



Research in Brief

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Discussions of police use of force are typically dominated by the concept of resistance. Indeed, criminal justice professor Dr. Carl Klockar's conception of the police role developed in the 1980s describes force as the use of physical control to overcome resistance to legitimate police authority.¹ Following that logic, policies have generally considered the use of force as being necessarily proportional to the level of resistance presented by the subject.

Traditional Approach

The traditional approach to force is epitomized by the use-of-force continuum. The continuum, as exemplified by the Federal Law Enforcement Training Center (FLETC), describes the appropriate level of force an officer should use to respond to specified levels of subject resistance. Though this conceptualization was never intended to proceed in the linear fashion described by the use-of-force continuum, the relationship between force and resistance was clearly delineated by FLETC's model.²

The use of the force continuum led to the development of the force factor approach by researchers Geoffrey P. Alpert and Roger G. Dunham. The force factor model analyzed police-citizen encounters according to the force continuum by assigning numerical values to levels of force and resistance and subtracting one value from the other. When the recommendation of the continuum was met, the incident was scored as a zero or a +1, or -1 depending on the tolerance. When the recommendation was not met, the score would reflect the degree to which the officer deviated from the continuum.³

Today, many agencies have moved away from the force continuum model due to the implied linear relationship and modern developments in the law. After the U.S. Supreme Court's opinion in *Graham v. Connor*, some police agencies moved away from linear models—since they were not consistent with the multifactor reasonableness standard required by the court.⁴ However, the force options model that has replaced it is remarkably similar and, at times, identical to the force continuum, with the idea of linearity removed. For example, the Chicago, Illinois, Police Department's Force Options Model contains the same levels of resistance (e.g., passive resister, active resister, assailant) and force that many force continuum models contain.⁵ Similarly, the Metropolitan Police Department (Washington, DC) has two components to its use-of-force policy, a decision-making model and a use-of-force framework.⁶ While the decision-making model outlines how Metropolitan Police Department (MPD) officers should use the totality of the circumstances in their decision-making, the use-of-force framework reverts to a traditional model where levels of force are directly related to the amount of resistance the subject presents (albeit in a non-linear fashion). This is not uncommon in police departments, as agencies attempt to advance their force policies by acknowledging the existence of other factors in the decision to use force but continue to rely on resistance as the dominant factor in choosing a level of force.

The dominance of resistance in the discussion of the level of force creates several problems in implementing these approaches. First and foremost, the force factor—which can be calculated in both a force continuum and a force options model—was never intended to determine when officers were using excessive force. Certainly, varying from the recommended level of force may be a reason to subject the incident to further review, but it was never thought to be a violation of law or policy. Second, there is a demand for de-escalation in civilian-police encounters. De-escalation is a tactic designed to decrease the need for force through communication and other techniques. Thus, when resistance is presented, de-escalation suggests that officers should use communication first, rather than force, to overcome the resistance when feasible. Importantly, the continuum may suggest a

more forceful response to this resistance without taking into consideration the totality of the circumstances.

As a result of these issues, the codification of the use-of-force continuum and other similar approaches into departmental policy represents a potentially serious flaw in guiding officers' behavior. Specifically, codifying these approaches into policy tells officers that they are using force appropriately based solely on the level of resistance. In fact, there are times a level of force above the corresponding level of resistance is acceptable (e.g., an officer may need to use more force than the suspect in order to gain control of a situation) and circumstances where it is not optimal for officers to follow the continuum (e.g., a suicidal suspect has a weapon, which may qualify as aggravated resistance, but the preferred response is for the officer to attempt to de-escalate the encounter through communication rather than use deadly force). The U.S. Supreme Court in *Graham* established that force should be objectively reasonable *in view of all the facts and circumstances*. A force model that suggests levels of force based solely, or even primarily, on resistance is not an approach that considers all the facts and circumstances.

An Alternative Approach: The New Zealand TENR Model and Queensland Situational Use of Force Model

To move past the traditional force models, one might consider the approaches used by the New Zealand Police and the Queensland (Australia) Police Service (QPS). Rather than considering force as merely a response to resistance, both models encourage officers to consider the totality of the circumstances and integrate alternative tactics. On the one hand, the New Zealand Threat Exposure Necessity Response (TENR) Model is particularly advantageous because, in addition to considering what force options may neutralize the threat, it considers the necessity to intervene and the risk exposure to the officer and bystanders.⁷ The Queensland Situational Use of Force Model, on the other hand, moves beyond the traditional models by outlining the use of tactical repositioning and situational containment as force options.⁸ While these techniques are often taught to police officers in the United States, they are rarely integrated into the force model. By integrating them into the model, officers may better understand that these techniques are not separate from the use of force, but part of the consideration of the necessity to use force.

Figure 1: Use of Force Models

Force Continuum/ Options (US)	Threat Analysis (NZ)	Situational Analysis (AU)
Options of Force based on subject resistance Results in hands-on force over verbal de-escalation. Neglects totality of the facts and circumstances.	Totality of Circumstances • necessity of intervention • risk exposure • force options Emphasizes “tactical communication” as preferred option for resolving incidents.	Communication Tactical Repositioning Situational Containment Decreases state-created danger and split-second syndrome.

Beyond considering more factors than just subject resistance, these approaches enable several key advantages. First, these approaches both follow the principles of de-escalation that are being demanded by the public and recommended by the President’s Task Force on 21st Century Policing. In both models, officers are encouraged to consider options that delay the encounter with the suspect; emphasize communication; and, most important, discourage using force before it is necessary. This approach will also decrease the impact of state-created danger and the split-second syndrome, both of which are arguably the result of officers rushing into tactical situations when there is time to consider other options. While officers may be using the appropriate amount of force in the “final frame” of the encounter, slowing it down and considering additional tactical options may de-escalate the situation and result in better outcomes.

Figure 2. Comparing Force Models

MPD Use of Force Framework



QPS Situational Use of Force Model

Situational Use of Force Model (2016)
Use the minimum amount of force necessary to safely resolve an incident



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Second, these approaches codify a policy that is more in line with the ruling on reasonable uses of force outlined in *Graham*. Specifically, they outline an approach that ensures officers choose an option that is objectively reasonable *in view of all the facts and circumstances* in each particular case. These facts and circumstances form the foundation of the risk assessment done in the New Zealand Threat Analysis and the considerations used to guide force options in Queensland's Situational Use of Force Model, the end result of which is choosing a force option that is based on what is necessary rather than what is proportional to resistance.

Many major departments in the United States have attempted to move in this direction as well, with agencies such as MPD and the Los Angeles, California, Police Department (LAPD) abandoning the traditional force continuum and listing possible facts and circumstances to consider when using force. The LAPD's policies and training, for example, have incorporated numerous factors to determine whether the officer's actions were reasonable and has included de-escalation as a tactical skill in dealing with suspects. Still, when providing guidance on the correct level of force (especially in graphical depictions of force models) departments in the United States continue to heavily rely on a conceptualization of force that is focused on resistance rather than the totality of the circumstances. In an effort to evaluate the differences between that traditional resistance-based approach and these new risk-based models, researchers are currently working with the Richmond, Virginia, Police Department and the LAPD on how officers assess circumstances when confronted by potential use-of-force situations. These results should help inform best practices in policing.

Action Items:

- *Policy*. Review use-of-force policies to ensure that the agency policy reflects an approach that examines the totality of the circumstances, including threat, and moves beyond resistance. Incorporate actions—including communication, tactical repositioning, and situational containment—into use-of-force models.
- *Training*. Implement use-of-force training that enables officers to assess and respond to a threat presented by a subject and the necessity to use force rather than simply the level of resistance.
- *Transparency and Accountability*. Officers should describe the reasons they needed to use force in official reports and press releases, moving beyond boilerplate language such as “the subject resisted the officer” to explain the specific threat that was confronted.

Notes:

¹ Carl B. Klockars, *The Idea of Police*, Law and Criminal Justice Series, vol. 3 (Beverly Hills, CA: SAGE Publications, Inc., 1985).

² Ed Nowick, “Use of Force Options,” *Law and Order* 49 (2001): 35–37.

³ Geoffrey P. Alpert and Roger G. Dunham, *The Force Factor: Measuring Police Use of Force Relative to Suspect Resistance* (Washington, DC: Police Executive Research Forum, 1997).

⁴ *Graham v. Connor*, 490 U.S. 386 (1989).

⁵ Chicago Police Department, *Force Options Model* (2017).

⁶ Metropolitan Police Department, “General Order: Use of Force,” November 3, 2017, Attachment A, Attachment B.

⁷ New Zealand Police, “Tactical Options Framework,” 2017.

⁸ Queensland Police Service, “Chapter 14: Operational Skills and Practices,” *Operational Procedures Manual* 68 (2019), 8.

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