

Gun Violence & the Police



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Gun violence is a uniquely American epidemic, and gun violence by police is, too. Every year, police in America shoot and kill more than 1,000 people.¹ The combination of systemic racism, white supremacy, America's gun culture, and the militarization of police is toxic—and Black people in particular are paying with their lives.

In addition to the loss of life and the pain to family members and survivors, police shootings have a uniquely corrosive impact on the nation: patterns of police violence dramatically reduce public confidence in police and lead community members to see them as part of the problem.² The fear sown by these shootings makes neighborhoods less safe since law enforcement cannot do its part in preventing violent crime without the assistance of the community.

As we have long heard from communities of color, police violence is gun violence. Indeed, 95 percent of deaths of civilians caused by police are with a firearm, and Black people are the victims at a disproportionate rate: they are nearly three times as likely to be shot and killed by police than white people.³ To curb this gun violence and the disproportionate impact it has on Black and brown communities, it is essential that every law enforcement officer in America works for an agency with evidence-based policies—strong guardrails on when police may use force against civilians, ensuring police are held accountable when force is used, and prioritizing de-escalation, dignity, and respect. Any policing strategy must include at least these life-saving reforms:

1 **A strong legal standard barring unnecessary police use of force and requiring officers to intervene and stop abuse.**

Law enforcement must be barred from using deadly force except when absolutely necessary to prevent death or serious bodily harm, and only after exhausting other means. Lesser forms of force should be prohibited except when necessary to make an arrest.⁴ Every officer must be required to intervene when other officers use excessive force. Officers should generally be barred from shooting without proper officer identification, firing at moving vehicles, using warning shots, and using chokeholds and other neck restraints. Research suggests that implementing specific use-of-force policies can save lives. One 2016 study of 91 large police departments found adoption of use-of-force reform policies—exhaustion of other means prior to shooting, bans on chokeholds and strangleholds, use-of-force continuum, de-escalation, duty to intervene, restrictions on shootings at moving vehicles, and warning before shooting—was associated with fewer people killed by police.⁵

2 A commitment to de-escalation and building community relationships through procedural justice.

The best use-of-force policy reforms are those that reduce the perceived need to use force in the first place. When police engage in regular, meaningful community outreach and value efforts that support community trust, they become—in the words of the 21st Century Policing Task Force—“guardians” of the community and not “warriors” patrolling it. Specific instruction that assists in this transformation of mindset and practice includes de-escalation and procedural justice trainings. For example, a one-day procedural justice training in the Chicago Police Department reduced misconduct complaints by 10 percent and use of force by 6 percent over the following two years.⁶ Another study of mental health de-escalation training implemented in six jurisdictions found that it had significant impacts on the degree of force used by police as well.⁷ Agencies should limit confrontations that can lead to excessive force, expanding alternative dispatch tools that include non-law enforcement personnel best positioned to help people in crisis connect with the social services they need.⁸

3 Deploy formal tools to identify officers who pose a risk of serious misconduct.

Departments should be required to use early intervention systems, which identify problematic officer behavior before it escalates into serious misconduct. A commitment to addressing early warning signs demonstrates a proactive approach that can help officers change (with counseling, retraining, reassignment, or intensive supervision) and keep faith with the community. Early identification systems, which have been supported by leading police research organizations,⁹ have been credited with declines in reported uses of force and police complaints.¹⁰ On the state level, officials should consider setting minimum conduct standards with revocable officer licensing and engaging in regular review of agencies with abusive records.

4 A thorough and independent system for reviewing shootings and other use-of-force incidents.

Police misconduct must be subject to a clear and consistent scale for discipline. The civilian complaint process must be user-friendly, and shootings and use-of-force complaints should be reviewed by internal police units that complete their work quickly and are transparent with the public about their findings.¹¹ Misconduct should also be subject to review by external civilian boards with independent authority to investigate complaints and make findings, ideally empowered to issue subpoenas and make binding recommendations.¹²

Potentially criminal use of force also requires thorough, independent investigation and prosecution. Too often, local district attorneys have a real or perceived conflict of interest when deciding whether or how to charge police officers with crimes. Indeed, in 99 percent of fatal police shootings since 2013, the officer has not been charged with a crime.¹³ As an alternative, accountability requires the regular appointment of independent prosecutors, including in cases when a civilian is shot or there is a legacy of misconduct by local officials.

Finally, police officers who use excessive force should not be shielded from civil liability by “qualified immunity,” a judicial doctrine that makes it nearly impossible for civilians who are hurt or killed to obtain monetary damages after a constitutional violation has occurred.

5 Transparency about use of force, policies, and procedures.

The existing data on police use of force are entirely insufficient, making it difficult for researchers to analyze excessive force and for policymakers to effectively evaluate the need for change.¹⁴ Agencies should be required to publish regular reports about officer use-of-force and misconduct investigations,¹⁵ including victim race, and should not be permitted to shield disciplinary records from public disclosure. Law enforcement groups like the Major Cities Chiefs Association and PERF (Police Executive Research Forum) have encouraged departments to record their data and submit it to the FBI,¹⁶ whose director called the lack of data “embarrassing and ridiculous.”¹⁷ Officers should be required to report shootings and other use-of-force incidents thoroughly and immediately, and agencies should report comprehensive use-of-force data publicly and to the national FBI data collection program. And to improve transparency into the circumstances leading to the use of force, reduce use-of-force incidents, and lower civilian complaints, officers in the field must be required to use activated body-worn and vehicle-mounted cameras.¹⁸

Conclusion

Solving the problem of police violence and its destructive impact on Black communities will take more than reforms aimed at reducing police shootings and holding officers accountable. It will also require the country to confront its history of racism and white supremacy and examine both the appropriate role of police in public safety and the scourge of gun violence in America. But the solutions outlined above would be meaningful steps that officials at every level of government and law enforcement can take. Police departments must work to reform both their policies and the mindset among their officers. Mayors and city councils must act where local agencies refuse to change. Governors and state legislatures should set statewide standards that restrict excessive force in all jurisdictions. The US Department of Justice must restart “pattern or practice” investigations of departments with an abusive history, which have led to critical reforms and 35 percent declines in officer shootings.¹⁹ And Congress should write laws with a national impact, directly funding state and local interventions and withholding money from actors that do not implement minimum standards for policing and life-saving reforms.

1. Fatal police shootings occur at an annual rate of 3.1 per million residents, with an average of 1,011 annual victims. Everytown analysis of Mapping Police Violence 2013–2019, <https://mappingpoliceviolence.org/> (accessed June 4, 2020), and U.S. Census Bureau, “National Population by Characteristics, 2010–2019” datasets, <https://www.census.gov/data/datasets/time-series/demo/popest/2010s-national-detail.html> (accessed June 4, 2020). This rate is markedly higher than other countries: Australia’s rate is 0.19 per million (4.28 victims per year on average); England and Wales’ is 0.05 per million (2.64 victims per year on average); Germany’s is 0.13 per million (9.61 victims per year on average); and New Zealand’s is 0.20 per million (1 victim per year on average). L. Doherty and S. Bricknell, “Shooting Deaths in Police Custody,” *Statistical Bulletin* no. 19 (April 2020), <https://www.aic.gov.au/publications/sb/sb19>; Independent Office of Police Contact, “Annual Deaths during or following Police Contact Statistics,” <https://www.policeconduct.gov.uk/research-and-learning/statistics/annual-deaths-during-or-following-police-contact-statistics> (accessed June 15, 2020); Milan Gagnon, “Police in Germany Kill More Than You Think,” DW, May 14, 2017, <https://www.dw.com/en/police-in-germany-kill-more-than-you-think/a-38822484>; Independent Police Conduct Authority [New Zealand], “Annual Report, 2017–2018.”
2. Sixty percent of civilians (and 79 percent of Black civilians) perceive police killings of Black Americans as signs of a broader problem rather than isolated incidents. Rich Morin, Kim Parker, Renee Stepler, and Andrew Mercer, “Behind the Badge,” Pew Research Center, January 2017, https://assets.pewresearch.org/wp-content/uploads/sites/3/2017/01/06171402/Police-Report_FINAL_web.pdf. Similarly, following the police killings of Michael Brown, Eric Garner, and Walter Scott, and the related protests, public confidence in the police hit an all-time low of 52 percent. 2020 survey data is not yet available. Jeffrey M. Jones, “In U.S., Confidence in Police Lowest in 22 Years,” Gallup, June 19, 2015, <https://news.gallup.com/poll/183704/confidence-police-lowest-years.aspx>.
3. The rate of fatal police shootings of Black Americans is 6.2 per million (247 victims per year on average), and for white Americans it is 2.3 per million (453 victims per year on average). Everytown analysis of Mapping Police Violence 2013–2019 and U.S. Census Bureau, “National Population by Characteristics, 2010–2019.”

4. A 2015 Bureau of Justice Statistics Police-Public Contact Survey estimates that 53.5 million U.S. residents 16 years or older (21 percent) had contact with the police in the past year. An estimated 2 percent of these individuals experienced nonfatal police force. This use-of-force rate was higher (3 percent) among Black Americans compared to white Americans (1 percent). Elizabeth Davis, Anthony Whyde, and Lynn Langton, "Contact between Police and the Public, 2015," U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, October 2018, <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>.
5. Samuel Sinyangwe, "Examining the Role of Use of Force Policies in Ending Police Violence," September 20, 2016, <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e17531725e25ec2e648650/1474393399581/Use+of+Force+Study.pdf>.
6. George Wood, Tom R. Tyler, and Andrew V. Papachristos, "Procedural Justice Training Reduces Police Use of Force and Complaints against Officers," *Proceedings of the National Academy of Sciences* 117, no. 18 (May 2020): 9815–21, <https://doi.org/10.1073/pnas.1920671117>.
7. Michael T. Compton, Roger Bakeman, Beth Broussard, Dana Hankerson-Dyson, et al., "The Police-Based Crisis Intervention Team (CIT) Model: II. Effects on Level of Force and Resolution, Referral, and Arrest," *Psychiatric Services* 65, no. 4 (April 2014), <https://doi.org/10.1176/appi.ps.201300108>.
8. President's Obama's Task Force on 21st Century Policing recommended multidisciplinary crisis teams. President Obama's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), Recommendation 4.3, <https://bit.ly/3eTiMnL>. Emerging evidence suggests that "co-response" models of policing can reduce detention, detainment, and use of force. Stephen Puntis, Devon Perfect, Abirami Kirubarajan, Sorcha Bolton, et al., "A Systematic Review of Co-Responder Models of Police Mental Health 'Street' Triage," *BMC Psychiatry* 18, no. 1 (2018): 256–67, <https://doi.org/10.1186/s12888-018-1836-2>; Etienne Blais, Marjolaine Landry, Nicolas Elazhary, Sebastian Carrier, and Anne-Marie Savard, "Assessing the Capability of a Co-Responding Police-Mental Health Program to Connect Emotionally Disturbed People with Community Resources and Decrease Police Use-of-Force," *Journal of Experimental Criminology* (2020): 1–25, <https://doi.org/10.1007/s11292-020-09434-x>.
9. See PERF [Police Executive Research Forum], "Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Chief Executives," December 2005, <https://bit.ly/308bVCu>. See also IACP, "Early Identification Systems," May 2020, <https://www.theiacp.org/sites/default/files/2020-05/EarlyIdentificationSystems%2005-19-2020-to%20publish.pdf>. See also Police Foundation, "Best Practices in Early Intervention System Implementation and Use in Law Enforcement Agencies," March 2019, <https://bit.ly/2Y12Vg2>.
10. A program in Miami-Dade County led to a 12-fold increase in the number of officers with zero use-of-force complaints. Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney, "Early Warning Systems, Responding to the Problem Police Officer," National Institute of Justice, July 2001, <https://bit.ly/2Msur0s>.
11. New York and Los Angeles, for example, have a consistent process to investigate all firearm discharges, and the internal review divisions report directly to senior executive staff. See New York City Police Department, "Use of Force Report, 2018," <https://on.nyc.gov/2UqW4eP>; Los Angeles Police Department, "Use of Force Review Division," <https://bit.ly/2BVuujt>.
12. While research in this area is still developing, one study of eight medium- to large-size cities found that police misconduct complaints are sustained more often when the results of internal affairs investigations are reviewed by civilian oversight boards. William Terrill and Jason R. Ingram, "Citizen Complaints against the Police: An Eight-City Examination Article," *Police Quarterly* (October 2015), <https://doi.org/10.1177/109861115613320>.
13. Everytown analysis of Mapping Police Violence 2013–2019. Also see The Root, "White Men Can't Murder: Why White Cops Are Immune to the Law," June 22, 2017, <https://bit.ly/3dyvKqg> which found that white officers served time in prison for killing Black civilians in only three cases between 2007 and 2017.
14. The majority of fatal police shootings were officially misclassified as not law enforcement-related as recently as 2015. Justin Feldman, Sofia Gruskin, et al., "Quantifying Underreporting of Law-Enforcement Related Deaths in the United States, Vital Statistics and News-Media-Based Data Sources: A Capture-Recapture Analysis," *PLoS Med* 14 (2017), <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002399>.
15. Notably, the two most populous states—California and Texas—both require local agencies to report substantial use-of-force data. Cities like Minneapolis and Dallas have public dashboards with officer shootings data.
16. Federal Bureau of Investigation, "National Use-of-Force Data Collection," <https://www.fbi.gov/services/cjis/ucr/use-of-force> (accessed June 15, 2020).
17. U.S. Commission on Civil Rights, "Police Use of Force: An Examination of Modern Policing Practices," November 2018, <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>.
18. A growing collection of research largely demonstrates that body-worn cameras are effective in strengthening community perceptions of the police and reducing use-of-force incidents and complaints—especially if there is clear policy stating when cameras must be turned on. Cynthia Lum, Megan Stoltz, Christopher S. Koper, and J. Amber Schere, "Research on Body-Worn Cameras: What We Know, What We Need to Know," *Criminology and Public Policy* 18, no. 1 (February 2019): 93–118, <https://doi.org/10.1111/1745-9133.12412>; Barak Ariel, Alex Sutherland, Darren Henstock, Josh Young, et al., "Report: Increases in Police Use of Force in the Presence of Body-Worn Cameras Are Driven by Officer Discretion: A Protocol-Based Subgroup Analysis of Ten Randomized Experiments," *Journal of Experimental Criminology* 12 (2016): 453–63, <https://doi.org/10.1007/s11292-016-9261-3>. Similar trends have been upheld in multiple cities including Rialto, CA (see B. Ariel, W. A. Farrar, and A. Sutherland, "The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints against the Police: A Randomized Controlled Trial," *Journal of Quantitative Criminology* 31 [2015]: 509–535, <https://doi.org/10.1007/s10940-014-9236-3>); Las Vegas, NV (see Anthony Braga, James R. Coldren Jr., William Sousa, Denise Rodriguez, and Omer Alper, "The Benefits of Body-Worn Cameras: New Findings from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department," Final Report to the National Institute of Justice, 2013-IJ-CX-0016, September 2017); and Phoenix, AZ (see Charles M. Katz, David E. Choate, Justin R. Ready, and Lidia Nuño, "Evaluating the Impact of Officer-Worn Body Cameras in the Phoenix Police Department, Phoenix, AZ," Center for Violence Prevention & Community Safety, Arizona State University, December 2014).
19. Departments saw reductions averaging 27 percent in the first year, and 35 percent in subsequent years. U.S. Commission on Civil Rights, "Police Use of Force: An Examination of Modern Policing Practices," November 2018, <https://bit.ly/2MvgWNq> (pp. 88–89). Seven of the 10 departments with the biggest recent reduction in police shootings were subject to DOJ intervention. Vice News, "Shot by Cops and Forgotten," December 2017, <https://bit.ly/307pMcn>.