

A Legal Shot? Police Gun Violence and Individual Accountability in Miami

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In light of police violence and injustice, criminologists tend to focus on masculine and violent police cultures, the lack of democratic oversight and on social processes of dehumanization. Yet much less attention, however, is given to the objects commonly used in violent and lethal police encounters: guns. Drawing on long-term ethnographic fieldwork with police officers in Miami, I suggest that police officers tend to re-contextualize police gun violence in terms of individual liability and legal culpability—as a question of what constitutes a legal shot. While a legal framing might protect police officers from prosecution, the legal shot first and foremost enables state institutions to explain police brutality as “incidents”: as unintentional and exceptional outcomes of an otherwise warranted form of policing. Recognizing how the legal shot attunes our attention to individual misconduct and legal solutions to systemic and racialized police violence, I suggest, is an important step in exploring the possibilities to disarm the police, and to organize around the question of how to imagine and push for a more inclusive form of public safety.

Key Words: policing, violence, legality, guns, Miami

INTRODUCTION

Recent findings suggest that approximately 1,000 people are killed by the police in the United States every year, and the vast majority of them are shot. Black Americans are much more likely to be killed by the police compared to their white counterparts, sometimes at a rate four times as high.¹ When it comes to understanding police violence,² criminologists have drawn attention to masculine and militarized police cultures, the lack of democratic and legal oversight, and to social processes of dehumanization through which police killings are justified. Yet much less attention, however, is given to the objects commonly used in violent and lethal police encounters: guns. Even though few officers who violate civil rights actually end up being prosecuted, let alone found guilty, the perspective of the police is valuable in terms of what they themselves

1 According to the Washington Post (2020), ‘Protests spread over police shootings. Police promised reforms. Every year, they still shoot and kill nearly 1,000 people’, [Washingtonpost.com](https://www.washingtonpost.com).

2 I use the term ‘police (gun) violence’ or ‘police shootings’ to refer to an unwarranted and/or excessive form of policing in ways that resemble the use of ‘police brutality’. Important in this article is to think of police violence beyond constructions of legal and illegal, which is why I decided to follow a body of scholarship that speaks of police violence as an everyday practice and experience, regardless of whether the juridical system considers it as a violation of human and civil rights.

believe and imagine to be a legitimate reason to shoot. How do they think about their gun as they navigate a duty to protect, the (perceived) danger they face themselves, and the risk of prosecution and public condemnation? And what does this mean for their understanding of police shootings?

Drawing on long-term ethnographic fieldwork with police officers in Miami, I found that police officers tend to re-contextualize police gun violence in terms of individual liability and legal culpability—as a question of what constitutes a *legal shot*. Such a legal framing of police gun violence often prevails over other ethical and moral values than the law alone, informing how police officers experience and imagine their everyday work. Through its emphasis on individual misconduct and personal blame, the legal shot obscures the systemic nature of racialized police shootings in the United States. ‘Such individualist framings’, as [Jonathan Rosa and Vanessa Díaz \(2019: 121\)](#) also note, ‘suggest that racism is an exceptional, idiosyncratic phenomenon that can be eradicated through behaviour-oriented interventions.’ While police officers might invoke a legal framing to protect themselves from prosecution, the legal shot is first and foremost part of a widely circulated explanation of police violence as ‘incidents’: as unintentional and exceptional outcomes of an otherwise warranted form of policing.

Exploring the ambiguous relationship between policing and the law, criminological scholarship has concentrated on how police officers—often at their own discretion—legalize and legitimize their use of force in their daily work. Police gun violence, in turn, is generally understood as resulting from racist and aggressive police officers who often act with legal impunity. Although the legal shot also speaks to normative framings of police shootings as either legal or illegal, as good or bad, I aim to extend our analyses of police gun violence beyond a focus on immediate encounters with civilians. A socio-legal approach allows me to situate police gun violence within a broader context of American self-defense, policing and settler colonialism. Examining the perspectives and experiences of police officers, the legal shot illustrates that contemporary police gun violence is not only a problem of the police, or of widespread gun cultures for that matter. More importantly, it is a modern iteration of the historic relationship between an individualized logic of gun ownership and use and white supremacy. This is not to say we should not be concerned with how the doctrine of qualified immunity shields police officers from prosecution, or with the criminal justice system that labels acts of police violence as lawful by acquitting perpetrators.³ Rather, it is to warn against an approach that is overly concerned with the individual liability and legal culpability of police officers in the context of state-sanctioned violence and racism.

My argument builds on my research with the Miami Police Department (MPD) and the Miami Beach Police Department (MBPD). In 2015 and 2016, I frequently spent time with police officers and joined patrol officers during a so-called ‘ride along’ as a civilian observer. I was able to join patrol officers on a regular basis during day and night shifts, participate in classes with recruits, interview commanding officers, observe community policing projects in various neighbourhoods and homeless outreach programs, train for SWAT swimming courses in a heavy suit, visit holding cells, join meetings with local residents, observe small-scale drug dealing on a corner while hiding in the bushes across the street and participate during various other aspects of police training and courses for US citizens, such as crime scene investigations. In spite of the politically volatile times, and the increased scrutiny of police practices across the country, there seemed to be little hesitation to pair me with officers who had a reputation amongst their colleagues for being aggressive, a reputation that sometimes became apparent in their interactions with residents. Both within and beyond their working environment, I spoke with police officers about their professional and private lives. I listened to officers discuss how

3 Qualified immunity is a type of legal immunity that protects governmental officials from lawsuits.

they had dealt with issues they encountered in their work, and greeted recruits who saluted me in the morning as I came to visit their class. I observed conversations and interactions between police officers as I eventually was able to move with relative freedom within the MPD. In addition, I spent time with police instructors during lunches at the police station and during training sessions, and frequently interacted with police officers in the different neighbourhoods.

In what follows I review critical criminological scholarship on policing and explain how a socio-legal approach to guns contributes to such debates, specifically by showing how legality has informed how police officers experience carrying and shoot a gun, to begin with. Then I discuss police gun violence in Miami, highlighting the city's main historical and contemporary urban inequalities and periods of violence. Following Miami police officers during their work, I show how they think through legal parameters and juridical conditions in order to legitimize a shot. Looking beyond these everyday police encounters, I found that such framings are also part of police trainings and broader practices, and grounded in the normalization of (police) gun violence and inequality in daily life in the United States. In the conclusion, I extend the general analysis outlined throughout the article, arguing that the legal shot contributes to our understanding of how state institutions are able to defend themselves against verbal accusations and visual testimonies of racialized police gun violence.

Policing and the law

Already in the late 1970s, Stuart Hall and colleagues argued that policing involves institutionalized practices and responses to perceived threats, through which a (classed and raced) social order is established and maintained. Highly racialized imaginaries of crime and danger provide the 'basis for the justification of extreme reaction (social, judicial, political) to the crime problem' (Hall et al. 1978: 26). More recently, Micol Seigel (2018) suggests considering the police as an inherently violent institution, and to think of police officers as 'violence workers': they make real the core power of the state. Critical of narratives of the police which romanticize its origins, and the contemporary 'idea of the police' (e.g. Bittner 1970; Júnior and Muniz 2006) as intrinsically a benevolent and professional institution, Seigel shows how policing is rooted in violence and racism, and legitimized through perceptions and experiences of crime.

Yet in spite of violations of civil rights on a daily basis, the police and policing practices continue to be legitimized in various ways. Notions of crime have been typically constructed around the concepts of individual liability and legal culpability, which makes it difficult to think about state institutions as harmful agents in their own right. Correia and Wall (2018) explain how various linguistic terms and methods influence how we have come to understand law enforcement, and how the language of policing tends to obscure the violent nature of the institution itself. In addition, by pointing the finger to individual officers, police departments invoke the so-called 'bad apple' explanation (e.g. Punch 2003), suggesting that only few officers use exceptional violence, and that police gun violence is mainly a problem of character and personal decision making that can be addressed at an individual, and especially legal, level.

Examining how the law shapes everyday police work, scholars have focused on how police officers make decisions in their daily encounters with civilians. Based on ethnographic fieldwork with the Los Angeles police department, Steve Herbert (1996) examines what he calls the 'normative ordering' of policing: the formal and informal set of motivations that structure police practices. Herbert outlines the workings of bureaucratic control, machismo, safety, competence, morality, race and law as key sets of rules that police officers employ to give meaning to their actions. When it comes to law, he explains that law both enables and constrains their behaviour. While on the one hand laws 'prevent the police from legally entering many areas without either explicit permission or a search warrant' (Herbert 1996: 572), police officers can easily find the 'probable cause' necessary to ensure the legality of their actions.

Here, Herbert describes experiences very similar to my own, and discusses how police officers look for minor code violations to legally pull over cars they wish to stop. Policing scholars might also find this exemplary of what they call ‘discretion’: the unchecked power of police officers to enforce the law however they want. ‘By definition’, Mark Neocleous (2000: 99) writes, ‘the exercise of police discretion defines who is deviant in any social context and how that deviance is controlled.’ Discretion allows the police to enforce the law in a selective, and thus often racialized fashion. Neocleous, too, points out that police officers, therefore, do not need much more than ‘reasonable suspicion’ to legitimize their actions. What legal entails in practice can be extended by the police itself—because law is a product of state agencies, and flexible enough to uphold the idea of legality of police work.

Much attention here is given to the ways police officers mobilize the law in their understanding of a situation. Yet, legality, as I also explain in the next section, is more than an independent normative order that either constrains or enables police practices. Indeed, police power has always been grounded in national legislation and embedded in notions of legality, shaping how the police function as a mode of governance, and is connected to other forms of policing. ‘More than two centuries after the creation of the new republic on the basis of the idea of equality’, Markus Dubber (2005: xv) emphasizes, ‘it is high time that American law faces the question of the legality, and legitimacy, of the police power and its most patriarchal manifestation, the criminal law.’ Through a socio-legal approach, by drawing linkages with other forms of gun ownership and violence, in particular, I seek to expand our understanding of how legality underlies police shootings.

A socio-legal approach to police shootings

In his famous theory of material agency, Bruno Latour (1994) suggested that guns are not neutral and in fact transform individuals, creating new violent actors that can act differently than individuals without a gun (e.g. Riis 2008). A gun, in other words, is not subordinate to the will of its owner, but has a script: it has the potential to take hold of its owner and guide her towards playing a certain role in its story. Not only does the materiality of guns instruct and direct, Latour (1994) argues that it even pulls the trigger. In his view, our personalities and actions depend on what we have in our hands, not the other way around. In this material understanding of social life, guns are seen as agents (or actants), an approach that would require a shift in our human-oriented interpretation of security encounters, especially in terms of legal accountability and culpability. Latour’s theory of material agency has, however, been thoroughly critiqued. A main concern has been that the approach only focuses socio-material relationships but ignores the power structures and cultural constructs that inform gun ownership and use in everyday life. In other words, what his account lacks is a thorough understanding of the cultural and political contexts in which guns are owned and used.

Criminologists studying guns have therefore sought to account for the everyday experience of guns. Peter Squires (2000), for example, examines differences and similarities between gun control policies in the United States and the United Kingdom. Tracing the significance of guns in the United States throughout history, he explains gun violence through what he understands to be the national gun culture. Abigail Kohn’s (2004) ethnography of gun enthusiasts in California focuses on the significance of guns in everyday life. She approaches guns as a materiality that represents a core feature of US identity and culture, deeply embedded in historical developments of citizenship. Based on her interactions with her interlocutors, Kohn (2004: 140) points out that guns shape the worldview of those who own them, but argues that ‘in a nation fixated on guns as the US, outlawing guns will not wean Americans of their interests in guns’.

Similarly, Charles Springwood (2007: 11, 9, emphasis in original) approaches guns ‘as symbols of subversion of domination’, and studies how ‘handlers of guns produce—through their

usage—the range of possible meanings of guns’. He provides a qualitative account of guns that include a range of their specific cultural, societal and political implications, including (dis)empowerment, race, gender and popular culture, and proposes the concept of ‘gunscape’: societal and political constellations that inform how and why gun use is supported in everyday life. Finally, Chelsey Kivland (2018) examines the cultural and political context of Haiti in which guns are owned and used. She points out that a gun in Haiti, ‘unlike in the United States will probably not be used to indiscriminately shoot people in a school or movie theatre or at a concert. This is not because the gun does not afford this possibility but because the gun has not figured in this particular cultural scripts’ (Kivland 2018: 358). Examining the transformative effects of guns in terms of subjectivity and agency, she focuses on stories of gun violence in order to theorize the gun as a script, as a ‘character in the play’ a technology that ‘can generate action and meaning in the world’ (Kivland 2018: 357). In her view, the script of the gun should be understood in terms of how human intention and technological capacity interact.

A socio-legal approach to guns—focusing on the legal framework in which guns become meaningful and legitimate in everyday life—complements analyses of private gun ownership and policing that emphasize the cultural affordances of guns. Concerned with how guns are deeply embedded in the making of the United States, Patrick Blanchfield (2017) writes that ‘firearms occupy a singular place in our national mythology, our legislative landscape, and our political debates’. He points out that guns, their ownership and use, are described and specified in the US Constitution in ways unlike any other object. Guns, in other words, are entrenched in American culture, politics and legislation—they have always been integral to the making of the United States, as a nation, and part of everyday life. Blanchfield finds that gun culture is fundamentally rooted in relationships of state violence, white supremacy, and the US military-industrial complex. Focusing on these ‘ugly social realities and broken institutions’, Blanchfield explains, allows for a way to talk about the power that (police) guns have enabled, and to think of alternatives.

In the United States, private gun ownership is grounded in the Second Amendment of the constitution, and has been expanded in some states by so-called castle doctrine legislation and Stand Your Ground laws (Boots et al. 2009). Private gun ownership has often been equated to individual rights, personal freedom and the safeguard of democracy. Yet an analysis of historical and contemporary policies indicates that ‘the white majority has often used gun regulation as a tool to keep firearms out of the hands of politically unpopular groups that it deemed to be too dangerous’ (Gulasekaram 2010: 1542). Private gun ownership can be understood not so much as an easily claimed universal right, but an unevenly distributed privilege that paradoxically has become a defining aspect of citizenship status, creating second-class citizens who were not able to access these rights. Traditionally, those who were not covered by the Second Amendment were enslaved people, immigrants and specific racial and ethnic groups. Today, it is illegal for Florida residents with a registered felony to own a gun (or to vote), although they may seek to have their gun rights reinstated through a complicated and often unsuccessful legal procedure. Considering the disproportionate incarceration rates for African-Americans and Latin-Americans in comparison to whites in the United States, exclusion from gun ownership based on felony convictions is therefore strongly linked to race (e.g. Wacquant 2001). This means that guns are given a different status depending on whose hands they are in: some guns are perceived as contributing to public safety, others are considered to be a threat to it.

While this article primarily discusses how police officers consider the parameters of police gun violence in legal terms, it is important to recognize that much like non-police gun violence, police gun violence is rooted in American racism and settler colonialism. A growing body of scholarship on policing, therefore, aims to unpack the connections between policing and slave patrols and apartheid (e.g. Dunbar-Ortiz 2018; Ralph 2019). Roxanne Dunbar-Ortiz (2018)

deconstructs the popularized notion of ‘gun culture’, showing how modern police forces are intrinsically connected to white supremacy, tracing its foundations to slave patrols and confederate guerillas. Police gun violence, much like the violence used by white nationalists, have both ‘normalized racialized violence and affinity for firearms in U.S. society’ (Dunbar-Ortiz 2018: 39). This is also what Kevin F. Steinmetz and colleagues (2016: 69) refer to as the ‘colonial character of contemporary American policing’. That is not to say that policing today is the same as during colonial times, but that its current racialized order is another step in colonial logics and oppression. Following the understanding that police officers are essentially ‘violence workers’, guns are associated, if not central, to the idealized ‘warrior’ mentality of the police (Stoughton 2016) and key for violence work.

The National Rifle Association (NRA) has played a particularly important role in making guns meaningful in the hands of both civilians and police officers. Jennifer Carlson (2020: 26, original emphasis) writes that ‘the organization helped to popularize the notion that police needed guns (as opposed to billy clubs or anything else to competently perform their duties)’. Second, the NRA propagated the belief that police officers should carry guns, whether they are on-duty or not, as an act of good citizenship. And although law enforcement agencies have supported gun control policies in the past, recent studies suggest that the vast majority of officers actually support private gun ownership, perhaps surprisingly, considering it could also make their work more dangerous. The prevalence of guns in society could in turn be used as an argument to arm the police, to ‘militarize’ them: to use additional firepower and military hardware in the context of everyday policing.

It is important to note that police officers do not necessarily have to be armed. Indeed, the decision of whether or not police officers carry a gun and where is often a political and legislative one. Discussing the cases of The Netherlands, the United Kingdom and the United States, Maurice Punch (2011) points out that there seems to be a general fixation ‘on the very rare moment when possessing a gun can or does make a difference; as when saving oneself, another officer or a citizen from death or serious injury’ (2011: 71). This makes it easier to argue in favour of arming the police, and makes it difficult to disarm an already armed law enforcement agency—in spite of overwhelming findings that ‘with an unarmed police there is likely to be less use of criminal violence, less armed violence against the police and obviously fewer police mistakes with weapons’ (2011: 72). During my research in Miami, I regularly joined police recruits during various courses and police training. In light of my European background, they seemed intrigued with the fact that some officers in parts of Europe were unarmed. They asked me about my perspective, and generally had a hard time imagining how they could do their work without carrying a gun.

Police violence in Miami

The City of Miami and the City of Miami Beach allocate around one-third of their budget to the police: respectively \$265 million and \$115 million in 2019. With these budgets, the cities have a total of 1,371 and 371 full-time sworn positions. Both departments have come under scrutiny for various reasons, including violent, racist and sexist acts and comments. Between 2008 and 2011, MPD officers intentionally shot at 33 individuals. Following these shootings, the US Department of Justice conducted its second investigation into the department’s practices and concluded that, yes, MPD officers engaged in the use of excessive force, while internal investigations remained inadequate. In a letter sent to the Mayor and the Chief of the Police in 2013, the US Department of Justice wrote that they were deeply concerned that ‘many of the deficiencies that we previously uncovered now appear to be deeply rooted.’ The Ministry recommended the MPD to improve accountability, in particular by modifying its policies and training. Sceptical of such promises of reform, and in light of growing calls to defund the police, local journalists have

pointed out that the City of Miami spends less than \$6 million, or about 0.7% of its budget, on its department of human services, which includes homeless outreach.⁴

During my first ride-along with MBPD police officer Alf, an emergency call came in as we were driving over the causeway, making our way back to Miami Beach. Alf immediately turned on the sirens and alarm lights, and I heard how the Ford's engine was pushed to maximum as we accelerated towards an intersection. There I saw a white car being followed by several police cars, one of them driven by Alf's lieutenant, who had notified all the other patrol officers that the driver in front of him had ignored the stop sign. Passing through a red light, we joined the group of police cars, and after a short chase, the white car pulled over and five police cars stopped several metres behind it. Surrounded by his colleagues, Alf pulled out his handgun, jumped out of the vehicle and aimed the gun at the white car, which was illuminated by the bright searchlights on top of the police cars. One of the men inside the white car opened the door, to which the police lieutenant responded by shouting 'Stay in the car!' Several police officers approached the white car and after a short exchange learned that the four men inside were Brazilian, and that they had only been trying to get out of the way when the lieutenant had used his 'stop' sign; according to them, this is what you do in Brazil. After their IDs had been checked and returned, the officers left the scene.

When Alf returned to his police car, he found me hiding underneath the dashboard, still somewhat overwhelmed by the police response and the threat of a shooting. I slowly climbed back into my seat. While I never witnessed a police officer firing their weapon in public during my research, this encounter was one of many in which police officers drew their handguns: during alleged burglaries, robberies, or even traffic violations, when police officers were anxious when approaching drivers or when they covered their colleagues. Sometimes, the officers drew their handguns before they had even brought their car to a halt at the scene of a reported crime, hoping to catch the criminal in the act. In most cases, however, we only found disillusioned victims or scared residents, for which officers only had to draw one of two silver ballpoint pens from their dress shirt pocket to write a report.

Nevertheless, like many other US cities, Miami has seen several periods of intense political protest. In general, these protests have revolved around police violence, ethnic and racial tensions and the criminalization of different neighbourhoods in Miami, such as Overtown, Opa Locka and Liberty City. Between 1980 and 1990, four major riots occurred in Miami, the first following the acquittal of four Miami-Dade police officers over the killing of Arthur McDuffie in 1979. McDuffie died from injuries sustained at the hands of the four white officers, who sought to arrest the salesman after a car chase. During these 'McDuffie riots', police and military forces installed a curfew and used blockades and sniper fire to disperse crowds, ending the riots after three days, killing eighteen and injuring hundreds in the process (Croucher 1997; Stepick et al. 2003). These riots are important indicators of the lived experiences of police violence and inequality in the city, experiences not only characterized by physical violence, but also reflective of systemic and cultural violence. In 2015, a local resident discovered that the North Miami Beach Police had used images of Black men for target practice. She recognized her brother's mug shot at a shooting range, as one of several pictures at which the officers had been firing. In response, the police chief apologized and prohibited the use of mugshots for future target practice. Nevertheless, the case exemplifies the institutionalized racialization of policing, which have to become public and labelled as acts of racism before the authorities consider and deal with them as such. In this example, the police department stopped using the mugshots for target

4 This is exactly the point of Alex S. Vitale (2017), who explains that the police has become involved in a series of social problems that they cannot solve. 'Police argue that residents in high-crime communities often demand police action. What is left out is that these communities also ask for better schools, parks, libraries and jobs, but these services are rarely provided' (Vitale 2017: 2). What is necessary, then, is to seriously reconsider what policing actually means, and what the police should be doing.

practice only after the Miami Herald wrote about it. The Chief of Police told the press that he felt really bad about the matter, but refused to enter into dialogue with Black Lives Matter activists who had called for his resignation.

When asked about police violence, however, police officers in Miami often feel often targeted by the media. A Miami police sergeant I interviewed takes a deep breath and sighs loudly. He told me that the media does the police absolutely no favours when it comes to their perception in the public in general. ‘I went on vacation, it was on a cruise, my wife asked me if I wanted to go on a two-night cruise and we’re out there in the middle of the ocean, we’re sitting down for dinner, and of course on a cruise ship, they seat you with other people, so you can make acquaintances. The woman across me, we’re discussing what we’re doing for a living, she asked me: “what do you think about all the police violence?”’. Annoyed with the question, the police sergeant explained her that the public wants the police to do a job without knowing how they do it. While he recognized the disproportional nature of the violence used in certain cases—‘I would say the same thing that everyone else would say, that the officer behaved inappropriately’—he suggests that a badge as a symbol of authority is not enough for effective policing. Many people, he concluded, ‘don’t understand anything else but force’.

The perception of the Miami police sergeant exemplifies broader justifications of police violence in the United States, most notably that it is a problem of individual officers. Condemning the use of lethal force by few, the sergeant downplays the systemic nature of police violence, in Miami and elsewhere. At the same time, his answers seem to reflect the idea that the police are essentially a violent institution. Police officers, in his view, are then charged with the task to figure out what kind of violence they can use in a given circumstance.

A reason to shoot?

As I accompanied Rico on a ride-along during his patrol, the MPD officer received a request from the police dispatcher. A 911 call had come in from a security guard who felt unable to deal with an intoxicated man harassing visitors in a park in Downtown Miami. Rico, another MPD officer, and I found the drunken man stumbling around a bench by a footpath overlooking the ocean, sipping from a bottle. He was white, wearing jeans and a grey t-shirt, and some of his belongings were scattered in the grass around him. Rico greeted him and asked him politely to collect his things and leave the park. The man appeared unresponsive to Rico’s requests, but grabbed a rubber hammer from his backpack and began to twirl around with it, in a slow and uncontrolled manner. The three of us stood still as Rico repeated his request a few more times. I did not feel threatened by the man’s behaviour, and neither of the police officers seemed very impressed. Still, the man was carrying a rubber hammer, an object that could be classified as a weapon. He was also trespassing on private property, publicly intoxicated and ignoring direct instructions issued by two police officers. Rico wondered out loud: ‘Can I shoot him?’

It was clear to me that Rico was not actually considering taking out his handgun and firing it, potentially injuring or killing the drunken man. Rather, and in light of recent debates surrounding police violence, Rico was trying to figure out what was still legal in the given context. His question, and his interpretation of the scene were motivated by a desire to understand the physical and emotional conditions that constituted a legitimate reason to shoot, a reason that could hold up in court. Carefully observing the man, who had begun to pack up his belongings, the two police officers concluded that, yes, Rico could have shot the man without being found guilty in a court of law. Eventually, the man left the park and the officers’ presence was required elsewhere: three skateboarding teenagers were flouting the park rules and ignoring the security guard’s requests to leave.

Rico sought to read the threat of violence not only in terms of the actual risk of physical harm, but in relation to broader and shared understandings of the law, working out what constituted a

weapon, legally speaking and what rules and laws the intoxicated man was breaking. He drew on his interpretations of the law in order to understand the parameters of his own agency, his room to manoeuvre, which in this case included exploring the possibility of shooting a man without being prosecuted or found guilty in a court of law. While we might of course expect a law enforcement officer to have an above-average awareness of what constitutes the legal use of force, Rico's immediate, explicit framing of the encounter in legal terms was striking.

On several other occasions, Rico explained to me what he believed was the appropriate and justified use of force for a police officer. For example, shortly after we left the park, Rico showed me a video of the police killing of James Bushey in Texas in 2015. The video, recorded by the body cameras of the officers, shows how the officers found Bushey in the bathroom of a local Applebee's restaurant. The officers suspected that Bushey had stolen alcohol, and escorted him outside in order to make an arrest. Once outside, Bushey drew what appeared to be a weapon, turned around and aimed the object at the officers, who immediately responded by shooting Bushey, and killing him. Afterwards, investigators determined that Bushey's weapon was a B.B. gun, and media sources suggested that Bushey—who was divorced and had recently been fired from his job—had deliberately put his own life at risk by aiming the gun at the officers. Officer Rico agreed with the decision to not prosecute the officers and considered the use of force legitimate. Indeed, based on the video, it seems reasonable to believe that both officers acted out of fear for their own lives, and that the use of (lethal) force seemed necessary.

During an MPD training course I attended, instructors discussed the case of a shooting. The father of one recruit—also a police officer—had been involved in the shooting of a homeless man who had assaulted another homeless man. In his hand, the former had held a Walkman, which the officers, including the recruit's father, had mistaken for a pistol. They shot him in the leg. To cover up their error, they had placed a gun on the scene; this was eventually found out and resulted in the suspension of and legal complications for the officers. Nevertheless, the question that the instructors and recruits were discussing was whether it had been a good shot. 'No, because he missed him—he shot him in his leg,' one recruit answered, and the others started to laugh. The question here was, however, related to whether the shot had been justified (was it a 'good' use of force?), and the consensus was that it had in fact been a good shot, because the officers had believed a person's life was in danger.

The understanding that lethal force is legal for those defending themselves from a direct threat of grave bodily harm or death can lead to a seemingly warped logic of gun use. Police officers, private security guards and private gun owners told me that where on the body you shot an attacker would be read as legal evidence of the measure of threat you were facing. An MPD police instructor told me that if he did not aim and fire at the torso of someone posing a threat, he would render himself liable to prosecution. 'Shooting at the arms or legs could be a reason for the victim to sue me for illegal dismemberment,' the instructor explained. After all, he reasoned, if there were truly an imminent threat, why would you aim for the limbs to begin with? A judge and jury might make the same assessment.

Maurice Punch (2011) discusses the policy for police officers to 'shoot to stop,' which is different from 'shoot to kill.' Police officers are taught to aim at the torso, and 'not to try to "shoot to wound", because hitting the suspect is too uncertain and it is too risky as the suspect can continue the threatening behaviour even when seriously wounded' (2011: 9). Although this may very likely result in the suspect's death, the intention to kill is officially not the main reason why police officers shoot. **Punch (2011)** identifies this shift in shooting policies—from 'shoot to prevent' to 'shoot to kill'—as being embedded in an 'informal cop code' that advises officers never to draw a weapon unless they actually have the intention of taking a life.

The act of framing the legitimate use of force as a legal shot extended beyond the work of police officers. Although US and state laws recognize self-defence as legal, the conditions that jus-

tify firing a gun remain subject to judicial interpretation. Legal professionals and state agencies that suggest that there is a fine line between murder and self-defence reinforce this ambiguity. For example, a local gun store frequented by police distributed information from US LawShield, a national organization that aims to educate its 'members in self-defence law; empower them to handle critical, life-threatening situations with confidence; and protect them from potential injustices in the legal system after acts of self-defence' (US LawShield 2018). MPD police officers frequented local gun stores, and one proudly showed me a picture of his thirteen-year-old daughter practising with a shotgun. He glowed with pride as he showed me the image of his daughter shooting. To him and others, it was indicative of good citizenship. Shared understandings of the law shape how guns are used in practice, often more than ethical and social concerns regarding whether, how, and when private gun ownership actually contributes to public safety.

Several booklets on display in the gun store suggested that gun owners need to have a thorough understanding of the self-defence legislation in order to justify their use of a gun. While the organizations that distribute these booklets emphasize these uncertainties in order to sell the services they offer, it is indicative of a broader understanding that knowledge of the law and access to legal services are crucial to prevent being sued by other parties. The first page in 'a free special report' by US LawShield, for example, had a space reserved for the emergency phone number of a lawyer. Such imaginaries of legality built around private gun ownership focuses on navigating legal accountability and justifying self-defence in court, and on the notion that knowledge of the law is the best way to prevent murder. Murder as a legal classification that is, not necessarily in terms of how a death might be framed in the experience of ordinary people.

Such entanglements between gun violence and legal culpability are not only embedded in everyday policing, both in and beyond the police, but also in popular culture. In the American animated and satire sitcom *South Park*, two hunters are not allowed to hunt animals. In order to circumvent these regulations, whenever they see an animal they shoot it after yelling 'it's coming right for us!' first, so that they can legitimize the shooting as form of self-defence, and thus justifiable by law. Similarly, other residents of Miami, who owned and sometimes carried a gun, also imagined that if ever they were to pull out their gun, they would be sure to fire it. Otherwise, they would need to explain why they had threatened someone with a gun in the first place, while in their eyes shooting would provide a legal justification—it was self-defence. Of course, different laws apply to the work of police officers, generally extending the conditions in which they can legally use force. Yet, a logic of individual liability and legal culpability also underlies how police officers think through these conditions, and experience their daily work environment, both in and beyond interpersonal interactions with civilians.

Everyday (police) gun violence

In addition to everyday policing encounters, the gun is also central to police training and practice. In Miami, police recruits and officers train in MEGGITT simulations, which is an immersive and virtual training system for law enforcement. Entering a dark room, participants stand in front of a large screen as multiple scenes are projected onto the screen, with the instructor controlling how different scenes will play out. During one scene, you play a police officer who just pulled over a driver going over the speed limit. It is up to the participant how to approach the man. What do you ask him? How do you position yourself? Where do you keep your hands? Depending on these decisions, the instructor decides what happens next: will the driver pull out a knife from the glove compartment? Does he comply? Does he start running?

Others, including former police officers and police instructors were critical of the MEGGITT system, because it centres around the question of when to shoot, and when to use a non-lethal weapon or verbal commands. One former officer who became an instructor at a private security company asked me whether or not I had experienced the program myself, and what I expected.

He explained that police officers are taught to identify certain ‘markers’ that legitimize the use of force. In other words, what needs to happen for a police officer to use a gun. The former instructor told me he considered the focus on the gun within police training to be problematic, and in his eyes, one of the reasons why police gun violence has become everyday practice. These training practices and interpretations of police shootings also resonate with Laurence Ralph’s (2020: xxi, original emphasis) discussion of the so-called use-of-force continuum: the legal guidelines that ‘police officers are *required* to make their way through all reasonable alternatives before deploying force.’ Accordingly, police officers draw on the use-of-force continuum to navigate between the various means at their disposal. In doing so, they are ‘permitted to always be one step ahead’ (Ralph 2020: xxi). Ralph points out that in practice, however, police officers escalate their use of force on the basis of racist interpretations of what actually constitutes a threat.

As these training practices also show, police officers do not only draw on legality to think through their use of violence. Explicitly or implicitly, racialized understandings of danger and insecurity underlie police practices, as well as (related) norms of masculinity. Police officer Lux, who got into dangerous situations herself but never used her firearm, says that ‘police officers look for opportunities to shoot. It is a way of showing their skills, to show that they have been practising on the range. They’re told that rescuing a life is the best thing there is, and that is often the case when you have to shoot or kill someone else.’ Yet exactly because it is so strongly coded in legislation and contextualized in legal guidelines, such as the use-of-force continuum, state institutions are able to easily frame police gun violence as a problem of individual misconduct, of a police officer who did not follow the law. Such individualized and juridical interpretations are not just mobilized by police officers, but inherent to widespread understandings of police gun violence, and suggest that litigation is the best way to solve these long-standing issues.

On the morning of 11 June 2015, I was inside a local barbershop in Overtown, an inner-city neighbourhood in Miami that is locally known as an impoverished, high-crime area, and a place where predominantly Black Miamians live. An MPD police officer had shot someone close to the barbershop and the whole area was swarming with police cars and officers. Directly in front of the shop was a police car with its lights on, guarding the perimeter. Watching the news on the television inside the barbershop, we learned that a middle-aged Black man had been shot close to the library in Culmer Park, one of Overtown’s more popular parks. The owner of the barbershop had heard the shots, which had been the outcome of a deadly encounter between a police officer, Antonio Torres, and a homeless man, Fritz Severe, who frequently camped out in the park with his belongings. The interaction had escalated to the point where the police officer had used his gun and had shot and killed Severe, who had been holding an iron pipe in his hands. Rodolfo Llanes, the MPD Chief of Police, appeared on the news, and Fenix wondered what kind of excuse this ‘double L dude’ was going to come up with this time. Llanes told the journalists that the investigation was still ongoing, and that there was not much he could say at that time. Marcus and Fenix both blamed the police officer, turned off the news channel, increased the volume of the music and returned to work.

In 2017, two years later, the Miami-Dade County State Attorney’s Office had still not charged Torres with a crime, and he was still working as a Miami police officer. Five years later, in 2020, Miami city commissioners settled with Severe’s parents and paid them \$300,000 in compensation. The financial settlement, which came after a lengthy civil rights lawsuit and in the absence of a criminal prosecution, speaks to the widespread impunity of police officers. In Overtown, residents speak ironically about ‘winning the ghetto lottery,’ referring to the amount of money a person can receive by prosecuting city officials and private companies who have violated their rights in one way or another.

Yet there are also other explanations and excuses for police shootings, which seem to normalize the structural nature of such violence. A couple of hours after the shooting of Severe, I spoke

to one of Overtown's most known activists, whom the local media sometimes referred to as the 'unofficial mayor' of the neighbourhood. Indeed, as a community board member and long-term resident of Overtown, he was present at nearly all of the local meetings that I attended. I wondered if he could tell me more about the shooting. Just as I had started saying 'There's just been a shooting at the...' he interrupted me:

At the park. Yes. That happened because the regular [library] staff wasn't there. The regular staff would have never called the police: the man was not a dangerous person! But you got these people working the library system that get moved here and there. And they called: "Oh he out there and he got an iron pipe, get the police!" And the police killed him when they got there. I want to go to the library and I want to know who was the one that set off the execution on the man. Because the chief said the caller pretended the man was so dangerous. Well to them, maybe so. But to the regular crew who live in the neighbourhood, know all the people, know that he was not. Even the man [park manager, interviewed by the media] said the same thing. But you got some asshole in there that said: "Oh this man is dangerous, this is the ghetto, this is Overtown, he gon' kill me, let me call the police and have them kill him!" All the children that go there know this man!

I asked the 'mayor' what he thought of the role of the officer. He asserted forcefully that the homeless man's death was not to be blamed on the police:

They need to arrest the person that made the call. Because that person lied and cost this man's life. The officer came with an attitude he would not have had if he did not get this bogus ass information. So I don't hold anything against the officer.

According to the mayor, the new staff members at the library were the ones responsible for the death of the man in the park, and not the police officers, or even the man himself, who had been wielding what could have been construed as a weapon. In his view, the library staff members should have known the implications of calling the police: namely, that if you call 911 and explain that you feel threatened, it is likely that a police officer will shoot.

What I found especially striking was the mayor's immediate and explicit framing of the violent encounter in terms of a sense of responsibility and moral accountability that never contested the legality of gun violence. Instead of holding the police officer or even the victim himself responsible for the violence, the mayor blamed an individual for the shooting who was not even legally involved in the physical encounter that took place. This illustrates how accountability may be interpreted once police gun violence is considered a given. Although other residents did frame the encounter as an example of police violence, they were still primarily concerned with allocating individual liability and legal culpability: who had been at fault and might even be liable for prosecution? The police officer who shot a homeless man, the chief of police, the person who called the police, or the homeless man himself?

CONCLUSION

'Policing in the United States', Skolnick and Bayley (1988: 142) write after observing police officers preparing for duty, 'is very much like going to war'. While most police officers are unlikely to shoot a gun outside of training, the gun, together with the badge, has always been central to police work. In this article, I have explained how police officers interpret their use of the gun in terms of what constitutes a legal shot. Both in training and in everyday encounters and discussions, police officers are expected to think through legality in order to identify the necessary

juridical criteria that would justify the use of their firearm. By suggesting that police officers themselves should learn to navigate the legal parameters of state-sanctioned violence, governmental agencies are able to deny institutional accountability by pointing to the personal misconduct of police officers. While the implications of the legal shot might be particularly visible and urgent in the immediate encounters between police officers and civilians, I have situated police gun violence in a broader context of racially inequitable policing, and the individualistic and legalistic grounds of self-defence and state-sanctioned violence.

The legal shot also intensifies the precarious nature of everyday police work and street patrols, highlighting the liability and culpability of these officers. Suggesting, in other words, that they are responsible for figuring out the juridical parameters of legitimate violence, and can in theory be held accountable for any misconduct and violations of civil rights. In the context of the ubiquity of firearms and the heated public debate of police violence, police officers often explained to me that they feel trapped between their responsibility or duty to protect, the (perceived) danger they face themselves in the line of work, and the risk of prosecution and public condemnation. They told me that they felt as if they worked 'under a microscope': that any 'small misstep' could have serious implications for both their professional careers and personal lives—even though few police officers who violate civil rights actually end up being prosecuted, let alone convicted. To recognize these experiences is not to support often highly problematic if not illegal police practices. Rather, as [Kevin G. Karpik and William Garriott \(2018: 6\)](#) write, it is 'about acknowledging fallibility and other traits that are just as essential to what makes police—as both individuals and as an institution—human.'

While research has sought to understand how police officers perceive and experience their everyday working environment, less scholarship has situated police actions and beliefs within a broader understanding of policing as violence work. Coming back to the work of [Micol Seigel \(2018\)](#) and others mentioned at the beginning of this article, I have shown how the legal shot tends to foreground an understanding of violence work as primarily an interpersonal and legal problem. In March 2020, Breanna Taylor was shot and killed in her home by Louisville police officers during a raid. While a jury indicted one police officer for his actions during the raid, there were no charges announced against the other two who fired shots, and no police officer was charged for causing Taylor's death. Once her case drew more attention, people mobilized against institutionalized racism and police departments, in particular, protesting against systemic police violence and injustice. Meanwhile, more activists, journalists and scholars have begun to recognize the need for political and cultural change.

Compared to other disciplines, however, criminological scholarship has been relatively slow to adopt a more critical stance on police violence and institutionalized racism. Focusing on police gun violence, this article has made a case for disarming the police. Indeed, there is much to learn from countries in which police officers are not necessarily armed, where much more training and emphasis is placed on policing by consent rather than through the threat and application of force. At the same time, however, taking away police guns does not address the anti-Blackness of policing, as a contemporary expression of violent and racialized practices of apartheid and colonialism. Unarmed techniques, as [Maryam Aziz \(2021\)](#) also points out, are just as damaging, and also disproportionately affect Black communities. Nevertheless, by recognizing how the legal shot attunes our attention to individual misconduct and legal solutions to police violence is an important step in opening criminological scholarship to abolitionist movements and writing; to create a sense of urgency to examine the workings of oppressive and racialized institutions, both in and beyond the police. Likewise, opposing the individual logic of the legal shot, deconstructing those frames that obscure the systemic and racialized nature of police violence, could help us to organize around the question of how to imagine and push for a more inclusive form of public safety.

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REFERENCES

- Aziz, M. (2021, April 18). 'Calls to Disarm the Police won't Stop Brutality and Killings'. The Washington Post.
- Bittner, E. (1970), 'The Capacity to Use Force as the Core of the Police Role', *The Functions of the Police in Modern Society*, Vol. 13, 36–47. Chevy Chase: Institute of Mental Health, Center for Crime and Delinquency.
- Blanchfield, P. (2017, December 14), 'Ghosts of 2012'. N plus one Magazine.
- Boots, D.P., Bihari, J., and Elliott E. (2009), 'The State of the Castle: An Overview of Recent Trends in State Castle Doctrine Legislation and Public Policy', *Criminal Justice Review* 34/4: 515–35.
- Carlson, J. (2020), *Policing the Second Amendment; Guns, Law Enforcement, and the Politics of Race*. Princeton University Press.
- Correia, D. and Wall, T. (2018), *Police: a Field Guide*. Verso.
- Croucher, S.L. (1997), *Imagining Miami: Ethnic Politics in a Postmodern World*. University of Virginia Press.
- Dubber, M.D. (2005), *The Police Power: Patriarchy and the Foundations of American Government*. Columbia University Press.
- Dunbar-Ortiz, R. (2018). *Loaded: A Disarming History of the Second Amendment*. City Lights Books.
- Gulasekaram, P. (2010). "The People" of the Second Amendment: Citizenship and the Right to Bear Arms." *New York University Law Review*, 85/5: 1521–80.
- Hall, S., Critcher C., Jefferson, T., Clarke, J. and Roberts, B. (1978), *Policing the Crisis: Mugging, the State, and Law and Order*. MacMillan Education Ltd.
- Herbert, S. (1996), 'The Normative Ordering of Police Territoriality: Making and Marking Space with the Los Angeles Police Department', *Annals of the Association of American Geographers*, 86/3: 567–82.
- Júnior, D.P. and Muniz, J. (2006), "'Stop or I'll Call the Police!" The Idea of Police, or the Effects of Police Encounters over Time', *British Journal of Criminology*, 46: 234–57.
- Kivland, C. (2018), 'The Magic of Guns: Scriptive Technology and Violence in Haiti', *American Ethnologist*, 45/3: 354–66.
- Kohn, A.A. (2004), *Shooters: Myths and Realities of America's Gun Cultures*. Oxford University Press.
- Karpiak, K. G., and W. Garriott. (2018). 'Introduction: Disciplines, Fields, and Problems', in K. G. Karpiak and W. Garriott, eds. *The Anthropology of Police*. Routledge.
- Latour, B. (1994), 'On Technical Mediation', *Common Knowledge*, 3/2: 29–64.
- Neocleous, M. (2000), *The Fabrication of Social Order: A Critical Theory of Police Power*. Pluto.
- Punch, M. (2003), 'Rotten Orchards: "Pestilence", Police Misconduct and System Failure', *Policing and Society* 13/2: 171–96.
- Punch, M. (2011), *Shoot to Kill: Police Accountability, Firearms and Fatal Force*. The Policy Press.
- Ralph, L. (2019), 'The Logic of the Slave Patrol: The Fantasy of Black Predatory Violence and the Use of Force by the Police', *Palgrave Communications*, 5/130: 1–10.
- Ralph, L. (2020), *The Torture Letters: Reckoning with Police Violence*. University of Chicago Press.
- Riis, S. (2008), 'The Symmetry Between Bruno Latour and Martin Heidegger: The Technique of Turning a Police Officer into a Speed Bump', *Social Studies of Science*, 38/2: 285–301.
- Rosa, J. and Diaz, V. (2019), 'Raciotologies: Rethinking Anthropological Account of Institutional Racism and Enactments of White Supremacy in the United States.' *American Anthropologist*, 122/1: 120–32.
- Seigel, M. (2018), *Violence Work; State Power and the Limits of Police*. Duke University Press.

- Skolnick, J.H. and Bayley, D.H. (1988), *Community Policing: Issues and Practices around the World*. National Institute of Justice.
- Springwood, C.F. (2007), 'The Social Life of Guns: An Introduction', In: C.F. Springwood, ed., *Open Fire: Understanding Global Gun Cultures*. Berg.
- Squires, P. (2000), *Gun Culture or Gun Control? Firearms and Violence: Safety and Society*. Taylor and Francis Ltd.
- Steinmetz, K. F., Schaefer, B. P., and Henderson H. (2016), 'Wicked Overseers: American Policing and Colonialism.' *Sociology of Race and Ethnicity*, 3/1: 68–81.
- Stepick, A., Grenier, G., Castro, M., and Dunn, M. (2003), *This Land is our Land: Immigrants and Power in Miami*. University of California Press.
- Stoughton, S.W. (2016), 'Principled Policing: Warrior Cops and Guardian Officers', *Wake Forest Law Review*, 51: 611–76.
- US LawShield. (2018). *About Us*, available online at: <https://www.uslawshield.com/about-us-2/>
- Vitale, A. (2017), *The End of Policing*. Verso Books.
- Wacquant, L. (2001), 'The Penalisation of Poverty and the Rise of Neo-Liberalism.' *European Journal on Criminal Policy and Research*, 9: 401–412.