



New York State Task Force on Police-on-Police Shootings

Reducing Inherent Danger:

Report of the Task Force on Police-on-Police Shootings

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Executive Summary

Since 1981, some 26 police officers across the United States have been shot and killed by fellow police officers who have mistaken them for dangerous criminals. These fatal shootings are doubly tragic, first because both the shooters and victims in such situations are risking their lives to enforce the law and protect the public, and second because many of these deaths are preventable. The dangers that give rise to these deaths are inherent in policing, but those dangers can be reduced and more deaths prevented.

Over the last fifteen years, ten of the fourteen officers killed in these mistaken-identity, police-on-police shootings have been people of color. The two most recent of these fatal, police-on-police shootings took place in New York State, and in both cases the victims were off-duty, African-American police officers: Officer Christopher Ridley, killed in Westchester County in January 2008; and Officer Omar Edwards, killed in Harlem in May 2009.

These two most recent tragedies reverberated powerfully, not only within the ranks of law enforcement but with the broader public. In press accounts, public debate, and informal conversations among police officers, we heard widespread speculation about the role that race may have played in these shootings, not based on any specific evidence of bias in these two cases, but emanating instead from the widely shared suspicion that race plays a role in many police confrontations, as it does in American society generally.

In response, Governor David A. Paterson empanelled this Task Force, directing us to examine the issues and implications arising from police-on-police shootings and confrontations, especially between on-duty and off-duty officers, between uniformed and undercover officers, and between officers of different races, nationalities and ethnicities, seeking to prevent such incidents in the future. Our work offers many lessons, from methods to improve training and tactics to defuse police-on-police confrontations before they become fatal and improve the investigation of police-on-police shootings, to procedures that can improve the treatment of the officers and families involved. Equally important, our work offers a chance to better understand the role of race in policing decisions generally and to identify specific actions that police agencies and government at every level can take to reduce the effect of racial bias, even unconscious racial bias, in police decisions to shoot in fast-moving, dangerous situations.

In the six months since our Task Force convened, we have undertaken a nationwide, systematic investigation of mistaken-identity, police-on-police shootings—the first time to our knowledge that an independent panel has conducted such an inquiry. We identified and examined 26 fatal shootings of this kind in the period between 1981 and 2009, looking particularly closely at the two most recent cases in New York State. We invited current and retired law enforcement officers from across the country to share examples of mistaken-identity confrontations from their own experience, resulting in our collecting and analyzing over 300 stories of such confrontations. At three public hearings and through written submissions, we heard from police officers of all ranks, including several who survived near-fatal mistaken-identity confrontations, friends and relatives of officers killed,

concerned citizens, and social scientists. We also commissioned in-depth interviews with ten leading scholars who have studied policing for more than a decade each and we solicited advice from a score of experts and police veterans.

We found that fatal police-on-police shootings are merely the tip of an iceberg of confrontations between on-duty police officers (usually in uniform) and their off-duty, plainclothes, or undercover counterparts. These confrontations occur every day, and while most are defused without injury, each contains the seed of a tragedy. Where training has been poor or non-existent, where protocols are unclear, and especially where the officers are from different law enforcement agencies, these confrontations can and often do escalate quickly. Protecting the lives of law enforcement officers when they are out of uniform requires that training, protocols, and data collection all be improved.

Issues of race must also be addressed directly: both perceptions and reality. The perception that race matters in these confrontations is strong, including among many officers of color. Just as many people of color are aware that they are more likely than their white counterparts to be stopped and questioned by police, so, too, many officers of color believe that they are more likely than their white counterparts to be mistaken for a criminal when out of uniform, and that the danger is many times greater when they are taking police action with their gun displayed.

As for the reality, mistaken-identity, police-on-police shootings have tragically killed undercover and plainclothes officers—white, black, and Hispanic—without any obvious racial or ethnic pattern; but the reality is strikingly different for off-duty officers. As far as we can determine, 1982 was the last year in which an off-duty, white police officer was killed in a mistaken-identity, police-on-police shooting anywhere in the United States. Since then, nine off-duty officers of color have been killed in such shootings, including both Officer Ridley and Officer Edwards in New York State. Distinguishing the off-duty shootings from the mistaken-identity shootings of undercover or plainclothes officers is important because police departments, at least until now, have had more tools and training to keep plainclothes and undercover officers safe than they typically have had for off-duty officers.

There is broad consensus among police leaders across the country that departments must always be working, as one senior New York State Police executive put it to us, “to weed out the most virulent racists, instill cultural sensitivity and fairness, and finally strictly pursue a policy of zero tolerance when it comes to discriminatory bias of its officers....” We agree. But the cases that led to the creation of this task force raise a different issue: the need for police departments to go beyond the issue of overt bias to deal with the *unconscious* biases that influence all people, including police officers.

We find the scientific evidence persuasive that police officers share the same unconscious racial biases found among the general public in the United States. Specifically, we are persuaded by evidence that both police officers and members of the general public display unconscious biases that lead them to be quicker to “shoot” images of armed black people than of armed white people in computer-based simulations testing shoot/don’t-shoot decision-making. Moreover, we are encouraged that preliminary evidence suggests that

police training may reduce this unconscious bias, and we commend those police departments—including the New York City Police Department—that have begun systematic research, testing their new recruits for this bias before and after their training, as well as in the early stages of their police careers. Reducing any kind of racial bias in shoot/don't-shoot decisions has the greatest potential to save the lives of police officers of color and of civilians alike.

Finally, we have found that these fatal police-on-police shootings can easily traumatize and sometimes polarize entire police departments. Not only are the individual officers present at the scene affected deeply, but the organizational routines that normally structure an agency's response to a shooting can be thrown into confusion as word of an officer killed spreads unevenly through a department, as other officers react with understandable emotion, and as the deepest of regrets grip everyone involved. Departments that had never imagined that such a tragedy would occur within their ranks find themselves unprepared to handle the inevitable emotion and trauma, sometimes leading to a loss of credibility and respect, not only with the public, but also among sworn members of their own law enforcement agencies. Yet, if recent patterns hold, it is likely that another police department somewhere in the United States will find itself facing just such a tragedy this year, another will face one in 2011, and so on into the future.

Prevention and preparation are straightforward and essential. New York State, with two such tragic recent experiences, has a special obligation to strengthen its prevention, preparation, and response statewide. We make nine specific recommendations, each with implications for police departments, municipalities, and state and federal government.

1. To reduce the frequency and danger in police-on-police confrontations, we recommend that *common protocols* be developed both statewide and nationwide regarding *when and how to take police action while off-duty or out of uniform*, and *how challenging and confronted officers should conduct themselves*.
2. To make those protocols effective and to prepare departments to respond appropriately when tragedy strikes, we recommend that *interactive, scenario-based training* on the protocols become mandatory in New York State and routine throughout the nation, both for new recruits and for veteran officers, and that training be developed for police leaders in how to respond effectively to police-on-police shootings.
3. To reduce the role that racial stereotypes play in police confrontations, we recommend that both federal and state governments accelerate the development of testing and training to *measurably reduce unconscious racial bias in shoot/don't-shoot decisions*.
4. To reduce the role that racial stereotypes play within police departments, we recommend that police training on issues of race and diversity be expanded to include a focus on *diversity within police agencies*, drawing on the experiences of officers of color who have been mistaken for offenders.
5. To improve the quality and credibility of police responses in the rare instances of police-on-police shootings in New York State, we recommend the

development of a *specialized support team* that would be quickly deployed to any location in the state where a police-on-police shooting occurs, and that could be available to assist departments in other states upon request.

6. To improve understanding as to how police-on-police confrontations occur, and how they can be resolved without injury, we recommend the establishment of a mandatory statewide *reporting system for all firearms discharges*, the distribution of a voluntary annual survey to individual officers, and enhanced record keeping measures by the New York Division of Criminal Justice Services and the Federal Bureau of Investigation.
7. To improve the transparency and understanding of prosecutorial decisions in police-on-police shootings, we recommend that prosecutors overseeing these investigations publicly disclose as many details as possible as early as possible, and that Governors give great weight to the need to encourage *public disclosure of the circumstances of these shootings* when weighing whether or not to appoint a special prosecutor in an individual case.
8. To share the benefits of the lessons drawn from police-on-police shootings, we recommend that the protocols developed to protect officers be adapted for use by those community organizations providing training to civilians on how to handle themselves during encounters with police, and that this training be made available to civilians of all races and ethnicities.
9. To attend to the concerns of the growing numbers of officers of color in our increasingly diverse society, we recommend that the federal government, together with local law enforcement agencies, launch a program of *dialogue and research on the experiences of officers of color*, especially when off duty, deepening the field's ability to support these officers as they strive to bring safety and justice to communities that need them so dearly.

While nothing can undo the tragedies that have taken the lives of Officers Omar Edwards, Christopher Ridley, and dozens of others before them, we must act on the lessons their deaths have taught us. Our recommendations urge precisely these actions, promising to reduce the chances that these tragedies will be repeated and increasing the safety of police officers and civilians across New York State and across the nation.

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