

FOCUS

Commentary

# The no hesitation

immediate problem solver

BY SCOTT SAVAGE

*An unarmed man has been shot and killed by the police. His family is devastated. Bystanders captured the event on cell phone video and have uploaded it to YouTube. The video has over 3 million views and has been picked up by the national media. The killing has sparked protests all over the country and added fuel to an already scorching national debate about law enforcement use of force. The officer was initially placed on leave, then fired, arrested and criminally prosecuted.*

*The event has far-reaching consequences for the officer's agency and its staff as they try to recover. The department's administration has had to implement new programs aimed at mending relations with the community and avoiding further incidents.*

*The killing went on to affect every police officer in the country because the public tends to perceive all police officers as one large group as opposed to individuals. Citizens from all over the country saw their local officers as somehow complicit. Although the involved officer shot the man because of a mistake of fact (he thought he saw a gun), the repercussions are irrecoverable for the officer, the dead man and both their families.*

Although the aforementioned event is fictional, it is illustrative of actual events published in headlines on a weekly basis. Officers from agencies big and small and from all over the country have become infamous overnight. Issues of race have been in the forefront of the national conversation; so too is how police use force, especially in the context of suspects who are either wanted for a minor crime, mentally ill or disabled. Individual officers' decision-making processes are hotly debated.

Each of the cases in the headlines in the past few years has had its own unique set of challenging circumstances. Without being present on scene, none of us can know with

certainty what occurred or how we would have reacted. Second guessing an officer's decision is mostly forbidden in some law enforcement circles because "we weren't there." Yet we should still try to learn what lessons we can from those events, and then do whatever is in our power to avoid a repeat of past tragedies.

## TRENDS

There are trends in the countless viral police videos on the internet. The first is that of an incident involving officers trying to impose their will on a person who will not voluntarily cooperate. The viral video shows an officer contacting someone who for whatever reason won't comply with directives. Instead of retreating or regrouping, most of the videos then show the officer continuing to press forward and engaging to try to exert control over the uncooperative person. Oftentimes the officer is alone without any back up.

The second common trend on viral police videos starts with officers immersing themselves in a problem that they really don't have the ability to solve. The video shows an officer has been called to fix a problem that has been years in the making, such as drug addiction, mental illness, family issues and behavioral problems. Even though it's a problem that the officer cannot realistically solve, the officer immediately jumps into the crisis. The officer is often alone, operating in a tense circumstance, and seems to feel he or she must make an immediate decision and take definitive action right away.

## THE POLICE: THE WORLD'S PROBLEM SOLVERS?

Some would no doubt argue that imposing their will and solving everyone's problems is exactly what the police are supposed to do. The police,

it is argued, are the world's problem solvers. Plus, taking charge and handling business are two basic tenets of police work, right? The officers in the videos do not shy away from any challenge and instead jump in head first to take on whatever mess they have found themselves wrapped up in. These officers could be referred to as "no hesitation immediate problem solvers."

---

# SECOND GUESSING AN OFFICER'S DECISION IS MOSTLY FORBIDDEN IN SOME LAW ENFORCEMENT CIRCLES BECAUSE "WE WEREN'T THERE."

While not hesitating to try to solve a problem is certainly noble, that nobility is often rewarded by the officer being assaulted. The same videos often show things quickly escalating to the point where the officer is killed or kills the suspect. But if these officers were placed in a situation that was largely unwinnable, where they didn't have the ability to solve the problem in the first place, why then were they using force to try to exert their will? If we take a step back and look at the messages we give young police officers during their initial training, we may be able to illuminate the reasons why.

In basic academy instruction and in field training programs, young officers are taught to dominate most aspects of their interactions with suspects by boldly asserting themselves.

They are often left with the message that they can and should attempt to solve every problem. Perhaps we don't spend enough time teaching them the more difficult concept of knowing when to assert themselves and when not to.

---

## **IN THE ACADEMY, COPS ARE TAUGHT TO BE "ONE PART PSYCHOLOGIST, ONE PART MARRIAGE COUNSELOR, ONE PART WARRIOR," AND ON AND ON. THE TRUTH IS, HOWEVER, THEY ARE ACTUALLY NONE OF THOSE THINGS.**

While a can-do attitude is an admirable and essential quality of an officer, such an attitude must be tempered by the knowledge that there are in fact things we cannot do. A "ready to take on the world" demeanor is a wonderful quality in an officer, but it must come with the realistic awareness that we in fact cannot take on the world. So many online police videos show officers quickly inserting themselves in the fray of whatever crisis has developed and then trying to rapidly control it. While a swift decision or overwhelming violence of action is sometimes the very best answer to a

problem, there are just as many times when it is not.

Recruits and seasoned officers alike must be trained and re-trained to know when backing off or re-maneuvering would be the best option. Of course, there will be times when officers will find themselves under attack or unable to postpone taking action, but in every other circumstance perhaps another approach would save lives, both officer and suspect alike.

Most seasoned officers, over time, come to realize they are unequipped and incapable of solving everyone's problems. Regardless of anyone's expectations, problem-solving abilities are restrained by the resources available, laws, the support of the victim, the support of one's agency and the public, the sanity and sobriety of the suspect, etc. In the academy, cops are taught to be "one part psychologist, one part marriage counselor, one part warrior," and on and on. The truth is, however, they are actually none of those things. They are police officers, with all the strengths and limitations the occupation provides.

New officers may not realize that there are some problems they cannot solve. They may be blissfully unaware that some of the issues presented on calls for service are issues that simply cannot be fixed. Without that self-awareness, they may feel that they should, and even must, take an affirmative action to solve everyone's problems. Hopefully, these officers will learn from other officers that they cannot solve everyone's problems and sometimes, the best thing they can do is nothing at all.

I can still remember my first incident when the incident commander announced we were going to disengage and walk away. The commander explained that because there was no acceptable way to solve the tactical dilemma we had been presented, we were going to leave. The call was for

an armed suicidal man alone in his own home and refusing to come out. He hadn't committed a crime, but I couldn't believe that we, the police, the supposed solvers of the world's problems, would not stay indefinitely on scene and fix the problem. I thought we must save him from himself. Looking back, it is easy to see the wisdom that commander had. He realized it was a no-win situation because the risk of action outweighed the benefit. Forcing entry could have easily produced a violent confrontation with the man we were supposedly there to save.

### **CHOOSING WHEN TO FIGHT**

The aforementioned incident commander realized that based on the resources he had and the laws under which he had to operate, there was no way to win, so he chose not to fight. In the sixth century, Sun Tzu wrote in his master work, "The Art of War," that "the winning army realizes the condition for victory first then fights. The losing army fights first then seeks victory." The lesson of that phrase is simple to understand but not always as easy to put into practice. It means that when facing an adversary, we must have the right conditions to win before we agree to engage. This isn't to say that we shouldn't defend ourselves when under sudden attack, because that is not what Sun Tzu was referencing. Instead he was illustrating the fact that none of us, even a military genius like himself, could win every fight. If even Sun Tzu knew there were fights he should avoid because he would lose, then certainly we are in good company if we follow his lead.

Of course, anything taken to an extreme can be foolish. Paralyzing hesitation, cowardice and laziness have no part in the mind of a police officer. But there is a chasm between those traits and that of the thinking police officer who is willing to not

engage when appropriate. Perhaps seeing our police power and influence in the proper context, with full appreciation of our limitations, may lead to better decision-making. It's a notion that every officer at all ranks in an organization must appreciate.

The chief must know that his or her officers are bound by the limitations of human performance and will act far from perfect. The first-line supervisor on the street must realize when it's time to tactically withdraw from an unwinnable scenario. And perhaps most importantly, the solo beat officer must recognize those fights not worth fighting and those situations where the juice simply isn't worth the squeeze.

---

## REFUSING TO ENGAGE, OR DELAYING ACTION UNTIL HE OR SHE HAS THE RIGHT CONDITIONS TO WIN, ISN'T WEAK. ON THE CONTRARY, IT'S A POWERFUL POSITION.

### POWER

While a "no hesitation immediate problem solver" jumps into every fray, the thinking, calculating and cunning officer does not. Refusing to engage, or delaying action until he or she has the right conditions to win, isn't weak. On the contrary, it's a powerful position. It is worthwhile to take a step back and look at the tremendous

power we have as a profession. Police officers carry a belt full of weapons and their vehicles are stocked with assault rifles and other tactical gear. Unlike any other profession in the world they themselves have the legal power to decide to shoot another human being, realizing it may very well kill them. What incredible power!

Police supervisors can call up SWAT teams, armored vehicles and air support. With the benefit of mutual aid, they can amass a small army of officers if the situation called for it. Incident commanders can set all those resources to bear on a situation with the simple push of a radio button. What incredible power!

As the saying goes, with great power comes great responsibility. We have the great responsibility to know when and under what conditions to apply that power. That power exists to sit in reserve until called up to assist us in enforcing a law or protecting someone's safety. We are simply a means to an end, not an end in and of ourselves. We exist as a profession to carry out the will of the public we serve.

### CHANGING

As a profession, we will continue to analyze and develop the way we operate. Especially when it comes to the way we use force, we will no doubt change, voluntarily or otherwise. One development of note is the Police Executive Research Foundation's project titled, "Re-Engineering Use of Force." Approximately 200 police chiefs and other police officials from various ranks, along with federal officials, academics and mental health experts, came to Washington, D.C., on Jan. 29, 2016, to continue discussions about new strategies for reducing police use of force in certain types of situations that do not involve suspects with firearms.

The discussions focused on a draft set of "30 Guiding Principles" that PERF has proposed, based on years of work involving hundreds of police officials, including several national conferences and field work in Scotland, Northern Ireland and the New York Police Department. The document that was created by this project is a set of 30 principles which those in attendance felt were worth exploring. As noted in the project's title, the group didn't seek to just improve the way we use force, they intended to completely "re-engineer" it. Whether you agree with the principles or not, it is certainly worth reading as it may have significant impacts in the way we move forward. Some of the principles may seem controversial or difficult to implement. There are others, however, such as "slowing the situation down" and using the principle of distance, cover and time to our advantage, which deserve our immediate attention.

We as profession might be best served by doing away with the "no hesitation immediate problem solver" mentality. We must replace it with a careful and calculating mentality that can help us navigate the highly litigious, violent and sometimes thankless era we are operating within.

### ABOUT THE AUTHOR

**Scott Savage** is a police officer with the Santa Clara (CA) Police Department and has 18 years of experience in law enforcement. His experience includes supervising critical incidents, team leader of a crisis negotiation team, assignment to a regional SWAT team and full-time assignment as a detective with the terrorism fusion center in San Francisco called the Northern California Regional Intelligence Center. He is also a critical incident response instructor. His previous career was that of a paramedic. Savage can be reached at [scottssavage123@yahoo.com](mailto:scottssavage123@yahoo.com).