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Contemporary Readings

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Miami and Dade County, Florida are unique areas. A lengthy series of events including the several waves of immigrants, and the influx of marijuana, cocaine and other narcotics contribute to their culture and character. The increase in population and drug traffic has influenced crime and the corresponding police response. One specific police activity which has come under scrutiny is the use of deadly force. It is not the purpose of this chapter to review what is known about police use of deadly force. That has been done elsewhere (e.g., Fyfe, 1986, 1982; Blumberg, 1985,1989; Matulia, 1985; Geller and Karales, 1981). This chapter will be limited to the review of what is known about the police use of deadly force in Dade County in general, and the Miami Police Department specifically, including a seven year study of that department's use of deadly force. Before we turn to that section, it is necessary to review the characteristics of the area and some significant events which affect police use of deadly force.

**Miami and Dade County: Its Citizens and Police**

In 1988, Dade County consisted of approximately 1,776,000 people and a daily average of 42,000 tourists sandwiched densely between the ocean and the Everglades. Of the more than 2,000 square miles of Dade County, only 340 are populated. Fifty-three percent of the residents live in the unincorporated area. The balance is divided among 26 municipalities. The largest among these are Miami with 400,000 estimated residents; Hialeah with 144,000, Coral Gables with 42,000 and Miami Beach with a population of 91,000.

Dade's resident population was 17.3% black, and 35.7% Hispanic during the 1980 census, and is currently estimated at 18.7% black and 41.3% Hispanic. The Miami-Dade area employs 4,622 sworn and 1,659 civilian police employees who responded to over 213,000 crimes (1986) and 1,018,049 calls for police service.

This force has grown from 3,374 officers county-wide in 1980, a year which has been characterized by drug importation, cocaine cowboys, an increase in crime, the Mariel boatlift, and the "McDuffie" riot. Citizen groups and influential civic and business leaders cried for relief at the federal, state and local levels. In December, 1982, another outbreak of civil disorder erupted in the city of Miami following the police shooting of a black youth.

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In Dade County, during the six-month period between November, 1982 and March, 1983, four police officers were indicted for manslaughter in separate, unrelated events. Furthermore, during that period, four other police officers, who were not indicted, shot and killed four civilians. In all, eight persons were killed by police officers during that time period.1 From March, 1983, through January, 1987, all shootings by police officers in Dade County have been ruled justified without the need for a grand jury investigation. It is unprecedented that four of these earlier shootings resulted in grand jury indictments in a single jurisdiction for a six-month period. Only one conviction resulted from these indictments. A brief description of these four cases will be presented, followed by an analysis of a seven-year study of deadly force used by officers of the Miami Police Department.

Four Indictments in Six Months

The Florida statute on manslaughter reads as follows:

The killing of a human being by the act, procurement of culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, shall be deemed manslaughter and shall constitute a felony of the second degree . . .2

In all police shootings, issues pertaining to negligence and justification are investigated. Florida was one of the states which did not limit a police officer's use of deadly force to defense-of-life situations, but operated on the fleeing-felon standard. However, in October, 1987 Florida adopted the rules articulated by the United States Supreme Court's decision in Tennessee v. Garner (471 U.S. 1 [1985]). The Court in this civil case, ruled that a police officer could not use deadly force unless he or she has probable cause that the offender poses a threat of serious physical harm, either to the officer or others. Specifically, the Florida criminal law read:

A law enforcement officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest or when necessarily committed in retaking felons who have escaped or when necessarily committed in arresting felons fleeing from justice.3

In October, 1987, Florida came into compliance with the Garner decision by adding House Bill 1479, which states:
and: The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or other; or the officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

Former Miami Police Chief Bernard Garmire had attempted to restrict unilaterally the police use of force in 1971. The effort met strong internal resistance, and the question was sent to the State Attorney General. The Attorney General's opinion was that a police chief could not narrow the scope of authority granted to a police officer by the law which permitted the use of deadly force to apprehend a felon, armed or unarmed, as a last resort. In 1976, the Attorney General was asked to clarify that opinion. The Attorney General opined that a Chief of Police could adopt a more restrictive policy for the use of deadly force than the state law. Although the Florida state law has permitted a liberal use of deadly force, the Miami Police Department, in 1980, under Chief Kenneth Harms, changed its policy to limit the officer's discretion.4

The Miami Police Department places a greater value on the preservation of life than on the protection of property. It is in the best interest of the public, the Miami Police Department and the officers of the Miami Police Department that the use of deadly force by the police balance the safety of the community and its police with the constitutional principle of due process.

This policy is based upon legal and moral precepts of police officers to utilize deadly force to protect society and themselves from death or substantial harm.

It is the policy of the Miami Police Department that officers will use deadly force only as a last resort and when the officer has reasonable belief that deadly force action is required:

To prevent death or substantial harm to the officer or another person, or

To prevent the escape of a fleeing felon who would pose a real threat of death or substantial harm to the community or police officer.

Miami's Police Department's policy on the use of deadly force which had been in development for several months, and was to be introduced in conjunction with a massive retraining program, became official on the 20th day of May, 1980 during the McDuffie riots. The police killings in Dade County which occurred after the policy change, during the period between November, 1982 and March, 1983, raised some important issues for policing and police-community relations throughout the United States. The following case summaries discuss the four officers who were indicted:

**October 6, 1982**

Officer Thomas Pellechio, a thirty-two-year-old white male with three years of experience on the Metro-Dade Police Department, in plain clothes and driving
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an unmarked police car stopped Ernest Kirkland, a fifty-eight-year-old black male, former police officer, employed as a Dade County corrections officer. Pellechio made a “routine” traffic stop for Kirkland’s alleged erratic driving. Officer Pellechio stated that Mr. Kirkland was drunk and refused to exhibit his license when asked. Pellechio further alleged that Kirkland acted in a belligerent manner which resulted in a physical altercation in which Kirkland grabbed for Pellechio’s revolver. During the roadside fight, Pellechio shot Kirkland four times. The medical examiner stated that Kirkland had consumed as many as sixteen beers or sixteen shots of eighty-six-proof alcohol in the hour before he died. Pellechio was indicted for manslaughter on January 25, 1983. Later, during his trial, at which no defense witnesses were called and no evidence introduced, it was determined that several of the “witnesses” had lied to the grand jury. Pellechio was acquitted on May 26, 1983.

October 26, 1982

Officer Ernesto Urtiaga, a twenty-six-year-old Latin male with six years of experience with the Metro-Dade Police Department shot and killed Anthony Nelson, a thirty-year-old black male. Mr. Nelson, who had an eleven-year record of felony arrests and convictions, was allegedly involved in the theft of a truck loaded with fish when he was apprehended by Urtiaga and his partner. The defendant was arrested and told to place his hands on the top of an automobile while officer Urtiaga attempted to search him with one hand while holding a shotgun on him with the other. The shotgun discharged resulting in Mr. Nelson’s death. Urtiaga was indicted on January 25, 1983 and acquitted on June 15, 1983.

December 28, 1982

Nevell Johnson, Jr., a twenty-year-old black male was shot by Officer Luis Alvarez, a twenty-three-year-old Latin male (field training) officer with twenty-one months’ experience with the City of Miami Police Department. Alvarez and his partner were on patrol in the Overtown area when they decided to enter a video gameroom. Nevell Johnson was playing a video game when Officer Alvarez apparently detected a bulge in the rear of his waistband which appeared to be a gun. The exact sequence of events that followed is even today unclear, but Alvarez discharged his weapon which resulted in the death of Nevell Johnson. This shooting triggered several days of disturbances and looting in the Overtown area and led to the creation of several task forces, studies and changes in police procedures. Alvarez was indicted on February 17, 1983 and acquitted March 15, 1984. This decision gave rise to several additional days of civil unrest.

March 4, 1983

The shooting death of Donald Harp, a twenty-one-year-old black male by Officer Robert Koenig, a twenty-nine-year-old white male with only six months’ experience on the Metro-Dade Police Department occurred on March 4, 1983. Mr. Harp was a passenger in a car driven by a friend, Derek Hart (who was AWOL from a U.S.
with a chaplain corps available twenty-four hours for post-trauma debriefing. Peer group counseling is available for officers who have been shot or who shoot in the line of duty.

In addition to cultural awareness, human relations and stress training, the police department conducts training in crisis intervention, handling domestic violence and civil disorders, and a variety of other skills and tactics. A revised Police Officer Safety and Skills Training program has replaced and combined the computerized shooting simulator and officer survival courses. The focus is on alternatives to deadly force, violence reduction, control of situations, ways to approach suspects, and methods of conflict resolution.

The State of Florida modified its standard qualification course to de-emphasize marksmanship and emphasize decision making and threat analysis. Officers must qualify with their service revolver on a quarterly basis, and with an off-duty weapon, second "backup" weapon or shotgun annually. All police revolvers were modified in 1983 from single/double action to double action only. The department had long before ceased training in single action mode.

An increase of weapons and in the firepower of those weapons in the community led to a search for a semi-automatic pistol that functioned similarly to a double action .38 revolver (with no external levers). In September, 1987, the Miami Police Department ordered 1,200 Glock 9 mm 17 round capacity pistols. Despite this training and preparation, a highly trained Special Weapons And Tactics (SWAT) and hostage negotiation team are utilized to help minimize exposure of uniformed officers to high threat situations.

In short, The Miami Police Department has made operational most of the major recommendations to reduce deadly force from such groups as the Dade County Grand Jury (1983) and the Overtown Blue Ribbon Committee (1984). Indeed, a review of all shooting incidents indicates a decline during the past ten years, although many of the traditional explanations of the use of deadly force such as violent crime and assaults on officers have increased.

**Police Use of Deadly Force in Miami: A Statistical Analysis of 1980-1986**

This section of the chapter focuses upon the research conducted on shootings by the police. Citizens and local officials raised sufficient questions to prompt two parallel investigations. First, each incident in which an officer fired his or her weapon was studied, and, second, a 25% sample of those officers who intentionally discharged a weapon (other than for training or practice) was questioned.

Between January 1, 1980 and December 31, 1986, there were 234 firearm incidents recorded by members of the City of Miami Police Department: 163 (70%)
were fired intentionally and 71 (30%) were fired accidentally. Since the vast majority of both the intentional discharges and the accidental discharges were fired by patrol officers, our study will exclude supervisory and command personnel. Moreover, only four female officers fired their weapons intentionally during our study (3%), which might indicate a gender bias toward the use of firearms. No effort was made to control for the women officers in low-risk assignments.

As we have noted above, there is a rich literature pertaining to research on police use of deadly force (see Fyfe, 1982, 1986; Blumberg, 1985, 1989; Geller, 1983; and Matulia, 1985). These summaries taken together provide an excellent review of what is known about police use of deadly force and the conceptual frameworks in which these data should be placed. Many of the most common issues concerning police use of deadly force will be included in our review of the Miami data. In addition, we will add perceptual data from police officers who have fired their weapons at suspects. Our data will be descriptive and will include information about the officers, suspects and situations.

The Officers

Age

It is commonly cited that younger, less-experienced officers shoot more often than older, more-experienced officers (Blumberg, 1985: 342). In Miami, it appears that this hypothesis holds true when all shootings are considered. Overall, the officers who fire their weapons accidentally are younger than the officers who shoot intentionally (although there is a high standard deviation among the ages). Unfortunately, these data are difficult to interpret because the age structure of the police department has changed significantly over the past several years. Deployment patterns and strategies have also changed, and there exist other factors which cannot be controlled. A year-by-year computation of intentional shootings by patrol officers only (not administrators or detectives) does not support the general hypothesis that younger, less-experienced officers shoot more than older, more-experienced officers.

Number of Officers

In eighty-seven (53%) of the intentional discharges, a single officer fired his weapon. In fifty-one (31%) two officers discharged their respective firearms, and in twenty-one (13%) incidents three officers fired. The remaining four incidents involved four or more officers each discharging his weapon. Similarly, one shot was fired in seventy incidents (43%), two to four shots were fired in sixty-nine incidents (42%), and five or six shots were fired in fifteen incidents (9%). In only ten situations (6%) were more than seven shots fired. No comparative data were found to determine if this finding is unique to Miami.
**Distance**

Most of the shootings were at targets which were ten feet or less from the officer. More than 75% of the rounds fired were at targets thirty feet or less from the officer. As the number of rounds fired increased, the distance of the shots decreased. In other words, it appears that as the officers were firing multiple rounds, they were either closing in on the subject(s), the subjects were fleeing beyond observation or range, or that the perceived threat level increased with proximity to the target. It is important to note that the officers reported that 90% of the shooting incidents ended in a matter of seconds.

**Weapons**

Miami police officers who used their firearms intentionally fired their on-duty service revolvers the majority of the times weapons were discharged. Shotguns were used in twenty-five instances (16%), and semi-automatic weapons were fired in ten incidents (6%). Semi-automatic weapons were approved for only 10% of officers in 1986. Off-duty weapons and shotguns were fired accidentally in a disproportionate number of incidents (sixteen and ten, respectively). Thirty-one percent of the intentional shootings resulted in injury to citizens \(N = 50\). The majority of the injuries were hits to the center mass of the subject in accordance with standard training principles.

**Who Shoots at Whom**

**Ethnicity**

One of the major issues concerning police administrators and public policy makers concerns the location of the shootings, and who shoots at whom. These analyses usually focus on the ethnicity of both the officer and the offender. Unfortunately, such an analysis raises many methodological problems. A meaningful analysis of the ethnicity of officers or subjects must include information concerning the ethnic composition of the department and community, deployment strategies, the crime rates, geographic correlates, characteristics of the area, housing density, and economic and cultural factors, among others. A study which covers many years must control for changes in these variables. It is also impossible to profile accurately all offenders at whom police officers shoot. Obviously, many are seen only momentarily and others may escape before much is known about them. Because there is no sophisticated statistical formula which includes these variables and controls for changes across time, we will present only the raw data which summarize the officer/offender relationship. As explained above, to understand properly the over-representation of Anglo and Hispanic officers who shoot at black opponents, numerous factors must be explored. The data in Table 1 reflect the relationship between officer and opponent ethnicity.
Table 1

<table>
<thead>
<tr>
<th>Officer/Offender</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglo/Anglo</td>
<td>10 (6%)</td>
</tr>
<tr>
<td>Anglo/Hispanic</td>
<td>10 (6%)</td>
</tr>
<tr>
<td>Anglo/Black</td>
<td>48 (32%)</td>
</tr>
<tr>
<td>Hispanic/Anglo</td>
<td>4 (3%)</td>
</tr>
<tr>
<td>Hispanic/Hispanic</td>
<td>33 (22%)</td>
</tr>
<tr>
<td>Hispanic/Black</td>
<td>25 (16%)</td>
</tr>
<tr>
<td>Black/Anglo</td>
<td>2 (1%)</td>
</tr>
<tr>
<td>Black/Hispanic</td>
<td>3 (2%)</td>
</tr>
<tr>
<td>Black/Black</td>
<td>17 (11%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>152 (99%)</strong></td>
</tr>
</tbody>
</table>

Conditions

Unfortunately, it was not possible to control for officer assignment, exposure to risk, or other important variables. Without the benefit of such a sophisticated method for analyzing the data, it appears that black officers, who account for 14% of the shootings, are slightly under-represented since blacks comprise 17% of the police force. A full 59% of the opponents at whom police shoot are black. Although the resident black population of Miami was 25% at the time of the 1980 census, a 1985 study of black-on-black crime (Criminal Justice Council, 1985) reported that black offenders committed 73% of violent crimes and were the victims in 41% of these same crimes. A study of homicide patterns for the period 1979 through 1985 showed black offenders at 50% in 1979 but declining to 35% by 1985. The number of Hispanic offenders in this study conversely increased from 34% to 54% by 1985. From 1980 to 1986, the number of homicides dropped from 230 to 148. These data support the hypotheses which suggest that the over-representation of minorities shot and killed by police correspond closely to the ethnic distribution of violent offenders. Hispanic officers account for 41% of the shootings, while the anglo officers account for 44%.

Circumstances

The circumstances surrounding police shootings in other cities have been characterized as follows (Geller, 1983: 317):

The most common type of incident in which police and civilians shoot one another in urban America is one involving an on-duty, uniformed, white, male officer and an armed, black, male civilian between the ages of 17 and 30 and occurs at night, in a "public" location within a "high-crime" precinct, in connection with a suspected armed robbery.
In August of 1987, an umbrella group of black civic and religious leaders, P.U.L.S.E. (People United to Lead the Struggle for Equality) called for an arm of the U.S. Civil Rights Commission (Florida Advisory Committee) to hold hearings on "senseless killings of blacks in Dade County." An analysis of the ten people killed in Dade County during the period January 1 to September 9, 1987 (three black, five Hispanic, one Korean, one American-born white) indicated that eight appeared to be clearly legitimate police responses to encounters with armed suspects in life-threatening circumstances.

The data from the present study, which examines a seven-year period, appear to be consistent with the findings of other studies (Fyfe, 1986; Geller, 1983; Geller and Karales, 1981; and Matulia, 1985). We concur with William Geller’s (1983: 322) conclusion that, "... it seems that a community’s culture of violence is the best available explanation for variations across cities in levels of police shootings."

Furthermore, a state attorney’s compilation of the mortalities by police gunshot showed toxicological evidence of cocaine or high-alcohol blood levels in seven of the ten cases during 1986 and all of the first seven investigated during 1987. Two of the three with no drugs or alcohol in their system were killed during the infamous FBI shootout in April, 1986 which involved bank robbers Matix and Platt. This does not suggest a pattern of systematic or institutional racism in use of deadly force in Miami or county-wide in Dade’s Police Departments.

The second part of our case study reviews the perceptions of Miami Police officers who have shot at subjects. Anne Cohen (1987) has reported some interesting observations from police officers who have shot citizens. She reports that one officer she interviewed continually relives his ordeal (1987: 80):

I’m confronted with him again but it hasn’t happened yet. He’s there and I’m there. Sometimes I don’t shoot and sometimes I do. Then I see his body fall, like a slow feather . . . I’ve killed that man ten thousand times.

Perceptions of Those Who Used Deadly Force

The perceptions of those police officers who discharged their weapons intentionally has not been reported in the research literature. Many methodological and informed-consent problems are encountered by researchers attempting to collect such information. Our methods included an anonymous questionnaire sent to a 25% representative sample of officers who shot their weapons during the time frame of the first segment of our study (1980-1983). Because the study was sponsored by the Dade Association of Chiefs of Police and because of the nonthreatening nature of the questions, all officers cooperated fully. The research was exploratory in nature and attempted to generate some data for training and policies relating to police use of deadly force.
All but one respondent indicated having been threatened prior to using his weapon and the same number reported that the offender was in fact armed (74% reported the offender had a firearm). More than 40% (twelve) reported using nondeadly force techniques such as nightsticks and other defensive tactics.

Some specific impressions of the situations surrounding the shootings include twenty-four officers (96%) reporting that simulations and other role-playing exercises were the most important types of training which prepared them to decide when deadly force was necessary. When asked about the most common emotion just prior to shooting, 43% reported “nothing” and 32% reported fear.

In retrospect, twenty officers (71%) suggested that the Miami Police Department’s policy on the use of deadly force did not influence their decision to use deadly force prior to the incident; however, eighteen (64%) officers stated that the policy was the first thing which they thought about after the shooting. This concern of possible administrative disciplinary action and the possibility of having criminal charges filed against them was significant when compared to the four (14%) officers who reported that peer acceptance or rejection was of great concern to them. Despite the many hours spent in training and familiarizing officers with the deadly force policy, it is surprising that only 29% reported any conscious impact on their decision to shoot.

This is the paradox of an exhaustive policy developed after the fact by committees with resources and time. To operationalize a shoot-don’t-shoot decision in the field, all the nuances of a carefully worded, but lengthy and detailed policy may be counterproductive to making good instantaneous decisions that will withstand intense scrutiny by administrators and judges.

The actual shootings were remembered by the officers in some surprising ways. Only eighteen officers (64%) reported the shots as being loud. In fact, two officers reveal that they never heard the shots. Finally, twelve of these officers stated that the shooting continued to have an impact on their lives.

**Conclusions**

The subjective and empirical data presented in this chapter have helped the Miami Police Department align their priorities and improve on their weaknesses. Additionally, the data contribute to the growing literature on police use of deadly force. Sherman and Cohn (1986: 13) emphasize the importance of explicit policies on the use of deadly force. That requirement is necessary but not sufficient to reduce the unnecessary use of deadly force. An untested, yet important consideration is the informal message that questionable shootings are not supported or tolerated by the department, the city government or community. Perhaps, it is this message which is the most successful change agent.

As we have seen in our study of the Miami police, 71% of those officers who fired their weapon did not consciously consider the department’s policy immediately
before firing. Factors such as effective monitoring, peer pressure, community standards and media influence may have helped reduce the number of police shootings over the years.

Specific information on intentional discharges has been presented which can be translated into policy and training proposals for police agencies. Specifically, firearms training should de-emphasize multiple targets, range practice at long distances and speed loading; more training is needed in situations which include one officer and or two offenders at short range. Additionally, this training should emphasize methods to end the confrontation without the use of weapons. These experiences should include training in both daylight and darkness. Real-life experiences should be simulated in buildings, offices and other places where shootings take place.

Training on Use of Alternatives to Deadly Force

The perceptions of officers who shoot create a new reality for police administrators. To mitigate the potential problems brought on by using deadly force, a police officer must be trained effectively in its use, but also in alternatives to its application. While we must continue to train police officers for that shoot-don't-shoot situation, it is imperative that we broaden our focus, and also train our officers to reduce the number of situations which require lethal force. There is not doubt that academy and in-service training must focus on reducing the probability that deadly force will be required and increasing the probability that nondeadly force or no force at all, can be effective. Again, it is the combination of factors, including the use of common sense by civilians, which will reduce the use of deadly force by police (U.S. Department of Justice, 1987).

Violence Reduction Training: An Idea in Need of a Trial

While all indications from this study and other research suggest that a violence-reduction training program has an impact on the police and the community, there is a need to evaluate the specific ways to reduce police-citizen violence. The creation of a violence-reduction training program is based on the observation that police officers encounter approximately eight situations per shift which are potentially violent. Police are obliged to confront irrational individuals or offenders whose actions leave even the most restrained and best-trained officers little choice but to use force to protect themselves or others. Attempts to modify police behavior through training cannot be expected to eliminate violence in those situations, but it is likely that the degree of violence can be reduced. Despite the large number of situations which are potentially violent, a police shooting is, indeed, a rare occurrence.

Real opportunities exist for officers to eliminate all violence from many situations by taking tactical advantage, gaining knowledge about the situation and the location
and by concealing their presence. Specifically, training which emphasizes tactics and use of one's time while on assignment to rehearse mentally the actions to take while responding to a scene, and strategies of how to respond at the scene, can either serve to eliminate violence or reduce the level of violence when violence becomes necessary.

Training can improve police officers' responses to potentially violent situations. Other than those situations which place officers or civilians in imminent danger of death or serious injury, through the actions of the offender, confrontations can be classified in terms of the following categories:

1. confrontations which are skillfully defused;
2. confrontations in which an error leads to escalation with no violence; or
3. confrontations in which an error precipitates a violent outcome.

The second category includes cases in which officers deal less skillfully and less sensitively with potentially violent situations and people. Usually, these errors or provocations do not lead to violence because the civilian acquiesces to police authority. In the third category, the officers' lack of skill or sensitivity in dealing with situations and/or people either triggers violence or fails to prevent it.

As an extreme example, absent a false alarm, the officer who responds to a suspected bank robbery by running in the front door is almost certain to find himself in great danger facing a split-second decision involving his life, the life of the robber, and the lives of any innocent bystanders. If, in such circumstances, he shoots a robber, and we were to review his shooting later, we would conclude that his life was in imminent danger at the instant he fired. Thus, we might be forced to conclude that his shooting was justified. But we would probably not conclude that his actions were wise or that he had done well in his duty to protect life. Instead, we might ask whether it were possible for him to have approached this situation in a way that did not make bloodshed almost inevitable, and that would increase the chances of a successful and nonviolent apprehension. Another important consideration is the great number of calls which are false burglar alarms. The response to these situations conditions an officer to expect nothing, and permits a blasé approach.

Unfortunately, most potentially violent situations encountered by the police are not as clearcut as the bank robbery example. Instead, the police must respond to encounters in which the potential for violence is very ambiguous and the danger of overreaction quite high. As a result, development of comprehensive training programs designed to train officers to approach and confront the persons involved is a complex process. Law enforcement trainers, social scientists and community leaders working together need to develop and test specific skills and methods useful in defusing violence. Instead of focusing on the instant at which a police officer confronts a violent person, our suggestion is to back up several frames and focus upon the importance of actions taken prior to actual confrontations. Skills should be learned with real-life scenarios and role-playing experiences.
The situations which occurred in Miami in the early 1980s have not repeated themselves. There will always be shootings by police officers, as these men and women place their lives in jeopardy every day. Hopefully, the number of violent confrontations will be reduced, as will the number of subsequent shootings. This trend will be realized, however, only after the police and the public work together toward their common goals.

Footnotes

1 Alonzo Singleton, a seventeen-year-old black man was shot eight times by Miami Police Officer Curtis Reeves on December 28, 1982, as he was leaving a looting scene near National Freezers, Inc., during the Overtown disturbances. During a grand jury investigation he was given a no-true bill and cleared of any wrongdoing. Ronald Hess, a seventeen-year-old white man was shot by Homestead Police Officer Jeff Peters on February 25, 1983. Hess was holding his wife and son hostage in their home and fired at Officer Peters. Peters was no-true billed by the grand jury. Clarence Page, a thirty-three-year-old black man was shot by Hialeah Police Officer Tola Baum after a fight on March 7, 1983. No charges were filed. Cuban-born Anastasio Martinez, thirty-two, was shot twice by Miami Police Officer Antonio Bustillo on March 13, 1983 after Martinez pointed a gun at Officer Bustillo. The grand jury ruled that the action was justified. They average 9.25 years as police officers.

2 F.S.A. S 782.07.
3 F.S.A. S 776.05.
4 Miami Police Department, Order 7, Chapter 13.0 et seq.
5 The U.S. Civil Rights Commission stated that things had not changed significantly since its report, Confronting Racial Isolation in Miami, was published in 1982 (This was a report focusing upon the 1980 riots). They declined to intervene, holding their report was still appropriate, although it had been denounced by local leaders (see Appendices of the report).

References


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Cases Cited