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DEADLY FORCE AS A DETERRENT TO FELONY CRIMES AGAINST
PROPERTY: AN ANALYSIS OF MICHIGAN POLICE OFFICER ATTITUDES
TOWARD STATUTORY LIMITATIONS ON THEIR USE OF DISCRETION

Michigan State University

Ph.D.

1980

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AGAINST PROPERTY: AN ANALYSIS OF MICHIGAN
POLICE OFFICER ATTITUDES TOWARD
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THEIR USE OF DISCRETION

By

Andrew Lamarr Rodez

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ABSTRACT

DEADLY FORCE AS A DETERRENT TO FELONY CRIMES AGAINST PROPERTY: AN ANALYSIS OF MICHIGAN POLICE OFFICER ATTITUDES TOWARD STATUTORY LIMITATIONS ON THEIR USE OF DISCRETION

By

Andrew Lamarr Rodez

The use of deadly force by the police against property crime offenders, who pose no threat to life or bodily injury, has caused concern to citizens and government leaders. Several cities and counties have had to seek additional tax revenues to pay off liability awards resulting from law suits. Other cities and counties have found it increasingly more difficult to obtain liability insurance at affordable rates.

Where the victims of police use of deadly force, for felony property crimes, have been juveniles or minority group citizens, the concern is serious. Police discretion as allowed under Michigan's common-law interpretation is perceived by many minority group citizens as unrestrained with regard to an officer's use of deadly force. In addition to these concerns, there is no evidence that deadly force has had a deterrent effect upon felony property crimes.

There are arguments that to limit police discretion in the use of deadly force against felony property crime offenses, would endanger the lives of the officers and impair effective public safety responsibilities. It is not known what the police officers themselves feel about this matter.

The basic purpose of this study is centered around the following concerns: (1) Do police officers consider the felony property crime offender to be as dangerous as felony assault crime offenders? (2) Is deadly force a deterrent to felony property crimes? (3) Do police officers fear sanctions of civil or criminal liability for improper use of deadly force? (4) What effect do officers feel statutory limitations on their use of discretion in using deadly force have upon their role, public safety, and criminal conduct? Several hypotheses have been made to respond to these questions.

In order to investigate the purpose of the study, it was necessary to develop a questionnaire. We chose a Likert-Response type questionnaire.

A total of 1,282 police officers of all ranks and assignments were randomly surveyed. They represented sixty-eight (68) police departments, and forty-eight (48) sheriff's departments selected according to size, type and location.

Responses were coded by: (1) rank, (2) years of service, (3) age, (4) race, (5) education, (6) jurisdiction,

(7) size, (8) location, (9) type, (10) policy vs. no policy, (11) training, and (12) strictness of policy.

Data were analyzed according to the selection each respondent made to items in the questionnaire. Selections were evaluated according to the numerical value given to each response. Statistical analysis of the data was done by computing the population means and specific means of each item. In addition, the standard deviation was determined for these means within each category. These kinds of descriptive data were chosen to determine the attitudinal positions of our respondents to each item as they relate to our hypotheses.

The results are as follows:

1. Officers believe felony property crime offenders to be as dangerous as felony assault crime offenders.
 - a. Officers are undecided as to whether or not felony property crime offenders expect to be shot for failing to halt when ordered to do so by a police officer.
 - b. Officers are undecided as to whether or not most property crime offenders would halt when ordered to do so.
2. Officers are undecided as to whether or not deadly force is a deterrent to burglary but agree that it is a deterrent to other property crimes.
 - a. Officers agree that there should be no restraint upon the use of deadly force; it is the only

means of effecting an arrest of a felony property crime offender.

3. Officers are undecided as to the effect civil or criminal sanctions have on their discretion to use deadly force.

Officers agree that:

- a. an officer should be disciplined for allowing a felony property crime offender to escape without using deadly force,
 - b. the responsibility for any civil liability resulting from the improper use of deadly force is that of their respective governments,
 - c. there should be no sanctions against an officer who uses deadly force against a felony property crime offender,
 - d. officers found no need to limit police discretion in the use of deadly force beyond that implied in Michigan's common-law guidelines.
4. Officers agree that statutory limitations on police discretion is dangerous. They are undecided as to whether alternatives to the use of deadly force in an arrest situation of felony property crime offenders are practical.

ACKNOWLEDGMENTS

The completion of this research was made possible with the help of many friends and colleagues. Unfortunately, all of them cannot be named. The help they provided is greatly appreciated.

Appreciated most of all are those officers and their superiors who participated in the research. Many of these officers took time from their busy schedules to contribute to a project they considered important.

Gratitude is sincerely extended to my staff who served under me in the Benton Harbor Police Department; they offered encouragement and assistance.

To my former classmates (Dr.) Jack Greene, and (Dr.) Frank Horvath who never turned me down when their advice was sought. To Dr. Joseph Payton, for his time and thoughtful insight into the presentation of the research information. To Professor Louis Radelet, for his constant encouragement and understanding during some trying experiences that kept me on the job when things looked bleak.

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CHAPTER I

INTRODUCTION

Deadly Force--the use of firearms by a police officer to apprehend or to prevent the escape of a felon, has become a sensitive issue among citizens in many communities. Incidents of a police officer's use of deadly force has created political, moral and social ramifications that impact not only upon effective police operations, but often its creditability. With the expansion of modern communications and media exposure, incidents of officers having used deadly force against a criminal suspect under questionable circumstances has led to controversy between civilian authorities and citizens as to the legitimate exercise of police power.

When such incidents include suspects who have committed property crimes involving no life threatening circumstances, scrutiny and concern escalates over the use of deadly force by police officers.

For many years the police have generally enjoyed a "hands off" reaction by most citizens as to the validity of their having used sound judgment and discretion where they have had to use deadly force. Most of this reluctance

to question police judgment and discretion may have been the result of a societal interpretation as to the "role" of the police and its perception. It appears that prior to the human rights consciousness brought about by the civil rights movement of the 1960s, police were looked upon as protectors of the "status quo" an environment seldom enjoyed by many racial, ethnic and working class minorities. This peculiar role by the police, who were themselves frequently from the immigrant working class, traditionally, if not exclusively led the police into confrontation with the sensitivities of the human rights concern. Challenge and argument against the broad discretionary powers of common-law interpretation of police authority to use deadly force, would be a relevant theme of a changing society. In many communities the common-law would yield to statute in defining the circumstances under which police use of deadly force could be morally and legally combined.

During the early years of our nation the hardship endured by citizens to obtain the vital property needed to survive, made crimes committed to deprive one of this property serious and deserving of severe punishment or the death penalty. This feeling among early Americans initiated the common-law authority and interpretation of a law enforcement officer's use of deadly force in preventing such crimes and ensuring the apprehension of criminal suspects for crimes against a person's property.

Underlining this authority is the discretion given to an officer in determining when to and when not to use deadly force against a suspect. Just how effective this authority has been over the years we cannot say, but it has come under criticism since the early sixties on a broader national basis.

Many laws of our various states have consistently undergone change to insure individual justice through "due process of law" review of criminal charges. However, few states have modified the common-law interpretation of an individual police officer's discretion in the use of deadly force.

This situation exists primarily out of three rationales.

First, in order for due process to be invoked there must be an apprehension of the suspect. Often, the suspect flees when confronted by the police. The police have a legal and moral obligation to make the arrest to protect the public from possible future crimes by the suspect.

Secondly, police work is dangerous and any effort to reduce the police officer's confidence that he can, by use of his weapon, prevent or discourage crime would surely limit drastically those persons who might enter law enforcement as a career.

Third, all felons are inherently a menace to society and to deprive a citizen of his property threatens his personal well being.¹

These concerns no matter how disproven or proven by criminal justice researchers literally tosses the contemplation of legislative change, in broad provisions for the discretionary use of deadly force, into a quagmire of confounding socio-moral-political rationale that may never give way to the legitimacy of its separate concerns.

Some states, however, have seen fit to adopt legislation that clarifies those requirements whereby the justification of deadly force is acceptable. These states are divided into three groups, those that follow the common-law rule (which allows deadly force to be used against any felon), those that have adopted the Model Penal Code, which proposes that the use of deadly force be justifiable only where the police officer believes the crime involved the use or threatened use of deadly force, or that there is a risk the suspect will cause a death or serious bodily harm if he is not apprehended promptly, or those that have modified the rule to apply to only dangerous felons.²

There is no widespread criticism of the discretionary use of deadly force in today's crime-prevalent society, when the crime involves a felony suspect who has taken a life, threatened to take a life, or resorted to extreme bodily harm. In most police departments it is these precise standards that guide officers in their determination as to when deadly force can be used.

Contradictions over discretionary use of deadly force by the police between citizens who have experienced

incidents of questionable police use of deadly force and its use against criminal suspects who have committed crimes of theft, vandalism, and burglary do exist. Depending upon the political influence and strength of constituencies sharing a particular point of view about the police use of deadly force tends to reflect how states have reacted to this controversy.

Of the twenty-four states that have modified their penal code based upon the common-law rule, seventeen have chosen to preserve this rule for the use of deadly force against all felons who attempt to avoid arrest by fleeing. It can reasonably be assumed that in these states police officers are reinforced in their belief that the use of deadly force is both legally and morally accepted by the citizens of their states. In other states the question can be raised as to whether or not the all felons rule of the common-law interpretation is basically effective, moral and legally sound. The question is magnified when we must recognize that the issue of "right to due process of law" to determine guilt of a crime becomes remote when police officers react to property crime felony suspects with deadly force.

In spite of what the general public may think most police officers are not capable of merely wounding a suspect, particularly one that is fleeing from them.

Granting that the expectation of the general public is that a police officer is capable of bringing a felony

suspect before the courts, circumstances often do not make this possible. It must be recognized that most police officers may not relish using deadly force as an alternative to making an arrest when other less forcible alternatives fail. Precisely what the attitudes of the police are about this matter is not generally known. We are interested in determining such among officers in one state, Michigan.

The Problem

The reaction of some citizens to the use of deadly force by police officers, against felony suspects who have not posed a threat to life or bodily harm, has given rise to increasing public controversy and increased civil litigation for damages against the officer, his department and the governmental jurisdiction he works for.³ Several cities have found the procurement of liability insurance to be difficult if not impossible. Those cities, towns, counties or states that have been able to obtain liability insurance often face extremely high rate costs. Some jurisdictions have had to resort to the passing of special referendum tax assessments to pay off judgments.⁴ Some officers find themselves facing charges in violation of Act 1983 of the U.S. Codes, which places defense of charges that in their use of deadly force they violated the civil rights of the suspect, solely on their own.

An increasing disenchantment among minority groups, who often have borne the brunt of questionable deaths by the police of persons suspected of felony crimes against property, have found recourse in the courts to be less than favorable. These groups, in their protest, tend to paint an attitude of all police officers as being committed to using their discretionary authority to invoke deadly force as a means of suppression. Such reasoning is faulty to say the least. However, we do not know to what extent such attitudes prevail among the police. Understanding the paramilitary structure of the police service clues us to the fact that it is a very difficult task to have individual officers speak out in defense or agreement of such accusations. The irony of the police role is that while most citizens are aware of the inherent personal danger that an officer faces in his day-to-day duties, little sympathy is given to those officers or police departments who meet this danger out of circumstances that give rise to questions concerning their ability to carry out their duties with a minimum amount of force.

Within the police profession there exists no evidence of leaders who are indifferent to the impending ramifications of liability suits, poor community relations, or legal sanctions. As such the majority of today's police departments have within their regulations specific guidelines that demand that an officer exhaust all other alternatives to making an arrest before resorting to the use of

deadly force. What is contradictory to this management philosophy is that few departments and their leaders are willing to impose strict sanctions against those officers who violate these rules.⁵

Except for major and mid-sized police departments who have undergone policy change resulting from experiences in civil disturbances, or who have borne the costs from liability law suits, these regulations are generally loosely enforced.⁶ This situation tends to reinforce attitudes that deadly force is a necessary and viable means of effecting an arrest of a felon who has committed a crime against property and who flees. In the county of Berrien in lower southwest Michigan for example, the suspension of an officer who violated a department regulation that had been such for several years, for shooting at a fleeing burglary suspect, of a vacant home, brought sharp criticism from local political leadership, police unions, district court judges and businessmen. What was resented the most by these critics of the Chief of Police, was the publicity given to the fact that such a regulation existed. Fear of burglars becoming more promiscuous was the rationale. Crime statistics a year later proved this fear to be unjustified.

While the pros and cons of abandoning the broad discretionary authority of the police to use deadly force as set forth in the common-law rule is wrought with poignant arguments based upon social, moral, and political

values, the feelings of the police themselves have failed to be expressed. We do not know what the attitudes of police officers are about their personal guidelines in their use of deadly force. We do not know how the concern of possible civil and or criminal law charges, departmental disciplinary action, public chastisement, etc. effect discretion in an officer's use of deadly force. Is there a difference in the basis of discretion between assaultive and property crimes? Do police officers, particularly those in the line ranks, agree that there should be policy beyond the legal interpretation of the common-law? Should there be statutory revision and/or limitations on the common-law authority to exercise such authority, particularly against felony suspects who commit crimes against property? These and more questions are the basis of an obviously "quilted" response to the questions about the police responsibility in the exercising of discretion legitimately where deadly force is used.

Need for the Study

Current review of the literature does not reveal any specific research having been done concerning the attitudes of police officers about the use of deadly force, or about statutory limitations that govern its use. This situation is inconsistent with modern police management which aims at making the procedural patterns of operational

guidelines for all law enforcement officers and their agencies basically similar.⁷

Evidence of this intent is shown in the rapid growth of police managerial and operational training and education at leading colleges and universities. Law enforcement organizations such as the International Association of Chiefs of Police, The American Federation of Police Associations, The National Sheriffs Association, etc. all have placed high priority and emphasis upon standardizing the basic procedures of law enforcement. This is being done to provide citizens with a reasonable expectation as to what law enforcement officers will do in a given situation based upon the circumstances existing at the time. Therefore, it is not practical to legislate laws that will affect police procedures within a given state across the nation without having some understanding as to what influences such legislation will have on the police officers in the field, and their superiors who must judge the proficiency of their efforts.

With the probability of increased scrutiny of police conduct, by citizens and the courts, it is important that the police officer feels morally and psychologically comfortable with his plight. By evaluating attitudinal research in this area, hopefully it will provide policy makers, legislators, and critics with some insight into the practical works of the line police officer. In addition, more extensive research can be done to enable concerned

groups and individuals to see the value in making police conduct in the handling of felony suspects unilateral and not based upon public whim and sentiment, individual prejudices, or subjective discretion of an official or non-official posture.

Purpose of the Study

The purpose of the study is to determine what the attitudes of police officers in the state of Michigan are toward (1) the use of deadly force as a deterrent to felony property crimes, and (2) support or do not support statutory limitations on their use of discretion in using deadly force.

Research into this matter, of deadly force by the police, in previous studies and pending national studies, will focus upon the rationale of its legitimate use morally and legally. We are only concerned with the attitudes of police officers where there has been no creditable evaluations of this kind made.⁸

Limitations of the Study

1. The study is limited to certified police officers in the state of Michigan, excluding the upper peninsula.

2. No state police officers were surveyed, the reasoning being that these officers often are transferred to various districts at a time and they may not respond in relation to a specific set of values influenced by any

demographic or population type jurisdiction (urban, suburban--city, town, etc.).

3. The author had no control over the dispersion of the survey questionnaire and cannot ensure that dispersal followed the instructions given.

4. Although the value of determining racial make-up of respondents is recognized, there was no means by which a representative sample of racial minority group officers could be determined. Questionnaires were however, given to some jurisdictions known to have racial minorities on their departments.

5. The study was restricted to those departments having at least ten or more full-time officers.

6. Priority for soliciting participating departments was primarily based upon the acquaintances the author had with various chiefs and sheriffs. Other departments were selected and did participate.

Assumptions of the Study

Officers surveyed are assumed to have state certification. All departments are assumed to have at least ten officers or more.

It is further assumed that variables such as the degree of job-stress, management philosophy of the department executive, experience, number of officer-suspect confrontations and other job-related influences may affect attitudinal responses. It is further assumed that such is

the common plight of most police officers throughout the nation.

Reference of some officers about situations involving themselves or colleagues undoubtedly will reflect displeasure if those situations were perceived to have been improperly dealt with by their superiors.

Generally, we assume that individual concern about our subject tends to reflect a comraderie or fraternalistic attitude officers have about policy, policy-makers, critics and role perception. Consequently, we feel our sampling is representative of police officers in the state of Michigan.

Definition of Important Terms

The following list will interpret the meanings of terms that are used throughout the study:

1. Statutory limitations--those specific requirements or restrictions set forth in state law prescribing certain elements of conduct as violation of that law.
2. Felony assault crimes--battery, aggravated assault, forcible rape, armed robbery, and arson (where a life is threatened).
3. Felony property crimes--larceny (over \$150.00 in value) burglary, auto theft, vandalism (over \$150.00 in damages).
4. Internal investigation--an investigation conducted by order of a police department executive officer

upon complaint by a citizen against a police officer for unlawful or improper conduct.

5. All Felons Rule--the rule of the common-law that justifies discretionary use of firearms against any offender committing a felony.

6. General orders--the operational rules and regulations of a police department.

7. Police discretion--the lawful authority of a police officer to make a personal decision in effecting an arrest or in determining to use or not to use force or deadly force.

8. Community--referred to in this text as a city, county, township or any distinctive area within such (a neighborhood or ethnic or racial enclave).

9. Feedback--the return of a portion of the output of information or any process or system to the input (source).

Organization of the Remainder of the Study

Chapter II features a review of the literature. The review consists of primary source information (from copies of original papers and memorandums) and secondary source material. Literature is reviewed as to the concept of police role, the theory of deterrence, the concept of police discretion, a description of research on the victims and issues surrounding the police use of deadly force, and the issues relevant to civil liability problems resulting

from the police use of deadly force. This chapter is concluded by a summary of its information.

Chapter III presents the origin of the study and the hypotheses of the study. It relates the details that led to the author's determination to conduct this particular research study. Assumptions relative to each hypothesis are stated in this chapter.

Chapter IV describes the design of the study. In this part of the study report there is an explanation of the sampling plan, the sample population, the procedures followed in applying the plan, and the survey instrument (questionnaire). Included in this chapter is a description of the data processing equipment and the acknowledgment of the data processing unit. The chapter gives an explanation of the statistical strategy that is used to test the research hypotheses. The chapter is concluded by a summary.

Chapter V is the analysis of the data, inclusive of those tables and charts indicating the statistical evaluations set forth to accurately respond to the research questions and hypotheses.

Chapter VI is a summary of the study and discussion as to conclusions and recommendations.

Following the study report, in the appendices, are illustrations of:

- A. List of survey jurisdictions by region.
- B. Letter of Introduction to law enforcement executives (Chiefs and Sheriffs).

- C. Letter of transmittal to respondents.
- D. The Questionnaire.
- E. Map of regional divisions.
- F. Copy of Survey Pilot sample.

Footnotes

¹Letter from Fraternal Orders of Police Representatives dated September 20, 1977 to Benton Harbor, Michigan City Manager (see Appendix A).

²J. Paul Boutwell, "Use of Deadly Force to Arrest a Fleeing Felon--A Constitutional Challenge," F.B.I. Law Enforcement Bulletin (September 1977), pp. 1-18.

³Patrick O'Donnell, "Undercovered Cops: Police Find It Harder to Get Any Liability Policies," The Wall Street Journal (November 1977), pp. 1 & 17.

⁴Lee Libby, "Police Malpractice Suits Skyrocket," Police Times (May 1978), p. 6.

⁵Catherine Milton et al., Police Use of Deadly Force (Washington, D.C.: The Police Foundation, 1970), p. 81.

⁶Ibid., p. 81.

⁷Fred A. Williaman (ed.), Guidelines for Discretion: Five Models for Local Enforcement Agencies (Madison, Wisconsin: Institute of Governmental Affairs, 1970), p. ii.

⁸U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Criminal Justice Research Solicitation: Use of Deadly Force by Police Officers (Washington, D.C., 1978), p. 1.

CHAPTER II

REVIEW OF THE LITERATURE

Problems surrounding the police use of deadly force are historically tied to the Common law interpretation of a police officer's authority to use force. Common law, adopted from the British system of government, accepted the killing of a criminal suspect as a lawful punitive action where the punishment for the crime committed would be death upon conviction.¹ Philosophically, the killing of a criminal who had committed a felony crime against a man's property (a crime punishable by death) in the process of capture was merely a forfeiture of his life he deserved upon committing the crime. Boutwell found that although many crimes against property have been increased to felony offenses, the courts fail to sanction the death penalty upon conviction.²

One instance of the effect of the Common law rationale of deadly force being used against a felon is the crime of shoplifting (theft) of an item over one hundred and fifty dollars in value. This crime would be a felony charge of grand theft. A suspect convicted of this crime is not likely to get the death penalty, even as a

habitual offender. However, if a police officer were to shoot and kill this same suspect as he fled to avoid arrest, in some states supporting the Common law rationale, it is unlikely that the police officer would be found to have acted improperly or unlawful.

Arguments surrounding an officer's discretion in using deadly force against a property crime offender, bears both a legal-rationale and a moral-rationale. The first being that to bring such a criminal suspect to trial, he must first be apprehended. Here many of the advocates of an officer's use of deadly force balance unevenly toward the concern for lawful police responsibility. The latter finds it difficult to justify such force being used for a crime that carries no equivalent legal sanction upon conviction. This rationale favors the concern for moral right. There is serious doubt that the police officer's plight can be comfortably situated precisely in the middle of both rationales, giving cause as to why practices differ.

Often the determination of an officer's justification for using deadly force is not determined until after the act. DeRoma, in analyzing the matter of justifiable use of deadly force, indicates that an officer's "reasonable grounds to believe" he acted properly is left up to the courts, which may eventually lead to his vindication or his repudiation in using sound discretion and judgment.³

Courts usually do not like to second-guess the police officer's discretion. The often dangerous and vague

circumstances an officer must confront in the carrying out of his duties, courts have decided, makes it a dangerous practice. Certain acceptance of the police officer's risk to his own personal safety and that of others has historically made the matter of limiting or restricting discretion in the use of deadly force unpopular. There have been some courts that have attempted to influence an officer's discretion by setting precedence in their legal decisions determining the legitimacy of a particular officer's actions when deadly force has been used.

Moreland refers to the case of *Petrie vs. Cartwright*, 114 Ky. 103.70, S.W. (1902) where the court found it reasonable to make an arrest of a felon when it is believed (by the Officer) that the suspect committed the crime, but found it unreasonable to kill him because it appeared reasonably necessary to effect the arrest.⁴

In the state of Texas, it is justifiable to kill a felony suspect in the crime of theft if it occurs at night, a similarity to the laws of ancient Rome and Greece.⁵ In Alaska, the Common law is taken in its original context and allows the use of deadly force against an escaping misdemeanor and a (any) fleeing felony suspect.⁶

Zittler cites a court decision that did not justify a killing by a police officer of a misdemeanor simply because the crime he had committed was recognized as a felony under Common law.⁷ The American Law Institute found

no case in criminal law that actually sanctions the use of deadly force merely to effect an arrest.

Sherman states that the police use of deadly force generally extends to only six situations under the Common law:

. . . self-defense, prevention of the commission of a crime, recapture of an escapee from a penal institution or⁸ arrest, stopping a riot, and effecting a felony arrest.

The arrest situation is where most of the problems surrounding deadly force exists.

Mansur, reviewing the use of deadly force against misdemeanants, could find no American court that accepted the use of deadly force to prevent a crime unless no other reasonable method of prevention exists.⁹ This supports some beliefs that the only rationale a police officer may use to defend his discretionary judgment to use deadly force is when there exists the threat of severe bodily injury or loss of life. Some states differ in the restrictiveness of this rationale and its legal practicality relative to the police role.

Keller indicates that twenty-four states have legislatively adopted the Common law interpretation regarding a police officer's use of deadly force. Seven states have adopted the Model Penal Code.¹⁰

The Model Penal Code proposes that the use of deadly force is justified when:

. . . the arresting officer believes (1) that the crime for which the arrest is made involved conduct including the use or threaten use of deadly force, or (2) there is substantial risk that the person to be arrested will cause death or serious injury if his apprehension is delayed.¹¹

Intrinsic to the question of a police officer's use of deadly force are the issues of public safety and security, and the officer's apprehension of his own safety and his duty. The matter of the Common law justification of the use of deadly force has been supported and denied in the courts as previously noted. In *People vs. Eatman* 405 Illinois 491, 91 N. E. 2d 38 (1950), *Brown vs. People*, 39 Illinois 407 (1866) and *State vs. Connally*, 3 Oregon 691 (1896) there was disagreement with the argument that in the strict sense of the law there is no independent right at Common law to use deadly force in the defense of property. Yet, *McNall vs. U. S. F.* 2d 848 (6th Cir. 1941) the court agreed that the use of deadly force to protect property is not proper as it does not meet the requirements of the "felony-murder rule" of the Common law. Under this rule, deadly force can only be justified where the loss of life is imminent.¹²

Before looking at the research reviewing police use of deadly force, we will look at the concepts of discretion, deterrence and role as they influence police attitudes. These conceptual frameworks often reflect the values an officer responds to in determining when and when not to use deadly force. In addition, the importance of role is that

it differs in various states, communities, and areas. Essentially, our research will reflect upon role of the police in Michigan, hopefully indicating why there may be differences about the use of deadly force particularly against property crime felons.

Police Role and Police Attitudes

A police officer's role is characterized by those components found in basic role theory. These are a set of plausible assumptions offered to explain the function or position of a particular occupation or task. Role theory is based upon the interaction of people with one another.¹³ It emphasizes the conditions under which social factors will be more influential. Role theory is a part of social psychology which is concerned with man's interacting in a social setting.

When we study the role of police officers, we must be continually aware of the psychological characteristics they show as men first and as men who have been socially oriented into a function as control agents for the constituencies they represent. Police role reflects both personal and environmental influences and values of these constituencies.

This representation has both micro and macro characteristics--micro-characteristics being those influences, values, and beliefs representing their immediate group setting (family, neighborhood, racial or ethnical

membership, etc.); macro-characteristics being those influences, values and beliefs about police officers in a broader, more national setting. Both kinds of characteristics bear upon the individual officer's perception as to what his role is or should be.

In determining what his role should be, Sterling indicates that police officers adopt a "theatrical model" of role theory, which suggests their awareness that they are performing an occupational role.¹⁴ The theatrical model postulates that an officer must learn the basics of acting like a police officer through his walk, talk and gestures. Further, an officer must function within the geographical setting and time dimension where he works. An officer must do and say the things that are expected of him within the culture he finds himself. He reacts to verbal and nonverbal cues both obvious and subtle. He must remember his conduct is constantly being scrutinized and observed by others. His acceptance of his police role restricts the influence of his own personality. How he performs is based upon his ability to learn how to be a police officer. He may eventually play other roles which may conflict with his role as a police officer. No role stands in isolation. Each carries with it particular rights and responsibilities which are recognized by the "role reciprocals," those persons who he interacts with in his role relationship.¹⁵

What then are some of the characteristics indicative of the police role? Black identifies the police recruit as being enthusiastic, proud and dedicated to his new job.¹⁶ Trajanowicz cites a statement by a Chicago psychiatrist, Clifton Rhead, who says that "a policeman needs distinct traits . . . a tendency to be suspicious, act fast, take risks, be aggressive and obey authority."¹⁷ Rubenstein comments that "a good Cop . . . must be willing to risk injury and pain rather than accept defeat."¹⁸ Reiss states that police officers "must be prepared to deal with varying numbers of people . . . in different social settings."¹⁹ They must not only be prepared to deal with the actors (of criminal behavior) but the audience (the observers and victims of criminal behavior). Police work demands that a policeman have allegiance to his department. This common membership generates a "culture of policing that affects police standards of law enforcement and justice as well as their conduct at work."²⁰

A person entering law enforcement undergoes a thorough socialization process which develops his expectations about the behavior and qualities of various groups of citizens. He categorizes them and develops behavior expectations about each of them.²¹ As he proceeds through his career, his role perception will continually reshape itself based upon the experience he partakes in, each law that affects his way of carrying out his duties, each unique individual who he confronts, and each reaction to the

quality and character of his work. He will continue to perceive certain traits and characteristics as being unique to certain individuals and groups. These too will determine how he reacts to them within the context of his duties.²²

Chang and others have determined that police officers generally have a low esteem about their roles.²³ Much of this attitude prevails because they feel that too much has been made of the controversy surrounding their use of force and in particular their use of deadly force. After experiencing the difficulties of effecting public safety with an attitude of less provocative authority, the police are confused as to how the courts can continue to absorb themselves with the legitimacy of their role in their use of deadly force while offering few alternatives that will guarantee effectiveness toward the reciprocals of their actions. That effectiveness is deterrent from future unlawful conduct.

Deterrence, Authority and Police Attitudes

The goals of the criminal justice system are to control crime and to prevent criminal behavior. Both goals are rooted in the authority and deterrent effect that the police exercise in carrying out their duties and responsibilities.

Deterrence is essentially preventing citizens from breaking the law and preventing previously arrested and convicted offenders from committing further crime.

Cole, in his analysis of the American System of Criminal Justice however, found that criminal sanctions such as the fear of imprisonment or the paying of fines, have not deterred first offenders from criminal behavior, nor have they deterred prior offenders from committing additional crimes.²⁴ This failure of the criminal justice system is a continuing experience most police officers witness daily.

Basic philosophy about the concept of deterrence is, punishment if rendered swiftly and assuredly will deter future criminal conduct. Simply putting the suffering of pain for committing a violation of the law will prevent the person suffering the pain from committing the act again. It theoretically has some effect upon those who have knowledge of the penalty of pain likely to be imposed as though they were offenders also.

Ezorsky refers to the theory of deterrence as having both utilitarian purpose and retributive purpose.²⁵ Utilitarian purpose values punishment or pain as preventive pre-judgment measures, which if commonly known, reduce the commission of criminal behavior. Under this belief, a police officer who presents a tough, no nonsense attitude, and acts with punitive sanctions against those he suspects may commit a crime, is morally proper and acting within his authority. This reasoning causes many persons to be the victims of "street justice" without having actually committed any crime. A utilitarian philosophy about deterrence

presupposes that the audience are all rational persons who willingly adhere to this message.

A police officer, who threatens force or uses force unnecessarily as a punitive effort to deter future criminal conduct, is commonly determined to have acted unlawfully and immorally. In addition, he has expanded his lawful authority to disregard the right to due process. Although there are situations where an officer's judgment to act with the use of force or deadly force promptly is legitimate, such situations are expected to be exceptions and not common rules of procedure.

The retributive purpose of deterrence is concerned with inflicting punishment for committing the crime and nothing more. Retributivists feel that the pain inflicted on the offender will deter him from future criminal conduct, thereby reducing crime in the community. Critics of the retributivists find this philosophy advocates vengeance for vengeance sake.

Neither philosophy appears to be effective in preventing serious crime and only serves to confuse the general public as to what action they can expect from the police who may or may not accept the reasoning of either.

Radzinowicz and King identifies these same philosophies of deterrence as individual (retributive) and general (utilitarian) deterrence.²⁶ They project that to deter is to discourage by terror. Subsequently, they identify what

they refer to as "diluting" aspects of applying these concepts of deterrence.²⁷

These aspects are, the reluctance to deal with first offenders in the same manner as repeat offenders, and the consideration often given to the need and character of the offender. When these aspects are evaluated they make the exercise of punitive action based upon individual or general deterrence less functional and effective.

Police authority to deter criminal conduct is broad. To fail to take deterrent action in some situations may bring civil or criminal sanctions against the officer. In spite of these probabilities an officer is expected to be able to measure the effectiveness and legitimacy of any action he may take. Upon doing so he must be sure that his action was morally proper no matter how lawful it may have been determined to be. Too often these objectives are reversed in the proprieties set by the officer himself or his organization.

In considering the use of deadly force within the philosophies of individual and general deterrence, it often occurs that the effect of such police action fails significantly to reduce crime or contribute to citizens' respect or admiration for the police.²⁸

One aspect of deterrence that does appear to have an effect upon crime is the certainty of a speedy trial and sentencing upon conviction. Criminals, obviously having less fear of physical punishment in such situations,

undoubtedly react from the probability that those variables that often hamper delayed prosecution of their cases do not exist when they are summarily brought to trial and sentenced.

In many cases the support of the use of force and deadly force by police officers to deter crime is the result of their training and peer ideology.²⁹ Authority to many police officers means very little to a criminal unless it can be backed up by an expectation of force for failing to adequately respond to an officer's orders or commands. While this thinking is supported by law and policy, many officers seek to apply it to situations that do not justify such action. If this thinking proliferates within a police department with no reasonable scrutiny, it often results in a common application of unjustified conduct.

It is within the context of discretion where much of an officer's rationale for the use of deadly force is legitimized.

Discretion and Police Attitudes

Discretion . . . the authority to act in certain conditions or situations in accordance with an official's own considered judgment and conscience.³⁰

Police discretion is but one level of discretionary authority within the criminal justice system. However, it is the basic level and perhaps the most controversial. Often the discretion of the line duty police officer determines who will and who will not enter the criminal justice

system. The police officer is generally expected to determine whether a suspect to unlawful conduct will appear before a court for judgment and eventual sentencing if found guilty. This decision represents the use of that officer's discretionary authority--an authority unwritten in law and often missing in the policies of many law enforcement agencies.

Police discretion obtains its credibility from the fact that laws, no matter how good, do not always suit the circumstance or situation a police officer finds himself in, in his effort to restore order or resolve complaints and problems brought to his attention. Although police administrators and politicians speak of full enforcement of the law, there exists no such deed performed by the police departments of our nation. Laws, like many other useful elements of society, become outmoded or impractical in settling matters of criminality today. Changes in human values, moral and ethical standards of behavior have made full enforcement of some laws inappropriate.

If discretion were to be abandoned by the police, neither the courts, corrections, institutions, or the administrative functions of the police could manage the steady flow of criminal suspects toward the guarantee of due process of law. Full law enforcement also rejects society's expectation that each criminal suspect will be evaluated on the merits of his own social and personal characteristics.³¹

Freund supports police discretion because it allows for the determination in a case on the basis of consideration not entirely susceptible to proof or disproof.³²

A police officer's use of discretion provides him with a tool that renders punitive action or mercy without due process of law. In some situations this is accepted because it carries no immediate discomfort to the persons or person involved. In other situations, as when deadly force is applied, it becomes controversial and suspect regarding the officer's competency to do his job more humanely unless this kind of force was necessary to save a life or to prevent severe bodily injury.

When an officer exercises discretion, it is believed that he is influenced by several factors. Some of these are his cultural background, his ethnic or racial perceptions about the seriousness of crime, and the criminal and the imprint of his peer group values upon his psychological well-being. These influences lead to many diversified reactions to criminal behavior by officers, thereby confusing the perceptions many citizens have about police reaction to crime and criminal suspects even when the crimes may be similar in character and circumstance.

The National Advisory Commission on Criminal Justice Standards and Goals finds police discretion to be,

paradoxical, flouting legal commands yet necessary because of limited police resources, the ambiguity and breadth of criminal statutes, formal expectations of legislatures and the conflicting demands of the public.³³

The commission contends that police officers lack the time, training, and motivation to put every law to critical judicial analysis before establishing order. The concept of police discretion carries with it the burden of obtaining public consent--a task often challenged in issues involving the use of deadly force.

Police officers believe that the exercise of discretion is for a social good. Many recognize that discretion must be flexible, yet fair. They also realize that it may not always be approved by their superiors or the majority of their constituencies, yet many act with the propriety that they know best and what is best for themselves and their community.

For the police, discretion is a "common-ground" between nonenforcement and full enforcement, a position generally more defensible.³⁴ Radelet sees this as a good posture because it eliminates the attempt to find a law that covers every situation, and might prevent what he calls "an invitation to Armageddon."³⁵

Some police officials will deny the frequency and practicality of an officer's use of discretion but accept it as a "sine quo non" of the job.³⁶ Subsequently, it is approved but not found in written policy or it is a subject of current police training in most departments.

Radelet found the exercise of police discretion to depend upon several variables. Three which he feels are most important are: (1) the character and disposition of

the community; (2) policy and patterns of supervision in the department; and (3) the officer's assessment of gains or losses he can expect from the suspect, the community and himself.³⁷

In spite of what may appear to be skepticism on the part of police officials, community leaders, and legislators about police authority primarily based upon individual judgment without training or guidelines, the courts have supported their reluctance to infringe so widely on such authority. Judges realize that the officer in the field is met with entirely different circumstances than those he faces in passing judgment on an officer's action in court. This feeling is frequently supported in cases involving an officer's questionable use of deadly force. Subsequently critics of suspected cases of unlawful use of deadly force, have sought satisfaction and remedies in civil litigation or within the protections of the U.S. Codes on civil rights. As a result the matter of police discretion has become wrought with social, moral and economic sanctions that many police officials and lawmakers feel tend to jeopardize proficiency.

Victims and Issues: Police Use of Deadly Force

Statistics from the National Center for Health Statistics (NCHS) reveal that between the years 1968 and 1964, 3,082 citizens died as a result of "legal intervention."³⁸ Most of these deaths were caused by police officer shootings.

Fifty-one percent were nonwhite. Three-hundred-forty-two citizens, on an average, were killed each year. This was a significant increase over the years 1960 to 1967 and 1950 to 1959 where the average of such deaths were 261 and 240, respectively.³⁹

Robin, studying citizens killed by police, looked at race, and sex data. He found that 49 percent were blacks, and 96 percent were males. He also found the occupational risks of law enforcement officers to be exaggerated, with miners, farmers, construction workers, and transportation workers having a higher fatality rate per 100,000 workers.⁴⁰

Takagi, in his review of F.B.I. data on the number of police officers killed, found the increase from 55 in 1960 to 125 in 1971 to be the result of: (1) more police officers on duty, and (2) more agencies reporting such data.⁴¹ He also concluded that while white and black rates of homicide by the police increased, black citizens remained at least nine times higher. Arrest rates, according to Takagi, do not explain the disproportionate number of deaths for blacks. Blacks accounted for 28 percent of the arrests in 1969 but 51 percent of the deaths by police officers. They (blacks) only constituted 36 percent of the violent felony offenses during 1969 and only 30 percent in 1964. Young and old black men were killed at a rate of 15 percent to 30 times greater than whites during these years. Takagi strongly feels that racism is a major cause of these police killings.⁴²

Harring et al. updating Takagi's data found that deaths by the police through legal intervention increased for white and black males from 1969 to 1972.⁴³ He found police deaths to continue to be significantly less (25 per 100,000) than white and black males (0.2 per 100,000) during these years.

Kobler, using the threat of death or severe injury to a person as criteria for his study to determine justifiability for police caused homicides, found that between 1960 through 1970, of 1,500 incidents, two-fifths of the killings were justifiable, one-fifth questionable, and two-fifths unjustifiable.⁴⁴ Kobler in another study reviewing the facts and figures on police killings of civilians between 1965 and 1969, presented several relevant findings. Data on time and day and month of police officers deaths and civilian deaths are similar. Most police officers were killed in urban areas. Minority group members killed 57 percent of the police officers killed, and were 57 percent of those killed by the police. In smaller suburban (urban) cities of 50,000 or less, whites were the predominant victims and assailants (57 percent). Whites and blacks were the predominant victims in all areas studied, 43 percent and 42 percent respectively. Civilians who killed police officers were older than those killed by the police (mean age of 31 and 27 respectively). Thirty-percent of the civilians killed were engaged in noncriminal activity, 27 percent were involved in property crimes, and 20 percent in

dangerous felonies. Thirty percent or more of the cases involving police deaths initiated from misdemeanor complaints. One-half of the civilians who were killed attacked the police officer, and one-fourth were killed fleeing from the police. One-fourth had no weapon; one-half had a gun. Eighty-nine percent of the police officers who killed civilians were white and 7 percent were black; Hispanics, 3 percent. Most of the officers who were killed had between one and five years experience and were in duty assigned to patrol. Seventy percent of the officers claimed they saw or suspected a felony; one-quarter saw or suspected a misdemeanor. Most officers claimed self-defense and more than 25 percent shot to prevent the escape of a known or suspected felon. Twenty-five percent shot and killed their victims striking their back, and one-third striking them in the head. There were witnesses in 95 percent of the cases but only 20 percent were innocent bystanders and not police officers or their companions.⁴⁵

Pierson, in his report to the National Minority Advisory Council on Criminal Justice, found that black victims of police shooting deaths remained constant through the 1950s and into the 1970s at 45 percent, not including Hispanics who were classified as whites in most data. He, like others (Takagi, Fyfe) does not find arrest rates valid in attempting to explain disproportionate members of minority groups being killed by the police. A comparison of civilian

death rates should be made against conviction rates and racial statistics.⁴⁶

Supporting Takagi's position that there are different circumstances surrounding police officer deaths and civilian (police opponent) deaths, Pierson believes this difference to be the result of the public's attitude that the police officer is always doing his duty. Whether this is true, according to Pierson, we may never be able to determine because of the legal maneuvering that prosecutors often take to prevent a public disclosure of the facts and evidence in these cases. Some of these tactics, having a hearing before a Grand Jury (where such information is secret) or using the decision of a Coroner's Jury to determine whether death was justifiable or not, allows for the prosecutor to avoid the trying of a police shooting which is controversial.⁴⁷

Milton et al. in their study of several large city police departments, determined that there are a number of factors that appear to influence questionable use of deadly force by the police. They found that the policy and review procedures concerning police use of deadly force were often vague and loosely enforced. Police union opposition to firearms policies was frequently intense and effective. Depending on the particular city and area in the city, rates differed. Discipline for questionable conduct by the police in shooting incidents generally involved a reprimand, verbally or in writing. Depending upon existing policy and

law, shooting deaths by the police varied. Civilian review boards do not appear to be any more effective in fairly resolving questionable police shootings controversy. Blacks and other minorities exceed their proportion in a given city's overall population. Considerably more off-duty, plain-clothed officers are involved in police shootings. Milton further concluded that blacks are proportionately more victims of police shootings because they are involved in more criminal acts.⁴⁸ Takagi found serious discrepancy with this kind of reasoning and the research of Milton's work in general. He argues, that by their own acknowledgment, the sample size did not allow for statistically significant conclusions. Further, he argues, the report "minimized the significance of nonstatistical data and fails to investigate the concrete circumstances of police killings."⁴⁹ Takagi found that the Milton research fosters a rationale that blacks are killed more often because they have higher arrests. This fact is also disputed by Pierson and Fyfe.

Fyfe through his research of police shootings in New York City, concluded that minorities may be disproportionately the victims of police shootings because they live in predominantly high crime areas.⁵⁰ He also found that most shooting incidents involved armed robbery, and that blacks and Hispanics were disproportionate opponents in police shootings and as perpetrators of criminal homicide and criminal assault. In New York City, police officers were killed primarily by other police officers. Minority

officers were more likely to shoot at suspects than whites. Fyfe believes this to be the result of their having to live in more hazardous areas of the city. When a firearms policy was issued and enforced it did reduce shooting incidents; however, it did not reduce those incidents where the police shot in self-defense. Reports of "warning" shots by officers were reduced but claims of accidental discharge increased. When three-thousand officers were laid-off, shooting incidents declined significantly.⁵¹

Fyfe could find no justification in New York City police officer's contention that "disturbance" calls were more hazardous. He believes this attitude is the result of their superiors relating such information based upon national data.⁵²

Kania and McKay, in their research, determined the rates of police use of deadly force to be significantly correlated with public rates of violence. They feel these facts verify the concept that in communities where violence and weapons use are prominent as means for settling disputes, the police will often adopt similar patterns of conduct.⁵³

Civil Liability: Police Use of Deadly Force

Amidst the controversy surrounding police use of deadly force, exists the concern over civil liability. Civil liability is, for purpose of this review, intentional and

unintentional shooting of a citizen through wrongful conduct or negligence.

Individual liability for intentional shooting of a citizen can bring criminal action unless it is justifiable. If it is not justifiable it can also bring civil action as well. Civil action is concerned with the recovery of monetary payment for damages (to the victim or his family) and for deprivation of his/her civil rights. In most state courts, civil liability depends on finding that a shooting by an officer was unreasonable under particular law or circumstances. The court must evaluate the officer's actions against those of prudent and reasonable men placed in the same situation and having the same knowledge as the officer. Several factors to be considered in making this determination are:

. . . the known character of the arrestee, the risks and dangers found by the officer, the nature of the offense involved, the chance of the arrestee's escape if the particular means are not employed, the existence of alternative methods of arrest, the physical size, strength, and weaponry as compared to the arrestee's, and the pressing needs of the moment.⁵⁴

If a shooting is improper under state law, it will also constitute a violation of Section 1983 of the U.S.

Codes:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress (42 U. S. C. 1983).

unless "good faith" belief exists that the action taken by an officer was proper.

Where unintentional or accidental shooting occurs, civil liability is based upon the negligence theory. Here we are concerned as to whether or not the officer was careless or negligent in the handling of his weapon that led to the shooting. Simple negligence is not a violation of Sec. 1983 but gross negligence may be.⁵⁵

Police administrators and supervisors can be held for vicarious (sympathetic participation) of an officer's wrongful or negligent conduct in a shooting, if it is determined that they did not provide proper training, direction, and supervision of his use of his gun in the performance of his duties.

Municipal governments, county governments and state governments, can all be held liable in incidents involving shootings by police officers. Generally, these governments have had governmental immunity; however, high courts at state and federal level are quick to impose "no immunity" where the circumstance of negligent behavior or impropriety result in a wrongful death due to poor leadership and supervision of the police department. Many such jurisdictions (city, state) no longer have complete immunity and are immune only if they carry adequate liability insurance.

O'Donnell, in his article, determined that liability coverage is increasing and more difficult to get at reasonable rates, due to the rising number of police officers

appearing in court as defendants.⁵⁶ This has caused some cities to go for several months without adequate liability insurance while "shopping" for an affordable cost.

Administrative policy can have an influence upon courts in determining whether or not the city as a defendant should be liable and whether the officer acted properly. Keller comments, ". . . written policy may either enhance or curtail liability, depending on the circumstances (surrounding the incident)."⁵⁷ The existence of written policy prohibiting improper use of deadly force should serve to negate any claims that impropriety was carried out or condoned by police officials and government leadership.

Curry, in his investigation concerning the problems of controlling police use of deadly force, estimated that 15,000 lawsuits would be filed against police officers in 1978--four times the amount ten years ago.⁵⁸ This projected increase is reasonably predictable based upon data compiled by the Americans for Effective Law Enforcement for the years 1967 through 1971.⁵⁹

During this period, 17,908 lawsuits were filed against police officers of which 3,509 were for questionable forceful behavior (brutality, assault, battery), and 797 were for misuse of firearms.⁶⁰ We present both data because they are the most prominent causes of civil suits holding that civil and vicarious liability were responsible thereby influencing insurance companies who set high rates for liability coverage.

Some cities have felt the impact of unfavorable civil liability lawsuits particularly hard. In Alton, Illinois, the city had to issue bonds to get \$1,450,000 it needed to pay a judgment resulting from one police officer's bullet that left a man crippled.⁶¹ In Chicago, a man shot in the back by a police officer refused to settle his case for \$200,000.⁶² The City of Honolulu paid \$510,000 in a lawsuit involving an officer's shooting of a burglary suspect.⁶³ A store clerk in Denver, Colorado was awarded a \$50,000 lawsuit when she was errantly shot in a holdup investigation.⁶⁴ In Detroit, Michigan, a lawsuit was settled for \$170,000 resulting from a police shooting during the riots of 1967.⁶⁵ As a result of these same riots, the city of Detroit was ordered to pay a teenager caught in a store, \$1,000,000.⁶⁶ A drug addict was shot in the back fleeing the police from the scene of a reported crime in Philadelphia; his mother collected \$116,590 in a wrongful death lawsuit.⁶⁷ In Indiana, a convicted burglar, who was shot by the police fleeing the scene of the crime, sued and won his case against the South Bend Police.⁶⁸

Clearly the sanctions against unlawful use of deadly force by police officers are costly and popular. In spite of these facts, many police officers feel that they are protected from criminal liability through common-law or statute, they are secure from civil liability--a fact simply untrue.

Summary

Common law interpretation of an officer's legal authority to apply deadly force at his discretion has been a major cause of the problems surrounding police use of deadly force.

In addition to the common law, the lack of a viable policy and training in the use of firearms has led to a pattern of dissimilar individual applications of deadly force. This situation often finds deadly force being used against criminal suspects of property crimes where there existed no threat of loss of life or severe bodily harm. As a result of such patterns of police conduct, legal and moral questions are raised as to the legitimacy of unrestricted authority in the use of deadly force by the police.

Legal questions appear to be resolved criminally, depending upon the latitude given the police by legal interpretation of existing state law or common law.

Courts are reluctant to interfere with the discretionary authority of the police, because they feel they should not "second-guess" the circumstances the police officer faced at the time he decided to use deadly force. In spite of this feeling, there exists no law in any state that sanctions the use of deadly force.

Police role influences the conduct officers exercise in their particular jurisdictions. Their role is often more influenced by constituents and peers who perceive crime to be common experience of the poor, and minority

disenfranchised citizens of the community. An officer's personal background and experience or values he brings to the job also play an important part in his role perception. For many officers, these perceptions are reshaped negatively by his continued exposure to cynical peers and or criminality which he feels he is defenseless to control without showing force of his authority.

Proponents of improving the role of the police believe it can be done by orientating and training them to better understand the community they serve and by exposing him to effective professional training and supervision.

Officers must learn to react favorably to both the actors (perpetrators) of crime and the audience (victims) of crime. Officers should be capable of adjusting role perception as they proceed through their years of service to control crime in more morally acceptable ways.

Deterrence for most police officers lies outside their ability to effect it successfully (over an extended period of time). Deterrence exists in primarily two frames of reference: one which sees it as having a utilitarian purpose, and the other sees it as having retributive purpose. The former often demands unrealistic commitments of both citizens and the police; the other often defers the "social good" and denies accepted legal procedure. Neither utilitarian purpose or retributive purpose controls crime effectively.

The questionable use of deadly force as a deterrent against crime should be a valid subject of police training and management concerns. If deterrence as an operational philosophy is not properly resolved in these areas, police officers are likely to continue to view deadly force as a legitimate means of controlling criminal behavior.

Police discretion, a vital aspect of effective law enforcement, is seldom restricted by formal guidelines or training. In those departments where specific guidelines have been laid down through policy, police administrators traditionally have been reluctant to exact punitive sanctions for violations.

Discretion provides the police and the rest of the criminal justice system with a tool that moderates the flow of law violators into an already burdened court and corrections system. Limited resources and ambiguous intent in the law has made discretion a necessary police authority in the maintenance of order and public safety.

An officer's discretion is generally influenced by his estimation of the "gains and losses," the expectation of his constituents, and the approval of his peers. In spite of its importance, discretion causes social, moral and economic sanctions that many officers feel make their job more difficult.

Victims of police use of deadly force are predominantly minority group members. Several arguments are set forth to explain this phenomena. Among them is the argument

that minorities are more likely to be victims of deadly force because they commit more crimes. This is not valid, as it does not take into consideration that they dominate preconceived misconceptions about their moral and lawful behavior by police and the political leaders who often control the police.

Police unions often oppose restrictive firearms policies. They also effect the degree of discipline that administrators may impose for violations of any policy they are agreeable to.

The use of deadly force, according to some researchers, is directly correlated to the degree of violence existing in a particular community. This situation often causes the police to counteract such violence with violence; namely, the use of force and deadly force.

Civil litigation in recent years has been increasing, causing police departments and their jurisdictions to find the cost of liability insurance to be expensive and difficult to secure.

In spite of the legitimate lawful authority by which police officers may use deadly force, the civil litigation lawsuits and the poor police-community relations that often result from questionable use of deadly force make its use a proper concern of legislators and relevant public administrators.

Footnotes

¹"Justification for the Use of Force in the Common-Law," Stanford Law Review 13 (1961), p. 580.

²Boutwell, p. 1.

³Nicholas DeRoma, "Justifiable Use of Deadly Force by the Police: A Statutory Survey," William and Mary Law Review 67 (1970), p. 75.

⁴Ray Moreland, "The Use of Force in Effecting or Resisting Arrest," 33 Nebraska Law Review 408 (1954), p. 410.

⁵Ibid., p. 414.

⁶DeRoma, p. 76.

⁷Fern Zittler, "Policeman's Use of Deadly Force Illinois," 48 Chicago-Kent Law Review 252 (1971), p. 253.

⁸Lawrence W. Sherman, "Research Notes on Police Homicides" (unpublished papers), School of Criminal Justice, State University of New York at Albany (1971).

⁹Edward E. Mansur, Jr., "The Use of Deadly Force in the Arrest of Misdemeanants," 5 Missouri Law Review 93 (1940), p. 93.

¹⁰Paul N. Keller, "The Use of Deadly Force," Northwestern University Traffic Institute: an instructional outline (1978), p. 3.

¹¹Boutwell, p. 5.

¹²Stanford Law Review, "Justification," p. 578.

¹³James W. Sterling, Changes in Role Concepts of Police Officers (Gathersburg, Md.: I.A.C.P., 1972), p. 1.

¹⁴Ibid., p. 5.

¹⁵Ibid., p. 7.

¹⁶Algernon D. Black, The People and the Police (New York: McGraw-Hill Book Co., 1968), p. 5.

¹⁷Robert C. Trajanowicz, "A Comparison of the Behavioral Styles of Policemen and Social Workers" (Unpublished Ph.D. Dissertation, Michigan State University, 1969), p. 53.

¹⁸Jonathan Rubenstein, City Police (New York: Faarr, Stein, and Gurow Pub., 1973), p. 316.

¹⁹Albert J. Reiss, The Police and the Public (New Haven: Yale University Press, 1971), p. 19.

²⁰Ibid., p. 121.

²¹Sterling, Changes, p. 13.

²²Dae H. Chang and Charles H. Zastrow, "Police Evaluative Perceptions of Themselves, The General Public, and Selected Occupational Groups," Journal of Criminal Justice 4 (1976), pp. 17-18.

²³Ibid., p. 19.

²⁴George F. Cole, The American System of Criminal Justice (Belmont, Ca.: Duxbury Press, 1975), p. 42.

²⁵Gertrude Ezorsky, "The Philosophy of Criminal Law," Law Enforcement Quarterly (Winter, 1979), pp. 6-15.

²⁶Leon Radzinowicz and Joan King, The Growth of Crime (New York: Bosi Books Inc., 1977), p. 126.

²⁷Ibid., p. 126.

²⁸Ron Dorfman, "A Shooting War--Police vs. People," Law Enforcement Quarterly (Winter, 1979), p. 8.

²⁹William W. Turner, The Police Establishment (New York: G. P. Putnam, 1968), p. 41.

³⁰Roscoe Pound, "Discretion, Disparation, and Mitigation: The Problem of the Individual Special Case," 35 New York Law Review 925 (1960), p. 926.

³¹Cole, The American System, p. 52.

³²Ernest Freund, Administrative Powers over Persons and Property (Chicago: University of Chicago Press, 1928), p. 71.

³³National Advisory Commission on Criminal Justice Standards and Goals, Law Enforcement Assistance Administration, U.S. Department of Justice (Washington, D.C.: 1973), p. 22.

³⁴Herman Goldstein, "Police Discretion: The Ideal Versus the Real," The Ambivalent Force, Arthur Neiderhoffer and Abraham S. Blumberg (eds.) (Waltham, Mass.: Xerox College Printing, 1970), p. 153.

³⁵Louis A. Radelet, The Police and the Community, 2nd ed. (Encino, Ca.: Glencoe Press, 1977), p. 75.

³⁶Ibid., p. 77.

³⁷Ibid., p. 88.

³⁸Cynthia G. Shulton and Phillip Cooper, "A Summary of Research on the Police Use of Deadly Force" in A Community Concern: Police Use of Deadly Force, Compiled by Robert N. Brenner and Magorie Kravitz, U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice (January 1979), p. 69.

³⁹Ibid., p. 69.

⁴⁰Gerald D. Robin, "Justifiable Homicides by Police," A Community Concern, p. 71.

⁴¹Paul Takagi, "A Garrison State in a Democratic Society," A Community Concern, p. 72.

⁴²Ibid., p. 72.

⁴³Sidney Harring et al., "The Management of Police Killings," A Community Concern, p. 72.

⁴⁴Arthur L. Kobler, "Police Homicides in a Democracy," Journal of Social Issues 31 (1975), pp. 66-67.

⁴⁵Ibid., pp. 74-75.

⁴⁶Gynne W. Pierson, Police Use of Deadly Force: A Preliminary Report, Report to the National Minority Advisory Council on Criminal Justice, Washington, D.C., August 1978 (Washington, D.C.: Law Enforcement Assistance Administration, 1978), p. 2.

⁴⁷Ibid., pp. 3-4.

⁴⁸Catherine Milton et al., Police Use of Deadly Force, pp. 10-11.

⁴⁹Paul Takagi, "Notes on the Police Foundation Report, Police Use of Deadly Force" (Memorandum to Ms. Peggy Triplett, L.E.A.A., September 5, 1978), pp. 1-2.

⁵⁰James Fyfe, "Shots Fired: An Examination of New York City Firearms Discharges" (Unpublished Ph.D. Dissertation, State University of New York, Albany, 1978), A Summary to the Commanding Officer, Police Academy (Mimeographed), pp. 2-3.

⁵¹Ibid., pp. 2-3.

⁵²Ibid., p. 4.

⁵³Richard Kania and Wade Mackay, "Police Violence as a Function of Community Characteristics," Criminology 15(1) (May 1977), pp. 27-48.

⁵⁴Keller, p. 7.

⁵⁵Ibid., p. 9.

⁵⁶O'Donnell, Undercovered, p. 17.

⁵⁷Keller, Deadly Force, p. 10.

⁵⁸George E. Curry, "Policing Police on Deadly Force," St. Louis Times Dispatch, July 3, 1978, p. 3.

⁵⁹Americans for Effective Law Enforcement a Special Report, Survey of Police Misconduct Litigation, 1967-1971 (Evanston, Ill.: 1978), p. 5. (See Appendix A, p. 59.)

⁶⁰Ibid., p. 5.

⁶¹O'Donnell, Undercovered, p. 17.

⁶²Pierson, Deadly Force, Appendix IX.

⁶³Americans for Effective Law Enforcement, p. 6.

⁶⁴Ibid., p. 7.

⁶⁵Ibid.

⁶⁶Ibid., p. 13.

⁶⁷Radio Announcements, WSBT, May 6, 1978.

⁶⁸Marvin E. Shaw and Jack M. Wright, Scales for the Measurement of Attitudes (New York: McGraw-Hill Book Co., 1967), p. 152.

CHAPTER III

ORIGIN OF THE STUDY AND HYPOTHESES

Origin of the Study

In November 1978, the writer, then serving as Police Chief for the city of Benton Harbor, Michigan, instituted an in-service training seminar for all local and area police officers. The seminar was designed to cover the issues and problems surrounding police officer use of deadly force. Participants heard information on this subject from criminal lawyers, prosecutors, defense attorneys, insurance representatives, federal law enforcement agents, civil rights representatives, and police administrators.

The program was the result of the author's involvement in a local controversy over the suspension of an officer for violating departmental policy in the use of deadly force. It was apparent from the comments made about this incident that existing attitudes differed on the matter of departmental policy being more restrictive than that allowed under state common-law. The controversy also disclosed that many cities in the area and throughout Michigan were finding it difficult to obtain affordable liability insurance for their police officers.

The seminar met with some degree of reluctance by some administrators in the area; few agreed to attend. Several police departments across the state did send representatives and expressed their satisfaction with the efforts made by the Benton Harbor Police Department to review the problem concerned with police use of deadly force.

Following the seminar, all participants were given a quiz taken from the March 1978 issue of the Michigan Peace Officer Magazine. The questions in the quiz were presented in a situational format representing experiences that police officers have faced and within which they had to make the decision to shoot or not to shoot. Some of these situations dealt with felony property crime suspects fleeing an officer or presenting threatening situations to the officer. The results of the quiz indicated that most officers attending the seminar were divided as to whether or not they would or would not shoot such suspects under the circumstances presented. This raised the author's interest in pursuing this matter of justifiable police use of deadly force and police officer attitudes related to it and their use of deadly force as an arrest technique. The quiz presented some indication that police officers regard all criminal offenders equally dangerous to them and the citizens. There appeared some concern for the attempt by law makers to standardize the guidelines for using discretion in the application of deadly force as an arrest procedure.

As a result of this review of our quiz, the following hypotheses are presented as research hypotheses for this study.

Hypotheses of the Study

I. Hypothesis I

Police officers regard felony property crime offenders to be equally as dangerous as felony assault crime offenders.

A. Assumptions

1. Persons who commit crimes against property are as intent upon avoiding arrest as persons who commit assault crimes.
2. Felony property crime offenders are as likely to use violence to carry out their crime as are assaultive crime offenders.

II. Hypothesis II

Police officers believe that most property crime offenders expect to be shot if they fail to obey a lawful police order to halt, fleeing the scene of their crime.

A. Assumptions

1. Criminals do not expect police officers to allow them to elude arrest as it is a major responsibility of a police officer's function.

III. Hypothesis III

Police officers believe that most property crime offenders will not halt when ordered to do so by police officers, upon fleeing the scene of their crime.

A. Assumptions

1. Criminals will flee to avoid arrest for any crime.

IV. Hypothesis IV

Police officers regard deadly force or the threat of deadly force to be a deterrent to felony property crimes.

A. Assumptions

1. Fear of bodily injury or possible death for the commission of crimes will deter most criminals.

V. Hypothesis V

Police officers do not fear sanctions of civil or criminal liability for improper use of deadly force.

A. Assumptions

1. Police officers accept the responsibilities of their jobs with the support of the law and community in determining the legality of their actions.
2. Police officers do not act with concern for the popularity of their decisions.

VI. Hypothesis VI

Police officers differ in attitudes according to rank, years of service, age, education, type of community served, race, size of the department served, size of the community served, those having a firearms policy and those that do not, those having a routine training program and those that do not, and those who follow the common-law and those who do not, concerning the use of deadly force.

A. Assumptions

1. The rank a police officer holds, his years of service, his age, his education, his race, and the size and type of community he serves, influences his attitudes toward his duties and the manner in which he performs his duties.
2. Communities vary in their values and expectations as to how a police officer should perform his duties within their jurisdictions.

VII. Hypothesis VII

Police officers feel statutory limitations on their discretion in determining when and when not to use deadly force to be dangerous to their welfare, in conflict with their role as expected by citizens and criminal offenders, and demeaning to their status as law enforcement officers.

A. Assumptions

1. Police officers, by the nature of their duties, must regard all confrontations with criminal offenders to be potentially dangerous.
2. The general public and criminal offenders understand the police officer's duties, and that in some situations force and deadly force are necessary to carry out these duties.
3. Police officers must be respected and their authority adhered to if they are to function effectively.

CHAPTER IV

DESIGN OF THE STUDY

The study is designed to determine what the attitudes of police officers in the state of Michigan are about experience related questions that (1) support or do not support the use of deadly force as a deterrent to felony property crimes, and (2) support or do not support statutory limitations on their use of discretion in deciding to use deadly force.

Sample Population

The sample was taken from sworn law enforcement personnel serving in all ranks and duty assignments within a city, town (township), or county jurisdiction in the state.

There was no exclusion of the sample population on sex, race or age.

Sampling was taken of officers and deputies serving in rural, urban and suburban communities. Only departments having a minimum complement of ten sworn full-time officers were selected. The reasoning here was to control as much as possible for the influence of part-time law

enforcement officers who often do not have the training and broad experiences that full-time officers have. The listing of full-time officers (by number) of various departments was found in the F.B.I. Uniform Crime Reports, 1978.

There are 20,973 sworn law enforcement officers in the state of Michigan, excluding state police and conservation officers. Of these, 1,076 officers are assigned to departments having less than ten full-time personnel. This represents two-hundred and seventy-two police and sheriff departments. The total possible population from which the sample could have been taken is 19,897. Of this number, one hundred and eighty-two officers are assigned to departments in the upper peninsula not included in our research sample. This gave us a total population from which to sample of 19,713. We sampled 1,282 officers from this population. It was our intent to sample an even 1,300 officers but we declined to sample within the author's own department, feeling that a recent controversy surrounding an officer-shooting incident may jeopardize unbiased responses.

Five-hundred and forty-one (541) survey scales were returned for a percentage return of slightly more than 42 percent.

Instrumentation

The survey scale is a "self-constructed" Likert-type scale. It provides for the responses to be made from

five choices: strongly agree, agree, undecided, disagree, and strongly disagree. A positive response is valued a 5 to a negative response of 1. Strongly agree responses and strongly disagree responses may carry a value of 5 depending upon whether or not that response of positive (correct) in responding to a particular statement (item).

The author could not find any previously designed scale to fit the purpose of this research. Therefore the scale was developed from the information received from a pilot study questionnaire given in an in-service training seminar (see Appendix A) and discussion relative to the problem participated in on a national law enforcement advisory committee.

Twenty-five items were constructed for the survey questionnaire.

E. J. Siebrecht, using a similar scale to measure attitudes toward safe-driving, determined a split-half reliability of .81.¹ R. A. Mahler, on his scale measuring attitudes toward socialized medicine, determined a split-half reliability of .96.² J. G. Kelly, J. E. Ferson, and W. H. Holtzman, measuring attitudes toward desegregation, determined a split-half reliability of .45 for males and .448 for females.³

Our self-constructed questionnaire was divided into five scales: Items 1, 2, 3 and 4 into a scale concerned with the threat felony property crime offenders pose to the police officer and others; items 9, 17, 19, 21 and 22 into

a scale concerned with limiting the use of deadly force against felony property crime suspects. Items 5, 6 and 7 into a scale concerned with felony property crime suspects' response to police authority; items 11, 13 and 14 into a scale concerned with the ability of police officers to legitimately exercise discretion in the use of deadly force; items 7, 8, 10 and 20 into a scale concerned with the use of deadly force as a deterrent to felony property crimes.

A Spearman-Brown Reliability test for reliability produced values of .26(1), .72(3), .45(3), .24(4) and .37(5) respectively. Remaining items 12, 15, 16, 18, 24 and 25 while important relevant to some of our research questions and hypotheses, were not placed into scales because they do not encompass inquiries relevant to police duties or responsibilities.

The questionnaire has good content validity as it was developed from items previously given in an evaluation questionnaire from an in-service training seminar on police use of deadly force. It was also reviewed and evaluated by police officers and the author as to its relatedness to the police role. These officers all have over fifteen years of police service.

Sampling Procedure

Sixty-eight Chiefs of Police and County Sheriffs were sent letters explaining the research study (see Appendix B). Included with the letters were copies of the

survey scale. Of these, forty-eight showed an interest in participating in the research. One thousand-two-hundred and eighty-two survey questionnaires were mailed or delivered to these departments, with a letter of introduction to the research (see Appendix C).

Percentages of sampling within the selected departments ranged from 100 percent for small departments to 5 percent for departments having more than 500 officers. This discretionary sampling was based upon the author's rapport with some of the departments and the ability to personally retrieve the sample questionnaires when they were completed. It was of primary concern to obtain a representative sampling on a state-wide basis rather than a representative sampling within a particular department.

Persons responsible for the dispersal and collection of the survey questionnaires were encouraged to randomly select respondents from all levels of rank and duty assignments. There was no capability of ensuring that this request was followed; a recognizable limitation of this study.

The survey questionnaires were collected in person by the author or his representative or they were returned by mail. A spot-check of some returned indicated that they were not completed; these were discarded.

The departments sampled originally were selected from a list of departments that had been categorized by type and size, and placed in six regional areas: northwest,

north-central, northeast, southwest, south-central and southeast. Not all regions represent the three types of communities (urban, suburbans and rural) but they all have at least two of the types within them.

Follow-up contact was made by phone and by letter. Several departments, after previously agreeing to participate, declined for the following reasons:

1. Upon advice of counsel.
2. Upon advice of staff officers.
3. Research considered too sensitive.
4. Too busy.
5. No subordinate willing to accept responsibility for the dispersal and collection of the survey questionnaires.

Data processing was done by the Application Programming Unit of Michigan State University, Computer Laboratory. The computer used was a Control Data Computer-Cyber 170-750. Programs used were taken from the Statistical Programs for Social Science (SPSS).

Summary

The design of the study is to survey police officers within the state of Michigan about their attitudes for or against the use of deadly force as a deterrent to felony property crimes and for or against statutory limitations on police discretion in the use of deadly force.

Officers were sampled from all ranks, various years of service, age, type of community served, area of the state, size of their community, size of their department and race. Sampling also included inquiry as to whether or not their departments had a firearms policy, how often they engaged in firearms training, whether their department's firearms policy was more strict or less strict than allowed by state common-law and their educational level.

Of 1,282 surveys distributed, 541 were returned for a percentage of slightly more than 42 percent.

The survey was a self-constructed instrument using a Likert-type questionnaire with a value of five (5) for the most positive response and a value of four (4) for the least positive response. By testing the reliability of the questionnaire upon dividing some of the items into five scales, only two scales showed a confident reliability ration. This indicates an important limitation in the use of this scale. The remaining items were not tested for their reliability as they do not relate to specific police duties.

Sampling was subsequent to an inquiry of sixty-three police chiefs and county sheriffs as to their desire to participate in the research. Forty-eight agreed to participate. Others declined because of legal, operational and administrative problems.

Data was processed by the Michigan State University Computer Laboratory on a CDCC-170/750. The program was taken from the Statistical Programs for Social Science.

Footnotes

¹E. J. Siebrecht, "Attitudes Toward Safe-Driving," in Scales for the Measurement of Attitudes, Marvin E. Shaw and Jack M. Wright (eds.) (New York: McGraw-Hill Book Company, 1967), p. 143.

²R. A. Mahler, "The Socialized Medicine Scale," in Scales for the Measurement of Attitudes, Marvin E. Shaw and Jack M. Wright (eds.) (New York: McGraw-Hill Book Company, 1967), p. 153.

³J. G. Kelly, J. E. Ferson, and W. H. Holtzman, "Desegregation Scales," in Scales for the Measurement of Attitudes, Marvin E. Shaw and Jack M. Wright (eds.) (New York: McGraw-Hill Book Company, 1967), p. 173.

CHAPTER V

ANALYSIS OF THE DATA

Method of Analysis

Data was analyzed according to the selection each respondent made to the twenty-five items on the questionnaire. Concern was for the grouping of these selections according to the twelve categories specified in the survey format.

Selections were evaluated according to the numerical value given to each response for each item.

Depending upon the precise value of each response away from or toward the specific value of each Likert response to each item, the data is used to prove or disprove our hypotheses. Items or questions were not placed on the questionnaire in sequential order to each hypothesis as a means of providing a questionnaire inclusive of the assumptions made about each hypothesis.

Statistical Technique

The manner chosen to statistically analyze the data was to compute the population means and specific means of each category (variable) for each item.

Further statistical analysis was determined by the standard deviation of these means within each category. These kinds of descriptive data were chosen to determine the attitudinal position of our respondents to each item as they relate to our hypotheses.

Findings of the Study

Officers agreed that property crime offenders are as dangerous as felony assault crime offenders. Of all officers by rank, Chiefs and Sheriffs were the most undecided group on this issue. When asked if burglars were more dangerous than other property crime felony suspects, all officers except ranking officers agreed that they are. Ranking officers are undecided of this matter (see Tables 1 and 2).

Officers agreed that during routine police work, they come in contact more with assault crime suspects than they do property crime suspects (see Tables 3 and 4).

Officers are undecided as to whether or not most property crime offenders expect to be shot if they fail to obey a lawful police order to halt while fleeing the scene of their crime (see Table 5). Exception was found among high ranking officers, officers from north-central Michigan, and those working in small towns. The sampling in the latter categories is too small to imply that this is the attitude of all officers in these categories.

When asked as to whether or not most property crime offenders would halt when ordered to do so upon fleeing the scene of a crime, all officers were undecided (see Table 6). However, most group means were beyond .5 between undecided and disagree.

In response to whether or not the fear of being shot and killed by a police officer is a proven deterrent to the crime of burglary, officers in all categories are undecided, except those from north-central Michigan and those with college educations who agree (see Table 7). The latter category is a small sampling. Officers did agree that the threat of deadly force would deter other felony property crimes (see Table 8). Officers also agree that there should be no restraint upon the use of deadly force if that is the only means by which to effect the arrest of felony property crime offenders (see Table 9). Officers above the rank of patrolman and those with college degrees were more undecided on this issue, as were younger officers and black officers.

Officers are undecided as to whether or not most citizens expect a police officer to use deadly force in apprehending any felony suspect regardless of the crime committed (see Table 10). Officers from suburban departments, rural departments, officers twenty-five years of age and under, officers from southwest Michigan and those having less than annual training in firearms or those having more strict policy (than common-law guidelines) are less undecided. Officers from northwestern Michigan and those from

township departments were in agreement that most citizens do expect deadly force to be used. It must be noted that the sampling of these groups is small and thus suspect as to their representing the majority of officers in their categories.

Officers indicate a strong feeling that the threat of deadly force is important in effecting arrests of property crime felons. There are no apparent differences among the means and standard deviations of any one category of respondents indicating a strong sense of agreement on this item (see Table 11).

Civil and criminal liability as a restraint upon the use of deadly force within reasonable guidelines, appear to be an issue about which more officers are undecided. Ranking officers, officers having more seniority and those who are older, are in slight disagreement. Black officers, officers with high school educations, rural officers, officers from smaller departments, officers in north-central Michigan, township and county officers, officers having no firearms policy in their departments, those with less-strict department policies, and those who follow the common-law guidelines, all disagree. This disagreement except for police captains and those officers serving in departments with policy less strict than common-law guidelines, is slight (see Table 12).

As to whether or not officers in their departments exercised deadly force only for crimes where there has been

a life threatened or where there has been evidence of physical assaultive violence against an officer or citizen, officers disagreed (see Table 13). Here again, there is very little difference among the means of each group (category) and the standard deviations of these same groups, indicating a strong cohesiveness of attitudes on this issue.

Item fourteen solicited officer attitudes about the basis for disciplinary action for allowing a felony property crime suspect to escape rather than to use deadly force to effect his arrest. Officers disagree, indicating a belief that there is basis for disciplinary action (see Table 14).

The responsibility for civil liability in the use of deadly force, according to the respondents, does or should lie with the government for which they work. There is some tendency however, to be undecided on this issue as most responses are well beyond the .5 division between agree and undecided (see Table 15).

Officers also feel that there should not be any subjection of police officers to civil or criminal liability in their exercise of discretion to use deadly force against felony property crime suspects (see Table 16).

Except for ranking officers and officers with college educations, officers found no need to further limit a police officer's discretionary use of deadly force beyond the guidelines of the state's common-law interpretation (see Table 17). Rural officers and those currently

following the common-law guidelines were most agreeable to this attitude.

College educated officers with advanced degrees were the officers who disagree that current common-law guidelines offer adequate protection from civil liability (see Table 18). Generally, officers are undecided on this matter.

Statutory limitations on an officer's discretionary use of deadly force was viewed by respondents to be potentially dangerous to police officers. Detectives, officers from rural and small departments, those having less than annual training, and those currently following the common-law guidelines were most in agreement that statutory limitations would be dangerous to officers (see Table 19).

Specific alternatives to effect arrests of felony property crime suspects, according to respondents, other than the use of deadly force or its threat, is not clearly understood. Most officers are undecided as to whether such alternatives are practical (see Table 20).

Officers agree that state law setting forth statutory guidelines on the discretionary use of deadly force by police officers would be demeaning to the status of law enforcement officers (see Table 21). Ranking officers and college educated officers, however, were undecided on this issue. Officers in other categories tended toward being undecided on this issue with group (category) means being beyond the .5 margin between undecided and agree.

Statutory limitations favorable to the reduction of civil or criminal liability was felt to be unnecessary by respondents. Again, there is a tendency to be somewhat undecided on this issue, particularly among ranking officers and college educated officers with advanced degrees. Our sampling of these groups (categories) is limited (see Table 22).

Those officers holding the rank of Chief or Sheriff, and Assistant Chief or Chief Deputy, strongly rebuke the need for outside agencies to investigate officer-involved shootings. Officers in other categories were undecided on this issue except officers from northeast Michigan (see Table 23).

On the likelihood of officers being prosecuted in Michigan for questionable shootings of felony property crime suspects due to the broadness of the existing common-law guidelines in the use of deadly force, officers were undecided (see Table 24). Police lieutenants, Chiefs and Sheriffs, and officers from northwest, disagree slightly.

Increasing the availability of liability insurance and reducing its cost through a clearly defined state statute on police use of deadly force is an undecided choice of our respondents (see Table 25). Officers from northeast Michigan, although their sampling is small, disagreed with this choice as opposed to the other group (categories).

CHAPTER VI

DISCUSSION, CONCLUSION, RECOMMENDATIONS AND SUMMARY

Discussion

To clearly understand the attitudes of police officers about the element of danger involved in confronting the felony property crime offender, as opposed to the felony assault crime offender, we must understand what is called the "culture of the police."

LaFave states that the "culture of the police is based upon a set of values stemming from their (the police) view of the nature of their occupational environment and other people."¹

Westly comments,

because they believe the public hostile to them and that the nature of law enforcement work aggravates this hostility, the police separate themselves from the public developing strong in-group attitudes and control over one another's conduct, making it conform to the interest of the group.²

If these assessments of the police are valid, one can understand why all criminals may be regarded as dangerous to all police officers; the police culture defines it as such. Police officers generally accept that wearing

the shield and uniform makes them visual representatives of the law, law that is not always appreciated because of its demands upon some citizens. They are also targets for those who are at a difference to the law.

One explanation as to why ranking officers were undecided as to this inquiry is that they are most aware of the fact that all criminal offenders do not pose a life-threatening situation to the police officers. They are reluctant however, to deny any police officer their vote of confidence that all criminals upon confrontation should be regarded as potentially dangerous.

While crime data does not support that felony property crime offenders are more dangerous or as dangerous as felony assault crime offenders, police officers must regard every criminal as being foremost concerned with avoiding arrest. This priority can, and often does, cause property crime felons to use a weapon against a police officer attempting to arrest him. Few police officers, however, come into contact with these kinds of criminal offenders. In 1978 for the crime of burglary for instance, data concerning residence and nonresidence offenses was up 2 percent during the daytime, and 1 percent in Michigan, yet arrest during these periods was down.³

As a crime jeopardizing the safety of law enforcement officers, burglary ranks sixth between 1974 and 1978 as an incident causing law enforcement officer killings. Crime other than burglary or robbery in this same period

ranks first. Of ninety-three police officers slain in the United States in 1978, forty-six were killed attempting to utilize their weapons and fourteen by their own weapons.⁴

With 461,553 property crimes occurring in Michigan, of which 132,716 were burglaries (1978) there has not been frequent confrontations between Michigan police officers and property crime suspects.⁵ This is acknowledged by our respondents in item three and four of our survey.

During 1978, the U.S. Justice Department reports that three police officers lost their lives at the scene of burglaries or while pursuing burglary suspects. One-hundred and twenty-five officers were killed in other crimes excluding robbery and burglary.⁶

Practical law enforcement philosophy, in spite of the statistical contradiction to the apprehensions of Michigan police officers, does not allow for a relaxing of concern and caution for the potential of violence on the part of felony property crime suspects. Although police officers do not use their weapon to effect all of their duties, they are cautiously reluctant to have their discretion limited.

Officers were undecided as to whether or not criminal offenders are apprehensive about being shot while fleeing from the scene of their crime. They also are undecided as to whether or not knowing that they may be shot, criminal offenders would halt when ordered to do so by a police officer. It is our strong belief that police

officers are well aware of the fact that crime is committed with the confidence by criminals that they can and will avoid arrest at any cost. One would have to weigh the benefits and losses contemplated by the criminal before it could be determined just how he would react to a police officer's orders and decision to shoot.

Officers in smaller communities who agreed that fear of being shot would cause criminal offenders to halt when ordered, may feel this way because small communities have the reputation for shunning the philosophy of the more liberal major communities who may not support the actions of their police.

Milton et al. found that most officers scorn the use of warning shots simply because they do not deter fleeing felony suspects.⁷

Based upon incidents of confrontation between the police and burglars, and the relatively small occurrences of such, deadly force as a deterrent to felony property crimes is ineffective. In spite of the statistical crime data which refute deadly force as a deterrent, there is a popular "myth" among citizens and too many police officers that it does.

Rodizinowicz suggests that before the deterrent effect of punishment, physical or social, can be successful, it must be applied with consideration of the motivation the criminal has for committing the crime.⁸ If an officer chooses to shoot to apprehend a burglar or any felony

property crime suspect, he does so with the intent to punish or to effect an arrest. The suspect if motivated beyond the concern for his personal safety will not be deterred from his crime by the fear of being shot.

Many citizens hold a belief that deadly force by police officers against the burglar, auto thief, vandal, etc., will deter future similar crimes. The Hoover Institute analysts found that an increase in the penalty, arrest, or conviction rates--property crimes, was associated with a decrease in their prevalence.⁹

It is naive to underestimate the influence the use of deadly force has on the perceptions of law enforcement of the police and citizens. Popularization of the weapon as an instrument of harm against intimidation and threat is second to its popularity as a vital tool of American police officers.

When police officers contemplate that their use of their weapon is to be restricted by policy or by statute, they are likely to resent it on grounds not wholly supported by fact. What is strong in their favor is that the weapon is a part of traditional American law enforcement.

At the end of the Civil War, a growing population of armed citizens aroused the police to the importance of bearing a weapon in the difficult task of controlling crime and maintaining public safety. The prevalence of firearms among criminals and citizens in America has caused the police to resist all and any effort to control their use

and reliance on the firearm. The police feel that they alone stand between the responsible and irresponsible who choose to resolve their differences with firearms. Unfortunately, the police themselves have not always exercised this duty in a humane and rational manner.

Police officers have come to view their tasks as essentially based upon their authority, which is supported by their legality in using their weapons as a tool of arrest and deterrence. Our respondents, in spite of educational, racial, rank, etc., agree that property crime felony suspects are more likely to be more cooperative in arrest situation if they (the police) use their weapons. Ranking officers tended to recognize the importance of police use of deadly force in a legitimate manner. History however, has many cases where officers have not used their weapons properly. Some of the reasons for improper use of deadly force by the police have social as well as psychological bases. An officer may regard the use of deadly force, in less than life threatening situations, to be a matter of projecting the reputation of their department. Other officers may sincerely regard each confrontation with a criminal suspect to be potentially life threatening. It is a fact that neither of these reasons are projected in the training of Michigan police officers.

Michigan police officers in their training are made aware of the fact that there are civil and criminal sanctions for improper use of deadly force. The emphasis of

this fact and the desire to have all officers exercise their discretion to use deadly force in a humane and reasonable manner is often lost in the reorientation a rookie officer receives when he leaves recruit school and returns to his department. Here the cynicism takes effect and while few older officers themselves resort to the use of deadly force as much as they preach its necessity, they influence strongly the attitudes of the younger officers. Only through basic intelligence and sound department supervision do most police officers ignore such influence; others apparently do not.

The weapon is still a status symbol to police officers in Michigan as well as the nation. For the most part officers do not appear to concern themselves with the threat of civil or criminal liability. Further our respondents agree that any officer who shuns the use of deadly force to prevent the escape of a felony property crime suspect should be disciplined. Data indicates that Michigan officers do not necessarily practice what they preach.

Michigan police officers feel that they should not have to bear the responsibility for civil liability in their use of deadly force, but that it should be the responsibility of their respective jurisdictions. Most police departments do not hold an exalted position however, within the priorities of governmental business and concern. Police departments are not likely to bear the sanctions of disputable acts of discretion by their members ungrudgingly. Dougherty points out in his article, The Case for the Cops,

We don't like them. We look upon them as necessary evil, and almost as evil as necessary. As taxpayers we are reasonably generous about paying for school, hospitals, parks, welfare, and other public services, but our hearts are seldom moved by the needs of our police.¹⁰

Concern about statutory limitations on police discretion in the use of deadly force, provides no evidence that states having such statutes are prohibitive to effective and safe law enforcement procedures. Boutwell finds that states having codified justifiable homicide statutes operate behind a shield that protects the police officer against criminal and civil liability.¹¹

The issue of outside agencies investigating officer-involved shootings is expectedly rebuked by our respondents. Some citizens outside the law enforcement community see this attitude as indicative of the police to maintain a "closed society" unanswerable to nonpolice superiors or constituents. We do not agree with this thinking and take a position somewhere in the middle of both sides of the controversy.

Police departments must maintain their own effective accountability systems. In most agencies it is the ability to conduct fair and professional internal investigations and to proceed with just determinations of penalties or acquittal. Where the results of such efforts are questioned police departments should welcome the inquiry of outside investigatory agencies and acknowledge the fact that

any organization that investigates itself and its members are subject to this kind of verification.

Michigan officers do not feel that there exists serious possibilities that a police officer would be prosecuted for improper use of deadly force against felony suspects. It lies in a belief that many police officers have, that the reputation of a criminal suspect does not weigh much in a court of law. What must be understood is that when an officer is prosecuted he is representing all police officers and such prosecution is an attempt by the courts to reinforce in the minds of police officers that they, as officials of the law, cannot act above it.

Indeed, just as one act of heroism by a police officer ingratiates the reputation of police officers throughout our nation, one successful prosecution of an irresponsible act of an officer's use of deadly force can cause unpopularity and distrust of all police officers.

Conclusion

Michigan police officers are undecided as to the use of deadly force as a deterrent to felony property crimes. They argue that there should be no restraint upon officers using the threat of deadly force to effect the arrest of felony property crime suspects. Younger officers, college educated officers and black officers however, are undecided on this issue.

Officers are undecided as to whether citizens expect them to use deadly force to apprehend any felony suspect. Officers from northwestern Michigan and smaller communities agree that citizens do expect the police to use deadly force to make arrests of all felons. However, all officers agree that deadly force is necessary to make felony arrests of suspects.

Officers indicate no concern over probable civil or criminal liability for use of deadly force improperly. Civil or criminal liability as a restraint in the use of deadly force, for most Michigan police officers is ineffective. Black officers, officers serving in rural areas, officers from north-central Michigan, county officers and officers following the common-law guidelines and having a less restrictive firearms policy, disagree. The important determinant to this difference of opinion is the history of such sanctions officers have experienced in their respective communities.

Officers agree that deadly force, or its threat, is used against criminal suspects other than those who have been suspected of crimes that did not involve physical assault or threatened bodily injury or loss of life. The agreement on this issue is very strong. This parallels their agreement that any officer who does not use deadly force, or its threat, and allows a property crime felony suspect to escape, should be disciplined.

Michigan officers do not feel that they should be held liable for any lawsuits stemming from questionable use of deadly force. They also feel that they should not be subjected to such lawsuits for exercising their discretion to use deadly force, consequently they reject any effort to limit their discretionary authority through policy or statute. Michigan officers believe that common-law guidelines are adequate.

Statutory limitations on an officer's discretionary use of deadly force are dangerous, according to Michigan officers. Such limitations would be demeaning to the status of police officers; although they may reduce liability lawsuits, they are unnecessary.

Michigan officers are undecided as to the need for outside agencies to investigate officer-involved shootings. Ranking officers strongly disagree that such investigations are necessary. This attitude best reflects their belief that such investigations are a staff responsibility and can be conducted with honesty and skill. Michigan police officers are undecided as to whether or not they would be prosecuted for questionable shootings of property crime suspects. Ranking police officers, however, do not agree.

Michigan police officers are undecided as to the benefit of clearly defined statutes on justifiable homicide, even though they may reduce liability insurance costs and questionable criminal sanctions against officers.

Implications

Data implies that the concern over police officers' use of deadly force in Michigan is legitimate. Although the incidents of deadly force being used in an unlawful manner are not specifically known, the research does open areas regarding this issue that the police and the public should be concerned about.

It is obvious that enacting statutory law that sets forth the limitations under which Michigan police officers must exercise discretion in the use of deadly force will be a difficult and controversial task. Police officers in Michigan are not likely to accept such limitations without collectively resisting such an effort. The fact that many of the related issues surveyed in our research received undecided responses, indicates that police officers are not completely repugnant to statutory limitations on the discretionary use of deadly force. They do not genuinely feel that deadly force is a deterrent to any felony crime. We do not believe, based upon our research, that they are oblivious of the serious sanctions both civil and criminal, that can be imposed upon a police officer for improperly using deadly force.

Felony property crime suspects do not hold any special place of less importance among Michigan police officers. It is this fact that best supports the need to have statutory law that sets forth limitations and guidelines for the use of deadly force. Our evaluation of Michigan

police officers' attitudes toward being sued is one of collegial insecurity. Police officers often feel that any change or infringement upon their areas of expertise and authority opens the door (sic) for continued political involvement in police procedures.

Whatever their suspicions about political involvement may be, it is a fact that the police receive their authority through the people via state government. If the issue of deadly force used by the police against any suspect, regardless of the threat he/she imposes to the life or bodily injury of the officer (or citizens), remains the special jurisdiction of the police themselves, than one can expect an inconsistency in police conduct that may be inhumane if not immoral. When this kind of climate becomes the status quo, the alternative lies in the enactment of statutes that spell out what an officer can and cannot do in exercising his discretion to use deadly force.

There is a need for police officers to clearly understand the legal parameters within which they should function. The common-law guidelines used in the state of Michigan do not provide for such parameters. Common-law guidelines are not, and will not ever, be interpreted the same in all communities. These same guidelines have never justified the use of deadly force for any situation other than where a life or bodily injury is threatened, or to prevent the escape of a suspect who has taken a life or criminally injured a person.

If state law requires police officers to meet a standard of training qualifications, then it should provide them with a standard of discretionary guidelines in the use of deadly force. If courts still uphold the importance of a criminal suspect being innocent until proven guilty, then there should be concern by the police that the suspect gets to court.

Those who argue that without deadly force or its threat, the police will find it difficult to make arrests, should be calmed by the fact that in Michigan, as the pattern exists nationwide, the police rarely use deadly force to make arrests, and are credited with thousands of arrests. We, too, are reluctant to proclaim to the criminal that the police have put down the gun. Statutory law setting forth what is proper use of deadly force and justifiable homicide, will not hamper or endanger the police or the public.

The criminal conduct of the property crime felon is not likely to be any less intimidating as a result of Michigan moving from the common-law to statute. Criminals still commit crimes under circumstances that least give rise to their detection. Crime deterrence is still essentially based upon the lessening of the opportunity to commit the crime, not the number of suspects shot by the police.

Limitations

There are limitations in our research which jeopardize its value in completely understanding the attitudes of Michigan police officers toward statutory limitations on their discretionary use of deadly force.

Our sampling of police officers is limited in that we did not survey officers in several urban centers and rural communities because we were limited by funds and personal contact. Many of these communities are uniquely different in their social and political make-up than their counterparts which were surveyed. Many rural and small towns have less than ten police officers, yet they tend to enforce policies and procedures more indicative of the community's values than the values of professional law enforcement training or consensus values derived from such training. Under these circumstances attitudes toward the discretionary use of deadly force against property crime, felony suspects will differ. We were forced to disperse our questionnaire under accommodating circumstances, a situation that restricted our surveying all of the urban centers of Michigan.

Having to rely upon persons within the agencies being surveyed to return the questionnaires, caused a delay in meeting our planned time schedule for compiling our information. Future such research efforts may best be done through personal interviews by a trained and motivated staff. Gaining acceptance for oral interviews will be

difficult due to the usually complex working schedules of police officers.

Another limitation of our sampling is that in the larger police departments there was no guarantee that dispersal of the questionnaires would be on a cross-section basis; a requirement we sought to have compliance with. This accounted for our low sampling numbers of ranking and minority officers.

Another limitation we could not restrict was the effect that a recent incident involving a police officer's use of deadly force may have upon responding officers. We do know that in four departments surveyed, this could have had an effect or contamination.

Our questionnaire itself is perhaps the most important limitation of our research. This problem exists due to the intent of the author to guard against those questions or items that tend to offend police officers who traditionally regard attitudes and values to be restricted to persons in law enforcement only. Usually these persons are well known to the officers. As a police officer however, the author is more closely scrutinized than a civilian because he is expected to be receptive to traditional police values and attitudes especially those regarding the use of deadly force against any kind of felony suspect.

In testing for the reliability of our items in the questionnaire, we found them to be poor. This situation exists because within our topic there are areas of inquiry

that are worthy of singular research efforts themselves, i.e., felony property crimes, the use of deadly force, and police discretion.

Distribution as we have mentioned, is a limitation of our research. Several police departments reneged after having agreed to participate in the survey. Direct mailing and delivery is expensive and dependent upon the convenience of the department being surveyed. Again, we favor an interview format.

Gaining compliance cannot be guaranteed by the ranking police administrator in some departments. Many who favored participating in the research were overruled by superiors or staff. We found no resistance by union officials, a fact quite surprising to us, since we anticipate unions to be most resistant to statutory laws limiting police officer discretion in the use of deadly force.

Recommendations

The study has indicated that further research should be considered surrounding the issue. Are property crime offenders more dangerous than nonproperty crime offenders? Experience of police officers in the field is not enough to answer this question completely. Research dealing with criminals currently incarcerated may give valuable insight into the provocations criminals have about resorting to life threatening acts during the commission and discovery of their crime.

Research may be appropriate in attempting to determine what percent of police-criminal encounters are situations involving felony property crime offenders, and what percent of these encounters are life threatening or bodily injury experiences to police officers or citizens.

While research dealing with officer-involved shootings has failed to defend the attitude of our respondents that deadly force is a deterrent to all felony property crimes, it would be worthy of further research to determine precisely what felony property crimes police officers believe would specifically be deterred (refer to n. 46 Shulton and Cooper, n. 54 Pierson).

The attitude that citizens expect the police to use deadly force as a deterrent to felony property crimes, and the differences in these attitudes by our respondents, warrants additional research. If this difference is broadly based within the police community throughout our nation, it obviously calls for factual information vital to the continued training and guidance of all police officers.

Officers in our survey feel that deadly force is vital to the arrest process of felony property crime felons. If this is true, it is important that the circumstances under which most felony property crime felons are arrested be carefully scrutinized to justify this position. We should recall that some felony property crimes are merely such because of the monetary value of more than \$150.00 placed upon the property stolen or destroyed. This kind of

attitude by police officers may be defensible in instances of more serious felony property crime offenses, such as arson, burglary or vandalism through rioting, but cannot be for forgery, theft over \$150.00, etc.

The effects of civil and criminal liability upon police performance is another important area for future research. Our data reveals that officers are concerned but feel that the burden of this dilemma lies more upon their respective governmental authorities than themselves.

Some contradiction exists, based upon our data, in the attitude that officers do not exercise the use or threat of deadly force only in life threatening incidents and the fact that few officers resort to the use or threat of deadly force of felony property crime offenders in arrest situations, simply because most of these offenders do not present a danger to the officer. What is obvious to a person of law enforcement experience, is that officers are supporting the always present potential to resort to deadly force, or its threat, in arrest situations.

A major recommendation for future research must focus upon the content of statutory guidelines on police discretion in the use of deadly force and the preference for guidelines sustaining common-law intent. This research can descriptively present the positive and negative advantages of each position. It can provide police officers with a more definitive indication as to where they may benefit. The traditional view that the common-law provides a loose

responsibility for the police in using deadly force, is perpetuated by the fact that few judges, prosecuting attorneys, and defense attorneys, truly comprehend the restraints of the common-law upon police conduct and discretion.

Summary

The use of deadly force by the police against felony property crime offenders who posed no threat to life or bodily injury has caused concern on the part of citizens and government leaders, particularly at the municipal and county levels. Several cities and counties have been forced to obtain additional revenues from their citizens to pay for judgments resulting from civil liability lawsuits. In other instances where the persons shot by the police have been juveniles or minority citizens, the concern over police use of deadly force by police officers has led to believe that police discretion as allowed under the common-law must be limited.

In spite of existing policies within many police departments, few police leaders are likely to impose strict sanctions against officers involved in improper or questionable officer-involved shootings. This situation tends to bolster the attitudes of many police officers that the use of deadly force, or its threat, is proper in any and all arrest situations.

Proponents of the common-law interpretation of an officer's use of discretion in the use of deadly force, feel

any limitation on this discretion to be dangerous for the police and impractical in the desire to maintain adequate public safety.

It is not known how police officers feel about this matter or how they feel about possible sanctions imposed upon them by state statute for questionable or improper procedure in the use of deadly force. Do officers regard the felony property crime offender to be as dangerous as the felony assault crime offender? Should there be statutory limitations beyond the common-law (or in place of it) that set guidelines for police discretion in the use of deadly force? These and other questions, as viewed by the line police officer and his superior, should be answered prior to considering any change in existing legal requirements in the state of Michigan.

Current literature review does not present any attitudinal research of police officers that respond to these questions. The current ambiguity surrounding the various individual and organizational values of police officers about this problem is in conflict with prudent legal and professional judgment as to when a police officer should resort to the use of deadly force. One such judgment and that which concerns us is its use against felony property crime offenders who pose no threat or resistance to the police.

Every police officer must accept the moral and humanitarian parameters which frame his use of discretion. This

is more important when his actions move toward situations that may take a life or endanger his own life.

To respond to this problem and the issues surrounding it, we presented the following hypotheses for our research:

- I. Police officers regard felony property crime offenders to be as dangerous as felony assault crime offenders.
- II. Police officers believe that most property crime offenders expect to be shot if they fail to obey a police officer's order to halt, fleeing from the scene of a crime.
- III. Police officers believe that most property crime offenders will not halt when ordered to do so by the police when fleeing the scene of a crime.
- IV. Police officers regard the use of deadly force or its threat to be a deterrent to felony property crime.
- V. Police officers do not fear sanctions of civil and/or criminal liability for improper use of deadly force.
- VI. Police officers differ according to rank, years of service, education, type of community served, race, age, size of department, size of the community served, those having a firearms police and those that do not, those who follow the common-law

and those that do not, concerning the use of deadly force.

- VII. Police officers feel that statutory limitations on their use of discretion in the use of deadly force to be dangerous to the welfare of the public, in conflict with their role as expected by citizens, and criminal offenders, and demeaning to their status as law enforcement officers.

The study is designed to determine what the attitudes of police officers in the state of Michigan are about experience related questions that support or do not support the use of deadly force against property crime offenders, or statutory limitations on their discretion to use deadly force.

One-thousand-two-hundred and eighty-two police officers of all ranks and assignments were randomly selected throughout selected police departments in various regions of the state of Michigan. Sixty-eight police departments and forty-eight sheriff departments responded. These departments were selected based upon size, type (urban, rural, suburban, etc.), location, with each department having at least two such characteristics.

Data-analysis was completed by the Michigan State University Computer Laboratory using a Statistical Program for Social Sciences analysis of a self-constructed Likert-Scale of twelve categories (variables) for twenty-five items. Computation included population means, specific category

means, standard deviation of each kind of means in all categories for each item, and the number of respondents to each category for each item.

The results are as follows:

1. Officers believe felony property crime offenders to be as dangerous as felony assault crime offenders.

All officers except ranking officers agree that burglars are as dangerous.

2. Officers are undecided as to whether or not felony property crime offenders expect to be shot for failing to halt when ordered to do so by a police officer, fleeing the scene of a crime.
3. Officers are undecided as to whether or not most property crime offenders would halt when ordered to do so, fleeing the scene of a crime.
4. Officers are undecided as to whether or not deadly force is a deterrent to burglary but agree that it is a deterrent to other felony property crimes.

Officers agree that there should be no restraint upon the use of deadly force if it is the only means to effect an arrest of a felony property crime offender. Younger officers, college educated officers, ranking officers and minority officers were undecided on this issue.

5. Officers are undecided as to the effect civil or criminal sanctions have on their discretion to use deadly force. They are also undecided as to whether

such liability is an effective restraint upon their use of deadly force in arresting felony property crime offenders.

6. Officers agreed in all categories that:
 - a. An officer should be disciplined for allowing a felony property crime offender to escape without using deadly force.
 - b. The responsibility for any civil liability resulting from the improper use of deadly force is that of their respective governments.
 - c. There should be no sanctions against a police officer who uses deadly force against a felony property crime offender.
 - d. Officers found no need to limit police discretion in the use of deadly force beyond that implied in Michigan's common-law guidelines. Ranking officers disagreed.

College educated officers agree that the common-law guidelines offer no adequate protection from civil liability.

7. Officers agree that statutory limitations on police discretion is dangerous. They are undecided as to whether alternatives to the use of deadly force in arrest situations of felony property crime offenders are practical.

Officers agree that statutory limitations on police discretion in the use of deadly force is demeaning to the police role.

Officers do not feel that outside agencies should investigate officer-involved shootings.

Successfully passing statutory limitations on police discretion in the use of deadly force in Michigan will be difficult at this time. Police officers will not support such legislation in spite of what benefits they may derive from it.

Police unions, fraternal groups, families and departments will resist such efforts unless it is preceded by clearly designed educational programs setting forth the benefits of such a law as a tax-payer, public servant and person concerned with the safety of police officers, and the insurance of effective public safety efforts in every community.

Footnotes

¹Wayne LaFave, Arrest: The Decision to Take a Suspect into Custody (Boston: Little, Brown and Co., 1945), p. 29.

²William A. Westly, Violence and the Police (Cambridge: MIT Press, 1970), p. 110.

³U.S. Justice Department, Crime in the United States 1978 (Washington, D.C.: U.S. Government Printing Office, 1978), p. 24.

⁴Ibid., p. 307.

⁵Ibid., p. 40.

⁶Ibid., p. 308.

⁷Milton, op. cit., p. 52.

⁸Rodzinowicz, p. 126.

⁹U.S. Justice Department, "Economists Analyze Crime Costs," L.E.A.A. Newsletter 8(1) (October 1979), pp. 15-16.

¹⁰Ambivalent Force, p. 310.

¹¹Boutwell, p. 17.

SELECTED BIBLIOGRAPHY

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Books

- Banton, Michael. The Policeman in the Community. London: Tavistock, 1964.
- Bayley, David H. Forces of Order: Police Behavior in Japan and the United States, 1976.
- Black, Algernon D. The People and the Police. New York: McGraw-Hill Book Co., 1978.
- Burnham, David. "Police Violence: A Changing Pattern." In The Ambivalent Force, Arthur Niederhoffer and Abraham S. Blumberg (eds.). Waltham, Mass.: Xerox College Publishing, 1970.
- Broderick, John J. Police in a Time of Change. Morristown, New Jersey: General Learning Press, 1964.
- Chambliss, Willard J., and Seidman, Robert B. Law, Order and Power. Reading: Addison-Westley, 1971.
- Chapman, Samuel G. Police Murders and Effective Counter Measures. Santa Clara: Davis Press, 1976.
- Cohn, Alvin W., and Viano, Enilio C. Police Community Relations: Images, Roles, Realities. Philadelphia: J. B. Lippincott and Co., 1976.
- Cole, George F. Criminal Justice: Law and Politics. North Scituate, Mass.: Duxbury Press, 1976.
- _____. The American System of Criminal Justice. North Scituate, Mass.: Duxbury Press, 1979.
- Dougherty, Robert. "A Case for the Cops." In The Ambivalent Force, Arthur Niederhoffer and Abraham S. Blumberg (eds.). Waltham, Mass.: Xerox College Publishing, 1970.

- Freund, Ernest. Administrative Powers over Persons and Property. Chicago: University of Chicago Press, 1928.
- Goldstein, Herman. "Police Discretion: The Ideal Version to Real." In The Ambivalent Force, Arthur Niederhoffer and Abraham S. Blumberg (eds.). Waltham, Mass.: Xerox College Publishing, 1970.
- Jacob, Herbert. Urban Justice. Boston: Little, Brown and Co., 1973.
- Jordan, Phillip. Frontier Law and Order. Lincoln: University of Nebraska Press, 1974.
- LaFave, Wayne R. Arrest: The Decision to Take a Suspect into Custody. Boston: Little, Brown and Company, 1965.
- McNamara, John H. "Uncertainties in Police Work: The Relevance of Police Recruits' Background and Training." In The Police: Six Sociological Essays, Daniel Bordna (ed.). New York: Wiley, pp. 163-252.
- Milton, Catherine H. et al. Police Use of Deadly Force. Washington, D.C.: Police Foundation, 1977.
- More, H. W. (ed.). American Police-Text and Readings. St. Paul: West Publishing Co., 1976.
- Newton, George D., and Zimmering, Franklin E. Firearms and Violence in American Life. Washington, D.C.: Government Printing Office, 1970.
- Niederhoffer, Arthur. "Police Cynicism." In The Ambivalent Force, Arthur Niederhoffer and Abraham S. Blumberg (eds.). Waltham: Xerox College Publishing, 1970.
- Radelet, Louis A. The Police and the Community. Encino, California: Glencoe Press, 1977.
- Radzinowicz, Leon, and King, Joan. The Growth of Crime. New York: Bosi Books, Inc., 1977.
- Reiss, Albert J. "Discretionary Decision-Making and Professionalization of the Police." In Police Patrol Readings, 2nd ed., Samuel G. Chapman (ed.). Springfield, Ill.: Charles C. Thomas, 1970.
- _____. The Police and the Public. New Haven: Yale University Press, 1971.

- Rubenstein, Jonathan. City Police. New York: Farrar-Stein and Gurow Pub., 1971.
- Ruckeman, Lewis. Who Rules the Police. New York: University Press, 1973.
- Skolnick, Jerome. Justice Without Trial. New York: John Wiley Publishers, 1972.
- Sterling, James W. Changes in Role Concepts of Police Officers. Gaithersburg, Maryland: International Association of Chiefs of Police, 1972.
- Sykes, Richard E.; Fox, James C.; and Clark, John P. "A Socio-Legal Theory of Police Discretion." In The Ambivalent Force, Arthur Niederhoffer and Abraham S. Blumberg (eds.). Hinsdale, Ill.: The Dryden Press, 1971, 2nd ed.
- Toch, Hans et al. Agents of Change: A Study of Police Reform. New York: Halsted, 1975.
- _____. Violent Men: An Inquiry into the Psychology of Violence. Chicago: Aldine, 1969.
- Turner, William W. The Police Establishment. New York: G. P. Putnam & Sons, 1968.
- Westley, W. A. Violence and the Police. Boston: MIT Press, 1970.
- Wiliman, Fred A. Guidelines for Discretion: Five Models for Local Enforcement Agencies. Madison, Wisc.: Institute of Governmental Affairs, 1970.
- Zimmering, Franklin G., and Hankins, Gordon J. Deterrence. Chicago: The University of Chicago Press, 1973.

Journals

- Bannon, John L., and Witt, G. Marie. "Black Policemen: A Study of Self-Images." Journal of Police Science and Administration 1(1) (1973), pp. 21-29.
- Boutwell, J. Paul. "Use of Deadly Force to Arrest a Fleeing Felon: A Constitutional Challenge." F.B.I. Law Enforcement Bulletin (September 1977), pp. 1-18.
- "Can You Sue An Officer?" Protective Management 21 (1977), p. 3.

- Chang, Dae H., and Zastrow, Charles H. "Police Evaluative Perspectives of Themselves, The General Public, and Selected Occupational Groups." Journal of Criminal Justice 4 (1975), pp. 17-27.
- "CRS Release 1978 Report." Crime Control Digest 13 (1979), p. 5.
- Dorfman, Ron. "A Shooting War--Police vs. People." Law Enforcement Quarterly (Winter 1979), p. 8.
- "Economists Analyze Crime Costs." L.E.A.A. Newsletter 8(9) (October 1979), pp. 15-16.
- Ezorsky, Gertrude. "The Philosophy of Criminal Law." Law Enforcement Quarterly (Winter 1979), pp. 6-15.
- "Felony Defendants Fail to Show-Up." Law Enforcement Quarterly (Winter 1979), p. 38.
- Furstenberg, Frank F. "Public Reaction to Crime in the Streets." The American Scholar (Autumn 1971), p. 42.
- Kania, Richard, and MacKay, Wade C. "Police Violence as a Function of Community Characteristics." Criminology (May 1977), p. 15.
- Kobler, Arthur L. "Figures and Perhaps Some Facts on Police Killings of Civilians in the United States, 1965-69." Journal of Social Issues (1975), pp. 155-91.
- _____. "Police Homicide in a Democracy." Journal of Social Issues (1975), pp. 163-181.
- Krajick, Kevin. "The Liability Crisis: Who Will Insure the Police?" Police 1 (March 1978), pp. 33-40.
- Libbiy, Lee. "Police Malpractice Suits Skyrocket." Police Times 13 (May 1978), pp. 1-66.
- "Nation's Capital Leads Police Shootings." Police Times (May 1978), p. 16.
- Pompa, Gilbert G. "A Major and Most Pressing Concern." Engaged/Social Action 46 (Nov.-Dec., 1978), pp. 10-14.
- Robin, G. "Justifiable Homicide by Police Officers." Journal of Criminal Law, Criminology, and Police Science (May/June, 1963), p. 71.

Whitehouse, Jack E. "Historical Perspectives on the Police Community Services Function." Journal of Police Science and Administration 1 (1973), p. 87.

Law Reviews

Black, Donald L. "The Social Organization of Arrest." Stanford Law Review (August 1971), p. 733.

DeRoma, Nicholas J. "Justifiable Use of Deadly Force by the Police: A Statutory Survey." William & Mary Law Review (1970), p. 67.

Finch, Floyd R. "Deadly Force to Arrest: Triggering Constitutional Review." Harvard Civil Rights and Civil Liberties Law Review (Fall 1976), p. 361.

"Justification for the Use of Force in the Criminal Law." Stanford Law Review 13 (1961), p. 565.

"Legalizing Murder of a Fleeing Felon." Virginia Law Review 15 (1929), p. 582.

Mansur, Edward E. "The Use of Deadly Force in the Arrest of Misdemeanants." Missouri Law Review.

MayHall, Van R. "Use of Deadly Force in the Arrest Process." Louisiana Law Review 31 (1970), p. 131.

Moreland, Ray. "The Use of Force in Effecting or Resisting Arrest." Nebraska Law Review 33 (1954), p. 408.

"Officer's Right to Use Deadly Force in the Arrest of Misdemeanants." Missouri Law Review (Fall 1964), p. 154.

Pearson, Karl G. "The Right to Kill in Making Arrests." Michigan Law Review 21 (1959), p. 132.

Pound, Roscoe. "Discretion, Disparation, and Mitigation: The Problem of the Individual Special Case." New York Law Review 35 (1960), p. 87.

Smith, Richard J. "The Use of Deadly Force by a Peace Officer in the Apprehension of a Person in Flight." University of Pittsburg Law Review 21 (1959), p. 132.

Velmer, Gerald F. "Varieties of Police Policy: A Study of Police Policy Regarding the Use of Deadly Force in Los Angeles County." Loyola Law Review 6 (1973), p. 107.

Reports

Brill, Steven. Firearms Abuse. A Research and Police Report, Washington, D.C.: Police Foundation, 1977.

Knodhuizen, Ralph; Fahey, Richard; and Palmer, D. J. The Police and Their Use of Fatal Force in Chicago. Chicago: The Chicago Law Enforcement Study Group, 1972.

Marx, Gary T. "Alternative Measure of Police Performance." Paper delivered at the 1973 American Sociological Association meeting, New York, 1973.

National Advisory Commission on Criminal Justice Standards and Goals. L.E.A.A., U.S. Department of Justice Standard 13, Washington, D.C., 1973, pp. 22-28.

Shulton, Cynthia G., and Cooper, Phillip. "Summary of Research on the Police Use of Deadly Force." Compiled by Robert Brenner and Marjorie Kravitz. L.E.A.A.-N.I.L.E.C.J., U.S. Department of Justice, Washington, D.C., January 1979, p. 69.

"Survey of Police Misconduct Litigation 1967-1971." A Special Report. Evanston, Ill.: American for Effective Law Enforcement, 1978, p. 5.

Takagi, Paul. "A Garrison State in a Democratic Society." A Community Concern: Police Use of Deadly Force. L.E.A.A., U.S. Department of Justice, Washington, D.C., 1978.

_____. "Notes on the Police Foundation Report: Police Use of Deadly Force." Memorandum to Peggy Triplett, L.E.A.A., September, 1978.

Unpublished Materials

Bacon, Seldon D. "The Early Development of American Municipal Police: A Study of the Evaluation of Formal Controls in a Changing Society." Unpublished Ph.D. Dissertation, Yale University, 1934.

- Friedrich, Robert. "The Impact of Organizational, Individual, and Situational Factors in the Behavior of Policemen." Unpublished Ph.D. Dissertation, University of Michigan, 1973.
- Fyfe, James. "Shots Fired: A Typological Examination of New York City Police Firearm Discharges 1971-1975." Unpublished Ph.D. Dissertation, State University of New York at Albany, 1976.
- Sherman, Lawrence W. "Research Notes on Police Homicides." Unpublished paper, State University of New York at Albany, 1977.
- Trajanowicz, Robert C. "A Comparison of the Behavioral Styles of Policemen and Social Workers." Unpublished Ph.D. Dissertation, Michigan State University, 1969.
- Westley, William. "The Police: A Sociological Study of Law, Custom, and Morality." Unpublished Ph.D. Dissertation, University of Chicago, 1951.

Government Publications

- "Crime-Specific Analysis: An Empirical Examination of Burglary Offenses and Offender Characteristics." Utilization of Criminal Justice Statistics Project. L.E.A.A., U.S. Department of Justice Report 12. Washington, D.C.: U.S. Government Printing Office, 1977.
- U.S. Department of Justice. Crime in the United States 1978. Washington, D.C.: U.S. Government Printing Office, 1978.
- _____. Criminal Justice Research Solicitation: Use of Deadly Force by Police Officer. Washington, D.C.: U.S. Government Printing Office, 1978.

Newspapers

- Curry, George E. "Policing Police on Deadly Force." St. Louis Times Dispatch (July 3, 1978).
- "Nation's Capital Leads Police Shootings." Police Times (May 1978), p. 16.
- O'Donnell, Patrick. "Undercovered Cops." Wall Street Journal, No. 17 (November 1977), pp. 1 & 17.

Sasser, Charles W. "Why Cops Quit." Law Enforcement News, Vol. VI, No. 13 (Fall 1979), pp. 1-15.

Watson, Susan. "Probe Hunts Gun: Happy Cops." The Detroit Free Press (May 20, 1976).

Magazines

Gioliotti, Richard J. "Guidelines for the Use of Deadly Force." Law and Order 25 (March 1977), pp. 48-51.

Goldberg, Arthur, and Morine, Gene. "Officer O'Brien: I Want to Kill a Nigger So Godamned Bad I Can Taste It. He Kills George Baskett." Ramparts (July 1971), pp. 9-18.

"Police Under Fire Fighting Back." U.S. News and World Report (April 3, 1978), pp. 37-45.

TABLES

TABLES

Table 1

Felony Property Crime Suspects Are as Much a
Threat to a Police Officer as a Felony
Assault Crime Suspect

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.46	1.19	530
Patrolman	2.35	1.16	319
Sergeant	2.51	1.25	89
Detective	2.28	1.01	42
Lieutenant	2.72	1.06	40
Captain	2.69	1.31	13
Asst. Chf./Chf. Dep.	2.87	1.24	8
Chief/Sheriff	3.47	1.34	19
<u>Years of Service</u>	2.45	1.18	535
1-5	2.36	1.07	129
6-10	2.37	1.18	180
11-21	2.53	1.21	165
22+	2.67	1.32	61
<u>Age</u>	2.45	1.18	536
18-25	2.34	1.03	46
26-33	2.41	1.15	234
34-41	2.43	1.21	147
42+	2.62	1.26	109
<u>Race</u>	2.45	1.18	532
White	2.48	1.18	462
Black	2.38	1.22	57
Other	1.84	1.06	13

Table 1 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.45	1.18	529
High School-G.E.D.	2.33	1.21	133
1-2 yrs. College	2.43	1.16	263
F.S. - B.A. Degree	2.65	1.20	123
M.S. - M.A. Degree/Ph.D.	2.40	1.17	10
<u>Type of Community Served</u>	2.45	1.18	534
Urban	2.40	1.16	341
Suburban	2.49	1.21	108
Rural	2.50	1.28	48
Semi-Rural	2.81	1.15	37
<u>Department Size</u>	2.45	1.18	532
25 and under	2.39	1.20	81
50-25	2.73	1.20	126
100-50	2.50	1.24	104
300-100	2.33	1.16	113
500-300	3.12	1.55	8
+1000-500	2.19	1.01	100
<u>Department Location (area)</u>	2.46	1.18	533
Southwest	2.40	1.14	180
Northwest	2.04	1.07	21
South-Central	2.40	1.18	105
North-Central	3.05	1.34	17
Southeast	2.53	1.21	199
Northeast	2.54	1.12	11
<u>Type of Jurisdiction Served</u>	2.45	1.18	535
City	2.44	1.19	410
Town	1.50	.70	2
Township	2.29	1.30	24
County	2.54	1.14	99

Table 1 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.45	1.18	531
Yes	2.45	1.18	502
None	2.37	1.17	29
<u>Firearms Training</u>	2.43	1.18	479
Annually	2.33	1.10	140
Semi-Annually	2.49	1.26	77
Quarterly	2.45	1.18	152
Less than Annually	2.47	1.22	110
<u>Department Policy</u>	2.48	1.18	518
More Strict	2.53	1.19	323
Less Strict	2.07	.91	14
Follows the State Common-Law	2.42	1.18	181

Values: SA = 1, A = 2, U = 3, DA = 4, SDA = 5.

Table 2

Felony Property Crimes Suspects Who Are
Involved with the Crime of Burglary
Are More Dangerous to a Police
Officer Than Other Felony
Property Crime Suspects

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.65	1.19	529
Patrolman	2.51	1.15	318
Sergeant	2.76	1.21	89
Detective	2.54	1.21	42
Lieutenant	3.02	1.07	40
Captain	3.01	1.35	13
Asst. Chf./Chf. Dep.	3.12	1.24	8
Chief/Sheriff	3.57	1.16	19
<u>Years of Service</u>	2.64	1.18	534
1-5	2.54	1.18	534
6-10	2.55	1.19	180
11-21	2.73	1.22	165
22+	2.86	1.28	61
<u>Age</u>	2.64	1.18	535
18-25	2.58	1.02	46
26-33	2.61	1.17	233
34-41	2.54	1.19	147
42+	2.88	1.26	109
<u>Race</u>	2.64	1.18	531
White	2.66	1.18	462
Black	2.55	1.20	56
Other	2.53	1.19	13

Table 2 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.64	1.19	528
High School-G.E.D.	2.48	1.15	132
1-2 yrs. College	2.64	1.19	263
B.S. - B.A. Degree	2.82	1.10	123
M.S. - M.A. Degree/Ph.D.	2.60	1.07	10
<u>Type of Community Served</u>	2.65	1.18	533
Urban	2.63	1.18	340
Suburban	2.70	1.21	108
Rural	2.56	1.20	48
Semi-Rural	2.81	1.17	37
<u>Department Size</u>	2.64	1.19	531
25 and under	2.61	1.18	81
50-25	2.72	1.17	126
100-50	2.80	1.26	104
300-100	2.69	1.17	113
500-300	3.25	1.48	8
+1000-500	2.31	1.08	99
<u>Department Location (area)</u>	2.64	1.19	532
Southwest	2.63	1.17	179
Northwest	2.33	1.31	21
South-Central	2.56	1.15	105
North-Central	3.11	1.16	17
Southeast	2.68	1.20	199
Northeast	2.81	1.25	11
<u>Type of Jurisdiction Served</u>	2.65	1.18	534
City	2.66	1.19	409
Town	3.00	1.41	2
Township	2.58	1.21	24
County	2.58	1.12	99

Table 2 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.64	1.18	530
Yes	2.64	1.19	501
None	2.72	1.16	29
<u>Firearms Training</u>	2.62	1.18	478
Annually	2.46	1.14	139
Semi-Annually	2.70	1.27	77
Quarterly	2.76	1.15	152
Less than Annually	2.56	1.20	110
<u>Department Policy</u>	2.66	1.19	517
More Strict	2.68	1.18	323
Less Strict	2.28	.99	14
Follows the State Common-Law	2.66	1.21	180

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 3

Felony Property Crime Suspects Who Are
Involved with the Crime of Burglary
Are More Dangerous to a Police
Officer Than Other Felony
Property Crime Suspects

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.56	1.09	527
Patrolman	2.50	1.10	317
Sergeant	2.59	1.11	89
Detective	2.69	.94	42
Lieutenant	2.92	1.06	39
Captain	2.53	1.05	13
Asst. Chf./Chf. Dep.	2.87	1.24	8
Chief/Sheriff	2.63	1.11	19
<u>Years of Service</u>	2.58	1.09	532
1-5	2.62	1.05	127
6-10	2.44	1.09	180
11-21	2.58	1.07	165
22+	2.91	1.16	60
<u>Age</u>	2.53	1.09	533
18-25	2.71	1.04	46
26-33	2.40	1.07	232
34-41	2.69	1.07	147
42+	2.75	1.14	108
<u>Race</u>	2.57	1.09	529
White	2.55	1.07	461
Black	2.78	1.22	55
Other	2.38	1.19	13

Table 3 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.58	1.09	526
High School-G.E.D.	2.70	1.14	131
1-2 yrs. College	2.47	1.07	262
B.S. - B.A. Degree	2.63	1.08	123
M.S. - M.A. Degree/Ph.D.	3.10	.90	10
<u>Type of Community Served</u>	2.58	1.09	531
Urban	2.60	1.07	338
Suburban	2.74	1.11	108
Rural	1.95	1.00	48
Semi-Rural	2.64	1.05	37
<u>Department Size</u>	2.58	1.09	529
25 and under	2.51	1.02	81
50-25	2.71	1.11	126
100-50	2.56	1.13	103
300-100	2.50	1.01	113
500-300	2.50	1.16	8
+1000-500	2.62	1.17	90
<u>Department Location (area)</u>	2.58	1.09	530
Southwest	2.58	1.10	179
Northwest	2.00	1.04	21
South-Central	2.56	.96	104
North-Central	2.76	1.25	17
Southeast	2.61	1.14	198
Northeast	2.90	.94	11
<u>Type of Jurisdiction Served</u>	2.58	1.09	532
City	2.60	1.08	407
Town	1.00	0.00	2
Township	2.58	1.17	24
County	2.51	1.10	99

Table 3 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.57	1.09	528
Yes	2.59	1.09	499
None	2.24	.95	29
<u>Firearms Training</u>	2.60	1.10	476
Annually	2.54	1.09	139
Semi-Annually	2.49	1.13	77
Quarterly	2.69	1.03	151
Less than Annually	2.61	1.38	109
<u>Department Policy</u>	2.58	1.09	515
More Strict	2.53	1.07	321
Less Strict	2.64	.92	14
Follows the State Common-Law	2.67	1.12	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 4

Most Police Officers Come Into Contact with
More Felony Property Crime Suspects
During Routine Patrol Tours Than
They Do Felony Assault Crime
Suspects

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.40	.97	528
Patrolman	2.47	1.00	317
Sergeant	2.40	.96	89
Detective	2.14	.71	42
Lieutenant	2.37	.92	40
Captain	2.00	.81	13
Asst. Chf./Chf. Dep.	2.37	1.06	8
Chief/Sheriff	2.26	.99	19
<u>Years of Service</u>	2.41	.97	533
1-5	2.53	.99	127
6-10	2.39	.98	180
11-21	2.40	.96	165
22+	2.22	.92	61
<u>Age</u>	2.41	.97	534
18-25	2.54	1.06	46
26-33	2.42	.96	232
34-41	2.45	.97	147
42+	2.26	.93	109
<u>Race</u>	2.41	.97	530
White	2.41	.96	461
Black	2.33	1.04	56
Other	2.61	.86	13

Table 4 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.41	.97	527
High School-G.E.D.	2.32	.93	132
1-2 yrs. College	2.42	.98	262
B.S. - B.A. Degree	2.45	1.00	123
M.S. - M.A. Degree/Ph.D.	2.70	.82	10
<u>Type of Community Served</u>	2.40	.96	532
Urban	2.46	.97	339
Suburban	2.30	.87	108
Rural	2.29	.98	48
Semi-Rural	2.27	1.04	37
<u>Department Size</u>	2.41	.97	530
25 and under	2.38	.91	81
50-25	2.50	1.05	126
100-50	2.26	.88	104
300-100	2.26	.89	113
500-300	2.62	.91	8
+1000-500	2.62	1.06	98
<u>Department Location (area)</u>	2.41	.97	531
Southwest	2.41	.92	179
Northwest	2.14	1.23	21
South-Central	2.33	.88	105
North-Central	2.11	.60	17
Southeast	2.51	1.03	198
Northeast	2.27	1.19	11
<u>Type of Jurisdiction Served</u>	2.40	.97	533
City	2.44	.96	408
Town	2.50	2.12	2
Township	2.41	1.01	24
County	2.25	.94	99

Table 4 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.40	.97	529
Yes	2.41	.98	500
None	2.27	.75	29
<u>Firearms Training</u>	2.44	.98	477
Annually	2.51	1.03	139
Semi-Annually	2.36	1.01	77
Quarterly	2.44	.94	152
Less than Annually	2.38	.94	109
<u>Department Policy</u>	2.41	.96	516
More Strict	2.44	1.00	322
Less Strict	2.57	.75	14
Follows the State Common-Law	2.35	.91	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 5

Most Burglars, Auto Thieves, Fences, Con-Men
Expect to be Shot by the Police if
They Fail to Heed a Warning
To "Halt."

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.58	1.04	528
Patrolman	3.59	1.09	317
Sergeant	3.58	1.02	89
Detective	3.64	1.00	42
Lieutenant	3.40	.95	40
Captain	3.69	.85	13
Asst. Chf./Chf. Dep.	4.00	.53	8
Chief/Sheriff	3.42	.90	19
<u>Years of Service</u>	3.57	1.04	533
1-5	3.51	.98	127
6-10	3.65	1.12	180
11-21	3.61	.99	165
22+	3.39	1.05	61
<u>Age</u>	3.57	1.04	534
18-25	3.73	.88	46
26-33	3.61	1.09	232
34-41	3.52	1.02	147
42+	3.50	1.01	109
<u>Race</u>	3.57	1.04	530
White	3.63	1.01	461
Black	3.19	1.13	56
Other	3.23	1.42	13

Table 5 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.58	1.04	527
High School-G.E.D.	3.47	1.08	132
1-2 yrs. College	3.52	1.06	262
B.S. - B.A. Degree	3.79	.96	123
M.S. - M.A. Degree/Ph.D.	3.80	.78	10
<u>Type of Community Served</u>	3.57	1.04	532
Urban	3.64	1.01	339
Suburban	3.44	1.11	108
Rural	3.25	1.06	48
Semi-Rural	3.78	1.00	37
<u>Department Size</u>	3.58	1.03	530
25 and under	3.54	1.03	81
50-25	3.47	1.02	126
100-50	3.62	1.06	104
300-100	3.88	.88	113
500-300	3.12	.99	8
+1000-500	3.40	1.13	98
<u>Department Location (area)</u>	3.59	1.03	531
Southwest	3.59	1.09	179
Northwest	3.28	1.14	21
South-Central	3.65	.94	105
North-Central	4.11	.69	17
Southeast	3.57	1.01	198
Northeast	3.09	.94	11
<u>Type of Jurisdiction Served</u>	3.57	1.04	533
City	3.62	1.02	400
Town	4.00	1.41	2
Township	3.04	1.36	24
County	3.51	1.01	99

Table 5 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.57	1.04	529
Yes	3.58	1.03	500
None	3.44	1.08	29
<u>Firearms Training</u>	3.57	1.04	477
Annually	3.66	1.01	139
Semi-Annually	3.29	1.03	77
Quarterly	3.77	.97	152
Less than Annually	3.37	1.13	109
<u>Department Policy</u>	3.59	1.03	516
More Strict	3.69	.99	322
Less Strict	3.00	1.30	14
Follows the State Common-Law	3.46	1.05	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 6

Most Burglars, Auto Thieves, Fences, Con-Men,
and Other Felony Property Crime Suspects
Are Likely to Halt When Ordered to
Do so by a Police Officer Upon
Fleeing from the Scene of
Their Crime

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.67	.95	526
Patrolman	3.74	.90	316
Sergeant	3.73	.99	89
Detective	3.66	1.14	42
Lieutenant	3.35	.95	39
Captain	3.61	.86	13
Asst. Chf./Chf. Dep.	3.87	.83	8
Chief/Sheriff	3.57	.90	19
<u>Years of Service</u>	3.66	.96	531
1-5	3.60	.87	127
6-10	3.85	.55	178
11-21	3.70	.95	165
22+	3.16	1.00	61
<u>Age</u>	3.66	.96	532
18-25	3.63	.85	46
26-33	3.87	.88	230
34-41	3.65	.98	147
42+	3.27	1.00	109
<u>Race</u>	3.67	.95	528
White	3.70	.94	459
Black	3.39	1.03	56
Other	3.76	.83	13

Table 6 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.68	.95	525
High School-G.E.D.	3.49	1.02	132
1-2 yrs. College	3.78	.89	261
B.S. - B.A. Degree	3.67	.99	122
M.S. - M.A. Degree/Ph.D.	3.50	.70	10
<u>Type of Community Served</u>	3.66	.96	530
Urban	3.70	.94	337
Suburban	3.76	.86	108
Rural	3.45	1.11	48
Semi-Rural	3.27	1.07	37
<u>Department Size</u>	3.66	.95	528
25 and under	3.64	1.01	81
50-25	3.73	.92	126
100-50	3.62	.97	104
300-100	3.83	.86	112
500-300	3.62	.74	8
+1000-500	3.46	1.04	97
<u>Department Location (area)</u>	3.67	.95	529
Southwest	3.79	.95	179
Northwest	3.23	1.13	21
South-Central	3.54	.96	104
North-Central	3.35	1.22	17
Southeast	3.69	.91	197
Northeast	3.81	.40	11
<u>Type of Jurisdiction Served</u>	3.66	.96	531
City	3.73	.93	406
Town	4.00	1.41	2
Township	3.87	.94	24
County	3.34	1.02	99

Table 6 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.66	.96	527
Yes	3.68	.94	498
None	3.34	1.11	29
<u>Firearms Training</u>	3.66	.96	476
Annually	3.63	1.04	138
Semi-Annually	3.72	.89	77
Quarterly	3.80	.90	152
Less than Annually	3.46	.96	109
<u>Department Policy</u>	3.68	.95	514
More Strict	3.76	.92	321
Less Strict	3.28	1.20	14
Follows the State Common-Law	3.55	.97	179

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 7

The Fear of Being Shot and Killed by the
Police is a Proven Deterrent to
Felony Crimes of Burglary

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.50	1.12	527
Patrolman	3.50	1.18	317
Sergeant	3.52	1.04	89
Detective	3.54	1.21	42
Lieutenant	3.47	.87	40
Captain	3.69	1.10	13
Asst. Chf./Chf. Dep.	2.28	.95	7
Chief/Sheriff	3.42	1.01	19
<u>Years of Service</u>	3.50	1.12	532
1-5	3.66	1.01	127
6-10	3.50	1.23	179
11-21	3.45	1.11	165
22+	3.32	1.02	61
<u>Age</u>	3.50	1.12	533
18-25	3.63	.97	46
26-33	3.51	1.17	231
34-41	3.50	1.13	147
42+	3.44	1.09	109
<u>Race</u>	3.50	1.12	529
White	3.48	1.14	460
Black	3.76	.89	56
Other	3.23	1.30	13

Table 7 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.51	1.12	526
High School-G.E.D.	3.36	1.16	132
1-2 yrs. College	3.44	1.15	261
B.S. - B.A. Degree	3.77	1.03	123
M.S. - M.A. Degree/Ph.D.	4.10	.56	10
<u>Type of Community Served</u>	3.50	1.13	531
Urban	3.56	1.08	339
Suburban	3.38	1.22	108
Rural	3.48	1.03	47
Semi-Rural	3.35	1.33	37
<u>Department Size</u>	3.50	1.13	529
25 and under	3.41	1.17	81
50-25	3.57	1.16	126
100-50	3.39	1.18	103
300-100	3.56	1.05	113
500-300	3.62	1.30	8
+1000-500	3.53	1.07	98
<u>Department Location (area)</u>	3.51	1.12	530
Southwest	3.42	1.20	178
Northwest	2.85	1.35	21
South-Central	3.47	1.02	105
North-Central	4.00	.86	17
Southeast	3.64	1.05	198
Northeast	3.36	1.28	11
<u>Type of Jurisdiction Served</u>	3.50	1.12	532
City	3.56	1.07	408
Town	2.50	2.12	2
Township	2.62	1.43	24
County	3.50	1.15	98

Table 7 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.50	1.12	528
Yes	3.51	1.13	599
None	3.37	.90	29
<u>Firearms Training</u>	3.51	1.13	476
Annually	3.57	1.17	139
Semi-Annually	3.46	.96	77
Quarterly	3.57	1.12	152
Less than Annually	3.39	1.21	108
<u>Department Policy</u>	3.51	1.13	515
More Strict	3.60	1.13	322
Less Strict	3.28	1.20	14
Follows the State Common-Law	3.37	1.11	179

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 8

Other Felony Property Crimes Would Be
Deterred if Officers were Known to
Use Deadly Force in Effecting the
Arrest of Suspects

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.62	1.07	529
Patrolman	2.54	1.08	317
Sergeant	2.72	1.00	90
Detective	2.66	1.11	42
Lieutenant	2.92	1.04	40
Captain	2.76	1.30	13
Asst. Chf./Chf. Dep.	2.75	1.16	8
Chief/Sheriff	2.78	1.08	19
<u>Years of Service</u>	2.63	1.07	534
1-5	2.75	1.03	127
6-10	2.52	1.06	180
11-21	2.57	1.11	166
22+	2.86	1.05	61
<u>Age</u>	2.63	1.07	535
18-25	2.76	1.01	46
26-33	2.59	1.07	232
34-41	2.52	1.07	148
42+	2.79	1.11	109
<u>Race</u>	2.63	1.07	531
White	2.55	1.04	462
Black	3.35	1.08	56
Other	2.30	.94	13

Table 8 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.62	1.07	528
High School-G.E.D.	2.53	1.05	132
1-2 yrs. College	2.54	1.03	263
B.S. - B.A. Degree	2.83	1.13	123
M.S. - M.A. Degree/Ph.D.	3.50	.97	10
<u>Type of Community Served</u>	2.62	1.07	533
Urban	2.55	1.04	340
Suburban	2.86	1.11	108
Rural	2.70	1.12	48
Semi-Rural	2.45	1.09	37
<u>Department Size</u>	2.63	1.07	531
25 and under	2.55	.97	81
50-25	2.68	1.15	126
100-50	2.56	1.12	105
300-100	2.57	1.01	113
500-300	3.25	1.16	8
+1000-500	2.72	1.08	98
<u>Department Location (area)</u>	2.63	1.07	532
Southwest	2.50	1.08	179
Northwest	2.23	.94	21
South-Central	2.70	1.04	105
North-Central	2.76	1.20	17
Southeast	2.73	1.06	199
Northeast	2.72	1.19	11
<u>Type of Jurisdiction Served</u>	2.62	1.07	534
City	2.64	1.07	409
Town	2.00	1.41	2
Township	2.66	1.04	24
County	2.57	1.07	99

Table 8 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.63	1.07	530
Yes	2.63	1.07	501
None	2.68	1.13	29
<u>Firearms Training</u>	2.63	1.09	477
Annually	2.67	1.13	139
Semi-Annually	2.63	1.03	77
Quarterly	2.58	1.11	152
Less than Annually	2.64	1.06	109
<u>Department Policy</u>	2.63	1.06	517
More Strict	2.66	1.09	323
Less Strict	2.85	.86	14
Follows the State Common-Law	2.54	1.02	180

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 9

Police Officers Should Not Be Required to
Refrain from the Use of Deadly Force
or Its Threat if That is the Only
Means to Effect the Arrest of
the Felony Property Crime
Suspect

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.81	1.19	527
Patrolman	2.72	1.20	316
Sergeant	3.02	1.15	89
Detective	2.92	1.09	42
Lieutenant	2.86	1.15	40
Captain	2.69	1.18	13
Asst. Chf./Chf. Dep.	3.37	1.30	8
Chief/Sheriff	3.10	1.32	19
<u>Years of Service</u>	2.80	1.18	532
1-5	2.89	1.15	126
6-10	2.68	1.18	180
11-21	2.85	1.20	165
22+	2.86	1.18	61
<u>Age</u>	2.81	1.18	533
18-25	3.13	1.12	46
26-33	2.77	1.18	231
34-41	2.80	1.18	147
42+	2.77	1.21	109
<u>Race</u>	2.81	1.18	529
White	2.78	1.19	460
Black	3.12	1.09	56
Other	2.53	1.19	13

Table 9 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.80	1.19	526
High School-G.E.D.	2.69	1.19	132
1-2 yrs. College	2.72	1.16	261
B.S. - B.A. Degree	3.08	1.22	123
M.S. - M.A. Degree/Ph.D.	3.20	1.03	10
<u>Type of Community Served</u>	2.81	1.18	531
Urban	2.80	1.20	340
Suburban	2.69	1.13	107
Rural	3.00	1.14	47
Semi-Rural	3.02	1.21	37
<u>Department Size</u>	2.80	1.18	529
25 and under	2.60	1.07	80
50-25	2.96	1.23	126
100-50	2.80	1.28	105
300-100	2.81	1.16	113
500-300	3.12	1.12	8
+1000-500	2.76	1.11	97
<u>Department Location (area)</u>	2.81	1.18	530
Southwest	2.68	1.20	178
Northwest	2.52	1.24	21
South-Central	2.98	1.21	105
North-Central	3.29	1.10	17
Southeast	2.83	1.13	198
Northeast	2.81	1.47	11
<u>Type of Jurisdiction Served</u>	2.81	1.18	532
City	2.79	1.18	409
Town	1.50	.70	2
Township	2.39	1.23	23
County	3.00	1.16	98

Table 9 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.82	1.18	528
Yes	2.81	1.19	499
None	2.96	1.08	29
<u>Firearms Training</u>	2.77	1.17	475
Annually	2.59	1.17	139
Semi-Annually	2.85	1.15	76
Quarterly	2.92	1.20	151
Less than Annually	2.72	1.14	109
<u>Department Policy</u>	2.80	1.19	515
More Strict	2.93	1.22	323
Less Strict	2.57	.93	14
Follows the State Common-Law	2.57	1.10	178

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 10

Most Citizens Expect a Police Officer to Use
Deadly Force in Apprehending any Felony
Suspect Regardless of the Kind of
Crime Committed

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.04	1.16	529
Patrolman	3.00	1.18	317
Sergeant	3.14	1.14	90
Detective	3.04	1.14	42
Lieutenant	3.20	1.09	40
Captain	2.84	1.28	13
Asst. Chf./Chf. Dep.	3.25	.88	8
Chief/Sheriff	2.84	1.21	19
<u>Years of Service</u>	3.03	1.16	534
1-5	3.06	1.19	127
6-10	3.02	1.16	180
11-21	3.03	1.18	166
22+	3.01	1.08	61
<u>Age</u>	3.03	1.16	535
18-25	3.02	1.10	46
26-33	3.09	1.17	232
34-41	3.00	1.21	148
42+	2.96	1.09	109
<u>Race</u>	3.03	1.16	531
White	3.02	1.15	462
Black	3.08	1.22	56
Other	3.46	1.19	13

Table 10 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.03	1.16	528
High School-G.E.D.	3.06	1.12	132
1-2 yrs. College	2.96	1.13	263
B.S. - B.A. Degree	3.11	1.24	123
M.S. - M.A. Degree/Ph.D.	3.70	1.25	10
<u>Type of Community Served</u>	3.04	1.16	533
Urban	3.07	1.14	340
Suburban	2.96	1.20	108
Rural	2.95	1.20	48
Semi-Rural	3.10	1.21	37
<u>Department Size</u>	3.04	1.16	531
25 and under	2.97	1.19	81
50-25	3.03	1.19	126
100-50	3.03	1.19	105
300-100	3.05	1.14	113
500-300	3.25	1.03	8
+1000-500	3.09	1.14	98
<u>Department Location (area)</u>	3.04	1.15	532
Southwest	2.98	1.19	179
Northwest	2.42	1.16	21
South-Central	3.00	1.14	105
North-Central	3.52	1.06	17
Southeast	3.13	1.11	199
Northeast	3.27	1.34	11
<u>Type of Jurisdiction Served</u>	3.03	1.16	534
City	3.04	1.13	409
Town	2.00	1.41	2
Township	2.19	1.47	24
County	3.05	1.18	99

Table 10 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.04	1.16	530
Yes	3.04	1.17	501
None	3.00	1.00	29
<u>Firearms Training</u>	3.02	1.17	477
Annually	3.11	1.17	199
Semi-Annually	3.12	1.16	77
Quarterly	3.02	1.19	152
Less than Annually	2.84	1.14	109
<u>Department Policy</u>	3.03	1.16	517
More Strict	2.99	1.20	323
Less Strict	3.14	1.09	14
Follows the State Common-Law	3.10	1.11	180

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 11

**Police Officers Generally are Capable of
Making Most Felony Property Crime
Arrests Without the Threat of
Deadly Force**

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.22	.83	529
Patrolman	2.21	.80	317
Sergeant	2.26	.95	90
Detective	2.28	.86	42
Lieutenant	2.20	.82	40
Captain	1.84	.37	13
Asst. Chf./Chf. Dep.	2.12	.35	8
Chief/Sheriff	2.26	1.14	19
<u>Years of Service</u>	2.21	.83	534
1-5	2.24	.80	127
6-10	2.19	.81	180
11-21	2.22	.88	166
22+	2.21	.83	61
<u>Age</u>	2.21	.83	535
18-25	2.21	.75	46
26-33	2.21	.83	232
34-41	2.27	.91	148
42+	2.15	.75	109
<u>Race</u>	2.22	.83	531
White	2.21	.82	462
Black	2.21	.90	56
Other	2.53	.87	13

Table 11 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.21	.84	528
High School-G.E.D.	2.24	.84	132
1-2 yrs. College	2.24	.82	263
B.S. - B.A. Degree	2.17	.89	123
M.S. - M.A. Degree/Ph.D.	1.80	.42	10
<u>Type of Community Served</u>	2.21	.83	533
Urban	2.26	.81	340
Suburban	2.26	.95	108
Rural	2.08	.82	48
Semi-Rural	1.83	.50	37
<u>Department Size</u>	2.21	.83	531
25 and under	2.29	.78	81
50-25	2.19	.92	126
100-50	2.11	.80	105
300-100	2.15	.79	113
500-300	2.25	.88	8
+1000-500	2.33	.81	98
<u>Department Location (area)</u>	2.21	.83	532
Southwest	2.32	.84	179
Northwest	2.09	.88	21
South-Central	2.03	.71	105
North-Central	1.88	.69	17
Southeast	2.25	.86	199
Northeast	2.09	.70	11
<u>Type of Jurisdiction Served</u>	2.22	.83	534
City	2.27	.86	409
Town	3.00	1.41	2
Township	2.08	.88	24
County	2.03	.63	99

Table 11 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.21	.82	530
Yes	2.22	.83	501
None	2.13	.63	29
<u>Firearms Training</u>	2.20	.82	477
Annually	2.21	.80	139
Semi-Annually	2.35	.91	77
Quarterly	2.15	.78	152
Less than Annually	2.22	.84	109
<u>Department Policy</u>	2.21	.83	517
More Strict	2.23	.88	323
Less Strict	2.00	.78	14
Follows the State Common-Law	2.20	.74	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 12

The Contemplation of Civil or Criminal
Liability, for the Most Part, Does
Not Restrain a Police Officer in
Using Deadly Force Within
Reasonable Guidelines

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.08	1.20	529
Patrolman	3.18	1.23	317
Sergeant	2.81	1.15	90
Detective	3.26	1.14	42
Lieutenant	3.05	1.15	40
Captain	2.46	1.05	13
Asst. Chf./Chf. Dep.	3.50	1.06	8
Chief/Sheriff	2.63	1.06	19
<u>Years of Service</u>	3.07	1.70	534
1-5	3.08	1.20	127
6-10	3.22	1.28	180
11-21	3.07	1.17	166
22+	2.60	.97	61
<u>Age</u>	3.07	1.20	535
18-25	3.19	1.18	46
26-33	3.22	1.27	232
34-41	3.04	1.16	148
42+	2.75	1.04	109
<u>Race</u>	3.07	1.20	531
White	3.10	1.20	462
Black	2.82	1.23	56
Other	3.15	1.21	13

Table 12 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.08	1.20	528
High School-G.E.D.	2.87	1.10	132
1-2 yrs. College	3.12	1.18	263
B.S. - B.A. Degree	3.20	1.32	123
M.S. - M.A. Degree/Ph.D.	3.50	1.35	10
<u>Type of Community Served</u>	3.07	1.20	533
Urban	3.15	1.19	340
Suburban	2.92	1.18	108
Rural	2.87	1.23	48
Semi-Rural	3.08	1.27	37
<u>Department Size</u>	3.08	1.20	531
25 and under	2.87	1.09	81
50-25	2.99	1.24	126
100-50	3.04	1.13	105
300-100	3.38	1.22	113
500-300	3.00	1.19	8
+1000-500	3.05	1.26	98
<u>Department Location (area)</u>	3.08	1.20	532
Southwest	3.08	1.23	179
Northwest	3.19	1.28	21
South-Central	3.10	1.18	105
North-Central	2.82	1.33	17
Southeast	3.07	1.17	199
Northeast	3.36	1.28	11
<u>Type of Jurisdiction Served</u>	3.07	1.20	534
City	3.14	1.19	409
Town	1.50	.70	2
Township	2.91	1.38	24
County	2.88	1.18	99

Table 12 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.07	1.20	530
Yes	3.08	1.20	501
None	2.93	1.22	29
<u>Firearms Training</u>	3.07	1.21	477
Annually	3.02	1.27	139
Semi-Annually	3.02	1.21	77
Quarterly	3.25	1.22	152
Less than Annually	2.95	1.11	109
<u>Department Policy</u>	3.07	1.21	517
More Strict	3.24	1.24	323
Less Strict	2.64	1.00	14
Follows the State Common-Law	2.81	1.11	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 13

Police Officers in our Department Generally
Exercise Deadly Force Only for Crimes
Where There is a Life Threatened
or Where There Has Been Evi-
dence of Physical Violence
Against an Officer
or Citizen

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.13	.86	529
Patrolman	2.11	.87	317
Sergeant	2.14	.89	90
Detective	2.19	.76	42
Lieutenant	2.07	.83	40
Captain	2.23	.83	13
Asst. Chf./Chf. Dep.	2.00	.53	8
Chief/Sheriff	2.31	1.00	19
<u>Years of Service</u>	2.13	.86	533
1-5	2.11	.83	127
6-10	2.07	.91	180
11-21	2.11	.79	165
22+	2.37	.96	61
<u>Age</u>	2.13	.87	534
18-25	2.36	.82	46
26-33	2.05	.90	232
34-41	2.13	.84	148
42+	2.22	.84	108
<u>Race</u>	2.13	.87	530
White	2.09	.84	461
Black	2.37	1.03	56
Other	2.46	.96	13

Table 13 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.14	.87	527
High School-G.E.D.	2.25	.87	132
1-2 yrs. College	2.14	.88	262
B.S. - B.A. Degree	1.98	.83	123
M.S. - M.A. Degree/Ph.D.	2.40	.69	10
<u>Type of Community Served</u>	2.13	.87	533
Urban	2.15	.87	340
Suburban	2.20	.91	108
Rural	2.08	.84	48
Semi-Rural	1.89	.77	37
<u>Department Size</u>	2.13	.86	530
25 and under	2.44	1.01	81
50-25	1.98	.82	126
100-50	2.12	.78	105
300-100	2.07	.82	113
500-300	2.12	.83	8
+1000-500	2.14	.88	97
<u>Department Location (area)</u>	2.12	.86	531
Southwest	2.29	1.00	179
Northwest	2.14	.72	21
South-Central	2.00	.65	105
North-Central	1.76	.43	17
Southeast	2.06	.83	198
Northeast	2.36	1.20	11
<u>Type of Jurisdiction Served</u>	2.13	.87	534
City	2.12	.83	409
Town	2.50	2.12	2
Township	2.87	1.32	24
County	2.00	.79	99

Table 13 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.14	.87	530
Yes	2.14	.88	501
None	2.03	.56	29
<u>Firearms Training</u>	2.12	.87	477
Annually	2.11	.88	139
Semi-Annually	2.27	.94	77
Quarterly	2.03	.83	152
Less than Annually	2.15	.84	109
<u>Department Policy</u>	2.12	.86	517
More Strict	2.05	.83	323
Less Strict	2.57	.93	14
Follows the State Common-Law	2.20	.91	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 14

There Is No Basis for Disciplinary Action
for Allowing a Felony Property Crime
Suspect to Escape Rather than
Using Deadly Force to
Effect His/Her
Arrest

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.30	.97	528
Patrolman	2.34	.99	316
Sergeant	2.32	.94	90
Detective	2.09	.75	42
Lieutenant	2.35	1.00	40
Captain	2.30	.85	13
Asst. Chf./Chf. Dep.	2.00	.92	8
Chief/Sheriff	2.21	1.22	19
<u>Years of Service</u>	2.30	.97	534
1-5	2.37	.93	127
6-10	2.27	1.04	180
11-21	2.30	.96	166
22+	2.21	.81	61
<u>Age</u>	2.30	.97	534
18-25	2.42	.83	.70
26-33	2.25	1.02	1.05
34-41	2.34	.99	148
42+	2.28	.86	109
<u>Race</u>	2.30	.94	530
White	2.27	.90	461
Black	2.53	1.34	56
Other	2.38	.75	13

Table 14 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.30	.97	527
High School-G.E.D.	2.38	.94	132
1-2 yrs. College	2.30	.97	262
B.S. - B.A. Degree	2.24	.99	123
M.S. - M.A. Degree/Ph.D.	1.80	.91	10
<u>Type of Community Served</u>	2.30	.96	532
Urban	2.21	.92	339
Suburban	2.43	.99	108
Rural	2.50	1.01	48
Semi-Rural	2.43	1.14	37
<u>Department Size</u>	2.30	.97	530
25 and under	2.40	.86	81
50-25	2.22	.95	126
100-50	2.28	1.03	104
300-100	2.12	.85	113
500-300	1.75	.46	8
+1000-500	2.59	1.09	98
<u>Department Location (area)</u>	2.29	.97	531
Southwest	2.32	.98	179
Northwest	2.57	1.20	21
South-Central	2.18	.79	104
North-Central	2.29	1.26	17
Southeast	2.28	.98	199
Northeast	2.63	1.02	11
<u>Type of Jurisdiction Served</u>	2.30	.97	533
City	2.21	.92	408
Town	2.00	0.00	2
Township	3.04	1.16	24
County	2.48	1.02	99

Table 14 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.30	.97	529
Yes	2.30	.98	500
None	2.34	.72	29
<u>Firearms Training</u>	2.30	.97	477
Annually	2.41	1.10	139
Semi-Annually	2.22	.85	77
Quarterly	2.19	.94	152
Less than Annually	2.36	.91	109
<u>Department Policy</u>	2.30	.97	516
More Strict	2.21	.99	322
Less Strict	2.64	.63	14
Follows the State Common-Law	2.43	.95	180

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 15

Most Police Officers Regard the Respon-
sibility for Civil Liability in the
Use of Deadly Force to be Solely
That of the Government for
Which They Work

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.89	1.14	528
Patrolman	2.83	1.15	316
Sergeant	2.93	1.13	90
Detective	3.26	1.19	42
Lieutenant	2.80	.99	40
Captain	3.23	1.42	13
Asst. Chf./Chf. Dep.	3.12	.99	8
Chief/Sheriff	2.84	1.06	19
<u>Years of Service</u>	2.90	1.14	533
1-5	2.80	1.07	126
6-10	2.92	1.22	180
11-21	2.98	1.11	166
22+	2.85	1.12	61
<u>Age</u>	2.90	1.14	534
18-25	2.69	.91	46
26-33	2.93	1.22	231
34-41	2.93	1.10	148
42+	2.88	1.10	109
<u>Race</u>	2.90	1.14	530
White	2.93	1.14	461
Black	2.75	1.14	56
Other	2.76	1.09	13

Table 15 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.90	1.14	527
High School-G.E.D.	2.82	1.10	132
1-2 yrs. College	2.89	1.13	262
B.S. - B.A. Degree	3.05	1.20	123
M.S. - M.A. Degree/Ph.D.	2.20	.91	10
<u>Type of Community Served</u>	2.90	1.14	532
Urban	2.90	1.11	339
Suburban	2.73	1.10	108
Rural	3.02	1.29	48
Semi-Rural	3.32	1.22	37
<u>Department Size</u>	2.91	1.14	530
25 and under	2.61	1.06	81
50-25	2.92	1.20	126
100-50	2.96	1.15	105
300-100	3.14	1.05	113
500-300	2.25	1.16	8
+1000-500	2.87	1.17	97
<u>Department Location (area)</u>	2.90	1.14	531
Southwest	2.91	1.17	179
Northwest	2.85	1.23	21
South-Central	2.87	1.02	105
North-Central	3.11	1.26	17
Southeast	2.89	1.16	198
Northeast	3.09	1.04	11
<u>Type of Jurisdiction Served</u>	2.90	1.14	533
City	2.88	1.11	409
Town	2.00	1.41	2
Township	2.79	1.17	24
County	3.05	1.24	98

Table 15 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.89	1.14	529
Yes	2.91	1.14	500
None	2.72	1.06	29
<u>Firearms Training</u>	2.88	1.15	476
Annually	2.84	1.22	139
Semi-Annually	2.84	1.19	77
Quarterly	3.09	1.11	152
Less than Annually	2.67	1.05	108
<u>Department Policy</u>	2.91	1.15	516
More Strict	2.93	1.16	323
Less Strict	3.21	1.18	14
Follows the State Common-Law	2.84	1.11	179

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 16

Police Officers Should Not Be Subjected to
Civil or Criminal Liability for Exercis-
ing Their Discretion to Shoot at the
Felony Property Crime Suspect

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.78	1.16	527
Patrolman	2.57	1.14	315
Sergeant	3.11	1.11	90
Detective	3.07	1.09	42
Lieutenant	3.07	1.11	40
Captain	3.38	1.19	13
Asst. Chf./Chf. Dep.	3.12	.83	8
Chief/Sheriff	2.94	1.35	19
<u>Years of Service</u>	2.78	1.16	532
1-5	2.70	1.14	127
6-10	2.59	1.14	179
11-21	2.96	1.20	165
22+	3.00	1.08	61
<u>Age</u>	2.78	1.16	533
18-25	2.71	1.14	46
26-33	2.70	1.15	230
34-41	2.81	1.18	148
42+	2.91	1.17	109
<u>Race</u>	2.77	1.16	529
White	2.71	1.15	460
Black	3.19	1.18	56
Other	3.15	1.21	13

Table 16 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.77	1.16	526
High School-G.E.D.	2.76	1.13	132
1-2 yrs. College	2.69	1.20	262
B.S. - B.A. Degree	2.93	1.08	122
M.S. - M.A. Degree/Ph.D.	3.20	1.03	10
<u>Type of Community Served</u>	2.78	1.16	531
Urban	2.75	1.17	339
Suburban	2.75	1.11	108
Rural	2.82	1.12	47
Semi-Rural	3.00	1.26	37
<u>Department Size</u>	2.78	1.16	529
25 and under	2.74	1.13	81
50-25	2.98	1.26	125
100-50	2.72	1.17	105
300-100	2.74	1.10	112
500-300	2.50	1.19	8
+1000-500	2.70	1.11	98
<u>Department Location (area)</u>	2.78	1.16	530
Southwest	2.78	1.18	179
Northwest	2.19	1.28	21
South-Central	2.75	1.10	104
North-Central	3.12	1.25	16
Southeast	2.79	1.15	199
Northeast	3.36	1.02	11
<u>Type of Jurisdiction Served</u>	2.78	1.16	532
City	2.78	1.15	408
Town	2.50	2.12	2
Township	2.66	1.30	24
County	2.81	1.18	98

Table 16 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.78	1.16	528
Yes	2.78	1.17	499
None	2.65	1.00	29
<u>Firearms Training</u>	2.76	1.17	476
Annually	2.60	1.21	138
Semi-Annually	2.88	1.20	77
Quarterly	2.88	1.13	152
Less than Annually	2.71	1.13	109
<u>Department Policy</u>	2.77	1.16	515
More Strict	2.81	1.18	322
Less Strict	3.21	.97	14
Follows the State Common-Law	2.65	1.12	179

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 17

There Is No Need to Further Limit a Police
Officer's Discretionary Use of Deadly
Force Beyond That Rendered Under
The State Common-Law
Interpretation

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.57	1.10	526
Patrolman	2.42	1.06	315
Sergeant	2.78	1.00	89
Detective	2.42	1.06	42
Lieutenant	2.87	1.15	40
Captain	2.92	1.19	13
Asst. Chf./Chf. Dep.	3.62	1.18	8
Chief/Sheriff	3.10	1.48	19
<u>Years of Service</u>	2.56	1.10	531
1-5	2.61	1.05	126
6-10	2.41	1.08	179
11-21	2.60	1.11	165
22+	2.85	1.13	61
<u>Age</u>	2.57	1.10	532
18-25	2.67	1.07	46
26-33	2.50	1.09	230
34-41	2.55	1.11	147
42+	2.67	1.10	109
<u>Race</u>	2.57	1.10	528
White	2.53	1.09	459
Black	3.00	1.14	56
Other	2.15	.98	13

Table 17 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.56	1.10	525
High School-G.E.D.	2.46	1.05	132
1-2 yrs. College	2.50	1.09	260
B.S. - B.A. Degree	2.73	1.14	123
M.S. - M.A. Degree/Ph.D.	3.40	.96	10
<u>Type of Community Served</u>	2.57	1.10	530
Urban	2.59	1.10	338
Suburban	2.55	1.05	108
Rural	2.40	1.05	47
Semi-Rural	2.70	1.26	37
<u>Department Size</u>	2.57	1.10	528
25 and under	2.45	1.09	81
50-25	2.57	1.14	125
100-50	2.48	1.06	105
300-100	2.60	1.13	113
500-300	2.51	1.06	8
+1000-500	2.60	1.05	96
<u>Department Location (area)</u>	2.57	1.10	529
Southwest	2.51	1.16	179
Northwest	2.33	1.15	21
South-Central	2.67	1.05	105
North-Central	2.62	1.02	16
Southeast	2.58	1.06	197
Northeast	2.81	1.25	11
<u>Type of Jurisdiction Served</u>	2.57	1.10	531
City	2.59	1.08	408
Town	1.00	0.00	2
Township	2.16	1.20	24
County	2.63	1.11	97

Table 17 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.57	1.10	527
Yes	2.59	1.11	498
None	2.20	.67	29
<u>Firearms Training</u>	2.55	1.11	474
Annually	2.38	1.03	138
Semi-Annually	2.81	1.20	76
Quarterly	2.61	1.11	152
Less than Annually	2.50	1.13	108
<u>Department Policy</u>	2.58	1.10	514
More Strict	2.74	1.15	322
Less Strict	2.50	1.01	14
Follows the State Common-Law	2.29	.96	178

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 18

The State of Michigan's Common Law Interpretation of the Use of Deadly Force Against Felony Suspects is Adequate to Protect the Officer, His Department, and City from Possible Civil Liability

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.24	1.12	526
Patrolman	3.09	1.15	315
Sergeant	3.30	1.01	89
Detective	3.47	1.13	42
Lieutenant	3.55	1.03	40
Captain	3.69	.94	13
Asst. Chf./Chf. Dep.	3.87	.99	8
Chief/Sheriff	3.68	.88	19
<u>Years of Service</u>	3.23	1.12	530
1-5	3.11	1.01	125
6-10	3.22	1.20	179
11-21	3.32	1.15	165
22+	3.31	.99	61
<u>Age</u>	3.24	1.12	531
18-25	3.13	1.05	45
26-33	3.16	1.15	230
34-41	3.27	1.13	147
42+	3.39	1.06	109
<u>Race</u>	3.24	1.11	527
White	3.25	1.09	458
Black	3.17	1.25	56
Other	3.23	1.30	13

Table 18 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.23	1.12	524
High School-G.E.D.	3.16	1.11	131
1-2 yrs. College	3.23	1.12	260
B.S. - B.A. Degree	3.22	1.15	123
M.S. - M.A. Degree/Ph.D.	4.00	.48	10
<u>Type of Community Served</u>	3.24	1.12	529
Urban	3.22	1.12	338
Suburban	3.25	1.09	108
Rural	3.31	1.14	47
Semi-Rural	3.27	1.18	36
<u>Department Size</u>	3.24	1.12	527
25 and under	3.22	1.09	80
50-25	3.39	1.13	125
100-50	3.25	1.15	105
300-100	3.10	1.13	113
500-300	3.12	1.12	8
+1000-500	3.25	1.07	96
<u>Department Location (area)</u>	3.24	1.12	528
Southwest	3.08	1.20	179
Northwest	2.90	1.26	21
South-Central	3.33	.92	105
North-Central	3.50	1.15	16
Southeast	3.34	1.11	196
Northeast	3.36	1.02	11
<u>Type of Jurisdiction Served</u>	3.23	1.12	530
City	3.25	1.11	407
Town	3.50	2.12	2
Township	2.87	1.19	24
County	3.25	1.10	97

Table 18 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.23	1.11	526
Yes	3.23	1.12	498
None	3.17	.94	28
<u>Firearms Training</u>	3.23	1.13	473
Annually	3.31	1.16	138
Semi-Annually	3.55	1.15	76
Quarterly	3.15	1.09	152
Less than Annually	3.16	1.12	107
<u>Department Policy</u>	3.22	1.12	513
More Strict	3.34	1.12	322
Less Strict	3.15	.89	13
Follows the State Common-Law	3.02	1.11	178

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 19

Statutory Limitations on an Officer's
Discretionary Use of Deadly Force
Would Be Potentially Dangerous
to Police Officers

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.33	1.01	522
Patrolman	2.28	.98	313
Sergeant	2.47	1.02	89
Detective	2.04	.93	42
Lieutenant	2.56	1.14	39
Captain	2.46	1.12	13
Asst. Chf./Chf. Dep.	2.62	1.06	8
Chief/Sheriff	2.44	1.24	18
<u>Years of Service</u>	2.32	1.01	527
1-5	2.16	.90	126
6-10	2.34	1.06	177
11-21	2.37	1.04	164
22+	2.43	1.01	60
<u>Age</u>	2.32	1.01	528
18-25	2.36	.97	46
26-33	2.25	1.00	228
34-41	2.39	1.04	146
42+	2.34	1.00	108
<u>Race</u>	2.32	1.01	524
White	2.29	.99	455
Black	2.60	1.18	56
Other	2.30	.75	13

Table 19 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.32	1.01	521
High School-G.E.D.	2.38	1.98	131
1-2 yrs. College	2.29	1.02	257
B.S. - B.A. Degree	2.29	1.00	123
M.S. - M.A. Degree/Ph.D.	3.00	1.15	10
<u>Type of Community Served</u>	2.32	1.01	526
Urban	2.28	.95	336
Suburban	2.47	1.04	107
Rural	2.23	1.17	46
Semi-Rural	2.40	1.16	37
<u>Department Size</u>	2.31	1.01	524
25 and under	2.20	.90	80
50-25	2.45	1.09	124
100-50	2.27	1.08	104
300-100	2.28	.95	112
500-300	2.50	1.06	8
+1000-500	2.30	.97	16
<u>Department Location (area)</u>	2.32	1.01	525
Southwest	2.26	1.03	178
Northwest	2.09	.99	21
South-Central	2.44	.93	104
North-Central	2.31	1.07	16
Southeast	2.32	1.03	195
Northeast	2.63	1.12	11
<u>Type of Jurisdiction Served</u>	2.32	1.01	527
City	2.34	.98	404
Town	1.50	.70	2
Township	2.12	.99	24
County	2.30	1.13	97

Table 19 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.32	1.01	523
Yes	2.34	1.02	494
None	2.10	.72	29
<u>Firearms Training</u>	2.31	1.01	472
Annually	2.27	1.00	138
Semi-Annually	2.45	1.06	75
Quarterly	2.30	.97	151
Less than Annually	2.29	1.06	108
<u>Department Policy</u>	2.33	1.02	510
More Strict	2.44	1.05	319
Less Strict	2.42	1.01	14
Follows the State Common-Law	2.13	.93	177

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 20

Citizens Generally Do Not Expect Police
Officers to Exercise Specific Alternatives
to Effect an Arrest of a
Felony Property Crime Suspect
Other Than Deadly Force

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.54	.95	524
Patrolman	3.53	.97	313
Sergeant	3.52	.90	89
Detective	3.47	.96	42
Lieutenant	3.70	.85	40
Captain	3.84	.98	13
Asst. Chf./Chf. Dep.	3.50	.92	8
Chief/Sheriff	3.47	1.21	19
<u>Years of Service</u>	3.54	.96	529
1-5	3.51	.94	126
6-10	3.53	.97	177
11-21	3.48	.98	165
22+	3.72	.87	61
<u>Age</u>	3.54	.96	530
18-25	3.56	.93	46
26-33	3.52	.97	229
34-41	3.56	.93	146
42+	3.53	.99	109
<u>Race</u>	3.54	.95	526
White	3.53	.96	457
Black	3.60	.92	56
Other	3.61	.86	13

Table 20 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.55	.95	523
High School-G.E.D.	3.56	.90	132
1-2 yrs. College	3.51	.98	259
B.S. - B.A. Degree	3.60	.94	122
M.S. - M.A. Degree/Ph.D.	3.60	1.07	10
<u>Type of Community Served</u>	3.54	.96	528
Urban	3.55	.94	336
Suburban	3.53	.98	108
Rural	3.38	.96	47
Semi-Rural	3.64	1.08	37
<u>Department Size</u>	3.54	.96	526
25 and under	3.55	.89	81
50-25	3.53	.98	125
100-50	3.46	1.00	105
300-100	3.62	.99	112
500-300	3.62	.74	8
+1000-500	3.54	.91	95
<u>Department Location (area)</u>	3.54	.95	527
Southwest	3.56	.89	178
Northwest	3.33	1.06	21
South-Central	3.47	.98	104
North-Central	4.12	.95	16
Southeast	3.53	.98	197
Northeast	3.63	.92	11
<u>Type of Jurisdiction Served</u>	3.54	.96	529
City	3.57	.94	407
Town	3.00	1.41	2
Township	3.69	1.01	23
County	3.36	1.00	97

Table 20 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.54	.95	525
Yes	3.54	.96	496
None	3.51	.82	29
<u>Firearms Training</u>	3.53	.95	473
Annually	3.68	.93	138
Semi-Annually	3.43	.94	76
Quarterly	3.56	.93	151
Less than Annually	3.37	1.01	108
<u>Department Policy</u>	3.55	.95	512
More Strict	3.53	.94	320
Less Strict	3.50	.75	14
Follows the State Common-Law	3.60	.98	178

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 21

Guidelines on the Discretionary Use of
Deadly Force by Police Officers
Enacted by State Legislators
Would Be Demeaning to the
Status of Law Enforcement
Officers

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.90	1.08	524
Patrolman	2.81	1.08	313
Sergeant	2.97	1.06	89
Detective	2.88	1.04	42
Lieutenant	3.07	1.11	40
Captain	3.00	.91	13
Asst. Chf./Chf. Dep.	3.75	.88	8
Chief/Sheriff	3.42	1.21	19
<u>Years of Service</u>	2.89	1.08	529
1-5	2.84	1.02	126
6-10	2.93	1.09	177
11-21	2.81	1.14	165
22+	3.06	.99	61
<u>Age</u>	2.89	1.08	530
18-25	3.02	.97	46
26-33	2.87	1.11	228
34-41	2.90	1.11	147
42+	2.88	1.03	109
<u>Race</u>	2.90	1.08	526
White	2.86	1.07	457
Black	3.28	1.12	56
Other	2.61	1.04	13

Table 21 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.89	1.08	523
High School-G.E.D.	2.69	1.01	132
1-2 yrs. College	2.89	1.09	258
B.S. - B.A. Degree	3.06	1.09	123
M.S. - M.A. Degree/Ph.D.	3.40	1.17	10
<u>Type of Community Served</u>	2.89	1.08	528
Urban	2.91	1.06	336
Suburban	2.82	1.09	108
Rural	2.89	1.14	47
Semi-Rural	2.91	1.18	37
<u>Department Size</u>	2.89	1.08	526
25 and under	2.76	.99	81
50-25	3.06	1.13	125
100-50	2.77	1.14	105
300-100	2.90	1.04	111
500-300	2.50	1.30	8
+1000-500	2.95	1.04	96
<u>Department Location (area)</u>	2.89	1.08	527
Southwest	2.89	1.07	179
Northwest	2.52	1.28	21
South-Central	2.90	1.04	103
North-Central	2.87	1.14	16
Southeast	2.90	1.09	197
Northeast	3.18	1.16	11
<u>Type of Jurisdiction Served</u>	2.89	1.08	529
City	2.93	1.07	406
Town	3.50	.70	2
Township	2.62	1.09	24
County	2.79	1.13	97

Table 21 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.89	1.08	525
Yes	2.91	1.09	496
None	2.58	.86	29
<u>Firearms Training</u>	2.89	1.09	473
Annually	2.86	1.08	138
Semi-Annually	3.02	1.05	76
Quarterly	2.97	1.08	151
Less than Annually	2.73	1.12	108
<u>Department Policy</u>	2.89	1.09	512
More Strict	3.01	1.11	320
Less Strict	2.57	.93	14
Follows the State Common-Law	2.70	1.03	178

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 22

Statutory Limitations on the Use of Deadly
Force by Police Officers in Michigan,
Even Though They Will Reduce
Significantly Civil and/or
Criminal Liability Com-
plaints Against
Officers is
not Necessary

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	2.92	1.03	521
Patrolman	2.92	1.02	313
Sergeant	2.89	1.00	87
Detective	2.83	1.01	42
Lieutenant	3.00	1.08	40
Captain	3.07	1.03	13
Asst. Chf./Chf. Dep.	3.50	.92	8
Chief/Sheriff	2.94	1.34	18
<u>Years of Service</u>	2.92	1.03	526
1-5	2.99	.99	126
6-10	2.93	1.05	179
11-21	2.80	1.05	163
22+	3.03	.97	58
<u>Age</u>	2.92	1.03	527
18-25	2.97	.95	46
26-33	2.86	1.04	229
34-41	2.97	1.04	146
42+	2.95	1.02	106
<u>Race</u>	2.92	1.03	523
White	2.88	1.01	454
Black	3.30	1.09	56
Other	2.61	1.12	13

Table 22 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	2.92	1.03	520
High School-G.E.D.	2.88	.99	129
1-2 yrs. College	2.89	1.06	258
B.S. - B.A. Degree	3.00	1.01	123
M.S. - M.A. Degree/Ph.D.	3.30	1.05	10
<u>Type of Community Served</u>	2.92	1.03	525
Urban	2.93	1.02	333
Suburban	2.84	.96	107
Rural	3.02	1.19	48
Semi-Rural	2.91	1.11	37
<u>Department Size</u>	2.92	1.03	523
25 and under	2.88	1.01	79
50-25	3.03	1.06	125
100-50	2.79	1.08	104
300-100	2.89	.99	112
500-300	3.00	1.19	8
+1000-500	2.98	.98	95
<u>Department Location (area)</u>	2.92	1.03	524
Southwest	2.85	1.08	176
Northwest	2.76	1.09	21
South-Central	3.00	.91	104
North-Central	3.00	1.17	17
Southeast	2.93	1.03	195
Northeast	3.27	1.10	11
<u>Type of Jurisdiction Served</u>	2.92	1.03	526
City	2.94	1.01	402
Town	2.50	.70	2
Township	2.41	1.05	24
County	2.96	1.07	98

Table 22 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	2.92	1.03	522
Yes	2.92	1.04	495
None	2.88	.88	27
<u>Firearms Training</u>	2.91	1.04	570
Annually	2.87	1.04	138
Semi-Annually	3.00	.95	75
Quarterly	2.95	1.04	149
Less than Annually	2.86	1.09	108
<u>Department Policy</u>	2.92	1.03	509
More Strict	3.03	1.03	319
Less Strict	2.92	.82	14
Follows the State Common-Law	2.73	1.03	176

Values: SA = 1, A = 2, U = 3, D = 4, SDA = 5.

Table 23

Police-Officer Shootings of Felony Property
 Crime Suspects Should Not Be a Matter of
 Internal Investigations Within the
 Department, But By an Agency
 Outside of the Officer's
 Own Department

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.56	1.22	524
Patrolman	3.47	1.27	316
Sergeant	3.80	1.03	87
Detective	3.23	1.41	42
Lieutenant	3.80	.91	40
Captain	3.69	1.25	13
Asst. Chf./Chf. Dep.	4.12	.64	8
Chief/Sheriff	3.94	1.21	18
<u>Years of Service</u>	3.56	1.22	529
1-5	3.44	1.21	128
6-10	3.53	1.29	178
11-21	3.61	1.17	165
22+	3.77	1.17	58
<u>Age</u>	3.56	1.22	530
18-25	3.43	1.04	46
26-33	3.53	1.25	231
34-41	3.63	1.23	147
42+	3.58	1.23	106
<u>Race</u>	3.57	1.22	526
White	3.57	1.22	456
Black	3.47	1.31	57
Other	4.07	.86	13

Table 23 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.56	1.22	523
High School-G.E.D.	3.59	1.21	132
1-2 yrs. College	3.52	1.26	258
B.S. - B.A. Degree	3.59	1.17	123
M.S. - M.A. Degree/Ph.D.	3.90	1.10	10
<u>Type of Community Served</u>	3.56	1.22	528
Urban	3.60	1.19	335
Suburban	3.60	1.16	108
Rural	3.47	1.35	48
Semi-Rural	3.29	1.48	37
<u>Department Size</u>	3.56	1.22	526
25 and under	3.26	1.25	29
50-25	3.45	1.29	125
100-50	3.64	1.20	105
300-100	3.61	1.19	111
500-300	4.00	.92	8
+1000-500	3.76	1.15	98
<u>Department Location (area)</u>	3.57	1.22	527
Southwest	3.48	1.33	177
Northwest	3.71	1.23	21
South-Central	3.69	.92	103
North-Central	3.17	1.46	17
Southeast	3.68	1.16	198
Northeast	2.09	1.30	11
<u>Type of Jurisdiction Served</u>	3.56	1.22	529
City	3.62	1.17	404
Town	3.00	2.82	2
Township	3.45	1.28	24
County	3.39	1.37	99

Table 23 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.57	1.22	525
Yes	3.58	1.22	498
None	3.44	1.08	27
<u>Firearms Training</u>	3.54	1.23	474
Annually	3.72	1.26	140
Semi-Annually	3.37	1.26	75
Quarterly	3.52	1.19	150
Less than Annually	3.44	1.24	109
<u>Department Policy</u>	3.58	1.22	512
More Strict	3.54	1.19	320
Less Strict	3.85	.66	14
Follows the State Common-Law	3.61	1.29	178

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 24

In the State of Michigan a Police Officer is
 Unlikely to be Prosecuted for a "Question-
 able" Shooting of a Felony Suspect
 Because of the Broadness of the
 Existing Common-Law Inter-
 pretation on the Use of
 Deadly Force

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.14	1.04	525
Patrolman	3.19	1.03	317
Sergeant	3.12	.98	87
Detective	3.28	1.06	42
Lieutenant	2.82	.93	40
Captain	3.00	1.29	13
Asst. Chf./Chf. Dep.	3.00	1.06	8
Chief/Sheriff	2.88	1.32	18
<u>Years of Service</u>	3.15	1.04	530
1-5	3.27	.92	128
6-10	3.11	1.14	179
11-21	3.13	.96	165
22+	3.03	1.13	58
<u>Age</u>	3.15	1.04	531
18-25	3.10	.92	46
26-33	3.10	1.07	232
34-41	3.29	.96	147
42+	3.06	1.10	106
<u>Race</u>	3.14	1.04	527
White	3.14	1.02	457
Black	3.22	1.18	57
Other	2.92	1.03	13

Table 24 (continued)

Population	$\bar{X}$	S.D.	N
<u>Education</u>	3.16	1.04	524
High School-G.E.D.	3.31	1.04	132
1-2 yrs. College	3.09	1.06	259
B.S. - B.A. Degree	3.13	.97	123
M.S. - M.A. Degree/Ph.D.	3.10	1.10	10
<u>Type of Community Served</u>	3.14	1.04	529
Urban	3.16	1.01	336
Suburban	3.09	1.02	108
Rural	3.08	1.19	48
Semi-Rural	3.24	1.11	37
<u>Department Size</u>	3.14	1.04	527
25 and under	3.08	1.01	79
50-25	3.23	1.02	125
100-50	3.10	1.06	105
300-100	3.02	1.08	112
500-300	3.25	1.03	8
+1000-500	3.27	1.02	98
<u>Department Location (area)</u>	3.15	1.03	528
Southwest	3.07	1.07	177
Northwest	2.80	1.16	21
South-Central	3.02	.93	104
North-Central	3.29	1.31	17
Southeast	3.31	.99	198
Northeast	3.45	1.03	11
<u>Type of Jurisdiction Served</u>	3.14	1.04	530
City	3.13	1.03	405
Town	2.50	2.12	2
Township	3.16	1.04	24
County	3.21	1.06	99

Table 24 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.14	1.04	526
Yes	3.14	1.04	499
None	3.29	.95	27
<u>Firearms Training</u>	3.17	1.03	474
Annually	3.32	1.01	140
Semi-Annually	2.98	1.00	75
Quarterly	3.05	1.00	150
Less than Annually	3.27	1.08	109
<u>Department Policy</u>	3.15	1.03	513
More Strict	3.16	1.04	320
Less Strict	3.42	.64	14
Follows the State Common-Law	3.11	1.04	129

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

Table 25

Some Police Agencies Cannot Acquire Adequate
 Liability Insurance Coverage Simply Because
 They Do Not Have Clear Defined Guidelines
 on the Use of Deadly Force. If
 Statutory Legislation Were
 Enacted to Remedy This
 Problem Most Police
 Officers Would Be
 Agreeable to
 Such.

Population	$\bar{X}$	S.D.	N
<u>Rank</u>	3.05	.93	523
Patrolman	3.03	.91	316
Sergeant	3.04	.91	87
Detective	3.11	.94	42
Lieutenant	3.02	1.01	39
Captain	2.92	1.11	13
Asst. Chf./Chf. Dep.	2.87	.99	8
Chief/Sheriff	3.50	.85	18
<u>Years of Service</u>	3.04	.93	528
1-5	2.96	.85	127
6-10	3.02	.96	179
11-21	3.20	.96	165
22+	2.82	.86	57
<u>Age</u>	3.04	.93	529
18-25	2.91	.83	46
26-33	3.02	.92	231
34-41	3.11	.94	147
42+	3.04	.97	105
<u>Race</u>	3.04	.93	525
White	3.07	.93	455
Black	2.78	.86	57
Other	3.00	1.15	13

Table 25 (continued)

Population	X	S.D.	N
<u>Education</u>	3.04	.93	522
High School-G.E.D.	3.01	.87	132
1-2 yrs. College	3.02	.94	257
B.S. - B.A. Degree	3.10	.94	123
M.S. - M.A. Degree/Ph.D.	3.20	.91	10
<u>Type of Community Served</u>	3.04	.92	527
Urban	3.00	.89	334
Suburban	3.18	.90	108
Rural	3.29	1.11	48
Semi-Rural	2.70	.93	37
<u>Department Size</u>	3.04	.93	525
25 and under	3.12	.91	79
50-25	2.94	.95	125
100-50	3.00	.97	104
300-100	3.21	.89	112
500-300	2.87	.83	8
+1000-500	2.97	.93	97
<u>Department Location (area)</u>	3.04	.93	526
Southwest	3.17	1.01	177
Northwest	3.23	.94	21
South-Central	2.97	.82	103
North-Central	3.29	.91	17
Southeast	2.96	.90	197
Northeast	2.45	.68	11
<u>Type of Jurisdiction Served</u>	3.04	.92	528
City	3.06	.89	404
Town	4.00	1.41	2
Township	3.25	1.03	24
County	2.92	1.00	98

Table 25 (continued)

Population	$\bar{X}$	S.D.	N
<u>Presence or Absence of a Department Policy</u>	3.04	.92	524
Yes	3.04	.92	497
None	3.18	.96	27
<u>Firearms Training</u>	3.05	.94	472
Annually	3.09	.96	140
Semi-Annually	2.94	.88	74
Quarterly	3.12	.96	150
Less than Annually	2.97	.92	108
<u>Department Policy</u>	3.04	.92	511
More Strict	3.03	.91	319
Less Strict	2.92	.82	14
Follows the State Common-Law	3.07	.95	178

Values: SA = 5, A = 4, U = 3, DA = 2, SDA = 1.

APPENDICES

APPENDIX A

APPENDIX A

Departments to be surveyed (by Section):

NORTHWESTERN	Muskegon	(94)
	Muskegon Heights	(38)
	Big Rapids	(21)
	Traverse City	(31)
	Manistee	(18)
	Ludington	(18)
	Norton Shores	(25)
NORTH CENTRAL	Cheboygan	(11)
	Petoskey	(12)
	Midland	(43)
	Alma	(19)
	Saginaw	(245)
	Buena Vista	(28)
	Bay City	(94)
NORTHEASTERN	Sandusky	(3)
	Frankenmuth	(4)
	Marlette	(2)
	Bad Axe	(5)
	Vassar	(19)
	Crosswell	(8)
SOUTHWESTERN	Grand Rapids	(364)
	Wyoming	(111)
	Holland	(65)
	Kalamazoo	(205)
	Niles	(32)
	*Benton Township	(33)
	Benton Harbor	(38)

SOUTH CENTRAL	Lansing	(316)
	Battle Creek	(104)
	Albion	(29)
	Jackson	(98)
	Owosso	(26)
	Adrian	(44)
	Ann Arbor	(185)

SOUTHEASTERN	Flint	(449)
	Lapeer	(14)
	Port Huron	(68)
	Ypsilanti	(59)
	Detroit	(5,590)
	Inkster	(82)
	Birmingham	(50)

County Sheriff:

NORTHWESTERN	Grand Traverse	(R) (50)
	Lenawee	(R) (64)
	Muskegon	(U) (87)
	Kent	(U) (36)

NORTH CENTRAL	Midland	(R) (44)
	Isabella	(R) (18)
	Montcalm	(R) (39)

NORTHEASTERN	Tuscola	(R) (33)
	Sanilac	(R) (28)
	Huron	(R) (26)
	Lapeer	(U) (45)
	Saginaw	(U) (112)

SOUTHWESTERN	Allegan	(R) (42)
	Berrien	(R) (104)
	St. Joseph	(R) (28)
	Van Buren	(Sub) (26)

SOUTH CENTRAL	Hillsdale	(R) (21)
	Ionia	(U) (25)
	Jackson	(U) (62)

SOUTHEASTERN	Wayne	(U) (688)
	Washtenaw	(U) (137)
	Oakland	(U) (332)

APPENDIX B

APPENDIX B

Dear Sir:

We are conducting a research study concerning the "Attitudes of Michigan Police Officers toward Statutory Limitations on the Use of Deadly Force."

Our sampling agencies are selected randomly, by region, and your agency has been one of those chosen.

This research is vital, as it will give insight into the escalating problem of civil, economic, moral and legal ramifications of police use of deadly force, particularly with regard to property felons.

I sincerely hope you will participate in this project by allowing some of your officers to fill out our questionnaire. Reporting methods will not disclose how agencies responded, nor shall any identification be made of respondents.

I feel that it is time law enforcement officials participate in significant research in order to benefit both in decision-making and training efforts from the results.

Please forward the name of the person in your department who will be the liaison between myself and my staff regarding the forwarding and returns of the questionnaires.

Wishing you continued success in law enforcement, and the best of health.

Respectfully,

Andrew L. Rodez
Chief of Police

APPENDIX C

APPENDIX C

Dear Police Officer:

You have been selected to participate in a research project which I feel will contribute greatly to efforts by law enforcement professionals to clarify those sensitive issues surrounding legislative input into a police officer's use of deadly force.

Several incidents throughout the State of Michigan have regrettably left the matter of liability and professional conduct ambiguous with regard to the "role" of law enforcement officers in such situations.

Please complete your questionnaire promptly and return by
in the self-addressed and stamped envelope.
A full report of the research will be forwarded to your
agency head for dissemination of the results of this project.

Respectfully,

Andrew L. Rodez
Chief of Police

ALR/as

Enclosure

APPENDIX D

APPENDIX D

Background Information

RANK: 1. _____ Patrolman 5. _____ Captain
2. _____ Sergeant 6. _____ Inspector
3. _____ Detective 7. _____ Ass't. Chief/Deputy
4. _____ Lieutenant 8. _____ Chief/Sheriff

YEARS OF SERVICE:

1. _____ 1-5 years 3. _____ 11-21 years
2. _____ 6-10 years 4. _____ 22+ years
AGE: 1. _____ 18-25 years 3. _____ 34-41 years
2. _____ 26-33 years 4. _____ 42+ years

EDUCATION LEVEL:

1. _____ H.S./G.E.D. 3. _____ Bachelor's Degree
2. _____ 1-2 yrs. College 4. _____ Master's +

MY POLICE JURISDICTION IS BEST DESCRIBED AS:

1. _____ Urban 3. _____ Semi-rural
2. _____ Suburban 4. _____ Rural

DEPARTMENT SIZE:

1. _____ 25 and under 3. _____ 100-500
2. _____ 50-25 4. _____ 500-1000+

MY DEPARTMENT IS BEST
DESCRIBED AS LOCATED IN:

1. _____ Southwestern Michigan
2. _____ Northwestern Michigan
3. _____ South Central Michigan
4. _____ North Central Michigan
5. _____ Southeastern Michigan
6. _____ Northeastern Michigan

MY DEPARTMENT SERVES AS:

- | | |
|---------------|-------------------|
| 1. _____ City | 3. _____ Township |
| 2. _____ Town | 4. _____ County |

MY DEPARTMENT HAS:

1. _____ A firearms policy
2. _____ No firearms policy

MY DEPARTMENT HAS
FIREARMS TRAINING:

1. _____ Annually
2. _____ Semi-annually
3. _____ Quarterly
4. _____ Less than annually

MY DEPARTMENT'S FIREARMS POLICY IS:

1. _____ More strict than State Law*
2. _____ Less strict than State Law
3. _____ Follow the State Law

*Michigan follows the "common Law" in the statutes.
Thereby, it has no legislation relative to when firearms
may or may not be used.

Questionnaire

1. Felony property crime suspects (burglars, auto thieves, con-men, fences, etc.) are as much a threat to a police officer as a felony assault crime suspect. (Assault with a deadly weapon, battery, armed robbery, rapist, etc.)

Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

2. Felony property crime suspects present as great a physical threat to citizens as do felony assault crime suspects.

Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

3. Felony property crime suspects who are involved with the crime of burglary are more dangerous to a police officer than other felony property crime suspects.

Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

4. Most police officers come into contact with more felony property crime suspects during routine patrol tours than they do felony assault crime suspects.

Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

5. Most burglars, auto thieves, fences, con-men expect to be shot by the police if they fail to heed a warning to "halt."

Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

6. Most burglars, auto thieves, fences, con-men and other felony property crime suspects are likely to halt when ordered to do so by a police officer upon fleeing the scene of their crime.

Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

7. The fear of being shot and killed by the police is a proven deterrent to felony crimes of burglary.
- Strongly Agree_____ Agree_____ Undecided_____
- Disagree_____ Strongly Disagree_____
8. Other felony property crimes would be deterred if officers were known to use deadly force in effecting the arrest of suspects.
- Strongly Agree_____ Agree_____ Undecided_____
- Disagree_____ Strongly Disagree_____
9. Police officers should not be required to refrain from the use of deadly force or its threat if that is the only means to effect the arrest of the felony property crime suspect.
- Strongly Agree_____ Agree_____ Undecided_____
- Disagree_____ Strongly Disagree_____
10. Most citizens expect a police officer to use deadly force in apprehending any felony suspect, regardless of the kind of crime committed.
- Strongly Agree_____ Agree_____ Undecided_____
- Disagree_____ Strongly Disagree_____
11. Police officers generally are capable of making most felony property crime arrests without the threat of deadly force.
- Strongly Agree_____ Agree_____ Undecided_____
- Disagree_____ Strongly Disagree_____
12. The contemplation of civil or criminal liability, for the most part, does not restrain a police officer in using deadly force within reasonable guidelines.
- Strongly Agree_____ Agree_____ Undecided_____
- Disagree_____ Strongly Disagree_____

13. Police officers in our department generally exercise deadly force only for crimes where there is a life threatened or where there has been evidence of physical assaultive violence against the officers or a citizen.

Strongly Agree_____ Agree_____ Undecided_____

Disagree_____ Strongly Disagree_____

14. There is no basis for disciplinary action for allowing a felony property crime suspect to escape, rather than using deadly force to effect his/her arrest.

Strongly Agree_____ Agree_____ Undecided_____

Disagree_____ Strongly Disagree_____

15. Most police officers regard the responsibility for civil liability in the use of deadly force to be solely that of the government for which they work.

Strongly Agree_____ Agree_____ Undecided_____

Disagree_____ Strongly Disagree_____

16. Police officers should not be subjected to civil or criminal liability for exercising their discretion to shoot at the felony property crime suspect.

Strongly Agree_____ Agree_____ Undecided_____

Disagree_____ Strongly Disagree_____

17. There is no need to further limit a police officer's discretionary use of deadly force beyond that rendered under the state "common-law" interpretation.

Strongly Agree_____ Agree_____ Undecided_____

Disagree_____ Strongly Disagree_____

18. The State of Michigan's Common Law interpretation of the use of deadly force against felony suspects is adequate to protect the officer, his department and city (town, county, etc.) from possible civil liability.

Strongly Agree_____ Agree_____ Undecided_____

Disagree_____ Strongly Disagree_____

19. Statutory limitations on an officer's discretionary use of deadly force would be potentially dangerous to police officers.
- Strongly Agree____ Agree____ Undecided____
- Disagree____ Strongly Disagree____
20. Citizens generally do not expect police officers to exercise specific alternatives to effect an arrest of a felony property crime suspect other than deadly force.
- Strongly Agree____ Agree____ Undecided____
- Disagree____ Strongly Disagree____
21. Guidelines on the discretionary use of deadly force by police officers enacted by state legislators would be demeaning to the status of law enforcement officers.
- Strongly Agree____ Agree____ Undecided____
- Disagree____ Strongly Disagree____
22. Statutory limitations on the use of deadly force by police officers in Michigan, even though they will reduce significantly civil and/or criminal liability complaints against officers, is not necessary.
- Strongly Agree____ Agree____ Undecided____
- Disagree____ Strongly Disagree____
23. Police-officer-shootings of felony property crime suspects should not be a matter of internal investigations within the department, but by an agency outside of the officer's own department.
- Strongly Agree____ Agree____ Undecided____
- Disagree____ Strongly Disagree____
24. In the state of Michigan, a police officer is unlikely to be prosecuted for a "questionable" shooting of a felony suspect because of the broadness of the existing common-law interpretation on the use of deadly force.
- Strongly Agree____ Agree____ Undecided____
- Disagree____ Strongly Disagree____

25. Some police agencies cannot acquire adequate liability insurance coverage simply because they do not have clear, defined guidelines on the use of deadly force. If statutory legislation were enacted to remedy this problem, most police officers would be agreeable to such.

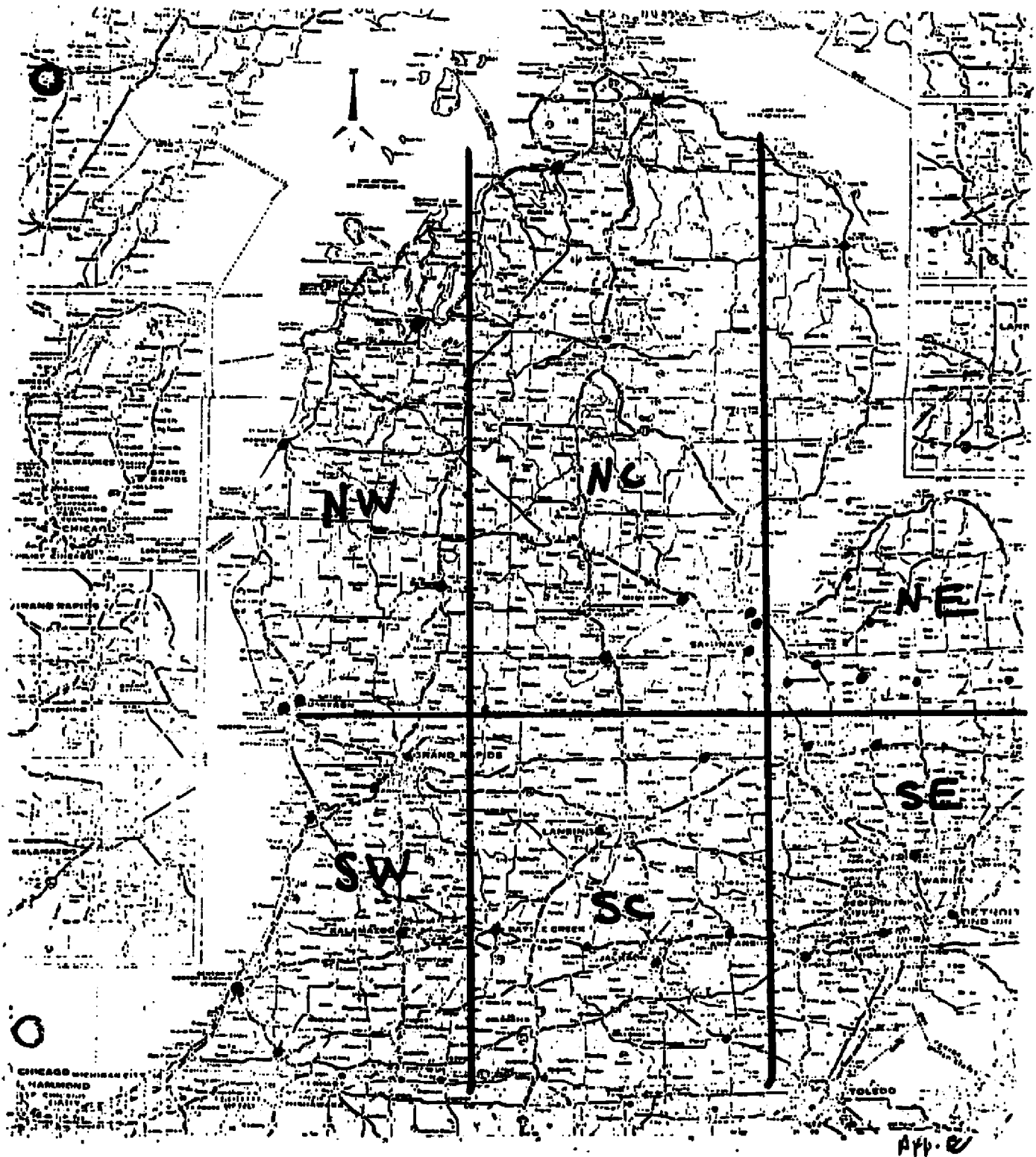
Strongly Agree____ Agree____ Undecided____

Disagree____ Strongly Disagree____

APPENDIX E

CHICAGO POLICE DEPT. - 1940

Re: Not a member of Township Police Dept., Chicago's 1st, no State Police Card



APPENDIX F

APPENDIX F

Policies Vary on Using Deadly Force

Picture an Officer in Michigan making a split-second decision on deadly force and shooting and seriously wounding an 18 year old who bolts from the custody of an Officer while being held on a bench warrant for failing to appear for a trial on a B & E charge.

The subject is not handcuffed at the time and the Officer fires one warning shot during the escape before shooting the subject in the back from a distance of 100 feet. He ends up in critical condition in a nearby hospital.

A routine internal investigation takes place but the department's public safety director states that departmental rules provide that "If there is no other way to apprehend a fleeing felon, an Officer can use his weapon."

If the same situation happened in New York City, policy dictates the officer should not have shot the man.

Michigan law on the subject leans heavily toward supporting the Officer in a shooting case. The law says

that a Police Officer can use reasonable and necessary force to apprehend any suspected felon.

A spokesman for the New York City Police Department, the largest in the nation, said there are strict policies governing the use of a firearm by a Police Officer.

He said the policies fall under both departmental rules and regulations and the New York penal code.

The spokesman said the basic rule of thumb for all Officers is that a life must be in danger before an Officer can use his gun.

"We'd rather see the person escape and be apprehended later," said the spokesman.

"An Officer has the power of life and death with a gun.

"Not even a judge in this state can sentence a man to die. Why should we have that power?"

The spokesman said Officers can use their weapons to prevent a felony. But, he said, once the crime has been committed, the Officer is prohibited from shooting the suspect unless the Officer's life is in danger.

He said that if an Officer spots a man pouring gasoline on a building and ready to light a match, he can shoot the man to stop the arson.

However, if the man already has lighted the fire and is fleeing the scene the Officer is forbidden from using his gun.

Ralph Moxley, former Birmingham Police Chief for 19 years and currently director of the Oakland Police Academy in Oak Park, says the judgement of whether or not to use a gun to stop a felon is one of the toughest parts of cadet training.

"You can tell the cadet what the law is on the subject," said Moxley, "but no one knows how that Officer is going to respond under stress until something happens on the street."

"All we can hope is that every Police Officer uses good, sound judgement in the use of his gun."

Most Police Departments in Michigan agree solidly on one point. If an Officer's life or a citizen's life is in danger, the Officer should use his weapon to stop the felon.

But from this point on, the departments vary slightly in their policies.

The Michigan State Police, for example, are allowed the use of guns to apprehend any escaping felon.

State Police Lt. Col. William D. Hassinger, deputy director of field services, said the real key is whether or not the fleeing felon would be a danger to society if he remained on the street.

"Under state law, a Police Officer does have the right to stop any fleeing felon with any force necessary," says Hassinger.

"But what we're asking our troopers to use is discretion.

"We want our troopers mindful of the seriousness of the offense."

He said he doesn't want any troopers shooting somebody for writing a bad check, even though it might be a felony charge.

Hassinger stressed that a weapon should be used only when all other methods have failed.

Birmingham and Detroit police guidelines spell out the type of crimes where an officer can use his gun.

Spokesmen for both departments indicate that an Officer is justified in using his weapon to apprehend someone involved in a major felony such as burglary, armed robbery, rape, murder or arson.

"When and where an Officer should use his gun is not a cut and dried issue," said one Birmingham Officer.

"It's very hard to write an order on when someone should shoot someone else.

"Situations on the street don't always follow the manual. We're asking our Officers to use good judgement in a split second circumstance.

"It's sometimes hard to do."

Moxley indicated that in his 29 years in Law Enforcement he found there were many more cases in which an Officer should have used his gun and didn't than there

were of those in which an Officer used his gun and should not have.

Quiz on Deadly Force Use

Check your recall! The last issue of the Peace Officer magazine contained an indepth article on guidelines for the use of deadly force. A list of situations follow which actually have occurred to a number of Police Officers. Review these and select your answers based on those guidelines. Be aware that sometimes it is not a question of right or wrong but the manner in which the Officer presents his justification for the use of deadly force. The situations are meant to be provocative and not to test specific knowledge of the law concerning the use of deadly force. It is suggested you also answer the situations by the application of other guidelines with which you are familiar. In doing this, you quickly will realize that the time necessary to answer the questions fast will vary widely depending on the guidelines you use. Hopefully, your department guidelines are brief, concise, workable and equitable to both the Officer and the individual citizen. Many believe that a select set of guidelines which has these characteristics should be incorporated into the state statutes governing the use of deadly force. No other guidelines then would be necessary.

Would
Shoot

Would Not
Shoot

1. In the back room of a house, a "professional" card game is raided by Police Officers. One of the players runs by an Officer and the Officer realizes that he could not catch this violator.
2. Officers raid a dice game at the rear of a building. Several gamblers run and the two officers know they will be unable to catch the entire group.
3. An Officer witnesses a knife fight and orders the one subject with the knife to drop the weapon. Subject turns facing Officer and holds knife in hand.
4. An Officer witnesses a stabbing. The victim falls to the ground and the subject runs, after the Officer orders him to halt.
5. An Officer spots a subject in a dark alley. As the Officer calls "Halt! Police," the subject runs.
6. An Officer is running after a subject carrying a TV set. The subject ran from the Officer when the Officer attempted to question him in reference to the TV being stolen. The Officer says "Halt!" The subject stops, turns toward the Officer, and his right hand moves deliberately toward his right front pocket. The officer yells, "Freeze!" The subject continues to reach for his pocket.
7. An Officer is checking the back door of a store that has been broken into. Subject runs out of back door and past the Officer. The subject looks to be a young white male.

Would
ShootWould Not
Shoot

8. Break into a building is discovered by Officer working alone. At this time subject is seen in building attempting to force open a safe and runs in direction of Officer with something in hand appearing to be a sawed-off shotgun.
9. Officers staked out at store on tip-off of holdup. Two subjects enter store with paper bags over their heads, stockings on their arms, and guns in hand and order store owner to freeze. Subjects flee at order to "hold it!" by Officers.
10. Breaking and entering found in cafe. Subject runs from area. A few minutes later a subject runs as he spots a Police car a couple of blocks away.
11. At 2 a.m. subject is seen at a safe in building. Front door is ajar.
12. Two men are seen fighting. One picks up pipe from ground, draws back to hit the other on the head.
13. A woman shoots at a man in the street. She is ordered to put the gun down, but subject continues to hold it in her hand.
14. Subject is spotted in car that was listed as stolen. He tries to outrun the Police car. Subject wrecks car, jumps out and runs.
15. An Officer is forced to fight subject while apprehending him for disorderly conduct. Subject is known professional fighter. Officer realizes he is going to be beaten if the fight continues.

	<u>Would Shoot</u>	<u>Would Not Shoot</u>
16. Subject is caught in store building. After break is discovered, the building is surrounded by Officers. One Officer can see the subject moving about in the building.		
17. About midnight on a Saturday night, a burglar alarm goes off in a liquor store. Subject runs from the rear of store and onto Sixth Street so that he can lose himself in the crowds.		
18. Attempt is made to stop subject in car. Subject tries to out-run Police car. He turns another car over in his attempt to escape. Subject is a known lottery operator.		
19. Officer witnesses a hold-up in progress. As Officer approaches, subject points gun at Officer. Officer kills subject. Weapon used by subject was found to be a realistic appearing toy gun. Would shooting be justified?		
20. Man and woman are seen in wooded area in car. As Officer walks up to car with flashlight, the woman jumps from car, calls for help and screams that she is being raped. The subject starts the car in an attempt to escape.		
21. A man signs an affidavit on his wife for assault with a deadly weapon after she shoots him in the arm. Officer goes to house and attempts to arrest for assault in the first degree with a warrant. The woman subject pulls a gun and tells Officer to leave or she will kill him.		
22. Officers with a warrant are about to enter premises to make an arrest for sale of narcotics when they see a suspicious-looking vehicle parked outside the premises. After the Officers approach the vehicle, the vehicle drives directly at the Officers at a high rate of speed.		

Would
Shoot

Would Not
Shoot

23. Officer makes a routine traffic stop. As he walks up to the car the driver accelerates and makes a U-turn and heads directly for the Officer at a high rate of speed. The Officer has no place to duck.