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**Thesis title:**

**“Tracking Police Firearm Discharges In Trinidad and Tobago: An  
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## **Abstract**

The issue of fatal police shootings is presently commanding worldwide attention as officers are perceived as abusing their authority to use force. Likewise, in Trinidad and Tobago the police service has been tarnished with the same allegations. They have recorded for the period 2009 to 2014 as having two hundred and thirty-two fatal police shootings, which is an average of 38.6 fatalities for each year. The research is dichotomous in nature as the issue is examined with the goal of presenting a viable proposal that would influence a reduction in the use of deadly force by officers. Firstly, it examined the administrative interventions utilised by other police organizations that have had similar experiences and were successful in reducing the levels of fatal shootings. Secondly, a holistic proposal of the identified administrative interventions is designed for the Trinidad and Tobago Police Service (TTPS) to assist in the reduction of fatal police shootings.

The protocol recommended consists of a system to track firearm discharges which is an administrative intervention that has been associated with the reductions of fatal police shootings. The tracking system includes defined policies, a specific firearm discharge form that officers who were involved in a discharge must complete and a firearm discharge review board that investigates all discharges (Fyfe, 1979; Sherman, 1983). More pertinent, the proposed protocol includes the introduction of de-escalation training to compliment firearms training. De-escalation training not only targets the reduction of the frequency of deadly force but also serves to disseminate a cultural change in the use of force in police organizations. The recommended manner for the implementation of the training in the TTPS is in the form of two evidence-based experiments, for which the design of the roadmap is incorporated in the proposal.

## **Acknowledgement**

I have to firstly thank the Lord God for perseverance. Then, the Trinidad and Tobago Police Service for granting me this opportunity to attend this programme. Also, thanks to Professor Lawrence W. Sherman and his staff at the Institute for their diligence, and my supervisor Dr. Geoffrey Barnes for his timely advice.

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## **Chapter 1**

### Introduction

On Friday 2<sup>nd</sup> January 2015 at around 10:30 pm, Police Officer Ryan Lochan a member of the Trinidad and Tobago Police Service (TTPS) with seven months service on the job, together with two other officers responded to a report at a bar in Central Trinidad. Closed circuit camera footage that was obtained afterwards showed Officer Lochan approached the door of the establishment with his firearm drawn. However, simultaneous footage inside the bar showed a gunman waiting on the inside of the building, with his firearm aiming at the door. Officer Lochan kicked opened the door and was met with a volley of gunfire. He was shot numerous times but somehow managed to retreat outside. His two colleagues outside panicked, but was able to place Lochan in a vehicle and take him to hospital. Officer Lochan survived. However, the perpetrators are yet to be apprehended.

Officer Lochan is one of three officers who have been injured in deadly force encounters up to the month of August for the year 2015. The frequency that officers of the TTPS are involved in deadly force encounters have been severely criticised by local and foreign organizations (Fixing T&T, 2013; Amnesty International, 2014). Their concern is not the risk that officers place themselves in but the frequency that these encounters end with the deaths of the other parties involved. The TTPS Crime and Problem Analysis Branch (CAPA) who is responsible for the compilation of statistics for the organization has stated that for the period 2009 to 2014 there has been two hundred and thirty-two (232) deaths by police shootings. That is an average of 38.6 for each year, in a country of a population of 1.3 million people. In comparison, the United Kingdom recorded a total of six fatal police shootings for the same period with none occurring for the period 2012 to 2014 with a population of over 65 million

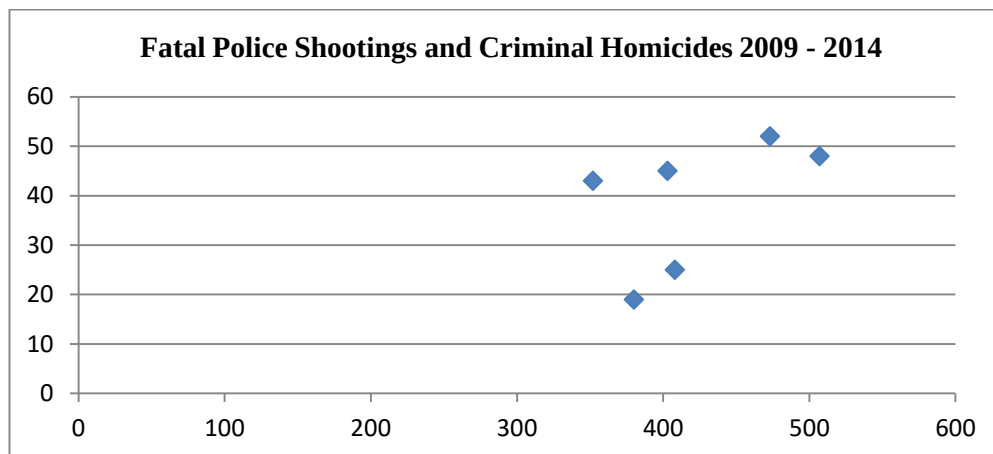


people (IPCC, 2014). For that same period CAPA has reported that four TTPS police officers have lost their lives.

Statistically, Trinidad and Tobago has an extraordinary high criminal homicide rate. For the period 2009 to 2014, CAPA has recorded two thousand, five hundred and twenty-three (2523) criminal homicides. CAPA statistics also indicates that one thousand eight hundred and eighty-six (1886) of the criminal homicides involved the use of firearms. The police are the mandated law enforcement agency with the responsibility to resolve this crime issue. This extraordinary homicide rate however can create a psychological burden on officers to adopt noble cause measures in order to get the job done (Kleining, 2002).

Therefore, when encountering such situations, officers may be resorting to counteracting deadly force with similar force as they were trained to do. Thus, the probability exists that the high levels of fatal police shootings may be associated with the high criminal homicide rate. Early research has suggested that there is a possibility of the existence of a positive correlation between high criminal homicides and high fatal police shootings (Sherman and Langworthy, 1979). Figure (1) is a scatterplot graph of the total of fatal police shootings and criminal homicides for each year from 2009 to 2014 (Appendix A).

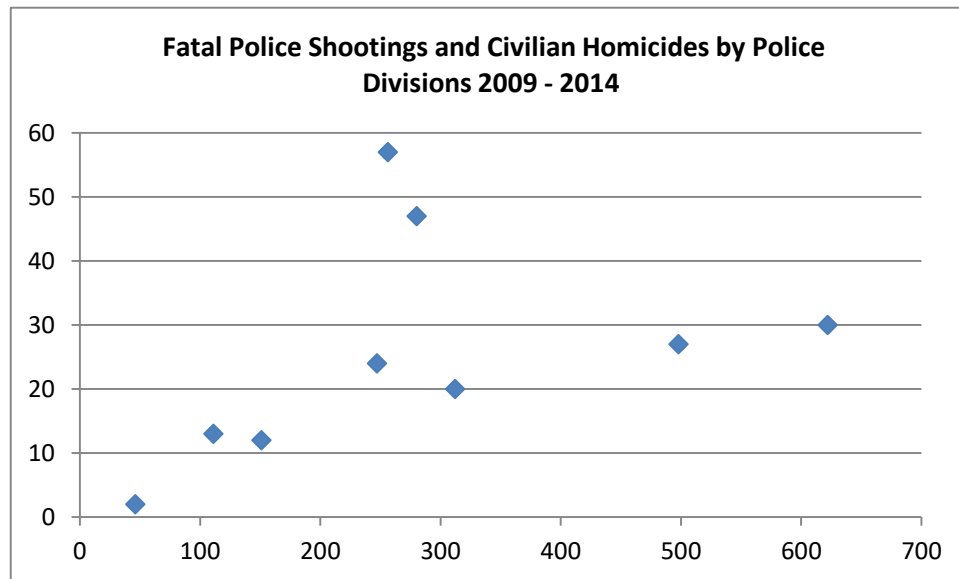
**Figure 1.** Scatterplot of fatal police shootings and criminal homicides for the period 2009 to 2014 in Trinidad and Tobago.



The graph illustrates that indeed there is a positive correlation between both variables. In fact the Pearson's  $r = 0.52$  indicates a moderate correlation relationship.

Furthermore, a closer examination of fatal police shootings and criminal homicides utilizing the different police divisions revealed a similar finding but with interesting outliers. **Figure (2)** is a scatterplot graph of the total of fatal police shootings and criminal homicides but calculated for each police division for the period 2009 to 2014 (**Appendix A**).

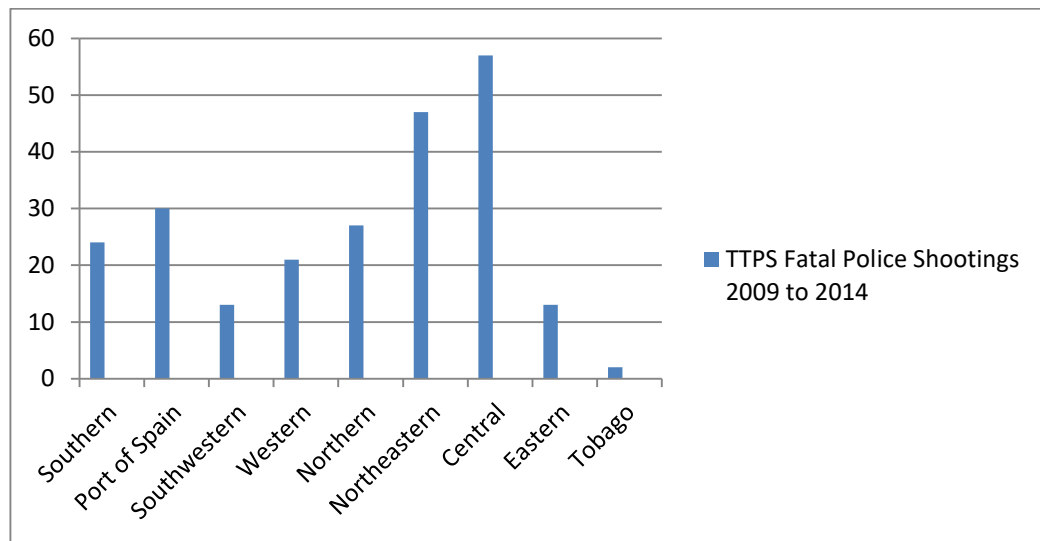
**Figure 2.** Scatterplot of fatal police shootings and criminal homicides as per police divisions for the period 2009 to 2014 in Trinidad and Tobago.



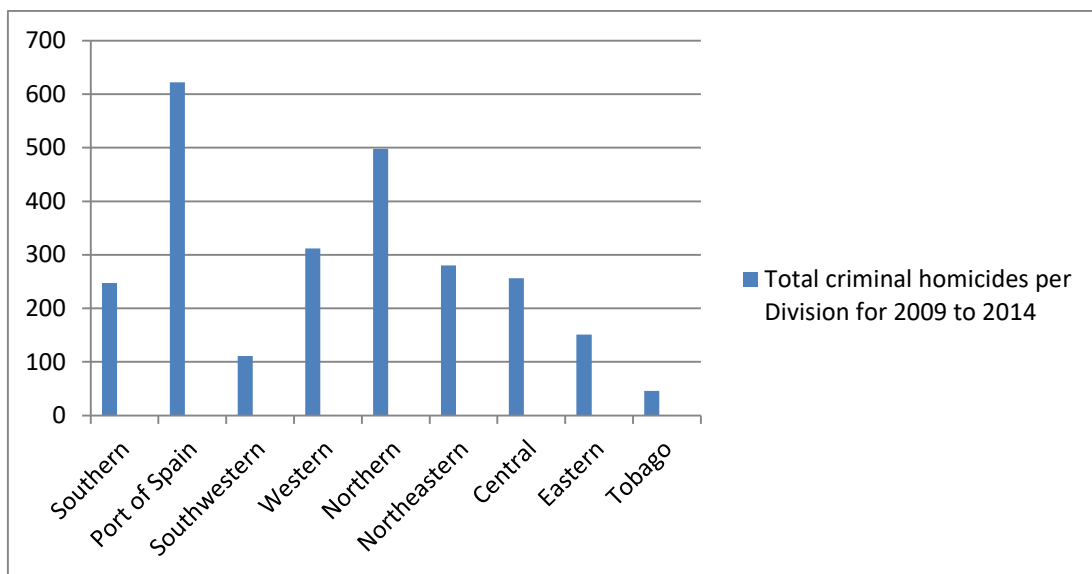
The graph illustrates that there is a positive correlation between both variables. However, the Pearson's  $r = 0.40$  is indicative of a low moderate correlation relationship. The country is geographically divided into nine defined divisions for the purpose of police management. They are Port of Spain, Southern, South-western, Western, Northern, North-eastern, Central, Eastern and Tobago. The Port of Spain Division which comprises mainly the capital city of the country leads in criminal homicide with 622 murders for the period 2009 to 2014. The Northern Division is second in ranking with 498 murders and Western Division third with 312. Consequently, this positive correlation suggests that these divisions should also lead in police fatal shootings. However, this trend is not emulated in fatal police shootings as there are two divisions (outliers on the scatterplot) which top that ranking. The Central Division leads the TTPS with 57 fatal police shootings for the period 2009 to 2014. Second in ranking is the North-eastern Division with 47. In third place is the division that has the highest criminal homicides the Port of Spain Division with 30. Figure (3) shows firstly the amount of fatal police shootings for the period 2009 to 2014 whilst Figure (4) highlights the criminal homicide per police divisions for Trinidad and Tobago for the said period.

**Figure 3.** Bar graph illustrating fatal police shootings as per Police Division

for the period 2009 to 2014 in Trinidad and Tobago.



**Figure 4.** Bar graph illustrating criminal homicide as per Police Division for the period 2009 to 2014 in Trinidad and Tobago.



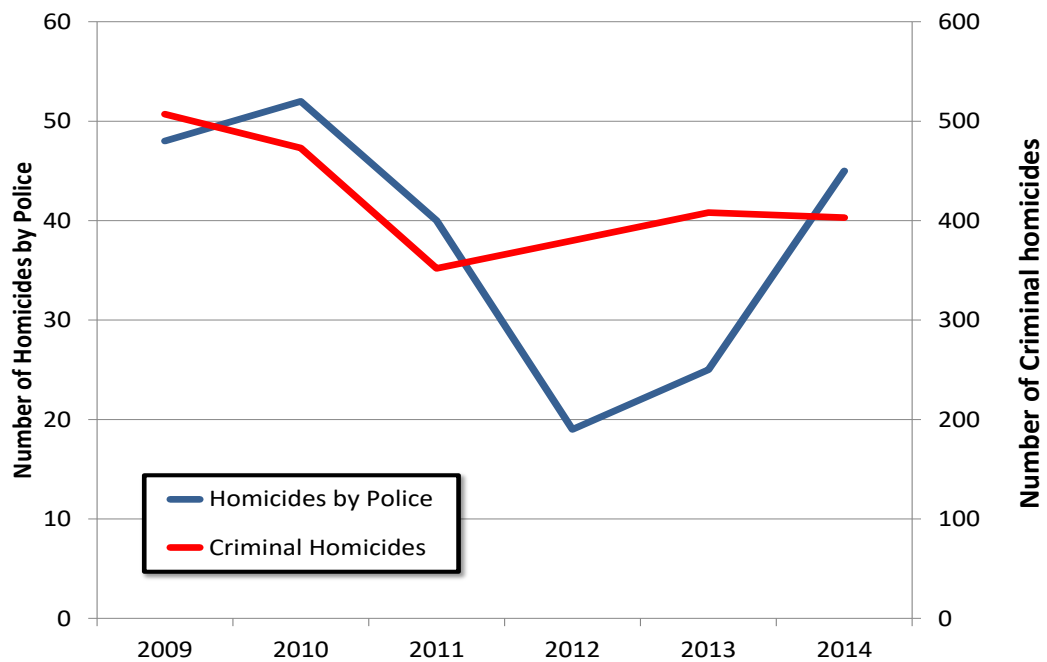
The concern therefore is that fatal police shootings do not clearly follow the pattern of criminal homicides as is expected with a true positive correlation. There are other confounding variables that are influencing officers to depend primarily on using deadly force in volatile situations. One of those variables could be training; officers of the TTPS undergo intense firearms training in their induction programme but are not trained to avoid the escalation of

violence. Another possibility is the concept of noble cause, where officers believe that they must solve the crime issues by any means necessary even if they have to bend the rules.

The growing concern for the frequency of fatal police shootings, led the TTPS in 2011 to introduce a use of force policy for the organization (Appendix B). The policy provided guidelines which stipulated when and how force may be used in the performance of an officer's duties. More specifically, the policy emphasised that there are only certain situations in the line of duty when deadly force may be applicable. The policy was published as 'Departmental Order number 92' for the members of the TTPS.

Interestingly, the amount of fatal police shootings began decreasing in 2011. However, there were no support systems implemented by the TTPS to ensure that the policy was adhered to. Without a support structure, the policy did not have a continuous impact on the modus operandi of the TTPS officers and the frequency of the use of deadly force soon resumed its upward trend. It should be noted though that no research were conducted to establish if the reduction of fatal police shootings was associated with the introduction of the policy, there may have been numerous confounding variables that may have been responsible for the changes observed. Figure (5) shows the trend line for fatal police shootings and criminal homicides for the period 2009 to 2014. A downward movement of fatal police shootings from 2011 is observed it plateaued in 2012 and henceforth resumed climbing upward.

**Figure 5.** Graph illustrating trend lines of fatal police shootings and criminal homicides for the period 2009 to 2014 in Trinidad and Tobago.



Consequently, this research endeavours to recommend specific proposals that can be instituted in the TTPS which would reduce the frequency of fatal police shootings whilst serving to safeguard the officers themselves. In order to achieve this goal the researcher identified two pertinent questions that are relevant to the issue of TTPS police officers' fatal shootings. Firstly, "what administrative interventions and systems have been implemented in other jurisdictions that were associated with a reduction of the frequency of police firearm discharges?" For this question a comprehensive search of various databases was conducted. The search identified numerous studies that focused on police organizations that successfully implemented administrative interventions to alleviate issues of fatal police shootings.

Internationally, fatal police shootings such as the incident in Ferguson in the United States of America have led to tumultuous protests and have been a major focal point of concern (Morrison, 2015). The search of databases revealed that it is not a recent phenomenon, as in 1972 the New York Police Department (NYPD) was engulfed in a similar controversy having recorded 802 incidents of police shootings for that year (Prenzler, 2013). The NYPD targeted the issue by introducing administrative interventions in the form of a use of force guideline

(TOP 237), along with a system to continuously track the officers' adherence to the guideline (Fyfe, 1978). The system comprised of a report form that must be completed by officers involved in any discharging of their firearms and a review board that adjudicated on each firearm discharge. Firearm discharges were reduced considerably after the implementation of the administrative interventions (Fyfe, 1978).

Another form of administrative intervention that studies found in the database search associated with a reduction in the frequency of fatal police shootings is specialized training for officers. In particular, de-escalation training has been successfully utilised by Victoria Police in Australia as an intervention that influenced fatal police shootings reductions (Prenzler, 2013). De-escalation techniques enhance the police officer's ability to peacefully prevent volatile situations from degenerating to violence, whilst ensuring self-preservation.

Additionally, the Police Executive Research Forum (PERF) in their 2015 report on "Re-Engineering Training on Police Use of Force" has recommended that de-escalation training should be mandatory for all officers and a fundamental component of induction training for all recruits (PERF, 2015). A major benefit of de-escalation training is it provides officers with techniques to protect themselves whilst avoiding deadly force situations. In March 2015, the NYPD embarked on a three-days training programme for all its members in de-escalation training (Margolin and Romo, 2015). The programme augments their review system and empowers their officers in alternative skills to the use of force.

The second pertinent research question is "How can protocols which can influence the reduction of the prevalence of police firearm discharges be seamlessly implemented in the TTPS?" This entails developing protocols for the TTPS that have been associated with the reduction of the frequency of fatal police shootings in other organization and designing systematic strategies to implement them. These protocols include a defined use of force policy,

a firearm discharge report form and a firearm discharge review board (Fyfe, 1978). The challenge of implementation is whether the strategy chosen could achieve the desired outcome. This is a particularly sensitive issue in this case as the ultimate desired outcome is a change in the modus operandi of the TTPS officers' penchant for using deadly force. To achieve that outcome a training course in de-escalation techniques is proposed for officers of the TTPS. The training proposal however, will be administered through two evidence based studies.

The goal of the training proposal is to develop training programmes for police officers grounded in research that provides evidence that quantifies the effectiveness of the training. Sherman (2013) defines such investment in human resource as building evidence based professionalism. Firstly, a randomized controlled trial with four hundred members of the TTPS Task Force officers would be conducted initially. The experiment would seek to determine whether the de-escalation training could influence the reduction in the frequency that officers resort to the use of deadly force. The hypothesis for this study is; 'The addition of a de-escalation of force module to the existing firearms training programme would influence a reduction in the frequency of the use of deadly force by police officers, unlike officers who only completed the firearms training.

The second proposed research is a before and after study which will focus on the introduction of the de-escalation training module into the induction programme for new recruits into the TTPS. The relevant issue is the initiation of a cultural change in the manner that officers will approach and handle deadly force situations. The training course will be conducted by the TTPS Police Academy. The research shall examine the progress of officers for a five year period after they have completed the induction training. During that period, as more officers undergo the training, there would eventually be a paradigm shift in the philosophy of officers in the TTPS regarding the use of deadly force and a reduction in the frequency of fatal police shootings. The hypothesis of this research is; 'The addition of a de-escalation training



course to the curriculum of the TTPS Police Academy would be associated with the reduction in the frequency of the use of deadly force by police officers of the TTPS.’

The second chapter of this research would initially consider two theoretical standpoints, firstly, the Noble Cause Theory as a possible rationale for the actions of officers and secondly, Deterrence Theory as an explanation of the effects that the implementation of protocols that foster preventative measures for police officers may have. Criminological theories such as the Deterrence Theory were developed mainly for the explanation of crime. However, the Deterrence Theory is examined as it has certain explanatory values in the discussion of the implementation of administrative interventions to reduce fatal police shootings. The chapter continues with a comprehensive examination of studies that focused on police organizations with similar issues and how they sought to resolve those issues. The third chapter describes the methodology utilized to acquire evidence on other police organizations that were successful in reducing police use of deadly force.

The fourth chapter is divided into two sections. Firstly, the findings of administrative interventions that were utilized by police organizations and were associated with a reduction of fatal police shootings are discussed. Secondly, recommendations of protocols for implementation within the TTPS are outlined. This includes the structure for conducting the two research projects on de-escalation training. The fifth chapter consists of discussion on the overall protocol proposal and the implications for the TTPS. The sixth and final chapter is the conclusion of the study.

This study focuses on an issue that severely challenges the legitimacy of the police officers of the TTPS. Officers are perceived as having a predilection for resorting to the use of deadly force. There is an urgent need for discourse on and solutions for this issue. Therefore, the strategy of this research is dichotomous. Firstly it focuses on devising protocols that can

influence change and secondly, implementing the protocols in a manner that would be acceptable for all stakeholders, especially the police officer. The goal, however, is to renew the external legitimacy of the TTPS by developing the internal legitimacy of each officer.

## **Chapter 2**

### Literature Review

Firstly, this literature review will consider two theoretical frameworks namely noble cause and deterrence. The former provides a rationale for police officers resorting to using deadly force and the latter interprets the effect that the implementation of administrative interventions may have on the officers. Theories of criminology such as the Deterrence Theory are mainly grounded in the ideals of predicting and preventing criminal behaviour. However, fatal police shootings are at times, a necessary recourse in a police officer's line of duty and are mainly not classified as criminal in nature. Therefore, the concept of applying criminology theories as a means of understanding reduction measures of fatal police shootings may be considered to be over reaching. However, administrative interventions could be envisioned as a deterrent to police officers from undertaking the wrong decision to use deadly force. Henceforth, the concept as well as the merits of the deterrence theory is briefly examined.

Secondly, the review shall focus on the work of researchers who have examined other police organizations which have utilised similar administrative interventions. These researchers have measured the association that the interventions have had on various organizations in reducing fatal police shootings. The actions of the organizations that were

successful in reducing the prevalence of fatal police shootings is prescribed as administrative interventions for the TTPS.

### *Noble Cause Theory*

The concept of noble cause is one that is imbedded in the philosophy of the police officer. Originally, the term noble cause signified the moral obligation that every officer undertakes to ensure that the world is a safe place (Caldero and Crank, 2010). The job of the police officer is fundamentally grounded in the concept of the protector of right over wrong. Officers care about their office and believe that the burden of removing the criminal elements in society rest on their shoulders. Officers become frustrated when they perceive that the criminals are not getting their just dues (Caldero and Crank, 2010).

Eventually, some officers may perceive that the criminal justice system as being inadequate in meting out punishment to criminals in society (Steinberg and Austern, 1990). Therefore, officers take matters into their own hands with the belief that the end result justifies the means (Kleining, 2002). Although they may view their actions as noble, it is in fact an act of corruption. This perception however is deeply rooted in police organizations. A survey of over 900 American police officers revealed that over forty-two per cent of the officers agreed that the rules are not compatible with getting the job done (Weisburd, 2000).

Noble cause corruption is found mainly in police organizations and is described as the abuse of power for institutional ends, where there is no explicit personal gain for the offender (Grabowsky and Larmour, 2000). Punch (2000: 305) defines noble cause corruption as “using illicit means for organizationally and socially approved ends.” Should society therefore accept police officers breaking the law using excessive force because they perceive it as serving a greater moral imperative and not for their personal benefit? The answer should always be a resounding no. There is also the view that officers’ extraordinary reliance on force

is a reflection of their lack of understanding of their very legitimacy and rightful status as the guardians of justice and peace in society (Tankebe, 2011).

### *Deterrence Theory*

The ideals of the Deterrence Theory originated in the philosophical work of Bentham and Beccaria in the eighteenth century (Nagin and Paternoster, 1994). Both expounded that an individual would rationalize before undertaking any endeavour, whether the benefits of the task was worth the while. This is particularly more pertinent with the commission of a crime, as an individual would naturally consider if the pleasure of the benefits is worth the risk of the pains of punishment (Akers and Sellers, 2007). The overwhelming factors that create the dissonance in an individual who is contemplating the commission of a wrongful act, is the certainty of being caught, the swiftness of justice being served and the severity of the punishment (Keane, et.al, 1993). Certainty, celerity and severity are the basic principles of the deterrence theory in the prevention of the commission of a crime.

The criminal justice system has continued to focus on increasing the severity of punishment as their main solution in deterring criminal behaviour (Sherman, 1993). However, certainty of punishment has been associated with being more effective as a deterrent to the commission of wrongful acts than the severity of punishment (Nagin and Paternoster, 1994). This opinion has found strong support in research such as hotspot policing (Sherman and Weisburd, 1995). Therefore, the notion that there is certainty that the actions of police officers will be closely reviewed is expected to act as a deterrent from bending the rules to officers.

Furthermore, Deterrence Theory hinges upon the individual being able to rationalize how much he presently has that he risks losing, including his social standing in society (Keane, et.al, 1993). Whilst legal sanctions has its merits, extra-legal sanctions such as the cultural norms of an organization, peer pressure and social standing are considered more influential as

a deterrent (Grasnik and Bursik, 1990). Social positions such as the one that a police officer holds, together with the social bonds that exists when one belongs to such an organization are not only highly valued, but can also be restrictive (Gottfredson and Hirschi, 1990).

Therefore, administrative interventions that are implemented to prevent unnecessary use of deadly force should be very effective as a deterrent. The interventions provide an added burden of certainty of being detected in the minds of officers, and hence, would make them more likely to adhere to policy guidelines. Furthermore, the extra-legal sanction that exists as a result of belonging to an organisation, such as the police force, acts as an added supplement of deterrence from action that is contrary to the rules.

#### *Administrative Interventions*

The discharging of firearms by police officers has continued to garner more attention and concern from the public, in particular when the discharges have resulted in the loss of life. The remarkable aspect of the issue is its ability to remain a constant major distress of police organizations throughout the passage of time (Fyfe, 1978; Sherman and Langworthy, 1979; Uchida, et. al, 1981; White, 2012; Fachner and Carter, 2015; President's Task Force on 21st Century Policing, 2015). Likewise, the Trinidad and Tobago Police Service (TTPS) has been severely criticised for their use of deadly force. In a country with a population of approximately 1.3 million people, there were two hundred and thirty-two deaths by police shootings for the period 2009 to 2014 (CAPA, 2015). In comparison, the United Kingdom recorded a total of six fatal police shootings for the same period with none occurring for the period 2012 to 2014 with a population of over 65 million (IPPC, 2014).

Unfortunately, there is a lack of comprehensive statistics on overall police firearm discharges in the TTPS; CAPA is only able to provide figures for fatal shootings. The simple tracking of all firearms' discharges has been associated with a decrease in the amount of fatal police shootings that occur (Fyfe, 1978). Fatal police shootings do not occur in a vacuum, it is likely that the TTPS has experienced numerous firearms' discharges to accompany the 232 fatal shootings. This is even more pertinent when one takes into consideration that police officers have been known to likely miss their target that they shoot at (White and Klinger, 2012). In fact, Geller and Scott (1992) glean that it is quite rare that police hit rates ever exceed 50 percent. In Philadelphia, from a total of 271 police shootings, 51 percent of police officers missed their target, 35 percent hit and incurred injuries to the suspect and only 14 percent of shootings were fatal (White, 2006).

Mere descriptive statistical information such as the percentage of shooting incidents that is fatal as compared to overall firearms' discharges cannot be deduced about the TTPS. The absence of data on police firearm discharges has created a vacuum of information especially when one considers the amount of fatal shootings that have occurred. The importance of the amount of police firearm discharges should not be understated as it is the true indication of how considerable officers indulge in the use of deadly force (Chevigny, 1990).

The lack of pertinent information in such a sensitive area of policing has always been a hindrance to research in police use of deadly force. Fyfe (1978) in his seminal investigation into police firearm discharges had a similar experience as he was denied access to statistics of the racial composition of officers of the New York Police Department involved in firearm discharges. The TTPS however, does not have compiled records or statistics on police firearm discharges. This would have provided an interesting comparison with the considerable amount of fatal police shootings that has occurred.

Thusly, there is an urgent need to curb the amount of fatal police shootings occurring and to develop data on firearm discharges. The introduction of administrative interventions has proven to be a successful approach in creating data and restricting officers' predominant use of firearms (Fyfe, 1978). This entails instituting specific 'use of force' policies that mandates not only when and how a police officer might use his firearm, but also a system that tracks the officer's adherence to the policy (Matulia, 1985).

In 2011, the administration of the TTPS issued 'departmental order number 92', a policy for their officers on the use of force. The policy offered guidelines and restrictions on the levels of force an officer could apply to a subject in effecting his or her duties. Policies of this nature have been proven to be effective and influential in the reduction of police firearm discharges when it is accompanied with a structured system and protocol that supports the policy (Fyfe, 1978; Sherman, 1983; and White, 2001). The TTPS' 'use of force' policy departmental order 92 however was not implemented with the required protocol and subsequently did not have a direct impact on the officer's penchant for using force. A contributing factor was a complaint by officers that the terminology of the policy was ambiguous, especially where the use of deadly force was concerned.

The phrasing of the policy itself plays a significant role in developing a philosophy and instilling a particular mind-set in officers. The Dallas Police Department in 1984 reworded their use of force policy by including terms such as "reverence for life". The said policy advised officers not to place themselves in harm's way such as in the path of an oncoming vehicle which would potentially necessitate the use of deadly force. The rewording initiative was associated with positive changes with a 35 percent drop in police officers intentionally discharging their firearms (Geller and Scott, 1992).

Police use of force policies however, have continued to be the focus of scrutiny and criticism as to its ability to effectively direct officers when to use force and the degree of force that could be used, especially deadly force (Fachner and Carter, 2015; President's Task Force on 21st Century Policing, 2015). The prevalence of police shootings has negatively impacted the very institution of policing not only in Trinidad and Tobago but internationally as well. Current world events such as the fatal police shooting in Ferguson, United States of America have resulted in accusations of bias and racial policing which have resonated worldwide (Morrison, 2015). There has been a call for effective policies which are thoroughly tested before they are applied as interventional methods to control police use of force (President's Task Force on 21st Century Policing, 2015).

The prevalence of contentious police shootings worldwide is not a recent phenomenon. Fatal police shootings have always been one of the major instigators of civil unrest and varied forms of protest locally and internationally. During the early 1970's, the New York Police Department (NYPD) was engulfed in such a controversy, whereby the frequency of officers' use of deadly force bordered on the extraordinary. In 1971, the NYPD engaged in 630 reported police shootings. By 1972, this figure rose to 803 (Fyfe, 1978). Faced with growing concerns among the general public and within the NYPD, the administration developed an interventionist approach in the form of a shooting policy guideline termed 'Temporary Operating Procedure' (TOP) 237. This policy defined when and how an officer might use deadly force. More specifically, it promulgated the idea that firearms may only be used as a last resort "when arresting, preventing or terminating a felony or for the defence of oneself or another" (Fyfe, 1978).

TOP 237 implemented definitive prohibitions on using firearms in situations that would potentially endanger others and it forbade the firing of warning shots, shots to summon assistance or shots from moving vehicles. Notably, the guideline directed that officers would



be held responsible for the use of their firearms if they did not strictly adhere to the stipulations of the policy. The policy also mandated that any officer involved in a discharge would be required to complete a specific firearm discharge report form outlining the facts of the event. However, Alpert and MacDonald (2001) indicated that by detailing the immediate supervisors of officers involved in discharges to complete the report, a substantial effect on reducing inefficiency in the process was derived. Essentially, they are of the opinion that the supervising officers completing the report would ensure greater accuracy of the report.

Also, following such an event, the officer involved must be transferred to an administrative assignment until the investigation into the event is completed (Fyfe, 1978). This would safeguard the officer from the risk of being further traumatised by being exposed to a similar situation soon after. Police officers who are involved in fatal shootings require a period of time to psychologically recover. The effects of an initial event may result in the officer if faced with a similar situation, to hesitate or over react (Matulia, 1985). The removal of the officer from the section also allows the investigator the freedom of interviewing his colleagues without the influence of his presence.

Furthermore, to ensure that the policy was adhered to, TOP 237 also established the formation of a 'Firearm Discharge Review Board' who's sole undertaking was the review of all police firearm discharges. The Board comprised of high-ranking police officials whose mandate was to make recommendations to the commanders of the officers involved. Their recommendations were decisive and precise and included an assessment of whether the discharge in question was in accordance with the rules, regulations and law; or whether it was justifiable but the officer was in need of further training; or it was in accordance with the law but contrary to departmental policy; or it was against the law; or the realignment of the officer to another section (Fyfe, 1978).

The TTPS administrative intervention also provided training about the rudiments of the policy for the officers. However, the intervention did not include the formation of a Firearm Discharge Review Board which could have influenced the effectiveness of the policy. The existence of such a Board within a police organization is also indicative of the importance attached to firearm discharges (Matulia, 1985). It serves to perpetuate within the mind-set of officers that shootings will not be routinely dealt with. It also stresses supervisors to be more vigilant and ensure that reports are properly done (Fyfe, 1978). More importantly, it provides consistency and credibility in investigations and valuable feedback pertinent to police operations (Fyfe, 1978).

The broad spectrum of autonomy characterized by the Board in organizations such as the NYPD, means it has an untethered remit regarding the decision making process. It was not parenthesised by ‘guilt beyond a reasonable doubt’ that criminal investigations must adhere to. The Board had the prerogative to analyse shootings and determine culpability beyond the ambits provided for the judiciary (Matulia, 1985). They can thoroughly review all reports pertaining to the case including the officer’s report, the criminal investigation report and the internal investigation report (Geller and Scott, 1992). Their findings are mainly based on adherence to the policy, whether the shooting was within or out of policy restrictions or even if it was accidental. Their recommendations can take into consideration the tactical aspect of the shooting, the need for specific training, the quality of supervision the officer involved was exposed to, or even the post shooting investigation processes (Matulia, 1985).

In 1978, a ‘before and after’ comparison research to evaluate the association that TOP 237 an administrative intervention had on the prevalence of police shootings by officers of the NYPD was conducted by James Fyfe. He compared the discharge report forms submitted by officers from the commencement of TOP 237 in August 1972 to the 31<sup>st</sup> December 1975, with data of reports of police shootings made nineteen months prior to TOP 237’s introduction.

Fyfe theorised that TOP 237 and its mandatory review system would influence the reduction of police shootings.

Shootings by NYPD officers at that time were statistically positively correlated with the commission of criminal homicides and felonious arrest (Fyfe, 1978). The increase or decrease in both crimes resulted in similar movement of the number of police shootings. Fyfe utilised this phenomenon to prove his theory. He deduced that both crimes will act as confounding variables if the pattern of increase and decrease continued post introduction of the administrative interventions. Therefore, his theory would hold no merit, however, if there is a change in the direction of the correlation from positive to negative, with shootings decreasing whilst both crimes increases, then another variable would be responsible for the change. Fyfe suggested then, that the administrative intervention would be that influencing variable.

Consequently, there was a steady reduction in police shootings after the introduction of the administrative interventions, from an annual figure of 802 incidents of police shootings in 1972 to 448 in 1975. However, the rate of homicides remained more or less constant over the said four year period and did not decline with the rate of shootings. In 1972, there were 2.11 homicides to every shooting incident which marginally increased by 1975 to 2.75. Interestingly, felonious arrests doubled in numbers as compared to police shootings. In 1972, there were 41.18 arrests to every shooting. This ratio swiftly doubled to 86.88 arrests per shooting by 1975. Fyfe strongly believed that the administrative intervention was the contributing variable that influenced the reduction in police shootings. His weekly analysis of the data revealed that prior to the introduction the weekly mean of police shootings were 18.4 whilst after the introduction it reduced to 12.9.

Furthermore, in order to determine whether officers were adhering to the guidelines stipulated in TOP 237, Fyfe examined the reasons that officers gave for engaging in shootings.

He found that their reasons were increasingly congruent with the provisions of the guidelines. Reasons such as “defence of life” increased from 65.8 per cent to 70.6 per cent whilst “prevent/terminate crime” had reduced from 21.4 per cent to 4.6 per cent. Fyfe in his summation recognized that before and after comparison studies are not compelling evidence of causality and that other variables could have been responsible for the causal effects of the reduction. However, he established the fact that the marked reduction in police shootings coincided with, and was highly associated with the introduction of the administrative intervention.

The NYPD administrative intervention continues to influence the downward spiral of police firearm discharges from a summit of 2510 total shots fired in 1972 to an average of 343 for the years 2008 to 2010 (Prenzler, et al, 2013). Persons killed by police shootings have been reduced from 93 in the year 1971 to an average of 11 for the years 2008 to 2010. Not only were civilian lives spared but also police officers. Whilst 12 officers were killed in 1971, no lives were lost for the period 2008 to 2010 (New York City Police Department, 2011).

An integral part of the NYPD success is the effective manner that the findings of the Review Board have been utilised, especially in the area of training. The findings have influenced the development of training methods for officers with emphasis on scenario type courses being introduced. They have been influential in changing the manner in which NYPD officers respond to deadly force situations. The procedure now is to assess first before a decision is made to use a firearm (Prenzler, et al, 2013).

Furthermore, the review board reports have impacted the total operations of the NYPD. They have been responsible for the NYPD choice of weapons be it lethal or less than lethal, and equipment such as bullet proof vests. The NYPD administrative intervention has, over time, created a culture of restraint among its officers (Prenzler, et al, 2013). The ultimate goal

of the NYPD was to ensure that for every firearm discharge that occurs, there was no other option available to the officer, but to use his firearm (New York City Police Department, 2011).

In Philadelphia, administrative guidelines were also introduced to control police use of firearms in 1973, however due to internal issues they were removed the year after (White, 2001). The police department at that time was under tremendous political pressure for changes to its modus operandi, a main issue was the amount of police shootings that occurred. The guidelines were re-established in 1980 with the advent of a new police chief and mayor. White (2001) examined data from Philadelphia for the period 1973 to 1992 and observed that there were marked reductions in police shootings when the administrative interventions were enforced and increases when it was not. Leadership of the Philadelphia police also contributed significantly to the effectiveness of the guidelines.

Similar findings were observed in Kansas City and Atlanta where the police departments made changes to their firearms policies (Sherman, 1983). In 1973, the Kansas City police found themselves embroiled in controversy following the shooting of a young black suspect. This incident was the tipping point and main instigator of change to their policy. They also appointed a new police chief who was the driving force behind the implementation of the new policy on police firearms' discharges. Likewise in Atlanta, where in 1976 a newly appointed police chief focused on reducing gun use by his officers through the implementation of new policies. Atlanta also instituted a Firearm Discharge Review Board that investigated every firearm discharge by officers (Sherman, 1983).

Consequently, there were declines in police shootings in both cities that were statistically significant. The varied categories of encounters that lead to police shootings each experienced a significant decline with shootings involving unarmed suspects dropping in Kansas from 64 % to 45%, and in Atlanta from 42 % to 36 %. The clinical scrutiny by the

Firearm Discharge Review Boards resulted in a significant increase in shootings classified as unjustified police shooting. In Atlanta, from 1976 to 1978, unjustified police shootings rose from 5.5% to 15.4 %, whilst in Kansas City, from 1972 to 1973, it rose from 3.7 % to 20.7 % (Sherman, 1983). This was a clear indication of the objectivity with which the review boards functioned and an indictment on police officers' decisions to use deadly force.

In Australia, the Victoria Police experienced a drastic increase in fatal police shootings in the mid 1990's. They were attributed with being the leaders in fatal police shootings in Australia (Silvester, 2012). The frequency of the shootings resulted in the conduct of five separate enquiries into the phenomenon. Two hundred and nineteen recommendations were derived from the five reviews. The Victoria Police decided on a training base administrative intervention termed 'Project Beacon' as a means of changing the situation (Prenzler et al, 2013).

Project Beacon entails all firearms officers undergoing a five days operational safety and tactics course which was designed for officers to adopt the philosophy of safety first. The modules of the course were combined in such a manner with topics from firearms training and defensive tactics interwoven with topics from de-escalation techniques such as communication, conflict management and scenario exercises. The training was designed to emphasise new methods in controlling deadly force situations. After the initial training course, officers were required to undergo a refresher of the training every six months (Dalton, 1998).

Consequently, fatal police shootings were reduced by 91.1%, from a high of nine deaths in the year 1994, fatal shootings dropped to an average of 0.8 for the period 1996 to 2003. Unfortunately, Project Beacon was halted due to budgetary concerns and the demand to have more officers out on duty. The proceeding years of 2003 and 2004 after the course had been stopped both recorded three fatal shootings each (Prenzler, et al, 2013). However, causality of

the change cannot be credited to Project Beacon as no evidence – based research was conducted to substantiate the change.

The TTPS, however, does not have mandatory annual firearms qualifications or de-escalation training requirements. Firearms training should be specific, and should emulate the environment that officers are required to work in (Oudejans, 2008). Most shootings occur at night, involve a distance between two to twenty feet, and officers expel an average of two rounds of ammunition (Copay and Charles, 2001). Fyfe (1988) suggested also that 90 percent of police shootings occur within a three seconds time frame. Within that time officers undergo an adrenaline rush, they are tunnelled vision, their auditory functions increase, and they are focused on adopting the appropriate measures to stop the threat.

Gladwell (2007) describes the transformation that officers experience in those situations as autistic in nature. Officers locked within that mode are still expected to simultaneously be aware of their peripheral vision and the presence of innocent bystanders and are held responsible for whatever occurs (Geller and Scott, 1992). Additionally, each situation is unique. Officers are required to make life or death decisions in these few seconds indulging in what Kahneman (2011) termed as fast thinking, which is the habit of analysing situations using mainly recently stored information in the prefrontal cortex of the brain.

Therefore, training should provide officers with the expertise of slowing down these processes by rationalizing the situation, forcing themselves to articulate a situation thoroughly by deep slow thinking. This would ensure that officers are deliberate in their analysis and choose the best option to deal with each situation (Kahneman, 2011). Numerous researchers (Fyfe, (1988); Binder and Scharf (1980), Reiss (1980)) have suggested that the entire encounter that culminates in a police officer deciding to use deadly force can be subdivided into separate phases. They suggested that the most effective opportunities to develop interventions that can

control or prevent deadly force are during the early phases that occur long before the officer's final choice is made to shoot.

At the first phase, the officer would receive certain pertinent information that would cause him to anticipate how he should react. If, for example, the command centre broadcasts a report of a man armed with a gun, the officer immediately anticipates a threat to life and adopts a certain defensive mind set. In the second phase, the officer physically enters the reported area and must establish his authority whilst swiftly assessing the situation, gathering additional information to augment what he already knows. This is an important phase as decisions made may cause an escalation of force (Fyfe, 1988).

The third phase entails the initial confrontation and the exchange of information between the officer and the suspect. However, the dialogue exchange may be quite short; the officer might only be able to demand that the suspect "drop your weapon". Hence, the longer that this phase prolongs the less likely that the outcome would result in the use of deadly force (Binder and Scharf, 1980). Therefore, the decision to use deadly force in an encounter is mainly dependent upon the decisions made by the officer in navigating each prior phase before the actual decision to use force.

Consequently, it may be more prudent if during the second phase of an encounter, an officer on entering the area of the report of a man armed with a gun should firstly, identify places where he can seek cover. Upon initiating contact with the suspect, the officer can utilize the cover identified, reducing the likelihood of being harmed and avoiding a face-off confrontation. From behind cover, the officer can now indulge in a lengthened exchange of dialogue, de-escalating the situation whilst gathering information and awaiting backup (Gladwell, 2007). Whilst with a face-off between the officer and suspect the outcome is based on a dichotomy of choices, either the suspect surrenders or deadly force will be utilised.



Therefore, each phase needs to be carefully considered before moving on to the next and demands that officers are properly trained to maximise these initial phases to reduce the use of deadly force (Prenzler, et al, 2013). Therefore, modifying officers' firearms ability to conquer violent encounters may not necessarily reduce the prevalence of shootings that TTPS officers are engaged in. To effectively reduce the violence, officers need to be trained to adopt a paradigm shift in their mind set in the manner in which they approach situations that may lead to violence (Geller and Scott, 1992).

Therefore, police training needs to be adapted to augment firearms skills with training that builds the capacity in officers to develop the cognitive ability to quickly rationalize situations. Indulging in deliberate thinking allows the officer to effectively maximize the time he is afforded in each situation to ensure that he avoids being overcome by the autism syndrome (Gladwell, 2007). This deliberate slowing of the process allows for the acquiring of information which ensures that if force is used there was no other alternative (Fyfe, 1978). The training should follow the pattern of the Victoria police, Project Beacon which was based on the combination of de-escalation training techniques such as communication, conflict management and scenario training together with firearms and defensive tactics (Prenzler et al, 2013).

De-escalation training endows police officers with specific skill set and knowledge that enhance their capacity to competently initiate certain protocols to defuse a crisis situation and minimise the use of force (Oliva et al, 2010). The skills acquired includes effective communication and active listening that permit the officer to develop a rapport with an aggressor, subtlety taking command of the situation whilst decreasing the aggression of the subject. In this regard, aid is rendered to the individual experiencing the crisis and injuries and liability to the officer is avoided (Olivia et al, 2010).

Police officers are inclined to respond to challenges of their authority and legitimacy by dominating a situation and may even resort to the use of force when it was not necessary. De-escalation training allows the officer to emasculate the situation utilising verbal and non-verbal skills and avoid aggressive confrontation (Durham and Alpert, 2015). Hence, this specific aspect of training in the actions an officer should take before arriving on a scene, should challenge the parable that police shootings occur within a few seconds time frame (Fyfe, 1988).

Research has shown that the most prevalent form of force that police officers have utilized in effecting an arrest is the grabbing of the suspect (Garner and Maxwell, 1999). However, with the escalation of force during an encounter, the TTPS officers have very little alternative but to resort to their firearms. They are not equipped with alternative intermediate weapons such as a Conductive Energy Device (CED) or an Oleoresin Capsicum (OC) spray to assist them in controlling the situation. Both these devices have been proven to considerably improve officers' confidence to approach violent situations without displaying their firearms (Lumb and Friday, 1997).

Police officers' authorization to use deadly force is legitimised by law. The said law should also serve to restrict the occasions officers use deadly force only when circumstances may justify its legitimate use. More importantly, all use of deadly force should be clinically reviewed to determine whether it is within the perimeter of its legitimacy (Reiss, 1980). The approach should be holistic in controlling the frequency of deadly force. This should begin with specific de-escalation training to augment firearms training and a system to track all firearm discharges.

## **Chapter 3**

### Methodology

The goal of this research is centred on the reduction in the frequency of fatal police shootings in the TTPS. It is believed that with the adoption of specific protocols, this will be achieved. These protocols will provide specific guidelines and training for officers in the use of force, specifically deadly force. Systems will also be designed for tracking the effectiveness of the guidelines and training. In order to develop such protocols for the TTPS, the author conducted research which identified other police organizations that were faced with similar issues and have successfully utilized protocols in their resolution.

Primarily, a comprehensive search of various databases was conducted to determine the answer to the first research question, “What administrative interventions and systems have been implemented in other jurisdictions that were associated with a reduction of the frequency of police firearm discharges?” The search engaged such major database engines as Web of Science, JSTOR, and Google Scholar. A manual search of the libraries of the University of Cambridge and Department of Behavioural Sciences of the University of the West Indies, St. Augustine was also conducted.

Initially, the broad research was based on retrieving data on variables that were in the context of evidence-based examinations of police organizations where protocols had been implemented to track police firearm discharges. Of preference were researches where experiments were conducted to determine whether the protocols were associated with reducing the frequency of police firearm discharges. Experiments of this nature however, are rarely randomised control as there are major ethical implications that must be taken into consideration.

Consequently, the studies observed were mainly ‘before and after’ experiments where data was collected before the protocols were implemented and compared with data after implementation such as Fyfe’s (1978). The defining drawback of this type of research is that one cannot attest causality of any changes observed with any degree of certainty to the implementation of the protocol. There are too many extenuating factors which may have intervened and subsequently, could also be associated with causing the change determined.

Therefore, the adoption of such protocols by the TTPS cannot be undertaken with the expectation of certainty of effective change. However, as in the case of Fyfe (1978), it can be suggested that the intervention did have an influential role in bringing about the changes observed. This is particularly pertinent in experiments that revealed there was a defined change in data after the time of the administering of the intervention, which persisted continuously afterwards.

Eventually, the research was funnelled down to focus on the issue of training as an administrative intervention whereby change in the *modus operandi* of officers’ use of deadly force could be brought about. The search centred on firearms and de-escalation training. The former seeks to improve officers’ firearms handling skills whilst the latter enhances their ability to peacefully prevent volatile situations from degenerating to violence, whilst ensuring self-preservation.

The following variables were utilised to generate the searches of the data bases:

1. Police use of force policy – Administrative intervention that dictates the level of force that police officers are allowed to use in ratio to the level of resistance they encounter.
2. Police firearms discharges – Includes encounters where the officer shoots at a subject but misses, negligent discharges where the officer through a negligent act causes his firearm to discharge, and accidental discharges which entails the firearm discharging due to a malfunction of the weapon’s mechanism.

3. Police shootings – Includes any deliberate discharge by the officer that causes injury or death to a subject.
4. Administrative interventions in police use of firearms – Deliberate introduction of policies to reduce the frequency of police use of firearms.
5. De-escalation training techniques – Training that enhances the police officer's ability to peacefully prevent volatile situations from degenerating to violence, whilst ensuring self-preservation.
6. Police firearms training – Training specifically designed to enhance officers' proficiency, skill and safety practices in the use of firearms.
7. Implementing policies in police organization – Techniques for executing policies in police organizations.

The decision to adopt the aforementioned approach for obtaining data for this research study as opposed to conducting a local experiment is to a great extent due to the TTPS' lack of statistics regarding firearm discharges by officers. Such statistics would have been required to conduct research in for example, a 'before and after' study. Sherman (2011) believes that compiling data from workable evidence of proven research is tantamount to standing on the shoulders of great men. The search results also served to develop a knowledge base of sound evidence of protocols which have had the desired effect of being associated with the reduction of the frequency of fatal police shootings.

## **Chapter 4**

### Findings

From the searches conducted, it was observed that the most positively influential protocols contained very detailed 'Use of Force' guidelines. The guidelines were written in an unambiguous manner that provided a level of clarity especially in the area of deadly force

(Matulia, 1985). Therefore, it is imperative that the TTPS' Use of Force policy should be similarly designed to avoid ambiguity. There are pertinent components of these policies that should be included in the TTPS' policy in order to clarify issues surrounding the use of deadly force. The goal is to achieve strict adherence to the policy by officers and for the policy to serve as a guideline for using force.

Additionally, the effectiveness of the policy depends upon the adoption of a system that would thoroughly review the actions of officers. The NYPD instituted such a system as major component of their TOP 237 policy (Fyfe, 1978). The review system is initiated with the submission of a firearm discharge report form. The form covers all types of firearm discharges not only fatal shootings. Officers are compelled to complete the form detailing what transpired before, during and after their weapons were discharged. Therefore, the organization was able to compile an in-depth record of all discharges which could afford varied types of statistical analysis including officers' penchant to use deadly force.

Furthermore, the formation of a 'Firearms Discharge Review Board' that is responsible for reviewing and forming a determination on all police firearms discharges has been observed to be integral to the effectiveness of the use of force policy (Fyfe, 1978; Sherman, 1983). The Boards were mainly comprised of high-ranking police officials whose focus were to track and adjudicated over each incident recorded on the firearm discharge report forms. Their assessment is concise and decisive on each incident. From their findings, each incident is adjudged to have been within the ambits of the policy, or not. They further decided if the issue is a training concern, a criminal matter, or an interdepartmental one.

Similarly, it was observed that the introduction of de-escalation training was strongly associated with the reduction of the use of deadly force by police officers (Prenzler et al, 2013). The training was incorporated within developmental firearms training and delivered as one

course to officers. Other research suggested however that whilst additional firearms training will serve to modify and improve officers' proficiency in weapon skills it does not have that necessary impact in its association with reducing the use of deadly force (Geller and Scott, 1992). Firearms' training is a pertinent component in self-preservation training for police officers and when combined with de-escalation training, creates a holistic approach for dealing with volatile situations.

At the Police Executive Research Forum (PERF) in August of 2015 it was strongly recommended that police recruit training should have a much greater emphasis on de-escalation strategies and tactics. They believe that what is taught now is disjointed in that it is not sufficiently linked as an option to deadly force. The concept of limiting officers to the option of "shoot/don't shoot" is highly inadequate in most situations and is not the total sequence of an event which needs considering. PERF suggested that officers be trained to format de-escalation questions in their minds for each situation they face. Questions such as; "What is happening?" "What is the nature of the risk or threat?" "What powers do I have legally and within policy to respond?" "Do I need to take action immediately?" "Am I the best person to deal with this?" "If I take action, will my response be proportionate to the seriousness of the threat?"

PERF agrees that de-escalation techniques are naturally contra to human instincts of fight or flight and are even more uncharacteristic of police officers who are accustomed to dominating situations. The ability to stay calm and centred in the presence of aggression requires skills that must be acquired through training. The goal is for officers to remain professional and avoid becoming personally involved and aggrieved. The advent of the series of police deadly force events that occurred in the United States of America such as in Ferguson and the Eric Garner incident in New York have led to the introduction of de-escalation training in many of the police departments. Departments such as Kansas City, Los Angeles, Seattle,

New York City, Las Vegas and San Diego have all embarked on such training in 2015 (PERF, 2015).

### Recommendations

Having identified relevant research with protocols that have influenced changes in the modus operandi of officers' penchant for reverting to the use of deadly force, the challenge faced is to implement the protocols in the TTPS. The second research question states "How can protocols that can influence the reduction of the prevalence of police firearm discharges be seamlessly implemented in the TTPS?" This requires a paradigm shift from the practices that are currently followed in the TTPS. This involves the establishing of proper policy, a firearm discharge form, a review board and specialised de-escalation training.

The rudiments to an effective protocol therefore depend on encompassing a holistic approach to implementation. Changing the modus operandi of officers in the TTPS would require a paradigm shift from the present mode practised. Previous attempts to change through the introduction of policies have resulted in the creation of dichotomous, parallel ideologies. The policies without a reinforcement mechanism existed in a vacuum whilst the officers continued to follow their traditional methods they have grown accustomed to. These changes are only achievable through the support of the executive of the TTPS; however the more complex challenge is ensuring the remaining majority of the officers accept the changes.

Whilst the goal of the TTPS is to reduce the frequency of fatal police shootings, there is also the concern of implementation of change. The animosity that the idea of change is typically associated with requires that the shift in paradigm be smooth and subtle in its transition yet highly effective. There must be a positive, holistic approach to change, one which encompasses the entire organization with a belief that the organization is strengthened by the



approach. Therefore, the change needs to be holistic in nature and made up of interlocking components that provides a solid structure for the goal to be effectively achieved.

In order to achieve the reduction in fatal police shootings firstly, appropriate amendments need to be made to the use of force policy. The focus of the amendments is on the application of deadly force and not the entire policy. The introduction of a firearm discharge report form as a component of the policy, that is mandatory for officers involved in such incidents to complete is imperative. Secondly, the installation of a firearm discharge review board that adjudicates on all such incidents. Thirdly, the introduction of de-escalation training techniques incorporated into the firearms training for the officers in the TTPS. The training is to develop the capacity in officers to be capable of adhering to the requirement of the policy. The training shall be introduced in two phases. Initially, a randomised controlled trial will be conducted at the beginning of 2016 with task forces officers as the participants. This would be followed by a “before and after” study that would commence mid- 2016 with new recruits as the participants.

#### *The Trinidad and Tobago Police Service (TTPS) Use of Force Policy Amendment*

An essential tool in tracking police firearm discharges is the implementation of an effective use of force policy. The desired outcome of the policy (Appendix B) introduced in 2011 by the TTPS was to harness the force used by police officers in the execution of their duties into levels that are reasonable to contain the resistance they experience from suspects. There must be resistance for an officer to justify the levels of force which he applies. Therefore, it is imperative that the policy provides clarity as to the amount of force the officer could resort to when faced with different levels of resistance. This is especially significant where deadly force is concerned. The decision to use deadly force must be derived from a clear directive articulated in the policy that reframes from creating ambiguity in critical situations.

Specific amendments to the TTPS use of force policy are required for the policy to be effective in delineating when deadly force is permitted for use by officers. Whilst these changes may seem to be subtle, they act as powerful subliminal messages that affect the mind-set of officers. More importantly they provide guidelines that are less ambiguous in determining when deadly force could be lawfully utilized, especially when a suspect is attempting to escape. Presently, the TTPS policy guideline on the use of deadly force states;

*“(a) An officer may resort to the use of deadly force when the officer reasonably believes such action is immediately necessary to protect himself or others from imminent danger of death or grievous bodily harm.”*

*(b) An officer may use deadly force to prevent the escape of a suspect:*

*(i) Whom the officer has probable cause to believe has committed an offence in which the suspect caused, or attempted to cause death or grievous bodily harm to any person, and*

*(ii) Who will pose an imminent danger of death or bodily harm to any person, or persons should the escape succeed, and*

*(iii) When the use of deadly force presents no substantial risk to innocent persons.*

Therefore a specific TTPS departmental order that amends the guidelines would be required. The policy amendments on the use of deadly force, firstly, must begin with a preamble of a ‘sanctity for life’ clause (Fachner and Carter, 2015). The clause shall state;

*“It is the duty of the officers of the Trinidad and Tobago Police Service to hold the highest regard for the sanctity of human life, dignity and liberty of all persons. The application of deadly force is a measure to be employed only in the most extreme circumstances and only when all lesser means of force have failed or could not be reasonably employed.”*

The policy on when an officer may use deadly force shall be re-phrased as follows;

*“(a) An officer shall NOT resort to the use of deadly force unless the officer reasonably believes such action is immediately necessary to protect himself or others from imminent danger of death or grievous bodily harm.*

*(b) An officer shall not use deadly force to prevent the escape of a suspect unless:*

*(i) The officer has probable cause to believe the suspect has committed an offence in which the suspect caused, or attempted to cause death or grievous bodily harm to any person, and*

*(ii) Who in attempting to escape poses an imminent danger of death or bodily harm to the officer or others and*

*(iii) When the use of deadly force presents no substantial risk to innocent persons.*

The policy amendment shall include a directive to all officers that it is their duty to intervene and prevent their fellow officers from abusing the use of force and more importantly, the use of deadly force.

#### *Duty to Intervene*

*“It is the duty and responsibility of every officer present at the scene of a use of force incident to either stop or attempt to stop another officer from using force when force is no longer required.”*

#### The Firearms Discharge Report Form

The introduction of a firearm discharge report form is an important component in the acquisition of information on all discharges that occur in the TTPS. There needs to be strict adherence to the completion and submission of the form by officers. The form is for all discharges that occur, whether there is injury, fatality or not. Therefore, it is incumbent on the

officers' supervisors to ensure that the form is completed. To ensure adherence there is a section for the supervisor of the officer involved to complete. This section takes the form of a certification by the supervisor as to the validity of the report made by the discharging officer. This form must reach the office of the Firearm Discharge Review Board no later than forty eight hours after the occurrence of the discharge. The form however is not a replacement for the present procedure that such reports are investigated by the TTPS, but would serve as an augmentation to the standard procedure in order to fast track the information to the review board.

Additionally, to decrease accidental or negligent discharges an administrative intervention in the form of specific firearms training shall be proposed for all officers. A component of that training would be the introduction of the 'no triggering off policy' when officers are unloading, clearing or making their firearms safe. Accidental or negligent discharges are mainly caused when officers confuse the two step procedure of unloading their firearms, firstly, by removing their magazine and secondly, clearing the chamber and triggering off (Mathulia, 1985). Discharges mainly occur when officers fail to remove the magazine before triggering off. To eliminate those occurrences, officers will be taught to lock their weapon slide to the rear and leave it in that position hence there is no opportunity or need to trigger off the weapon. The weapons in all cases are supposed to be in that position for the purpose of handing over or examination. Essentially, this would eliminate the possibility of discharges occurring during the unloading or clearing procedures.

Discharges that occur in the field need to be closely monitored by supervisors, more so by the supervisor in charge of receiving and storing firearms. They must ensure that the discharge report form is completed by each officer who reports having discharged his or her firearm. The TTPS purchases unique brands of ammunition; the receiving supervisor must ensure that the said ammunition which was issued is returned at the end of the officer's tour.

This would assist in keeping check of discharges that occur while an officer is out on duty. The supervisor on discovering any discrepancy in the ammunition presented by an officer must immediately take the required measures. Importantly, for an officer to present ammunition that is inconsistent with which he was issued with, means that he is illegally in possession of said ammunition and should be charged for the offence before the criminal court. The severity of this offence in itself should act as a major deterrent for officers not to engage in such action.

#### The Firearms Discharge Review Board

The Firearm Discharge Review Board shall be instituted as a component of the amendment of the use of force policy. The Board shall be mandated the responsibility of tracking of all firearm discharges in the TTPS. Therefore all discharge report forms shall be forwarded to the Board. They shall explicitly evaluate each report on its own merit to determine whether the actions of the officer or officers involved were within the templates of the use of force policy. If the report details circumstances that are outside the perimeters of the policy the Board, from their findings are required to make certain recommendations.

#### *Composition*

The Board shall comprise ten members and would be chaired by the Assistant Commissioner of Police responsible for Administration in the TTPS. His present function includes the development of policies for the TTPS and the allocation of resources such as the placement of manpower including suspensions of officers. The Board will require the chairman to be of this calibre in order to institute measures that are necessary to enable the Board to effectively meet its mandate. The Assistant Commissioner shall be supported by three Assistant Superintendents who each bring a unique experience to the Board.

Firstly, the Assistant Superintendent in charge of the Professional Standards who as a member of the Board would be responsible for assisting the Board in determining any breaches in the TTPS regulations and rules. Secondly, the Assistant Superintendent in charge of the Police Academy shall assist the Board in determining any breaches of training procedures. Thirdly, the Assistant Superintendent in charge of the Criminal Investigations Department shall assist the Board in determining any breaches that are criminal in nature.

The next four members of the Board shall consist of firstly, two members who will be drawn from the Use of Force/Firearms' Instructors from the Police Academy and secondly, two members who shall be drawn from the Use of Force/Firearms Instructors from operations sections in the TTPS. These four members of the Board shall act as the initial investigators of the Firearm Discharge Forms. They shall be responsible for conducting the necessary inquiries into the report and compiling a synopsis of what their enquiries revealed. They are also required to make initial recommendations.

The remaining two members on the Board shall be members of the legal fraternity, one from the legal unit of the TTPS and the other, a civilian member from the office of the Solicitor General (Attorney General). They are to guide the Board on legal issues that may from time to time challenge them and will assist in any legal interpretation that is needed. The civilian member will also provide a unique perspective on the mechanization of the policy, as it is the view of someone outside the realm of the organization. This would serve to provide a level of parity on the decisions made by the Board. The Board's composition therefore would be as follows;

- Assistant Commissioner of Police (ACP) Administration – Chairman
- Assistant Superintendent(ASP) Professional Standards – Board member
- Assistant Superintendent (ASP) Police Academy – Board member

- Assistant Superintendent (ASP) Criminal Investigation Department – Board member
- Two Instructors Police Academy – Investigator/Board member
- Two Instructors Operational Units – Investigator/Board member
- Legal Unit Officer – Board member
- Civilian Legal Officer Solicitor General Office – Board member

### *Meeting Dates*

The Board shall convene on a quarterly basis and additionally, at the discretion of the Chairman who due to the exigencies of discharge reports might deem the convening of the Committee necessary.

### *Board Functionality*

The objective of the Board is to determine whether the firearm discharges are within the ambits of the policy and to compile data that can be utilized for records and research. All discharge report forms shall initially be forwarded to the office of the Assistant Commissioner of Police (ACP) Administration where copies will be distributed to an assigned investigator of the Board. The investigator shall conduct the initial investigation and return his or her report to the ACP's Administration office. Copies of the initial discharge report form and the investigator report will then be made available to the members of the Board. At the appointed convening of the Board, the members having had the opportunity to peruse the file beforehand shall examine the discharge report form and the investigator's report to determine an appropriate finding for the event.

Consequently, if the discharge falls outside of the policy, the Board may determine that it is a breach of internal rules and regulation. The file would then be directed to the ASP's

Professional Standards for further investigation by that department. Likewise, if the Board determines that a criminal offence was committed the file will be directed to the ASP's Criminal Investigation Department for further investigation by that department. Where the discharge findings reveal a shortcoming in training, the issue is then referred to the ASP's Police Academy for remedial processes to be initiated. The unique composition of the Board allows for a smooth transition of the files to the appropriate authority.

Furthermore, it would be the responsibility of the Board to identify trends that are occurring in the discharge reports that may have an impact on the policy. Certain trends may develop when the policy is interpreted in a manner to justify actions that it was not intended to. Whilst the Board's focus is to ensure that the policy protects the interest of the TTPS and its personnel, property and operations, it must also ensure that the policy is not manipulated wrongly. Therefore, the Board needs to be vigilant and to determine the necessary amendments to the policy that will prevent the deterioration of its effectiveness.

As such, the Board needs to be kept cognizant of developments in policies that are occurring in other police organizations worldwide. They must be afforded the time to conduct diligent research in policy changes with a view of maintaining optimum efficiency of the TTPS policy. This shall also include initiating further internal research and tests to determine how effective the policy has been in achieving its objectives. These are in keeping with the TTPS drive of seeking evidence based solutions to resolve issues that challenge the organization.

Furthermore, the Board shall be responsible for developing memorandum of understanding with other agencies in the use of deadly force. The TTPS has regularly engaged in joint operations with the Trinidad and Tobago Defense Force, the Customs and Excise Department and other such agencies. The TTPS is the leading unit on such exercises. However, there has not been a stated policy on the structure of such operations especially where the use of deadly force is concerned. The Board will be guided by the laws of the country in



conjunction with authorized personnel from the said agencies to determine the perimeters and circumstances which stipulates when deadly force by a joint operations' team can be lawfully utilized.

The findings of the Board and all quarterly reports shall be forwarded to the Deputy Commissioner of Police (DCP) Administration. The DCP Administration shall be responsible for forwarding all correspondence to the Commissioner and may include recommendations if necessary. The Board shall appoint a member who would be responsible for briefing the Public Affairs Unit of the TTPS to disseminate information to the public via press briefings.

The frequency of fatal police shootings by officers of the TTPS with an average 38.6 deaths a year over the past six years has created an additional task for the members of the Homicide Bureau and Crime Scene Investigators. At present, the criminal homicide rate indicates that these units are much in demand. Having a specialized investigation team specifically for investigating police fatal shootings may be ideal but given the workload of homicide investigators it may not be practical. However, there is still a need for a level of impartiality at the scene of fatal police shootings. Therefore, it is recommended that an investigator from the Board be on call daily to visit the scene of fatal police shootings as soon as practicable.

#### *De-escalation Training*

One approach to effectively achieve a change in the attitude of officers which will also provide an alternative to using deadly force is to have the officers re-trained in de-escalation techniques. The officers on the 'beat' (TTPS Second Division Officers) may view the changes to the policy together with the introduction of a review board as an unnecessary targeting of the manner in which they operate. They may even deem the new paradigm as an internal challenge to their legitimacy. Training the officers in new operating techniques provide the answer to the 'What's in it for me?' question that the introduction of policy change might

create. The de-escalation training allows for the seamless implementation of the policy as it builds the capacity in officers to effectively adhere to the demands of the guidelines.

The de-escalation training therefore, is highly relevant to not merely the effectiveness of the guidelines, but also to the reduction of deadly-force situations that officers of the TTPS encounter. The training expectation is to engender a cultural change in the attitude of the officers of the TTPS towards their approach to deadly force situations. The buy-in message is that de-escalation training is designed to save officers' lives. Thus, it is imperative that the training takes precedence to the implementation of the guidelines. The training would facilitate the necessary cultural ambience for the implementation of the new system of the use of force policy.

The de-escalation training is proposed to be delivered in two phases, each of which is to be conducted in the form of evidence-based research. The first phase is a randomized controlled trial that targets the Task Force officers of the TTPS. The TTPS is subdivided into nine divisions. Each division has a task force unit that is the first responder for serious crime reports. The task forces are also responsible for conducting high risk police operations in each division. The second phase of the training targets the new recruits of the TTPS. This phase shall be conducted as a level three before-and-after study, with all new recruits commencing May 2016 being taught de-escalation techniques. The study would follow the career impact the de-escalation training has on the recruits as they are disseminated into the workplace.

### **RCT Proposal Roadmap:-**

Name - Mission Ceasefire

Mission Ceasefire is a randomized control trial (RCT) that would examine what effect the inclusion of de-escalation training as a module in firearms training of police officers would

have on their decision to use deadly force. The RCT will be conducted to evaluate the effectiveness of de-escalation techniques in reducing the use of deadly force by officers of the TTPS.

### General Hypothesis

The addition of a de-escalation of force module to firearms training would influence a reduction in the frequency of the use of deadly force by police officers when compared to officers who completed firearms training alone.

### *List of all Variations to be Tested*

There are two variations of the training course to be tested. Firstly, treatment ‘A’ the experimental group shall consist of the tactical firearms’ training course that officers assigned to the Task Force are required to undergo with the addition of a de-escalation of force training module included. Secondly, treatment ‘B’, the control group would entail the tactical firearms training course.

### *List all Variations of Outcome Measures to be Tested*

All course participants will undergo an evaluation at the culmination of the training course. The evaluation consists of a specially designed reality test based on the Hogan’s Alley training concept. The test evaluates officers’ ability to utilize training and judgement in making decisions concerning use of deadly force. The test would include the use of simunition, a type of non-lethal ammunition specifically designed for scenario training. The simunition is to accommodate live opponents in the Hogan’s Alley in order to make the test as realistic as possible.

Additionally, at the completion of the training course the officers that participated shall be monitored for a period of six months. During that period any reports on their use of deadly force shall be collated by the Firearm Discharge Review Board. This further measurement shall determine whether there are disparities in the frequency of use of deadly force between officers who were exposed to treatment 'A' and officers who were exposed to treatment 'B'. The monitoring shall also provide feedback with regards to the length of time the de-escalation training has impacted on officers' decision making. This would assist in determining a time period after which the de-escalation course needs to be repeated with the officers.

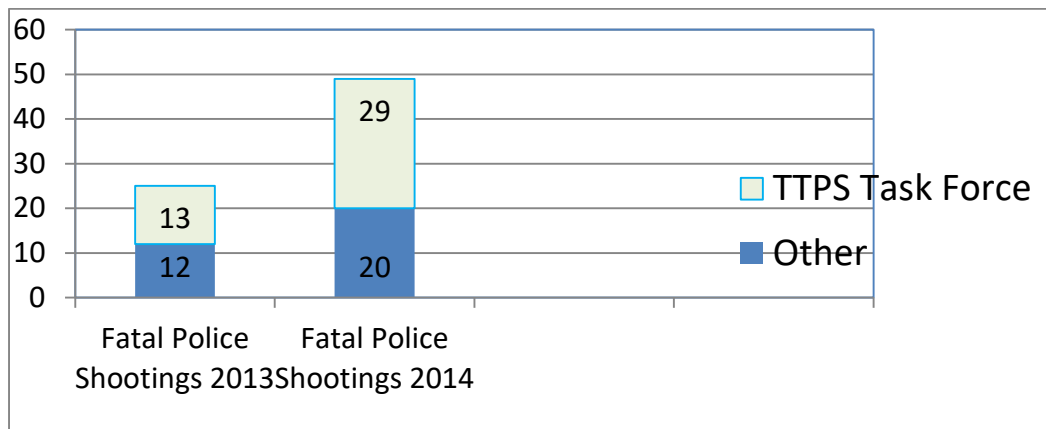
### *Organizational Framework*

The RCT shall be conducted by the TTPS as an in-house experiment. The TTPS shall be responsible for the provision of officers, the administering of treatment and measurement, further monitoring and the collecting and analysing of data. However, a specific research team would be appointed to coordinate and conduct the test under the directive of the Firearm Discharge Review Board.

### *Unit of Analysis*

Twenty-five Officers attached to each of the Task Force units of the eight police divisions of the TTPS in Trinidad will be selected to undergo the treatment of the research. The TTPS task force officers serve as the operational team and first responders for each division of the TTPS. They are more frequently exposed to situations that involve the use of deadly force than other members of the TTPS. For the period 2013 and 2014 there were seventy-four fatal police shooting of which forty two were committed by officers attached to a Task Force unit. That is a 56.8% of all fatal shootings for that period. Task force members are chosen from within the membership of each division. Their selection is based on their propensity for the operational functions of policing.

**Figure 6.** Bar graph illustrating TTPS fatal police shootings for the period 2013 and 2014 with the differences between task force officers and other officers.



Furthermore, due to the high risk nature of the duties performed by task force officers, the officers are required to undergo specialised firearms' training courses. These courses were originally intended to be an annual developmental training. However, due to the exigencies of their duties, officers rarely participate in the follow-up courses. 'Mission Ceasefire' can serve to bridge this training gap and provide an avenue to conduct the training that will develop the capacity of the officers.

#### *Eligibility Criteria*

The officers chosen to participate are member of the divisional task force of the TTPS and have successfully completed the Tactical and Survival Training Course. The research is confined to the eight divisions of the TTPS in Trinidad.

#### *Exclusion Criteria*

The TTPS task force unit that operates on the island of Tobago was excluded from the research. The Tobago Division has the lowest number in total of fatal police shootings amongst

all the divisions in the TTPS (Table 1). Also, the eight divisions in Trinidad can be divided equally into experimental and control groups.

**Table 1.** Table illustrating distribution of fatal police shootings as per Police Division for the period 2009 to 2014 in Trinidad and Tobago

| Deaths by Police Shootings in Trinidad and Tobago<br>per Police Divisions 2009 - 2014 |           |           |           |           |           |           |            |
|---------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
|                                                                                       | 2009      | 2010      | 2011      | 2012      | 2013      | 2014      | TOTAL      |
| Southern                                                                              | 5         | 12        | 2         | 1         | 2         | 2         | 24         |
| Port of Spain                                                                         | 6         | 3         | 7         | 2         | 6         | 6         | 30         |
| South Western                                                                         | N         | 4         | 6         | 1         | 2         | N         | 13         |
| West                                                                                  | 8         | 4         | 4         | 1         | 1         | 3         | 21         |
| Northern                                                                              | 2         | 11        | 8         | 4         | N         | 2         | 27         |
| North Eastern                                                                         | 15        | 10        | 3         | 3         | 4         | 12        | 47         |
| Central                                                                               | 11        | 4         | 10        | 5         | 11        | 16        | 57         |
| Eastern                                                                               | 1         | 3         | 3         | 2         | 1         | 3         | 13         |
| Tobago                                                                                | N         | 1         | N         | N         | N         | 1         | 2          |
| <b>TOTAL</b>                                                                          | <b>48</b> | <b>52</b> | <b>43</b> | <b>19</b> | <b>25</b> | <b>45</b> | <b>232</b> |

#### *Pipeline: Recruitment or Extraction of Cases*

The eight divisions (Table 1.) chosen will be paired in order of most to least number of fatal police shootings. One in each pair will be randomly selected to form the experimental group whilst the other shall form the control group.

#### *Timing*

The test would involve the conduct of eight training courses inclusive of the evaluation, each with duration of one week. Two courses shall be conducted simultaneously each week. Hence, the training component of the research can be completed in a four week period. After the training and evaluation component of the research is completed, the participating officers will be monitored for a period of twelve months to further evaluate the effectiveness of the training.

### *Random Assignment*

The task force units will be ranked from one to eight in order of merit according to the amount of fatal police shootings that were recorded. The unit will then be paired off by the first ranked with the second rank, the third with the forth and so on until the eight units are paired. Then one of each pair is randomly selected to be placed in the experimental group and the other in the control group. This is in keeping with the principles of developing samples through a randomised block design (Ratcliffe et al, 2011).

### *Treatment and Comparison Elements*

The application of two treatments in the form of training programmes will be administered to the four pairs of task force units. Treatment ‘A’ the experimental group would consist of a one week developmental and revision firearms and tactical training course with an eight hour module in de-escalation training. De-escalation training is a concept that has not been addressed by the TTPS to its officers. Treatment ‘B’ would consist of the said one week firearms and tactical training course without the de-escalation module. There would be a compensation for the disparity of the training time in treatment “B” by increasing in the revision aspect of the course.

Therefore, no difference in the delivery schedule of the courses of both experimental and control groups would occur. Extra vigilance will be maintained to ensure that each week participants from either treatment ‘A’ or treatment ‘B’ are not scheduled for testing together, in fact, at no time would participates of different treatments be allowed to associate during treatment.

### *Measuring and Managing Treatments*

The measuring of the application of both treatments shall be a twofold process. Firstly, at the culmination of each treatment course the participants will undergo an examination of the techniques they were taught. The exam is reality based and adopts the principles of a Hogan's Alley training scenario. Hogan's Alley is a generic term derived from the name of a muck village built by the Federal Bureau of Investigations in Quantico, United States of America. It describes any area utilised for reality based tactical training where officers have to make realistic decisions usually involving the use of deadly force. The participants will be armed with their duty firearms but loaded with simunition a type of non-lethal training ammunition, and attired in the necessary protective gears. They will be guided through a number of scenarios that will require them to make decisions on whether to use deadly force or not. Each officer will be scored according to the action taken and decisions made to use deadly force or not.

Thereafter, the second phase of measurement shall commence. Participants will be monitored for a period of twelve months after the training having returned to their respective Task Force units. This further measurement continues the evaluation of the effectiveness of the course by determining if there is a disparity between both treatment groups in the frequency that they resort to the use of deadly force. Data will be collected on any participant regardless of which treatment group they originated from who is involved in a deadly force situation during the monitoring period. A statistical analysis of both groups will be conducted at the expiration of the monitoring period.

The management of the treatment will be undertaken by the TTPS. There is now a cadre of University of Cambridge qualified evidence-based researchers within the TTPS who shall adopt the lead role in this research. The post-treatment monitoring of the participants would be conducted with the assistance of the Firearm Discharge Review Board. They will



pay particular attention to submissions of firearm discharge forms that are submitted by participants of the research.

### *Measuring Outcomes*

The desired outcome is a reduction in the frequency that officers resort to the use of deadly force. The examination at the culmination of the training courses would evaluate the effectiveness of both treatment ‘A’ and ‘B’ in changing the officer's attitude and decision making when confronted with situations that may lead to a use of deadly force. Each officer shall proceed through four scenarios to evaluate attitude changes. Initially, each scenario will focus on examining the manner in which the officer approaches the scene and his use of cover for his protection. As the scenario progresses the evaluation shall focus on the officer's communication skills including addressing bystanders. Eventually, the scenario would culminate in the main evaluation of the officer's decision making to use or not to use deadly force.

Furthermore, the progress of the officers in their working environment shall be monitored by the Firearms Discharge Review Board for a period of twelve months. This shall serve as the second phase of measurement. The Board shall collate all firearms discharge forms submitted by both groups. This will further assist in determining the effects that the training courses had on officers' decisions to use deadly force.

### *Analysis Plan*

The results obtained from both groups will be statistically analysed and compared. Most important is the statistical power of the study itself. The number of expected participants

listed should afford the test creditable statistical power. Descriptive statistics may appropriately capture the differences of both groups.

#### *Due Date*

The training aspect of the research is scheduled to commence at the beginning of March 2016. This phase would extend until the end of March; there are four pairs of one-week treatment courses that will be conducted during that period. As each course is completed, participants will return to their respective Divisions to resume duties. During the preceding twelve months, that is, April, 2016 to end of March, 2017 all participants will be closely monitored. The research proposed date for completion being the end of May, 2017.

#### **Roadmap - De-escalation Training Before and After Study:-**

##### Name - De-escalation Training

The focus of this area of the proposal is the introduction of the de-escalation training into the induction programme at the TTPS Police Academy. De-escalation training develops tactics and techniques in police officers to engender a philosophy of minimizing the prospect of the necessity to use force during an incident whilst increasing the prospect of voluntary compliance by a suspect. The strategy entails that the TTPS Police Academy introduces the training to new police recruits entering the Academy commencing from May 2016. The training would be monitored for its effectiveness by means of an evidence based research.

The purpose of the research is to establish whether after the introduction of the training there is a paradigm change in the attitude of officers in the manner they deal with volatile situations and in making decisions to use deadly force. The research proposes to track the officers after they have left the Academy for a period of five years. The tracking is to determine

whether the training could be associated with a reduction in the use of deadly force by officers of the TTPS.

### *General Hypothesis*

The addition of a de-escalation training course to the curriculum of the TTPS Police Academy would be associated with the reduction in the frequency of the use of deadly force by police officers of the TTPS.

### *List of Variations of Treatment to be Tested*

The application of one treatment shall be tested. This treatment entails the introduction of the de-escalation training as a training course in the TTPS Police Academy. The new recruits of the TTPS who are admitted into the TTPS Police Academy commencing from May 2016, shall form the genesis of the experimental group. These new recruits shall be the first group of trainees introduced to the de-escalation training course. All preceding recruits henceforth shall complete the course as part of their training curriculum.

### *List all Variations of Outcome Measures to be Tested*

The major outcome measure to be tested is the reports of fatal police shootings. This will establish if there has been a reduction in the frequency. If the de-escalation training is impacting a change in the attitude of officers, it is expected that the more recruits that are trained, there should be a subsequent gradual reduction in the frequency of fatal police shootings over time. Secondly, the other outcome measure to be tested is the amount of injuries incurred by officers after the introduction of the de-escalation training. The training would introduce officers to new techniques in approaching and handling deadly-force situations that minimize the prospect of them getting injured.

### *Organizational Framework*

The research shall be conducted by the TTPS Police Academy in association with the Firearm Discharge Review Board. The Academy shall be responsible for the development of the de-escalation training course as part of the induction curriculum. They shall also collate reports from the Review Board to keep records of the use of deadly force by officers. They shall also monitor the incidents of injuries to officers.

### *Unit of Analysis*

All the recruits who are enlisted from May 2016 henceforth who will be undergoing the de-escalation training will form the nucleus of the analysis. The expectation is that the continuity of the de-escalation training that the recruits undergo will impact a reduction in the frequency of fatal police shootings. The unit of analysis therefore, would include the report forms of firearm discharges submitted by the officers. The forms will not only detail any reductions in shootings but will also illustrate the effectiveness of the de-escalation training in changing officers' approaches to deadly force situations.

### *Eligibility Criteria*

All new recruits enlisted in the TTPS will be afforded the de-escalation training. Also included are recruits to the Special Reserve Police of the TTPS who are trained at the Police Academy as well.

### *Timing*

The de-escalation training is scheduled to commence in May 2016, following which it will become a part of the Police Academy curriculum. The tracking of the effectiveness of the

training is scheduled to be an on-going collation of information for the research for a period of five years.

### *Treatment*

The treatment entails the introduction of de-escalation training for all recruits of the TTPS. De-escalation training enhances the police officer's ability to peacefully prevent volatile situations from degenerating to violence, ensuring self-preservation and improving the likelihood of voluntary compliance from suspects. This type of training has not been attempted before in the TTPS. The goal of this training is to create a change in the behaviour of police officers toward the manner in which they approach and handle situations that has the potential to escalate into deadly-force situations.

### *Measuring and Managing Treatments*

The measurement of the de-escalation training treatment entails a post-training monitoring of the officers by collating firearm discharge reports. The objective is to measure the amount of fatal police shootings that will occur for the next five years; this will be compared with the amount recorded for the period 2010 to 2015. The management of the treatment would be undertaken by the TTPS Police Academy.

### *Measuring Outcomes*

The desired outcome of the de-escalation is ultimately a reduction in the frequency that officers resort to the use of deadly force as well as a reduction in injuries sustained by officers. The annual reports of fatal police shootings will be collated for a five-year period commencing after the introduction of the de-escalation training in the induction training programme at the police academy. Also, during the five years, reports of all firearm discharges and officers

injured will also be examined to determine how many officers who have undergone the training were involved.

### *Analysis Plan*

All records of firearm discharge forms collated over the ensuing five years (2016-2020) would be compared with the records of the previous five years 2010 to 2015. Particularly, the focus would be on fatal police shootings. In essence, the desired outcome is a reduction in its frequency. Therefore, the total annual amount of fatal shootings for 2016 to 2020 would be compared with the average fatal shootings for the previous five years. The comparison would determine whether there were any changes in the frequency of fatal shootings.

The main concern with before and after studies is that there may be many confounding variables that may be responsible for any changes observed. Holding other variables constant to effectively determine the effects of one variable is rarely possible in reality research. Likewise, determining whether the de-escalation training is responsible for any reductions observed cannot be ascertained without controlling other variables, which is not possible as each deadly force situation a police officer faces is unique. To further evaluate the de-escalation training, all firearm discharge reports that are submitted to the Firearm Discharge Review Board will be evaluated. Comparisons will be made between officers who undergo the training and officers who have not, especially if there is a constant reduction of forms submitted by trained officers. This will also determine whether the trained officers report that they followed the procedures of de-escalation training in the situations they encounter.

Furthermore, all injuries sustained by TTPS officers will be monitored. This will be particularly pertinent for the officers trained in de-escalation techniques. Reports submitted by the trained officers will be evaluated to determine if they followed the de-escalation procedures.

The reports will also determine whether more risk was being taken by untrained officers which in effect, resulted in more injuries. As more officers are trained as time proceeds, the analysis will entail comparing the reports submitted for one year with the previous years to determine statistical differences.

#### *Due Date*

The de-escalation training is due to commence in May 2016 and will continue as a course in the TTPS Police Academy induction training programme. The research will monitor the effects of the training for a period of five years. Hence, the study would end in the year, 2020.

## **Chapter 5**

### Discussion

The proposal encapsulated in this research originates from the pertinent issue of a high frequency of fatal police shootings in Trinidad and Tobago. The proposal was derived from evidence based studies that explored the solutions that other police organizations with similar issues employed to alleviate the problem. These police organizations were successful in reducing police fatal shootings by implementing specific administrative interventions that targeted changes in the use of force applied by officers. Initially, they utilised a precise use of force policy as a guideline on the use of force especially deadly force. The main objectives of these guidelines are that they attempt to remove any ambiguity as to when an officer is allowed to use deadly force.

Additionally, the policy was supported by protocols designed to track the effectiveness of the policy and the adherence by police officers. The main features of the protocol include a firearm discharge report form that was utilised to collate all information on events of firearm discharges. Officers who were involved in such events were mandated to complete the form. An integral part of the protocol was the formation of a Firearm Discharge Review Board. All report forms are forwarded to the Board whose responsibilities include adjudicating on the actions of the officers involved. They decide if the action was within the ambits of the policy or whether it was contra to the guidelines. The Board is empowered to make recommendations on the outcome of their decisions.

The proposed implementation of the policy change and protocols for tracking firearm discharges in the TTPS works in tandem with specialised training in de-escalation techniques. This is the direction that the NYPD has embarked upon they have augment their protocols of firearm discharge form and review board with a de-escalation training programme. All members of the NYPD are required to undergo the three days training (Margolin and Romo, 2015). They will be taught negotiating skills and techniques to avoid violence.

The de-escalation training programme for the TTPS will be implemented in two research phases to gather evidence based information on the effectiveness of the training. The first study, a randomised controlled trial, seeks to establish whether the de-escalation training has provoked a change in officers' modus operandi when encountering volatile situations. The second study would follow the career course of new recruits who will be trained in de-escalation techniques. This study will be conducted for a period of five years and examines whether there is a progressive reduction in the amount of fatal police shootings over the period. Whilst it is not possible to identify de-escalation training as the sole causal factor for any reduction in fatal shootings observed, it may be possible to establish the training as the tipping point after which changes began to occur.



Presently, there is a critical need for de-escalation training for the officers of the TTPS as an alternative to deadly force. All officers in the TTPS are issued with firearms when they are on duty. Task Force Officers are armed with secondary and primary weapons, usually a pistol and a submachine gun or rifle. They do have a baton as a less-lethal option, however officers rarely carry it. The officers do not have any other intermediate weapons such as a Conductive Energy Device (CED) or an Oleoresin Capsicum (OC) spray to assist them in controlling volatile situation.

The implementation of CED in particular has reduced the likelihood of both the police officer and the suspect sustaining injuries (Mac Donald, 2009). In Philadelphia, a negative correlation was observed between CEDs and police shootings, in that as the distribution of CEDs to officers increased, the more police shootings declined (Fachner and Carter, 2015). Of more relevance to the TTPS is that research has suggested that officers armed with CEDs are less likely to discharge their firearms when threatened with violence or confronted with a situation in which the officer might be injured (Sousa et.al, 2010).

Unfortunately, there are legislative issues surrounding the legality of CEDs and OCs in Trinidad and Tobago. The TTPS has been hesitant to issue this equipment to their officers because of these issues. However the implementation of the de-escalation training does not require legislative approval, the TTPS Police Academy has the prerogative to include relevant training into their induction curriculum with the approval of the Commissioner.

Additionally, at the induction level the de-escalation is most effective. Police officers' training to deal with volatile situations is based upon the development of the natural human instinct of fight or flight, they are taught to dominate a situation (PERF, 2015). De-escalation training goes against this natural instinct, as the officer is taught to pacify a situation. The goal is to defuse the powder keg to avoid the explosion entirely. Targeting induction training

therefore may be a more prudent approach as the new recruits are ‘tabula rasa’ in policing ideology of dealing with volatile situations.

The TTPS however, continues to have a tremendous burden of controlling the high criminal homicide rate that prevails in the country presently. Of the two thousand five hundred and twenty-three homicides recorded for the period 2009 to 2014 one thousand eight hundred and eighty-six were committed with a firearm. That is 74.75% of all homicides. For the period January to September 2015 there has been over 300 murders, 82% has been committed with firearms, get the firearms off the streets has become a mantra of the population for the TTPS (Webb, 2015).

This level of pressure on officers of the TTPS may lead to the development of dissonance to get the job done by whatever means necessary, which may account for their reliance on deadly force. The high percentage of homicides with firearms may cause officers to consider themselves as the only line of virtue positioned to defend society against evil. Officers may sincerely believe that their actions are for a noble cause, not realising that it is a form of corruption. Officers are presently relying on the fundamental skill and techniques that they are indoctrinated into the TTPS with. They resort to the use of their firearms because that is the way that they were trained.

The reality is that officers are trained to deal with a volatile situation with violence. That is the way they are cultured to react. It is this very culture that the de-escalation training would target to change. The new inductees into the TTPS will experience a shift in paradigm from relying on deadly force to using the de-escalation techniques in volatile situation. Deadly force still remains the ultimate measure in case of necessity, however most situations can probably be peacefully resolved with de-escalation techniques.

## **Chapter 6**

### Conclusion

Currently, the issue of police officers allegedly abusing their powers of excessive force is one that has garnered worldwide concerns. Similarly, in Trinidad and Tobago the police service has found itself engulfed in controversy about its officers' use of excessive force, more particularly the high frequency of fatal police shootings. The country with a population of 1.3 million citizens recorded an annual average of 38.6 fatal police shootings for the period 2009 to 2014. However, the country is also confronted with an extraordinary high criminal homicide rate that are mainly firearms related. Officers' commitment to the job may make them feel responsible and compelled to bring the homicide rate under control and cause them to resort to committing noble cause corruption. This however does not justify nor rationalize for the high frequency of fatal police shootings.

Therefore, the purpose of this research was to identify other police organizations that have experienced similar high frequency of fatal police shootings and what measures they implemented to control it. The search revealed that they have targeted the issue by instituting specific administrative interventions to track every police firearm discharges that occurred. The interventions included a firearm discharge form that officers must complete and a firearm discharge review board which examined each incident of police firearm discharges. After the implementation of the interventions a marked reduction in fatal police shootings were observed. The interventions were believed to be associated with this reduction (Fyfe, 1978; Sherman, 1983).

Another intervention that has also been associated with the reduction in fatal police shootings is the introduction of de-escalation training for police officers. This training enhances the police officer's ability to peacefully prevent volatile situations from degenerating to

violence, whilst ensuring self-preservation. Officers are trained to analyse the attitude of suspects and use verbal techniques that alleviate and prevent volatile situations. This option is presently at the forefront of changing the manner officers are trained in various police organisations (PERF, 2015).

The preceding proposal of this research encapsulated a holistic approach to counteract the high frequency of fatal police shootings in the TTPS. The proposal took into consideration the administrative interventions that were highly associated with the reductions of police use of deadly force. The proposal emphasised for the inclusion of pertinent information that would in effect reinforce the use of force policy that is presently the guideline for the use of deadly force in the TTPS. As part of the policy there need to be a specific firearm discharge form that is mandatory for officers to complete who has discharged their firearms.

Additionally, the TTPS must establish a firearm discharge review board that investigates and adjudicates each firearm discharge that occurs in the TTPS. Whilst these proposals will target the implementation of a structure to track all firearm discharges, there is an issue of creating a paradigm shift in the culture of officers and the training that they undergo. The introduction of de-escalation training is proposed as an avenue to educate the officers in different means of dealing with volatile situations.

Furthermore, the proposal for the training is designed as two evidence-based experiments in order to establish if the training is associated with a reduction in fatal police shootings. One experiment involves a randomised controlled trial with Task Force Officers, the other a before and after experimental design for new recruits entering the TTPS. The discharge form and review board shall play an integral role in the collation of the data for both experiments. The strategy is therefore for all parts of the proposal to interlock with each other to form a hermetic seal in the reduction of the frequency of fatal police shootings in the TTPS.

The conduct of the experiments in de-escalation training will establish evidence as to the success of such training. The conducting of evidence-based research is in keeping with the direction that the TTPS has embarked upon. Presently they are conducting evidence-based experiments to derive what are the best options available to resolve crime issues that are affecting the country. They have broken new boundaries with an experiment on hot spot policing (Sherman et al, 2014). The TTPS shall not only continue the trend of setting new boundaries with the proposed research but may also achieve a reduction of fatal police shootings to a level where it's occurrence is transparently unavoidable.

## Reference

Akers, R.L. and Sellers, C.S. (2009). *Criminological Theories: Introduction, Evaluation and Application*. New York: OUP.

Alpert, G. P., & MacDonald, J. M., (2001). Police use of force: An analysis of organizational characteristics. *Justice Quarterly*, 18(2), 393-409.

Amnesty International, (2014). Annual Report 2013 on Trinidad and Tobago. Retrieved 10<sup>th</sup> October 2014 on <http://www.amnesty.org/en/region/trinidad-amp-tobago/report-2013>

Binder, A., & Scharf, P. (1980). The violent police-citizen encounter. *The ANNALS of the American Academy of Political and Social Science*, 452(1), 111-121.

Caldero, M. A., & Crank, J. P. (2010). *Police ethics: The corruption of noble cause*. Routledge.

Chevigny, P. G., (1990). Police deadly force as social control: Jamaica, Argentina, and Brazil. *Criminal Law Forum* (Vol. 1, No. 3, pp. 389-425).

Copay, A. G., & Charles, M. T., (2001). Handgun shooting accuracy in low light conditions: The impact of night sights. *Policing: An International Journal of Police Strategies & Management*, 24(4), 595-604.

Crime and Problem Analysis Branch (CAPA). 2015. Trinidad and Tobago Police Service.

Dalton, V., (1998). Police Shootings 1990-97. Australian Institute of Criminology. *Drugs*, 2(20), 22.

Dunham, R. G., & Alpert, G. P. (2015). *Critical issues in policing: Contemporary readings*. Waveland Press.

Fachner, G. and Carter, S., (2015). An Assessment of Deadly Force in the Philadelphia Police Department. Collaborative Reform Initiative. Washington, DC: Office of Community Oriented Policing Services.

Fixin t&t, (2013). Report to the Media. Retrieved 10<sup>th</sup> October 2014 on <http://50tt.guardian.co.tt/news/2013-03-03/fixin%E2%80%99tt-let-police-complaints-authority-do-probe>.

Fyfe, J.J., (1978). Shots fired: An Examination of New York City Police Firearms Discharges. Ph.D. Dissertation, State University of New York at Albany.

Fyfe, J. J. (1988). Police use of deadly force: Research and reform. *Justice Quarterly*, 5(2), 165-205.

Grabowsky, P. and Larmour P., (2000). "Public Sector Corruption and its Control. Trends and Issues in Crime and Crimminal Justice." *Australian Institute of Criminology*: 143.

Garner, J. H., & Maxwell, C. D., (1999). Measuring the amount of force used by and against the police in six jurisdictions. *Use of force by police: Overview of national and local data*, 25-44.

Geller, W. A., & Scott, M., (1992). Deadly force: What we know: A practitioner's desk reference on police-involved shootings. Washington, DC: Police Executive Research Forum.

Gladwell, M., (2007). *Blink: The power of thinking without thinking*, Chapter 6. Back Bay Books.

Independent Police Complaint Commission (n.d.). Statistics for England and Wales 2013/14. Retrieved 8<sup>th</sup> June 2015 from <https://www.ipcc.gov.uk/page/deaths-during-or-following-police-contact>.

Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford University Press.

Grasmick, H. G., & Bursik Jr, R. J. (1990). Conscience, significant others, and rational choice: Extending the deterrence model. *Law and society review*, 837-861.

Kahneman, D., (2011). *Thinking, fast and slow*. Macmillan.

Keane, C., Maxim, P. S., & Teevan, J. J. (1993). Drinking and driving, self-control, and gender: Testing a general theory of crime. *Journal of Research in Crime and Delinquency*, 30(1), 30-46.

Kleining, J., (2002). "Rethinking Noble Cause Corruption." *International Journal of Police Science and Management*: 4(4): 287-314.

Lumb, R. C., & Friday, P. C. (1997). Impact of pepper spray availability on police officer use-of-force decisions. *Policing: An International Journal of Police Strategies & Management*, 20(1), 136-148.

Margolin, J. and Romo, C., (2015) "A Look Inside How the NYPD Is Retraining the Biggest Police Force in the US." ABC News. Retrieved 10<sup>th</sup> November, 2015.  
<http://abcnews.go.com/US/nypd-inside-nypd-retraining-biggestpoliceforceus/story?id=29696041>

Matulia, K. J., (1985). *A balance of forces: Model deadly force policy and procedure*. International Association of Chiefs of Police.

Morrison, A., (2015). Freddie Gray Baltimore Riots: Ferguson Protestors say Authorities Must Hold Police Accountable. The New York Times. Retrieved 2<sup>nd</sup> May 2015 from  
<http://www.ibtimes.com/freddie-gray-baltimore-riots-ferguson-protesters-say-authorities-must-hold-police-1898995>



Nagin, D. S., & Paternoster, R. (1994). PERSONAL CAPITAL AND SOCIAL CONTROL: THE DETERRENCE IMPLICATIONS OF A THEORY OF INDIVIDUAL DIFFERENCES IN CRIMINAL OFFENDING\*. *Criminology*, 32(4), 581-606.

New York City Police Department (2011). Annual firearms discharge report 2010. New York.

Oliva, J R., Morgan, R and Compton, M T. (2010). 'A Practical Overview of De-Escalation Skills in Law Enforcement: Helping Individuals in Crisis While Reducing Police Liability and Injury', *Journal of Police Crisis Negotiations*, 10: 1, 15 — 29.

Oudejans, R. R. D., (2008) 'Reality-based practice under pressure improves handgun shooting performance of police officers', *Ergonomics*, 51: 3, 261 — 273.

Police Executive Research Forum (2015). “Re-Engineering Training on Police Use of Force.” Critical Issues Policing Series Retrieved 23<sup>rd</sup> October, 2015. [www.policeforum.org/assets/reengineeringtraining1.pdf](http://www.policeforum.org/assets/reengineeringtraining1.pdf)

Prenzler, T., Porter, L., & Alpert, G. P. (2013). Reducing police use of force: case studies and prospects. *Aggression and Violent Behaviour*, 18(2), 343-356.

President’s Task Force on 21st Century Policing, (2015). Interim Report of the President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.

Punch, M., (2000). ""Police Corruption and its Prevention"." *European Journal on Criminal Policy and Research*: 8(3): 301-324.

Ratcliffe, J.H, Taniguchi, T., Groff, E.R., and Wood, J.D., (2011). ‘The Philadelphia foot experiment: a randomised controlled trial of police patrol effectiveness in violent crime hotspots.’ *Criminology*, 49,795-831.

Reiss, A. J. (1980). Controlling police use of deadly force. *The Annals of the American Academy of Political and Social Science*, 452(1), 122-134

Sherman, L. W., & Langworthy, R. H., (1979). Measuring homicide by police officers. *J. Crim. L. & Criminology*, 70, 546.

Sherman, L. W. (1983). Reducing police gun use: critical events, administrative policy, and organizational change. *Control in the police organization*, 98-125.

Sherman, L. W., (1993). “Defiance, deterrence, and irrelevance: A theory of the criminal sanction.” *Journal of Research on Crime & Delinquency* 30(4), 445-473.

Sherman, L. W., & Weisburd, D., (1995). General deterrent effects of police patrol in crime “hot spots”: A randomized, controlled trial. *Justice quarterly*, 12(4), 625-648.

Sherman, L. W. (2011). Al Capone, the sword of Damocles, and the police–corrections budget ratio. *Criminology & Public Policy*, 10(1), 195-206.

Sherman, L. W. (2013). The rise of evidence-based policing: Targeting, testing, and tracking. *Crime and justice*, 42(1), 377-451.

Sherman, L.W., Williams, S., Ariel, B., Strang, L.R., Wain, N., Slothower, M., Norton, A., (2014). ‘An Integrated Theory of Hot Spots Patrol Strategy: Implementing Prevention by

Scaling Up and Feeding Back', *Journal of Contemporary Criminal Justice*, 1-28, Sage Publications.

Silvester, J. (2012). Defusing the 'death by cop' time bomb. *The Age*, in Prenzler, T., Porter, L., & Alpert, G. P. (2013). Reducing police use of force: case studies and prospects. *Aggression and Violent Behaviour*, 18(2), 343-356.

Steinberg, S., & Austern, D. (1990). *Government, Ethics and Managers: A Guide to Solving Ethical Dilemmas in the Public Sector*. West Port: CT: Praeger.

Tankebe, J. (2011). Explaining police support for the use of force and vigilante violence in Ghana. *Policing & Society*, 21(2), 129-149.

Trinidad and Tobago Central Statistical Office (n.d.). 2011 Population Census. Retrieved 8<sup>th</sup> June 2015 from <http://cso.planning.gov.tt/>

Uchida, C. D., Sherman, L. W., & Fyfe, J. F., (1981). *Police Shootings and the Prosecutor in Los Angeles County: An Evaluation of Operation Rollout*. Police Foundation.

Webb, Y. (2015) 50 Murders make September most violent. Trinidad and Tobago Guardian. Retrieved 18<sup>th</sup> November 2015 <http://www.guardian.co.tt/news/2015-10-03/50-murders-make-september-most-violent>

Weisburd, D., (2000). *Police Attitude Toward Abuse of Authority: Findings from a National Study*. Washington: NIJ.

White, M. D., (2001). Controlling Police Decisions to Use Deadly Force: Re-examining the importance of Administrative Policy. *Crime and Delinquency* 47:131

White, M. D., (2006). Hitting the target (or not): Comparing characteristics of fatal, injurious, and non-injurious police shootings. *Police quarterly*, 9(3), 303-330.

White, M. D., & Klinger, D., (2012). Contagious fire? An empirical assessment of the problem of multi-shooter, multi-shot deadly force incidents in police work. *Crime & Delinquency*, 58(2), 196-221.

## Appendices

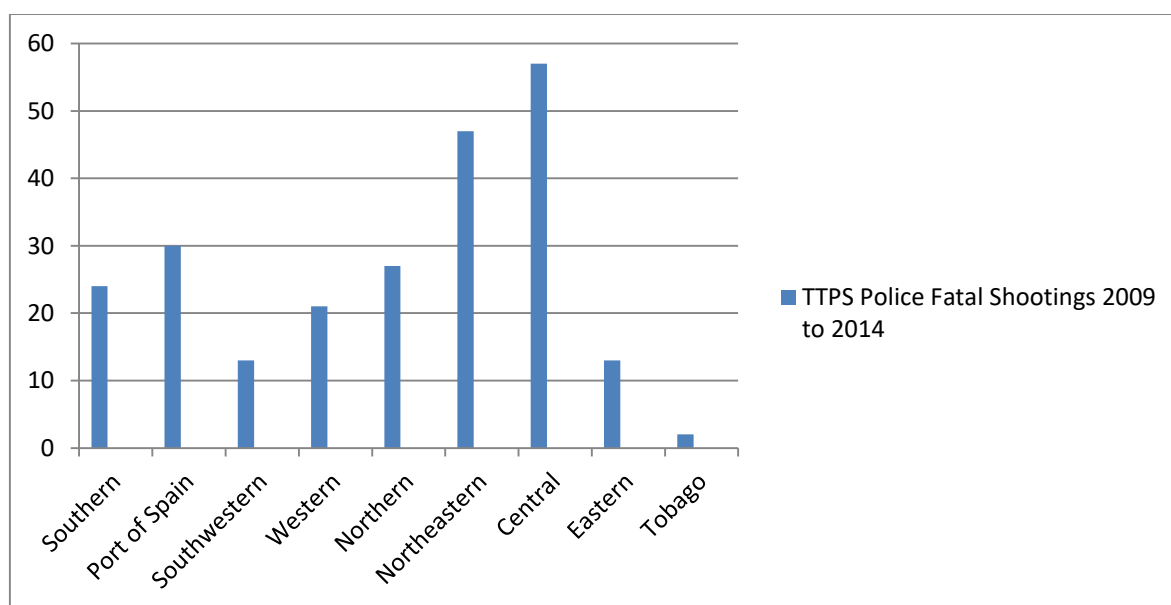
### **Appendix A**

**Statistical data on fatal police shootings and criminal homicide 2009 to 2014 (CAPA).**

### Deaths by Police Shootings in Trinidad and Tobago per Police Divisions 2009 - 2014

|               | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | TOTAL |
|---------------|------|------|------|------|------|------|-------|
| Southern      | 5    | 12   | 2    | 1    | 2    | 2    | 24    |
| Port of Spain | 6    | 3    | 7    | 2    | 6    | 6    | 30    |
| Southwestern  | N    | 4    | 6    | 1    | 2    | N    | 13    |
| West          | 8    | 4    | 4    | 1    | 1    | 3    | 20    |
| Northern      | 2    | 11   | 8    | 4    | N    | 2    | 27    |
| Northeastern  | 15   | 10   | 3    | 3    | 4    | 12   | 47    |
| Central       | 11   | 4    | 10   | 5    | 10   | 16   | 57    |
| Eastern       | 1    | 3    | 3    | 2    | N    | 3    | 12    |
| Tobago        | N    | 1    | N    | N    | N    | 1    | 2     |
| TOTAL         | 48   | 52   | 43   | 19   | 25   | 45   | 232   |

. Bar graph illustrating fatal police shootings as per Police Division for the period 2009 to 2014 in Trinidad and Tobago.



### Deaths by Police Shootings in Trinidad and Tobago, Gender and Race

| YEAR           | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | TOTAL |
|----------------|------|------|------|------|------|------|-------|
| <b>GENDER:</b> |      |      |      |      |      |      |       |
| M              | 48   | 50   | 41   | 19   | 25   | 45   | 228   |
| F              | N    | 2    | 2    | N    | N    | N    | 4     |
| <b>RACE:</b>   |      |      |      |      |      |      |       |
| Afro-trin      | 41   | 49   | 38   | 16   | 20   | 42   | 206   |
| Mixed          | 5    | 2    | 1    | 1    | N    | 1    | 10    |

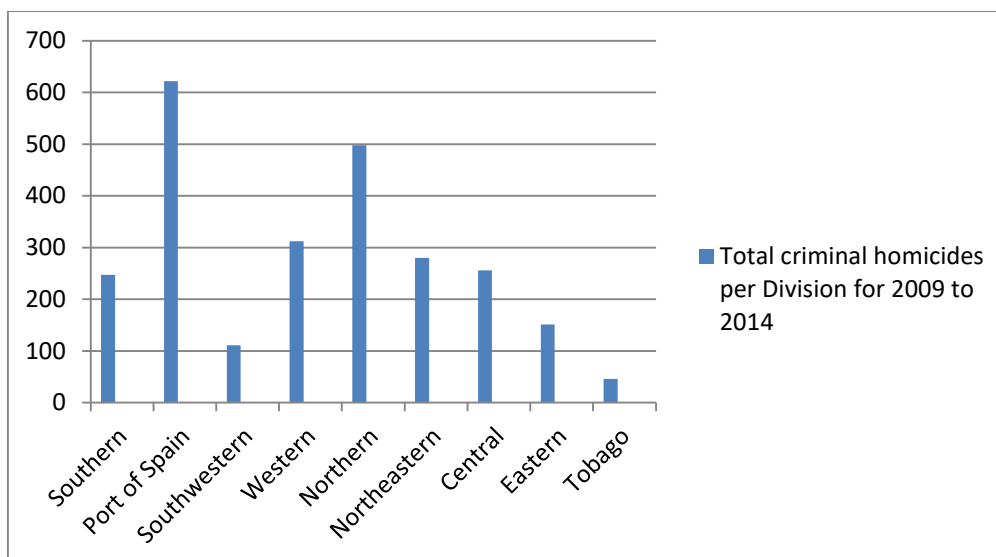
|           |   |   |   |   |   |   |    |
|-----------|---|---|---|---|---|---|----|
| Indo-trin | 2 | 1 | 4 | 2 | 5 | 2 | 16 |
|-----------|---|---|---|---|---|---|----|

\*M = Male, F = Female

#### Criminal Homicides in Trinidad and Tobago per Divisions

|               | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | TOTAL |
|---------------|------|------|------|------|------|------|-------|
| Southern      | 38   | 57   | 38   | 41   | 34   | 39   | 247   |
| Port of Spain | 128  | 93   | 94   | 104  | 122  | 81   | 622   |
| Southwestern  | 15   | 27   | 19   | 14   | 18   | 18   | 111   |
| Western       | 74   | 65   | 31   | 41   | 44   | 57   | 312   |
| Northern      | 114  | 100  | 76   | 62   | 82   | 64   | 498   |
| Northeastern  | 54   | 49   | 35   | 44   | 50   | 48   | 280   |
| Central       | 45   | 44   | 39   | 42   | 36   | 50   | 256   |
| Eastern       | 24   | 28   | 16   | 27   | 18   | 38   | 151   |
| Tobago        | 15   | 10   | 4    | 5    | 4    | 8    | 46    |
| TOTAL         | 507  | 473  | 352  | 380  | 408  | 403  | 2523  |
|               |      |      |      |      |      |      |       |

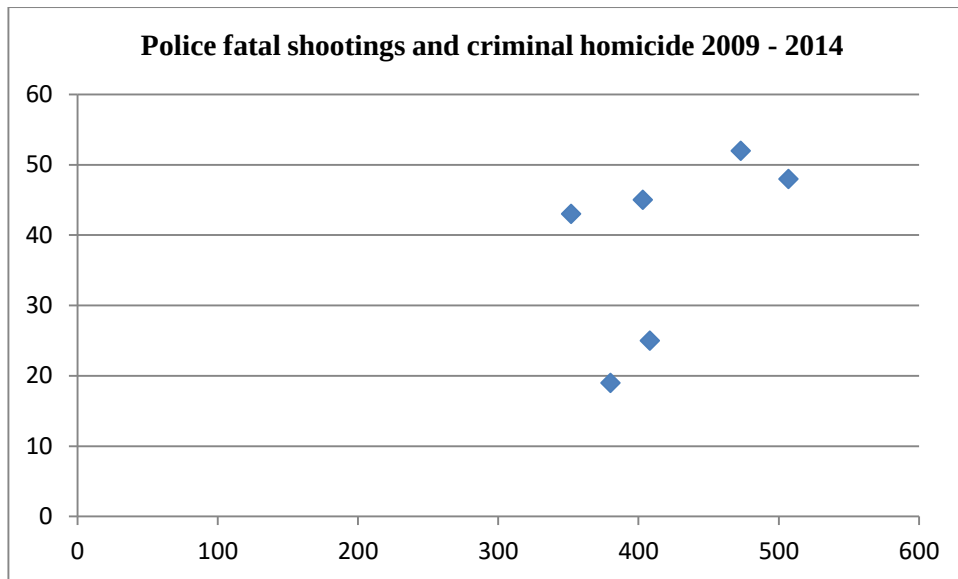
Bar graph illustrating criminal homicide as per Police Division  
for the period 2009 to 2014 in Trinidad and Tobago.



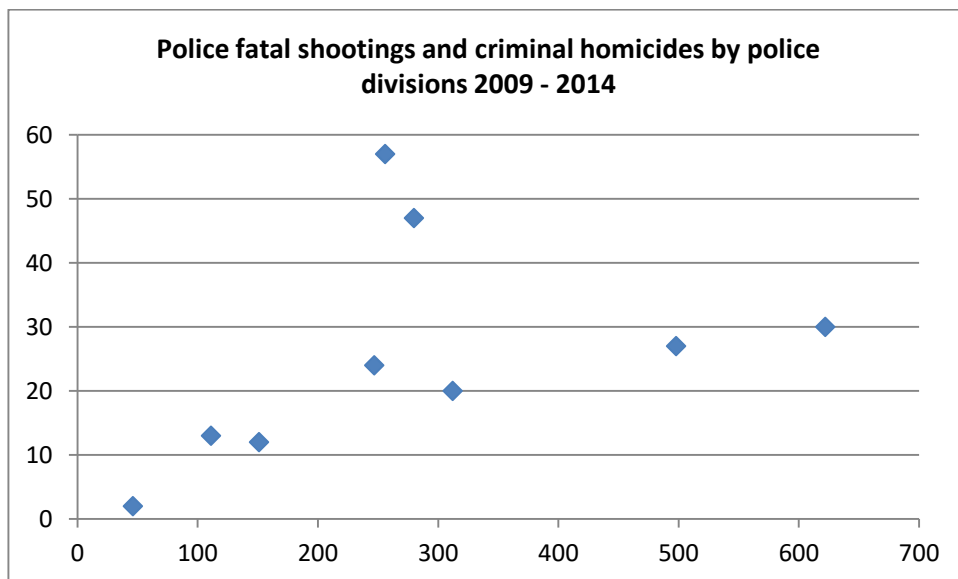
#### Police and Criminal Homicides in Trinidad and Tobago 2009 to 2014

| YEAR  | POLICE | CRIMINAL |  |
|-------|--------|----------|--|
| 2009  | 48     | 507      |  |
| 2010  | 52     | 473      |  |
| 2011  | 43     | 352      |  |
| 2012  | 19     | 380      |  |
| 2013  | 25     | 408      |  |
| 2014  | 45     | 403      |  |
| TOTAL | 232    | 2523     |  |

Scatterplot of fatal police shootings and criminal homicides for the period 2009 to 2014 in Trinidad and Tobago.



Scatterplot of fatal police shootings and criminal homicides as per police divisions for the period 2009 to 2014 in Trinidad and Tobago.



## Appendix B



# The Trinidad and Tobago Use of Force Policy Departmental Order 92 of 2011



Police Orders by Dr. D. Gibbs  
Commissioner of Police  
Police Administration Building  
Cor. Edward & Sackville Streets  
Port of Spain

Wednesday 18<sup>th</sup> May 2011

This is an official document entrusted to members and civilian employees of the Police Service and is not for publication in the Press)

No. 92.

Departmental Order

PART I - NIL

PART II

## Trinidad and Tobago Police Service



## Use of Force Policy

Page | 1

## Use of Force Policy

### 1.0 Introduction

Police officers of the Trinidad and Tobago Police Service have the invested authority through the Police Service Act 2006, the Standing Orders and the Constitution of Trinidad and Tobago in the Use of Force. The provisions outlined in this Policy are intended to supplement these existing legislations and guide officers to react appropriately when confronted with a situation which requires some degree of force. It is the policy of the Trinidad and Tobago Police Service that law enforcement officers will use only that force which is reasonable and necessary, and at all times seek to protect the safety and security of himself/herself and others in the performance of official duties.

Sound judgment and the appropriate exercise of discretion will always be the foundation of police officers' decision in varying situations regarding the possible Use of Force. Deciding whether to utilize force in the performance of official duties is among the most critical decisions made by law enforcement officers. It is a decision which is made under difficult, often unpredictable and unique circumstances. It is not the intention of this policy to entirely replace judgment and discretion with detailed policy provisions.

The Trinidad and Tobago Police Service recognizes that the duties of Police Officers may involve the use of some level of force and this policy supports the lawful use of reasonable and appropriate force by officers in the performance of their duty. The use of force that is not lawful, reasonable and appropriate, is not supported by this policy and will not be tolerated.

### 2.0 Definitions

- a. *Approved Weapon: a device or instrument, the primary function of which is intended to be the application of force to a person, and which an officer has received permission from the Trinidad and Tobago Police Service to carry and use in the discharge of that officer's duties, and for which the officer has*
  - i. *obtained training in the technical, mechanical and physical aspects of the device or instrument; and*
  - ii. *developed a knowledge and understanding of the law, rules and regulations regarding the use of the particular device or instrument.*
- b. *Chemical Agents: chemical irritants or combinations of chemical irritants.*

- c. **Deadly Force:** All force applied by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or grievous bodily harm to a person.
- d. **Firearm:** means a firearm as defined in the Firearms Act of Trinidad and Tobago.
- e. **Grievous Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of any bodily organ or other serious bodily harm.
- f. **Impact Weapons:** objects and instruments that are used, or designed to be used, to apply force to the person of another by coming into physical contact with that person.
- g. **Intermediate Weapon:** means any weapon authorized for use by a member of the Trinidad and Tobago Police Service, other than;
  - i. a firearm used as described, authorized or referred to under this policy, or
  - ii. a weapon that when used in its ordinary and intended manner is as likely to cause grievous bodily harm or death to a person as a firearm referred to in paragraph (i) above

and includes a firearm used with ammunition designed to be discharged with a projectile that is not designed or intended to cause grievous bodily harm or death to a person.
- h. **Non-Deadly Force:** All force applied by an officer that is not intended to cause, nor create a substantial risk of causing death or grievous bodily harm to a person.
- i. **Reasonable Belief:** An objective assessment based upon an evaluation of how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the law enforcement officer at the scene.
- j. **Weapon:** anything that is used, intended to be used, or designed to be used, to apply force to the person of another.

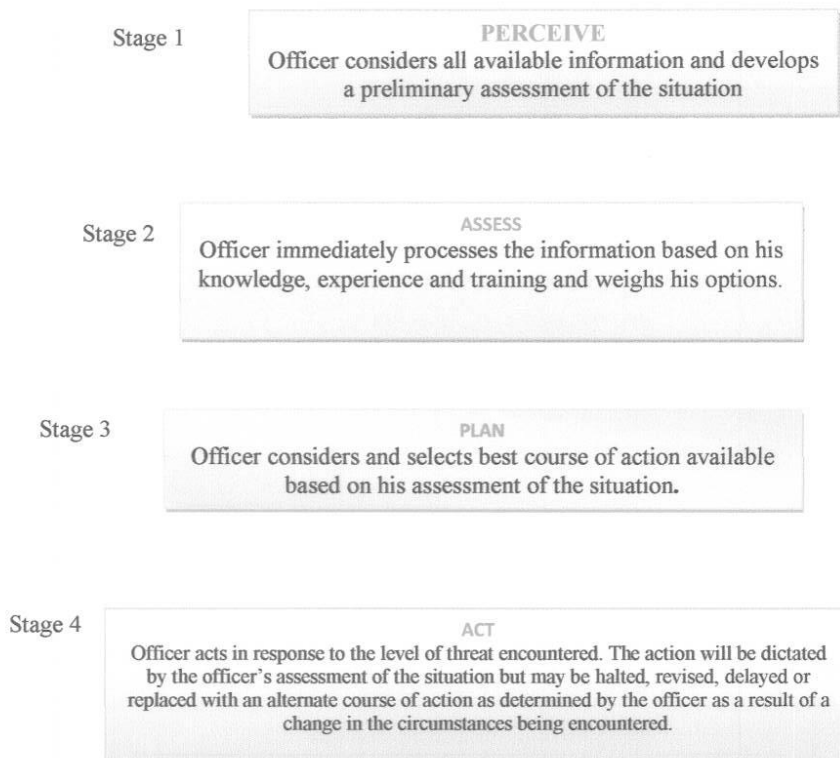
### **3.0 Use of Force Policy**

#### **i. Use of Force**

- a. A police officer in determining to use force, shall be guided by the principle that the degree of force employed in any situation should be reasonably necessary to :
  - i. Protect the officer, or other person or persons, from unlawful force
  - ii. Overcome resistance directed at the officer or others
  - iii. Effect other lawful objectives, such as to make an arrest
  - iv. Protect property
- b. To assist the police officer in deciding the level of force appropriate in various circumstances, the following guidelines are established:
  - i. Officers shall not resort to the use of force unless such use is necessary in the execution of their duties and cannot reasonably be accomplished by non-violent means,
  - ii. The decision as to whether force is to be used, and the amount to be applied, shall rest solely with the officer involved in the incident,
  - iii. A reasonable assessment of the prevailing circumstances should be made by the officer in deciding the level of force to be used
  - iv. Officers shall not use any more force than is reasonably necessary under the circumstances to accomplish their lawful objectives as cited in 2(a) above.
  - v. Officers must exhaust all other reasonable means before resorting to the use of force.

The following Use of Force framework provides a guide to assist officers in assessing the situation to determine the level of force to be applied.

#### Use of Force Framework



The Use of Force Options Model indicates the degree of force that can be applied by police officers in the execution of their duties.



- |                     |   |                                                                                               |
|---------------------|---|-----------------------------------------------------------------------------------------------|
| Presence            | - | Maintaining a passive, on site presence.                                                      |
| Communication       | - | Talking a subject into compliance; avoids danger of a physical confrontation.                 |
| Escort technique    | - | If dialogue fails, use low level compliance procedure. Non-obtrusive, non- violent in nature. |
| Mechanical Control- |   | Using physical force to subdue a subject and may include applying physical restraints.        |

|                    |   |                                                                                                                   |
|--------------------|---|-------------------------------------------------------------------------------------------------------------------|
| Chemical Irritants | - | Use of substances such as pepper spray or tear gas to gain control of a subject                                   |
| Impact weapon      | - | Includes the use of a weapon such as a baton or projectile.                                                       |
| Deadly force-      |   | Force used for the purpose of causing or which has the substantial risk of causing death or grievous bodily harm. |

*The TTPS Use of Force Options Model is included in this policy at Appendix 'A'.*

## **ii. Use of Deadly Force**

- a. An officer may resort to the use of deadly force when the officer reasonably believes such action is immediately necessary to protect himself or others from imminent danger of death or grievous bodily harm.
- b. An officer may use deadly force to prevent the escape of a suspect:
  - i. whom the officer has probable cause to believe has committed an offence in which the suspect caused, or attempted to cause death or grievous bodily harm to any person; and
  - ii. who will pose an imminent danger of death or grievous bodily harm to any person, or persons, should the escape succeed; and
  - iii. when the use of deadly force presents no substantial risk of injury to innocent persons.
- c. Where feasible, an officer should identify himself/herself and state his/her intention to shoot before using a firearm.

## **iii. Restrictions on the Use of Force**

- a. An officer is under no obligation to retreat or desist when resistance is encountered or threatened, unless circumstances exist which would make retreating an appropriate action.
- b. An officer shall not resort to the use of deadly force unless the officer reasonably believes that a less lethal use of force would not avert the imminent danger of death or serious bodily harm to any person or persons.

- c. An officer shall not use deadly force to subdue persons whose actions are only destructive to property.
- d. Deadly force shall not be used against persons whose conduct is injurious only to themselves.
- e. An officer shall not discharge a weapon as a signal for help or as a warning shot.
- f. An officer shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle unless the officer reasonably believes:
  - i. there exists an imminent danger of death or serious bodily harm to the officer or another person; and
  - ii. no other means are available at that time to avert or eliminate the danger.
- g. An officer shall not fire a weapon solely to disable moving vehicles.

#### **4.0 Exhibiting holstered firearms**

Unnecessarily or prematurely drawing a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. A officer's decision to exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is substantial risk and the situation may escalate to the point where deadly force may be justified.

When an officer has determined that the circumstances create a reasonable belief that the use of deadly force is not necessary, the officer should, as soon as practicable, secure or holster the firearm.

#### **5.0 Psychological care**

All Use of Force incidents affect each officer differently and may result in varied levels of stress and manifestations of symptoms of post-trauma stress disorder (PTSD). Within 24 hours of a Use of Force incident involving the use of deadly force, the supervisor of the affected officer/s must:

- i. Engage the involved officers in a mandatory debriefing guided by TTPS social workers.
- ii. Arrange for counseling for the officers from the police social workers or psychologist for assistance in dealing with any after-effects of the incident.

If necessary, this courtesy should also be extended to family members of the affected officer.



In instances where deadly force was not used but where based on the circumstances of the incident it is determined that psychological care may be warranted, the supervisor of the affected officer/s must activate the above procedure.

#### **6.0 Medical aid after use of force**

Where there is an injury or an alleged injury as a result of the Use of Force the officer(s) shall immediately:

- i. make arrangements to convey the injured to obtain medical attention;
- ii. secure the crime scene;
- iii. notify his/her supervisor; and
- iv. where death occurs, the District Medical Officer shall be notified and summoned to the scene.

#### **7.0 Injury exacerbated by the Use of Force**

Certain restraint positions increase the risk of death to persons who may be under the influence of drugs or who may be in a mentally altered state. Prolonged struggles and elevated levels of force applied can accelerate the life-threatening aspects of this condition. In these circumstances where individuals exhibit medical conditions of extreme violent behaviors the officer shall:

- i. Delay attempts to restrain these individuals until sufficient assistance is on hand; and
- ii. Immediately after restraint, these individuals should be seated upright to relieve breathing, and transported to a medical facility.

## **8.0 Reporting requirements**

In all instances when chemical irritants, impact weapons or deadly force is applied , each officer who has initiated such action must complete the attached Use of Force Report (Appendix 1) in triplicate and submit it to his/her supervisor within twenty-four hours of the occurrence or as soon as practicable.

In the case of incidents involving police shootings the protocol outlined in Departmental Order No. 176 of 2008 is to be adopted in reporting the incident.

## **9.0 Training requirements**

The Trinidad and Tobago Police Service will conduct training for all police officers on the lawful and appropriate Use of Force. This training will be designed and delivered in accordance with the guidelines outlined in this policy and all existing legislation.

A periodic retraining program will be implemented to ensure that officers are aware of this policy and remain current in the applicable use of force techniques and tools.

## **10.0 Sanctions**

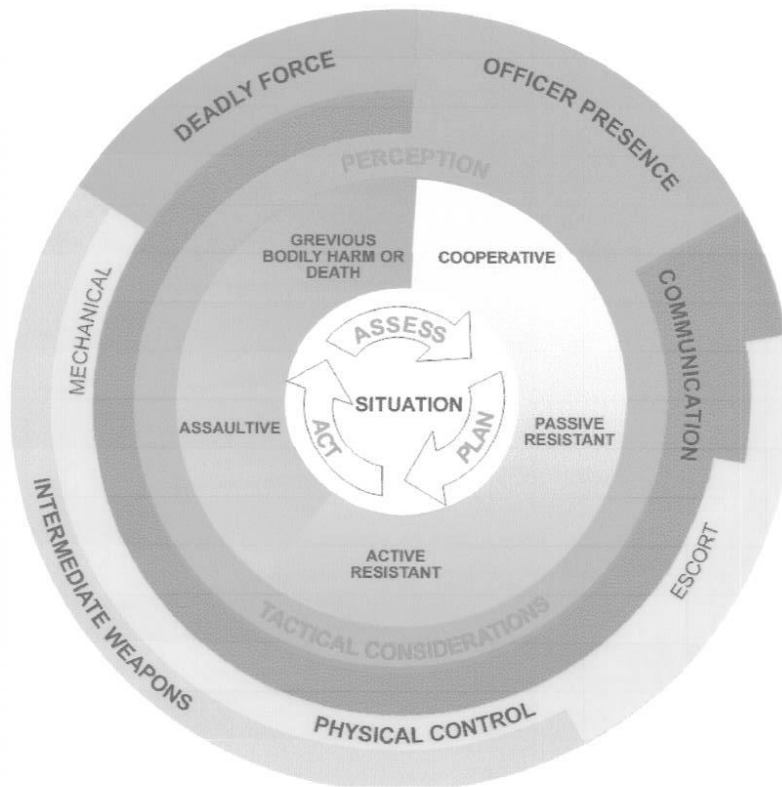
Officers of the Trinidad and Tobago Police Service are guided by the Police Service Regulations and the Standing Orders in the performance of their duties, and in the event of a breach, disciplinary proceedings would be initiated. In the same context, this policy supplements both the Police Service Regulations and the Standing orders and any officer who is proven to deviate from the guidelines outlined in this policy shall be in breach of this policy and held accountable and/or criminally liable for their actions.

Within twenty-four (24) hours of any reported incident of use of force, the Divisional Commander shall appoint an investigating officer of the rank of Assistant Superintendent or above and consistent with the provisions of Departmental Order No. 176 of 2008. The investigating officer shall submit a report no later than seven (7) days after being appointed.

On receipt of the report of the investigating officer, if the report reveals that excessive force was used, the Divisional Commander shall cause disciplinary proceedings to be initiated on the officer accused of using excessive force. These disciplinary proceedings, however, will be without prejudice to any criminal charges that may be initiated against the officer before the Courts.

## Appendix A

### TTPS Use of Force Operational Model



This Force Options Model is to be used for the training of all TTPS members and directly relates to the TTPS Use of Force Policy.

## References

- Burlington Police Department: *Use of Force Report Form – Officer Report*
- Criminology Research Centre, Canada: *Use of Force Policy*
- Denver Police Department: *Use of Force Policy*
- Edmonton Police Service: *Use of Force Policy*
- Guard and Emergency Branch, Trinidad and Tobago Police Service: *Situational Use of Force Options*
- Laws of Trinidad and Tobago: *Police Service Act, 2006*
- London Metropolitan Police: *Use of Force Policy*
- Minnesota: *Use of Force Policy*
- New Jersey Attorney General Office: *Use of Force Police*, June 2000
- Special Anti Crime Unit of Trinidad and Tobago: *Rules of Engagement*
- State of Louisiana: *In Service Manual*
- Toronto Police Service: *Use of Force Policy*
- Trinidad and Tobago Police Service: *Use of Force Policy 2003*
- Trinidad and Tobago Police Service: *Standing Orders*
- United States Department of Justice: *Use of Force – Overview of National and Local Data*
- United Nations: *Manual of Guidance on Police Use of Firearms*
- Trinidad and Tobago Police Service: *Departmental Order No. 176 of 2008*

PART III – NIL



Commissioner of Police