Improving Police Use of Force:  
A Closer Look at Data Collection

The National Association for Civilian Oversight of Law Enforcement (NACOLE)

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Introduction

I want to thank the National Association for Civilian Oversight of Law Enforcement for inviting me to submit my comments on methods to improve police interactions with the public as it relates to use of force. I approach the issue from a knowledge perspective, one where use of force data and information become an embedded part of police management and are used to routinely examine policies and practices relative to legal principles and community sentiment as a matter of performance. It has been said that “Measurement is the first step that leads to control and eventually to improvement. If you can’t measure something, you can’t understand it. If you can’t understand it, you can’t control it. If you can’t control it, you can’t improve it.”\(^1\) The intent is to control police use of force through training, supervision and policy development, which is likely to reduce its incidence as well as prevent organizational accidents\(^2\) related to it by capturing, analyzing and reporting on data to ensure a more complete picture emerges about trends and patterns across the nation that can inform local policies and practices.

So, What is The Problem?

If we wish to improve police-citizen interaction as it relates to use of force, then we must have accurate and timely data about its circumstances. At present, we do not have a good national understanding of police use of force because we do not have good measures.\(^3\) U.S. policing is a fragmented and decentralized system with approximately 18,000 law enforcement agencies operating

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and reporting independently. Most of what is known about use of force is the result of sporadic and piecemeal research funded by the National Institute of Justice, the Bureau of Justice Statistics and the research agendas of a few scholars involving single cities or a few cities.

The lack of data and information has led to a fundamental public misunderstanding about police use of force, which is a defining feature of the police role. As a result, emotional arguments, filled with red herrings, ad hominem attacks and non sequiturs replace logic and reasoning that is grounded in fact. Compounding the problem is the present use of force data system compiled by the FBI Uniform Crime Report entitled Justifiable Homicide is meager and relies on summary data. The UCR data are measured at the aggregate level and the statistics that flow from it summarize a set of observations in order to communicate the largest amount of information as simply as possible, but they do not measure the fine details. The aggregation problem can be defined as the “information loss which occurs in the substitution of aggregate, or macro-level, data for individual, or micro-level, data,” which limits its utility, for example:

1. Aggregate data can summarize average characteristics for a group, but it cannot assume those characteristics apply to every member of the group. It is inappropriate to assume that relationships at the aggregate level will also hold at the individual level. It is entirely possible to find a relationship at the national level that does not hold at the local level. The reverse is also true, which is reaching a group conclusion (e.g., national level picture) based on exceptional cases (e.g., individual local cases). Both of these errors point to traps in everyday reasoning, which leads to stereotyping and hasty judgements. We need to determine empirically what individual use of force incidents look like, not just rely on group averages.

8 The first error of reasoning is termed “ecological fallacy.” The second error of reasoning is termed “exception fallacy.”
2. Aggregate data typically do not allow easy manipulation of variables, so there may be a tendency to overlook influences that may affect individual incidents. By relying on aggregate data, you lose the opportunity to use the data to generate additional hypotheses and it makes testing theory difficult.

3. Aggregate data will show averages, but not individual attributes. Summary data mask incident-level details that are necessary to identify trends and patterns, as well as the factors that may be correlated with use of force across similar cities and various contexts, such as age, sex, race of the officer and the offender, officer assignment, years of service, neighborhood composition, offender resistance, type of incident responded to, organizational composition and geographical location. In short, context is absolutely essential, but is concealed by aggregate data—a shortcoming that is, at times, exploited by those who use such data to support an oversimplified or emotional argument.

The limitations of the current aggregate system described here have been discussed in policing research dating to at least 19799 and the empirical interest in measuring police use of force dates to at least 1963.10

**One Proposed Solution**

U.S. law enforcement needs a more flexible, in-depth data system. The system should be comprehensive and incident-based—that is, disaggregated—with micro-level details about use of force and available to law enforcement executives, researchers, legislators, criminal justice students and the general public. The best comparison I can offer is the FBI Uniform Crime Report (UCR) vs. the National Incident-Based Reporting System (NIBRS). The UCR data is a summary of crime that occurs across the U.S., whereas NIBRS presents incident-level information about crime.


NIBRS enables interested parties to examine crime from its lowest level, which unmasks relationships between victims, offenders, locations and other incident-level details. NIBRS data is superior to UCR data for inferential purposes and has been widely used to uncover relationships and patterns involving:

1. Sexual assault of young children
2. Prostitution of juveniles
3. Predictors of homicide clearance
4. Kidnapping of juveniles
5. Child pornography
6. Intimate partner violence and
7. Violent crime among the many.

A similar system would provide the ability to link and analyze detailed incident-level information so we can understand and control the sequence of events that lead to police use of force—that is, the who, what, where, how, when and why of use of force transactions.

**How Would The System Work?**

Participation should be mandatory for all U.S. law enforcement agencies at all levels. Full participation is required for a national outlook, but also because police use of force is a very low-frequency event that any single agency—even large agencies such as New York, Los Angeles, Houston, Philadelphia—will not likely produce enough data in one year to make statistically reliable comparisons, or to identify patterns and trends. Use of force data would be captured at the point of origin (i.e., the agency where it occurred). The data would be entered into a national database

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following uniform specifications similar to the National Crime Information Center (NCIC) through a web-based application, housed at, and maintained by the FBI; legacy data could eventually be migrated to the Inter-university Consortium for Political and Social Research (known as ICPSR) for archival. Standardized measurement such as this is imperative for evaluating changes over time, comparing dissimilar police agencies to each other and testing policies and programs. Data would become public record as soon as legally practical, which would give interested parties easily-accessible and downloadable data on use of force incidents without having to wait for the FBI to compile and release the data at year’s end. Such an open system would be consistent with the core mission of:

1. The National Police Research Platform,\textsuperscript{19} funded by the National Institute of Justice;
2. The National Data Collection Committee\textsuperscript{20} of the Division of Policing at the American Society of Criminology;
3. The findings from a joint report issued by the National Sheriff’s Association and the Treatment Advocacy Center on justifiable homicides by law enforcement officers involving the mentally ill;\textsuperscript{21}
4. The findings from the Police Executive Research Forum on being proactive about preventing use of force situations;\textsuperscript{22} and
5. The Police Foundation’s report titled “5 Things You Need to Know About Open Data in Policing.”\textsuperscript{23}

What is the Intended Outcome?

An indispensable tool for managing a police agency is a steady flow of information that indicates performance.\textsuperscript{24} In this case, it is the ability to identify the circumstances when use of force


\textsuperscript{20} \texttt{http://www.aspolicing.org/home/committees/} Retrieved on March 31, 2016.


is likely to take place, what form it is likely to take and the characteristics of the officer, the offender, the location and the situation. Armed with such information, law enforcement executives can proactively manage community expectations and reactions, improve training, supervision, agency policy and make a stronger case to acquire the resources it needs to be more efficient and effective at delivering service. The organization concurrently becomes more self-reflective as it learns from its own experiences and those of others across the region and country. Police and the community can use the data to confirm or dispel any doubts and answer mutually important policy questions such as:

1. Where does the perception of “widespread” or “epidemic of” police killings of citizens originate? Media? Community rumor? Outright lies? How can we control those perceptions?
2. What can the police and community members do together to reduce hostility and misunderstandings between the police and the community?
3. What can the police and community members do together to reduce violent crime and anti-social behavior, which often occasions negative police-citizen interaction?
4. What can the police and community do to maintain open communication about police use of force, particularly involving officers and citizens of different racial or ethnic groups, which is a perennial source of tension?\textsuperscript{25}
5. Unarmed does not necessarily mean not dangerous, so what are the implications for the community when an officer resorts to deadly force after perceiving a dangerous threat from an unarmed person? What are the implications for the officer?\textsuperscript{26}

An incident-driven use of force reporting system is such a tool because it will produce more detailed, accurate and meaningful data than that produced by traditional summary data systems.


\textsuperscript{26} The police practice community has its share of examples of unarmed offenders attacking and overpowering armed police officers: female police officer assaulted into unconsciousness during a traffic stop https://www.youtube.com/watch?v=oljHyQChhVc: April 6, 1984, professional wrestlers Ken Patera and Masanori Saito assaulted two Waukesha, WI police officers who were “overmatched by the stature of Saito and Patera” (Schenectady Gazette, June 15, 1985, p. 31); Elyria, OH, May 5, 2011, man attacked a police officer inside the police station, during the attack the officer “realized that he needed to stop the assault due to the increasing fatigue of Officer Witt, the much younger age of the suspect Thomas and the thought that Thomas was looking for a weapon to cause serious physical harm to Officer Witt” https://www.youtube.com/watch?v=cc2yfx80TrU: April 22, 1996, Macon, GA, police sergeant is assaulted during a traffic stop https://www.youtube.com/watch?v=wxeq9tIH-s34E.
Moreover, such a system would provide neighboring communities the opportunity to compare information on emerging use of force patterns, trends and triggering conditions that extend beyond local boundaries. Comparison has a significant effect on human beings’ ability to make sound decisions through the concept of *relativity:* the process by which people assign value to something else. Humans typically have two minds when making decisions: the *heart* and the *head.* Most decisions occur at the *heart* level (emotional) based on incomplete information, which affects attitudes, perceptions, trust and confidence. However, the *head* can step in and overrule heart’s decisions, provided sufficient information exists. When people make decisions in isolation—without sufficient information—the heart fills in the blanks with attributes that are easy to evaluate (e.g., age, race, sex, vicarious experiences, neighborhood characteristics, social class, one’s own definitions),27 rather than those that are relevant (e.g., specific articulable facts). When a person evaluates something in isolation it is difficult to determine whether that thing is good (e.g., the use of force rate). However, when people can make comparisons, the head will readily have a more complete picture to judge the value of things.28 Since people do not possess an intrinsic ability to judge the value of something in isolation, value is determined by comparing one thing to another—in our case, use of force incidents. People make judgments and decisions against a backdrop of available information, the quality of that information and how that information relates to something specific. Data on police use of force is that backdrop and can easily become part of an agency’s


performance management framework, where the focus is on improving individual and collective performance.\(^\text{29}\)

**Some Final Thoughts**

The media frequently seizes on isolated use of force episodes, which distorts the public’s perception about the justifiability and rate of use of force. Only with sufficient and reliable data can we estimate the incidence and prevalence of use of force and only after we have a factual understanding of the nature and extent of use of force can terms such as “crisis,” “epidemic,” “widespread,” “discrimination” and “disparate treatment” be applied in the public discourse. To do so beforehand—as has been done in the recent past—is irrational, irresponsible and counterproductive to promoting desirable police-community relationships. As a nation we are best served by experts who act and opine from the head based on attributes that are directly relevant, by those who have devoted themselves to understanding the complexities of police work and who can guide rational discussion toward a productive outcome. We are not well served by dilettantes who act and opine from the heart based on attributes that are easy to evaluate, or with incomplete information.

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