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Police Undercount the Use of Force

Since late 2020, The Leadership Conference on Civil and Human Rights has sourced police use of force (UOF) data from as many law enforcement agencies (LEAs) as feasible to develop the National Police Use of Force Database. To do so, The Leadership Conference has pursued a multi-pronged strategy sourcing both publicly available data through LEA and city websites as well as public records requests submitted by partner law firms. This effort has resulted in a wealth of data that we have harmonized and made available through Accountable Now. However, there is substantial missing data that presents challenges to those studying police UOF. Two types of missing data predominate: an agency not reporting any event-level use of force data, and, an agency reporting only some types of use of force, usually including the most serious uses of force and excluding less serious uses of force, where the seriousness of force is determined by the reporting agency. This note describes these two sources of missing data.

We also note that there is potentially a third source of missing data. We observe in the data that the number of use of force incidents can increase or decrease substantially within an agency over time. This suggests either that an agency experiences large year-to-year changes in how much force is used, or that data are missing in some years and are more complete in other years. Given the use of force policies tend not to change year to year, we suspect that undercounting explains the changes in the number of incidents. However, unlike the other two types of missing data described below, we cannot verify that this is a source of undercounting.

To directly measure the extent of LEA undercounting of use of force, NORC reviewed police use of force data from the 100 largest law enforcement agencies using population estimates from the FBI's Uniform Crime Reports (UCRs) to identify the departments serving the 100 largest populations. NORC researchers conducted a systematic review for law enforcement data using the search terms "[City] police use of force data", "response to resistance" and "[City] incident data." NORC researchers also reviewed police department websites, city/county/state open data portals, third-party data portals, third-party reports or summarization of use of force data, scholarly articles on police use of force, and news reports regarding police use of force.

From these data, NORC researchers estimated:

- 17 percent of LEAs report incident level data, 48 percent report summary data, but not incident level data and 34 percent present no use of force data. The event-level data may include where and when the incident occurred, what precipitated the incidents, the officers involved and their characteristics, the individuals affected and their characteristics, and the types of force used in the incident. Summary data includes only counts of data.

- Among the 17 percent that do report use of force data, LEAs maintain different thresholds that dictate when their interactions with individuals amount to a use of force. For instance, some LEAs (often following state laws such as is the case in California) only release data on officer-involved shootings (OIS) and other events the LEA categorizes as ‘serious’. Data from agencies with more complete reporting suggest that incidents in which officers use their firearms are only a small subset of all officer use of force against individuals. Other agencies may set a threshold, sometimes described within use of force policies, for whether that agency deems a use of force to be ‘serious’ enough to warrant reporting. For example, some LEAs report incidents involving foot pursuits or vehicle pursuits while other LEAs do not consider these techniques to be a use of force and therefore may not require that officers report these incidents. As another example of how this plays out in practice, in the trial of Derek Chauvin, detailed testimony was presented about whether the homicide of George Floyd was considered to be a “reportable” use of force. Thus, some uses of force are available in some LEA use of force databases and can be considered from other data.

In addition, there is substantial missing data within LEA datasets and there are considerable differences in the types of incident-level information reported by LEAs. Some variables may be routinely coded by many agencies while these same data are excluded from other datasets. For instance, detailed characteristics of officers involved in use of force incidents are reported in several datasets whereas other LEAs report very little if any information about the involved officers.

The missing data impose several limitations on the data.

- City to city comparisons. Since the scope of data may be different across two or more cities, differences in use of force may be due to differences in the amount and type of missing data and may obscure real differences in the use of force.
- Within city comparisons over time. Data may be missing within a city for one or more years of data but available for another year or years, confounding comparisons over time.
- Comparisons of event attributes. Missing data may prevent critical analysis of critical event attributes, such as the race of the officer(s) involved and the people they use force against.