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# A Crime Script Analysis of Fatal Police Shootings in New York

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ABSTRACT AND ARTICLE INFORMATION

This study provides a crime script analysis of fatal police shootings in New York from 2013 to 2020. This work examines incident rates and subject demographics, as well as the initial situation context, subject-officer encounter, and incident conclusion stages of fatal police shootings. Findings identify an average of 19 incidents per year ($N = 152$). Subjects were most commonly male, aged 26–35, and Black. Situations initiating police presence often involved violent crimes, mental health/welfare checks, and domestic disputes. During the subject-officer encounter, subjects were often armed with a weapon, and half were armed with a firearm. Despite these potentially dangerous weapons, incidents rarely concluded with non-subject deaths or victim injuries. A discussion of findings highlights implications for understanding and addressing fatal police shootings including curbing illegal gun obtainment, pairing officers with crisis intervention teams and mental health workers, using less-lethal devices, and strengthening officer field tactics.

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In the United States, police use of deadly force has emerged as one of the most visible and controversial elements of the criminal justice system (Klinger et al., 2016), and it currently presents a serious legitimacy crisis for the law enforcement community (Weitzer, 2015). Recent high-profile fatal police shooting incidents—including Laquan McDonald (Chicago, IL), Michael Brown (Ferguson, MO), and Tamir Rice (Cleveland, OH)—have divided America. On one end, those with anti-police sentiment suggest racial discrimination and disparities in police use of deadly force, with nationwide calls for police reform and "defunding the police" (Lum et al., 2021; Schwartz & Jahn, 2020). In response, those with pro-police sentiment suggest consequences of recent police backlash including a potential Ferguson Effect and "war on cops" (Safir, 2015; Shjarback & Maguire, 2021). In short, many of the current conversations and controversies surrounding the criminal justice system and law enforcement in America have been rooted in a single issue: police use of deadly force.

Due to advancements in data availability, academic research seeking to understand and address police use of deadly force has increased in recent years (Comer & Ingram, 2022). Recent studies provide national examinations of a few key variables contributing to fatal force incidents including subject race/ethnicity and/or firearm possession (Edwards et al., 2018; Nix et al., 2017; Pinchevsky & Nix, 2018). National examinations also include state-level comparisons, finding correlations between the statewide prevalence of gun ownership and fatal police shootings (Hemenway et al., 2019; Nagin, 2020). Despite these advancements, Klinger and colleagues (2016) emphasize the need for detailed city and state-based research to provide nuanced insight on the nature and circumstances of police use of deadly force.

The current study expands previous fatal force research by providing an in-depth examination of fatal police shootings in New York (NY). NY offers a valuable location for a city and state-level examination of police use of deadly force. It is the fourth largest state with the largest city in the US. New York City (NYC) also has the largest police force in the US, with approximately 36,000 officers (NYPD, 2021). High-profile fatal force incidents in NYC—including Eric Garner and Akai Gurley— contributed to the national conversation surrounding police use of force. NY has had more Black Lives Matter (BLM) protests than any other state, and many of the largest BLM protests have occurred in NYC (Elephrame, 2022). Alternatively, the "war on cops" assertion gained national attention when two NYPD officers, Rafael Ramos and Wenjian Liu, were killed by an anti-police extremist who wanted revenge for recent fatal force incidents (Shjarback & Maguire, 2021). To this end, NY has been at the forefront of national fatal force discourse.

This study addresses previous government and police data limitations by using the Fatal Encounters, Mapping Police Violence, and *Washington Post* datasets to offer new insight on fatal police shooting incidents and subjects in NY from 2013 to 2020. Unlike previous research (often using national examinations and statewide comparisons to understand a few variables connected to fatal force incidents), this work examines a multitude of factors connected to fatal police shootings at the city and state levels. Importantly, this study introduces a unique approach for investigating police use of deadly force: crime script analysis (CSA). CSA offers a framework for capturing the step-by-step accounts, decisions, and procedures used by subjects and officers before, during, and at the conclusion of fatal force events. Specifically, this work examines the initial situation context, subject-officer encounter, and incident conclusion stages of fatal police shootings. Ultimately, a discussion of findings uses the current discourse surrounding police use of deadly force as a backdrop for understanding and addressing fatal police shootings.

## Literature Review

### Police Use of Deadly Force in America

The primary limitation when investigating police use of deadly force is unavailable or flawed government and police data (Nix & Shjarback, 2021). Investigations of fatal force historically used data from the Uniform Crime Report (UCR) or the National Vital Statistics System (NVSS) (Nix et al., 2017). These studies found a positive correlation between police use of deadly force and violent crime (Jacobs & Britt, 1979; Smith, 2004; Sorenson et al., 1993). However, recent research has found that the UCR and NVSS underestimate the frequency of fatal force (Global Burden of Disease [GBD], 2021; Nix et al., 2017; Williams et al., 2019). For instance, one study found that more than half of all fatal force incidents in the US (1980-2018) were unreported in the NVSS (GBD, 2021). Therefore, Nix and colleagues (2017) suggest that findings from these studies should be interpreted with caution.

Recent crowd-sourced and media examinations of fatal force, including the Fatal Encounters, Mapping Police Violence, and *Washington Post* datasets, have enabled a more comprehensive understanding of the problem nationwide (Comer & Ingram, 2022). Using these datasets, recent research has often taken a national approach, offering what Nix and colleagues (2017)

refer to as a "bird's-eye view" of subjects killed by police. National studies of individual and situational factors largely focus on the subject race/ethnicity (Edwards et al., 2018; Nix et al., 2017; Schwartz & Jahn, 2020). Studies have found that relative to White subjects, Black subjects are around 3x more likely, and Latino subjects are around 1.5x more likely, to be killed by police (Edwards et al., 2018; Schwartz & Jahn, 2020). Nix and colleagues (2017) found that subjects from "other" minority groups are significantly more likely than Whites to not be attacking officers (or other civilians), and Black subjects are more than twice as likely as White subjects to be unarmed.

Despite the value of national examinations, these studies often mask substantial heterogeneity across and within states and cities (Klinger et al., 2016; Nix et al., 2017). For instance, large-scale state and city comparisons consider the impact of firearm availability and neighborhood factors contributing to police use of deadly force (Hemenway et al., 2019; Jacobs & O'Brien, 1998; Nagin, 2020). As noted, studies have found correlations between the statewide prevalence of gun ownership and fatal police shootings (Hemenway et al., 2019; Nagin, 2020). Jacobs and O'Brien (1998) examined fatal use of force across 170 cities. They found that cities with more Black civilians and recent growth in the Black population had higher rates of fatal force incidents against Black civilians, but the presence of a Black mayor reduced these incidents.

An alternative to national examinations and large-scale state/city comparisons is to get a "worm's-eye view" of subjects killed by police, restricting the analysis to one city or state (Nix et al., 2017). Using this micro-spatial analytic approach, studies have considered neighborhood context and police use of force (Fyfe, 1980; Klinger et al., 2016; Terrill & Reisig, 2003). For instance, Klinger and colleagues (2016) provided a detailed examination of police shootings in St. Louis, MO (2003-2012). They found that neighborhood racial composition and level of economic disadvantage did not directly increase the frequency of police shootings. However, to some extent, the level of neighborhood violent crime did increase the frequency of police shootings.

A few studies consider police use of force in NYC (Fyfe, 1979, 1980; Ridgeway, 2020). Fyfe (1979, 1980) provided some of the earliest and most well-regarded examinations of police firearm discharges (NYC, 1971-1975). He found that new police policies were associated with decreases in "fleeing felon" shootings, "warning shots," and "shooting-opponent" casualties (Fyfe, 1979). He also compared 20 patrol zones of the NYPD and found a positive relationship between crime levels and police shootings (Fyfe, 1980). More recently, Ridgeway (2020) offered insight for understanding NYPD officer context influencing their decision to shoot. His examination of multi-officer police shootings (2004-2006) found that officers who join the NYPD later in their careers have a lower shooting risk. Alternatively, officer race and prior problem behavior predicted greater odds of shooting, although officers who make numerous misdemeanor arrests were less likely to shoot.

Understood together, advancements in data availability have enabled national examinations of a few situational and individual factors contributing to police use of deadly force. However, Schwartz and Jhan (2020) stress that understanding and addressing this issue will likely require unique analyses of different areas of the country. To this end, there is a need for more detailed city and state-based studies to contextualize the nature and circumstances of fatal police shootings (Klinger et al., 2016; Klinger & Slocum, 2017). To date, the few studies that provide a single city/state-based examination largely focus on neighborhood characteristics connected to police shootings. In other words, there is limited research offering detailed situational context for fatal police shootings at a localized level (Selby et al., 2016). While studies have offered some context for police shootings in NY, this issue has yet to be examined in the aftermath of recent conversations and controversies surrounding fatal force in the US.

## Crime Script Analysis

CSA has become increasingly popular for understanding the individual and situational dynamics of criminal events (Dehghanniri & Borrion, 2021; Ekblom & Gill, 2016). This is because CSA provides a method for looking at criminal events as a process involving several stages and decision points (Cornish, 1994; Silva, 2022). Cornish (1994) originally developed CSA as "a way of generating, organizing, and systematizing knowledge about the procedural aspects and procedural requirements of crime commission" (p. 151). Studies use CSA to understand individuals' behavior when (and rationale for) engaging in crime, as well as to organize knowledge about the requirements for crime commission (e.g., skills and resources offenders need to execute a crime) (Dehghanniri & Borrion, 2021; Silva, 2022). CSA also enables the identification of interruption points during all stages of a crime (Dehghanniri & Borrion, 2021; Silva & Greene-Colozzi, 2022). Understood together, CSA is useful for outlining the sequence of activities that produce the commission of a crime, determining the situational conditions that permit or facilitate crime, identifying the environmental conditions in which offenders operate, and understanding factors

influencing the decision to commit certain crimes or desist from criminal activity (Dehghanniri & Borrion, 2021).

Scholars originally developed CSA to examine common criminal offenses like auto theft, burglary, robbery, and vandalism (Clarke & Cornish, 1985; Cornish, 1994). However, studies have expanded the concept to examine and compare less common crimes such as cybercrime, environmental crime, and violent crime (Dehghanniri & Borrion, 2021). Violent crime studies have specifically used CSA to examine firearm violence including mass shootings (Silva, 2022; Silva & Greene-Colozzi, 2022), active shooter incidents (Osborne & Capellan, 2017), and school shootings (Keatley et al., 2020). Additionally, scholars suggest that CSA can be useful for understanding "crime controllers" (Ekblom & Gill, 2016; Leclerc, 2014). In other words, scholars can flip the script or utilize a multi-dimensional script, and instead of focusing solely on offenders, crime scripts can equally apply to those who engage in the performance and procedures of crime prevention (Ekblom & Gill, 2016).

The use of CSA in previous firearm violence research suggests that it can provide a useful technique for examining the nuances of fatal police shootings. In other words, CSA can outline the step-by-step circumstances and decisions that subjects and officers make during fatal police shootings. With that said, it is important to acknowledge that this work is not suggesting police officers committed a crime during fatal police shootings. Similarly, it is likely that in certain cases, subjects were also not committing a crime during subject-officer encounters that led to fatal police shootings.[i] Nonetheless, this is a crime-related event surrounding a criminal justice issue, and as such, the CSA terminology and technique still apply.

## Current Study

The current study uses the CSA framework to examine fatal police shootings in NY from 2013 to 2020. This work provides nuanced clarity on the phenomenon and makes three primary and interconnected contributions to the police use of deadly force field of inquiry.

First, this study addresses previous NY government and police data limitations that may be skewing understanding of the phenomenon. To rebuild police-community relationships after recent anti-police sentiment, NY Governor Andrew Cuomo and state lawmakers signed a law requiring each police department to report use of force incidents to the Division of Criminal Justice Services (DCJS). In 2021, the NY DCJS released the Use of Force Incidents Report (July 11, 2019–October 2020) to provide a clearer picture of police use of force. However, like previous government data (e.g., the UCR and NVSS), the exclusion of many NY incidents (including those in NYC) means that the data are largely incomplete, much to the disappointment of citizens who pushed for the report and the need for police use of force transparency (Cusaac-Smith et al., 2021). Similarly, while the NYPD releases yearly Use of Force Reports, these reports offer limited insight on the specifics of fatal police shootings in NYC. Importantly, the current NY government/police reports also lack a comprehensive understanding of fatal police shootings over an extended period, and in particular, since the rise of current police backlash. To this end, this work uses three recent crowd-sourced/media datasets to provide a more complete picture of fatal police shootings in NY.

Second, this study bridges the gap between previous national and city/state-based studies of fatal force. As noted, previous studies largely offer macro-level national examinations and city/state-wide comparisons to understand a few individual or situational variables connected to fatal force incidents. Alternatively, the few micro-level studies that provide a single city/state-based examination largely focus on neighborhood contexts associated with police shootings (Fyfe, 1980; Klinger et al., 2016). In other words, previous studies largely overlook the nuanced individual and situational factors associated with fatal force at the local level. To address this concern, this study provides an in-depth examination of a multitude of subject and incident factors associated with fatal police shootings in NY City and State.

Finally, this work introduces the use of CSA for investigating police use of deadly force. Studies using CSA to examine firearm violence are largely exploratory and explanatory (Keatley et al., 2020; Osborne & Capellan, 2017; Silva, 2022; Silva & Greene-Colozzi, 2022). The purpose is to provide detailed descriptive context for understanding and potentially addressing the firearm violence problem. In general, advancements in quantitative criminal justice research methods have placed a greater emphasis on studies using sophisticated modeling (Blumstein, 2010; Kleck et al., 2006; Woodward et al., 2016). While these complex statistical approaches are obviously valuable, scholars have suggested many problems in studies using sophisticated modeling to examine fatal force (GBD, 2021; Klinger & Slocum, 2017; Nix et al., 2017). To address this concern, the current study uses a descriptive CSA to advance the field by providing comprehensive foundational information on fatal police shootings in NY, which can ultimately provide context for research using more advanced statistical analyses. Since this study is

largely exploratory, it seeks to answer the general question: What factors are associated with fatal police shootings in NY?

## Method

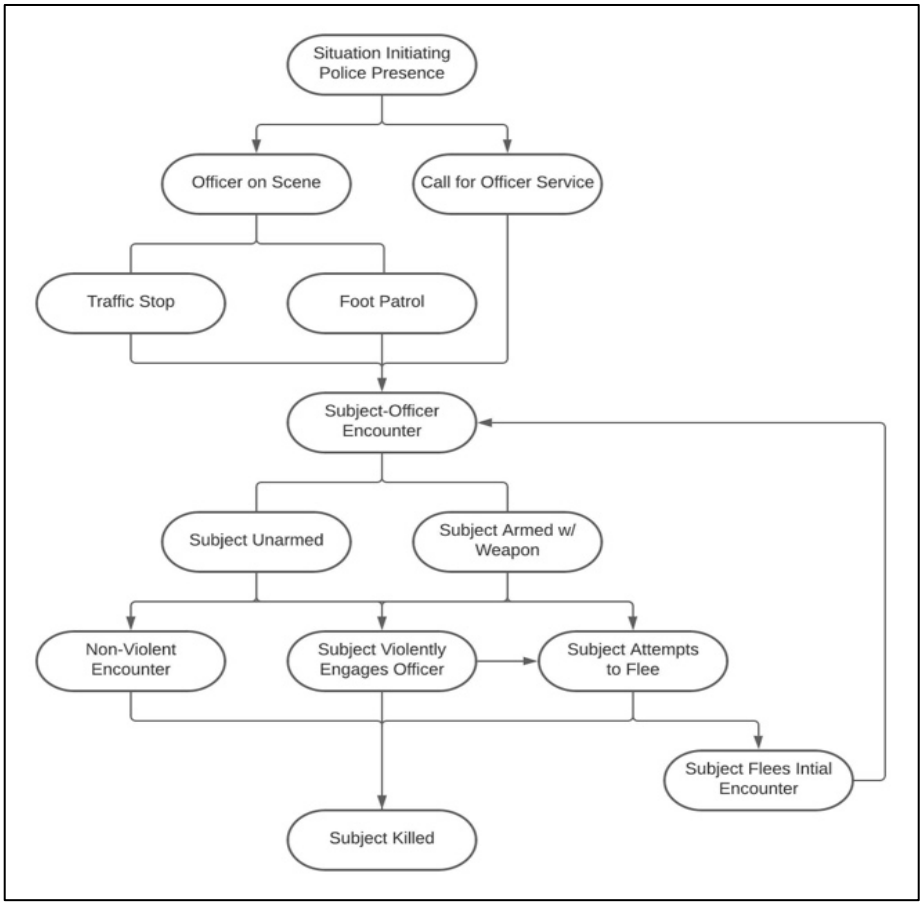
### Identification of Fatal Police Shooting Incidents

The current study defines fatal police shootings as any incident involving a police officer discharging their firearm with the intention of shooting the subject and ultimately killing the subject. This work excludes any incidents involving (1) an unintentional shooting death[ii], (2) subject death via alternative means (e.g., chokehold, TASER), (3) off-duty officers who shot and killed known victims (e.g., family member, intimate partner, friend), and (4) subject gunshot injuries that did not result in death.

Police shooting incidents were identified using three public sources with national police shooting data: Fatal Encounters, Mapping Police Violence, and *Washington Post*. Instead of relying on one dataset (see, for example, Edwards et al., 2018; Nix et al., 2017), this study used all three of the primary public datasets (Comer & Ingram, 2022) to ensure the integrity of case collection. Each of the datasets included cases over different periods: Fatal Encounters (2000-2020), Mapping Police Violence (2013-2020), *Washington Post* (2015-2020). After collecting all NY incidents from these three sources, incidents were carefully reviewed and excluded if they involved any of the four exclusion criteria.

The final dataset included 152 incidents of fatal police shootings between 2013 and 2020. While Fatal Encounters begins in 2000, the 2013 start date was used for three reasons. First, this was the year the BLM movement and subsequent police backlash began, after the acquittal of George Zimmerman in the shooting death of Trayvon Martin.[iii] Second, the Mapping Police Violence data begins in 2013, and this allowed for a comparison of cases and variables between at least two datasets for all years. Third, the 2013 start date increases data integrity by decreasing the impact of time period effects, referring to older incidents being difficult to capture (Silva, 2022).

**Figure 1: Proto-script of Fatal Police Shootings**



## Scripting Fatal Police Shootings

Before collecting characteristic information and conducting an analysis, CSA scholars suggest developing a proto-script to provide a general outline of the circumstances surrounding a specific crime-related event (Clarke & Cornish, 1985; Dehghanniri & Borrion, 2021; Osborne & Capellan, 2017). A proto-script is useful because it allows researchers to incorporate and examine a wide range of incident characteristics (Osborne & Capellan, 2017). Figure 1 provides the proto-script that was developed for contextualizing the broad series of events that can occur during fatal police shootings. This proto-script was rooted in relevant information illustrated in previous fatal police shooting studies, information available from the three datasets used for collecting incidents, and a previous proto-script of firearm violence (see Osborne & Capellan, 2017). Importantly, the proto-script is not meant to serve as an exact configuration of the variables included in the CSA. Instead, it serves as an initial outline for identifying relevant variable information during variable curation and data collection.

## Variable Coding Protocol

After curating the proto-script, a variable codebook was developed (see Appendix Table 1A). The codebook was developed based on relevant variables connected to the proto-script, as well as information that was available in open-source data.

Data collection began with all variables from the three datasets. Any overlapping variables across datasets (e.g., sex, age, race) were reviewed for variable reliability. While potentially relevant to the post-script, certain variables were determined to be unreliable and were excluded from the current codebook/dataset. For instance, the three datasets include variables examining subject mental illness and threat level. However, these variables were excluded because there was too much conflicting information between sources, and the variables were considered too ambiguous for reliable inclusion (Klinger & Slocum, 2017). Instead, this study included similar variables with more definitive and objective measures including mental health/welfare check, subject armed with a weapon, and subject shot their firearm.

Once the initial variables were collected and compared, any conflicting variable coding was reviewed using other available open-source data including government reports, police reports, and media coverage. For instance, the NYPD releases an annual Use of Force Report for each year of this study.[iv] These reports include short blurbs summarizing information surrounding fatal police shootings in NYC that were useful for checking variable reliability. Importantly, these reports did not include any cases that were not already identified during the initial case collection process, reaffirming the value of open-source data for police shooting studies.

After cleaning the original variables, certain variables were recoded to align with the proto-script and codebook. For instance, Mapping Police Violence includes a binary coded call for service variable (0 = No, 1 = Yes). This was re-coded as call for service: 1 = call for service, 2 = officer on scene (traffic stop), 3 = officer on scene (foot patrol). Importantly, the short summaries describing the shootings in each of the datasets provided enough information to ensure the reliable recoding of this variable (and all the recoded variables). These short summaries were also used to code other variables from the codebook that were not specifically included in the three datasets. The three datasets also include useful URL links to online sources that were used code and verify certain variables. The coding of variables based on descriptive information (instead of numeric/categorical variables in the datasets) largely applied to the incident conclusion variables focused on the victims killed and injured. Again, other available open-source information (e.g., NYPD Reports and media coverage) was used to ensure reliable variable coding and that none of the variables were missing information.

## Analysis

This study uses a CSA to examine fatal police shootings in NY between 2013 and 2020. Given this study is interested in NY City and State level understanding of fatal police shootings, the examined incidents were categorized into three levels: New York City (abbreviated as NYC), New York State excluding NYC (abbreviated as NYS), and New York total (abbreviated as NY Total). The NYS (excluding NYC) category was used to offer context for the NYC and NY Total categories. In other words, it is interesting to see how NYC compares to the rest of NY, and it is important to make sure that NYC is not driving the findings surrounding the rest of the NY.[v]

Studies use a variety of scripting practices catered to the crime and data under examination (Dehghanniri & Borrion, 2021; Ekblom & Gill, 2016). To analyze the current data, this study uses a similar outline and approach as previous CSA of firearm violence (see Osborne & Capellan, 2017; Silva, 2022; Silva & Greene-Colozzi, 2022). These studies break down their examination into three primary components. While not necessarily a part of the crime script, these studies initially offer subject demographic and incident background information to help

contextualize the phenomenon. To then organize the crime script, they break down the procedure for engaging in firearm violence into three stages: preparation, incident, and conclusion. They use descriptive statistics to examine variables during each stage. To enhance the clarity and richness of information, results also include descriptions of certain variables, cases related to these variables, and connections between variables. Finally, they conclude with a discussion of findings that consider methods for reducing the occurrence and/or lethality of these firearm violence events.

This analysis uses a similar three-step approach. First, this work begins with an initial summary of the subject demographics and incident backgrounds using descriptive statistics and a bar chart outlining fatal police shootings over time. Next, descriptive tables break down each stage of the incident including the situation context, subject-officer encounter, and incident conclusion. The situation context stage variables encompass the situation initiating police presence, officer notification of the subject, and incident location. The subject-officer encounter stage considers aspects of the event itself including types of subject and officer weapons used and whether the subject attempted to flee the encounter. The incident conclusion stage focuses on the casualties that resulted from the overall situation. Finally, the discussion of findings uses the current discourse surrounding police use of deadly force as a backdrop for understanding and addressing fatal police shootings.

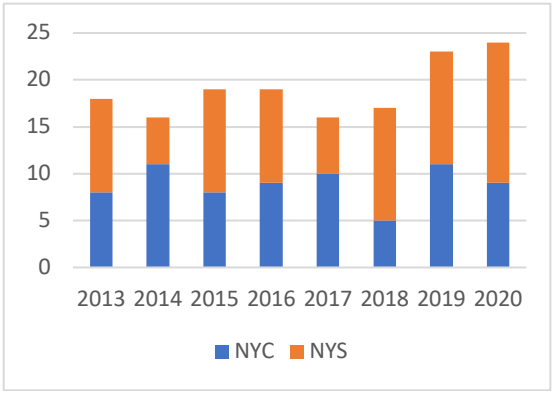
## Results

### Subject and Incident Background

As shown in Figure 2, the total number of fatal police shootings in NY remained relatively consistent over the seven years under examination, with an average of 19 incidents each year. However, the last two years involved the greatest number of incidents including 23 in 2019 and 24 in 2020. In NYC, there was an average of nine shootings each year. The years 2019 and 2014 had the highest number of fatal police shootings ($n$ = 11), while 2018 had the lowest number of shootings ($n$ = 5). In the rest of NYS, there was an average of 10 shootings each year. The year 2020 had the highest number of fatal police shootings ($n$ = 15), while 2014 had the lowest number of shootings ($n$ = 5).

As shown in Table 1, the subjects were overwhelmingly male (97%). Only three subjects were younger than 18-years-old. These three incidents all occurred in NYC, and all three subjects were armed with handguns during the subject-officer encounter. Two of these three underage subjects fired at officers before they were killed. The 26–35-year-old age range was the most common for NY overall ($n$ = 49, 32%); although, the most common age in NYS was over 45-years-old ($n$ = 30, 37%). The oldest subject was 86-years-old, and the incident involved a man who called the police after he had shot and killed his daughter and dog. In NY, the most common subject race/ethnicity was Black ($n$ = 78, 52%). Although, Black subjects were more common in NYC ($n$ = 53, 75%) than NYS ($n$ = 25, 31%). Alternatively, subjects in NYS were most commonly White ($n$ = 48, 60%).

**Figure 2: Fatal Police Shootings in New York by Year**




Incidents in NY were more common in high-population areas. The most incidents occurred in urban areas ($n$ = 91, 60%), followed by suburban ($n$ = 45, 30%) and rural ($n$ = 16, 11%) areas. Of the 10 NY Regions, the most incidents occurred in NYC ($n$ = 71), making up nearly half of all incidents. In NYC, the greatest number of incidents occurred in Brooklyn ($n$ = 28), followed by the Bronx ($n$ = 17), Queens ($n$ = 13), and Manhattan ($n$ = 10). Staten Island had the least number of incidents ($n$ = 3). The Mid-Hudson region had the second greatest number of incidents ($n$ = 18, 22%). Four regions each made up between 6% and 8% of incidents: Capital, Central, Finger Lakes, and Long Island. The remaining four regions each made up between 3% and 4% of incidents: Mohawk Valley, North Country, Southern Tier, and Western.

**Table 1: Subject Demographics and Incident Backgrounds**

| | NYC (*n* = 71) | | NYS (*n* = 81) | | NY Total (*N* = 152) | |
|---|---|---|---|---|---|---|
| | *n* | % | *n* | % | *N* | % |
| ***Subject*** | | | | | | |
| Sex | | | | | | |
| Male | 69 | 97% | 79 | 98% | 148 | 97% |
| Female | 2 | 3% | 2 | 2% | 4 | 3% |
| Age | | | | | | |
| <18 | 3 | 4% | 0 | 0% | 3 | 2% |
| 18-25 | 12 | 17% | 10 | 12% | 22 | 15% |
| 26-35 | 26 | 37% | 23 | 28% | 49 | 32% |
| 36-45 | 15 | 21% | 18 | 22% | 33 | 22% |
| >45 | 15 | 21% | 30 | 37% | 45 | 30% |
| Race/Ethnicity | | | | | | |
| Asian | 1 | 1% | 1 | 1% | 2 | 1% |
| Black | 53 | 75% | 25 | 31% | 78 | 52% |
| Hispanic | 10 | 14% | 6 | 8% | 16 | 11% |
| White | 7 | 10% | 48 | 60% | 55 | 36% |
| ***Incident*** | | | | | | |
| Geography | | | | | | |
| Rural | - | - | 16 | 20% | 16 | 11% |
| Suburban | - | - | 45 | 56% | 45 | 30% |
| Urban | 71 | 100% | 20 | 25% | 91 | 60% |
| NY Region | | | | | | |
| Capital | - | - | 11 | 14% | 11 | 7% |
| Central NY | - | - | 12 | 15% | 12 | 8% |
| Finger Lakes | - | - | 9 | 11% | 9 | 6% |
| Long Island | - | - | 12 | 15% | 12 | 8% |
| Mid-Hudson | - | - | 18 | 22% | 18 | 12% |
| Mohawk Valley | - | - | 4 | 5% | 4 | 3% |
| New York City | 71 | 100% | - | - | 71 | 47% |
| North Country | - | - | 4 | 5% | 4 | 3% |
| Southern Tier | - | - | 6 | 7% | 6 | 4% |
| Western NY | - | - | 5 | 6% | 5 | 3% |
| NYC Borough | | | | | | |
| Brooklyn | 28 | 39% | - | - | 28 | 18% |
| Bronx | 17 | 24% | - | - | 17 | 11% |
| Manhattan | 10 | 14% | - | - | 10 | 7% |
| Queens | 13 | 18% | - | - | 13 | 8% |
| Staten Island | 3 | 4% | - | - | 3 | 2% |

***Note.*** In one NYS incident, the subject's race/ethnicity was unknown. Variable percentages may not total 100 due to rounding.

**Table 2: Situation Context**

| | NYC (*n* = 71) | | NYS (*n* = 81) | | NY Total (*N* = 152) | |
|---|---|---|---|---|---|---|
| | *n* | % | *n* | % | *N* | % |
| Situation Initiating Police Presence | | | | | | |
| None | 2 | 3% | 2 | 2% | 4 | 3% |
| Suspicious Person | 6 | 8% | 3 | 4% | 9 | 6% |
| Investigation | 5 | 7% | 3 | 4% | 8 | 5% |
| Traffic Stop | 2 | 3% | 9 | 11% | 11 | 7% |
| Mental Health/Welfare Check | 5 | 7% | 19 | 23% | 24 | 16% |
| Domestic Disturbance | 12 | 17% | 20 | 25% | 32 | 21% |
| Non-Violent Offense | 6 | 8% | 5 | 6% | 11 | 7% |
| Non-Violent Crime | 2 | 3% | 7 | 9% | 9 | 6% |
| Violent Crime | 31 | 44% | 13 | 16% | 44 | 29% |
| Incident Location | | | | | | |
| Commercial Building | 9 | 13% | 9 | 11% | 18 | 12% |
| Residential Building | 30 | 42% | 47 | 58% | 77 | 51% |
| Street (No Vehicle) | 25 | 35% | 8 | 10% | 33 | 22% |
| Street (Vehicle) | 6 | 8% | 17 | 21% | 23 | 15% |
| Officer Notification of Subject | | | | | | |
| Call for Service | 40 | 56% | 60 | 74% | 100 | 66% |
| Officer on Scene (Foot Patrol) | 24 | 33% | 9 | 11% | 33 | 22% |
| Officer on Scene (Traffic Stop) | 2 | 3% | 9 | 11% | 11 | 7% |
| Investigation | 5 | 7% | 3 | 4% | 8 | 5% |

***Note.*** One incident occurred on the subway, and it was not included in any of the four operationalized incident location variable categories. It was not always clear how the officers became aware of the subject's location. Variable percentages may not total 100 due to rounding.

## Situation Context

As the first step of the CSA, this study identified the primary situation that initiated police presence (see Table 2).[v] The majority of NY incidents began with a violent crime (*n* = 44, 29%). However, violent crime incidents were more common in NYC (*n* = 31, 44%) than NYS (*n* = 13, 16%). In NY, the next most common situations were domestic disturbance (*n* = 32, 21%) and mental health/welfare check (*n* = 24, 16%) situations. Although, these were both more common in NYS than NYC, accounting for nearly half of all situations in NYS (mental health/welfare check = 23%; domestic disturbance = 25%). The remaining situations were all relatively rare, each making up between 4% and 11% of NY incidents. Ultimately, it is important to provide insight on these situations based on the incident location and officer notification of subject.

Situations largely began in residential locations (*n* = 77), making up half of all NY incidents. Although, residential locations were more common in NYS (*n* = 47, 58%) than NYC (*n* = 30, 42%). NY incidents that occurred in residential buildings largely involved domestic disturbance (*n* = 31) and mental health/welfare check situations (*n* = 22). Most residential building incidents occurred at the subject's home (*n* = 61), a current or ex-partner's home (*n* = 8), or a friend's home (*n* = 2). Only six incidents occurred in residential locations in which the subject had no

connection to the homeowner, including five robbery/burglary incidents, and one suspicious person incident in an apartment complex. Incidents rarely began at commercial locations ($n$ = 18, 12%), although more than half of those that did begin in commercial locations involved violent crimes ($n$ = 10).

A total of 56 NY incidents began outside on the street, with no specific residential or commercial location connected to the situation. Of those, 23 involved vehicles, although vehicles were more common in NYS ($n$ = 17, 21%) than NYC ($n$ = 6, 8%). Vehicles were involved for a variety of reasons, although four incidents involved motor-vehicle theft. A total of 33 NY incidents began on the street and did not involve a vehicle at any point during the incident. These incidents were more common in NYC ($n$ = 25, 35%) than NYS ($n$ = 8, 10%).

In most NY cases, officers were notified of subjects because of a call for service ($n$ = 100, 66%). Calls for service were largely requesting assistance at residential and commercial locations (combined $n$ = 80). Although, calls for service were more common in NYS ($n$ = 60, 74%) than NYC ($n$ = 40, 56%). During one-third of incidents in NYC, officers were already on the scene during a routine foot patrol. In general, fatal police shootings in NY rarely began with a traffic stop ($n$ = 12, 8%) or were attributed to a police investigation for a specific subject ($n$ = 8, 5%).[vi]

During four incidents, there was no discernable situation that initiated police presence (i.e., call for service or officer knowledge/witnessing of a crime) and shooting of the subject. In two incidents (1 = NYC, 1 = NYS), the subject was armed with a firearm, although the firearm was not brandished until after the subject-officer encounter, and the initial reason for the subject-officer encounter was speculative (i.e., no strong evidence this was a "suspicious person"). A 2014 Brooklyn incident involved an officer with less than two years of experience who killed an unarmed and non-threatening individual in the stairwell of his apartment building. A 2019 Mid-Hudson incident involved two troopers who came upon a disabled vehicle and eventually found the driver walking on the side of the road. The subject was unarmed, and there was no video to determine how the incident escalated into a situation that resulted in the subject's death.

## Subject-Officer Encounter

During the subject-officer encounter, only 8% of subjects did not have a weapon ($n$ = 12) (see Table 3).[vii] Of the non-firearm weapons, cutting instruments were the most common ($n$ = 48, 32%). During four incidents (3%), the subject was armed with a blunt object including a baseball bat ($n$ = 2), chair ($n$ = 1), and metal pipe ($n$ = 1). During three incidents (2%), the subject used their vehicle in an attempt to injure officers. During eight incidents, the subject had an imitation firearm (5%).

Half of the subjects were armed with a firearm during the subject-officer encounter ($n$ = 75). Handguns were the most common firearm ($n$ = 58, 38%). Although, handguns were more common in NYC ($n$ = 35, 49%) than NYS ($n$ = 23, 27%). Of the 17 total NY incidents that involved long guns, only two occurred in NYC. During 50 NY incidents (33%), the subject fired their gun at some point during the incident. However, they only fired their gun at police during 38 incidents (25%). In other words, 12 incidents involved the subject engaging in some form of violent crime ($n$ = 11) and one incident involved a mental health situation in which they fired their weapon before/as police arrived, but then did not fire at police. In four of these incidents, they shot a victim (2 killed, 2 injured).

Most subjects did not attempt to flee the subject-officer encounter (71%). Of the 108 subjects that did not attempt to flee, 44 had cutting instruments on them (44/108 = 41%), and/or they involved mental health (24/108 = 19%) or domestic disturbance (29/108 = 27%) situations initiating police presence. In other words, cutting instruments, mental health situations, and domestic disturbance situations were all more common during incidents in which subjects did not attempt to flee. Of the 44 incidents in which the offender attempted to flee (29%), 29 attempted to flee on foot (19%), and 15 attempted to flee in a vehicle (10%). Of the 44 subjects that attempted to flee, 32 had firearms on them (32/44 = 73%). None of the subjects who attempted to flee involved mental health/welfare check situations that initiated police presence. Only three incidents involved domestic disturbance situations, and four involved cutting instruments. During 20 incidents (13%), officers initially attempted to use a TASER before resorting to their firearms. TASERs were normally used during incidents in which the subject was not armed with a firearm ($n$ = 14).[viii]

## Incident Conclusion

As shown in Table 4, the majority of subject-officer encounters ended outside ($n$ = 101, 66%). Of the 18 incidents that started at commercial locations, only four involved subject-officer encounters that ended inside the actual building. In other words, most subjects were either already outside of the location when police arrived or were lured outside after police arrival. Of the 77 incidents that started at residential locations, 30 involved subject-police encounters that ended with officers firing from outside the actual building. In 19 of these incidents, the subject was shot while standing by their front door or in the front yard.

**Table 3: Subject-Officer Encounter**

| | NYC (*n* = 71) | | NYS (*n* = 81) | | NY Total (*N* = 152) | |
|---|---|---|---|---|---|---|
| | *n* | % | *n* | % | *N* | % |
| Subject Armed w/ Weapon | | | | | | |
| Unarmed | 5 | 7% | 7 | 9% | 12 | 8% |
| Blunt Object | 3 | 4% | 1 | 1% | 4 | 3% |
| Cutting Instrument | 20 | 28% | 28 | 35% | 48 | 32% |
| Vehicle | 2 | 3% | 1 | 1% | 3 | 2% |
| Imitation Firearm | 3 | 4% | 5 | 6% | 8 | 5% |
| Firearm | 37 | 52% | 38 | 47% | 75 | 49% |
| Firearm Type | | | | | | |
| No Firearm | 34 | 48% | 42 | 52% | 76 | 50% |
| Armed w/ Handgun | 35 | 49% | 23 | 28% | 58 | 38% |
| Armed w/ Long-gun | 2 | 3% | 15 | 19% | 17 | 11% |
| Subject Shot Firearm | 27 | 38% | 23 | 28% | 50 | 33% |
| Subject Shot at Police | 19 | 27% | 19 | 23% | 38 | 25% |
| Subject Fleeing | | | | | | |
| Not Fleeing | 48 | 68% | 60 | 74% | 108 | 71% |
| Fleeing (Foot) | 19 | 27% | 10 | 12% | 29 | 19% |
| Fleeing (Vehicle) | 4 | 6% | 11 | 14% | 15 | 10% |
| Officer used TASER | 9 | 13% | 11 | 14% | 20 | 13% |

***Note.*** In one NYS incident, it was unclear if the subject was armed with a weapon. In another NYC incident, the subject had a screwdriver, which did not fit in any of the operationalized subject armed w/ weapon variable categories. Variable percentages may not total 100 due to rounding.

Thirteen NY incidents ended with non-subject deaths (9%). Twelve of the 13 incidents involved the victims being killed by a firearm, and one victim was killed by a cutting instrument. Subjects killed victims during 10 incidents, and three incidents involved subjects killed by friendly police fire. In five incidents, subjects killed family members/intimate partners, and in one incident, the subject killed a rival gang member. Only one incident involved more than one victim's death. In a 2013 NYS incident, an individual killed four random individuals during a public mass shooting.

Subjects killed three police officers during incidents. A 2014 NYS incident involved a subject who had a mental health crisis at his workplace. After police arrived, he wrestled an officer's service weapon from him and killed the officer with it. A 2016 NYC incident stemmed from a domestic disturbance, turned into a vehicle pursuit, and eventually involved a shootout with police that resulted in an officer's death. Finally, a 2017 NYC incident involved a subject with anti-police ideology, who targeted two officers sitting in their mobile command post vehicle, injuring one and killing another. During a 2019 NYC incident, a

**Table 4: Incident Conclusion**

| | NYC (*n* = 71) | | NYS (*n* = 81) | | NY Total (*N* = 152) | |
|---|---|---|---|---|---|---|
| | *n* | % | *n* | % | *N* | % |
| Subject Killed Outside | 47 | 66% | 54 | 67% | 101 | 66% |
| Incidents w/ Non-Subject Deaths | 9 | 13% | 4 | 5% | 13 | 9% |
| Subject Killed Victim | 7 | 10% | 3 | 4% | 10 | 7% |
| Family/Intimate Partner | 3 | 4% | 2 | 2% | 5 | 3% |
| Rival Gang Member | 1 | 1% | 0 | 0% | 1 | 1% |
| Random | 1 | 1% | 0 | 0% | 1 | 1% |
| Police Officer | 2 | 3% | 1 | 1% | 3 | 2% |
| Friendly Fire Death | 2 | 3% | 1 | 1% | 3 | 2% |
| Bystander | 1 | 1% | 1 | 1% | 2 | 1% |
| Police Officer | 1 | 1% | 0 | 0% | 1 | 1% |
| Incidents Involving Injuries | 27 | 38% | 15 | 19% | 42 | 28% |
| Subject Injured Non-Police Victim | 12 | 17% | 7 | 9% | 19 | 13% |
| Firearm Injury | 5 | 7% | 3 | 4% | 8 | 5% |
| Cutting Instrument Injury | 7 | 10% | 3 | 4% | 10 | 7% |
| Blunt Object Injury | 0 | 0% | 1 | 1% | 1 | 1% |
| Vehicle Injury | 0 | 0% | 0 | 0% | 0 | 0% |
| Subject Injured Police Officer | 14 | 20% | 7 | 9% | 21 | 14% |
| Firearm Injury | 9 | 13% | 2 | 2% | 11 | 7% |
| Cutting Instrument Injury | 3 | 4% | 4 | 5% | 7 | 5% |
| Blunt Object Injury | 2 | 3% | 0 | 0% | 2 | 1% |
| Vehicle Injury | 0 | 0% | 1 | 1% | 1 | 1% |
| Friendly Fire Injury | 4 | 6% | 1 | 1% | 5 | 3% |
| Bystander | 3 | 4% | 0 | 0% | 3 | 2% |
| Police Officer | 1 | 1% | 1 | 1% | 2 | 1% |

***Note.*** The "subject killed victim – random" incident involved four victim deaths. Variable percentages may not total 100 due to rounding.

police officer was killed by friendly fire.[ix] In two other incidents, a bystander was killed by friendly fire. In both incidents, the subject was involved in a violent crime during the shooting.

Table 4 also illustrates incident-level injury variables (i.e., if the incident involved a victim injured, not how many victims were injured). A total of 42 NY incidents concluded with victim injuries (28%).[x] Although, injuries were more common in NYC (*n* = 27, 38%) than NYS (*n* = 15, 19%). Non-police victims were largely injured by cutting instruments (*n* = 10, 7%) and firearms (*n* = 8, 5%). Similarly, police were largely injured by firearms (*n* = 11, 7%) and cutting instruments (*n* = 7, 5%). Five incidents involved friendly fire injuries including three bystanders and two police officers.

## Discussion

### General Assessment of Fatal Police Shootings in NY

This study provides a better understanding of fatal police shootings in NY. Findings indicate that fatal police shootings were relatively consistent over the analyzed time period. There was an average of 19 incidents in NY each year; however, the last two years involved the greatest number of incidents including 23 in 2019 and 24 in 2020. In NYC, there was an average of nine shootings each year between 2013 and 2020. For context, according to the NYPD (2020), there was an average of 46 subjects shot and killed in NYC each year in the 1970s, 24 in the 1980s, 25 in the 1990s, and 12 in the 2000s.[xi] To this end, it is important to acknowledge that there has been an overall decline in fatal police shootings over the last 50 years.

In line with previous national research (Nix et al., 2017), this study found that subjects were overwhelmingly male and that the most common age range was 26–35. Although, more than one-third of subjects in NYS were over 45-years-old. Of the 30 subjects in NYS over 45-years-old, the majority were White (77%), and they were often involved in mental health/welfare check situations (43%). Unlike national examinations that have found that around 25% of subjects are Black (Nix et al., 2017; Schwartz & Jahn, 2020), the current study found that slightly more than half of NY subjects were Black. In NYC, 75% of the subjects involved in fatal police shootings were Black. This is concerning when considering that Black civilians make up 25% of the NYC population. The NYPD (2020) stresses that the higher rate of Black civilians involved in fatal police shootings generally corresponds with the rate of Black civilians involved in gun arrests and who make up known criminal shooting suspects in NYC. Although, of the 53 Black civilians involved in fatal police shootings in NYC, only half were armed with a firearm (28/53 = 53%). Nonetheless, available evidence suggests that some of these incidents may not have involved officer "threat perception failure" (see Klinger & Slocum, 2017; Nix et al., 2017). Despite being unarmed (with a firearm), these subjects may have still posed a legitimate threat.

Police officers are legally permitted to employ lethal force in defense of life situations involving the risk of death or serious bodily injury to themselves or others (Shjarback & Nix, 2020; *Tennessee v. Garner*, 1985). In other words, officers should theoretically only use lethal force when the subject-officer encounter involves a confrontation with a deadly weapon present or an otherwise imminent threat to officer and/or victim safety exists (Shjarback & Nix, 2020). Due to data ambiguity, this study did not include a measure of officer threat-level. Instead, this work included more objective measures surrounding situations and weapons. In NY, half of the subjects were armed with a firearm, 38% shot their firearm at some point during the situation, and one-quarter of subjects shot at police. Ultimately, 88% of subjects were armed with a weapon of some type. Additionally, while only 30% of situations initiating police presence involved a violent crime, after officers arrived, many of these situations ultimately became life-threatening for officers or potential victims. For instance, nine incidents were the result of a suspicious person, including five calls for service and four routine officer patrol situations. This suspicious person variable would initially suggest that these incidents should not have ended with a fatal police shooting. However, a deeper dive into the data found that of the five calls for service, four involved situations in which the officers were informed of the subject brandishing a firearm. Of the four incidents rooted in subject-officer encounters during foot patrol, all subjects were armed with a firearm. In sum, findings indicate that officers in NY were often legally justified in their decision to engage the subject with their firearm.

Current anti-police sentiment in America has largely focused on the deaths of unarmed Black men. In the current study, 8% of incidents involved subjects who did not possess a weapon during the subject-officer encounter ($n$ = 12). Of these 12 subjects, seven were Black, one was Hispanic, and four were White. While relatively rare, this aligns with previous research finding that Black civilians were more than twice as likely as White civilians to have been unarmed during fatal police shootings (Nix et al., 2017). It is also noteworthy that five of the seven unarmed Black subjects were in NYC. Alternatively, none of the unarmed Hispanic or White subjects were in NYC. In other words, over the seven years examined, NYC police have never intentionally shot and killed an unarmed White person. Nonetheless, all the unarmed Black subjects were killed before 2017. This suggests that in the aftermath of the recent police backlash, changes in law enforcement culture and training (see, for example, President's Task Force on 21st Century Policing, 2015) may be helping to address this issue.

Pro-police sentiment in America suggests consequences of recent public backlash including a potential Ferguson Effect and a "war on cops." These issues can be broadly considered within the context of the current study. For instance, while the Ferguson Effect claims that police backlash is associated with a recent uptick in crime (Capellan et al., 2020), some have taken the concept further and argued that fear of discipline, job loss, or prosecution is causing officers to hesitate in dangerous situations, potentially

endangering themselves and others (Maguire et al., 2017; Reese, 2014; Shjarback & Maguire, 2021). Fatal police shooting incidents should theoretically involve the most dangerous situations officers encounter (Shjarback & Nix, 2020), and some have claimed that the number of officer casualties is sharply increasing (Hattem, 2015). However, current findings identify 10 NY incidents involving subject incurred victim/officer deaths (7%), and less than one-third of incidents involved victim/officer casualties overall. Subject incurred police casualties are relatively rare (15%), and three incidents involved officer deaths. Importantly, a review of the current data indicates that two incidents with police casualties involved anti-police extremists who were specifically targeting police. In other words, police casualties were largely the result of subjects attempting to avoid police apprehension, countering the former NYPD Commissioner's position that there is currently "a war on police" (Safir, 2015). It does not appear that officers are placing themselves or others at greater risk to avoid potential backlash during these situations. It could be that fatal police shooting incidents involved relatively low levels of victim/officer casualties *because* officers decided to engage the subject with their firearms. However, the NYPD (2020) has identified a steady decline in NYC police firearm casualties over the last 50 years. Moreover, according to the Officer Down Memorial Page, 11 officers in NY were killed by subjects in the line of duty between 2013 and 2020. Nonetheless, future research should attempt to explore victim/officer casualties during incidents in which officers were hesitant to utilize deadly force.

## Potential Strategies for Reducing Fatal Police Shootings

The most common situation initiating police presence was a violent crime, although this was more common in NYC (45%) than NYS (16%). In many of these incidents, the subject was armed with a firearm (58%). NY has some of the strongest gun control laws in the country (Hemenway et al., 2019), and NYC has the lowest gun-ownership rate of any large city in the US (Braga et al., 2021). To this end, while not explicitly examined, an initial review of these cases suggests that many subjects were unable to legally obtain guns due to prior criminal history. Thus, efforts to curb illegal gun obtainment in NY may help address fatal police shootings involving armed subjects involved in violent crime. Braga and colleagues (2021) found three primary avenues for illegal guns in NYC: high-volume gun brokers, middlemen, and individuals who make low-level acquisitions from straw purchasers in other states. Interestingly, they identified no evidence of theft as a meaningful source for illegal gun obtainment. This emphasizes the need for policy interventions designed to limit the ability of high-risk individuals in neighborhoods with elevated levels of gun violence to access firearms through illicit means.

However, violent crimes only accounted for 30% of situations that resulted in fatal police shootings in NY. Mental health/welfare check and domestic violence incidents were some of the most common situations initiating police presence, particularly in NYS. To address this concern, scholars suggest the need for reducing those with a history of mental illness and domestic violence from gaining access to firearms (Nagin et al., 2020). While this would likely help address the gun violence problem at large in America, only one-third of mental health/welfare check (30%) and domestic disturbance (34%) fatal police shooting situations involved a firearm. While not examined, it is likely that at least some of these weapons were obtained illegally. Therefore, it seems that traditional common sense gun laws for preventing those with a history of mental illness or domestic violence from accessing firearms would not address this concern.

Instead, the high rate of unarmed (with a firearm) mental health/welfare check and domestic disturbance incidents suggests that police training and practices designed to handle encounters with mentally/emotionally disturbed individuals and domestic dispute situations needs to be enhanced (Pinchevsky & Nix, 2018; Watson & Fulambarker, 2012). For instance, many calls to defund the police have emphasized that funding should alternatively be dedicated to crisis intervention teams and mental health workers (paired with police officers) to respond to situations involving individuals with known or apparent mental/emotional problems (Lum et al., 2021; Watson & Fulambarker, 2012). In general, given these individuals were largely unarmed (with a firearm), and they rarely attempted to flee the scene, police strategies should consider alternative solutions for crisis intervention to help address these situations before they escalate into fatal police shootings.

During 83% of fatal police shootings involving a cutting instrument or blunt object, the incident began inside. While some of these subjects were ultimately lured outside, in one-third of all incidents, the subject was shot and killed inside. Scholars and practitioners suggest that some fatal police shootings (even those that involve subjects who threaten officers with firearms) can be avoided if officers use sound field tactics, such as keeping distance and barriers between themselves and subjects (Binder & Scharf, 1980; Klinger & Slocum, 2017). Klinger and Slocum (2017) suggest training programs could improve the tactical performance of officers to reduce the number of fatal police shootings.

Finally, findings indicate that TASERs were used during 13% of incidents ($n$ = 20), but they either missed or failed to subdue the subject. In other words, there is room for improvement in the efficacy of less-lethal police tools (Klinger & Slocum, 2017). TASERs were normally used during incidents in which the subject was not armed with a firearm ($n$ = 14). However, given that firearms were only used during half of fatal police shooting incidents, it is unclear why TASERs were not the first line of defense for officers encountering a potential threat. While these are stressful situations for officers, which involve a multitude of factors, there were certain instances in which TASERs may have offered a less-lethal option. For example, during a 2016 NYC incident, the subject was having a mental health crisis and was threatening officers with a baseball bat. In this case, a TASER may have offered a less-lethal approach for police intervention. Ferdik and colleagues (2014) find less restrictive TASER policies are associated with fewer fatal shootings. As such, police departments may want to adopt more liberal policies regarding the application of this less-lethal technology. Ultimately, using less-lethal devices in general, and developing better methods for employing less-lethal devices (and improving less-lethal devices) holds substantial promise for reducing fatal police shootings (Klinger & Slocum, 2017).

### Limitations

Despite current contributions, it is important to illustrate potential limitations influencing this study. First, this work only includes incidents involving subjects shot and killed. However, police use of deadly force includes all occasions in which officers discharge their firearms, including when they non-fatally wound or miss subjects (Shjarback & Nix, 2020). While it would be beneficial to include and compare non-fatal police shootings with fatal police shootings in NY, the data are currently unavailable. For instance, the NYPD Use of Force Reports include the number of subjects shot and killed by officers each year; however, there is not enough information to determine who these individuals were or the circumstances of these events. To this end, the current study supports previous calls for more transparent data on non-fatal police shootings (Nix & Shjarback, 2021). Second, data collection relied on three primary datasets to capture and compare all cases and most variables. However, some of the variables needed to be re-coded, some missing information needed to be filled in, and some variables were developed and created based on descriptive information in the three datasets and other available open-source information. Like previous research (Nagin, 2020; Smith 2004), this work relied on a single coder using open-source materials to code any missing, re-coded, and new variables. These variables may be limited by the reliance on available open-source information and the use of a single coder. Third, studies find that neighborhood characteristics often contribute to fatal police shootings (Fyfe, 1980; Klinger et al., 2016; Terrill & Reisig, 2003). While this study aimed to offer a unique examination of the often-overlooked circumstances and situations that contributed to fatal police shootings, future examinations should include neighborhood characteristics to offer further context. Finally, NY is one of five states in the US with the lowest firearm availability and household gun ownership (Hemenway et al., 2019). NY also has one of the lowest rates of per-capita fatal police shootings (Hemenway et al., 2019). Thus, findings from this study may not be representative of the national fatal police shooting problem.

## Conclusion

Klinger and Slocum (2017) emphasize that to assist American police officers in doing their jobs with fewer civilian deaths, there needs to be a stronger empirical understanding of the nature and circumstances of violent subject-officer encounters. To advance previous knowledge on police use of deadly force, this study provides a CSA of fatal police shootings in NY between 2013 and 2020. Findings identify an average of 19 incidents per year. Subjects were most commonly male, aged 26–35, and Black. Situations initiating police presence often involved violent crimes, mental health/welfare checks, and domestic disputes. During the subject-officer encounter, subjects were often armed with a weapon, and half were armed with a firearm. Despite these potentially dangerous weapons, incidents rarely concluded with non-subject deaths or victim injuries. These findings offer a clearer picture of fatal police shootings in NY than previous government/police data, and they provide context for current conversations and controversies surrounding the phenomenon.

Recent anti-police sentiment in America has largely focused on the deaths of unarmed Black men. This study finds slightly more than half of NY fatal police shooting subjects were Black, and in NYC, three-fourths of subjects were Black. While concerningly disproportionate to the Black population in NY, it is important to acknowledge that half of the Black subjects were armed with a firearm, and seven Black subjects were unarmed entirely (i.e., with any weapon type). Nonetheless, all the unarmed Black subjects were killed before 2017. This suggests that in the aftermath of recent police backlash, changes in law enforcement culture and training may be helping to

address this issue. Alternatively, recent pro-police sentiment in America has largely focused on increased danger for police and a "war on cops." However, subject incurred police casualties are relatively rare during fatal police shootings (15%), and three incidents involved subject incurred officer deaths. Importantly, a review of the current data indicates that only two incidents with police casualties involved anti-police extremists who were specifically targeting police. In other words, police casualties were largely the result of subjects attempting to avoid police apprehension. While even one police officer's death is a tragedy, this study offers support for previous research suggesting that officers are not placing themselves at greater risk to avoid potential backlash during these situations (NYPD, 2020; Shjarback & Maguire, 2021), and there is no evidence of a war on cops (Maguire et al., 2017; Shjarback & Maguire, 2021; White, 2020).

In conclusion, researchers must undertake studies of fatal force with great care and diligence because the policy implications can have a profound impact on the lives of both civilians and officers (Klinger & Slocum, 2017). This study emphasizes the importance of nuanced examinations of fatal police shootings, as much of the context has been overlooked in previous examinations using more sophisticated analyses of a few, potentially ambiguous, variables (Selby et al., 2016). Findings suggest that officers in NY were often legally justified in the decision to engage the subject with their firearm. Nonetheless, while officers often had legal grounds to fire at subjects, it is important to consider alternative approaches that could reduce fatal police shootings. Given the current findings, this work offers potential policy recommendations including curbing illegal gun obtainment, pairing officers with crisis intervention teams and mental health workers, using less-lethal devices, and strengthening officer field tactics to ensure a safe distance between themselves and subjects.

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## *About the Author*

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**Appendix Table A1.** Codebook

| Variable | Description | Operationalization |
|---|---|---|
| ***Subject and Incident*** | | |
| Sex | What was the subject's born sex? | 0 = Female<br>1 = Male |
| Age | How old was the subject upon death? | 1 = <18<br>2 = 18-25<br>3 = 26-35<br>4 = 36-45<br>5 = >45 |
| Race/Ethnicity | What was the subject's race/ethnicity? | 1 = Asian<br>2 = Black<br>3 = Hispanic<br>4 = White |
| Geography | Was the incident in a rural, suburban, or urban location? Determined via Trulia methodology based on zip code population density. | 1 = Rural<br>2 = Suburban<br>3 = Urban |
| NY Region | What NY region did the incident take place in? Determined via the NYS Empire State Development region distinctions. | 1 = Capital<br>2 = Central NY<br>3 = Finger Lakes<br>4 – Long Island<br>5 = Mid-Hudson<br>6 = Mohawk Valley<br>7 = New York City<br>8 = North Country<br>9 = Southern Tier<br>10 = Western NY |
| NYC Borough | What borough did the incident take place in? | 1 = Brooklyn<br>2 = Bronx<br>3 = Manhattan<br>4 = Queens<br>5 = Staten Island |
| ***Situation Context*** | | |
| Situation Initiating Police Presence | What was the subject's concerning behavior that initiated police presence? | 0 = None<br>1 = Suspicious Person<br>2 = Investigation<br>3 – Traffic Stop<br>4 = Mental Health/Welfare Check<br>5 = Domestic Disturbance<br>6 = Non-Violent Offense<br>7 = Non-Violent Crime<br>8 = Violent Crime |
| Incident Location | What was the primary location of the incident? | 1 = Commercial Building<br>2 = Residential Building<br>3 = Street (No Vehicle)<br>4 = Street (Vehicle) |
| Officer Notification of Subject | How was the officer notified of the incident? | 1 = Call for Service<br>2 = Officer on Scene (Foot Patrol)<br>3 = Officer on Scene (Traffic Stop)<br>4 = Investigation |

| | | |
|---|---|---|
| ***Subject-Officer Encounter*** | | |
| Subject Armed w/ Weapon | Was the subject armed with an "actual or perceived weapon?" Operationalization rooted in Use of Force Report (2019). | 0 = Unarmed<br>1 = Blunt Object<br>2 = Cutting Instrument<br>3 = Vehicle<br>4 = Imitation Firearm<br>5 = Firearm |
| Firearm Type | If armed with a firearm, what type? | 0 = No Firearm<br>1 = Handgun<br>2 = Long-gun |
| Subject Shot Firearm | Did the subject shoot a firearm during the initial situation and/or after police arrived? | 0 = No<br>1 = Yes |
| Subject Shot at Police | Did the subject shoot at police once they arrived on the scene? | 0 = No<br>1 = Yes |
| Subject Fleeing | Did the subject flee/attempt to flee during the subject-officer encounter? | 0 = Not fleeing<br>1 = Fleeing (Foot)<br>2 = Fleeing (Vehicle) |
| Officer used TASER | Did the officer use or attempt to use a taser on the subject during the encounter? | 0 = No<br>1 = Yes |
| ***Incident Conclusion*** | | |
| Subject Killed Outside | Was the subject killed inside a building or outside? | 0 = Inside<br>1 = Outside |
| Incidents w/ Non-Subject Deaths | Did the incident involve someone getting killed other than the subject? | 0 = No<br>1 = Yes |
| Subject Killed Victim | If the subject killed a victim, what was the subject-victim relationship? | 1 = Family/Intimate Partner<br>2 = Rival Gang Member<br>3 = Random<br>4 = Police Officer |
| Friendly Fire Death | If an individual was killed by friendly fire, who was the individual? | 1 = Bystander<br>2 = Police Officer |
| Incidents Involving Injuries | Did the incident involve someone getting seriously injured? | 0 = No<br>1 = Yes |
| Subject Injured Non-Police Victim | Did the incident involve a non-police victim getting seriously injured by the subject? | 0 = No<br>1 = Firearm Injury<br>2 = Cutting Instrument Injury<br>3 = Blunt Object Injury<br>4 = Vehicle Injury |
| Subject Injured Police Officer | Did the incident involve a police officer getting seriously injured by the subject? | 0 = No<br>1 = Firearm Injury<br>2 = Cutting Instrument Injury<br>3 = Blunt Object Injury<br>4 = Vehicle Injury |
| Friendly Fire Injury | If an individual was injured by friendly fire, who was the individual? | 1 = Bystander<br>2 = Police Officer |

## Endnotes

i This is also why the current study uses "subject" and "civilian" language to describe those involved in fatal police shootings instead of "offender" or "suspect" language.

[ii] Excluded unintentional shooting deaths include two officers killed by friendly fire and three individuals accidentally shot and killed by police during officer-subject encounters. However, three of these incidents are still included in the dataset because the subject-officer encounter also ended with an intentional fatal police shooting.

[iii] George Zimmerman was not a police officer, and as such, consideration was given to beginning the study in 2014, after the BLM movement became nationally recognized for street demonstrations following the 2014 deaths of Michael Brown and Eric Garner. However, it was determined that the 2013 start date should be used for the two additionally noted reasons.

[iv] Known as the Annual Firearms Discharge Report from 2013-2015.

[v] Like previous firearm violence studies (Osborne & Capellan, 2017; Silva, 2022), the current CSA does not use statistical significance tests comparing NYC and NYS due to the small population size. It was also not the primary focus of this study.

[vi] This variable is mutually exclusive, and it aimed to capture the original situation initiating police presence. In other words, what were the police told was the problem when they received a call for service, or what did they initially encounter that they stopped the subject during foot patrol? Nonetheless, in many cases, there was likely some mental health issue that was initiating the situation. Similarly, some of the domestic violence incidents ultimately involved violent crime.

[vii] The investigation variable refers to incidents involving a subject being investigated by police for a previous crime, which did not occur/was not occurring when police were notified of a situation requiring police presence.

[viii] The weapon variable is mutually exclusive. A few incidents involved multiple weapons. However, in all cases with multiple weapons, the subject either had a firearm as one weapon (coded as firearm), multiple firearms, or multiples of the same weapon (e.g., two cutting instruments).

[ix] While there was too much missing information to provide reliable variables examining other officer strategies for intervention before firearm use, pepper spray was identified as being used in two incidents prior to firearms. In another incident, police initially fired less-lethal foam rounds, which were unsuccessful.

[x] There is speculation over what instigated the subject-officer encounter, as there was no observable crime occurring when police attempted to stop the subject during foot patrol.

[xi] A total of 62 individuals were injured during these 42 incidents including 33 police officers and 29 non-police officer victims.

[xii] No reliable data are available for contextualizing all NY fatal police shooting incidents over the last 50 years.