

# POLICE USE OF EXCESSIVE FORCE

© Richard Theis / EyeEm

## THE ISSUE:

When police interact with the public, they have human rights protections to take into account, particularly the right to live, the right to be safe, the right to freedom from discrimination, and the right to equal protection of the law. Nearly 1,000 people are killed by police each year, according to the [Washington Post's Fatal Force database](#). In 2014, Congress passed the Death In Custody Reporting Act (DICRA) into law. The law requires that states receiving funds for local law enforcement under the Omnibus Crime Control and Safe Streets Act of 1968 as well as the heads of federal law enforcement agencies report deaths that occur in their custody to the Attorney General. In order to receive these Department of Justice (DOJ) funds, states and federal law enforcement agency heads must complete reporting on a quarterly basis. To date, the DOJ has yet to fully implement DICRA, thus some of the best data available detailing people killed by police each year comes from sources like the Washington Post.

Like other areas of the criminal justice system, people of color are overrepresented among those killed by police. While we entrust police with the authority to use serious and even lethal force to preserve life, [Amnesty International's 2015 Deadly Force](#) report surveyed police use of force laws in every state and found that all states fail to comply with international laws and standards on the use of lethal force by law enforcement. The federal standard fails to comply as well. U.S. domestic laws authorizing police use of force do not adequately reflect core principles that seek to preserve life, such as necessity, proportionality and accountability. These principles are required to meet international standards for use of force, helping to prevent excessive force that too often results in unnecessary killings at the hands of police.

## TALKING POINTS:

- Nobody really knows how many people are shot and killed by police officers because the federal government does not currently collect nor report this data. Fully implementing the Death in Custody Reporting Act would result in the annual publication of this information and give the public and lawmakers a more accurate understanding of the gravity of this devastating issue.
- African Americans are disproportionately impacted by police killings. While black people make up approximately 13% of the US population, the Washington Post's Fatal Force data found that 22% of people killed by police in 2019 were black.
- Limiting police use of force in law helps restore public trust in police particularly from communities of color overrepresented in these kinds of killings. It would provide avenues for accountability when force is found to be have been used unlawfully.
- Studies show more restrictive use of force policies reduce police killings and don't risk police officers' safety.
- In the past couple years Washington State and California have both passed laws to restrict police use of force. It's

time we address this life or death issue at all levels of government. When law enforcement is authorized to kill, your right to live shouldn't be determined by your zip code.

- All 50 states and Washington DC fail to comply with international law and standards on the use of lethal force by law enforcement officers. Of the 41 states that have laws on police use of deadly force, laws range widely in their permissiveness, from nine states that authorize police use of deadly force to suppress a riot to a mere eight that require law enforcement to give warning “when feasible” before lethal force is used.

## RECOMMENDATIONS:

- The Department of Justice should ensure the collection and publication of nationwide statistics on police shootings in accordance with the Violent Crime and Enforcement Act (1994) and fully implement the Death in Custody Reporting Act (2014). The Data collected should be disaggregated on the basis of race, gender, age, nationality, sexual orientation, gender identity, and Indigenous status. Further, the White House should call on the FBI to change reporting to their National Use of Force (by law enforcement) data collection, which is currently collected voluntarily, to make it mandatory, and ensure the FBI publishes this information at least annually.
- The Department of Justice should ensure that all federal law enforcement agencies' policies on use of force comply with international law and standards for the use of force by law enforcement, that is that law enforcement should reserve deadly force as a last resort, in order to prevent death or serious bodily injury to the officer or another person.
- The President should reinstate the Obama era executive order banning the transfer of 1033 program, or surplus military equipment, to local law enforcement.

## ADDITIONAL RESOURCES:

- Deadly Force: Police Use of Lethal Force in the United States <https://www.amnestyusa.org/reports/deadly-force-police-use-of-lethal-force-in-the-united-states/>
- Use of Force: Guidelines for Implementation of the UN Basic Principles on The Use of Force and Firearms by Law Enforcement Officials <https://www.amnestyusa.org/reports/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials/>

### FOR MORE INFORMATION, PLEASE CONTACT:

Kristina Roth  
Senior Program Officer, Criminal Justice Program  
(202) 945-2021  
KRoth@aiusa.org