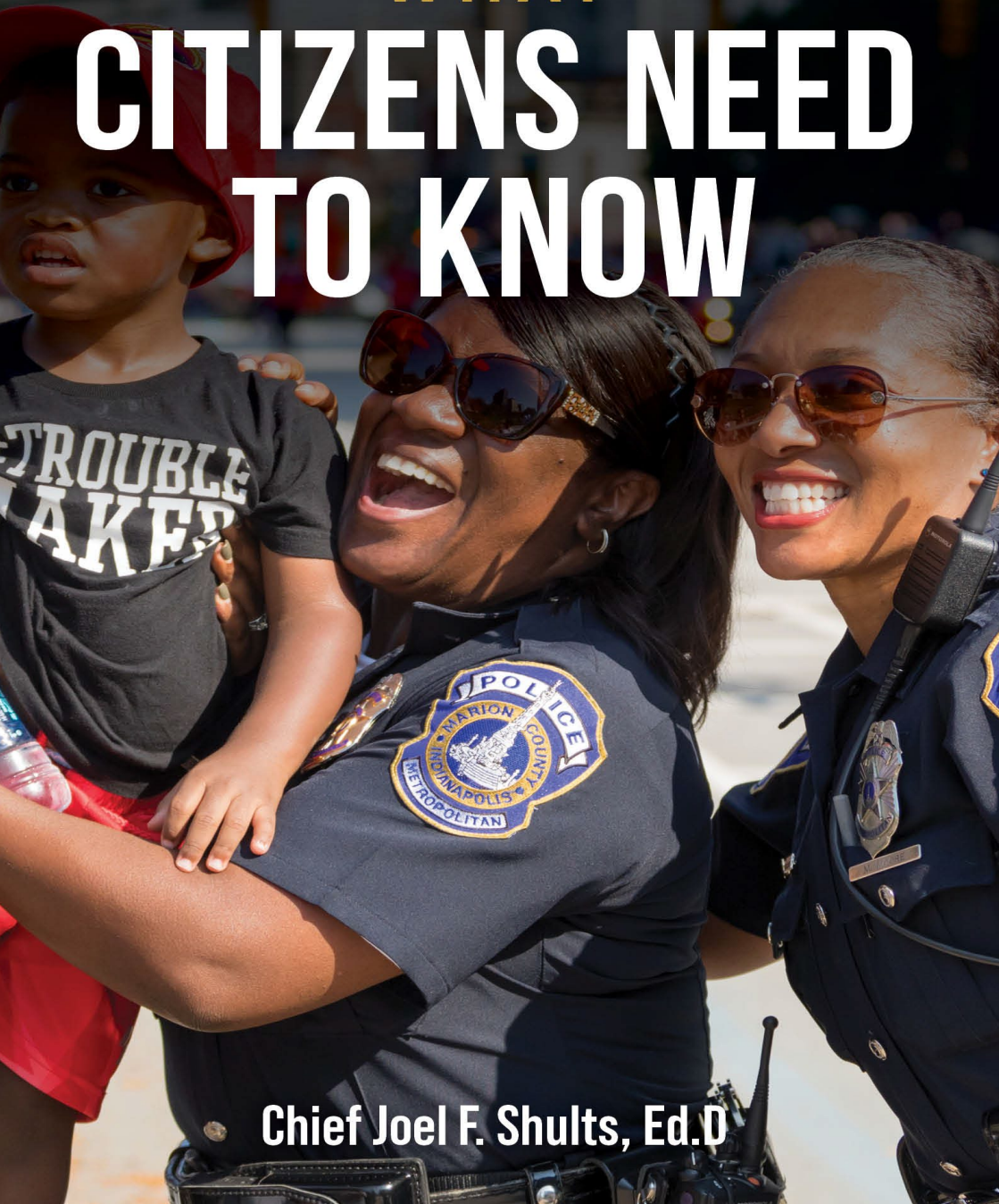


WHAT
CITIZENS NEED
TO KNOW



Chief Joel F. Shults, Ed.D

The National Police Association's free Law Enforcement education series is designed for home school, classroom, or independent learning. As part of our nonprofit educational mission, it prepares you for careers in public safety. This series is authored by [Chief Joel F. Shults, Ed.D.](#)

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What Citizens Need to Know About Increasing Lawlessness

Gun sales in January surged by 80% after an already frenzied buying pattern in 2020. Shortages of firearms and ammunition are a sign to some as an overreaction to conspiracy theories. The idea that people are just being paranoid is countered by the headlines we see every day. April reminds of mass violence with a particularly violent history of anniversaries of tragedies, from the Columbine massacre, to Waco's Branch Davidian disaster, to the Oklahoma City bombing of the Murrah building to name a few.

It is necessary to filter what we see, hear, and read about the violence in the world in order to dial in the reality of our own risk. As we see what appears to be a rise in mass shootings, the probability of dying that way is less than being struck by lightning. As a close relative of a Columbine survivor who was sitting in the cafeteria unknowingly next to an explosive device when the shooting started, I don't dismiss the reality. But for every school, mall, or store where assault and murder happen that generates days of national news coverage, there are tens of thousands of such places where life went on as usual. That may be of little comfort due to the apparent randomness of this kind of insanity, but the odds are in our favor.

When, however, our government continues a seemingly unstoppable destruction of the safeguards established for public safety, the burden of self-preservation from violence is shifting. I seldom try to prove my

qualifications to write these articles, but it is important to the reader to know that I am not a mere observer and commentator who once wore a badge and presume to know everything about criminal justice. One of my police executive roles was as chief of campus police who began that phase of my career while the blood of the Virginia Tech rampage was still on the ground. I developed an expertise and knowledge of mass violence of necessity. There are many steps that businesses and institutions can take to reduce the likelihood of damages from an active shooter event. But, regardless of one's views on the complicated issue of gun ownership (full disclosure - I am a strong 2nd amendment supporter), I have seen not one law proposed or enacted that would have prevented any of the attacks on which these proposals are predicated.

It is no coincidence that gun sales have increased as national political figures who are entrenched in the ideology of restricting gun ownership have been in office. It could be arguable that relying on law enforcement, corrections, and the courts and quick summoning of help from a 911 call would mean that means of self-defense are not needed. But that would be the case only when a strong public safety infrastructure was in place. Does that mean I'm encouraging everyone to armor up? That's a very personal decision. What we see, however, is that the same legislative bodies throwing roadblocks to defending one's family are the same bodies systematically dismantling the government's own ability to protect the public.

The list of laws proposed and passed includes making it easier to sue the police, disarming traffic enforcement

officers, releasing prisoners, prosecuting police officers for justifiable shootings, reducing criminal penalties, and handcuffing law enforcement at every turn. Very few proposals fit the label of police reform, but rather give permission for the lawless to avoid accountability for the crimes of violence that are rising across the nation.

Former Secretary of State Henry Kissinger has been credited with saying “Even paranoids have enemies”. Fear should always be measured by reality, so the decision about measures to safeguard oneself and loved ones is a matter of risk assessment. As measures to muzzle law enforcement, forgive and excuse offenders, and label bad guys as heroes and good guys as villains, it is time to make that assessment. A person living in places other than where urban unrest and anarchist policies are growing, the problem is very real to them as well. Any police officer, small agency or large, will testify that the amount of resistance, confrontation, non-compliance, and disrespect is percolating everywhere.

When serious crime is on the rise, lesser problems of disorder will follow. The reverse is also true, so we can expect a spiraling of crimes against persons and the integrity of personal property. Discouraging traffic enforcement means more dangerous vehicles and dangerous driving will occur. That means the cost of insurance will rise, adding economic uncertainty to the cost of an impotent justice system.

In addition to preparing for economic wounds as well as property and violent crimes encroaching, every citizen must educate themselves on the good or harm that

legislative proposals will do to maintain a healthy society. Ineffective laws that only hamper our liberties, or antagonistic laws that hamper our law enforcement professionals must meet strong resistance from citizens of goodwill and conscience.

Why Is There a Police Car In My Neighborhood?

I remember being the on-call investigator when the phone rang sometime in the middle of the night. At the time I didn't live very far from the police station so I sprinted down to grab the unmarked car and head out to the scene where an officer had been shot at. Word had already spread and other officers had been called out. When I got to the garage, all of the department vehicles had been taken so I sprinted back home and got my personal vehicle to head to the scene. The only equipment I had was my sidearm in a shoulder holster, a set of handcuffs, and a flashlight. No evidence collection material, no traffic control equipment, and no other supplies that might be needed to sustain hours at a crime scene.

Oklahoma City was able to deploy its officers on April 19, 1995, after the federal building was bombed in the infamous truck bombing that killed 168 and injured an additional 800. The crime scene was expansive, the rescue effort was massive, and as always, the usual 911 calls don't necessarily stop just because everybody is busy with a disaster. The city had a take-home car plan already in place that made it possible to get officers out on the street quickly and with the proper equipment.

The advantages of a take-home car plan seem self-evident. More available equipment for mass deployment and faster response times are the most notable. Take-home cars are believed to be in service for more years compared to the workhorse patrol cars

driven by drivers from all different shifts. Take-home cars adjust to one primary driver and are driven as much as 1/4th the time as a squad car taken from the station pool multiple times a day. Take-home cars tend to be better cared for since accountability rests on a sole driver who can make themselves at home without re-adjusting and setting up a car at the beginning of every shift.

Take-home cars are a recruiting and retention incentive. It must be noted that a take-home car is not an employee benefit, otherwise, it might be taxed as such, but saving money on a family car devoted to the commute is money in the officer's pocket. They make off-shift court appearances easier, as well as getting to and from training days as well as an immediate response to a call-out.

For the neighborhood and community, the presence of a patrol car is associated with an increased police presence that discourages criminal activity. Increasing the number of marked police cars can make them a ubiquitous message that the community is being carefully and diligently watched.

The challenge for agencies desiring to implement a take-home car plan is the initial expense and policy development. Some agencies allow personal use of the patrol car to extend the opportunity of visibility of patrol vehicles. If not on duty or en route to or from police business, officers typically are required to have their radio on and be in possession of their duty weapon. Allowing officers to take their kids' grocery shopping may increase the presence of a patrol car in the

community, but without a major information campaign for the citizens, this kind of activity may bring more complaints than compliments.

Increasing the size of a police fleet to equal the number of officers can be an initial capital outlay that would require a major one-time budget shift. Increased taxes or a bond issue is one way of financing. Some agencies may add to their fleet over a few years to reach the goal of take-home cars for most officers. That might mean holding on to current vehicles for longer than usual. Agencies typically surplus their vehicles at from 50,000 to 120,000 miles. For agencies looking to increase their fleet, finding an agency that rotates their vehicles at fairly low odometer reading might help ease into the fleet expansion compared to the expense of all new units. Staggering the purchase will also help establish a rotation system so that cars will not age out at about the same time.

Another issue that makes the take-home car plan a disadvantage is that, in these days where hostility against law enforcement can spawn violence, a police officer may not want a marked car parked in their driveway a target for vandalism to their home, assault on their family, or property damage to the vehicle. Sadly, the advantage of visibility to prevent crime may create a magnet for criminal elements to intimidate and terrorize a neighborhood. If a take-home car plan is proposed for a police agency, its community would be wise to support the program.

America Loves Its Cops

The headlines would lead the average citizens to believe that the population of our country has collectively developed an adversarial relationship with its police. Television ratings show just the opposite. Americans are fascinated by the police.

Perhaps the reality is that Americans are fascinated by crime. Maybe it's the pursuit of justice or at least a happy ending where the bad guys get their comeuppance. It could just be a wanton intrigue about murder to confront the universal awareness of our own mortality. Nevertheless, when we look at television and books, the big sellers are murder, mystery, and police procedurals.

Whether it is reality that fosters the interest in fictional crime stories, or the stories that create due respect for crime fighters is an interesting question that this article doesn't pretend to answer, but it may portend well for our real-life men and women behind the badge. Surveys have consistently shown respect and trust for law enforcement even in the darkest days of protests and anti-police political rhetoric.

Of course, police officers were lampooned even in the early days of media with the Keystone Cops theme showing up in mild-mannered teasing. Marshal Dillon, a regular contributor to Dodge City's Boot Hill cemetery, Broderick Crawford as the no-nonsense agent of the Highway Patrol, the marginally capable team of Car 54, among others created an image of likable characters

some of whom were heroic and some funny but mostly respected for getting the job done. Andy Taylor and Barney Fife spanned the extremes from the laconic, unflappable common sense public servant to the posing bravado of a self-absorbed lawman.

The occasional crooked cop was appropriately portrayed as an abomination whether in a Perry Mason episode or on Adam-12 and Dragnet. On one memorable assignment, Sgt. Joe Friday was working internal affairs for LAPD and quoted former Chief William Parker saying that the problem with police work is that you have to recruit from the human race.

The 1960s and 70s was a time of mistrust of government in general with upheavals related to racial tension, the Vietnam War, and Richard Nixon's criminal activity. Dirty Harry expressed the frustrations of citizens as law and order seemed at risk. We rooted for Charles Bronson as he took up the cause of vigilantism in Death Wish. Real-life scandals in urban police departments were newsmakers, as commissions and studies made new recommendations for police accountability and increased training. As the Biblical wise man, Solomon said, there is nothing new under the sun.

Law and Order, NCIS, and CSI (plus their spin-offs) have dominated television ratings. Mostly showing law enforcement in a positive light, along with Blue Bloods and the recently added Rookie and Chicago PD among others, attempt to deal with current issues and realism (other than some wild plot lines).

In August of 2020, there were headlines announcing the results of a Gallup poll showing that trust in the police had hit a record low. One tier of the response was to the question of a great deal of trust and that fell to below 50% at the time of that survey. As anyone who has taken a survey knows when you rate your McDonald's or Kohl's experience you have at least 5 layers to mark. This ranking is called a Likert scale in research terminology. If a poll shows that fewer persons ranked law enforcement as a 5-star performer in the trust department, that doesn't mean that more have fallen into the no-star or 1-star rank. Therefore, it is disingenuous for the newspapers to headline that half of the population mistrusts the police. That is a perversion of the poll results.

In any case, polls nearing the end of 2021 show a dramatic increase in trust in law enforcement. The percentage of minorities favoring reduced police funding was itself reduced after watching criminal activity rise as police activity declined. By the last quarter of 2021, we saw headlines about police officers returning to schools, demands for increased spending for law enforcement, cities begging officers to return to their agencies, and dramatic messages to anti-police politicians during the November elections.

The history of the United States is one of a constant attempt to balance the power of the government and its armed agents against liberty for law-abiding citizens while fighting criminal activity within Constitutional boundaries. Law enforcement will always engage the attention of an active citizenry, and therefore has a

constant opportunity to merit the trust of those whom they serve.

Be a Wise Consumer of Media Reports on Police

Although everyone knows better, stuff that gets out on social media still can perpetuate false narratives and put junk information into discussions of important issues. As an example, August is the anniversary month of the police shooting of Michael Brown in Ferguson, Missouri. A recent Twitter message from attorney Ben Crump stated “8 years ago, Michael Brown was killed with his hands up in surrender. Michael’s future was stolen from him. Rest in power, Mike.”

One might think that truth, facts, and due process would be central values to an attorney, but all are tossed out the window to glorify Michael Brown. Brown’s future was not stolen, he gave it up. The tweet also celebrates Brown’s graduation from high school but makes no mention of the strong arm robbery he committed before being confronted by Ferguson Police Officer Wilson. Crump gives no attention to the well-established fact that the “hands up” myth was just a myth. The evidence (i.e. facts – remember those?) showed that Brown attempted to wrestle Wilson’s weapon from the officer and resisted Wilson’s attempt to arrest him for that felony charge. Multiple agencies investigated, multiple autopsies were done, and multiple witnesses were interviewed. Even the Obama administration, with invitations to the Brown family to the White House, could not find evidence to charge Wilson with any misconduct.

Every young life squandered in crime is a tragedy. But if Brown does, indeed, “rest in power” it is the power of false telling of a story that only has value to vilify law enforcement if twisted and tortured away from the facts.

But, surely, the real media has more respect for facts and accuracy. Maybe “more” is the operative word. But consider this headline: “Colorado cop jailed for failing to stop beating of dementia patient” from the August 8th edition of the New York Post. The story is about the Loveland, Colorado arrest of a 73-year-old woman with dementia that was recorded on the officer’s body-worn camera. As with most use of force events, the video can be difficult to watch. This writer did not review all of the video or evidence presented when the arresting officer was sentenced to five years in prison for the arrest. What is not observed in any of the evidence is that a “beating” took place.

While the elderly can be frail and have diminished mental capacity, they are not exempt from arrest. Persons over age 50 constitute more than 6% of all murderers. Regardless of the defensibility of the arrest, which was not accepted by the court, it was a rough arrest for a non-compliant person. There was no beating, by any definition.

An Illinois case of the arrest of a fleeing 17-year-old with a handgun, who refused repeated commands was videoed by a bystander complete with the “beating” narrative. There are palm and hand strikes that are within training guidelines that strike muscle and nerve centers and are used to gain control over a resisting

subject. These look menacing from an outsider's view but are specific techniques that are used to avoid further escalation.

A case in Tennessee has family members of the arrestee asking how a traffic violation can result in the use of force to make an arrest. The answer is simple – pull over when you see the lights and hear the siren as the law requires. When you do stop, don't run into your house when ordered by the police to stop after a pursuit. When officers catch up to you, do not resist with violence. We don't know how the investigation will turn out or whether there was wrongdoing by the officers, but to say the officers were at fault and immediately attach the "beating" label is irresponsible.

There are common threads to watch for when consuming media reports. The first is whether the video is from a bystander complete with an uninformed narrative. Secondly is a lack of context. We almost never see what happened before officers began to use physical restraint. You will also never see a retraction, apology, or correction when the event was reported badly. The third is the race card. The media pounces on arrestees from so-called marginalized populations in order to further the narrative of systemic hatefulness in law enforcement. Lastly, remember that since a crime is alleged to have occurred, justice officials are not at liberty to discuss the case openly, so what you'll hear are the laments of family members who will assure reporters that the arrestee was a great person with a bright future ahead, and the attorney who may have to wear sunglasses to keep the cameras from seeing the dollar signs in their eyes.

What the public needs to know about crime rates

Soon news agencies will be reporting on the annual FBI Uniform Crime Report (UCR). This annual summary of crime in America has been a staple of criminal justice planning and observation since 1930.

How it works

Statistics for the UCR are derived from police agencies that report statistics from their jurisdictions. There are standards that create uniformity when defining criminal events. Each state has their own definitions and classifications of crimes which must be sorted into UCR categories. This is the first opportunity for error. Agencies may be tempted to underreport or overreport their criminal activity to either look effective or look needy for more funding.

It is also important to understand that only crimes reported to the police make their way in to the UCR system. Murders are reliably reported since they are hard to conceal. Auto thefts are reliably reported because police reports must be made for insurance companies to pay for the loss. Arson may go completely undetected and, therefore, be underreported. Rapes are notoriously underreported. The value of the UCR is in the comparison of crime over time. The consistency of reporting for offenses is probably the same in 2019 as it was in 1999, so comparisons of like offenses over time can be instructive.

Public awareness can influence the accuracy of reporting. Awareness of arson caused that offense to be added to the UCR count in 1979, and rape was redefined in 2013 to include victims and perpetrators regardless of their gender.

Unreported crimes

It is logical to ask how there are statistics on unreported crime. The answer is that another major measure of crime is the National Crime Victim Survey. This joint venture between the U.S. Census Bureau and the Bureau of Justice Statistics surveys citizens to ask if they have been victims of crime. The comparison between those answers and the reported crimes statistics informs researchers what crimes go most often unreported.

Big crimes

Interested in knowing how much domestic violence or child abuse is in your state? Looking for the number of drunk drivers arrested or drug offenders captured? Those will not likely be highlighted in the headlines reporting on crime rates. The major categories of crime include rape, robbery, murder, aggravated assault, arson, burglary, motor vehicle theft, and larceny.

Other offenses are listed separately within the UCR, but most news reports include only the eight offenses known as Part I offenses.

Timeliness

Because of the massive data collection effort, the statistics that are announced in October of 2020 will be for the year 2019. Other than quarterly summaries, the most recent crime statistics have been from 2018. Keeping up with any rapid changes is not really the purpose of the UCR.

In addition, as the introductory remarks on the actual UCR report will attest, comparisons between cities, states, and regions based on raw numbers is discouraged.

Other information

Digging deeper into each of the offenses will yield information on victims, perpetrators, arrests, and weapons used. This is where we find that there are more people beaten to death with hands and feet than murdered by rifles. Information such as the intra-racial nature of murder shows that most murders are committed by persons of the same race as their victim. The number of persons murdered based on their race as a percentage of their racial representation in the population is highly informative, as are the number of persons justifiably killed by citizens compared to police officers.

Additional information can be found on law enforcement resources by jurisdiction. Separate reports on law enforcement officers assaulted and killed show annual death rates along with causes and circumstances. These studies have, for example, shown

the notable rise in officer murders from ambush attacks.

Trends

Crime trends tend to be local. Looking at the aggregate UCR information may tell you very little about potential crime where you live. When surveys assess fear of crime a few interesting findings usually pop up. One is that people think that things are worse than they really are. In fact, if you don't live in one of the top ten murder cities in the U.S. that account for two thirds of the increase in homicide, things don't look too bad. Most people surveyed feel good about where they live but worry about other nearby areas. This comfort level with the familiar and fear of the unfamiliar may bear no correlation to actual rates and risk of crime.

The UCR has great uses but determining if you are safe in your own neighborhood is a question best asked of your local law enforcement agency.

What the Public Needs to Know About Qualified Immunity

Qualified immunity is just that – qualified. In other words, it is not blanket immunity, and not immunity with impunity. In the words of the U.S. Supreme Court “The doctrine of qualified immunity protects government officials “from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would know.” *PEARSON v. CALLAHAN* Opinion of the Court have known.” *Harlow v. Fitzgerald*, 457 U. S. 800, 818 (1982). Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably. The protection of qualified immunity applies regardless of whether the government official’s error is “a mistake of law, a mistake of fact, or a mistake based on mixed questions of law and fact.”

One should note that there are many types of immunities that apply to various government officials, not just police officers. Judges and legislators have much greater immunities for their sedentary decisions than do police officers acting under great duress.

Does qualified immunity mean that anything a police officer does they can get away with it? Certainly not. We must remember that there are two basic areas of law. One is civil, which is a wrong committed by one person against another. The other is criminal, which is a wrong

committed against the collective rules of the citizenry such as a statute or ordinance. Criminal law must all be enforced within Constitutional boundaries and within established procedural safeguards.

To establish that a person has committed a crime there must be evidence that a person violated every element of that crime including the mental state of the actor. The level of proof is that which is beyond a reasonable doubt, which must be applied to every part of what defines a particular crime. A person may be taken into custody by a police officer who has a level of evidence arising to probable cause which must be sustained in order to proceed with prosecution.

A police officer who uses force unlawfully, exceeding their privilege to use reasonable force, can be criminally charged and qualified immunity has no application as a defense to a criminal charge. This kind of charge would likely be based on a violation of a state law prohibiting assault and unlawful restraint. State statutes will vary.

That same police officer, and perhaps for the same act, can also be charged with a federal crime. Because the Constitution requires searches and seizure to be reasonable, any arrest – a seizure under the Constitution – that is not reasonable violates the rights of the person arrested. The federal charge against the officer would not be the fact that force was used, but rather the right to be seized reasonably was violated.

A third way that a police officer is held accountable, in addition to the two sets of laws under which they may be prosecuted, is to be held civilly liable. A police officer

can be sued in state court for any loss they might cause another person through a negligent or intentional act that violates an established standard of care. The basic formula for determining if a person can sue a police officer for damages is that there must be a duty of the officer to the other person, negligence in the execution of that duty, and a harm that is a direct result of that negligence. The proof of all these elements at trial must add up to a preponderance of evidence for a finding of liability.

A fourth way the officer can be held accountable is to be sued in federal court with a claim that the officer caused the person a loss of their civil rights. Keep in mind that all four of these actions against the officer may occur from one event at the same time. Also remember that if the officer violated a policy of their employing agency, or has no employment rights, they can be dismissed and lose their job. They may also lose their career in law enforcement if the state governing body cancels their peace officer certification or status.

At what point does qualified immunity apply? When an officer engages in a duty that must be performed, they have training, policy and procedure to follow. But no two situations are alike as policy manuals will state and courts will acknowledge. When an officer uses their judgment and the outcome is a bad one, a claim of qualified immunity may be made. If the decision that the officer has made was one that was had no clear precedent, then it is only fair to allow for human judgement errors in volatile, fast moving events. That's all qualified immunity amounts to. There is no lack of accountability for decisions a police officer must make.

Qualified immunity should remain as a just and reasonable protection.

6 Ways Police and Citizens Filter Noise from News

Police officers know the truth from the trash when we watch the news and what passes for news. Many who want to be supporters of officers do not have the information needed to make sense of the screaming headlines that bombard us hourly. How can we help our citizens, especially those who want to support quality law enforcement, be intelligent consumers of the news and not the noise?

1. Understand that the media is easy to manipulate. Information on the internet is provided by profit seeking bloggers and websites that depend on page views and clicks. The old model of reporters digging to verify facts on a story before the paper is printed or a story is aired is a relic. When every click counts, information has to be pumped out and pumped up minute by minute. When a story – whether true or not – is repeated enough times it is considered to be worthy of even mainstream media outlets. These stories can be generated with relative ease. Websites just need clicks and views, so it is no great loss if a reader grabs only the headline and does not read the story. Headlines can be intentionally deceptive in order get attention and clicks.

2. Watch for phrases that hedge the truth of a story: “It has been reported that”, “anonymous sources say”, “a possible violation”, “a potentially explosive allegation”. Phrases like that really mean “we have no idea whether this is true but we’re putting it out there anyway”.

3. There are lies, damn lies, and more damn lies using skewed statistics. One social media post rhetorically asks why cops have killed hundreds and rioters only a few, implying that the real source of violence is the police. If you want to compare full time first responders who are called into violent situations on a regular basis to weekend warrior rioters, those numbers are meaningless. Be skeptical of comparisons, pieces of charts and graphs, and the trustworthiness of the source of statistics.

4. Examine the heroes and victims cited by speakers and writers. If anyone cites the death of Michael Brown as the murder of an unarmed teen by a racist cop, they immediately lose credibility. Multiple investigations, intense public scrutiny, and physical evidence all yield the same factual answers. Brown was leaving the scene of a strong armed robbery, assaulted the officer and attempted to steal the officer's sidearm breaking bones in the officer's face, then resisted arrest as the officer pursued him. This is in no conceivable way an unjustified use of force, not to mention that the "hands up don't shoot" mantra has been proven to be entirely fiction.

Those citing the death of Trayvon Martin often don't know that this was not a police involved death at all. Neither was the death of Arnaud Arbery. When lists of alleged victims of police violence are published, a search of the circumstances will show that most were armed, fleeing violent crimes, actively resisting arrest, or in the company of those who were. That is not to diminish or justify the statistically rare unlawful use of force by police, but with every deadly force event being

portrayed as a cascade of senseless killings, the truth of these encounters must prevail.

5. Watch for terms that are loaded with presuppositions. Reporters like to talk about military grade equipment instead of protective gear or tactical rescue vehicles. The word murder should not be used in every report of a death in police custody. Saying that an arrest was only for a misdemeanor is intended to strongly imply that the suspect's encounter with police was a trifle to begin with. Eric Garner's contact and arrest was for selling untaxed cigarettes, an activity associated with gangs and organized crime. The investigation of George Floyd began with a reported counterfeit \$20 bill, a federal offense also associated with underworld criminal activity. Whether the outcome was unlawful conduct by the arresting officers was criminal or not, the initial contact and of these offenders was lawful.

Another term is unarmed, meant to imply that the arrestee posed no threat. It takes only a quick look at FBI murder statistics to see that twice as many people are killed by hands, feet, and hastily grabbed blunt objects than all murders from rifles and shotguns combined. Knives are often referred to as a non-deadly threat but are also more than twice as likely to kill as rifles and shotguns combined. Presidential candidate Biden famously suggested how an officer should be trained if "there is an unarmed person coming at them with a knife or something".

6. Look for context and irrelevant factors. Bloggers and more traditional reporters often create sympathy for

those shot by police, alluding to their impending college enrolment, recent graduation from rehab, charitable work, families, and birthdays. Officers facing deadly force decisions calculate only the threat, not the personality or life circumstances of the person engaging in the threat.

When citizens develop a better understanding of how to filter the information they get, the reforms that truly are urgent in policing can begin.

How To Know When The Activist Is Ignorant

Some common topics arise when lay persons talk about police use of force, and most of them are erroneous in fact or interpretation. Here is a sample.

Clue #1 They include the Trayvon Martin case in examples of police shootings. Martin was shot by a neighborhood watch coordinator in what a jury later accepted as self-defense. The controversy regarding police was their initial conclusion that it was a case of self-defense. The shooter, George Zimmerman, was a mixed-race 28 yr old whom the press managed to call a white male in order to emphasize the potential for a racially charged story.

Trick question to test the amateur activist: How many times did the cops shoot Trayvon Martin? If the answer isn't "zero", the person doesn't know what they are talking about.

Clue #2 They include Michael Brown as an example of an innocent black teenager shot without justification by a white police officer. An additional clue is when they mistakenly refer to Brown as "Michael Ferguson", as I heard a commentator on CourtTV say just today in analysis of the Amber Guyger case.

Brown, always referred to as an "unarmed black teenager", was 18 years old, nearly 300 pounds, and was 6'4" tall. Hardly the image of the headphone wearing Facebook photo pushed in the press. Brown, who had just walked away from a strong-arm robbery caught on

video in which he shoves an elderly shopkeeper (who was Asian – but Asian victimization hasn't yet become a newsworthy trend) in order to steal cigars to modify for marijuana use. When confronted in a lawful contact by police officer Darren Wilson, Brown approached Wilson who was still seated in his patrol car when Brown wrestled to take control of Wilson's service weapon. Failing that, Brown attempted to flee, ignoring Wilson's attempts to take him into custody, and Wilson shot Brown. All forensics verified this account.

Trick questions to test the activist's knowledge:

1. How many times was Brown shot in the back?

Answer: zero

2. Who was the first person believed to have started the story that Brown was surrendering with his hands up saying "Don't shoot"? Answer: Dorian Johnson, who was arrested on a warrant from another jurisdiction on a charge of making a false statement to police during an earlier arrest for theft unrelated to the Brown incident and who later admitted that his initial statement was untrue.

3. How many autopsies were there on Brown relative to the shooting case? Answer: 3 – all of which confirmed the Wilson's narrative.

4. What was Wilson convicted of after the shooting?

Answer: After a grand jury, federal investigation, internal investigation, and intense public and media scrutiny, there was zero evidence of wrongdoing of any sort by Officer Wilson. None.

Clue #3 They are still talking about Rodney King.

Trick questions:

1. How many officers are still around from the Rodney King era? Answer: It was 1991, a rookie hired that year is likely already retired. Stacey Coons is 68 years old now. Laurence Powell is 58.

2. In the Rodney King arrest, there were 56 baton blows alleged. How many of those blows were ultimately found to be excessive? Answer: None, according to the first jury trial, and one or two in the subsequent federal case. (Recent research on reaction time might have negated that finding.)

Clue #4 They never consider the accountability of the alleged victim.

Trick questions:

1. What is the appropriate response when confronted with a weapon capable of killing you or others near you or those in the path of that person's escape? If they say "talk them out of it", "shoot them in the leg", or "use your Taser", they'll need to spend half a year in the police academy and two years on patrol before they understand differently. They could also read the peer-reviewed research on the rarity of police use of force, and the multiple findings that fail to show race bias in police use of deadly force – but that's just about as likely.

2. What is the law in every state about complying with an order by a police officer and submitting to an arrest?

Answer: You must. It solves all kinds of problems and avoids your getting shot.

I applaud activism, sound journalism, and police accountability. What saddens me is public opinion and activism based on prejudice, ignorance, and cemented conspiracy theories. What infuriates me is legislation and policy based on that same ignorance.

Law Enforcement Appreciation Isn't Always Easy

There isn't a lot of hoopla over Law Enforcement Appreciation Day which was January 9th this year. After all, it competes with National Apricot Day, Balloon Ascension Day, National Static Electricity Day, Word Nerd Day, Take the Stairs Day, and Ride the Subway Naked Day. Besides those special days, January 9th begins a week-long celebration of Elvis' birthday and National Pizza Week.

Frankly, with Police Week and Law Enforcement Memorial Day, I think we risk wearing even police supporters thin. The real question for the majority of great citizens who do have an appreciation for the necessary work of policing is how to sustainably support and appreciate our law enforcement officers.

One important and often overlooked aspect of showing appreciation is the reality of a police officer's daily life that inhibits their approachability. Officers are often busy even if they don't appear to be. An officer in a restaurant might be lunching, or they might be interviewing or waiting for a victim or witness. Trying to talk to an officer is often distracting as they are listening to their radio from their earpiece or shoulder mic. While listening to you they will likely break eye contact to scan the environment for threats and suspicious activity,

If you try to buy their coffee or meal they will likely say thank you but turn down the offer because it is a violation of their department's ethics policy. If you pay

without them knowing it, they may feel they have to leave the price of the meal as a tip.

Approaching an officer in their car will also make police officers nervous. Sadly, many officers have been assaulted and even killed just sitting in their patrol car stopped at a stop sign or in a parking lot working on a report. Offering a hot beverage to an officer standing at some assigned post is a kind gesture, but the officer may not be in a position to hold on to it and attend to their duties. The same goes for offering to pray with an officer. They may be hesitant to lower their head or close their eyes in their habit of constant vigilance and not everyone shares your faith.

Sadly, consumable gifts have to be suspected even when delivered with the purest of hearts. There are just enough evil persons in the world that would adulterate food or beverage to sicken an officer that the wisest course is to accept the gift graciously then throw it away. As in most cultures, Americans love to give cakes and casseroles as compassionate and thoughtful gifts. In addition, anything in a box may be considered a suspicious package.

So what is a good citizen to do? Understanding the realities of life as an officer and not be offended if they can't give you the thanks and attention that you deserve at the moment. A Card of thanks to them through their agency is appreciated. Especially when an officer is injured or involved in a critical incident, a card to the station will be special.

If you want to speak to an officer, it might be especially courteous to ask if they have a moment or if they are on break. Just saying thank you or promising to pray for them is a quick affirmation that poses no imposition on their time or attention. Even a thumbs up can brighten their day. If you're sending a gift of food for the shift, it's best to send something prepackaged or delivered from a restaurant rather than something homemade. If you know an officer and they can carry your homemade item and vouch for its safety, it will be more likely to get eaten and enjoyed.

If you have a concern about your neighborhood, a complaint about an officer's conduct, or a dissertation on the criminal justice system, making an appointment to speak with an officer or supervisor will be more effective than a spontaneous conversation with an officer waiting for their cheeseburger during a break in her shift.

It is sad that in today's world that police officers must be prepared for insult or assault when approached by a citizen, but that is their reality and training. With courtesy and caution, you can still brighten an officer's day.

Mythbusting About Officer Involved Shootings

Those critics of law enforcement's use of force like to make claims about how gun happy cops are. Here are some of their claims that are patently false:

All you have to do is say that you feared for your life to justify shooting someone. There are two legal barriers to this claim. The first is that mere fear is no justification. The level of fear must be reasonable as judged by the reasonable person standard. That means that the courts must determine that a reasonable person under the same circumstances with the same amount of knowledge of the officer would fear for their life. The second barrier, implied in the first, is that a threat must be imminent. A person with a baseball bat threatening the officer from across the street is not an immediate threat. A person with a baseball bat within 30 feet and charging the officer for an apparent attack is imminent. A person with a pistol (or what looks like a pistol!) across the street does pose an imminent threat.

Cops use excessive force for minor violations. Imagine this hypothetical: a park police officer contacts a citizen for dropping their fast food bag on the ground. The citizen begins to walk away and the officer approaches to complete the contact and possible enforcement action. The citizen pulls away from the officer and picks up a tree limb and threatens the officer. The officer displays her baton, the offender pulls a knife and charges the officer. The officer shoots the offender. The next day's headlines scream LITTERBUG SLAIN BY POLICE. That's how the narrative often goes, from

George Floyd's arrest for counterfeit money to Eric Garner's arrest for selling untaxed cigarettes.

Videos prove that officers are using excessive force. Outside of a jury and investigators, the public never sees the context of an officer involved shooting that was caught on video, either from the officer's body worn camera, a bystander with a cell phone, or surveillance cameras that happened to capture the event. We don't see and sense all of the information the officer had when they decided that deadly force was necessary. We don't hear the information given to dispatch. We don't know the history of police interaction with the person. We don't see the bystanders who were either at risk or part of the threat. We hear the commentary of the reporters (never any bias there, right?) or the citizens who edited and narrated the portion of the video that is intended to fault and second guess the officers involved. A video can never tell the whole story and sometimes tells the wrong story.

Cops shoot first and ask questions later. Research shows that police officers are confronted with deadly force situations much more frequently than the public knows. If officers exercised their right to use lawful deadly force in every justifiable circumstance, the number of suspect killings would be in the multiple thousands yearly. Officers don't want to use lethal force and will put themselves at risk to make that option a last resort. When time allows, armed suspects are given multiple instructions to comply and submit to a lawful arrest but continue to resist and engage in threatening behavior. Many situations are resolved by less lethal

weapons or negotiation when time and circumstances allow.

Police officers kill black suspects more quickly and more frequently than white suspects. Deadly force decisions are based on suspect behavior, without regard to race. Of the 1,021 persons killed by police in 2020, 241 individuals were identified as black.

Cops only kill in self-defense. Police use deadly force to protect others from danger. But police officers are acting in the interest of others even in those cases where only they are confronted by a lethal adversary. Aside from the philosophical sense that the killing of a police officer is an affront to every law-abiding citizen whom the officer represents, an officer protecting themselves is always protecting others. An officer who saves themselves from serious injury or death avoids taxing other rescuers as a victim needing resources. They also are able to keep their weapons and vehicles safe from the violent offender who might otherwise seize those weapons to use against others. The officer who is able to stay alert and alive prevents the offender from victimizing others. Self-preservation for the police officer is a moral imperative that impacts the public.

There are thousands of police killings every year. There were 1021 persons killed by police in 2020. Based on the millions of police contacts with civilians every year from over 750,000 police officers making over 7.6 million arrests, the number is remarkably small. The claim that there is some hidden number of officer involved killings that go unreported is an unreasonable

claim that deadly force can be somehow hidden from the public.

Police officers do not want to kill. The reluctance to use force is well documented. Officers know that a deadly force event, regardless of its actual righteousness, can be a career ending event with psychological and financial hardships for life. Critics should at least know the real data before condemning the profession.

About The Author



This series is authored by [Chief Joel F. Shults, Ed.D.](#) Joel is a retired police chief. He is an award-winning writer, college professor, trainer, and first responder chaplain.