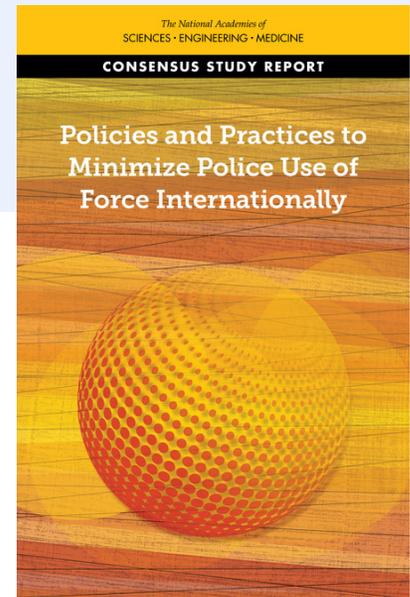


Policies and Practices to Minimize Police Use of Force Internationally

While police officers globally are authorized to use physical force in certain situations, for example, as a means of self-defense or to protect others from an attack, excessive use of physical force is one of the most prevalent forms of police misconduct. Governments and their citizens rely on law enforcement officials to uphold the rule of law and protect human life. Thus, when police fail to act according to internationally recognized standards regarding the use of force, they diminish the rule of law and put community safety at risk.

While incidents related to excessive use of force by police cannot be challenged, the scale to which police use of force is occurring is largely unknown, in part due to data limitations. The lack of scientific evidence on the prevalence of police use of force is directly related to the reluctance of many governments, including the United States, to collect and provide reliable, comprehensive data on incidents of use of force and counts of people wounded or killed during police encounters.

The lack of transparency about the extent of excessive force poses a major threat to the rule of law and to trust in state institutions. In some countries, media and civil society organizations have begun compiling individual cases and generating estimates of people killed in police encounters. These efforts to collect this information are encouraging; however, data on police use of force remain limited in most developing countries.



A large network of international and regional organizations, bilateral donors, international financial institutions, and civil society organizations aims to work with governments to improve policing practices and minimize police use of force. As a part of that network, the U.S. Department of State, through its Bureau of International Narcotics and Law Enforcement Affairs (INL), provides foreign assistance to and supports capacity building for criminal justice systems and police organizations in approximately 90 countries. Like many donors, it strives to direct its resources to the most effective approaches to achieve its mission.

As part of its efforts to improve its programs, INL asked the Committee on Law and Justice of the National Academies of Sciences, Engineering, and Medicine to convene an ad hoc committee to review, assess, and reach consensus on existing evidence on policing institutions, police practices and capacities, and police legitimacy in the international context. A committee with expertise in criminology, economics, international and organized crime, law, policing, and political science, was tasked to produce five reports, addressing questions of interest to INL and the State Department. The current report, *Policies and Practices to Minimize Police Use of Force Internationally*, the third in this series, answers questions about what policies and practices for police use of force are effective in promoting the rule of law and protecting the population, including officers themselves.

The report calls attention to several actions that, if supported by international donor organizations, would improve the knowledge available on use of force by police. These include guidance for improving the tracking, monitoring, and supervision of officer use of force and identifying effective interventions aimed at reducing police use of force. Below are the committee's main recommendations regarding data collection and use-of-force policies, training, oversight, and supervision.

AREAS FOR ACTION

Data and research on police use of force is limited and, in many cases, not sufficient for answering key questions about the scope of this issue. The studies that have been done examine policies, training, selection of officers, supervision, and accountability in some contexts.

However, many of the policies and programs implemented by police agencies have yet to be rigorously evaluated. A lack of reliable records on police use of force has impeded progress in evaluating the effectiveness of interventions. The data that are available focus on incidents of lethal force since deaths are more likely to be reported than other harms. However, even this limited information can be unreliable in some countries. The recommendations below provide guidance about how to address these deficiencies, offering a call to action on this issue.

DATA NEEDS

The current state of research on police use of force is limited by a lack of reliable tracking and data collected on lethal and nonlethal uses of force. Diverging definitions of “excessive” force, as well as the wide range of injuries and rights violations, create complexities that few nations have been able to track. Lack of reliable data hampers the ability to evaluate the effectiveness of practices designed to reduce police use of force.

To address these gaps, the committee recommends that international donor organizations, such as INL, support local and/or national systems in the collection and dissemination of standardized information about use of force by law enforcement officers. Priority should be given to the documentation and publication by an independent medical examiner or coroner of every case where someone (citizen or police) dies as result of a police encounter. Where these systems do not function reliably, donors should strongly support their creation or efforts to improve them.

Through funding mechanisms, international donor organizations are uniquely positioned to encourage partners to collect standardized information about force used by officers in the field. This data collection could occur within existing police reform programs, or it could be accomplished as a new program designed to test strategies to collect accurate data. Additionally, an assessment of a country's legal framework will be necessary to determine current laws and gaps in laws governing police use of force. Such an assessment will help define benchmarks to hold officers accountable to standards for using force for a given context.

USE OF FORCE POLICIES

Use of force policies serve three critical purposes, including by providing a mechanism for educating and re-educating police officers on what is directed and permissible under law and what are the expected considerations for deciding whether a use of force is appropriate; disincentivizing the use of force, particularly the use of force that exceeds the minimum amount necessary to establish control over a situation; and prohibiting the use of force in certain situations.

To address this need, the committee recommends that international donor organizations, such as INL, work with implementing partners to ensure that policies on police use of force have been developed or reviewed in consultation with relevant police oversight bodies and ombuds institutions. These policies should be impartially enforced, clearly defined, aligned with human rights standards, inclusive of mechanisms for civilian oversight, communicated to police officers through ongoing training opportunities, and regularly reviewed for effectiveness.

TRAINING FOR POLICE OFFICERS

Training is a critical component of efforts to control and restrain police use of force. However, there is no clear consensus about what content should be delivered, how, and with what frequency. The limited existing research regarding use of force has focused on training that was specifically aimed at reducing use of force that might be excessive, often in response to significant events of police misconduct and public complaints. This type of training has centered on developing procedural justice and de-escalation skills, and/or educating officers on human rights documents and principles. Other trainings have focused on how to use force in non-lethal manner.

Evaluations of police training, with few exceptions, have been limited to measuring officers' attitudes, opinions, and knowledge before and after the training and/or officer performance in simulated exercises. Police training programs have not been sufficiently evaluated in ways to verify their effectiveness in changing officer behaviors on the job.

To address this, the committee recommends that international donor organizations incentivize robust evaluations of training outcomes through extra funding assistance for partners willing to evaluate training programs, particularly any programs aimed at improving officers' skills at de-escalating situations before resorting to use of force. Where possible, evaluations should be done by comparing on-the-job actions taken by training participants and nonparticipants and linking completion of these programs with official records and data on use of force over time.

OVERSIGHT AND SUPERVISION

The committee identified a significant gap in oversight and supervision around police use of force at all levels. For example, while reports and information collected through technologies may assist in recording and monitoring uses of force, these systems need layers of active supervision that not only mentor officers and aim to correct poor behavior, but also track, report, and provide discipline to officers who violate norms, laws, policies, procedures, and training. Direct supervisors need training, resources, and institutional support to achieve these goals.

External mechanisms or oversight boards have also been instituted or considered in many countries to address deficiencies with internal investigations and discipline and to improve public transparency. However, there is significant variation in how these boards operate. Studies attribute shortcomings to the lack of proper investigatory powers, political support, human and financial resources, and powers of recommendation and follow-up. Importantly, there is not yet a body of empirical evidence to support the effectiveness of external monitoring bodies to minimize police use of force. More information on this type of oversight is needed.

The above recommendations outline actions that should be taken by international donors to improve the effectiveness of law enforcement agencies in addressing a significant international issue—excessive use of force by police.

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To read the full report, please visit
<http://www.nap.edu/26582>

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