



After Ferguson, can the use of force by police be addressed?

By Stephanie Condon
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After meeting for 25 days, a Missouri grand jury has decided that Ferguson police officer Darren Wilson will face no charges for shooting and killing Michael Brown, an unarmed 18-year-old in August.

The decision, announced Monday night, is a profound disappointment to many seeking justice for Brown and other victims of unjustified police force. However, the discussion that activists are hoping to spark -- in Ferguson and nationwide -- "doesn't start or end" with the grand jury's decision, Montague Simmons, chairman of the Organization for Black Struggle, told CBS News.

"The community's outraged not just by Mike Brown," he said, but also by repeated stories of African-Americans who are wrongly shot by police, like 28-year-old [Akai Gurley](#) who was killed in New York last week, or 12-year-old [Tamir Rice](#), who was killed on Sunday in Cleveland.

"Black skin cannot be used as probable cause," Simmons said.

Reports out of [Missouri](#), [Rhode Island](#), [New York](#) and elsewhere suggest racial bias in policing is a widespread problem. It's a serious enough concern that the Justice Department in September [launched a major, five-city probe](#) into the issue. At the same time, at least one [lab-based study](#) out of Washington state showed that local officers were slower to aim their weapons at black suspects in simulated scenarios.

Whether racially biased or otherwise, there's little information available about the use of force by police. The FBI reports on ["justifiable" police homicides](#) -- there were 410 in 2012 -- but does not report on unjustified homicides, or about nonlethal uses of force. Only a small fraction of the nation's police forces produce reports on misconduct.

Simmons and others have said that collecting such data would be a strong first step toward improving police conduct and police relations with the communities they serve.

"It would help at least determine whether [racially-motivated] behavior exists," Simmons said.

Still, he insisted it's just the first step.

"The people that were actually hired to protect us -- who were empowered to protect us and our rights -- are attacking us, and it's intolerable," he said. "There are solutions that can actually bring those relationships back into balance, but we need to compel elected officials to do their job."

David Klinger, a University of Missouri-St. Louis professor who formerly served as a police officer, told CBS News that "it's important for people to not draw conclusions that cops are out there looking to shoot people -- they're not."

His research into the issue, which has included interviewing hundreds of officers involved in shootings, shows that in "the vast majority of cases where officers have lawful cause to shoot, they hold fire."

Still, he said, there are without doubt "lawful but awful" incidents -- where an officer may have been legally justified in using force but did so unnecessarily. Law enforcement officers have a broader right to use force -- including deadly force -- than normal citizens.

"What I can tell you from interviewing officers is... often times the training is not what it should be," Klinger said.

Every state has some kind of licensing process for police officers that mandates certain levels of training, but Klinger said that it's up to the departments themselves to do more than the bare minimum and ensure their officers are ready to engage with their communities. He said that establishing a use-of-force database would be "hugely valuable" for improving those efforts.

"Every time a police officer discharges his or her firearm, we need to know that," he said. "We need to get fine grain information about the incident -- race of those involved, age, what type of weapons did the suspect have, that the officer used."

With that sort of information, he said, "Not only will we be able to track the rate at which cops are shooting, we'll also be able to get valuable information about where the shootings occur so we can improve police training."

After the Michael Brown shooting, the Justice Department stepped into Ferguson to help improve the police department's community relations. Specifically, the Justice Department's Office of Community-Oriented Policing Services (COPS) has been on the ground working with local police forces and community groups.

Along with imparting advice through agencies like COPS, the federal government can encourage stronger police conduct with the grants it doles out. Already, the Obama administration is [reviewing policies](#) that let police departments acquire military equipment for free from the federal government. Congress is similarly looking at that issue. A [report](#) produced this year by the Brennan Center for Justice suggested at the administration should review all grant programs for police -- not just those which transfer military equipment or funding for military equipment.

Klinger said that relying primarily on reforms at the federal level can make the process unnecessarily political. Furthermore, he noted that there's no "one size fits all" approach to improving police forces' community relations.

"You cannot train a police officer in Bismarck, North Dakota... with the same tactics and procedures as I was trained with in South Central Los Angeles," he said.

Civil rights groups and others have called for other reforms at the local and state level. For example, Trevor Burrus, a research fellow at the libertarian Cato Institute, suggested that after an officer uses force, the adjudication process should be taken out of the hands of the police and their natural allies, like county prosecutors.

"Internal affairs doesn't really seem to work in most situations," he said.

While it's impossible to know how often officers are exonerated for using force, Burrus said his work tracking the issue leads him to believe that officers are let off the hook far too often. The Cato Institute runs the National Police Misconduct Reporting Project, which uses media reports to track alleged and confirmed cases of police misconduct. In 2010, the group found [1,575 reported allegations](#) of excessive force.

"Power without accountability is always a problem," Burrus said.

Simmons agreed that police forces should be subject not just to internal reviews, but civilian oversight as well.

"We've got to get serious about what it means to be held accountable," he said.