

# KEY FINDINGS & RECOMMENDATIONS

- ❖ **The United States has failed to track how many people are killed by law enforcement officers.** No-one knows exactly how many people are killed each year but estimates range from **400** to over **1,000**.
- ❖ **African Americans are disproportionately impacted by police killings**, according to the limited data available. While blacks represent 13.2 per cent of the US population, they represent 27.6 per cent of the total deaths at the hands of police (6,338) included in the data on violent deaths recorded by the Center for Disease Control between 1999 and 2013.
- ❖ **The United States has failed to respect and protect the right to life by failing to ensure that domestic legislation meets international human rights law and standards on the use of lethal force by law enforcement officers.**
  - ❖ **All 50 states and Washington, D.C. fail to comply with international law and standards on the use of lethal force by law enforcement officers.**
  - ❖ **Nine states and Washington, D.C. have no laws on use of lethal force by law enforcement officers:** Maryland; Massachusetts; Michigan; Ohio; South Carolina; Virginia; West Virginia; Wisconsin, Wyoming; and the District of Columbia.
  - ❖ **Thirteen states have laws that do not comply even with the lower standards set by US constitutional law on the use of lethal force by law enforcement officers<sup>12</sup> :** Alabama; California; Delaware; Florida; Mississippi; Missouri; Montana; New Jersey; New York; Oregon; Rhode Island; South Dakota; and Vermont.
  - ❖ **None of the state statutes require that the use of lethal force may only be used as a last resort with non-violent and less harmful means to be tried first.**
  - ❖ **No state limits the use of lethal force to only those situations where there is an imminent threat to life or serious injury to the officer or to others.**
  - ❖ **Nine states allow for the use of lethal force to be used to suppress a riot:** Arizona; Delaware; Idaho; Mississippi; Nebraska; Pennsylvania; South Dakota; Vermont and Washington.
  - ❖ **Twenty two states allow for law enforcement officers to kill someone trying to escape from a prison or jail:** Alabama; Colorado; Delaware; Georgia; Hawaii; Idaho; Indiana; Kentucky; Maine; Mississippi; Montana; Nebraska; New Hampshire; New Jersey; New Mexico; New York; North Carolina; North Dakota; Oklahoma; Pennsylvania; South Dakota and Washington.<sup>13</sup>
  - ❖ **Only eight states require that a warning be given (where feasible) before lethal force is used, however no state meets the requirement for a warning under international standards:** Connecticut; Florida; Indiana; Nevada; New Mexico; Tennessee; Utah and Washington.
  - ❖ **Only three states provide that officers should create no “substantial risk” to bystanders when using lethal force:** Delaware; Hawaii and New Jersey.

- ❖ **Twenty states allow for private citizens (non-state actors) to use lethal force if they carry out law enforcement activities, for example assisting an officer in making an arrest:** Alabama; Arizona; California; Colorado; Connecticut; Indiana; Kansas; Kentucky; Louisiana; Maine; Mississippi; Nebraska; New Hampshire; New Jersey; New York; North Dakota; Pennsylvania; South Dakota; Texas and Washington.<sup>14</sup>
- ❖ **Only two states provide by statute for training on the use of lethal force:** Georgia and Tennessee.<sup>15</sup>
- ❖ **None of the states' "use of lethal force" statutes include accountability mechanisms,** including for example the requirement of obligatory reporting for the use of force and firearms by law enforcement officers.

## RECOMMENDATIONS

- ❖ All state legislatures should introduce or amend statutes that authorize the use of lethal force to ensure that they are in line with international standards by limiting the use of lethal force by law enforcement to those instances in which it is necessary to protect against the threat of death or serious injury. The statutes should be brought into compliance with the U.N. Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- ❖ The president and Department of Justice (DOJ) should support the creation of a national commission (National Crime and Justice Task Force) to examine and produce recommendations on policing issues, including a nationwide review of police use of lethal force laws, policies, training and practices, which is urgently needed, as well as a thorough review and reform of oversight and accountability mechanisms. These laws, policies and practices must be brought in line with international standards.
- ❖ The Department of Justice must ensure the collection and publication of nationwide statistics on police shootings in accordance with the Violent Crime Control and Enforcement Act (1994) and the Death in Custody Act (2014). The data collected should be disaggregated on the basis of race, gender, age, nationality, sexual orientation, gender identity and indigenous status.
- ❖ Congress should take legislative action to ensure that all federal, state and local law enforcement officials restrict their use of lethal force in compliance with international law and standards. This should include enacting legislation requiring all law enforcement agencies to review and amend their policies by limiting the use of lethal force to those instances in which it is necessary to protect against the threat of death or serious injury. Congress should also pass the Police Reporting Information, Data, and Evidence Act and the End Racial Profiling Act.