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Police Homicide: Race and Ethnicity

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Abstract

During the pandemic, routines were interrupted lives were changed and during this time, many individuals spent more time watching the news to learn more about how long it would take to resume normalcy. When George Floyd was murdered by four police officers, time stood still and the world watched. Outrage was immediate. The pandemic offered everyone the opportunity to witness tragedy unfold in front of them a brutality which happens every day, yet is easily ignored. This article examines the incidence of police homicides of people of color, the lack of law enforcement to seek solutions to their own internal structures and policies to correct these outrages, and the need for external accountability through legal and policy changes. Case studies are provided to illustrate the depth of issue.

Keywords: Police homicides; Indigenous; Ethnicity; Morbidity; Mortality

Introduction

The big three: media, history and racial inequality

The power of the images via cell phones and the media has thrust attention to police violence and police homicide specifically. The images coming from the killing of Michael Brown, George Floyd, amongst others, sparked a Black Lives Matter Movement that has gained national and international support [1]. If citizen journalists had not captured such vivid images, it is highly likely there would have been little attention to these deaths. [2].

Historically, Black lives have never mattered as much as White lives in the United States. The historical record is clear in slavery, black codes, Jim Crow, lynching, mass incarceration and current efforts to curb voting [3]. Historically and presently, disparities exist in housing employment, unemployment, mortality, morbidity, income, wealth, health care and other indicators of wellbeing. Recently, as an example, racial disparities in Covid-19 rates highlight the long-standing inequities. Such racial and ethnic disparities exist in all major social institutions, including

criminal justice [4]. Similarly racial disparities exist for Indigenous Peoples, including law, criminal justice and murdered and missing Indigenous women [5].

Old and new: Police homicide of Blacks is not new nor is the racial inequalities for Indigenous Peoples. According to Takagi, Black youngsters 10-14 years of age and Blacks 65 and older were killed by police at a rate 15 to 30 times comparable to Whites between 1964-1968 [6]. Further found by Takagi, between 1950-1968 homicides of Blacks by police was consistently nine times that of Whites. While such research is rare, Takagi points to the historical reality of policing Black bodies [7]. Furthermore, Native Americans or Indigenous Peoples have suffered lethal tragedies by the police, but the mainstream media does not cover Native American police homicides. For example, between the years of May 1, 2014, and October 16, 2016, the media reported 53 Native American police homicide deaths and 635 Black American police homicides, equaling only 5 percent media reports from the ten highest circulated United States newspapers for Indigenous Peoples [8].

What is new is that public members are beginning to pay attention to media, cell phone images, newspapers, and police homicides. Before the Black Lives Matter movement, criminologists, criminal justice officials and government largely failed to address and recognize police killing of civilians. Understandably, much data and attention have been given to police officers' death, but little to homicides by police officers. The most extensive, accurate, and reliable data on police homicides are typically located in non-governmental sources. For example, one of the largest data sources in the United States is the Harvard University Mapping Police Violence database [9].

Literature Review

Mapping police homicides, databases and statistics

In 2020, Mapping Violence Interactive Database notes that police killed 1,125 civilians. In comparison, Black people are 13% of the population but were 28% of those killed. Thus, Black people are three times more likely to be killed by police than Whites. Mapping Police Violence found that between 2013-2020 98.3% of police homicides did not result in criminal charges.

Furthermore, The Washington Post Police Shooting Database finds that in the United States, Black deaths by police are 35 per million, Hispanic 26, and White 14 [10]. The Washington Post further show that violent crime rates do not determine rates of killing by police. For example, Buffalo and Newark have low rates of police violence despite high crime rates, while Spokane and Orlando have relatively low crime rates and higher rates of police violence. Notably and significantly, Indigenous People are not included or separated as a racial category in the Washington Post Police Shooting Database or in the Mapping Violence Interactive Database, but are presumably categorized as "other."

Further, Buckley found that between 2011-2014 the mortality rate from death by legal intervention was 2.8 times higher among non-Hispanic Blacks compared to Whites, and 1.7 higher than Hispanics. Although American Indians and Alaskan Natives were a small number of cases, their rate of homicide by the legal intervention was similar to Blacks [11]. Importantly to note, Native Americans are the racial group most likely to be killed by law enforcement, followed by African Americans, Latinos, Whites, and Asian Americans [12]. Black males represent 6% of the population but represent 40% of the victims of police shooting incidents [13].

Guns, risk and police homicides

On average three civilians are fatally shot by police each day in the United States. With over 1,000 police homicides a year, the United States far exceeds other advanced countries, such as Canada at 31 per year and France at 26. There is a correlation between guns per 1000 people by nation and fatal shootings by police. The correlation and relationship to guns and fatal shootings by police is also evident when comparing states to one another [14].

In analyzing the risk of being killed by police over people's lifetime in the United States, researchers found that African American men and women, American Indian and Alaska Native men and women and Latino men face a higher lifetime risk of being killed by police than their White peers [15]. The highest risk is to Black men with a 1 in 1000 chance which is 2.5 times that of White men [16].

Evident factors and police decision making

Acknowledging and considering other evident factors is essential, even though there is overwhelming evidence of racial and ethnic disparities in police homicide. It has been found that non-White civilians killed by police were significantly more likely than Whites to have not been attacking officers, and Black victims twice as likely to have been unarmed [17]. Also, according to the Harvard University Mapping Police Violence Database, the level of violent crime in an area is not directly related to police homicide. Police homicides are related to the nature of the neighborhood, with a higher concentration of low-income neighborhoods. For Blacks, higher rates of police homicides are related to a high concentration of non-Hispanic Whites and a moderate level of Black residents [18]. The data supports minority threat hypothesis that as non-Whites increase in proportion in a neighborhood, social control is greater [19].

The expansion of criminal justice decision-making and research often measures social control at the community level. However, police should develop, evaluate, and implement an informal methods and approaches model for social control at the community level by including the social composition of the area and relationship building with the police [20]. Informal social control factors include hate crimes and racialized violence [21]. Although social control and racialized violence are linked to community members, the police models should include racialized violence within their departments because law enforcement officers have a "preference for discrimination" [22]. Here, the importance of highlighting racial inequities, officer potentiality for discrimination, racial differences in the levels of police homicides, and the lack of law enforcement departments seeking solutions within their communities are highlighted through a chosen selection of case studies.

Nationwide selected case studies

Police Departments nationwide are under increased scrutiny from communities in which they serve. Questionable use of force, lack of training, effective communication, de-escalation techniques, and police shootings and homicides of people of color are at issue in *State of Minnesota v. Derek Michael Chauvin* [23].

Excessive use of force case study

State of Minnesota v Derek Michael Chauvin: The centrally focused problem in *State v Chauvin* is police homicide. George Floyd, an unarmed, Black man, handcuffed and lying face-first on the pavement, was killed by Minneapolis Police Officer Derek Michael Chauvin on May 25, 2020. Derek Chauvin is a former Minneapolis Police Officer convicted of murder.

Before killing George Floyd on May 25, 2020, there were eighteen prior complaints of misconduct and excessive use of force against Derek Chauvin, [24]. Two of the 18 complaints included discipline; however, Melisa Borton informed the Los Angeles Times that one formal complaint was kept secret, took over six months, and ended up with only a formal letter of reprimand filed against Derek Chauvin [25]. Excessive use of force and misconduct are the narrowed focus for the Chauvin case study.

Chauvin history, context, and background: Chauvin started his career as a police officer in 2001 at age 25, after working as a security guard, McDonald's cook, and serving in the military from 1996 to 2000 [26]. After George Floyd died in police custody, there was a public outcry, protests, and an immediate need for Minneapolis Police to be held accountable for excessive use of force.

Excessive use of force: Floyd, a Black American, was killed by Minneapolis Police Department (MPD) police officers. On May 25, 2020, the City of Minneapolis 911 Dispatch Center received a report of a man who bought merchandise from Cup Foods using a counterfeit \$20 bill. Upon arrival officers, Lane and Kueng were directed to a parked car where the man who used the counterfeit \$ 20 bill was located. Officer Lane ordered George

Floyd, seated in the driver's seat, out of the vehicle while Officer Kueng talked to the other two occupants sitting inside the car.

Officer Lane explained to George Floyd he was being arrested for passing counterfeit currency. Officers Lane and Kueng attempted to place Floyd in the back of their patrol vehicle when George Floyd fell to the ground stating he was claustrophobic. Officers Chauvin and Thoa then arrived in a separate police vehicle. The officers attempted to get George Floyd in the backseat of the patrol car multiple times without success. Floyd was taken out of the patrol vehicle and placed on the ground, face down and still handcuffed. Officer Kueng held Floyd's back, and officer Lane had his legs. Officer Chauvin then placed his left knee in the areas of George Floyd's head and neck. George Floyd repeatedly said he could not breathe and called out for his mother. The officers remained in the same positions even after George Floyd became motionless and unresponsive.

Chauvin held Floyd down while handcuffed in the prone position with the entire encounter lasting nine minutes and twenty-nine seconds. After nine minutes and twenty-nine seconds, George Floyd died. He died under the control of Minneapolis Police Department police officers who must protect, serve, and render aid when necessary, which was not done in the case of George Floyd. Derek Chauvin, at the trial was convicted of murdering George Floyd while the other officers, Lane, Kueng, and Thoa, also face charges in the death of George Floyd [26].

The George Floyd justice in policing act: In response to the death of George Floyd and the continued use of force practices by law enforcement, the United States House of Representatives passed the George Floyd Justice in Policing Act, June 25, 2020 (S.H.R. 1280, 2020). The George Floyd Justice in Policing Act increases accountability for law enforcement misconduct, restricts certain police practices, enhances transparency and data collection, and establishes best practice and training requirements [27]. The George Floyd Justice in Policing Act awaits a vote from the Senate as of May 27, 2021, one year later, for the United States House of Representatives to pass the act. The act is currently being considered by the Senate.

No knock warrant case study

Breonna Taylor, history, context, and background: On March 13, 2020, seven Louisville Metropolitan Police Department (LMPD) officers, as part of a narcotics investigation, entered Breonna Taylor's apartment by executing a no-knock warrant at the wrong residence, without naming themselves, in plain clothes, opened fire, and killed Breonna Taylor. Breonna Taylor was a 26-year-old, black, unarmed female who was shot six times and died on March 13, 2020, at 12:48 AM in the hallway of her home [28].

There were 32 shots fired into Taylor's home the night of March 13, 2021, and 16 of the shots fired were by one officer, Myles Cosgrove [28]. Officer Cosgrove, later said to investigators, "if you told me I did not fire a gun, I would be like, OK," however, one of Cosgrove's bullets killed Breonna Taylor. Three of the seven officers fired shots into Taylor's apartment, Johnathan Mattingly, Brett Hankison, and Myles Cosgrove.

Breonna Taylor was not alone in her apartment the night of March 13, 2020. Kenneth Walker, was also in the apartment. Kenneth Walker, too, reportedly was stunned by the officers' no-knock warrant action, said he did not hear the officers announce themselves as police officers but did hear knocking, and the officers were in plainclothes. Walker said if the officers would have announced themselves that "it changes the whole situation because there is nothing for us to be scared of".

The seven officers said they announced themselves. Walker says they did not, and when Walker and Taylor repeatedly asked who "is there," none of the officers said police, and because there was no response from the police about who was at the door, Walker grabbed his gun and fired one shot at 12:42 AM. Walker reports he fired the gun because he thought there was an intruder.

Reports vary, but the officers say they knocked and named themselves. However, due to the noise, the officers were making, Breonna's upstairs neighbor came out from their apartment, and one of the officers ordered the neighbor to go back inside the apartment. Two neighbors said they did not hear the police knocking, one said he was certain he did not hear police name themselves and another man gave three differing accounts in two of the three statements the man said the officers identified themselves [29].

Sergeant Johnathan Mattingly was the first and the only officer to enter the residence, Kenneth Walker. After Mattingly entered the residence, Walker fired a shot, trying to protect Breonna and himself. Walker's shot struck Mattingly in the leg. After Walker shot at Sergeant Mattingly, the police officers fired at Walker and Breonna Taylor, shooting thirty-two shots, and killed Breonna Taylor [30].

The accounts of the moments before Taylor's death are crucial to a case that has driven nationwide protests of police brutality, no-knock warrants, and systemic racism. Adding to the events on March 13, 2020, Kenneth Walker was arrested and the seven police officers who were at Taylor's apartment did not use their bodycams and therefore no bodycam footage exists. All the officers were in violation of LMPD policies for not using their bodycams but. Brett Hankison, one of the officers who took part in the shooting that killed Breonna Taylor, was fired from his position and charged with three charges of unjustified danger since, according to the investigations carried out, the shots that Hankison fired were at the homes of Taylor's neighbors. Officers found no evidence of drugs because they were at the wrong home.

One of Taylor's upstairs neighbors was a man, a pregnant woman, and a child all too were in danger because of the excessive number of shots fired into Taylor's home and bullets penetrating the ceiling entering the neighbor's apartment floor. The upstairs neighbor sued the police, and the case is currently pending in the state court. Breonna Taylor's family sued officers Mattingly, Hankison, and Cosgrove, alleging that the police tricked drug agents and for the death of Taylor. The Louisville Metro government agreed to pay the Estate of Breonna Taylor 12 million dollars, which was one of the biggest wrongful death lawsuits for a Black woman [31]. Two of the officers who fired

shots were dismissed from LMPD along with a detective who sought the warrant [32].

Breonna's law Minnesota HB21 an act relating to public protection: After the tragic events of March 13, 2020, and the unjustified killing of Breonna Taylor, Louisville passed a complete ban on no-knock warrants, except cases with exigent circumstances, which requires more detailed information to be gathered in the warrant process, such as who is in the house (i.e., elderly persons, children, persons with a physical or mental disability), requires officers to wear clothing that identifies them as police and announce themselves before entering, establish rebuttable presumptions in investigative or legal proceedings regarding unrecorded conduct or statements, provide for the release of recordings in specific circumstances and allow waiver of privacy concerns, expand the scope of permissible suits against state and local governments and limit defenses, define "deadly incident" and requires law enforcement agencies to create policies requiring mandatory drug and alcohol testing for officers involved in a deadly incident; amend various sections to conform [33].

According to ACLU of Kentucky, "Louisville unanimously passed Breonna's Law in 2020, and seven other cities towns have since joined, including Glasgow, Lexington's mayor has implemented a moratorium indefinitely and the ACLU of Kentucky says it is time to protect all Kentuckians and adopt a statewide ban and implement HB21, Statewide". The law has also passed in states including Tennessee, Pennsylvania, and Virginia. Kentucky Senator Schickel, a former law enforcement officer, also agrees there should be a statewide ban of no-knock warrants because they are outdated and says "they do not have a place in modern law enforcement as a matter of safety for officers and those in the house" [34].

Police civilian killings in Washington state

According to the Harvard Mapping Police Violence between 2013-2020, the overall rate per one million in Washington State was 5.4 persons killed. During 2013-2020 was 16.5 for Blacks, 5.0 for Latinos, and 3.6 for Whites. The Black rate was 4.6 times compared to Whites, while the Latino rate was 1.4 compared to the White rate.

The Mapping Police Violence website provides data on various cities and counties in Washington State. For example, the rate between 2013-2020 for Seattle is 4.4 per 100,000, while 15.4 for Blacks, 5.4 for Latinos, and Whites are 2.7. Thus, the Black rate is 5.7 higher than the White race, and the Latino rate is two times the White. For Spokane, the annual rate was 9.9 overall, 27.9 for Blacks, and 8.6 for Whites. The Black rate is three times the White rate in Spokane for this period. Mapping police website notes that police killings of civilians have been declining, but it is not related to city violent crime rates. For example, Buffalo and Newark have relatively low rates of police homicide while having higher rates of crime. On the other hand, Spokane and Orlando have relatively low crime rates and high police violence rates.

Also, the Harvard University Mapping Police Violence database notes that there has been a decline in police homicides of civilians in cities over this period while increasing in rural and

suburban areas. For Washington State police agencies in 2013-2020, Seattle had twenty-five civilian homicides, with 48% Black, while Tacoma had ten with 40% Black. And, in Yakima, there were eight, with 66% Latino. For the King County Sheriff, it was nine killed, with 36% non-white. For Seattle, the average rate of civilian homicide was 4.4 during the same period, while Black people had a 15.4 rate, Latinos a 5.4 rate, and Whites a 2.7 rate per year. Thus, the Black rate was 5.7 White, while the Latino was two times the White rate.

While much attention has been given to police homicide of civilians in major cities, the trend has shifted in police homicides from cities to suburbs and small towns. A Seattle Times report notes that of 43 killings of civilians since 2016, 24 were in south King County by city agencies or King County Sheriffs. Only seventeen were killed by Seattle Police Department, while South King County accounts for 1/3 of the population, it had 56% of police killings. The homicides occur in more than a dozen cities, including Renton, Kent, Federal Way, Tukwila, and Auburn [35]. Notably, in part, Seattle gains more attention due to the civilian review process and more transparency. Also, Seattle Police Department has been under federal supervision via a United States Justice report finding excessive police violence, disproportionately against minorities [36].

According to data in a Supreme Court of Washington filing about coroner inquests, Black people in King County risk being killed by police eight times that of white neighbors [37]. The proportion of people of color killed by police varies by jurisdiction. For the period 2013-2020, 48% Black in Seattle, 40% Black in Tacoma, and 66% Latino in Yakima. For King County Sheriff, 36% were people of color.

Manuel Ellis case study

Background, context and excessive use of force Washington state: Manuel Ellis, an unarmed, Black American was killed by a Tacoma Police Officer on March 3, 2020. After the death of Manuel Ellis, Ellis's family called for an independent investigation into Manuel's death. Manuel Ellis's death comes 83 days before the death of George Floyd, where public outcry and protests ensued from the public who wanted Minneapolis Police to be held accountable for excessive use of force.

After being restrained by three Tacoma officers, Ellis died March 3, 2020, as Ellis walked home with a late-night snack of doughnuts. According to Malone, Takahama, Carter, the Medical Examiner ruled Ellis's death a homicide, with oxygen deprivation caused by physical restraint as the primary cause. Notably, the Medical Examiner did say there were two other factors to consider in Ellis's death, and that was methamphetamine intoxication and heart disease. Officers Collins, Burbank, Rankine, and Ford were initially placed on leave immediately after Ellis died because they were subjects of an investigation. Pierce County Sherriff's Department initially conducted the investigation. The four officers were back at work two weeks later were suspended with pay again in June when the medical examiner's homicide ruling became public.

A few days following the Ellis's murder, Samuel Cowden, a witness had seen the news coverage and heard officer accounts

of Ellis banging on a police cruiser, then attacking an officer who stepped out to question him, “strayed wildly from what Cowden had seen for himself, so much so, he was not sure the Tacoma police and Pierce County Sheriff’s Department were referring to the same incident”. Cowden, a witness, Domino’s pizza delivery worker, and delivery pizza while witnessing and recording the Ellis incident, further added, “I couldn’t believe it was the same guy,” but “turns out it was and one story was false” *38+. Both witnesses Cowden and other recordings show officers restraining and beating Ellis, which is not the narrative the Tacoma Police Department issued, and the witnesses are adamant the Tacoma Police Department’s version is false.

Tacoma police officers are seen repeatedly striking Ellis while he is on the ground. Ellis can be heard saying “I cannot breathe” repeatedly by witnesses. An officer on the scene placed a spit hood over Ellis’s head, and the county coroner indicated the spit hood was a contributing factor to the death of Manuel Ellis. On scene, paramedics attempted resuscitation efforts for 30 minutes of resuscitation attempts; after 30 minutes, paramedics pronounced Ellis dead at the scene. Manuel Ellis died in the custody of Tacoma Police Department police officers who must protect and serve the community. Like George Floyd, Ellis’s last known words were, according to video recordings, “I cannot breathe!”

Bob Ferguson, State Attorney General, took the Ellis case away from Pierce County Sheriffs and announced he will charge three Tacoma police officers, Christopher Burbank and Matthew Collins, with second-degree murder and first-degree manslaughter, and Timothy Rankine with first-degree manslaughter. According to Malone [39], Washington State Attorney General’s announcement is significantly different from that of a historical trend in Washington state, where police officers rarely face criminal prosecution for deaths they cause. Moreover, the three officers charged in Ellis’s death equals the number of charges against law enforcement officers in the past 40 years for killing someone while on duty [39]. Before May 20, 2021, over the past 40 years in Washington State and the State Attorney General’s announcement of filing the charges against the three Tacoma officers, only three officers were prosecuted over the past 40 years, which includes an Auburn officer charged in 2019 with murder and assault.

John T Williams’s case study

Context and background: John T. Williams was fatally shot seven times in the back by Ian Birk, a white police officer from the Seattle Police Department. Expert investigators concluded that Ian Birk, a Seattle Police Department (SPD) officer acted deliberately and with deliberate intent and a pattern and practice of abuse by now a former SPD officer, Birk. Birk was not charged with any crime. The City of Seattle reached a \$ 1.5 million settlement to the Williams family.

On August 30, 2010, John T. Williams, a Native American Indian, 50-year-old seventh generation Nitinacht carver of the Nuuchahnulth First Nations, was shot and killed by a white Seattle police officer while crossing an intersection in the city of Seattle. Dashcam evidence shows Williams crossing the intersection while he was carving a piece of wood. The SPD

officer got out of his patrol and called Williams “hey” four times, Williams did not respond to the officer, and seconds later the shots were heard ending the life of Williams. Williams was a Native American resident of the City of Seattle, [40]. During the proceedings, the first witness to testify was John Hartsfield stating that he saw Birk get out of his car, carry the half-raised pistol across the front of the car, and waved at someone out of Hartsfield’s sight. After making the gesture with the hand the officer raised the weapon and with no delay at all between the moment the officer got out of the car and the shots were heard, [41].

The United States Department of Justice conducted a comprehensive independent investigation of the fatal event on August 30, 2010. Federal investigations conducted were based on SPD officer patrol videos, testimony, and evidence admitted in the investigations of the Superior Court of King County, Washington, the interrogations by the jurors, the report of the Firearms Review board of the Seattle Police Department. Also, were included in the investigation the Seattle police department homicide investigation file, forensic evidence, the King County Attorney’s Office memorandum declining state murder charges; and the personnel and training files of the officer involved. A group of expert federal prosecutors and FBI agents determined that the evidence presented was insufficient to prove beyond a reasonable doubt. Federal agents and FBI experts concluded that the former Seattle police officer acted intentionally and with the deliberate and specific intention of doing something that is prohibited by law. The investigation into the incident where Williams died was closed without prosecution, [42]. The City reached a \$ 1.5 million settlement of the claims filed by the Williams family regarding the death of the late John T. Williams [43].

Washington state response to excessive force: Washington State Legislators understand the increased tension between law enforcement personnel and citizens within Washington State. Washington State Legislators have drafted Engrossed Substitute House Bill 1267 (E.S.H.B. 1267) for police use of force investigations. E.S.H.B. 1267 is an act “relating to investigations of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents”. The bill establishes the Office of Independent Investigations within the Office of the Governor to investigate deadly force incidents involving peace officers, Governor Inslee, signed the bill on May 18, 2021, and E.S.H.B. 1267 will be effective law in Washington State, July 25, 2021 [44].

Governor Inslee has ordered a new investigation into the death of Manuel Ellis after Ellis’ family released a video of Ellis saying “I can’t breathe sir. I can’t breathe” followed by an inappropriate comment made by an officer on scene. Inslee is requesting a new investigation after prosecutorial review indicated Pierce County Deputies were at the scene the night of Manuel Ellis’s death. Pierce County sheriff’s Department is the agency, who initially led the independent investigation during the first stages [45-58]. Several other reforms have been passed.

Conclusion

Research indicates that Blacks and Indigenous Peoples, particularly males, are much more likely to be killed by police, even when they are unarmed. The national cases of George Floyd and Breonna Taylor dramatically show the consequences of the excesses of police violence and abuse of power. The data on police homicides in Washington State mirror the national situation, with Black and Indigenous peoples more likely to be victims of police homicide. The cases of Manuel Ellis and John T. Williams in Washington State suggest the need for more accountability for police regarding their use of force, particularly in the homicide of civilians. While criminal charges are rare and convictions largely absent, there was a conviction in the George Floyd case and recent criminal charges in the Ellis case. Federal and State legislators are proposing, and in some cases passing, efforts to track, investigate and, if needed, sanction excessive police force, including homicide of civilians. Such efforts are needed to provide transparency and accountability when a life is taken by police.

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