

Use of Force

As a supervisor at the 4th Pct. I am writing this in response to the request that supervisors discuss use of force with officers under their command. I will start this discussion by telling you that I have worked for the MPD for thirty five years and have attended many, many training sessions on force and been involved in many, many use of force incidents.

Following is what I have learned about use of force thru training and experience.

First of all, use of force is the most controversial thing we do as police officers. Force is not pretty to the untrained eye whether it is civilians, politicians or police administrators. My understanding is that if my use of force is not sufficient I will die, there are no second place winners in use of force applications.

An officer must assume in his mind that if he or she loses during a confrontation with a suspect, the officer will die. Training techniques on use of force are just that, "training techniques".

When an officer uses force it is in the context of their training and experience. In other words what has been effective in the past for that particular officer. Some officers are comfortable with certain techniques and other officers are not. Many variables come into the equation when using force and these variables are not static, they evolve depending on the officer's experience and other factors.

I personally am not comfortable with many new force techniques because in my training and experience they are just "pretty" and not effective. Real force is not pretty, it is use of force not a beauty pageant. Remember if the technique I use is not effective I die, not the instructor who taught it to me.

Surprise is a fundamental aspect of force. In other words if your first technique fails you and the suspect are now closer to equal. If you and the suspect are equal, you are losing. Losing can turn into your death. I know this might seem melodramatic, but how many officers who have been murdered thought they were going to die when the incident started?

The main reason officers end up injured or murdered by suspects is because the officer did not use enough force, not because the officer used too much force. The suspect ALWAYS determines how much force is used against him, not the officer. If the suspect does not produce his drivers license when requested he then dictates that force be used, not the officer.

Next I would like to discuss a myth that has been perpetuated by use of force experts across the country. That myth is blows to the head are deadly force. Let me make one thing perfectly clear, while blows to the head are not pretty they do not create a high likelihood of death.

IN MY 35 YEARS AS A MINNEAPOLIS POLICE OFFICER THERE IS NOT ONE DOCUMENTED CASE OF A SUSPECT DYING FROM A BLOW TO THE HEAD BY A MINNEAPOLIS POLICE OFFICER. I have seen suspects struck in the head by police officers with 4 cell flashlights, night sticks, jump boots, fists, gloved fists, sap gloved fists, saps and other items to gain compliance. I must repeat the above phrase just to make it perfectly clear, NOT ONE DOCUMENTED CASE OF A SUSPECT DYING FROM A BLOW TO THE HEAD INFLICTED BY A MINNEAPOLIS POLICE OFFICER IN THE PAST 35 YEARS.

How can a blow to the head be deadly force if one has not caused death to a suspect in the past 35 years? Actually there are many documented cases in Minneapolis where tazers and hands on/wrestling have resulted in the death of suspects. So in reality these techniques are more deadly than blows to the head. For your information reality is something street cops deal with, not theory. I personally will go with reality every time, since reality can kill me, not theory.

Remember, those who can do and those who can't teach. This relates to the "experts". It is easy to dissect a force incident for several days in the safety of city hall or a newsroom. My retort to all the second guessers/experts is, why don't you throw on one of those blue uniforms and go out and do it yourself if it is so easy. Remember, the "experts" also once said the earth was flat. Let's now get to the force incident which has prompted all this discussion. Unlike some people I have reviewed the involved officer's reports and viewed the video of the Jenkins arrest. What I observed was a controlled use of force by a group of highly trained professional police officers. Let's get the real facts of this case as documented by video and police reports. The Jenkins arrest is a classic drunk driving arrest which turned into an assault on a police officer by Jenkins. Jenkin's driving behavior and the time, 3 AM, raise my suspicions that he has been drinking.

Than if you watch the video you can see Jenkins car lurch ahead approximately three feet after he first stops. This tells me two things. More evidence of drinking and he is thinking of fleeing or actively resisting. The officers walks up to his car. He locks his door and his window is rolled up. More signs of resisting arrest and drunk driving. Finally the officer makes verbal contact with Jenkins and he refuses the request for his driver license multiple times, laced with profanities. More evidence of drunk driving and he is going to resist arrest/harm the officer. At this point the officer should be thinking that soon he is going to be in a physical altercation with this person and if the officer loses he is going to die. All of Jenkins actions are to get the officer off guard so he can assault him.

I have heard people minimize Jenkins behavior as "allegedly speeding". Jenkins is not just a speeder, he is a drunk driver. Drunk drivers are serious dangers to the public, who we are sworn to protect and serve. Drunk drivers kill more people in Minnesota every year than gang members.

One of my friends, retired MPD Off. Mike Calistro just died recently after being struck by a drunk driver who "allegedly went across the median". Disabled MPD Off. Dave Loeffler who just recently died had his leg amputated below the knee by a drunk driver who crashed into his sqd, pinning him between his sqd and a vehicle he had stopped. I am very confident Off. Loeffler would be alive today if that drunk driver had not injured him.

I could go on and on about the major threat to public safety drunk drivers pose but I will not. That is a job for MADD and others. The bottom line is Jenkins was a threat to public safety the night he was arrested. Several independent officers noted the drunken driving behaviors Jenkins showed. The last time I checked drunken driving is a crime and refusal to take a DWI test is a gross misdemeanor. Where are the charges?

Jenkin's physical assault on the officer last over 60 seconds. Anyone who has experience in force situations knows this a very long time. The longer the confrontation goes on the more likelihood the officer will get seriously hurt or killed. The sooner the suspect is searched, cuffed and in the rear of the sqd the safer the suspect is and the safer the officer is.

Let's discuss the arriving officer's actions. My experience tells me when an officer gets on the air while fighting with a suspect I better get there quick. I also assume that lower level force techniques such as presence and verbal judo have failed. When I arrive and see the suspect still struggling with the officer I am going to perceive the suspect has not been searched for weapons and is a serious threat to me and other officers at the scene. Because of my perceptions and experience I am going to strike the suspect with hands, feet and batons. Just like the arriving officers did. Jenkins needed to be brought under control immediately. He could be armed with a gun or knife since he has not been searched yet. I am not going to take the chance of being shot or stabbed. The people in city hall and the newsroom can take that chance, I am not going to.

On the video, as soon as Jenkins was under control the force was deescalated by the officers. Remember Jenkins determined how much force was used on him, not the officers. If Jenkins complies with the officer at the start minimal force gets used against him. The only downside to Jenkins's compiling is he gets booked for DWI and does not get any money in a lawsuit against the City.

Let's talk a little about the aftermath of the Jenkins arrest. The incident is now being investigated by the FBI, supposedly to judge the appropriateness of the force used. How much expertise does the FBI have in use of force? My experience tells me very little. I know the FBI used some force in Waco Texas resulting in the over thirty woman and children being burned to death. I know the FBI investigated the 911 terrorists, before September 11th. How did that turn out? Ask the relatives of the over 3,000 people that died when the Twin Towers collapsed or ask the relatives of troops currently serving in Afghanistan. I have no doubt that the one shift at the 4th Precinct has more actual experience in use of force than the entire FBI. You get the message? I saw one expert on ethics say the kicking by the officers "seemed odd". Well if he was an experienced street officer he would know they were not kicks, they were stunning blows to gain compliance. I suppose this expert in ethics gained a lot of experience in applied force from his office over at Metro State U.

Than how about the comments by the attorney who has made a real good living representing suspects who have allegedly had excessive force used against them by police officers. This attorney says he is "troubled" by what appears to be kicks to the head, which he says are only justified when there is a severe threat to the officer.

Well he can be troubled no more since there was a severe threat in my professional opinion to the safety of the officers involved. They are trying to control a suspect who has been tazed with no effect, been struck by multiple stunning blows with hands and feet and still continues to fight with officers. Also keep in mind this suspect has not been searched for weapons, such as a knife or gun. That is the classic "severe threat to these officers".

In ending I will repeat that the Jenkins's arrest incident is a classic applied use of force by highly trained professional police officers. Feel free to discuss your thoughts on this with me at any time.

Lt. Mike Sauro, 4th Pct.