

5-4-2023

What The United States Could Learn from Norway: Training Police Officers to Be Social Workers, Not Warriors

Liana Brown

University of Miami School of Law

Follow this and additional works at: <https://repository.law.miami.edu/umicl>



Part of the [Comparative and Foreign Law Commons](#), and the [Law Enforcement and Corrections Commons](#)

Recommended Citation

Liana Brown, *What The United States Could Learn from Norway: Training Police Officers to Be Social Workers, Not Warriors*, 30 U. MIA Int'l & Comp. L. Rev. 128 ()

Available at: <https://repository.law.miami.edu/umicl/vol30/iss2/6>

This Note is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami International and Comparative Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact mperez@law.miami.edu, library@law.miami.edu.

**WHAT THE UNITED STATES COULD LEARN FROM NORWAY:
TRAINING POLICE OFFICERS TO BE SOCIAL WORKERS, NOT
WARRIORS**

*Liana Brown**

ABSTRACT

This note compares the training of police officers and its consequential effects in the United States versus that of Norway. In the United States, the lack of national training standards, in conjunction with an emphasis on technical skills and weaponry, has further perpetuated the “Warrior mindset.” The “Warrior mindset” reflects the rhetoric that officers are akin to combatants in a war, in which they have a duty to safeguard the rest of civilization against criminals that can strike at any moment. Contrastingly, the training programs for police officers in Norway include a consolidated and robust three-year education program that emphasizes a service-oriented philosophy. This has helped garner public engagement and lasting community partnerships. While by no means is the Norwegian police system one without faults, this Note explores why over one thousand people were killed by police shootings in the United States in 2021, and during that same year in Norway, police shootings of civilians did not seem to be an issue. Further, this Note will contemplate what the United States can learn from Norway to successfully foster a better relationship between police officers and civilians and to better support the general welfare of the public.

This note was completed in 2022 and the data and figures cited in this article reflect the information available at the time of writing.

ABSTRACT	128
I. INTRODUCTION	129
II. AN IMPORTANT CAVEAT	133

* J.D. Candidate 2023, University of Miami School of Law; B.A. 2018, Emory University. Thank you to my faculty advisor, Professor Lave, for her insight and guidance while writing this note. Thank you to my *University of Miami International and Comparative Law Review* colleagues for their editorial feedback and hard work throughout the publication process. A very special thank you to my family for their love and support.

A.	RACIAL INEQUALITY	133
B.	GUN CONTROL	137
III.	TRAINING TO PROTECT THE PEOPLE	140
A.	POLICE TRAINING IN NORWAY	141
1.	<i>A CENTRALIZED SOLUTION</i>	141
2.	<i>POLICING THE PUBLIC</i>	142
B.	POLICE TRAINING IN THE UNITED STATES.....	143
1.	<i>THE CONSEQUENCES OF A LACK OF FEDERAL REGULATIONS</i>	143
2.	<i>CULTURAL FRAMING WHICH INSTILLS FEAR</i>	145
IV.	TRAINING TRANSLATED INTO ACTION	147
A.	NORWAY.....	148
1.	<i>THE CASE FOR PROACTIVE COMMUNITY POLICING</i>	148
2.	<i>BEAT POLICING</i>	150
B.	THE UNITED STATES.....	152
1.	<i>A REACTIVE PHILOSOPHY</i>	152
2.	<i>THE WARRIOR ETHOS</i>	153
V.	CAN A WARRIOR REALLY BECOME A GUARDIAN?.....	155
VI.	CONCLUSION.....	162

I. INTRODUCTION

On June 12, 2020, a police officer shot and killed Rayshard Brooks, a 27-year-old Black male, outside of a Wendy's drive-through in Atlanta, Georgia.¹ According to the Georgia Bureau of Investigation (GBI), two Atlanta police officers, Officers Rolfe and Brosnan—both white men—were called to the scene after receiving a complaint of a man sleeping in his parked vehicle, which was blocking the drive-through of the fast-food restaurant.²

The body camera clips from the officers show the first part of the encounter.³ Officer Brosnan, who had joined the department just

¹ Zeeshan Aleem & Sean Collins, *The police killing of Rayshard Brooks at a Wendy's drive-through, explained*, VOX (June 17, 2020, 4:25 PM), <https://www.vox.com/2020/6/13/21290334/atlanta-police-shooting-wendys-video>.

² *Id.*

³ *Id.*

two years prior, was the first law enforcement official on the scene.⁴ His body camera footage showed him approaching Brooks' car and start banging on the window until Brooks abruptly woke up and opened the door.⁵ Brooks told Officer Brosnan that he didn't need medical attention and that he was just tired.⁶ At this time, Brosnan advised Brooks to park his car and take a nap.⁷ Officer Brosnan returned to his squad car and said, "I don't want to deal with this dude right now."⁸ When he returned to Brooks' car, Brooks told the officer that he was in the area to visit his mother's grave and to celebrate a series of birthdays, including his and his girlfriend's.⁹ Officer Rolfe, who was more experienced, arrived soon after and administered a field sobriety test on Brooks, who eventually admitted that he had been drinking, but insisted that he was not too drunk to drive.¹⁰

Throughout the exchange, Brooks repeatedly asked the officers if he could leave his car parked and walk to his sister's home, which was nearby.¹¹ But Officer Rolfe insisted that Brooks take a breathalyzer test.¹² After some discussion, Brooks agreed, saying "I don't want to refuse anything."¹³ The two officers and Brooks had been speaking for around a half hour, peacefully, when Officer Rolfe got the results of the breathalyzer test.¹⁴ At around 11:23 PM, the officers informed Brooks that he had failed the test, and then aggressively forced him to get out of his vehicle and put his hands behind his back to get handcuffed.¹⁵ Brooks seemed compliant at first but then attempted to break free of the officers, who then tried to tackle him to the ground.¹⁶

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Aleem & Collins, *supra* note 1.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Chas Danner, *Everything We Know About the Killing of Rayshard Brooks by Atlanta Police*, N.Y. MAG.: INTELLIGENCER (June 18, 2020), <https://nymag.com/intelligencer/2020/06/what-we-know-about-the-killing-of-rayshard-brooks.html>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

Brooks was able to retrieve Officer Brosnan's taser, which he fired at Officer Rolfe as he begun to run away, but the taser did not connect.¹⁷ Rolfe quickly drew his handgun and fired three times at Brookes.¹⁸ Brooks then fell to the ground.¹⁹ This fatal altercation happened in the span of about one minute.²⁰

After Brooks fell to the ground, the two officers stood over him and stared as he was still attempting to move.²¹ It took another two minutes for the officers to even begin to provide some medical assistance, when Officer Brosnan finally returned to his vehicle to radio for help.²² An ambulance arrived six minutes after the shooting and took Brooks to the hospital, where he died.²³

There were multiple points at which this interaction could have played out differently.²⁴ For example, had Atlanta delegated certain responsibilities to non-police agencies, the unarmed Brooks could have been sent home safely.²⁵ If the officers were trained to use force only as a last resort, and those trainings were reinforced by senior personnel, the officers probably would not have escalated the situation by trying to forcefully handcuff Brooks.²⁶ If those same officers were not armed with lethal weapons, they would not have been able to shoot and kill someone holding a less dangerous weapon.²⁷

The above chronicle is just one of many gruesome incidents that have happened to countless others in the United States.²⁸ The mismatch is clear: officers in the United States are armed with lethal weapons and are constantly taught to think of themselves as

¹⁷ Danner, *supra* note 11.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Danner, *supra* note 11.

²⁴ Roge Karma, *We train police to be warriors—and then send them out to be social workers*, VOX (July 31, 2020, 7:30 AM), <https://www.vox.com/2020/7/31/21334190/what-police-do-defund-abolish-police-reform-training>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *See id.*

warriors.²⁹ However, officers are most often dispatched as first responders to situations that demand anything but a warrior.³⁰

The number of unjustified instances where unarmed civilians are killed by police in the United States are magnitudes higher than its peer countries.³¹ For example, in 2021 alone, 1,162 people were killed by police in the United States.³² During that same year in Norway, twenty-nine people in total were murdered.³³ However, it is unclear how many of those deaths were caused by police officers. When looking at this jarring statistical difference, one might wonder what can be done to aid such a crisis in the United States. This Note contends that, in order to reduce the number of fatal shootings done by police officers, the foundation of police training must be altered to adjust how police officers view their jobs and to promote a positive relationship between officers and the communities in which they are meant to protect.³⁴ In the United States, law enforcement officials have long adhered to a militarized mindset focusing on prestige, responsibility, determination, and a willingness to engage in, what the individual deems as, ethical or worthy violence.³⁵ However, law enforcement personnel are paying the price of this so-called Warrior mindset; today an unprecedented number of Americans have reported very little or no confidence in policing.³⁶

To be clear, this Note is not an attempt to create a clear-cut answer as to how to fix an issue of such magnitude. Nor does it attempt to argue that the police system in Norway is one without its own flaws. This Note, instead, attempts to revive the age-old discussion of police reform and argues that for real change to occur, the training which instills values, skills, and attitudes about policing itself must change

²⁹ *Id.*

³⁰ Karma, *supra* note 24.

³¹ *Id.*

³² MAPPING POLICE VIOLENCE (Dec. 31, 2022), <https://mappingpoliceviolence.org>.

³³ *See Number of homicide victims in Norway 2011-2021, by gender*, STATISTA (Aug. 17, 2022), <https://www.statista.com/statistics/1087389/norway-homicide-victims-by-gender-and-citizenship>.

³⁴ Seth W. Stoughton, *Principled Policing: Warrior Cops and Guardian Officers*, 51 WAKE FOREST L. REV. 611, 612 (2016).

³⁵ *See id.*

³⁶ *Id.*

first. In search of a more productive form of police training this Note will look towards that of Norway.

Part II of this paper will discuss the historical and cultural differences between Norway and the United States which have undoubtedly impacted the current state of policing in each country. The two aspects explored are the prominence of a history of racial inequality and the differing societal views on gun control. Part III will summarize the differences in the mindsets and skills which are developed during police training and emphasize the consequences such training may have. Part IV will discuss how the training translates into actions while on duty, while also briefly discussing the importance of police officers maintaining positive relationships with the communities that they serve. Lastly, Part V will explore what aspects of the current police system in Norway could be both beneficial and realistically implemented in the United States to help move the current policing system from that of a Warrior mindset.

II. AN IMPORTANT CAVEAT

Before continuing, it would be far too dismissive when considering the current policing systems in Norway and the United States to not acknowledge that an officer's attitudes and actions are at least somewhat the result of both societal and historical factors.

A. Racial Inequality

Contemporary Norway has inherited a different social structure and historical heritage than the United States.³⁷ Norway does not have a history of ever being a colonial power nor a history of institutional race-based slavery or segregation.³⁸ However, this does not mean that Norway does not have a history impeded with racism. Skin color, external physical features, and immigration status have long invoked notions about ancestry, identity, and belonging, which have greatly affected the interactions between the Norwegian people.³⁹

³⁷ Jon Røyne Kyllingstad, *The absence of race in Norway?*, 95 J. ANTHROPOLOGICAL SCIS. 319, 319 (2017).

³⁸ *Id.*

³⁹ *Id.* at 326.

For example, current public debate is often driven by xenophobic and anti-migration discourse, which has led to an uptick in hate speech and prejudice, particularly against Muslims.⁴⁰

There are two key differences between the current sentiments and history of racial inequality in Norway and the United States. The first difference is that Norway's governance has long shown a commitment to the fight against racism, racial discrimination, xenophobia, antisemitism, and intolerance.⁴¹ The values of Norway, such as inclusion, access to rights, and effective equality have been reflected and supported by Norway's membership in the European Commission against Racism and Intolerance (ECRI).⁴² The ECRI is composed of forty-seven member states appointed on the basis of their independence, impartiality, and moral authority.⁴³ It is a distinctive human rights monitoring body which focuses on questions relating to the fight against intolerance throughout Europe.⁴⁴ One way this is done is through impartial monitors, who periodically prepare comprehensive reports on such discriminatory issues and provide recommendations to combat such discriminatory problems at a national level.⁴⁵ Such recommendations, although not legally binding on the state, have been perceived as successful, as in its 2021 report on Norway, the ECRI commended the country for their improvements against racism.⁴⁶

The second difference is that Norway's history of racial discrimination has not been systematically intertwined and perpetuated through Norwegian governance.⁴⁷ Developing shortly

⁴⁰ Mette Wiggen, *Norway, we need to talk about racism*, OPENDEMOCRACY (June 17, 2021, 12:01 AM), <https://www.opendemocracy.net/en/countering-radical-right/norway-we-need-talk-about-racism>.

⁴¹ See *European Commission against Racism and Intolerance (ECRI)*, COUNCIL EUR. <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance> (last visited Feb. 28, 2023).

⁴² See COUNCIL EUR., *ECRI REPORT ON NORWAY (SIXTH MONITORING CYCLE) foreword* (2021).

⁴³ See COUNCIL EUR., *ECRI: EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE 2* (n.d.).

⁴⁴ See *id.*

⁴⁵ See *id.*

⁴⁶ Wiggen, *supra* note 40.

⁴⁷ See Kyllingstad, *supra* note 37.

after World War II,⁴⁸ Norwegian politicians, in an effort to construct a new social solution, began to implement the ideology of social welfare under a social democratic direction.⁴⁹ A welfare state refers to a type of governing in which the national government plays a key role in protecting citizens against various social risks by providing broad *universal* services and substantial support, productive investments in health, education, and job training, and by providing strong work incentives.⁵⁰ Using the Gini Coefficient to measure income inequality, where 1 represents complete inequality and 0 represents complete equality, the OECD (Organization for Economic Co-Operation and Development) has ranked Norway as one of the most equal countries in terms of distribution of income.⁵¹ Based on the latest data available, the OECD gave Norway a score of 0.26, while the United States received a score of 0.38.⁵² Many factors contribute to this income inequality in the United States, which is one of the wealthiest countries in the world.⁵³ Such factors include ongoing discrimination in the labor market and the lack of equitable improvements in the economy overall.⁵⁴ In the United States, on average, Black and Latino households earn about half as much as the average white household and own only about 15% to 20% as much net wealth.⁵⁵ Contrastingly,

⁴⁸ Even Lange, *The development of the Norwegian welfare state, 1945-1970*, NORDICS.INFO (Aug. 19, 2020), <https://nordics.info/show/artikel/security-and-increased-welfare-developing-the-norwegian-welfare-state-1945-1970>.

⁴⁹ See CLAUS FRELLE-PETERSEN ET AL., DELOITTE INSIGHTS, *THE NORDIC SOCIAL WELFARE MODEL: LESSONS FOR REFORM* (2020), https://www2.deloitte.com/content/dam/insights/us/articles/43149-the-nordic-social-welfare-model/DI_The-Nordic-social-welfare-model.pdf.

⁵⁰ *Id.*

⁵¹ *Income Inequality*, ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (last visited Feb. 28, 2023), <https://data.oecd.org/inequality/income-inequality.htm>.

⁵² *Id.*

⁵³ Robert Manduca, *How rising U.S. income inequality exacerbates racial economic disparities*, WASH. CTR. FOR EQUITABLE GROWTH (Aug. 23, 2018), <https://equitablegrowth.org/how-rising-u-s-income-inequality-exacerbates-racial-economic-disparities>.

⁵⁴ *Id.*

⁵⁵ Aditya Aladangady & Akila Forde, *Wealth Inequality and the Racial Wealth Gap*, BD. GOVERNORS FED. RSRV. SYS. (Oct. 22, 2021), <https://www.federalreserve.gov>

Norway has been able to create a well-established network of economic security and a greater standard of equality between its citizens.⁵⁶ It is important to note, however, that Norway is much smaller in size and the population is more ethnically and culturally identical than most developed countries.⁵⁷ These special characteristics have contributed to high levels of nationwide trust and cooperation.⁵⁸

Unlike Norway, the United States, which is a much larger country, is far more diverse in terms of culture and ethnicity. Beginning in the 17th century, when Europeans first discovered and colonized America, immigrants from all over the world have traveled to the land.⁵⁹ It was also during this time that the British became major importers of African slaves, who they viewed as an indispensable source of labor in North America.⁶⁰ Through the use of this discriminatory and oppressive practice, white people have since benefited politically, socially, and economically from the systematic incorporation of a society based around the idea of white supremacy.

After the abolition of slavery in 1865, with the passing of the 13th Amendment towards the end of the Civil War, modern police departments became more common.⁶¹ African Americans became heavily policed, especially in areas that passed restrictive laws, known as Black Codes, which limited property ownership, employment, and other privileges held by white counterparts.⁶² Those who violated the

/econres/notes/feds-notes/wealth-inequality-and-the-racial-wealth-gap-20211022.html.

⁵⁶ See Geoffrey M. Hodgson, *What the world can learn about equality from the Nordic model*, CONVERSATION (July 30, 2018, 9:08 AM), <https://theconversation.com/what-the-world-can-learn-about-equality-from-the-nordic-model-99797>.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Brad Wolf, *The United States: The land of cultural diversity*, LONDON SCH. INT'L COMMC'N, <https://www.londonschool.com/lsc/resources/blog/united-states-land-cultural-diversity> (last visited Feb. 28, 2023).

⁶⁰ See Stephanie Hall, *Beyond 1619: Slavery and the Cultures of America*, LIBR. CONG.: BLOGS (Aug. 28, 2019), <https://blogs.loc.gov/folklife/2019/08/beyond-1619>.

⁶¹ Connie Hassett-Walker, *How You Start is How You Finish? The Slave Patrol and Jim Crow Origins of Policing*, AM. BAR ASS'N (Jan. 11, 2021), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/how-you-start-is-how-you-finish.

⁶² *Id.*

Black Codes or challenged the status quo were often met with intense police brutality.⁶³

During the 1960s Civil Rights Era, images of police brutally suppressing peaceful activists, including with the use of dogs and fire hoses, helped usher in the Civil Rights Act of 1964, which outlawed discrimination based on race, color, religion, and sex.⁶⁴ However, in 1971, the Nixon Administration launched the first “war on drugs,” resulting in increased arrests and harsher prison sentences, largely aimed at Black and Latino people.⁶⁵ Former domestic policy chief to the Nixon Administration, John Ehrlichman, later confirmed that the effort was designed at least in part to hurt Black families.⁶⁶ From 1980 to 2015, the nation’s prison population climbed from roughly 500,000 to more than 2.2 million, with Black Americans making up 34% of the total correctional population in 2014, according to the NAACP.⁶⁷ This is a concerning percentage as according to the U.S. Census, only 13% of all Americans identify as Black.⁶⁸

Unfortunately, racial inequality is still prevalent in the United States today, as African American men and women, American Indian and Alaska Native men and women, and Latino men face a higher lifetime risk of being killed by police than do their white male peers.⁶⁹

B. Gun Control

Norwegian society is similar to the United States in terms of the number of gun owners per 100,000 people; however, the culture of gun ownership is very different.⁷⁰ In Norway, for example, it is

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ See Dan Baum, *Legalize It All*, HARPER’S MAG. (Apr. 2016), <https://harpers.org/archive/2016/04/legalize-it-all>.

⁶⁶ *Id.*

⁶⁷ *Criminal Justice Fact Sheet*, NAT’L ASS’N FOR ADVANCEMENT COLORED PEOPLE, <https://naacp.org/resources/criminal-justice-fact-sheet> (last visited Mar. 1, 2023).

⁶⁸ *Id.*

⁶⁹ Frank Edwards et al., *Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex*, 116 PROC. NAT’L ACAD. SCIS. U.S. AM. 16793, 16793 (2019).

⁷⁰ Peter Squires, *Norway and Finland Have Levels of Gun Ownership Similar to the U.S., but Far Less Gun Crime*, HOMELAND SEC. NEWS WIRE (May 26, 2022),

uncommon to find guns outside of organized settings or during hunting season.⁷¹ According to the Small Arms Survey, Norway ranks fourteenth worldwide in gun ownership, yet it placed near the bottom in gun homicide rates.⁷² In the United States, despite having less than 5% of the world's population, the country holds 46% of the world's civilian-owned guns.⁷³ The United States also holds the highest homicide-by-firearm rate among the world's most-developed nations (a rate roughly forty-four times higher than that of Norway).⁷⁴

Gun ownership for civilians in Norway is restricted to holders of a firearms permit called a Våpenkort, which certifies a gun for legal use, such as for hunting or sports shooting.⁷⁵ To obtain this permit, one must be eighteen years old for rifles and shotguns and twenty-one for handguns.⁷⁶ In order to receive a Våpenkort, each citizen must prove their capability to own and use a gun.⁷⁷ This may be proven, for example, by possessing a valid hunting license or sports shooting license.⁷⁸ However, in order to even obtain a hunting license, one must complete a nine-session, thirty-hour course on guns, wildlife, and environmental protection.⁷⁹ Similarly, in order to obtain a sports shooting license, one must complete a firearms safety course of at least nine hours.⁸⁰ Even with a valid license and a Våpenkort, ownership of a gun requires that the entire firearm, or at least a part that is essential for its function, to be locked away in a certified gun safe, which is to

<https://www.homelandsecuritynewswire.com/dr20220526-norway-and-finland-have-levels-of-gun-ownership-similar-to-the-u-s-but-far-less-gun-crime>.

⁷¹ Daniel Ofman, *What can the U.S. learn from Norway's gun laws?*, USA TODAY (June 17, 2016, 11:24 AM), <https://www.usatoday.com/story/news/world/2016/06/17/norways-gun-laws-united-states/86033126>.

⁷² Jonathan Masters, *U.S. Gun Policy: Global Comparisons*, COUNCIL ON FOREIGN RELS. (June 10, 2022, 9:00 AM), <https://www.cfr.org/backgrounders/us-gun-policy-global-comparisons>.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ M. Michael Brady, *Guns in Norway*, NORWEGIAN AM. (Dec. 25, 2020), <https://www.norwegianamerican.com/guns-in-norway>.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

be enclosed in a permanent part of the residence.⁸¹ Some examples of an essential part of a gun include bolts for rifles, slides for pistols, and barrels for shotguns.⁸²

In 2021, the United States saw the largest number of mass shootings of any one-year period in the country's history (690 incidents⁸³ where four or more were injured or killed irrespective of motive).⁸⁴ There has been a prevalent and ongoing debate over gun control in the United States, which has waxed and waned over time, resurfaced by recurring mass shootings in civilian settings.⁸⁵ As of mid-2022, there have been no federal laws passed to ban semiautomatic assault weapons, military-style .50 caliber rifles, handguns, or large-capacity magazines.⁸⁶ In fact, in many states, all a civilian must do to purchase a gun is pass an instant background check which considers criminal convictions, domestic violence records, and immigration status.⁸⁷ Even with such a low barrier to purchase, there is a federal loophole for those that buy from private sellers, who, unless prescribed by the state, are not required to conduct background checks.⁸⁸

Why are gun control regulations relevant to police officer shootings? A 2017 study published in the American Board of Public Health, found that stronger gun laws are associated with fewer fatal police shootings.⁸⁹ The study found that when sociodemographic factors were controlled for, states that held the top quartile in legislative strength also had a 51% lower incidence rate than did states

⁸¹ Brady, *supra* note 75.

⁸² *Id.*

⁸³ *Past Summary Ledgers*, GUN VIOLENCE ARCHIVE, <https://www.gunviolencearchive.org/past-tolls> (last visited Mar. 1, 2023).

⁸⁴ *General Methodology*, GUN VIOLENCE ARCHIVE, <https://www.gunviolencearchive.org/methodology> (Jan. 3, 2022).

⁸⁵ *See* Masters, *supra* note 72.

⁸⁶ *Id.*

⁸⁷ *NICS & Reporting Procedures*, GIFFORDS L. CTR., <https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/nics-reporting-procedures> (last visited Mar. 1, 2023).

⁸⁸ *Universal Background Checks*, GIFFORDS L. CTR., <https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/universal-background-checks> (last visited Mar. 1, 2023).

⁸⁹ Aaron J. Kivisto et al., *Firearm Legislation and Fatal Police Shootings in the United States*, 107 AM. J. PUB. HEALTH 1068, 1073-74 (2017).

that were in the lowest quartile.⁹⁰ Even more, the study determined that laws aimed at reinforcing background checks, advocating safe storage, and decreasing gun trafficking were linked with fewer fatal police shootings.⁹¹ When police are able to avoid situations where they may reasonably fear a threat of gun use by civilians, they are also less likely to respond with the use of lethal force.⁹² While gun rights in no way portray an entire story, in the United States, fatal shootings by police officers do appear to be correlated with gun laws and gun ownership rates.⁹³

III. TRAINING TO PROTECT THE PEOPLE

The roles and responsibilities of police officers include local patrol, investigating crimes, criminal investigations, and traffic safety.⁹⁴ Officers also respond to mental health crises, domestic disputes, and noise complaints.⁹⁵ This Part will first explore the requirements that police training programs have in their respective countries. It will then investigate how the mindset instilled in police officers and the communities they support are impacted through the training that officers receive. This Part concludes that in the United States, the type of training used to perpetuate the narrative that police officers are akin to warriors instills a dangerous sense of fear. This fear puts officers and civilians alike in danger, erodes police-community relations, bars efforts to solve or further prevent crimes, and often circumvents efforts for improvement.⁹⁶

⁹⁰ *Id.* at 1068.

⁹¹ *Id.*

⁹² German Lopez, *Police shootings are also part of America's gun problem*, VOX (Apr. 9, 2018, 9:00 AM), <https://www.vox.com/2018/4/9/17205256/gun-violence-us-police-shootings>.

⁹³ *Id.*

⁹⁴ Michael J. Palmiotto & Prabha Unnithan, *POLICING AND SOCIETY: A GLOBAL APPROACH* 123 (2010).

⁹⁵ Barry Friedman, *Disaggregating the Police Function*, 169 U. PA. L. REV. 925, 963 (2021).

⁹⁶ Stoughton, *supra* note 34, at 615-16.

A. Police Training in Norway

1. A Centralized Solution

The overall goal of the Norwegian police's activities is stated in the Police Act (1995) §1: "The police shall through preventive, enforcing, and helping activities contribute to society's overall effort to promote and consolidate the citizens' security under the law, safety and welfare in general."⁹⁷

Unlike the United States, policing in Norway is centralized, therefore making it possible at the federal level to implement sweeping programs which standardize when and how officers can use lethal force.⁹⁸ Police recruits in Norway – those between the ages of nineteen and twenty-eight – all must have completed a high school education.⁹⁹ Other essential qualifications include good health and a blameless reputation.¹⁰⁰ In order to demonstrate such a reputation, a formal reputation check is conducted through the records in the central register for crimes.¹⁰¹ Additionally, informal interviews are conducted through personal conversations with the candidate's family members, neighbors, school teachers, and so on.¹⁰² After such a verification, candidates enter into a standardized education institution for training.¹⁰³

The Norwegian Police University College is the central educational institution for the police service in Norway.¹⁰⁴ Norwegian student officers must complete a three-year bachelor's degree where they spend one year attending a police academy, studying civilization and ethics, another spent field training and

⁹⁷ The Police Act 4 Aug. 1995 no. 53 (Nor.).

⁹⁸ Jan Terpstra & Dorian Schaap, *The Politics of Higher Police Education: An International Comparative Perspective*, 15 *POLICING: J. POL'Y & PRAC.* 2407, 2409-10 (2021).

⁹⁹ Dilip K. Das & Amanda L. Robinson, *The police in Norway: a profile*, 24 *POLICING: AN INT'L J.* 330, 336 (2001).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Country Profile: Norway*, OSCE POLIS, <https://polis.osce.org/country-profiles/norway#criminal-justice-system-10426> (last visited Mar. 1, 2023).

shadowing officers, and a final year focusing on investigations and writing a thesis.¹⁰⁵ Even after students have graduated, they are required to work in tandem with medical professionals, specifically psychiatric specialists, who support the officers when dealing with people who are exhibiting signs of mental illness.¹⁰⁶ Additionally, every police constable in Norway must complete continuing education by returning to police school after five years on the job.¹⁰⁷ If an officer seeks a promotion to upper management, they must first obtain a university degree in law.¹⁰⁸

2. *Policing the Public*

Police stations in Norway are open to the public in the sense that they are not heavily guarded.¹⁰⁹ Police officers also maintain that they mix socially with members of the public.¹¹⁰ This suggests that the occupational police culture in Norway is more conducive to a positive police-civilian relationship, especially when compared to police officers in other countries such as the United States, who often feel isolated from the public both personally and professionally.¹¹¹ The positive relationship between police and the public likely stems from the service or community-oriented philosophy, in which police officers consider citizens to be customers (e.g., conciliatory versus antagonistic when dealing with citizens).¹¹²

Police organizations in Norway focus on maintaining general peace and order.¹¹³ Working in tandem with medical professionals, particularly psychiatric specialists, further provides police officers

¹⁰⁵ Graham Kates, *Some U.S. police train for just a few weeks, in some countries they train for years*, WBTV NEWS (June 13, 2020, 1:14 AM), <https://www.wbtv.com/2020/06/13/some-us-police-train-just-few-weeks-some-countries-they-train-years>.

¹⁰⁶ Melissa Godin, *What the U.S. Can Learn From Countries Where Cops Don't Carry Guns*, TIME (June 19, 2020, 6:18 AM), <https://time.com/5854986/police-reform-defund-unarmed-guns>.

¹⁰⁷ Das & Robinson, *supra* note 99, at 337.

¹⁰⁸ *Id.* at 338.

¹⁰⁹ *Id.* at 340.

¹¹⁰ *Id.*

¹¹¹ *See id.*

¹¹² *See id.* at 341.

¹¹³ Das & Robinson, *supra* note 99, at 342.

with a “tool kit” to critically reflect on the incident at hand, de-escalate situations when possible, and not rely solely on weaponry.

Having a federally mandated, extensive educational training program provides a broad practical and theoretical foundation for each police officer. Such a robust foundation then allows officers to further reject the “traditional police culture” and instead instill a mindset of a social worker rather than a warrior.

B. Police Training in the United States

1. *The Consequences of a Lack of Federal Regulations*

In the United States, there are currently no federally mandated training minimums for law enforcement officers, due to both historical and constitutional reasons.¹¹⁴ Rather than having a centralized police department, the United States has about 18,000 law enforcement agencies, including local, state, and federal police forces.¹¹⁵ Many departments only require that a candidate has received a high school diploma.¹¹⁶ Although each state has discretion as to the length of police training required, according to a 2013 research study on state and local law enforcement training academies, basic training programs in the United States last on average only 840 hours, or twenty-one weeks.¹¹⁷ Even more concerning, in thirty-seven states, police officers are allowed to start training up to twelve months *after* the officer begins working.¹¹⁸ During this time, the untrained officers still have the full authority to detain, arrest, incarcerate, or even kill civilians.¹¹⁹

¹¹⁴ *Not Enough Training*, INST. FOR CRIM. JUST. TRAINING REFORM, <https://www.trainingreform.org/not-enough-training> (last visited Mar. 1, 2023).

¹¹⁵ Amelia Cheatham & Lindsay Maizland, *How Police Compare in Different Democracies*, COUNCIL ON FOREIGN RELS. (last updated Mar. 29, 2022, 2:45 PM), <https://www.cfr.org/background/how-police-compare-different-democracies>.

¹¹⁶ Emily D. Buehler, Ph.D., *State and Local Law Enforcement Training Academies, 2018 – Statistical Tables*, BUREAU JUST. STAT. (2021).

¹¹⁷ Brian A. Reaves, Ph.D., *State and Local Law Enforcement Training Academies, 2013*, BUREAU JUST. STAT. (2016).

¹¹⁸ *37 States Allow Untrained Police*, INST. FOR CRIM. JUST. TRAINING REFORM, <https://www.trainingreform.org/untrained-police> (last visited Mar. 1, 2023).

¹¹⁹ *Id.*

Even when candidates do begin training, there is a tendency in the United States for programs to emphasize technical skills rather than communication and restraint.¹²⁰ More specifically, according to a 2013 U.S. Bureau of Justice Statistics report, on average, academies spent seventy-one hours teaching firearm skills, compared to the twenty-one hours dedicated to de-escalation training and crisis-intervention strategies.¹²¹

To be clear, police officers do fight crime.¹²² However, their expectations and duties are much broader: they are also asked to be public servants, mental health advocates, comprehensive report writers, traffic controllers, and watchmen.¹²³ In fact, most officers only spend a small period during their professional careers responding to violent crimes.¹²⁴ Despite this, police officers in the United States are still mostly trained for the role we assume that they play instead of one that they actually perform.¹²⁵ According to Jerry Ratcliffe, a criminologist from Temple University, “[t]he amount of firearms and use of force training in our academies is completely at odds with the problem we most often ask police to deal with . . . Police training is simply not reflective of the role of police in our society.”¹²⁶ Police are disproportionately hired from military services, trained to be officers in military-style academies, which focus on the implementation of force and law, and given lethal weapons.¹²⁷ All of this is done while operating within a culture which honors championships, action, and violence.¹²⁸ Such intense and high-stress training can be both physically and psychologically agonizing.¹²⁹

It is no surprise then that a mismatch occurs in the way that police officers handle routine incidents, as their reactions come first and foremost from training and policy which is designed for the most difficult and violent incidents, instead of for the great majority of non-

¹²⁰ Cheatham & Maizland, *supra* note 115.

¹²¹ *Id.*

¹²² Karma, *supra* note 24.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ Karma, *supra* note 24.

¹²⁹ *Id.*

violent interactions.¹³⁰ If training, for example, emphasizes that all traffic stops can be dangerously violent, instead of just some which is the reality, overreaction will seem like a certainty.¹³¹

This leads us to the Warrior mindset: a common mindset in which officers view themselves as combatants in a war with a duty to safeguard the defenseless civilians against criminals who can strike at any moment.¹³² This can lead officers to be overly anxious, suspecting every possible source of uncertainty and, at the same time, readying themselves for an attack which could come at any time, from anyone, and from anywhere.¹³³ It's not all bad, however, because this mindset often appeals to officers' self-image because a Warrior is considered heroic and righteous, encompassing the qualities that most officers respect and admire.¹³⁴ Such a mindset may also be pervasive because for decades such qualities have been positively reinforced by TV shows, movies, media, police recruitment videos, and political leaders.¹³⁵

2. *Cultural Framing Which Instills Fear*

Once a civilian begins training as a police recruit, they learn not just about departmental rules, but also, the realities that they may face when out in the field.¹³⁶ The overwhelming idea which is taught and constantly reinforced is that officers must always be prepared as any civilian at any time can pose a lethal threat.¹³⁷ At the same time, recruits are taught that the top goal for every officer is to be able to go home at the end of every shift.¹³⁸ To be able to go home, recruits are

¹³⁰ David A. Harris, *How Fear Shapes Policing in the US*, in THE CAMBRIDGE HANDBOOK OF POLICING IN THE UNITED STATES 200-17, 201 (Tamara Rice Lave & Eric J. Miller eds., 2019).

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ Stoughton, *supra* note 34, at 632.

¹³⁵ Karma, *supra* note 24.

¹³⁶ Harris, *supra* note 130, at 206.

¹³⁷ *Id.*

¹³⁸ Seth W. Stoughton, *How Police Training Contributes to Avoidable Deaths*, ATLANTIC (Dec. 12, 2014), <https://www.theatlantic.com/national/archive/2014/12/police-gun-shooting-training-ferguson/383681>.

told that they must always have their guard up, and if not, it could cost them their lives.¹³⁹

Officers aren't just told about the risks they face. They are shown gruesome dash-cam footage of other officers being beaten and gunned down for letting their guard down.¹⁴⁰ The 1998 killing of Deputy Kyle Dinkheller, may be the most widely used video.¹⁴¹ In the video, Dinkheller pulls over a truck and starts a friendly conversation.¹⁴² The driver, who ignores all the instructions given by Dinkheller, storms out of his vehicle with his hands in his pockets, regardless of the officer's orders to take them out.¹⁴³ He then begins to taunt the deputy "while he prances around in the roadway, cursing the officer and saying, 'shoot my ass.'"¹⁴⁴ Dinkheller called for backup while the driver rummaged through the back of his truck, pulling out a gun then crouching next to his car door.¹⁴⁵ Dinkheller ordered him to put the gun down but the man ignored his orders and started shooting.¹⁴⁶ The video ends showing the driver leaving the scene with his gun.¹⁴⁷ Dinkheller, after being hit by ten bullets, dies.¹⁴⁸

Beyond videos, hands-on trainings reinforces similar lessons.¹⁴⁹ One common training scenario exemplifies the risk posed by a suspect leaning into a car.¹⁵⁰ The scenario is meant to teach trainees that a suspect in that situation can pull out a gun and shoot at an officer before they have the opportunity to react.¹⁵¹ Another scenario focuses on officers dealing with suspects who have guns but have their backs turned away from the officers.¹⁵² This scenario is meant to teach trainees that even when a suspect has their back turned,

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Harris, *supra* note 130, at 207.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Harris, *supra* note 130, at 207.

¹⁴⁸ *Id.*

¹⁴⁹ Stoughton, *supra* note 138.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

they can spin around and fire first.¹⁵³ There are countless alternative variations of hands-on trainings, but the lessons of each is that hesitation can be fatal.¹⁵⁴ To avoid this risk, officers are trained to shoot before the threat is fully realized because they are taught that if they do not, it may be too late.¹⁵⁵

Often police officers shoot at civilians, not because they are frustrated or hold hate, but because they are afraid.¹⁵⁶ This fear stems from the recurring message that their survival depends on it.¹⁵⁷ Not only do officers develop fear by formal training, but they also are reminded of it informally from supervisors and older officers.¹⁵⁸ They are reminded of the fear when speaking with their peers.¹⁵⁹ They even read about it in law enforcement publications.¹⁶⁰ Police training in the United States needs to move beyond highlighting the risks that officers may be exposed to by balancing such trainings with the likelihood of those risks actually materializing.¹⁶¹ Officers must be trained to think beyond lethal weapons.¹⁶² Batons, tasers, and guns are too readily available to officers but are meant solely as tools for the purpose of last resort once nonviolent methods fail or in situations when they are not an option.¹⁶³ By reforming officer trainings, the culture of policing should move toward an approach which emphasizes saving the lives of those whom they are responsible for protecting, instead of the current approach, which focuses on fear and direct attack.¹⁶⁴

IV. TRAINING TRANSLATED INTO ACTION

Proper training of police officers helps to reduce lethal risks, helps agencies maintain high standards, and ensures that officers are

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Stoughton, *supra* note 138.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Stoughton, *supra* note 138.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

ready to make split-second decisions under strained, ambiguous, and rapidly evolving conditions.¹⁶⁵ This Part will first explore the ways in which police officers in both Norway and the United States utilize training to operate in action and to handle even the most routine of tasks. It then concludes that training which places a heavier emphasis on skills for the far more common, non-violent interactions police have with the public and for de-escalation has been more successful in producing public trust.¹⁶⁶ This is important as the most effective way to achieve safety for both police officers and those in local communities results from police and community members working collaboratively.¹⁶⁷

A. Norway

1. *The Case for Proactive Community Policing*

Norway is unique because it is one of only eighteen countries worldwide where police officers are typically unarmed and permitted to use their weapons only in exceptional circumstances.¹⁶⁸ Although Norwegian patrol vehicles do carry firearms, police officers often must first seek permission from a higher authority to deploy them.¹⁶⁹ To offset any potential threats caused by such a delay, there is often an increased number of personnel present at incidents who then provide resources for more productive strategies.¹⁷⁰ Some Norwegian officers

¹⁶⁵ James Burdock, *Officer Survival Spotlight: Wide-reaching Benefit of Law Enforcement Training*, FED. BUREAU INVESTIGATION: L. ENF'T BULL. (Dec. 10, 2013), <https://leb.fbi.gov/spotlights/officer-survival-spotlight-wide-reaching-benefits-of-law-enforcement-training>.

¹⁶⁶ *Id.*

¹⁶⁷ See *Importance of Police-Community Relationships and Resources for Further Reading*, U.S. DEP'T JUST., <https://www.justice.gov/file/1437336/download> (last visited Mar. 1, 2023).

¹⁶⁸ Niall McCarthy, *Where Are The World's Unarmed Police Officers?*, STATISTA (June 23, 2020), <https://www.statista.com/chart/10601/where-are-the-worlds-unarmed-police-officers>.

¹⁶⁹ Ross Hendy, *Routinely Armed and Unarmed Police: What can the Scandinavian Experience Teach us?*, 8(2) POLICING 183, 186 (2014).

¹⁷⁰ *Id.*

believe that the delay gives other officers the time necessary to prepare themselves mentally and to plan their tactical approach.¹⁷¹

We have, as you may know, the firearms . . . with us in the cars. It take[s] me less than a minute to take them out and be ready to use them. In my opinion the most sufficient argument is that it gives us time to think instead of getting the sidearm on the hip and just running in to solve a case. . . . As a result of not thinking over the situation, they [are] getting into [a situation where] they will be forced to use their firearm instead of using time to think. It's not that much time I am talking about, maybe a minute, two minutes, three minutes; maybe we get some assistance as four officers are a better job than two. . . . It's important for the mental preparation.¹⁷²

While the nations in which police are not armed vary greatly in their approach to policing, they share a common thread.¹⁷³ According to Guðmundur Ævar Oddsson, an associate professor of sociology at the University of Akureyri in Iceland, "What we can identify in these countries is that people have a tradition—and an expectation—that officers will police by consent rather than with the threat of force."¹⁷⁴ Policing by consent maintains that police officers should not obtain their power from the administration of fear, but instead, through the public's respect and acceptance.¹⁷⁵ Even more, the success of an officer should not be measured by the number of arrests made, but instead "by the absence of crime itself".¹⁷⁶

Such policing may be considered successful as Norway has one of the lowest prison rates—that is, the number of prisoners per

¹⁷¹ *Id.*

¹⁷² *Id.* (citation omitted).

¹⁷³ Godin, *supra* note 106.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

100,000 of the national population (56 per 100,000 people).¹⁷⁷ The United States, conversely, has a rate of 629 per 100,000 – a 43% growth since 2000.¹⁷⁸ According to Oddsson, Norway's low incarceration rate can be linked to police officers building trust first at the local level.¹⁷⁹ "[O]ne way to curb gun deaths is simply to make the police more visible and approachable in high-crime areas," and "[h]ave them engage the community in a respectful manner. Police on foot rather than in cars. Talk to people. Get to know them. Participate in community events. Build trust."¹⁸⁰ However, it should be noted that in smaller, more ethnically homogeneous countries like Norway, building that trust is easier because most people look similar and hold similar beliefs, therefore creating a sense of togetherness.¹⁸¹

2. *Beat Policing*

Even without a homogeneous population, one way in which police officers can establish and maintain positive relationships with the public is through beat patrolling.¹⁸² As a general rule, during such patrolling, an officer's duty is to strengthen and support the relationships between officers and the public and/or to work collaboratively with other welfare agencies to address any law-and-order issues.¹⁸³ This utilizes a problem-orientated policing style.¹⁸⁴ Unlike an emergency patrol officer, beat patrolling officers are not overseen by any command and control center.¹⁸⁵ Therefore, they are not designated to citizens calls.¹⁸⁶ Often times, officers who do

¹⁷⁷ Helen Fair & Roy Walmsley, *World Prison Population List*, INST. FOR CRIME & JUST. POL'Y RSCH. 1, 12, https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_13th_edition.pdf.

¹⁷⁸ *Id.* at 2.

¹⁷⁹ Chris Weller, *American cops can't go a day without a gun death – here's how Norway went 10 years without one*, BUS. INSIDER (Aug. 2, 2015, 10:06 AM), <https://www.businessinsider.com/norway-america-police-killing-comparison>.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Wouter Stol et al., *Police patrol work in Norway and the implementation of community beat policing*, 2 EUR. POLICE SCI. & RSCH. BULL. 177, 177-87 (2017).

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

community beat patrolling work alone and whether in uniform or while in plain clothing.¹⁸⁷ Beat patrolling has the potential to be a powerful tool in establishing meaningful relationships with the public.¹⁸⁸ It becomes useful later on when officers encounter someone they met previously through beat patrolling.¹⁸⁹ In theory beat policing should reduce violence, as with a foundation of a relationship, neither party will fear that the other is a violent threat.¹⁹⁰ Since community beat officers have the unique opportunity to connect with members of the public, they are also able to relay any actual problems that need police attention to other active officers in their department.¹⁹¹ Overall, community beat policing leads to a more proactive and problem-orientated style of policing, and is conducive to building valuable relationships between police officers and the communities that they serve.¹⁹²

However, such a concept has been critiqued heavily based on the ways in which problems are identified and prioritized.¹⁹³ For example, if the discovery of problems rests primarily on civilians, it is likely that most concerns relating to domestic violence would not be reported.¹⁹⁴ Instead, issues relating to minor inconveniences such as speeding cars, disruptive animals, and noise complaints are likely to receive more attention.¹⁹⁵ Unfortunately, even if crimes relating to domestic violence were to become a focus for neighborhood attention, potential issues surrounding victim shaming, confidentiality, and victim safety would arise if any details about specific instances were passed along.¹⁹⁶ Neighbors may—with good intentions—want to

¹⁸⁷ *Id.*

¹⁸⁸ Stol et al., *supra* note 182.

¹⁸⁹ *Id.* at 182.

¹⁹⁰ *Id.*

¹⁹¹ *Id.* at 185.

¹⁹² *Id.*

¹⁹³ Jane Sadusky, *Community Policing and Domestic Violence: Five Promising Practices*, BATTERED WOMEN'S JUST. PROJECT 1, 10 (2003), https://www.bwjp.org/assets/documents/pdfs/community_policing_and_domestic_violence.pdf.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.* at 11.

know who has an order for protection, but that approach can further instill fear and embarrassment in the victim and silence their voice.¹⁹⁷

B. The United States

1. *A Reactive Philosophy*

Law enforcement functions encompass tasks corresponding to crime-fighting and those linked with the provision of services (e.g., acting as social workers, conflict mediators, traffic directors, mental health counselors, detailed report writers, neighborhood patrollers, and low-level law enforcers), with the latter comprising 80% or more of their daily tasks.¹⁹⁸ Despite the broad array of circumstances that an officer may face, officers in the United States are provided with the same tools for each: handcuffs and a firearm.¹⁹⁹ Even more concerning is that in recent years this “tool box” has expanded to include more militaristic apparatuses such as assault rifles, camouflage, and armed vehicles.²⁰⁰ Officers turn to the tools they are given. The laws allow officers extensive power to perform tasks such as a search and seizure, but at the same time, provides no dominion to unilaterally answer in ways unrelated to criminal justice.²⁰¹ As such, while working in a law enforcement capacity, officers are unqualified to provide, and cannot require citizens to receive, psychological services, drug or alcohol counseling, food aid, and other services that would help prevent many of these problems.²⁰² Officers, as well as the larger police agencies, are not trained to serve in connection with other agencies for the range of public and social services that would holistically benefit the community.²⁰³ As a result, these officers and agencies often take

¹⁹⁷ *Id.*

¹⁹⁸ George T. Patterson, *Police Social Work A Unique Area of Practice Arising from Law Enforcement Functions*, NAT'L ASS'N SOC. WORKERS (July 2008), <https://www.naswnyc.org/page/77>.

¹⁹⁹ Karma, *supra* note 24.

²⁰⁰ *Id.*

²⁰¹ Stoughton, *supra* note 34, at 630.

²⁰² *Id.*

²⁰³ *Id.*

unilateral action using the authority that they do have—the “tool box.”²⁰⁴

2. *The Warrior Ethos*

The Warrior metaphor provides some reassurance to officers who view themselves as the “good guys” while also acknowledging doing bad things; it removes officers from the rest of society.²⁰⁵ The highly esteemed concept attempts to create an ethical framework for those who work in an inherently violent job.²⁰⁶ While the Warrior framework may please an officers’ self-image, such a concept is only that. In 2021, there were only thirteen days when police did not kill a civilian in the United States, according to data collected by Mapping Police Violence.²⁰⁷ In fact, the same database shows that many dates saw upwards of six police killings in the same twenty-four-hour period across the country.²⁰⁸ Mapping Police Violence, which tracks fatal shootings committed by on-duty police officers, reported 1,162 deaths at the hands of police officers during 2021.²⁰⁹ Tom Tyler, a legal scholar at Yale Law School said, “Often what these situations require is someone to calm things down, cool things off, and deescalate.”²¹⁰ He goes on to say that “police tend to manage all the problems they face through the threat or use of coercive force. This amplifies the level of emotion and anger in a given situation and can create a spiral of conflict that ends tragically.”²¹¹

As the public has recently placed policing under increased scrutiny, many officers have attempted to defend the profession to protect it from being tarnished by the misconduct of individuals.²¹² For example, when an officer uses excessive force or says racial slurs, the incident is said to be an individualized representation of that officer’s shortcomings and especially their failure to represent the Warrior

²⁰⁴ *Id.*

²⁰⁵ *Id.* at 637.

²⁰⁶ *Id.* at 632.

²⁰⁷ MAPPING POLICE VIOLENCE, *supra* note 32.

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ Karma, *supra* note 24.

²¹¹ *Id.*

²¹² Stoughton, *supra* note 34, at 662.

Code.²¹³ This individualistic approach attempts to acknowledge problems caused by a few “bad apples” rather than acknowledging the true systemic origin.²¹⁴ This shifts any responsibility for misconduct away from police culture and the agency at large.²¹⁵ Under this approach, no need for systemic reform would be required, except to the extent that the law enforcement industry should seek to improve recognizing and rejecting bad actors.²¹⁶

Police education and training, police culture at large, and police officers’ ability to react and respond to threats have all been shaped around fear.²¹⁷ This can lead to incidents in which police officers feel that they must act, however, such actions result in needless injuries and sometimes death.²¹⁸ Although police officers themselves may be injured or even die while on the job, more often it is civilians which bear the cost, with a disproportionate amount of those civilians being people of color.²¹⁹ Even if no injury occurs, the other potential costs of fear and distrust will harm the relationship between police and the communities they serve.²²⁰ Naturally, this can cause more fear, potentially making the streets, and the jobs of police officers, even more unsafe.²²¹ By embracing the Warrior concept, some police officers are able to sever themselves and the potential harms of their working reality from *real* society – they are able to view themselves as soldiers on the fringes, grappling with the disarray that may spill over to the “good” neighborhoods and to the people that they perceive as worth saving.²²²

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Harris, *supra* note 130, at 200.

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.* at 201.

²²² Stoughton, *supra* note 34, at 638.

V. CAN A WARRIOR REALLY BECOME A GUARDIAN?

While both police officers and actual soldiers wear uniforms and carry weapons, the similarity between the two ends there.²²³ The core duties and rules of engagement between the two are distinguishable.²²⁴ The Warrior's duty is to conquer, and the rules of engagement are decided before the battle even begins.²²⁵ Instead of this Warrior ideal, a police officer's duty should be that of a Guardian—to protect the community it serves.²²⁶ The rules of engagement under the Guardian concept continuously develops while each event unfolds.²²⁷ Even more, while Warriors must follow orders, Guardians must make their own decisions.²²⁸ When Warriors enter a community, they are viewed as an outside force.²²⁹ Meanwhile, Guardians are viewed as those who are safeguarding the community from within.²³⁰

So, if the Warrior mindset is an issue, then the Guardian should be a worthy replacement.²³¹ Recently, the Guardian rhetoric has become popular among police leaders, has appeared in media stories, and has even appeared in President Obama's report "Task Force on 21st Century Policing."²³² The Guardian mindset takes a broader and lengthier view on how to achieve the goals that both the Warrior and Guardian concept seek to achieve: protecting the communities they serve.²³³ Unlike the Warrior, the Guardian prioritizes service instead of crime fighting and values the dynamics of short interactions as a vehicle to forming long-lasting relationships.²³⁴ The Guardian concept emphasizes that any

²²³ Harris, *supra* note 130, at 211.

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ Harris, *supra* note 130, at 211.

²³⁰ *Id.*

²³¹ Stoughton, *supra* note 34, at 666.

²³² *Id.*; see PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING, OFF. CMTY. ORIENTED POLICING SERVICES, FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING (2015).

²³³ Seth Stoughton, *Law Enforcement's "Warrior" Problem*, 128 HARV. L. REV. F. 225, 231 (2015).

²³⁴ *Id.*

interactions officers have with community members should be legally validated, and at the same time, must be respectful, equitable, honorable, and helpful.²³⁵ The Guardian mindset focuses on communication instead of commands, cooperation instead of compliance, legitimacy instead of authority.²³⁶ In the context of use-of-force, the Guardian centers on patience and restraint instead of control, and stability instead of action.²³⁷

Although never proclaimed as such, the initiatives, goals, and values that have been instilled and have been successful in Norway reflect those promoted by Guardian policing. To flesh out the changes that could promote such Guardian policing in the United States, this Note will now offer three suggestions that fit the Guardian mindset that have long been implemented in Norway.

The first suggestion would be to foster a positive relationship between the police officer and the public by encouraging practices like Norway's beat policing—having officers connect with community members. Both in the beginning and end of field training, trainee officers should have to spend time approaching civilians just to engage in meaningful conversations.²³⁸ Originating from The Defense Advanced Research Projects Agency's Strategic Social Interact Modules training,²³⁹ a "non-enforcement contact" requirement may serve as a tool to create a rudimentary relationship between officers and civilians.²⁴⁰ During this contact, enforcement actions such as requiring identification, searching criminal history checks, issuing tickets, and making arrests are forbidden so that officers and community members have a real chance of getting to know each other without the civilians having to fear repercussions of speaking with an officer.²⁴¹

Although it is not federally mandated, over the past decade, many police departments throughout the United States have already begun to develop similar community outreach programs on their

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Id.* at 231-32.

²³⁹ Stoughton, *supra* note 233, at 231-32.

²⁴⁰ *Id.*

²⁴¹ *Id.*

own. In 2015, President Obama created the Task Force on 21st Century Policing, which provides recommendations on how to build and maintain trust between law enforcement officers and the communities that they serve.²⁴² Cities such as New Orleans, Louisiana, have used these recommendations to create a team of more than a dozen officers who are available to participate in activities with a variety of faith-based, civic, and young professional organizations.²⁴³ Such an initiative illustrates that officers are not just attending community meetings, they are anchoring community meetings and are actively contributing in discussions.²⁴⁴ In Sacramento, California, based on feedback shared at various community forums, the “Officer Next Door” initiative was created to decrease crime and to increase community trust and engagement.²⁴⁵ The initiative focuses on a four-part framework for officers—training, diversity, accountability, engagement—which creates specific and effective annual recommendations for each of the categories.²⁴⁶

The second suggestion would be to focus on the importance of tactical restraint during trainings and reviews of use-of-force occurrences.²⁴⁷ This aligns with the Guardian concept as practicing tactical restraint would reduce the risk to civilians by minimizing the possibility that an officer would be in an incident which requires a high-level of force.²⁴⁸ Similar to that which is done in the expansive police training programs in Norway, police officers in the United States should be taught to critically reflect on the situations at hand before relying on the weaponry that is provided to them. Tactical restraint instructs officers on how to avoid any *avoidable* risks when doing so would not jeopardize the police officers’ safety or the police mission.²⁴⁹ For example, in Norway, medical professionals accompany

²⁴² See PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING, *supra* note 232.

²⁴³ Jerry Abramson, *10 Cities Making Real Progress Since the Launch of the 21st Century Policing Task Force*, WHITE HOUSE: PRESIDENT BARACK OBAMA (May 18, 2015, 7:26 PM), <https://obamawhitehouse.archives.gov/blog/2015/05/18/10-cities-making-real-progress-launch-21st-century-policing-task-force>.

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ *Id.*

²⁴⁷ Stoughton, *supra* note 233, at 232.

²⁴⁸ *Id.* at 233.

²⁴⁹ *Id.* at 232.

officers that are faced with people who are exhibiting signs of mental illness.²⁵⁰ These medical specialists offer support and teach Norwegian officers how to avoid risks during situations, which may have become threatening otherwise.²⁵¹ On the other hand, in the United States, funding for psychiatric care has been cut, resulting in police officers dealing with issues that they have no knowledge of.²⁵² According to the Washington Post, during a six-month period in 2015, 25% of people shot by officers were dealing with severe mental health issues.²⁵³

In general, tactical restraints do not instruct officers to flee from violent confrontation, instead it teaches them how to handle each situation with the overarching goal of minimizing any threat of violence.²⁵⁴ However, it is important to acknowledge that not every incidence of violence is avoidable and, therefore, sometimes force, and even sometimes deadly force, will be necessary.²⁵⁵ But during those incidences where violence is avoidable, and doing so would not ruin the mission, officers should practice tactical restraint, even if that means temporarily withdrawing.²⁵⁶ By teaching officers that the use of force should be a last resort, tactical restraints minimize the risk of violence which otherwise could be aggravated by an officer threatening or actually using violence towards civilians.²⁵⁷ Basically, when officers feel or actually are safer, civilians are too.²⁵⁸

Lastly, like that which has been implemented in Norway, the third suggestion would be to create national standards at the federal level to implement sweeping training programs to make certain that all officers, despite their agency's location, funding, or size, are taught key ideas, skills, and methods.²⁵⁹ While local judications should

²⁵⁰ Godin, *supra* note 106.

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ Stoughton, *supra* note 233, at 232.

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ *Id.* at 233.

²⁵⁸ *Id.*

²⁵⁹ Collette Flanagan & Michael Nutter, *It's time for national minimum standards for police training and certification*, HILL (July 7, 2021, 12:30 PM), <https://thehill.com/opinion/criminal-justice/561827-its-time-for-national-minimum-standards-for-police-training-and>.

maintain some discretion in creating trainings based on their own hardships and resources, national standards and required trainings would be vital in promoting consistency, which would then likely lead to better results for the entire community.²⁶⁰ One way to remedy inconsistencies, which are prevalent in the training of police officers today, would be to set minimum standards for state training and certification programs.²⁶¹ Having national standards would aid agencies in appealing to officers that are more likely to observe department policies, promote respectful and equitable relationships between officers and civilians, and further prevent the recurrence of officers escalating volatile incidents.²⁶²

Currently, however, congressional power is limited by the Tenth Amendment, which stipulates that the states—not the federal government—have the power to create and implement laws made for the protection of the public in that state.²⁶³ Such limits may be altered through the passing of proposed federal bills similar to that of the George Floyd Justice in Policing Act, named after a Black man that was murdered when a police officer, Derek Chauvin, inappropriately kneeled on his neck.²⁶⁴ The bill, which was approved by the Democratic-led House of Representatives in March of 2020, was later rejected by the Senate in late 2021.²⁶⁵ The bill aimed to end certain police techniques, including choke holds and carotid holds—two forms of potentially deadly force.²⁶⁶ The bill also included regulations to improve police training and invest in community programs designed to improve policing through trainings on racial profiling, implicit bias, the duty to intervene when another officer uses excessive force, and promotion of equitable new policies.²⁶⁷ Although provisions such as the George Floyd Act would have only applied to federal law

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ Herbert G. Ruffin II, *Working Together to Survive and Thrive: The Struggle for Black Lives Past and Present*, 17 LEADERSHIP 32, 34 (2021).

²⁶⁵ Henry J. Gomez, *Here's what the George Floyd Justice in Policing Act would do*, NBC NEWS (Apr. 21, 2021, 1:13 PM), <https://www.nbcnews.com/politics/congress/here-s-what-george-floyd-justice-policing-act-would-do-n1264825>.

²⁶⁶ *Id.*

²⁶⁷ H.R. 1280, 117th Cong. (2021).

enforcement, the Act had the potential for a more far reaching impact.²⁶⁸ For example, the federal government could have conditioned federal grant funding, which many lower-level police stations rely on, on state and local agencies complying with such federal reforms.²⁶⁹

Hope is not lost, however. With the collapse of the George Floyd Justice in Policing Act, over thirty states have taken the initiative and have passed more than 140 new police oversight and reform laws.²⁷⁰ For example, the Active Bystandership for Law Enforcement (ABLE) Project, is a program that was developed by the Georgetown Innovative Policing Program which focuses on the importance of peer intervention.²⁷¹ The Project gained national attention and has been adopted in states such as New Hampshire and Washington, and in major cities such as Baltimore and Boston.²⁷² The Project's scenario-based training was created to teach officers how to identify and resolve possible intervention interferences (such as police rank and seniority) and to teach officers techniques on how to support their partners—whether that means learning how to de-escalate a confrontation or encouraging the wellbeing of a peer who has exhibited signs of harmful habits.²⁷³

Moreover, many states have heightened their requirements for implicit bias training, moving away from individual sessions or informal conversations into more vigorous programs.²⁷⁴ For example, in Nebraska, police must now go through two hours of anti-bias training each year.²⁷⁵ Based on a recent bill that was passed in Louisiana, agencies who do not implement anti-bias training

²⁶⁸ *See id.*

²⁶⁹ THE FEDERAL GOVERNMENT'S AUTHORITY TO IMPOSE CONDITIONS ON GRANT FUNDS, CONG. RSCH. SERV. (2017), https://www.everycrsreport.com/files/20170323_R44797_36eb380c05663646f82405ecc6d512de9bf7968a.pdf.

²⁷⁰ *Roundup: How police training is being reformed*, POLICE1 (Sept. 17, 2021), <https://www.police1.com/police-training/articles/roundup-how-police-training-is-being-reformed-MVEzuC13Iz9jxYhu>.

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

programs run the risk of losing out on state grants.²⁷⁶ Police training in Aurora, Colorado, involves community members of different cultures engaging with officers regarding their experiences with law enforcement.²⁷⁷ Unfortunately, these training programs differ in each department, are considerably new, and the results are still unclear.

Overall, Guardian principles, such as those exemplified above, would promote safer policing in the United States for three reasons.²⁷⁸ First, the risk to officers and the need for lethal force is diminished in communities where individuals are more trusting of the police, more likely to cooperate, and less likely to resist officers.²⁷⁹ Second, the Guardian framework strives, when possible, to circumvent confrontations, which in turn reduces any risks to both officers and civilians.²⁸⁰ Lastly, Guardian policing improves the goodwill between officers and their community, which would likely result in diminished suspicions based on police conduct and alleviate any negative impact of high-profile events.²⁸¹ Guardian policing is a more effective framework for law enforcement as police depend on civilians to disclose crimes, aid in investigations, and supply details if needed during prosecution.²⁸² The assumption is that community members will notify those that they perceive as “good cops” about what has been happening in their neighborhood and would assist the officers when needed.²⁸³ Therefore, building and maintaining a productive relationship with individuals in the communities that they serve should be paramount for officers as a way to decrease incidences of crime.²⁸⁴ This assumption is supported by evidence which shows that negative impressions of officers actually increases the amount of violent crime in disadvantaged areas.²⁸⁵

Although this Note suggests that the United States should implement programs used in Norway to promote the Guardian

²⁷⁶ *Roundup: How police training is being reformed, supra* note 270.

²⁷⁷ *Id.*

²⁷⁸ Stoughton, *supra* note 34, at 667.

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ *Id.*

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ Stoughton, *supra* note 34, at 667.

²⁸⁵ *Id.*

rhetoric, Norway is not operating under a perfect system, nor is any other country in the world. Police officers in Norway face their own issues in terms of police relationships with the public, albeit not as urgent or as consequential as that which is occurring in the United States. For example, under the current right-wing government, the Norwegian Police University College has been scrutinized for funding cuts and downsizing, which could result in the loss of accreditation.²⁸⁶ Even the so-called Proximity Police Reform of 2015, created to reduce the number of and re-structure remaining police departments in an attempt to yield additional manpower and bolster relationships with the public, has instead led to a more isolated, concentrated, and standardized police agency – despite what the name would indicate.²⁸⁷

VI. CONCLUSION

If the police officers in the United States were trained to rely less on their weaponry and more on tactical restraints, would Rayshard Brooks still be alive? If officers in the United States had a more positive relationship with the public, would Mr. Brooks have been aggressively forced out of his vehicle and handcuffed in the first place? If implicit bias training had been implemented in Atlanta, Georgia, prior to June 12, 2020, would that have made any difference in his case?

Unfortunately, these questions will remain unanswered. What is certain, however, is that in the United States, there is a longstanding disconnect between law enforcement and the communities they serve, especially communities of color.²⁸⁸ As such, it will take more than a couple remote changes to restore these relationships.²⁸⁹ Earning public trust will require implementing standardized and expansive training programs and modifying police culture by reasserting that policing should happen *with* the community and not *to* a community.²⁹⁰

²⁸⁶ Tereza Østbø Kuldova & Christin Thea Wathne, *Police Discretion Under Pressure: On the Criminogenic Potential of Organizational Reform*, SOC'Y FOR ANTHROPOLOGY WORK (Dec. 1, 2020), <https://doi.org/10.21428/1d6be30e.a76f702b>.

²⁸⁷ *Id.*

²⁸⁸ Stoughton, *supra* note 233, at 234.

²⁸⁹ *Id.*

²⁹⁰ *Id.*

While calls for reform in the United States are only growing louder, in a country with about 18,000 police departments, any meaningful changes must be both structural and systemic.²⁹¹ The training that instills values, skills, and attitudes about policing must change. Such training must instill officers with the idea of communication over commands, collaboration over compliance, and legitimacy over power.²⁹²

²⁹¹ Colleen Walsh, *Solving racial disparities in policing*, HARV. GAZETTE (Feb. 23, 2021), <https://news.harvard.edu/gazette/story/2021/02/solving-racial-disparities-in-policing>.

²⁹² Stoughton, *supra* note 233, at 231.