Need for a National Center for Police Shootings and Deadly Force Research, Training, and Technical Assistance

By: George Fachner, Michael D. White, James R. Coldren, Jr., and James K. Stewart

Police use of deadly force is one of the defining issues of our criminal justice system, and has been so for more than 50 years. However, despite noteworthy efforts by the research community, the state of scientific knowledge of the topic remains insufficient. There exists no authoritative source in the U.S. for disseminating even the most basic information about deadly force incidents. Over the last several years, deadly force incidents have been flashpoints in several communities, most notably in Ferguson, Missouri; Staten Island, New York; and Cleveland, Ohio. Even when shootings are justified according to police department policies and external reviews, these shootings nonetheless raise concerns about those very policies, and about police practices. They erode perceptions of police legitimacy and can lead to further loss of life, civil disorder, and long-term tension between police agencies and the citizens they serve. Despite the growing awareness of the need to address issues regarding police shootings, there is no national agenda to guide and address these concerns. Such an agenda is urgently needed.

In the past five years, the Department of Justice’s (DOJ’s) Civil Rights Division has opened over 20 "patterns or practice" investigations into police use of deadly force, more than twice as many as were opened in the preceding five years. However, there is still a critical gap in our understanding of such incidents. National statistics on the use of deadly force are widely criticized and rightfully seen as being inadequate. This gap in knowledge has hampered the efforts of police leaders, policy-makers, public officials, police trainers, community advocates, civil rights investigators, and judges to fully understand this phenomenon and reform law enforcement practices accordingly. There is thus clearly an urgent need to understand how often police deadly force is used nationwide, as well as the circumstances under which such force is used, police agency policies governing the use of deadly force, and, most importantly, how to best prevent unjustified uses of deadly force.
CNA recommends the establishment of a National Center for Police Shootings and Deadly Force Research, Training, and Technical Assistance to study the prevalence and nature of police deadly force encounters nationwide. By utilizing a national network of scholars, researchers, subject matter experts, oversight agencies, and law enforcement practitioners, the Center will collect comprehensive data on deadly force encounters, conduct studies that illuminate the dynamics of the incident and the contextual factors associated with these encounters, disseminate and publicize its work, and develop empirically-based training and technical assistance resources to help law enforcement agencies craft evidence-based policies to reduce unjustified use of deadly force by police. Initially, the benefit of such a Center would be the collective voice that it gives to our concerns about police shootings and use of force, and the promotion of a common understanding and common dialogue about the function of police in society, contemporary standards and practices regarding police use of force, and the development of a viable means of collecting national data to further inform this issue. Longer-term benefits include attaining greater understanding of police use of deadly force, the gravest form of police authority; identification of evidence-based policies and practices; and, ultimately, reduction of unjustified deadly force encounters.

Background

Law enforcement is the only non-military profession which society has authorized its members to take the life of another human being under certain circumstances. While the decision to use deadly force is often made in a matter of seconds and immediately impacts relatively few individuals, its consequences can be long-term, devastating, and widely dispersed. Deadly force encounters can spur or exacerbate civil unrest, political upheaval, and community violence, in addition to inflicting severe personal trauma on officers and citizens alike. A review of several incidents is instructive in this regard.

In 2001, for example, the officer-involved shooting of an unarmed man by an officer of the Cincinnati Police Department led to several days of civil unrest and rioting and a prolonged period of boycotts and protests, with damages estimated to exceed $10 million (Chanin, 2011; Anglen et al., 2001). The department subsequently initiated a series of policy and training reforms.

A decade later, the Las Vegas Metropolitan Police Department was intensely scrutinized over an upsurge in officer-involved shootings and a series of questionable officer-involved shooting incidents, highlighted by an investigation by a local media outlet into the shootings. The local chapters of the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored Persons (NAACP) submitted a joint petition to DOJ’s Civil Rights Division, requesting a patterns or practice investigation. Subsequently, the DOJ Office of Community Oriented Policing Services (COPS) initiated a “collaborative reform model” of
technical assistance, in which CNA, a not-for-profit research and analysis organization, conducted an in-depth assessment of the department’s deadly force policies and practices, and recommended a series of reforms (Fachner & Carter, 2014; Stewart et al., 2012). In September 2014, the Ferguson, Missouri Police Department came under national scrutiny for the shooting of Michael Brown, an unarmed black teenager. The incident and the police response, and the aftermath of both, put long-standing racial tensions in the community on full display.

Despite calls for more data, research, and oversight regarding police use of deadly force dating as far back as the 1950s, the law enforcement practitioner and research communities have yet to develop a national data reporting system. Nevertheless, communities and law enforcement agencies across the country continue to grapple with the issue of deadly force, in large part because of the conspicuous absence of robust data and scientific knowledge on the topic. Yet policy and practice cannot progress in an informed manner without a national program to conduct systematic research on this issue.

**Past Efforts and Current Developments**

Past efforts to collect national-level data on police use of deadly force have been unsuccessful due to various constraints. Some efforts halted before they began, because a lack of participation from law enforcement stymied implementation and efforts to obtain funding. Law enforcement agencies saw little benefit in participating in such a program. With deadly force cases often resulting in litigation, agencies believed that the sharing of such data could very well hurt them. Consequently, concerns over the representativeness and breadth of data that could be collected short-circuited proposed efforts to study the topic on a nationwide basis.

While debates continued regarding the lack of national data on use of deadly force, a number of initiatives that have emerged over the years have incidentally touched upon the topic. Notably, none of these sources focus solely on police use of deadly force, which is apparent when one assesses their limitations. Furthermore, all of these sources focus on fatal incidents only. Many deadly force encounters do not result in fatalities, or even injuries (White, 2006). Therefore, using such sources would result in vastly undercounting the number of deadly force encounters. When an officer decides to use deadly force, whether the subject is killed or not can be determined by a range of factors, such as the number of officers involved or shots fired, the accuracy of the shots fired, and even the incident location’s proximity to medical facilities. Lastly, these systems collect little contextual information, which is essential for fully understanding the dynamics of a deadly force encounter. Below, we take stock of the most prominent existing sources of deadly force data.
Uniform Crime Reporting (UCR) Supplemental Homicide Report (SHR)

The FBI collects the SHR as part of its UCR program. Although the UCR has broad voluntary participation, the SHR has considerably less. Not all UCR participants submit SHRs. Agencies that submit SHRs are able to categorize a homicide as justifiable or not, and whether it was a citizen or law enforcement killing of a felon.¹ The SHR has been roundly criticized as an unreliable data source, in terms of how it measures police use of deadly force. Comparisons of SHR data to multiple other sources, including the Centers for Disease Control and Prevention’s (CDC’s) National Center for Health Statistics’ (NCHS’) data, found that police homicides could be underreported by as much as 50 percent (Loftin et al., 2003; Mumola, 2007; and Sherman & Langworthy, 1979; also see Klinger, 2008).

Deaths In-Custody Reporting Program (DCRP)

With passage of the Death in Custody Reporting Act (DCRP, Public Law 106-297) in 2003, the Bureau of Justice Statistics (BJS) was assigned responsibility for gathering national data on all arrest-related deaths (ARDs) (see Mumola, 2007). While the DCRP represented an important step forward, the program suffers from a number of limitations. Most notably, the DCRP is not publicly available, and it represents an incomplete record of ARDs, given the reporting variability that exists across states (White et al., 2013). Its data collection also suffers from internal and external inconsistency. For example, in the most recent summary of DCRP data, BJA noted that several states did not report to the program over a period of one to three years (Burch, 2011). Additionally, comparisons across DCRP and SHR found considerable inconsistency in the number of arrest-related deaths reported (Klinger, 2008).

National Violent Death Reporting System (NVDRS)

The CDC also gathers information on officer-involved homicides through their NCHS, which uses death certificates to classify deaths according to the International Classification of Disease, 10th Revision (ICD-10) codes (Breiding & Wiersema, 2006). These deaths are catalogued by the Web-based Injury Statistics Query and Reporting System (WISQARS), and the Wide-ranging Online Data for Epidemiologic Research (WONDER). Both the WONDER and WISQARS data are publicly available, through the NCHS. One study compared the CDC NCHS data to DCRP and SHR, and found that the former’s counts of deadly force were lower, which raised questions about the completeness of the CDC NCHS data (Mumola, 2007).

¹ A complete description of the report can be found online at: http://www.fbi.gov/about-us/cjis/nibrs/addendum-for-submitting-cargo-theft-data/shr.
In an effort to improve our understanding of violence more generally, the CDC launched the NVDRS in 2002. This system is designed to provide a more detailed account of violent deaths (including those resulting from legal intervention) through triangulation of multiple data sources, such as death certificates, medical examiner/coroner records, law enforcement records, and records from crime laboratories (Friday, 2006). The NVDRS represents an important step forward, but the system is currently in place in only 18 states and the data is limited in terms of time frame (NVDRS covers 2003-2011 in some states, and fewer years in other states; Breiding & Wiersema, 2006). As the system expands, it will represent an important source of information on police use of deadly force. However, the current picture provided by the NVDRS is incomplete and thus inadequate.

National Center Concept

After reviewing the state of deadly force data in 2002, renowned police scholar James Fyfe concluded that “we still live in a society in which the best data on police use of force come to us not from the government or from scholars, but from the Washington Post” (Fyfe, 2002). Save for a handful of other media outlets that have documented police use of deadly force at the local level, this statement rings true more than a decade later. This should not be so. Longstanding issues described in this white paper, coupled with the current environment in the criminal justice field, demand action.

We therefore recommend the establishment of a National Center for Police Shootings and Deadly Force Research, Training, and Technical Assistance. Unlike past efforts and current sources, the Center would focus exclusively on the issue of police deadly force encounters. Likewise, the Center would address use of deadly force writ large, accounting for non-injurious, injurious, and fatal incidents. The Center should be organized to achieve the following objectives:

- Collect police use of deadly force data that is nationally representative and contextual;
- Produce analytic reports on the prevalence and nature of police deadly force incidents;
- Produce public education materials regarding police policies and practices involving shootings and use of deadly force;
- Develop a standardized reporting form for police use of deadly force data collection nationwide;
- Serve as an information clearinghouse and analysis center for police use of deadly force;
• Provide technical assistance to law enforcement agencies in the development of deadly force policy, training, investigations, and accountability mechanisms; and

• Leverage on-going policy and training development in select agencies to evaluate their effects on deadly force.

Overcoming Barriers

Longstanding barriers are quickly eroding. Law enforcement agencies are becoming increasingly transparent in their operations, including those involving deadly force incidents. Some agencies, such as the Las Vegas Metro Police Department (LVMPD) and the New York Police Department (NYPD) produce public annual summary reports on the topic. The Philadelphia Police Department has begun posting aggregate officer-involved shooting data on its website, as have other police departments. Much of this shift is attributable to the public's demand for greater information about this issue. High-profile incidents have served as catalysts for reform at the local level. Another emerging practice is for agencies to post summaries of deadly force investigations online. This is current practice in Dallas, Baltimore, Philadelphia, and Las Vegas.

The Center would carefully design data collection procedures in ways that mitigate the perceived harm and burden placed on participating agencies. For example, to address concerns over liability, the Center will collect data retrospectively, rather than prospectively. The Center would also apply a flexible and graduated approach to data collection, making participation more collaborative and less burdensome. First, the Center will identify and enlist a group of strong, geographically diverse partner law enforcement agencies from the outset.

Existing data collection and storage practices will vary across agencies. Therefore, partner agencies will have flexibility in how data are provided to the Center, while working towards a unified reporting system. The Center will work with partner agencies to identify existing systems for reliable data on use of deadly force. Staff at the Center will work to clean, code, optimize, and aggregate the data as appropriate.

Scope of Work

The implementation of the Center should occur over a five-year period, in two Phases: creating a framework for multi-agency examination of police use of deadly force, and taking the Center to scale.
Phase I: Creating a Framework for Multi-Agency Examination of Police Use of Deadly Force

In Phase I, the Center leadership team would work with a core group of partner police agencies and research partners to implement the core components of the Center. First, the team would collect shooting data covering an eight-year period, (e.g., from 2005-2012) from each agency, and would engage in comprehensive examination of those data. Second, the team would work with the partner agencies and researchers to develop a uniform reporting system, using existing DOJ data collection systems as models.

As a result of Phase I, the Center would produce the following:

- A compilation of the most comprehensive data on deadly force encounters to date;
- The first-ever universal reporting tool for deadly force incidents;
- Productive partnerships throughout the criminal justice enterprise to address police use of deadly force; and
- Informative analytic work on the general nature and prevalence of police use of deadly force in the United States.

Phase II: Taking the National Center for Deadly Force Research to Scale

In Phase II, the Center's leadership team would work with partner agencies and researchers to invite new agencies into the Center's network. The team would also implement the regional surveillance network, which will capture deadly force incidents in a timely fashion, and will develop regional networks for dissemination and analysis of incidents. The uniform data reporting system would be field-tested with the original and new partner agencies, and comprehensive analysis of data would continue. The technical assistance and training components of the Center would also be devised and implemented. As a result of Phase II, the Center will accomplish the following:

- Expand its network and reach;
- Create a sample dashboard of indicators covering frequency, types, contexts, and trends in deadly force incidents;
- Conduct and publish advanced analyses on environmental, officer, subject, and incident characteristics that factor into deadly force encounters and outcomes; and
• Develop a comprehensive agenda for training, technical assistance, and scientific evaluation of emerging practices in police use of deadly force.

Benefits/Outcomes of the National Center

Existing systems may eventually lead to estimates on the prevalence of law enforcement-related fatalities resulting from the use of deadly force. But the issue of deadly force is more complex than that. Simply counting and comparing the number of deaths at the hands of law enforcement ignores two very important facts. One is that context matters. Deadly force incidents do not occur in a vacuum. The dynamics of the incident need to be accounted for to gain a complete understanding of the incident. The second important fact that is often ignored is that many uses of deadly force do not result in fatalities. If a police officer fires his or her service weapon at a suspect and misses, deadly force was nonetheless used by that officer. Police do not shoot warning shots, nor do they shoot with the explicit intent to maim, injure, or kill. They are trained to aim for center mass and shoot until they no longer perceive a threat. The difference in fatal and non-fatal incidents can be accounted for by various factors, none of which is the intent of the officer. Any officer using deadly force should be prepared to justify his or her taking of a life. Therefore, non-fatal incidents matter. Though the impact may be less grave, the intent is the same.

The current environment provides a rare opportunity to address the joint concerns of law enforcement, the public, scholars, and policy-makers alike. Establishing a National Center for Police Shootings and Deadly Force Research, Training, and Technical Assistance would provide the infrastructure needed to inform and educate interested parties, evaluate existing and emerging operations, develop evidence, and transform police practices. The Center would fill a critical gap in DOJ-supported training and technical assistance on persistent issues encountered in law enforcement. At present, law enforcement agencies make decisions regarding deadly force policy, training, practices, and investigations based largely on what has been done in the past, and on intuition. The Center would provide a vehicle to disseminate and institutionalize practices that are grounded in empirical evidence. Without a Center serving as an information and analysis hub, there can be no widely shared understanding of the issue, and the public, police, and policy-makers will remain in the dark, still seeking to understand these tragic events as they unfold in their communities.
Sources Cited


CNA Corporation is a not-for-profit research organization that serves the public interest by providing in-depth analysis and result-oriented solutions to help government leaders choose the best course of action in setting policy and managing operations.

Nobody gets closer—
to the people, to the data, to the problem.