

**Statement to the U.S. Senate Committee on the Judiciary  
Subcommittee on Criminal Justice and Counterterrorism**

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***Contextualizing Criticisms of Policing and Understanding the Limits of “Alternatives”***

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### **About the Author**

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*\*\*The Manhattan Institute for Policy Research does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research and writing about criminal justice issues as an Institute scholar, my statement to the Subcommittee is solely my own, not my employer’s.*

## Statement

I'd like to thank the Subcommittee for the invitation to deliver testimony. It is an honor and a privilege to address this body on an issue that is among the most important public policy debates of our time. Unfortunately, it's also among the most divisive.

Much of the conversation about how to reform policing in the United States seems to be driven by a key misperception: that police violence is a likely outcome of an investigative or enforcement interaction—particularly when those interactions involve people of color. For example, in a report released by the Manhattan Institute earlier this month, political scientist Eric Kaufmann found that 8 in 10 African American survey respondents “believe that young Black men are more likely to be shot to death by the police than to die in a traffic accident”; and “among a highly educated sample of liberal Whites, more than 6 in 10 agreed.”<sup>1</sup> A 2016 *Morning Consult* poll found that twice as many Black respondents reported worrying about those they know becoming victims of police brutality than of gun violence, generally.<sup>2</sup>

But these beliefs are completely at odds with the data on police use of force. A recent study published in the *Proceedings of the National Academy of Sciences (PNAS)* shows that young Black men (between the ages of 25-29) are killed by police “at a rate between 2.8 and 4.1 per 100,000,” which is far lower than the rate at which they die in traffic accidents.<sup>3</sup> That same *PNAS* study put the odds of dying at the hands of police at 1 in 1,000 for black men. Contrast that with the odds for *all* Americans (i.e., of *any* race) of being killed by gun assault, which, according to the National Safety Council, are *dramatically* higher at 1 in 298.<sup>4</sup> Given that Black men are more than *10 times more likely* than their White counterparts to be the victim of a homicide, it's quite clear that their risk of death at the hands of police is *far* lower than their risk of being killed by gun violence, generally.

And while 83% of respondents to a Pew Research survey guessed that the typical police officer has fired his gun at least once on the job, only about 1 in 4 (27%) actually do.<sup>5</sup>

In reality, police very rarely use force; and when they do, it very rarely results in serious injury.

In 2018, police officers in the U.S. discharged their firearms an estimated 3,043 times.<sup>6</sup> That year, they made more than 10.3 million criminal arrests.<sup>7</sup> Attributing each of the 3,043 estimated

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<sup>1</sup> Eric Kaufmann, [The Social Construction of Racism in the United States](#), MANH. INST. FOR POL'Y RES. (Apr. 2021).

<sup>2</sup> Eli Yokley, [Poll: Voters More Worried by Violence Against Police Than Police Brutality](#), MORNING CONSULT (Jul. 11, 2016) (see crosstabs).

<sup>3</sup> Edwards, Lee, and Esposito, [Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex](#), PNAS (2019); see also, Alex Berezow, [Most Dangerous Drivers Ranked By State, Age, Race, And Sex](#), AMERICAN COUNCIL ON SCIENCE AND HEALTH (Aug. 10, 2018) (showing that the traffic death rate for Blacks is about 13 per 100,000).

<sup>4</sup> [Lifetime odds of death for selected causes, United States](#), 2018, NSC.org.

<sup>5</sup> Rich Morin and Andrew Mercer, [A closer look at police officers who have fired their weapon on duty](#), FACTTANK, PEW RES. CENTR. (Feb. 8, 2017).

<sup>6</sup> Rafael A. Mangual, [Police Use of Force and the Practical Limits of Popular Reform Proposals: A Response to Rizer and Mooney](#), FEDERALIST SOCIETY REVIEW, Vol. 21 at p. 129 (2020).

<sup>7</sup> [Crime in the United States, 2018: Table 29 \(Estimated Number of Arrests\)](#), FEDERAL BUREAU OF INVESTIGATION.

firearm discharges by police in 2018 to a unique officer would mean that, at most, 0.4% of officers purposely discharged a firearm in 2018; and assuming that every shooting happened during the course of a separate arrest would mean that, at most, police applied deadly force with a firearm in just 0.003% of arrests.<sup>8</sup>

As to non-deadly force, in 2018, a research team of doctors and a criminologist published a thorough study of police use of force in *The Journal of Trauma and Acute Care Surgery*.<sup>9</sup> The study analyzed over a million calls for service to three midsized police departments in Arizona, Louisiana, and North Carolina over a two-year period. Those calls resulted in more than 114,000 arrests. Physical force was used in 1 of every 128 of them, meaning that more than 99% of arrests were effected without any use of force.<sup>10</sup> The study went on to find, based on expert medical examinations of suspects' medical records, that 98% of suspects on whom police used physical force "sustained no or mild injury," and 1.8% of suspects sustained moderate or severe injuries (only one suspect was fatally wounded by police gun fire during the study period).<sup>11</sup>

Nor are uses of force likely when you drill down into particularly dangerous police encounters or encounters involving those in crisis. Take my home city of New York for example. In 2020, the NYPD made 20,935 arrests of suspects who possessed weapons.<sup>12</sup> They also responded to 161,278 911 calls for persons in crisis.<sup>13</sup> Yet, the Department recorded just 42 firearm discharges in 2020, including off-duty shootings.<sup>14</sup> It would seem that, by and large, police are generally pretty skilled at dealing with dangerous and/or unstable subjects without relying on brute force.

Of course, none of this means that there isn't room for improvement, or that police are perfect. There is, and they're not. Exploring opportunities for reform is a worthwhile endeavor; but it's one that must be undertaken soberly, because pulling the wrong policy lever can have disastrous effects, particularly on crime. That's a risk we should be especially cognizant of now, given the sharp uptick in shootings and homicides across the country.

Last year, for the first time since 1995, criminologists have estimated, based on preliminary figures, that the U.S. saw at least 20,000 criminal homicides—an increase of about 4,000 additional homicides compared to 2019.<sup>15</sup> While that's still a ways off from the nearly 25,000 homicides the country experienced in 1991,<sup>16</sup> some cities have seen their homicide numbers approach and even surpass their 1990s peaks. In 2020, Cleveland, OH had its highest murder

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<sup>8</sup> Mangual, *supra* note 5.

<sup>9</sup> William P. Bozeman et al., [Injuries associated with police use of force](#), 84 J. TRAUMA & ACUTE CARE SURGERY 466 (Mar. 2018).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> See, [NYPD Force Dashboard](#) (start date, Wednesday, Jan. 1, 2020; end date, Thursday, Dec. 31, 2020).

<sup>13</sup> *Id.*

<sup>14</sup> See, [Use of Force Data Tables](#), NYPD (see quarterly incidents by force category).

<sup>15</sup> German Lopez, [2020's historic surge in murders, explained](#), Vox (Mar. 25, 2021).

<sup>16</sup> Alexia Cooper & Erica L. Smith, [Homicide Trends in the United States, 1980-2008](#), BUREAU OF JUSTICE STATISTICS (Nov. 2011).

tally since 1982;<sup>17</sup> Minneapolis, MN had more murders than every year since 1995;<sup>18</sup> Cincinnati, OH and Louisville, KY both set new homicide records.<sup>19</sup>

That uptick, it should be noted, was not evenly distributed. It was heavily concentrated in minority neighborhoods already struggling with elevated levels of crime. While many conversations about policing in America tend to focus heavily on racial disparities in various enforcement statistics, we should also remember that while people of color may bear a disproportionate share of the costs attributable to policing, the burden of serious violent crime increases is one that also falls disproportionately on the shoulders of people of color. In New York City, going back to at least 2008, a minimum of 95% of all shooting victims were either Black or Hispanic; 2020, which saw shootings spike 97%, was no exception.<sup>20</sup>

It has been well-documented that policing can produce real societal benefits in the way of reduced crime. There are a number of strong studies done throughout the country over the course of many years that find additional policing to have significant crime-reduction effects. In laymen's terms, what those studies bear out is that, generally speaking, more police means less crime.<sup>21</sup> And just as people of color—particularly Black men—are disproportionately impacted by crime increases, they disproportionately benefit from crime declines. Between 1991—2014, the U.S. experienced a sharp decline in homicides. A 2019 analysis of that decline showed that, during that period, “the decline of homicide-specific mortality led to increases in [life expectancy] of... 0.14 years [] for white males,” versus “1.00 years [] for African American males.”<sup>22</sup> To contextualize that datapoint, that same study's lead author wrote in his 2018 book that, “[T]he impact of the decline in homicide on the life expectancy of black men is roughly equivalent to the impact of eliminating obesity altogether.”<sup>23</sup>

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<sup>17</sup> Adam Ferrise, [‘It’s like war numbers’: Cleveland endures worst homicide rate in recent history in 2020](#), CLEVELAND.COM (Jan. 1, 2021).

<sup>18</sup> Libor Jany, [Minneapolis violent crimes soared in 2020 amid pandemic, protests](#), MINNEAPOLIS STAR TRIBUNE (Feb. 6, 2021).

<sup>19</sup> See, Jennifer Edwards Baker, [Cincinnati police updates council on 2020 crime stats, record-high homicides](#), FOX19 (Jan. 20, 2021); and Kachmar, Aulbach, and Bullington, [170-plus killings and few answers: Louisville besieged by record homicides and gun violence](#), COURIER JOURNAL (Jan. 5, 2021).

<sup>20</sup> See, [Crime and Enforcement Activity Reports](#), NYPD (Each of the reports from 2008-2020 break down the percentages of shooting victims by race).

<sup>21</sup> A robust body of research suggests that replenishing departments can and will have significant crime-reduction effects. Some examples: Economists Jonathan Klick and Alexander Tabarrok found a strong causal connection between police presence and crime, showing that the latter declined when the former was boosted. (See, [Using Terror Alert Levels to Estimate the Effect of Police on Crime](#), J.OF LAW & ECON. 48, no. 1 at p. 267–79 (Apr. 2005)). In another study, Klick, along with criminologist John MacDonald and law professor Ben Grunwald, found that an increase in police patrols around the University of Pennsylvania “decreased crime in adjacent city blocks by 43%–73%.” (See, [The Effect of Private Police on Crime: Evidence from a Geographic Regression Discontinuity Design](#), J. OF THE ROYAL STAT. SOC. 179, no. 3 at p. 831–46 (Jun. 2016)). Criminologist Aaron Chalfin, along with law professor Justin McCrary, found “reduced victim costs of \$1.63 for each additional dollar spent on police in 2010, implying that U.S. cities are under-policed.” (See, [Are U.S. Cities Underpoliced? Theory and Evidence](#), REV. OF ECON. AND STAT. 100, no. 1 at p. 167-86 (Mar. 2018)).

<sup>22</sup> Patrick Sharkey and Michael Friedson, [The Impact of the Homicide Decline on Life Expectancy of African American Males](#), DEMOGRAPHY (Mar. 5, 2019).

<sup>23</sup> Patrick Sharkey, [Uneasy Peace: The Great Crime Decline, the Renewal of City Life, and the Next War on Violence](#), W. W. Norton & Company (2018).

Crime declines are often cited as examples of policing's success by police executives, rank and file officers, and other defenders of the institution. One question that might be worth considering, given the rhetorical posture of the current debate about American policing is whether an institution whose stated purpose (as stated by both those at its helm and its lower ranks) is to produce outcomes that the evidence tells us disproportionately benefits minorities can be fairly categorized as systemically racist toward those very minority groups. The answer to the question isn't simple. Black and Hispanic communities do bear disproportionately the costs of policing, including false-positive police interventions, a phenomenon partly but probably not wholly attributable to underlying variations in violent crime levels. But at a minimum, if we're assessing the racial impact of policing, it's important to look at both sides of the ledger—that is, not only at the costs but also the benefits.

I suspect that sincerely held misperceptions about police have shaped the overarching goal of the reform movement, which, at the moment, seems to be to minimize the footprint of police (and the criminal justice system more broadly) in any way possible. We have heard calls to “defund” the police—which, in some cities, have been heeded. We have also heard calls to divert more responsibilities—particularly things like traffic enforcement, and responding to mental health calls—away from police to unarmed civilians. The assumption is that this will reduce the scope of interactions that might result in tragedy. But, even if that's true in the case of traffic enforcement, for example, it will also reduce the scope of interactions that might lead to the discovery of more serious criminal activity. In 1995, the National Institute of Justice published a study entitled, *The Kansas City Gun Experiment*, which analyzed enforcement and deployment decisions targeted in hot spots for gun violence. Among the key findings, it was noted that, in the targeted beats, “Traffic stops were the most productive method of finding guns, with an average of 1 gun found in every 28 traffic stops.”<sup>24</sup> What needs to be carefully considered is the reality that many “lower-level” interactions can and often do lead to the discovery of contraband, the closure of open warrants, and the recovery of illegal firearms. Zeroing out those encounters, therefore, will not be cost-free.

On the mental health front, there is some evidence to suggest that we should continue to invest in efforts to augment the police by deploying civilian crisis intervention teams to calls involving people in crisis. In a report released just yesterday, my Manhattan Institute colleague, Charles F. Lehman reviews some of that evidence.<sup>25</sup> Among the approaches evaluated in that report is a popular, oft-cited, and promising effort launched in Eugene, OR, called CAHOOTS (Crisis Assistance Helping Out On The Streets). While effective, CAHOOTS is also a case study in the limits of programs loosely referred to as alternatives to policing. As Lehman notes in his report: CAHOOTS responders are highly specialized. In 2019, they covered just 17% of Eugene 911 calls, with 75% of those calls being a welfare check, providing transportation to someone (usually homeless or in need), or assisting the police already on the beat. Even in those relatively limited circumstances, CAHOOTS responders still called for backup in roughly one in every 67 calls for service in 2019.

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<sup>24</sup> Sherman, Shaw, and Rogan, [The Kansas City Gun Experiment](#), NAT'L INST. OF JUST., Research Brief (Jan. 1995).

<sup>25</sup> Charles Fain Lehman, [Policing Without the Police? A Review of the Evidence](#), MANH. INST. FOR POL'Y RES., Report (May, 2021).

It is hard to see that model scaling up to cover the other 83% of 911 calls to the Eugene PD. Doing so would involve not only dramatically scaling up CAHOOTS's \$2.1 million budget but also identifying a large population of trained CIT professionals and, most significantly, asking those professionals to handle situations that grow increasingly risky as responsibility expands. In other words, though it doubtless provides a useful service now, groups like CAHOOTS are not a model for how to replace the police. But as a complement to policing, it may be a useful model for other cities to adopt.<sup>26</sup>

When you consider the sheer volume of mental health calls received by police (not to mention the fact that they're often received in the late-night or early-morning hours), it becomes clear that we simply don't have the capacity to shift this particular responsibility in total. Another complicating factor is that it is often unclear as to whether a call can be accurately categorized as one that can be safely diverted to civilian responders trained in mental health crises as opposed to police based on either 911 calls or dispatcher information. One study of such calls for service in the city of Philadelphia recently found "that some medical or public health activity initially masquerades as crime or other policing work and some events eventually determined to be police/crime activity can initially appear to be public health related."<sup>27</sup> The study went on to note that "[a]bout 20% of activity in this area does not appear predictable from the initial call type as handled by police dispatch."<sup>28</sup>

None of this is to say that improving outcomes in policing isn't something we should pursue with vigor. It is. I have outlined a number of reforms that would be worth pursuing in the short and long-run;<sup>29</sup> and I will talk about some of those in my oral testimony. But, while reform is a worthy pursuit, it cannot be allowed to cause us to lose sight of the government's first duty, which is to provide for the public's safety. As serious violent crime across American cities continues to rise in the first months of this year, that mission should be viewed as more critical than ever.

Thank you.

*\*\*\*Note to the Subcommittee: This statement reflects an earnest attempt to balance the competing goals of thoroughness and concision. As such, it is quite possible that the Subcommittee may desire more information on the points laid out above. Should further questions arise, please do not hesitate to contact me, as I would be more than happy to supplement what I've submitted.*

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<sup>26</sup> See, *Id.* at p. 7 (internal citations omitted).

<sup>27</sup> Jerry H. Ratcliffe, [Policing and public health calls for service in Philadelphia](#), CRIME SCIENCE, Vol. 10, Art. No. 5 (2021).

<sup>28</sup> *Id.*

<sup>29</sup> See, e.g., Rafael A. Mangual, [MI Responds: Five Ideas for a More Sensible Approach to Police Reform](#), MANH. INST. FOR POL'Y RES. (Jun. 12, 2020).