

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

Use of Force Reporting

A Policy Research Project  
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## **ABSTRACT**

The legitimate use of force is the crucial factor that distinguishes policing from all other professions. Today there are concerns that police officers are all too often using excessive force. As a result, all forms of use of force are coming under closer scrutiny. However, as researchers attempt to examine less than lethal force they are faced with limited previous research and inconsistent data. As a result, many are calling for a national use of force reporting system to the Uniform Crime Reporting (U.C.R.).

This project addresses use of force reporting at the agency level. The purpose of this project is to evaluate use of force reporting methods used by agencies. The objective is to assess the need for reporting and propose a method of reporting the use of force.

This is accomplished by first examining the overall issue of use of excessive force and then developing an understanding as to why reporting has become an important issue. Previous literature is reviewed to assess the need for reporting while reviewing recommendations for developing a complete and accurate reporting system at the department level. Current reporting requirements are examined on the national level by utilizing previous research. A survey of Texas agencies was conducted as part of this project to develop reporting data at the state level.

The conclusion is that research and data into the use of force by police is limited. The lack of data limits researchers so that they cannot accurately measure the level of force used by officers, including excessive force. The data that does exist is inconsistent and difficult to compare across agencies. The variability of reporting requirements is responsible for the inconsistencies. It is also evident that a national use of force reporting system is inevitable.

It is recommended that agencies develop reporting policies and not wait for a national system. Reports should be required for any incident that results in injury or possible injury. The reports should include all information relevant to each incident and the report should be completed at the supervisor level. The data obtained from reporting will be of benefit to the individual agencies as well as those conducting research into the use of force by police officers.

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## Introduction

The legitimate use of force is one of the factors that distinguish policing from all other professions. Today, the use of force, particularly excessive force, is a major concern of the public. However, relatively little research has been conducted regarding the extent to which such force is used by officers. Even less has been done to create uniform methods of reporting the use of force (Fridell & Pate 123). It is the purpose of this project to evaluate use of force reporting methods used by agencies, including those used in Texas. The objective is to assess the need for reporting and propose a method of reporting the use of force.

As use of force incidents continue to be captured on video tape and repeatedly played on television, public concerns will increase. Law enforcement administrators will be called upon to explain and justify the legitimate use of force. One way to address these concerns is for agencies to establish accurate and consistent procedures for reporting the use of force by officers in their departments. By compiling accurate data on the use of force, administrators will be able to more accurately answer concerns regarding the force used by their officers. However, before a department can develop a reporting policy, it must be determined at what level of force the reporting should be required.

The information gathered in this project is intended to encourage and assist law enforcement administrators in developing policies regarding the reporting of the use of force. This information will also provide statistical data on current use of force reporting methods used in Texas, which could be of use in future research.

The information for this project will be gathered using two methods. The first step will be to examine existing research from journals and books. From these sources a foundation in information regarding the use of force and current reporting methods will be obtained. The second method will be to survey a number of law enforcement agencies throughout Texas. A questionnaire pertaining to use of force reporting will be constructed and sent to randomly selected agencies.

It is the intent of this project to obtain sufficient information to establish the need for a practical, consistent and effective method of reporting the use of force. This information would assist

law enforcement agencies in developing use of force reporting policies. These policies would not only benefit the individual agency, but would potentially provide a more accurate and complete database for future use of force research. The data from uniform reporting methods could provide valuable information in addressing the concerns of the public when it comes to the use of force by officers.

## **Historical, Legal or Theoretical Context**

Before beginning any discussion of use of force reporting, it is necessary to examine the subject of police use of force and develop an understanding of the significance of the police officer's authority to use coercive force. The legitimate use of coercive force has been found to be the crucial factor that distinguishes policing from other professions (Fridell & Pate 123). Carl Klockars puts this factor into perspective in the following manner:

What defines police, what distinguishes them from other citizens, is that we give them the very general right to use coercive force as they see the situations they attend to call for it. They are in this respect like other professionals (e.g. doctors) to whom we give special rights to do things that we permit no other persons to do. Moreover, the police freedom to use force is far broader and more varied than the physician's freedom to fight disease. The police need not invoke "the law" to use force, though they may decide to use force to invoke "the law"; they need not obtain the consent of a complainant nor the person on whom it is used to use it; there are few, if any, occasions on which anyone has legal right to resist police use of force, even if police use it improperly; and it is rare that police use of force is actually ever reviewed or evaluated by anyone (12).

The privilege to use force is a tremendous power given to police. It is not the privilege or authority to use force which creates problems, but the proper application of that power and force (Alpert & Dunham 83).

The laws that govern police officers use of force across the United States dictate that officers use no more force than is necessary to overcome the resistance. However, the law is quite imprecise about what constitutes "more than necessary" force (Klinger 17). Since excessive force can be difficult to define, perception problems may arise among those outside of law enforcement. Justifiable force may be seen as inappropriate by some in the community (Geller & Toch 279).

"Since police were first organized, they have been accused of abusing their power and using excessive force" (Alpert & Dunham 83). Incidents such as the videotaped beating of Rodney King by officers of the Los Angeles Police Department and the killing of Malice Green by officers in Detroit

resulted in extensive media coverage that brought the use of excessive force into the homes of the American public. Events such as these have re-instituted tremendous discussion among the media, public and police officials concerning the abuse of force (Alpert & Dunham 84).

Incidents such as the King beating and Green killing have reinforced the observation by Kerstetter "that it is precisely because the appropriate use of coercive force defines modern police that the inappropriate use of coercive force is the central problem of contemporary police misconduct (149)." The use of excessive force and the resulting outcry have developed into one of the greatest dilemmas facing police: to balance officer's use of force, maintain order and protect those against whom force may be used (Alpert & Dunham 84).

The enormous range of legitimate authority to use force is at the heart of the problem of defining and controlling its excessive use. At present there are three mechanisms that appear to control use of force: criminal law, civil liability and fear of scandal (Klockars 12). Civil suits alone cost agencies millions of dollars each year (Hart & Stewart 31).

Alpert and Dunham have suggested five aspects of management that police administrators can use to control the use of excessive force. First, agencies must be selective in whom they employ. Second, agencies must develop clear policies and procedures governing the use of force. Third, management should focus attention on police socialization and training. Fourth, supervisors must give more attention and direction to officers. Finally, agencies should develop a system of accountability which includes progressive discipline (1995: 85-86)

These five strategies seem reasonable, but there is little empirical evidence that they are effective (Dunham & Alpert 86). Most research on the use of force by officers has been conducted in regards to the use of lethal force. In 1972 James Fyfe conducted an examination of the effects of administrative guidelines as it applied to the use, reporting and review of police related shootings in the New York City Police Department (309). The results of Fyfe's study indicated there was a reduction in police involved shootings, especially among the most controversial types of shootings. This study also revealed that the decline in shootings was not accompanied by increased officer injury or death (322). Fyfe concluded that the guidelines and procedures for use of lethal force, reporting and review resulted

in considerable reductions in police shootings (322).

Many agencies throughout the country have developed use of force policies and training programs in an attempt to control the use of excessive force and reduce liability. Many of today's policies incorporate a force continuum (Connor 30). A continuum is not merely descriptive, it is used to specify the highest level of appropriate force for a given level of resistance (Fridell & Pate 151). A force continuum can specify in some detail the appropriate use of force practices in conformity with the legal and policy requirements that officers use no more force than is reasonably necessary to overcome resistance (Connor & Graves 56).

Despite today's concerns regarding the use of force by law enforcement officers, relatively little research has been conducted concerning the incidence, prevalence, characteristics and official responses to the use of such force (Fridell & Pate 123). This lack of research can be tied to the very limited data on police use of force. The primary factor related to the lack of research is the variability of use of force reporting requirements across the country. Measurement is not well developed and data from police departments are inconsistent and difficult to access. Many of today's authors point out the need for research into the use of all levels of force, not just lethal force. Without some form of meaningful statistics on the nature and amount of force the police cannot possibly measure their effectiveness in combating its misuse (Fridell & Pate 125-126). However, the amount of literature on the use of less than lethal force is limited. The measure of nonlethal force poses more serious problems, partly because of the lack of accurate reporting, but also because of a serious disagreement about the extent to which such force should be curtailed. In fact, adoption of use of force report forms by many law enforcement agencies is a relatively recent phenomenon (Fridell & Pate 126-127). It is the lack of accurate use of force data that has led some authors to call for a national mandatory reporting system similar to the current U.C.R. system (Fridell & Pate 123; Fridell 164; Geller & Toch 282).

## **Review of Literature and Practice**

Before an argument can be made regarding the necessity for a use of force reporting process, the question of excessive force must be examined. Is there any evidence that use of excessive force is

a problem? Studies have been conducted in the area of excessive force through observation, complaints and surveying officers. Separate studies by Griswald (217) and Breda and Dugan (169) found that 18-20 percent of complaints filed against police were related to excessive force. When one considers that only one third of the persons who claimed to have been mistreated actually file complaints, this number could be higher (Fridell & Pate 128).

Freidrich determined that force was used in approximately 5.1 percent of the incidents in which police come into contact with citizens they consider potential offenders. Freidrich also determined that the force was found to be excessive in 35 percent of those incidents (Friedrich, 198086).

Surveys into officer's attitudes also lend evidence into the use of excessive force. One such survey found that 53 percent of the officers who responded acknowledged they witnessed incidents that could be considered brutality (Bayley & Mendelsohn 128). Another survey of officers with less than one year on the street found they reported widespread use of excessive force by other officers. A survey of officers attitudes found that 62 percent felt officers have the right to use excessive force in retaliation for physical attacks by suspects (Lester 179-180).

The results of these surveys indicate that the use of excessive force does exist. But, as discussed previously, the amount of data on less than lethal force is limited. Some agencies have begun to implement use of force reporting requirements within their departments (Fridell & Pate 126). However, there are inherent problems with the employment of use of force reports. First, compliance by officers and supervisors is assumed and there is no systematic evidence about current rates of compliance. Second, departments vary dramatically in the kind of force that they require officers to report (Gamer et al. 148).

To evaluate the variations among departments, Fridell and Pate conducted a national study into reporting levels currently utilized by departments. More than 90 percent of the agencies reported mandatory reporting for use of lethal force. Approximately 80 percent required officers to report the use of batons and other impact weapons. More than 70 percent of the agencies required officers to report the use of chemical agents. When officers use bodily force, approximately two thirds of the agencies required reporting of the force used (135).



A question that arises at this point is, what are Texas agencies doing in the area of required reporting? To obtain some data on Texas reporting, a survey of randomly selected law enforcement agencies was conducted to examine the reporting methods utilized. Sixty agencies were randomly selected from the TCIC agency listing and each was sent a survey form (see Appendix 1). Forty-six of the agencies responded to the survey (see Appendix 2 for survey results).

The results indicated that 97.8 percent (45) agencies did have a written use of force policy in place. The one agency that did not have a written policy did report having some guidelines regarding the use of force. Eighty-seven percent (40) of the respondents indicated having a written policy regarding the reporting of use of force. Of the agencies that have a reporting policy, 55 percent (22) reported that they use a specific "Use of Force" reporting form. This represents less than half of the total respondents.

The respondents were also asked to indicate what was the lowest force level officers were first required to report the use of force. Table 1 indicates the responses to this question.

<b>TABLE 1: level of Force (n=46)</b>	<b>Number</b>	<b>Percent</b>
Physical Contact / Escort Compliance	15	32.6
Pain Compliance (manipulation, pressure, OC spray)	27	58.7
Mechanical Control (punches, throws or stuns)	1	2.2
Impact Weapons	2	4.3
Lethal Force	1	2.2

The final question on the survey asked respondents if they had any process for reviewing the use of force by their officers. Of the 46 agencies that responded, 71.7 percent (33) indicated that they had some type of process for reviewing the force reported by their officers.

After examining the variability found in reporting requirements, one can understand why research into less than lethal force is limited. Both previously discussed surveys only related to reporting requirements and does not deal with actual methods of reporting. One would expect reporting methods to be as varied as the reporting requirements. Such variability limits research into the incidence of excessive force and has led to the call for a national reporting system.

In fact, just such a national system was mandated by the 1994 Violent Crime Control and Law Enforcement Act (Geller & Toch 285). But what do those calling for better reporting expect to find in use of force reports. Geller and Toch would like to see a reliable efficient systems that satisfies the following requirements:

1. Monitor increases and decreases in the use of force over time;
2. Analyze and evaluate incidents in which force is used;
3. Assess the impact of changes in strategy or tactics on the use of force;
4. Compare the nature and frequency of use of force between agencies;
5. Explore organizational, operational and environmental correlates of the use of force;
6. Be applicable in agencies of all sizes;
7. Contain mechanisms of audit and quality control; and
8. Be compatible with practical operational considerations, needs, and limitations (284-285).

Developing such a national reporting system would be difficult to develop and implement. Until such a system is developed, departments can begin implementing their own reporting systems. But where should such a system begin in regards to the force used by officers? It is impractical to report and measure all police uses of force (Fridell & Pate 143). Klockars recommends reporting of all force that could produce injury. He further proposes two rules to govern reporting incidents that do not produce injury. First, officers should report the use of force anytime a person give any indication or suggestion of dissatisfaction with the use of force. Second, officers should file a report on any occasion that they believe a use of force report would be desirable (23).

But what information should be included in a use of force report? A report should contain standard information such as date, time and location; names and addresses of all persons who witnessed or were involved in the incident, a detailed description of the type and amount of force used; a description of the incident and events that led up to and followed the incident; a description of the type of offense involved; a detailed description of the force used by the suspect; and a detailed description of the injuries sustained by any and all parties. In addition, a written statement should be obtained from any witness or suspect that wishes to offer explanations or rational for acting as they did (Geller & Toch 289, Klinger 182, Klockars 24).

The next question to arise is, who completes the use of force report? Klockars suggests that due to reasons such as the appearance of conflict of interest and the potential compromise of

interviews of witnesses, such a report should be completed by supervisors. The officer's immediate supervisor is preferred unless that supervisor was actually involved in the incident (24).

## **Discussion of Relevant Issues**

Scholars have argued that the legitimate use of coercive force is the critical factor that distinguishes policing from all other professions and all other citizens. For example, Sherman stated "The essence of government is a monopoly on the nonpunishable use of force, and modern governments delegate that monopoly to the police (70)."

Today the misuse of force by police is a significant concern among citizens, media and police administrators. Incidents such as the Rodney King beating have come under enormous scrutiny. The use of such excessive force can be expected to undermine the public support and credibility needed by police so that they may function effectively (Fridell & Pate 142)

Surveys of citizens and police officers indicates there is evidence that the use of excessive force may be a problem. In one survey, 53 percent of officers claimed to have witnessed incidents of brutality. Other studies indicate that approximately 20 percent of complaints against officers concern claims of excessive force. A study by Lester found that 62 percent of officers believed officers had the right to use excessive force in retaliation for force use by a suspect (179-180).

Many of today's authors point out that it is difficult to study less than lethal force as little data regarding the use of such force is available. The required reporting of the use of less than lethal force is a recent phenomenon among law enforcement agencies. The data that does exist is inconsistent.

A survey by Fridell and Pate showed significant variability in use of force reporting requirements employed throughout the country (135). A survey of Texas agencies indicated similar variability in reporting requirements among agencies.

The lack of available data on use of force incidents limits research into the use of excessive force by officers. What data does exist are inconsistent across departments and creates problems in conducting meaningful research. As a result, many authors have called for a mandatory national

reporting system similar to Uniform Crime Reporting. The 1994 Violent Crime Control and Law Enforcement Act mandated the creation of just such a national system for reporting. The act calls for system to acquire data for statistics and research into the use of excessive force by law enforcement officers (Geller & Toch 285). Authors calling for this system want reporting that would, among other issues, measure increases and decreases in the use of force; analyze and evaluate incidents; assess the impact of changes in tactics; compare the nature and frequency of force; and be comparable with operational considerations, needs and limitations. Such a system will be difficult to develop and implement. Consequently, it may be some time before a workable system is developed.

In the meantime, departments are encouraged to implement use of force reporting policies. Such policies should, at a minimum, require officers to report any use of force that results in injury or possible injury. Reports should contain all information related to the incident and all persons involved. In addition, such reports should be completed by someone not involved in the incident, such as the involved officers' supervisor.

Creation of a use of force reporting policy incorporating the recommendations listed above would give departments an opportunity to begin collecting valuable information regarding the force used by their officers. Since it appears a national reporting system is inevitable, departments implementing policies now will be in a position to more effectively implement a national system.

There are some potential drawbacks in implementing a use of force reporting policy. First, officers may be resistant to such a policy. They may see a requirement for increased use of force reporting as an attempt to limit their use of legitimate force. Second, officers are always resistant to any new or additional paperwork they have to complete. In addition, compliance with such reporting requirements may be difficult to measure if officers and/or supervisor do not agree with the reporting policy and willfully fail to complete the reports. Such potential problems will require involvement of first line supervisors in the policy development process. Supervisors who "buy into" the process at its inception are more likely to enforce such a policy.

There will be some costs involved in implementing a use of force reporting policy. The

preparation and printing of a reporting form will result in a minimal cost to a department. The greater potential cost will be in the time required to complete a use of force report. In order for such a report to be accurate, it should be completed at the time of the incident. All information should be gathered and all persons involved must be interviewed. This will result in additional time that involved officers will not be available for other calls. Some overtime may also result from completing accurate use of force reports. Some related administration costs may be incurred in reviewing the reports submitted by operational officers. An actual determination of the related financial costs is difficult to determine. The cost would be directly related to the number of force incidents within a specific agency.

The benefits that can be derived from implementing a use of force reporting system can more than offset any related costs. First, a use of force reporting system will provide administrators with valuable information regarding the force used by their officers. Such information would be useful in evaluating the effectiveness of the department's use of force policy; the tactics used by officers; the quality of force training officers receive; as well as more accurate information into the incidence of force used within the department. Administrators would be in a better position to identify potential problems with specific officers, its use of force policy or deficient training. The department would then be able to deal with these problems. Another potential benefit is a possible reduction in the use of excessive force by officers. Fyfe's study into lethal force used by New York P.D. indicated that the implementation of guidelines that applied to the use, reporting and review of police related shootings resulted in a reduction of police involved shootings, especially the most controversial types of shootings. This reduction did not result in an increase of injuries to officers (322).

In addition, having accurate information regarding the type and amount of force used by officers would be of benefit to a department if allegations are made regarding use of excessive force. A department having accurate reporting information as listed above would improve their position in potential civil suits.

Implementation of use of force reporting policies would also provide valuable data for future research into the use of non-lethal force. When more accurate information becomes available to

researchers, those researches will be able to develop a better understanding into the use of force by officers. In turn, some of the concerns of the citizens, media and police administrators can finally be addressed.

## **Conclusion/Recommendations**

The purpose of this project was to evaluate use of force reporting requirements currently used by agencies. The objective of this research was to assess the need for a practical, consistent and effective method of reporting the use of force by police officers.

The use of force by officers is a very relevant issue today. Use of force incidents continue to be captured on video tape and repeatedly played on television. In fact, as this paper was being completed, a use of force incident in Houston was captured on video tape and was receiving national media attention. Though the outcome of this incident has not been resolved, such incidents continue to increase public concerns regarding the use of force by officers.

As these events occur, officers claim they are rare and do not accurately reflect the force used by police. However, it is difficult to support such claims. Researchers claim that there is very limited data regarding the use of force by police. Researchers claim that information collected by law enforcement agencies is inconsistent and there is a great deal of variability in reporting requirements among agencies. The limited and inconsistent data make it difficult for researchers to study the use of force by officers. Several previous studies indicate that excessive force is used by officers at levels which create concern for administrators. But researchers cannot accurately measure the incidence of excessive force.

The information compiled as a result of this project confirms that information regarding the use of less than lethal force is limited. There are very few studies into the use of such force by police officers. The available data does appear to be limited and inconsistent. Surveys revealed that there is a great deal of variability in reporting requirements across the country and in Texas. It is also evident that it is just a matter of time before a national use of force reporting system is implemented.

It is recommended that agencies not wait for a national system, but begin implementing reporting policies now. Reporting policies should require that all incidents resulting in injury or possible injury will be reported. The reports need to be completed by a supervisor who is not involved in the incident. A use of force report should contain all relevant information regarding the incident that includes the names of all persons and witnesses involved; a detailed description of the incident; the force use by both the officers and the suspect(s); and statements from all persons and witnesses involved in the incident.

The use of excessive force will continue to be a concern to the public. To address these concerns, law enforcement administrators must provide accurate and consistent information regarding the force used by their officers. This information will enable administrators to assess the force used by their officers as well as the effectiveness of their use of force policies, their tactics and force training. Without such information, the concerns of the public and media cannot be addressed. The information obtained from required reporting will not only assist administrators, but will be valuable to researchers. The data from reporting will enable researchers to provide a better insight into the force used by officers as well as a more accurate examination of the incidence of excessive force.

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## **Appendix 1**

### **Survey Form**

# USE OF FORCE REPORTING SURVEY

1. Agency Name: \_\_\_\_\_  
Person Completing \_\_\_\_\_  
Survey: Phone Number: \_\_\_\_\_
2. How many sworn personnel are employed by your department? \_\_\_\_\_
3. Does your Department have a written use of force policy?  
 Yes  
 No
4. Does your agency have a written policy regarding the reporting of use of force incidents?  
 Yes (If yes, skip to question 6)  
 No (If no, answer question 5)
5. Do you have any guidelines regarding the reporting of use of force incidents?  
 Yes  
 No
6. Does your Department have a specific Use of Force reporting form?  
 Yes  
 No
7. At what force level are officers first required to report the use of force?  
 Physical Contact / Escort Compliance  
 Pain Compliance (manipulation, pressure and use of OC spray)  
 Mechanical Control (punches, throws or stuns)  
 Impact Weapons  
 Lethal Force
8. Does your Department have a specific use of force review process included in your reporting policy?  
 Yes  
 No

## **Appendix 2**

### **Survey Results**

# USE OF FORCE REPORTING SURVEY

## Survey Results

Number	Question	Responses	Percent
3	<i>Does your Department have a written use of force policy?</i>		
	<b>Yes</b>	<b>45</b>	<b>97.8</b>
	<b>No</b>	<b>1</b>	<b>2.2</b>
	n=46		
4	<i>Does your Department have a written policy concerning the reporting of use of force incidents?</i>		
	<b>Yes</b>	<b>40</b>	<b>87.0</b>
	<b>No</b>	<b>6</b>	<b>13.0</b>
	n=46		
5	<i>Do you have any guidelines regarding the reporting of use of force incidents? (Only answered if no to number 4)</i>		
	<b>Yes</b>	<b>4</b>	<b>66.6</b>
	<b>No</b>	<b>2</b>	<b>33.4</b>
	n=6		
6	<i>Does your Department have a specific use of force reporting form?</i>		
	<b>Yes</b>	<b>22</b>	<b>47.8</b>
	<b>No</b>	<b>24</b>	<b>52.2</b>
	n=46		
7	<i>At what force level are officers first required to report the use of force?</i>		
	<b>Physical Contact/Escort Compliance</b>	<b>15</b>	<b>32.6</b>
	<b>Pain Compliance</b>	<b>27</b>	<b>58.7</b>
	<b>Mechanical Control</b>	<b>1</b>	<b>2.2</b>
	<b>Impact Weapons</b>	<b>2</b>	<b>4.3</b>
	<b>Lethal Force</b>	<b>1</b>	<b>2.2</b>
	n=46		
8	<i>Does your Department have a specific use of force review process included in your reporting policy?</i>		
	<b>Yes</b>	<b>33</b>	<b>71.7</b>
	<b>No</b>	<b>13</b>	<b>28.3</b>
	n=46		