

Behind the Badge

By Jon Blum

I watched a TV show the other night where a police officer was criticized because he did not wait for back-up before making an arrest. The officer had to use more force because he was alone. Do officers always have to wait for back-up? It seems like it would be safer for everyone, including officers.

Jack D.

Dear Jack:

Was the 'TV Show' a fact finding documentary or one of the many police dramas found on mainstream network television? Frankly speaking, the program's medium has no relevance whatsoever as it relates to my answer. I was just curious because most C.O.P. shows, especially *NYPD Blue* and *CSI Miami* types, rarely depict real life police work.

From a law enforcement perspective, there is safety in numbers. Telecommunicators (or Police Dispatchers as they are sometimes called) automatically assign more than one unit to calls for service that possess known or increased safety risks to officers. This includes, but is by no means limited to, domestic disturbances, assaults, drug investigations, situations involving weapons or other events with a potential for violence. Arguably, the majority of 911 calls for service possess a potential for violence.

In a perfect world, resources would be plentiful. A minimum of two officers would be dispatched to every situation. The Garner Police Department, like most agencies, prioritize and dispatch calls to increase officer safety. Unfortunately, there are times – and more often than one might believe – when only one officer is available for *any* situation. This is not uncommon in both large and small agencies.

When reasonable and with time permitting, officers will normally request back-up before undertaking specific tasks. For example, officers are encouraged not to search vehicles or buildings alone when suspects are immediately present or believed to be nearby. The rationale is simple. Duties that require a specific attention to detail (i.e., looking under the driver's seat, searches, etc.) can make the officer vulnerable for attack. The officer may not see threatening suspect movements or actions because he/she is focused on another important task. Again, a lack of resources or other circumstances beyond the officer's control (i.e., back up is 10 minutes away) can certainly dictate what must be done and when.

North Carolina case law authorizes officers to make arrests when they deem appropriate.

State vs. Fain (229 N.C. 644; 50 S.E. 2nd 904; 1948).

"An officer is not required to withdraw or run. Charged, in a special sense with conserving the peace and quiet of the Town, there is a legal duty and right to proceed and exercise force."

On April 20, 1999, in a once unknown Colorado Town, Eric Harris and Dylan Klebold willfully killed 12 of their fellow students and one teacher inside Columbine High School. Many others were injured physically, some seriously. Hundreds, perhaps thousands of people may be emotionally scarred forever. Law enforcement's response to Columbine has been criticized from start to finish. Why? Some believe there was a distinct delay in taking action. The argument goes something like this. If responding officers had not waited for SWAT and acted on their own

accord to stop Klebold and Harris sooner, lives may have been saved. Ironically, the officers who waited were only following their training and standard practices. They established a perimeter and called SWAT for entry. Civil litigation in the case is still on-going, but the criticism levied against law enforcement can be summarized by the following statement:

“If you want to be a police officer, then you accept the risks associated with the job.”

Events like Columbine tend to have a ripple effect on law enforcement from coast to coast. I have always said, the profession at large is just one event away from procedural or policy change. Police Departments from coast to coast responded immediately to the Columbine tragedy. In North Carolina, Instructors from the Justice Academy developed and delivered a curriculum called ‘Rapid Deployment.’ This course teaches participants how to handle what is now commonly referred to as the ‘active shooter.’ While praying aloud it never happens here, should another situation like Columbine occur close to our homes, officers in North Carolina are better prepared to enter a school, building or other structure immediately upon arrival to do one thing – eliminate the threat in no uncertain terms. The Rapid Deployment course continues to be made available to all law enforcement personnel across the State. Every Garner Police officer has received training in Rapid Deployment techniques, most more than once during mandatory and in-service training.

Waiting for back-up to arrive, while important in terms of officer safety, is only a luxury. Waiting for back-up is neither a legal necessity nor a requirement for how or when to make a lawful arrest.

