Officer Involved Shootings: Understanding the Complexities
by Darrel W. Stephens

Introduction

Several high-profile officer involved shootings (OIS) in 2014 and 2015 stimulated a national debate and exposed the absence of reliable national data on police use of deadly force.[1] To begin exploring this issue, Major Cities Chiefs Association (MCCA) first asked their members to provide their agencies' number of OIS for the years 2005-15 (**Figure 1**).[2]

While helpful in understanding the trends and frequency of these incidents, this data alone provides no insight into the circumstances of the encounters between officers and members of the public. To help develop a better understanding of these interactions, MCCA and the National Police Foundation (NPF) entered into a partnership in 2015 to collect more detailed OIS data.

The partnership had two primary objectives. The first was to provide a basis for a more accurate and reliable estimate of firearm use by police officers in major cities. The second was to provide better insight into OIS situations and, through the analysis of the data, improve officer safety and accountability.

After developing a tool and a process, OIS data collection was launched in late March 2015.

Three executive summaries have been developed on this project to share the information with practitioners on 1006 cases involving 1605 officers[3] in 47 MCCA US agencies for the years 2015 to 2017.[4] The first summary focuses on OIS incident characteristics. The second examines the officer(s) and subject(s) involved in the incidents. This, the third summary, is a broader discussion of OIS incidents, how their data are captured within law enforcement, and the gaps in our understanding of these encounters.

Importance of Understanding OIS

Law enforcement's understanding of the many contributors to OIS incidents is critical to the profession's ability to continually improve their capacity to recognize common factors, respond to incidents appropriately, and work to prevent future incidents.

Figure 1 OIS Incidents – MCCA Agencies*
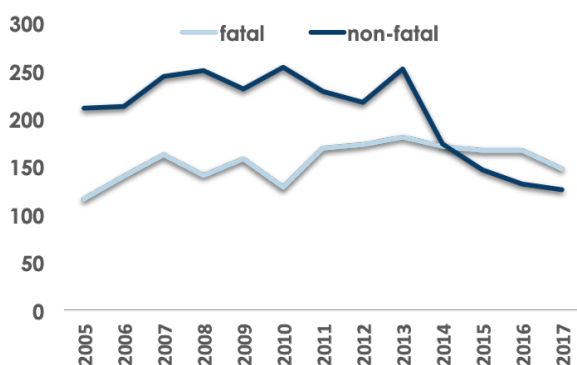
* See **footnote 2**

A major barrier to rigorously studying these incidents, however, is the relatively low occurrence of OIS incidents, particularly at the agency level. Sixty-four MCCA agencies reported a total of 1,293 OIS from 2015 through 2017, averaging about seven a year per these major city agencies.[5] Fatal OIS are even more infrequent. Of the 1,293 OIS reported by the MCCA agencies, 647 (38%) resulted in a fatality or an average of three a year for each agency.[6] Nationally, the Washington Post fatal force database identified 986 fatal shootings in 2017, 957 in 2016, and 994 in 2015.[7] Using officer contacts with the public, Sherman estimates the risk of a resident being fatally shot by a police officer is 1 in 68,000.[8]

Despite this rarity, law enforcement agencies should strive to collect incident, subject(s), officer(s), and location(s) data relevant to OIS incidents to track patterns or relationships that could provide vital information to an agency's approach to these incidents.

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1 The FBI kicked off its National Use of Force Data Collection initiative in January 2019. Police agencies across the country have been asked to submit data on all officer involved shooting situations and where there is a serious injury from other uses of force. This initiative will provide much greater insight into police use of force on a national level.

2 Since 40 US MCCA agencies provided data for all 13 years (2005-2017), **Figure 1** data has now been updated to reflect data through 2017.

3 Although 1,605 officers are included in the OIS dataset, approximately 600 officers were included in the regression analysis due to missing data in several key variables.

4 In-depth report is available at the NPF website (**www.police-foundation.org**)

5 These numbers are only reflective of major city agencies and are likely not representative of agencies that do not meet eligibility requirements for MCCA membership. For more information regarding MCCA criteria, see: **https://www.majorcitieschiefs.com/about.php**

6 These numbers reflect data provided directly to MCCA. The NPF/MCCA OIS data collection of 1,006 incidents involved 377 subjects receiving fatal wounds.

7 Washington Post. 2018, 2017, 2016, 2015. Fatal Force. **https://www.washingtonpost.com/graphics/national/police-shootings-2017/**

8 Sherman, L. W. (2018). Reducing fatal police shootings as system crashes: Research, theory, and practice. Annual Review of Criminology, 1, 421-449.

Policing Efforts to Further Reduce OIS

Many agencies have adjusted their deadly force training in recent years. Training now often includes scenarios that put the officer in situations that require assessment and decision-making. Many departments use simulators and other technology to deliver reality-based training and have also enhanced de-escalation skills training. The Los Angeles Police Department emphasizes critical thinking and problem solving in police academy training, providing the underpinning for de-escalation skills.[1] For in-service training, they teach a mandated 10-hour use-of-force course that includes classroom instruction as well as six practical scenarios.

Police are also increasingly using technology to minimize harmful use of force outcomes, and to better document encounters. Less lethal options such as Tasers, pepper spray, bean-bags, rubber-bullets, and blunt impact projectiles are some of the options deployed. The most widely used non-lethal weapon is the Taser, with 81% of all agencies in the US having adopted them, and 92% of the agencies serving populations greater than 250,000.[2] Although controversial at times, research has shown that less lethal weapons decrease injuries for both subjects and officers.[3] Police are experimenting with other less-lethal options that are being introduced to the field such as the BolaWrap, which launches a tether toward a target that wraps around legs, body, or arms of the target with enough energy to wrap the target several times. When officers are confronted with an individual armed with a firearm, however, none of the available less-lethal options have proved reliable enough to replace a firearm.

To help improve data collection, accountability, and transparency, a significant number of police agencies have turned to body-worn cameras (BWC). In many cities, community pressure encouraged city councils toward providing departments with body cameras. The technology was given a boost when the

Participating in national research efforts to help establish a database with a sufficient number of OIS cases will enhance our understanding of these situations and contribute to reducing the number of deaths and injuries. The NPF/MCCA database for 2015-2017 contained data on 1,006 OIS incidents – an impressive effort that has enhanced our knowledge. However, missing or incomplete information limited the strength of the analysis in some areas. The more agencies that contribute accurate and complete information to these data collection efforts, the more we can learn about these incidents at a national level.

Organizational Responses to OIS Incidents

When an OIS does occur, agencies may consider responding through the use of a "sentinel event review" following the incident – even when a shooting is justified. A sentinel review is a non-blaming, yet thorough and honest examination of the event by all stakeholders.[9] The idea is to try to identify how an organization's policies, procedures, decision-making, and practices might have contributed to an undesirable outcome and improvements that could be made in the future. For example, the Tucson Police Department established a Critical Incident Review Board (CIRB) to review police shootings, pursuits, wrongful convictions, and other controversial events.[10]

Responses to the NPF/MCCA data collection efforts found that all officers involved in OIS incidents received some type of review. **Figure 2** illustrates that the majority of officers received an internal review, while 42% were followed by a combination of internal and external review.

Figure 2 Type of Review Conducted by Agencies Following an OIS
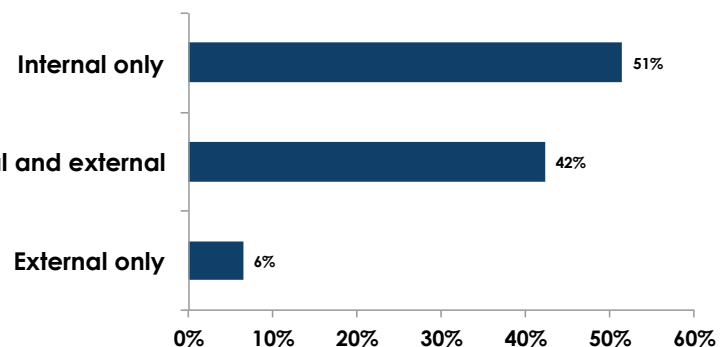
Our data also captures whether officers receive various administrative actions following an incident. Seventeen percent of officers received counseling or mental health services, 15% received temporary assignment to other duties, 1% received disciplinary action, and 9% of officers received non-disciplinary training.[11]

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1   Los Angeles Police Department (2017). Use of Force Year End Review 2016.

2   Reaves, B. (2015). Local Police Departments, 2013: Personnel, Policies, and Practices. Bureau of Justice Statistics. **https://www.bjs.gov/content/pub/pdf/lpd13ppp.pdf**

3   Bulman, P. (2010). Police use of force: The impact of less-lethal weapons and tactics. NIJ Journal, 267, 4-10.

9   National Institute of Justice (2017). NIJ's Sentinel Events Initiative.

10   Tucson Police Department (2019). Critical Incident Review Board. **https://www.tucsonaz.gov/police/critical-incident-review-board-cirb-0**

11   Departmental responses to incidents are not mutually exclusive. Sixteen percent of officers received more than one type of action.

federal government provided grant funding in 2015 ($23 million) and 2016 ($20 million) to help agencies implement them. Police use of BWC is not without challenges, however, as controversy abounds surrounding policy, cost, length of data storage, release of footage, and privacy concerns.

After several years of work and discussions surrounding national critical issues, the Police Executive Research Forum (PERF) published *Guiding Principles on Use of Force* in 2016 as a challenge to the field to stimulate debate and help guide efforts to reduce the use of force.[4] Disagreement from several law enforcement organizations regarding PERF's principles led to the development of a *National Consensus Policy*[5] that rejected the principles dealing with the prohibition of shooting at cars and adopting policies more restrictive than Graham v. Conner. Still, the policy was a step forward, and the yearlong conversation in its development helped focus the profession on steps to reduce the use of force nationally.

PERF followed the *Guiding Principles* with the development of the *Integrating Communications, Assessment, and Tactics* (ICAT) training program.[6] ICAT is designed to provide officers with the skills to defuse a wide range of critical incidents. It is particularly focused on those incidents involving individuals who are not armed with a firearm.

OIS Complexity & Data Collection

In addition to the relatively low number of OIS incidents available to study, a significant challenge to research on OIS is the complexity of these events. Officers and subjects converge at a location with their own background and experiences, all of which influence the outcome of the interaction. The location, purpose of the contact, weather, visibility, presence of weapons, and other variables all may influence the outcome as well. These complexities highlight variables that agencies should keep in mind when considering efforts to capture important information about OIS incidents. **Table 1** below is an example of some of the key variables that may influence outcomes of an OIS.

Table 1. OIS Complexity

Officer(s)	Subject(s)	Incident
Experience	Background	Citizen Initiated
Training	Armed/Unarmed	Officer Initiated
Fear	Fear	Type of call
Fatigue	Mental Illness	Location
Officers Present	Alcohol/Drug Influence	Active Shooter
Information Available	Resistance	Distance
Use of Force Policy/Law	Experience with Police	Weather
Agency Culture		Visibility
Less Lethal Options		Bystanders
		Community Relationships

Police and researchers face an immense challenge in obtaining data on these variables and understanding how they interact with each other and impact events where deadly force was used as well as those that were resolved differently. David Klinger's research has been helpful in understanding the complexity of these events through interviews on what the officer was thinking during and following an OIS. More of that type of research should be done.[12]

Barriers to Understanding OIS Incidents

In addition to collecting and analyzing detailed data on OIS incidents in major cities, the NPF/MCCA endeavor also sought to explore impediments to capturing important variables at the agency level. Throughout data collection, the research team solicited information from data providers regarding barriers in providing the data requested. Some of the variables requested in

4 Police Executive Research Forum. 2016. Guiding Principles on Use of Force. Critical Issues Series. Washington, DC. **https://www.policeforum.org/assets/30%20guiding%20principles.pdf**

5 "National Consensus Policy and Discussion Paper on Use of Force" International Association of Chiefs of Police. 2017. **https://www.theiacp.org/sites/default/files/all/n-o/National_Consensus_Policy_On_Use_Of_Force.pdf**

6 Police Executive Research Forum. 2016. ICAT: Training Guide for Defusing Critical Incidents. Washington, DC. **https://www.policeforum.org/assets/icattrainingguide.pdf**

12 Klinger, D. (2002). Police Response to Officer-Involved Shooting. NIJ Journal, Issue 253. **https://www.ncjrs.gov/pdffiles1/nij/grants/192285.pdf**

the survey ask for potentially sensitive data, or information that could have harmful implications were it not kept confidential. This created legal barriers in agencies whose state or local laws prohibit them from providing this information to external entities. Additionally, a few agencies explained that due to state law, they could not release information until a case is closed completely. Other agencies described local laws prohibiting them from providing any potentially identifying information on officers or subjects, such as full legal name and date of birth (for subjects), or personal demographics that could potentially be identifying (for officers).

Some agencies run into practical obstructions that limit the amount of information they could provide. For example, at times certain pieces of information are simply unknown, such as if a subject flees the scene and is never identified. In these cases, agencies are not able to provide any subject-level data. In other instances, a department may choose not to release certain information based on preference of the Chief Executive, or pushback from the officers' union. Still, many agencies described issues primarily related to personnel or data organization that contribute to barriers to reporting.

Many agencies providing feedback cited that the unit or individual tasked with inputting the information is too busy to keep up with data entry, particularly due to the information requested being housed in various databases. For example, in order to fully complete the data entry, information is needed from an incident report, likely a use of force report, personnel records, investigation reports, and court records. Much of this data is not easily obtained by the individual assigned to data entry, or not provided to the data enterer until the investigation is complete.

Finally, sometimes agencies do not have access to supplemental information. For some agencies, external organizations take over an investigation after the agency completes its preliminary report.

Conclusion

High profile OIS have an immense impact on law enforcement in America. A PEW Research Center 2016 survey indicated that in large cities, 86% of officers have become more reluctant to use force even when appropriate, and 95% are more concerned about their safety. Additionally, 68% of their agencies have modified policies/procedures on the use of force.[13]

These findings suggest that many officers have become fearful of making a career-ending mistake, even if their actions are justified. There are no easy answers for police executives in this arena, but it seems that one key to addressing this challenge lies in developing a stronger understanding of deadly force incidents based on accurate and timely data in an attempt to address policy, procedures, technology and training for these high intensity scenarios.

It is clear that police are concerned about OIS, and the effect on their community and officers, and many agencies have taken steps to adapt policy and improve training. These are important efforts that will make a difference moving forward. Police executives should also look to collecting detailed information on these incidents in order to conduct analysis on these events and their components, and consider opening their doors and committing to working with research partners in the attempt to shed more light on these complex interactions – all with the goal of learning how to prevent them. The NPF/MCCA data collection endeavor has been an important first step in providing a glimpse into the nature of these interactions, but more work is to be done by researchers and agencies alike in the efforts to understanding these complexities.

13   Morin, R., Parker, K., Stepler, R., & Mercer, A. (2017). Behind the badge. Pew Research, 11.