**Literature Review**:

There have been decades of research on police use of force and more so within the past few years in the wake of several high profile cases of excessive and deadly use of force. Yet there is still a lack of comprehensive understanding of how many use of force incidents there are, and the types of force used by officers in part due to a lack of consistency across research. There is not a uniform definition of what signifies use of force or what type/level should be considered (e.g. only the highest level, handcuffing, verbal commands, etc.). In addition to these limitations, many studies only analyze large police departments, but small and middle size departments make up the majority of agencies across the U.S. calling into question the generalizability and representativeness of the samples. Some researchers only use data from a single jurisdiction or small sample sizes that minimizes its external validity. There are also issues comparing results across studies as various methodologies are used to operationalize use of force, some use citizen complaints, official police reports, or other crowdsourced methods. Additional research is needed to ensure a more comprehensive understanding of the issue that can help guide future policy.

**Methodology Police Use of Force**

*Defining Police Use of Force*

One of the major obstacles associated with police research is that there is no universal definition for what constitutes as police use of force. This makes it difficult for researchers who compile data from different jurisdiction, counties, and states; with varying definitions there is a lack of consistency thus it’s difficult to know the true implications of their findings. Many criminal justice researchers and advocates have drawn attention to the fact that there is no national-level database which also contributes to the lack of comprehensive and reliable research. The best guide for police use of force incidents is data compiled from the *Washington Post* (White, 2015). Current research often fails to adequately conceptualize and operationalize police use of force which consequentially affects the validity and reliability of results. This may inadvertently skew perceptions by underrepresenting or overrepresenting the amount of actual use of force incidents leading to ineffective policy reforms attempting to solve the issue.

Many researchers and law enforcement agencies often use the terms ‘use of excessive force’ and ‘excessive force’ interchangeably when they are in fact distinct concepts, this can lead to confusion and distort perceptions of the amount of actual use of force incidents there are within a department. Use of excessive force typically refers to incidents where police apply too much force whereas excessive force refers to police applying force legally in too many incidents (Hickman, 2006). There is a distinct difference between officers who habitually use excessive force during encounters with citizens and officers who apply too much force during a single incident that isn’t reflective of their normal behavior. Another area that is often misinterpreted is the difference between police force and police violence, these terms should also not be used interchangeably. Police violence or police brutality refers to the excessive or unreasonable use of force by police, which is an extreme form of misconduct and a civil rights violation. Whereas police force can be a reasonable response when officers are dealing with unruly civilians and/or need to match their level of force with a suspect to ensure their own and the public’s safety. Police force is typically categorized into five levels: officer presence, verbalization, empty hand controls, less-lethal methods, and lethal force. An officer can be justified using any of these levels of force when the circumstances warrant it, thus not all police force is inherently a form of police brutality or police violence (Nix, 2020).

Data sources like Mapping Police Violence(MPV), which crowdsources data from FatalEncounter.org, the US Police Shooting Database, and KilledbyPolice.com, as well as supplementary information from social media, obituaries, criminal record databases, and police reports, use a broad definition of police killings that fails to account for the totality of the circumstances. The public may assume that any incident labeled as a police killing must involve an officer intentionally using deadly force to subdue a suspect, however broad definitions like that used in MPV do not provide adequate context. For example, if an officer is involved in a vehicle collision with a civilian, unrelated to a criminal pursuit, or if a suspect dies in police custody from a medical issue (e.g. heart attack, drug overdose, or suicide), the incident will be labeled a police killing. Even if an off duty officer murders a family member during a domestic dispute or a friend it would be categorized as such (Nix & Lozada, 2021). These scenarios are clearly different from an on duty officer intentionally using lethal force to subdue a dangerous suspect as a means to ensure public safety or even unjustly killing an unarmed civilian.

It is vital for police use of force research to take into consideration the context of the events leading up to the incident in question and other contributing factors. Databases that record and classify police use of force incidents often do not distinguish between those that were committed out of necessity or used reasonable force and incidents where the officer used excessive or unreasonable use of force. Therefore an ordinary citizen may interpret police use of force incidents to be on the rise, that there are a frenzy of law enforcement agencies who are all but too quick to pull the trigger. This may lead to increased rates of citizen disapproval and dissatisfaction with the police, but the community’s support is vital for officers to conduct their duties efficiently and effectively (Headley, et al., 2020). There are many scenarios where an officer is justified in using lethal force in order to maintain the safety of the community or themselves and fellow responding officers. There is also inconsistency regarding that some databases take into account citizen resistance or provocation whereas others simply log the type and amount of forced used. In addition, some sources only record the highest level of force used while others include all variations of force which is more thorough and takes into account when officers use force but may have tried to de-escalate the situation. Lastly, some systems only report lethal force or nonlethal force incidents, others include both variations, but this makes it difficult for researchers to compile information as data is scattered and lacks uniformity.

There are two key legal standards that apply to law enforcement officers and what is deemed to be justified use of force. *Tennessee v. Garner* (1985) held that it was unconstitutional under the Fourth Amendment for police to use deadly force to apprehend fleeing, unarmed, non-violent felony suspects. This standard changed the amount of force that was deemed necessary to apprehend a suspect, therefore what was once deemed appropriate to apprehend a fleeing felon no longer is. The second major Supreme Court decision was *Graham v. Connor* (1989) which determined that an objective reasonableness standard should apply to civilians’ claims that police officials used excessive force in the course of making an arrest, investigatory stop, or other seizure of his person. This decision was vital at deterring officers from practicing excessive use of force, but typically the general public does not interpret use of force the same way as a reasonable officer which may lead to discrepancies and tension between groups (Novak, 2009).

*Measurement Issues*

Research has failed to adequately conceptualize or operationalize police use of force resulting in inconsistency and a lack of generalizability across studies. Some researchers use citizen complaints as a way to measure the number of police use of force incidents, however there are serious concerns that should be considered before decision makers take a firm stance on what should be deemed as the gold standard. Police agencies differ on how they receive, process, and record citizens’ complaints. A citizen’s decision to file a complaint may be influenced by both citizen and agency characteristics. Whether the process is accessible and easy for citizens to maneuver is another strong factor influencing if a complaint is made and filed appropriately. Agencies vary on whether they have a written policy requiring citizen complaints to receive a separate investigation by an outside agency, those who review complaints internally may be more likely to dispose of complaints of fellow officers thus underreport the actual number of use of force incidents (Hickman, 2006). Citizen complaints are not an accurate method of measurement since one would have to distinguish between complaints sustained (sufficient evidence to justify disciplinary action), exonerated (officer’s actions deemed lawful or proper), withdrawn, pending, or unfounded (not based on facts). Agencies can vary drastically on how they receive, process and record complaints, therefore similar complaints sustained in one agency might be disposed in another (Hickman & Poore, 2015).

Recent research has found that there are significant differences on whether an agency will sustain a complaint based on the complainant’s race. Black and Hispanic complainants are significantly less likely to have their allegations of police misconduct sustained compared to their white counterparts. Possible explanations include issues of implicit racial biases, minorities are often stereotyped as aggressive and inherently criminal which could impact perceptions of truth and believability in regard to complaint legitimacy. There may be an issue of benign neglect as departments dismiss certain issues or become desensitized to allegations of police misconduct by minorities since these groups typically make more allegations than Whites. However, it should be noted that Black citizens are more likely to file complaints partially because they are disproportionately stopped, searched and arrested (Headley, et al., 2020). This supports past evidence that there is a weak causal link between citizen complaints and the actual amount of use of force that occurs in a department, despite these findings citizen complaints have long been viewed as a strong indicator to gauge the quality of police-citizen interactions whether factual or not (Hickman & Poore, 2016).

Other researchers send surveys or questionnaires to individual departments instead of collecting official police reports. Some have relied on the Law Enforcement Agency Survey to collect data about police use of force incidents, citizen complaints, the disposition of such complaints, and litigation concerning allegations of excessive use of force (Pate & Fridell, 1993). However, this survey is twenty pages long, which despite including an abundance of relevant information that will be insightful and informative for future policy it has some issues. Self-administered questionaries can be subjected to the effects of memory, socially desirable responding, fatigue, and indifference (Hickman & Poore, 2015). Depending on when surveys are administered the respondents may have difficultly remembering all relevant details pertaining to the events in question, thus it is likely that there will be an underreporting of the actual events.

Memory is fallible and as a result individuals may misremember how a use of force incident took place or fail to report other incidents thus impacting the validity of results. Social desirability is a common outcome in surveys especially if the respondents are not anonymous. Individuals often don’t want to be ridiculed or judged by peers so at times they may respond in a way they think is desirable or appropriate to others, yet this skews perceptions since it’s not based on the truth. In regards to the Law Enforcement Agency Survey, since it is a twenty page questionnaire it is likely that respondents will become fatigued after a while especially if the questions are repetitive. As a result they are less likely to answer accurately nor take the time to comprehend what’s being asked, rather they might pick the “easiest” or “quickest” answer as to finish sooner. Indifference is also a common issue; respondents are less likely to take a task seriously if they don’t perceive the questions personally relevant or have an opinion in the matter. There may also be issues of nonresponse bias as the agencies that do respond are systematically different than those who do not. Agencies that fail to respond to surveys may have a staffing shortage or restricted budgets, not enough time or energy to complete them, or simply don’t want to respond in fear it will make their department look bad (Pate & Fridell, 1993).

Police reports are typically preferred by researchers trying to collect and measure data on police use of force since it is often more organized and provides a wider view of police behavior yet there are still disadvantages to consider. What officers have to report as use of force can vary significantly across jurisdictions and police agencies. Some agencies have more comprehensive reporting techniques, requiring officers to report even seemingly miniscule actions such as simply unholstering or pointing their firearm at a suspect. Whereas others have a higher threshold for reporting, in some cases an officer is only required to report a use of force incident if their weapon (e.g. taser or baton) made contact or if a citizen complained of injuries. This can cause distorted perceptions since some departments may under or over report the amount of force used simply based on subjective definitions and reporting guidelines within a jurisdiction. Administrative data itself could be biased by the officer or agency, especially if they don’t want to make themselves or the department look bad. Officers who write reports may lack clarity and detail in how an interaction played out, however this can typically be mitigated through supplement reports from other officers reporting the same incident (Wolf, et al., 2009).

*Sources of Data Collection*

There is currently no national database on police use of force nor systematic reporting or distribution of comprehensive data on the issue. The best data comes not from any government agency or academic scholars but from the *Washington Post* (Hickman & Poore, 2015). Despite winning a Pulitzer Prize it has been criticized for miscoding armed individuals as armed (Nix & Lozada, 2021) which could skew perceptions as researchers try to decipher the number of incidents where an officer may have been justified; it is key to understand the context of the event as they are each unique and quite complex. The recent series of police killings of unarmed Black men have sparked public outrage, calling attention to the need of establishing a national use of force database to better capture the prevalence of these events and develop more comprehensive policy to better address the issue. The closest form of a national level database is the Uniformed Crime Reports (UCR) by the FBI, but it too suffers from inadequacies. Its reporting system is voluntary and has only about a 3% response rate from the 18,000 police agencies across the country (Stickle, 2017) which is insufficient if researchers want to obtain an accurate idea of how many incidents occur at a given time. The infrastructure exists but law enforcement and the government need to take the initiative to develop a better reporting system.

There are a variety of data sources that significantly differ on who the responses are from (e.g. police, inmates, citizens) or what they are measuring (e.g. use of force incidents, lethal v. nonlethal, justification for use of force, tactics used, etc.). The Law Enforcement Management and Administrative Statistics (LEMAS) survey sponsored by the Bureau of Justice Statistics (BJS) collects data from a nationally representative sample of publicly funded law enforcement agencies in the U.S of departments with 100 or more full-time officers (Hickman, 2006). The report offers data on citizen complaints about use of force and complaint dispositions in order to provide a national estimate of incidents and prevalence of citizen-police interactions. Though useful in some ways the survey suffers from serious measurement flaws; previous research has discovered that the reporting system lacks strong reliability or validity. Some problems that were encountered include that it reported the total number of citizen complaints rather than just those involving use of force, combined citizen complaints with internal complaints which can lead to overlap, and reported total complaints investigated rather than complaints received or sustained (Hickman & Poore, 2015). While useful in some aspects it fails to capture the unique attributes and outcomes of smaller agencies which are more abundant in the U.S. and the survey itself may be subjected to the adverse of effects of inadequate record keeping by agencies.

The nation’s only systematic, national level indicator of police use of force is the Police Public Contact Survey (PPCS) administered by the BJS that serves as a supplement to the National Crime Victimization Survey (NCVS) which provides a national estimate of the number and prevalence of citizen contacts with police. The survey attempts to describe the nature of these contacts, whether police used or threatened to use force, the specific actions taken, and any potential provoking behaviors from citizens (Hickman & Poore, 2015). It is believed that this survey underestimates the amount of force that occurs within an agency because it excludes recently incarcerated persons and since it relies on perceptual measures it can be argued it poses adverse effects on the internal validity. The PPCS only asks citizens for their most recent contact and not all previous contacts with police which could hinder progress if researchers wanted to know the total number of use of force incidents (i.e. not just the most recent) and identify groups that are more likely to have multiple contacts with police (Hickman, et al., 2008). It has been recommended that these types of surveys should ask respondents whether they or the police initiated the contact, expand the reasons for the contact, and ask from the respondents perspective whether they deemed the force to be appropriate or not (Greenfeld, et al., 1997).

In response to the PPCS for its inability to account for incarcerated persons and thus its underestimation of use of force incidents the Survey of Inmates in Local Jails (SILJ) has been used in some cases to supplement findings. The SILJ documents whether police used or threatened to use force in recent contacts or arrests, identifies the type of force, any injuries sustained or provoking behavior. By limiting data collection to citizen surveys it can cause a vast underreporting of the actual number of use of force incidents since many individuals who are likely to have a negative encounter with police where force was inflicted can be found in jails or prisons. However, researchers should be weary that inmates are more likely to report that an officer’s use of force was unjustified and unreasonable, whereas officers from the same encounter are likely to defend their actions as necessary and justified due to the resistance or provocation of the suspect (Hickman, et al., 2008).

The Mapping Police Violence (MPV) data set is crowdsourced from a variety of other datasets and resources, including FatalEncounter.org, which has been deemed one of the most comprehensive databases tracking police-involved deaths in the U.S. One particular issue with MPV is that it has an extremely broad definition of what constitutes as a police killing, including incidents where a person dies as a result of being chased, beaten, arrested, restrained, shot, pepper sprayed, tasered, or any other event where the officer caused harm whether they were on or off duty, intentional or accidental. This is problematic because there are many incidents where civilians are killed accidentally by police or die in police custody unrelated to direct harm inflicted by police (Nix & Lozada, 2021). Thus, these incidents would not be representative of other police killings or use of force incidents that are more likely to reflect officers acting outside their authority, intentional disregard for safety, incompetence, or neglect. For example, some individuals were accidentally killed in a vehicle collision with a police cruiser and others have died due to medical issues, injury, or suicide not directly attributed to police intervention. It is vital for researchers to accurately categorize and code for these specific types of incidents since it could have a direct impact on the interpretation of results (Nix & Lozada, 2021).

*Sampling Issues*

There are some limitations with police use of force studies concerning sample sizes and the representativeness of the sample. Often researchers will utilize data from a single department or jurisdiction which its size and location may not be generalizable to other regions or agencies (Hickman, et al., 2008). One study examined officer and citizen accounts of police use-of-force incidents whether they deemed the officer’s actions in the same incident as justified or reasonable. The sample only contained interviews from 21 citizens and 24 deputies from the Richland County Sheriff’s Department in South Carolina which is far too small to generalize results to other departments or regions. All officers defended that their actions and use of force as justified and reasonable whereas every citizen claimed that the officer’s actions were improper and/or unjustified, if not excessive (Rojek, et al., 2010). It is irrational to conclude that in every citizen-police encounter where force was used that all citizens will have the same response and so would every officer. Additionally, the single department that the study was conducted on may have different guidelines or standards as to what is deemed reasonable use of force; Sherriff Departments themselves may have different policies or standards than city police.

The limited data available from the FBI on use of force incidents only includes that which was voluntarily provided by agencies, approximately 3% of police agencies contribute related data (Stickle, 2017). This is another miniscule sample and unlikely to be representative of the population nor generalizable. In fact, there may be a response bias where there is a systematic difference between the agencies that do and do not report use of force incidents. Specifically, agencies who have fewer use of force incidents and citizen complaints may be more apt to report their statistics whereas agencies with more incidents may be less likely in fear of reprisal or criticism. Thus, results would significantly underreport the actual amount of use of force that occurs in police agencies adversely impacting its validity and reliability.