

Police shootings: how statistics can be dangerously misleading when excluding context factors

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This is an update for my previous article *Police Shootings: a Review of the Literature and the Role of Media in Current Racism & Misrepresentation of the Facts*.

Introduction

The public outcries of police brutality and hostility towards law enforcement in general are a common theme among the Democrats as well as among the criminal population. The research, although far from perfect, has demonstrated that race does not play any significant role in the shootings of Black suspects. Police officers have nothing to gain to use lethal force, in fact, the use of any degree of force results in investigation and unwanted professional, departmental, and public scrutiny. The frequency of officers drawing their gun or firing their gun in the line of duty is quite rare.¹⁻⁴ Miller³ estimates that police use of force against citizens occurs in less than 1.5% of police contacts and that deadly force is used in approximately 360 cases per year compared to 60,000 reported cases of assault against police officers each year.⁵ Estimates of the use of force in general by police range from 0.1% to 31.8%.⁶ The problem here is that force is loosely defined by researchers and the public and varies depending on the article read. In addition, the percentage of police shootings compared to all police contacts is a rare but emotionally powerful event. As one example, in an interview with the Washington Post, First Assistant Chief Michel Moore of the LAPD commented that their officers are involved in approximately 1.5 million volatile encounters per year, yet their department had only 15 police shootings resulting in suspect fatalities in 2017.⁷ Police use of force and use of deadly force is a rare event given the vast numbers of police interactions per year. In approximately 90% of cases of police shooting fatalities the suspect had a weapon.⁸ When people hear of a shooting, it is easy to fear that police shootings are a common occurrence and that the police shootings are occurring all of the time when in fact if people slow down and examine the overall statistics, they would realize that police shootings are uncommon in the daily activity of law enforcement.⁹ Despite those handful of cases, less than approximately 1-3% of police shootings are deemed unjustified when all the facts and the full context of the circumstance (context) was examined. Politics also slant the issue by highlighting a police shooting that was justified but portraying the officer's actions as being unjustified, and this is based on a few facts or opinions prior to any full investigation. Approximately 1% of police shootings appear unjustified. The problem with the statistics of course is how the data is gathered and the definitions used about appropriate degrees of force. I understand that even one unjustified use of lethal force by police is unacceptable, yet given the overall number of police shootings, the percent of unjustified shootings is extremely low. As an example, Minneapolis Police officers recently (2018) shot and killed a Black male and the community threatened to and then rioted because they wanted the police officers arrested and charged with murder. This, despite the facts that:

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- I. The officers were responding to a call of a man brandishing and at least twice firing a gun;
- II. The arriving officers clearly see a gun in the man's right waistband;
- III. During a foot chase, the suspect hand the gun in his hand attempting to raise it as if to fire at the police- all before officers shot him.

Later investigation finds that the suspect actually did fire at least once shot and possibly a second time during the foot chase. All of this, by the way, caught on officer's body cameras. Yet the explanation was no good for those who wanted to justify and allow Blacks to engage in violent crime.¹⁰ For a review of this shooting, see the Report of the Hennepin County Attorney's Office report dated June 23, 2018. Part of the problem appears to be that people are far too quick to reach conclusions about a traumatic event based on initial emotional reactions as well as how the situations are portrayed and reported in the media. Even when presented with evidence that supports that the suspect, not a victim, but the suspect's own behavior warranted the use of lethal force. Part of the problem for the media is that they almost always refer to the suspect as a victim. Suspects, however, are engaging in criminal and dangerous behavior. Think about how the situations involving police shootings may have a less violent ending if the suspect simply cooperated with the police. It is important to remember that criminals, antisocial, thugs, whatever term used, have predispositions and have made conscious choices about resisting when confronted by police. It is their own choice of behavior that escalates the situation. The police are forced to deal with the situation based on the suspect's behavior, the environment the situation occurs, as well as the ever-changing dynamic factors involved in a use of force situation. The research into police shootings is often flawed and difficult to make sense of empirically and often provides contradictory findings.¹¹⁻¹³ Bolger¹² indicates that the focus of police shootings should be on what happens during the encounter versus focusing on other factors. In fairness, the decision of a police officer to use any type of force, including lethal force, rests with the officer's risk assessment of the dynamic situation that is occurring in real time

and demands an immediate response. The context of the encounter, the situation and environment, as well as the suspect's behavior, is imperative to investigate and understand in assessing any use of force by police officers. Some areas of context that are often omitted in the research and often not provided by group's hostile to police include:

- I. The environment in which the suspect-police contact occurred.
- II. The suspect's demeanor during the encounter.
- III. The suspect's behavior during the encounter.
- IV. Whether the officer knew the suspect prior to the current contact (e.g., the officer had prior contact with the suspect and as a result was aware of the risk the suspect posed).
- V. Whether or not there were others nearby or perceived nearby that posed an increased risk for the officer or others or that may be harmed by the suspect.
- VI. The attempts by the officer to deescalate the situation or to use less lethal force leading up to the use of lethal force.

Sekhon¹¹ found that approximately 90% of police shootings involving Blacks occurred in areas where Blacks outnumbered Whites and often in the poorest of communities and this has been found to be the case in most U.S. Cities. Sekhon goes on to state that plain clothes officers are involved in approximately 40% of the shootings and that the plain clothes officers are generally involved in more serious criminal areas focusing on potentially more violent crimes. Therefore, the shootings may occur due to the dangerousness of the criminal as well as the dangerous circumstances of the situation and of the dangerousness of the environment. These are all important and complex factors to consider. In addition, the majority of police shootings occur in low income-high crime areas. It is these areas that police are more likely to encounter the more hardcore and antisocial criminal, those are either more psychopathic/sociopathic or simply more desperate to not get caught. This is supported by numerous researchers.^{14–16} Bolger¹² indicated that racial demographics cannot account solely for the high percentage of Blacks killed by police in low income-high risk neighborhoods however it is one important factor to consider in the context of police shootings. Another concern is that the media and researchers rarely if ever discuss the number of police-suspect situations in which the officers drew their gun but did not fire. This is an important comparison statistic that has yet to be discussed when examining police shooting statistics. The restraint officers demonstrate daily that rarely if ever is heard about in the media. It is important when considering the prevalence of any police shooting to also include the percentage of times the officer draws but does not fire their gun.^{17,18} In addition, force is more likely to be used when the suspect is engaged in violent crime.¹⁸ In 2015 The Washington Post gathered information on police shootings.¹⁹ In examining 800 police shootings, only a small number (*approximately 5%*) fall under scrutiny. The Washington Post found that approximately 74% of suspects shot and killed by police were armed, fired a shot, or attacked someone with a weapon or their hands. The suspects were involved in violent crimes. Approximately 16% of the fatal shootings involved suspects who demonstrated potentially dangerous behavior/threatening behavior such as being armed and refusing to drop the weapon. Approximately 5% of the fatal shootings involved a suspect who failed to follow police commands, made sudden or furtive movements, or were shot accidentally. At least 4% of the shootings insufficient information was available at the time of the research to draw any meaningful conclusion (e.g., investigation still underway

or limited information). Approximately 1% of police shootings are likely to be unjustified. Overall, a small number of police shootings that created concern or confusion about the justifiability of the use of deadly force. Of those killed, the Washington Post reported that nearly 50% of the suspects killed by police were White, 25% Black, and less than 1% Hispanic. It should be noted that they continue to gather information on police shootings.

Proportion to population statistics

Examining police shootings in 2016, Mac Donald²⁰ found that by July of 2016, 54% of those whose race were known and were killed by police were White, 28% Black, and 18% Hispanic. These statistics appear to be similar in most years of data. All of the research available to date supports that Whites are shot and killed by police at higher rates, sometimes as high as 50% higher, than Whites. Even the Washington Post⁸ reports higher numbers of Whites being killed versus Blacks when looking at shooting frequency. Again, if you looked at the *proportion to population* statistics Blacks account for approximately 13% of the overall population and then the shooting statistics of Blacks appear grossly disproportionate. Thus, one would have to ask why is the ratio of Blacks involved in more serious and violent crime significantly higher than for other races. Black criminals, per the proportion of population, are simply more violent than criminals of other races. Not much of a surprise if you take into account that the majority of police shootings and the majority of significant and violent crimes occur in low income areas that have high crime and are disproportionately comprised of Blacks. The bottom line is that crime rates should be used and examined, without contaminating the statistics with population proportion data, which skew the facts. If Black criminals engage in the most serious of violent crimes at higher rates, then just state that. The evidence supports that Blacks, especially in low income and high crime areas are responsible for violent crimes than other races, which accounts for why police contacts may appear higher for Blacks in some areas. How else can statistics be misleading in relation to police use of force with White and Black suspects? Simple. If you simply take the percentage of Blacks versus Whites in the *general population*, Blacks were approximately 2.5 times more likely to be shot or killed by police than Whites. But that is misleading. Cesario et al.,²¹ indicated that between 2015 and 2016, 1,051 Whites and 510 Blacks were shot and killed by police. Black's make-up approximately 13% of the overall population, so even though Black suspects were 2-3 times *less* likely to be shot and killed by police versus White suspects, *Black suspects appear more likely to be in situations where police may use lethal force than Whites*. This is important in understanding the statistics on police use of lethal force and perhaps necessitating further research on this issue of Black culture. Researchers have found that race of the suspect and race of the police officer involved in a shooting of the suspect had no significant influence on the use of lethal force.^{18–24} Researchers²¹ also found that Whites were more likely to be killed while making furtive movements/reaching for an object than Blacks. However, if you solely based the statistic on population proportions, Blacks were almost 4 times more likely to be shot and killed by police for the same behavior. Interesting how in reality, Blacks were less likely to be shot and killed by police for making furtive movements than Whites, yet given Blacks only make-up 13% of the population, they appear to be at higher risk for being shot than Whites. This is misleading. Whites are killed at higher rates by police for making furtive movements/reaching for an object believed to be a weapon. See the above noted study for more details.

Unarmed suspects

And then there is the “*unarmed suspect*” who is shot and killed by police. Phillip Goff, a social psychologist at John Jay College of Criminal Justice commented to The Washington Post “that the numbers of unarmed shootings are so small that any interpretations amount to guesswork”.⁷ The vast majority of cases involving the shooting of “unarmed suspects” were indeed justified. What is often missing from the narrative is the suspect’s behavior, context of the situation (e.g., the environment the situation is occurring, and clearly identifying the suspect’s behavior during the entire police contact). Many of the “unarmed” suspects were assaulting or attempting to assault the officer, attempted or grabbed the officer’s weapon, or were engaging in other behavior that was justifiably deemed threatening and/or potentially life threatening towards the officer or others.²⁰ Not only is defining “*unarmed*” problematic in the studies identified but remember that there is always at least one weapon involved in the situation, that is the officer’s weapon. Should the offender be attempting to disarm or take the officer’s gun, such as in the Michael Brown case, then “unarmed” is irrelevant because the suspect finds a way to access any available weapon. Remember that Brown attacked and assaulted the officer while the officer was still in his patrol car, and Brown reached for and attempted to take the officer’s gun- his fingerprints were on the butt of the officer’s gun! Shane et al.,⁹ highlight other potential questions to examine regarding an “*unarmed*” suspect, though not an exhaustive list:

“was the unarmed offender:

- I. Reaching for a weapon?
- II. Trying to disarm the officer?
- III. Attacking the officer?
- IV. Did less-lethal options fail against the offender who continued to attack the officer or resist arrest?
- V. Failing to follow verbal commands while making threatening gestures with concealed hands during the commission of the crime or fight there from?
- VI. Assisted by an accomplice as both attacked the officer when the officer shot and killed one of them?
- VII. Attacking a third person?
- VIII. Winning a physical fight against the officer?”

It is easy to understand the complexities of the police-suspect interaction in which the officer has seconds to determine what type of force to use to control the situation. Unfortunately, it is rare for any witness to have actually witnessed the entire situation, and often what is made public is a short video of the aftermath or of the struggle as it progresses versus a video of the entire situation as it unfolded. “*Unarmed*” should never be taken to mean that the suspect is not posing a serious, dangerous risk for harming or killing someone. Police body and car cameras help shed light on the context of the situation. When reports or studies fail to consider and/or fail to describe how the *offender behaved* in the contact with the officer as well as fail to identify the *environment* in which the contact occurred, it is easy to misrepresent statistics and to misrepresent the officer’s behavior- context matters! Low income, high-crime areas tend to be the most dangerous environments for anyone, but especially for

police officers. Data taken out of context is useless, misleading, and potentially dangerous. Context and all of the facts involved in the case need to be identified and examined.⁹⁻²⁵ No incident of police use of force is simple and all involve complex factors that all occur together that impact the degree of dangerousness of the suspect and situation. Therefore, all need to be examined in police use of force situations. Part of the difficulty is in the *definitions* used to examine police interactions that involved the use of force and deadly force. Specifically, defining *excessive force* has been problematic because it can include verbal, physical, and use of weapons interactions. Another interesting and disturbing term has been to refer to the suspects that were shot as victims when the evidence and final conclusions indicated that the suspect was engaged in criminal and potentially dangerous behavior when shot, therefore not making them a “victim”. In addition, post hoc assessments of a shooting situation are often flawed because there are usually no witnesses other than the officer, and witnesses that were present almost always only witness a few seconds of the shooting incident versus the entire situation of what led up to, during, and following the shooting. Therefore, it is difficult to make sense out of the contradictions presented in the literature when attempting to explain the percentage of police shootings and even so the percentage of police shootings involving Black suspects. Interestingly, the majority of police shootings involving Blacks occur in low income areas that have high incidents of crime, especially violent crime, and involve suspects that physically resist or have a weapon. High profile cases involving police shootings rightfully get the public’s attention and anger. Often people make decisions about whether the use of force was justified long before the investigation is completed, basing their opinion on emotion and ignorance. The above literature review suggests that even in potentially dangerous interactions that the use of force by police is the rare exception. In fact, it appears that police are more hesitant to shoot a Black suspect more than a suspect of another race. The role of implicit bias is mediated by the officer’s choice on how to demonstrate that belief, meaning that despite someone having a biased or prejudicial belief, how this belief is acted-out is important. Officers tend to demonstrate less explicit bias than the media admits. Miller³ points-out that even in potentially dangerous interactions that the use of force by police is the rare exception. Police officers tended to restrain themselves from using force even when the circumstances justified the use of force.³⁻²⁸

Claims of police use of excessive force

A report³⁰ examined how suspects viewed the contact they had with the police. Suspects often report that they were the victim of excessive force at the hands of police officers. However, this is based on the suspect’s self-report which should be taken with a healthy degree of caution. In fact, the majority of Blacks that provided feedback about their interaction with police reported that the force used by the officer was excessive. The only problem with this is that a criminal suspect has everything to gain to claim that they were victims of use of excessive force by the interacting police officers and it is unclear if any substantiation was provided to support the suspect’s claim. In fact, the report appears based on suspect feedback rather than on any substantiated facts. The publication of such data is misrepresenting to the public and to law enforcement. Watch an episode of *COPS* or *Live PD* and you can see for yourself how suspects behave. Interestingly, Black suspects tended to be more aggressive and defiant towards the police officers than suspects of other races, yet per the above study, Black suspects overwhelmingly claimed that any force used against

them by police officers was “excessive”. The report does not indicate that the officer’s use of force *was in fact* excessive, but rather that those who reported their interaction with police *claimed* that excessive force was used. However, of interest and perhaps warranting further study, is to examine why Blacks report higher levels of police use of excessive force, specifically, were the complaining Black suspects arrested, charged, and/or convicted of a serious crime? Or were they stopped and questioned but never arrested. This is important to understand because people in general who are arrested tend to consider any use of force by police, and in fact any punishment imposed by the courts to be excessive- which further demonstrates antisocial thinking. Antisocial thinking and antisocial behavior often go hand in hand. What is missing in reports such as the one above³⁰ is the total picture of the suspect-police interaction, that is, the *context* in which the situation occurred. The context in which the police contact occurred sheds light on how much force, if any, was appropriate for the officer to utilize given that specific situation.⁹ And no two situations are exactly the same and therefore even departmental guidelines and public opinion must allow for the entire circumstance, the full context, be used to determine whether force, and the degree of force used, was appropriate. Without context, the situation at best appears confusing. And then there is the officer’s decision, an assessment made in real-time, to determine the degree of threat posed by the suspect towards self or others. The decision made by the officer involved a decision about the appropriate use of force at that moment in time. Arm chair quarterbacks were not in the situation, were not in harm’s way, and were not having to make a potential life and/or death decision.

Summary

I think it is important and imperative that we as a country have discussions of police shootings, and more importantly on how the criminals who are shot behaved. It is important to place the blame where it belongs, with the criminal in nearly 99% of the cases. Day after day police officers demonstrate restraint in their use of force, giving suspects ample opportunity when possible to cooperate with commands. When officers engaged in unjustified use of force, including deadly force, they are held accountable in the courts and by their respective departments- the officers crossing the line of unjustified use of force is at or under 1% of all police shootings. Hold the criminal accountable for the behavior they engaged in that created the violent confrontation to begin with.

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Conflicts of interest

The author declares that there is no conflicts of interest.

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