



How California is Leading the Way in Gathering and Publicizing Data on the Use of Force by Police

Chris M. Smith, University of Toronto

On March 18th, 2018 Sacramento Police Department officers shot and killed Stephon Clark — sending shock waves locally and nationally and adding his name to the list of unarmed Black men killed by police. Sacramento Mayor Darrell Steinberg declared “This young man should not have died. And we need to change all that occurs around not just police community issues, but the broader issues of race, of poverty, of the way we interact with one another, to try and make change.” In response to the shooting, Black Lives Matter Sacramento posted, “We are tired of Sacramento law enforcement killing us! We are tired of talking and meeting and sitting trying to convince our elected officials that there needs to be change!”

A group of seven California legislators authored Assembly Bill 931 proposing to increase the state’s standard for law enforcement’s use of lethal force from “reasonable” to “necessary.” The bill never made it out of committee. But even if such legislation progresses in the future in California and beyond, successful implementation will depend on systematic record-keeping about the use of force by police. Only recently has California taken steps in this direction under the auspices of 2015 legislation. Over the past two years, record keeping has improved in California, offering a model that other jurisdictions can follow. But California’s own efforts are just a start, and point to the need for further improvements in the Golden State even as other states take their own steps to keep detailed, transparent records.

Reporting and Recording Practices about the Use of Force by Police

Attention to police use of force data has recently intensified, thanks to compilations by newspapers, citizen scientists, and volunteer agencies. But crowdsourcing evidence has limitations, because it focuses almost exclusively on fatal violence. This ignores most instances of force used by officers in encounters with civilians that are resolved without fatalities — making it impossible for researchers to do proper statistical comparisons. California’s new legal rules address this problem by requiring reports of serious, nonfatal injuries in addition to instances where police force results in fatalities. California also corrects for another shortcoming in the current system, in which federal law enforcement programs undercount fatal force incidents by about 50 percent because of the voluntary nature of local reporting, lack of standardization in data collection, and resistance by police departments to making these data public. Without comprehensive data, it will be difficult to determine what programs and interventions actually work to reduce the number of civilians killed by police.

California has taken promising first steps to address these data problems. On October 3, 2015, then Governor Jerry Brown signed California Assembly Bill 71, which required California law enforcement agencies to report to the California Department of Justice all incidents that resulted in serious bodily injury from police use of force — including all incidents in which officers discharged a firearm and all incidents in which a civilian died

during a policing encounter. AB 71 led to the creation of a standardized reporting system called “Use of Force Incident Reporting” — or “URSUS” for short, named after California’s state grizzly bear. The California Department of Justice oversees the collection of the URSUS reports, synthesizes the reports, hosts an online data site called “The Open Justice Portal,” and publishes annual reports with summary statistics for the public.

Thanks to the 2015 law, analysts now know that, in 2016 and 2017 respectively, California law enforcement officers were involved in 707 and 782 serious incidents involving the use of force. About one-fifth of these incidents resulted in civilian deaths (157 in 2016 and 172 in 2017). Additionally, 531 civilians were seriously injured by law enforcement in 2016 and another 441 in 2017. California’s URSUS data are consistent with alternative estimates provided by crowdsourced and journalistic efforts cataloging police caused fatalities, such as Washington Post’s accounting. Although two years of data are not enough to make strong claims about types of outcomes or trends, California is improving the reliability of national estimates. Nonfatal injuries happened to approximately 60 percent of civilians involved in serious use of force incidents in California during those years. Discovering and tracking facts such as this may result in more finely tailored evidence-based interventions to reduce unnecessary use of fatal and nonfatal force by law enforcement officers.

All signs suggest that, for now, improved data is going to be driven by states rather than the federal government. Other states should use California’s program as a model to establish ongoing, transparent data collection about the use of force by police and its fatal and nonfatal consequences. Researchers need high-quality, standardized data collected over time. With such data, researchers will be able to determine the scope of use of force across the country and provide better solutions to improve police practices. The evidence may show, for example, setting strict standards for when force is used could help reduce the number of fatal police shootings.

Future Improvements in California and Beyond

California’s URSUS project is a good start, but it is not without limitations. California data collection still fails to track use of force incidents that do not result in serious injury — leaving many kinds of police encounters undocumented by reliable data. In addition, there may be a need for better auditing. Even though California’s data collection for URSUS is mandatory, skeptics may still object to agency-generated data on a topic that might result in increased oversight. It remains unclear how the Department of Justice validates or audits the agency reports.

Although URSUS data include remarkably complete demographic variables — such as civilian and officer race, sex, and age — the California Department of Justice does not release civilian or officer names or other types of identifiers, due to privacy concerns. Without names, researchers are not able to identify specific officers who may be the most frequent users of force. Research on the Chicago Police Department conducted through the Invisible Institute found that use of force was highly concentrated among a subset of officers, with 130 officers accounting for 29 percent of all fatal shootings from 2004 to 2016 — a rate of fatal shootings that was much higher than a random sample of 1,000 Chicago officers.

The URSUS data collection project is an important step forward for the state of California — and for researchers seeking to classify and track police violence. Newspapers and crowdsourcing have provided national level estimates of approximately 900 national fatal incidents per year across the entire United States, and now analysts can calculate that about 16 to 17 percent of those annual fatalities occur within California.

Much more remains to be learned about the specifics of police use of force in California and across the nation. Statistics in themselves are, of course, only a prerequisite for understanding and addressing problems. Better data will not automatically reduce tensions among police, mayors, protesters, and community members. However, mandatory reporting is one accountability measure that law enforcement agencies can take. It has the potential to increase public awareness and encourage research that can help citizens' groups and law enforcement organizations cooperate to further beneficial reforms in public safety practices.

Read more in Chris Smith and Matthew J. Thompson, "Race, Violence, and Threat: California Police Use of Force," (working paper, 2019).