

It's High Noon for American Policing

Thomas J. Lemmer, Resident Police Advisor to the Center for the Advancement of Research, Training, and Education, College of Arts and Sciences, Loyola University, Chicago

Abstract

Public safety within America's towns and cities relies heavily upon the strength of the relationship between the police and the community. Public perceptions relative to police legitimacy and the appropriateness of police actions are greatly influenced by media coverage, particularly negative coverage. Contentious encounters involving the police, even in small numbers and spread across the country, can create their own reality when highlighted in the national media. This emerging reality, built upon a distorted narrative relative to the frequency at which the police utilize deadly force, has brought with it a dangerous weakening of the police-community relationship, particularly within America's urban centers. Many community members are openly resistant to even the most basic police actions, and many police officers are showing growing reluctance to engage in proactive policing efforts that might require a use of force. In the 1952 film classic High Noon, the fictional town of Hadleyville was the setting for an epic tale of a broken bond between a community and its marshal. Ensuring that such a break in the bond between our police officers and our communities does not occur will require the active involvement of our police officers, elected officials, civic leaders, and the community-at-large.

Introduction

Even before the 1844 creation of the nation's first modern police force in New York City (Gaines & Miller, 2014), American law enforcement has been under attack to one degree or another from its very beginnings. More than 50 years earlier, New York Constable Darius Quimby from the Albany County Constable's Office was murdered on January 3, 1791 (Greenberg, 2015). However, the problem is far more complex than just the dangers posed from criminals as the attacks on American policing are not limited to the physical assaults on our officers. The attacks extend to the very fiber of policing, challenging the legitimacy of America's police departments and the personal and professional integrity of our officers. After a long period of improving police-community relationships following the tensions of the 1960s, the frequency, scale, and scope of these attacks

have once again become increasingly evident in recent years and, during the past three decades, never more so than has been the case since the summer of 2014.

The Growing Danger

The August 2014 officer-involved shooting incident that resulted in the death of an 18-year-old African-American male by a Caucasian police officer in Ferguson, Missouri, provides an example of the growing danger. Following this incident in a city with a population of just 21,000, "Ferguson" has gone from being the name of a local community to a noun describing a perception that excessive force by the police is pervasive across the nation, particularly with respect to black Americans. For many, Ferguson became a rallying point of protest for issues larger than the actual shooting incident (Casselman, 2014). It bears noting that such has remained the case

even after two extensive criminal investigations at the state and federal levels ultimately determined that the use of deadly force by the involved officer was lawful. Both investigations rejected the highly divisive “hands up, don’t shoot” narrative, which falsely alleged that the officer shot a person who was surrendering with his hands up, and even worse, that the officer did so knowingly (Eckholm & Apuzzo, 2015). Similar danger signs relative to the crucial relationship between our nation’s police officers and their communities can now be seen across the country – from small communities like Ferguson in the American heartland to cities like Baltimore, Maryland, and Cincinnati, Ohio, as well as in the nation’s largest city, New York City.

Not only is every action, or even inaction, of every police officer across the country under intensified scrutiny and endless second guessing, resistance to even the most basic actions of our police officers is increasing. Among a growing segment of the general public, there are false and dangerous perceptions relative to resisting arrest, and acceptance of open resistance to the lawful actions of our officers has become increasingly celebrated and popular. Self-declared experts in the political realm and the media have at times stated or repeated unfounded or even known-to-be false accusations that only served to deepen community tensions, which then have even helped to spark violence under the auspices of protest. Within this politically charged environment, any police actions with unintended outcomes, even honest miscalculations or mistakes made in the flash of an instant by police officers acting in good faith and confronting unlawful resistance, now have the potential to spark instant demands for criminal charges against the officers as if the involved officers had been engaged in willful, intentional, and premeditated misconduct on par with the deliberate criminal acts engaged in by the most despicable and notorious elements of our society.

As High Noon Approaches, What Could Go Wrong?

So, relative to this mix of variables, we as members of our various communities should start to ask, “What could go wrong?” Without question, an intensified media focus searching for any and all contentious encounters between the police and individual citizens raises the ominous prospect of a general cessation of cooperation with the police from the community overall. Without the support of the community, apprehension and then paralyzing reluctance to act are at an increasing risk of festering among our police officers. Without the active engagement of our police officers, staggering increases in crime and victimization, incessant violence, destruction of the rule of law, and a breakdown in the very fabric of civil society are inevitable. Even if the true number of contentious police-citizen encounters has not increased significantly in recent years, since 2014, we have seen the increasing frequency at which such encounters are being highlighted in the media. As with perceptions generally, public perceptions relative to police legitimacy and concerns about the appropriateness of police actions are greatly influenced by media coverage, particularly negative coverage – potentially creating its own reality.

Are there indications of growing apprehension among our police officers? If ever there was a time during that past 30 years that the clash between the sense of duty exhibited among America’s best law enforcement officers juxtaposed to the foreboding sense of abandonment among far too many of our officers has been evident, it is now. Following the April 2015 death of a suspect in police custody, subsequent protests and rioting, and the criminal charging of six police officers and supervisors, the City of Baltimore, Maryland, experienced a precipitous drop in arrests and record increases in homicides. The City’s rising violence and the diminished police response to that violence have been linked

to a sense of abandonment among the City's police officers (Linderman, 2015).

Additionally, a reluctance to take police action and to use force when required can also pose significant officer safety risks as was evident in an August 2015 incident in Birmingham, Alabama. There, a police detective was beaten unconscious by a suspect when he hesitated in using force due to his fear of the likely media scrutiny and potential legal consequences had he used force, even though such force was necessary and legally justified. Sadly, not only did the officer not defend himself from a serious physical attack, as he lay injured on the street, passers-by did not come to his aid. Furthermore, some passing citizens even went so far as to take photos of the injured officer and then post those photos and derogatory comments on social media celebrating the officer's beating (Robinson, 2015).

The growing real-life contrast between the reductions in violence possible when proactive policing efforts have the support of the community as compared to the dangers that exist when officers are reluctant to take police action in the absence of community support, extends far beyond the specific events in Ferguson, Baltimore, Birmingham, or elsewhere. The larger contrast is reminiscent of the stark drama epically portrayed in the 1952 film classic *High Noon*. Not only should everyone in a police leadership role who has not seen this classic film take note, but the nation's elected officials and other community leaders would be wise to do so as well.

The first response may well be to dismiss the relevance of a fictional tale set in an "Old West backwater" named "Hadleyville," but one would be hard pressed to find a more succinct expression of police hopelessness than that offered by Lon Chaney, Jr., in his role as "Martin Howe" during a key verbal exchange with his friend "Marshal Will Kane" as portrayed by Gary Cooper. The context of this exchange is important to understanding the warning. Howe is the elderly and somewhat

infirm former town marshal. Marshal Kane is serving his last day as town marshal, and moments after being married and before leaving town to retire, he learns three gunmen have returned to Hadleyville. The ringleader of the group is also set to arrive on the "noon train," and together the four outlaws seek to murder the Marshal in vengeance for a proper arrest and conviction that occurred five years earlier. Worse, the Marshal is learning that the town he had risked his life to protect will not stand with him to confront the killers:

Kane: "You've been my friend all my life. You got me this job. You made them send for me. Ever since I was a kid I wanted to be like you, Mart. You've been a lawman all your life."

Howe: "Yeah, all my life. It's a great life. You risk your skin catching killers, and the juries turn them loose, so they can come back and shoot at you again. If you're honest, you're poor your whole life. In the end you wind up dying all alone on some dirty street. For what? For nothing. For a tin star."

Kane: "The judge's left town . . . and I'm having trouble getting deputies."

Howe: "It figures. It's all happened too sudden. People got to talk themselves into law and order before they do anything; maybe because down deep they don't care. They just don't care."

Kane: "What'll I do, Mart? . . . Sometimes prison changes a man."

Howe: "Not him. This is all planned. That's why they're all here. Get out, Will. Get out."

Kane: "Will you come down to that depot with me?"

Howe: "No. You know how I feel about you, but I ain't goin' with you. Seems like a man with busted knuckles didn't need arthritis, don't it? No, I couldn't do nothin' for you. You'd get yourself killed worryin' about me. It's too one-sided like it is."

Kane: "So long, Martin."

Howe: "So long. It's all for nothing, Will. It's all for nothing." (Kramer & Zinnemann, 1952)

If Martin Howe is correct, "It's all for nothing" and America's law enforcement officers should "just get out," the nation's towns and cities are in serious trouble. Do people really need to "talk themselves into" summoning up the courage needed to ensure the public peace, safeguard the rights of all citizens, and protect the safety and well being of their community's police officers before they are willing to get involved? If so, that conversation must begin in earnest as there can be no doubt that without the courage of our police officers and the support of the community, the public peace cannot be maintained and the rights of all citizens are in jeopardy.

The Outcome in Hadleyville

So how did it all end for Marshal Kane? The Marshal knew the sacred nature of the bond between the community and those who swear an oath and wear a star. He knew the star—his star—was an unmistakable symbol of that bond; and as evil approached, he remained loyal to his oath. Yet, as high noon arrived on Marshal Kane's wedding day—his final day wearing a star—he found himself alone. The rhythmic tick of the clock, the wail of the train whistle, and the emptiness of the streets all foreshadowed the coming conflict as now four gunmen were making their way toward the center of Hadleyville intent on murdering Marshal Kane. Gunfire erupted, the struggle commenced, and it was cruelly evident that the sacred bond he once shared with his town had been broken beyond redemption. It is a scene that must be watched to be fully appreciated and witnessed. As the shooting ended—the bond destroyed—one symbolic moment remained for Will Kane and the town. The Marshal unpinning his star, held it for a moment, recalling its importance and the bond it represented, and then he cast the star

into the dust of the street. Who would want to wear that or any star in Hadleyville? Who would want to live there?

What Needs To Be Done

The good news is that we continue to be blessed with a great many police officers who regularly place both their lives and their reputations on the line for their communities. However, there is a real crisis facing America's police forces. It is "high noon," and now is a time for courage—real-life courage—and at all levels. Our officers cannot restore the needed harmony in police-community relations alone, and the dangers of deliberate indifference and even cowardice extend far beyond the town limits of Hadleyville. As community members ourselves, if we ignore Martin Howe's warning, we do so at our own peril.

Police Officers

Within our nation's police departments there is work to be done; and, not surprisingly, the most challenging tasks rest squarely on the shoulders of our police officers. They must summon the courageous calm needed to remain loyal to their oaths, carrying out their duties without bias, even in the face of unjust scorn and ridicule, false accusations, and grave personal danger. Our officers must continue to place themselves in harm's way and proactively undertake their duties, even when Martin Howe's warning is repeated by others; and indications of what that warning has been based upon are indeed visible in the streets, throughout the media, and within our courthouses.

Police Command and Supervisory Personnel

Those in command and supervisory roles within the nation's police departments must summon the courage to lead. The safety of their officers rests squarely on their shoulders,

and officer safety extends beyond the mitigation of physical dangers; it includes a fundamental duty to safeguard the reputations and livelihoods of their officers. To do this, command and supervisory personnel must provide the direction that clearly establishes the proper training, guidance, and strategies necessary to minimize mistakes. Additionally, as with every ship's captain, it is not enough for our supervisors to merely foster the safety of "the crew"; command personnel must set a course that allows officers to meet their public safety, crime prevention, and law enforcement mission. In meeting this duty, supervisory personnel must have the courage to address underperformance, indifference, and misconduct when it exists among their officers.

To this end, command personnel cannot allow indifference, much less cowardice, to develop within the supervisory corps. If police supervisors seek only to be viewed as "good guys" among their officers, there will be two effects: (1) their department will fail in its mission, and (2) officer safety will be placed at risk. Command personnel must also take the lead relative to developing and maintaining positive relationships with the civic leaders within the community. Fostering a sense of police legitimacy within the community is essential to both meeting the overall policing mission and minimizing the risks to officer safety. Accordingly, ensuring integrity and effectiveness of their department's internal processes to investigate and address incidents that may involve misconduct must be a priority for command personnel as well.

Elected Officials and Civic Leaders

Our elected officials and other civic leaders must have the courage to publicly acknowledge seven fundamental truths:

1. Crime and victimization are not evenly distributed (Truman, Langton, & Planty, 2012, p. 7). Therefore, logic dictates that the policing efforts to address these conditions will as a consequence show

indications of what superficially appears to be uneven distributions as well.

2. The vast majority of police-citizen encounters are peaceful exchanges. In fact, the U.S. Bureau of Justice Statistics has estimated that America's police officers have more than 40 million formal contacts with citizens in the community annually (Eith & Curose, 2011, p. 1). Relative to these encounters, including those in which the involved citizens were issued a citation or arrested, the citizens described the actions taken by the officers as "proper" in 89.7% of the contacts, and 91.8% of the officers were described by the involved citizens as being "respectful" (p. 6).
3. Just 1.9% of the contacts with citizens involved the use or threatened use of physical force by the police officers (Eith & Curose, 2011, p. 11). Additionally, even with respect to arrest situations specifically, researchers found that beyond basic handcuffing, no force was used by the officers in 82.9% of the arrests (Adams et al., 1999, p. 39).
4. Even when police officers used force in an arrest situation, most often the involved officers opted to utilize weaponless tactics on the lower end of the use-of-force continuum. In that police used or displayed a weapon in only 2.1% of the arrests, clearly the use of weapons was rare; and the use of firearms was even rarer, involving just 0.2% of the arrests (Adams et al., 1999, p. 32).
5. Almost no one "wants" to be arrested. Moreover, some people when faced with the prospect of being arrested will actively attempt to flee being taken into custody, and others will actively engage in physical resistance with the officers in the attempt to escape arrest. The use of force by the police is most likely when the citizen is attempting to flee or resist arrest (Adams et al., 1999, pp. 5, 50). Given these

facts, it should come as no surprise that individuals who do not want the citation or do not want to go to jail, and particularly those who actively resist being arrested, are likely to allege the force used by the police officer was excessive (Eith & Curose, 2011, p. 1).

6. Suspects used or threatened to use weapons against the officers in 1.9% of the arrests (Adams et al., 1999, p. 32); and when weapons were not utilized by the citizens against the officers, they used other physical attempts to resist arrest (including striking, kicking, wrestling, grabbing, pushing, and shoving) in another 5.5% of the arrests (p. 34). Research shows that police escalate their use of force in response to the escalating resistance being initiated by the involved citizen (pp. 46-50). Of 50 situational factors associated with arrest incidents, researchers determined that forceful resistance by a suspect was the greatest predictor that the arresting officer would utilize force in effecting the arrest (pp. 5-6).
7. Under federal law and the laws of every state in the union, resisting arrest is unlawful, and the police are justified in utilizing the force necessary to overcome the resistance of a person to being arrested, including the use of greater force. Arrest situations are not supposed to be boxing matches. Research indicates that when injuries occur in arrest situations to either the resisting subject or the officer, generally the officers were utilizing less force than the resisting subjects were using. Additionally, when police officers are confronted by citizens who themselves are using force, if the involved police officer does not utilize more force than the force being used by the involved citizen, the likelihood of injury to the officer increases (Adams et al., 1999, p. 58). We do not want arrest situations to be boxing matches, nor is it reasonable for us

to expect our officers to be punching bags or, worse, paper targets.

Some violent encounters between citizens and police occur as a result of a deliberate, calculated decision on the part of the citizen to cause harm to police officers. Tragically, just before Christmas in December 2014, such was the case with the ambush murders of New York City Police Officers Wenjian Liu and Rafael Ramos (Moore, Eisinger, Parascandola, Tracy, & Schapiro, 2014). The assassin in these murders specifically linked his motivation to the heightened community tensions and several weeks of protests in the wake of recent high-profile use-of-force incidents in New York City and elsewhere (Celona, Cohen, Schram, Jamieson, & Italiano, 2014). Furthermore, the murders of the two NYPD officers came in the days following organized protests in New York City that included participants being led in chants calling for such attacks on police officers (Tracy, Morris, Alcorn, & Schapiro, 2014).

The Media

In general, the media must avoid the needless sensationalization of the news, and this need is even more critical with respect to the news that specifically relates to public safety issues. Sadly, there is little reason to believe this will occur. As noted by author Armstrong Williams (2005), it has long been stated that in America's newsrooms "If it bleeds, it leads." Unfortunately, policing must continually confront circumstances where death and injury have occurred; and when officers are directly involved, the risks of sensational news coverage increase significantly. A small number of unrelated incidents among millions of contacts between police officers and citizens are a far less interesting story than a narrative of systematic and widespread police misconduct—even if untrue. Factor in an already highly charged environment, the risks of sensationalized media coverage increases even more. Such is the case even though the known data relative to police-citizen encounters

generally, arrest situations specifically, and the overall use of force by the police “do not support the notion that we have a national epidemic of police violence” (Adams et al., 1999, p. 3). To date, there is no data to support the notion that there is a national epidemic of police violence and excessive force, and the deliberate creation of such public perceptions is damaging to the crucial police–community relationship and, by extension, to the community itself.

The Community-at-Large

Although conventional wisdom does not always emphasize the duties of citizenship in a free society, in the end, there is a fundamental responsibility for the community itself to actively work with their police officers in developing and maintaining an enduring and sacred bond. As observed by President John F. Kennedy (1961), while he referenced a quote widely attributed to Sir Edmund Burke, “The only thing necessary for the triumph of evil is for good men to do nothing.” How much greater the danger when some not only fail to seek to advance the cause of good but, rather, actively seek to advance an alternate agenda.

Just as the community has a right to insist upon the highest ethical and professional conduct from its police officers, so too must the community summon the will to demand that its elected officials and civic leaders serve the public interest above any political interests that provide them a momentary personal advantage. The community must insist that its leaders foster, build, and maintain an environment where a positive and enduring relationship exists between the community and its police officers. When such a relationship does not exist, the community will suffer, particularly those members who are the most vulnerable and living in the highest crime areas of our towns and cities.

Conclusion

Where can we turn to see some sign that this sacred bond still remains? There is an emotional attachment to the stars and badges worn by our police officers, and you can see the bond and this attachment in the faces of our newest recruits when they are pinning on their stars for the first time. You can see it in the faces of their families as they bear witness to the moment their loved ones swear an oath to stand against evil and protect the innocent. You can see it in the faces of small children when they turn and unexpectedly see a police officer. You can see it in the faces of crime victims during the darkest moments of their lives as they pray for someone to save them. You can see it in the faces of our most senior officers who, after a lifetime of service, are taking their stars off for the last time. But, you will see it most vividly through tears as a flag-draped coffin is carried to the grave, when the agony of silence is pierced by the sound of bagpipes playing “Amazing Grace,” and then in the jolt of three bursts of gunfire, sounding off yet another 21 gun salute; all then quieted by the mournful sound of the bugler playing taps. If you do not see it then, there is no hope for us; and it is, indeed, all for nothing.

So how does it end for us? If the most strident and contentious of our society are allowed to sever the bonds between our communities and our police officers, no matter the name of our town or city, we will all be living in a Hadleyville. The responsibility to prevent this end rests with all of us. We must not allow indifference, fear, or anger to break the sacred bond between our officers and our communities. If we fail to keep the bonds intact, Martin Howe will have been correct; all the sacrifices of our police officers will have been for nothing, and, in that wake, evil will triumph.

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- Thomas Lemmer** is a captain with a major Midwestern law enforcement agency. He has more than 30 years of experience in public safety positions, including nearly 20 years of advanced law enforcement supervisory and managerial experience. He has extensive gang enforcement and juvenile crime intervention expertise. Lemmer has served in ethnically diverse and predominantly minority communities, as well as with special service populations within college, military, public housing, and public

transportation settings. He holds a master's degree from Loyola University Chicago. Lemmer has seven years of experience as a Criminal Justice undergraduate instructor with Loyola University, and he is an experienced inservice police trainer. He is an active member of the Illinois Association of Chiefs of Police, the International Association of Chiefs of Police, and the Police Executive Research Forum.

Contact Information

Thomas Lemmer
thomas.lemmer@comcast.net