



Lane County Interagency Deadly Use of Force

Myths and Misconceptions

Lane County regional law enforcement agencies are supporting the Oregon Legislature's directive to provide public information about police use of deadly force. Understanding the applicable principles, physics, laws and other dynamics associated with police-involved shootings will help community members understand any future shootings and the decisions made in their aftermath.

We're all familiar with television and movie portrayals of heroic gunplay and knife battles. From the Lone Ranger, to Marshall Matt Dillon and more modern counterparts, the good guys seldom miss a shot, no matter how overwhelming the odds or how impossible the shot. The hero always disarms the knife-wielding assailant without being cut. Such portrayals don't accurately reflect real-life. We all know this, of course, but Hollywood images and the associated "good guy rules of engagement" are the only experience most of us have with combat or other violence involving firearms and other weapons. For the millions of us who grew up watching TV westerns and police dramas, the Hollywood reality has created expectations that are so interwoven into our culture we're hardly aware of them, yet these expectations flavor our perception of real world police encounters. This document is a first step in dispelling some of the most common myths and misunderstandings, so our community will have a more accurate understanding of the law, physics and policy bearing on deadly force encounters. These events have life changing, and potentially community changing, impact, so it's important that all concerned have the benefit of the most accurate information available.

Law Enforcement Use of Deadly Force

Sworn law enforcement personnel have a duty to protect human life and safety. They also have a number of other duties like, for example, the duty to arrest a person for whom there is a valid arrest warrant, and the duty to prevent the escape of a violent felon who is a threat to the community. Every decision distills to a balancing between potential risk versus potential benefit. Deadly force is most often used in self defense or the defense of others.

In any use of force situation, the involved officer is reacting to an action taken by another person. Reaction is slower than action, so the reacting officer is almost always at a timing disadvantage. Officers may have only fractions of a second to decide how to stop an aggressor.

Agencies

Lane County District Attorney

Lane County Sheriff

Coburg Police

Cottage Grove Police

*Confederated Tribes of the Coos,
Lower Umpqua, and Siuslaw
Indians*

Eugene Police

Florence Police

Junction City Police

Oakridge Police

Oregon State Police

Springfield Police



An officer must quickly evaluate the following:

- The nature of the threat, the environment, the size and age of the aggressor(s), the type and number of weapons, if any, and the potential risk to any bystanders.
- Does this aggressor pose an imminent threat of violence to the public, officers and/or others?

Here are a few of the most common misunderstandings and myths associated with deadly force encounters with police.

Time is on the side of the good guys, right? They are prepared for this kind of thing, right?

Only in old westerns did folks predictably square up against each other at “high noon” for a “fair gun-fight,” and then it was always the good guy who was the faster draw. In real life officers are forced to react to behaviors made by aggressors they don’t know. An aggressor’s intent must be inferred from actions he has already taken, a dynamic that ensures officers are always in “reaction mode,” a condition that always creates a timing advantage in favor of the aggressor. A responding officer must continuously assess the threat he is facing. If a threat is identified, the officer must decide how to reduce the threat in a way that doesn’t put others at unnecessary risk. Each identification/decision pair takes time during which the aggressor is usually moving towards an objective. The aggressor has the advantage of knowing the outcome he intends and the ability to set the pace at which the encounter unfolds. The responding officer usually, not always, has the advantage of superior training and resources, but concern for the protection of other “innocents,” the inability to control pace, the role of “reactor,” the stress associated with balancing potentially lethal choices, and changes in ability to accurately perceive under stress, all contribute to a very challenging dynamic.

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Why didn’t the police just talk the aggressor into submission?

This is a particularly common question where the aggressor is later found to have been in crisis or impaired in some way. As a society we feel sympathy or concern for those who are mentally impaired or in crisis. We may even wish to intervene to assist them, or “give them the benefit of the doubt” when they behave erratically, but such conditions do not render an aggressor harmless. In fact, any influences that make an aggressor more volatile and less predictable arguably make them more dangerous. Intoxication or mental impairment may also make a person extraordinarily strong or reluctant to communicate or follow instruction. In some cases, highly intoxicated aggressors have been insulated from pain to the extent that less-than-lethal weapons have been ineffective in stopping their violent aggression. In every case, the law enforcement response must be based upon the actions of the aggressor and the context in which it takes place.

Once police are called to respond to a threat, their job is to ensure the public’s safety, their own safety and, if possible, the aggressor’s safety. Crisis intervention will often be attempted and most officers have been trained to de-escalate and slow crisis situations down whenever possible. These techniques have their limits, though. The pace and the outcome are ultimately within the control of the aggressor.



It was just a knife and the officer had a gun. Why didn't the officer just disarm the subject?

A knife or an edged weapon is readily capable of causing death or serious physical injury. The appropriate response to deadly physical force is force that can immediately stop the aggressor's ability to inflict death or serious physical injury. It takes less time for a person who is armed with a knife to assault an officer within 30 feet or sometimes even more, than it would take for the officer to recognize the threat, draw his weapon and defend himself. Pepper spray and batons are generally not a safe alternative to use against an edged weapon. Depending upon the situation, position and actions of the aggressor, and the presence of other officers providing lethal cover, a Taser might not be a safe option either. In most cases, unless there are mitigating factors, using these would be inappropriate and place citizens and officers in greater jeopardy. In movies, it appears easy to take a knife away from an assailant. In reality, disarming such a person is an extraordinarily dangerous tactic which creates an unjustifiably high risk of injury to the involved officer

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Why weren't less lethal tools used? (i.e. bean bag or sponge rounds from a shotgun)

Less-than-lethal rounds may not incapacitate a subject who is posing a threat of serious physical injury or death. In some cases the less lethal rounds only startle, distract, or create some pain so as to momentarily stop a subject. Also, because it is occasionally ineffective at stopping the threat, less-than-lethal force requires that a second officer provide lethal cover with a firearm. If less-than-lethal force is used without effect, and the aggressor poses an imminent threat of death or serious physical injury, then the officer providing cover may need to use deadly force.

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Why not just shoot the gun or knife out of the aggressor's hand? Why not just shoot to wound the subject? A firearm is a tool for deploying deadly physical force. Any attempt to use it as less than lethal force is contrary to the purpose of a firearm. Less than lethal tools, including Extended Range Impact Munitions (bean-bag) or TASER are available and may be used if the use of less than lethal force is appropriate.

It is important to note that officers do not shoot to kill. They shoot for "center of mass" to stop the immediate threat posed by the aggressor. They aim for center of mass – the middle of the largest exposed area of the aggressor that is visible – because it represents the highest likelihood of a hit. That is critical because the officer is reacting to the stress of a deadly force encounter and both the officer and the aggressor-target may be moving. Police shoot to stop; aiming for center of mass increases the likelihood of hitting and stopping the threatening aggressor.

The probability of hitting a small, rapidly moving target, such as a foot or hand, is extremely small. Hands and arms can move very quickly: According to Force Science Research Center, the world's leading authority on deadly use of force, "An average suspect can move his hand and forearm across his body to a 90-degree angle in 12/100 of a second. He can move his hand from his hip to shoulder height in 18/100 of a second. The average officer pulling the trigger as fast as he can on a Glock, one of the fastest-cycling semi-automatic pistols, requires 1/4 second to discharge each round. There is no way an officer can react, track, shoot and reliably hit a threatening suspect's forearm or a weapon in a suspect's hand in the time spans involved. Even if the suspect held his weapon arm steady for half a second or more, an accurate hit



would be highly unlikely, and in police shootings the suspect and his weapon are seldom stationary. Plus, the officer himself may be moving as he shoots. The upper arms move more slowly than the lower arms and hands. But shooting at the upper arms, there's a greater chance you're going to hit the suspect's brachial artery or center mass, areas with a high probability of fatality." "Legs tend initially to move slower than arms and to maintain more static positions. However, areas of the lower trunk and upper thigh are rich with vascularity. A suspect who's hit there can bleed out in seconds if one of the major arteries is severed, so shooting just to wound may not result in just wounding. On the other hand, if an officer manages to take a suspect's legs out non-fatally, that still leaves the offender's hands free to shoot. His ability to threaten lives hasn't necessarily been stopped."

If the suspect was shot in the back, he must have been retreating, right? Why was he shot so many times? Why did officers continue to fire "extra" rounds, even after the threat ended?

Assailants who are a face-to-face threat can easily end up being shot in the back because they were presenting a dangerous/deadly threat, and once the officer had committed to a decision that shooting was necessary, that decision is communicated to their body, the trigger is pulled in the split seconds it takes for the assailant to turn away. For more: <http://www.forcescience.org/articles/shotinback.pdf>

An attacker can be shot many times and continue to attack and kill his intended victim before his wounds cause him to stop. An aggressor can sustain multiple fatal wounds to the head, torso and other body parts and continue to be mobile and lethal for a substantial period of time. The influence of drugs or an altered mental state can make an aggressor less responsive to the immediate effects of being shot, and officers are trained to shoot until the threat is stopped. If they see no reaction, and the threat persists, officers will continue to shoot. With as many as four rounds being fired per second, an aggressor may be struck multiple times before he stops aggressing. If more than one officer makes a decision to use lethal force at the same time, even more rounds may be fired before the threat is stopped.

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A video from a police cam or bystander's camera will tell the whole story, right?

While videos of police use of force can be helpful, they do not tell the whole story, because they are a two-dimensional record of a three-dimensional event: they only record from one perspective and it's typically not that of the officer. Think of a sports game, such as football or tennis, and how officials playback video from many angles to make a final determination of whether a ball was 'in' or 'out.' Also, video cameras often only record a portion of the event and are limited by technological specifications. Some cameras are triggered to record by motion. Others can distort the action by recording at rates as slow as 10 frames per second. See the following example of the same officer-involved shooting captured by two dash cams with very different angles. The second camera confirmed the officer's description of events.

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People must be accountable for the decisions they make under the circumstances in which they are forced to make them. For this reason, police use of force must be judged from the perspective of the officer at the moment and place that the use of force decision was made, and with the benefit of all the information the officer had at the time he had to make the decision. To do this properly, all facts known to the officer at the time must be considered. Video can help in this analysis, but cannot replace a more complete analysis that considers all the other evidence available to the officer at the time the incident took place.



What happens after a shooting?

In an effort to provide more predictable, uniform and transparent responses to officer-involved-shootings, the Oregon Legislature passed Senate Bill 111 in 2007. SB-111 required each county to develop a framework and a plan outlining policies and procedures related to deadly force investigations. Plans were developed on a county by county basis, approved by city governing bodies within each county, and then forwarded to the Oregon Attorney General for review and approval. The Lane County plan under SB-111 was one of the first to be developed, and it received widespread approval, so many other counties used the Lane County plan as a template for creation of their own. The Lane County plan and the "IDFIT" (Interagency Deadly Force Investigation Team) have been used on numerous occasions since the plan was approved in early 2008. For more see the Lane County District Attorney website "Links" page, "Use of Deadly Physical Force Plan": https://www.lanecounty.org/UserFiles/Servers/Server_3585797/File/SB%20111%20JAN%202021.pdf