

## POLITICS &amp; POLICY

# Andrew Brown's shooting shows the police militarized, but without more training or rules

Cops get military-grade weapons and adopt a military posture, yet often don't bother with the training a private gets before taking one rifle in the field.



— Police enforce a curfew as demonstrators protested the killing of Andrew Brown Jr. on April 28, 2021 in Elizabeth City, N.C. Joe Raedle / Getty Images

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**By Jared Keller, executive editor, Task & Purpose**

Over the last several decades, the police who were originally envisioned as localized public safety units to "serve and protect" have instead embraced key elements of the military, from its

tactical gear to its "warrior" ethos – with, at times, disastrous results. Sadly, those same police departments have too often ignored a crucial aspect of military dogma: Service members are trained to respect the need to avoid using your weapon and then to use supreme discipline when deploying it. American troops are, more often than not, taught that the most important part of carrying a weapon is that you ought to use it as rarely as possible.

In the heat of combat, "trigger discipline" should reign supreme – and that elision in police training is costing lives.

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Most recently, you can see how in the shooting death of Andrew Brown Jr., a Black man shot and killed by Pasquotank County, North Carolina sheriff's deputies on April 21 under highly questionable circumstances during his arrest on felony drug charges. An independent autopsy requested by his family showed that Brown was shot five times, including once in the back of the head, and a 20-second snippet of body-camera footage shown to the family but not yet made public **reportedly shows** Brown sitting in his car with his hands "firmly on the wheel" when sheriff's deputies opened fire. It was "nothing but a straight-up execution," said Wayne Kendall, one of the Brown family's lawyers. "He was leaving the site, trying to evade being shot at."

## *Police academy training emphasizes the use of firearms far more than de-escalation tactics.*

Assuming these details are true, Kendall is describing the exact situation that would call for trigger discipline in any good training program: a known suspect in a nonviolent felony, posing no immediate danger to the arresting officers or the community, attempting to leave the scene in an identifiable vehicle, who could and likely would be apprehended later without violence. Others seemingly suspect the same thing: Shortly after the autopsy results were released, the FBI announced a federal civil rights investigation into Brown's death. Seven deputies have been put on administrative leave.

Coming just a day after the conviction of former Minneapolis Police Officer Derek Chauvin in the murder of George Floyd last year, the Brown case is now part of the same depressing template highlighted, again, by Floyd's murder – and it sheds light on a deadly development in modern American policing. Despite the ongoing militarization of the police that accelerated in the aftermath of 9/11, many police departments and their officers have failed to embrace the requisite training and discipline that comes with wielding deadly force, let alone the training that the U.S. armed forces provides its members.

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Law enforcement agencies across the U.S. typically put significantly more emphasis on basic firearms training than on skills critical to avoiding firefights. According to a 2006 Bureau of Justice Statistics report, police recruits in the U.S. average 60 hours of firearms instruction and 51 hours of self-defense training. More recent data suggests that police academies have added another 8 hours in firearms training, widening the disparity with the existing 21 hours of use-of-force training and 16 hours of nonlethal weapons training. There is an old maxim that an officer's



service pistol is considered a weapon of last resort, but police academy training emphasizes the use of firearms far more than de-escalation tactics.

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*Police departments have too often ignored a crucial aspect of military dogma: Service members are trained to respect the need to avoid using your weapon.*

Consider the contrast between what cops are being taught and the baseline training for the average U.S. service member. In the Army, every soldier who goes through basic training **receives** at least 92 hours of training in relatively realistic combat scenarios with their 5.56 mm M4 carbines to qualify on their weapons – and that's just for a single rifle. **According** to the Army, it can take upward of 100 hours of training events to achieve live-fire proficiency with a pistol. Clearly, the military holds its trainees to far stricter training standards than police for being issued a weapon, and the training itself emphasizes their use in realistic scenarios far more often.

Meanwhile, since 1990, the Defense Department has **channeled** more than \$7.4 billion in excess military gear to nearly 8,000 federal and state law enforcement agencies through its 1033 program, from armored vehicles to the aforementioned M4s – the ones which the Army requires recruits to receive 92 hours of combat training on.

But while many police departments may have inherited military muscle through that program, their officers don't often get the same comprehensive training on such equipment as the military.

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Police firearms training is qualitatively less effective than scenario-focused military training. Former police trainers at the New York Police Department **told** Gothamist in 2019 that current training practices “do not push officers to master the techniques needed to handle violent street encounters.” A 2008 assessment of firearms training among NYPD officers – which only included taking online trainings, watching videos and taking quizzes before using a firing range – was conducted by the RAND Center on Quality Policing. They concluded that both recruits and seasoned police officers “should pass proficiency standards in real-life and scenario-based tests of complex decision-making” – just as their colleagues in the military do.

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As one former NYPD firearms trainer **put it** to Gothamist: “We have police officers right now in New York City who don’t even know how to take their gun out of their holster properly or put it back in their holster correctly – after they’ve been trained.” (Recall that Kim Potter, a 26-year veteran with the Brooklyn Center, Minnesota, Police Department who shot Daunte Wright to death at close range, claims she mistook her Glock for her Taser.)

“One issue for American police officers is a lack of recurring training, a lack of realistic training and a lack of integrated training,” says Richard “Dic” Donohue, a retired Boston-area transit cop and researcher at RAND who was nearly killed by friendly fire during a 2013 showdown with one of the Boston Marathon bombers. The training he suggests, he says, so “not just ‘shoot or don’t shoot’: It’s whole scenarios that are realistic and incorporate situations officers may or may not face.”

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“[All] officers would definitely benefit from the type of training that instills trigger discipline,” says Seth Stoughton, a professor at the University of South Carolina’s School of Law who specializes in policing and the use of force. “A well-trained SWAT officer, for example – someone who spends a significant amount of their time training – is expected to not only have better technical skills, like target acquisition, than most officers, but also to have better trigger discipline under pressure.”

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*What is necessary is both better training and more formal rules of engagement – as well as punishment for officers that disobey them.*

Military-style restraint training alone, however, is no panacea. A 2018 study in the Journal of Public Health **showed** that U.S. military veterans with deployment histories who then became law enforcement officers were more likely to be involved in police shootings.

Part of that may be because the lack of training and live-fire proficiency among police is compounded by a lack of formal guidelines and principles that govern the use of force in a combat setting – the so-called rules of engagement – which are far stricter for members of the armed forces abroad. As The Washington Post **pointed out** in 2016, most military rules of engagement contain detailed and deliberate instructions requiring service members to “use verbal warnings, show their weapons and exhaust all nonlethal physical options before resorting to deadly force,” all standards that are drilled into troops through training.

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By contrast, there are no national rules of engagement governing federal and local law enforcement; it's left up to the individual agencies, producing a patchwork of policies that often allow police to deploy everything from chokeholds to their firearms as officers see fit – even over an offense as minor as selling loose cigarettes (as was the case when NYPD Officer Daniel Pantaleo killed Eric Garner) or allegedly passing a counterfeit \$20 at a convenience store (which was why Minneapolis Police Officer Derek Chauvin was dispatched to the Cup Foods where he encountered and then murdered George Floyd).

What is necessary, then, is both better training and more formal rules of engagement – as well as punishment for officers that disobey them.

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As Marine veteran Rep. Ruben Gallego, D-Ariz., points out, troops deployed abroad aren't usually carrying out policing functions overseas but domestic law enforcement agents are more likely to be required to go looking for conflicts in which to involve themselves, both for peacekeeping concerns and in search of **revenue streams like traffic tickets** to keep local coffers full. It ratchets up the likelihood that officers with inadequate training in how not to use their weapons, combined with a lack of clear rules of engagement, will encounter situations requiring them to make life-or-death decisions for the people they are supposed to protect.

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And while fully adequate training modules and a few extra hours at the shooting range might not have deterred a Derek Chauvin, with extra trigger discipline and a better standard for rules of engagement, perhaps Andrew Brown Jr. – and a lot of other people – might still be alive.

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