

Why Police Kill:
An Investigation into the Causes of and Solutions to Law Enforcement's Excessive Use of
Lethal Force

Undergraduate Research Thesis

Presented in partial fulfillment of the requirements for graduation
with honors research distinction in History in the
undergraduate colleges of The Ohio State University

by

Margo Hertzler

The Ohio State University

April 2021

Project Advisor: Professor Randolph Roth, Department of History

Abstract

Lethal force, and the debate surrounding its legitimacy, has been an impassioned part of society in the United States for decades. With over 600 civilian lives taken every year by police officers, the issue of police-involved homicides is at the forefront of discussion amongst scholars, politicians, and community members. Analysis into the specific details of each of these cases reveals certain conditions that were common to most of these incidents. The demographics of the suspect, the reason police presence was initially requested, and the behavior at the scene all contributed to the escalation of a standard police-suspect interaction into one that resulted in the use of lethal force. The excessive rate of police-involved homicides in the United States can be attributed to a potent police culture that influences its officers to prioritize force and aggression over communication and de-escalation. These attitudes are reinforced through training curricula, department policies, and police rhetoric. The legal system also condones this behavior, as evidenced by the lack of charges, trials, and guilty verdicts of officers that kill civilians. These causes must be combatted to eliminate unnecessary shootings. Steps need to be taken to reform police culture into one that reserves violence as a last resort. These could include increasing officer training requirements that teach cooperative tactics, diversifying the force to add new perspectives, creating new standards of practice that emphasize police-community relations, and strictly enforcing legal sanctions for misconduct while on duty. Change is necessary to ensure that law enforcement is truly protecting the community they serve.

Contents

I. Introduction 4

II. Police-Involved Homicide Case Research Analysis 7

A. Victim Demographics 8

B. Dispatch Calls 18

C. Prompt to Shoot 20

III. Facilitators of Police-Involved Homicides 25

A. Legal System 25

B. Police Department Policies 30

C. Officer Training and Culture 34

IV. Reforms to Reduce Police-Involved Homicide Rates 38

A. Failures 38

B. Successes 42

V. Conclusion 49

VI. Figures 52

VII. Bibliography 58

I. Introduction

Police brutality is a harmful epidemic causing well over 1,000 deaths per year that desperately needs to be cured. Law enforcement's use of lethal force occurs every day in the United States and has been a pressing plague of society for decades.¹ Steve Martinot, a human rights activist and instructor Emeritus at the Center for Interdisciplinary Programs at San Francisco State University, argues that, similar to an epidemic, these police-involved homicides kill an excessive amount of people who are unable to defend themselves, occur randomly and tragically, and terrorize the masses.² It is essential to find a cure, for the safety of our communities. Law enforcement should be protecting civilians, not be the ones civilians need protection from. This paper will examine the reality of lethal force in the United States by analyzing the details and specifics of hundreds of police-involved homicides, establish the historical root causes and facilitators of this phenomenon, and assess the potential reforms that could provide a necessary remedy to this dilemma.

For the purpose of this paper, "police-involved homicides" are defined as incidents in which an officer kills a civilian. Typically, this situation arises when an officer is dispatched to a crime scene and a problem occurs with the suspect causing the officer to feel the need to use lethal force. The types of cases where police-involved homicides occur and the specific reasons for an officer to use their weapon vary and will be discussed later in the paper.

A significant portion of this paper is backed by the research I have been working on for the past year. I set out to analyze the history of police involved homicides both to find trends and patterns as well as to understand past attempts to reduce the rate of shootings in order to

¹ Franklin E. Zimring, *When Police Kill* (Cambridge, MA: Harvard University Press, 2017), 24.

² Steve Martinot, "On the Epidemic of Police Killings," *Social Justice* 39, nos. 4 (130) (2014): 53.

determine the most effective way to minimize the use of lethal force in our current society.

However, police departments are not required to report these incidents, so there is no database or completed record of published information on police-involved homicides. Therefore, in order to have a comprehensive a picture I needed to fill in the details myself.

My research advisor, Randolph Roth, Professor of History at The Ohio State University, has spent years constructing a comprehensive list of police-involved shooting victims based on the mortality figures from the Ohio Department of Health. This list is formed based on the homicides that were coded as “legal interventions” according to the International Classification of Death codes. However, this list is still only about 75% complete as it is likely that around ¼ of all police-involved homicides are miscoded by the county coroners as accidents, homicides, etc. The specifics of the shootings from 34 counties in Ohio were previously researched by Randolph Roth, Wendy Regoezi (Professor of Sociology and Criminology at Cleveland State University), and Rania Issa (analyst for the Cleveland Police Department, who received her Ph.D. in Criminology from the University of Akron). The counties included were Adams, Athens, Belmont, Clermont, Clinton, Columbiana, Crawford, Cuyahoga, Delaware, Fayette, Franklin, Hamilton, Harrison, Highland, Jackson, Logan, Marion, Meigs, Mercer, Miami, Morgan, Noble, Ottawa, Perry, Pickaway, Pike, Preble, Scioto, Seneca, Stark, Vinton, Warren, and Wayne. I read through the details they recorded for these cases and later combined this with my own primary research in other counties to create a complete picture of police-involved homicides in Ohio from 1959-1998 for analysis.

All police-involved shootings from outside of these initial 34 counties during 1959-1998 still needed to be researched when I began work on my thesis. I used newspaper archives to gather as much information about these unknown cases as possible. I experienced varying degrees of

success during this process. Some cases had numerous articles written about them, with ample specifics and details that shed light on the public opinions of police at the time. Others were never reported in newspapers which prevented me from including them in my data analysis. After recording the details of each shooting that were available, I began grouping the cases by similarities I was noticing. These included the race, gender, age, criminal record, and mental status of the victim, the initial crime committed that brought police to the scene, and the specific behaviors at the scene that caused officers to use lethal force. By disaggregating the cases into these subcategories, it became clear that certain suspects of certain demographics and crime scenes of specific conditions were more likely to be involved in fatal shootings than others.

Next, I conducted research into secondary sources to learn about the history of police departments and laws that governed policing at that time. This exploration helped me understand why our society was more prone to these tragedies than other countries, and why they are still prevalent after decades of attempted reform. Finally, I studied prior attempts that have succeeded and failed at targeting and reducing the police-involved homicide rate. I correlated this information with my data analysis to make suggestions for future steps that could affect positive change.

This paper is divided into three main sections. First, I discuss my research findings. I identify the most common demographics of the victims, the reasons officers were dispatched to these crime scenes, and what led the police to feel the need to use lethal force. I also include potential explanations for each of these and what their implications are. The next section provides a historical account of the laws and department policies that governed police behavior. This information reveals the reasons lethal force was permitted in several cases and why the police-involved homicide rate was so high in the United States. The final section discusses the past and

current attempts to reform the law enforcement system to lessen the number of fatal shootings. These all aim to diminish the violence and aggression that officers resort to from several different angles. The reasons for their respective successes and failures are also addressed.

By the end of this paper, readers should be able to understand the common specifics of many police-involved homicide cases, the ways in which the law and police departments have failed to hold officers accountable for these actions, and potential changes that can effectively decrease the use of lethal force in the future, and those that will not. It is critical that the police-involved homicide rate in the United States be reduced, as many of these deaths are unnecessary. Lethal force should be an officer's last resort, yet it's use is taught and reiterated regularly throughout their career. The exceedingly high rate of police-involved homicides in the United States is caused and perpetuated by an aggressive police culture, leniency in any consequences or convictions, and poor community relations. It is imperative that our society hold our officers to a higher standard and demand reform from the legal system and law enforcement. This new standard must require officers to prioritize human life, making our country safe for everyone, and genuinely protecting the communities they serve.

II. Police-Involved Homicide Case Research Analysis

This section will break down the total amount of police-involved homicide cases in Ohio from 1959-1998 into numerous sub-categories based on their similarities and it will analyze the implications of these groupings. This disaggregation reveals that there were several commonalities among police shootings throughout the second half of the 20th century. Specifically, the demographics of the victims were comparable throughout each decade, as were the specifics of the crime scenes. The details of police shootings were so similar over the course of 40 years revealing that intervention and reform is necessary to stop this cycle.

First, I analyzed the demographics of each of the victims, specifically their age, gender, criminal background, race, and mental health status. This analysis exposed certain characteristics that indicated whether a suspect was either likely to become aggressive or would not pose a threat. This evidence can help officers accurately identify the level of risk and danger during any given suspect interaction. With this information, they can choose appropriate tactics and avoid inflammatory responses that have been shown to cause police-involved homicides.

In addition to the characteristics of the victim, I also filtered these cases by the features of the crime scene. The police officers' involvement in each homicide is broken down into two parts. I asked, "what was the initial cause for the officer to be on the scene of the crime?" Subsequently, I asked, "what then prompted the officer to use lethal force?" The analysis of these two questions reveals the police calls that were most likely to result in lethal force, and which actions during the call were most likely to trigger this aggression. Making officers aware of this data is crucial in teaching them how to make educated decisions about the best response to specific circumstances. Arming officers with this knowledge can reduce the number of time they feel they need to use their gun.

A. Victim Demographics

The following data stems from analysis of 547 instances of an officer fatally shooting a suspect. These police-involved homicides all occurred in Ohio and have been broken down in (approximately) 10-year intervals; 140 cases from 1959 to 1967, 229 cases from 1968 to 1978, 147 cases from 1979 to 1988, and 31 cases from 1989 to 1998. While this is not an exhaustive list of every police-involved homicide in Ohio from 1959 to 1998, it has produced a robust quantity of data. This amount of information is sufficient for analysis, evaluation, extrapolation, and most importantly, theorizing about the future. The decades this data covers overlaps with the

three major homicide epidemics that have occurred throughout United States history. The first of which “started in the mid-1960s and lasted for nearly a decade before a short-term decline through the end of the 1970s.”³ The second spike “began in the late 1970s, had a relatively short duration, and was followed by a precipitous decline in the murder rate through 1985.”⁴ Finally, the third “coincided with the crack epidemic that started in the late 1980s and continued through the early 1990s.”⁵ The correlation between high homicide rates and increased police-involved shootings is not a coincidence. Significant rates of homicide, such as those that occurred during the second half of the 20th century have detrimental effects on police-community relations. An increase in murders in a community causes citizens to feel distrustful towards police because they begin to doubt their ability to truly protect them.⁶ At the same time, police departments will emphasize “tough on crime” policies to target the high homicide rates.⁷ Jeffrey Fagan and Daniel Richman, professors at Columbia Law School and leading experts on policing, argue that this attitude can cause individual officers to become suspicious and distrusting of the communities they serve. This level of distrust between officers and civilians can raise tensions in the community, which contributes to a higher rate of violence between the two.⁸ Both citizens and officers will preemptively maintain a hostile attitude which can turn routine conversations, investigations, and arrests into violent and lethal events. Therefore, the frequency of police-involved homicides throughout the second half of the 20th century was in part due to the overall violent crime rates occurring at the same time.

³ Jeffrey Fagan and Daniel Richman, "Understanding Recent Spikes And Longer Trends in American Murders," *Columbia Law Review* 117, no. 5 (2017): 1261.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid., 1275.

⁷ Ibid., 1276.

⁸ Ibid.

The data included throughout this paper is based on individual research on a case-by-case basis. Unfortunately, there is not a common database in the United States that houses a list of victims or details about police-involved homicides. There are not even regional databases whose data could potentially be combined to create a complete picture of the rate and nature of lethal shootings in the United States. Estimates have concluded that there are between 1,100 and 1,200 police-involved homicides every year in the United States.⁹ However the “system of fragmented political accountability for police killings” prevents a more specific number from being established.¹⁰ Because there are over 17,000 police departments in the United States, none of which are required to keep or submit data on their officers’ use of lethal force, an accurate statistic is hard to determine.¹¹ The closest the United States has to complete databases are the FBI’s Uniform Crime Reports and homicide reports from the National Archive of Criminal Justice Data. These list “justifiable homicides by police officers that are reported by U.S. police departments each year.”¹² However the information submitted is self-reported, not verified, and does not include homicides that are deemed unjustified. Therefore, since it is clearly inaccurate to consider police-involved homicide research solely on the FBI database information, I spent a significant part of my research process gathering details about each case for every known police-involved homicide victim in Ohio. The specifics of each of these situations varied greatly and will be discussed later in this section with each one involving a police officer fatally shooting a civilian.

⁹ Zimring, *When Police Kill*, 39.

¹⁰ Andrea Roth and Franklin Zimring, "Policy Perspectives on Police Use of Lethal Force," *Bulletin of the American Academy of Arts and Sciences* 68, no. 3 (2015): 32.

¹¹ *Ibid.*

¹² *Ibid.*

Figures 1, 2, 3, and 4 show the ages of the victims in 10-year increments. When ordered from the most common age to the least common, similarities are revealed across the entire 40 years this data spans. In all date ranges (1959-1967, 1968-1978, 1979-1988, and 1989-1998), ages 20-29 and 30-39 are either the most common age group or the second most common. In 1968-1978 and 1979-1988 the largest group of victims were 20-29 years old and the second largest group were 30-39 years old. For the other two decades, 1959-1967 and 1989-1998, the reverse was true with 30-39-year-olds making up the largest group and 20-29-year-olds making up the next largest. All date ranges had the same ordering for the third, fourth, fifth and sixth sized groups, sequencing 10-19 years old, then 40-49 years old, then 60 years old and older, and finally 50-59 years old. Also, sorting the victims by gender revealed additional commonalities across all 40 years. Nearly every victim was male, as seen in *Figures 5, 6, 7, and 8*. Specifically, there were 140 male victims and 0 female victims from 1959-1967, 225 male victims and 4 female victims from 1968-1978, 147 male victims and 0 female victims from 1979-1988, and 31 male victims and 0 female victims from 1989-1998. Sometimes newspaper articles also included information regarding the victim's previous criminal record and other times whether the victim had a criminal history or not was not mentioned at all. Articles explicitly included criminal record information for 79 victims from 1959 to 1967, 85 from 1968 to 1978, 76 from 1979 to 1988, and 13 from 1989 to 1998.

Analysis of a victim's race, gender, and criminal background is important because it shows the most likely situation in which a police-suspect interaction will turn violent. Based on the data listed above, escalation is most likely if the suspect is a male aged 20-39 with a previous criminal record. This is critical knowledge for officers to have for several reasons. First, it can make officers aware of when they are most likely in danger so they can be especially vigilant and

aware of their surroundings and actions. Second, it can signal to officers that they need to prioritize de-escalation techniques and choose their words and movements carefully because there may be more likelihood of an aggressive reaction than with other suspects. Third, it can demonstrate to officers that when they are interacting with a different demographic like a woman, a male outside of that age range, or a male without a criminal record, it is less likely for that suspect to become violent. Therefore, in these cases officers should reduce the use of their gun because there is a lower risk of threat.

This consistency across all decades did not hold true when the victims were divided by race. Instead, this data, which is shown in Figures 9, 10, 11, and 12 seemed more randomized and varied. From 1959-1967, there were 40 black victims and 37 white victims. From 1968-1978, 35 of the victims were black and 41 were white. From 1979-1988, 17 victims were black and 36 were white. From 1989-1998, there were 9 black victims and 22 white victims. On the surface, these numbers could lead one to conclude that race was not a factor in police shootings since for many decades there was a similar amount of black and white victims. However, this assumption would be categorically untrue. The details and circumstances of each specific police shooting reveal a significant racial disparity which the raw numbers do not. The newspapers, witness accounts, and police reports of each of these shootings revealed the aggression, abuse, and assumptions officers had when interacting with black suspects that they did not have towards white suspects. In other words, many of the black victims were typically shot prematurely, while the white victims were only shot in genuine self-defense.

This conclusion regarding racial discrimination in police killings has been backed by numerous studies. One found that “between 1950 and 1960, African Americans were killed by Chicago police at a rate of 16.1 per 100,000, compared with a rate of 2.1 per 100,000 for

whites.”¹³ Another one, conducted by historians and researchers David Jacobs and Robert M. O’Brien, tested several theories concerning the causes for police shootings. Their conclusions established that “at least during the 1980s, racial inequality is the kind of economic stratification that best explains the use of deadly force by the police.”¹⁴ Other studies speak to the questionable circumstances common to many black killings. For example, “Meyer (1980) found that African Americans in Los Angeles were more often unarmed when they were shot, and Fyfe (1982) found that African Americans in Memphis were more often shot in circumstances that were not as threatening to the officer.”¹⁵ These broader studies reveal that there is a deeper story to the raw data mentioned above. Although there were equal number of white and black shootings it does not mean the specifics of the killings were comparable.

Even at the time of some of these shootings, the inequality was apparent and mentioned in newspaper articles. The reports of Robert Barbee’s death in 1967 were ahead of their time and called for psychological tests and “black training” to combat the racism that existed within police forces.¹⁶ Barbee was parked in his car when officers approached him. They believed Barbee had a gun, and although he never reached for it or threatened to shoot, the officers shot him. It later was discovered that the so-called “gun” was a pipe in his belt. In the Dayton Daily News’ report on this incident, the author included information about an open-air rally being held to protest the shooting sponsored by “Non-violent Direct-Action Committee, Dayton Alliance for Racial

¹³ Wesley Skogan and Tracey Meares, "Lawful Policing," *The Annals of the American Academy of Political and Social Science* 593 (2004): 72.

¹⁴ David Jacobs, "The Determinants of Deadly Force: A Structural Analysis of Police Violence," *American Journal of Sociology* 103, no. 4 (1998): 857.

¹⁵ Skogan and Meares, "Lawful Policing," 73.

¹⁶ Douglas Drake, "Vice Officer Facing Manslaughter Charge," *Dayton Daily News* (Dayton, OH), September 18, 1967, 1.

Equality, Moving Ahead Together, and the Ohio Freedom Movement.”¹⁷ Similarly, reports regarding the death of Michael Woods in Cleveland in 1982 reflected the community’s criticism of police behavior. Woods and Patrolman Joe Paskvan were in a verbal argument at a traffic light which escalated into a shootout resulting in Woods’ death. One article mentions that city officials ordered a review of the investigation into the case due to pressure from community groups who questioned if Woods actually shot at the officer first or not.¹⁸ The NAACP called the investigation “inadequate” and argued that “the father, mother, and family of Michael Woods are due more qualified and quantitative answers than those being given.”¹⁹ This fueled a reform movement that called for the formation of a “civilian review board which would investigate allegations of police misconduct.”²⁰ Proponents of this committee believed it would decrease oral abuse and excessive force as well as corruption covering up these actions after the fact. Additionally, many thought that a citizen’s review panel would be more objective and thorough during investigations.²¹

However, in other articles, the tone favored the opposing side and justified officers’ actions. For example, reports on the death of David Lowry glorified the officer’s actions. In 1961, David Lowry forced a woman who rejected his love into a car at gunpoint and evaded officers who tried to pull him over. At that point, the pursuing police fired shots which incited a shootout resulting Lowry’s death. Although the officers were the ones who started the shooting, this article says that “Patrolman Richard McAfee was thankful to be alive today,” and questions

¹⁷ Douglas Drake, "Vice Officer Facing Manslaughter Charge," 1.

¹⁸ David Beard, "Pressure Forces Review of Killing By Policeman," *The Plain Dealer* (Cleveland, OH), July 30, 1982, 1.

¹⁹ *Ibid.*, 10A.

²⁰ Thomas Vail, "Need for Review Panel," *The Plain Dealer* (Cleveland, OH), August 9, 1982, 1.

²¹ *Ibid.*

“why a man with [Lowry’s] medical, job, and personal history was free on the streets to carry out such wanton violence?”²² The reporters of William Cutshaw’s death in 1962 held similar sentiments. Cutshaw was killed by Officer Hixon in a gun battle in a jewelry store during an attempted robbery. One article included the Greene County Sherriff’s remarks regarding Officer Hixon’s actions, saying that he “deserves a medal for his marksmanship in the shooting.”²³ A third example of this pro-police attitude can be found in the articles about Daniel Capp’s death. In 1968, police reported to a call about an intoxicated boy threatening people with a gun. They arrived at the scene and pulled their guns. One officer “put it at the throat of Capp” causing him to run. At that point, the officers yelled a warning to halt, and fatally shot Capp. The editor of the Plain Dealer justified the cops’ actions by arguing that it is unfair to criticize police who only have seconds to act and that they have a duty to protect the city. This editor went as far as to say that Capp’s “unfortunate ending started months before the police ever laid eyes on him,” referencing his criminal history as justification for his death.²⁴

Additionally, some articles included information about victims’ past or current mental health struggles. While this finding was not as commonly noted in a victim as having a criminal record, a history of mental illness was still prevalent throughout each date range. From 1959-1967 there were 9 known mentally ill victims, from 1968-1978 there were 13, from 1979-1988 there were 20, and from 1989-1998 there were 2. Mental illness was present throughout this historical data and is even more frequently seen among victims of police-involved homicides today. A 2015 study estimated that 27% of victims exhibited mental health issues, according to

²² Donn Gaynor, "Pair Ignores Order to Halt," *Mansfield News-Journal* (Mansfield, OH), February 8, 1961, 1.

²³ “Slain Burglar Had Long Police Record,” *Chillicothe Gazette* (Chillicothe, OH), November 3, 1962, 1.

²⁴ "Police Duty Is to Protect the City," *The Plain Dealer* (Cleveland, OH), March 22, 1968, 1.

their family, friends, or police.²⁵ Another study found that “persons suffering from an untreated mental illness are estimated to be 16 times more likely to be killed by law enforcement.”²⁶ There has been, and still is, recurring debate surrounding police interactions with mentally ill individuals. There is a range of arguments for what scholars believe is the best, safest, and most effective way to respond to a mentally ill person who is acting in an aggressive or dangerous manner.

Some scholars believe that mental health professionals should be the ones reporting to these incidents because they have more training for communicating with mentally ill individuals. Police officers are experts in dealing with criminals and, oftentimes, learn the best ways to interact with them based on their experience in the field. However mentally ill suspects appear to have more sporadic and unpredictable behavior and react differently from what officers are used to. These unfamiliar situations can cause officers to believe the mentally ill individual is more of a threat than they actually are, especially because “training academies simply clump this vulnerable population into a category of dangerous and unpredictable assailants who pose a threat to the lives of the police officers that respond to their calls for service.”²⁷ Specialists, on the other hand, are trained to understand this behavior and can more accurately assess the individual’s actions and communicate with them. Some officers even argue that this role would be more appropriately handled by “the welfare state and social services.”²⁸ Brandon Garrett, a law professor at Duke University School of Law, and Seth Stoughton, an associate professor of

²⁵ Paul Hirschfield, "Lethal Policing: Making Sense of American Exceptionalism," *Sociological Forum* 30, no. 4 (2015): 1113.

²⁶ Caitlin Lynch, "You Have the Right to Remain Violent," *Social Justice* 45, nos. 2/3 (152/153) (2018): 84.

²⁷ Ibid.

²⁸ Monica Bell, "Police Reform and the Dismantling of Legal Estrangement," *The Yale Law Journal* 126, no. 7 (2017): 2147.

law at University of South Carolina School of Law, contextualize these inappropriate responses by stating that prior to the 1970s, “officers were taught to quickly and aggressively establish control over suspects, especially those with apparent mental illnesses.”²⁹ While this standard has since changed, some scholars believe that officers are still too aggressive which escalates an already sensitive situation. By using force, officers often frighten the mentally ill suspect or trigger a manic episode. Either of these can cause a violent reaction which can put the officer in danger and prompt them to use their gun. Mental health professionals would know that this is not the appropriate response and would have the skills to de-escalate the situation.

Other scholars believe that officers should respond to these calls because the situations can turn violent and law enforcement will be needed. However, they still argue that there is room for improvement in departments’ standards of practice with mentally ill suspects. Many say that departments should provide better mental health training and create appropriate methods for dealing with this subset of individuals. Currently, an average of only 10 hours is dedicated to topics related to mental illness, yet “it has been estimated that police officers spend more time responding to calls for service involving a person with mental health issues than they do on calls for service involving burglaries, assaults, or traffic collisions.”³⁰ Clearly, a significant amount of mental health training needs to be added to the police curriculum so they can utilize the appropriate tactics in these situations. One of these methods is Crisis Intervention Training, which is a series of techniques that are intended to enable officers to avoid force when interacting with someone in the midst of a crisis.³¹ The specific strategies can include

²⁹ Brandon Garrett and Seth Stoughton, “A Tactical Fourth Amendment,” *Virginia Law Review* 103, no. 2 (2017): 267.

³⁰ Lynch, “You Have the Right to Remain Violent,” 84.

³¹ Garrett and Stoughton, “A Tactical Fourth Amendment,” 267.

minimizing the threat of arrest, maintaining distance between themselves and the suspect, and verbal de-escalation.³² Over time, Crisis Intervention Training has proven successful and has allowed officers to understand their own behavior and improve their ability to resolve situations safely. Debra Livingston, an associate professor of law at Columbia Law School and a federal judge reveals that some departments, such as the Steubenville Ohio police department, have required officers to attend training for responding to calls with an emotionally disturbed person and people with mental disabilities every two years.³³

B. Dispatch Calls

In addition to statistics about the victims of police-involved homicides, this research and data also provide an abundant amount of information about the crime scenes. The circumstances themselves are important to analyze in order to find commonalities and establish which situations typically escalate to shootings. Identifying the types of cases that are most likely to be dangerous and those that are not is critical information for officers. Evidence based research can help them make educated decisions about how to approach and react in these settings. This section discusses the most common calls officers respond to that result in police-involved homicides, and the reasons for that.

Figures 13, 14, 15, and 16 show the calls police responded to that eventually led to a shooting in order from greatest to least. Burglary was the most common call to dispatch police in every decade, except for 1989-1998, during which time it was the second most common. This is due to a variety of reasons. First, burglaries are typically committed at night, when it is dark and more difficult for an officer to tell where the suspect is, if they are armed, and how they are

³² Garrett and Stoughton, "A Tactical Fourth Amendment," 267.

³³ Debra Livingston, "Police Reform and the Department of Justice: An Essay on Accountability," *Buffalo Criminal Law Review* 2, no. 2 (1999): 831.

acting. According to Andrea Roth and Franklin Zimring, professors of law at The University of California, Berkeley, School of Law, officers are more likely to be on edge and expect the worst due to this uncertainty.³⁴ Therefore, any movement, whether threatening or not, can make an officer react, and oftentimes this means pulling the trigger.³⁵ Secondly, the very nature of a burglary call is likely to cause an action by the suspect and therefore, a reaction by the officer. Burglaries are often reported in real time, due to the triggering of alarms which contact the police. Thus, officers usually arrive while the crime is being committed and being caught in the act activates the human flight or fight instinct which may lead to increased confrontations with the police. Additionally, knowing that they will have to face consequences for breaking the law is another reason that burglary suspects attempt to escape or resist. Because burglary suspects are frequently not cooperative, officers often use force to arrest them, and many of these situations have escalated into lethal violence, as seen by *Figures 13, 14, 15, and 16*.

Another consistent call throughout every decade of these police-involved homicide cases was domestic violence. It was the leading call from 1989-1998, the second most common from 1959-1967 and 1968-1978, and the third ranked call from 1979-1988. Similar to burglaries, domestic violence calls mostly occurred while the suspect was active and in the process of committing a crime, whether that be shooting, stabbing, assaulting, or verbally threatening the victim. Therefore, these suspects were also difficult to arrest because of their propensity to fight or flee, which, in many cases, prompted the officer to use force. Suspects of domestic violence are also emotionally charged which causes them to act drastically in situations with law enforcement. In theory, the average individual knows to be compliant with officers for their own safety.

³⁴ Roth and Zimring, "Policy Perspectives," 33.

³⁵ Ibid.

However, attackers can be engulfed in rage, jealousy, or other emotions which can cloud their judgement. They may project these feelings onto the officers responding to the call which can trigger these officers to feel the need to use force or violence, including wielding their gun.

This data also revealed several other situations in which officers are likely to use lethal force such as active shootings, stabbings, assaults, rapes, kidnappings and verbal threats. This is mostly due to the danger that these suspects pose to themselves and the community around them. These individuals have the propensity to hurt others at any moment leading officers to resort to the sure deterrent of lethal force, rather than using de-escalation and communication techniques that could fail and result in the loss of an innocent life. Another common call that has the tendency to escalate is when police officers find a wanted suspect and attempt to arrest them for a past crime. Similar to burglars and attackers, these suspects know they will be facing legal repercussions if caught. Therefore, they tend to fight or flee which causes an officer to respond accordingly. Additionally, the fact that these suspects have gotten away with the crime in the past may inflate their ego and lead them to believe they can do so again. Finally, this data also revealed that it was common for traffic incidents to result in excessive force, whether that be officers responding to car accidents, pulling over stolen cars, or stopping drivers for traffic violations. Some reasons why these seemingly nonviolent situations could escalate include their propensity to flee or a driver using their car as a weapon.

C. Prompt to Shoot

The second component of each crime scene that I analyzed was the specific actions of the suspect and officer that prompted the use of lethal force. Identifying the exact reason why an officer decided to shoot can be used to evaluate whether the shooting was necessary or not. At the time, nearly every one of these cases was ruled a justifiable homicide. However, this analysis

disputes these conclusions. This data reveals the true reasons officers decided to use their guns over the second half of the 20th century, and how often they did. It is important to note that with hindsight it is much easier to make judgments about the way a situation should have been handled but since this data is so revealing, it can hopefully be used constructively for the future. As seen in *Figures 17, 18, 19, and 20*, common reasons for using lethal force include if a suspect is fleeing, shoots at an officer, has a weapon present, physically assaults an officer, or if an officer believed there is a weapon present (even if there was not), among others. However, the frequency of each of these reasons varied slightly by decade.

The rate at which officers shot fleeing suspects decreased consistently over the second half of the 20th century. In the 1950s and 1960s, this was the leading cause of death for victims shot by police officers. At that time, the legal system and police departments condoned using lethal force to stop a fleeing suspect regardless of the crime they had committed or if they were armed or unarmed. This standard has since changed, but during those decades if an officer gave a verbal warning to stop fleeing, and the suspect ignored it, they were permitted to shoot. Throughout each subsequent decade, this practice has met with more and more disapproval. Fortunately, a decrease in shooting rate of fleeing suspects correlates with this disapproval, as seen in *Figures 18, 19, and 20*. It moved to the second most common prompt to shoot in 1968-1978 and continued to slow to the fourth most common reason in 1979-1988 and 1989-1998. In many of these situations, the risk to the public did not outweigh the risk to the individual, and therefore there was no urgent need for lethal force. Oftentimes, these fleeing suspects were unarmed and did not pose a threat to those around them. In fact, in some situations the individual who was running from the police had not even committed a crime, but instead was simply spooked and had an instinct to flee. Officers are continuously being held to a higher standard of practice when

it comes to their decisions to use lethal force. This involves finding alternative ways to stop a fleeing suspect such as can catching up to them via patrol car or calling for backup if the suspect is also driving.

This data also revealed that shots fired by the suspect was another common provocation of police-involved homicides. It was the leading cause in 1968-1978 and 1979-1988 and the second most common in 1959-1967 and 1989-1998, as seen in *Figures 17, 18, 19, and 20*. In contrast to fleeing suspects, the suspects in these situations do pose an active threat to the officer and any civilians near the scene because they are armed and actively shooting. This also means that the solution to reducing the rate of lethal force used in these situations is more nuanced than in those that involve fleeing suspects. De-escalation techniques upon arrival to the scene are critical here to diffuse the situation as much as possible. The police have the ability to set the tone of the interaction which can influence if the suspect shoots or not. Therefore, the role an officer plays when a suspect is armed cannot be understated. Officer training and department standards of practice should emphasize the best way to manipulate a dangerous situation into one that controls the suspect but minimizes the need for violence.

A corollary of the previous situation frequently noted throughout this research was when a suspect physically assaulted an officer but did not have a weapon present. While this specific problem was never the most common one, it happened often enough that officers should be taught to always be prepared to handle aggressive suspects in an effective manner. In these cases, the suspect was posing a threat, but to a lesser extent than if they had a gun. A suspect engaging in physical assault can only attack one person at a time and are less likely to cause a death, whereas a suspect armed with a gun can kill numerous people quickly. Therefore, lethal force in these situations is rarely warranted and other methods of self-defense should be taught

and prioritized. These could range from verbal techniques to physical restraint, to calling in backup, making lethal force a last resort. It is essential that officers can discern the nuances of each of these events and assess when their weapon is truly needed and is the safest option.

Another common situation that tended to escalate into a police-involved homicide was when officers responded to a scene and the suspect had a gun but did not shoot it. This situation always has the potential to intensify because the suspect is armed. However, in all of these cases, the officer shot, and the suspect did not. Figures 17, 18, 19, and 20 show how common this scenario is; in 1989-1998 it was the leading reason officers shot, in 1979- 1998, it was the second most common, and in 1959-1967 and 1968-1978, it was the third. This data shows that, relative to the other causes of lethal force, it is becoming more and more common for an officer to shoot upon seeing a gun, regardless of whether it is used or not. In some of these cases the suspect is actively holding the gun, or even pointing it at the officer. In these instances, the officer is in a position where self-defense is necessary. However, self-defense does not always need to be lethal force. Shooting a suspect in the arm, hand, foot, or leg can mitigate the threat of them using their gun without taking their life. There were also many times when the mere presence of a gun, not the likelihood that it will be used, caused the officer to shoot their own gun. Without any indication that the suspect is going to use the gun, the officer should continue to use alternative techniques to communicate with and arrest the suspect. Law enforcement should have the skills to assess the body language, attitude, and cooperation level of a suspect to determine if they are likely to become aggressive or not. Just because a weapon is present does not mean the suspect will use it, and officers should not automatically resort to lethal force any time they see a weapon.

The final lethal force prompt that was common to all four decades was officers believing there was a weapon present when the suspect was unarmed. While it was never the leading

reason an officer shot a suspect, it still occurred more often than it should have, given how unnecessary the lethal force is in this situation. The specific reason that an officer believed there was a gun present varied by case, with some officers assuming a suspect turning around or reaching towards their pocket signaled a gun, and others mistaking shiny or rod-shaped objects for guns. The fact that this specific scenario was present in all four decades (*Figures 17, 18, 19, and 20*) demonstrates the propensity of officers to shoot. The emphasis on violence in the field throughout police training and within department culture is part of the reason these unnecessary shootings occurred. If officers' default approach was de-escalation, they would interpret a suspect's actions in a more accurate manner, instead of perceiving every movement as a threat. Since the evidence shows that police are always on the verge of pulling the trigger that small movements, which have nothing to do with violence, result in lethal force. Dialogue between an officer and suspect is an important component to reducing incorrect assumptions that can have fatal consequences. By keeping lines of communication open, an officer can more accurately gauge the suspects attitude and level of aggression, and the suspect can tell an officer exactly what they are holding or why they are moving a certain way.

While the five reasons expanded upon above were the most frequent actions that prompted officers to feel the need to use their weapon, that is not an exhaustive list. Other causes have included hostage situations, a suspect resisting arrest, accidental shootings, an officer shooting upon arrival to a crime scene, and a suspect verbally threatening an officer. This variety shows that officer's often default to violence in many situations, not just ones when the suspect is an active threat. The fatal outcome of this strategy demonstrates how important it is for officers to adjust techniques and tailor their response, rather than resorting to violence when suspects are not cooperating. Prioritizing de-escalation, as opposed to aggression, can improve police-

community relations and reduce the likelihood a suspect will become hostile, thus saving the lives of officers and civilians alike.

III. Facilitators of Police-Involved Homicides

This section discusses past and current federal regulations and departmental policies that contribute to the exceedingly high rate of police-involved homicides in the United States. Currently the laws that regulate police behavior are so lenient that they appear to condone lethal force. The main doctrine used by the Supreme Court to judge police behavior is the Fourth Amendment, which only requires an officer's actions to be objectively reasonable. This standard is vague and can be easily met, making it difficult to assert that an officer's use of lethal force is unconstitutional. Additionally, the nature of police work manipulates the law in their favor. The close relationships that officers have with prosecutors means that they are charged, indicted, tried, and convicted less frequently than they should be.

Similarly, individual police departments use broad and ambiguous language in their policies, which simply require officers to act reasonably, and rarely explicitly condemn lethal force. Therefore, departments seldom hold officers accountable for these actions because they are technically in compliance with their rules. The training and culture within departments also contributes by glorifying violence and grooming officers to use their weapon. Essentially, police regulations on a federal and local level, in practice, condone the use of lethal force by allowing an officer's interpretation to be the standard against which to judge reasonable behavior .

A. Legal System

The Fourth Amendment is the primary source of federal doctrine that regulates the use of lethal force by police officers. It guarantees an individual's liberty and right to privacy, specifically, "the right of the people to be secure in their persons, houses, papers, and effects,

against unreasonable searches and seizures.”³⁶ Since a law enforcement officer’s use of physical force on another individual is considered a seizure, citizens are therefore protected against this action by the Fourth Amendment.³⁷ However, not all scenarios in which an officer uses physical force violate the Fourth Amendment. For a court to conclude that an officer’s actions were unconstitutional, it must be clear that the use of force was unreasonable.³⁸

Three important court cases have shaped the way in which the Fourth Amendment has been interpreted and subsequently the way the legal system assesses the appropriateness of an officer’s decision to use lethal force. The first of these is *Tennessee v. Garner*, which occurred in 1985 after an officer fatally shot a young black man fleeing a burglary. The Supreme Court held the ruling against the officer and decided that it was unreasonable to shoot a fleeing suspect who is not a danger to the public and that this would violate the Fourth Amendment.³⁹ The standard of policing established in *Garner* was a progressive step towards police accountability and emphasized restraint rather than action when there is no immediate threat.

The second significant case regarding the application of the Fourth Amendment to incidents of police violence occurred in 1989. The ruling of this case, *Graham v. Connor*, resulted in a regressive step towards leniency when evaluating if an officer was justified in their violence. Dethorne Graham, a diabetic, was suffering from insulin shock when approached by the police. The officers believed he was acting suspiciously due to intoxication. They were physical with him during his arrest, subsequently breaking his foot, causing several lacerations, and creating ear problems. The Supreme Court found the officers in compliance with the

³⁶ Osagie Obasogie, and Zachary Newman, "Constitutional Interpretation Without Judges," *Virginia Law Review* 105, no. 2 (2019): 427.

³⁷ *Ibid.*, 429.

³⁸ *Ibid.*, 443.

³⁹ *Ibid.*, 429.

“objectively reasonable standard” of the Fourth Amendment.⁴⁰ This ruling established that police must be judged based on how they perceived the initial encounter, even if their perspective was a misinterpretation. In other words, if the police officer’s initial determination of a scene, regardless of its accuracy, causes them to believe physical force is warranted, then that action is constitutional.

The third case that has significantly shaped the courts’ interpretation of the Fourth Amendment in the context of physical force is *Scott v. Harris*. In 2007, an officer attempted to pull over Victor Harris after clocking his speed at seventy-three miles per hour in a zone where the speed limit was fifty-five miles per hour. Harris fled and Deputy Sheriff Timothy Scott attempted to force Harris’ vehicle into a controlled spin, a method known as the Precision Intervention Technique. However, untrained in this maneuver, Scott caused them to end up in a car accident that left Harris as a quadriplegic.⁴¹ The Supreme Court ruled in Scott’s favor, again citing the objectively reasonable standard of the Fourth Amendment. This *Harris* ruling established that it is permissible for a police officer to use an unbridled amount of physical force if they believe it will prevent harm to innocent bystanders.⁴²

Past rulings in cases of police officers’ use of excessive force, particularly in *Graham v. Connor* and *Scott v. Harris*, reveal the legal system’s tendency to interpret the Fourth Amendment in favor of the police. These cases failed to create a legitimate standard by which forcible police actions could be evaluated. Instead, the rulings have deferred to the “objectively reasonable clause” which has created a standard of practice that judges an officer’s actions based on their perspective, not on the reality of the situation. The open-ended and ambiguous nature of

⁴⁰ Obasogie and Newman, “Constitutional Interpretation Without Judges,” 430.

⁴¹ Garrett and Stoughton, “A Tactical Fourth Amendment,” 233.

⁴² *Ibid.*, 234.

this causes issues when attempting to realistically apply the Fourth Amendment on a day-to-day basis. Its vague wording and lack of actionable steps “fails to provide clear guidance that can be applied by officers in the moment or by attorneys and judges in the aftermath of an officer-involved homicide or other use of force.”⁴³ Keagan Potts, a third-year student at University of Michigan Law School who published on police immunity, argues that this makes it near impossible for a plaintiff to hold an officer responsible for their use of excessive force.⁴⁴ Even if the facts of a case reveal that lethal violence was categorically uncalled for, if an officer perceived it to be necessary, the court will rule in support of the officer.

When assessing compliance with the Fourth Amendment, the court is not asking whether the officer’s decision at the time was accurate, but simply if that officer believed lethal force was warranted. Therefore, in theory, an officer could completely misread a scene, but still be allowed to use excessive force. Lawrence Rosenthal, a Professor of Law at Dale E. Fowler School of Law, argues that, “Officers can always claim that they faced a threat to their own lives and were therefore justified in using force. Judges and juries are extremely deferential to these claims and to the police in general.”⁴⁵ If an officer claims to have believed he was in danger and needed lethal force in that moment, their actions would be considered reasonable under the Fourth Amendment.

In addition to the leniency of the Fourth Amendment, there are numerous other components of the legal system that prevent federal law from holding police officers accountable for their use of lethal force. First, scholars argue that prosecutors “hesitate to introduce tensions

⁴³ Garrett and Stoughton, “A Tactical Fourth Amendment,” 213.

⁴⁴ Keagan Potts, “Restricting Police Immunity,” *Public Affairs Quarterly* 32, no. 4 (2018): 306.

⁴⁵ Lawrence Rosenthal, “Good and Bad Ways to Address Police Violence,” *The Urban Lawyer* 48, no. 4 (2016): 683.

in the prosecutorial-police relationship by bringing criminal cases against officers.”⁴⁶ In other words, officers face legal consequences less frequently than they should because their job requires them to work closely with prosecutors, and therefore have a favorable relationship with them. Because of this, the threat of legal repercussions becomes minimal to obsolete, sending the message to officers that lethal force is an acceptable part of their job.

Secondly, an officer can appeal for summary judgement, which allows them to avoid trial by jury. This allows law enforcement to circumvent testifying to their perceived threat, thus eliminating the risk of a jury finding them guilty.⁴⁷ Past cases have demonstrated the partiality shown to police officers during summary judgments. Shockingly, “courts often grant summary judgment without doing their due diligence in assessing the facts” and “even when shooting unarmed suspects in defensive positions, police officers can win immunity through summary judgment.”⁴⁸ Again, the close proximity that exists between law enforcement and the legal profession allows officers to eschew the law.

Thirdly, “there are rarely independent witnesses in cases involving police violence.”⁴⁹ This means that if an incident of excessive force manages to make its way into a court room, a judge and/or jury will be weighing the testimony of a police officer against that of a criminal or, in the case of police-involved homicides, a dead man. Additionally, the burden of proof falls on the plaintiff. Therefore, the attorney for the criminal or deceased victim must not only dispute the officer’s story, but also prove beyond a doubt that their use of excessive force was unreasonable. In most situations, this task is insurmountable. Since juries are sympathetic to figures of

⁴⁶ Rosenthal, “Good and Bad Ways to Address Police Violence,” 681.

⁴⁷ Potts, “Restricting Police Immunity,” 306.

⁴⁸ Ibid., 313.

⁴⁹ Rosenthal, “Good and Bad Ways to Address Police Violence,” 682.

authority, coupled with the fact that there is usually no one to dispute the story in order to fulfill the prosecutorial burden of proof, this discredits the legal system's ability to hold an officer accountable for their actions.

B. Police Department Policies

In addition to federal law and the constitution, police department policies are theoretically meant to regulate officers' use of lethal force although they frequently fail to do so. In most police departments, there are specific guidelines that explicitly outline when it is permissible to use lethal force. Specifically, the Bureau of Justice Statistics estimated that "well over 93% of police agencies had policies governing the use of deadly force and 87% had policies for nonlethal force."⁵⁰ The Seattle Police Department had one of the most powerful policies regarding excessive violence; "the community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties – officers are to perform their duties with minimal reliance upon the use of physical force, and any force used must be proportional."⁵¹ The Philadelphia Policeman's Manual states three situations in which a police officer is allowed to fire his gun at another person. They include "To protect his own life, when it is in imminent danger. To protect the life of another. To prevent the commission of certain violent felonies or to prevent the escape of a violent felon, but *only after all* other means have been exhausted."⁵² Uniform across many of the largest police departments is their requirement to issue a verbal warning before using lethal force.

⁵⁰ Garrett and Stoughton, "A Tactical Fourth Amendment," 249.

⁵¹ *Ibid.*, 282.

⁵² William Waegal, "How Police Justify the Use of Deadly Force," *Social Problems* 32, no. 2 (1984): 146.

However, robust approaches like the ones listed above are not universal, and many policies fail to use specifics while instead including phrases like “reasonable belief,” “substantial risk,” and “only when all other means have been exhausted.”⁵³ These guidelines reflect the vague and lenient interpretation of the Fourth Amendment by setting reasonable behavior as the standard to meet. For most departments, “the constitutional floor then becomes their ceiling.”⁵⁴ Therefore, officers can justify almost all actions by claiming they believed it was reasonable at the time, thus fulfilling the department standard and abiding by the rules.

Equally important as looking at the language included in police procedures is looking at what is not included. Aside from the cities with the largest police forces, most departments refrain from inserting opinion into their policies. Even the basic views that “the need to use force should be minimized” or that “force should be avoided, when it is possible to do so, through de-escalation and other police tactics,” is excluded.⁵⁵ In large cities, only a few departments include information about which situations warrant which tactics. Seattle’s department explicitly mentions “cover, concealment, verbal persuasion, avoidance of confrontation, and calling extra resources,” as appropriate de-escalation techniques and alternatives to violence, but this level of specificity is rare.⁵⁶ There is also little to no mention of steps to take when interacting with a mentally ill suspect.

Police departments also have specific procedures to conduct an investigation following a shooting to ensure it meets their criteria for the use of lethal force. In theory, every shooting should be formally reviewed. Most police departments limit this review to an internal inquiry.

⁵³ Waegel, “How Police Justify the Use of Deadly Force,” 146.

⁵⁴ Garrett and Stoughton, “A Tactical Fourth Amendment,” 278.

⁵⁵ Ibid.

⁵⁶ Ibid., 283.

These require the officer in question to turn in a written report with details of the incident and their reasons for pulling the trigger. In some cases, often due to public outcry, an external review is also conducted. This would be an additional investigation conducted by prosecutors or the coroner's officer.⁵⁷ In most departments an internal review is standard procedure, while an external review only occurs when the family of the victim demands more accountability, typically when the details of the shooting are questionable and raise suspicion. A 1975 study of 1,500 police involved homicides found that only three officers were punished as criminals. A 1973 survey of 85 shootings by the Chicago police between 1969 and 1970 revealed that officers should have been charged with murder or manslaughter in 11 cases, yet only 1 was charged and tried. This problem is still present among law enforcement today; "from 2005 to 2018, only 85 officers have been charged in connection with a shooting, and just 32 of those have been convicted."⁵⁸ This lack of police accountability for misuse of force continues to ring true when looking at it from a macro view. Out of 13,233 total complaints against officers between 1995 and 2015, 12,703 were not charged.⁵⁹

One reason for the low rates of punishing officers for violating their department policies is due to their ambiguity and vague wording. The phrasing leaves the interpretation of the shooting up to the officer, not up to those reviewing the shooting. Once an officer claims they perceived a "substantial risk" or "reasonably believed" a threat, they are in accordance with department rules and therefore will not be punished. It is common for officers to justify their actions by saying, "I didn't have a choice," or "It was him or me."⁶⁰ These assertions are hard to

⁵⁷ Waegel, "How Police Justify the Use of Deadly Force," 146.

⁵⁸ Obasogie and Newman, "Constitutional Interpretation Without Judges," 435.

⁵⁹ Ibid.

⁶⁰ Waegel, "How Police Justify the Use of Deadly Force," 150.

debate and oftentimes end the investigation. Officers are well aware of this dynamic; “central among the understandings police hold about shooting are that the review process is generally ‘friendly’ and that the legal standards are sufficiently vague so that nearly all shootings can be interpreted to fit the legal criteria for justifiable police homicide.”⁶¹ These policies leave no room for the reviewing committee to assess whether or not the shooting was warranted and the committee is instead left to judge whether the officer felt at risk.

The very nature of policing makes it hard to regulate, and therefore assess whether actions are in compliance with department rules. Police officers work alone or with one other partner, meaning there is little to no accountability in the field. Wesley Skogan, a Professor Emeritus in Northwestern’s department of political science and Tracey Meares, a Walton Hale Hamilton Professor of Law at Yale Law School argue that situations that are most likely to result in a police-involved homicide, such as burglaries and domestic violence calls, occur at night, which reduces the number of witnesses that could potentially report an officer’s actual behavior.⁶² The independent nature of police work creates obstacles for department heads to monitor their subordinates and make sure they are abiding by the rules. It is also important to note that the department guidelines that officers are expected to follow are created by fellow police officers. Paul Hirschfield, an associate professor of sociology at Rutgers, who specializes in criminalization, questions their authenticity since, “naturally, police choose protocols that prioritize the protection of themselves and their discretionary authority above all else.”⁶³ Many police practices are intended to protect and favor the officer, which, unfortunately, can result in no culpability for the loss of a human life.

⁶¹ Waegel, “How Police Justify the Use of Deadly Force,” 150.

⁶² Skogan and Meares, “Lawful Policing,” 70.

⁶³ Hirschfield, “Lethal Policing,” 1115.

C. Officer Training and Culture

In addition to the tangible legal documents and department policies that condone law enforcements' use of lethal force, police culture, fueled by police training, also contributes significantly to the high rates of excessive force seen in the United States. State and municipal police academies across the country dedicate a disproportionate amount of their limited curriculum to lethal weapons training, while neglecting de-escalation tactics and communication skills. This emphasis on violence, compounded with the police community's admiration and excitement towards incidents in which an officer fired their gun, leads to a toxic mentality that perpetuates the use of excessive force.

There is an overemphasis placed on the potential for danger and violence in the field during police training. On average, 168 of the 840 total police academy instructional hours are dedicated to addressing violence. According to the Bureau of Justice Statics Census of Law Enforcement Training Academies, 71 hours are spent on firearms training, 60 hours on defensive tactics, 16 hours on nonlethal weapons, and 21 hours on broad use of force. Caitlin Lynch, a lecturer at Old Dominion University in the Department of Sociology and Criminal Justice, argues that the main justification for spending so much time on aggressive curricula is due to "the widespread belief within the profession that cadets must be prepared to have their lives violently and intentionally taken from them because of their occupational status as police officers."⁶⁴ While this reasoning is sound and it is critical that police receive training in weapon use and arrest techniques, current academies are overemphasizing these subjects. It may be intuitive to believe that the more training an officer has for life-threatening situations the better, however studies have shown that this mentality is having unintended and detrimental side effects.

⁶⁴ Lynch, "You Have the Right to Remain Violent," 80.

The significant amount of violence training gives prospective police officers a skewed view of what their daily life on the job will entail. It leads them to believe that any situation can quickly turn dangerous and requires them to be ready for these threats. This propensity to reach for their weapon can cause officers to “overreact to scenarios that would otherwise be nonviolent encounters once they hit the streets.”⁶⁵ Stephon Clark, Jordan Edwards, Michael Brown, and Charles Kinsey are just a few of the names of individuals who would still be alive if officers were trained to de-escalate otherwise non-violent situations. The quantity of training for life-or-death scenarios should be proportional to what officers will see in the field, so that they can master these skills, without anticipating using these deadly techniques regularly.

There is a prominent occupational culture amongst police that is introduced during training and continues to influence officers for the rest of their careers. From their first day at the academy, officers are exposed to “hegemonic masculinity.” Those that do not fulfill the hypermasculine standard are not permitted into the academy or are harassed until they leave. One study found that “the majority of recruits who voluntarily drop out of police training do so because their beliefs and expectations about police work are drastically at odds with their sense of what police work should be, particularly after witnessing cover-ups, dishonesty, and heavy-handed policing.”⁶⁶ Perry Lyle, a Criminal Justice professor at Columbia College, and Ashraf Esmail, an assistant professor of Criminal Justice at Dillard University, argue that having such a toxic culture can lead to a “code-of-silence”, and protecting each other at all costs, no matter what a fellow officer does.⁶⁷ This can even expand to approving of coercive measures with

⁶⁵ Lynch, “You Have the Right to Remain Violent,” 82.

⁶⁶ *Ibid.*, 80.

⁶⁷ Perry Lyle and Ashraf Esmail, “Sworn to Protect,” *Race, Gender and Class* 23, nos. 3-4 (2016): 171.

suspects or using coercion to protect one another.⁶⁸ It can also normalize otherwise unacceptable behaviors such as racism and discrimination.⁶⁹ Additionally, cadets are repeatedly exposed to war stories that emphasize and glorify lethal force. These tales are cynical, undercut the formal curriculum, and contribute to cadets' misconceptions about the thrills of everyday life in the field. There is even a common saying among police officers that encourages police to shoot first in potentially dangerous situations; "I'd rather be judged by twelve than carried out by six."⁷⁰ This phrase speaks to their proclivity to pull the trigger, as their training teaches them. Trainees that continue through with their entire training are shaped into masculine and aggressive individuals by the culture and curriculum of the academy.

Unfortunately, police officers do not receive adequate training for skills that they actually will need on a day-to-day basis. Critical thinking, decision making, and interpersonal communication are frequent and essential parts of police interactions with the community they serve that are underrepresented in training.⁷¹ The Census of Law Enforcement Training Academies conducted by the Bureau of Justice Statistics found that 12 hours were dedicated to problem-solving approaches, 10 hours to community partnership building and collaboration, and 9 hours to mediation and conflict management.⁷² Scholars have established de-escalation strategies, implicit bias training, and mental health education as three concrete pieces of curriculum that could reduce the number of police-involved homicides in the United States every year.

⁶⁸ Robert Worden and Sarah J. McLean, "Reflections on Police Reform," In *Mirage of Police Reform: Procedural Justice and Police Legitimacy*, University of California Press, 2017: 194.

⁶⁹ Lyle and Esmail, "Sworn to Protect," 163.

⁷⁰ Waegel, "How Police Justify the Use of Deadly Force," 147.

⁷¹ Lynch, "You Have the Right to Remain Violent," 76.

⁷² *Ibid.*, 83.

The impact that de-escalation strategies can have is undervalued and undermined in police academy training. These conflict resolution techniques are taught as inferior to and at odds with more violent measures, meaning they rarely get used. Police are trained to believe that when threatened, violence is the only adequate response. While sometimes that may be true, there have been many cases when violence has been used unnecessarily. Police have fired their guns when the suspect does not have a weapon present and has not posed a threat to themselves, the officer, or the community. Under these circumstances, a de-escalation technique would have been the better strategy. In fact, the officer's decision to pull their weapon out can cause the suspect to become violent. De-escalation techniques can effectively diffuse a situation while also saving lives. Despite its success, only eight states had state-mandated de-escalation training in 2012. After the death of Michael Brown in Ferguson, Missouri, eight more states added a de-escalation component to their academy training. An overwhelming majority of officers who have been training in interpersonal skills and/or diversity training "believed that the education or training was effective in preventing misbehavior."⁷³

In addition to de-escalation techniques, mental health and implicit bias training is missing from police academies. Scholars have estimated that "police officers spend more time responding to calls for service involving a person with mental health issues that they do on calls for service involving burglaries, assaults, or traffic collisions."⁷⁴ Without adequate training, officers treat mentally ill suspects the same way as any other unpredictable suspect and can often make a situation worse by doing so. With a better understanding of the behavior and needs of the mentally ill, officers would be equipped to de-escalate the situation, rather than to escalate it with

⁷³ Lyle and Esmail, "Sworn to Protect," 180.

⁷⁴ Lynch, "You Have the Right to Remain Violent," 84.

violence. Implicit bias education is another critical facet of police curriculum that is currently overlooked. Adding this into the required academy programming would allow officers to reflect on their internal biases and how that affects their interaction with suspects and the broader community. Ideally, “forcing academy cadets to confront the oppressive history of their profession may help foster a greater understanding that policing does not represent protection for many.”⁷⁵ Therefore, officers can understand the effect that their propensity to reach for their weapons has had on the public, and work to change those immediate reactions.

IV. Reforms to Reduce Police-Involved Homicide Rates

This section discusses reform measures that have been tried in the past and present to combat the police-involved homicide rate in the United States. While some have succeeded, and others have failed, they have all attempted to create a more constructive relationship between police officers and their community. Some attempts at police reform that have failed include creating stricter legal repercussions for the use of lethal force, consolidating police agencies to combat tight budgets, and structural change within the department. Approaches that have succeeded include reshaping police culture to de-glorify violence, strategic dispatching of officers to high crime areas, educating officers about their own psychology to help them make smarter decisions, increasing training requirements, diversifying the police force, and increasing federal funding available to departments. Analyzing theories of reform that have failed and pinpointing the exact reasons is just as important as studying measures that have proved successful. Both are necessary to inform future steps that can effectively change police behavior into that of cooperation, rather than opposition, with their community, thus reducing the use of lethal force.

A. Failures

⁷⁵ Lynch, “You Have the Right to Remain Violent,” 84.

Numerous methods of reform have been attempted by federal officials, state legislators, law enforcement, and community members to reduce the number of police involved homicides in the United States. Many of these strategies have proved unsuccessful. It is important to understand the reasons for their failure in order to avoid repeating these mistakes while trying to continue combatting this issue in the future.

A police department's budget is one of the main obstacles to extensive reform. Increasing police training, particularly on the topics of de-escalation techniques, interacting with mentally ill individuals, and implicit bias teaching would teach officers about viable alternatives to violence when responding to a call. However, many departments do not have the funds to facilitate this education. Instead, their "limited budgets can give rise to barebones training in which instructors recite federal cases without giving officers sound guidance on when and how to avoid potentially fatal confrontations."⁷⁶ Limited budgets also restrict the caliber of officers a department can hire. Edward Lawson, a Political Science PhD candidate at the University of Southern California, argues that without enough money to attract and pay experienced officers, a department is forced to hire officers that are less professional and would accept a lower pay.⁷⁷ In other cases, a tight budget prevents any new hires, thus leaving current officers overworked, tired, and more likely to make a mistake. Coupled with insufficient training, this demonstrates how budgets can have an effect on the increased use of excessive force.

Consolidating police agencies into larger entities is one strategy aimed at addressing understaffed departments, a tight budget, and overworked officers. This police consolidation movement has gained traction throughout the 1930s, 1960s and 1970s, as well as in the 1990s. If

⁷⁶ Garrett and Stoughton, "A Tactical Fourth Amendment," 218.

⁷⁷ Edward Lawson, "Trends: Police Militarization and the Use of Lethal Force," *Political Research Quarterly* 72, no. 1 (2019): 184.

brought to fruition, this strategy would merge many small agencies in the same region into one large one. Proponents argue that this would cover the cost of high-tech police equipment, specialist experts, better-qualified personnel, and more training that small departments could not otherwise afford. However, police consolidation has received serious backlash from the regions that would end up being consolidated. Stephen Mastrofski, Professor Emeritus, and James Willis, Assistant Professor, both of the Department of Criminology, Law, and Society at George Mason University, argue that the people served by small police departments value “accessibility and interpersonal familiarity with the community, less ‘red tape’, more time on patrol, and law enforcement that is customized to the preferences of a smaller, more homogenous community.”⁷⁸ These characteristics are difficult for large departments to maintain, and would therefore diminish if small departments merged with several others. Local leaders of small towns and their citizens prefer autonomy over and familiarity with their police department. Proponents of small departments also note that they have a lower cost of policing because of their lower salaries and less administrative staff. Overall, department consolidation has proved to be another unsuccessful strategy.

Attempting to reduce police-involved homicides by examining the consequences officers face after the fact has also been an unsuccessful strategy. Although in theory, providing harsher legal repercussions for killing a suspect should be an effective deterrent, due to the vague language and interpretation of the Fourth Amendment, pursuing criminal charges against an officer is a futile effort. This is primarily due to the inability to sufficiently prove that an officer did not perceive a reasonable threat. Only those shootings “in which the police obviously were

⁷⁸ Stephen Mastrofski and James Willis, "Police Organization Continuity and Change: Into the Twenty-first Century," *Crime and Justice* 39, no. 1 (2010): 62.

not in peril or egregiously used excessive force are going to lead to criminal convictions of the offending officers.”⁷⁹ Oftentimes even these cases do not result in a fair decision because the close relationship between law enforcement and members of the legal system incentivizes lenient and favorable rulings and sentences. An additional obstacle to imposing stricter legal guidelines on officers is the way police perceive these changes. There have been instances in the past when police have viewed “DOJ interventions and other efforts aiming to enhance police accountability and constitutional compliance as a condemnation of their police work.”⁸⁰ These types of suggestions can cause feelings of resentment and bitterness because police are offended “at the labeling of their actions as extralegal.”⁸¹ Rather than considering these proposals as constructive criticism for an improved police force, legal reforms can have the opposite effect.

Many progressive reformers advocate for structural change within the police department to allow for officers to be more flexible in their roles. They argue that this would, “encourage experimenting” with new response tactics and methods of interacting with suspects and community members. Since the 1970s, many groups have advocated for better police-community relations to improve trust between the two. However, reform that begins within the police department is rare. The police departments’ resistance to structural change stands in the way of a permanent shift towards community policing. This shift would mean relying on officers to hold themselves accountable and initiate meaningful change without external incentives. There is an emphasis on doing things the way they have always been done in many police departments. This applies to aggressive police training, the strict hierarchy within the force, and the distrustful ways in which officers interact with suspects and criminals. Unfortunately, these are many of the

⁷⁹ Roth and Zimring, “Policy Perspectives,” 35.

⁸⁰ Fagan and Richman, “Understanding Recent Spikes,” 1241.

⁸¹ Ibid.

causes of police involved homicides, meaning that lethal force will continue to be a problem until genuine reform occurs.

B. Successes

Through this trial-and-error process of police reform, there have also been successes. Several methods that gained enough traction from the public, department heads, government officials and properly incentivized the officers have succeeded in reducing the use of lethal force. Additionally, many scholars have referred to past attempts at police reform to theorize about future strategies that could have a tangible effect on the police-involved homicide rate. This body of work analyzes the specific reasons that previous reform measures succeeded or failed and uses this information to formulate new targeted and customized suggestions.

Reforming police behavior from within the department has the greatest potential for success but seems to be the most difficult to enact. Reshaping the current police culture that encourages aggression and masculinity into one that values conflict resolution and de-escalation could save lives of officers and community members alike. Past studies on the rate at which lethal force is used by officers have shown that “administrative changes and determined leadership can reduce shooting by the police.”⁸² This could occur through improved training, more internal inspections, stricter performance measures, increasing sanctions after unreasonably using their weapon, and re-wording their use of force policies.⁸³

One specific method that has contributed to managerial success is the use of Comp-Stat strategies to help departments decide where to dispatch patrolling officers. This technique promotes aggressive patrolling in areas with high rates of criminal activity, while encouraging

⁸² Skogan and Meares, “Lawful Policing,” 78.

⁸³ Ibid.

officers to proceed with minimal violence when reporting to calls outside of those hot spots. This is a data driven and establishes where officers are most likely to encounter a threat. This allows departments “to focus resources where enforcement is needed, while minimizing over-enforcement.”⁸⁴ By studying the violent crime rate in their area, departments can teach officers the areas where they need to be most alert. Additionally, this information will demonstrate the parts of their jurisdiction where it is less likely to see scenes of aggression. This is critical to creating positive police-community relations and reducing the number of police-involved homicides. Research into past incidents of lethal force has shown that an aggressive officer can turn a non-violent situation into a violent one.⁸⁵ Whether the officer draws his gun as a threat or because they assume the suspect has a gun, this propensity to reach for their weapon turns an interaction into a life-or-death situation that may have been easily solved by a de-escalation technique. However, many officers believe it is smarter and safer to draw their weapon more often rather than not often enough. This is where the Comp-Stat method can help. By learning to distinguish between historically violent and non-violent areas, officers will use appropriate strategies during an interaction with a suspect, instead of hastily turning to violence.⁸⁶

Scholars have also suggested that police departments should center their specific field procedures around the “OODA” Loop. This is a model of human reaction which theorizes that, “any individual – including both officers and suspects – can physically react to a situation only after going through four distinct phases: Observation, Orientation, Decision, and Action.”⁸⁷ First, an individual observes the situation at hand. Second, they process their observations by putting

⁸⁴ Rosenthal, “Good and Bad Ways to Address Police Violence,” 728.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Garrett and Stoughton, “A Tactical Fourth Amendment,” 254.

them into the context of the scene to draw conclusions. Third, the officer identifies possible reactions and selects their response. Fourth, they act based on this perception and analysis of the circumstances. Officers go through the OODA Loops every time they interact with a suspect, either consciously if they have been trained or subconsciously if not.⁸⁸ If an officer is unaware of their OODA Loop process, they may observe a suspect reaching into their pocket, orient the action by thinking of all the possible items they could be reaching for, unconsciously decide they are reaching for a gun, and act by wielding their own weapon. However, with training, an officer can become consciously aware of their thought process and adjust their reaction in the “Decision” stage. In the previous example, a trained officer would consider all the possibilities of what the suspect could be reaching for, and not immediately assume it is a gun. This would prevent a preemptive and unnecessary violent reaction on the part of the officer, which has all too often resulted in the loss of an innocent life. Educating officers about their own psychology and making them aware of the OODA process is a critical step towards helping them adjust their preliminary reactions and make prudent decisions in the field.

“System 1” and “System 2” thinking is another psychological concept that scholars argue should be included in police training and used as a foundation for creating police protocols. This theory of human thought establishes that people think about and react to situations in one of two ways. First, there is System 1 which is subconscious thinking. These are “primitive, reflexive assessments, and responses to sudden stimuli.”⁸⁹ In contrast, System 2 thinking is “slower because it requires conscious deliberation contemplation or the use of logic.”⁹⁰ In the law enforcement field, System 2 thinking should be prioritized over System 1. Because of the high

⁸⁸ Garrett and Stoughton, “A Tactical Fourth Amendment,” 254.

⁸⁹ *Ibid.*, 256.

⁹⁰ *Ibid.*

stakes of a police officer's job and their constant access to a gun, an impulsive reaction can cost a life. Evidence has shown that "people faced with more serious perceived or actual physical threats, particularly deadly threats, may experience stress reactions that make sound decision making far more challenging."⁹¹ Therefore, it is essential that officers practice and improve their ability to use System 2 thinking during high-stress situations.

Based on this psychological research into human patterns of thought, such as OODA Loop and System 1 and System 2 thinking, the best police techniques are ones that create more time for a decision to be made. This can be achieved by "maintaining distance or by introducing obstacles that make it more difficult for threats to reach them."⁹² By reducing an officer's proximity to the threat, they are under less stress and can therefore employ conscious thinking to make a sound decision about how to react in a given situation. The physical positioning of officers is one way they can create a safe environment. Keeping their arms uncrossed, maintaining distance from the suspect and providing cover for their partner are a few examples of ways officers can give themselves additional time to react to a sudden change. Cover and concealment is another strategy that gives an officer more time to think and react by ensuring their safety and reducing their need to use System 1 thinking. The manner in which police speak to suspects can also reduce the suspect's potential for perceiving a threat. If an officer's tone is rude, condescending, or aggressive, a suspect is more likely to resist cooperation.⁹³ By treating a suspect with respect, an officer can reduce the likelihood of them becoming a threat, again allowing the officer more time to think through the situation and come to a sound decision of how to proceed. It is also vital for an officer to provide verbal directions in a constructive way.

⁹¹ Garrett and Stoughton, "A Tactical Fourth Amendment," 256.

⁹² *Ibid.*, 253.

⁹³ *Ibid.*

The use of curse words or yelling when communicating with a suspect can inhibit their ability to understand instructions and make them hostile. This can intensify the situation quickly because a sudden movement may cause the officer to believe the suspect is reaching for a weapon, triggering the officer's System 1 decision-making.

Officer training is another facet of policing that departments could focus on to target and reduce the amount of lethal force used on the job. The importance of reforming police academy instruction cannot be understated; "training is a necessary supplement to policy."⁹⁴ As discussed earlier, restructuring the curriculum to prioritize de-escalation techniques, implicit bias training, and mental health education can help to re-shape the way officers perceive their jobs. These changes would give officers a more realistic preview of their day-to-day life, teach them to value cooperation over conflict, and prevent them from resorting to aggression as their first response to crime. Recent efforts along these lines have emphasized "Guardian Policing – as opposed to Warrior Policing – [which] seeks to instill values based more on public service through crime prevention and control than on fighting crime."⁹⁵ Additionally, departments should consider increasing "oversight of police behavior" and "strengthening policies on acceptable use of force," to model this cultural restructuring from the top down.⁹⁶ High ranking and experienced officers have shaped the current aggressive police culture, so it is plausible to assume that if they begin prioritizing tactical restraint and minimizing the risk of violence, these values will trickle down throughout the entire department.

In addition to new training, there are other changes that should occur in the hiring process that can combat excessive violence on the job. Hiring more African American, Hispanic, Native

⁹⁴ Garrett and Stoughton, "A Tactical Fourth Amendment," 250.

⁹⁵ Lawson, "Trends," 187.

⁹⁶ Ibid.

American and female police officers is an important step in creating more diverse and progressive police departments. Data reveals that white men can have significant bias and aggression towards minority suspects making diversifying the police force a pressing and necessary issue. Gene Grabiner, who holds a PhD and Masters in Criminology from the University of California at Berkeley argues for all police to undergo “regular, periodical psychological testing” to assess for racial bias and bigoted attitude that, if left unchecked, could affect their work in the field.⁹⁷ An additional step to enhance the hiring process would be to create a national police job performance database. This would house all incidents of police misconduct so that department heads can check an officer’s record in their past jurisdiction before hiring them. The importance of creating a collaborative and accessible database cannot be understated; “had this been in place before Tamir Rice was killed by Officer Timothy Loehmann, Rice may never have been murdered.”⁹⁸ During Loehmann’s time as an officer in Independence, Ohio he exhibited disturbing behavior during a weapons training session which made his supervisors question his maturity, responsibility, ability to perform his job, and mental stability. Had Loehmann’s next employers been aware of this behavior, they may not have hired him, thus preventing him from causing any more harm.

Another way to reduce violence in policing is to build positive police-community relations. The community policing reform movement gained traction in the 1970s and 1980s. During that era, there were “skyrocketing crime rates, riots, accusations of racism and brutality, corruption, inefficiency” which caused the public to lose faith in the police and question their practices.⁹⁹ Expert scholars and public leaders began to advocate for community policing, which

⁹⁷ Gene Grabiner, "Who Polices the Police?" *Social Justice* 43, nos. 2 (144) (2016): 69.

⁹⁸ *Ibid.*, 71.

⁹⁹ Mastrofski and Willis, “Police Organization Continuity and Change,” 118.

emphasizes “a commitment to customizing the selection of a policing approach to the particular problem at hand.”¹⁰⁰ In other words, policing should reflect the community’s actions, and officers should be more nuanced in their interactions rather than defaulting to violence. It gained widespread acceptance and support, particularly as the urban crime rate declined in the 1990s and 2000s. There is still pressure for “greater involvement and more responsiveness to neighborhood needs,” among localities across the nation since departments have not implemented concrete measures to the extent that many hoped for.¹⁰¹ This strategy could prove successful in the future because there are incentives for the police to engage in community policing to appease the public. By engaging with the people they serve in constructive ways, police can help create positive community relations. Tracy Meares and Tom Tyler, Professors of Law at Yale Law School, argue that this is likely to “promote rule following and deference to police decisions,” “lower resistance and conflict,” and “lead people to view police decisions about discretionary actions as lawful and to support sanctioning police officers less often.”¹⁰²

Scholars also suggest that increasing federal funding for local police departments could alleviate their economic strains which can ultimately contribute to lowering officers’ use of lethal force. The federal government has provided money to local police departments since 1994, when The Office of Community Oriented Policing Services was established.¹⁰³ The purpose of this federal office was to incentivize various reforms by rewarding these changes with additional funding. There are two benefits that would come from this system of reform. First, police

¹⁰⁰ Mastrofski and Willis, “Police Organization Continuity and Change,” 117.

¹⁰¹ *Ibid.*, 119.

¹⁰² Tracy Meares, Tom Tyler, and Jacob Gardener, “Lawful or Fair? How Cops and Laypeople Perceive Good Policing,” *The Journal of Criminal Law and Criminology (1973-)* 105, no. 2 (2015): 337.

¹⁰³ Bell, “Police Reform and the Dismantling of Legal Estrangement,” 2064.

departments would have concrete incentives to adopt department changes such as restructured training, de-escalation policies, and harsher repercussions for the use of lethal force. Second, the inferior or mediocre work of departments related to poor funding would be eliminated. As established earlier in this paper, insufficient police budgets directly contribute to unwarranted and excessive force because officers are not trained adequately and are overworked. If the federal government increases the amount of money available, the departments will be able offer their employees better salaries thus attracting high-caliber officers and ensuring that there are enough officers total to prevent the need for overtime. Monica Bell, associate professor of law at Yale Law School argues that, with an adequate budget, departments can hold their officers to an overall higher standard of practice, thus decreasing the unnecessary violence and aggression that is currently prevalent in cash-strapped departments.¹⁰⁴

V. Conclusion

In conclusion, the police-involved homicide rate in the United States is excessive due to officers' propensity to resort to violence and their lack of accountability to the legal system, both of which must be changed create safer communities and end unnecessary killings of civilians.

The analysis of police-involved homicide narrative research in Section 1 reveals the nuances of each of these cases, as well broader trends across several decades. Looking at the minute details of each case, as well as the larger historical picture, is crucial to understanding the epidemic that is the police use of lethal force in the United States. Examining these cases on an individual basis reveals the unfair and suspicious law enforcement activity that lead to many killings. Putting hundreds of case details together shows important patterns such as who are the most common victims of these homicides, the most dangerous calls officers respond to, and the

¹⁰⁴ Bell, "Police Reform and the Dismantling of Legal Estrangement," 2064.

interactions that police perceive to warrant their use of force. Specifically, this data shows that men with criminal records aged 20-39 are the most common police-involved homicide victims, and that burglary calls, coupled with a weapon present on the suspect are the most likely situations to escalate to violence.

Section 2 supplemented the conclusions from Section 1 by explaining the reasons for this high rate of police-involved homicides in the United States. Specifically, this research addresses how officers escape consequences for lethal force and are permitted to keep using excessive aggression, particularly in the specific scenarios established in Section 1. The chief reason for the frequency of shootings is the culture of aggression within the police force. This, coupled with minimal repercussions for such behavior allows these actions to endure. The content and rhetoric within officer training, department policies, and police culture embrace and promote a toxic and aggressive mentality, often rewarding and praising officers for using violence. The legal system fails to provide adequate deterrent, rarely charging or trying guilty officers.

Section 3 provides insight into the prospective remedies to this epidemic and evaluates their potential to effect real change. Previous reform suggestions, including police department consolidation, hierarchical restructuring, and a stricter interpretation of the law, have proven futile. However, these failures have taught scholars the facets of law enforcement that are resistant to change so they can focus their efforts on areas that are more flexible. Some of these include restructuring training curricula to promote de-escalation over violence, increasing department budgets, hiring officers with varying backgrounds, and creating appropriate responses to specific field situations based on research and evidence.

As seen throughout this paper, the issue of police-involved homicides is a complicated and multi-faceted one. Law enforcement must accurately assess a suspect's threat level and adapt

their behavior in mere seconds. This is certainly a challenging task, but its level of difficulty should not mean we lower our expectations for police behavior. There should be no excuse for unnecessarily taking a human life. Changing and expanding police training is a critical first step to preventing needless and excessive force. Departments must teach officers a variety of techniques which prioritize de-escalation and minimize violence, as well as give them adequate time to perfect these skills before entering the field. The legal system, fellow officers, and the communities they serve must demand the highest standard of behavior from their police force and hold them accountable if they fail to meet it.

VI. Figures

Victims' Age

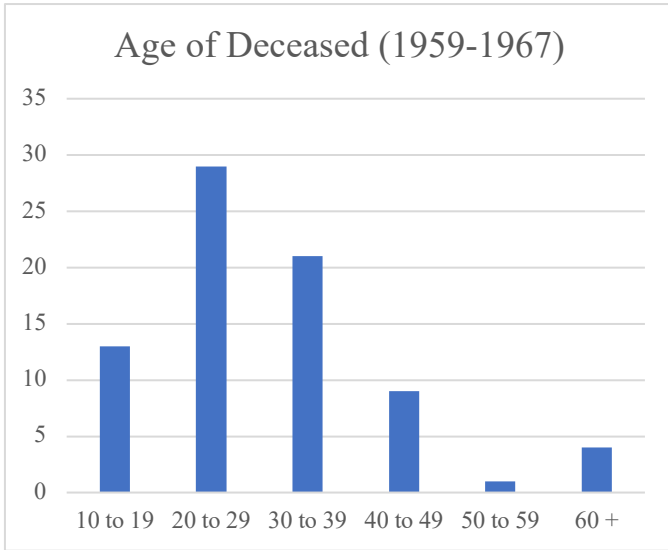


Figure 1

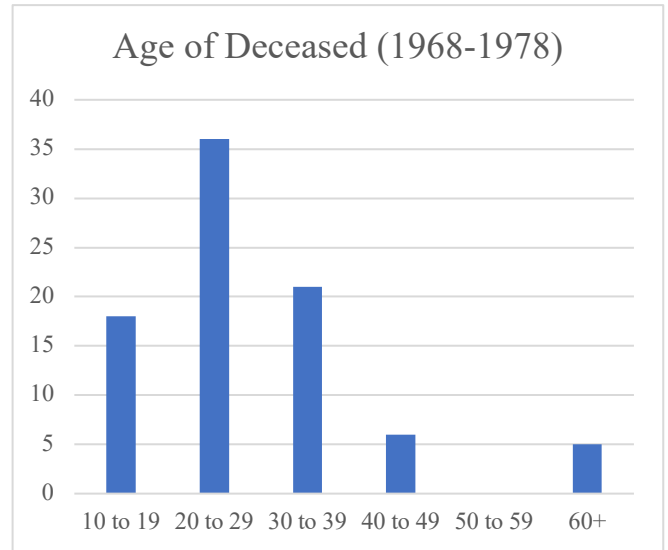


Figure 2

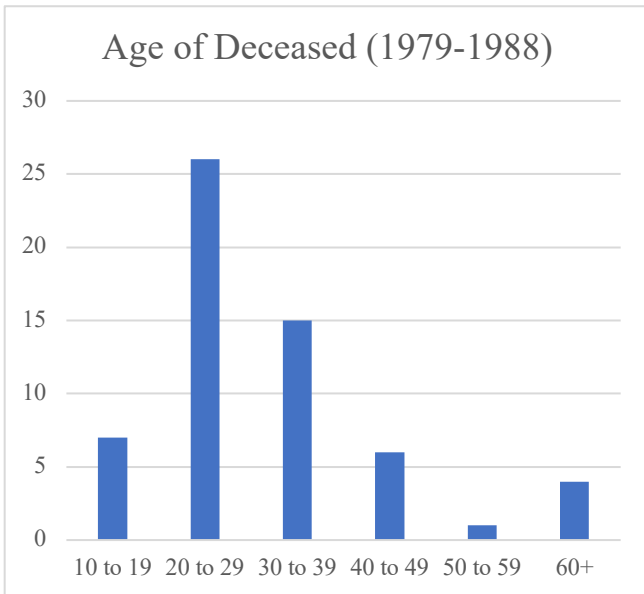


Figure 3

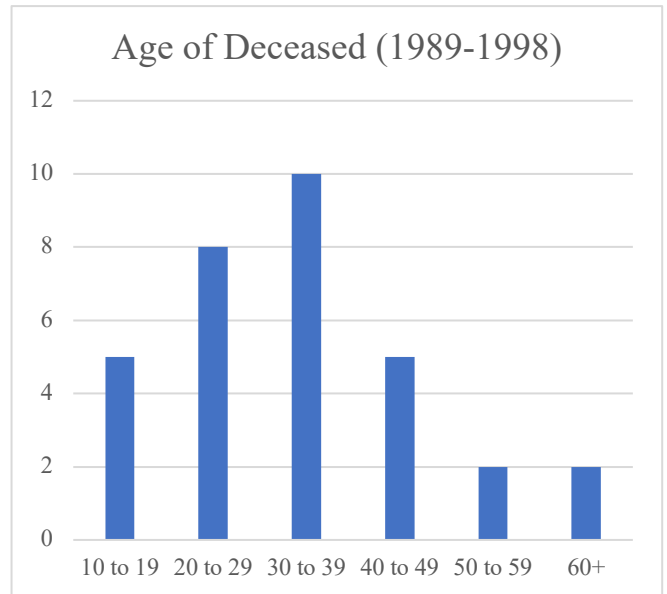


Figure 4

Victims' Gender

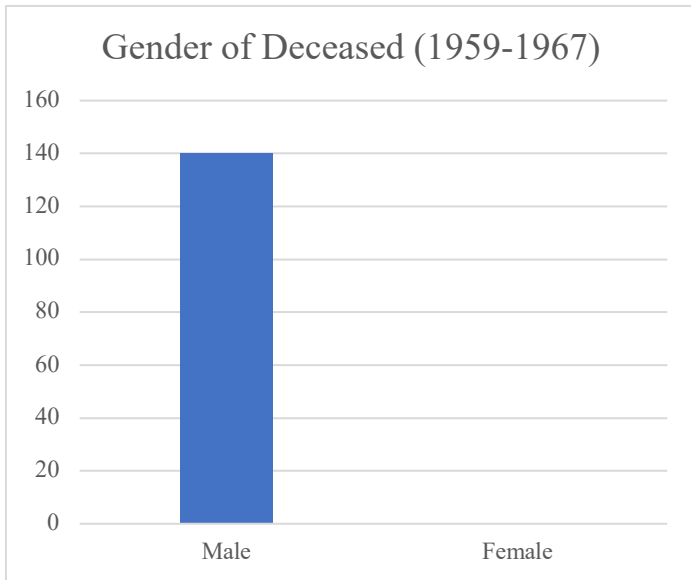


Figure 5

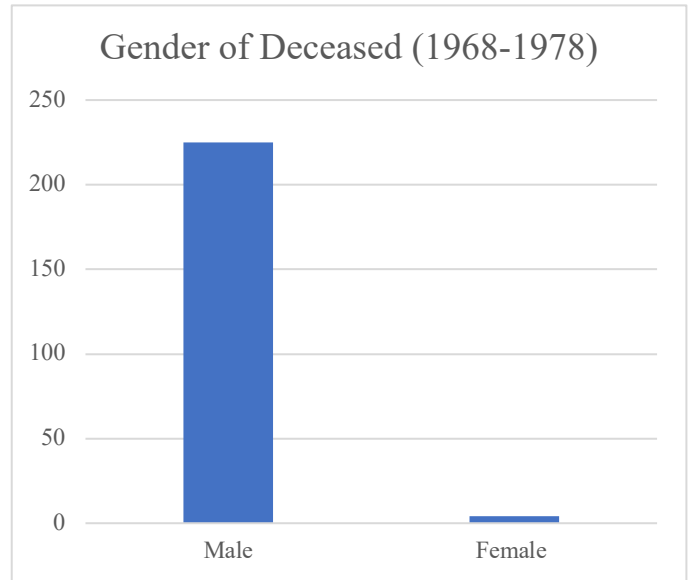


Figure 6

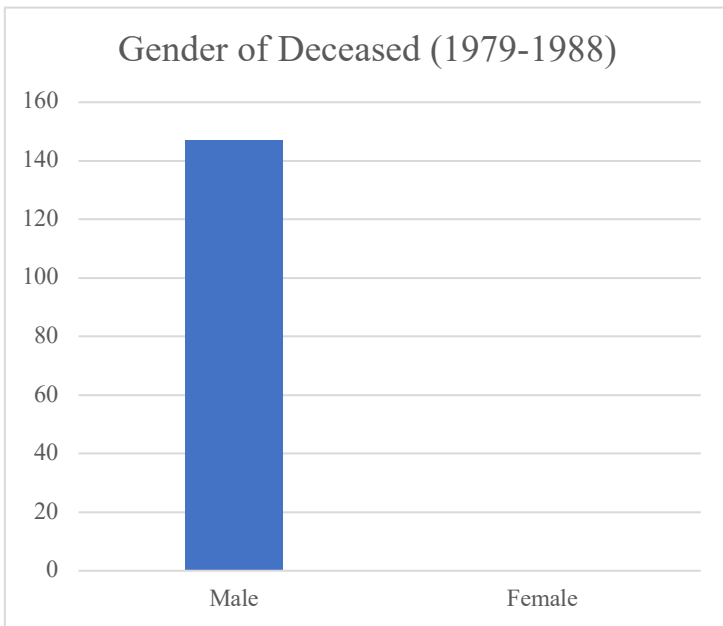


Figure 7

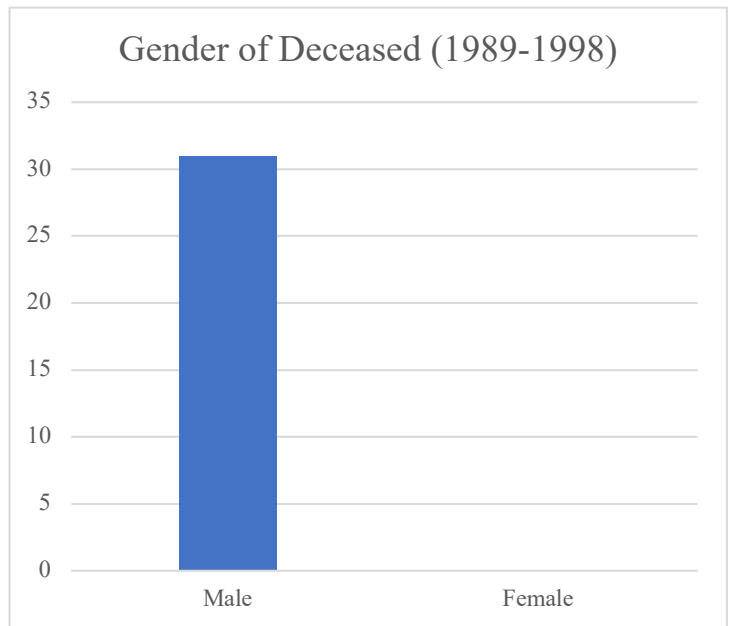


Figure 8

Victims' Race

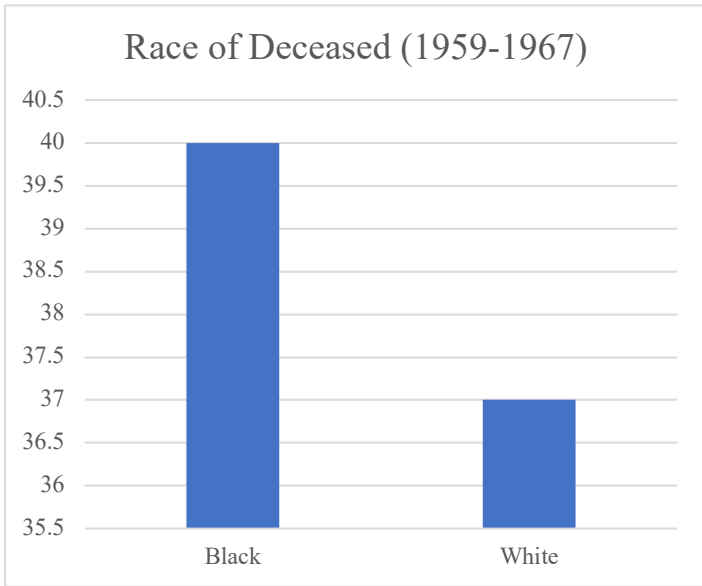


Figure 9

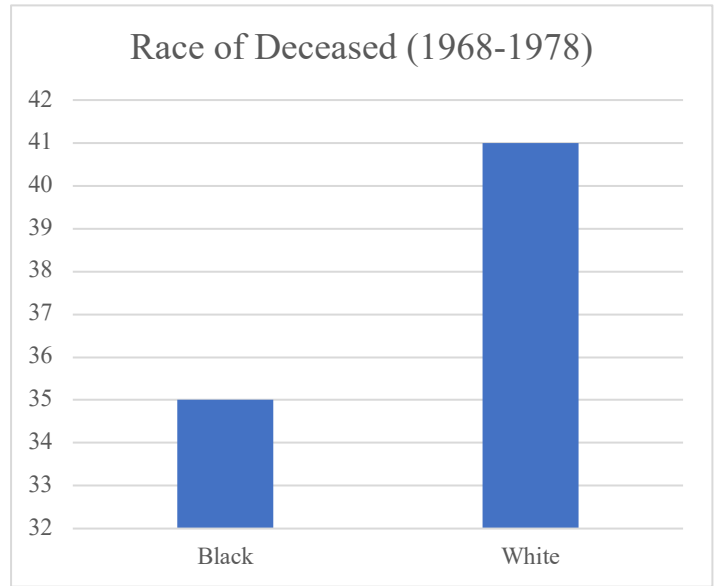


Figure 10

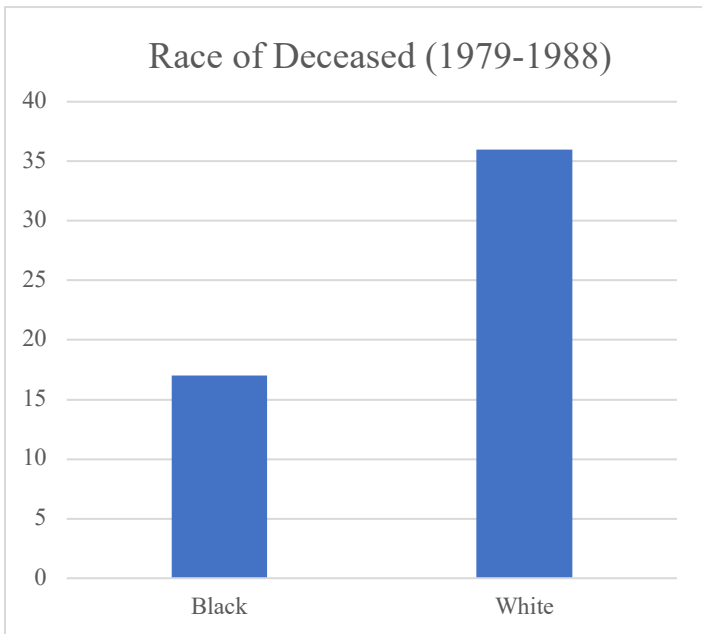


Figure 11

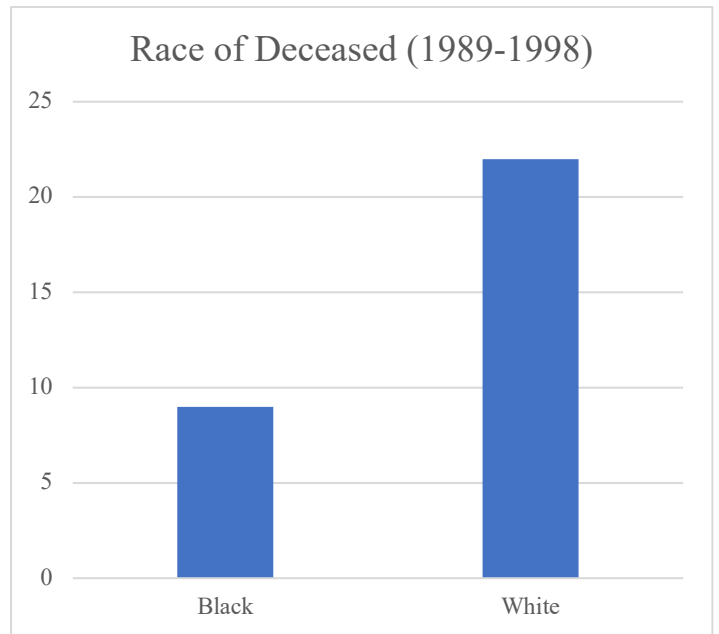


Figure 12

Reason for Police Presence

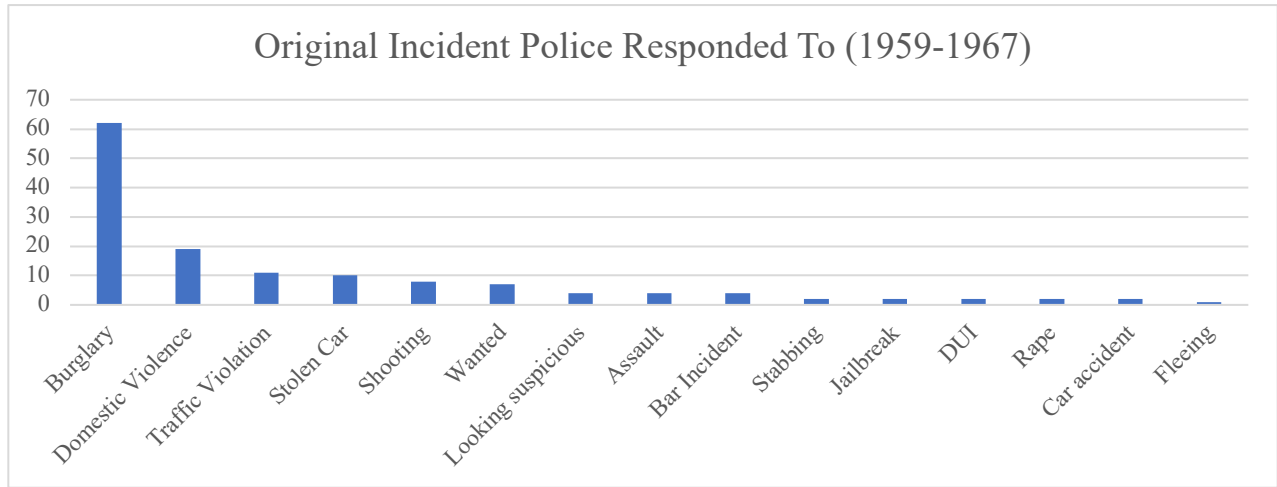


Figure 13

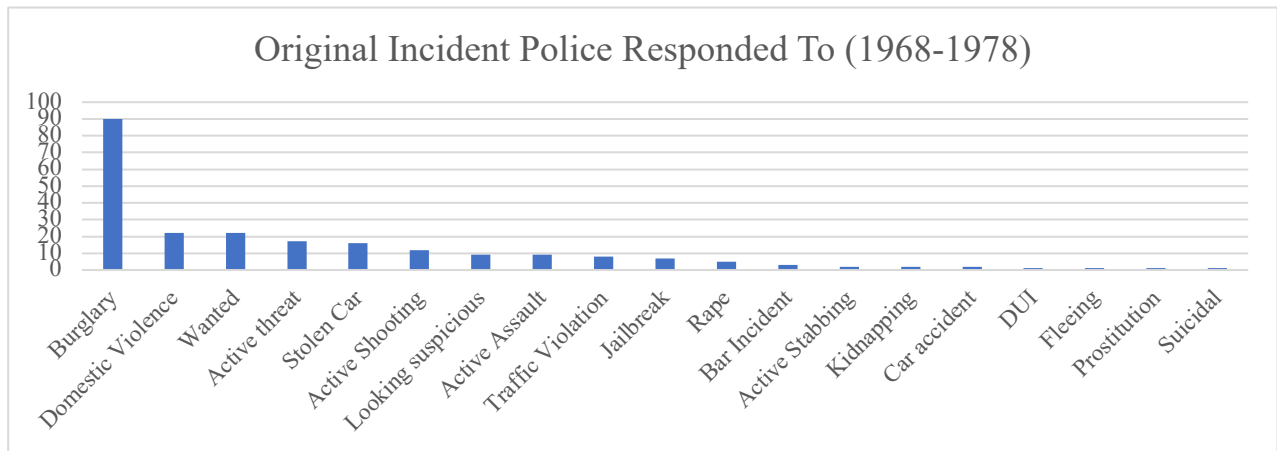


Figure 14

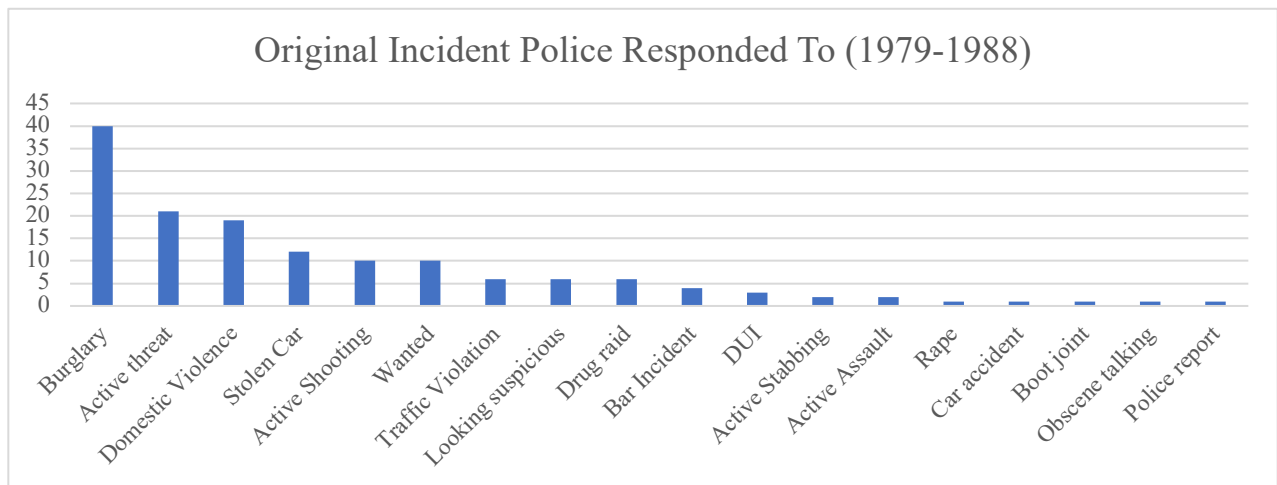


Figure 15

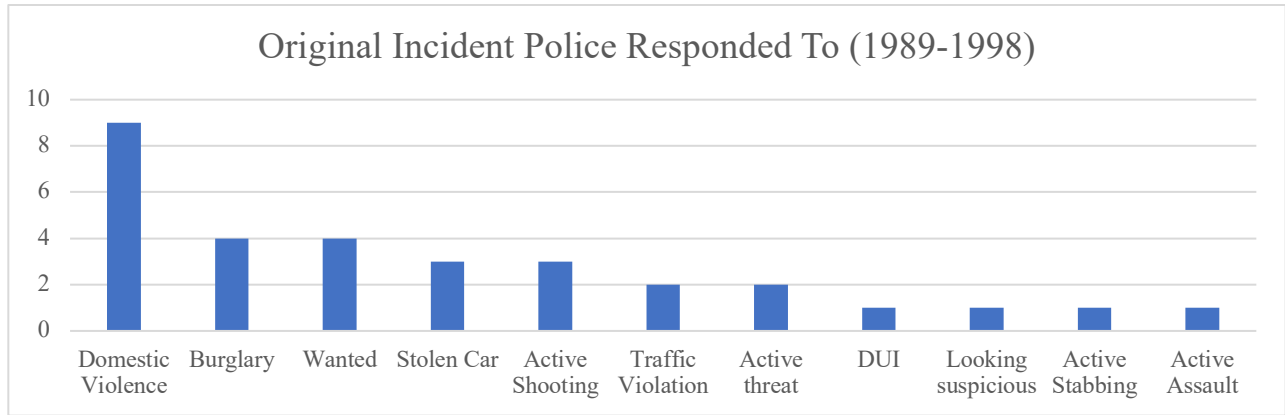


Figure 16

Reason For Lethal Force

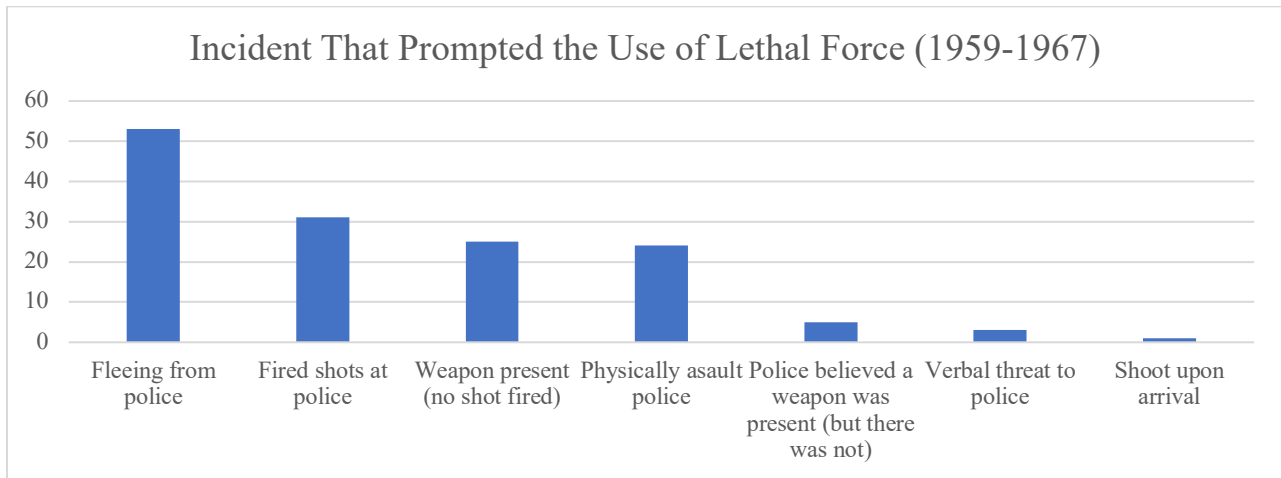


Figure 17

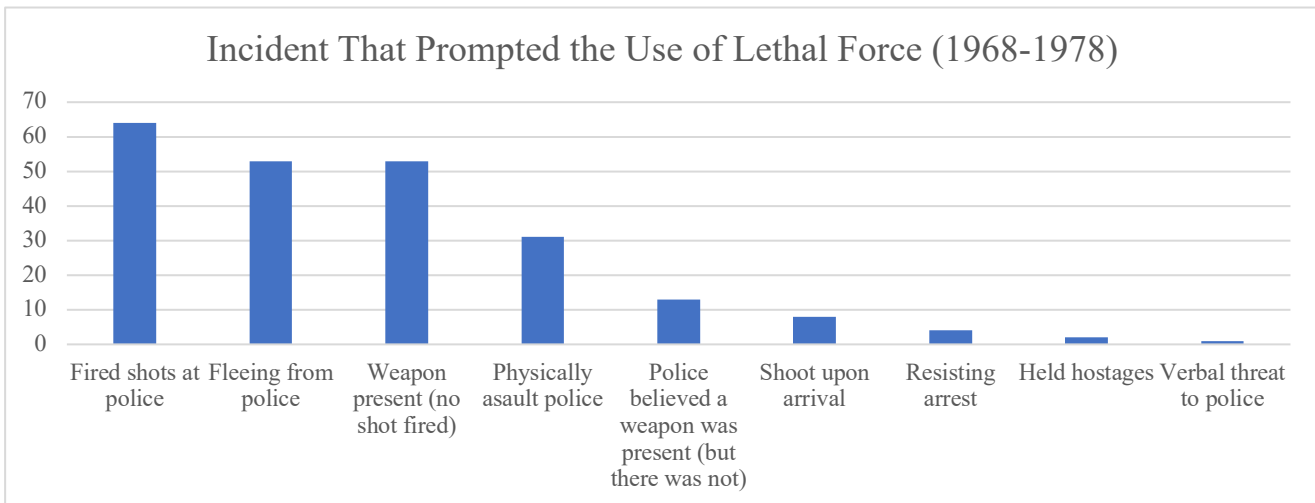


Figure 18

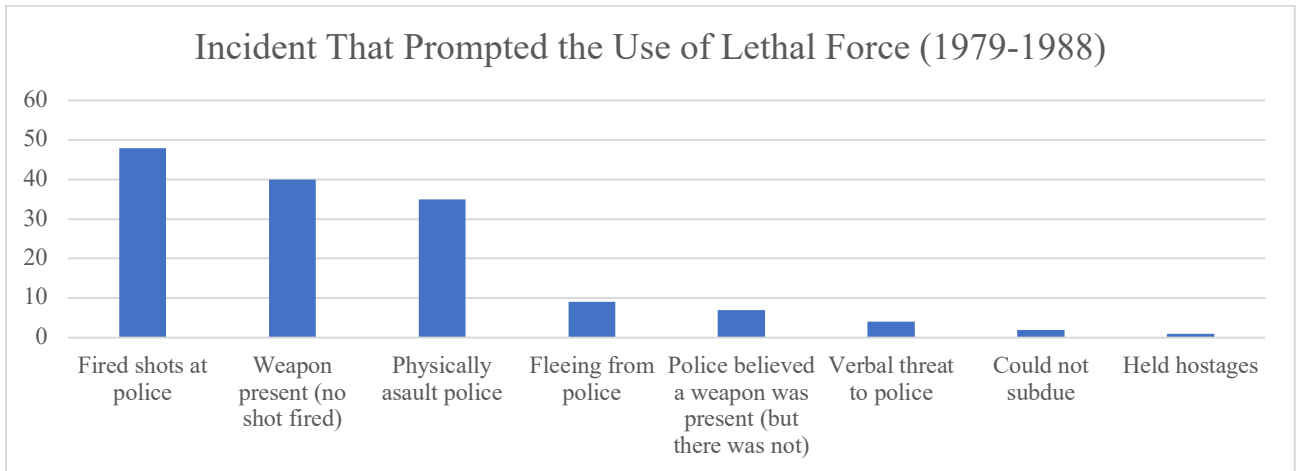


Figure 19

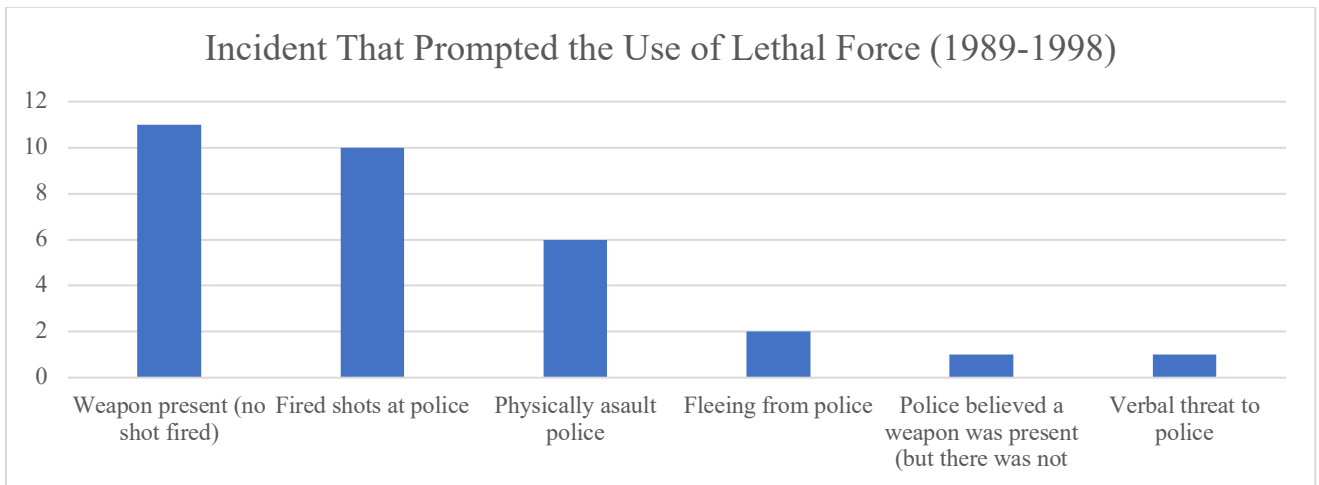


Figure 20

VII. Bibliography

Primary Sources

- The Akron Beacon Journal* (Akron, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-akron-beacon-journal/4267/>.
- Bucyrus Telegraph Forum* (Bucyrus, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/telegraph-forum/3775/>.
- Chillicothe Gazette* (Chillicothe, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/chillicothe-gazette/3762/>.
- The Cincinnati Enquirer* (Cincinnati, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-cincinnati-enquirer/844/>.
- Cleveland Plain Dealer* (Cleveland, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/cleveland-plain-dealer/21268/>.
- The Daily Reporter* (Dover, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-daily-reporter/596/>.
- Dayton Daily News* (Dayton, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/dayton-daily-news/7809/>.
- The Evening Review* (East Liverpool, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-evening-review/2161/>.
- Greenville Daily Advocate* (Greenville, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/greenville-daily-advocate/22885/>.
- The Journal Herald* (Dayton, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-journal-herald/7804/>.
- Lancaster Eagle Gazette* (Lancaster, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/lancaster-eagle-gazette/859/>.
- The Lima Citizen* (Lima, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-lima-citizen/23535/>.
- The Marion Star* (Marion, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-marion-star/397/>.
- Marysville Journal Tribune* (Marysville, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/marysville-journal-tribune/218/>.

The Newark Advocate (Newark, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-newark-advocate/751/>.

News Herald (Port Clinton, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/news-herald/3739/>.

News-Journal (Mansfield, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/news-journal/530/>.

The News Messenger (Fremont, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-news-messenger/3760/>.

The Piqua Daily Call (Piqua, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-piqua-daily-call/195/>.

The Times Recorder (Zanesville, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-times-recorder/507/>.

The Tribune (Coshocton, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/the-tribune/3761/>.

Xenia Daily Gazette (Xenia, OH). Accessed March 30, 2021.
<https://www.newspapers.com/paper/xenia-daily-gazette/255/>.

Secondary Sources

Bell, Monica C. "Police Reform and the Dismantling of Legal Estrangement." *The Yale Law Journal* 126, no. 7 (2017): 2054-150. <https://doi.org/10.2307/45222555>.

Fagan, Jeffrey, and Daniel Richman. "Understanding Recent Spikes and Longer Trends in American Murders." *Columbia Law Review* 117, no. 5 (2017): 1235-96.
<http://www.jstor.org/stable/44288099>.

Garrett, Brandon, and Seth Stoughton. "A Tactical Fourth Amendment." *Virginia Law Review* 103, no. 2 (2017): 211-307. <http://www.jstor.org/stable/26400246>.

Grabiner, Gene. "Who Polices the Police?" *Social Justice* 43, nos. 2 (144) (2016): 58-79.
<http://www.jstor.org/stable/26380303>.

Harmon, Rachel A. "The Problem of Policing." *Michigan Law Review* 110, no. 5 (2012): 761-817. <http://www.jstor.org/stable/23216800>.

Hirschfield, Paul J. "Lethal Policing: Making Sense of American Exceptionalism." *Sociological Forum* 30, no. 4 (2015): 1109-17. <http://www.jstor.org/stable/24878716>.

- Jacobs, David. "The Determinants of Deadly Force: A Structural Analysis of Police Violence." *American Journal of Sociology* 103, no. 4 (1998): 837-62. <https://doi.org/10.1086/231291>.
- Lawson, Edward. "Trends: Police Militarization and the Use of Lethal Force." *Political Research Quarterly* 72, no. 1 (2019): 177-89. <https://doi.org/10.2307/45276899>.
- Livingston, Debra. "Police Reform and the Department of Justice: An Essay on Accountability." *Buffalo Criminal Law Review* 2, no. 2 (1999): 817-59. <https://doi.org/10.1525/nclr.1999.2.2.817>.
- Lyle, Perry, and Ashraf M. Esmail. "Sworn to Protect." *Race, Gender and Class* 23, nos. 3-4 (2016): 155-85. <https://doi.org/10.2307/26529213>.
- Lynch, Caitlin. "You Have the Right to Remain Violent." *Social Justice* 45, nos. 2/3 (152/153) (2018): 75-92. <https://doi.org/10.2307/26677657>.
- Martinot, Steve. "On the Epidemic of Police Killings." *Social Justice* 39, nos. 4 (130) (2014): 52-75. <http://www.jstor.org/stable/24361622>.
- Mastrofski, Stephen D., and James J. Willis. "Police Organization Continuity and Change: Into the Twenty-first Century." *Crime and Justice* 39, no. 1 (2010): 55-144. <https://doi.org/10.1086/653046>.
- Meares, Tracey L., Tom R. Tyler, and Jacob Gardener. "Lawful or Fair? How Cops and Laypeople Perceive Good Policing." *The Journal of Criminal Law and Criminology (1973-)* 105, no. 2 (2015): 297-343. <http://www.jstor.org/stable/26402450>.
- Obasogie, Osagie K., and Zachary Newman. "Constitutional Interpretation without Judges." *Virginia Law Review* 105, no. 2 (2019): 425-48. <https://doi.org/10.2307/26842244>.
- Potts, Keagan. "Restricting Police Immunity." *Public Affairs Quarterly* 32, no. 4 (2018): 305-30. <https://doi.org/10.2307/26910002>.
- Rosenthal, Lawrence. "Good and Bad Ways to Address Police Violence." *The Urban Lawyer* 48, no. 4 (2016): 675-736. <https://doi.org/10.2307/26425566>.
- Roth, Andrea, and Franklin Zimring. "Policy Perspectives on Police Use of Lethal Force." *Bulletin of the American Academy of Arts and Sciences* 68, no. 3 (2015): 32-35. Accessed March 14, 2021. <http://www.jstor.org/stable/26406641>.
- Sekhon, Nirej. "Police and the Limit of Law." *Columbia Law Review* 119, no. 6 (2019): 1711-72. <https://doi.org/10.2307/26794354>.

Skogan, Wesley G., and Tracey L. Meares. "Lawful Policing." *The Annals of the American Academy of Political and Social Science* 593 (2004): 66-83.
<http://www.jstor.org/stable/4127667>.

Waegel, William B. "How Police Justify the Use of Deadly Force." *Social Problems* 32, no. 2 (1984): 144-55. <https://doi.org/10.2307/800784>.

Worden, Robert E., and Sarah J. McLean. "Reflections on Police Reform." In *Mirage of Police Reform: Procedural Justice and Police Legitimacy*, 178-96. N.p.: University of California Press, 2017. <http://www.jstor.org/stable/10.1525/j.ctt1w8h1r1.14>.

Zimring, Franklin E. *When Police Kill*. Cambridge, MA: Harvard University Press, 2017.