



## FACTUALLY EXAMINING DEATHS FROM POLICE USE OF FORCE

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### Are “Too Many” People Dying from Police Use of Force?

Community reactions to a few recent deaths from police use of force have raised public concerns about the prevalence of police use of deadly force generally, and police use of deadly force against African-American men specifically. Activists and media outlets have suggested a national epidemic of deaths from police use of force currently exists, with thousands of citizens being killed annually by the police. This article will attempt to estimate how many deaths from police use of force we should expect annually in the U.S. based on officers' lawful and legitimate uses of force in response to serious attacks. After determining the benchmark for how many lethal force incidents we should expect, the article will then use death certificate records from the Centers for Disease Control (CDC) to determine exactly how many persons actually die from police use of force in the U.S. each year.

### Developing a Lethal Force Benchmark

The FBI annually publishes a Law Enforcement Officers Killed and Assaulted (LEOKA) report that details the Uniform Crime Report data on the number of law enforcement officers assaulted and killed across the nation's 18,000+ law enforcement agencies. These reports are publicly accessible at: <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>. According to these reports, for the 10-year period of 2003 through 2012 there were 576,925 reported felonious assaults against police officers. Of these assaults on officers, 191,225 (33.1%) involved some sort of weapon, such as a gun, knife, club, vehicle, baseball bat, table leg, beer bottle, hammer, etc. Of the assaults with a weapon, 32,767 involved an edged weapon or a firearm, for an average of 3,277 deadly weapon assaults on officers annually. We could use this figure (3,277) as a conservative estimate of the number of justified deadly force incidents we could expect each year from law enforcement officers.

This is a very conservative estimate for several reasons. First, not every law enforcement agency reports Uniform Crime Report data to the FBI every year, suggesting this figure undercounts the actual number of knife and gun assaults against police officers annually. Second, this figure also fails to count assaults against officers involving other deadly weapons, such as automobiles, since knives and guns are the only type of deadly weapon specifically measured by the FBI data. Third, not every instance justifying the use of lethal force involves a weapon as sometimes assailants overpower officers without weapons, or are engaged in

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taking control of the officer's own weapon. Nevertheless, in spite of these weaknesses, let us proceed with this conservative benchmark of anticipating about 3,277 lethal force incidents per year.

While the FBI data does not report the racial characteristics of the assailants in all of these assaults, the FBI does indicate the races of those who have feloniously killed police officers. According to these same reports from 2003-2012, of those assailants who murdered police officers, 44.3% were African-American males in spite of the fact African-American males make up only 6% of the U.S. population. Assuming that attacks by African-American males are no more or less lethal than attacks by persons of other races and sexes, we can assume that 44.3% of all knife and gun assaults on officers are committed by black males. This would mean we should anticipate about 1,452 legally justified lethal force incidents against African-American men each year.

Based on knife and gun assaults on police, each year we can reasonably expect:

- **3,277 justifiable lethal force incidents expected annually**
- **1,452 justifiable lethal force incidents involving African-American men expected annually**

### **So How Many Use of Force Deaths Actually Occur?**

The U.S. Centers for Disease Control (CDC) collects data from death certificates annually to track the various rate of many causes of death in the U.S. One category of death they track is death by "legal interventions" which includes deaths resulting from "injuries inflicted by police or other law-enforcing agents in the course of arresting or attempting to arrest lawbreakers, suppressing disturbances, maintaining order, and other legal action." The CDC publishes their mortality data annually and this information is publicly available online at: <http://wonder.cdc.gov/ucd-icd10.html>.

During the 10-year period of 2003 through 2012, the CDC recorded 4,285 deaths from "legal interventions," of which 3,627 (84.6%) were due to firearms and the remaining 658 were due to vehicles, impact weapons, electronic weapons, and officer's unarmed use of force. Of the 4,285 deaths from "legal interventions," 1,127 (26.3%) were of African-American men. These data, reported by medical doctors on death certificates, suggest that from 2003 through 2012 only an average of 429 individuals died each year from police use of force in the U.S. These data also suggest that, on average, only 113 African-American men die annually from police use of force.

So, from nation-wide death certificate data, we know that **with over 800,000 peace officers policing a national population of over 320 million people:**

- **An average of 429 deaths from police use of force actually occur annually**
- **An average of 112 deaths of African-American men from police use of force actually occur annually**

### **Comparing the Benchmark with the Actual Outcomes**

Based on the number of knife and gun assaults police officers experience annually, we conservatively estimated that there should be about 3,277 justifiable lethal uses of force by law enforcement officers each year. In reality, however, morgues only see about 429 deaths from all forms of police action. This reveals that the numbers of deaths that occur annually from police use of force are actually only 13% of the situations in which law enforcement officers could legally and justifiably take a life. In other words, only about 1 in 8 knife and gun assaults on law enforcement officers results in a death of the assailant.

As for use of force deaths involving African-American men, based on knife and gun assaults on officers, it was estimated that officers could lawfully and justifiably use lethal force against African-American men an average of 1,452 times per year. In actuality, only about 112 African-American men die annually from the actions of law enforcement officers, or 8% of the situations in which officers were legally justified in using lethal force. Only 1 in 13 knife and gun assaults on officers by African-American men resulted in the death of the assailant. Also note that while African-American men make up 44.3% of assailants against the police, they only make up 26.3% of the deaths from legal interventions.

- **Only 13% of the situations in which officers are legally justified in using lethal force results in a citizen death**
- **Only 8% of the situations in which officers were legally justified in using lethal force against an African-American male results in a death**
- **While African-American men make up 44.3% of assailants against the police, they only make up 26.3% of the deaths from legal interventions**

### **Putting Things in Context**

Deaths for any reason are regrettable, and deaths in the hundreds can easily raise public concerns, but one also must remember that there are approximately 320,206,000 persons in the U.S., of which approximately 19,212,360 are African-American men. CDC death certificate data indicates that many other forms of unnatural death are far more prevalent among Americans:

- **575 people die annually from firearms accidents**
- **2,603 persons die annually from medical errors during surgery**
- **16,491 persons are murdered annually**
- **35,817 die in motor vehicle accidents annually**
- **38,863 die from suicide annually**

**It is clear that people are far more likely to die at the hands of a criminal, an inattentive driver, their doctor, or themselves than they are to be killed by use of force from a law enforcement officer.** In fact, according to the National Weather Service, an average of 363 persons are hit by lightning annually in the U.S., revealing that one's likelihood of being killed by a law enforcement officer is almost as rare as being struck by lightning.

### **Conclusions**

Official data verified by the FBI and the CDC reveal that deaths from use of force by law enforcement officers are relatively rare. The evidence reveals that circumstances permitting the legal and justifiable use of lethal force by law enforcement officers occur thousands of times annually, yet less than 500 die annually from police use of force. The evidence reveals that while almost half of those who kill police officers are African-American men, only about a quarter of those who die from police use of force are African-American men. Finally, all of this evidence is publicly available online for any agency, news outlet, or community activist group to examine.

The evidence is clear that there is no epidemic of killings of citizens or African-American males by law enforcement officers in the U.S. While there appear to be a few highly-publicized cases of excessive lethal force recently, overall law enforcement officers kill far fewer citizens than they would be legally justified to do in self-defense.

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**Note:** *Court holdings can vary significantly between jurisdictions. As such, it is advisable to seek the advice of a local prosecutor or legal adviser regarding questions on specific cases. This article is not intended to constitute legal advice on a specific case.*

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