CHAPTER 7

POLICING METHODS AND CHALLENGES
Issues of Force, Liability, and Technologies

Paramount among the policies of law enforcement organizations are those controlling use of force.

—The President’s Task Force on 21st Century Policing, 2015
LEARNING OBJECTIVES

As a result of reading this chapter, you will be able to

1. Describe the test used for determining whether police use of force was reasonable or unreasonable
2. Assess police use of force in terms of the current state of police-community (particularly minority group) relations resulting from a number of widely publicized, fatal police shootings and the Black Lives Matter and Blue Lives Matter movements
3. Define constitutional policing, legitimacy, procedural justice, and consent decrees as they apply to police efforts to bring harmony to their whole approach—and to achieve a “guardian” rather than “soldier” mindset
4. Review what is meant by the term police brutality and, in that connection, the current status of officers’ body-worn cameras
5. Explain civil liability, the types of police actions (or inaction) that are vulnerable to lawsuits and how police officers—including their supervisors—might be held criminally liable for their misconduct
6. Delineate several types of technologies that are assisting police in their duties but that might also raise privacy and use concerns

ASSESS YOUR AWARENESS

Check your current knowledge of police methods and challenges by responding to the following eight true-false items; check your answers after reading this chapter.

1. Recent deaths involving police and minority citizens in the United States, and the ensuing unrest, demonstrate that the public wants less police militarization and more body-worn cameras to be employed.
2. Police behavior can be described as “brutal” in only one way: when they use physical violence toward a citizen.
3. Constitutional policing, legitimacy, and procedural justice should form the foundation of policing, rather than police having a “soldier” mindset.
4. Several studies have shown that hiring women and minorities as police officers is, practically speaking, a futile effort, as they are less effective in this type of work.
5. Although the police can be sued, the fear of civil liability is of minor concern to those who administer or perform police work.
6. Currently the only legal means of being compensated when police violate someone’s rights is to take the matter to a criminal trial.
7. The decision by a police officer to pursue a citizen in a motor vehicle is among the most critical that can be made.
8. Because of its widespread, long-standing use by police, software that provides facial recognition and the ability to detect texting while driving may be used without concern for legal or privacy issues.

<< Answers can be found on page 419.

The March 2018 fatal police shooting in Sacramento, California, of Stephon Clark—a 22-year-old unarmed black man shot eight times, mostly in his back—raised questions about the degree to which he posed a threat to officers at the time he was hit. Within one month of the shooting, California legislators proposed a bill that would limit firearm use by police officers. The bill, the Police Accountability and Community Protection Act (AB 931), was introduced in the state assembly to change the existing guidelines covering police violence from “reasonable force” to “necessary force.” This change in statutory language would permit officers to discharge their weapons only when there are no clear alternatives—or, as a member of the assembly put it, to ensure that “the use of deadly force stresses the sanctity of human life and is only used when necessary.” In addition to spirited legislative debate, five California police unions quickly opposed the bill, generally arguing that the bill’s provisions would
have negative effects on officers’ safety, carry high cost to redesign training programs, and exacerbate an already persistent hiring problem. Conversely, the bill was endorsed by the American Civil Liberties Union (ACLU), which stated that “[t]he killing of Michael Brown in Ferguson [Missouri, in August 2014], and so many others since, have laid bare this truth: our country’s laws protect the police, not the people.”

As you read this chapter, consider which side’s arguments should prevail, whether or not such laws are needed in all states, and if there are enough limitations (state laws, court decisions, agency policies) on when police may use of deadly force.

INTRODUCTION

This chapter focuses on two topics that are involved in several of the cases discussed in this book: police use of force and civil liability. Few chapters in this textbook discuss matters as grave as these. It concerns concepts that all police practitioners must understand and behaviors they must attempt to demonstrate: possessing a culture of ethical behavior and integrity, and minimizing or eliminating serious police transgressions and other violations of public trust—as well as the results of failing to do so. Police leaders, being responsible for the manner in which their subordinates wield their power and authority, are heavily implicated in these areas. The responsibility for ensuring that subordinates act correctly relative to their position in a lawful and effective manner lies squarely with their leaders.

This chapter begins by looking at how and why many members of society feel betrayed by recent events in which police have used (at times lethal) force, the chasm that exists as a result, and how changes in the police mindset and adoption of different police methods and philosophies (e.g., constitutional policing, procedural justice) are needed to bridge that gap. Also included is a look at measures that already exist to do so, including new databases and the use of consent decrees and body-worn cameras, as well as a discussion of the kinds of inappropriate police behaviors that can lead to civil liability. Continuing with its overall theme of policing methods, the chapter concludes with a brief examination of selected police technologies in terms of concerns about their legal, moral, and practical uses.

USE OF FORCE: A SACRED TRUST

The police must use force at times to protect themselves or others; such force can include verbal directives, empty-hand control (grabs, holds), less lethal means (e.g., chemical sprays, baton, electrical device), and lethal means; the great majority of the time, such force is justified and applied appropriate to the circumstances. The issue that is often raised in a given situation is whether or not the type of force employed was reasonable under the circumstances—considering the severity of the crime, whether the suspect posed a threat, and whether the suspect was resisting or attempting to flee. At the present time, the application of force in a given situation is frequently challenged—and recorded on video.

American society vests a tremendous amount of authority in its police officers. Indeed, the police are the only element of our society (except for military units, under certain circumstances) that is permitted to use force—up to and including that which is lethal in nature—against its citizens. Balancing the scales, however, is the understanding that the police will use this tool judiciously, only when necessary, and as a last resort.

The U.S. Supreme Court ruled that the use of force must be
[o]bjectively reasonable in view of all the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.  

However, determining what constitutes “objectively reasonable” is not always an easy task. Perhaps a good “test” (as provided by the Supreme Court in *Graham v. Connor*, 1989) is whether or not an officer’s actions were reasonable in light of the facts and circumstances confronting him or her, without regard to the officer’s underlying intent or motivation.

Given the unusually high number of police shootings—often involving unarmed minorities—that came to light in the United States beginning in 2014, an unusual measure was taken in late 2014 to examine the potential use-of-force problem: the creation of the President’s Task Force on 21st Century Policing. The task force noted that “recent events . . . have exposed rifts in the relationships between local police and the communities they protect and serve.” Its mission was to determine “how to foster strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations to the President on how policing practices can promote effective crime reduction while building public trust.”

The sections that follow discuss some of the problems that exist between the police and citizens they serve, as well as some ideas for bridging the rifts in police-community relations.

**From Harlem to Ferguson**

Britain’s Benjamin Disraeli observed more than a century ago, “No man will treat with indifference the principle of race. It is the key of history.” That is an excellent viewpoint from which to begin considering police-minority relations in the United States since the country’s establishment—and especially since the 1950s.

Even before the race riots and civil unrest of the civil rights movement and Vietnam War began in earnest, James Baldwin, the African American sociologist, was moved to write in 1960 about police in Harlem:

None of the Police Commissioner’s men, even with the best will in the world, have any way of understanding the lives led by the people they swagger about in twos and threes controlling. Their very presence is an insult, and it would be, even if they spent their entire day feeding gumdrops to children.

Indeed, for many minorities, the four words inscribed over the entrance to the U.S. Supreme Court building in Washington, D.C.—Equal Justice Under Law—have long been hollow; for them, justice is perceived as neither equal nor blind. In the aftermath of the 2014 police shooting death of Michael Brown in the city of Ferguson, Missouri, angry protesters raged for a week.
as gas and rubber bullets were used, the National Guard was deployed, a police officer was shot, and the U.S. Department of Justice was compelled to issue a scathing report about the widespread racially biased abuses by police, who routinely targeted African Americans for arrests and ticketing. Much controversy also ensued concerning the use of the state’s National Guard and military equipment and tactics.

Subsequent police shootings of minorities in other cities fostered many more thousands of demonstrations and “die-ins” across the country (as well as federal lawsuits against some officers’ employing agencies). “Black Lives Matter” (discussed below) became their rallying cry, and even new university courses of that nature were launched at the University of Miami School of Law, San Diego University, Dartmouth College, and other institutions of higher education.6

Incidents that involve minority group members will often heighten the tension and lead to charges of racism against the entire police agency. One columnist offered that “it is the police culture, more than race . . . that is at the crux of the problem . . . a mentality of brutality.”7 In response to excessive use of force by police, Human Rights Watch stated in a report that:

[p]olice abuse remains one of the most serious and divisive human rights violations in the United States. The excessive use of force by police officers, including unjustified shootings, severe beatings, fatal chokings, and rough treatment; persists because overwhelming barriers to accountability make it possible for officers who commit human rights violations to escape due punishment and often to repeat their offenses.8

Human Rights Watch also noted in the report that officers who repeatedly commit human rights violations tend to be a small minority but that they are protected, routinely, by the silence of their fellow officers and by flawed systems of reporting, oversight, and accountability; by the scarcity of meaningful information about trends in abuse; by the lack of data regarding police departments’ responses to those incidents; and by the lack of departmental plans or actions to prevent brutality.

**Updates on Two Movements:**

**Black Lives Matter and Blue Lives Matter**

As a result of the succession of fatal police shootings, two movements have sprung up in an attempt to protect certain groups. First, the previously mentioned Black Lives Matter (BLM) movement initiated national scrutiny of police shootings after an unarmed black teenager, Michael Brown, was killed by police in St. Louis in August 2014. Brown’s death led to widespread protests, prompted a White House commission to call for reforms, and galvanized this movement and national attention on police use of deadly force. The BLM movement’s website states that its mission is “to build local power and to intervene in violence inflicted on Black communities by the state and vigilantes.”9 BLM maintains an active voice and claims that it has “initiated broader conversation about racism in the U.S.,” its “influence on American politics is growing,” and it has “popularized civil disobedience and the need to put our bodies on the line.”10

A response to Black Lives Matter has been the Blue Lives Matter movement by police, which was formed in New York City after the killings of two officers, to publicize that
dozens of police officers are murdered each year and that police work is increasingly dan-
gerous. Indeed, the U.S. Senate and at least 14 states have introduced bills that would clas-
sify violent attacks on police as hate crimes (most such bills either have died or are sitting
in a legislative committee for review, however).11

A Threshold Question: Police as “Guardians” or “Soldiers”?

The contemporary chasm between police and minorities, and many people in society-at-
large, often revolves around how the police are now too often being seen as “soldiers” or
“warriors.” The previously mentioned killings of young African American men and oth-
ers have caused many people to ask whether or not there exists within the police culture a
“warrior mindset.” The President’s Task Force stated that

[...]aw enforcement culture should embrace a guardian mindset to build public
trust and legitimacy. Toward that end, police and sheriffs’ departments should
adopt procedural justice [discussed below] as the guiding principle for internal
and external policies and practices to guide their interactions with the citizens
they serve.12

A significant distinction exists between the two roles. Former Shoreline, Washington, police
chief Susan Rahr questioned this distinction:

Why are we training police officers like soldiers? Although police officers wear
uniforms and carry weapons, the similarity ends there. The missions and rules
of engagement are completely different. The soldier’s mission is that of a warrior:
to conquer. The rules of engagement are decided before the battle. The police
officer’s mission is that of a guardian: to protect. The rules of engagement evolve
as the incident unfolds. Soldiers must follow orders. Police officers must make
independent decisions. Soldiers come into communities as an outside, occupying
force. Guardians are members of the community, protecting from within.13

Added Boston police commissioner William Evans, “In Boston, we don’t train our recruits to
be a military force. I want my officers to come out as problem-solvers, not an occupying force.”
And, as Kansas City, Missouri, chief Terry
Zeigler put it, “For a long time, the police
academy has been based on a military boot
camp type of philosophy. That is missing the
point. Policing is mostly about manners and
courtesy.”14

Constitutional Policing and Legitimacy

Several of the aforementioned race-related
incidents have led to a careful review
of police practices and calls for reform.
At the heart of this review are the many
police leaders who are looking at their
agency’s culture in a new light—raising
questions about disparate treatment with
respect to the use of deadly force.

Police chief executives are now becoming much more heavily involved in what is termed
constitutional policing—a cornerstone of community policing and problem-solving efforts.
When a police agency develops policies and practices that advance the constitutional goals

Constitutional policing: policing practices that
emphasize the protection of civilians’ civil rights and
equal protection under the law.

A crowd of protesters faces Alabama state
troopers during one of three Selma-to-
Montgomery marches in 1965.
of protecting citizens’ rights and provides equal protection under the law, then, as New Haven, Connecticut, police chief Dean Esserman put it, “The Constitution is our boss. We are not warriors, we are guardians. The [police] oath is to the Constitution.”

Constitutional policing, then, forms the foundation of community policing. Police agencies cannot form positive and productive relationships with the citizens they serve if those communities do not trust the police or believe that the police see their mission as protecting civil rights as well as public safety. Too often, concerns with constitutional aspects of policing occur only after the fact—when police officials, community members, and the courts look at an officer’s actions to determine whether or not laws, ordinances, or agency policies were violated. Now there is a growing recognition among police leaders that constitutional policing should be on the minds of all agency members on an everyday basis.

A related concept is that of police legitimacy: the extent to which the community believes that police actions are appropriate, proper, and just, and its willingness to recognize police authority. If the police have a high level of perceived legitimacy, community members tend to be more willing to cooperate with the police and to accept the outcome of their interactions with the police. Public confidence involves the belief that the police are honest, are trying to do their jobs well, and are striving to protect the community against crime and violence. Moreover, legitimacy reflects the willingness of residents to defer to the law and to police authority, that is, their sense of obligation and responsibility to accept police authority. Finally, legitimacy involves the belief that police actions are morally justified and appropriate to the circumstances.

Clearly this relationship with the citizenry is what Sir Robert Peel had in mind when he said, “The police are the public, and the public are the police.”

**Procedural Justice**

Procedural justice and police legitimacy both relate to the creation of a culture of integrity. Adopting procedural justice as the guiding principle for policies and practices can be the underpinning of a change in culture, and should also contribute to building trust and confidence in the community. Succinctly put, procedural justice revolves around four central principles or pillars:

- The first pillar of procedural justice is the perception of fairness to all. This is not just about outcomes. In determining whether or not their treatment by police was fair, citizens will consider the process by which the officer’s decision was made as much as the outcome of a decision. Often, the outcome of an interaction is less important than the interaction itself—whether the involved parties experienced respectful treatment. If, say, a person deems he or she was treated fairly and with respect in receiving a traffic ticket, he or she is much less likely to lodge a complaint against the officer.

- The second pillar concerns voice. All people want to be heard and feel as though they have a measure of control over their fate; this helps them feel that their opinions matter and that someone is listening to their side of the story and giving some consideration to their concerns.

- The third pillar, transparency and openness of process, means that the processes by which decisions are made do not rely on secrecy or deception. Here, key decisions are made out in the open as much as possible, as opposed to behind closed doors or on a whim. When officers are as transparent as possible, community members are more likely to accept the outcome, even if unfavorable.

- The fourth pillar, impartiality and unbiased decision making, means decisions are made based on relevant evidence or data rather than on personal opinion, speculation, or guesswork. People want the facts. When people take the extra few minutes to make apparent to others the data used to make decisions, understanding and acceptance are generally the outcome.
How to Develop Harmony, Justice, and Policy

What is the solution for cities that recently experienced fatal police shootings and severe racial unrest in their aftermath—cities that are vastly different in their demographics but quite similar in attitudes and emotions? If someone had the perfect answer to that question, he or she would probably become very wealthy. Although it takes years if not decades for the many underlying social problems in such communities to reach a boiling point, a priority is to seriously examine these cities’ relationships with and understanding of their minority communities. In a community such as Ferguson—where 67 percent of the population but only 5 percent of police officers were African American—and in a nation where many people see discrimination and prejudice when blacks are arrested at nearly three times the rate of people of other races, a good starting point is to diversify the agency, thus giving people a greater sense of representation and voice. As one witness told the President’s Task Force concerning youth in poor communities:

By the time you are 17 you have been stopped and frisked a dozen times. That does not make that 17-year-old want to become a police officer. The challenge is to transform the idea of policing in communities among young people into something they see as honorable. They have to see people at local events, as the person who lives across the street, not someone who comes in and knows nothing about my community.18

Other reform ideas include stopping the militarization of the police (their aforementioned use of military tactics and equipment); mandating the use of body-worn cameras; having the U.S. Department of Justice investigate such shootings to determine whether any civil rights violations occurred; and implementing training on racial profiling, dehumanization, and stereotyping.

A final note: coming to light in the wake of the aforementioned police shooting deaths of the mid-2010s was the near total lack of data concerning such shootings. Measures were then put in place to initiate a national database tracking such shootings in the United States. The U.S. Senate passed the Death in Custody Reporting Act in December 2014, mandating that all states do so or risk losing millions of dollars in federal grants.19
Wielding a “Big Stick”: Use of the Consent Decree

How does a police agency that has serious problems involving improper use of force and other inappropriate behaviors alter its entire culture and foster an environment of constitutional policing and legitimacy? One of the ways to foster such meaningful change was made possible by the 1994 Violent Crime Control and Law Enforcement Act, which gave the U.S. Department of Justice Civil Rights Division authority to investigate state and local law enforcement agencies that it believes have unconstitutional policies or engage in unconstitutional patterns or practices of conduct. This law also allows the Department of Justice to sue any police agency if it has exhibited a “pattern and practice” of using excessive force and/or violating people’s civil rights. Furthermore, such agencies can be compelled to change those practices through what is known as a consent decree (also known as a memorandum of agreement).

Dozens of cities have found themselves placed under consent decree by a court and compelled to change in such areas as policies and training, collecting and analyzing data, obtaining the necessary technology to effectively monitor officer behaviors, and even developing community-policing strategies. If unwilling to comply, the agency can be sued by the Department of Justice and possibly even be placed under a receiver who has total control over its operations. In short, consent decrees can provide an essential blueprint for policing constitutionally, providing detailed goals to be met. This is typically

Consent decree: where police officers have violated citizens’ civil rights, a tool used by the courts to compel an agency to generally perform within the dictates of the Constitution and make specific reforms.

accomplished under the watchful eye of an outside federal monitor (usually a team) and a federal judge, in order to measure whether the purposes of the agreement are being achieved.23

Another Item of Business: More Women and Minorities in Uniform

Another desirable goal for today’s police agencies is for them to be represented by more women and minorities. Only about one in eight, or 12 percent of, local (city and county) police officers are female, and one in ten is a first-line supervisor. Obviously, unless and until recruiting and retention efforts are improved and the field is generally made to appear more attractive to women (including having more women in police executive positions to serve as role models), what has long been the status quo is unlikely to change. Members of racial and ethnic groups are more visible in police ranks, however; they represent more than a quarter (27 percent) of full-time local police officers—about 130,000 officers—or an increase of about 150 percent since 1987.24

According to research by the National Center for Women and Policing, female officers

- Are as competent as their male counterparts
- Are less likely than male officers to use excessive force
- Use a less authoritarian style that relies less on physical force—and communication skills that allow them to defuse situations
- Implement community-oriented policing and problem solving, which emphasizes communication and cooperation
- Are more effective in responding to crimes against women than are male officers
- Can help reduce problems of sex discrimination and harassment within their agencies25

Police Brutality

Throughout U.S. history, police agencies have faced allegations of brutality and corruption. In the late 19th century, New York police sergeant Alexander “Clubber” Williams epitomized police brutality, speaking openly of using his nightstick to knock people unconscious, batter them to pieces, or even kill them. Williams openly sought opportunities for graft in an area in downtown New York that was the heart of vice and nightlife, often termed Satan’s Circus. This was Williams’s beat, where his reputation for using force and brutality became legendary.

Many people contend that there are actually three means by which the police can be “brutal.” There is the literal sense of the term, which involves the physical abuse of others. There is the verbal abuse of citizens, exemplified by slurs or epithets. Finally, for many people who feel downtrodden, the police symbolize brutality because the officers represent the majority group’s law, which serves to keep the minority groups in their place. It is perhaps this last form of police brutality that is of the greatest concern for anyone who is interested in improving community relations. Why? Because it is a philosophy or frame of mind. And it is probably the most difficult to overcome.
Citizen use of the term police brutality encompasses a wide range of practices, from the use of profane and abusive language to the actual use of physical force or violence. 26 Although no one can deny that some police officers use brutal practices, it is impossible to know with any degree of accuracy how often and to what extent these incidents occur. They are low-visibility acts, and many victims decline to report them. It is doubtful that police brutality will ever disappear forever. There are always going to be, in the words of A. C. Germann, Frank Day, and Robert Gallati, “Neanderthals” who enjoy their absolute control over others and become tyrannical in their arbitrary application of power. 27

Status of Police Body-Worn Cameras

Another outgrowth of the aforementioned police shootings and the emphasis on greater police transparency has been a call for officers to use body-worn cameras. With cell phones recording what appear to be a number of questionable if not criminal cases of police use of force—and what also appears for many people to be misrepresentation or cover-up of facts by police in the aftermath—many politicians and activists argue that all officers should be compelled to do so.

Nearly all states have enacted legislation or have pending legislation governing how their cities will use body-worn cameras, although these laws will differ in terms of when, where, and how cameras may be used; public access to footage; public records requests; storage time; and the like. 28 These statutes are intended to address two compelling issues: (1) When, specifically, should the cameras be used; and (2) who should be allowed to view which kinds of footage?

Another concern, one that applies to the individual agencies themselves, is that body-worn cameras can carry tremendous costs—not from the equipment itself (ranging from a few hundred to a few thousand dollars per camera), but from the time required to store and edit the videos, as well as from the impact of public disclosure or open-records requests under the Freedom of Information Act (FOIA). It could be extremely challenging, if not impossible, for police to dedicate personnel and equipment to store, redact, and provide videos for all open-records requests (to include those by defense attorneys). 29

WHEN FAILING THE PUBLIC TRUST: CIVIL LIABILITY

A Process and a Personality

According to one observer, the sequence of events has become all too familiar: In the aftermath of a fatal police shooting, there come angry calls by the family and sympathetic groups for a criminal investigation and conviction of the responsible officer. The local prosecutor or grand jury typically decides not to bring charges against the officer—or, if tried, the officer is acquitted. Then the community protests ensue (if not already occurring). Next, the Department of Justice is called upon to conduct a federal civil rights probe, which may or may not occur (but also tends to produce no criminal charges). Finally, the family of the victim files a wrongful death lawsuit against the city or police department behind the incident. 30

To understand how such a series of events might occur, we must first revisit a few fundamental tenets of policing as an occupation. As mentioned in Chapter 6, in 1966 Jerome Skolnick described what he termed the working personality of the police as consisting of two important variables—danger and authority—and including a “perceptual shorthand” that includes a “symbolic assailant,” wherein police often rely on certain cues such as demeanor, language, and attire, to determine whether an individual they confront is a threat to their safety. 31 A number of authors have argued that, for police, young black males can satisfy this mental shorthand. 32
Witness the following cases, each of which involved the shooting death of an African American man, a debate concerning whether or not the police used excessive force, the police arguing that they acted appropriately in the circumstances, and a large financial settlement sought by (and often awarded) the surviving family members:

- The family of a South Carolina man reached a $6.5 million settlement in 2018 in his fatal shooting death. He was struck in the back by a bullet while running away from a police officer, who reportedly pulled him over for a broken brake light; the officer was later charged with murder in the case. A state circuit judge refused to release the officer on bail, saying that doing so “would constitute an unreasonable danger to the community.”

- In New Jersey, a grand jury declined bringing charges against two officers after a struggle with a 32-year-old man in their custody who was acting in a “bizarre” fashion; a police dog was unleashed on him, resulting in the man’s death. Lawyers for police say they acted appropriately and were physically threatened. The family later filed a $10 million civil suit.

- A police officer in South Carolina was charged with a felony firearms offense after discharging his firearm into a vehicle, killing its 68-year-old occupant in his driveway. The officer had tried to pull him over on suspicion of driving under the influence and claimed the man had grabbed for his gun, while his family argued that a video showed he never tried to do so. The officer pleaded guilty to a misdemeanor “misconduct in office” charge in a plea arrangement. In an ensuing civil suit, the family settled for $1.2 million.

- A 25-year-old Florida man who family members say had paranoid schizophrenia died after police shot him. The family’s lawyer said video of the shooting made clear that police used excessive lethal force. A video showed the man running toward a police car with a broomstick in his hand. Prosecutors declined to bring charges against the officers; the family filed a $20 million civil lawsuit against the city, its former police chief, and two officers.

Not all of the above or other persons who have been fatally shot by the police were young black males, of course, but when such incidents happen, close scrutiny of the incident will be brought to bear to determine the facts surrounding the matter and if prejudice might have been at its core.

With the possible exception of professionals working in the medical field (and possibly in prisons), no group of workers is arguably more susceptible to litigation and civil liability than police employees. Frequently cast into confrontational situations, and given the complex nature of their work and its requisite training needs, they will from time to time act in a manner that evokes public scrutiny, complaints, and calls for financial remuneration to persons who have suffered as a result (see next section). As we will see, the price of failure among public servants can be quite high, in both human and financial terms.

Civil liability: in tort law, the basis for which a cause of action (e.g., fine) is made to recover damages; in criminal justice, where a police or corrections officer, for example, violates someone’s civil rights.
American citizens (and legal counsel) have long known how to seek redress from the courts. As examples, in Baltimore the family of Freddie Gray (whose death led to murder and/or assault charges against six police officers in 2015) received $6.4 million, and in Cleveland the estate of 12-year-old Tamir Rice was awarded $6 million. Larger cities now spend hundreds of millions of dollars per year on such cases.

**Torts and Negligence**

A **tort** is the infliction of some injury on one person by another. Three categories of torts generally cover most of the lawsuits filed against criminal justice practitioners: negligence, intentional torts, and constitutional torts.

**Negligence** can arise when a criminal justice employee’s conduct creates a danger to others. In other words, the employee did not conduct his or her affairs in a manner so as to avoid subjecting others to a risk of harm and may be held liable for the injuries caused to others. Intentional torts occur when an employee engages in a voluntary act that has a substantial likelihood of resulting in injury to another; examples are assault and battery, false arrest and imprisonment, malicious prosecution, and abuse of process. Constitutional torts involve employees’ duty to recognize and uphold the constitutional rights, privileges, and immunities of others; violations of these guarantees may subject the employee to a civil suit, most frequently brought in federal court under 42 U.S. Code Section 1983, discussed in the next section.

A single act may be a crime as well as a tort. For example, if Officer Smith, in an unprovoked attack, injures Jones, the state will attempt to punish Smith in a criminal action by sending him to jail or prison, fining him, or both. The state would have the burden of proof at criminal trial, having to prove Smith guilty “beyond a reasonable doubt.” Furthermore, Jones may sue Smith for money damages in a civil action for the personal injury he suffered. In this civil suit, Jones would have the burden of proving Smith’s acts were tortious by a “preponderance of the evidence”—a lower standard than that in a criminal court and thus easier to satisfy.

**Section 1983 Legislation**

The primary civil instrument that can be used against the police is **Section 1983**. Following the Civil War and in reaction to the activities of the Ku Klux Klan, Congress enacted the Ku Klux Klan Act of 1871, later codified as U.S. Code, Title 42, Section 1983. It states that

> [e]very 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 any 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.

A trend is for such litigants to cast a wide net in their lawsuits, suing not only the principal actors in the incident, but agency administrators and supervisors as well. This breadth of suing represents the notion of **vicarious liability**, or the doctrine of **respondeat superior**, an old legal...
maxim meaning “let the master answer.” In sum, an employer can be found liable in certain instances for wrongful acts of the employee.

Police supervisors have also been found liable for injuries arising out of an official policy or custom of their department. Injuries resulting from a chief’s verbal or written support of heavy-handed behavior resulting in the use of excessive force by officers have resulted in such liability. 42

Chief of Police

Name: Jeri Williams
Position: Chief of Police
Location: Oxnard, California

What do you find to be the most enjoyable aspects of policing? It’s the kind of job where I didn’t have to do the same thing every day. It was different every single day. I got to help people every single day. What I couldn’t believe was that people were paying me money to put bad guys in jail. That blew my mind—who wouldn’t want to do this all the time? When it came to promotion, I had some male supervisors who used to say some crazy things about women and females, and they used to tell me that I couldn’t do things because I was black and female. I got promoted anyway. Sometimes the demotivators can be a great motivation.

What advice would you give to someone either wishing to study, or now studying, criminal justice and wanting to become a practitioner in this position? Research your agencies very well, and don’t just apply any place. You really have to make sure you’re a good fit for that agency. We are looking for people who are honest and have integrity, people who are problem solvers, and people who can properly and actively communicate with people. We’ve found tremendous success lately hiring people from our own community, which is a double bonus for us because they understand the culture of the city, but can also rise to the occasion and pass through all the hoops we have to becoming a police officer. When you’re interviewing for a position, be honest and forthright. You have to be able to portray honor and integrity, and command presence. We’re looking for people who are physically fit and maintain the stamina of being a police officer. We want to see that you want to be a community servant, to do right by people every day that you go out there.

What directions do you envision your department going in the future? Regardless of what is going on in the national agenda with law enforcement, we as police officers remain steadfast in what we’ve been doing for one hundred years, and that’s treating people with integrity and respect, really taking the time to listen to people, providing a service that’s the platinum standard, as well as taking the bad guys to jail. You can’t have one without the other. There are some officers who believe that if they’re focused on customer service, then they won’t be able to arrest people. We have to be able to walk in tandem and make our arrests and still provide customer service. I think when we as law enforcement believe that and embody that, regardless of what’s going on in other places, people will still feel safe and security in their homes and communities. I know it sounds altruistic to think that, but quite frankly, I think that’s why I’m in this profession. I know for a fact that there are 330 other police chiefs in the state of California who think the same way. I would love for the noise going on nationally to diminish. I would love for other police officers to recognize that I don’t wear a badge just for the Oxnard Police Department, I wear it for everyone else who has taken an oath to be a peace officer, and that regardless of what’s going on, that I stand true to my honor and integrity as a police officer. That’s where I’d love for us to be years down the road.

To learn more about Jeri Williams’ experiences as a chief of police, watch the Practitioner’s Perspective video in SAGE vantage.
Potential Areas of Liability

To help readers to conceptualize what is meant by police civil liability, the following sections discuss some general areas in which police liability may be found.

Proximate Cause

Proximate cause is basically something that causes an event, particularly an injury due to negligence or an intentional wrongful act. In other words, the injury caused would not have occurred but for the cause. As an example, it is established by asking, “But for the officer's conduct, would someone have been injured or killed?” If the answer to this question is no, then proximate cause is established, and the officer can be held liable for the damage or injury. An example is where an officer is inappropriately and negligently involved in a high-speed chase and the fleeing driver strikes an innocent third party.43 Proximate cause also may be found when an officer who leaves the scene of an accident is aware of dangerous conditions (e.g., spilled oil, smoke, vehicle debris, stray animals) and does not give proper warning to motorists.44

Persons in Custody and Safe Facilities

Courts generally rule that police officers have a duty of care to persons in their custody, including a legal responsibility to take reasonable precautions to keep detainees free from harm, to render medical assistance when necessary, and to treat detainees humanely.45 This duty, however, typically does not include self-inflicted injury or suicide, because these acts are generally considered to result from the detainee’s own intentional conduct.46 However, if a prisoner’s suicide is “reasonably foreseeable” from his or her actions or statements, then the jailer has a duty of care to help prevent that suicide.

Police also need to provide safe facilities. For example, the construction of a Detroit jail’s holding cell did not allow officers to observe detainees’ movements; there were no electronic monitoring devices for observing detainees, and there was an absence of detoxification cells required under state department of corrections rules. Therefore, following a suicide in this facility, the court held that these building defects contributed to the detainee’s death.47

Failure to Protect

This form of negligence may occur if a police officer fails to protect a person from a known and foreseeable danger. Claims of failure to protect most often involve battered women. However, police informants, witnesses, and other people dependent on the police can be a source of police liability if an officer fails to take reasonable action to prevent them from being victimized. (See the accompanying “You Be the . . . Judge” box.)

Vehicle Pursuits

Vehicle pursuits are of great concern because they involve tremendous potential for injury, property damage, and liability. As one police manual describes it, “The decision by a police officer to pursue a citizen in a motor vehicle is among the most critical that can be made,” putting innocent third parties—other drivers and bystanders—at risk. Police policy and procedure manuals are very thorough where pursuits are concerned, and they typically...
order the supervisor to shut down the pursuit unless there is probable cause to believe the suspect presents a clear and immediate threat to the safety of others, or has committed or is attempting to commit a violent felony.

Two cases explain the law of high-speed pursuits. The first involves two Sacramento County, California, deputies who pursued a motorcyclist for a traffic violation at speeds greater than 100 miles per hour; the motorcycle crashed, and the deputies’ vehicle could not stop in time, striking and killing the motorcycle’s passenger. The passenger’s family claimed in a civil suit that the pursuit violated the crash victim’s due process rights under the Fourteenth Amendment. The U.S. Supreme Court, in County of Sacramento v. Lewis (1998), held that the proper standard in such cases is whether the officer’s conduct “shocks the conscience.” That is, was the conduct offensive to a reasonable person’s sense of moral goodness? The Court felt that, in this case, deputies had no intent to harm the suspects and thus their behavior did not “shock the conscience.” In 2007, the Supreme Court heard another case involving the level of force used by police in such pursuits. A deputy’s pursuit of a 19-year-old Georgia youth, driving at speeds up to 90 miles per hour for 9 miles, ended in a violent crash that left the youth a quadriplegic. His lawyers argued that the Fourth Amendment protects against the use of excessive force—and that when high-speed drivers have their cars stopped in pursuits, a “seizure” occurs for Fourth Amendment purposes. The Supreme Court held that an officer’s attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders “does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death.” Still, it is important to remember that a police pursuit is justified only when the necessity of apprehension outweighs the degree of danger created by the pursuit.

You Be the . . .

Judge

What, if any, legal obligation is held by the police to protect someone from his or her estranged spouse who has been served with a legal restraining order? That question was at the crux of a lawsuit from Castle Rock, Colorado, which was ultimately heard by the U.S. Supreme Court. Jessica Gonzales’s restraining order required her husband to remain at least 100 yards from her and their three daughters except during specified visitation times. One evening the husband took possession of the three children in violation of the order; Mrs. Gonzales repeatedly urged the police to search for and arrest her husband, but they took no immediate action (due to her having allowed her husband to take the children at various hours). At approximately 3:20 a.m., the husband appeared at the city police station and instigated a shoot-out with the police (he died). A search of his vehicle revealed the corpses of the three daughters, whom the husband had killed prior to his arrival. U.S. cities are generally immune from lawsuits, so in this case the Supreme Court was asked to decide whether Jessica Gonzales could sue the city because of inaction by its police officers.

1. Were the police morally responsible for the deaths of the three girls?
2. Were the police legally responsible for their deaths?
3. If you believe Gonzales should be allowed to sue the city, and the police were liable, how much financial compensation should she receive?

See the Notes section at the end of the book for the outcome and whether or not the city was deemed as liable for its police department’s actions.
A Related Issue: How to Treat the Mentally Ill Population

Richard Lee Quintero’s 911 call in North Carolina in March 2018 went viral because many viewed it as a humorous sound bite for entertainment. In the call, Quintero reported that he was Jesus Christ and then turned himself in for burglarizing a pizza business. Later, however, matters turned far worse. Suffering from chronic paranoid schizophrenia and confined to jail for three weeks, Quintero later amputated his own tongue. From there, he was sent to a week in a hospital and then to a maximum-security prison. After being deemed incapable of standing trial, the charges were later dropped.

The State of Our Mental Health

According to the National Alliance on Mental Illness, the state of our mental health as a nation is not good; approximately one in five adults in the United States—43.8 million or 18.5 percent—experience mental illness in a given year; moreover, one in five youth aged 13–18 experience a severe mental disorder at some point in their lifetime, 18.1 percent of adults experience an anxiety disorder such as posttraumatic stress disorder, and 26 percent of adults staying in a homeless shelter live with serious mental illness (see Figure 7.1). Unfortunately, many—40 percent or more—of these people do not realize they are mentally ill—a condition known as anosognosia—so outpatient treatment is critical.

Given the ubiquitous nature of mental illness, police everywhere and at all levels will inevitably come into contact with persons suffering from it; in the sections that follow we discuss those contacts and what police can do in dealing with such individuals.

Front-End, Back-End Issues

At the front end of the problem, an estimated 20 to 40 percent of police calls for service involve mentally ill persons, while an estimated 7 percent of police contacts in jurisdictions with 100,000 or more people involve the mentally ill. One survey found that about 9 in 10 (92 percent) of patrol officers have at least one encounter with a mentally ill person in crisis each month, and officers average about six such encounters per month. On the back end, America’s jails and prisons have been termed by the Treatment Advocacy Center as the “new asylums” because they house more mentally ill persons than any psychiatric hospital in the country. Researchers have found that more than half the inmates in jails and state prisons are mentally ill, particularly with depressive disorder, schizophrenia, and bipolar disorder.

What Can Police Do?

There are several recommendations for police interactions with the mentally ill, as espoused by psychiatrists, including responding with more than one officer (e.g., preferably in uniform and without using red lights or sirens); remaining with the individual until help arrives; moving slowly and reassuring the person; trying to obtain help from friends, relatives, and others known to the individual; using a weapon only when necessary to save a life; not arguing with a person who is delusional, instead trying to bring him or her back to reality; taking all suicidal behavior seriously; ensuring the individual is not physically ill or injured; and trying to get the person to a treatment facility.

Thousands of agencies across the United States have adopted crisis intervention training or team (CIT) approaches, which involve training officers for 40 hours or more about mental illness issues, signs and symptoms, practical ways to deescalate a situation, and how to let a person in crisis vent. CIT employs role-play scenarios that emphasize how to avoid the use of weapons if the person is posing a danger only to themselves. Officers are also trained to know the various diversionary options in their jurisdictions (e.g., mental health or medical facilities) so that they can help the person involved rather than taking the individual to jail. CIT programs are critical for modern officers. As an example, the Seattle, Washington, Police Department website provides a short video of police partnering with mental health experts at https://www.king5.com/video/news/
Figure 7.1 /// Mental Health Facts in the United States

PREVALENCE OF MENTAL ILLNESS

1 in 5  U.S. adults (47.6 million people) experience mental illness each year

1 in 25 U.S. adults (11.4 million people) experience serious mental illness each year

1 in 6  U.S. youth aged 6-17 (7.7 million people) experience a mental health disorder each year

LIVING WITH MENTAL ILLNESS

19.3% of U.S. adults with mental illness also experience a substance use disorder

13.4% of U.S. adults with serious mental illness have no insurance coverage

60% of U.S. counties do not have a single practicing psychiatrist

IMPACT OF MENTAL ILLNESS

People with depression have a 40% higher risk of developing cardiovascular and metabolic diseases than the general population.

The rate of unemployment is higher among U.S. adults who have mental illness (5.8%) compared to those who do not (3.6%)

37% of adults incarcerated in the state and federal prison system have a diagnosed mental illness

Across the U.S. economy, serious mental illness causes $193.2 billion in lost earnings each year

Source: Data courtesy of the National Alliance on Mental Illness, the Substance Abuse and Mental Health Services Administration, and the National Institute of Mental Health.
SELECTED TECHNOLOGIES: USES AND CONCERNS

Any discussion of policing methods (and related challenges) must include their use of technologies, which have had a tremendous impact on the field and greatly expand and change the work of patrol officers, criminal investigators, forensics, and other specialized assignments (e.g., bomb disposal). With those technologies—now including the use of video cameras on light poles, satellites and drones to observe from the skies, smartphones that relay all sorts of information to sentinel towers, and license plate readers tracking people's movements—come a number of concerns, however. For example, in January 2015, the U.S. Senate Judiciary Committee indicated "privacy concerns of the highest order." Civil rights organizations and even several federal judges have expressed strong concerns about using the devices without a search warrant.\(^{52}\)

Next is a sampling of several police technologies either in use or in development that have raised some of these concerns.

**Facial Recognition**

In January 2018, Google launched a new app that allowed users to take a selfie to determine whether or not their face matched any of those in historical paintings. This new app was instantly popular and became a source of amusement—except for people living in Texas and Illinois; those two states’ privacy laws restrict the use of facial recognition technology.\(^{53}\)

But advances in biometrics—measurements of a person’s physical or behavioral characteristics, even including one’s unique heartbeat—have brought applications that can often be used for good. For example, when police had difficulty identifying the man who opened fire on a newsroom in Maryland, killing five people, the department sent a picture of the suspect to the Maryland Coordination and Analysis Center, which combed through one of the nation’s largest databases of mug shots and driver’s license photos in search of a match (and one was made). It can also provide a more efficient means of searching for missing persons, using software that can detect faces in the real-time video feed of officers’ body-worn cameras (the software sends facial images to a secure artificial intelligence service, which checks the face against a missing persons database in real time as an officer is patrolling an area; if an officer's camera picks up a face that is in the missing persons database, it triggers a voice alert).\(^{54}\)

The Maryland databases, as well as others, have become the source of some debate, as questions arise as to whether or not these mug shot databases are updated to eliminate images of people who were never charged, had charges dropped or dismissed, or who were found not guilty; some states want legislation mandating auditing to ensure that facial
recognition is used only for legitimate law enforcement purposes and could only be used with a court order.55

Undoubtedly such technology will continue to advance; police agencies will continue to seek means of quickly matching names or images of suspects against their databases of arrested individuals. Clearly, however, civil rights groups will continue to monitor the progress of biometrics as well as its potentially unconstitutional uses.

Preparing for a Future With Autonomous Vehicles

Some experts predict that autonomous—driverless—vehicle (AV) technology could be here very soon, even within 15 to 20 years. As with the rest of society, police agencies have much to do to prepare for this coming technology, as it is going to have a number of profound and probably unforeseen consequences.56

First, the good news: AVs will likely bring a world in which drivers do not commit traffic violations or cause traffic crashes. Traffic congestion could be reduced or eliminated, mobility will be enhanced, and motorists (particularly long-distance commuters) will have countless hours of free time to devote to work or pleasurable activities (such as shopping on the Internet) while being transported safely. For their part, the police might equip AVs with cameras, license plate readers, radar, and gunshot detection systems.57

AVs, though, are also associated with a number of critical issues. First, how will police prepare for the inevitable use of AVs by terrorists, hackers, and other criminals? Such persons could attempt to utilize AVs to transport illicit drugs, pack the vehicles with bombs and drive into public buildings, tamper with the vehicle control systems, and transport undocumented aliens or victims of sex trafficking. The criminal element must be considered, and steps taken, to prevent these types of occurrences.58

Another issue related to the advent of AVs is the role of police as determiners of liability. Traditionally, the officer makes the determination of fault at a traffic crash scene; if an AV malfunctions, or becomes involved in a serious traffic collision, who is liable and should be ticketed—the AV manufacturer or the vehicle owner/operator? Police officers will be tasked with assigning this liability, and questions may arise as to whether or not the vehicle was built to operate safely or if the operator was negligent (e.g., in not obtaining required maintenance and software updates for the vehicle).59

States must therefore enact regulations regarding the implementation and operation of AV technology on their roads. For their part, law enforcement agencies must begin to work with AV manufacturers and lawmakers to ensure law enforcement’s needs and concerns are considered in the development of these vehicles and the related regulations—for example, giving the police the ability to take control of AVs in certain circumstances.60

Addressing Texting While Driving

A prototype has been developed, although it is not yet legally available to or used by police, that can determine at a traffic crash scene whether a driver was texting on his or her smartphone. The device displays a log with the driver’s every move leading up to the time of the crash. Such a device would be beneficial for the police as well as society: Each day an average of nine people are killed and 1,000 more are injured in crashes involving distracted driving.61

Opponents are already arguing that getting a phone’s history ought to require a warrant, as the Fourth Amendment’s protections are lost with such devices. However, proponents note that this technology does not provide information on the content of the user’s text or email or social media post, but only whether or not the phone was in use. They add that texting laws alone do not work, and that such a device would merely be a tool for police to use to catch these people, to deter texting while driving, and to save lives.62
As a New York bill is currently written, the driver involved in a crash would be asked to hand over his or her cell phone to the officer, who would then plug the Textalyzer into it; and, as with a Breathalyzer, drivers who refuse to hand over their phones could lose their driver’s licenses.63 This and similar bills might be challenged before the U.S. Supreme Court, however. Although the Court held in 2014 that police officers need a warrant to search cell phones, it could be argued that the Textalyzer is not unconstitutional because phone records can already be made available to police through warrants from phone carriers.64

Handheld Drug-Testing Devices

In Chapter 16 we will discuss contemporary drug problems and enforcement in greater detail; here we discuss briefly a means of quickly and easily identifying drugs that are encountered by officers on patrol.

Today, with so many illicit drugs on the streets, it is no longer a simple task to identify them on sight or to perform lab testing. Synthetic cathinones (bath salts), cannabinoids (K2, spice), and opioids (fentanyl, W-18) can all look like white powders and be visually indistinguishable from one another.65

To address this problem, police agencies are now using handheld narcotics analysis technology that not only cuts drug testing costs but also assists officers in improving the safety of themselves and their communities. These handheld instruments are smaller, faster, more affordable, and easier to use than traditional chemistry kits, and they can test for many more illegal substances. The officer simply aims a laser beam at the substance and scans for hundreds of suspected illicit substances, precursors, and cutting agents in a single, definitive, presumptive evidence scan.66 Drug samples can be prioritized in mere minutes so that key cases can be investigated and evidence handed over to prosecutors in a few days. Evidence from handheld narcotics analyzers can also be used to offer suspects plea deals; if a suspect refuses the offer, the case will proceed to trial.67

This device also addresses other drug-related issues: First, some drugs, such as fentanyl, can hurt, injure, or even kill officers who come in direct contact with them; these analyzers allow illegal drugs, precursors, and cutting agents to be tested without removing them from their containers, thus preventing exposure to potentially dangerous chemicals.68

Second, with respect to protecting the chain of custody in drug cases, these devices maintain its integrity by documenting pertinent information and storing it in a way that precludes tampering; they also automatically record data such as the time, date, and analysis. Additional information—such as the arresting officer, case ID number, description, and defendant—can also be entered manually within the application.69

Of course, the uses of DNA continue to expand and be of major importance to criminal justice functions, as seen in Chapter 6 with the discussion of the Golden State Killer case.

/// IN A NUTSHELL

- The exceptionally high—and well-publicized—number of police shootings involving unarmed minorities in recent years resulted in a national task force study, demands for better recordkeeping of such shootings, the use of body-worn cameras by police, and greater demands for transparency and less militarization of police.
- The current state of police-minority relations may be dire, but several approaches—including constitutional policing, procedural justice, and greater transparency—if adopted, can serve to change the mindset of police and bridge the gap with the community.
- Although women and minority representation in policing has grown over the past two decades, these groups are still underrepresented overall; for reasons relating to representation, community relations, effectiveness and diversity, greater numbers of both women and minorities are needed.
Historically, three forms of police brutality have been recognized: the physical abuse of others, the verbal abuse of citizens, and officers representing the majority group’s law.

There are several principles of police interactions with the mentally ill; thousands of agencies across the United States have adopted Crisis Intervention Training/Teams (CIT).

The specter of civil liability looms large over police work. Often being in confrontational situations, police officers may from time to time act in a manner that evokes public scrutiny and complaints. They and their superiors may be sued for a variety of reasons if a citizen believes his or her rights were violated; the primary civil instrument that can be used against the police is Section 1983.

High-speed vehicle pursuits by police are legally permissible but are to be used only when certain conditions are met.

Technology has improved the capabilities of nearly every aspect of police patrol and investigations—bringing with it some concerns about citizens’ right to privacy.

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### Key Terms & Concepts

Review key terms with eFlashcards at edge.sagepub.com/peak4e.

- Black Lives Matter 160
- Blue Lives Matter 160
- Body-worn camera 166
- Civil liability 167
- Consent decree 164
- Constitutional policing 161
- Duty of care 170
- Failure to protect 170
- False arrest 168
- Legitimacy (of police) 162
- Militarization (of the police) 163
- Negligence 168
- Police brutality 166
- Procedural justice 162
- Proximate cause 170
- Respondeat superior 168
- Section 1983 168
- Tort 168
- Use of force 158
- Vicarious liability 168

### Review Questions

Test your understanding of chapter content at edge.sagepub.com/peak4e.

1. How would you describe the “sacred trust” that is given the police in terms of the use of force?
2. What kinds of problems have arisen in recent years regarding police use of force, and what approaches and philosophies might police adopt in order to bridge the chasm that now exists in many communities as a result of that use of force?
3. To what purposes might consent decrees and body-worn cameras be applied to improve policing today?
4. Why is it desirable to bring more women and minorities into the field of policing?
5. What are the types of police brutality? Which one is most problematic for the police?
6. How would you define U.S. Code, Title 42, Section 1983? How is it applied?
7. What is meant by duty of care and failure to protect, and what are some examples as these concepts apply to police supervisors and officers?
8. How might the police be deemed liable if they are involved in vehicle pursuits?
9. How would you explain the overall state of mental health in the United States, problems afflicting our mentally ill population, and the approaches police can use to assist those who are so afflicted?
10. How have technologies assisted police functions, and what tools involve some privacy issues concerning their use?

### Learn by Doing

1. In the past six months, there has been a spike in the number of citizen complaints in your community alleging inappropriate use of force by police against minorities. Local interest groups and churches are demanding data concerning police use of force as well as a review of policies regarding same. As your police department’s community liaison, you are asked to respond to these demands. What approaches will you take?
2. Your police chief assigns you the task of developing a new method for recruiting both women and minority police officers. Money is no object, because the mayor has made agency diversity a top priority for the coming year. What will you recommend in terms of how to reach individuals in markets from which officers are not typically recruited?

3. Your criminal justice professor assigns your class a group project wherein you are to argue which technologies are the most useful in crime fighting. How will you respond, and why?

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