AN INVESTIGATION OF THE USE OF FORCE BY THE FAIRFAX COUNTY POLICE DEPARTMENT

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Background

- Project timeline: Jan. 2020 – Jun. 2021
- Researchers from UTSA and UC were contracted to answer the following questions:
    1. What factors or combination of factors contribute to the use of force by FCPD officers? Specifically, what role does civilian race, ethnicity, gender, or similar personal characteristics play in the decision to use force?
    2. Does the rate of force experienced by persons of different races and/or ethnicities align with those groups' representation among persons at risk for having force used against them by the police? Do disparities exist in rates of force experienced by different racial and/or ethnic groups relative to risk?
    3. Is civilian race, ethnicity, or gender related to the level of force used by the police while accounting for resistance and other relevant individual, situational, and environmental factors?
    4. How can the FCPD improve its use of force data collection processes to help facilitate future analyses?
    5. What steps can the FCPD take to help reduce bias in use of force incidents?

Methodology

- Data files included use of force records, arrest records, calls for service records, reported offense records, mental health records, police geographies, and county level characteristics

- Merging these files together resulted in 1,360 cases of force used by an FCPD officer against at least one civilian between Jan. 2016 - Dec. 2018

- Force:
  - L1: Restraint, soft hand control
  - L2: Hard hand control, strikes, OC weapons, pointing a TASER*
  - L3: Impact weapon, TASER use, canine, pointing a firearm*
  - L4: Firearm Use

  *Also recoded as Level 1
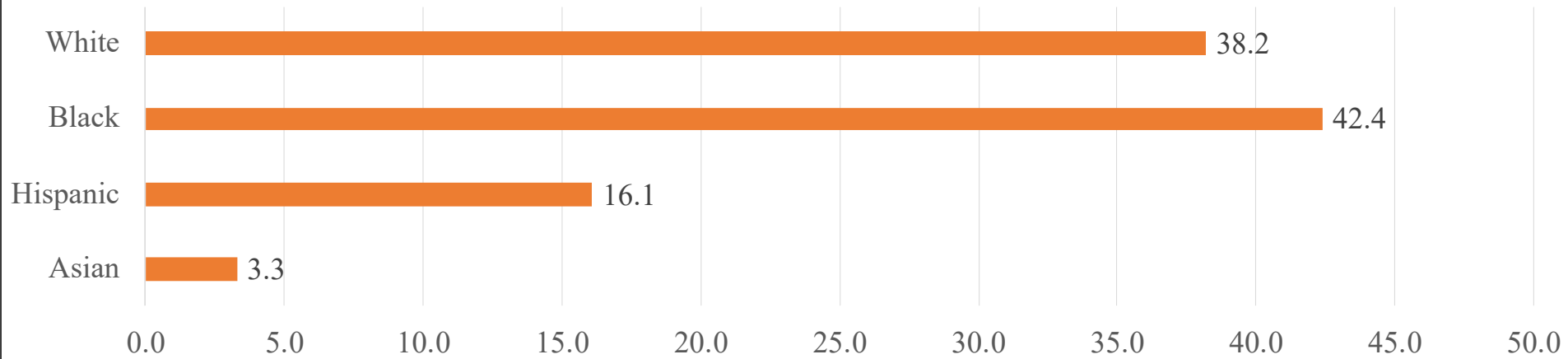
Methodology

- Situational Characteristics
  - Force
  - Resistance
  - Year, Season, Weekend, Nighttime
  - Station
  - Crime Seriousness
- Civilian Characteristics
  - Gender, Race/Ethnicity, Age, Mental Health Concern, Alcohol/Drugs
- Officer Characteristics
  - Gender, Race/Ethnicity, Age, Number involved, Rank, Assignment
- Contextual Characteristics (station level analyses)
  - Calls for service, Violent crime rate, Race/ethnicity population; Vulnerability index

Analytic Strategy

1. Descriptives: General overview of use of force activities
2. Benchmarking (total of 6):
   - <u>Suspects</u>: All, Part I Violent, Part I+ Violent (incl. weapons and simple assault)
   - <u>Custodial Arrests</u>: All, Part I Violent, Part I+ Violent (incl. weapons and simple assault)
   - Did not use residential population due to poor measurement of risk
3. Multivariate Analyses
   - Force level: civilian and incidents as separate units of analysis
     - Maximum force level
     - Average force level
     - Total force (a summative scale of all force actions)
   - Use of force during arrests

Descriptives

FORCE RATES BY RACE/ETHNICITY

Race/Ethnicity	Rate
White	38.2
Black	42.4
Hispanic	16.1
Asian	3.3

AVERAGE FORCE & RESISTANCE LEVELS BY RACE/ETHNICITY

Race/Ethnicity	Average Force Level	Average Resistance Level
White	2.1	2.5
Black	2.4	2.4
Hispanic	2.2	2.4
Asian	2.0	2.5
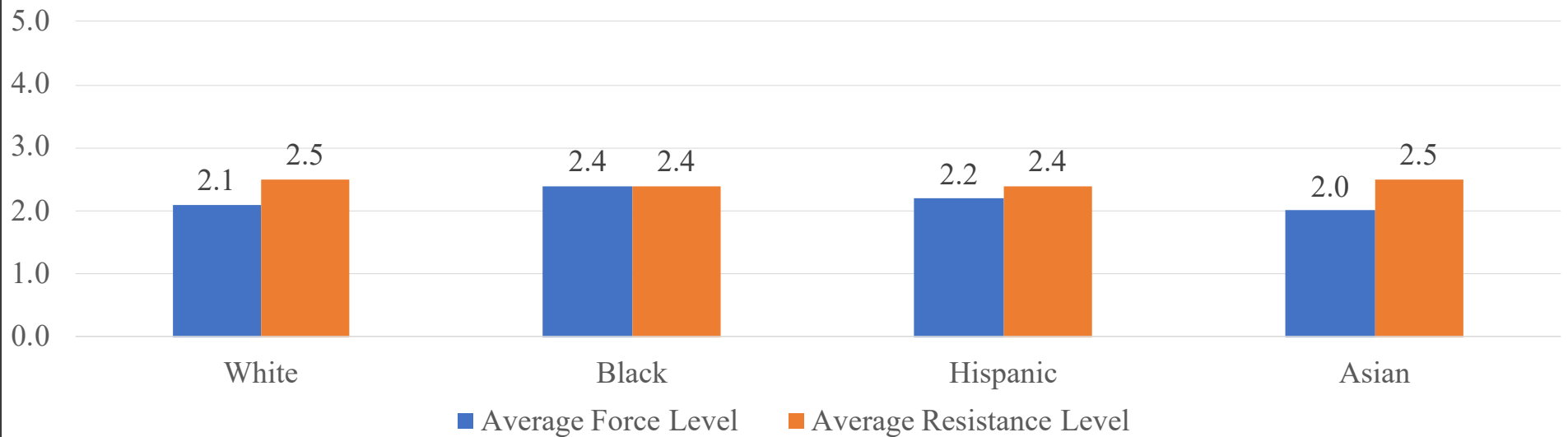
County-Wide Benchmarking

Benchmarking Rates of Force by Race/Ethnicity
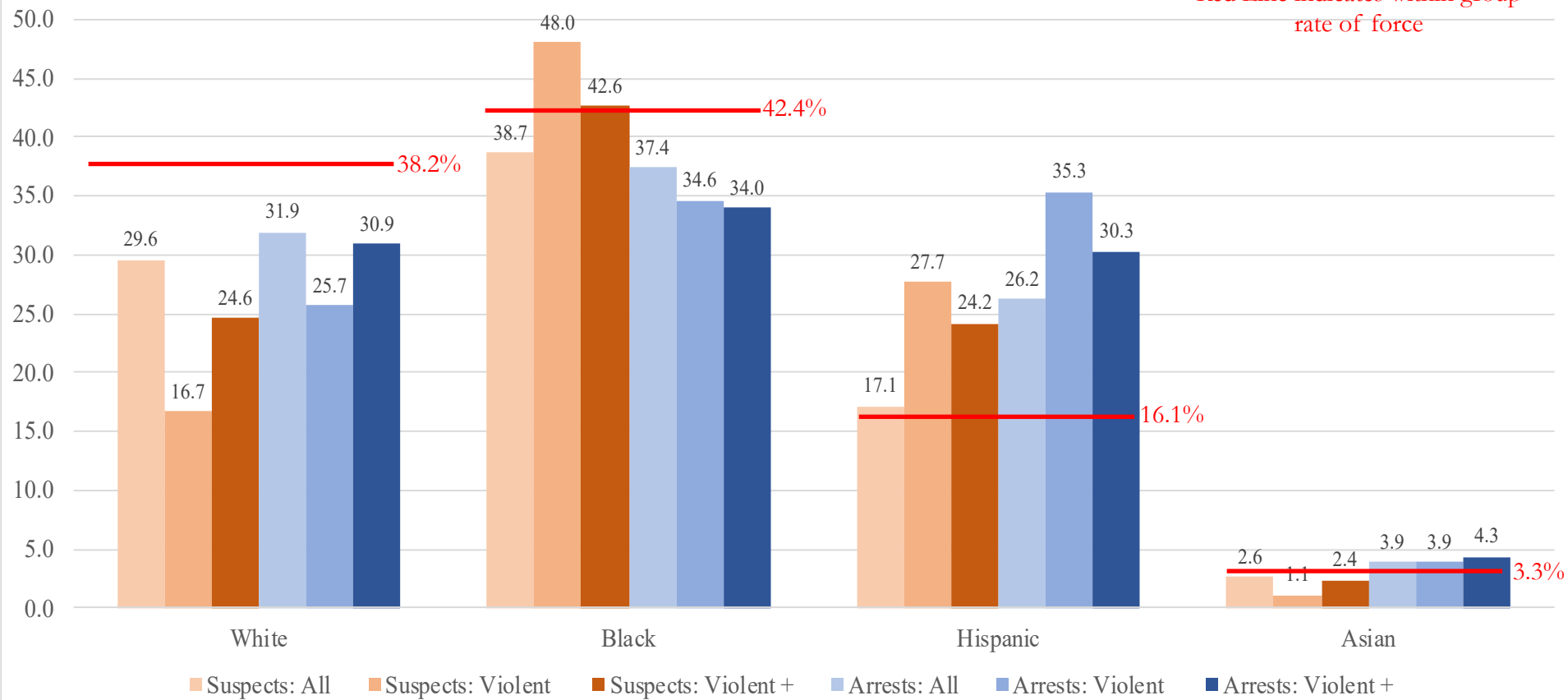
County-Wide Benchmarking


Disproportionality Ratios
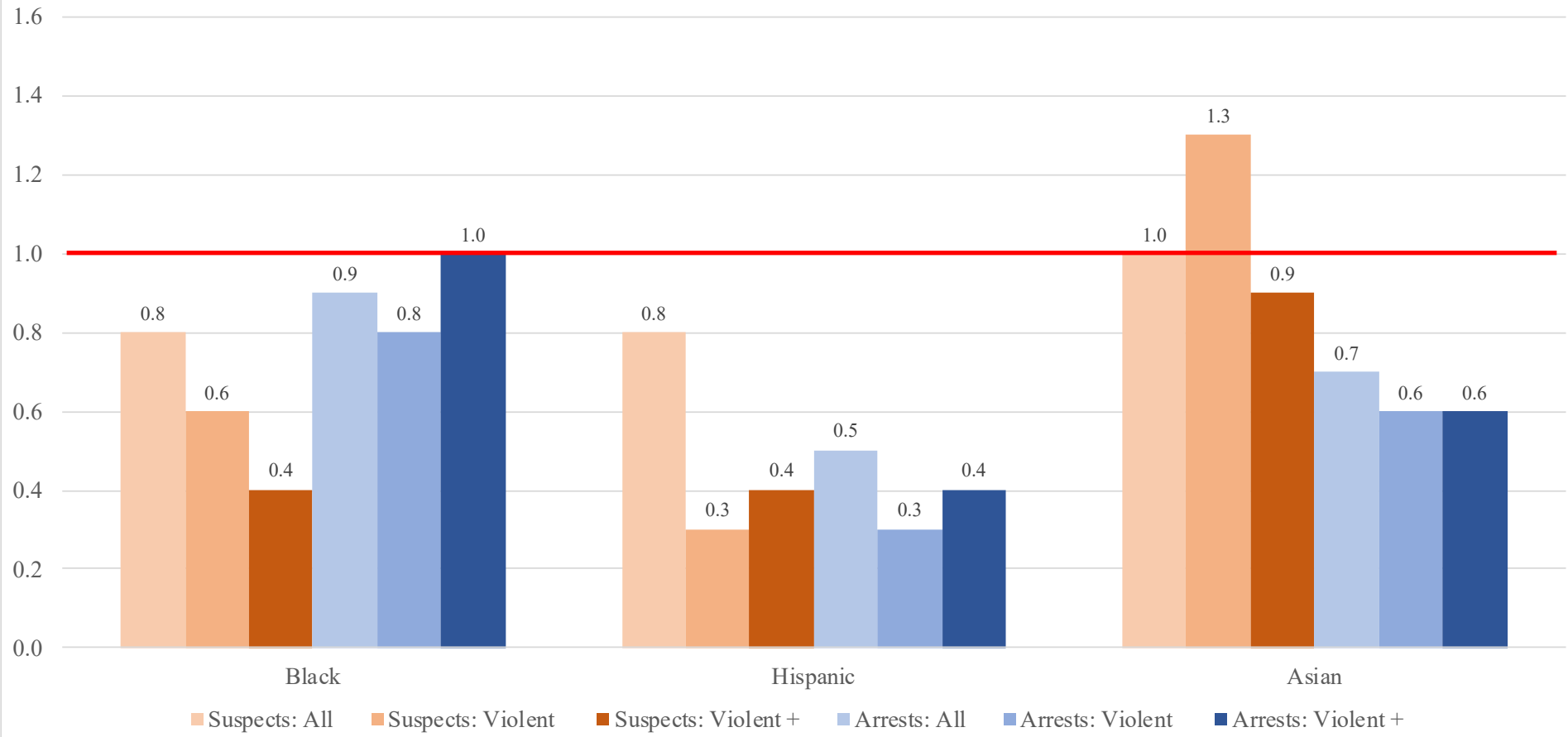
Benchmarking by District Station

- Force used against Blacks* exceeded all benchmarks and was disproportionate compared to Whites in **Mount Vernon**
  - Blacks also experienced consistently higher rates of force compared to benchmarks in **Franconia, McLean, & West Springfield**
- Hispanics* were overrepresented as subjects of force in **Sully & Mason** (3 of 6 benchmarks)
- Rates of force used against Asians* exceeded benchmarks in **Mt. Vernon, Reston, West Springfield, & Fair Oaks**
- Force used against minority civilians <u>exceeded that of Whites</u> in **Sully** (Hispanics), **Mt. Vernon** (Blacks & Asians), **McLean** (Blacks & Asians), **Mason** (Hispanics), **Reston** (Asians), **Franconia** (Blacks), **West Springfield** (Blacks & Asians), and **Fair Oaks** (Asians)

*Findings should be interpreted with caution due to the small numbers of cases in some districts

County-Wide Summary: All Force Models

Organizational Level Summary of All Force Models (N=6)

Green indicates a positive relationship
Red indicates a negative relationship
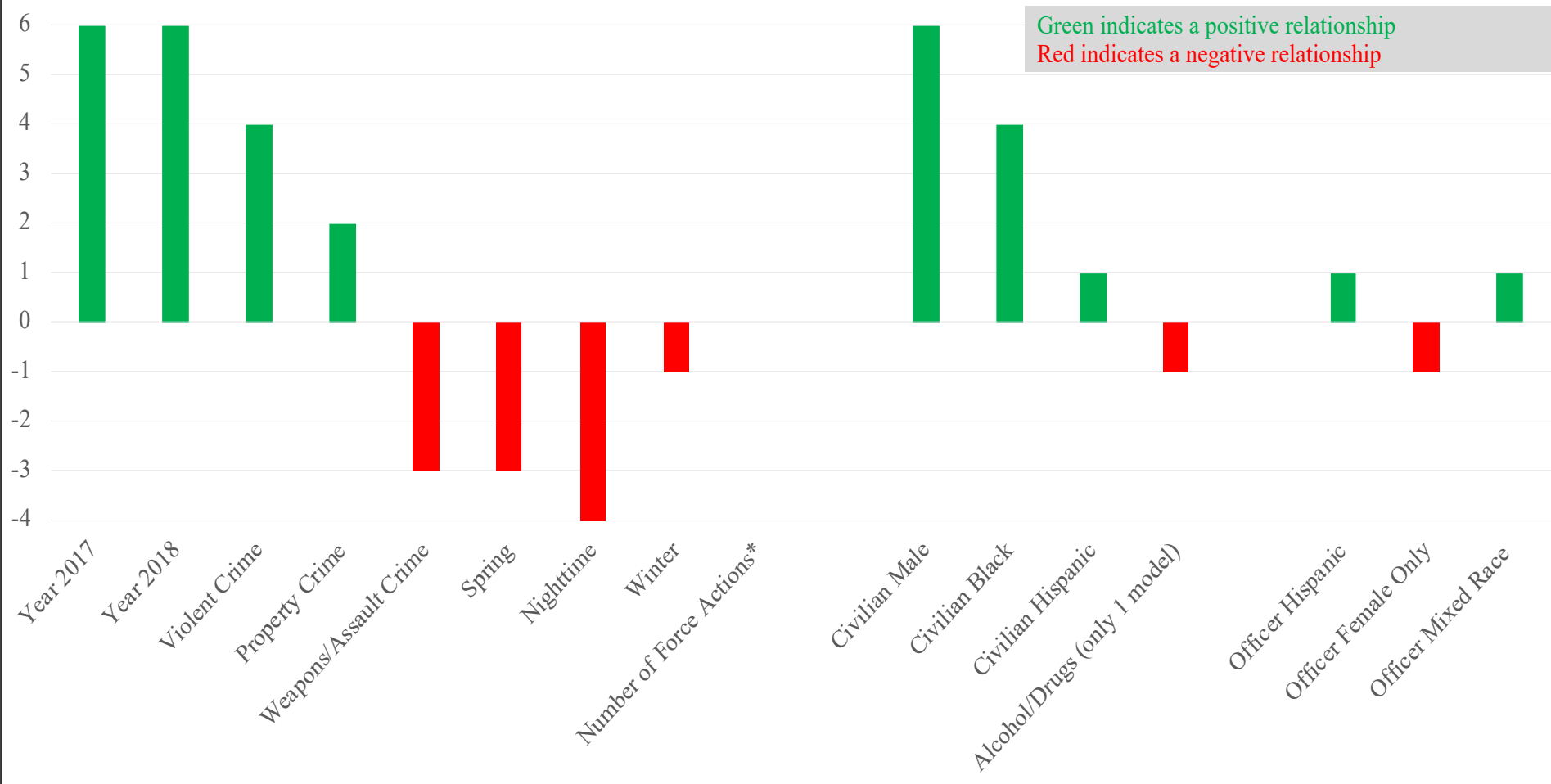
*Number of Force Actions: 3 positive relationships; 1 negative relationship
The following variables were not statistically significant in any models: Fall, Weekend, Civilian Resistance, Civilian Asian, Civilian Age, Mental Health, Officer Mixed Gender, Officer Black, Officer Asian, Officer Age, Officer Rank, and environmental characteristics

Relative Risk Ratios for Maximum Force by District Station

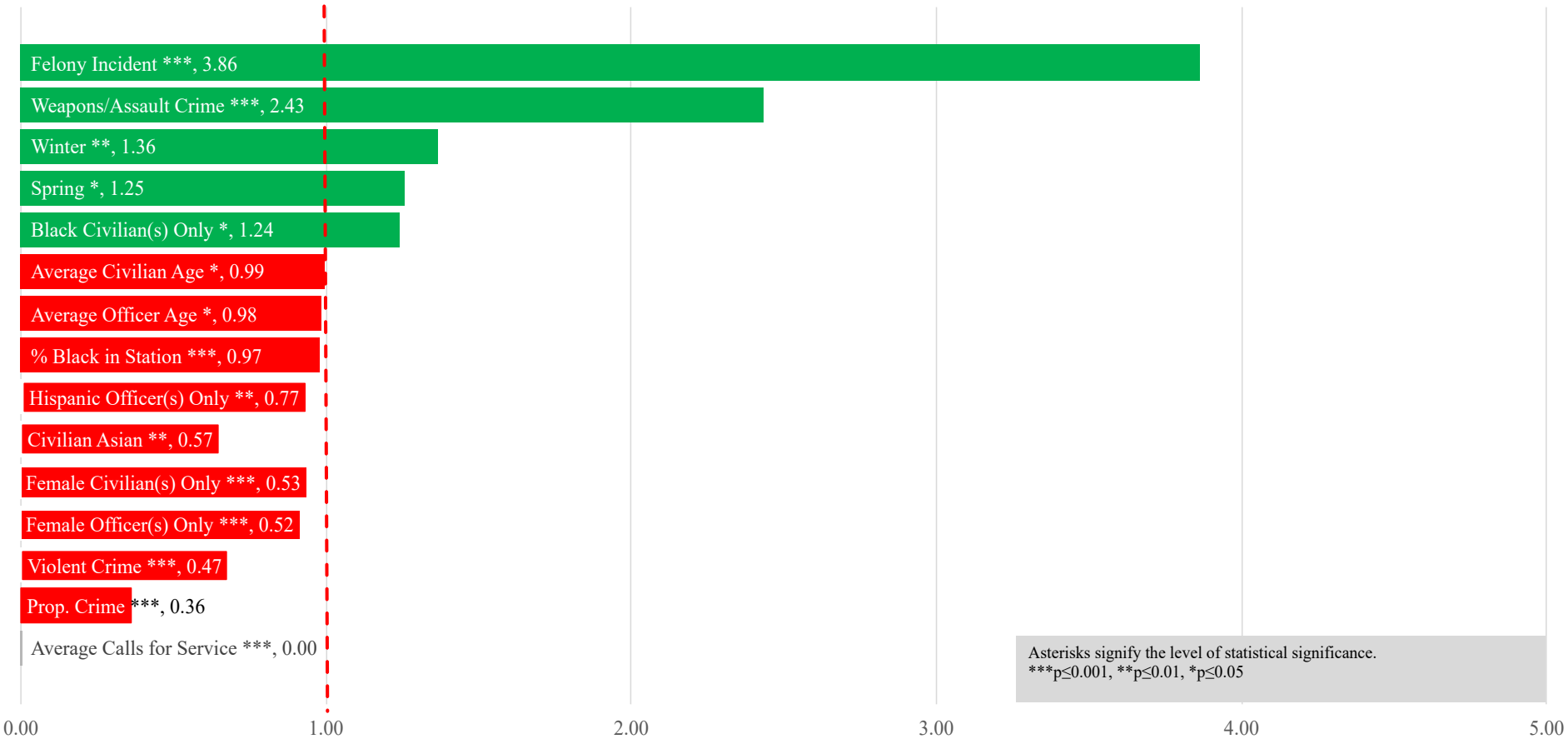| Variables	Mt. Vernon		McLean		Mason		Franconia		West Springfield		Fair Oaks	
	L2	L3	L2	L3	L2	L3	L2	L3	L2	L3	L2	L3
Crime Seriousness												
Violent Crime						10.30*						
Weapon/Assault Crime								0.30*				
Property Crime												
Civilian Characteristics												
Resistance												
Male	3.66**	8.56**	3.78**	11.40***		13.40**						16.02*
Black	2.39*	5.25**		3.11*				5.73**				
Hispanic		4.11*										
Asian												
Age										1.08*		
Mental Health Concern												

No relationships in Sully, Reston

***p≤0.001, **p≤0.01, *p≤0.05

Force Re-considered

- Additional analyses were also conducted with an alternate conceptualization of force: pointing a weapon (firearm or TASER) located at Level 1 instead of Level 3

- Re-estimation of the Max Force, Average Force, and Total Force Models revealed two major findings:
    1. The Black civilian variable became non-significant.
    2. Civilian Resistance exerted a positive impact on all outcomes; as civilian resistance increased so did officer force. Importantly, it is not possible to disentangle whether elevated civilian resistance preceded the higher level of force or vice versa.

- Additional analyses revealed that Black civilians were 1.8x more likely than Whites to have a weapon pointed at them while considering all other relevant variables, including crime seriousness.

- Key Takeaway: Agencies and communities must decide where to place force and resistance actions on a continuum, and the placement decision can affect how the influence of race on force severity is understood.

Predictors of Force During Arrest

Odds Ratios for Force within Arrest

Felony Incident ***, 3.86

Weapons/Assault Crime ***, 2.43

Winter **, 1.36

Spring *, 1.25

Black Civilian(s) Only *, 1.24

Average Civilian Age *, 0.99

Average Officer Age *, 0.98

% Black in Station ***, 0.97

Hispanic Officer(s) Only **, 0.77

Civilian Asian **, 0.57

Female Civilian(s) Only ***, 0.53

Female Officer(s) Only ***, 0.52

Violent Crime ***, 0.47

Prop. Crime ***, 0.36

Average Calls for Service ***, 0.00

Asterisks signify the level of statistical significance.
***p≤0.001, **p≤0.01, *p≤0.05

0.00   1.00   2.00   3.00   4.00   5.00

Selected Data Collection Recommendations

- Capture all instances of force and resistance sequentially during each encounter involving the use of force.

- Improve the capture of medical and injury data for civilians and officers. Consider using the Abbreviated Injury Scale (or similar) from the medical literature to more accurately categorize the nature and severity of injuries (if any) sustained.

- Adjust the Force Type field to clearly distinguish force used against animals and vehicles from force used against persons

- Add a field to capture civilian demeanor at the time force initially was used

- Add an "Effectiveness" field for all control type options to identify when a control tactic or weapon was effective, ineffective, or of limited effectiveness

- Begin capturing all instances when deadly force would have been authorized by law and policy but <u>was not</u> used

Selected Policy Recommendations

- Re-define the use of force reporting threshold to include any significant physical contact <u>beyond a firm grip</u>, including the use or threatened use of any weapon

- Refine the policy preference for de-escalation by emphasizing the use of de-escalation to reduce the need for and the level of force required and to emphasize that officers must use only the *minimum* amount of force reasonably needed to overcome resistance

- Incorporate a use of force continuum that clearly links levels of force to levels of resistance while allowing officers to escalate quickly if reasonably required under the circumstances

Selected Policy Recommendations Cont'd

- Amend General Order 540.8 to allow for the use of deadly force to apprehend a felon fleeing from a crime of violence *only if* the suspect poses an *imminent* risk of death or serious injury to the officer or a third party, or consider eliminating the fleeing felon provision entirely and adopt a single, clear standard for the use of deadly force – <u>Deadly force is permissible only if the suspect poses an imminent risk of death or serious injury to the officer or others</u>.

- Review FCPD policies on the use of patrol dogs and consider limiting canine bites only to certain types of crimes or other narrowly-defined conditions

- Consider adopting a foot pursuit policy to help reduce force and injuries to officers and suspects

Training & Organizational Recommendations

- Substantially increase the amount of training hours provided annually for de- escalation skills and tactics. Recent studies have demonstrated the need for increased dosage of de-escalation training to reduce training decay.

- Consider adoption of Integrating Communication Assessment and Tactics (ICAT) training, developed by the Police Executive Research Forum (PERF), to supplement the de-escalation training currently provided.

- If not already in place, consider adoption of a collaborative responder model for handling incidents with persons with behavioral health (BH) issues and/or intellectual/developmental disabilities (IDD).

Training & Organizational Recommendations Cont'd

- Consider rotating officers out of high crime patrol areas and district stations on a regular basis to help reduce officer stress and the potential influence of implicit bias on decision-making

- Conduct annual or biannual follow-up analyses with improved force data to evaluate whether observed disparities diminish or change over time

- Utilize body-worn camera footage to evaluate racial/ethnic disparities in treatment by the FCPD, force escalation or de-escalation, and to improve training and accountability

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Questions?