

Can 8 Wait?

**A review of use of force policies
in Florida and perspectives on
their effectiveness**

An Executive Summary of
the Research Report for the
LeRoy Collins Institute at
Florida State University

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EXECUTIVE SUMMARY

The Problem

While there has been an expansive public conversation around police use of force following the tragic death of George Floyd in police custody, there has been limited research to inform policy discussions. Led by Campaign Zero and their advocacy of policy reform under the banner of 8 Can't Wait, eight policies have particularly been elevated in discussions. This includes: (1) requiring de-escalation; (2) employing a use of force continuum; (3) banning the use of chokeholds and strangleholds; (4) providing a warning prior to shooting at a civilian; (5) banning shooting at moving vehicles; (6) requiring officers to exhaust all alternative reasonable means before resorting to deadly force; (7) establishing a duty to intervene and stop other officers from using excessive force; and (8) ensuring comprehensive reporting of each time force is used or threatened to be used. To understand how individual agencies prioritize the various procedures that have been placed on center stage in the police reform conversation, it is necessary to conduct more systematic policy review and engage police leadership. Moreover, there is a need to more systematically analyze data to establish correlations between these policies and incidents of police use of force. There is also a need to

develop more comprehensive analysis of patterns in the police use of force, expanding attention from simply police-involved deaths to broader patterns of police use of force, including suspect injuries and weapons discharge, as well as the circumstances that influence police use of force. This study aims to begin to fill this research gap, starting with study of the policies, perspectives, and practices of the Florida police agencies participating in the FBI use of force database.



Project Goals

Nationally, there has been heightened attention to police use of force in recent years. Our report compiles a compendium of the use of force policies and strategies employed by the 65 Florida police agencies in the study. Sixty-three of agencies were chosen based on their participation in the FBI's Use of Force data collection program at the time of project commencement, with two additional agencies subsequently added. This will strengthen the transparency of police agencies across the state, addressing public concerns and community calls for police accountability. Canvassing police agencies regarding their policies and how they are prioritized, ensure there is consideration of their views and the efforts that they are taking to make reform in conversations around police use of force. This will help strengthen public trust in the police, build morale within police agencies, and improve police recruitment and retention.

Our original research questions were: What policies do Florida police agencies have with regard to use of force and how effective are these policies? How do these policies relate to incidents of police use of force in different jurisdictions? What other factors continue to shape police use of force in Florida? What policy reforms could reduce police use of force and improve police-community relationships?

Research Method

There are three principal components of our research design: (1) a policy scan of police use of force plans; (2) a quantitative analysis correlating the number of violent incidents involving law enforcement officers to sociodemographic factors and policies present in each jurisdiction; and (3) qualitative interview research to examine police perspectives on use of force policies.

First, we conducted a policy scan of the Police Use of Force or Response to Resistance Policies for the Florida police agencies identified as participating in the FBI Use-of-Force database in the spring of 2021. A document content analysis was employed to identify which policies Florida police forces have. Multiple readings of the documents were conducted by members of the research team and Dedoose software was used to code the data. Evaluating police use of force and response to resistance policies, we coded when agencies had policies restricting the police use of force by: (1) requiring officers to de-escalate situation; (2) employing a use of force continuum; (3) banning the use of chokeholds and strangleholds; (4) requiring officers to give a warning prior to shooting at a civilian; (5) banning shooting at moving vehicles; (6) requiring officers to exhaust all alternative reasonable means before resorting to deadly force; (7) requiring officers to intervene and stop other officers from using excessive force; and (8) requiring comprehensive reporting of each time force is used or threatened to be used.

Following this scan, we examined any observable patterns in the agencies that have adopted policies to reduce the use of excessive force. We also examined statistical correlations between the use of force policies and the rates of different types of incidents involving police use of force. The FBI began collecting data on police use of force in 2019 to create a national database on use of force. In 2020, 64 agencies in Florida participated and provided use-of-force data. Participating agencies in the FBI Use-of-Force database provide information regarding incidents involving three types of force, including: deaths due to police use of force, serious bodily injury due to police use of force, and police firearm discharges not otherwise resulting in death or serious bodily injury. However, the FBI has not released the use of force data for the state of Florida because of low participation rates by agencies in the state. In the absence of this information, we requested compiled statistics from the Florida Department of Law Enforcement. We supplemented this data with information from the Washington Post's Fatal Force database and the Mapping Police Violence database to provide a more comprehensive dataset. We also conducted regressions to test for other observable patterns in the data, such as any potential influence of racial, age, and income composition of the jurisdiction, relating them to the number of Use of Force incidents.

Lastly, to add experiential knowledge to our study, we also conducted interviews with representatives of the police departments,

examining their perspectives on use of force policies and their effectiveness. We ultimately conducted 12 interviews, alongside two additional sets of written responses to our interview questions, across six jurisdictions. Through the interviews we sought the perspectives of police leadership on the effectiveness or feasibility of each of the eight policies currently at the center of discussion around reforming police use of force policies, as well as whether they believe other important policies are being missed from this conversation. We inquired into their understanding of the circumstances that influence police use of force in their jurisdiction. We also examined how police leadership ensures policy compliance and how often they view use of force training is necessary and effective, as well as how they investigate incidents of police use of force. Finally, we asked how they conduct policy review and change processes, and what role they perceive the public as playing in these processes. Interviews aimed to provide more nuance and allow for data triangulation to support our policy and quantitative results.

KEY FINDINGS

Finding #1:

Large range of implementation of 8CantWait policies across agencies (62 - 97%)

With each agency holding discretion over adopting its own policies, our policy scan of 65 Florida police agencies found that agencies had adopted a wide range of policies. At the time of our research, almost a third of the agencies reviewed (30.8%) had all eight policies in place. An additional 24.6% had seven of the policies in place, while 20.0% had six and 15.4% had five. Only 9.2% had four or less of the policies in place. However, as these policies provide a foundation for ensuring accountability in police use of force and public trust in police agencies, the gaps remain an area of substantial concern.

While a majority of agencies implemented each of the eight recommended policies, rates of adoption ranged from 96.9% to 61.5%. Sixty-three of the 65 reviewed agencies (96.9%) had policies outlining clear internal reporting processes to document use of force. However, as we will discuss later in the report, the effective tracking of incidents within an agency did not ensure that there was comprehensive reporting to the public. Fifty-seven agencies (87.7%) had a policy that required officers to exhaust all alternative reasonable means before resorting to deadly force. Fifty-five

agencies (84.6%) had bans on shooting at moving vehicles unless it was a situation requiring the use of deadly force. Fifty-three agencies (81.5%) employed an instrument, such as a use of force continuum or matrix, that delineated stages and considerations for the escalation of force.

Fifty-two agencies (80.0%) had a requirement that officers use de-escalation techniques, such as persuasion, prior to use of force, if possible.

Fifty-two agencies (80.0%) explicitly stated that officers had a duty to intervene in cases where they witnessed another officer using excessive force. Forty-seven agencies (72.3%) had policies that explicitly banned the use of chokeholds and strangleholds (including both vascular and carotid restraints) unless it was a deadly force situation.

Forty agencies (61.5%) had policies requiring officers, when feasible, to give a verbal warning prior to shooting at a civilian.

Finding #2:

Three 8CantWait policies decrease use of force reports (exhaust alternative, require de-escalation, and continuum of force)

Statistical Analysis was conducted using data obtained through a public records request to the Florida Department of Law Enforcement for the compiled Use of Force data, supplemented by the publicly available information recorded by the

KEY FINDINGS

Mapping Police Violence project and the Washington Post's Fatal Force database. Statistical analyses were run to determine if any of the 8 Can't Wait policies have a depressive effect on the number of Use of Force incidents reported. Using a Poisson distribution model, it was found that three policies (i.e., Exhaust alternatives, Require De-escalation, and Continuum of Force) have a statistically significant depressive effect on the number of Use of Force reports.

Finding #3: **Higher housing vacancy rates and percentage of Black population increase use of force reports**

Statistical analyses were run to determine any sociodemographic factors that may affect the rate of Use of Force reports per capita. To determine relationships between the per capita rate of Use of Force incidents and sociodemographic factors, a multiple linear regression following a Box-Cox transformation on the dependent variable (i.e., per capita rate of Use of Force reports), was conducted. The resulting model is statistically significant (i.e., $p < 0.01$, $R^2 = 0.5681$), but shows no trends (expected or otherwise) in the variable coefficients, with two exceptions. First, the percentage of housing unit vacancy increases the transformed rate of Use of Force reports. Second, the percentage of the population identifying as

Black (~8.1978) increased the transformed rate of Use of Force reports more than the percentage of the population that identifies as White (~7.2532). The small number of observations limit the reliability and power of both statistical analyses. We suggest that data be collected from additional jurisdictions to increase the observation count and include spatial data with these reports to allow additional types of analyses to be run.

Finding #4: **Major lack of transparency, access, and standardization of police use of force data for the state of Florida**

The most significant finding from our quantitative research was the significant barriers to using the Use of Force data collected by Florida law enforcement agencies and reported to the FDLE. The initial barrier is the difficulties and time associated with simply accessing the data, which requires submitting public records requests, waiting for the request to be fulfilled, and then filing subsequent requests to address gaps in the data. The second barrier to using FDLE data is that it is not conveyed in a format conducive to analysis and requires substantial data processing time to transform it (from pdf format) into usable data tables. A third barrier was that not all fields are consistently reported, limiting the usefulness of the data. A fourth barrier to analysis is that the data reported has no spatial components,

KEY FINDINGS

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preventing any meaningful spatial analysis of these reports. To ensure greater police transparency there need to be substantial reforms to improve data access and quality.

Finding #5:
Police leader consensus on importance of requiring a duty to intervene to decrease use of force incidents

To add experiential knowledge of policy implementation issues to our study, we reviewed perspectives of several police leaders. The key findings of our qualitative research provide important context to our study, and several important themes emerged from our interviews with police leaders. All police leaders that we spoke to agreed on the importance of requiring and implementing a policy on duty to intervene. Some leaders noted that rapidly evolving events and related distractions could complicate officers' ability to intervene, as they may not have complete awareness of what is happening in a situation. However, effective checks and balances

related to the actions of fellow officers appear integral to ensuring the legitimacy of policy authority, particularly in the wake of George Floyd's death in police custody.

Finding #6:
The implementation of the majority of 8Can'tWait policies is conditional or applied "when feasible"

Addressing other policies proposed in the 8Can'tWait campaign, many police leaders agreed with the "spirit" of the proposed use of force policies but nonetheless expressed reservations about implementing them. While most agencies included versions of the majority of the recommended 8Can'tWait use of force policies, many policies were prefaced by verbiage about the policy applying "when feasible." Thus, requirements for the use of de-escalation tactics and providing warning prior to shoot, as well as bans on the use of chokeholds and strangleholds and shooting at moving vehicles tended to be conditional. There is a need to explain to the public exceptions to some use of force practices due to

KEY FINDINGS

exigent circumstances. Moreover, police trainers must be explicit in the need to ensure that such exceptions are rare.

Finding #7:
Experienced officers make a difference in decreasing use of force reports

Another significant finding from our qualitative interviews involved the importance of experience in policing. Police leaders frequently discussed how law enforcement officers with longer careers have better outcomes with respect to use of force decisions. This part of the leaders' discussions suggests that agencies should establish more extensive and effective use of force training for newer officers before they are assigned to shifts with direct police-citizen contact and support them to build experience in partnership with more experienced officers.

Finding #8:
Need to build trust to repair strained law enforcement relationships with communities of color

Police leaders acknowledged that there were often strained relationships between their agency and communities of color. While police leadership strongly asserted that race should not play a role

in policing and police use of force, our statistical findings indicate that racial demographics continue to play a role in use of force incidents. Police leaders emphasized the work that their agency was doing to rebuild these historically strained relationships, often emphasizing the importance of informal community engagement activities. Some also acknowledged that initiatives such as community review boards were establishing new relationships between the community and their agency. These discussions reiterate the importance of initiatives to build community trust, particularly with communities of color.

Finding #9:
Mistakes trigger changes in use of force policies

In our interviews, police leaders addressed the three predominant aspects of how their agencies remained current and at the forefront of policy development. They looked to other agencies' policies in nearby geographic proximity and drew from external sources such as organizations, universities and the private sector for best practices. Leadership also played an important role in guiding policy development and policy reform. Finally, they noted that learning from mistakes that occurred oftentimes triggered changes in use of force policies.

KEY FINDINGS

Finding #10:
Leadership focused on image management in discussions of use of force

We also found that police leaders regularly made efforts to promote what they believed to be positive aspects of their agency and officers. For instance, while police leaders acknowledged that some people in communities of color distrusted the police, they regularly highlighted that there were positive relationships with other members of these communities. Thus, image management seemed to be a central concern of police leaders, which is understandable in the current sociopolitical climate and the associated demands for police reform, accountability, and transparency. While redirecting the focus to positive examples of policing and agencies' stated commitments to ethical and legal behavior is vital, it is important to ensure that this is not a substitute for making substantive policy changes. As other researchers have noted, policy reform is important to ensure police policies reflect evolving standards across the nation and work to regain public trust.

Finding #11:
Critical need to improve relationships between police agencies and research institutions

Our interview experience underscored the need again to build better relationships between researchers and police agencies. Police reform conversations must include input from police leadership, especially with respect to the best methods of implementation for the much-needed reform. But to ensure these perspectives are included in policy research, police leaders need to actively collaborate with researchers based on a shared interest in maintaining public safety and ensuring accountability. While the interviews we conducted were very valuable and informative, we had a difficult time recruiting participants and had a low response rate to our repeated interview requests. We believe that our examination could have been even more enlightening if there were more interview participants. Based on such a low response rate, we suggest that efforts to establish rapport between police leaders and researchers should be prioritized, as it will increase leaders' willingness to participate in future studies. Researchers could also greatly benefit from the assistance of policymakers and community advocates who already have well-established relationships with police agencies.



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POLICY RECOMMENDATIONS

Based on our research, we offer a series more specific recommendations for local level and state level police agencies. These recommendations are not exhaustive, but represent a more explicit approach to integrating standardized data collection procedures, additional training, inclusive engagement practices, and community policing.

(A) Local level recommendations for police agencies

A1: Improve communication with communities of color

We recommend three ways for agencies to improve communication with communities of color:

- Center and elevate the importance of transparency and communication around the use of force policies employed by agencies.
- Improve transparency and accountability through increased digital information sharing via social media.
- Conduct monthly roundtables with communities, stakeholders, and activists.

A2: Build formalized connections between police and communities of color

We recommend two ways for agencies to formalize practices to engage communities of color:

- Create community review boards that have decision-making authority.
- Create more formal community policing programs to strengthen law enforcement and community relationships.

A3: Improve access to critical trainings on use of force for police officers

Additional training was recognized by officers as a key component of effectively implementing a use of force policy, we have four recommendations in this area:

- Support and enhance opportunities for officers to interact with community members and develop experience in community policing.
- Provide more opportunities for comprehensive use of force training.
- Offer cultural competence and implicit bias training by external organizations.
- Establish Offices of Diversity, Equity, and Inclusion.

A4: Develop collaborative research relationships and data transparency

Police leaders acknowledged the importance of public transparency, and we have two recommendations to improve this area:

- Collect and share better contextual data to observe nuanced patterns in use of force.
- Create collaborative engagement networks among law enforcement agencies and research institutions.

A5: Incorporate best practices in use of force from various sources

It is important to establish best practices as benchmarks for agencies to match and follow; thus, we recommend:

- Implement best practices found to be effective at decreasing use of force incidents.

(B) State level recommendations for organizations

B1: Standardize data collection for the Florida Department of Law Enforcement and ensure it is readily available to the public

To improve law enforcement agencies' transparency with the public, additional steps are needed in both data collection and distribution. This data is not readily available and difficult to use. We have four recommendations to improve data access:

- Collected data should be standardized.
- Data should be complete and finalized when reported.
- Additional information should be reported, including locational data.
- Use of force data should be readily available and accessible to the public.

B2: Create state- and nation-wide programs to incentivize complete data reporting

Agencies should be supported to create additional, more consistent, and more available data. Thus, we recommend that better data collection should be incentivized by state and federal agencies:

- Incentivize police agencies engaging in data collection and maintenance by providing state and federal funding to support this work.

B3: Implement laws mandating comprehensive data tracking and reporting

To improve transparency efforts, and improve public confidence, states should pass legislation that requires law enforcement agencies to implement systems that track and report instances of police misconduct. We have two recommendations in this area.

- State legislation should require police agencies to release information on the use of force incidents to the public.
- State legislation should require state-wide tracking of officers with repeat incidents and allegations of police use of force misconduct.

LeRoyCollins INSTITUTE

Established in 1988, the LeRoy Collins Institute is a nonpartisan, statewide policy organization which studies and promotes creative solutions to key private and public issues facing the people of Florida and the nation. The Institute is located in Tallahassee at Florida State University.

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