

# Prof Ochs on the police use of force

The Bethlehem Gadfly George Floyd killing, Ochs, Holona, Police July 21, 2020

 Latest in a series of posts about Holona Ochs 

*Democratic policing is paradoxical in that force is used to maintain peace. Therefore*

*it is highly problematic if the lives at hand are not equally valued.*

*Many studies over the years have demonstrated that the protection provided*

*by the police is not applied equally across all communities.*

*Ample research suggests that police use of force is more likely when police*

*encounter persons with mental health issues or individuals who are members of racial and ethnic minority groups.*

*The police use of force can be immoral if it is inequitable.*

We are introducing you to Lehigh Prof Holona Ochs whose team has just completed 124 interviews on the subject of policing in the Lehigh Valley and whose report we look forward to in the fall. Consideration of this research is part of the Community Engagement Initiative passed by City Council at its July 7 meeting.

**selections from**

## **Holona Ochs Police Use of Force (2020)**

*The President's Task Force on 21st -Century Policing, appointed in 2014 by President Barack Obama to study policing, was a response to increased public anger*

*and media scrutiny concerning the use of force by law enforcement, especially in*

*interactions with African American individuals and communities.*

*As the Task Force noted, however, the use of force by the police is not in itself misconduct. In fact, the use of force, even lethal force, may be both legally and ethically justified in the protection of the public.*

*Understanding the distinction between moral responsibility and culpability in a particular incidence of lethal force is determined by the policy on the use of force and the validity of the rationale for using force. For example, an officer may be morally responsible for the use of force but not to blame based on the physical threat a suspect posed. The officer's use of force in the performance of law enforcement duties may also be found to be legally justified if enacted in accordance with policy.*

*However, the validity of the rationale and the estimation of threat are subject to a considerable degree of interpretation. Democratic policing is paradoxical in that force is used to maintain peace. Therefore it is highly problematic if the lives at hand are not equally valued.*

*Many studies over the years have demonstrated that the protection provided by*

*the police is not applied equally across all communities. A 2015 report by Amnesty*

*International demonstrates the increasing rate of the use of force by police officers*

*in the United States and highlights a pattern of racial disparities in deadly force*

*exercised by the police.*

*Given moral and legal concerns about the use of force by law enforcement, police*

*departments follow a use of force continuum—policies that guide officers in the*

*use of force. Officer training conditions officers to estimate and respond with a level*

*of force deemed appropriate in a given circumstance based on an escalating series*

*of actions. These strategies range from the mere presence of an officer exerting*

*authority by verbal command to deadly force.*

*Organized movements aimed at restraining the police use of force argue that*

*physical force is too often used and more likely to be wielded against nonwhites.*

*They identify several policies that have the potential to constrain the use of force*

*and reduce harm, and they outline what are referenced as “meaningful protections*

*against police violence.” They contend that police departments that are more restrictive of the use of force have fewer incidents of police violence and that this also results in fewer incidents of violence toward the police.*

*When considering the appropriateness of force and the validity of threat assessments, mental health and race are principal factors. If some segments of the population are disproportionately subjected to*

*police surveillance and the use of force, the moral support for using force to protect citizens is weakened. Ample research suggests that police use of force is more likely when police encounter persons with mental health issues or individuals who are members of racial and ethnic minority groups*

*A 2015 report by the Treatment Advocacy Center argues that, partly as a result*

*of cuts to the mental health treatment hospital system dating back to the 1980s, 1*

*out of every 10 law enforcement responses address a person in mental health crisis, and one-fourth of the fatal encounters with police end the life of a person with mental illness (Fuller et al., 2015). Research suggests that police officers are now the most likely to deal with mental health emergencies and are the main sources of referral to treatment. In fact, evidence suggests that people with mental health issues face a risk six times greater than the general public of deadly force at the hands of police.*

*Furthermore, “get tough” policies and “hot spots” policing contribute to officer misconduct and focus police efforts on communities of color, particularly low income communities.*

*Many observers believe, however, that the political incorporation of black people in local politics reduces the frequency and severity of use-of-force incidents, reduces policing costs, mitigates legal risks, and enhances the legitimacy of law enforcement.*

*The differential crime hypothesis claims that blacks are subject to the law more*

*often because they are more criminal. This speculation regarding the likelihood of*

*criminal behavior mistakes the history of oppression in the United States with the*

*character of its subjects.*

*The community violence thesis is another way of understanding how police—*

*public interactions shape the relative risk of lethal force. Poverty isolation and racial*

*segregation are structural inequalities with complex implications for people living*

*in such communities. Some argue that police violence is a response to higher rates*

*of violence in some communities. Certainly, those communities deserve police protection as much as any other in a democratic society. At the same time, communities that are densely populated, that lack economic and educational opportunities, and where incidents of domestic violence are often more commonly reported to the police represent threats to the community, as well as presenting some of the most difficult challenges for police work.*

*Historically, movements aimed at addressing the immorality of the disproportionate execution of deadly force (such as Black Lives Matter) have been met with considerable resistance from law enforcement agencies as well as from sectors of the public whose primary sympathies lie with the police.*

*We grant the state the authority to exercise the legitimate use of violence to protect citizens and to maintain social order. As such, the legitimate use of force by the state is morally justified. Police officers and other law enforcement officials thereby morally use force in the name of the state when they are protecting citizens. However, the police*

*use of force can be immoral if it is inequitable. The evidence suggests that may be the case in the United States, inspiring calls for reforms of policing.*

*Body cameras alone will not address biased patterns in deadly force.*

*The implication is that bias—perhaps often implicit bias—exists in policing and that training must be implemented to reduce such bias and restore equity. The implementation of the training has been associated with a decline in police use of force.*

*Likewise, crisis intervention training (CIT) is one measure to address the criminalization of people with mental health issues and to direct these people to resources for help rather than sending them to jail.*