

Questions for the Record from Senator Charles E. Grassley
U.S. Senate Committee on the Judiciary
“Police Use of Force and Community Relations”
Submitted on June 23, 2020

Dr. Phillip Goff

1. For the past two years, Senator Warner and I have been investigating the fatal shooting of Bijan Ghaisar, an unarmed motorist by the U.S. Park Police. Our investigation has found that he died because Park Police officers used poor de-escalation tactics, and an inappropriate, aggressive use of force.
 - a. How much of an effect can proper de-escalation policies and training have in preventing violence and death at the hands of law enforcement?
 - b. Is there a need for law enforcement agencies to revise their use of force policies? Generally speaking, what changes would you recommend?

There is not yet a large enough research literature to come to strong conclusions on what de-escalation tactics work best. But it does appear that proper de-escalation policies and training can have an impact. For instance, the example of the Las Vegas Metropolitan Police Department is instructive. The year after they mandated training on de-escalation in foot pursuits, the number of incidents of the use of force dropped by 23% and officer injuries were reduced by 11%. These improvements were across the board and not just specific to foot pursuits.

There is other anecdotal evidence that de-escalation training works. But policies dictating tactics in encounters are likely even more effective. For instance, a prohibition on officers producing unnecessary risk is likely more powerful than training officers how to “talk a suspect down.” The example of Tamir Rice is instructive. The officer who shot Rice, a 12-year-old boy playing with a toy gun at the time, drove his car to within feet of Rice despite believing he was armed and no one else being nearby. This unnecessary risk could have been avoided simply by stopping the car further away and keeping cover, while speaking clear instructions to the boy at a safe distance.

My hope is that, to the degree that Congress makes recommendations, they will use a comprehensive approach, including recommendations for ensuring officers have proper de-escalation training and revising use of force policies to reduce the unnecessary loss of life. The Center for Police Equity certainly believes that law enforcement agencies should revise their use of force policies to the extent that they deviate from the standard put forth by the Leadership Conference on Civil and Human Rights’ eight pillars of police reform, stating that the use of force should be reserved for only when necessary as a last resort after exhausting reasonable options.

Written questions for Dr. Phillip Atiba Goff
Submitted by Senator Patrick Leahy
June 23, 2020

1. Police departments across the country currently rely on CompStat, a program allowing them to hold themselves to measurable public safety and crime reduction metrics. At the Center for Policing Equity, you have created a model that replicates CompStat, but with a specific focus on justice and policing practices. You have said “when you define racism in terms of measurable behaviors...you can create a CompStat for justice.”
 - a. **Can you tell us a bit more about how exactly your model seeks to define or track racially biased policing in terms of measurable behaviors? What are some of those measurable behaviors?**

Thank you for the chance to answer this question. The outcomes that my center, the Center for Policing Equity (CPE) focuses on are police stops, arrests, and use of force. We use a multi-level regression technique to estimate “excess” behaviors (e.g., excess stops), controlling for local population demographics and crime rates, similar to that used by Gelman, Fagan, & Kiss (2007) in their landmark study of NYPD’s unconstitutional practice of stop, question, and frisk. This allows us to estimate the portion of observed racial disparities that are attributable to factors police cannot control (e.g., crime and poverty), and the portion that they might be able to do something about (e.g., by changing behaviors and policies).

The goal of this approach is two-fold. First, we hope to quantify the portion of the problem that likely belongs to police and the portion that they cannot control. This allows communities and law enforcement to hold departments accountable for what they can control and reduces resistance to change. Second, by providing evidence on where law enforcement can make the biggest reductions in burdensome and inequitable policing, the process encourages alignment between communities and law enforcement on where to begin solving the problem.

There is also a third benefit of this process: by focusing on behaviors instead of character, the process turns down the temperature on conversations about racism in policing, permitting alignment where it had previously not occurred. For a longer description, I would encourage those that are interested to view my TED Talk on the subject [here](#).

2. During the hearing, it was suggested that pattern or practice investigations actually result in heightened police misconduct and violence.
 - a. **How would you respond to these assertions? Given your expertise in statistics, what does the evidence suggest about police misconduct and violence following pattern or practice investigations?**

The majority of pattern or practice investigations, and the consent decrees that can result from them, produce police executives that are satisfied with the results and some measurable

improvements. Recent attempts to claim otherwise, after so-called “viral incidents,” may suffer from a selection bias. In other words, where communities already did not trust police, it is possible that this mistrust, rather than the consent decree, is responsible for the negative outcomes in these situations. Regardless, no peer-reviewed research finds this negative effect, and defining incident “virality” is not a clear project among scientists. The evidence more strongly shows that pattern or practice investigations can work to reform struggling departments and, even more so that struggling departments often need an outside hand to spur reforms that are difficult to implement under the status quo.

Dr. Philip Atiba Goff – Police Use of Force and Community Relations
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QUESTIONS FROM SENATOR COONS

1. A number of commentators have focused on how limiting potentially dangerous police-civilian interactions can be beneficial in reducing police violence.
 - a. Do you agree with this proposition?
 - b. Is it possible to categorize—and estimate the relative or absolute number of—the main types of police-civilian interactions today?
 - c. Are you aware of particular ways in which such interactions could be reduced without compromising public safety?

It is difficult to know exactly which situations are most likely to produce violence. The best research suggests that involvement in violent crime only modestly increases one's likelihood of being targeted by police force, with suspects involved in violent crime only 1.26 times as likely to be targeted for force than those who were not. Psychological studies in the laboratory would suggest that officers at the end of a shift, those experiencing sleep debt, or those that are multi-tasking would be particularly prone to violence and biased decision making. However, because the research and data on the situations that produce bad policing outcomes is so lacking, the above factors are merely strong hypotheses in search of field validation. In other words, there is every reason to believe that regulating the conditions of police contact with residents could reduce the likelihood of force—and likely without compromising safety, but there is not yet, to my knowledge, sufficient evidence to demonstrate that hypothesis.

2. One type of police-civilian interaction that I am concerned about derives from the suspension of driver's licenses for unpaid fines or fees.
 - a. Is there data on how often police make stops for suspended licenses, and in particular for suspended licenses due to unpaid fines and fees? If not, are there other ways to estimate and understand the overall magnitude of these stops across the country?
 - b. Similarly, is there data about how often police make stops for other kinds of fines/fees enforcement, other than a suspended license? If not, are there other ways to estimate and understand the number of such stops?
 - c. Is there demographic data on how these kinds of stops are distributed by race?
 - d. Are you aware of research speaking to the impact of debt-based driver's license suspensions?

The question of fines and fees has been one that has gained prominence since the release of the Department of Justice's landmark report on its investigation into the Ferguson Police Department in 2015. [The Fines and Fees Justice Center, along with their clearinghouse](#), is the best resource for this kind of research, as well as current work being done to end municipal reliance on fines and fees. While this is not my area of expertise, there is emerging work by scholars such as Hye-Young You demonstrating that municipal reliance on fines and fees is [higher in cities with a larger Black population](#) and that municipal reliance on fines and fees [reduces the crime clearance rate](#). The working hypothesis of this research is that these departments lack the personnel

necessary to specialize and that their focus on collecting fees and fines detracts from other police business like conducting investigations. As far as specific information on debt-based driver's license suspensions, to my knowledge, the existing data are not sufficient to conclude anything about racial disparities around the fees or if the penalties are used in a discriminatory manner.