

# Law Enforcement's "Warrior" Problem

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By Seth Stoughton

Within law enforcement, few things are more venerated than the concept of the Warrior. Officers are trained to cultivate a “warrior mindset,” the virtues of which are extolled in books, articles,<sup>1x</sup> interviews,<sup>2x</sup> and seminars<sup>3x</sup> intended for a law enforcement audience. An article in *Police Magazine* opens with a sentence that demonstrates with notable nonchalance just how ubiquitous the concept is: “[Officers] probably hear about needing to have a warrior mindset almost daily.”<sup>4x</sup> Modern policing has so thoroughly assimilated the warrior mythos that, at some law enforcement agencies, it has become a point of professional pride to refer to the “police warrior.”<sup>5x</sup> This is more than a relatively minor change in terminology. Though adopted with the best of intentions, the warrior concept has created substantial obstacles to improving police/community relations. In short, law enforcement has developed a “warrior” problem.

In this Commentary, I first describe how law enforcement training and tactics reflect the warrior concept, identifying aspects of modern policing that, if not addressed, will continue to prevent or undermine efforts to improve public perceptions of police legitimacy. I join a growing chorus of voices contending that it is the Guardian, not the Warrior, that offers the appropriate metaphor for modern officers.<sup>6x</sup> Drawing on that principle, I offer two practical changes to police training that have the potential to advance the ultimate police mission — promoting public security — in a way that fosters, rather than thwarts, public trust: requiring non-enforcement contacts and emphasizing tactical restraint.

What is the warrior mindset? In its most restrictive sense, it refers to the mental tenacity and attitude that officers, like soldiers, are taught to adopt in the face of a life-threatening struggle. In this context, the warrior mindset refers to a bone-deep commitment to survive a bad situation no matter the odds or difficulty, to not give up even when it is mentally and physically easier to do so.<sup>7x</sup> So narrowly defined, the concept is difficult for anyone to criticize. Unfortunately, the homage paid to the Warrior has expanded that uncontroversial definition beyond all recognition.

The warrior mindset has mutated into the warrior mentality. Like the restrictive version, the broad definition is motivated by the undeniable importance of officer safety. But where the restrictive version represents an attitude that officers should display in the most physically dangerous and psychologically precarious situations, the broad definition instructs officers on how to approach every aspect of their job. From their earliest days in the academy, would-be officers are told that their prime objective, the proverbial “first rule of law enforcement,”<sup>8x</sup> is to go home at the end of every shift.<sup>9x</sup> But they are taught that they live in an intensely hostile world. A world that is, quite literally, gunning for them. As early as the first day of the police academy, the dangers officers face are depicted in graphic and heart-wrenching recordings that capture a fallen officer’s last moments.<sup>10x</sup> Death, they are told, is constantly a single, small

misstep away. A recent article written by an officer for *Police Magazine* opens with this description: “The dangers we expose ourselves to every time we go [on duty] are almost immeasurable. We know this the day we sign up and the academy certainly does a good job of hammering the point home.”<sup>11x</sup> For example, training materials at the New Mexico Police Academy hammer that point quite explicitly, informing recruits that the suspects they will be dealing with “are mentally prepared to react violently.”<sup>12x</sup> Each recruit is told, in these words, “[Y]ou could die today, tomorrow, or next Friday.”<sup>13x</sup>

Under this warrior worldview, officers are locked in intermittent and unpredictable combat with unknown but highly lethal enemies. As a result, officers learn to be afraid. That isn’t the word used in law enforcement circles, of course. Vigilant, attentive, cautious, alert, or observant are the terms that appear most often in police publications. But make no mistake, officers don’t learn to be vigilant, attentive, cautious, alert, and observant just because it’s fun. They do so because they are afraid. Fear is ubiquitous in law enforcement. As I’ve written elsewhere, officers are:

constantly barraged with the message that that they should be afraid, that their survival depends on it. Not only do officers hear it in formal training, they also hear it informally from supervisors and older officers. They talk about it with their peers. They see it on police forums and law enforcement publications.<sup>14x</sup>

For Warriors, hypervigilance offers the best chance for survival.<sup>15x</sup> Officers learn to treat every individual they interact with as an armed threat and every situation as a deadly force encounter in the making.<sup>16x</sup> *Every individual, every situation* — no exceptions. Because the enemies’ identities are unknown, everyone is a threat until conclusively proven otherwise. A popular police training text offers this advice: “As you approach any situation, you want to be in the habit of looking for cover[] so you can react automatically to reach it should trouble erupt.”<sup>17x</sup> A more recent article puts it even more bluntly: “Remain humble and compassionate; be professional and courteous — and have a plan to kill everyone you meet.”<sup>18x</sup> That plan is necessary, officers are told, because everyone they meet may have a plan to kill *them*.

This approach inevitably affects the way that officers interact with civilians. First, it creates a substantial, if invisible, barrier to true community policing. Although now a painfully nebulous phrase — the victim of expansive overuse<sup>19x</sup> — community policing is, at its core, a strategy that relies on building “[c]ollaborative partnerships” between police agencies and communities so as to better identify problems and “develop and evaluate effective responses.”<sup>20x</sup> To fulfill the promises of community policing, officers must establish meaningful short- and long-term relationships with individual community members. To see the friction between relationship building and the warrior mentality, with its hypervigilant focus on preserving officer safety at all costs, consider this thought experiment: Imagine that you are a rookie police officer driving down the street, windows down,<sup>21x</sup> and looking for people in the community with whom you can begin building positive relationships. But you have been told (repeatedly) that your survival depends on believing that everyone you see — literally *everyone* — is capable of, and may very well be interested in, killing you. Put in that position, would you actually get out of your car and approach someone? And if you did, would you stroll up to start a casual conversation or

would you advance cautiously, ask for identification, run a criminal background check, and request consent to search . . . and then, maybe, try to start that casual conversation? The latter, of course, is what many officers are taught to do. It is what I was taught to do as a rookie officer. My first ever “consensual encounter,” only hours into my first day of field training, followed exactly that pattern. It takes no great imagination to recognize how badly that approach, repeated over hundreds or thousands of police/civilian interactions in any given jurisdiction, hinders the creation of meaningful, collaborative relationships.

Counterintuitively, the warrior mentality also makes policing less safe for both officers and civilians. Either through formal training or informal example, officers learn to both verbally and physically control the space they operate in.<sup>22x</sup> It is essential to set the proper tone for an encounter,<sup>23x</sup> and the tone that best preserves officer safety is widely thought to be one of “unquestioned command.”<sup>24x</sup> Even *acting* friendly, officers may be told, can make them a target.<sup>25x</sup> But like the use of physical force,<sup>26x</sup> the assertive manner in which officers set the tone of encounter can also set the stage for a negative response or a violent interaction that was, from the start, avoidable. From the warrior perspective, the solution is simple: the people with whom officers interact must accede, respecting officers’ authority by doing what they are told. The failure to comply is confirmation that the individual is an enemy for the Warrior to vanquish, physically if necessary. And this creates avoidable violence. Sue Rahr, a former sheriff and currently both the Director of the Washington State Criminal Justice Training Commission and a member of President Obama’s Task Force on Twenty-First Century Policing, put it this way: “We do our recruits no favor if we train them to approach every situation as a war. To do so sets them up to create unnecessary resistance and risk of injury.”<sup>27x</sup>

Admittedly, violence is relatively uncommon in police/civilian encounters and most uses of physical force involve relatively low-level violence, with injuries to both officers and civilians being correspondingly uncommon,<sup>28x</sup> but an officer who needlessly aggravates a situation doesn’t just increase the risk he faces in *that* encounter. He also increases the risk that other officers face in *other* encounters. Consider that of the ten most destructive and violent riots in United States history, fully half were responses to perceived police abuses.<sup>29x</sup> An aggressive approach in individual interactions can exacerbate underlying social tensions in a way that fuels a dangerous fire. This is not a new observation. The Wickersham Commission, which investigated the failures of Prohibition enforcement, made exactly this point in its 1931 report: “High-handed methods, shootings and killings, *even where justified*, alienate[] thoughtful citizens, believers in law and order. Unfortunate public expressions . . . approving killings and promiscuous shootings and lawless raids and seizures and deprecating the constitutional guarantees involved[] aggravate[] this effect.”<sup>30x</sup> The expansive version of the warrior mentality promotes the use of tactics that needlessly create use of force situations, and the fierce rhetoric that follows further fans the flames.

The Warrior has created problems for law enforcement, but the Guardian may offer some solutions that enhance both officer and civilian safety in ways that increase public trust in the police. This has not gone entirely unrecognized in law enforcement circles, and I add my voice

to others that have called for precisely this change.<sup>31x</sup> Of course, the guardian concept is no more inherently self-defining than “warrior mindset” or “community policing,” raising questions about what exactly it entails. Both Warriors and Guardians seek to protect the communities they serve, of course, but the guardian mindset takes both a broader view and a longer view of how to achieve that goal. Put simply, the guardian mindset prioritizes service over crimefighting, and it values the dynamics of short-term encounters as a way to create long-term relationships. As a result, it instructs officers that their interactions with community members must be more than legally justified, they must also be empowering, fair, respectful, and considerate.<sup>32x</sup> The guardian mindset emphasizes communication over commands, cooperation over compliance, and legitimacy over authority. And in the use-of-force context, the Guardian emphasizes patience and restraint over control, stability over action.

To flesh out the changes that could promote guardian policing, I offer two practical suggestions for police training.<sup>33x</sup> The first can be addressed very quickly. To encourage officers to connect with community members, law enforcement agencies should require would-be officers to initiate non-enforcement contacts with members of their community. Both early in field training and near its conclusion, rookie officers should have to spend a certain set amount of time — perhaps one day a week, perhaps a block of two weeks or longer — approaching civilians just to have meaningful conversations. Building on the “Good Strangers” and “Tact, Tactics and Trust” training that grew out of the Defense Advanced Research Projects Agency’s Strategic Social Interaction Modules training,<sup>34x</sup> a “non-enforcement contact” requirement means officers would have to interact with their constituents while being prohibited from taking enforcement actions: no asking for identification, no running criminal history checks, no issuing tickets, and no making arrests.<sup>35x</sup> Further, the law enforcement agency should emphasize that officers are expected to continue making regular non-enforcement contacts even after completing field training. The purpose is threefold: giving officers and community members the chance to get to know each other as individuals, emphasizing the agencies’ commitment to community policing for both internal and external audiences, and teaching officers the valuable communication skills that they will use countless times over the course of their careers.

The second suggestion is to emphasize tactical restraint through both training and after-action review of use-of-force incidents. Tactical restraint has received significant attention and criticism recently, and so requires slightly more explanation. Simply put, tactical restraint instructs officers to avoid *avoidable* risks when doing so is consistent with the police mission. Tactical restraint doesn’t teach officers to run away from violent confrontations; it teaches them to approach every situation in a way that minimizes the threat of having it turn violent in the first place. To be clear, not all violence is avoidable. The use of force, including deadly force, will sometimes be necessary. But when violence *is* avoidable and when avoiding it doesn’t sacrifice the police mission, officers should be required to use tactical restraint even when that means holding their position or temporarily withdrawing.<sup>36x</sup> From the guardian perspective, the value of this approach is that it minimizes the risk to civilians by reducing the chances that the officer will find himself in a situation that requires a high level of force. In short, because officers are safer, civilians are safer.

Nothing that I've suggested is entirely new to policing, and tactical restraint is no exception. Officers are already taught to use tactical restraint in certain situations. For example, many agencies instruct officers not to make an arrest without a second officer present. Why not? Why not allow an officer, working alone, to loudly issue verbal commands (perhaps even emphasizing the seriousness of commands with profanity) or charge in and go hands on? Because having backup on scene reduces the chance the suspect will resist and, in the event the suspect does resist, it gives officers an advantage. When officers are in a tactically superior position — here, having the advantage of numbers — it is easier for them to overcome resistance with less force. And using less force is ultimately more protective of the suspect that the officers are called upon to arrest.

Foot pursuits offer another example of how officers and agencies already employ tactical restraint. Most departments instruct officers, through policies or training, to keep a fleeing suspect in sight but to not physically engage until backup is on scene.<sup>37x</sup> Why? Because a suspect who runs is more likely to be a suspect who fights. A fight is more dangerous for a single officer than it is for multiple officers, which means that a single officer might need to use more force than two officers would need to use to deal with the situation. That means that by waiting for other officers to arrive, the chasing officer reduces the amount of force that may be necessary to take the suspect into custody. By delaying, the officer can reduce the risk to both himself and the suspect. Some officers take a slightly different approach to tactical restraint. An officer I worked with used to encourage fleeing suspects to keep running. He'd stay behind them and shout, "Keep going! I've almost got you!" He did so because he didn't want to have to fight the suspect — which would have endangered both of them — so he made sure that the suspect was physically exhausted. From a crime-fighting standpoint, this approach had costs: the suspect could not be charged with resisting because he had never ordered the suspect to stop (in fact, the suspect was doing exactly what he had been told to do!). But avoiding violence was well worth it. In some cases, it can be safer and just as effective to not pursue. As Chuck Wexler, Executive Director of the Police Executive Research Forum, wrote, "If the suspect's identity is known, it may be safer if police arrest the person later, rather than engaging in a foot pursuit."<sup>38x</sup> The Denver Police Chief adopted a similar approach in the context of a recent protest, ordering his officers to *not* immediately arrest two protestors who defaced a police memorial by pouring red paint on it.<sup>39x</sup> Rather than move in right then and there, which might have sparked a confrontation between officers and the crowd of protestors, Denver officers waited to arrest the two vandals, safely apprehending them after the protest and away from the crowds.<sup>40x</sup> What all of those approaches have in common is a commitment to not rushing in recklessly when officers can use a safer option to accomplish the mission. *That's* tactical restraint.

Tactical restraint is a valuable concept precisely because it offers a principled way to broadly apply the lessons that officers have already learned in some contexts. Using restraint doesn't give suspects any more of an opportunity to resist than they already have. It gives officers a way to reduce both the probability of resistance and the amount of force that may be necessary to overcome that resistance. It encourages officers to work smarter, not harder, by

relying more on good tactics and communication than on violence. It protects officers and civilians alike, which is exactly what so many of our officers already do and exactly why all of our officers should be expected to exercise tactical restraint.

It will take more than a couple of isolated changes to heal the longstanding divide between law enforcement agencies and the communities they police, particularly communities of color. Earning public trust will take decades and require rethinking how officers are trained as well as the legal and administrative standards used to review police violence. It will require changing the very culture of policing by reaffirming that policing must be done *with* a community, not *to* a community. There is deep tension between community policing and the warrior identity that has become so prevalent in modern law enforcement. We can resolve that tension and improve policing, in part, by replacing the concept of the police warrior with that of the guardian officer.

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