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# IDEAS IN AMERICAN POLICING



Number 7  
June 2005

## *Social Theory and the Street Cop: The Case of Deadly Force*

*By David Klinger*

**S**ocial theory can serve many functions in the public policy arena. Two of the most important in the realm of crime and justice are: (1) guiding the actions of criminal justice agencies and personnel; and (2) explaining to members of the public how and why agencies and personnel act the way they do. When members of the criminal justice system have a good understanding of social theory, they can use it as a framework for setting goals, developing procedures to fulfill them, and tailoring training in ways that further them. Similarly, they will find it easier to explain their work to laymen and increase

public support for their actions if they grasp the theoretical underpinnings of their operations. This is certainly the case in the

world of policing where social theory has guided agencies in a variety of endeavors and helped the public understand both the

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goals of the police and the methods they use to reach them.

One place where social theory has been lacking, however, is in the critical area of deadly force. No decision that an officer can make is more important than the one to pull the trigger, for doing so is an exercise of the state's supreme power—the ability to end the lives of its citizens. Moreover, the social consequences of exercising this ultimate power can be quite profound, as time and again in our nation's recent history police shootings have led to political upheaval, community outrage, and even full-blown riots (Skolnick and Fyfe 1993).

Most officer-involved shootings do not prompt notable social disruption, but public concern about deadly force is always present. Americans have always been uneasy about being policed by an armed constabulary (Chevigny 1996; Klinger 2004), and their queasiness finds its clearest expression among police critics who discover something to complain about nearly every time an officer pulls the trigger. One reason for this state of affairs is that discourse about the use of deadly force has long revolved primarily around competing moral judgments about the police. Critics of law enforcement point, for example, to cases in which officers shoot unarmed citizens and say, "Cops are trigger happy." Meanwhile, police supporters point to officers who

are killed or injured in shootouts with criminals and say, "Cops are heroes."

If we are to bridge, or at least narrow, this divide and thereby ease the public's disquiet, I believe we must learn to think about the phenomenon of police shootings from a fresh frame of reference. We must find a standpoint that permits us to move past the passion-laden medium of morality and towards a deeper understanding of the social reality of deadly force in our society. Such a move might well serve to enlighten police critics and other concerned citizens about the nature of police work, the dangers officers face, how this influences their attitudes and actions, and what we can realistically expect police to do when confronted with life-and-death situations. Such enlightenment could, in turn, help the public, critics included, to see that lethal force is sometimes unavoidable; that police officers must sometimes kill people to protect themselves and other innocents from harm. A move away from the moral plane might also help remind police and their supporters that democratic policing requires restraint and forbearance on the part of those who carry a badge and gun. This, in turn, might help officers deal with citizens in ways that minimize the odds that gunfire will erupt, for extensive evidence indicates that how the police structure their interactions

with citizens can have a marked effect on the likelihood of violence.

In-depth case studies, practical experience, and empirical research have demonstrated that police will need to use deadly force less frequently if they adhere to a few simple, tactical principles. James Fyfe, for example, has written and spoken extensively during the past quarter century about how officers can use the principles of tactical knowledge and concealment to reduce the likelihood of having to resort to deadly force when handling potentially dangerous situations (Fyfe 2001; Scharf and Binder 1983).

Simply put, the principle of tactical knowledge holds that officers should develop as much information as they can about each potentially violent situation they are called upon to handle before committing themselves to a particular course of action. One critical component of this notion is that officers should keep their distance from potential adversaries, whenever it is possible, so they can limit the threat they face as they seek to understand better what is happening. Concealment refers to officers taking steps to limit the ability of persons who pose a threat to harm them. An important aspect of the concealment principle is the concept of cover—the idea that officers should position

themselves behind barriers, such as motor vehicles and telephone poles, when confronting individuals who are a real or potential threat. By maintaining cover, officers limit their exposure to gunfire and other potentially lethal threats. This, in turn, can: (1) dissuade individuals who might otherwise be willing to attack them from doing so; and (2) permit officers to take more time when deciding how to respond to threatening and potentially threatening situations. As a result, officers need not shoot when potential threats fail to materialize, and they may have enough time to decide how to resolve those situations that do involve danger without resorting to gunfire.

Training in the foregoing tactical principles, as well as others that can help prevent shootings, is common in U.S. law enforcement, but officers do not always utilize sound tactics in the field. Moreover, few members of the public at large, and even fewer police critics, seem to know that officers are trained to seek ways to avoid lethal confrontations with citizens.

I believe that one reason for this state of affairs is that the idea of managing interactions with an eye toward avoiding violence is underdeveloped. One consequence of this is that the full implications of the notion have yet to be realized in the law enforcement community. A second is that it has yet to be

articulated in a fashion that is readily comprehensible to the general public. This is where social theory comes in, for there exists a body of social scientific theory that can place the work of Fyfe and other commentators on police tactics in a larger intellectual context and therefore shed considerable light on the world of police violence. As a result, both the police and their critics may be able to see things a bit differently and thereby move toward a shared understanding of how to do good police work when lives hang in the balance.

The remainder of this essay articulates just how social theory can help officers to deal better with violent incidents and other potentially threatening situations. It also explains how social theory can help members of the public to understand better what they can realistically expect from those who have sworn to serve and protect them. As an initial step in this process, the next section seeks to establish the value of looking to social theory for

guidance in police matters. It will accomplish this by briefly reviewing a few cases where such theory has proven useful in realms of policing that are less dramatic than deadly force.

## How Social Theory has Influenced Police Work and Public Understanding

Our first example of the link between social theory and police operations comes from work that was done in the early 1980s to alter how police dealt with spousal assault. Before this time, police officers frequently did not arrest men who battered their intimate partners. Yielding to calls from battered women and their champions for the police to treat domestic violence more seriously, many state legislatures strengthened their assault laws. The new laws gave officers the legal authority to arrest men who beat their partners, and many police departments developed policies encouraging or

*[T]here exists a body of social scientific theory that can . . . shed considerable light on the world of police violence.*

mandating that officers make arrests (Klinger 1995; Sherman 1992). A key influence on this shift in law enforcement's approach to domestic violence was a study conducted by Sherman and Berk (1984), which found that men who were arrested when they attacked their female partners were less likely to batter again.

The notion that arrest lowers the odds of subsequent violence, while not always recognized as such, is clearly rooted in the classic theory of deterrence, which holds that punishing offenders leads to lower rates of offending (Beccaria 1764; Gibbs 1975). While subsequent studies of the effect of arrest on domestic violence offenders did not always support Sherman and Berk's finding of a deterrent effect (Sherman 1992), the deterrence doctrine provided a clear, reasonable, and simple message for advocates of legal and policy change. It also provided a clear explanation and justification for officers' actions: arresting batterers will lower rates of domestic violence and protect the vulnerable from aggressors. As a result, the social theory of deterrence has been a crucial guide to the public policy response to the problem of intimate partner violence for more than two decades.

Two other examples of social theory's influence on contemporary police practices come from community- and problem-oriented policing: zero-

tolerance policing and the SARA (Scan, Analyze, Respond, and Assess) model. Zero-tolerance policing grew out of Wilson and Kelling's (1982) "broken windows" argument that little offenses lead to big problems if communities aren't vigilant about disorder and minor offenses, a perspective that goes back to the social disorganization tradition of the Chicago school of social ecology (e.g., Shaw and McKay 1942). The core notion of this school of thought is that high levels of crime in communities are due to a decline in the community's capacity to control the behavior of its members. By taking care of small things, the broken windows thesis maintains, people can reassert their right to control the sorts of behavior that go on in their community and thereby short-circuit the dynamic that leads to serious crime problems. Because many of the minor problems that spawn bigger problems are petty crimes and other police concerns, the police play a central role in controlling crime when they address matters that normally fall within their purview. Thus is broken windows policing rooted in a simple yet profound bit of social theory that has been around for decades and gives rise to a dictum that both the police and the public can easily understand: help promote safe communities by taking care of the small stuff.

We can similarly trace the intellectual lineage of the SARA

model to the routine activities theory that Cohen and Felson set forth in 1979: crime happens when offenders and victims converge in time and space in the absence of capable guardians. From this is derived the crime- or problem-analysis triangle that officers throughout the nation use in developing strategies and programs to deal with specific problems that give rise to crime. By developing and implementing sound plans to change part of the victim-offender-guardianship dynamic at the time and/or place of incipient problems, officers can nip crime in the bud (Bynum 2001). Again, a profound piece of social theory provides a plan of action that is easily understood by the general public and appreciated by street cops: focus on the problem that gives rise to crime.

With these examples in hand, we can shift gears and move on to a brief discussion of a social science perspective that can help us reach a better understanding of police shootings: the sociology of risk and mistake.

## The Sociology of Risk and Mistake

The sociology of risk and mistake is rooted largely in organizational sociology, a subdiscipline that analyzes the structure and operation of formal organizations, such as police departments. Much of the work in the risk/mistake tradition focuses on how individual actors

in organizations perceive their environment and how they calculate the likelihood that unwanted, untoward events might occur. A good deal of this work addresses monetary and other economic losses, but is also very concerned with actual and potential human losses (Short and Clarke 1992). As a result, there is a sizable literature that seeks to assess how people's behavior in organizational settings can increase or decrease the threat of injury or death.

A key point in this body of work is the recognition that not all deaths, injuries, and other bad outcomes are avoidable. The notion of prevention is nonetheless central because the risk/mistake tradition focuses attention on attempts to do things better—to design systems better, organize units better, and have individuals behave better. In other words, the sociology of risk and mistake has a high degree of policy relevance, for it seeks to help practitioners identify the odds that something bad will happen and then find ways to reduce, blunt, or avoid these negative outcomes.

A fundamental precept of the sociology-of-risk framework is that mistakes, mishaps, and even disasters are socially organized and systematically produced by social structures, both macro and micro (Vaughn 1996). Therefore, how people are organized and how they operate—not just the traditional villain, operator error—are key to understanding

the use of deadly force by police officers. As will be shown below, this line of thinking is vital to understanding the use of deadly force by police officers. Before explaining how the sociology of risk can help us to understand police shootings better, however, some comments about the nature of officer-involved shootings are in order.

## Officer-Involved Shootings

Police shootings are quite rare. We don't know exactly how rare because police agencies are not required to report to any national body when their officers fire their weapons, and there is no comprehensive, voluntary data-collection system. The best estimates, however, put the ceiling on the number of officer-involved shootings, including those in which no one is hit by police, at a few thousand per year (Fyfe 2002; Klinger 2004).<sup>1</sup> When one considers that the U.S. has more than 750,000 cops (Hickman and Reaves 2003; Reaves and Hart 2001), who are involved in tens of millions of contacts with citizens each year (Langan et al. 2001), police shootings are clearly what risk

scholars call low-frequency events.

A major reason why officer-involved shootings are low-frequency events is that the rules governing firearms use by police permit officers to shoot in just two sorts of circumstances: (1) when they have reasonable belief that their life or the life of another innocent person is in imminent danger; and (2) to effect the arrest of felons fleeing from the scene of violent crimes (Callahan 2001).<sup>2</sup> While millions of violent crimes and other volatile situations take place across our nation each year (FBI 2003), the police are present at just a fraction of them. As a result, cops and crooks don't often find themselves together in time and space under circumstances in which officers *might* theoretically have legal cause to shoot. Furthermore, when officers do find themselves in felonious or other volatile circumstances, the citizens involved usually do not resist to a point that would justify deadly force under either the defense-of-life or fleeing-felon doctrines. It follows that the number of police-citizen encounters in which deadly force is legally permissible is but a fraction of the tens of millions of situations in which

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<sup>1</sup> The FBI provides a count of the number of citizens "justifiably killed" by law enforcement each year as part of its UCR program, but these data are incomplete (Fyfe 2002). FBI figures place the number of citizens killed by the police at 338 per year for the five years ending in 2003.

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<sup>2</sup> These rules reflect basic federal standards, as articulated, for example, in *Tennessee v. Garner* (1985). State law and department policy can, of course, place additional restrictions on when officers may shoot.

police officers interact with citizens each year.

That police infrequently encounter citizens under circumstances in which they have legal cause to use deadly force does not completely explain why shootings are so unusual, however, for research indicates that officers often hold their fire in cases where they could shoot (Scharf and Binder 1983; Klinger 2004). One reason for this would appear to be the simple fact that the vast majority of police officers have no desire to shoot anyone, so they hold their fire out of personal choice (Klinger 2004). A second reason is that officers, as we have seen, are trained to handle encounters in ways that minimize the likelihood that they will have to resort to lethal force. When officers follow their training by deploying behind cover and keeping their distance from armed individuals, for example, they can afford to hold their fire even though shooting would be perfectly permissible.

The use of proper tactics can also prevent volatile situations from escalating to a point at which deadly force would be a legitimate option for police. Few people who might be willing to take on the police will actually do so when officers confront them in ways that place them at a distinct disadvantage. For example, an armed robber is unlikely to try to pull his gun if he is stopped by two police officers who keep their distance and stay behind their

patrol cars while aiming their service weapons at him. In sum then, by employing sound tactics, officers can often avoid shootings by both deterring individuals from taking action that would justify gunfire and by providing a margin of safety for themselves in cases in which the use of deadly force would be appropriate.

Unfortunately, the obverse is also true: when officers don't use sound tactics, they can find themselves in shootings that could have been avoided. Take, for example, a hypothetical case in which officers are called to deal with an enraged man armed with a baseball bat who is standing outside his house. The officers walk to within a few feet of him and demand that he surrender his bat. The man refuses and instead strikes one of the officers with the bat. As the stricken officer falls to the ground, his partner draws her weapon and shoots the citizen before he can strike a second, and perhaps fatal, blow. It should be clear by now that the shooting could have been avoided, at least as it played out in this hypothetical scenario, if the officers had simply maintained some distance and kept a barrier, such as their patrol cars, between the man and themselves as they sought to resolve the situation.

The police cannot entirely avoid the use of deadly force, however. Some people, no matter what the police do, will take action that requires officers to fire. Included among such people

are those who are more afraid of going back to prison than they are of police bullets, people who believe they will prevail against the police they face, and lost souls who purposely provoke officers to shoot them in an unconventional form of self-destruction known in the business as "suicide-by-cop" (Klinger 2001). Fortunately, the police rarely encounter such individuals. Indeed, the vast majority of people, the vast majority of the time, won't do anything that would justify the use of deadly force, no matter how officers behave. During training sessions on police shootings that I conduct around the nation, I sometimes illustrate this point by noting that officers could take their gun belts off in the vast majority of their interactions with citizens and hand it over to the citizen with no adverse consequences to their safety. In other words, how officers comport themselves tactically in most interactions will not affect the likelihood of a shooting because citizens generally will not take any action that would seriously endanger anyone.

One can build on these general ideas about police-citizen interaction to craft a simple, fourfold taxonomy that cross-classifies the quality of officers' tactics against the occurrence of a shooting. As shown in Figure 1, doing so yields a 2x2 table with cells that correspond to cases in which: (1) officers used sound

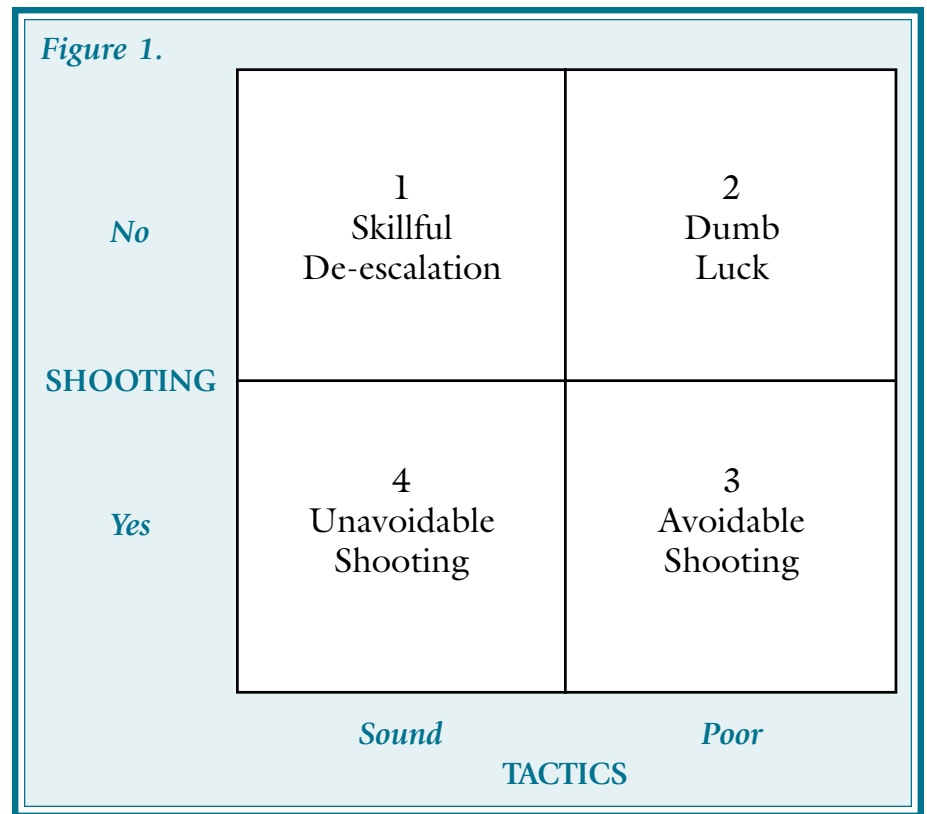


tactics and thus avoided a shooting that might otherwise have occurred; (2) officers used poor tactics and no shooting occurred—because the citizen involved did nothing to threaten the officers; (3) officers used poor tactics and had to shoot their way out of danger; and (4) officers had to fire to protect themselves or others, despite the use of sound tactics. Borrowing heavily from Fyfe (1988), who created a similar taxonomy to address the use of force by officers in general, we can call these four cells: (1) “skillful de-escalation,” (2) “dumb luck,” (3) “avoidable shooting,” and (4) “unavoidable shooting.”

Shootings rarely occur, as previously noted, so it is apparent that the vast majority of police-citizen interactions will fall into the first two cells of the table. We should therefore direct our attention to cells 3 and 4 as we try to understand more about how shootings do occur. The next step in this process will be to take a brief tour through normal accident theory (NAT), a theoretical perspective in the sociology of risk and disaster that can help us in our quest for answers.

## Normal Accident Theory (NAT) and Deadly Force

The eminent sociologist Charles Perrow developed NAT in the early 1980s to explain how bad things happen in high-tech



systems, such as nuclear power plants.<sup>3</sup> NAT asserts that understanding why things sometimes go wrong requires us to pay heed to two key factors: the complexity of systems and the extent to which their elements are coupled, or tied together. As the number of elements in a system grows and the interactions among the elements increase, the system becomes more complex. The more complex the system, the more things can go wrong and the less likely humans are to immediately understand what is happening, which makes it difficult to respond immediately

<sup>3</sup> In fact, Perrow developed the theory of normal accidents during research he conducted on the 1979 accident at the Three Mile Island nuclear power plant outside Harrisburg, PA.

to problems. Where coupling is concerned, as the elements of a system become more tightly bound together, the amount of slack in the system decreases. This, in turn, reduces the capacity of the system to deal with difficulties that might arise before they spin out of control and disaster ensues. Perrow argues that systems are more likely to have problems that lead to negative outcomes as they become more complex and tightly coupled. The term normal accident is thus used to describe his idea that the environments inherent in some types of systems are such that misfortunes are an almost inevitable part of them and hence normal. In sum, it is the core contention of NAT that the likelihood of negative events



will increase as systems become more tightly coupled and interactively complex (Perrow 1984).

With this sketch of Perrow's normal accident theory in hand, we can now move on to a discussion of how it applies to police shootings. Our starting point is the recognition that all police-citizen interactions are social systems, which can involve just two people—for example, a single officer and a single citizen at a traffic stop—or encompass hundreds of people who play a variety of social roles—officers, suspects, victims, bystanders, fire-rescue personnel, the media, and so on at a large-scale public disturbance. The next point is to recall the previously mentioned notion that police officers can often structure encounters in ways that reduce the likelihood of a shooting—by keeping some distance and taking cover, for example. If we think about these tactics in the language of NAT, what officers are doing is reducing the degree of coupling between themselves and suspects

and thus building slack into the social system in which they find themselves. This slack permits officers to take an extra moment—perhaps just a split second but often much longer—to assess the intentions of citizens before pulling the trigger.

Police-citizen encounters are often quite complex because a good portion of police work involves multiple officers. This is especially true of situations with a higher-than-average chance that gunfire might erupt because it is standard law enforcement practice to send more than one officer to incidents that involve a heightened degree of danger (Klinger 1997). For example, take a situation involving an individual who is wielding a knife and flailing about in a public square, prompting several officers to respond. Well-trained officers respond to such situations by having one officer do all the talking, assigning a small number of officers—usually one or two who are typically called “designated shooters” or “designated cover officers”—to

do any shooting that might be necessary if the situation deteriorates, and appointing the remaining officers to other specific roles. Having just one officer talk and/or give commands creates a linear rather than a complex communication process. This, in turn, reduces the likelihood that miscommunication between police and suspect or among the officers themselves might unnecessarily escalate matters. Having designated shooters permits the other officers present to confidently carry out whatever other activities might be useful for resolving the situation short of gunfire—whether they involve deploying less-lethal weapons, such as tasers or beanbag shotguns, or directing citizens away from the area.<sup>4</sup> The decision to draw fewer guns lessens the chance that an accidental discharge could lead to sympathetic gunfire and reduces the number of rounds fired if shooting becomes necessary. This both promotes the odds that the suspect will survive being shot and lessens the chances that stray bullets will hit other officers or innocent bystanders.

The value of the NAT framework can also be seen in the realm of more complicated police activities, such as dealing with

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<sup>4</sup> This involves actions that make a situation less tightly coupled—by putting more distance between the suspect and potential victims—and complex, since removing others to a distance means there are fewer people directly involved.

barricaded suspects. Standard police doctrine has long held that officers should not rush in and confront armed suspects who barricade themselves inside locations. It advises them, instead, to set up a perimeter to seal the suspect off from others, call for the help of a SWAT team and crisis negotiators, and then try to talk the suspect into leaving his stronghold position and surrendering (Fyfe 1996; Geller and Scott 1992). Staying outside at perimeter positions makes for a relationship between suspect and police that is much less tightly coupled than it would be if officers entered the suspect's location. Calling for SWAT and crisis negotiators rather than simply relying on patrol officers reduces the complexity of the situation because these specialists have unique training and work together as a unit. This means that fewer officers need to be involved, and there is less chance for miscommunication and misunderstanding among the police. Once SWAT and negotiators arrive, a single crisis negotiator will talk with the gunman, which means the communication process will be quite linear, as previously observed. Furthermore, whatever discussions the negotiator has with the suspect will generally be done over the phone, rather than face-to-face, which reduces the physical coupling between police and suspect. The end result of using SWAT and crisis negotiators

is to make for less complexity and coupling when dealing with barricaded suspects.

With all of this as background, we now turn our attention to some examples that illustrate both of the shooting cells from Figure 1. We will begin by looking at an unavoidable shooting involving an officer who responds to a robbery call. A well-trained officer, she arrives and deploys outside the location behind the cover offered by the engine block of her car—thereby minimizing the degree of coupling between herself and the suspect—and then waits there for additional units to show up. The suspect spots the officer, realizes that she stands between him and freedom, exits the front door, and runs toward her while raising his gun. In this instance of a very simple, two-person social system, the suspect increased the coupling between himself and the officer, precluding the officer from doing anything but firing her weapon to protect her life and the lives of any innocent bystanders.

Continuing with the armed robber example, we will illustrate a more involved scenario that falls into the unavoidable shooting category. Let us say that the suspect in the previous situation decides to stay put when the first officer arrives while the store clerk and customers flee, creating a classic barricade situation. When the suspect refuses to heed the patrol officers' demands to

surrender, patrol calls for SWAT and negotiators. SWAT deploys, and the negotiators then attempt to contact the suspect.

Unfortunately, he repeatedly refuses to talk, so the incident commander has the SWAT team employ a series of tactics to get him to peacefully surrender. The suspect still refuses to surrender and ignores additional attempts by the negotiators to open a dialogue. After some time has passed, the incident commander has SWAT fire several rounds of tear gas into the location. The suspect still refuses to negotiate or exit the location. When it becomes clear that the suspect will not come out, the commander decides that SWAT must go into the location to arrest the suspect and resolve the situation. As the officers enter, the suspect fires his weapon and members of the entry team return fire, thereby ending the standoff. In this case, it was the police who took the slack out of the system and increased coupling between themselves and the suspect. They did so, however, only after repeated attempts to use tactics that permit and usually achieve a bloodless resolution from a distance (Klinger and Rojek 2005). Consequently, the police used deadly force only when they had no remaining option to resolve a dangerous situation—in other words, another unavoidable shooting.

With two hypothetical examples of unavoidable

shootings in hand, we will use two actual cases to illustrate the notion of preventable shootings. The first is perhaps the most notorious officer-involved shooting in the history of U.S. law enforcement: the killing of West African immigrant Amadou Diallo by four detectives from the NYPD Street Crimes Unit who fired a total of forty-one rounds after Diallo pulled his wallet from his back pocket in the vestibule of a Bronx apartment building early one winter morning in 1999. The details of the incident have been widely reported, but here are the basics.<sup>5</sup> As the four plain-clothes officers were cruising down Wheeler Avenue in the South Bronx in their unmarked vehicle, one of them, Sean Carroll, spotted a slightly built black male acting in what he deemed to be a suspicious fashion at the entrance of an apartment building. Carroll told the driver, Kenneth Boss, to stop so they could investigate. Boss did so, then backed up, and stopped again so that Carroll and Edward McMellon, the other detective sitting on the car's right side, could get out. Diallo, who was not yet identified, quickly

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<sup>5</sup> Readers interested in a more fine-grained overview of the incident might want to read the sixth chapter of Malcolm Gladwell's *Blink* (2005) or Jim Fyfe's essay, *Reflections on the Diallo Case* (2000), which draws on the work he did as a defense expert in the criminal case against the four officers who shot Diallo.

retreated into the vestibule and began "reaching into his right-hand side"<sup>6</sup> with his right hand. Carroll and McMellon, who had drawn their guns in the belief that Diallo might be attempting to pull one himself, charged into the vestibule intending to grab Diallo before he could retrieve the gun for which they believed he was fishing.

As Carroll and McMellon shouted at Diallo to freeze, he quickly pulled a dark object from his right side and began turning his body counterclockwise in their direction. Diallo then started to extend his right hand, which was still clutching the dark object, towards the officers. Believing the object in Diallo's hand to be a firearm, Carroll shouted "Gun!!" and started to shoot. McMellon also commenced firing as both officers scrambled to back out of the small vestibule, which was only about five by seven feet. By this time, Detective Boss and the fourth officer, Richard Murphy, were running to the aid of their partners. As they sprinted to assist, McMellon tripped and fell backwards down the stairs he had just run up. Believing McMellon had just been shot, Boss and Murphy peered into the vestibule, where they saw Diallo standing and pointing a dark object in

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<sup>6</sup> All direct quotes in this discussion of the Diallo case come from Carroll's testimony in the criminal trial that resulted from the shooting.

their direction. They began firing their pistols at him. All four officers ceased firing when Diallo fell down from the cumulative effect of 19 bullets hitting his body.

After reloading his weapon, Carroll went up to check on Diallo and secure what he believed to be the pistol Diallo had pointed at him and his partners. When he grabbed the dark object he saw on the ground near Diallo's right hand, he felt the soft give of leather rather than the hard firmness of steel, realized the object was a wallet, and said, "Where's the fucking gun!" After coming up empty in a quick search of the rest of the vestibule for the gun he had seen, Carroll realized that he and his fellow officers had just shot an unarmed man.

The shooting became a major cause célèbre. The press played up the story of white cops killing an unarmed black man as part of a pattern of oppressive police practices against minorities by NYPD officers. The race industry and political forces that opposed the administration of former mayor Rudy Giuliani made a huge scene, and the four officers were indicted. All four were acquitted, but many people subscribed and continue to subscribe to the notion of a racially motivated killing. No evidence of racial animus on the part of any of the officers emerged at the trial, however, so the dominant theory of the

Amadou Diallo shooting does not offer a sound explanation for what happened early that February morning in 1999.

If we look at the shooting through the lens of Perrow's normal accident theory, however, we can make a good deal of sense about it. Indeed, a review of key points of the incident in light of NAT will disclose that what happened might be viewed as a predictable outcome of a five-person social system in which the behavior of the participants and the nature of the physical space produced a situation that was very tightly coupled and highly complex.

When Carroll and McMellon left the car to investigate, no one was clearly in charge. This meant that the officers were working as independent units instead of a single team, which unnecessarily complicated the social system in place when Carroll and McMellon confronted Diallo. Further difficulty arose when Carroll and McMellon approached Diallo in the vestibule because they greatly reduced the slack in the subsystem involving themselves and Diallo. With just feet between themselves and Diallo, no cover between them, and no place for Diallo to move, the system was very tightly coupled. When Diallo unexpectedly pulled an object from his right hand, the high degree of coupling meant that officers had but a fraction of a second to identify the object

before deciding on a course of action.

Once Carroll shouted "Gun," interactions between the people present and the physical environment came into play. As Carroll and McMellon tried to move away from Diallo—and thereby reduce the degree of coupling—an unexpected interaction between McMellon and the stairs emerged when he lost his footing and fell down. The gunshots that were ringing out seemed to indicate to the other officers that one of their team had been shot. Confirming this definition of the situation was additional evidence that resulted from the complex interactions between the participants and the physical environment of the vestibule. The interior door that Diallo was standing in front of had a highly reflective coating of paint, a metal kick plate at the bottom, a small pane of glass in the middle, and additional glass immediately above. As Carroll and McMellon fired their weapons, their muzzle flashes reflected off the door and its surroundings. Meanwhile, some of the officers' shots ricocheted back towards them, making it look as if Diallo was firing at them.

All of this (and other aspects of complexity and coupling that would take more space than would be appropriate here) adds up to a tragic accident in which four officers, one citizen, and their physical surroundings came

together in a way that led to the unnecessary death of the citizen. No racial animus, no evil intent, just a group of human beings caught up in a tightly coupled, interactively complex system in which a series of misunderstandings led to disaster. In sum, NAT provides an elegant framework for understanding one of the most controversial applications of deadly force in the history of U.S. policing.

A second and far less well-known example of a normal accident shooting will further demonstrate the value of the NAT perspective for understanding police shootings. In the late evening hours of August 27, 1997, a man named Sap Kray threatened his estranged wife with an assault rifle at her home in Tacoma, Washington. Kray's wife left and went to her job in a neighboring community. Kray then took his rifle and showed up there after a few hours, causing one of his wife's co-workers to notify the local police. When the police arrived, they confronted Kray and saw that he was armed with a rifle. They let him go since he did not seem to have committed any crimes in their jurisdiction. They did, however, advise Kray's wife to tell the Tacoma Police Department about her earlier assault. She left work, drove home, found her husband there, and called Tacoma police. Because the case involved an assault rifle, the Tacoma patrol

officers who responded decided to request assistance from their SWAT team.

Soon after the SWAT officers had deployed, a group of them saw Kray exit from the front door and walk towards his vehicle, which was parked in front the residence. Believing him to be unarmed, they demanded that Kray surrender, but he retreated toward the front door. Officer William Lowry and other members of the team gave chase in an attempt to prevent him from reentering the house. Kray nonetheless made it inside the house, while Lowry and some of the other officers who had chased him took cover behind a large tree approximately twenty feet from the door.

The officers tried to convince Kray to surrender, but he refused. At some point, Kray came to the open door, and one of the officers behind the tree shot him twice in the torso with less-lethal munitions from an ARWEN launcher.<sup>7</sup> Kray then fell back inside the residence, and Lowry, followed by three other officers, rushed in after him. As Lowry led the way into the residence, he observed Kray approximately ten feet inside the front door,

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<sup>7</sup> ARWEN stands for Anti-Riot Weapon Enfield. The term “less-lethal munitions” refer to a class of projectiles, such as wooden dowels, plastic batons, rubber bullets, and beanbags that are typically fired from shotguns and 37 or 40mm launching systems, such as the ARWEN (Hubbs and Klingner 2004).

pointing an assault rifle in his direction. He ordered Kray to drop the weapon, but Kray fired at the officers. Lowry returned three rounds from his weapon, shouted, “I’m hit,” and quickly left the house along with the rest of the entry team. Lowry was airlifted to a regional trauma center, where he was pronounced dead.

Several hours after he murdered Lowry, Kray peacefully surrendered to members of the Pierce County SWAT team, who had been called in to relieve Tacoma’s team after Lowry’s death. Lowry’s autopsy showed that a single bullet from Kray’s gun had led to his death. This was the only shot that Kray fired, as it turned out, and it went through Lowry’s left arm, penetrated his body armor near his left armpit, and exited his torso near his right armpit.<sup>8</sup>

If we look at the tragedy that played out in Tacoma that day through the lens of NAT, we can understand it as a classic example of a normal accident shooting. First off, if we think about the officers’ movements from the cover of the tree to the front door in light of normal accident theory, we can quickly see that this move increased the coupling between Kray and the officers.

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<sup>8</sup> For an additional account of the Lowry slaying, see: Jack Hopkins, Slain Tacoma officer Lowry is hailed as a ‘true hero,’ final farewell, *Seattle Post-Intelligencer*, 4 September 1997.

Had the members of the SWAT team remained behind the tree, they would have maintained slack in the micro social system that had developed that day, which would have kept them from the mortal danger that stood just meters away.

System complexity also played a key role in the Lowry shooting. One of the points that Perrow makes in his discussion of NAT is that the presence of safety devices can create unexpected interactions between system elements, thus increasing the degree of complexity, which in turn increases the degree of danger. Less-lethal launchers—such as the ARWEN used by Tacoma SWAT—are designed to help officers subdue combative or otherwise resistant subjects short of using deadly force while maintaining some distance. In other words, they are safety devices that help police to resolve volatile situations, such as the standoff with Kray, without resorting to gunfire.

In this case, however, it was the presence of the less-lethal ARWEN that set in motion the events that led to Lowry’s death. As well-trained officers, Lowry and his partners would not normally leave the safety of a cover point in a confrontation with an armed suspect. In this instance, they left only because the ARWEN rounds had struck Kray. Believing that it was safe to do so, they moved in to take their suspect into custody. By the

*Both tragedies were instances in which well-meaning police officers created tightly coupled, highly complex, social systems that led to disaster.*

time they realized that Kray had rearmed himself, the members of the arrest team found themselves in exposed positions staring down the barrel of an assault rifle. With no cover available, Lowry was an easy target for Kray's murderous attack.

The added complexity arising from the presence of the less-lethal ARWEN was therefore a critical determinant of the officers' decision to leave the cover of the tree and increase the coupling between Kray and themselves. Had the system been less complex—had the arrest team not had a purported safety device in the form of the ARWEN—Tacoma SWAT would have used other tactics that would have maintained the relatively loose coupling that linked Kray and police until the arrest team fired the ARWEN rounds.

## Concluding Comments

NAT has important implications regarding deadly

force beyond providing insight into specific officer-involved shootings. One of these is that it can help most citizens understand that some shootings are plainly unavoidable. All but the most extreme critics of the police can see that officers must shoot when dangerous suspects force their hand and foil police attempts to avoid gunfire through tactics that make for loose coupling and low complexity. NAT can also help citizens understand shootings that might otherwise seem incomprehensible—or be attributed to evil police designs—for it can make sense of cases such as the Diallo incident. The value of NAT for understanding police shootings is clarified when we reflect on the Diallo shooting in light of Officer Lowry's murder because no reasonable person could argue that the Tacoma SWAT team set out to get Lowry killed. Both tragedies were instances in which well-meaning police officers created tightly coupled, highly complex,

social systems that led to disaster. In sum, the perspective provided by NAT can help citizens see that the use of deadly force cannot be eliminated entirely and that shootings that didn't need to happen often involve a large dose of human error rather than evil intent.

NAT can also help the police. Police officers have a good deal of motivation to avoid shootings. In addition to the aforementioned aversion to taking life, officers seek to avoid gunplay because shootings put them in physical danger and can expose them to substantial legal, administrative, and financial liability (Bayley and Garofolo 1989). The desire to avoid these negatives translates into a desire to know how to lower the odds of finding themselves in shootings.

NAT offers an easily understood framework to help officers accomplish this goal: keep things simple and don't get too close, for in its distilled form, that's what NAT is really about as it concerns tactics in police work. Keeping these precepts in mind can help officers on the streets today see the importance of hewing to concepts such as tactical knowledge and concealment. Attention to these precepts, moreover, can also help guide the development of new tactical doctrines that might further reduce the likelihood of shootings in the future.

The underlying simplicity of

NAT's message is akin to that of other modern theories that have helped improve policing. The broken windows thesis, which is rooted in the social disorganization framework, can be reduced to "don't let things get out of hand." The routine activities perspective that animates problem-oriented policing can similarly be broken down to "solve the problem that leads to the crime," and the deterrence doctrine behind pro-arrest policies for domestic violence boils down to "arrest the strong to protect the weak." NAT, for its part, offers a simple, elegant idea that can help cops avoid unnecessary shootings and foster public understanding that sometimes police must use deadly force despite their best efforts to avoid it.

In sum, examples from diverse areas of policing show how social theory can serve as a tool to help officers both understand why they are doing what they do and help them to do it better. Because social theory has shown itself to be so valuable, it is my contention that we should search for additional issues in policing—besides those discussed here—on which social theory can shed valuable light. Doing so just might further help street cops as they go about doing the demanding job of protecting and serving the rest of us.

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