something he was yelling. Something of that nature. And I fired first. . . At the time, it wasn't. . .I don't know so much surprise as much as. . .[I] just reacted to it. I wasn't consciously thinking about it. It was just. . .he moved, I shot.

It is clear from Officer #29's account that he made the conscious decision to fire at the suspect early in the encounter (i.e., during the foot chase), but later fired a shot at the suspect that was not the result of a conscious decision, but rather was an unconscious reaction to the suspect's movement.

The second officer who fired both consciously and unconsciously in a single incident was Officer #104, who was one of two officers in the sample who responded to Incident 46, the incident wherein officers responded to a call of shots fired at a nearby community center. Soon after arriving on scene, the officers spotted the armed suspect and followed him into the community center and issued commands to the suspect to drop his weapon. The suspect had raised his shotgun a number of times as if he was going to shoot, but never pointed it in the direction of the officers. When the suspect pointed his weapon at the officers, however, Officer #104 fired. When asked if he made a conscious decision to fire at the suspect at this time, he explained:

I don't, I don't think I actually said, "Ok, now!" It was just, "Okay, drop the gun, drop the gun!" And the [the suspect] turned toward me and I let loose. So yeah, I don't. . .I don't think I actually, you know, [thought] "Okay, now it's time to shoot the bad guy." I reacted.

Although he fired shots at the suspect, the suspect was still able to move and began running up the stairs in front of him. At this point, Officer #104 described his conscious decision to hold fire at the fleeing suspect, saying:

93

I followed [the suspect] for a good one to two seconds up those stairs as he ran with my gun pointed directly at his back. And I actually made a conscientious, conscience decision not to pull the trigger at that point because of bad press.

The suspect made it up the stairs and began poking his head and his shotgun around the corner. Once the suspect had moved his weapon so that it was in a firing position and directly facing the officers, Officer #104 made a conscious decision to fire, explaining:

[The suspect] had both feet firmly planted and he swung the gun towards me again. This time, having a good clean platform, I shot and I kept shooting until he dropped. . . the second volley was absolutely 100 percent a conscious decision.

Findings from the officers described in this section indicate that not all officers make a decision to use deadly force during the final frame of the incident. The notion of firing as reaction, however, *is* addressed by Binder and Scharf. In their description of the final frame phase, they do acknowledge that, at times, an officer's shooting behavior can be characterized as an "impulsive reaction" or a decision requiring "minimal rational input" in response to a suspect's behavior (Binder and Scharf, 1980, p. 118). Therefore, while it is noteworthy that the decision to use deadly force was not made by all 46 officers who fired their weapons, this finding is consistent with the authors' description of the final frame.

No Consideration for the Use of Deadly Force

When analyzing officers' decision-making in the final frame and attempting to pinpoint what would make one officer shoot and another hold fire, it quickly became clear that many of the officers who held fire did not actually make a decision to hold fire,

but rather *never considered* shooting at all during the final frame. Of the 37 witness officers in the sample, 16 of these officers stated that they never considered the possibility of shooting at any point during the encounter. There were many reasons why these officers did not consider firing shots during their incident, including: they were assigned to another task at the time (n=5 officers), they did not have their weapon out (n=3), they were focused on attending to someone else (e.g., an injured officer) on scene (n=3), their perception of their role prevented them from considering whether to fire shots (n=2), the suspect was not facing them at the time (n=1), the suspect had already been hit by police gunfire (n=1), and the incident transpired rapidly and they did not have time to consider firing shots (n=1).

To provide additional understanding of why some of the officers present at officer-involved shooters did not even consider using or not using deadly force, a few examples of such occurrences are provided below.[21]

Officer #34 was involved in Incident 20, wherein 16 officers were involved in the chase of a suspect who had fired upon one of their fellow officers. Upon his arrival on scene, Officer #34 spoke with a citizen who lived in the neighborhood reporting that she saw the suspect in the area and believed he could be hiding in the bushes nearby. Officer #34 then found a group of officers standing near said bushes and alerted them that the suspect may be close and recommended they back away from the bushes and find cover. No sooner did he say this than the suspect jumped out of the bushes and open fired on the officers.

---

[21] Additional details regarding the five officers who did not consider shooting or holding fire because of their assignments and the three officers who did not consider shooting because of their perceived role during their incident will be discussed in a subsequent section of the dissertation (see Chapter 5).

Along with other officers, Officer #34 began chasing after the suspect as he fled down the street, but he never fired. When the suspect eventually collapsed from other officers' gunfire and multiple officers converged on the downed suspect, Officer #34 had his gun out and ready should he need to use it. While standing there, he noticed that the officer standing next to him was acting strangely. Officer #34 stated:

> My gun is trained on the suspect and I can see [Paul] and he's not focused. His gun is up and he puts his gun down and he looks at himself and puts his gun back up and he does it, like, twice. And for whatever reason, I got annoyed. I said, "[Paul], what are you doing?" because this is a trained guy. He knows better than to let his guard down and not be behind cover. And he says, "I think I'm hit." And I holstered my gun and I put my flashlight on his shirt and there was the tiniest, tiniest, little hole in his shirt. And that's the first time I remember being scared.

Upon seeing the hole in the other officer's shirt, Officer #34 realized his fellow officer had been shot and turned his attention away from the suspect and focused on getting the injured officer from the scene and to a space where he could receive medical attention. He stated:

> I remember holstering my weapon and grabbing his right arm, kind of under his arm and kind of supporting his arm. I think my goal was to get him down past all the cars and get him down maybe, down below. . .so, you know, an ambulance [could] respond there.

Because he chose to help the wounded officer, Officer #34 stopped focusing on the downed suspect and, therefore, never considered shooting or not shooting the suspect at this point during the encounter.

Another example of never considering shooting comes from Officer #118's account of Incident 88, which was the incident in which two officers responded to a welfare check call at an apartment complex. Once the officers were able to enter the apartment, they were confronted by a knife-wielding man inside and both officers began

issuing commands to him to drop the weapon. After Officer #117 had used OC spray on the suspect, Officer #118 made the decision to get close to the suspect and grab him while the spray distracted him. He soon realized that the suspect was coming toward Officer #117 and that Officer #117 may have no choice but to shoot. Officer #117 stated:

> I took one step towards [the suspect] with the intention of grabbing him and it only took one step and I realized that [Jimmy] wasn't going to have a choice - he was going to have to shoot him because he didn't have the room and I didn't have the time to get to [the suspect] before he got to [Jimmy]. So, I immediately. . .and everything started going through my head really quick. I go, "Okay he's gonna shoot him and I'm down range of this bullet." I said, "This bullet [is] gonna go through [the suspect] and from that point I don't know where it's gonna go."

At this point, rather than contemplating whether to use deadly force, Officer #118 was trying to figure out how to avoid being hit by Officer #117's bullets. Officer #118 continued:

> So, I immediately start thinking what do I do. I just went to the right side wall and I just put myself in front of it and I just held myself as close to that wall as I could and I got there just about the time the first shot went off. After the first shot went off, I looked over and I saw [the suspect]. He just stood there and he still had the knife in the air. And then about maybe a second later, [Jimmy] shot a second time and at that point I saw [the suspect] fall backwards to the ground.

As one can see from Officer #118's description, he never considered whether he should use deadly force because he was focused on his own safety (re: his partner's gunfire). His description suggests that he was confident enough that his partner was going to use deadly force against the suspect that he needed to focus on his own safety. Therefore, Officer #118 never considered whether to shoot or hold fire, as he was preoccupied with removing himself from his partner's line of fire.

Lastly, in addition to the 16 officers who never considered shooting and the 19 officers who considered shooting but chose to hold fire, there were two officers whose

97

decision to hold fire may not have been a decision at all. When asked why they chose not to shoot during their respective incidents, Officers #28 and #113 could not articulate why they chose to hold fire. For example, Officer #113, was still in training at the time of Incident 43, the previously mentioned incident wherein a non-compliant male armed with multiple knives confronted her and her partner. Officer #113 explained that although she had her gun drawn and pointed at the knife-wielding suspect approaching her and her partner, she was unsure why she did not fire, explaining:

> In my mind I was thinking this is exactly, you know, this is a perfect academy scenario. There's a guy with a knife approaching, he's well within twenty-one feet, and so I took the slack out of my trigger and at some point after that I heard [my partner's] shot. . .I don't know [why I didn't shoot]. I guess, you know, whether I don't know how much time there was between the time that I took the slack out and the time that [my partner] shot or that [the suspect] was actually shot. I really don't have an answer to that question.

The other witness officer who struggled to understand why he held fire was Officer #28 who was one of the 16 officers involved in Incident 20. His situation was unique as he was the lone officer struck by the suspect's gunfire. As he and other officers were chasing after the suspect who had open fired on them, Officer #28 considered shooting, as he put it:

> I remember thinking about shooting his head. I don't know why, but the thought of shooting his head kept popping in my mind. When I think back about it. . .I couldn't have put my sights more centered on the back of his head than anything else. I mean, I had it there. . .I remember I was squinting. I was looking through my sights. I was looking at the back of his head and I had my trigger halfway pulled. And I was ready. And uh. . .I don't know what made me stop.

SUMMARY

Binder and Scharf (1980; 1983) provided scholars with a framework to analyze police officers' decision-making during high-risk police-citizen encounters that may or may not conclude in police use of deadly force. They hypothesized that the difference in whether an officer chooses to shoot or hold fire is best attributed to differences in decisions and considerations that officers make throughout such incidents. The results from this analysis disclose, however, that regardless of the decisions officers make in the final frame, many officers thought and acted the same way during the time that preceded the final frame phase.

In the anticipation phase, both shooters and witness officers collected information about the situation and/or the suspect they would be encountering prior to arriving on scene. It was also observed that both shooters and witness officers considered the source of the information they were receiving (e.g., from a fellow officer, dispatcher, or citizen). Once they arrived on scene and entered the entry and initial contact phase, both shooters and witness officers continued to collect more information about the situation and the suspect through direct observation and used these observations to alter their understanding of the situation at hand. Furthermore, both shooters and witness officers reported communicating with other officers on scene to share the information they had about the suspect or the situation at hand. Finally, both shooters and witness officers reported considering their personal safety and the safety of other officers during the entry phase, leading many of them to make decisions that they felt reduced their likelihood of being injured or killed (e.g., considering safe, tactical approaches to the scene or toward the suspect, and drawing their firearms).

When officers *did* enter in the information exchange phase, both shooters and witness officers used this time to communicate with suspects, most commonly issuing commands to suspects to drop their weapon. It appeared that these officers, both shooters and witness officers, issued commands with the goal of gaining control over the suspect and the situation. In addition, both shooters and witness officers made similar interpretations of suspects' physical demeanor and described how this impacted their view of the situation and subsequent decision-making. Lastly, both shooters and witness officers formed "if. . .then" mental models (or drafted lines in the sand) to help frame their shooting behavior. Regardless of whether they eventually followed through with such thoughts, it is important to note that both officers who later fired shots and those who did not sometimes considered during the information exchange phase the possibility that deadly force may become necessary.

After reviewing officers' decision-making behavior in the anticipation, entry, and information exchange phases, it is clear that more similarities than differences exist in the thought processes of shooters and witness officers. This leads to the following question: if stark differences between shooters and witness officers do not exist during the first three phases of police-citizen encounters, what explains why some officers shoot and others hold fire? This question is addressed in subsequent chapters of the dissertation. Before doing so, however, some consideration of what the analysis in this chapter says about the final frame is in order.

Conception of the final frame is predicated on the notion that police officers make the determination that deadly force is either necessary or unnecessary and, based on this determination, follow up with a decision to use or not use deadly force. Binder and

Scharf do acknowledge, however, that there may be times when officers' shooting behavior can be best described as a mere reaction to a suspect's action, not a conscious decision to pull the trigger. Some of the findings presented in this chapter support this argument.

Additional findings, however, indicated that some officers who did not shoot never considered using deadly force at all. The results suggest that not all officers enter Binder and Scharf's final frame, which Binder and Scharf fail to consider. This finding thus indicates that there exists a notable hole in the Binder and Scharf deadly force decision-making framework. This matter will be revisited later in this dissertation.

CHAPTER FIVE: DEADLY FORCE DECISION-MAKING AND THE IMPACT OF OTHER OFFICERS

The first research question this study was designed to assess was how well Binder and Scharf's deadly force decision-making framework accounted for officers' thoughts and actions in police-citizen interactions in which some officers present discharged their firearms and some officers held fire. The core finding was that officers processed through the decision-making framework in a linear fashion and made decisions and carried out actions in each of the four phases encompassed in the framework.

To explain why some officers shoot and other officers hold fire in similar situations, Binder and Scharf (1980; 1983) assert that the two sorts of officers make different decisions as they move through the phases that precede the final frame of the encounters. That is, perhaps officers who choose to use deadly force consider different situational factors or make different decisions in the first three phases compared to officers who choose to hold fire.

To assess whether Binder and Scharf's hypothesis described above holds, the second research question this study examined was: *Given the same situation, do stark differences in how police officers move through the Binder and Scharf decision-making process account for why some officers chose to use deadly force and some chose not to use deadly force?* The results described in the previous chapter indicate that although officers sometimes made different decisions in the final frame phase, shooters and witness officers did not always consider different factors or make significantly different decisions during the anticipation, entry and initial contact, and information exchange phases. In their work, Binder and Scharf (1983) assert that differences in how officers

move through this decision-making model (i.e., decisions they make and factors that impact these decisions) account for why some ultimately choose to use deadly force while others choose to hold fire. In contrast, the results from this study suggest this is not the case. If a significant difference in how officers move through high-risk situations does not account for why some officers shot while others did not, what *does* explain this difference in action during the final frame phase?

This chapter will begin with a brief review of the similarities observed among shooters and witness officers in the first three phases of Binder and Scharf's deadly force decision-making framework. Next, the stated reasons for shooting or holding fire provided by the officers in the sample will be reviewed in order to shed light on how the presence of and actions of other officers on scene impacted officers' decision-making during the final frame stage of encounters. The chapter will then conclude with a discussion of how social roles during a deadly force incident can influence officers' decision-making throughout a potentially violent police-citizen encounter where multiple officers are present.

EARLY PHASE CONSIDERATIONS

The majority (n=55) of the 83 officers in the sample, regardless of their decision in the final frame phase, used the first phase of Binder and Scharf's decision-making framework to collect and review known information about the situation and/or the suspect. Of the 55 officers who engaged in this behavior, 30 eventually fired shots during their incident and 26 held fire. While there is a slight difference between these figures, that many officers on both sides of the shooting divide comported themselves similarly

indicates that differences in phase one do not account for different outcomes. Eleven (11) additional officers reported that they relied on information they had previously acquired about the suspect who, when alerted to the incident by dispatchers, they believed to be involved. Rather than taking the time en route to the scene to collect additional information about the suspect, these officers made the decision to work with the information they already had. Of these 11 officers, six (6) officers ended up using deadly force during their incident and five (5) did not. Again, while there is a very slight difference in these figures, it is certainly not enough to say that stark differences in officers' behavior during this first phase account for their behavior differences in the final frame.

When analyzing officers' behaviors in the entry phase, one can see that the majority of the officers in the sample, regardless of their decision to use deadly force in the final frame, continued to collect information about the situation and the suspect through direct observation (54 officers; 27 shooters, 25 witness officers). Furthermore, both shooters and witness officers used the additional information collected during this phase of the encounter to assess and adjust their definition of the situation at hand. In sum, while there were slight differences in the counts of shooters and witness officers who engaged in these behaviors, they are not enough to suggest striking differences in how officers processed through this second phase.

Finally, when analyzing officers' decision-making and considerations made during the information exchange phase, more similarities as opposed to differences were discovered among shooters and witness officers. Of the 38 officers in the sample who made verbal contact with the suspect in their incident, 24 of them fired shots during the

final frame phase and 14 did not. Furthermore, of the 46 officers in the sample who did not enter the information exchange phase (either because their incident unfolded quickly or because they did not issue verbal commands to the suspect), 23 officers ultimately used deadly force and 23 did not. Binder and Scharf note that information collected through verbal exchanges between officers and suspects and the suspect's response to said communication can ultimately impact officers' decision-making in the final frame phase. Findings from this study suggest, however, that even when verbal communication was used and exchanges between the police and suspect occurred, there is still variation that existed in the decision to shoot. Furthermore, in instances where officers did not verbally communicate with the suspect (which, arguably, limited their ability to collect additional information about the suspect's intentions, state of mind, etc.), a variation in the decision to use deadly force also existed. Given the number of similarities that are present in the decisions and behaviors of officers throughout the first three phases of Binder and Scharf's framework then, what accounts for the difference in officers' decision to use deadly force?

The analysis suggests that rather than being the result of significant differences in decision-making or factors considered by officers in the first three phases of Binder and Scharf's deadly force decision-making framework, the difference in whether officers used deadly force or held fire in their incidents was largely influenced by the presence of other officers on scene. The remainder of this chapter explores and expands on the nature of this social influence. It begins with an examination of officers who made conscious choices to fire their weapons, then follows with an examination of officers who did not

consider using deadly force, and concludes with the examination of officers who unconsciously fired their weapons.

OTHER OFFICERS AND THE DECISION TO USE DEADLY FORCE

As noted previously, 32 police officers in the sample made the conscious decision to use deadly force. During their interviews, officers were asked directly if they made a conscious decision to fire their weapon and, if so, why they chose to do so. The 32 officers who made the conscious decision to fire gave numerous explanations for why they chose to fire. All but two of these officers indicated that the presence of or the decisions made by other officers had some influence on their choice to shoot.

Incident 9, which involved four officers in the sample, included two officers who made the conscious decision to fire in order to protect one of their own. Two officers (Officer #9 and Officer #16) had been conducting an investigation of an armed robbery of a gas station that had occurred the previous night. In addition to surveillance video of the incident, a witness had come forward with the license plate number of the suspect's vehicle. The officers ran the license plate number and found that the make and the model of car registered to those plates matched the vehicle in the surveillance video. These officers then made the decision to drive to the residence associated with the vehicle registration to see if, in fact, this was the vehicle – and suspect – for which they were looking.

They called two additional officers to assist them in the case (Officers #10 and #13) and once all four officers arrived on scene, they drafted a plan to make contact with the suspect: Officers #9 and #16 would stay in the front of the suspect's home and

attempt to knock on the door to initiate contact while Officers #10 and #13 would keep

watch around the back of the suspect's home in case he attempted to flee. Officer #9

approached the front door to the suspect's home, knocked, and then announced himself as

a police officer. The suspect proceeded to open the door with a gun held at his waist.

Officer #9 issued commands to the suspect to drop the weapon and made sure to do so

loud enough that the other officers on scene could hear that the suspect was armed. When

the suspect did not comply with his orders and began to point his weapon in the direction

of his partner, Officer #9 decided to shoot, saying:

> . . .When he comes up and I see that gun and I yell "Police! Drop the gun! Police!
> Drop the gun!" I mean, that's all the time it took. I mean as soon as I yell
> "Police!" the first time, I mean, I got the words out the second time, and it was. .
> .it was trigger time. You know, it wasn't like I was waiting for him to point at me.
> That was not the deciding factor cause, uh, the way he was coming out and
> pointing the gun, waist-level, that's until in the general direction of [my partner]
> behind this truck.

During this interview, the interviewer asked Officer #9 for clarification about his

decision to fire, asking him that if his partner had not been in the area where the suspect

pointed his weapon, would he have still made a decision to fire? Officer #9 responded by

saying, "No—if I'd been the only officer there, nobody else around, and [the suspect]

was pointing at nothing, I would not have fired until that gun came towards me."

His partner, Officer #16, also made the conscious decision to fire shots at the

suspect, citing that his decision to fire was based on his concern for Officer #9 who was

right in front of the suspect. He explained:

> [My partner] knocked on the door a second time, knocked on the door a third
> time, [and] by that time the door opens slow and shuts. Now we're yelling,
> "Police! Police! Come out. We want to talk to you. Show us your hands! Step out
> of the door!". . .you know, all these commands are starting to come across. I
> believe we're both yelling. And uh not only do [I] see the gun, [but my partner]

107

sees a gun and I'm yelling, "Gun" to make sure he's aware of the gun and he's doing the same thing to make sure that I'm aware of it. . . I'm firing to protect [my partner]. The gun looked like it was first going up in his direction.

The responses provided by Officers #9 and #16 highlight how both were concerned for each other's safety during the incident. Although Officer #9 was closer to the armed suspect and feared for his safety, the reason he decided to shoot was to protect his partner who he believed would be in the line of fire had the suspect started shooting. Similarly, Officer #16 made the decision to fire at the suspect based on his perception that his partner was at risk of being shot.

Although both of these officers fired shots at the suspect, the suspect was still able to shoot a number of rounds at the officers, leading these two officers to fire multiple rounds at him. A third officer involved, Officer #13, who was originally assigned to the back of the suspect's home in case he attempted to flee, heard the gunfire and made his way around to the front of the house to assist the two officers who were firing shots. Officer #13 was the one officer in the sample who made the decision to use deadly force at the request of another officer, saying:

> I immediately said "Shit!" to myself. And I took off running. I came around the opposite end of the trailer where they were at. While I was running I heard several shots. As I come up around the corner of the trailer I saw [Officer #16] engage some more rounds and I could see that the front door was opened and [Officer #16] was shooting into the trailer. And he looked at me [and] he goes "Mike, cover me, I got to reload." So I came around, I positioned myself and . . .knowing [another officer] was on the other side [of the house] if I was going to shoot, I kind of squatted down, so I would shoot upwards at an angle and I shot two-two round bursts.

Later in the interview, Officer #13 was asked to clarify his decision to fire his weapon. While he acknowledged that part of his decision was a response to a fellow

108

officer asking for cover so he could reload his firearm, the other part of his decision to

fire was to ensure that the suspect did not harm other officers, saying:

> . . .my major concern was that this guy would come out while [Officer #16] was
> trying to reload. And then when I knew the location where [the suspect] was at, I
> thought that there was a good chance I could hit him if I shot where I shot. So my
> thought was to stop the threat as soon as possible. And um, that's why I engaged.
> . . . what I want to do is put an end and put a stop to what I thought was an
> aggressive act towards the other officers.

While his decision may not have been as straightforward as the decisions made by

Officers #9 and #16, the two main influences on his firing decision involved other

officers. Not only did Officer #16 ask for Officer #13 to provide cover (in the form of

gunfire) while he reloaded his weapon, but Officer #13 also acknowledged his concern

for other officers on scene and the impact it had on his decision to pull the trigger. In

sum, Incident 9 included three officers whose conscious decisions to use deadly force

provide clear examples of how this decision was influenced by other officers on scene.

The fourth officer involved in the incident, Officer #10, did not fire shots, but rather

chose to hold fire.

Incident 103 provides another example of an officer making the conscious

decision to use deadly force to protect a fellow officer. This was the incident that

involved two officers and began when an officer on his way to work spotted a highway

patrol officer in a physical altercation with a driver he had stopped. He explained his

initial observations, saying:

> I remember seeing [Officer #152] at the side of the [driver's] car trying to yank
> this guy out from the driver's seat and the driver's door was open and I hear gears
> grinding and I hear tires squealing and I see the car start to gun forward and I see
> Bruce still in trying to get this guy out of the driver's seat. . ..[Officer #152] is
> between the door and the car frame and seconds later, as the car started moving, I
> see [Officer #152] drop out of the picture. I yelled, "Trooper, are you okay?" and

I got no response. . .all I could think of was him getting crushed between that door and the car or getting crushed between the car and the jersey wall and I realized I had to stop that car.

At this point, Officer #147 fired multiple shots at the suspect, with the goal of stopping the driver from moving the vehicle forward and potentially running over Officer #152 (the highway patrol officer). Officer #147 later stated in his interview that at the time he pulled the trigger, he was completely sure that if he did not use deadly force at the moment he did, Officer #152 would have been seriously injured or killed. When asked to rate the likelihood that he or citizens in the area would have been injured or killed had he not fired when he did, Officer #147 reported that these outcomes were highly unlikely. Therefore, it was clear that his sole concern, and reason for using deadly force, was to ensure the safety of a fellow law enforcement officer.

One last example to demonstrate how officers' conscious decision to use deadly force was influenced by concern for the safety of other officers can be observed in Incident 123. This was the incident that involved two officers in the sample who responded to a call reporting a student armed with a rifle outside of a local high school. Officer #182 was the second officer to arrive at the school and soon witnessed the suspect raising the rifle up and pointing it at himself, explaining:

> At the time, [the suspect] was pointing [the gun] at his head and even brought it down and held it up to his chin. He had pointed it in all different directions. He leveled off at two of the officers that were basically together at the same car very briefly, and then he lowered it, returned to putting it at his head and so forth during the times they were trying to negotiate with him to put the gun down. . .you know, "You don't want to do this," this and that, and everything. He leveled that gun off again and this time he more or less buried it in his shoulder as to steady the weapon, to fire it, aiming for the officers. I just told myself this [had gone on] far enough. I had to do something so I did. I shot three times and hit him twice.

Officer #182 went on to clarify that he never personally felt threatened by the armed suspect. Instead, his primary concern was for the two officers who were standing in the direction where the suspect continued to aim his rifle, saying:

> At no time did I feel threatened. I felt that I had positioned myself tactically. I was behind a car to where, you know, I could fend for myself. [The suspect] concentrated his efforts on the two officers and himself and the second time he pointed it at the two officers I just thought to myself, "I'm not gonna let this happen," so I shot.

In sum, the examples provided above demonstrate a common pattern observed among officers who made the conscious decision to use deadly force: the decision to pull the trigger made by many officers in the sample was influenced by other officers. That is, the majority of those who made a conscious decision to use deadly force did so with the goal of protecting other officers on scene.

In their summary of the final frame and factors they believe influence an officer's decision-making at this point during an encounter, Binder and Scharf do not address how other officers may impact a single officer's decision to pull the trigger. Again, their failure to address the potential for other officers to impact an individual officer's decision-making may have been due to the data they analyzed and a lack of interviews with officers involved in violent police-citizen encounters in which more than one officer was present. The findings from this study then contribute to what is known about officers' decision-making in the final frame when multiple officers are involved, specifically that an officer's decision to use deadly force can be strongly influenced by their perception of other officers' safety and their desire to protect other officers from serious injury or death at the hands of a suspect.

OTHER OFFICERS AND THE CONSCIOUS DECISION TO HOLD FIRE

As previously mentioned, 19 of the 37 officers in the sample who did not shoot made the conscious decision to hold fire. In their conceptualization of the final frame phase of their decision-making framework, Scharf and Binder (1983) assert that a non-shooting officer enters this phase when he or she makes the determination that, based on the situation and level of threat in front of them, the use of deadly force is not necessary. The officer will then make the conscious decision to refrain from firing his or her weapon. The findings from the analysis reveal that, similar to the officers described in the previous section whose decision to use deadly force was impacted by other officers, officers' decision to hold fire can also be influenced by other officers involved in the incident.

First, it should be stated that nine (9) of the 19 officers who made the decision to hold fire in their incidents did so independent of any influence by the presence of or decisions made by other officers on scene. Three (3) officers reported making the decision not to shoot because they did not feel personally threatened by the suspect at the time. Two (2) additional officers shared that they held fire during their incident because they could not see the suspect at the time other officers fired shots. Two (2) officers reported that they did not fire because they could not see the suspect's weapon. Lastly, two (2) officers stated that they did not feel their use of deadly force would be justified at the time, so they made the decision to not to shoot.

The remaining 10 officers who made the decision to hold fire in their incidents reported that their decision to refrain from shooting was influenced by other officers in one of two ways: by the presence of another officer or by a decision made by another

officer. For example, three (3) officers reported that they made the decision to hold fire not because they had determined that the suspect was no longer a threat, but instead because a fellow officer was in their line of fire. Therefore, their decision to refrain from shooting had little to do with the perceived threat level of the suspect in their incident and more to do with maintaining the safety of other officers involved in the incident.

An example of this can be found in Incident 46, during which two officers in the sample responded to a call of shots fired at a nearby community center. One of these officers, Officer #69, made it clear that his decision to hold fire had everything to do with ensuring he did not hit his partner with gunfire. Soon after arriving on scene, the officers spotted the armed assailant, followed him into the community center, and issued commands for him to drop his shotgun. The suspect failed to comply with the officers' request and instead continued to make his way through the community center. Officer #69 explained:

> We see [the suspect] moving up the stairs and he stopped and kind of turned about halfway up and was yelling at us "Don't come in here!" And we're continuing to yell, "Put the weapon down!" [My partner] is in front of me. . .right in front of me. I'm behind him as we move up to the first pillar and we see the suspect kind of turn and go to the left behind a wall. . . Suspect comes back, shotgun lowered at us. [My partner] was in front of me [and he] fires several shots. I had my finger on the trigger. I think I was starting to press, but [my partner's] head was just right in front of me. So, I didn't.

As one can gather from this example, Officer #69 considered the suspect to be a serious threat. After all, this officer had his weapon drawn and his finger on the trigger ready to fire. At the moment where he presumably was going to make the decision to fire, however, his partner was directly in front him. The fact that his partner was in his line of fire directly influenced Officer #69's decision to hold fire because had he made the

decision the fire, his partner could have been very seriously injured or killed by his gunfire.

Another example of similar behavior was observed in Officer #217's decision to hold fire in Incident 118, the one in which two homicide detectives were searching for a suspect wanted in a recent homicide. When the officers first approached the suspect and issue commands for him to get down on the ground (as he was under arrest), the suspect instead charged at Officer #168 and engaged him in a physical fight and attempted to steal his firearm. Officer #217 watched as this unfolded, aware that the suspect posed a threat to his partner, but cognizant of his partner's close location to the suspect and how the use of deadly force would factor in, saying:

> I'm watching the [suspect] and he turns towards [my partner] and he gets right up on my partner. . .I'm thinking holy shit. . .I have no idea why this is happening. I've never seen this before. And I think I started some back steps, continued the commands, and you know, a split second later [the suspect] makes his turn. [My partner, myself, and the suspect are] no longer in a triangle. Now we're in a straight line. Me, looking at the back of the suspect and going towards the front of my partner. So, we're in a crossfire now.

As he was recounting the incident, Officer #217 voiced his concern that the suspect would be able to maneuver his partner's weapon away from him and potentially use it against both officers. This led Officer #217 to fear not only for his partner's safety, but also for his own. Although he had his weapon drawn and he recognized that the suspect posed a deadly threat, Officer #217 made it clear that because his partner was in his line of fire, he made the decision to not shoot. His partner was eventually able to shoot the suspect, concluding the incident.

The interviewer later asked Officer #217 if his decision-making at this point during the encounter would have been different had his partner not been able to fire a

114

shot at the suspect when he did (thus incapacitating him). Officer #217 found the question tough to answer, saying that, ". . .at the moment that [my partner] took the shot, the distance that I had was still a little more than I would have liked to take a shot with [my partner] being that close [to the suspect]." It is clear that the positioning of his partner in relation to the suspect was a critical concern for Officer #217 and ultimately impacted his decision to hold fire even though the suspect continued to fight his partner.

One last example was observed in Incident 53, which involved two officers in the sample. These officers were on patrol together when they received a call from another officer reporting that he had spotted a robbery suspect they had been searching for and needed back-up. They drove to the reported location and saw a man matching the description of the suspect wanted for the robbery. The officers exited their vehicles and attempted to make verbal contact with the man, at which point the suspect took off running. Officer #91 began chasing the suspect on foot, with his partner, Officer #75, close behind him. Both officers reported seeing the suspect draw a weapon, which led them both to draw their weapons as well. When the suspect began to turn around toward officers with his weapon, Officer #75 reported that she was aware of the deadly threat posed by the suspect to herself and her partner and she had made the conscious decision to fire, but when she went to raise her weapon to shoot, she quickly opted to hold fire, explaining:

> So then [the suspect] starts running and then he ends up pulling a gun out and kind of turning towards us, but [my partner and I] were both kind of like running at him. . .and Nick was kind of in front of me at that point, so I didn't shoot because there were people down the street from me and because Nick was just a little bit ahead of me, so he kind of. . .he would have been in my line of fire.

Her partner, Officer #75, had fired shots at the suspect just seconds prior to

Officer #91 making the decision to hold fire. After she had recounted her incident and the

decisions she made, the interviewer asked Officer #75 to consider whether she would

have used deadly force had her partner not fired. She replied no, reasoning that "because

[my partner] was in my way and because I was really concerned, you know, because. . .at

the end of the block there's a bunch of people in the crosswalk. It's the middle of the

afternoon." Furthermore, when asked what she would have done had her partner not been

in front of her and had citizens not been down the block and in her line of fire, Officer

#75 responded that, given that situation, she would have most likely decided to use

deadly force. Based on these findings, it is apparent that her concern for possibly striking

her partner (as well as citizens) with gunfire played a pivotal role in her decision to hold

fire.

In addition to other officers' *presence* impacting officers' decision to hold fire,

the *decisions* made by other officers on scene also factored into officers' decisions to

refrain from using deadly force. For example, seven (7) officers reported holding fire in

their incident because a fellow officer on scene had already shot the suspect, thus

eliminating the threat posed by this individual. A good example of this type of decision-

making was observed in Officer #172's thinking during the final frame of Incident 26, the

one wherein four officers went to a bail bondsman's office to arrest an individual wanted

on a family violence warrant. Once the altercation began, Officer #172 saw that the

suspect was holding a firearm. Upon seeing the weapon, and coupled with the suspect's

non-compliant behavior, Officer #172 decided that the use of deadly force was necessary.

In his mind, this suspect was now "a cop killer. . .I wasn't thinking anything other than we gotta put him down."

Officer #172 soon realized that, based on the position of other officers, that he could not use deadly force against the suspect without potentially hitting another officer with police gunfire. Similarly, he realized that other officers could not shoot without endangering him. As Officer #172 said, "I wasn't helping the situation anymore, so I kinda looked at [another officer] and went, "Sorry, man" and I jumped off of [the suspect] and I gave him a shove on the way out. And then that's when the shots were fired."

By distancing himself from the suspect, Officer #172 was giving other officers the space they needed to use deadly force against the suspect without compromising officer safety. Once he pushed off the suspect and created space between himself and the suspect, however, Officer #172 was knocked down on the ground. He still managed to draw his weapon and, up until this moment, was still moving forward with the decision to use deadly force, explaining:

> So, I landed on the ground and I fell on my butt, and then when I got up and un-holstered my weapon the fight was over. . . I popped up ready to fight and [the suspect is] not anywhere where I can shoot him anymore. . . If I'd shot him it would've been murder even at this point.

As one can see, this officer had made the decision to use deadly force, yet when other officers were able to fire rounds at the suspect before he could, Officer #172 made the decision to refrain from shooting. This example demonstrates two important points to consider. First, an officer's determination that deadly force may be necessary and their decision to use or not use deadly force are not always made at the same point in the

117

encounter. Although Officer #172 determined that he was going to use deadly force against the suspect when he spotted that the assailant had a weapon in his hand, he did not immediately fire, instead holding off on pulling the trigger until his fellow officers were out of his line of fire. Second, decisions made by the other officers on scene (i.e., the decision to shoot) ultimately altered the original decision he had made, leading Officer #172 to hold fire as opposed to following through with his original decision which had been to use deadly force.

Another example of how other officers' decisions to fire caused an officer to decide to hold fire was observed in Officer #185's account of his participation in Incident 124, the one in which four officers in the sample were executing the search warrant of a home suspected of being using to house illegal narcotics. Officer #213, one of the first officers in the entry line, quickly spotted one of the shooting assailants and fired shots. Another officer, Officer #185, explained that once gunfire rang out and officers saw a fellow officer drop out of the line because he had been struck by a bullet from one of the suspects, "everybody went into defensive mode."

Officer #185 helped a few other officers carry the downed officer out of the house to safety, but then quickly made his way back into the home, weapon drawn, and ready to apprehend the suspects who had opened fire on them. Once he entered the home for the second time, however, he soon found another officer near one of the suspects and determined that the use of deadly force was no longer necessary, describing that "the guy was down. He was dead." During the interview, the interviewer asked Officer #185 if he could have fired at the suspect prior to exiting the house with the downed officer, to which he responded, "Oh, yeah," but made the decision not to, explaining:

> Well, you don't – first of all, initially you had three people who discharged their weapon, then down to two, then you're – because you're in the back, you don't want to reach over somebody or somebody getting in front of you. . .

Officer #185 recognized that multiple officers were returning fire at the suspects in the home and, even if he had made the decision to fire, he was in the back of the entry line. Based on his positioning then, he had other officers in front of him engaging in a very dynamic situation. There was no guarantee that if he had used deadly force that a fellow officer would not have inadvertently crossed into his line of fire. In sum, Officer #185 explained that although he identified this as a situation that warranted the use of deadly force, he decided not to shoot because other officers had already fired.

OTHER OFFICERS AND THE CONSIDERATION OF DEADLY FORCE

As mentioned in the previous chapter, 16 of the 37 officers who did not shoot never even considered firing during their respective incidents. Similar to how the presence and actions of other officers on scene impacted the decision-making of officers in the sample who made the conscious decision to fire or the conscious decision to hold fire, other officers played a pivotal role with regard to the decision-making of officers who never considered using or not using deadly force.

How is it that an officer can impact whether another *considers* using deadly force? When analyzing the decision-making processes of the 16 officers who did not consider shooting, it became clear that the presence of (or actions of) other officers can eliminate the need for another officer to consider whether to use deadly force. Of the 16 officers who did not consider shooting, six (6) of these officers found themselves in such a position because of decisions made early in the encounter or because of situational

119

circumstances that were beyond their control. That is, three (3) of these six officers did not consider using or not using deadly force because they did not have their firearm drawn and ready by the time other officers took the suspect under fire, one (1) officer explained that he never had to make the decision to shoot or not to shoot because of the position of the suspect in relation to himself, one (1) officer reported that he simply did not have time to consider using deadly force before the conclusion of the incident, and one (1) officer reported that he did not have to consider whether to use deadly force because by the time he came into contact with the suspect in his incident, the suspect had committed suicide.

The remaining 10 officers who did not contemplate whether to fire, however, were arguably in that position either because of actions undertaken by other officers or because an injured officer on scene needed assistance. For example, three (3) of these 10 officers were unable to consider whether to shoot or hold fire because they were preoccupied by someone else on scene at the time that another officer (or officers) fired. A clear example of this was observed in the account of Officer #34, who was involved with 15 other officers in Incident 20, wherein officers searched for a suspect who had fired at one of their sergeants. After the first gunfire exchange between arriving officers and the suspect, officers continued to pursue and fire at the suspect, who eventually collapsed on the ground and officers converged around him. At this time, Officer #34 had his weapon drawn, pointed at the suspect, and was prepared to use deadly force if it was necessary, but soon noticed that the officer next to him was "not focused" on the downed suspect but instead was examining his shirt. Officer #34 asked this officer what his problem was, only to find out that this officer had been struck by the suspect's bullets

during the first exchange of gunfire. At this point, Officer #34 decided to transport the injured officer to the hospital and removed himself from the scene of the incident. In this case then, Officer #34 never made a decision regarding whether to shoot or not to shoot at this point because his focus was on attending to a fellow officer who he believed to be seriously injured.

The additional two officers who did not consider using deadly force were involved in Incident 124, the incident in which multiple officers were executing a search warrant of home suspected of housing illegal narcotics. While one of the officers involved in this incident (Officer #213) made the decision to fire at the suspects to prevent other officers from being injured or killed, two other officers in the line-up, Officers #183 and #184, never made a decision regarding whether to shoot because they made the decision to attend to the downed officer and remove him from the house. By the time these two officers had safely removed the injured officer and went back into the home, the incident had concluded.

As one can see in the two just-mentioned incidents, these three officers had focused their attention on someone else besides the suspect in their respective incidents, thus removing the need for them to make a decision about whether to use deadly force. But they were able to do this because other officers were involved and focused on the suspect. In fact, when recounting his incident and his decision to leave the scene and take his fellow officer to the hospital in Incident 20, Officer #34 explained that once they arrived at the hospital, he made the decision to stay there with the injured officer because "nobody [else] would have been with him for a period of time." Officer #34 felt that it was important that he did not leave this other officer alone, but made it clear that he felt

comfortable staying at the hospital and not returning to the scene because there had been enough officers there to handle the situation. When asked if he would have made the same decision (i.e., to take the injured officer to the hospital) if he and that officer had been the only ones on scene, Officer #34 replied, "Oh, that's hard. I don't know. . .I don't know. . ."

These three cases demonstrate how the mere presence of other officers can impact a single officer's decision-making during a dangerous police-citizen encounter, giving him or her the opportunity to direct their attention to an individual other than the suspect. As exhibited in the cases described above, this can eliminate the need for an officer to make a determination that deadly force is or is not necessary and a decision to use or not use deadly force because he or she is focusing on another issue on scene. Furthermore, one could argue that these three officers may not have made these same decisions had they been the only officers on scene at the time that the suspect in their respective incidents took them under fire.

The additional seven (7) officers who never found themselves in a position to make a decision regarding whether to use deadly force represent an important finding that emerged from this study. Remember, Binder and Scharf (1983) identified a number of social influences that they believed could impact an officer's decision-making in each of the four phases in their model. For example, in the anticipation phase, Binder and Scharf argued that from whom officers receive information and whether they believe it to be true can impact their decision-making at this early point in the police-citizen encounter. Upon arriving on scene, an officer's perception of his or her safety can impact the decisions he or she makes in the entry phase. Should an officer verbally communicate with the suspect

during the information exchange phase, the suspect's response (or lack thereof) can influence the officer's decisions at this point in the incident. Lastly, an officer's decision in the final frame may be influenced by the suspect's movements, behavior, or the overall level of threat he or she poses to the officer at the time the officer makes the decision to fire or hold fire.

An additional social influence that emerged from this analysis, however, that Binder and Scharf failed to identify was an officer's *perception* of his or her role or his or her *assigned* role during an incident. The following section will explain how officers' decision-making during a high-risk police-citizen encounter can be influenced by their perceived or assigned role during the incident, why this behavior occurred, and why this finding is an important contribution to what we know about police officers' use of deadly force.

THE IMPACT OF ROLE DEFINITION AND ASSIGNMENT ON WITNESS OFFICERS

Of the 10 officers who never considered shooting or not shooting, seven (7) of them were influenced by their perceived or assigned role during their incident. Because of these officers' perception of their role or their assigned role during their respective incidents, they did not have to make a decision regarding whether to use deadly force during the final frame phase of the encounter. For example, four (4) of the officers in the sample described taking a leadership role during their incident and noted how this role influenced their decision-making throughout the incident, including eliminating their need to consider using deadly force. While their perception of their role as one of leadership or scene management ultimately prevented them from entering the final frame

123

phase of the encounter, their adoption of their perceived role also influenced their

decision-making in early phases during the encounter.[22]

An example of how an officer's perception of his or her role during an incident

can eliminate his/her need to make a decision regarding the use of deadly force was

found in the account of Officer #7, who was serving as acting sergeant during Incident 8,

which included three other officers in the sample. Officers received a call alerting them to

a suicidal subject who had shot himself in the buttocks at a local residence. They were

also told that there were others in the residence with the subject when the shooting had

occurred. Officer #7 decided to drive to the location of this call and, en route, alerted

other officers who were on their way to the scene to wait for him to arrive before

approaching the residence.

Upon arrival, Officer #7 described how he immediately took the lead on scene.

This was observed in his decision to direct other officers to various locations around the

suspect's home. Shortly after arriving at the location, officers heard another shot ring out

from the house, indicating to them that the suspect had not been successful in his suicide

attempt and was currently a danger to himself and anyone else in the home. Officer #7

then made the decision to speak with other officers on scene to draft a plan of entry into

the home should they need to rescue innocents from the residence.

Officers soon saw that the suicidal subject had exited the home with a gun in his

hand and at that point, Officer #7 made the decision to initiate verbal contact with him,

explaining:

> I start talking to him [and] the other officers are trying to get a position of cover. I
> confront [the suicidal subject] an tell him to put the gun down, start trying to talk

---

[22] The influence of an officer's perception of his/her role was not only limited to witness officers, but was
observed among officers who used deadly force as well.

to him about putting the gun down [and] about what's going on. . . I'm trying to get people situated where I need them to go to set up a perimeter. Um, so not only am I sitting there talking to him watching what he's doing but I'm also on the radio uh at times, um, out on the phone trying to figure out where we need to put out people and where was best to put everybody to get this maintained.

Officer #7 then described how he was aware that he was the only supervisor working that night. Although he had taken it upon himself to issue commands to the suspect and attempted to continue this dialogue with the armed individual, he also explained that he felt his role as the supervisor was not to be intimately involved in the incident (i.e., in terms of using deadly force against the suspect), but rather to focus on scene control, saying:

> Being as I'm the only supervisor working that night. . .and my thought process was this: I need to get this contained and I need to get somebody to replace [me] so I can step back and start taking incident control. Start doing the command control of it. Um, so I just wasn't solely focusing on what was going on between me and him, but also trying to get the whole picture in, you know? I had a lot of stuff to deal with at that time.

Officer #7 then requested that a specific officer he knew to have solid communication skills drive to the scene and take over communication with the armed man. Shortly after, the suspect made his way back into his home and fired another shot from his rifle, leading Officer #7 to instruct nearby officers that they were going to form a team to enter the house and rescue the residents. The officer who Officer #7 had requested to take over commands, Officer #8, then arrived on scene. These officers saw the suspect manipulating his weapon (appearing to move the slide in his rifle to load another round) and Officer #7 decided at this point that this incident had gone far enough, stating:

125

I look at [Officer #8] and I said, "This is going to end pretty quick. I want you take over commands. I want you take over what to do." Basically putting him in line as the shooter. . .we were both on the same page. So, at that point [Officer #8] starts giving him commands. The [armed individual] starts doing the same thing [i.e., manipulating his weapon], at which point I'm turning around looking to see who I have available, at which point the round goes off from [Officer #8].

Because Officer #7 knew he was the only supervisor on duty, and thus the only supervisor available to attend to this incident, he made the decision to try to remove himself as much as possible from interactions with the suicidal subject because he felt his attention should be centered on overall scene management and control. This mindset ultimately led him to call on an officer who he trusted to take over verbal communication with the suspect, Officer #8, which later led to the two officers having a conversation about the incident and coming to an agreement that Officer #8 would use deadly force if the armed individual continued to manipulate his weapon and attempt to move from his currently location (thus putting officers in danger). Because of his decision to essentially step back and supervise, Officer #7 designated another officer, Officer #8, to make the decision to use deadly force should the man's behavior call for such action.[23] Therefore, Officer #7 never had to make a decision regarding whether to use deadly force, as he delegated that task to another officer.

Another example of how an officer's perception of his role eliminated his need to make a decision about whether to use deadly force was Officer #35, who was one of the 16 officers involved in Incident 20. Officer #35 was the officer who initiated the incident, as it was his decision to make initial contact with the suspect involved. He explained:

---

[23] Of the four officers who participated in this incident and were interviewed, only one (Officer #8) fired shots.

I see this guy walking by. I see he's heavily tattooed. He's got the big mustache, bald head, definitely a parolee. No doubt in my mind the guy's been to the joint. He knows who I am, I know who he is, we lock eyes. Clearly identify our roles in society. I continue to drive eastbound at a very slow speed, but I clearly see him in my rearview mirror, looking over his right shoulder to see what my move is going to be.

This man's behavior toward the sighting of an officer led Officer #35 to turn his car around and make contact with the individual. When Officer #35 exited his car and tried to catch the man's attention, the man immediately dropped what was in his hand and took off running into a local neighborhood. Officer #35 made the decision to give chase on foot, explaining that this was his "ten thousandth [pedestrian] stop. On a scale of one to ten, my alertness was up to about a seven, only because the guy is a gangster, I think he's a parolee, so it's not just stopping granny." No sooner had he engaged in a foot chase than the man he was chasing drew a firearm out of his waistband and fired shots at Officer #35. Rather than drawing his weapon and firing back, Officer #35 decided to seek cover behind a nearby vehicle and radioed for assistance from other officers.

Because this incident continued until officers eventually caught the suspect, Officer #35's original encounter with the suspect was not the only opportunity he had to make contact with the suspect. As other officers arrived on the scene, however, rather than joining in on the search for the suspect with other officers, Officer #35 focused on ensuring that arriving officers were establishing a perimeter in order to contain the fleeing suspect, explaining:

I had already formed in my mind that. . .we're going to lock it down, we're going to set up a command post right here. . .my intent now was not to run down here to help these [other officers]. My intent was to keep [the suspect] corralled. My thought was he's going to shoot at these [officers] and run back towards me. So I'm trying to corral [this street] here. Keep a tight perimeter. Unbeknownst to me,

127

he's running northbound, but my goal is to get enough forces over here to hold
this so we keep him corralled.

While other officers eventually located the suspect and shots were exchanged
between some of these officers and the suspect, Officer #35 continued to focus on
making sure other officers were keeping a tight perimeter in case the suspect continued in
his attempts to flee. Officer #35 soon heard a barrage of gunfire. At this point he
communicated with a lieutenant who was on scene (and near where the gunfire had
occurred) and received an update from him that the suspect was down. He soon received
word via the radio that a fellow officer had been shot by the suspect. Again, instead of
focusing on whether he was needed at the location where other officers had shot the
suspect, Officer #35 decided not to get involved in that aspect of the incident and instead
concentrated on the status of the injured officer and communicated with the lieutenant
about how to handle the scene and direct officers in post-shooting procedure.

Similar to the experience of Officer #7 in Incident 8, Officer #35 in Incident 20
never considered whether to fire. Instead of running after the suspect who initially fired
shots at him, Officer #35, being a supervisor, perceived his role as one of scene
organization and management. Because of this, he decided to place his attention on
directing arriving officers in the direction where the suspect fled in an attempt to set up a
perimeter and capture the suspect. Officer #35 was still focused on this when he heard
other officers firing shots at the suspect and, therefore, did not have to make a decision
regarding whether to shoot at that point either. He was preoccupied with tasks that he
perceived to be his job based on his position within the department.

Another example of how an officer's perceived role can influence his or her decision-making was observed in Incident 47, the incident in which four officers in the sample were patrolling a high-crime area and made contact with an elderly man acting in a strange manner.

The officers began to make contact with the man but, unbeknownst to them, he was armed with a gun and quickly drew the firearm out of his waistband and fired at one of the officers (Officer #127).

Three officers, including the officer who was fired at, fired back at the suspect, but Officer #103, the supervisor in charge of the unit, never drew his weapon. This officer believed that because he was the supervisor it was his duty to attend to the officer who fell to the ground instead of firing at the suspect. Officer #103 described that he could not fire at the suspect and attend to the downed officer simultaneously and protecting his fellow officer took precedence, saying:

> My first [thought] here is I've gotta protect [the downed officer]. I'm moving forward. I'm not shooting. My weapon's out, but I can't [attend to the officer] and pay attention to [the suspect] too. [The other officers] are moving in, doing what they're doing, but I've got to get up there and defend my officer.

In his account, Officer #103 made it clear that his role as supervisor of this unit had bearing on his decision-making and the actions he took at this point during the incident. He also stated that although it did not appear that he had a clear shot at the suspect at the time, he did not feel he needed to worry about shooting at the suspect because he placed his trust in his team. This then allowed him to fulfill his duty as a supervisor, which he thought was to focus on attending to the downed officer and protecting him from additional gunfire from the suspect. This officer could have made the

129

decision to change positions to have a clear shot at the suspect, as this was an option, but he chose to attend to the fallen officer. Thus, Officer #103 did not make any determination that deadly force was or was not necessary because he never considered using deadly force, as his attention was placed on protecting his subordinate.

One last example of this observed pattern was captured in the account of Officer #80 who participated in Incident 59, the incident involving an armed student barricaded in the classroom of a high school and in which four officers in the sample participated. Officer #80 had experience with being a crisis negotiator for the department's SWAT team, so upon his entry into the high school and after locating the suspect barricaded in a classroom, he took it upon himself to make verbal contact with the young suspect and attempted to convince him to drop his weapon and exit the classroom.

According to Officer #80, he continued negotiations with the armed student for about 90 minutes. During this time, Officer #80 explained that the suspect was "going back and forth" in terms of his attitude toward the police. At times Officer #80 thought negotiations would be successful and that he was making progress with the suspect. During other times, he felt that the suspect was going to be non-compliant and considered the possibility that this incident would end in police use of deadly force. Eventually, the armed suspect attempted to come toward the officers outside the classroom with his weapon raised in his hand, leading officers to fire shots. Officer #80 did not fire, but it is important to note that because of his role as the negotiator, he did not consider firing, explaining:

> Well and I didn't shoot him at that point because I had put my weapon away. I was doing the negotiation. . . It was [other officers'] job to protect me, but my job to [negotiate with the suspect].

Because of his role as negotiator during this incident, Officer #80 had made the decision to re-holster his weapon when he began conversing with the suspect. As one can see from the aforementioned quote, Officer #80 perceived his role as negotiator as one that required him to focus on talking the suspect down. As a consequence, he did not have to make a decision regarding whether to fire because he had previously put away his weapon. Officer #80's success as a negotiator would likely impact the decisions that other officers would subsequently make later in the encounter, but it appears that he also recognized that if deadly force was going to be used, that task belonged to the other officers, not him.

In addition to officers' *perception* of their roles during an incident, three (3) officers in the sample did not have to make a decision whether to use deadly force because of an *assignment* they were given prior to police gunfire. In the sample, such assignments arose out of incidents involving the use of special weapons and tactics (SWAT) teams. The use of such specialized units may require participating officers to have designated roles during an incident. Therefore, as the findings from the analysis suggest, the decision of whether or not to shoot is, at times, a function of the role to which officers have been assigned.

The three (3) officers who did not have to make a decision regarding whether to use deadly force because of their assignments were involved in the same incident (Incident 127). Members of the SWAT team were called to respond to an incident involving a man armed with a knife who had barricaded himself in the room of a local motel. Officers had been trying to negotiate with the individual, but he was unrelenting

131

and the leader of the SWAT team made the decision that an element of SWAT officers would need to enter the motel room to apprehend the suspect.

Four of the officers in the sample participated in this incident and each recounted the entry plan that they were asked to execute: the windows to the motel room would be broken and two officers would stand outside the windows and discharge TASERs to subdue the armed individual. Once the suspect was briefly incapacitated by the TASERs, three officers would make entry into the motel room and apprehend the suspect. Of these three officers, two were assigned to "go hands," meaning that one would physically hold the suspect down while the other placed handcuffs on him. The third officer was assigned "lethal cover", meaning that if at any point during the encounter the armed individual posed a deadly threat to anyone on scene, it was this officer's job to shoot him.

Officer #186 was one of the two officers assigned to use less lethal force (i.e., discharge the TASER) on the suspect and Officers #187 and #212 were the two officers assigned to enter the motel room and physically apprehend the suspect and take him into custody after the TASERs had been deployed. Lastly, Officer #211 was also tasked with entering the motel room and assigned to provide lethal cover should it be necessary.

The plan was put into motion and Officer #186 (along with another officer who was not interviewed) deployed their TASERs at the suspect. Officers #187, #211, and #212 soon made entry into the motel room where they encountered the armed individual. Officers #187 and #212 moved toward the suspect to take him into custody, but the TASERs had only briefly tempered the suspect who still held on to the knife in his hand. The suspect made a movement toward one of these officers, which led Officer #211 to shoot the suspect.

Officer #187 (one of the officers assigned to take the suspect into physical custody) explained that the role assigned to him essentially eliminated his need to make a decision regarding whether to fire. He explained:

> I had come in there with both my hands empty because to effectively and aggressively handcuff someone, I am going to need both hands for that. And the other part is that with this specific task assigned [to me], I had full faith and confidence with the officer whose job it was to provide us with lethal coverage that he was going to be able to do that. I knew I had lethal cover, so I basically relied on [him].

Because of his assigned role, Officer #187 never considered shooting. He was focused on his assigned task, which required him to have his hands available to handcuff the suspect. He made it very clear, however, that he knew another officer had been assigned the task of shooting if it became necessary to use deadly force against the suspect. Furthermore, Officer #187 emphasized that he completely trusted the officer who was assigned lethal cover (Officer #211), that he would shoot if necessary.

Officer #212, the other officer who was assigned to take the suspect into physical custody, mirrored Officer #187's response in that his assignment in this incident required him to go into the motel room with his hands free. Although he had his weapon with him, and he could have drawn it and fired if he felt the need, Officer #212 never reached that point, saying:

> Obviously if I felt that I needed to draw my weapon that I could have freely done it, [but] my focus was hands. We try to control the amount of gunfire that may happen on a scene. It's not necessary for everybody to get into gunplay. We try to keep that under control. And my job was to go hands. I knew I had lethal coverage. So, I basically relied on them.

While an officer may be assigned to a role (re: the use of deadly force) during an incident, Officer #212 made it clear that he could have strayed from the requirements of

his assignment (i.e., having his hands free) and could have drawn his firearm if he wanted to, but he knew another officer had been assigned the job of providing lethal force and he trusted that officer to make that decision if it were necessary. Therefore, an officer's assignment may impact his or her behavior and decision-making to a certain extent, but a key factor that may also have bearing on an officers' decision-making process regarding the use of deadly force is the amount of trust they place in those officers assigned to provide lethal cover. Should there be a lack of trust in that officer, for whatever reason, one could argue that an officer assigned to a task other than lethal force may forego their assignment and take it upon themselves to use deadly force should they decide it is necessary.

THE IMPACT OF ROLE DEFINITION AND ASSIGNMENTS ON SHOOTERS

It is important to note that officers' perception of their role or their assigned role during an incident and the impact this can have on their decision-making was not limited to the witness officers in the sample. When analyzing officers' decision-making during the final frame phase, it was clear that the perception of one's role during the incident also influenced some officers' shooting behavior.

An example of how an officer's perception of his role impacted his decision-making throughout the incident, and specifically in the final frame, was found in Officer #16's account of his participation in Incident 9. As previously mentioned, this incident involved four officers in the sample who were attempting to make contact with a man suspected of committing multiple robberies of gas stations around town. When recounting his participation in the incident, it was clear in Officer #16's account that his

rank (he was a sergeant at the time) drove his decision-making during crucial parts of the incident.

For example, during the entry phase when the two additional officers arrived on scene, Officer #16 took it upon himself to provide these officers with details about the robbery case and what they knew about the man suspected of committing the crimes. He also made the decision to assign these two officers (Officers #13 and #14) to cover the back while he and his partner stayed at the front of the home and made contact with the suspect. This decision seemed to be guided by the fact that Officer #16 viewed this as "their" (he and Officer #9's) investigation and, therefore, they should be the ones who took the lead on the operation. He explained that he and his partner agreed that his partner (Officer #9) would approach the front door and attempt to make verbal contact with the suspect, but that he would be close by, saying:

> I used the front of that truck [for cover]. I thought well, we knew it was an armed robbery, the guy used a handgun, [and] somebody's got to knock on the door and since I'm sergeant, I'm taking the front of the truck. [Officer #9] said he'd knock on the door and I will cover him. . .and the truck engine or a car engine is one of the best covers you can have. So, your rank has its privileges sometimes.

When Officer #9 knocked on the suspect's door and was confronted by the suspect armed with a pistol, he alerted his fellow officers that the suspect was armed by shouting, "Gun!" Officer #16, who was behind a truck near the front of the house, also saw that the suspect was armed and believed he was about to shoot his partner, Officer #9. Both he and Officer #9 fired shots at the suspect at this time, and soon after, Officer #13 came to the front of the home from around the back to assist these officers and eventually fired shots at the suspect as well.

135

As Officer #16 described his decision to fire, he explained that he felt a high level of concern for his fellow officers at the time he pulled the trigger, particularly for Officer #9 whom he believed may have been struck by the suspect's gunfire, but that he did not feel any fear for his personal wellbeing. He stated:

> I'm always concerned. I was a supervisor. This was my unit and I'm trying to take care of my people, you know? I feel like I'm, I mean, I've had my own kids and that, but I feel like, you know, these are my people to take care of, to make sure they're good. . . and I'm not trying to say that I'm some super hero or anything like that. I think I'm thinking more of this is what we've got to do and we're going to take care of business and I want to make sure that my people are safe.

Officer #16 explained that he fired at the suspect to protect his partner, Officer #9, and to prevent the suspect from firing additional bullets at the officers on scene, but as one can see from the aforementioned quote, Officer #16 felt very protective of the officers during this incident because of his rank and the perception of his job that is attached to that rank. There is a protective factor that he associated with the rank he held at the time, leading him to make decisions that, in his mind, would preserve the safety of his fellow officers. One such decision was to use deadly force against the armed suspect with the goal of protecting Officer #9, who was directly in the suspect's line of fire.

One last example of how an officer's perception of his or her role influenced his or her decision to use deadly force was captured in the account of Officer #213 who participated in Incident 124, wherein four other officers in the sample were executing the search warrant of a home suspected of housing illegal narcotics. Participating officers had met prior to attempting to enter the home and had drafted and reviewed their plan for entry. Officer #213, who had been involved in the narcotics investigation associated with the home, wanted to be the first officer to enter the home. After talking with other

officers, however, it was decided that another officer would hold the first position, as he had more experience with this kind of operation. This left Officer #213 to be the second officer in the entry line-up. When recounting his experience in this incident, Officer #213 explained that in his mind, being second in the entry line-up meant that his job was to provide lethal cover, should they need it, to the officers behind him in the entry line-up.

Unfortunately, the officer tasked with breaking down the front door took longer than expected to break through, which gave the occupants of the home time to figure out what was going on. Soon after entering through the front door, the officers were ambushed by gunfire from two assailants in the house. Officer #213 explained that the third officer in the line-up (who was right behind him) was struck by the assailant's gunfire and Officer #213 immediately started returning fire in the direction of the armed suspect. This officer reported that even though he thought he was the one being targeted by the suspect, he did not have any fear for himself, but was very fearful for the safety of his fellow officers. To explain this, he recounted an exchange he had with a fellow officer prior to being involved with this incident, saying:

> [A] close friend of mine, we've talked about running warrants and I've been in. . .in one of my incidents, you know, he shot a guy and it was a good shooting, but you know, the guy wasn't armed. It was just the way it went down. It was cleared. After the shooting was over with, I went and met with him and I was like, "Man, you shot an unarmed dude." And I wasn't wanting to. . . I had a little bit of a problem with it. . .and my buddy told me, he goes, "Dude, you're here telling me this." And he said, "Wouldn't you rather be pissed that [I] shot an unarmed dude than pissed that [I] didn't shoot?" And it really. . .it rang true and hit home for me as far as he was point. He went home that night. . .so, when I got asked to run point, I liked what he said. I agreed with what he said. I thought I could deal with making a mistake and shooting somebody, but I couldn't deal with not [shooting] and somebody getting hurt as a result of it. So, I wasn't worried about me. I was worried about, "They put me here. They gave me this. This is my job. I've got to deal with this shit."

Officer #16's conversation with the fellow officer mentioned above drove his perception of his role during Incident 124. He perceived his role as one of the first officers in the line-up to be one of protection. His aforementioned comments also suggest a sense of responsibility that he felt to provide this protection to his team because, in his mind and based on a previous conversation with another officer, that was the job of the officers who entered the location first. Therefore, that was *his* job during this incident. He was there to provide lethal cover should it be necessary to protect his fellow officers from being seriously injured or killed as they entered the house. This perception of his role is also supported by the fact that although one of the suspects was specifically targeting him and firing shots at him, his concern did not lie with himself, but with the officers behind him who could have been, and were, struck by these bullets.

Finally, there was one officer in the sample whose decision to use deadly force was directly influenced by his *assigned* role during the incident in question. Incident 127 involved four officers in the sample and the accounts of three of these officers (Officers #186, #187, and #212) were discussed in the previous section detailing how officers' assigned roles can preclude them from making a decision about whether to use deadly force. The fourth officer, Officer #211, was the officer assigned to provide lethal cover.

To briefly recount the incident, members of the SWAT team were called to a motel where officers were attempting to negotiate with a mentally unstable individual who was armed with a knife and who had barricaded himself in a motel room. After negotiations failed to convince the knife-wielding man to come out of the room, members of the SWAT team drafted a plan to first use TASERS to subdue the suspect, then have a three-man team enter the motel room to take the man into physical custody; two officers

did not have their guns drawn (as it was their assigned task to physically overcome the suspect and place him in handcuffs and, therefore, they needed both their hands) and one officer, Officer #211, who carried a .223 rifle because he was assigned to use deadly force against the armed individual if it was necessary.

Once they entered the room, the suspect, who had been hit with the TASERs fired from officers outside through the broken window of the motel room, was slightly incapacitated by the less-lethal force, but was still able to stand up and get close to the two officers who were assigned to bring him into physical custody. Because of this, and the fact that the motel room was small and the officers and the suspect were in close quarters, Officer #211 knew he was going to have to make a decision, explaining:

> I saw the knife that was in [the suspect's] hand. My first thing was not about me – it was about the officer that was close. [That officer] was unarmed. He was basically going hands, so he didn't have a weapon in his hands at the time. We designate certain roles. . . I was up front on lethal. I figured [that officer] was so close that if [the suspect]. . . but I mean, there was no doubt in my mind that if he went direct[ly] at us, I was going to start shooting [the suspect] right then.

Although Officer #211 ultimately had a choice regarding whether to use deadly force, his decision-making process appears to have been greatly influenced by the fact that he had been assigned to provide lethal force if it was necessary. This was coupled with the fact that, due to their assigned roles, the two officers inside the motel room with him did not have their weapons drawn at the time. Therefore, this case highlights two very interesting findings: the first that an officer's assigned role during an incident can impact his or her decision to use deadly force, and second that other officers' assigned roles may increase or decrease the likelihood that another officer on scene may need to shoot.

SUMMARY

The results from the analysis discussed in this chapter provide a unique perspective regarding police use of deadly force: how officers' decision-making processes can be impacted by the presence of or decisions made by other officers involved in the same incident. When multiple officers are involved in the same encounter, it can be argued that officers may make decisions they may not otherwise have made had they been the only officer involved in the encounter. Furthermore, the presence of other officers allows each individual officer, in a sense, to adopt their own social role within the context of the incident.

First, findings from this study demonstrate more broadly that the mere fact that other officers are involved in the incident may have direct implications for officers' use of deadly force. For example, many of the officers who did choose to use deadly force did so not to protect themselves, but to protect a fellow officer from serious injury or death. In addition, many of the officers who chose not to shoot did so because another officer on scene had already fired and, therefore, eliminated the need for other officers on scene to shoot. Finally, some officers in the sample did not have to make a decision regarding whether to use deadly force because of decisions made by other officers on scene. This finding demonstrated that not all officers in a potentially violent police-citizen encounter make a decision about whether to use deadly force, thus never entering the final frame phase of Binder and Scharf's framework.

To craft a more accurate deadly force decision-making framework then, Binder and Scharf's model would need to be adjusted to address these findings. Binder and Scharf's framework, as it stands now, only addresses instances in which an officer

consciously made the decision to fire, made the conscious decision to hold fire, or unconsciously fired. The framework does not account for cases in which an officer neither considered using deadly force nor holding fire, but for whatever reason did not consider either option.

Furthermore, that the Binder and Scharf model does not account for the present finding that officers' perceived or assigned roles influence their decision-making during high-risk encounters is another weakness of this model. More specifically, an officer's perception of his or her role during an incident has the ability to shape their decision-making not only during the final frame phase (should they enter it), but in earlier phases of the encounter. These perceptions, at least among the officers in the sample, were often driven by officers' rank or supervisory position, which influenced where their focus was directed on scene (e.g., toward the suspect, to scene management/organization, negotiation, or toward the safety of other officers), which, in turn, eliminated the perceived need for them to make a decision regarding the use of deadly force.

The results from the analysis also demonstrated how an officer's assignment during a potentially violent police-citizen encounter can influence their decision to use or not use deadly force. This finding may be especially relevant to SWAT teams or other specialized units, but the role assignments carried out by four officers in Incident 127 showed how a task handed down to an officer can increase or decrease the likelihood that they will use deadly force. In addition, the roles assigned to other officers on scene can inadvertently impact decisions available to other officers on scene. Because two of the officers in this incident were assigned to take the suspect into physical custody, which requires the use of both hands, they did not have their weapons drawn when they

confronted the knife-wielding assailant. The officer who was assigned lethal cover fully acknowledged that because of their assigned roles, these officers could not have had their weapons drawn, leaving him to be the only viable option for the use of deadly force. He recognized this role, the decision he had to make, and ultimately chose to fire shots at the suspect to protect his fellow officers.

It is imperative to note that the aforementioned findings are derived from officers who were involved in an incident wherein other officers were present and participating. This may explain why these findings were not addressed by Binder and Scharf, as most of their analyses were limited to police-citizen interactions that ended in police gunfire or could have ended in police gunfire, but only involved one officer. While it is possible for potentially violent police-citizen encounter to involve only one officer and one suspect or one officer and multiple suspects, the results from this analysis provide insight into how individual officers' decisions may be impacted by other officers. In many of the incidents captured in this sample, it was clear that a difference in the use of deadly force was not due to significant differences in the way officers processed the events in which they were involved, but rather greatly hinged on other officers' presence and actions.

Because of this, incidents involving multiple officers that conclude in police gunfire may be best understood as social events in which multiple individuals play off one another. One could argue that had other officers not been present in the incidents captured in the sample, many – if not all – of the officers would have arguably made different decisions. For example, three (3) officers in the sample made a conscious decision to hold fire during their incidents because a fellow officer was in their line of fire and they did not want to compromise the safety of another officer. Had another

officer *not* been involved in the incident, would these three officers still have held fire? In addition, seven (7) officers reported holding fire because another officer on scene had already used deadly force against the suspect. Had another officer not been there to fire first, would these seven officers have still made the decision not to shoot? It seems apparent that the answers to both questions is no, that but for the presence of other officers these witness officers would have shot.

The same sort of question can be raised and answers given regarding officers' perceived or assigned roles. Some of the officers in the sample who held ranked positions in the department or played supervisory roles attended to on-scene issues other than deadly fire (e.g., scene management/organization), but their perception of their role may not have had the impact it did on their decision-making and their behavior had they been the only officer involved in the incident. In addition, the impact of role assignment would not be relevant in cases involving a single officer, as this officer would not be formally assigned a role during the incident, but instead would, by definition, have to make a number of independent decisions throughout the duration of the encounter.

In sum, although the aforementioned findings may only be applicable to deadly force incidents involving multiple officers, many high-risk police-citizen encounters involve multiple officers. Therefore, it is important that scholars work hard to understand the contextual and situational conditions present during officer-involved shootings that involve more than one officer and the impact this has on individual officers' decision-making throughout this type of incident. Doing so will substantially expand our understanding of how police officers make decisions to use deadly force or to hold fire.

CHAPTER SIX: DEADLY FORCE DECISION-MAKING AMONG MULTIPLE OFFICERS

Having established that the presence of other officers can influence a given officer's decision regarding the use of deadly force during multi-officer high-risk encounters with citizens, attention turns to the moments that precede the final frame. As previously noted, the Binder and Scharf model posits that differences in how officers process information and act during high-risk interactions prior to the final frame account for whether an officer shoots or holds fire. Because Binder and Scharf focused on officers as singular actors, they did not consider the possibility in depth that the presence and actions of other officers might influence how any given individual officer acts during high-risk police-citizen encounters. This chapter does so and thus seeks to shed light on a potentially important matter that is missing from Binder and Scharf's deadly force decision-making framework.

To accomplish this, the interview transcripts of each of the 83 officers in the sample were grouped according to their corresponding incident and were coded at the incident-level. That is, officers' decisions and factors impacting their decision-making were compared to the decisions made by other officers involved in the same incident. This allowed for similarities and differences in decision-making among officers present at the same police-citizen encounter to be identified within the confines of the three antecedent phases of Binder and Scharf's deadly force decision-making framework. The results will be presented below in terms of patterns that emerged in each of the three phases - anticipation, entry, and information exchange – in their temporal order.

ANTICIPATION

To recap, according to their assessment of high-risk police-citizen encounter, Binder and Scharf (1980; 1983) state that the anticipation phase begins when an officer is notified or dispatched to a call and ends when the officer arrives on the scene of the call. They define this phase as "crucial" to early decision-making, as this is the time when officers are attempting to collect as much information as possible about the incident and the suspect they are about to encounter. Because of this, Binder and Scharf identify mode of information as an important factor that can impact an officer's decision-making in this phase. Is this information coming from dispatch? Directly from the citizen? Or via some other vector?

One possibility that Binder and Scharf did not address, but was a pattern that emerged in some of the officers' accounts during this phase, was that an officer can be specifically requested by another officer to become involved in an incident. Ten (10) of the officers in the sample reported that their involvement in their respective incidents began when they were personally requested to make their way to the scene by another officer in their department. These officers were personally requested by other officers to provide support for a number of reasons, such as a type of expertise they held that was recognized by the officer(s) requesting assistance, their access to and experience with a specialized weapon (e.g., department-issued rifle or shotgun) that other officers thought would be useful in the specific incident at hand, or simply based on past experiences with the officer(s) requesting their help.

This is an important finding because being personally requested by a fellow officer may increase the chances that an officer would agree to participate in an incident,

thus influencing their decision to become involved in the encounter. In fact, some of the officers who noted that they were requested by a fellow officer and asked to become involved in the incident in question noted that their personal connection to the officer who requested their assistance is what drove their decision to respond to the call.

An example of this mindset was expressed by two officers involved in Incident 90, a case in which a surveillance operation led to a vehicle pursuit that ended in a wild shootout and involved three officers in the sample. Officers #112 and #167 were requested by a fellow officer, Officer #123, to assist him in apprehending a known gang member who was suspected of being involved in multiple armed robberies around town and in possession of a stolen car. Officer #167 had previously worked with Officer #123 in his department's gang unit, but was now assigned to the agency's narcotics unit. He detailed his mindset the night he received a call from Officer #123 asking for his help in observing the residence he believed the suspect to be residing in. Officer #167 explained:

> I was on my way home and my wife was eight months pregnant. I kind of wanted to get home and got a call from [Officer #123] who said, "Hey, we've got a stolen car down here and I need [an undercover] car to sit on it." And I said, "You know, I'm going home," and he said, "No, I need a car down here dude, come on." So I finally turned around, threw my vest on real quick. I was in plain clothes, had a beanie, and just a jacket on and turned around.

After reporting that he was initially reluctant to help out Officer #123 because he wanted to go home to his wife, the interviewer asked Officer #167 why he agreed to assist the officer, to which Officer #167 replied:

> [It was] personal. [Officer #123] was my best friend and my partner and I worked with him every night, and off duty we drink beers together, and [we were] good friends, and he would do the exact same thing for me. . . I didn't want to go. I figured this is just another stolen car at a doper's house. Big deal. Why did they need me? [But my] buddy was like, "I need [an undercover] guy and I need you." This [suspect] is supposed to be a bad dude and [Officer #123] needed [my] help.

146

The aforementioned excerpt demonstrates how Officer #167's personal relationship with the officer who requested his help drove his decision to become involved in the incident. Although he did not initially want to get involved, he made it clear that he knew Officer #123 would have been there to help him had he asked him to, so he made the decision to turn back around and head to the location of the suspect's residence.

Once Officer #167 arrived on scene and made radio contact with Officer #123, both officers agreed that because they were both in undercover vehicles and thus may not be recognized as law enforcement, they should call a uniformed officer in a marked police vehicle to assist them. In fact, Officer #167 insisted "that we need[ed] to have a marked car there" in case the suspect initiated a pursuit. Officer #167 then called a patrol officer he had worked with in the past, Officer #112, and asked him if he would make his way to the location of the suspect's home. When asked why he made the decision to oblige the officer's request for assistance, Officer #112 stated:

> I mean I was a brand new baby cop and those two guys were really good friends of mine. One of them I went to the police academy with [and] socialized [with]. Good friends of mine. And I would have done it for anyone, but I especially. . .they're my buddies asking for help. I would do it in a minute.

While Officer #167 was honest and shared his initial reluctance to respond to his friend's request for assistance, Officer #112 stated that never once did he consider not responding to Officer #167's request for help. He also noted that although he would have helped any officer who had asked, a request from Officer #167 had more meaning to him, as the officers he would be assisting were personal friends of his. The officers later

147

engaged in a vehicle pursuit with the suspect, during which the suspect fires shots at the officers. At the termination point of the pursuit and still believing the suspect to be a lethal threat, two officers fired shots (Officers #123 and #167) and one held fire (Officer #112). In sum, the decisions made by Officers #167 and #112 demonstrate how their personal relationship with a fellow officer who requested assistance influenced their decision to become involved in this incident.

INITIATING THEIR INVOLVEMENT: IS IT ALWAYS A CHOICE?

In addition to having a personal relationship with the requesting officer, some officers reported that a request for their participation by a supervising officer initiated their involvement in their incident. That is, five (5) officers in the sample reported that they initially became involved in the incident in question because their assistance was requested by a direct supervisor or an officer holding a ranked position (i.e., was their superior).

An example of this was demonstrated among three (3) of the officers who were present at Incident 26, the incident in which four officers attempted to take a wanted man into custody at a bail bond agency. Officer #172, the sergeant who received the initial call alerting him of the location of the suspect, decided to call three additional officers to help apprehend the suspect: Officers #48, #54, and #180. Interestingly enough, these three officers did not elaborate on their decision to respond to their sergeant's request, but perhaps this finding highlights a reflexive response to a superior's request that may be the result of the sergeant-line officer relationship. For example, Officer #180's account of

how his sergeant notified him of this incident suggested that he had a choice regarding whether to become involved, saying:

> My sergeant just sends me a text message asking if I was busy. I call him on the phone and he says, "Hey, a bail bondman calls the station" and says, 'Hey, I got this guy that's got a warrant. . .I think he'll skip bail,'" so if we wanted to come get him, to come get him. So [instead of] sending patrol, sergeant says, "Hey our guys will do it." So he calls me on the phone and says, "Hey, do you want to join in?" So then we get to the gas station that's near the location to meet up and talk about the incident.

Officer #180 does not expand on his decision to respond to his sergeant's request, but clearly he made a decision to drive to the gas station, meet up with this superior, and draft a plan of entry into the bondsman's office to apprehend the suspect.

Officers #48 and #54 also offered brief explanations as to how they became involved in Incident 26. Officer #48 explained:

> Our supervisor, or sergeant, he gives me a call, says, "Hey, I got a guy that called up to the station that says he's a bondsman. He's got a guy coming in to. . .reconfigure his bond," which they don't do. The [bondsman] knew he had a felony family violence warrant out for assault and he wanted us to go pick him up. [My] supervisor said, "Hey, meet me." We met about a mile and half from the actual location to develop our plan.

Officer #54 had a similar account of this initial call from his supervisor, stating:

> We were on patrol. Some of the other officers were helping a deployment on a deal and our Serg called us and said, "Hey, got a warrant. Family violence warrant. We need to go pick this guy up. He's supposed to be showing up to the bail bonds place. . ." So he's like, "Meet me here. Meet me at this location and we'll discuss it."

Contrary to Officer #180's account, these officers' recollections of how they became involved in the incident appear to have been orders issued by their supervisor, Officer #172. While one may argue that officers are independent actors and, as such,

make their own independent decisions, one can also argue that an individual's decision-making process regarding whether to initiate involvement in an incident has the potential to be influenced by who is either requesting their assistance or issuing orders for them to respond to an incident. Binder and Scharf do note that mode of information is an potential influence on officer's decision-making during the anticipation phase, but they do not specify whether (and how) other officers' position in the department hierarchy can have bearing on whether officers comply with their requests or orders to respond to an incident.

The accounts of other officers who chose to become involved in their incidents and who fell into this category were more explicit in the role their supervisor played at this point in the encounter. Officer #23, who participated in Incident 8 (the incident in which officers responded to the call of a suicidal subject possibly posing a lethal threat to innocents in his home), described how he was initially handling another call that had been assigned to him when his superior instructed him to attend to Incident 8, explaining:

> I remember. . .my first call and what I was on. It was just like a property damage [incident] at [a local hotel]. So, I was there and my sergeant came by. . .and then that call came out for a subject that shot himself in a basement. Our sergeant said he was going to that [and to] just leave this [incident] alone for right now. And then. . .so I just left that call and then followed him over there.

In the aforementioned example, it appears that Officer #23 did not have much of a choice but to become involved in Incident 8, as his sergeant directed him to end the incident he was involved in and make his way to the location where a male had attempted suicide. Again, Officer #23's behavior suggests that in certain cases, an officer's "decision" to become involved in an incident may not be a decision at all, but better understood as a following through of an assignment or command handed down from a

150

superior officer. In order to fully understand how police officers initiate or become involved in potentially violent encounters with citizens, it is necessary to acknowledge that other officers in supervisory or ranked positions may impact individual officers' decision-making.

COMMUNICATION

Another pattern that was common in the anticipation phase among officers involved in the same incident was the use of communication prior to arrival on scene. In their writings, Binder and Scharf (1980; 1983) acknowledge that at this stage of the encounter, officers are often attempting to collect as much information as possible about the situation and/or suspect they are on their way to deal with. Possible sources of information identified by Binder and Scharf include dispatchers, direct calls from citizens, prior direct contact with the suspect, or other officers. The latter was a strong pattern observed among officers in the sample, both shooters and witness officers. Twenty-two (22) officers in the sample engaged in communication with a fellow officer during this phase. They did so for three main reasons: to *update other officers* about any information they had regarding the incident and/or the suspect involved (to make sure all officers were on the same page prior to arriving on scene), to *confirm information* about the incident and/or the suspect they had received, and to *preserve the safety* of other officers who would be arriving on scene.

The majority of these 22 officers used communication to update their fellow officers on information about the incident and/or the suspect that they had received en route to the location of the call (n=14). Some of the officers involved in Incident 20 (the

151

one involving 16 officers in the sample who were pursuing a man who fired shots at a

fellow officer) reported using communication to receive updates on the "shots fired" call

they had been alerted to and directions on where they should deploy upon arriving on

scene. For example, Officer #39 reported that he used the broadcasted information to

decide where he should deploy, explaining:

> [Officer #35] was giving out a location and at some point he said. . .I think he had
> lost the guy, and so he started to set up a perimeter and other units started
> arriving. And um, they're just trying to set up a perimeter and [announcing] where
> we need to be and where [the suspect]. . .[where officers] thought he was going to
> be. And then um. . .at that point, I had decided where I was going to go based on
> where everybody else was going.

Officer #36, who was also involved in this incident, reported similar behavior,

using the information broadcasted by Officer #35 (the officer who was originally shot at

by the assailant who had taken off on foot) to determine where he was going to arrive on

scene, saying:

> So "shots fired" call comes out. I immediately hear where. I was probably a mile
> and half away, two miles away. I responded to the scene immediately. I was
> hearing other officers respond and as they were responding and setting up for
> containment, I was hearing where everybody was at. . . and I wanted to make sure
> that I set up a. . .there was no other officers in that area and I wanted to make sure
> I set up for containment.

Arriving officers knew of the plan to set up a containment perimeter because

Officer #35 had communicated this plan to all officers via the radio. The two officers

mentioned above used the information communicated by Officer #35 to make decisions

regarding the routes they would take to get to the scene and where they would park their

cars to set up a containment perimeter upon their arrival. In sum, many of the first

officers who arrived on this scene relied on communication with one another when

choosing their initial deployment locations on scene and receiving situational updates

from those who had already arrived at the location.

Another example of how communication impacted officers' decision-making

during the anticipation phase was observed among multiple officers involved in Incident

105. This incident involved four officers in the sample who were members of a street

crime unit. They were tasked with patrolling (in unmarked cars) an area that had been

experiencing an increase in auto thefts and break-ins during the day with the goal of

catching the thief in the act. Each officer was in a different undercover vehicle and was

driving around the area when one of the officers used the radio to alert the others that he

had spotted someone he believed to be breaking into a car. Based on this information,

each of the four officers immediately turned around and headed to that location with the

goal of confirming whether that was their suspect and, if so, placing him under arrest.

Officer #154 explained:

> And a guy who was no longer with our department called and said, "Hey, I have this minivan that just came down. The guy parked. It was a black male. Got out, went up and checked one of the van doors −" like the white construction vans. "Checked the van door, walked down, checked another van door. Came back and got in the minivan he drove up in and then drove down the street." So I remember thinkin' this is good. . .so we all started convergin' on that specific area.

Officer #166, another member of the street crime unit involved in Incident 105,

echoed Officer #154's experience, saying:

> And from what I remember, probably about − I'd say no more than 20 minutes into us sitting there, one of the other officers got on the air and said that he's − he had eyes on a black male who was going into one of the construction vans. He reported this and he was probably about − I want to say about three to four blocks away from me. . . So pretty much everyone got mobile.

The officer who spotted the presumed suspect used communication not only to alert officers of his observation, but also to report why he believed the man he was observing to be the suspect (i.e., he matched the physical description of the suspect they had all received and was currently breaking into a vehicle). The other officers then used this reported information to all make the same independent decision to head to the location called out by the observing officer. Soon after, all officers converged on the suspect's location and attempted to bring him into custody using an apprehension plan they had drafted prior to going out on patrol that day. Unfortunately, the suspect was non-compliant and nearly ran an officer over with his vehicle, thus initiating police gunfire.

One last example of how some officers in the sample used communication during the anticipation phase and how this influenced their decision-making was captured in Incident 124, the one in which officers were tasked with executing a search of residence suspected of being used to house illegal narcotics. Two officers assigned to the narcotics unit (Officers #183 and #213) had been involved in the investigation of the home and its residents. These officers had called on the assistance of other officers who did not typically work with them in the narcotics unit and thus did not have access to the information they had collected during the investigation. Officer #213 took it upon himself to share this information with these officers prior to driving to the home and executing the search, explaining:

> We briefed that morning. . .I think at 6 o'clock. My partner and I had shot the
> location the day before with one of our narcotics trainers. He brought out his
> video camera so we could film it and he was taking still pictures as well. Drove
> by it a few times – got some photos, got some video. So we could. . .the
> information was that the house was a stash house and while we were there that
> day. . .and that people didn't live there. They frequented it, but nobody stayed
> there was what we had been told.

Officer #185, another officer involved in Incident 105, reiterated Officer #213's account of this phase of the incident, saying:

> [Officer #213] said, "Okay, we're gonna do this and this is what we're gonna do." We're good with it. I say, "Okay." So, we all briefed. . .this is the position we're gonna be in the stack to go hit the door, and so we approach like we normally did, like we planned.

Officer #184 also briefly described this briefing process, highlighting their use of additional officers (who were not members of the regular warrant-serving team) and how they provided these officers with necessary information, stating:

> Yes, sir, we briefed. We were actually short a couple of guys so we actually asked a couple officers – actually, the officer that got injured we asked him to come up and him and his partner met us. We briefed them with our raid plan, what we were gonna do. He volunteered to run point. So, we briefed it.

Each of these examples from the officers who participated in Incident 105 highlight how officers can use communication during the early part of the incident to share information, discuss plans, and ensure that all officers are on the same page prior to arriving on scene and making contact with the suspect(s). The investigating narcotics officers who had conducted surveillance knew, based on this collected information, that this residence housed drugs and that those who lived in the residence were typically not home during the day (see Officer #213's account above). This information was not only distributed to the participating officers, but was used by the officers when planning how they were going to execute the search warrant (i.e., during the day when the residents were not home). Unfortunately, upon their entry into the home, two individuals were home and began firing shots at the arriving officers.

In sum, the experiences of 14 officers demonstrate that communication with other officers during the anticipation phase is just as crucial as communication with dispatchers or citizens who are phoning in a situation. This finding is especially relevant for police-citizen interactions that involve more than one officer. If multiple officers are assigned to a call, it is logical that officers would want to converse and exchange known, pertinent information prior to arriving on scene. Perhaps most importantly, the information collected from other officers can influence individual officers' decision-making at this point in the encounter, as well as in subsequent phases. It is necessary then to note the potential impact of information collected from other police officers and its significance as a possible social influence on officers' decision-making during the anticipation phase of the violent police-citizen encounter.

CONFIRMATION

Another way in which some officers in the sample used communication during the anticipation phase was to confirm initial information they had received about the situation and/or the suspect involved, as well as receive confirmation from other officers to validate their decision-making. Five (5) officers in the sample exhibited this behavior during the anticipation phase of their incident, relying on responses from other officers to dictate their decision-making.[24]

Two officers who used communication to confirm details about the situation they were preparing to enter participated in Incident 20, in which 16 officers in the sample

---

[24] A total of 22 officers engaged in communication during this phase, but a few officers used communication for more than one reason. Therefore, these counts will not add up to 22 (but rather will add up to 24), as two of these officers utilized communication to both update officers/provide information and preserve officers' safety.

pursued a man who fired shots at a fellow officer. Both of these officers were preoccupied with another incident when they heard the broadcast from Officer #35 reporting that shots had been fired and back-up was needed. Officer #42 was with his partner searching the vehicle belonging to some individuals who were suspected of using stolen credit cards at a local auto shop when they both heard the broadcast from Officer #35. As Officer #42 explained:

> I heard. . .well, I thought I heard somebody yell out, "Shots fired!". . .and I go, "No." I was a little in disbelief. I was like, "Nah, that's not what they said." I stopped, I looked back at [my partner] and I said, "Did they just say 'shots fired'?" He goes, "Yeah, that's what I think they said." And I said, "Oh shoot" and gave back these guys' IDs and everything and I said, "We're out of here." And we responded.

His partner, Officer #28, reported this same verbal exchange in his account of the incident, stating:

> We're searching their car [and] we hear [Officer #35] get on the radio and yelling. So we kind of looked at each other because he didn't come through clear. "Did he just say something? Is he in foot pursuit? Did he just say, 'Shots fired'?" And I look at the officer who is handling that case and said, "We need to go." And he said, "Ok yeah, let's go." Because [Officer #35] wasn't that far from us. Less than a mile away. So we just [released] those guys. . .I think he even gave back the credit cards and everything and we just took off.

In the aforementioned example, these officers, who were partnered together that night, relied on one another to confirm the information that had been broadcasted by a fellow officer. It is clear that both officers were originally unsure of what they had heard, but each officer reported a different reason behind this confusion. Officer #42 reported that he was in disbelief that this type of incident (i.e., shots fired by or at another officer) was taking place and that the officer involved needed assistance, while Officer #28 stated that his perplexity about what he heard in the broadcast was due to an unclear radio

transmission. Regardless of the reason behind their need for clarity, the behavior of these officers demonstrates that, during the anticipation phase of encounters, officers may rely on one another to confirm information they have received about an incident that requires their attention.

In addition to relying on one another to confirm information, three officers in the sample described how they used communication with other officers to provide them with confirmation about their decision-making in this phase. A good example of this pattern was found in the behavior of Officer #104 who was involved in Incident 46. He was one of two officers who were working a traffic detail when a call came out reporting shots being fired at a nearby community center. When he heard this information, Officer #104 described how he immediately looked to a fellow officer, who was a sergeant at the time, for confirmation that they could respond to the call, explaining:

> Call comes out on the radio. . .shots fired at the community center. And we get, you know, we get these calls not all the time, but you know, it's ok, shots fired and radio dispatches a couple of other cars to respond. . . we were tied up and so the other officers are going, no big deal. . .radio then advises us that they're getting multiple calls, that they have a woman down, and that they have a man with a shotgun running around the center. We now go from the typical shots fired call to pretty much a confirmed shots fired call. I looked up at my partner, the acting sergeant at the time, and he was like giving me the signal, "Go, go, go, go!" [We] got in my patrol car, spun around, drove down the block to the end of the road, made a left and we were there.

This example not only demonstrates how Officer #104 searched for confirmation from another officer before making the decision to respond to a call, but it also represents a relationship dynamic that may very well have played a role in this interaction: the officer he was seeking confirmation from was a sergeant. Officer #104 does not explicitly say that this power dynamic played a role in his choice to seek approval for his action

from his partner that day, but the fact that he mentioned his partner's rank in the description above suggests it may have played a role in this interaction. Regardless of whether his partner's seniority influenced his behavior, Officer #104's experience demonstrates that when an additional officer is present and available, an individual officer may seek confirmation from him or her before making the decision to become involved in an incident.

Another example of officers relying on communication with one another to confirm their thoughts or decision-making during the early phases of an encounter was observed in Officer #9's account of his involvement in Incident 9, the incident in which officers attempted to apprehend a suspect wanted for a recent string of gas station robberies. Officer #9 described how he and his partner planned to drive to this individual's home with the hope of talking to him and seeing whether he matched the description they had of the robbery suspect. In the midst of this planning, Officer #9 reported that he and his partner talked about potential outcomes of the situation and decided that it would be best if they called and requested two additional officers to help them, explaining:

> Before we do anything, before we approach, we want[ed] to get additional officers. Absolutely, we don't know who's in [the suspect's house]. There could be seven, eight, nine guys inside that house, you know, uh, who knows, you know? And there's another thing to it. I mean, let's say it is just him, we would— what we would normally do, if someone gives us consent, you know, we'll step outside, two detectives can talk to you and the other two can go inside and do the search, you know? That'd be preferable to us, uh, and it's time-proven and it works for us. So, that's why we wanted more people out there as well.

While Officer #9 did not go into detail about the "what if" scenarios he and his partner had talked about, he does make it clear above that one of the potential outcomes

they considered was that they could arrive at the suspect's house, only to be outnumbered by others who could possibly be in the home. Because of this, these officers agreed that requesting additional officers to travel with them to the suspect's home was the best course of action and Officer #9's partner took it upon himself to make the request.

It is necessary to note that while this behavior only occurred among a small number of officers in the sample, it still highlights an important finding: when officers are working together, they are able to take advantage of a second opinion regarding the actions and/or decisions they are considering in the anticipation phase. This feedback provided by a fellow officer may influence the decision(s) an individual officer will ultimately make. Therefore, it is important to consider that individual officers may rely on other officers' feedback about thoughts they are having or decisions they are contemplating at this stage of the potentially violent police-citizen encounter. It is also important to examine more closely how feedback from other officers may impact individual officers' decision-making.

SAFETY

The final way in which officers used communication with one another in the anticipation phase was to preserve their own safety of the safety other officers who were either already involved, or about to become involved, in their incident. For example, five (5) officers in the sample reporting sharing information with other officers or requesting that officers make certain decisions with the overall goal of ensuring that they maintain safe operations during their encounter. Again, although this pattern was only observed among a small number of officers, these findings still represent a theme that emerged

from incidents involving multiple officers, and thus enhance our understanding of how other officers' actions can impact an individual officer's actions and/or decisions early in the incident.

An example of this behavior was observed in Officer #7's account of his decision-making during Incident 8, the incident wherein officers were called to respond to a suicidal subject who may have posed a threat to innocents in the home. On his way to the scene, Officer #7 learned that another officer had made it to the scene of the call before him. Officer #7 advised this officer to wait for additional officers to arrive before making his way to the home, explaining:

> We get a call of a suicidal subject who had shot himself and they gave the address out. Prior to my arrival, another officer from the other district - cause it's right on the dividing line of the districts - arrived on scene. At that point I advised that officer to stop right where the beginning of the block was, cause it was about half way down the block where the house is at, so we could all make the approach together since shots had been fired.

Officer #7's communication with the arriving officers was driven by his concern for the safety of these officers based on what was known about the incident. Because it had been reported that gunshots had already been fired, Officer #7 did not want a single officer to handle that type of call alone. Therefore, he requested that the first-arriving officer wait to approach the scene until additional officers, including himself, arrived and they could proceed together from there.

Another example of how an officer relied on communication to preserve officer safety was found in Officer #123's account of his participation in Incident 90, the incident in which officers engaged in a vehicle pursuit and shootout with a known gang member. At the time, Officer #123 was a detective assigned to a multi-agency gang task

161

force. One of his informants had alerted him to the location of a gang member who was suspected of committing a number of armed robberies that had occurred across town. Given all this information, Officer #123 described how it factored into his decision to preserve his own safety by requesting back-up, saying:

> Well, [the informant] calls at, I wanna say at 12:30 that night and says we're at this house, dope house in the mornings that I was well aware of, and the car's parked in the driveway and oh, by the way, he's got a gun and he's been doing jewelry store robberies So I called dispatch just because I thought things might get a little sideways and say, "Hey, we're in this area. If we start yelling for anything, this is what's going on." And I come to find out as I was on the phone with [the informant], she was telling me more and more about that day, that the suspect had already shot at a homeowner who came out and interrupted a car prowl. And so I'm trying to formulate a plan and I was like okay, this guy's nuts. I mean, he's a bad dude and just really has a potential of going stupid. So, I called. . .I had my unmarked patrol vehicle and I put my other two partners in a civilian car to have the eyes on the house in case the car left and then I called [another officer] who was in a marked patrol car and working patrol to come assist.

Upon learning that the suspect he was searching for was currently at a home known to be associated with narcotics distribution and that he had fired shots at an individual earlier in the day, coupled with the fact that he was suspected of committing multiple armed robberies, Officer #123 made the decision to call additional officers and ask for their assistance in this operation. The information that Officer #123 had received led him to label the suspect as "a bad dude" who "really [had] the potential of going stupid." Therefore, not only did he call additional officers for back-up, but he also alerted dispatch of his location and operation. Lastly, it should be noted that Officer #124 also requested the presence of an officer in a marked police car in addition to the two officers he called for back-up (who were in unmarked cars). This was another safety precaution taken by Officer #124, who recognized that should the officers be forced to engage in the suspect in a pursuit or place the suspect under arrest, it would be smart – and safe – to

have a uniformed officer there in a marked police car so the suspect knew he was being pursued by the police.

One last example of how communication was used to preserve officer safety was observed in Officer #184's account of his early decision-making in Incident 124, during which he and other officers executed a search warrant of a home suspected of being used to store illegal narcotics. Prior to serving the warrant and conducting the search, Officer #184 drafted a plan detailing how many officers he would need and what each officer would be doing during the operation. He ended up requesting the assistance of two officers who did not regularly work with his team, explaining:

> We were actually short a couple of guys so we actually asked a couple officers –
> actually, the officer that got injured we asked him to come up and him and his
> partner met us. We briefed them with our raid plan. . .what we were gonna do.

Officer #184's assessment of the situation was similar to the previous officer's (Officer #9). Based on what he knew about the home and the inhabitants (e.g., "We knew that when there's dope in there they want to be able to destroy the evidence. We knew he had a weapon or could have had a weapon in that house"), he wanted to ensure that they had enough officers to execute the search warrant safely. Officer #184 recognized that his unit was short on officers at the time, so he made the decision to call on two additional officers and requested their assistance.

In sum, the 22 officers in the sample who communicated with other officers during the anticipation phase demonstrated behaviors that were recognized by Binder and Scharf in their summary of officers' actions in this early phase. The analysis revealed that officers who did engage in communication in this phase did so for three primary reasons: to share information about the incident and/or suspect with one another, to provide other

163

officers with confirmation about the information they received or decisions they were considering or had made, and to preserve officer safety. Communication with officers, regardless of the reason behind it, impacted individual officer's decision-making during the anticipation phase.

ENTRY AND INITIAL CONTACT

To review, in Binder and Scharf's framework, the entry phase begins when officers arrive on the scene of their incident and continues until the officers makes verbal (or non-verbal) contact with the suspect. Moreover, the authors identify multiple factors that they believe can influence officer's decision-making during this segment of encounters, such as the officer's distance from the suspect, the availability of cover (to protect the officer should the suspect pose a physical threat to the officer), and the officer's assessment of the suspect's overall demeanor (e.g., calm, agitated, aggressive, etc.). The authors do not, however, discuss whether or how the presence or actions of other officers on scene might impact an individual officer's decision-making once he or she arrives on scene.

The present analysis disclosed a number of ways in which the actions of other officers can influence individual officers' decision-making during the entry phase. Some of the patterns identified among officers in the anticipation phase continued to hold strong in the entry phase as well. That is, officers continued to use communication with one another to gather information about the situation and/or suspect on scene, to preserve officer safety, and to provide confirmation and/or support regarding options and/or decisions they were considering. In addition, the results from the analysis suggest that at

times, officers followed the lead of other officers on scene when making decisions during this phase, thus mirroring the behavior of their fellow officers on scene. Each of these four aspects of how fellow officers affected subject officers' actions are addressed in turn below.

COMMUNICATION

During the entry phase, officers in the sample continued the communication patterns observed in the anticipation phase. Twenty-five (25) officers in the sample verbally communicated with other officers during this phase. They did so for one of two primary reasons, both of which were observed during the anticipation phase: 1) to share information about the situation and/or the suspect and 2) to preserve their personal safety and/or the safety of other officers on scene. In addition, a new communication purpose emerged among officers in the entry phase. Twenty-five (25) officers communicated with at least one other officer to draft a plan to take some sort of specific action (e.g., to make entry into a building, to make contact with the suspect, etc.). It should be noted that officers' engagement in these three sorts of communication was not mutually exclusive. For example, officers sometimes communicated to both update other officers about the situation and/or the suspect and draft a plan with his or her fellow officers.

Situation/Suspect Update

Binder and Scharf (1980; 1983) state that upon arrival on scene (and their entrance into the entry phase), officers begin making direct observations, which lead to individual interpretations of the situation at hand. They then take these observations

165

based on interpretations and compare them to the information they received in the previous phase (from dispatchers, citizens who reported the incident, or other officers) to craft a more complete assessment of the situation at hand. Analysis of the interviews used in the present study suggest that when multiple officers are involved in the same incident, they often communicate with one another to ensure that they are all working with the same information and the same interpretations of the situation in order to handle the incident.

Upon arriving on scene, 15 officers reported communicating with other responding officers about what they knew about the incident, the suspect, and what they had observed since their arrival to the location. An example of this behavior was observed among all four of the officers involved in Incident 9, wherein the officers were attempting to speak to a man suspected of a recent robbery. The two officers involved in the robbery investigation, Officer #9 and Officer #16, decided to call two additional officers to meet them at the suspect's residence. Once the additional officers arrived, Officers #9 and #16 shared with them the information they had collected from the investigation about the suspect and the crime he was suspected of committing. As Officer #9 described:

> We briefed them on, you know, the robbery the night before and suspect information, [gave] them a description of what the suspect from the night before looks like, showed them pictures from [the crime scene] and we came up with what we were going to do.

Officer #16, who had worked the investigation with Officer #9 the night prior, made similar comments about this exchange with arriving officers, saying:

> We clued them in on what we had and what we were doing, they probably, I think they already knew a little bit—we were doing this robbery investigation. . . we

want to go up and knock on the door and, and just talk to this guy, but I want two people watching the back door.

Officer #10, one of the additional officers who was requested by Officers #9 and #16, reported the same information exchange between the officers, saying:

We met up and discussed what they'd come up with prior to making contact [with the suspect]. . . I knew that the robbery [occurred] in our city. They've gotten him identified, gotten him tracked down to the house out there. All the specifics as far as how they had him ID'd. . .how they knew it was him.

Communication about the situation here was key because although Officers #9 and #16 had played a role in the investigation, the other officers they called to join them had not. Therefore, two officers in this incident knew more about the situation and the suspect going into the situation. Officers #9 and #16 were cognizant of this and took it upon themselves to update the two officers who they asked to join them. At this point, they also drafted and discussed a contact plan, which will be discussed later in the section.

Another example of an officer using communication with other officers to draft an updated assessment of the situation and/or the suspect was captured in Officer #15's account of his participation in Incident 12, the SWAT call-up to a home where an armed individual was holding his child hostage. Upon his arrival on scene, Officer #15 described how he tried to get as much information as he could from the patrol and SWAT officers already on scene about what had transpired prior to his arrival. He stated:

I'm starting to put on my gear and a supervisor came up to me and he goes, "Hey this guy, he came home from work, got in a fight with his wife," and. . .he goes, "they started fighting and he pulled a gun and started throwing his two year old daughter around and threw her into the wall and broke the dry wall". . .and he goes, "He's negotiating with us, but he's kind of back and forth."

After receiving more information from a fellow officer about the suspect and his past behavior toward his daughter, Officer #15 began considering what else this man may be capable of. Prior to arriving on scene, it appears that the only information Officer #15 received was that a man was holding his child hostage, the address of the home where the incident was taking place, and that he was needed immediately. Once he arrived on scene then, Officer #15 took it upon himself to learn more about the situation from officers who had been on scene longer than he had and who most likely had more information about the suspect.

During his interview, Officer #15 also voiced his frustration with the negotiation process during this incident. In this case, the communication between the negotiator and the suspect was not consistently relayed to the SWAT officers who had been tasked with making entry into the home should they need to initiate a hostage rescue. Although this finding is isolated to this incident, it brings attention to a situational aspect not considered by Binder and Scharf. They argue that the entry phase is when the officer is able to make direct observations of the suspect based on his or her actions or verbalizations. But what if an officer cannot visibly see the suspect or directly communicate with him or her? In this case (and in other incidents that involve a barricaded suspect and rely on the use of a negotiator), Officer #15 could not make direct observations of the suspect's behavior or hear any of the suspect's comments. Therefore, his only sources of information at this juncture were other officers.

One last example was noted in Officer #91's behavior in Incident 68, which was the incident that involved three officers in the sample who were called to respond to a man with a grenade at a nearby courthouse. In his interview, Officer #91 recounted that a

large number of officers responded to the location, but very few were willing to go in when he and another officer attempted to form an entry team. He explained:

> I pulled up out front [of the courthouse]. Lots of cops. Everybody is looking in the windows and I was like, "Well, this is stupid – he's inside and we're all outside." So. . .there was one of the court security guys there and I said, "Is there a way that you can bring me inside without going through the front door and getting [the suspect's] attention?" And he's like, "Sure, follow me." So I grabbed another guy, another officer. We ran after him. We went in. . .we just tried to provide as much information and intelligence as possible over the radio.

Eventually, additional officers made their way into the courthouse, one of whom was an officer with SWAT experience. When this officer arrived, Officer #91 explained that he moved to the location of this officer, as he had found a better location that provided officers with more cover should the suspect detonate the grenade. Once he moved closer to the newly arriving officer, Officer #91 "just discussed the situation briefly" with the SWAT officer and a supervisor before the other officers began issuing commands to the suspect to drop the grenade and surrender to police.

In this incident, Officer #91 used communication not only to update the few officers who eventually made their way into the courthouse, but also used his radio to update officers who were outside the courthouse as to what was occurring on the inside. Because of the type of deadly weapon possessed by the suspect in this incident, it is understandable that those managing the incident did not want a large number of officers entering the courthouse. This officer's perceptions of the early phases of the incident, however, imply that other officers who arrived on scene were too nervous or scared to become involved in this incident. While this perception cannot be verified[25], the fact that

---

[25] The three officers who were interviewed and participated in this incident were inside the courthouse throughout the incident, not outside. Therefore, perspectives representing officers outside the courthouse were not represented in the sample.

very few officers were inside the courthouse and thus were able to make direct observations of the suspect and his actions and demeanor made Officer #91's communication via the radio crucial to other officers' understanding of the situation.

Officer Safety

In addition to using communication with one another to provide situational updates, officers in the sample also communicated with each other during the entry phase with the goal of enhancing or preserving their personal safety or the safety of other officers. In their outline of this phase of the encounter, Binder and Scharf (1980; 1983) identify officer safety as a potential social influence on an individual officer's decision-making (i.e., an officer being concerned for his or her own safety, thus making decisions that enhance their safety, such as maintaining distance from the suspect or seeking cover). The results from this analysis, however, suggest that an individual officer may also be concerned for the safety of other officers on scene in addition to their own safety, which can impact the decisions they make during this phase of an incident.

Upon their arrival on the scene of their respective incidents, 10 officers in the sample communicated with other officers in order to promote both personal safety and that of the other officers present. An example of this behavior was observed in the account of officers involved in Incident 47, during which four officers encountered and later engaged in a gun battle with an elderly man. Officer #103 first noticed the elderly man, who was making his way toward a few of the officers who were engaged in conversations with other citizens. Officer #103 reported feeling uncomfortable about this

man, stating that "if I feel uncomfortable, [my officers] need to feel uncomfortable." He explained:

> And this guy comes up and for some reason both Scout and I just caught a glimpse of him. I remember that because we just sort of. . .something didn't seem right. And I said to Will, I said, "Will, pay attention". . . when I first paid attention to the guy and when I told Scout to catch on him, and then I sort of pointed to Will who was off to the right. It's just an automatic thing. It was we know what to do, but I'm still making sure that other people are paying attention to what I'm paying attention to.

The behavior of the elderly man that first caught Officer #103's attention was him actively avoiding the officers on scene by taking a roundabout path out of the area instead of simply walking straight through on the cleared, paved pathway. As Officer #103 mentioned above, there was something about this behavior that did not seem quite right to him and he made the decision to communicate this feeling of uneasiness to other officers by alerting them to the man's presence. Soon after, the elderly man began to urinate on a tree, at which point other officers made their way toward him and instructed him to stop. The man then pulled a firearm out of his waistband and fired in the direction of the officers. Three of the four officers interviewed fired shots back at the man.

Two other examples of officers communicating with one another to preserve their safety were captured in the accounts of two officers involved in Incident 20. This incident, which involved 16 officers in the sample, was unique in that some participating officers initiated and engaged in Binder and Scharf's four phases at different time points based on their arrival on scene. For example, some of these officers were the first to arrive on scene after one of their fellow officers reported shots had been fired and, as such, these officers were present when the suspect first engaged them in gunfire. Some of these officers fired back at the suspect, thus entering the final frame phase. The incident,

however, did not conclude there, as the suspect continued to flee down the street and officers gave chase. As this was happening, additional officers were arriving on scene and initiating their involvement in the incident at this point. Therefore, although some officers had already made it to the final frame phase, others were just beginning the entry phase. This is important to note, as the two examples that will be discussed here involve two officers who entered the entry phase at two different time points during the same incident.

Officer #34 was one of the first officers to arrive on scene. Instead of responding to the exact location that Officer #35 reported, Officer #34 explained that he decided to report a few blocks down from the location with the goal of adding to the police perimeter that Officer #35 was attempting to organize. Once he stepped out of the car, Officer #34 was contacted by a resident who told him that she believed she saw a man running in the area and that he was hiding in some nearby shrubbery. Officer #34 quickly relayed this information on the radio, stating:

> I immediately called that out. . .dispatch responded and I said, "Hey, I have a suspect. Suspect may be here at this location. I need [assistance.]" And immediately heard sirens in the background headed my way. So the information turned out to be correct in the long run.

Soon after communicating this information via radio, additional officers joined Officer #34 at his location. In his interview, Officer #34 made it clear that because he believed the suspect to be nearby in the bushes, he was careful to use his car as cover while talking to arriving officers in case the suspect fired at officers. One of the arriving officers was a rookie whose actions upon arrival concerned Officer #34. He explained:

> And there was at least one unit, came down the street and parked here, and it was Jackson, who is one of our SWAT officers, and he had a trainee. Brand new guy.

172

And then brand new guy gets out and he's standing right here next to his car, because he's new, he's waiting for direction from his training officer. And I didn't know that guy's name. So I started yelling at Jackson, who had also gotten out. . .and I remember yelling at Jackson, "Move! Move!" because I didn't know this kid's name and I knew if I told Jackson to move, the kid would follow. "Hey move! The guy's right here! The guy's right here!" and in the process of me saying that, the guy jumps out of the bushes [and shoots].

This example illustrates two instances where Officer #34 used communication with his fellow officers during the entry phase. First, shortly after arriving on scene and talking with a witness who believed she saw the suspect and knew his location, Officer #34 communicated this information with his fellow officers over the radio. In this instance, Officer #34 used communication to share information about the situation and the suspect, perhaps with the goal of ensuring all officers (incoming or already present on scene) were working with the same information. After he broadcasted this newly acquired information about the suspect's possible whereabouts, other officers began to drive to his location. Once they arrived (and as described above), Officer #34 then used communication to warn officers that they needed to be aware of their surroundings and use cover in case the suspect was, in fact, nearby in the bushes and posed a threat to the officers.

One of the officers mentioned in Officer #34's account was Officer #29. He was the training officer to the trainee whose lax behavior on scene concerned Officer #34. In his account of the incident, Officer #29 reported that Officer #34 did alert him to the potential threat that the suspect posed if he was, in fact, nearby in the bushes, but the behavior of the other officers led to some confusion on Officer #29's part. He explained:

I yelled at my [trainee], "Get my shotgun!" So he goes in my trunk and gets my shotgun. Just as he's walking up to hand it to me. . .there were four cops there. . .one of the cops there yells at me, "Hey, those are the bushes right there. Get

173

cover!" And it didn't really sink in because all four of them were standing straight up behind the trunks or engine compartments and if they were so worried about it, why didn't they crouch down? So it didn't really sink in. . .and it didn't really seem like a threat because they weren't covering, so I turned to [my trainee] to get my shotgun and. . .just as he's handing it to me [the suspect] busts out through the hedge.

Both Officers #29 and #34 provide similar accounts of Officer #34's use of communication to alert Officer #29 and his trainee of the suspect's possible location and the importance of seeking cover in case the suspect decided to ambush the officers. Officer #29's read of the situation, however, was interesting in that although he may have been aware that they were close to the suspected location of the armed man, he did not immediately seek cover or report being outwardly concerned about safety because based on his observations, the other officers were not all that concerned either. This example not only demonstrates the pattern of communication for the sake of preserving officer safety, but this is also an example of how other officers' behavior can shape the behavior and choices of individual officers, which will be discussed in a subsequent subsection of this chapter.

One last example of how officers used communication to preserve and/or enhance the safety of other officers was captured in the account of Officer #37 who was also involved in Incident 20. She was, however, one of the later-arriving officers. This means that she did not arrive on the scene until after the suspect had fired shots at the group of officers (as described in the example above). In fact, in her description of her initial arrival on scene, she reported that she could hear gunfire as she was driving in her vehicle, but she was not present for, nor a part of, this initial police-suspect exchange.

174

By the time Officer #37 saw the suspect, he was down on the ground and wounded from shots fired by other police officers. Although some of these other officers had fired, thus entering the final frame phase, Officer #37 had just arrived on scene and had not yet made verbal contact with the suspect, placing her in the entry phase of Binder and Scharf's framework. At this point during the incident, Officer #37 was one of the officers who made the decision to surround the downed suspect. She soon noticed that a fellow officer was in a crouched down position in front of her, thus placing him in her line of fire should he decide to stand up and she decide to shoot. At this point, she used communication to alert this officer of her position behind him, saying:

> There's an officer, and I don't remember when he got there, whether he was right in front of me or he was already there. . .and I don't even know. . .he was just in front of me. . .but I don't remember seeing him stop. I just remember when I got there, he was stopping or he was in front of me. . . I also didn't remember at the time, until the other officer told me that that. . .it's actually a Sergeant that said that when I came up behind him and I put my hand on his shoulder because he was crouched down and said, "It's Denise." I didn't remember doing that and then when he told me I did it, that's when I remembered I did it.

In this instance, Officer #37 relied on communication to alert the officer in front of her of her position. Therefore, Officer #37 took it upon herself to tell this officer of her position so as to avoid injuring or killing another officer because this officer was unaware of her presence. As an aside, it is interesting that Officer #37 did not remember engaging in this behavior until another officer brought it to her attention after the incident.

To conclude, the present analysis highlights that officers rely on communication with one another during the entry phase to preserve or enhance the safety of their fellow officers. Again, this is a finding that is specific to incidents involving multiple officers, but is a contribution to Binder and Scharf's deadly force decision-making framework.

Binder and Scharf argue that a concern about safety is a factor that can impact an individual officer's decision-making during the entry phase. Rather than viewing this as limited to a concern for that officer's personal safety, the results from this study indicate that officers' concern for the safety of their fellow officers can also impact the decisions officers make and the behaviors they engage in during the second phase of the encounter.

Planning

Analysis of the transcripts disclosed a new pattern of communication that affected officers' decision-making and behavior during the entry phase. In addition to using communication with other officers to provide them with situational updates and/or preserve or enhance their safety, individual officers also used communication with other officers during this phase of encounters to craft various types of plans. Such plans included: how to make entry into a structure, how to establish a search perimeter, how to establish verbal communication with a suspect, and how to apprehend a suspect. In total, 25 officers in the sample reported discussing plans with their fellow officers at this time, which ultimately impacted their decision-making during this phase, as well as in subsequent phases of the encounter.

This is exemplified in Incident 118, which involved two officers in the sample who, as previously mentioned, were homicide detectives searching for the suspect in a recent homicide. When the officers eventually spotted a man who matched the description of their suspect, they began conversing with one another about what they should do: should they exit their vehicle, make contact with the suspect, and apprehend

him? Or should they call for back-up and wait to contact the suspect until other officers

arrive? Officer #217 explained:

> I grabbed the radio and I spoke to our detective group, which is not monitored by
> dispatch, and I said, you know, "I've got the suspect. This is where he's at. He's
> on the move. He's moving in this direction." . . . I start to hear sirens. And the
> sirens are coming in. And my partner and I are going back and forth in our very
> short. . .I don't even remember the words we used, but I've been working with my
> partner long enough that we don't have to say much. We've got a pretty good
> sense of what the other is thinking and going to do. And we were discussing do
> we want to take him down? Do we want to wait for patrol? That was the first
> decision we were trying to make and that's when the sirens started coming in.
> And I think I verbalized something similar to, "He's going to run when those
> sirens get much closer." And I don't know how we communicated, but we agreed,
> "Ok, we are going to contact this guy. We are not going to wait for the arrival of
> patrol."

Once the partners agreed that they were not going to wait for additional officers to

arrive, these officers then began to discuss how they were going to approach the suspect

in order to apprehend him. Officer #168 stated:

> I say to my partner, "Okay, I'll pull in behind him and we'll stop him here." And
> he says, "No, drive forward and let him walk into us. We'll take him.". . . and as
> we stop, I say to my partner, "You take the commands so that the suspect's only
> dealing with one person". . . then we both basically – my partner and I - both
> basically leave the car simultaneously.

In this example, one can see that Officers #168 and #217 communicated about

two important decisions: *whether* they were going to make contact with the (potentially

armed) homicide suspect before additional officers arrive and *how* they were going to

make contact with the suspect. This example provides a clear demonstration of how

officers can use one another as sounding boards for courses of action they are

considering. Once they had spotted the suspect, Officers #168 and #217 discussed the

options they had available to them (i.e., waiting until back-up police units had arrived to

approach the suspect or attempting to make contact with him prior to other officers'

arrival) and were in agreement about the option they were going to take. Once they made

the joint decision to contact the suspect before additional officers had arrived, they then

communicated with one another about how they were going to approach and make verbal

contact with the suspect. They discussed how they were going to approach the suspect in

their undercover vehicle, where they would park and exit their car, and, once they left the

car and made their way toward the suspect, who would be the one issuing verbal

commands.

Another example of how officers used communication with one another to craft a

plan was captured in Incident 7, which involved three officers in the sample. These

officers were called to respond to a report of a suicidal subject armed with a gun at a local

park. Officer #7, normally assigned to carry a rifle, decided to respond to the call because

other officers had requested an officer with a rifle. Unfortunately, Officer #7's rifle was

being repaired at the time, but he had been temporarily assigned a shotgun and, as such,

thought he could still be of some assistance to the officers on scene.

Once he arrived at the park, Officer #7 relied on communication with other

officers who were already on scene to direct him where they needed him to go. He made

it to the designated location and began talking with another officer who was already at

the location about the situation and sought to develop a plan of action. Officer #7

described that he and the other officer began talking about the type of ammunition he had

in his shotgun and whether it was the best option given the large distance between

himself and the armed suspect (approximately 45 yards). He explained:

> So I was talking to [another officer] about. . .I even had a discussion with him, I
> said, "Well"…cause we were about 45 yards out-somewhere around there, and

based on that I was like, "Hey" - cause he had his shotgun out too - and I said, "What do you have in there?" He goes, "Well, I've got the buckshot in there." And I'm like, "Well," I said, "It's probably best if we do slugs here just because of distance, we don't want that spread to get you know too far out to where we're not in control." So I said, "Hey man, I'll take over, you know, covering him while you transition over to slugs and that way we might have a better way to resolve this if it if something needs to happen."

This example demonstrates how officers can use communication with one another to discuss possible situational outcomes (i.e., the potential that they would need to use deadly force) and plan for how they would handle a particular situation should it arise. Based on the information they had received (i.e., the suspect was armed, suicidal, and unresponsive to commands from other officers), these officers discussed the possibility that they may need to use deadly force and, if so, the best ammunition for their weapons would be one that provided more control over their shot, given the distance between them and the suspect.

Another officer involved in this incident, Officer #17, explained that upon his arrival on scene, he met up with two other officers and began talking to them about the possibility of having to use deadly force and, if so, how they would do this. He stated:

Yes, we briefly state what positions we're going to take. Um, if someone did decide to shoot, to make note of it somehow, say, "Gun!" or some [way] of letting the other one know that you're about to fire, basically. Uh, can't always be done, but if we can make that happen let's make it happen. . . And I recall, our conversations were if [the suspect] were to pause long enough to pull that trigger, what we interpreted as an opportunity for him to fire upon us, then we have [to] react and have to be quicker at that reaction. So, we were really discussing what are we going. . .are we going to fire. Almost trying to validate our decision-making is what I. . . remember about it. Are we all on the same page with this? You're kind of looking for reassurance from your peers.

Similar to Officer #7's account, Officer #17 and the officers he was with took the time to discuss how this situation could potentially play out. They agreed that if the

179

armed man pointed his weapon in their direction and they felt the need to use deadly force, they would do their best to alert their fellow officers of their decision. Later in the encounter, the suspect began raising his gun in the direction of police officers, at which point two officers fired (Officers #7 and #17) and one held fire (Officer #24).

In addition, these officers also conversed with one another about the dangers associated with waiting too long to shoot, thus giving the suspect more time to pull the trigger of his weapon and potentially harm or kill officers on scene. Officer #17's narrative also highlights an important matter that may arise from communication with other officers: validation of one's decision-making. By discussing potential situational outcomes and conditions under which they believe they should fire, these officers provided one another with valuable feedback about their individual concerns and considerations. It also leaves one to wonder: if an officer's consideration to use deadly force is supported by other officers, does this factor into that officer's decision to fire?

OFFICERS' DECISION-MAKING AND THE IMPACT OF OTHER OFFICERS

In their outline of the entry phase, Binder and Scharf (1983) assert that an officer's decision-making at this point can be influenced by a number of factors, including the suspect's behavior and demeanor, the officer's perception of his or her safety, and the availability of cover and concealment. As previously discussed, findings from this study have suggested that officers' decisions during this phase can be influenced by communication with other officers as it relates to their safety or the safety of other officers, providing one another with additional or updated information, or creating plans for how to move forward in the incident. Another interesting pattern that

emerged from the present analysis is that during the entry phase of encounters, officers'

decision-making can be influenced by the actions and/or decisions made by other officers

on scene. Furthermore, the results from the analysis also revealed that upon arrival on

scene, officers often receive instructions or commands from other officers, thus

influencing the decisions they make in the entry phase and in subsequent phases of the

encounter.

Mimicking and Following the Behavior of Others

Thirteen (13) officers reported that the behaviors of other officers on scene

influenced the decisions they made during the entry phase of their respective encounters.

Often times, these officers engaged in "follow the leader" behavior. That is, they

identified an officer on scene who they trusted, admired, or who held a higher rank than

they did, and chose to emulate the behaviors made by this officer instead of making their

own independent decisions.

A number of officers involved in Incident 20 engaged in this sort of mimicry,

reporting that they selected their original deployment locations based on where they saw

other officers congregating. These officers participated in the incident wherein officers –

16 in total – were searching for a man who had fired shots at a fellow officer. Upon her

arrival on the scene, Officer #32, a canine officer, spotted another officer nearby. She

then made the decision to meet up with this other officer, explaining:

> As I'm going to one location to set up, I hear another officer setting up at another
> corner and I go over to that far corner. . .I think, right in that area, and just set up
> and see what the officer had. Because the officer had, I don't know if he put it
> over the air. . .or if he told me, but at some point, I got the information from the
> officer that a female walking by stopped him, he was holding that corner, caught
> his attention and said, "Hey, I don't know if this is who you are looking for, but I

thought I saw somebody hiding in those bushes" and pointed to some bushes just a little ways from where the officer was. . .but that might have been the reason why I went to that point specifically because I had the dog at that point. [To] figure out what all we had.

Although she sounds unsure of the exact order of events, Officer #32 reported that she chose to set up in the area near the officer who had arrived on scene before her because she believed she could collect relevant information from him. One could argue that had she not come across this officer, Officer #32 would have continued to the original location at which she planned to arrive.

Another officer to arrive on scene soon after Officer #32 was Officer #29. He was a training officer at the time of the incident and had a trainee with him. When detailing his arrival on scene, Officer #29 explained how he selected the location where they eventually stopped:

I'm driving, of course. I'm not going to let a rookie drive on this kind of call. I pull up facing. . .I guess that would be southbound. . .in the southbound lanes, against a curb. . .and I pulled up there because I saw two [police] cars parked right at the corner. . .squad cars with two cops standing there. Two or three. I think it was three. Yeah, it was three. At least three cops standing there, using the car as cover.

It appears that Officer #29 made the decision to stop his car and exit the vehicle with his trainee at this location because it was where other officers had also decided to stop. He does not clarify specifically what drove this decision to join the other officers (e.g., to collect additional information from them, draft a search and apprehension plan, provide protection for other officers, etc.), but it is clear in the excerpt above that the presence of other officers influenced Officer #29's decision to stop his vehicle where he did once he arrived at the location of the call.

182

Officer #29's trainee at the time was Officer #41. This officer engaged in this "follow the leader" behavior as well, but the source of his behavior is more clear cut. Officer #41 was a new officer and still completing his field training requirements when this incident occurred. In congruence with Officer #29's account, Officer #41 shared that other officers warned him and his field training officer of the potential danger that loomed nearby. Soon after, the suspect jumped out of the bushes and fired on the officers and Officer #41 was forced to make quick decisions, saying:

> I remember another officer down the street yelling, "He's right there! He's in the bushes!" Basically as soon as that happened, we kind of looked to our side, we see the bushes moving, and I think either simultaneous or very close after we both kind of jumped around to the opposite side of our car, so we put the car between us and the bushes, and then we heard. . .or I heard. . .gun shots almost a few seconds after the rustling in the bushes. . . I basically remember just doing what my [training officer] was doing. I knew he was pretty squared away. He was, you know, in the military and on the SWAT team so I kind of just tried to follow his lead.

In the above example, Officer #41 explained that he essentially followed his training officer's lead when the suspect's bullets started flying in their direction. He made it clear that this decision was based on what he knew about his trainer's experience: he was a military veteran and served on the department's SWAT team. While Officer #41 does not explicitly say so, it can be assumed that because of his trainee status, this type of encounter – and what to do under such conditions – was very unfamiliar to him. Therefore, he made the decision to mimic his trainer's actions by seeking cover behind their vehicle and later pursuing the suspect on foot.

Officers #32, #29, and #41 were some of the first officers to arrive on scene, and, when ambushed by gunfire from the suspect, chased the suspect down the street on which he fled. As Officers #32, #29, #41, and others were pursuing the suspect, additional

officers were continuing to arrive at the scene. One of these officers, Officer #39, arrived on scene just in time to see other officers congregating around the downed suspect. He explained:

> . . .the next thing I heard was that there was shots fired again. . . I was coming up onto the corner I believe. . .or I must not have been quite there, because they said, "Shots fired" and then um. . .they said that an officer had been hit. I don't remember exactly what he said. . . .and at that point, I had just hit the corner and everybody was running down to where [the suspect] was at. . . I got out of my car, stopped, and took cover behind a tree.

This officer's arrival on scene coincided with his observation of multiple officers running in the same direction and gathering around the suspect who had been hit by police gunfire and dropped to the ground. Officer #39 saw the other officers' behavior and made the decision to follow suit by exiting his vehicle, running to where the other officers were, and taking cover behind a nearby tree (which is what some of the other officers had done). In this case, it appears that the other officers' behavior served as a cue for Officer #39; he observed their actions and simply followed suit.

While such mirroring behavior on the part of officers may appear to be sound and logical, there were instances captured in the interviews suggesting that in a few cases, officers willingly put their safety at risk by following the lead of other officers on scene. Continuing with examples from Incident 20, Officer #29's explanation of his actions shortly after arriving on scene and meeting with additional officers fell into this category. On his way to the location, Officer #29 stated that he heard a second broadcast reporting that the suspect was believed to be hiding in the bushes on the corner of two nearby streets. As previously mentioned, Officer #29 and his training officer pulled into the neighborhood where the original "shots fired" call had been made and decided to stop at

184

a location where they spotted other officers standing near a squad car. Upon exiting his car, Officer #29 described his behavior as mimicking that of the other officers, but he was soon warned by one of the other officers that he needed to take cover, as the suspect was believed to be in the shrubbery close by. Officer #29 explained:

> There were four cops there. . .one of the cops there yells at me, "Hey, those are the bushes right there. Get cover!" And it didn't really sink in because all four of them were standing straight up behind the trunks or engine compartments. And if they were so worried about it, why didn't they crouch down? So it didn't really sink in, but I said, "Ok."

What is interesting about Officer #29's decision to exit the vehicle without being outwardly concerned for his safety was that he had heard the broadcast reporting that the suspect had been spotted nearby the location where he stopped. He had this information, yet still made the decision to exit his vehicle without immediately seeking cover because that is what he had observed his fellow officers doing. Soon after another officer had warned Officer #29 and his training officer to seek cover behind their vehicle, the suspect jumped out of the nearby shrubbery and fired shots at the officers. Luckily, Officer #29 and his trainee were not struck by the suspect's gunfire.

Another example of dangerous behavior was captured in the experience of Officer #54, who participated in Incident 26, the one in which he and three other officers attempted to take a wanted man into custody at a bail bonds office. Because of the location (i.e., a local business) and lack of violence toward police on the suspect's record, these officers did not treat this task as they normally did. Officer #54 explained:

> So we were just going to go down there and pick him up. We weren't doing it. . .like usually if we're running a warrant on somebody's house, we'd do it totally different. We'd have a detail. . .any time we do a warrant, we're going to go out with our guns drawn already if we're going to enter a house or going to a suspect's door like that. Like I said, this one. . .I guess because it was a business

185

and the circumstances were just a little different, we were just going to try to kind of go in there and cool breeze the guy and just get him to, you know, I guess hoping he would cooperate with us.

Unfortunately, the suspect in this case did not cooperate with police. Once the officers entered the bail bondsman's office and told the suspect he was under arrest, he stood up and began to withdraw a firearm from his waistband. Two of the officers decided to become involved in a physical altercation with the suspect (to hold his arm down to prevent him from pointing and shooting his weapon in the direction of officers) and eventually two officers fired at the suspect. Officer #54, however, held fire, as he was one of the officers who had been preoccupied with physically engaging the suspect.

When asked during the interview if he had ever considered drawing his weapon prior to entering the bail bondsman's officer, Officer #54 said, "I think I did," but then quickly noted, "I know I recall no one else having theirs out." Officer #54 did not expand on this, but it leads one to suspect that this officer would have made a different decision in regards to drawing his weapon upon entry into the bondman's officer had his fellow officers decided to draw their weapons.

These examples shed light on an influence that is unique to multiple officer shootings and critically important: the decisions made by other officers *can* impact the decisions made by individual officers because an individual officer may choose to base his or her decisions on the choices made by other officers on scene. In some of these cases, the officers made it known why they chose to follow the behavior of others (e.g., recognized another officer's knowledge and experience, wanted to communicate with one another), but there may be other times when the reasons behind this mimicking behavior

is unknown. This is an important aspect of group behavior that future research on officer-involved shootings with multiple officers present should address.

Commands/Directions Issued by Other Officers

In addition to the findings reported above, the analysis also disclosed that the behavior and decisions of 11 officers during the entry phase of their respective incidents could be best understood as the execution of orders handed down by another officer on scene. In many of these instances, officers received directions, commands, and/or assignments from officers involved in the incident who held a superior position (e.g., senior officer, sergeant, lieutenant, district supervisor, etc.) compared to them at the time. Because of this, these officers engaged in individual decision-making during this phase, but some of the decisions they made were rooted in requests and commands made by another officer.

An example of this behavior was captured in Officer #113's account of her participation in Incident 43, the incident in which two officers were confronted with a man armed with two deadly weapons. As Officer #113 initially began to approach the man, her training officer spotting something she did not: the man was armed with two knives. Officer #113 explained that her training officer immediately said, "He's got a knife! He's got a knife! Get back!" Once she heard this command from her training officer – and without actually seeing the deadly weapon herself – she "turned around and went back to. . .the rear of the car." When asked why she followed these orders from her training officer without taking any time to confirm for herself that the suspect was in fact armed, she stated: "I just trusted what he saw enough that I ran back."

This instance is different from others because of the fact that Officer #113 was still in training and, as such, may have been more prone and open to taking directions and/or commands from other officers because of this. She does, however, report that she completely trusted what her field-training officer was relaying to her (i.e., that the suspect was armed with knives) and quickly followed the commands he gave her to retreat from the suspect and toward protective cover. Although this trainer-trainee dynamic was only captured in a few cases in the overall sample, two of these cases included officers in training who either followed the lead presented by their field-training officer or followed the instructions/commands issued by their field-training officer, thus eliminating independent decision-making during the entry phase.

A second example of this behavioral pattern was observed in the accounts of multiple officers involved in Incident 105, who, as previously mentioned, were searching for a man suspected of breaking into vehicles at a nearby construction site. Four officers in the sample participated in this incident, all of whom were members of a street crimes unit charged with investigating a string of car daytime break-ins near construction sites around town. When one of the team members broadcasted that he believed he had spotted the suspect, the other officers made their way to this location while their supervisor spoke with them over the radio and issued commands to team members to apprehend the suspect once he successfully entered the car. Officer #149 reported: "Our supervisor [said] to go ahead and take him off once he pops the van open. So he pops the van open, [another officer] calls it, [and] we start moving in."

Officer #154, another member of the street crimes unit who was working this incident, reported hearing the same command from their supervisor, saying: "Our

188

supervisor was one of the vehicles kind of in the stack. And he's like, 'If he does that again or he stops, we're just gonna take him right there.'" A third officer, Officer #190, also shared a similar version of this command, stating:

> Another officer called out a vehicle and a subject that was acting kind of suspiciously, walking around and trying door handles on vehicles. Ran the tag of the vehicle that he was driving. Car came back stolen. We began to follow it. It pulled into a back alley, at which point the sergeant at the time said that if he pulls over back here, we're gonna go ahead and take him.

While some of the minor details are inconsistent, the command issued by their sergeant is clear: these officers were instructed to apprehend the man believed to be the suspect if he engaged in a certain behavior (which varied in each officers' account). In this instance, these officers drove to the location where the suspect was reported (thus initiating the entry phase) and attempted to apprehend the suspect based on a command they had received from their supervisor. Therefore, the decision on each of their parts to exit their vehicles and attempt to take the suspect into physical custody[26] was guided, and therefore influenced, by the directions issued to them by their sergeant.

In sum, the analysis of officers' decision-making during the entry phase disclosed a number of key findings relevant to police shootings involving multiple officers. First, officers' decision-making can be influenced by the mere presence of other officers. When other officers are present, officers may engage in communication with one another for a variety of different reasons. What transpires during this communication between officers can then have bearing on their decision-making during the entry phase, which can impact their behavior in subsequent phases of the encounter. In addition, the presence and actions of other officers on scene can impact the decisions made by individual officers

---

[26] All of these officers entered the information exchange phase at this point because they issued commands (thus making verbal contact) to the suspect to exit his vehicle.

through mimicking. That is, officers may choose to engage in certain behaviors or make certain decisions because they witness other officers doing the same. Lastly, an individual officer's decision-making during this phase can be influenced by commands issued by other officers. Although one may argue that officers are independent actors and as such have the ability to disregard directions and/or commands from a fellow officer, this may not always be the case (as observed in the examples noted above). To have a more complete understanding of how officers make decisions during Binder and Scharf's second phase of high-risk encounters then, the aforementioned findings will need to be recognized as potential social influences on officer's decision-making during the entry phase.

INFORMATION EXCHANGE

Binder and Scharf state that this third phase of the violent police-citizen encounter begins when an officer initiates verbal or non-verbal contact with the suspect. When reading through Binder and Scharf's summation of the information exchange phase, it is clear that they believe that dialogue between the officer and the suspect and the suspect's behavior/demeanor plays a crucial role in whether an officer will decide to use deadly force during the final frame of the incident. Because this framework was primarily based on their analysis of single-officer incidents, however, Binder and Scharf do not acknowledge how the presence and actions of other officers on scene can impact the decisions made by an individual officer. Actions taken by other officers involved in the same incident can expand or restrict the options available to an individual officer. Furthermore, an officer may make the choice to execute a specific action based on the

actions of other officers. Lastly, having multiple officers involved in the same incident places officers in a situation wherein they may need to essentially act based upon the choices made by one another during certain points in the incident.

As mentioned in the fourth chapter, because Binder and Scharf were not explicit about the police actions that constitute "non-verbal" contact with the suspect, I did not attend to this matter in the present study. Therefore, officers were coded as entering this phase only if they made verbal contact with the suspect in their respective incident. Using these parameters, 36 officers in the sample entered the information exchange phase. Patterns pertaining to officers' decision-making in this phase were observed, but because only 36 out of the 83 officers in the sample issued verbal commands during their incident, the patterns that emerged were present among just a subset of officers interviewed. Nevertheless, the findings from the analysis of these 36 interviews shed important light on the dynamics present in officer-involved shootings.

OFFICERS' DECISIONS AND THEIR IMPACT ON DECISIONS MADE BY OTHER OFFICERS

Previous sections of this chapter demonstrated that the actions of other officers on scene impacted the choices made by individual officers in the anticipation and entry phase. The results of the analysis of decisions made by the 36 officers who entered the information exchange phase indicate this pattern holds during the information exchange phase of high-risk police-citizen encounters.

Safety continued to be a theme that was present among the officers interviewed and not just their own safety. While many of the officers interviewed reported being concerned about their own safety, six (6) officers who entered the information exchange

191

phase described how decisions they made at this point were made to preserve the safety of another officer. That is, they believed another officer on scene was in danger of being seriously injured or killed and made decisions and took actions to prevent this from occurring. Because Binder and Scharf limited their discussion of the role that safety concerns play to safety of self, this finding identifies a weakness in their model and is thus worthy of some detailed discussion.

One example of this concern for fellow officers' safety comes from Officer #149's description of his participation in Incident 105, the case in which a street crimes unit was attempting to catch an individual who had been breaking into vehicles near construction sites. Once the officers received a report from a fellow officer that he had spotted the suspect attempting to break into a car, Officer #149 and others converged on this location in their undercover vehicles. When the suspect saw multiple vehicles stopping where he was, Officer #149 believed the suspect "knew the jig was up." The suspect ran back to his vehicle, jumped in the driver's seat, and attempted to flee. Officer #149 explained that each officer had pulled up and parked their cars in such a way as to block the suspect's vehicle, thus preventing him from fleeing in his car.

While officers were exiting their vehicles and issuing commands to the suspect to put his vehicle in park and slowly exit the car, Officer #149 noticed that another officer, Officer #166, had exited her car and somehow managed to get behind the suspect's vehicle. This concerned Officer #149, as the suspect was still behind the wheel of his vehicle and could very well pose a threat to Officer #166 if he successfully put his vehicle in reverse. He explained:

> I don't know how this happened but [Officer #166] is on her hands and knees behind his car…we've moved up to within maybe 10 feet or so of [the suspect's]

car and we've been telling him the whole time, "Stop! Put your hands up!". . .that kind of thing. And I look inside [to] sort of the cockpit area there and he's trying to go from reverse to drive, from drive to reverse. And I see him doing it and I recognize that [Officer #166] is behind the car. Everything else he'd hit so far he'd totally destroyed. I felt like if he hit her with that car that she would be either crippled or killed.

In the example above, one can see how the actions of one officer can impact the considerations and decisions made by another officer. In this case, Officer #166 took a series of actions that placed her behind the vehicle of the suspect. At the same moment, Officer #149 was issuing commands to the suspect to stop attempting to flee, park his vehicle, and come out of the car with his hands up. He then looked into the suspect's vehicle and could see that the suspect was not intending to comply. Instead, the suspect was continuing to try to move his car in order to escape. Officer #149 then had two pieces of information that impacted his decision-making at this point: he had a suspect who was non-compliant and attempting to flee in his vehicle and a fellow officer who had fallen down behind the suspect's vehicle and could be seriously injured or killed if the suspect reversed. Officer #149 then made the decision to use deadly force, thus entering the final frame, and fired shots at the suspect to prevent him from striking Officer #166 with his car.

In this incident, Officer #149's decision-making was impacted by his concern for Officer #166's safety. Had Officer #166 not ended up behind the suspect's car, it is possible that Officer #149 may have made a different series of decisions and taken different actions. For example, he may have taken more time to continue issuing commands to the suspect to exit the vehicle before deciding to shoot. In fact, had another

193

officer's life not been in danger, Officer #149 might well have determined that deadly force was unnecessary and might never have shot.

Another example of how an officer's concern for another officer's safety influenced his decision-making during the information exchange phase was observed in Incident 118, in which two homicide detectives were searching for a man suspected of committing a recent homicide. After they had decided to make contact with the man prior to additional officers arriving, Officer #168 and his partner, Officer #217, drew their weapons and began to make their way toward the suspect. Both officers issued verbal commands to the suspect informing him who they were and that he was under arrest, but the suspect did not comply. Officer #168 explained:

> He's looking directly at [my partner], but not doing anything, so I start yelling out, "Police, freeze. Don't move. Police." He looks at my partner. . .and then looks directly at me. He drops into a slight crouch, just gets a look of absolute rage on his face, baring his teeth. I kind of describe it as a war cry, just starts screaming. He throws his hands out directly in front of him and starts running.

At this point, the suspect charges at Officer #168 and the two become engaged in a physical altercation. As Officer #168 stated:

> I'm trying to strong-arm [the suspect] off because he gets me, he gets to me and he's reaching for the gun. . . and suddenly this picture started going off in my mind that I'm going to lose the gun and he's going to kill me, which for some reason, didn't bother me as much as the thought I had that he was going to ambush. . .he was going to take my gun and ambush and kill my partner. This overwhelming fear, this deadly fear that he was going to kill my partner.

Officer #168 had issued commands to the suspect, but rather than complying, the suspect physically attacked him and attempted to take his service weapon. Rather than fearing for himself – and letting fear for himself and concern for his personal safety drive his decision-making – Officer #168 shared that he was more concerned for the safety of

194

his partner. His greatest fear at the time was that the suspect would take his weapon away and use it to kill Officer #217. This fear for the safety of his partner ultimately led Officer #168 to the decision to shoot the suspect.

These two examples demonstrate how an individual officer's decision-making can be impacted by the presence and actions of other officers involved in the same incident. In single-officer shootings, the officer may worry about his or her safety, as well as the safety of citizens in the surrounding area. The findings from this analysis reveal that an individual officer may be concerned for the safety of other officers on scene, and as such, may make decisions in the information exchange phase with the goal of preserving or enhancing the safety of a fellow law enforcement officer.

In addition to safety, another pattern that emerged from the officers' experiences in the information exchange phase was how the decisions made by other officers influenced the decisions made by an individual officer. Binder and Scharf theorize that decisions made by an officer can expand or constrict the options available to that officer later in the encounter. Perhaps just as important, findings from this analysis suggest that decisions made by other officers on scene have the ability to expand or constrict options available to an individual officer.

Six (6) of the 36 officers who entered the information exchange phase fell into this category. One of these officers was Officer #69 who participated in Incident 46, wherein he and a fellow officer responded to a call of shots fired at a nearby community center. Soon after seeing a deceased female on the ground (dead of an apparent shotgun wound to the chest), the officers saw the suspect – a man walking inside the building

carrying a shotgun. Both officers then issued verbal commands to the suspect. As Officer #69 stated:

> We had a verbal engagement [with the suspect] there for a very brief time. He said, "Don't come in!" We said, "Put the shotgun down," those kind of things. And then he turned and went through the second double doors into the facility. . . So, we went in. . . Mike was ahead of me. I was trying to broadcast radio to radio and we entered.

When reading through the entirety of Officer #69's account, it is apparent that he and Officer #104 operated as a team throughout the encounter, with Officer #104 taking the lead position (i.e., serving as the first officer to enter the building) and Officer #69 following close behind. Because Officer #104 took what Officer #69 referred to as "the point position," Officer #69 was the secondary officer. He and Officer #104 never conversed about who would broadcast the incident updates on the radio, but rather Officer #69 took it upon himself to complete this task.

Later in his interview, Officer #69 was asked by the interviewer whether, once they entered the community center, he had been essentially "playing off the lead" of Officer #104 during the incident. Officer #69 agreed that he viewed Officer #104 as the primary officer during the call, stating, "He was the point, yeah. I would use more of a military term. He's the point." Although he does not explicitly state the reason why he made the decision to take up the broadcasting duties during the information exchange phase, it appears that this decision was influenced by his partner's decision to take the lead position during entry and Officer #69's interpretation that he was the secondary officer and thus in charge of broadcasting information to other officers via the radio.

A similar example was found in Officer #92's account of his experience in Incident 69. This was the previously mentioned incident in which two officers responded

196

to a report of a man armed with a gun. Both officers eventually observed an individual who matched the description of the armed man. Officer #92, who was driving the squad car, pulled up near the man, put the spotlight in his direction, and issued commands to him to stop so they could speak with him. The suspect then took off on foot down the street and Officer #92's partner gave chase. He explained:

> [Officer #106] is in the passenger side and she, of course, knows we're going tactical, so she's like out of the car before I even hit park, you know? And so she, in my mind now, [Officer #106] and I worked together enough that. . .we were pretty in sync as far as our tactics go. . .and so I know at this point she's contact. She's running after the guy to make contact. I'm going to be cover. I'm her bodyguard. And so I get the car in park, come around the front of the car, and then I come up with my gun and chasing after the guy.

As Officer #92 explained, his perception of his job at this point is based on the behavior of (and decision made by) his partner, Officer #106. His partner chose to quickly jump out of the car and chase after the fleeing suspect on foot before Officer #92, the driver of their vehicle, could park the car. Because his partner left the car first, Officer #92 became the second officer in the pursuit by default, but his interpretation of this position then dictates his decision to draw his weapon at this point of the encounter. He stated above that because his partner is the contact officer (i.e., the officer who will make physical contact with the suspect and apprehend him), he is "her cover" and he is "her bodyguard." He believed it was his job as the secondary officer to protect her, therefore leading him to make the decision to draw his weapon as he exited the car and pursued the fleeing suspect on foot.

Another officer in the sample whose decisions during this phase were impacted by decisions made by a fellow officer on scene was Officer #118. He, along with another officer (Officer #117), was involved in Incident 88, the incident in which officers were

tasked with completing a welfare check at an apartment complex, only to be confronted by an armed, non-compliant man. Upon seeing that the man was armed, Officer #118 explained that both officers drew their weapons at this time, as this was "just a normal reaction" when dealing with an armed individual. Both officers began issuing commands to the individual to drop his weapon, but the man refused, instead yelling at officers to get out of his apartment. At this point, Officer #118 stated that the other officer used OC spray against the suspect, but was unsure why his partner officer did this, saying: "I don't know what made him decide to do this. . .I don't know. . .but he had taken his mace out and he discharged it at this guy."

According to Officer #118, as the suspect was attempting to wipe the spray from his eyes (and still armed with the knife), Officer #117 moved closer to the suspect with the intent to look at the suspect and assess how badly the spray had affected him and whether they would be able to apprehend him. The suspect then began moving forward toward Officer #117 and swinging his knife in the officer's direction. Officer #118, who had somehow ended up on the other side of the suspect, recognized that the armed man now posed a deadly threat to the other officer and, because of the minimal amount of space available for maneuvering in the small apartment, Officer #118 thought Officer #117 was going to have to make a decision, explaining:

> I took one step towards [the armed man] with the intention of grabbing him and it only took one step and I realized that [Officer #117] wasn't going to have a choice - he was going to have to shoot him because he didn't have the room and I didn't have the time to get to him before he got to [Officer #117]. So I immediately, and everything started going through my head really quick, I go, okay [Officer #117] is gonna shoot him and I'm down range of this bullet. I said, this bullet [is] gonna go through [the suspect] and from that point I don't know where it's gonna go because, I mean, if you've ever watched a bullet travel through a body, it doesn't go straight through.

198

Because of his placement behind the suspect and in the line of Officer #117's fire, Officer #118 was concerned that if Officer #117 was going to fire his weapon at the suspect – and he was very confident that he was – his partner's bullet could pass through the suspect's body and potentially strike him. Officer #118 explained that his partner officer was very close to the suspect (at "point blank range" in his words), so he felt there was a strong possibility that the suspect's body would not stop Officer #117's bullet, thus putting him in danger. To prepare for this possibility and working off of Officer #117's behavior, Officer #118 quickly moved positions, saying:

> I immediately start thinking what do I do, so I just, I just went to the right side wall and I just put myself face, in front of it, and I just held myself as close to that wall as I could because, and I got there just about the time the first shot went off.

In this instance, Officer #118 was working off of a decision he *believed* his fellow officer was about to make. These officers did not engage in communication with one another during this point, leaving each officer to make a different set of decisions. This, however, did not mean that their decision-making and subsequent behaviors were not intertwined. Based on the totality of circumstances, Officer #118 was confident that Officer #117 would make the decision to use deadly force and to fire shots at the armed man. Because he was concerned that this decision could have dire consequences for him, Officer #118 made the quick decision to move out of the officer's line of fire and behind a nearby wall to protect himself from ricocheting police gunfire. During his interview, Officer #118 attributes much of what happened to Officer #117's decision to use OC spray against the suspect, stating:

> I think the biggest mistake that happened that day, is probably one of your next questions, biggest mistake that happened that day was [Officer #117] deploying

the mace. . .that gave [the suspect] no other choice but to attack. If he had not been. . .if the mace had not been deployed, I still think we could have talked this guy down.

Officer #118 believed that if his partner officer had not made the choice to use OC spray against the armed man, they could have diffused the situation and possibly coaxed the man to drop the knife without having to use deadly force. Instead, Officer #118 was forced to work off of the decision Officer #117 made, which dictated his movement within the apartment, toward the suspect, and eventually away from the suspect to avoid being struck by his partner's rounds. In sum, Officer #118's experience in this incident highlights how an officer's decisions can impact another officer's decisions and can limit the number of options available to all officers on scene.

SUMMARY

The incident-level analysis of the participating officers' interviews yielded important information as it pertains to Binder and Scharf's deadly force decision-making framework. The results suggest that the mere presence of and/or decisions made by officers have the potential to impact decisions made by other officers in the anticipation, entry, and information exchange phases of the encounter. Furthermore, when such instances occur in early phases of the incident, they can impact officers' decision-making and limit or increase the options available to them in subsequent phases.

First, officers can impact another officer's decision to become involved in an incident. If the request to respond to an incident is made by another officer whom the individual officer admires or knows on a personal level, he or she may be more likely to decide to become involved. In addition, an officer may not always have a choice

regarding whether to become involved in an incident. Aside from being assigned to a call by dispatchers, an officer may be directed to a specific incident by a superior. While it can be argued that there is some independent decision-making on the part of the officer to follow through with such orders, it is also logical to conclude that it is second nature for an officer to follow directions from a superior without challenge.

Second, officers can impact the decisions made by other officers through the use of communication. The results from the analysis revealed that officers in the sample communicated with one another throughout the anticipation, entry, and information exchange phases. Reasons for this communication included: providing other officers with updated information about the situation and/or the suspect involved, confirming their decisions with other officers, maintaining and/or preserving the safety of other officers, and drafting plans regarding how to best handle the incident at hand. These findings show that when other officers are present and involved in the same encounter, officers will utilize one another as a source of information and confirmation for their decision-making. Furthermore, these findings also highlight that officers can be just as concerned for the safety of another officer as they can be for their personal safety. Just as Binder and Scharf asserted that an officer's concern for his or her safety can impact his or her decision-making, an officer's concern for the safety of a fellow officer (or bystanders) can impact his or her decision-making as well.

Lastly, and perhaps most importantly, the results from the analysis demonstrated that officers' decision-making and behavior can inadvertently impact the decisions made by other officers on scene. In the entry phase, for example, officers were found to be mimicking the behaviors and decisions made by other officers involved in the same

201

incident, thus following the lead of other officers on scene. Furthermore, it was discovered that decisions and actions undertaken by an officer in the information exchange phase can impact (i.e., limit) the options available to other officers involved in the same incident. Both of these findings demonstrate that the decisions, behaviors, and actions of officers involved in the same incident can influence and shape the decisions made by other officers. Therefore, to provide scholars with a more comprehensive deadly force decision-making framework through which to assess how officers make decisions during an officer-involved shooting, Binder and Scharf's framework should be amended to accommodate the aforementioned findings from the multi-officer incident analysis.

CHAPTER SEVEN: DISCUSSION

This study was designed to contribute to what is known about police use of deadly force by empirically assessing Arnold Binder and Peter Scharf's more than three-decade old deadly force decision-making framework. Scharf and Binder (1983) developed their framework based on information developed through interviews of police officers who shot citizens and other officers who held fire in situations in which they arguably could have used deadly force. By analyzing a new sample of police officers across the United States who had been involved in police shootings – both shooters and officers who held fire - this study assessed the extent to which Binder and Scharf's decision-making framework accounts for how officers who make different choices about deadly force in the same incident come to make these choices.

The data used in this analysis also lent itself to a new assessment of police officer decision-making as it relates to the use of deadly force. Past studies designed to understand how an officer makes the decision to shoot or hold fire focused on police officers as individual actors and have primarily relied on data collected from incidents involving only a single officer. Many violent police-citizen encounters, however, involve multiple officers. Because previous work has largely viewed individual officers as isolated from their colleagues, little is known regarding how the presence and actions of other officers impact the decisions made by officers on scene related to officers' use of deadly force.

To assess the utility of the Binder and Scharf decision-making framework for violent police-citizen encounters in which multiple officers were involved, the author relied on qualitative data collected from interviews with 83 police officers from law

enforcement agencies across the U.S. These 83 officers were selected from the larger sample of 218 officers who were interviewed during a federally-funded study of officer-involved shootings because they a) were present at incidents in which at least two officers were present and b) at least one officer involved fired at least one shot and at least one officer held fire. By limiting the subsample used in this analysis to officers meeting these criteria, the author was able to answer the following questions: 1). Do the decision-making processes of officers who made different choices in the same incident follow the deadly force decision-making framework proposed by Binder and Scharf? 2). Given the same situation, do differences in how police officers move through the Binder and Scharf decision-making process account for why some officers shoot and some hold fire? 3). How does the presence of other officers affect the choices made by an individual officer during a deadly force incident?

This final chapter summarizes what the study found relating to these three questions and concludes the dissertation. After providing a brief review of key findings, the chapter offers some recommendations for policy and future research.

THE BINDER AND SCHARF FRAMEWORK: NOT NEW, BUT IMPROVED

Binder and Scharf originally conceptualized their deadly force decision-making model to provide a framework for understanding how police officers come to use deadly force. They argue that officers' decision-making in what they termed the "violent police-citizen encounter" can be classified into four different phases: the anticipation, the entry and initial contact, the information exchange, and the final frame. They argue that all officers who find themselves in such high-risk encounters make decisions in each of

these phases, with the exception of the information exchange phase (which they note not all officers enter into because at times, these types of incidents can unfold rather quickly, preventing officers from having time to make contact with the suspect). Perhaps most importantly, they make the argument that at a certain point in the encounter, an officer is going to make the decision that deadly force is necessary and, if so, he or she will shoot, or an officer is going to make the decision that deadly force is not necessary and, if so, he or she will refrain from shooting. Once an officer reaches this point, he or she has entered the final frame phase.

Each of Binder and Scharf's phases capture logical time points during high-risk incidents. For example, one would expect that when an officer is called to a scene, he or she will take the time to collect information about the situation and/or suspect he or she will be attending to prior to arriving at the location. It makes sense that, upon arrival, this officer would observe the scene, update his or her understanding of the situation at hand, and perhaps attempt to craft a plan to resolve the situation. This plan may require the officer to issue verbal commands to the suspect (e.g., "Drop your weapon," "Put your hands up," etc.). Finally, given the information the officer has paired with the suspect's level of compliance, he or she may make a decision regarding whether deadly force is necessary and whether he or she should exercise this power.

Thus, it makes sense that many of the 83 officers in the sample entered each phase and made at least one decision in each phase, just as Binder and Scharf asserted. For this to be a comprehensive framework through which to assess officers' deadly force decision-making, however, it must encompass as many potential situational outcomes as possible. More specifically, while Binder and Scharf acknowledge that not every officer

involved in this type of incident will enter the information exchange phase, they do make the assumption that all officers will enter the anticipation, entry, and final frame phases.[27] The findings from this study indicate that this is not the case. To incorporate some of the findings that emerged from this study but which are not recognized in Binder and Scharf's deadly force decision-making framework, an updated version of the framework including these new findings can be found below in Figure 3. A discussion of the new framework follows:

Figure 3: Updated Binder and Scharf Deadly Force Decision-Making Framework (with findings from this study incorporated)
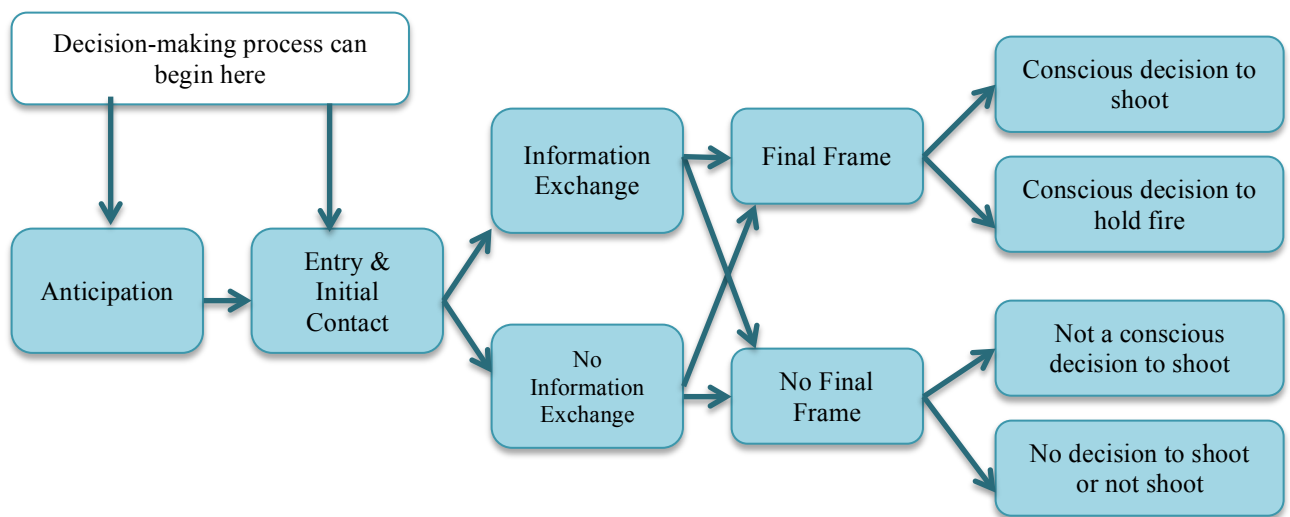
The current sample of cases included instances in which officers were already on the scene of the incident when the police-citizen contact in question was initiated (most often by the officer himself or herself). In such cases, these officers began their decision-

---

[27] It should be noted that Scharf and Binder (1982) did identify cases in which an officer does not make the conscious decision to fire his or her weapon during an incident is an exception to entering the final frame phase of the decision-making process.

making process in the entry phase. Although this was the case only with a small number of officers in the sample (n=5), these cases demonstrate that not all officers begin their decision-making process in high-risk police-citizen encounters in the anticipation phase. Therefore, the updated model above in Figure 3 accounts for instances in which officers *do* begin their incident in the anticipation phase, but also cases in which officers are on the location of the incident when they make the decision to initiate the encounter, thus starting the police-citizen contact and decision-making process in the entry phase.

The current analysis also highlighted liabilities relating to the information exchange phase. That is, not all officers issue verbal commands to suspects, thus forgoing the information exchange phase. Thirty (30) officers in the sample did not issue verbal commands because another officer involved in the incident had already initiated this type of exchange with the suspect. This finding demonstrates that when multiple officers are involved in a high-risk incident, not all officers will enter this phase, as it is often unnecessary (and discouraged) for all officers on scene to issue verbal commands to the citizen(s) involved.

Moreover, results from the study revealed that 16 officers did not make a decision to fire or make a decision to hold fire, but rather *never considered using deadly force* in their respective incidents. As making a decision is the premise for entering the final frame phase, these findings suggest that not every officer in high-risk police-citizen encounters enter the last of Binder and Scharf's phases. Binder and Scharf do recognize cases where an officer does not make a conscious decision to fire (i.e., their behavior is a reaction to the behavior/movement of the suspect), but as it stands now, their framework does not address cases in which an officer does not make a decision about the use of

deadly force and holds fire. For example, there were instances in which officers in the sample never considered whether to use deadly force because their attention was directed elsewhere on scene (e.g., scene organization/management, attending to a wounded officer). Therefore, this finding thus discloses another weakness in the Binder and Scharf framework. The adjusted deadly force decision-making framework depicted in Figure 3 above accommodates for these various findings in the final frame phase by providing additional outcomes. That is, an officer can enter the final frame phase and make a conscious decision to fire or to hold fire, but he or she may also fail to enter the final frame phase by making an unconscious decision to fire or by forgoing the consideration of using deadly force altogether.

In addition to assessing whether officers in the sample entered and made decisions in each of the four phases proposed by Binder and Scharf, this study also examined whether officers who shot and officers who held fire made different decisions in early phases and, if so, whether this accounts for their different actions relating to the use of deadly force. Scharf and Binder (1983) hypothesized that the reason why some officers choose to shoot and others choose to hold fire when confronted with similar situations is due to significant differences in their decision-making throughout the encounter. That is, decisions made by an officer who ultimately chose to fire in the final frame must be markedly different from decisions made by an officer who ultimately chose to hold fire, thus explaining the difference in outcomes between the two cases.

The results from this study, however, suggest that officers, regardless of their decision during the final frame of the incident, make similar decisions and consider similar factors throughout the anticipation, entry, and information exchange phases of

encounters. Both shooters and witness officers used time during the anticipation phase to collect information about the situation and/or the suspect they would be facing prior to arriving on scene. Binder and Scharf identified a number of factors they believed impact officers' decision-making during this initial phase, such as mode of information and believed accuracy of information. Both shooters and witness officers in the sample explained how the source of the information (e.g., dispatcher, citizen, fellow officer) played into their decision-making and, at times, explained how from whom they received information corresponded to how accurate they perceived the information to be.

During the entry phase, and upon arrival at the scene of the incident, both shooters and witness officers in the sample continued to collect information about the situation and/or the suspect. A factor Binder and Scharf asserted to be particularly relevant to officers' decision-making in this phase was their personal safety. Both shooters and witness officers shared that their personal safety led them to make certain decisions at this point that minimized their likelihood of being seriously injured or killed by the suspect (e.g., crafting and utilizing safe, tactical approaches when moving toward the scene or suspect, drawing their firearm, etc.).

When officers entered the information exchange phase by making verbal contact with suspects, shooters and witness officers continued to engage in similar behaviors and make similar decisions. Both shooters and witness officers in the sample issued verbal commands to the suspect in their incidents and made similar interpretations of their suspect's physical demeanor and verbal communications; both too described how this influenced their view of the situation and their consideration of possible outcomes. Interestingly, both shooters and witness officers considered possible situational scenarios

209

in which they would choose to shoot if such conditions arose. This demonstrates that some witness officers considered the possibility of shooting, but ultimately chose not to fire shots.
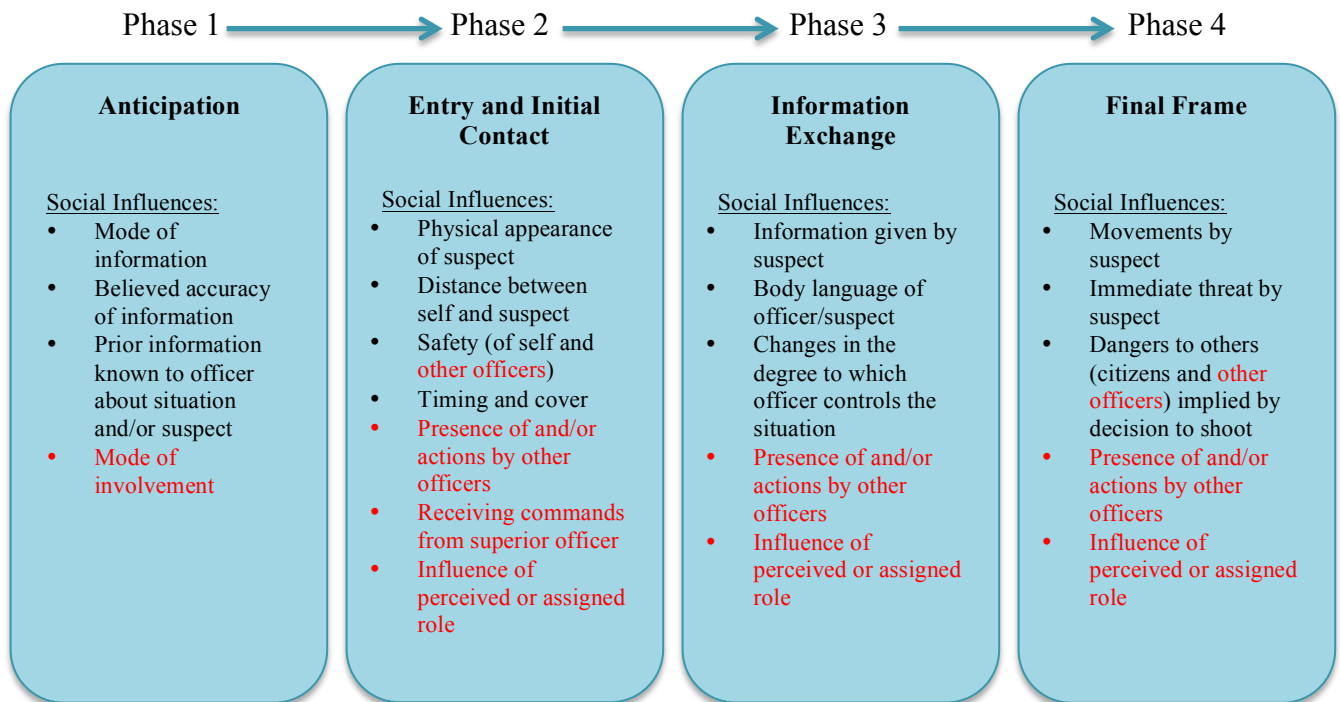
In sum, these results suggest that contrary to what Binder and Scharf hypothesized, officers who shoot and officers who hold fire make very similar decisions and consider many of the same factors when making decisions in the first three phases of the encounter. If the difference in officers' decision to use deadly force is not explained by a significant difference in their early decision-making, there must be other mechanisms at work. The findings from this study identify situational conditions and the presence and decisions made by other officers involved in the incident as potential explanations for the difference in decision-making in the final frame phase.

THE SOCIAL INFLUENCE OF OTHER OFFICERS

If a significant difference in officers' decision-making early in the encounter does not account for why some officers shoot and others hold fire, what *does* explain this difference? The results from this analysis suggest that the involvement of multiple officers in a single incident can have a strong impact on individual officers' decision-making, primarily when it comes to the decision to use deadly force. The presence of multiple officers may also explain why not every officer in the same incident had to make a decision regarding whether to use deadly force. Although Binder and Scharf were unable to consider the impact of other officers on officers' decision-making in their original model, the results from this analysis demonstrate that other officers *can* influence officers' decision-making and actions during a high-risk police-citizen encounter that

involves multiple officers. To outline how these findings can be incorporated into the Binder and Scharf framework, Figure 4 below depicts both the factors said to impact officers' decision-making in each of the four phases as identified in Binder and Scharf's original framework, as well as the new factors identified in this analysis. The discussion that follows will describe the additions to the framework as they pertain to each of the four phases:

Figure 4: Updated Binder and Scharf Deadly Force Decision-Making Framework (incorporating additional social influences from this study)

Phase 1 ⟶ Phase 2 ⟶ Phase 3 ⟶ Phase 4

Anticipation	**Entry and Initial Contact**	**Information Exchange**	**Final Frame**
Social Influences: • Mode of information • Believed accuracy of information • Prior information known to officer about situation and/or suspect • Mode of involvement	Social Influences: • Physical appearance of suspect • Distance between self and suspect • Safety (of self and other officers) • Timing and cover • Presence of and/or actions by other officers • Receiving commands from superior officer • Influence of perceived or assigned role	Social Influences: • Information given by suspect • Body language of officer/suspect • Changes in the degree to which officer controls the situation • Presence of and/or actions by other officers • Influence of perceived or assigned role	Social Influences: • Movements by suspect • Immediate threat by suspect • Dangers to others (citizens and other officers) implied by decision to shoot • Presence of and/or actions by other officers • Influence of perceived or assigned role

In the anticipation phase, results from this dissertation disclose that other officers can influence an individual officer's decision to become involved in the incident in the first place. If an officer is requested to assist on a call by an officer he or she has a personal relationship with, that officer may be more likely to choose to respond to the

incident. Furthermore, an officer may be directed to respond to a specific incident by a superior, leaving that officer relatively little choice in whether he or she attends to the call. As such, "mode of involvement" should be included as a possible factor influencing officers' decision-making during the anticipation phase of the high-risk police-citizen encounter.

Once officers arrived on scene and began the entry phase, they continued to utilize communication with one another to formulate plans, preserve their personal safety and the safety of other officers, and confirm their assessment of the situation and options to resolve it with other officers. These findings are important contributions to Binder and Scharf's framework, as the factors they identified as determining officers' behavior were rooted in a focus on officers as independent actors. For example, while Binder and Scharf argue that safety is a concern for an officer during the entry phase and explain how this concern may impact his or her decision-making at this point during the incident, they do not pay mind to how an officer's concern for the safety of *other officers* can affect their decision-making. The results of this study suggest that officers are just as concerned for the safety of their fellow officers as they are for their own safety.

Another interesting finding that arose from the current analysis was that officers' decisions and behaviors can be mimicked by other officers involved in the same incident and this behavior was observed in the entry, information exchange, and final frame phases of the encounters analyzed. For example, if one or multiple officers are approaching a scene in a certain way, other officers involved may mirror this same behavior. If one or more officers decide to address a situation in a certain manner, other officers – regardless of whether they agree – may be more likely to follow this behavior

because others are engaging in it. This suggests that other officers have the ability to influence the decisions and behaviors of other officers involved in the same incident perhaps without even knowing they are doing so.[28]

Furthermore, the presence and actions of officers involved in the same incident can directly impact the decisions and behaviors made by other officers during the final frame phase. This study disclosed that some officers made the decision to hold fire because another officer on scene had already fired shots and eliminated the threat posed by the suspect. In some cases, officers chose to hold fire because another officer was in his or her line of fire. Others reported that they never considered shooting because they were attending to other on-scene matters (e.g., scene management/organization, tending to an injured officer), but were arguably able to do so *because* other officers were there to address the threat posed by the suspect. As such, the presence of or actions by other officers can have a strong influence on how officers behave during high-risk encounters and should be recognized as factors that can influence officers' decision-making during the entry, information exchange, and final frame phases.

Lastly, results from the analysis suggest that an officers' perception of his or her role or an officers' assigned role during an incident can influence their decisions and actions throughout a high-risk police-citizen encounter involving multiple officers. In a few cases observed in the study, the presence of additional officers allowed for officers (e.g., shift supervisors, sergeants, and lieutenants) to focus their attention on other aspects of the event, such as scene organization and management, therefore eliminating their need to make a decision regarding the use of deadly force. In addition, an officer's

[28] More specifically, results from this study disclosed that officers who held a ranked position, had received some type of specialized training (e.g., SWAT training), and/or had more years on the job, were the officers whose behavior others were likely to mirror.

assignment during a high-risk police-citizen encounter may influence his or her actions throughout the encounter. The presence of multiple officers allows leaders to designate specific tasks to each officer with the goal of bringing the incident to a close and, as such, the use of deadly force by an individual officer may be more or less likely depending on that officer's assignment (e.g., lethal coverage, TASER deployment, crisis negotiator, etc.). Based on the results of the analysis then, "perceived or assigned roles" should be noted as factors influencing officers' decision-making during the entry, information exchange, and final frame phases.

CONCLUSIONS AND POLICY IMPLICATIONS

Police officers are provided with the authority to make decisions that can result in the death of another human being, yet we still know relatively little about how officers come to the decision to pull the trigger or hold fire. Using Binder and Scharf's deadly force decision-making framework to guide the analysis, the overall goal of this study was to produce findings that could, in some way, contribute to what is known about decision-making among officers involved in police shootings. The results from the analysis revealed new findings relative to Binder and Scharf's framework and what is known about officers' decision-making in encounters that involved multiple officers and which concluded in police gunfire. It is the hope of the author that these findings can inform understanding of deadly force decision-making and can be used to influence police officer training and future data collection efforts regarding police use of deadly force.

One of the major findings from this study is that an officer's decision-making process can be influenced (advertently or inadvertently) by other officers involved in the

214

same incident. Decisions made by officers on scene may expand or limit the options available to other officers or may cause officers to make decisions they would not have otherwise not made had they been the only officer involved in the incident. In addition, the presence of multiple officers can allow individual officers to adopt social roles during an incident that they arguably could not have otherwise held if they were the only officer present at the scene. The fifth chapter of the dissertation highlighted how some officers in the sample were able to attend to other issues during the incident (e.g., scene management/organization, tending to an injured officer) because they knew they had other officers present on scene who could attend to the suspect. These represent instances that are specific to multi-officer shootings, and because multi-officer shootings are a possibility, these findings should be represented in police training.

These findings can be incorporated into law enforcement training in a number of different ways. First, all officers should be reminded that officer-involved shootings may involve more than one officer. Because of this, officers should be cognizant of the fact that their behaviors and decisions during high-risk incidents can impact other officers who are involved. Instead of viewing this as an individual decision-making process that concludes in a single officer making a decision to fire or hold fire, officers should be trained to consider how their independent decision-making process could impact and influence other officers' decision-making processes as well.

It is possible that the belief that a potentially violent police-citizen contact will only involve a single officer is unintentionally perpetuated in department training. If officers are completing simulation and scenario-based training as individuals, this may inadvertently encourage officers to assume that should they find themselves in a high-risk

215

encounter, they will be the only officer involved. As this is not the case, police departments should use scenario-based training with multiple officers to expose them to the possibility that high-risk incidents can involve more than one law enforcement official. By requiring multiple officers to run through deadly force scenarios together, officers can learn how their decisions impact the decisions made by and options available to others and vice versa. This type of training exercise would give officers first-hand experience with group communication and decision-making, which is a skill that may benefit them should they find themselves in this type of incident with other officers.

Another way in which police departments can benefit from the findings of this study relates to how they conduct post-shooting interviews with officers involved in incidents wherein shots are fired by the police. It is common procedure across police departments to interview officers shortly after a police-citizen encounter in which they fired shots to collect facts about the incident from both officers who discharged their weapons and witness officers. This allows investigative officials from the police department to gather information about the incident from the officer's point of view to determine whether a reasonable officer would have made similar decisions given the circumstances. Investigators do not, however, typically collect detailed information about each decision made by the officer throughout the incident, nor do they probe the officer about why he or she made the decisions they made during their deadly force encounter.

The level of change in post-shooting interview procedure would vary from department to department (depending on how they conduct this process), but such change can be accomplished and should be encouraged. To guide this proposed change in interview protocol, police departments could use the Binder and Scharf four-phase

216

framework to guide the questions they ask participating officers regarding the decisions they made throughout the incident in question. Appendix C presents some ideas about the topics to be covered by the interviewer. It should be noted that post-shooting investigators may already cover many of the topics covered in the proposed line of questioning. The purpose of the proposed interview guide, however, is to provide a template that serves as a starting point to obtaining more information about officers' decision-making during high-risk police-citizen encounters.

These alterations in the post-shooting interviews of police officers could provide police departments with information pertinent to understanding officers' decision-making during violent police-citizen encounters. This additional information could most certainly be used by police departments when crafting training opportunities for their officers. And, should departments be so inclined to share these data with scholars, this information could be collectively analyzed with the purpose of enhancing our understanding of the decision-making processes completed by officers in this type of rare incident.

In conclusion, to adequately inform deadly force training and policy, police officials and scholars need to have a more comprehensive understanding of how an officer makes the choice to discharge his or her weapon, makes the choice to hold fire, or makes no choice regarding the use of deadly force at all. The results from this study provided insight into police shootings that involved multiple officers in which participating officers made different decisions relating to their use of deadly force, but additional data and work are needed to continue to expand our knowledge and understanding of this type of rare, but life-threatening, police-citizen encounter. As scholars and police continue to pursue this avenue of research, we can work together to

ensure that law enforcement officials are equipped with sufficient decision-making skills, are cognizant of how their decisions can impact the decisions made by others, and how the decisions they make throughout critical incidents, such as high-risk police-citizen encounters, relate to the outcome of the incident. Understanding officers' decision-making processes can lead to training improvements, better prepared officers, and safer situational outcomes for law enforcement officials and citizens alike.

REFERENCES

Aamodt, Michael G. 2004. *Research in Law Enforcement Selection.* Boca Raton: Brown Walker Press.

Adams, Kenneth. 1999. What we know about police use of force. *Use of Force by Police: Overview of National and Local Data* (p. 1-14).

Alpert, Geoffrey P. 1989. Police use of deadly force: The Miami experience. In R. Dunham and G. Alpert (Eds.), *Critical Issues in Policing: Contemporary Readings* (p. 480-495). Prospect Heights, Illinois: Waveland Press.

Alpert, Geoffrey P., and Roger G. Dunham. 2004. *Understanding Police Use of Force: Officers, Suspects, and Reciprocity.* New York: Cambridge University Press.

Alpert, Geoffrey P., and Jeff Rojek. 2011. Frontline police officer assessments of risk and decision-making during encounters with offenders. Centre of Excellence in Policing and Security Briefing, pp. 1-6.

Banks, Duren, Lauren Couzens, Caroline Blanton, and Devon Cribb. 2015. Arrest-related deaths program assessment (Report #248543). Washington DC: National Institute of Justice.

Binder, Arnold, and Peter Scharf. 1980. The violent police-citizen encounter. *The Annals of the American Academy* 452:111-121.

Binder, Arnold, Peter Scharf, and Raymond Galvin. 1982. *Use of deadly force by police officers: Final report.* Washington, DC: National Institute of Justice.

Bittner, Egon. 1970. *The Functions of the Police in Modern Society.* Rockville: National Institute of Mental Health.

Blalock, Hubert. 1967. *Towards a Theory of Minority Group Relations.* New York: Capricorn Books.

Blumberg, Mark. 1983. *The Use of Firearms by Police Officers: The Impact of Individuals, Communities, and Race.* Dissertation, State University of New York.

Chamberlain, Kerry. 1999. Using grounded theory in health psychology. In M. Murray and K. Chamberlain (Eds.), *Qualitative Health Psychology: Theories and Methods.* Thousand Oaks, California: Sage Publications.

Charmaz, Kathy. 2006. *Constructing Grounded Theory: A Practical Guide Through Qualitative Analysis.* London: Sage Publications.

Corbin, Juliet, and Anselm Strauss. 1990. Grounded theory research: Procedures, canons and evaluative criteria. *Qualitative Sociology* 13:3-21.

Della Famina, Donna, Catherine A. Yaeger, and Dorothy Otnow Lewis. 1990. Child abuse: Adolescent records vs. child recall. *Child Abuse and Neglect* 14:227-231.

Dwyer, William O., Arthur C. Graesser, Patricia L. Hopkinson, and Michael B. Lupfer. 1990. Application of script theory to police officers use of deadly force. *Journal of Police Science and Administration* 17:295-301.

Fridell, Lorie A., and Arnold Binder. 1992. Police officer decision-making in potentially violent confrontations. *Journal of Criminal Justice* 20:385-399.

Federal Bureau of Investigation. 2014. Table 14. Justifiable homicide. Retrieved from: http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide/expanded_homicide_data_table_14_justifiable_homicide_by_weapon_law_enforcement_2009-2013.xls

Fyfe, James J. 1978. *Shots Fired: An Examination of New York City Police Firearms Discharges.* Dissertation, State University of New York at Albany.

Fyfe, James J. 1980. Administrative interventions on police shooting discretion: An empirical examination. *Journal of Criminal Justice* 7:309-323.

Fyfe, James J. 1981. Who shoots? A look at officer race and police shooting. *Journal of Police Science and Administration* 13:153-171.

Fyfe, James J. 1982a. Race and extreme police-citizen violence. In James J. Fyfe (Ed.), *Readings on Police Use of Deadly Force* (pp. 173-194). Washington DC: Police Foundation.

Fyfe, James J. 1982b. Blind justice: Police shootings in Memphis. *The Journal of Criminal Law & Criminology* 73:707-722.

Fyfe, James J. 1986. The split-second syndrome and other determinants of police violence. In *Violent Transactions*, eds. Anne Campbell and John Gibbs.

Fyfe, James J. 2002. Too many missing cases: Holes in our knowledge about police use of force. *Justice Research and Policy* 4:87-102.

Geller, William A. 1982. Deadly force: What we know. *Journal of Police Science and Administration* 10:151-177.

Geller, William A., and Kevin J. Karales. 1981. *Split-Second Decisions: Shootings of and by Chicago Police.* Chicago: Chicago Law Enforcement Study Group.

Geller, William A., and Michael S. Scott. 1992. *Deadly force: What we know; A Practitioner's Desk Reference on Police-Involved Shootings.* Washington DC: Police Executive Research Forum.

Goldkamp, John S. 1976. Minorities as victims of police shootings: Interpretations of racial disproportionality as police use of deadly force. *Justice System Journal* 2:169-183.

Hardt, Jochen, and Michael Rutter. 2004. Validity of adult retrospective reports of adverse childhood experiences: Review of the evidence. *Journal of Child Psychology & Psychiatry* 45:260-273.

Hayden, George A. 1981. Police discretion in the use of deadly force: An empirical study of Information usage in deadly force decision-making. *Journal of Police Science and Administration* 17:102- 107.

Jacobs, David., and Robert M. O'Brien. 1998. The determinants of deadly force: A structural analysis of police violence. *American Journal of Sociology* 103:837- 862.

Kania, Richard, and Wade C. Mackey. 1977. Police violence as a function of community characteristics. *Criminology* 15:27-48.

King, Daniel W., Lynda A. King, Darin J. Erikson, Mina T. Huang, Erica J. Sharkantsky, and Jessica Wolfe. 2000. Posttraumatic stress disorder and retrospectively stressor exposure: A longitudinal prediction model. *Journal of Abnormal Psychology* 109:624.

Klein, Gary A., Roberta Calderwood, and Donald MacGregor. 1989. Critical decision method for eliciting knowledge. *IEEE Transactions on Systems, Man, and Cybermetics* 19:462-472.

Klinger, David A. 1997. Negotiating order in police work: An ecological theory of police response to deviance. *Criminology* 35:277-306.

Klinger, David A. 2004. *Into the Kill Zone: A Cop's Eye View of Deadly Force*. San Francisco: Jossey-Bass Publishing.

Klinger, David A. 2005. *Social theory and the street cop: The case of deadly force.* Washington DC: The Police Foundation.

Klinger, David A. 2012. On the problems and promise of research on lethal police violence: A research note. *Homicide Studies* 16:78-96.

Klinger, David A., Richard Rosenfeld, Daniel Isom, and Michael Deckard. 2016. Race, crime, and the micro-ecology of deadly force. *Criminology & Public Policy* 15:193-222.

Krinsley, Karen E., James G. Gallagher, Frank W. Weathers, Catherine J. Kutter, and Danny G. Kaloupek. 2003. Consistency in retrospective reporting about exposure to traumatic events. *Journal of Traumatic Stress* 16:399-409.

Lee, Hoon, and Michael S. Vaughn. 2010. Organizational factors that contribute to police deadly force liability. *Journal of Criminal Justice* 38:193-206.

Loftin, Colin, Brian Weirsema, David McDowall, and Adam Dobrin. 2003. Underreporting of justifiable homicides committed by police officers in the United States. *American Journal of Public Health* 93:1117-1121.

Marshall, Martin N. 1996. Sampling for qualitative research. *Family Practice* 13:522-535.

Matulia, Kenneth J. 1985. *A Balance of Forces: Model Deadly Force Policies and Procedures.* Gaithersburg, Maryland: International Association of Chiefs of Police.

McElvain, James P., and Augustine J. Kposowa. 2008. Police officer characteristics and the likelihood of using deadly force. *Criminal Justice and Behavior* 35:505-521.

McManus, George P., John I. Griffin, William J. Wetteroth, Marvin Bowland, and Pauline T. Hines. 1970. *Police Training and Performance Study.* Washington DC: National Institute of Law Enforcement and Criminal Justice.

Meyer, Marshall W. 1980. Police shootings of minorities: The case of Los Angeles. *Annals of the American Academy of Political and Social Science* 452:98-110.

Milton, Catherine H., Jeanne Wahl Halleck, James Lardner, and Gary L. Albrecht. 1977. *Police Use of Deadly Force.* Washington DC: Police Foundation.

Mollica, Richard F., and Yael Caspi-Yavin. 1991. Measuring torture and torture related symptoms. *Psychological Assessment* 3:581-587.

Neuman, W. Lawrence. 2006. *Social Research Methods: Qualitative and Quantitative Approaches.* Boston, Massachusetts: Pearson Publishing.

Reiss, Albert J. 1980. Controlling police use of deadly force. *The Annals of the American Academy* 452:122-134.

Robin, Gerald D. 1963. Justifiable homicide by police officers. *The Journal of Criminal Law, Criminology, and Police Science* 54:225-231.

Robin, Gerald D. 1964. Police slayings of criminals. *Police* 8:32-35.

Rubenstein, Jonathan. 1973. *City Police.* New York: Ballantine Publishing.

Scharf, Peter, and Arnold Binder. 1983. *The Badge and the Bullet: Police Use of Deadly Force.* New York: Praeger Publishing.

Sherman, Lawrence W. 1982. Execution without trial: Police homicide and the Constitution. In James J. Fyfe (Ed.), *Readings on Police Use of Deadly Force* (pp. 12-41).Washington DC: Police Foundation.

Sherman, Lawrence W., and Robert H. Langworthy. 1979. Measuring homicide by police officers. *Journal of Criminal Law and Criminology* 70:546-560.

Shover, Neal. 2012. Life histories and autobiographies as ethnographic data. In D. Gadd, S. Karstedt, and S.F. Messner, (Eds.) *The Sage Handbook of Criminological Research Methods*. Thousand Oaks, California: Sage Publications.

Skolnick, Jerome H. 1966. *Justice Without Trial: Law Enforcement in a Democratic Society.* New York: Wiley & Sons Publishing.

Sorenson, Jonathan R., James W. Marquart, and Deon E. Brock. 1993. Factors related to killings of felons by police officers: A test of the community violence and conflict hypothesis. *Justice Quarterly* 10:417-440.

Strauss, Anselm L. 1989. *Qualitative Analysis for Social Scientists.* Cambridge, UK: Cambridge University Press.

Sullivan, Christopher J. 2011. The utility of the deviant case in the development of criminological theory. *Criminology* 49:905-920.

Waegel, William B. 1984. The use of lethal force by police: The effect of statutory change. *Crime & Delinquency* 30:121-146.

Walsh, William F. 1985. Patrol officer arrest rates: A study of the social organization of police work. *Justice Quarterly* 2:271-290.

White, Michael D. 2002. Identifying situational predictors of police shootings using multivariate analysis. *Policing: An International Journal of Police Strategies & Management* 25:726-251.