

Officer Survival
Use-of-Force
By Paul Howe

I've hesitated to write about the use-of-force for two reasons: 1) I am not currently an active law enforcement officer, and 2) there are varied state, local and departmental policies to take into account in the use-of-force equation. Instead, I've resorted to showing students a variety of force options and tactical moves in my training courses, with the verbal qualifier, "use what is legal in your venue and what your chain of command will support you with."

The recent deaths of several officers and civilians, and the torture and death of hostages at the hands of their captors have prompted me to write an article addressing this issue. I wish to discuss three areas:

- * The Individual Officer and His Duty to Take Action
- * The Use of the Taser
- * Leadership and/or Lack Thereof in Tactical Situations

Most of us know that the first response is critical to saving lives. The motto *to protect and serve* shouldn't be only a saying stenciled on the side of your patrol car for the public's viewing pleasure. It should be a code by which we live. I believe that we can do better in all three areas mentioned above by improving simple issues such as combat mindset, controlled aggressiveness and training.

The Individual Officer and His Duty to Take Action

I have heard countless stories of officers being denied their request to move on an active shooter by their chain of command, who is *not* at the scene. This denial by command has happened with both patrol and Swat officers, resulting in the death or torture of hostages. Yes, torture is the word I use to describe deliberate violence inflicted on a person being held against their will.

I would argue that the patrol officer has a legal and moral duty, and obligation to tactically move against these threats in a rapid, efficient and surgical manner. Rapid means quickly, in order to save life and limb. Efficient is a practiced tactical move that flows naturally from the officer, as a result of maintenance training. Surgical is applying the appropriate force for the situation. Simply put, surgical means hitting your target with every round you fire. You are responsible for being able to apply surgical fire. This requires you to move or change your firing position so that the shot is delivered safely. You must move right or left, up or down, to

change the angle of your shot, making sure that the foreground of your target is as safe as the background.

How do you prepare for the movement necessary to make a safe and surgical shot? Increased training in individual tactical skills and additional firearms training are the answers to most problems law enforcement officers face. Realize this: you will never have enough time in the day for the amount of training you need. However, every one of us can make time for the following:

- * 10-15 minutes of dry fire with your pistol and carbine. This will help ensure that you make a first-round hit, as long as you practice using the sights.

- * 5-10 simple hand-to-hand combat drills. These do not have to be fancy or elaborate, just simple drills involving punches and strikes to get someone off of you.

- * 5-10 simple knife drills. Again, make sure you're ready to cut someone off of you if necessary.

- * Get into good physical condition. I believe that you are less likely to be injured if you are in top-notch physical shape. And, if by chance you are injured, good physical conditioning will normally help during your recovery. Being physically fit gives you a better chance of survival, no doubt about it. All combat I've personally been involved in has been both physically demanding and has taken place in a fluid environment, requiring me to move and create a safe firing position.

Use of the Taser

I am neither for, nor against the Taser. It is simply a tool that should be used in the correct manner and applied to the appropriate level of threat. What we must realize is that it will not guarantee success in certain force-level situations. I know of two incidents in my state alone, where officers attempted to employ a Taser before they were sure of the level of threat they were facing. Both died as a result of taking a Taser to a gunfight. The Taser is sometimes viewed by many administrators and officers alike, as a "solve all your problems tool." This is simply not true. Tasers can and have malfunctioned. Suspects have fought through their effects. Officers have missed their mark when firing them. Sadly, they have also attempted to Taser individuals who were carrying firearms, and have died as a result.

Officers should not approach a lethal threat with a Taser in their gun hand. The same applies to edged weapon threats. It is my understanding that an officer recently died doing just that. The problem this officer faced was the fact that the offender had a knife in one hand and a gun in the other. As can be imagined, the firearm-toting subject won the altercation, and the officer became another line-of-duty death. First and foremost, officers must establish that the situation does *not*

require lethal force *before* deciding to deploy their Taser. If you are facing a lethal threat, by all means, have your firearm in your hand.

Additionally, protective live-fire cover needs to be instantly ready during Taser deployment. If you have a policy of using a Taser in a lethal force situation, you have got to practice this on a flat range, with your live-fire cover officer on line with you. Why on line? First, your live-fire cover officer cannot shoot safely from behind you. Next, when you see the lethal threat, your live-fire cover must also see it in order to react. If your cover officer cannot see what you are seeing, he cannot act quickly enough to protect you.

Finally, Tasers will occasionally fail, and people will fight through them in the future. In one instance, an officer fought through a Taser ride during a training situation. His incentive was to recover a \$100 bill on a nearby table. When asked, how he was able to do it, the officer replied “a man’s got to eat.”

Finally, do not allow your officers to become complacent and fail to use immediate physical hands-on force when it is required. In this kinder and gentler society, we must still be willing to physically fight to protect individuals and save lives. This must be practiced periodically during training and on the street. If you allow officers to rely solely on the Taser to finish their fight, realize that there is a good chance they may one day become a casualty. In fact, you are allowing them to become mentally and physically out-of-shape. More importantly, you are encouraging them to drop their much-needed mental combat mindset.

Tactical Leadership and the Lack Thereof

More often than not, centralized leadership will fail in tactical situations. Both tactical and patrol commanders who respond to an officer’s request to act by saying, “not until I get there” show problems in training, problems in trust and problems in competence.

As I’ve mentioned in previous training, SWAT has given patrol officers a false sense of security. This “let’s wait and see” or “it’s too dangerous, let SWAT handle it,” mentality, does not wash. The reasons are many and varied. In the larger cities, it may be 30-40 minutes after the call before SWAT is on-scene, due to response times, traffic, etc. Patrol officers need to be authorized and empowered to act, and their training levels need to be elevated to meet the threats that they face—namely, armed opponents with deadly weapons.

Police administrators need to become leaders. They need to get out of their offices and get to training. They need to physically watch training at the academy level, as well as in-service or sustainment training in the department. Patrol and tactical officers need to interact with administrators, and there needs to be honest dialogue between the two entities. Yes, you need to talk to the people you work with. This way, you can know their capabilities and limitations, and they can know what you

expect of them. They need to know that you are going to back them up if they need to act in a rapid manner in order to save lives.

I borrowed this from Ron McCarthy. It is a simple and easy-to-follow matrix for those who need a flow chart about when you can act during high-level use-of-force incidents.

Law – Is the suspect violating the law and is deadly force a lawful option to resolve the situation? If the answer is yes, keep going!

Policy – Does your policy allow the use of deadly force in this situation? If the answer is yes, keep going.

Ethics – If negotiations are ongoing but the offender refuses to disarm and surrender the hostages, and you can make a safe shot, should you shoot? Answer: Yes.

If he kills the hostage later, your decision *not* to take him out will have put the suspect's welfare over that of the hostage. Realize that the window of opportunity only stays open so long. After that, you need to force it open and this may cause time delays, which generally favor the suspect. We must manage time, as it directly influences the health and welfare of the innocent.

Through scenario-based training, the patrol and tactical officer should know the answers to the test before they get there. If they do not, you have failed as a leader. The incident they face should not be the first time they've encountered such. They should have experienced a similar situation in training. Remember, you have the chance to influence what is taught in the academy. If you don't have influence over academy training, you control how and what is taught in your department's training section. Fix this problem – get out of your office and get the right training for your officers. Be a leader!

Key Points

- * At the individual level, ensure you are doing your part and dry firing, practicing hand-to-hand combat moves and keeping in good physical shape.
- * If you are going to use a Taser, make sure you practice with lethal cover on a flat range and with live fire. Also, don't forget how to fight, in case the Taser fails.
- * Leadership: Get out of your office and see what is going on and what is being taught. Go through the training when time permits. If necessary, change it for the better so that you are *sure* your officers are getting realistic and relevant training.

About the Author

Paul R. Howe is a 20-year veteran and former Special Operations soldier and instructor. Paul currently owns Combat Shooting and Tactics (CSAT) where he consults with, trains and evaluates law enforcement and government agencies in technical and tactical techniques throughout the special operations spectrum. See www.combatshootingandtactics.com for details.