



Office of the New York State Attorney General Letitia James

Office of Special Investigation

June 18, 2025

Report on the Investigation into the Death of Mark Beilby, Jr.

SUMMARY

New York Executive Law Section 70-b (Section 70-b) authorizes the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or peace officer. When OSI does not seek charges, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Mark Beilby, Jr.

OVERVIEW

On December 22, 2021, in the Village of Unadilla, Otsego County, Mark Beilby, Jr.'s mother called 911 to report that Mr. Beilby had locked her out of the apartment and was cutting himself with a knife. New York State Police (NYSP) Trooper Justin Miller responded and entered the apartment, with his body worn camera (BWC) activated. As Trooper Miller stood at the door to the apartment, at the edge of the living room, Mr. Beilby was in the kitchen, holding a knife to his chest. He repeatedly told Trooper Miller to shoot him or he would kill himself. After talking for a few minutes, Mr. Beilby raised the knife he was holding, and Trooper Miller said, "Don't fucking do it," and fired two shots, which did not strike Mr. Beilby. Mr. Beilby appeared to throw two kitchen knives at Trooper Miller, who was unhurt and advanced to the middle of the living room with his gun drawn. The image in the BWC video was mostly obscured by Trooper Miller's arms. After Mr. Beilby threw the second knife, Trooper Miller yelled, "Drop it! Put it down, put it down, put it..." and fired three shots, which struck Mr. Beilby in the chest. Trooper Miller's BWC video can be viewed [here](#).

EMS arrived fifteen minutes after the shooting and took Mr. Beilby to UHS Wilson Hospital where he died later that night from his wounds. He was 24 years old.

After a thorough investigation and legal analysis, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Trooper Miller's actions were justified, and therefore closes the matter with this report.

FACTS

Prior NYSP Interaction with Mark Beilby Jr.

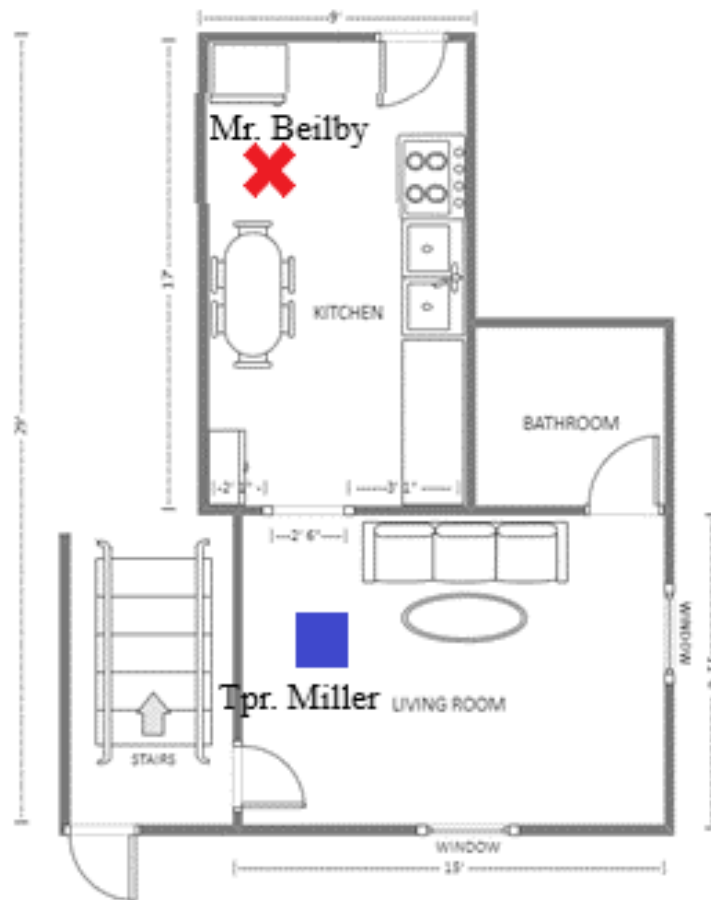
A review of NYSP police records shows that NYSP personnel responded to 35 prior incidents involving Mr. Beilby. One of those incidents led to an interaction between Mr. Beilby and Trooper Miller, as follows:

After a physical altercation between Mr. Beilby and two NYSP troopers, which led to the troopers' detaining him and bringing him to a hospital for observation, NYSP's Bureau of Criminal Investigation charged Mr. Beilby with two counts of Assault in the Second Degree, a class D felony, for physically injuring the troopers while obstructing them from carrying out their duties. On November 1, 2021, Trooper Miller brought Mr. Beilby from the Town of Sidney Justice Court to the NYSP Sidney Barracks for processing on the assault charges and brought him back to the justice court for arraignment. (Sidney is in Delaware County, about a 15 minute drive from Unadilla.) BWC video showed minimal interaction between Trooper Miller and Mr. Beilby during the hour it took for Mr. Beilby to be processed and arraigned. OSI's investigation uncovered no incidents involving police between November 1 and Mr. Beilby's death on December 22.

Site of the Shooting

Near the end of 2021, Mr. Beilby moved to his mother's (ML's) apartment at an address in the town of Unadilla. (OSI does not publish the names of civilian witnesses.) The building they lived in was a two-story house divided into three apartments. Mr. Beilby and his mother lived on the first floor, two persons lived across the hall, and one person lived upstairs. In October 2021, ML's boyfriend, CC, moved into her apartment.

The outer door of the house opened to a landing at the bottom of the stairs to the second floor. The door to Mr. Beilby's apartment was on the right side of the landing as you enter the house. The door to the apartment opened to the living room. An open doorway was between the living room and the kitchen. Below is a floorplan of the living room and the kitchen. When Trooper Miller shot Mr. Beilby, he was standing in the living room and Mr. Beilby was at the back of the kitchen. The blue square is where Trooper Miller was when he fired, and the red x is where Mr. Beilby was shot.



911 Call

On December 22, at 7:05 p.m., ML called 911 and reported that Mr. Beilby was “flipping out.” She said her son had a knife and was going to “stab himself or other people.” She said Mr. Beilby had pushed her, “gotten into it” with CC, and eventually locked them out of the house. She said Mr. Beilby was disabled and his father was on his way over to get him. When the dispatcher asked her if drugs or alcohol was a factor, ML said she had three beers at dinner. At 7:09 p.m., the dispatcher radioed Trooper Miller that there was a domestic dispute at the address ML gave, where the caller’s son was being physically violent towards her and was equipped with a knife. The dispatcher said the son had locked ML out of the house and that alcohol was a factor but did not identify who was drinking. The dispatcher did not tell Trooper Miller Mr. Beilby’s name, that he had threatened to harm himself, that he was disabled, or that his father was on the way. At 7:13 p.m., the dispatcher notified Trooper Miller that Trooper Hoffman was en route as backup but did not say how long it would take her to arrive.

The Shooting – Trooper Miller's BWC

The facts in this section are based on Trooper Miller's BWC.

At 7:15 p.m., Trooper Miller arrived at the address given in the dispatch. CC and ML were standing outside, in front of the house. Trooper Miller got out of his police car and asked CC if Mr. Beilby had a knife. CC said yes, "but I think it's like a butter knife." CC began to say Mr. Beilby was disabled when Trooper Miller cut him off, saying, "I'm familiar with him."

ML walked over and said Mr. Beilby was inside the apartment and was cutting his wrists with a "little steak knife." Trooper Miller said, "So he's just hurting himself, that's the biggest issue?" ML said, "He's cutting himself up." Trooper Miller asked if they were in danger, and they said no. CC added that he had "already knocked him down once and she tried to hold him down." ML said Mr. Beilby chose to leave a voluntary facility and was now "pulling all this stuff." CC said Mr. Beilby's father was on the way and that they would try to convince Mr. Beilby to go with his father. Trooper Miller took the keys to the apartment from ML and said, while walking to the front door of the house, "If we can talk to him that's better. I don't want to barge in there because it might go south."

Outside the house, Trooper Miller asked if Mr. Beilby's name was Michael; CC said, "Mark," and walked away. Trooper Miller entered the house; he directed the upstairs neighbor, to wait outside. Trooper Miller unlocked the door to the apartment at 7:17 p.m. and entered with his gun drawn in a low-ready position. Trooper Miller said, "Michael?" and the neighbor said "Mark" as he left the building. Mr. Beilby said, "Shoot me or I'll kill myself," as Trooper Miller opened the door and leaned into the apartment.

Trooper Miller tried to engage Mr. Beilby from the door to the apartment. Mr. Beilby stood in the kitchen with a knife to his chest and said over and over, "Shoot me or I'll kill myself." Trooper Miller identified himself, asked Mr. Beilby what was going on, and said he wanted to talk. Twenty-five seconds into the encounter, Mr. Beilby told Trooper Miller, twice, "you better pull out your fucking gun." Trooper Miller said, "I do have my gun out." Trooper Miller stepped a foot or two into the living room, which brought Mr. Beilby into the frame of the BWC; he was standing in the back of the kitchen with the knife to his chest. Trooper Miller asked him, "What's going on today" a few times and then told Mr. Beilby to put the knife down while keeping his gun at low-ready position. Mr. Beilby refused to drop the knife and repeated a few

times, "Shoot me or I'll kill myself." Mr. Beilby briefly pressed the knife against his neck and then moved it back to his chest. He did not appear to cut himself and no blood was visible.

At 7:18 p.m., just after Mr. Beilby moved the knife back to his chest, Trooper Miller radioed dispatch, "Subject has a knife to his chest." Trooper Miller and Mr. Beilby then had the following exchange just before Trooper Miller fired his pistol at Mr. Beilby:

MILLER: What's going on man?

BEILBY: [Inaudible]. Fucking shoot me.

MILLER: I'm not going to shoot you if you put the knife down, all right?

BEILBY: No, I'm not going to put the knife down. Shoot me or I will kill myself.

MILLER: Are we just going to stand here all night?

BEILBY: [inaudible]

MILLER: Are we just going to stand here all night?

BEILBY: Yup

MILLER: Okay.

BEILBY: [inaudible] fucking shoot me.

MILLER: Okay, we can just stand here and talk then.

BEILBY: I'm not fucking talking.

MILLER: All right, we'll just stand here. Come on man, let's talk. Did something happen today, that you know...

BEILBY: [Mr. Beilby starts to cry]

MILLER: What's wrong?

BEILBY: I want my dad.

MILLER: What's that?

BEILBY: I want my dad!

MILLER: Your dad?

BEILBY: No! I want to be dead.

MILLER: You want to be dead? Why do you want to be dead? [Miller tells neighbor in the hallway to get out of the house]

BEILBY: I'm on probation [inaudible] probation, probation, probation.

MILLER: You're on probation? Okay.

BEILBY: [Inaudible] knife in my hand.

MILLER: Well, that's all right. I'm not mad about it.

BEILBY: [inaudible] me going to jail [inaudible] kill myself. I can't do [inaudible].

No one spoke for twenty seconds. Mr. Beilby had his head down and cried while holding the knife to his chest. He had not moved from the back of the kitchen since the beginning of the encounter. At 7:21 p.m. Trooper Miller's radio beeped twice, and Mr. Beilby raised the knife behind his head. Trooper Miller, who was standing near the front door, may have interpreted those motions as Mr. Beilby getting ready to throw the knife. He raised his gun, yelled, "Don't you fucking do it! Don't...", leaned into the living room, and fired a round. After a brief pause, he fired a second round. He radioed, "Shots fired." Neither shot struck Mr. Beilby.

Right after firing the first and second shots, Trooper Miller advanced to the middle of the living room. He stood in front of the doorway to the kitchen with his arms outstretched, holding his gun. Mr. Beilby was standing at the back of the kitchen behind a table. About twelve feet separated them based on measurements OSI took of the room. Trooper Miller said, "Don't do it," and then, three times, "Don't fucking move." Mr. Beilby said something inaudible, possibly "I'll set myself on fire." A few seconds later, at 7:22 p.m., Trooper Miller quickly shuffled backward, as if trying to dodge an object. The audio captured a sound consistent with a thrown knife hitting something twice in quick succession. However, at this moment the BWC image was mostly obscured by Trooper Miller's outstretched arms, and no knife was visible on the BWC video.

Mr. Beilby said, “You going to shoot me or I’ll fucking kill myself.” After a brief pause, he yelled, “Shoot me! Or I’ll fucking kill myself.” Trooper Miller said, “Put your fucking hands up.” Mr. Beilby yelled, “No! Kill me!” and then said something inaudible. Ten seconds after yelling “Kill me,” Mr. Beilby threw an object that appeared to be a knife. Trooper Miller took a quick step backward and to the left just before the knife struck the wall in front of him and ricocheted into the living room. Trooper Miller returned to his position in the middle of the living room, in front of the door to the kitchen. He did not say anything, and Mr. Beilby continued to stand behind the kitchen table, as shown in the still image below.



Still image from Trooper Miller's BWC showing a knife Mr. Beilby threw (circled) and his left foot behind the kitchen table (by the arrow). The image is obscured by Trooper Miller's arms, which were extended in front of him as he held his gun.

For the next eight seconds, no one spoke. At 7:22 p.m., Trooper Miller yelled, “Don’t! Put it down, put it down, put it...!” and rapidly fired three times. The BWC was blocked by Trooper Miller’s arms except for the lower right corner, which showed Trooper Miller standing in the doorway to the kitchen with about 12 feet between him and Mr. Beilby. Because the BWC was blocked by Trooper Miller’s arms as he fired his gun, it is not clear what Mr. Beilby was doing just before Trooper Miller fired.

The BWC was visually blocked for the next six seconds, but the audio captured Mr. Beilby groaning and Trooper Miller's clothes rustling. Trooper Miller yelled, "Don't move," and holstered his weapon. The BWC video, no longer blocked, showed Mr. Beilby lying on the kitchen floor behind the table. There was blood on his left hand; no knives were visible near him.



Still image from BWC showing Mr. Beilby just after he was shot.

Trooper Miller handcuffed Mr. Beilby's left hand and told him to roll over. Trooper Miller pulled Mr. Beilby's arm behind his back and rolled Mr. Beilby on his side. Trooper Miller shouted twice, "Give me your hands!" as he struggled to handcuff him. At 7:23 p.m., Trooper Miller got both of Mr. Beilby's hands in handcuffs and radioed, "Subject in custody. Need EMS," and went to pick up a black rubber glove that fell to the kitchen floor behind him. When Trooper Miller turned toward the living room to pick up the glove, the BWC showed a knife on the kitchen floor near the doorway to the living room. Trooper Miller picked up the glove but struggled to put it on over his bloody hands. About two minutes passed before Trooper Miller provided aid to Mr. Beilby.



Still image from Trooper Miller's BWC after Mr. Beilby was handcuffed showing the knife on kitchen floor near the doorway to the living room.



Crime Scene photograph of what OSI believes was the same knife after it was kicked or moved into the living room.

Post-Shooting

At 7:24 p.m. NYSP Trooper Lauren Hoffman walked into the kitchen as Trooper Miller was rolling Mr. Beilby onto his side. Trooper Miller said, “Shot in the stomach, he’s still breathing,” and felt for a pulse. Trooper Miller rolled Mr. Beilby onto his back and unzipped his sweatshirt. Trooper Hoffman began applying pressure to the gunshot wounds on Mr. Beilby’s chest with a towel and said, “My phone is on there if you...” indicating her phone on the kitchen table. Trooper Miller told her to maintain pressure until EMS arrived. Trooper Hoffman said, “The train was coming through and got me stopped.” Trooper Miller said, “You’re fine.” At 7:25 p.m. Trooper Miller felt no pulse in Mr. Beilby’s neck and began CPR while Trooper Hoffman went to her patrol car to get an automated external defibrillator (AED). Trooper Miller pulled up Mr. Beilby’s shirt to attach the AED revealing three gunshot wounds to his torso.

NYSP Sergeant Christopher Johnson arrived at 7:27 p.m. and assisted with CPR. When they applied the AED pads to Mr. Beilby it audibly advised “no shock.” The troopers continued CPR. Trooper Hoffman handed Trooper Miller her cellphone with a text message she had typed out to “Jared,” who OSI later learned was Jared Porter, Trooper Miller’s union representative.



Still image from Trooper Miller's BWC showing Trooper Hoffman trying to hand her phone to Trooper Miller while providing first aid to Mr. Beilby.

Trooper Miller was performing CPR on Mr. Beilby when Sidney EMS arrived at 7:32 p.m., ten minutes after Mr. Beilby had been shot, and assumed care of Mr. Beilby. Sergeant Christopher Johnson walked into the living room and told Trooper Hoffman he was not going to touch or move any of the knives until their sergeant arrived. Trooper Miller said, "That's the first one he threw at me," indicating one of two knives on the floor, although it is not clear to which knife he was referring.

At 7:33 p.m. NYSP Sergeant Glen Johnson arrived and examined the scene in the apartment. Trooper Miller told him, "Multiple rounds. No one else was in here," and walked outside. Three minutes later, outside the house, Sergeant Glen Johnson approached Trooper Miller, who said, "I know," as Sergeant Glen Johnson told him to mute his BWC for a "member conference." They walked away from the house and stopped to talk once they crossed the road. Trooper Miller told Sergeant Glen Johnson what happened and why he shot Mr. Beilby, according to OSI's interview of Sergeant Glen Johnson. The two officers stood apart and did not face each other as they talked, which kept Sergeant Glen Johnson's face from being recorded by Trooper Miller's BWC.





Still images from Trooper Miller's BWC, which was muted, showing him and Sergeant Glen Johnson having a discussion. Blood is visible on Trooper Miller's hand.

After speaking for a minute and a half, Trooper Miller and Sergeant Glen Johnson walked back to the house. Around 7:50 p.m., Trooper Miller turned over his Glock .45 pistol and magazines to Sergeant Christopher Johnson, who then drove Trooper Miller to the NYSP barracks in Sidney. At the barracks, members of NYSP photographed Trooper Miller and catalogued his gear.

Mr. Beilby's father arrived at the house at 7:40 p.m., eighteen minutes after Mr. Beilby was shot. EMS continued to work on Mr. Beilby, who had a pulse and was breathing, according to OSI's interview with Beatrice Mete, a Sidney EMS paramedic who treated Mr. Beilby that night. Trooper Hoffman's BWC video showed that, at 7:50 p.m., EMS strapped Mr. Beilby onto a stretcher and started to bring him out of the house with help from NYSP. It took ten minutes for them to maneuver the stretcher through the narrow doorways and get him to the ambulance. CC, who was waiting outside, started to yell at NYSP once he saw Mr. Beilby and was eventually handcuffed.

At 8:00 p.m., paramedics from LifeNet, an air medical transportation service, arrived on scene and took over care of Mr. Beilby. They drove him in an ambulance to A.O. Fox Tri-Town

Emergency Department, in Sidney. Paramedic Mete and NYSP Trooper Shane Jones were in the ambulance, and Trooper Jones had his BWC activated. Paramedic Mete told OSI that, en route, they intubated Mr. Beilby and drilled a hole in his tibia to administer medications. At 8:20 p.m., they arrived at the hospital, and emergency department personnel took over care of Mr. Beilby. Forty minutes later, the paramedics loaded Mr. Beilby into an ambulance and drove to United Health Services Wilson Medical Center, a level two trauma center forty miles away, in Johnson City, Broome County. They arrived at 9:46 p.m. and hospital staff brought Mr. Beilby into surgery. Mr. Beilby died on the operating table at 11:05 p.m., according to the autopsy report and death certificate.

Evidence Collection

NYSP Forensic Investigation Unit (FIU) Senior Investigator Sara Steadman and a team of investigators processed the scene of Mr. Beilby's death. She wrote the report documenting their findings. According to the report, prior to going to the scene, FIU members were briefed by NYSP Investigator Joshua Greenman, who said Trooper Miller "entered the residence and met with Mark A. Beilby Jr. who put a knife to his own chest and told the Trooper to kill him. Beilby then threw two knives at Trooper Miller, who subsequently shot Beilby fatally."

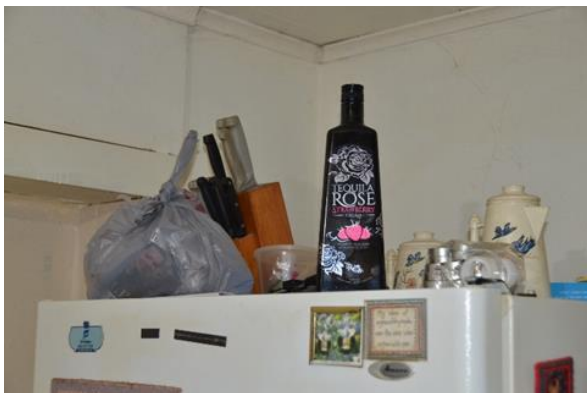
According to FIU's report, the FIU team entered the apartment at 4:00 a.m. with a search warrant and began processing the scene. The investigators found two kitchen knives in the living room. The first was a steak knife with a serrated blade and a brown handle on the living room carpet near the coffee table, about eight feet from the front door, as shown in the two photos below.



They found a second knife with a thin blade and a black handle on the living room floor near the doorway to the kitchen, which was not where it appeared in Trooper Miller's BWC video, when it was on the kitchen floor near the doorway to the living room. The knife is in the still image from Trooper Miller's BWC below on the left, and in the FIU photograph below on the right.

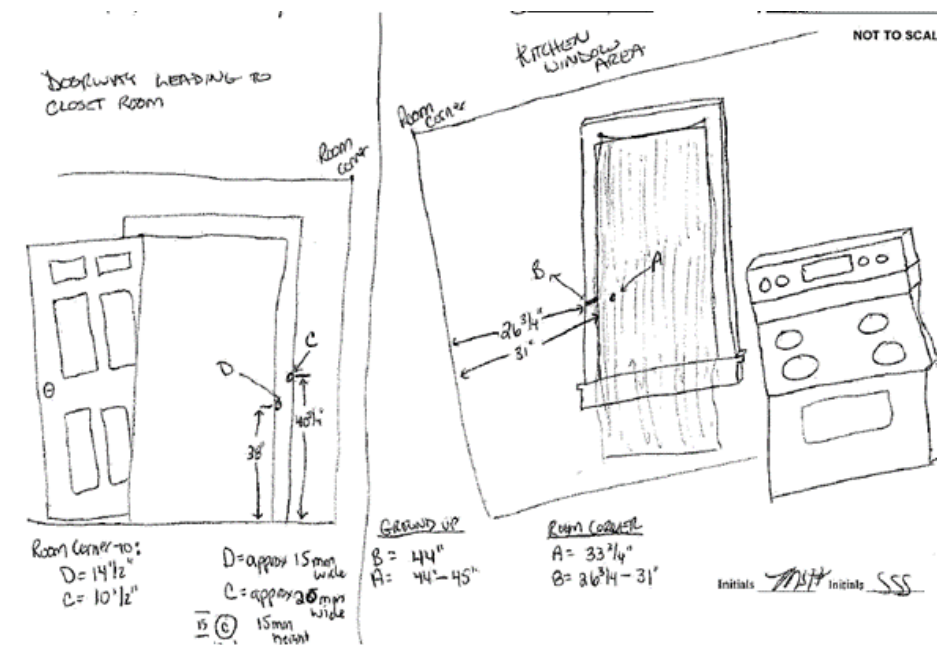


In the kitchen, FIU photographed a block of steak knives on top of the refrigerator that had black handles matching the knife near the kitchen. They also photographed two knives in the kitchen sink that matched the brown handled knife found on the living room carpet. During the confrontation, the refrigerator was behind Mr. Beilby and the sink was along the wall to his left. The knives are shown in the FIU photos below.



FIU found five expended Speer .45 Auto casings in the living room. In the kitchen, FIU found two projectiles. One projectile was lodged in the molding of the door at the rear of the kitchen. The projectile was to the right of the rear door and 38 inches up from the floor. The other

projectile was on the kitchen floor in front of the rear door. Nearby, FIU found a bullet hole in a window curtain and damage to the window casing. There was a second area of damaged molding a few inches above where they found the first projectile. According to FIU, the projectile found on the floor first went through the curtain then the window casing before exiting the casing at an upward angle and hitting the molding to the right of the rear door. The projectile fell to the floor after hitting the molding. According to the report, medical personnel removed a third projectile while treating Mr. Beilby at the hospital and the fourth and fifth projectiles during the autopsy. Below is FIU's sketch of where they found the rounds.





On the left is a still image from Trooper Miller's BWC just before he fired the first two rounds. On the right, the red circles show where those two rounds hit.

At the barracks, FIU Investigator Dennis Brown conducted an administrative download of Trooper Miller's duty pistol and magazines. According to FIU's report, the pistol was a Glock .45 auto, model 21 Gen4, which holds 14 rounds when fully loaded (13 rounds in the magazine and one round in the firing chamber). The report said Trooper Miller's pistol had one round in the chamber and eight rounds in the magazine, which was consistent with his having fired five rounds, if his gun had been fully loaded. His two additional magazines were fully loaded with 13 rounds in each. They photographed Trooper Miller, who was equipped with a Taser holstered to his belt.

Consultant Firearms Examiner Robert Liguori test-fired Trooper Miller's pistol and compared the expended shell casings of the test rounds to the shell casings recovered from Mr. Beilby's apartment. He found the markings on the casings to be sufficiently alike to conclude that the casings found in the apartment were all fired by Trooper Miller's pistol.

Trooper Miller's Statements

As mentioned above, at 7:36 p.m., Sergeant Glen Johnson walked with Trooper Miller away from the house and they had a discussion. Sergeant Glen Johnson later wrote a summary of their conversation, titled "supervisory interview," for NYSP, in which he said:

"Trooper Justin Miller advised me he responded to a domestic dispute with a suicidal subject, later identified as Mark Beilby. Upon his arrival on scene, Trooper Miller states he observed Beilby holding a knife to his own chest, Beilby made comments that he wanted Trooper Miller to kill him, or he would kill himself. Beilby throws a knife at Trooper Miller and Trooper Miller fires his pistol at Beilby, missing him. Soon after, Beilby picks up another knife and refuses to put it down, despite Trooper Miller commands to drop it. Trooper Miller states Beilby brought the knife up like he was going to stab Trooper Miller and Trooper Miller fires again, striking Beilby. Beilby falls to the ground and Trooper Miller places him in handcuffs and starts rendering first aid. Trooper Lauren Hoffman arrives soon after and Sergeant Chris Johnson arrives soon after Trooper Hoffman and both assist in rendering first aid to Beilby."

Autopsy

Pathologist Robert Stoppacher performed the autopsy. According to his report, Mr. Beilby weighed 220 pounds and was six feet tall. He found four gunshot wounds on Mr. Beilby: penetrating gunshot wounds to the lower right, center, and upper left quadrant of the torso and a gunshot wound to the left hand. Dr. Stoppacher told OSI that three projectiles caused the four wounds, as one projectile went through Mr. Beilby's left hand and stuck him in the chest, creating an atypical gunshot entry wound. Dr. Stoppacher said in his report that the projectiles perforated his abdominal aorta, small intestine, liver, and the left iliac crest (part of the pelvis) before coming to rest inside his body. Dr. Stoppacher said the gunshot wounds caused Mr. Beilby's death and ruled it a homicide. Dr. Stoppacher told OSI that he found no wounds on Mr. Beilby indicating Mr. Beilby had cut himself with a knife, but did find abrasions to Mr. Beilby's right upper arm, right flank, and thumb.

According to the toxicology report, Mr. Beilby had aripiprazole, ketamine, norketamine (a metabolite of ketamine), olanzapine, and caffeine in his blood at the time of his death. Aripiprazole and olanzapine are used in the treatment of schizophrenia and psychosis;

ketamine is an anesthetic and can be used as a sedative. Paramedic Mete, who treated Mr. Beilby in the ambulance, told OSI that she believes a LifeNet paramedic gave Mr. Beilby ketamine as a sedative.

Disciplinary Record

Trooper Miller had two personnel complaints in his file. The first was a 2019 complaint from a motorist accusing him of improperly issuing tickets and being rude and insensitive. NYSP investigated and determined the incorrect ticket claim was unfounded and the rude complaint was unsubstantiated. The second was a 2020 complaint from an intoxicated driving case where the driver accused Trooper Miller and another trooper of using excessive force to remove her from her car. NYSP found the complaint to be unsubstantiated.

Training and Policies

OSI reviewed Trooper Miller's training record and relevant training materials. Trooper Miller graduated from the NYSP Academy in October 2016, having taken and passed courses on the Penal Law, Use of Deadly Physical Force, Defensive Tactics, Firearms Training, Professional Interaction, Responding to Persons with Behavioral Emergencies, Crisis Negotiation, and Mental Health Issues. Later, he took refresher courses on Defensive Tactics, Crisis Intervention, Use of Force, and Firearms. In 2019, he took in-service training on handling a crisis situation as the first responding officer. The following is a summary of the training applicable to this incident.

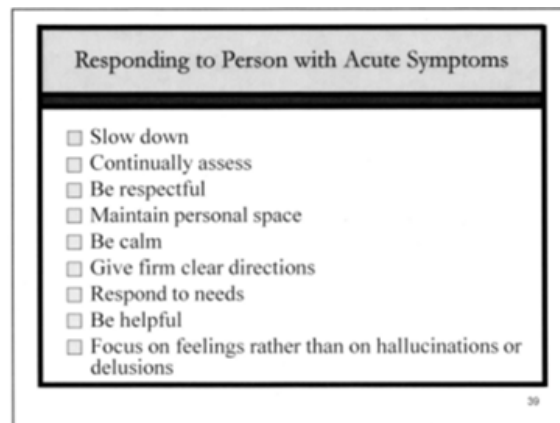
2016 Academy Training

Deadly Physical Force

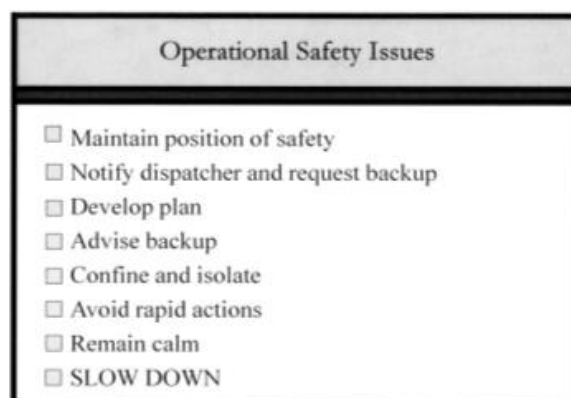
A 10-hour module taught that use of force is a seizure under the Fourth Amendment and is constitutional only if the force is objectively reasonable given the circumstances; it covered Article 35 of the New York Penal Law (Justification), governing use of force and deadly physical force. Other training included 155 hours of defensive and physical tactics in scenarios testing recruits' decision-making under pressure and in conditions they could face in the field.

Mental Health

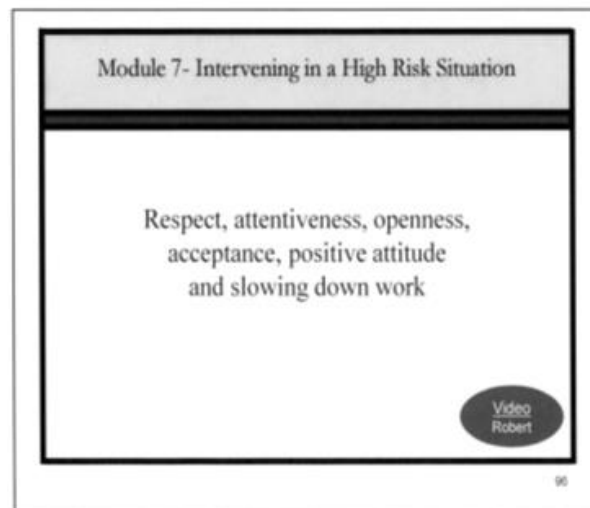
There was a 20-hour curriculum titled, “Police Mental Health Recruit Training Program,” prepared by the Office of Mental Health, Division of Forensic Services, and the Division of Criminal Justice Services. The goal of the curriculum was to “identify Emotionally Disturbed Persons and to handle situations involving them safely and effectively.” The curriculum had 12 modules, including one on how to identify an Emotionally Disturbed Person (EDP) by recognizing certain indicators, and another on violence and mental illness. In the materials, a teacher’s note said there is a small association between violence and mental illness that becomes stronger when the disorder caused a person to “perceive threats against themselves.” When dealing with an Emotionally Disturbed Person, a slide said to:



Module 7 covered high-risk situations, which a slide defined as one where an “officer is confronted with behavior posing an immediate danger to the person, the officer, or others.” A slide instructed officers to:



The teacher's manual elaborated, saying that if a person has a weapon, officers should seek cover, as "safety equals control," and directing instructors to "emphasize that deciding to wait is an important part of the intervention plan." One slide is below:




The Module 7 materials said officers should keep the Emotionally Disturbed Person talking, "never reach complete closure," and said, "the key to this process is communication, a willingness to listen and communicate a degree of understanding to the disturbed person." At the close of the module, trainers were told to emphasize that "with training and experience officers can effectively help disturbed people in crisis."

Crisis Negotiation Training

The 2016 academy class received a one-hour training on handling a crisis situation as the first responding officer in which the stated goal was the "preservation of human life and a peaceful resolution" to situations involving suicidal persons and barricaded individuals through negotiations. The module instructed officers that their first priority was to ensure officer safety at all times, as the initial contact with the subject is one of the most dangerous times in a crisis situation. The module said after securing officer safety, a primary goal of the first responding officer was to "SLOW THINGS DOWN." When approaching the scene, a slide said:

Distance is your Friend!!!

- Starts with approach and parking at the scene.
 - If you're too close
BACK AWAY!
 - If you are good still
BACK AWAY!



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Keep re-evaluating safety. Make adjustments such as moving back or finding better cover positions.

Once on scene, a slide instructed officers to implement the three C's: contain, control, and communicate. According to the slides, the officer should first contain the situation by clearing the area of civilians while gathering intelligence and calling for assistance. Next, the officer should control the situation by establishing a perimeter to isolate the subject and keep civilians at a safe distance. Finally, officers should make contact with the subject and begin a dialogue to calm and distract the subject until the crisis negotiation team arrives. A slide said an officer should never leave cover to negotiate:

Guidelines for First Response Officers

(From: FBI Law Enforcement Bulletin "First Responder
Negotiation Training" Aug. 1992)

- Never exchange yourself or anyone else for a hostage.
- If you suspect the subjects are suicidal, ask if this is their intention.
- Do not make yourself vulnerable to injury by talking with suspects while unprotected and exposed to danger.
- **NEVER EXPOSE YOURSELF TO NEGOTIATE FACE TO FACE!**

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A slide told officers to be aware of "Suicide by Cop," where "a subject may kill a hostage citizen, or police officer in order to provoke law enforcement into killing him/her." The notes

said an officer can “decrease the possibility of being dragged into a suicide by cop situation by creating distance between you and the subject if possible.” When engaging with the subject, a slide said the officer should “ensure officer safety at all times” and attempt to calm and distract the subject to “gain information and time.” The slide instructed the officer to use “active listening” techniques to “listen carefully for clues regarding the emotional state of [a subject].” A slide and accompanying notes told officers to “avoid giving orders to the subject” and to “minimize the seriousness of the subject’s crimes” to lower the subject’s emotions and increase the chances of securing a peaceful outcome. A slide said officers can help de-escalate the situation by lowering their voice when speaking with the subject and slowing down their response to avoid any action that may escalate the subject’s emotions. According to the training module slides, slowing down is important to negotiations and that the first responding officer should “lower emotions by providing a non-threatening environment in which the subject may be able to think more rationally. “Lower your voice and speak slowly” and “avoid any action that may escalate emotions,” including “giving orders that may escalate the confrontation.”

2019 First Responder Crisis Intervention Training

According to Trooper Miller’s training records, on January 24, 2019, he attended “First Responder Crisis Intervention” training, which was two hours long and consisted of a lecture with slides and role-play exercises that taught officers to “de-escalate a [crisis] situation and reduce use of force incidents in furtherance of public and officer safety.”

Like the 2016 crisis training at the academy, the 2019 training focused on tactics, guidelines, and techniques for first responding officers. They were again taught to ensure officer safety at all times while implementing the three 3 C’s – Contain, Control, and Communicate – to effectively manage the initial response. When dealing with a person in crisis, the notes said, “We should respond to every complaint or incident in a way that is as important to us as it is to the caller in need of help. Think about how you would want an officer to respond if the caller or complainant was a loved one of yours.” The training instructed officers to slow down, control their emotions and behavior, build empathy through active listening techniques, avoid escalating the confrontation, and always stay in cover. The training notes said, “Use of force should be our last option.” The materials also covered common disabilities they could

encounter in the field, including intellectual disability and autism spectrum disorder. When dealing with someone with an intellectual disability, a slide said, “Have patience! The person may need time to comprehend, do not be upset or distracted by noises or other manifestations of their disability. Use firm and calm persistence, (remembering officer safety), if the person doesn’t comply or gets aggressive.”

NYSP Crisis Negotiation Program

In November 2016, NYSP issued Policy 37P covering their crisis negotiation program. In the policy’s introduction, NYSP said that the safety of the officer, subject, and civilians is “the most important consideration” and that “reckless and imprudent actions must be avoided.” The policy introduction described crisis negotiators as a “critical element” in suicidal situations, as “they may help us control the most important element – time.” The policy introduction said time is a de-escalation tool that can be employed through negotiation and “often allows a situation to be concluded without violence.”

The policy laid out guidelines for the investigating member who first responds to an incident involving a suicidal subject. According to the policy, the investigating member should “exercise caution” because these “types of situations often place responding personnel in danger.” The policy directs the investigating member to reassure the suicidal person that the investigating member and others wished to help the subject, to “try and dissuade the subject from doing any self-harm,” and to “attempt to delay any action until a crisis negotiator arrives, if one is available.” The policy said that if the person could not be persuaded to abandon their plan for suicide, the member may attempt to seize the person but should “try not to force his or her hand,” “give the person time to reconsider while continuing [the] conversation,” “try to slowly move closer to the person” while exercising caution, and “be quick, decisive, and careful to protect yourself and others” when attempting to seize the person.

NYSP Use of Force Policy

NYSP use of force policy is set out in Article 29A of their policies and procedures. The article states that “force is authorized to be used when reasonably necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of oneself or another.” The policy states that whether force is reasonable and necessary is assessed under

the totality of the circumstances, and cites to factors drawn from federal cases, including the severity of the crime and the level and immediacy of threat or resistance posed by the suspect. The article recites the legal standards for the use of force and deadly physical force in Article 35 of the Penal Law and the holdings of Supreme Court cases. Though Article 29A does not discuss deadly physical force beyond a recitation of the law, it states, “when possible, another armed Member or law enforcement officer should provide backup in the event that deadly physical force becomes necessary.”

Interviews

OSI interviewed members of NYSP who responded the night of Mr. Beilby’s death, current NYSP trainers at the academy, Mr. Beilby’s mother, father, aunt, and neighbors, and medical personnel. The following are summaries of key interviews.

Trooper Miller

Trooper Miller refused to be interviewed by OSI.

Trainers

OSI spoke to the NYSP trainers for the 2022 academy class regarding deadly physical force and handling a person in crisis. The trainers said that when an officer is alone with a person in crisis, the officer is taught, when possible, to contain the person while tactically repositioning to gain time and keep space between the officer and the subject. They said the officer should communicate with the person using active listening techniques and take their time whenever feasible. The trainers said a lone officer should not use a Taser because if the Taser failed to subdue the person, the situation would escalate, and the officer would be vulnerable to attack while switching to a gun. They said NYSP members are taught the 21-foot rule, a law enforcement defense tactic that considers an officer with a holstered gun vulnerable to a knife attack if less than 21 feet separates the officer from a subject holding a knife. However, they said the rule was often misunderstood, and various factors, such as obstacles between the officer and the subject or the subject’s athleticism, could change the recommended distance to engage a subject with a knife.

Trooper Lauren Hoffman

OSI interviewed Trooper Lauren Hoffman, who was Trooper Miller's backup and arrived at the apartment two minutes after Trooper Miller shot Mr. Beilby. Trooper Hoffman said that on the night of the incident she was on patrol by herself when she heard on the radio there was a domestic dispute at the address given by ML, with alcohol potentially involved. She did not remember if the dispatcher said there was a weapon. While driving to the scene, Trooper Hoffman heard Trooper Miller radio that the subject had a knife to his chest, and she responded that she was en route. A few blocks from the house, she stopped at a railroad crossing for a passing train. When the train passed, she heard Trooper Miller call out "shots fired" on the radio.

A short while later, she entered the apartment, called out to Trooper Miller, and walked into the kitchen where he was rolling a handcuffed Mr. Beilby onto his back. Trooper Hoffman pressed a towel against Mr. Beilby's gunshot wounds while they felt for a pulse. Feeling no pulse, Trooper Hoffman went to get an AED from her patrol car while Trooper Miller started CPR. The AED did not recommend shocking Mr. Beilby and they continued CPR. Sergeant Christopher Johnson arrived a few minutes later, quickly followed by EMS. After EMS took over care of Mr. Beilby, she walked to the living room and watched the knife on the kitchen floor to make sure it was not moved until it could be collected as evidence. An investigator then brought her back to the barracks where she gave an account of what happened.

Trooper Hoffman told OSI that Trooper Miller did not say why he shot Mr. Beilby, and she did not reach any conclusions on what happened. She told OSI that she did not remember Trooper Miller saying, "That's the first one he threw at me," as he walked out of the house. After OSI showed her the BWC video, Trooper Hoffman said she did not know which knife Trooper Miller was indicating as "the first one." Finally, regarding her training, she said she was taught the "21 Foot Rule," which she understood to be that an officer is vulnerable to knife attack by a subject within 21 feet of the officer if the officer's gun is holstered.

Sergeant Glen Johnson

OSI questioned Sergeant Glen Johnson about his "supervisory interview" of Trooper Miller at the scene. Sergeant Glen Johnson said he told Trooper Miller to mute his BWC because "that's

what I was taught.” He said Trooper Miller told him he shot Mr. Beilby because Mr. Beilby “raise[d] a weapon to attack [him].” When asked to elaborate on what he meant by raising a weapon, Sergeant Glen Johnson said he could not because that was the entirety of what Trooper Miller told him. Sergeant Glen Johnson told OSI that he believed Mr. Beilby threw two knives at Trooper Miller. He said he saw two knives in the apartment, which he photographed, and did not see a third knife. When asked why he did not alert investigators to the existence of a third knife – the two Mr. Beilby threw plus the one that Mr. Beilby “raised” at Trooper Miller when Trooper Miller shot him – he said he did not know, but “that’s not the way I was looking at it at the time.”

Mr. Beilby’s Parents

OSI met with Mr. Beilby’s mother, ML, and her attorney, Robert Trotta, but Mr. Trotta answered all questions on behalf of ML. He said Mr. Beilby was agitated that night because he did not have enough money to buy tobacco with money he won from a lottery ticket, and someone called him a “retard” at the store. According to Mr. Trotta, when he got home, he became more agitated and pushed CC, who pulled away from Mr. Beilby, causing Mr. Beilby to fall to the floor. Mr. Beilby picked up a kitchen knife and threatened to hurt himself before locking them out of the apartment. ML had not seen any injuries on Mr. Beilby when she called the police. Mr. Trotta said CC never got physical with Mr. Beilby that night.

OSI spoke to Mr. Beilby’s father, also with Mr. Trotta, but Mr. Beilby’s father answered OSI’s questions himself. He said that at around 6:00 p.m. ML called and asked him to pick up Mr. Beilby and bring him back to his (the father’s) house. He said it took him 20 minutes to drive to the apartment and, when he arrived, he found out his son had been shot.

ML’s partner, CC, refused OSI’s interview request.

Neighbor TL

OSI interviewed TL, who lived across the first floor landing from Mr. Beilby. TL said he and Mr. Beilby were friendly and would play Xbox together. He said he had not seen Mr. Beilby around much in the days leading up to his death. The night he died, Mr. Beilby had come over to TL’s apartment for five to ten minutes. A half hour after Mr. Beilby left TL heard arguing across the

hall but did not understand what was being said. When the trooper arrived TL went to the front door of his apartment and tried to see what was happening. He said he saw Trooper Miller holding a gun in one hand and heard Trooper Miller telling Mr. Beilby to put the knife down while Mr. Beilby was saying he wanted to die. TL said he heard Trooper Miller fire two sets of shots. In the first set of shots, he saw Trooper Miller stepping out of the way of a knife that hit the front door to Mr. Beilby's apartment, and then stepping back into the apartment and firing his gun. In the second set of shots, he heard Trooper Miller say, "Don't do it," right before he fired his gun.

OSI's Retained Use of Force Expert

Ian Adams is a use of force expert and an Assistant Professor in the Department of Criminology & Criminal Justice at the University of South Carolina. He received his Ph.D. in political science from the University of Utah and served for ten years as a police officer in Utah before entering academia. His research focuses on policing, use of force, and technology in policing, such as BWCs.

OSI asked Dr. Adams to assess Trooper Miller's actions and give an opinion on whether they aligned with generally accepted police practices. OSI provided Dr. Adams with Trooper Miller's and Trooper Hoffman's BWC videos and NYSP's use of force policies and training materials. After reviewing the evidence, Dr. Adams told OSI that, in his opinion, Trooper Miller's decision to leave the cover of the apartment doorway and place himself in danger by standing in front of the doorway to the kitchen before the shooting occurred was reckless, and represented a breakdown in tactical decision making. However, in the moment that Trooper Miller fired his gun, Mr. Beilby had the ability and perceived intent to harm Trooper Miller, as Mr. Beilby had already thrown at least one knife at him and was again armed with a knife. A thrown knife is dangerous, and generally accepted police practice allows for the use of deadly physical force in response to that threat. Dr. Adams said his analysis of Trooper Miller's actions was limited by the absence of clear visual images from the BWC at critical moments, but, based on Trooper Miller's words and tone of voice as captured in the BWC's audio, as well as the other evidence, there was an imminent threat.

In addition to Trooper Miller's decision to leave cover and place himself in danger, Dr. Adams criticized Trooper Miller's failure to wait for backup, or to call to find out when backup would

arrive, when it appeared Mr. Beilby was alone in the apartment and no one else was at risk. Dr. Adams also cited Trooper Miller's failure to heed his own advice, having told ML and CC just before entering the apartment, "If we can talk to him that's better. I don't want to barge in there because it might go south."

LEGAL ANALYSIS

Whether Trooper Miller was justified shooting Mr. Beilby is governed by Article 35 of the Penal Law. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. A defense must be disproved by the prosecution at trial beyond a reasonable doubt, PL 25.00(1).

In its recent decision in *People v Jairo Castillo*, 42 NY3d 628, 631 (2024), the New York Court of Appeals stated:

"The defense of justification provides that a person may use physical force to defend himself against an assailant's 'imminent use of unlawful physical force,' but does not authorize the use of 'deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force' (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that 'defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,' and an objective requirement, that defendant's 'reactions were . . . those of a reasonable man acting in self-defense' (*People v Collice*, 41 NY2d 906, 907 [1977])." (Square brackets and ellipses in the original.)

Deadly physical force is force that "under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury." PL 10.00(10). Examples of serious physical injuries are permanent scars and lacerations, *People v Brooks*, 165 AD3d 694 (2d Dept 2018); brain damage, *People v Serrano*, 200 AD3d 1340 (3d Dept 202); serious nerve damage, *People v Kearney*, 24 AD3d 1105 (3d

Dept 2005); and the loss of an eye or vision. *People v Ingram*, 95 AD3d 1376 (3d Dept 2012); *People v Kirschbaum*, 121 AD2d 744 (2d Dept 1986).

A person does not have to wait to be attacked before using deadly physical force. *People v Valentin*, 29 NY3d 57, 60 (2017) (“He may...be the first to use deadly physical force so long as he reasonably believed it was about to be used against him”). Police officers attempting to make an arrest for an offense are not obligated to retreat before using deadly physical force in response to deadly physical force being used against themselves or another, even if they know they can do so in complete safety to themselves or others. PL 35.30 and PL 35.15(2)(a)(ii).

A thrown knife is deadly physical force because it can produce the injuries that the courts have held are included within the definition of “serious physical injury.” Although not definitive, the evidence is that Mr. Beilby threw a knife twice at Trooper Miller and that Trooper Miller perceived that Mr. Beilby was about to throw a knife at him when he fired the fatal shots.

After the shooting, as captured on BWC, Trooper Miller said to Trooper Hoffman, apparently in reference to a knife on the floor, “That’s the first one he threw at me.” Sergeant Glen Johnson told OSI that Trooper Miller said he shot Mr. Beilby because Mr. Beilby had raised a knife at him; later in the interview, Sergeant Glen Johnson said it was his understanding that Mr. Beilby had thrown two knives at Trooper Miller. Two knives were recovered from the floor of the apartment.

Based on Trooper Miller’s BWC, there were four moments when Mr. Beilby may have thrown a knife or made a motion indicating he was about to throw a knife:

- 1) At 7:21:10 p.m. Trooper Miller’s radio beeped, and Mr. Beilby, knife in hand, suddenly raised his arm, which could have been a motion to begin to throw the knife. Trooper Miller momentarily ducked out of the apartment door and then leaned back into the apartment and fired two rounds. Visually, the BWC was mostly blocked – it did not show Mr. Beilby throwing a knife – and OSI did not detect a sound indicating a knife was thrown at that moment. Just after he fired Trooper Miller said, “Don’t fucking do it,” suggesting Mr. Beilby was still holding a knife.

- 2) At 7:21:34 p.m. Trooper Miller had gone to the middle of the living room and was facing the doorway to the kitchen when he took a few quick steps backward, perhaps to duck a thrown object, and there was a clattering sound like a knife hitting an object, though no knife was visible on the BWC video. Right after the clattering sound, Trooper Miller said, “Put your fucking hands up.”
- 3) At 7:21:54 p.m. Trooper Miller took a quick step back and to the left, as though to duck a thrown object, just as an object that looks like a knife ricocheted off the wall in front of him and landed on the living room floor.
- 4) At 7:22:02 p.m. Trooper Miller yelled, “Don’t! Put it down, put it down, put it...!” and fired three times. A moment before the shots there was no knife visible on the kitchen floor near the doorway to the living room. Then, after handcuffing Mr. Beilby, Trooper Miller turned back toward the living room and his BWC showed a knife on the kitchen floor near the doorway to the living room, about 10 feet from Mr. Beilby.

Based on the evidence and the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt Trooper Miller was justified in shooting Mr. Beilby. Trooper Miller was at Mr. Beilby’s home as part of his duties as a police officer. He had probable cause to arrest Mr. Beilby for throwing knives and resisting arrest, having ordered Mr. Beilby to stop and put his hands up while pointing his gun at him. Although his training taught him to wait for backup and not to confront a person in crisis unless necessary, the law did not require him to retreat when attempting to make an arrest. The evidence indicates Mr. Beilby threw at least one knife at Trooper Miller while the gun was pointed at him, and there is no evidence that Mr. Beilby was unarmed when Trooper Miller shot him. Therefore, OSI will not seek charges and closes the matter with the issuance of this report.

RECOMMENDATION

NYSP should improve its de-escalation training.

The NYSP trained Trooper Miller at the 2016 academy class to de-escalate an incident with a suicidal person by maintaining distance and cover while calmly trying to persuade the person to surrender. After graduating the academy, he underwent an in-service training in 2019 on

use of force and crisis intervention that reinforced those concepts in a two-hour PowerPoint presentation and classroom discussion. He does not appear to have any other de-escalation training on his record even though police officers frequently respond to mental health calls.¹

Trooper Miller failed to follow his training: by failing to maintain distance or cover, failing to exercise “patience” or to “slow things down,” as well as by failing to wait for backup or to call for negotiation specialists. After Mr. Beilby threw the first knife, although no one else was present or in any danger, Trooper Miller stopped trying to defuse the situation and advanced toward Mr. Beilby while shouting at him to drop the knife. Ian Adams, the use of force expert, said Trooper Miller’s decision to leave cover and advance toward the danger was a breakdown in tactical decision making that compressed time and brought the situation to a head before backup could arrive. He called Trooper Miller’s decision reckless, noting that it not only increased the likelihood he would be injured, but also the likelihood he would need to use force to defend himself from Mr. Beilby.

Thus, in this case, the de-escalation training Trooper Miller received was ineffective. OSI recommends that NYSP improve the effectiveness of its de-escalation training as follows:

First, NYSP should comprehensively review the Integrating Communications, Assessment, and Tactics training (ICAT), as developed by the Police Executive Research Forum (PERF),² and adopt ICAT elements and methods that are not already part of NYSP’s program.³ ICAT uses

¹ Although there is no other de-escalation training listed, use of force training can sometimes incorporate de-escalation training.

² <https://www.policeforum.org/about> “The Police Executive Research Forum (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices for fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and evaluating crime reduction strategies.” And see <https://www.policeforum.org/about-icat>

³ The [ICAT training guide](#) offers law enforcement agencies the following guidance on incorporating ICAT: “Because some police agencies and training academies already have curricula on topics like crisis intervention, communications, tactics, and decision making, it may not be possible to simply drop this ICAT Training Guide into an existing training program... [as] this Training Guide may duplicate...current training,

scenario-based training to teach officers de-escalation strategies that can be employed in a variety of circumstances. Providing tools for defusing incidents involving individuals like Mr. Beilby, who are armed with a knife but not a gun, is a hallmark of the ICAT training.

Second, NYSP's training should make explicit that officers are no longer to adhere to counter-productive rules and concepts, such as the "21-foot rule" and the "use of force continuum," which PERF describes as "outdated concepts that are pervasive in police training and police culture...[and] are widely known even in agencies where the concepts are no longer taught." (See PERF's "[30 Guiding Principles](#).") Similarly, NYSP training should explicitly negate the traditional police "culture of control."

The "21-foot rule"

In the past, NYSP training on sharp edged weapons included an extended clip from a 1988 film entitled "Surviving Sharp Edged Weapons," which references the 21-foot rule. The training focused on instilling a belief that people armed with knives or other sharp-edged weapons can rapidly cover the distance between themselves and an officer to inflict grievous injury. Training officers in this manner naturally promotes a fear of anyone who possesses a knife and is within 21 feet of the officer, and implicitly justifies an officer's firing at the knife-wielding person, even if the person is not acting in a manner that would seem to threaten the officer. PERF and other experts note that the "21-foot-rule" should be replaced with training designed to "use distance and cover to create a 'reaction gap' or 'safe zone' between [the officer] and the individual...."

Use of Force Continuum

The use of force continuum is the idea that a police officer should respond to a threat of physical force with an equal or greater amount of physical force – and, if that force is ineffective, increase the level of force until it is effective in disabling the person. An example would be a police officer switching to a firearm after a Taser fails to subdue a person. In "30

or...contradict existing policy or training. Thus, each agency should review the six Modules of this Training Guide, and decide how to merge new concepts with existing training, or to make adjustments as necessary."

Guiding Principles,” PERF criticizes this model as often failing to account for the totality of the circumstances, particularly when dealing with a mentally ill person holding a knife, as it does not require the officer “to look beyond the mere fact that a suspect has a knife and to assess the actual threat posed by the knife.” In Beilby, Trooper Miller easily dodged the first knives thrown and could have maintained distance from Mr. Beilby or sought greater cover. However, under the use of force continuum, Mr. Beilby’s use of force could be met with equal or greater force, which closes off channels of negotiation and the possibility of peaceful surrender.

Culture of Control

In “30 Guiding Principles,” PERF cites a pervasive police culture of control under which officers “need to immediately take control of every situation, to never back up or tactically reposition, and to resolve every matter as quickly as possible.” As an example, the report says that after San Francisco police officers shot and killed Mario Woods, a mentally unstable man armed with a knife, a spokesman for the California Commission on Peace Officers Standards and Training said of the shooting officers, “How long are they supposed to walk along the sidewalk with the suspect? At some point you have to draw a line in the sand.” PERF continues:

“[In many] instances, particularly incidents involving a person with mental illness who may find it difficult to understand and respond to what officers are saying, rushing in, speeding things up, and ‘drawing a line in the sand’ can lead to tragic and unnecessary consequences. Furthermore, rushing in unnecessarily can endanger the responding officers....When officers can keep their distance from a person who is holding a knife or throwing rocks and attempt to defuse the situation through communication and other de-escalation strategies, they can avoid ever reaching that point where there is a significant threat of death or serious physical injury to anyone, including themselves.”

Instead of a continuum, PERF’s ICAT model adopts the concept of proportionality, where police officers seek to apply force at a level and manner “proportional to the threat faced by the officers” and “appropriate given the totality of the circumstances.” “Proportionality requires officers to consider if they are using only the level of force necessary to mitigate the threat,

and whether there is another, less injurious option available that will safely and effectively achieve the same objective.”⁴

Dated: June 18, 2025

⁴ From the [ICAT website](#), “In 2020, the IACP/University of Cincinnati Center for Police Research and Policy published an evaluation of ICAT training in the Louisville Metro Police Department. The researchers found that more than 80 percent of officers expressed satisfaction with the training and said the training was useful to them. And they found that the training was associated with a 28 percent reduction in use-of-force incidents, a 26 percent reduction in citizen injuries, and a 36 percent reduction in officer injuries.”