

How many police shootings a year? No one knows

By [Wesley Lowery](#) September 8

People march in Washington on Sept. 6 to protest the killing of Michael Brown. (Nicholas Kamm/AFP/Getty Images)

A summer of high-profile police shootings, most notably [the Aug. 9 shooting](#) of 18-year-old Michael Brown in Ferguson, Mo., has rekindled a decades-long debate over law enforcement's [use of lethal force](#).

Police unions and some law-and-order conservatives insist that shootings by officers are rare and even more rarely unjustified. Civil rights groups and some on the left have just as quickly prescribed racial motives to the shootings, declaring that black and brown men are being “executed” by officers.

And, like all previous incarnations of the clash over police force, the debate remains absent access to a crucial, fundamental fact.

Criminal justice experts note that, while the federal government and national research groups keep scads of data and statistics— on topics ranging from how many people were victims of unprovoked shark attacks (53 in 2013) to the number of hogs and pigs living on farms in the U.S. (upwards of 64,000,000 according to 2010 numbers) — there is no reliable national data on how many people are shot by police officers each year.

The government does, however, keep a database of how many officers are killed in the line of duty. In 2012, the most recent year for which FBI data is available, it was 48 – 44 of them killed with firearms.

But how many people in the United States were shot, or killed, by law enforcement officers during that year? No one knows.

[Officials with the Justice Department](#) keep no comprehensive database or record of police shootings, instead allowing the nation's more than 17,000 law enforcement agencies to self-report officer-involved shootings as part of the FBI's annual data on "justifiable homicides" by law enforcement.

That number – which only includes self-reported information from about 750 law enforcement agencies – hovers around 400 "justifiable homicides" by police officers each year. The DOJ's Bureau of Justice Statistics also tracks "arrest-related deaths." But the department stopped releasing those numbers after 2009, because, like the FBI data, they were widely regarded as unreliable.

"What's there is crappy data," said David A. Klinger, a former police officer and criminal justice professor at the University of Missouri who studies police use of force.

Several independent trackers, primarily journalists and academics who study criminal justice, insist the accurate number of people shot and killed by police officers each year is consistently upwards of 1,000 each year.

"The FBI's justifiable homicides and the estimates from (arrest-related deaths) both have significant limitations in terms of coverage and reliability that are

primarily due to agency participation and measurement issues,” said Michael Planty, one of the Justice Department’s chief statisticians, in an email.

Even less data exists for officer-involved shootings that do not result in fatalities.

“We do not have information at the national level for police shootings that result in non-fatal injury or no injury to a civilian,” Planty said.

Comprehensive statistics on officer-involved shootings are also not kept by any of the nation’s leading gun violence and police research groups and think tanks.

In fact, prior to the Brown’s shooting, the only person attempting to keep track of the number of police shootings was D. Brian Burghart, the editor and publisher of the 29,000-circulation Reno News & Review, who launched his “Fatal Encounters” project in 2012.

“Don’t you find it spookey? This is information, this is the government’s job,” Burghart said. “One of the government’s major jobs is to protect us. How can it protect us if it doesn’t know what the best practices are? If it doesn’t know if one local department is killing people at a higher rate than others? When it can’t make decisions based on real numbers to come up with best practices? That to me is an abdication of responsibilities.”

Burghart has enlisted a team of volunteers to search news clips as well as file records requests for data, with the goal of collecting a database that will chronicle several years-worth of police shootings.

As of September 1, according to Burghart’s estimates, 83 other people had been killed by police officers in the United States since Michael Brown’s death.

Law enforcement watchdog groups and think tanks say that the lack of comprehensive data on police shootings hampers the ability of departments to develop best practices and cut down on unnecessary shootings.

The way we improve practices is to take information about what's happening in the field to make those improvements," said Chuck Wexler, executive director of the Police Executive Research Forum, a nonpartisan think tank in D.C. that produces reports on police tactics. "The more we know about (the number of officer-involved shootings) the better off we'll be."

Other than basic statistical analysis, Wexler said, a comprehensive database of police shootings would allow departments to better analyze when officers are drawing and using their guns – potentially leading to policy changes that could save lives.

He noted a shift in policy by the New York Police Department in 1972, in which the department instructed its officers to no longer shoot at moving vehicles.

"When they made that change the number of NYPD shootings plummeted," he said.

James O. Pasco, the national executive director of the Fraternal Order of Police, believes that an accurate database would require Congress to pass a law requiring police departments to report their shooting data to a federal agency, presumably the FBI.

"Otherwise it's an unfunded mandate," Pasco said. "About 80 percent of police departments have fewer than 10 officers. They don't have huge data collecting

operations. They don't even have a single person in some of these departments who are dedicated to all the statistical work they have to do now."

Pasco said he doesn't know what the union's position would be on a legal requirement to report shootings and the result of shooting investigations.

"It would depend on what the law looked like," he said. "Clearly, if it's just a function of collecting the data, I can't see that we would have a problem with that. Our issues are with due process for officers."

The most detailed analysis of police shootings to date was conducted by Jim Fisher, a former FBI agent and criminal justice professor who now authors true crime books.

"I was rather surprised to find there are no statistics," Fisher said. "The answer to me is pretty obvious: the government just doesn't want us to know how many people are shot by the police every year."

In 2011, he scoured the Internet several times a day every day, compiling a database of every officer-involved shooting he could find. Ultimately, he tracked 1,146 shootings by police officers, 607 of them fatal shootings.

"I was surprised at how many shootings, a reasonable person would conclude, were unnecessary," Fisher said.

Earlier this year, the Gawker Media-owned sports Web site Deadspin launched a project to crowd-source a definitive list of police shootings by analyzing local media reports – a system modelled off of Fisher's 2011 effort.

"Having that data would be extremely helpful, in more ways than one," said Adolphus M. Pruitt, president of the St. Louis chapter of the NAACP, who has

been one of those most vocal about allegations of police brutality in light of Brown's shooting. "We track everything. There is no reason in the world for us to not be able to know just how many people the police are shooting in any given year."

In the absence of reliable data, the FBI's "justifiable homicides" statistics continues to be widely cited in academic studies, media reports, and other examinations of the use of lethal force by law enforcement despite being decried as unreliable by officials inside the Justice Department and other officials outside of the government.

As they do, criminal justice experts note that even compiling accurate numbers of people shot and killed by the police would be just a start.

"Every study that I'm aware of shows that most of the people who are shot by the cops survive and most of the time when cops shoot the bullets don't hit," said Klinger, who will soon publish a new study analyzing police shootings in St. Louis.

That study, prepared with several other academics, found that there were 230 instances in the City of St. Louis between 2003 and 2012 when officers fired their weapons. Only 37 of those fired upon were killed.

"If your statistics look just at dead bodies you'd be under-counting it by 85 percent," Klinger said. "If the cops are shooting, we need to now when they are shooting, not just when they kill somebody with the bullets."

Hundreds of Police Killings Are Uncounted in Federal Stats

FBI Data Differs from Local Counts on Justifiable Homicides

A WSJ analysis finds hundreds of homicides by law enforcement agencies in the U.S. between 2007 and 2012 are not included in FBI records. WSJ's Rob Barry reports. Photo: iStock/Juanmonino

By **ROB BARRY** and **COULTER JONES**

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WASHINGTON—When 24-year-old Albert Jermaine Payton wielded a knife in front of the police in this city's southeast corner, officers opened fire and killed him.

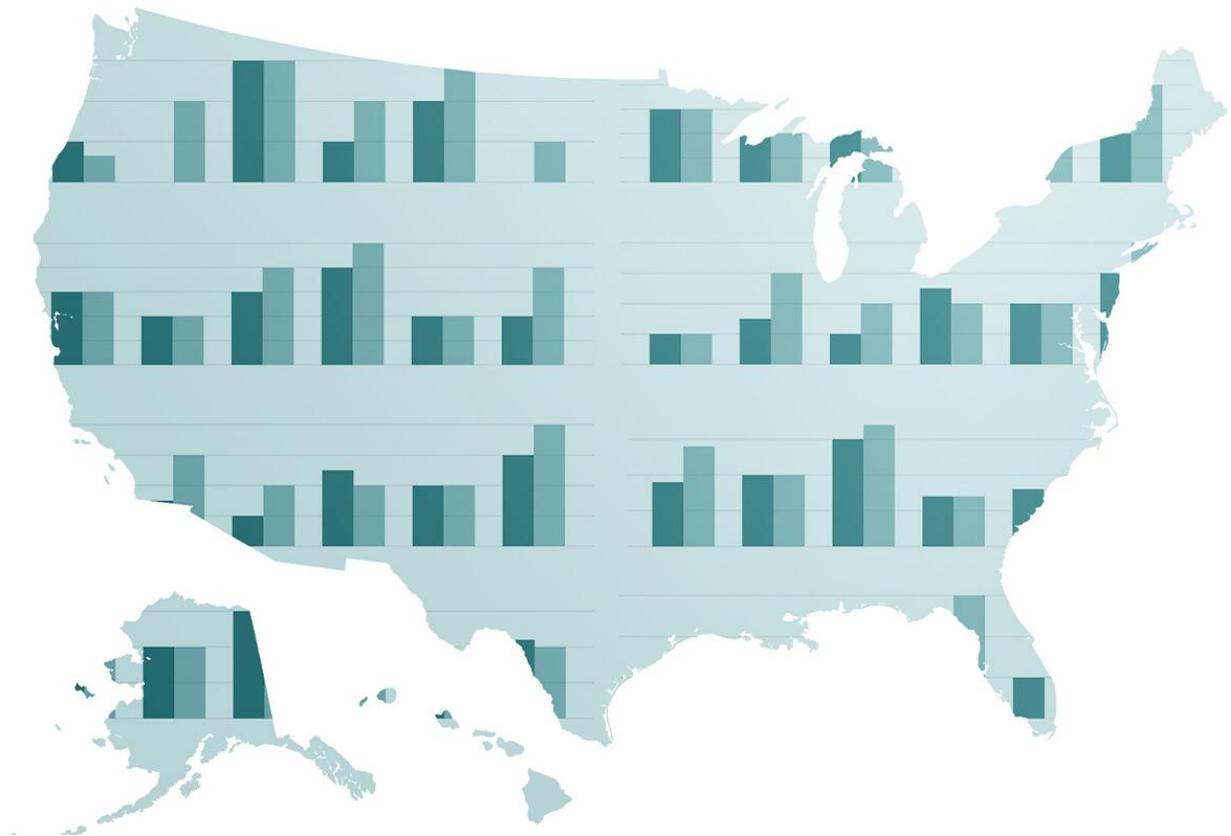
Yet according to national statistics intended to track police killings, Mr. Payton's death in August 2012 never happened. It is one of hundreds of homicides by law-enforcement agencies between 2007 and 2012 that aren't included in records kept by the Federal Bureau of Investigation.

A Wall Street Journal analysis of the latest data from 105 of the country's largest police agencies found more than 550 police killings during those years were missing from the national tally or, in a few dozen cases, not attributed to the agency involved. The result: It is nearly impossible to determine how many people are killed by the police each year.

Public demands for transparency on such killings have increased since the August shooting death of 18-year-old Michael Brown by police in Ferguson, Mo. The Ferguson Police Department has reported to the FBI one justifiable homicide by police between 1976 and 2012.

Law-enforcement experts long have lamented the lack of information about killings by police. "When cops are killed, there is a very careful account and there's a national database," said Jeffrey Fagan, a law professor at Columbia University. "Why not the other side of the ledger?"

Interactive: Justifiable Homicides by Law Enforcement



Police can use data about killings to improve tactics, particularly when dealing with people who are mentally ill, said Paco Balderrama, a spokesman for the Oklahoma City Police Department. “It’s great to recognize that, because 30 years ago we used to not do that. We used to just show up and handle the situation.”

Three sources of information about deaths caused by police—the FBI numbers, figures from the Centers for Disease Control and data at the Bureau of Justice Statistics—differ from one another widely in any given year or state, according to a 2012 report by David Klinger, a criminologist with the University of Missouri-St. Louis and a onetime police officer.

To analyze the accuracy of the FBI data, the Journal requested internal records on killings by officers from the nation’s 110 largest police departments. One-hundred-five of them provided figures.

Those internal figures show at least 1,800 police killings in those 105 departments between 2007 and 2012, about 45% more than the FBI's tally for justifiable homicides in those departments' jurisdictions, which was 1,242, according to the Journal's analysis. Nearly all police killings are deemed by the departments or other authorities to be justifiable.

The full national scope of the underreporting can't be quantified. In the period analyzed by the Journal, 753 police entities reported about 2,400 killings by police. The large majority of the nation's roughly 18,000 law-enforcement agencies didn't report any.

"Does the FBI know every agency in the U.S. that could report but has chosen not to? The answer is no," said Alexia Cooper, a statistician with the Bureau of Justice Statistics who studies the FBI's data. "What we know is that some places have chosen not to report these, for whatever reason."

FBI spokesman Stephen G. Fischer said the agency uses "established statistical methodologies and norms" when reviewing data submitted by agencies. FBI staffers check the information, then ask agencies "to correct or verify questionable data," he said.

The reports to the FBI are part of its uniform crime reporting program. Local law-enforcement agencies aren't required to participate. Some localities turn over crime statistics, but not detailed records describing each homicide, which is the only way particular kinds of killings, including those by police, are tracked by the FBI. The records, which are supposed to document every homicide, are sent from local police agencies to state reporting bodies, which forward the data to the FBI.

The Journal's analysis identified several holes in the FBI data.

Justifiable police homicides from 35 of the 105 large agencies contacted by the Journal didn't appear in the FBI records at all. Some agencies said they didn't view justifiable homicides by law-enforcement officers as events that should be reported. The Fairfax County Police Department in Virginia, for example, said it didn't consider such cases to be an "actual offense," and thus doesn't report them to the FBI.

For 28 of the remaining 70 agencies, the FBI was missing records of police killings in at least one year. Two departments said their officers didn't kill anyone during the period analyzed by the Journal.

About a dozen agencies said their police-homicides tallies didn't match the FBI's because of a quirk in the reporting requirements: Incidents are supposed to be reported by the jurisdiction where the event occurred, even if the officer involved was from elsewhere. For example, the California Highway Patrol said there were 16 instances in which one of its officers killed someone in a city or other local jurisdiction responsible for reporting the death to the FBI. In some instances reviewed by the Journal, an agency believed its officers' justifiable homicides had been reported by other departments, but they hadn't.

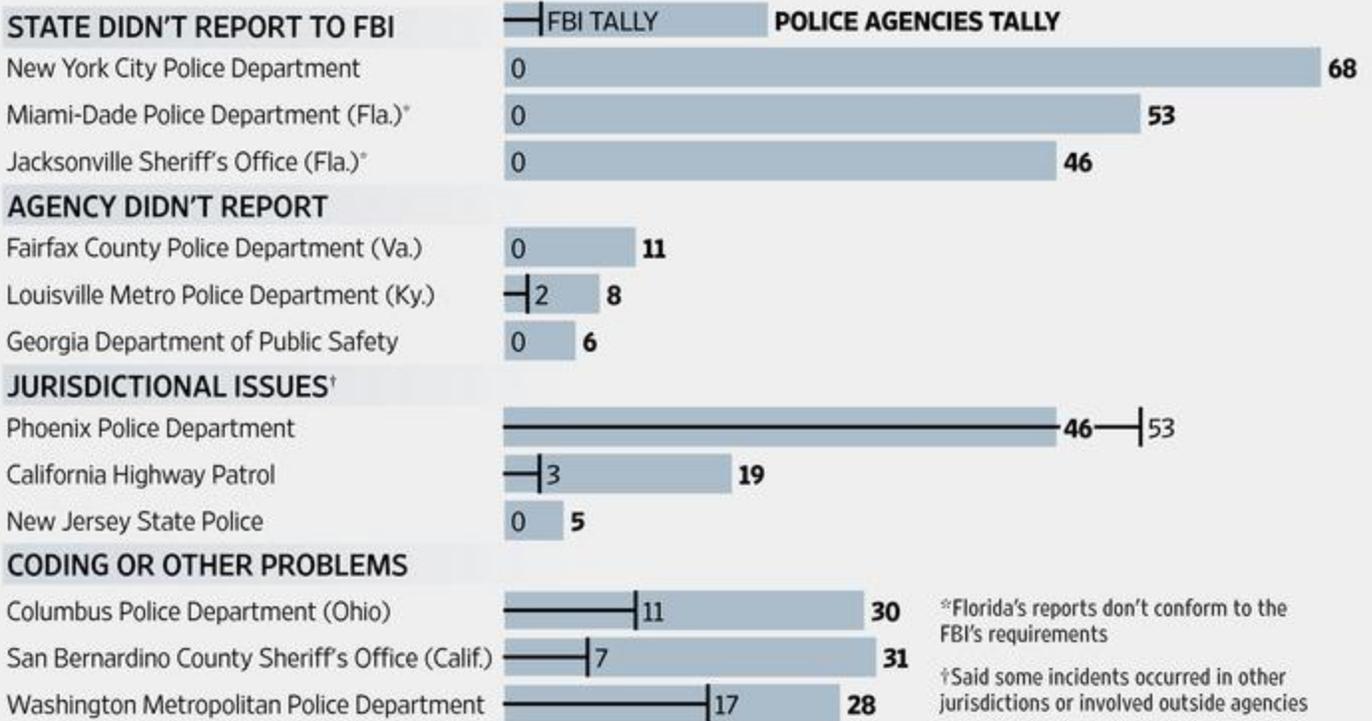
Also missing from the FBI data are killings involving federal officers.

Police in Washington, D.C., didn't report to the FBI details about any homicides for an entire decade beginning with 1998—the year the Washington Post found the city had one of the highest rates of officer-involved killings in the country. In 2011, the agency reported five killings by police. In 2012, the year Mr. Payton was killed, there are again no records on homicides from the agency.

D.C. Metropolitan Police Chief Cathy Lanier said she doesn't know why the agency stopped reporting the numbers in 1998. "I wasn't the chief and had no role in decision making" back then, said Ms. Lanier, who was a captain at the time. When she took over in 2007, she said, reporting the statistics "was a nightmare and a very tedious process."

Why Police-Homicide Totals Are Elusive

Some common explanations for why police-agency totals for justifiable law-enforcement homicides don't match FBI records. Total number of justifiable homicides for selected jurisdictions from 2007 to 2012.



Source: WSJ analysis of data from police agencies and the FBI

The Wall Street Journal

Ms. Lanier said her agency resumed its reports in 2009. In 2012, the agency turned over the detailed homicide records, she said, but the data had an error in it and was rejected by the FBI. She referred questions about why the department stopped reporting homicides in 1998 to former Chief Charles H. Ramsey, now head of the Philadelphia Police Department. Mr. Ramsey declined to comment.

In recent years, police departments have tried to rely more on statistics to develop better tactics. “You want to get the data right,” said Mike McCabe, the undersheriff of the Oakland County Sheriff’s Office in Michigan. It is “really important in terms of how you deploy your resources.”

A total of 100 agencies provided the Journal with numbers of people killed by police each year from 2007 through 2012; five more provided statistics for some years. Several, including the

police departments in New York City, Los Angeles, Philadelphia and Austin, Texas, post detailed use-of-force reports online.

Five of the 110 agencies the Journal contacted, including the Michigan State Police, didn't provide internal figures. A spokeswoman for the Michigan State Police said the agency had records of police shootings, but "not in tally form."

Big increases in the numbers of officer-involved killings can be a red flag about problems inside a police department, said Mike White, a criminologist at Arizona State University. "Sometimes that can be tied to poor leadership and problems with accountability," he said.

The FBI has almost no records of police shootings from departments in three of the most populous states in the country—Florida, New York and Illinois.

In Florida, available reports from the Florida Department of Law Enforcement don't conform to FBI requirements and haven't been included in the national tally since 1996. A spokeswoman for the state agency said in an email that Florida was "unable" to meet the FBI's reporting requirements because its tracking software was outdated.

New York revamped its reporting system in 2002 and 2006, but isn't able to track information about justifiable police homicides, said a spokeswoman for the New York State Division of Criminal Justice Services. She said the agency was "looking to modify our technology so we can reflect these numbers."

In 1987, a commission created by then-Governor Mario Cuomo to investigate abuse of force by police found that New York's reports to the FBI were "inadequate and incomplete," and urged reforms to "hold government accountable for the use of force." The spokeswoman for the state criminal-justice agency said it isn't clear what the agency did in response back then.

Illinois only began reporting crime statistics to the FBI in 2010 and hasn't phased in the detailed homicide reports. "We cannot begin adding additional pieces because we are newcomers to the federal program," said Terri Hickman, director of the Illinois State Police's crime-reporting program. Two agencies in Illinois deliver data to the FBI: Chicago and Rockford.

In Washington, D.C., councilman Tommy Wells held two hearings this fall on police oversight. He said he was surprised that the department hadn't reported details of police killings to the FBI. "That should not be a challenge," he said.

More than two years after the knife-carrying Mr. Payton was shot and killed by D.C. police, his mother, who witnessed the killing, said she is still looking for answers. Helena Payton, 59, said her son had many interactions with local police because of what she said was his mental illness. "All the cops in the Seventh District knew him, just about," she said.

The officers who arrived that Friday afternoon in August, in response to a call from Mr. Payton's girlfriend, had never dealt with her son, she said. According to Ms. Payton, her son walked outside holding a small utility knife. As he approached the officers, they fired dozens of bullets at him, she said. He died soon after.

The U.S. attorney's office is reviewing the incident, as is customary in all police shootings in Washington. A spokesman for the office declined to comment on the status of the case. The Washington police department, citing the continuing investigation, declined to provide the officers' names, a narrative of what happened, or basic information usually included in the reports to the FBI, such as the number of officers involved in the shooting.

The officers involved are back on duty, according to D.C. authorities, but the case isn't closed.

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