

Public Report

A Review of the Disparity in FCPD
Use of Force Incidents by Race in 2016



Richard G. Schott
Fairfax County
Independent Police Auditor

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A Public Report by the
Fairfax County Office of the Independent Police Auditor

Publication Date: March 11, 2020



A Fairfax County, Va., Publication

Office of the Independent Police Auditor
12000 Government Center Parkway, Suite 233A
Fairfax, VA 22035

www.fairfaxcounty.gov/policeauditor

Contact Us: IPAPoliceAuditor@fairfaxcounty.gov

To request this information in an alternate format, call 703-324-3459, TTY 711.

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Project Background

The Fairfax County Police Department (FCPD) released a report indicating that there were 539 use of force incidents in 2015. Forty percent (40%) of those incidents involved African Americans or blacks, while blacks comprised approximately 9% of the County's population in 2015.¹ In 2017, the Board of Supervisors directed the Fairfax County Independent Police Auditor to review the statistical disparity between the level of use of force incidents involving blacks and their population in Fairfax County. The Office of the Independent Police Auditor (OIPA) conducted a content analysis of the 2015 data by reviewing all incident reports. The final report was published in July 2018.²

The Auditor's review of the 2015 use of force incidents revealed that blacks were subject to physical control/takedowns, physical strikes, brandished firearms, and patrol canines more often than whites. Whites were more often subject to electronic control devices, OC spray, and Ripp Hobble devices when compared to blacks. However, the Independent Police Auditor did not find a discernable pattern where the level of force used against blacks was disproportionate to the level of resistance posed by the subject. In fact, the Independent Police Auditor concluded that all reviewed instances of force were objectively reasonable, justified under the law, and in accordance with FCPD policy.

Data published by the FCPD on the 507 individuals involved in force incidents in 2016³ and the 495 individuals involved in force incidents in 2017⁴ reveal the same pattern – use of force against blacks remains around 40% of incidents, while blacks continue to make up about 9% of the County's population. In response to this trend, the Independent Police Auditor committed to continuing the review of use of force statistics to identify whether there are common situational factors in the FCPD's use of force over time.

In its 2015 review, the OIPA recommended⁵ that a more sophisticated analysis of use of force data be conducted (to include other police activities such as calls for service and arrests) in order to better identify explanations or causes for the disparity in the number of force incidents involving blacks as compared to whites in Fairfax County. On May 7, 2019, the Board of Supervisors mandated that the Independent Police Auditor coordinate with the FCPD to identify an academic or research institution to conduct such an examination of available use of force data in the County.

Limitations of this Review

This report on 2016 FCPD use of force incidents presents a more comprehensive picture than OIPA's report on 2015 force incidents. While more data elements are presented, the OIPA is limited in making conclusions regarding the causes for the observed racial disparity in use of force cases in Fairfax County. The reasons for this are discussed in OIPA's review of 2015 force incidents⁶ and further explained in this section.

First, simple descriptive analyses of force incidents such as those the OIPA prepares cannot answer the question of causality. That is, while disparate outcomes by race is clearly observed in the FCPD's force data, the reasons for these outcomes are unclear, likely complex, and may not be explained by racial

¹ [*FCPD Internal Affairs Bureau 2015 Annual Statistical Report*](#)

² OIPA, [*A Review of the Disparity in FCPD Use of Force Incidents by Race in 2015*](#)

³ [*FCPD Internal Affairs Bureau 2016 Annual Statistical Report*](#)

⁴ [*FCPD Internal Affairs Bureau 2017 Annual Statistical Report*](#)

⁵ OIPA, *supra* note 2.

⁶ OIPA, *supra* note 2.

bias alone.⁷ It remains unclear whether officer discrimination or bias (implicit or explicit), differences in structural barriers (inequalities in access to quality housing, healthcare, employment, and education), and/or civilian behavior during encounters with the police, or some combination of these or other factors, cause disparate treatment of blacks by the police.⁸

Studies on lethal force using national data sets suggest that factors other than individual officer bias may explain why blacks are disproportionately killed by police.⁹ These include (1) blacks increased likelihood of having encounters with law enforcement (“exposure rates” due to a higher involvement in crime) and (2) both macro-level criminal justice policies (e.g., the war on drugs) and local-level police procedures (e.g., stop and frisk) that result in the over-policing of minority populations. Studies on non-lethal force indicate that situational factors (such as citizen resistance, drug and alcohol use by the subject, and officer’s perception of dangerousness) may drive the disparity in police use of force across racial groups.¹⁰

Second, the practice of benchmarking police activities to Census population rates of racial and ethnic groups to measure the appropriateness of racial distribution is considered problematic by experts in the field.¹¹ For example, a study on deadly force produced different results depending on the benchmark used; specifically, blacks were no more likely than whites to be shot by police when accounting for the group’s involvement in criminal activity.¹² The National Academy of Sciences explains that the use of the general population benchmark would be appropriate only if “one were interested in inequality more broadly, inclusive of how differences in poverty, educational resources, geographic segregation and isolation, and the nation’s social history contribute to disparities in adverse outcomes” but “would be inappropriate for isolating the degree to which racial disproportionality in the outcomes of interest is due to disparate treatment by the police...”¹³

Current Efforts to Understand Use of Force in the County

To address these concerns, and to provide further insight into the causes of the observed racial disparities, the OIPA conducted a national search in 2019 to identify an academic or research entity to conduct an empirical study on use of force incidents in Fairfax County. The County has contracted with the University of Texas San Antonio (UTSA) to study FCPD force incidents that occurred from 2016 to 2018. UTSA will utilize multivariate statistical techniques to identify potential reasons for the

⁷ National Academy of Sciences (2018). *Proactive Policing: Effects on Crime and Communities*, Chapter 7: Racial Bias and Disparities in Proactive Policing. Washington, DC: The National Academies Press.

⁸ For a discussion of prior research on police stops and use of force see: Kramer, R. & Remster, B. (2018). Stop, Frisk, and Assault? Racial Disparities in Police Use of Force During Investigatory Stops. *Law & Society Review*, 52(4): 960-993.

⁹ Menifield, C.E., Shin, G., & Strother, L. (2018). Do White Law Enforcement Officers Target Minority Suspects? *Public Administration Review*, 79(1): 56-68. Accessed 12/4/19 from [Wiley Online Archives](#). Cesario, J., Johnson, D.J., & Terrill, W. (2019). Is There Evidence of Racial Disparity in Police Use of Deadly Force? Analyses of Officer-Involved Fatal Shootings in 2015-2016. *Social Psychological and Personality Science*, 10(5): 586-595.

¹⁰ Fryer, Jr., R.G. (2018). An Empirical Analysis of Racial Differences in Police Use of Force, *NBER Working Paper No. 22399*. Accessed 12/4/19 from [NBER](#). Terrill, W. & Mastrofski, S.D. (2002). Situational and Officer-based Determinants of Police Coercion. *Justice Quarterly* (19)2: 215-248.

Center for Policing Equity (2016). *The Science of Justice – Race, Arrests, and Police Use of Force*. Accessed 12/4/19.

¹¹ Center for Policing Equity, supra note 9. Fryer, supra note 9. Smith, M.R., Tillyer, R. Lloyd., C. & Petrocelli, M. (2019). Benchmarking Disparities in Police Stops: A Comparative Application of 2nd and 3rd Generation Techniques. *Justice Quarterly*. National Academy of Sciences, supra note 6.

¹² Cesario et al. supra note 8.

¹³ National Academy of Sciences, supra note 6 at 257.

differences in the in the rate and level of force used against civilians of different races, while taking into account relevant subject, officer, situational, and area or environmental factors.¹⁴ UTSA will also develop three benchmarks to more appropriately identify persons at risk for force, rather than using general population estimates from the Census. In 2020, the OIPA will facilitate the study by coordinating with UTSA and the FCPD to compile the needed data. UTSA will prepare a final public report and present its conclusions to the Board of Supervisors at the completion of the project.

While the causes of racial disparities in police use of force continues to be debated by experts, there is agreement that individual jurisdictions, and the nation as a whole,¹⁵ should continuously collect and make available to the public police activity data, including data on use of force.¹⁶ It is anticipated that the results of the UTSA study will provide greater understanding of the potential reasons for racial disparities in force incidents in Fairfax County. Nevertheless, the UTSA study can only reflect a picture of FCPD force during one snapshot in time. For this reason, the OIPA requested that UTSA provide recommendations to the FCPD and OIPA on how to improve data collection and analysis of force incidents and other police activities going forward.

In this regard, the OIPA prepared this descriptive report on the FCPD's use of force incidents from 2016 to provide the Fairfax County Board of Supervisors and community members with information on the frequency and type of force incidents that occurred and who was involved in them.¹⁷ Frequency distributions are presented, with a special emphasis on how measures differ depending on the subject's race or ethnicity.

Data Compilation and Analysis

Beginning in September 2018, the OIPA coordinated with FCPD's Internal Affairs Bureau (IAB) to identify and retrieve data elements related to all force used by FCPD officers in 2016.

The process for reviewing force incidents in 2016 differed from the OIPA's review of 2015 force incidents. For the current review, the FCPD made incident-level force data from 2016 available to the OIPA electronically in a spreadsheet format.¹⁸ The FCPD also provided incident reports in hard copy, which contained narrative information entered by the officer(s) involved and related arrest reports.

Data provided by the FCPD for force incidents occurring between January and December 2016 included: case number, police district station, date, day of the week, time of the day, race, sex, name, and the type of force used by FCPD officers.

The FCPD provided additional data on incidents that occurred between July and December 2016: the initial call for service type, primary event type (officer's categorization post-event), the subject's resistance (including actions or weapons), and charges (primary and secondary only).¹⁹ The OIPA

¹⁴ [Fairfax County Use of Force Disparity Study](#) proposal by Dr. Michael Smith and Dr. Rob Tillyer, University of Texas at San Antonio, and Dr. Robin Engel, University of Cincinnati, August 21, 2019.

¹⁵ The FBI recently launched the [National Use of Force Data Collection](#) project to increase transparency among law enforcement agencies regarding use of force.

¹⁶ Fryer, supra note 9. National Academy of Sciences, supra note 6.

¹⁷ The 2016 review and future reviews are intended to supplement the one-time multivariate study conducted by UTSA.

¹⁸ For OIPA's review of 2015 force incidents, the FCPD provided OIPA hard copies of the incident reports and summary statistics of the year's force cases; electronic data was not provided to OIPA for 2015.

¹⁹ For internal analysis purposes, FCPD analysts previously compiled data for incidents that took place on or after July 1, 2016 but did not compile this data for the first six months of 2016. The OIPA sought data on whether the call was initiated by a citizen or officer, however, the FCPD did not have reliable data on this measure.

manually reviewed incident reports (including officer narratives and arrest reports) for force cases that occurred between January and June 2016 in order to complete the dataset for the entire calendar year. Table 1 summarizes the source of each data element. The OIPA is listed as the source when OIPA staff compiled the data based on a manual review of incident and arrest reports provided by the FCPD.

Table 1: Original Source of Data Elements

Data Type	Jan-Jun 2016	Jul-Dec 2016
Station	FCPD	FCPD
Date, Day of the Week, Time of Day	FCPD	FCPD
Race/Ethnicity, Sex	FCPD	FCPD
Resident Status	FCPD	FCPD
Citizen Resistance/Actions/Weapons	OIPA	FCPD
Initial Call for Service/Contact Reason	OIPA	FCPD
Primary Event Type	OIPA	FCPD
Primary Charge	OIPA	FCPD
Secondary Charge	OIPA	FCPD
Additional Charges	OIPA	X
Force Type	FCPD	FCPD
Alcohol/Drugs	OIPA	X
Emotionally Disturbed Person (EDP)	OIPA	X

X = data not collected

While the data provided by the FCPD for the second half of the calendar year was accurate, OIPA did revise some data in the fields provided by the FCPD based on a spot-check review of incident narratives. OIPA removed cases in which a force type was assigned to an individual involved in an incident only as a witness to another individual on whom force was used. OIPA renamed data provided by FCPD in the initial call for service, primary event type, and citizen resistance/actions fields to increase consistency across the entire dataset and so that the information could be more easily summarized. For instance, specific citizen actions in the second half of the year provided by FCPD were categorized by OIPA as active, passive, or both, and a weapon present field was created. For this review, OIPA retained distinct force types for each incident by removing instances when multiple officers used the same force type (i.e., hands on escort/guide) on the same individual during the same incident.

In total, OIPA’s dataset included 423 individuals who were involved in force incidents in 2016. In 28 incidents, multiple individuals had force used on them during the same incident. OIPA did not review or analyze the number of officers involved in each incident.²⁰ For purposes of describing the data, the terms “individuals” and “incidents” will be used synonymously and will mean *the discrete number of instances where force was used on one individual*.

Force type data was provided by the FCPD for all incidents in the year 2016. OIPA renamed and categorized the force type data for purposes of this review (see Table 2). While the FCPD included tactical vehicle intercepts (TVI’s) and the pointing of tasers in their use of force data, OIPA did not include these force types in this review.²¹

²⁰ OIPA’s review did not include an analysis of officer-level data.

²¹ 148 TVI’s and 33 pointed tasers were removed from the dataset.

Table 2: Force Types and Categories

Force Category	Force Type Name
Discharge firearm	Discharged Firearm
Empty hands	Carried
	Force to Cuff
	Force to Hold/Restrict
	Hands On Escort/Guide
	Physical Strike
	Pressure Points
	Takedown
Instrument	Baton
	Canine
	Kinetic Energy Impact Projectile ²²
	OC Spray
	Pointed Firearm
	Taser
Restraint Device	Ripp Hobble
	Spit Mask
Vehicle	Intentional Vehicle Contact
	Precision Immobilization Technique
	Stop Sticks

Citizen actions, including resistance, was provided by the FCPD for the second half of the year only.²³ During its review, OIPA staff reviewed all incident and arrest reports in order to extract citizen actions for the first half of the year (see Table 1). More than thirty discrete actions were recorded, which were then categorized for ease of review into the fifteen categories listed in Table 3.

²² Kinetic energy impact projectiles included the 40 mm Sponge Round and Bean Bag Round.

²³ FCPD analysts had previously reviewed and extracted citizen actions from the incident report narratives from July – December 2016 for internal use.

Table 3: Citizen Action Categories

Citizen Action Categories
Advance toward officer/lunge
Attempt to disarm/grab officer weapon
Attempt to flee
Biting/Mouth
Flee/Foot pursuit
Flee/Vehicle pursuit
Kick other (not officer)
Kick vehicle
Passive resistance
Perceived dangerousness
Physical force with hands/upper body
Physical force with lower body/feet
Reaching/furtive movement
Spit
Weapon (possession or use)

In addition to a description of the citizen action, the type of citizen resistance was captured for the entire dataset. The OIPA utilized the FCPD’s definitions in its General Orders regarding “Resistance and Levels of Control” to assign each citizen action into a resistance type, which are defined in Table 4.²⁴

Table 4: Definitions of Citizen Resistance

Citizen Resistance Type	Definition
Passive	Where an individual poses no immediate threat to an officer but is not complying with lawful orders and is taking minimal physical action to prevent an officer from taking lawful action. ²⁵
Active	Where an individual’s verbal and/or physical actions are intended to prevent an officer from taking lawful action but are not intended to harm the officer. ²⁶
Both	When an individual displays both Passive and Active Resistance in the course of an encounter with an officer.
None	Where no Passive or Active Resistance is displayed.

The OIPA compiled data in multiple spreadsheets and utilized Microsoft Power BI software to develop a data model and visualizations to summarize the uses of force that occurred in Fairfax County in 2016. In total, OIPA’s dataset included 423 individuals involved in 387 incidents during 2016.²⁷

²⁴ OIPA did not delineate between “active” and “aggressive” resistance in 2016. Aggressive resistance was added to the General Order 540.4 in 2017.

²⁵ FCPD General Order 540.4. I. A. 1.

²⁶ FCPD General Order 540.4. I. A. 2.

²⁷ There were multiple subjects involved in 28 of the incidents reviewed. The totals presented here reflect the OIPA’s dataset for 2016 and differ from those presented by the FCPD in its [FCPD Internal Affairs Bureau 2016 Annual Statistical Report](#) due to differences in definitions of force and data categorizations as described in the previous section.

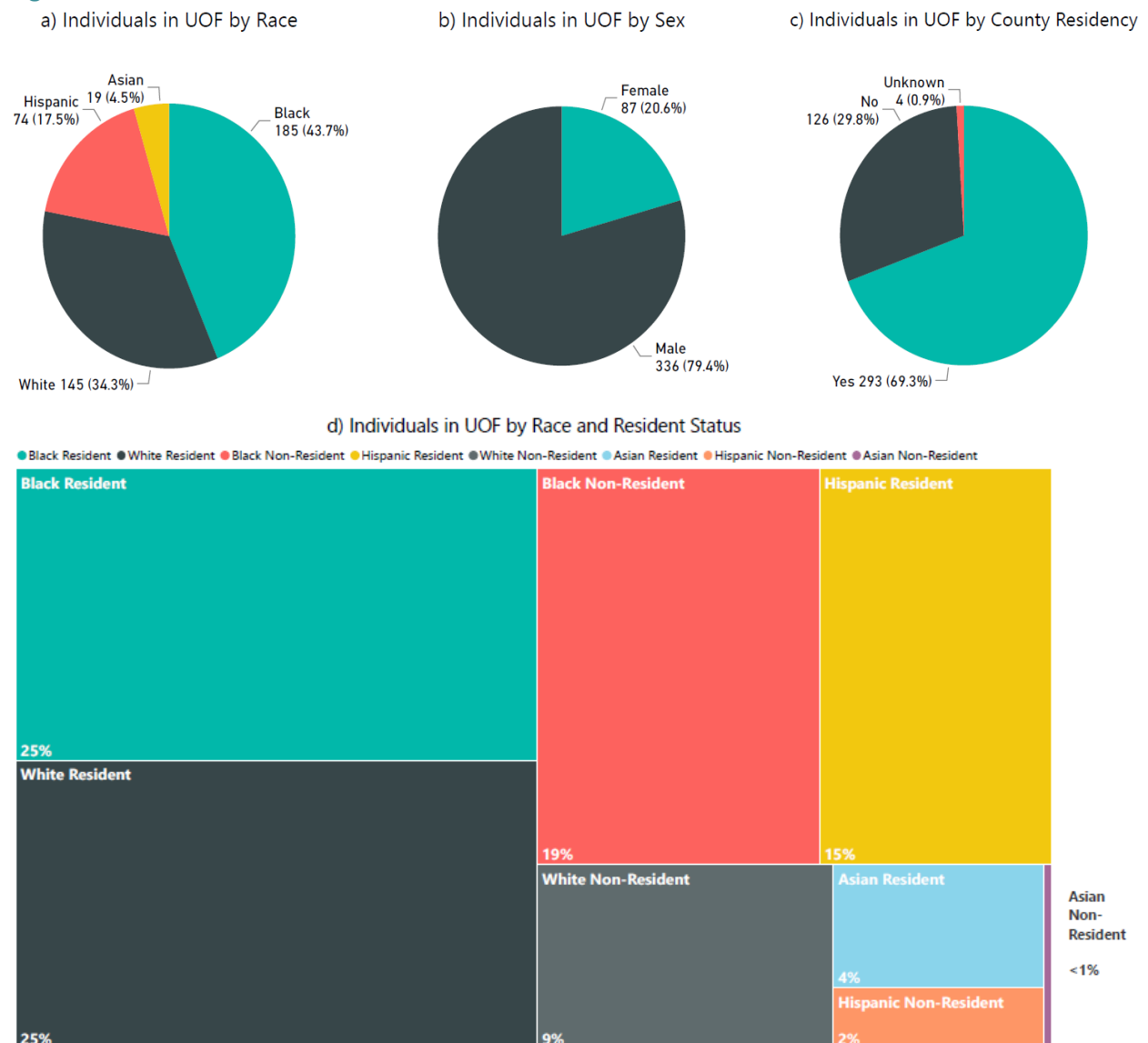
Findings

Subject Information

Out of the 423 individuals involved in uses of force in OIPA’s review, approximately 43% were black, 34% were white, 17% were Hispanic, and 4% were Asian (Figure 1a). Males made up the majority of individuals (approximately 80%) with females making up 20% (Figure 1b).

Approximately two-thirds (69%) of the individuals involved in use of force incidents were County residents, with approximately 30% being non-residents (Figure 1c). When looking at both race and residency status, black residents and white residents made up the most prominent groups involved in uses of force (25% each or 50% of the total) (Figure 1d). black non-residents made up 19% of the individuals involved in use of force incidents and Hispanic residents made up 15%. White non-residents made up 9% of the individuals involved. Asian residents, Hispanic non-residents, and Asian non-residents each made up less than 5% of the individuals involved in use of force.

Figure 1a-d: Individuals Involved in Use of Force in 2016



Use of Force Incidents by Station

As shown in Table 5, the Mount Vernon, Mason, Franconia, and McLean police district stations had the highest number of force incidents in 2016. The combined uses of force at these stations totaled 272 incidents, or roughly 64% of the incidents across the County.

Table 5: Number of Force Incidents and Percent of Total Incidents per District Station in 2016²⁸

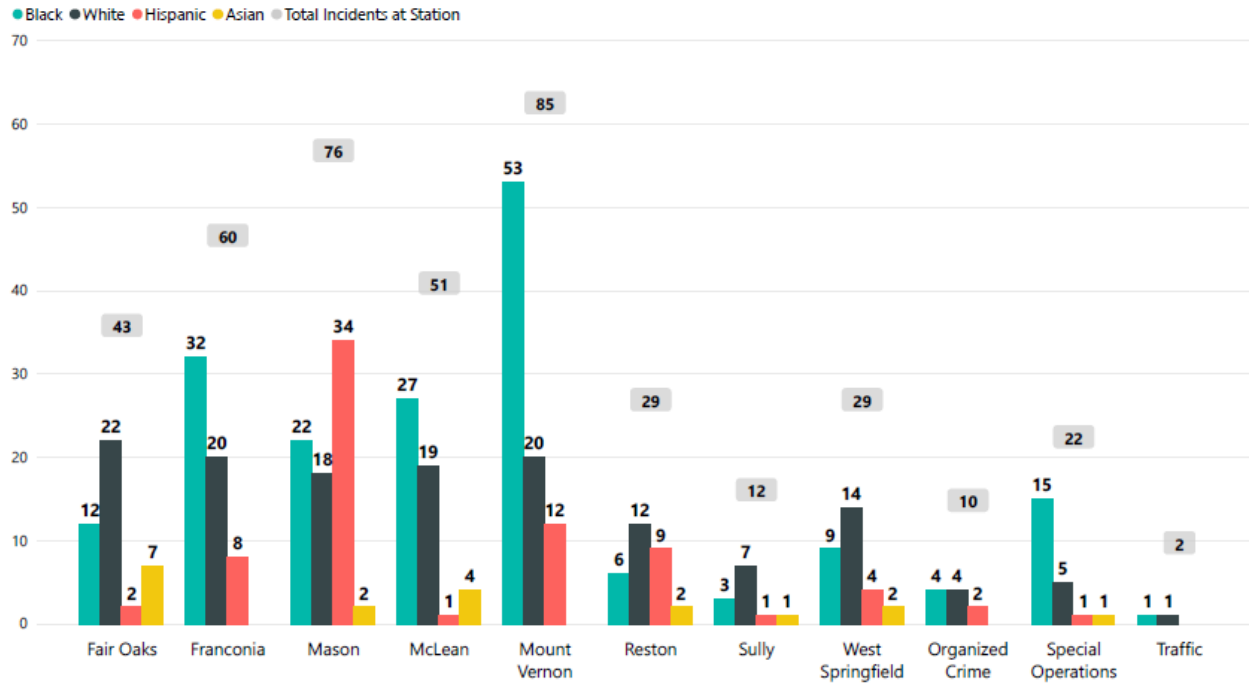
Station	Number of Force Incidents	Percent of Total Incidents
Mount Vernon	85	20.1%
Mason	76	18.0%
Franconia	60	14.2%
McLean	51	12.1%
Fair Oaks	42	10.0%
Reston	29	6.9%
West Springfield	29	6.9%
Sully	12	2.8%
Special Operations	22	5.2%
Organized Crime	10	2.4%
Traffic	2	0.5%
Unknown	4	0.9%
Total	422	100.0%

As shown in Figure 2b, force incidents involving more black subjects than whites occurred in Special Operations (66% black versus 33% white), Mount Vernon (65% black versus 21% white), McLean (50% black versus 40% white), and Franconia (46% black versus 41% white). Whites made up at least half of the incidents that occurred in Fair Oaks and Sully. Hispanics made up more than half of the incidents in Mason (51%).

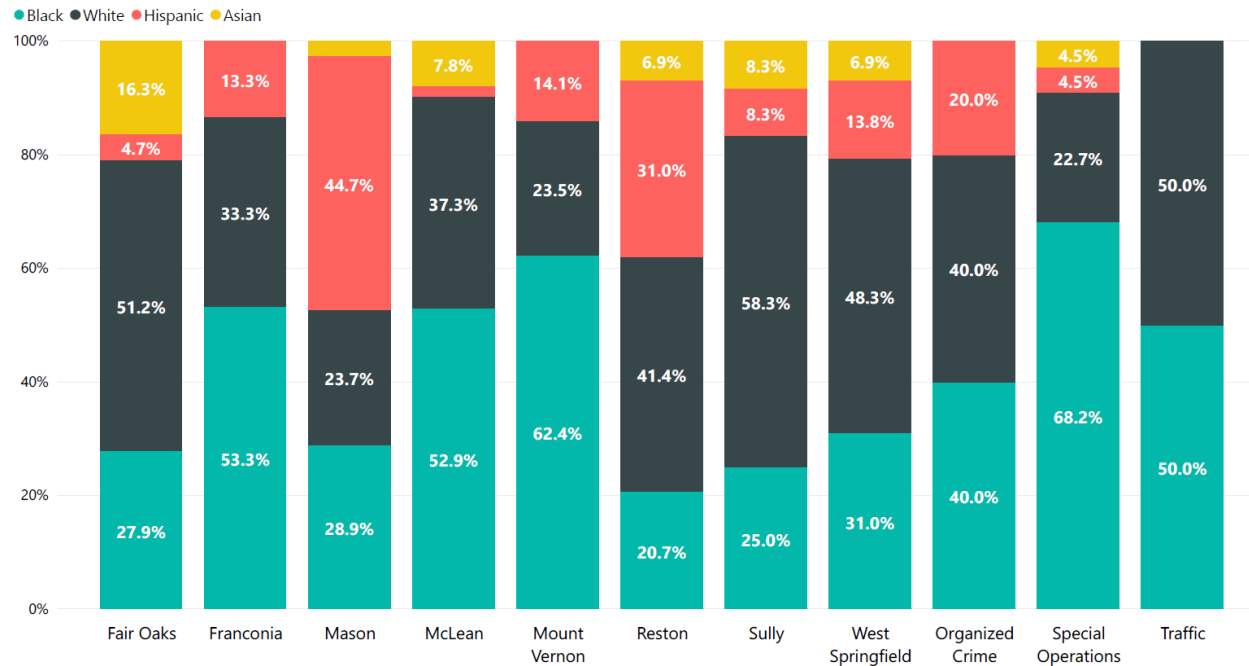
²⁸ The Special Operations, Organized Crime, and Traffic divisions are special divisions rather than district stations.

Figure 2a-b: Force Incidents in Police District Stations by Race in 2016

a) Incidents at Station by Subject Race (Count)



b) Incidents at Station by Subject Race (%)

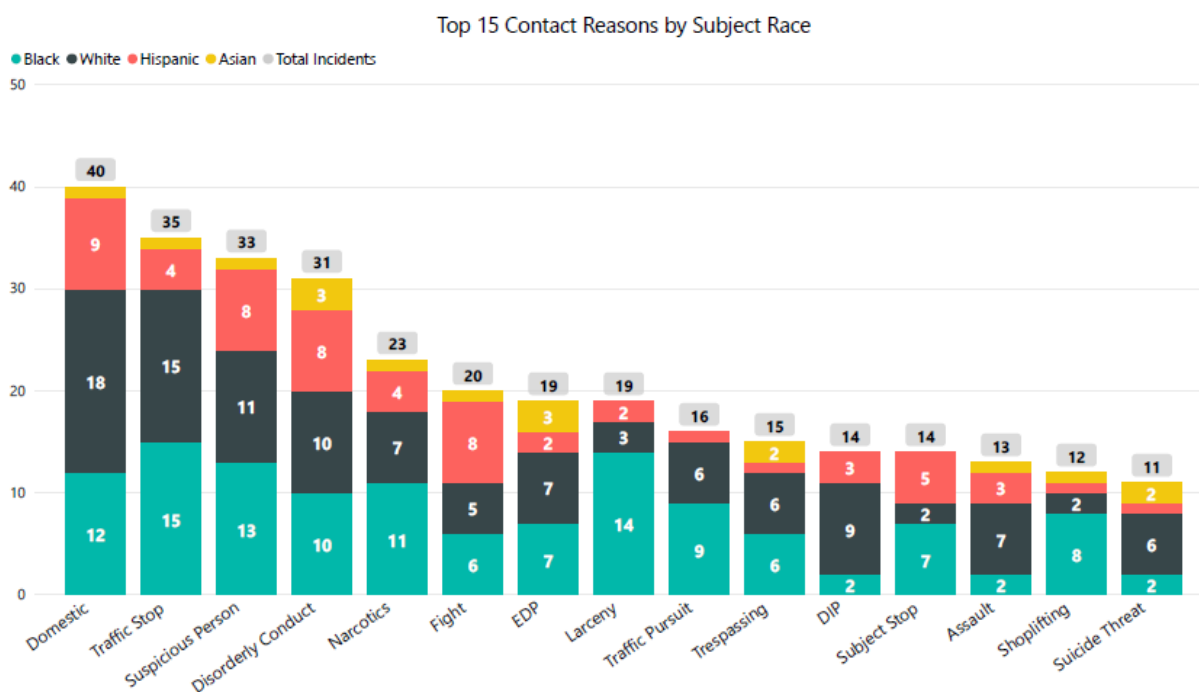


Contact Reasons and Primary Events

The FCPD records the call for service,²⁹ also referred to here as the “contact reason,” for each incident that results in a use of force. This data is distinct from the primary event type, which captures an officer’s categorization following the event. Both measures were examined in this review since they provide unique value – the contact reason tells us the type of situation the responding officer would have anticipated when arriving on scene, while the primary event type describes the type of situation the officer ultimately faced.

Contact Reason: As shown in Figure 3, common contact reasons that resulted in the use of force included domestic disputes (40 times), traffic stops (35 times), suspicious persons (33 times), and disorderly conduct reports (31 times). Blacks were more often than whites represented in force incidents that occurred during suspicious persons, narcotics events, larcenies, traffic pursuits, subject stops, and shoplifting. Whites were more often involved in force incidents related to domestic disputes, drunks in public (DIP), assaults, and suicide threats.

Figure 3: Contact Reasons (FCPD Calls for Service) for Incidents Resulting in Use of Force

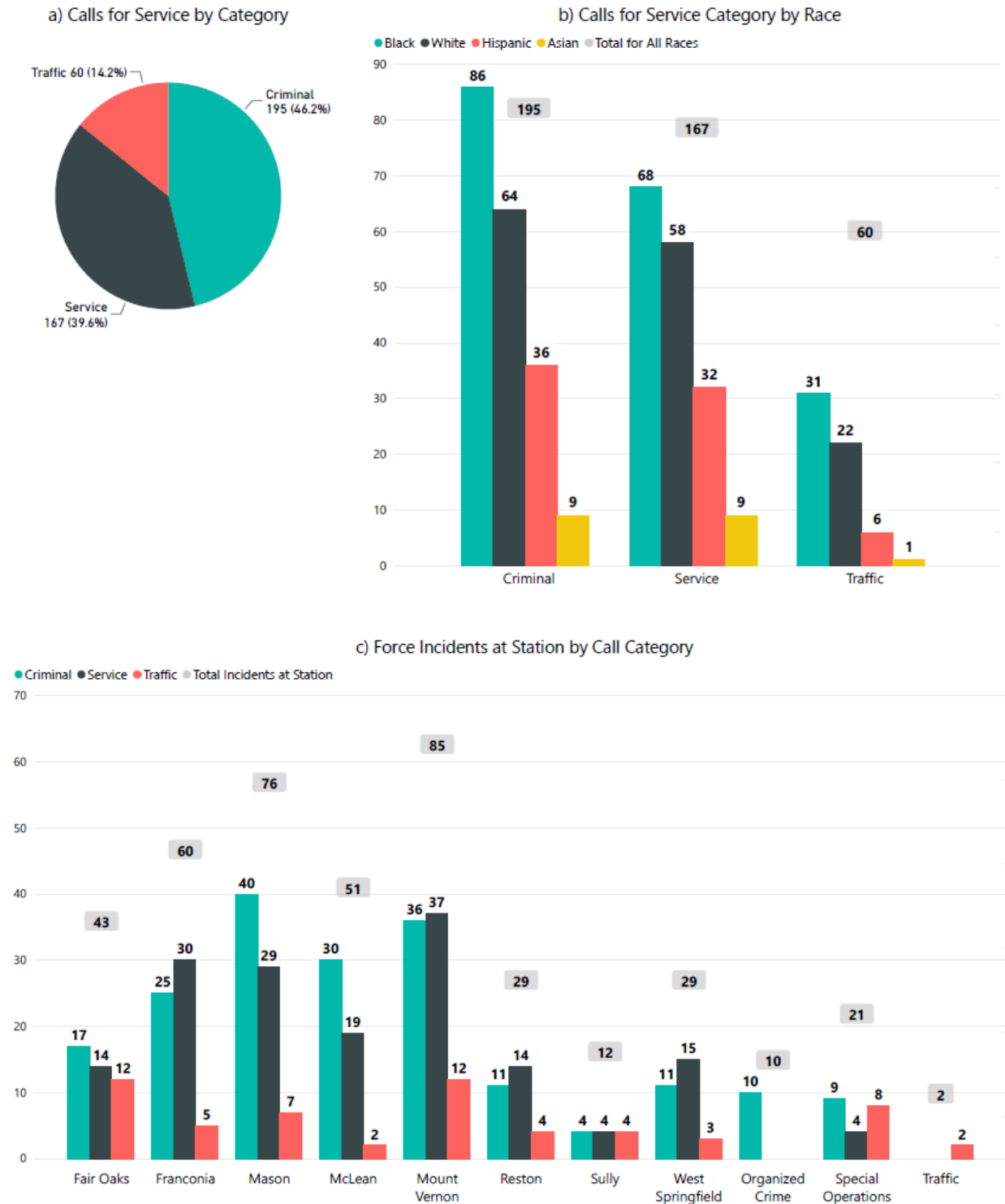


The FCPD categorizes calls for service into three categories: criminal, service, and traffic.³⁰ As depicted in Figure 4a, 46% of force incidents in 2016 started with a criminal call, 39% started with a service call, and 14% started with a traffic call. Out of all force incidents, blacks were more often the subjects in incidents in each of the three calls for service categories, followed by whites, Hispanics, and Asians (Figure 4b). Service calls resulting in force outnumbered criminal calls in the Franconia, Mount Vernon, Reston, and West Springfield district stations (Figure 4c). In Mount Vernon, there was a similar number of service and criminal calls resulting in a force incident.

²⁹ The FCPD defines calls for service as services rendered in response to citizen calls and officer-initiated calls. For more information see the [Fairfax County Police Department Statistical Package – Calls for Service Years: 2015 & 2016](#). In this report, OIPA uses the term “contact reason” interchangeably with the term “call for service.”

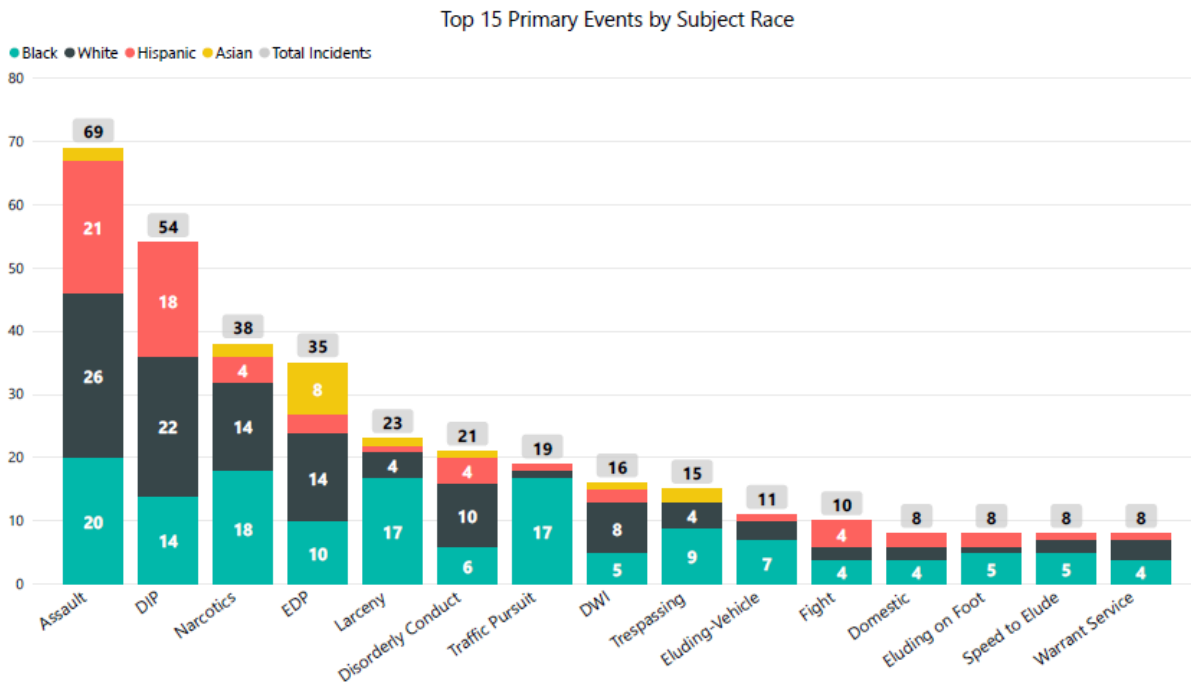
³⁰ Ibid.

Figure 4a-c: Number of Force Incidents by FCPD Calls for Service Category



Primary Event: We also examined how an officer classified the event following an encounter with a citizen, referred to here as the “primary event.” Officers more often classified incidents involving force as assaults (69 times), drunk in public (54 times), narcotics (38 times), and emotionally disturbed persons (35 times), as displayed in Figure 5. Blacks were more often than whites represented in force incidents classified as narcotics, larceny, and traffic pursuits. Whites were more often than blacks represented in incidents classified as assaults, drunk in public, emotionally disturbed persons (EDPs), and disorderly conducts.

Figure 5: Primary Event Resulting in Use of Force



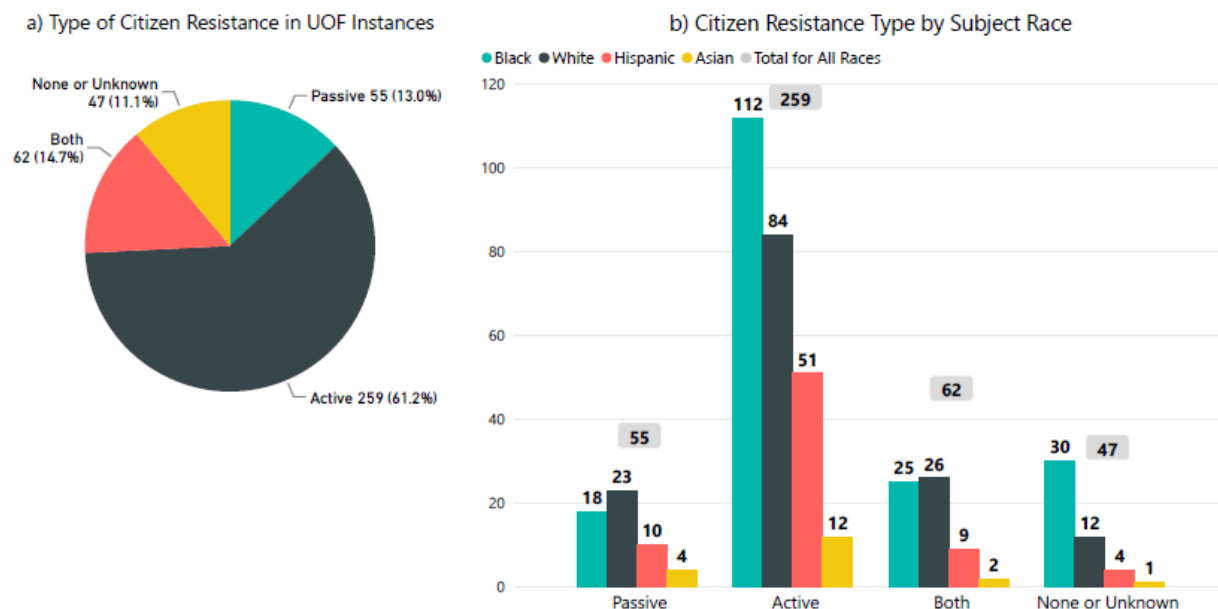
Citizen Resistance and the Presence of Weapons

Citizen Resistance: In 2016, force was used by FCPD officers on a subject exhibiting passive resistance (13%), active resistance (61%), or active and passive resistance together (14%) as shown in Figure 6a.³¹ While blacks and whites were similarly represented in incidents involving passive resistance (18 times versus 23 times), blacks more often than whites exhibited active resistance (112 times versus 84 times) as shown in Figure 6b.

Previous Year Comparison: The relatively equal proportion of incidents in which blacks and whites exhibited passive resistance, and the greater proportion of incidents in which blacks exhibited active resistance in 2016 is consistent with the findings from 2015.

³¹ Officers classify the level of resistance based on the subject’s behavior; therefore, citizen resistance data is generated from the perspective of the officer.

Figure 6a-b: Types of Citizen Resistance in Force Incidents



Specifically, active resistance by subjects included the use of physical force with the hands or upper body (105 times), attempting to flee³² (92 times), physical force with feet or the lower body (87 times), fleeing on foot (50 times), and fleeing in a vehicle (26 times), among others (Figure 7a). While black subjects used physical force with their upper bodies more often than whites, whites used physical force with their lower bodies more often than blacks. When combined, black and white subjects involved in force incidents appear to have used physical force at similar frequencies (Figure 7a and 7b). Blacks more often than whites attempted to flee (46% versus 35%), fled on foot (62% versus 28%), and fled in a vehicle (69% versus 23%) (Figure 7b).³³ Whites more often than blacks spit (10 whites versus 4 blacks), bit or tried to use their mouths on officers (5 whites versus 3 blacks) during encounters resulting in a use of force (Figure 7a).

Previous Year Comparison: *The relatively equal proportion of incidents in which blacks and whites used physical force in 2016 differs from the 2015 review which indicated blacks used physical force or “personal weapons” more often than whites. In both years, more blacks than whites fled or attempted to flee during an encounter with an FCPD officer that ended in the use of force.³⁴ In both years, more whites than blacks spit at officers or bit (or attempted to bite) officers with their mouths.*

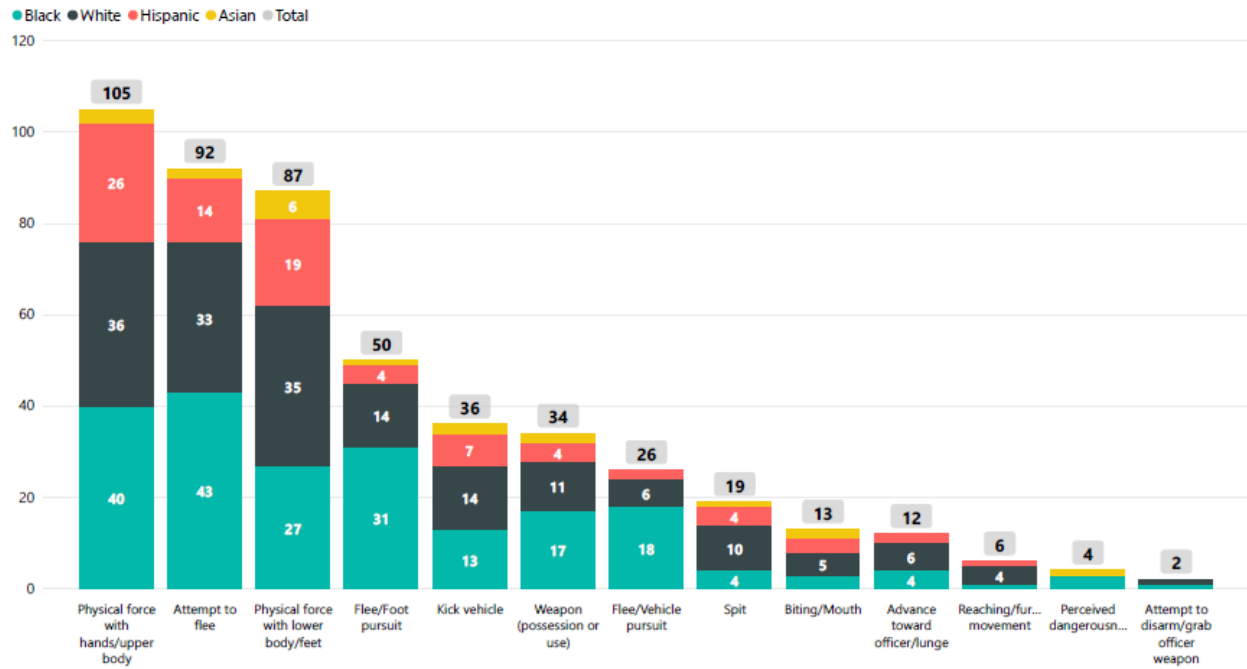
³² OIPA defined an action as “attempting to flee” if the subject physically pulled away from the officer or tried to remove handcuffs.

³³ There were 84 incidents in which the subject exhibited active resistance that were not included in Figure 7a because no information was available about the specific action of the subject in the case file or in the FCPD provided dataset (35 black, 23 white, 21 Hispanic, and 6 Asian).

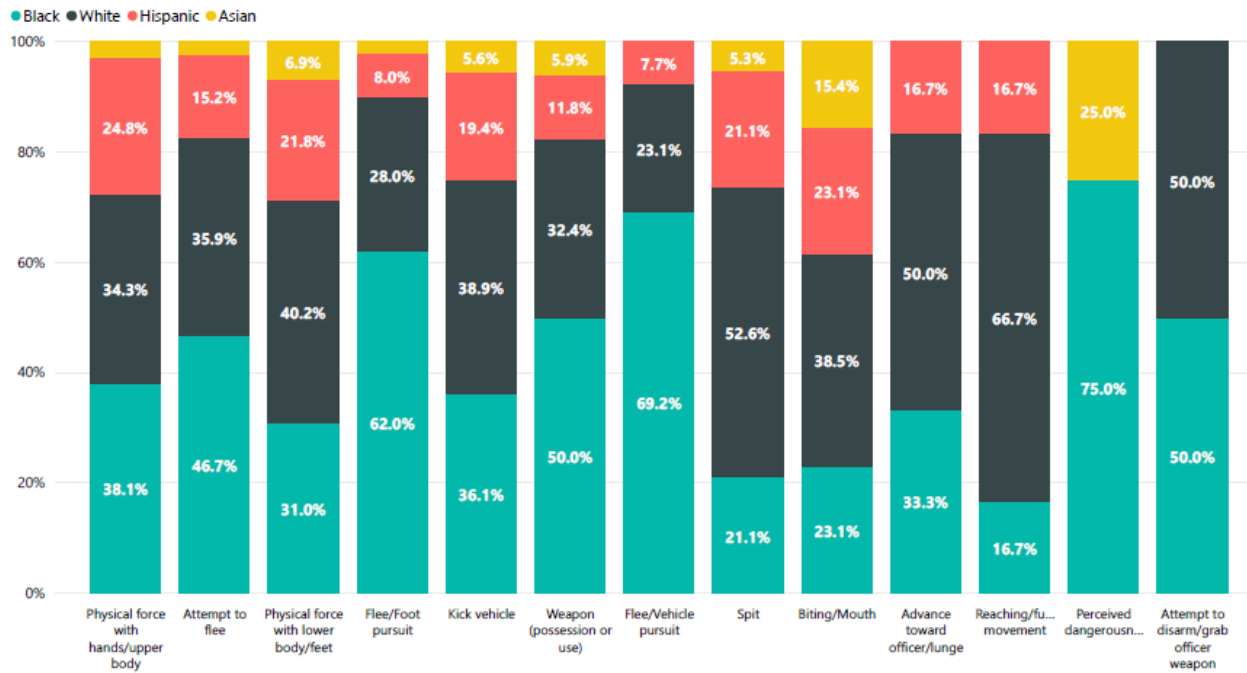
³⁴ OIPA defined “flight” in its 2015 review as attempting to flee, fleeing on foot, or fleeing in a vehicle.

Figure 7a-b: Citizen Resistance in Force Incidents

a) Citizen Active Resistance Type by Subject Race (Count)

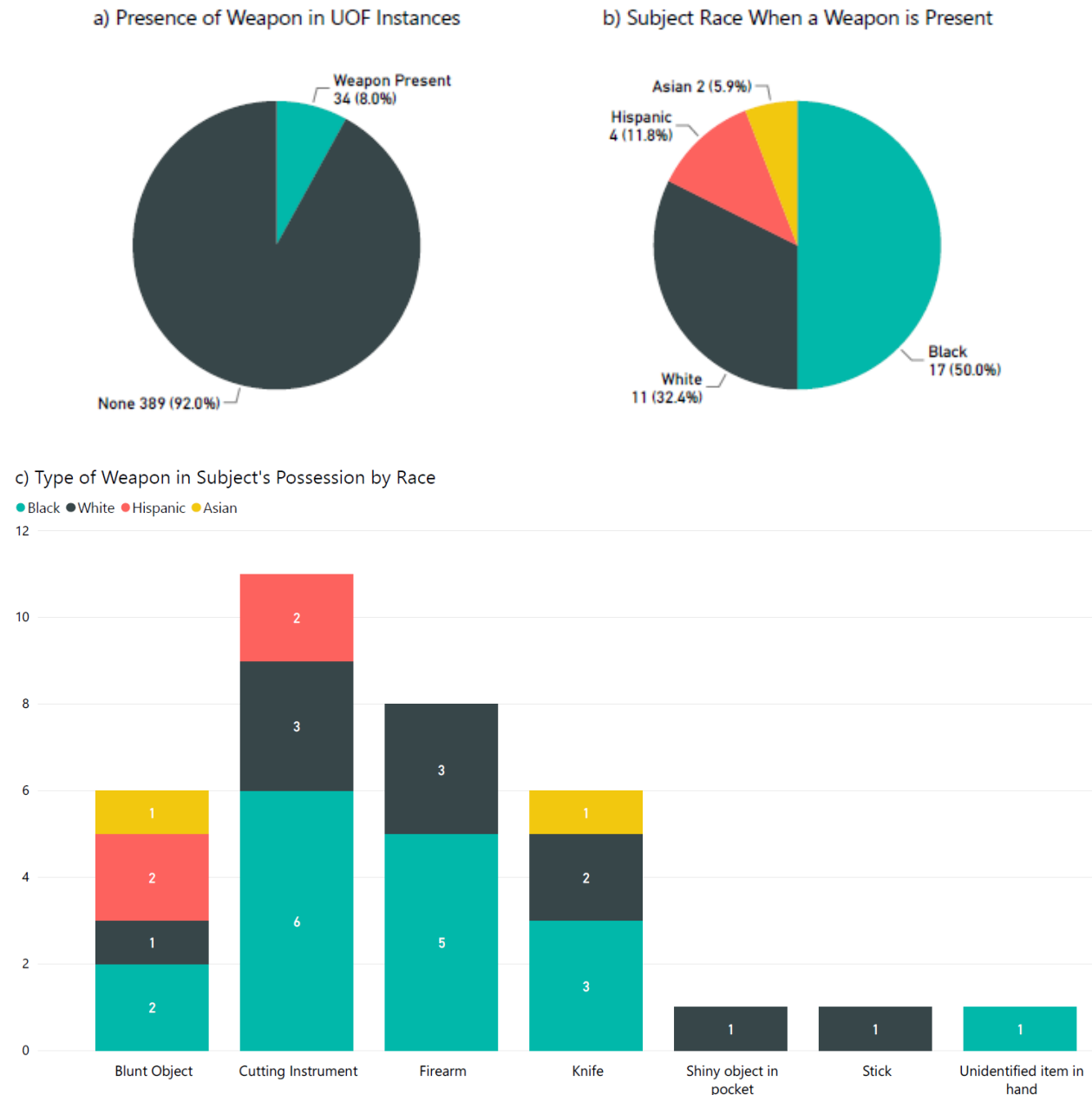


b) Citizen Active Resistance Type by Subject Race (%)



Presence of Weapons: Officers encountered a subject possessing or using a weapon infrequently, or 8% of the total number of incidents in 2016 (Figure 8a). Overall, blacks possessed or used a weapon more often than whites during incidents resulting in force (17 times versus 11 times) (Figure 8b). More blacks than whites possessed a firearm (5 times versus 3 times) and more blacks than whites had knives or other cutting instruments in their possession (9 times versus 5 times) as shown in Figure 8c.

Figure 8a-c: Presence of Weapons in Force Incidents



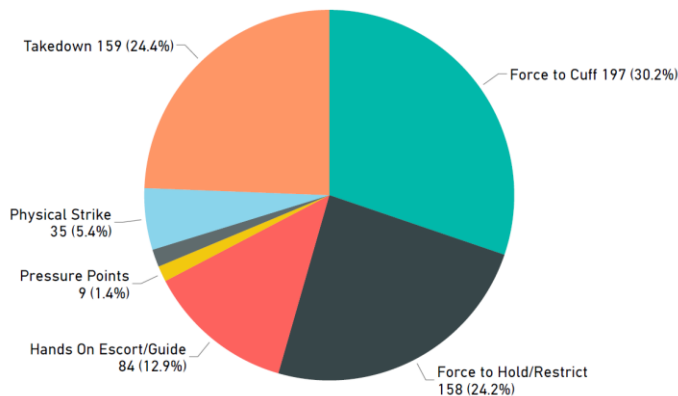
Previous Year Comparison: Officers infrequently encountered a subject in possession of weapon in both years. However, in 2016, blacks were more often than whites found to be in possession of a weapon during an encounter with the police. In 2015, blacks and whites were found in possession of a weapon in relatively equal frequencies.

Force Used by FCPD Officers

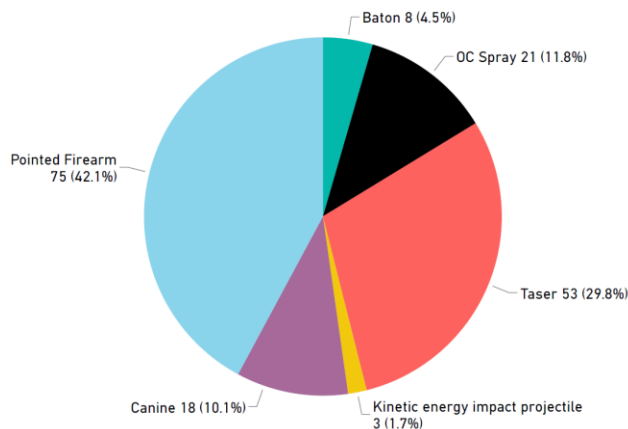
During 2016, the most commonly used force by FCPD officers was them going “hands on,” or using their empty hands to subdue a subject (652 times) (Figure 10).³⁵ As shown in Figure 9a, empty hand techniques included forcing to cuff (197 times), taking down a subject (159 times), forcing to hold or restrict (158 times), and using hands to escort or guide a subject (84 times). Officers also used instruments (178 times) and restraint devices (120 times) when interacting with subjects (Figure 10). As shown in Figure 9b, commonly used instruments included the pointing of a firearm (75 times) and the use of the taser (53 times). The use of the Ripp Hobble to secure a subject’s feet was used 110 times (Figure 9c). There was only one occurrence when an officer discharged his or her firearm in 2016. Officers used force to stop vehicles 18 times. This included using the Precision Immobilization Technique, or “PIT maneuver,” 14 times in 2016 (Figure 9d).³⁶

Figure 9a-d: Categories and Types of Force Used

a) Force Types within Empty Hands Category

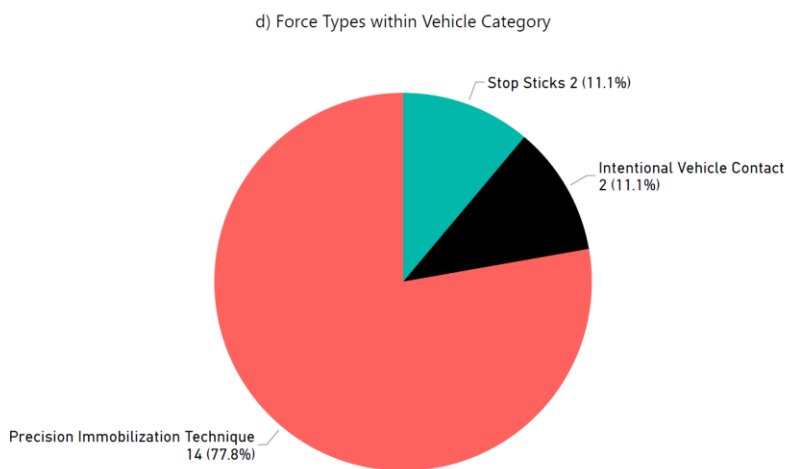
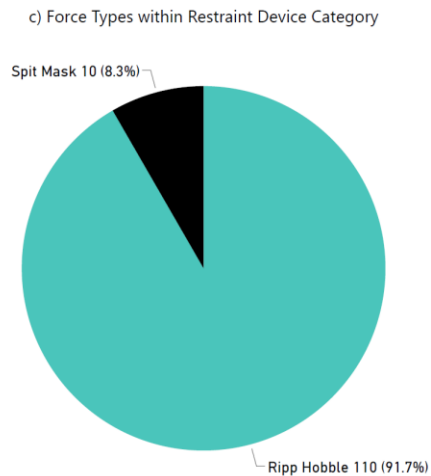


b) Force Types within Instrument Category



³⁵ Multiple force types may be used on a subject during one incident.

³⁶ Tactical Vehicle Intercepts were excluded since they do not include making contact with the subject’s vehicle.



Figures 10a and 10b provide counts and percentages of the race of the subjects involved in incidents where officers used empty hands techniques, instruments, restraint devices and vehicle stopping techniques. Figure 11a and 11b provide more detail on the types of force used within these categories and the races of the subjects involved.

Officers used empty hand techniques on blacks more often than whites in 2016 (40% versus 34%) (Figure 10b). Specifically, the takedown (70 times versus 44 times) and force to hold (73 times versus 49 times) techniques were used more often on blacks than on whites (Figure 11a). Whites were more often forced to cuff than blacks (79 times versus 67 times) (Figure 11a).

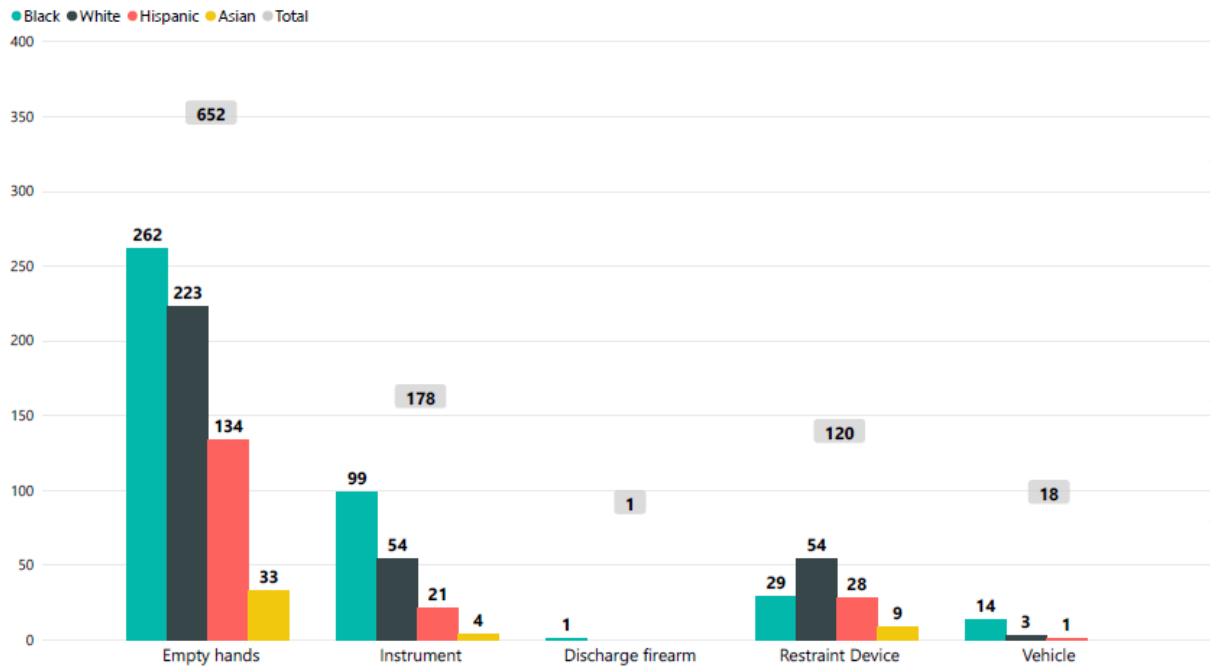
Officers used instruments during force incidents involving more blacks than whites (55% versus 30%) (Figure 10b). Specifically, blacks were more often subject to a pointed firearm (48 times versus 20 times) and more often had a taser used on them (26 times versus 17 times) than whites (Figure 11a).

Whites more often had a restraint device used on them than blacks (45% versus 24%) (Figure 10b), including the Ripp Hobble (49 times versus 28 times). Eleven of the fourteen PIT maneuvers in 2016 were used on blacks (Figure 11a).

Previous Year Comparison: During force incidents in both 2015 and 2016, officers more often used takedowns and pointed firearms at black subjects than white subjects. Also consistent across both years is the greater proportion of whites on which restraint devices were used as compared to blacks.

Figure 10a-b: Categories of Force Used on Different Races

a) Officer Force Category by Subject Race (Count)



b) Officer Force Category by Subject Race (%)

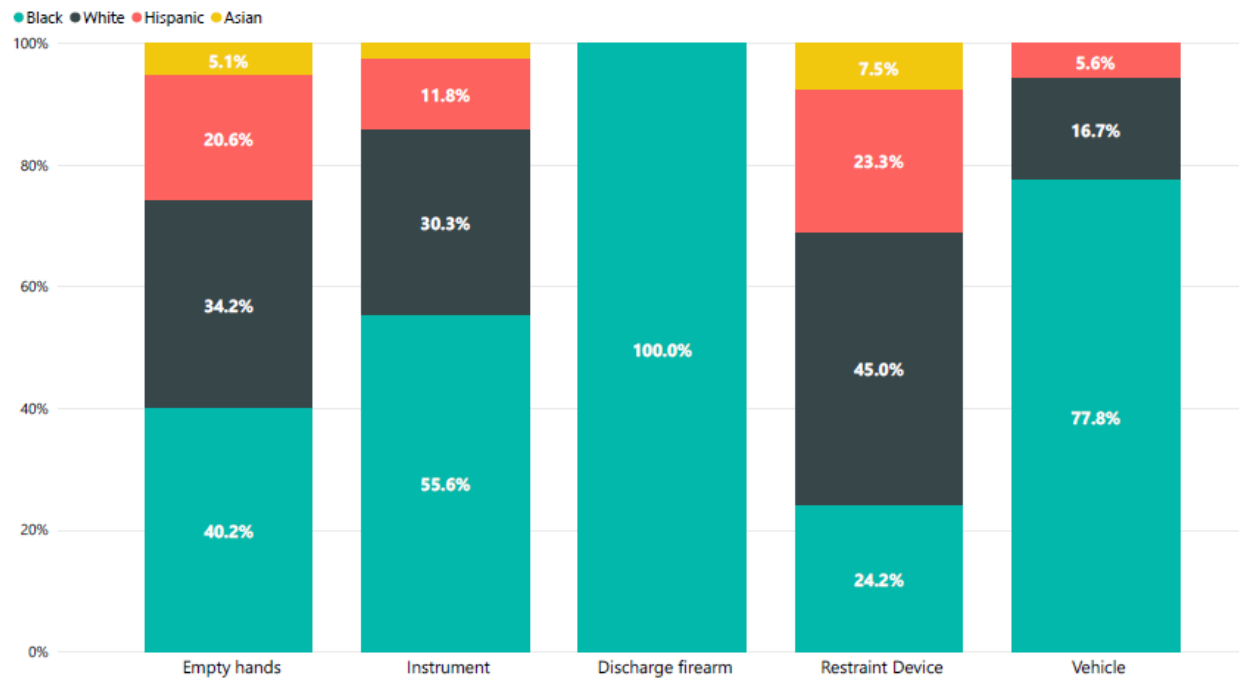
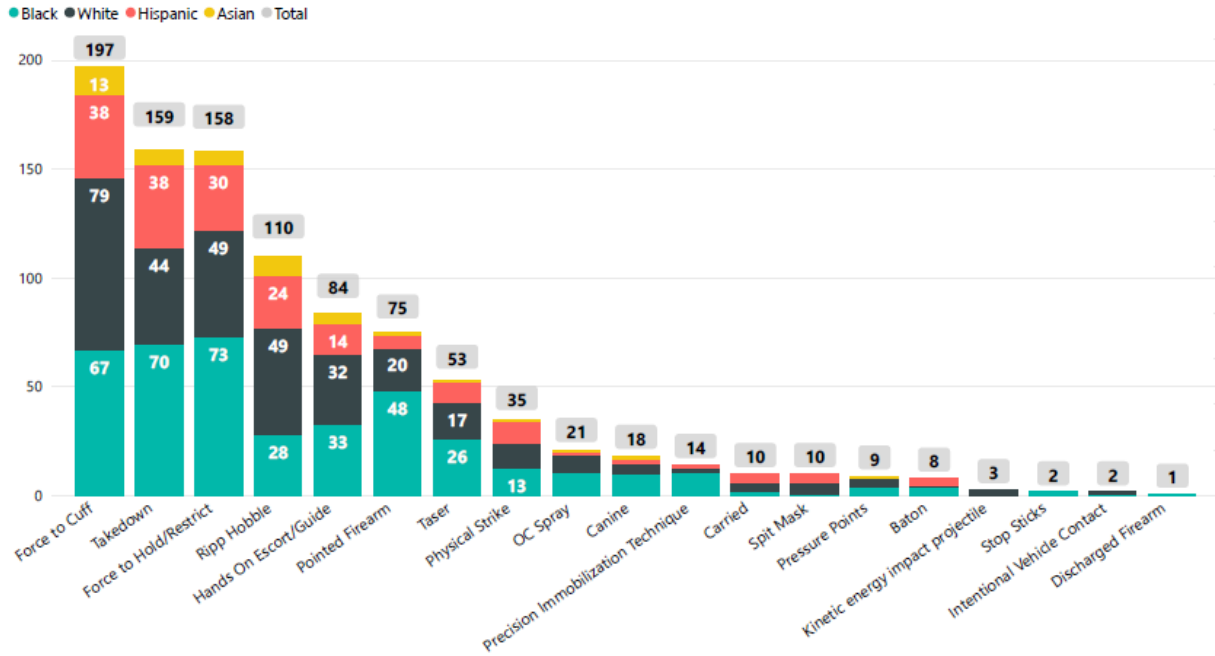
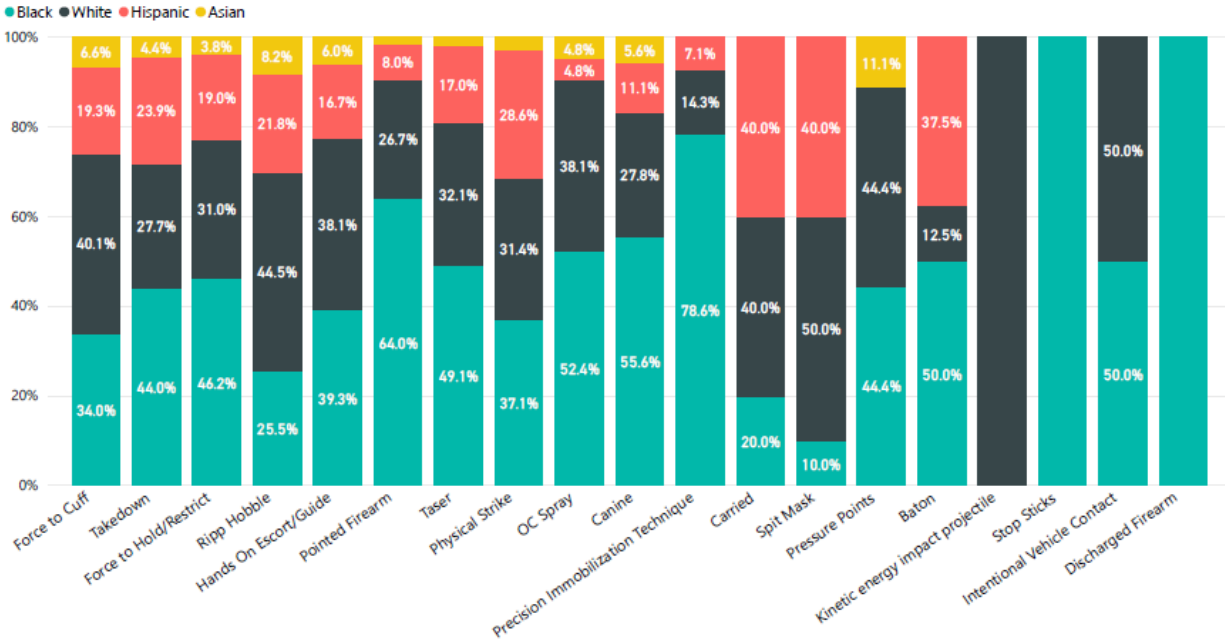


Figure 11a-b: Specific Types of Force Used on Different Races

a) Officer Force Used by Subject Race (Count)



b) Officer Force Used by Subject Race (%)



Presence of Drugs or Alcohol

The OIPA identified incidents where the officer suspected or confirmed the presence of drugs, alcohol, or both during January through June 2016. As shown in Figure 12a, out of 226 force incidents, alcohol was present 26% of the time, drugs were present 15% of the time, and both were present 4% of the time. The presence of drugs and alcohol appears to be quite common in encounters between officers and citizens that end in force being used, as one or both were present in almost half of the incidents reviewed during this 6-month period.

While drugs were more often present than alcohol in force incidents involving blacks (25 instances of drugs versus 12 instances of alcohol) and alcohol was more often present than drugs in incidents involving whites (28 instances of alcohol versus 4 instances of drugs) (Figure 12b), the total proportion of incidents with the presence of either substance was similar for both races at just over 40% (Figure 12c). Among all racial and ethnic groups, the presence of drugs or alcohol in use of force incidents was highest among Hispanics with alcohol present in almost 60% and any substance present in 75% of the 32 force incidents (Figure 12b-c). The presence of any substance was the lowest in incidents involving Asians (2 out of 10 incidents) (Figure 12b).

Figure 12a: Presence of Alcohol and Drugs in Force Incidents, January – June 2016

a) Presence of Alcohol/Drugs in Incidents, Jan-Jun 2016

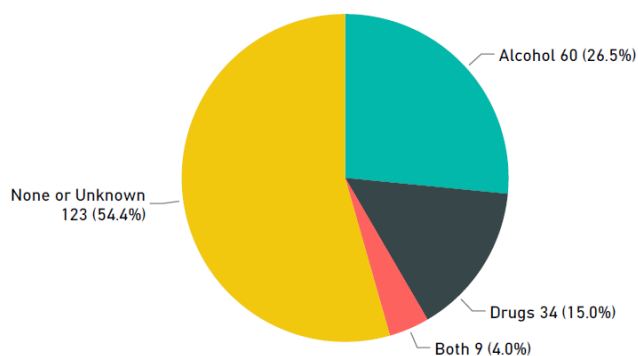
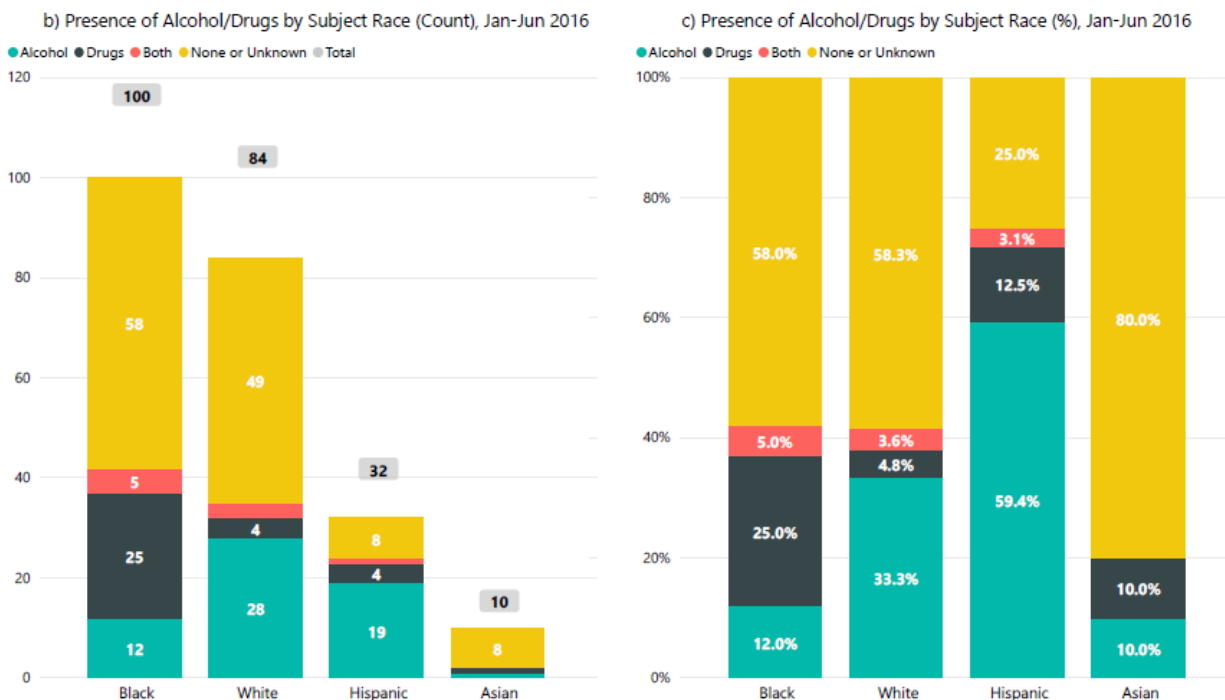


Figure 12b-c: Presence of Alcohol and Drugs in Force Incidents by Subject Race, January – June 2016



Previous Year Comparison: Data from the first six months of 2016 reveal that drugs were more often present in force incidents involving blacks and alcohol was more often present in force incidents involving whites. This is different from data from 2015 which showed both alcohol and drugs were present in more incidents involving whites than blacks.

Figure 12d and 12e illustrate that drugs, alcohol, or both were present in most incidents (57% of the 21 incidents) in which the subject exhibited passive resistance, more often than it was a factor in incidents where there was active resistance by the subject (46% of the 185 incidents).

Figure 12f and 12g illustrate the presence of substances in different categories of force by frequencies and percentages. More than half of the instances³⁷ when an officer used empty hands techniques (51% of 358 instances) or the use of restraint devices (52% of the 69 instances) involved a subject under the influence of a substance.

³⁷ Since multiple officers could use one or more force techniques on multiple subjects during one incident, the number of instances of force is larger than the number of distinct incidents (226 for January-June 2016).

Figure 12d-e: Presence of Alcohol and Drugs in Force Incidents by Citizen Resistance, January – June 2016

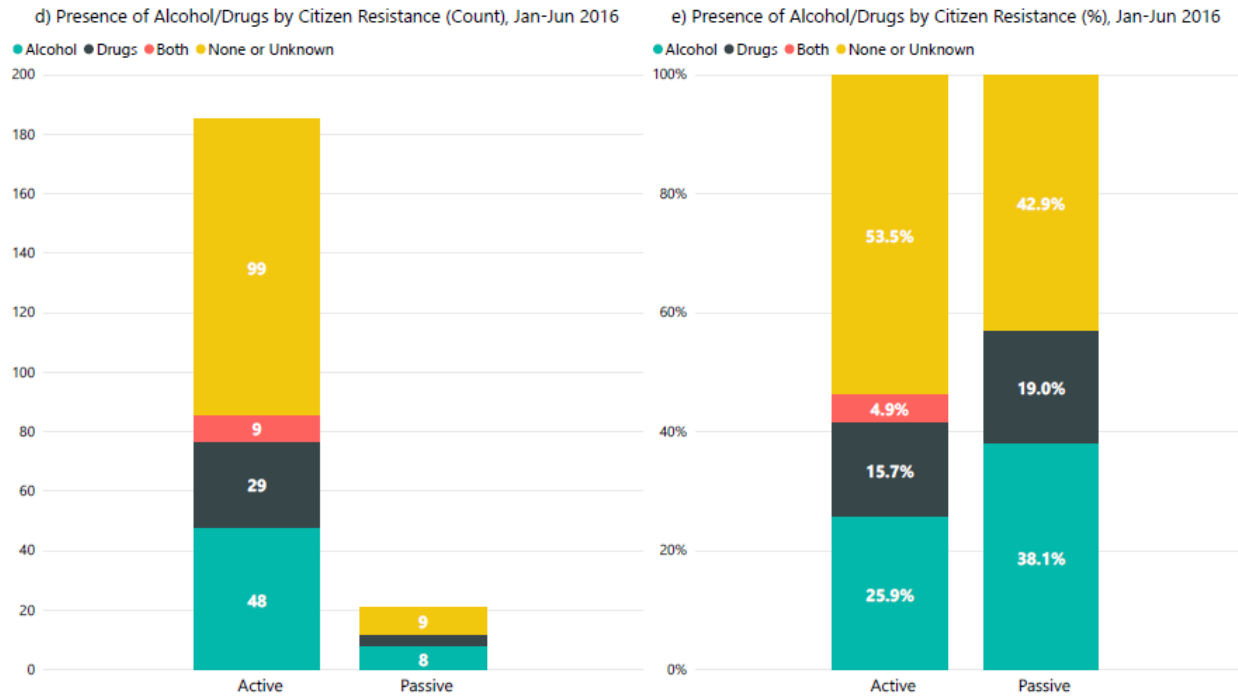
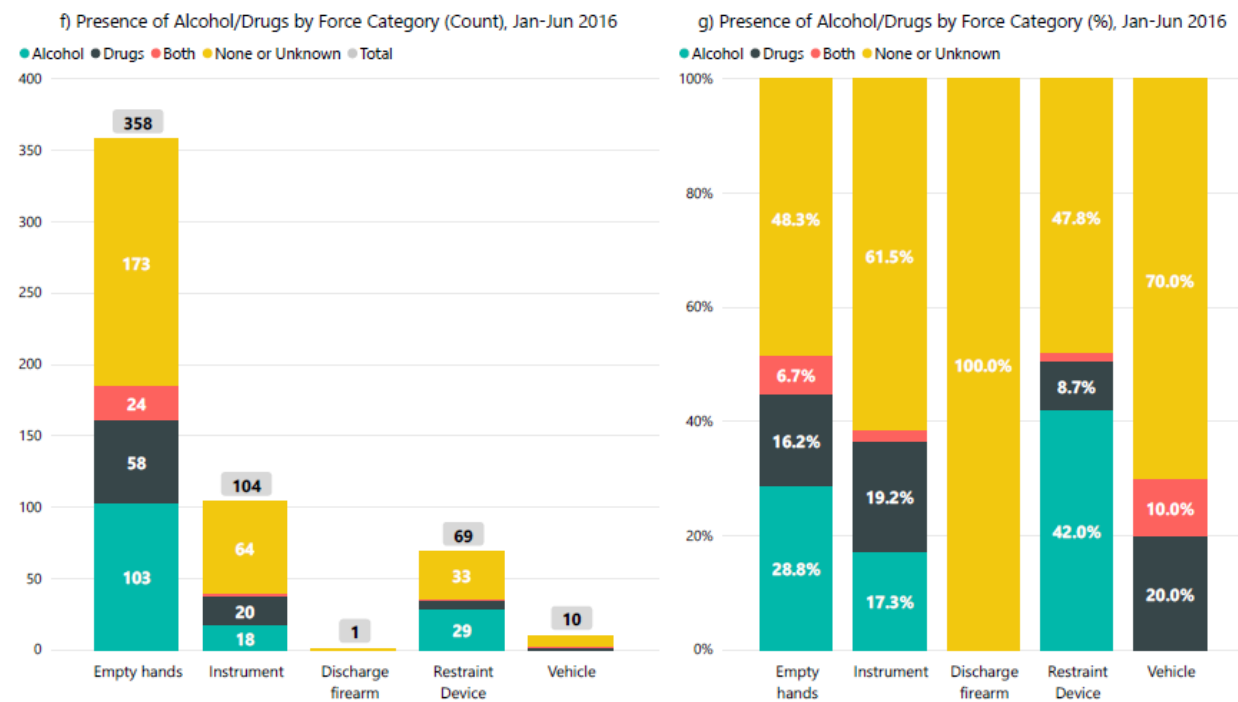


Figure 12f-g: Presence of Alcohol and Drugs in Force Incidents by Force Category, January – June 2016

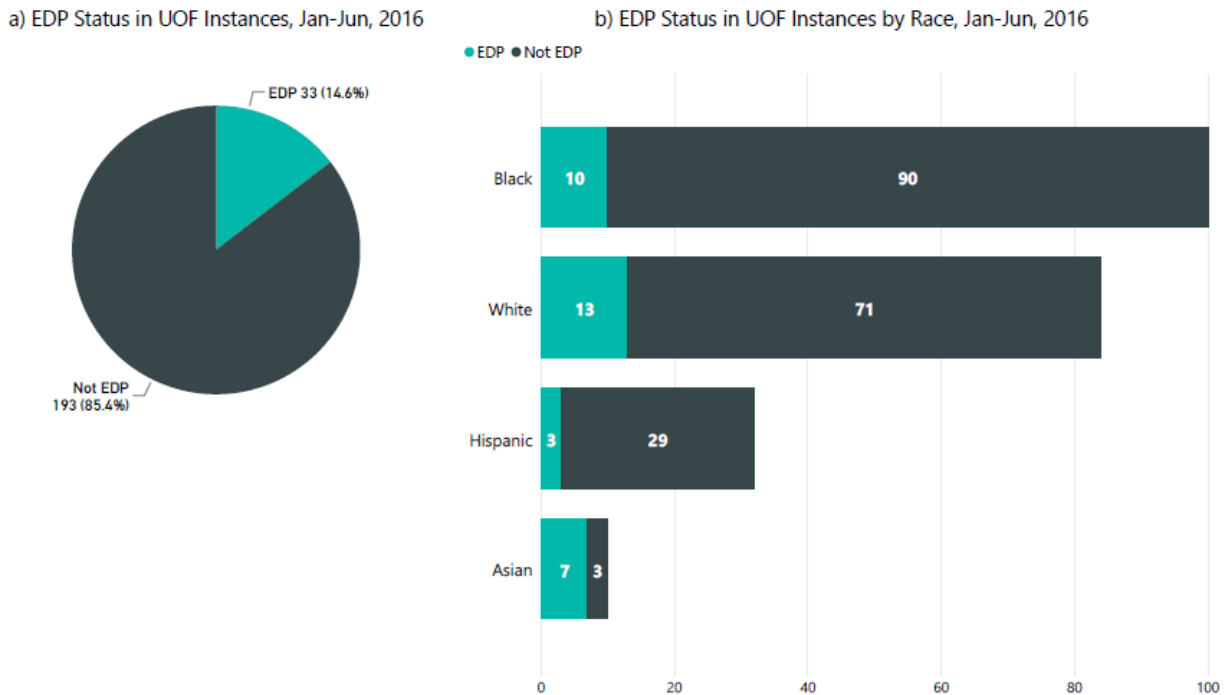


Emotionally Disturbed Persons (EDPs)

Incidents that occurred during January through June 2016 were classified by the OIPA based on whether the term EDP was noted in the call for service or if an officer indicated that a subject might be a potential EDP.³⁸ During the first half of 2016, subjects involved in force incidents were suspected EDPs 14% of the time (out of 226 incidents) (Figure 13a). For the first half of 2016, 10 out of 100 blacks who were the subject of force were identified as a potential EDP while 13 out of 84 whites were similarly identified (Figure 13b)

Suspected EDPs made up a nominal percentage of incidents in which the subject used passive or active resistance, or both (Figure 13c). When considering the force used by FCPD officers, suspected EDPs made up almost one-quarter (24%) of the use of restraint devices during this time period (Figure 13d).

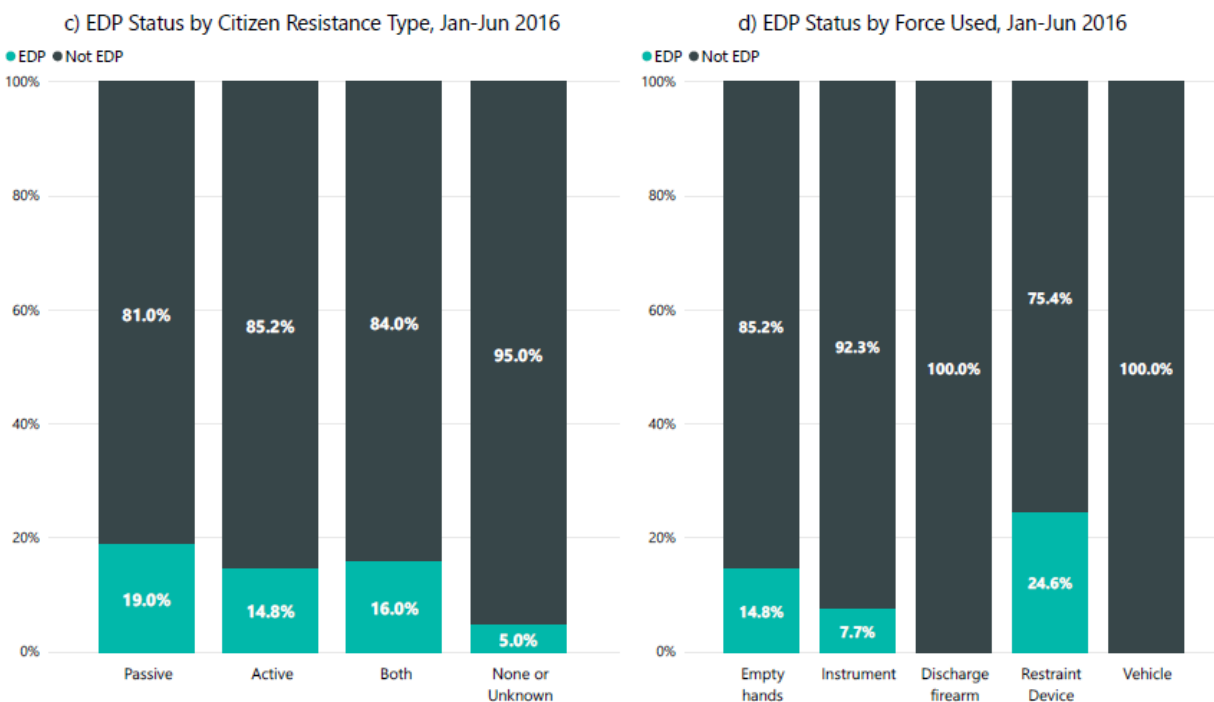
Figure 13a-b: Suspected EDPs Involvement in Force Incidents, January – June 2016



Previous Year Comparison: In 2015, and in the first six months of 2016, blacks and whites were identified as potential EDPs in relatively equal frequencies.

³⁸ Subjects were sometimes noted as a suspected EDP in the Contact Reason or Primary Event fields, or within the narrative of the report completed by the officer. The notation of suspected EDPs was voluntarily entered by officers and therefore not consistently recorded across all incidents in 2016.

Figure 13c-d: Citizen Resistance and Force Type Used on Suspected EDPs, January – June 2016



Force Used on Black and White Subjects Exhibiting Similar Behavior

Based on the discrepancies in the force used on black and white subjects, OIPA examined the types of force used by officers when encountering subjects who exhibited active resistance,³⁹ fled or attempted to flee,⁴⁰ or were in possession of a weapon.

Subject Resistance: The following was noted regarding the 698 instances of force used on blacks and whites when the subject’s resistance type was known:

- Officers used empty hands techniques 67% of the time on blacks who actively resisted and 70% of the time on whites who actively resisted. Officers used empty hands on passive black resisters 71% of the time and on passive white resisters 62% of the time (Table 6).
- While the data shows that the FCPD was able to resolve encounters with actively resisting subjects without the use of an instrument most of the time (67-70%), there is a discrepancy in the proportion of instrumental use between blacks and whites. Approximately 21% of the time an officer used an instrument on a black active resister, as compared to an officer using an instrument on a white active resister only 13% of the time (Table 6).
- Officers used restraint devices on greater proportions of whites than blacks regardless of whether they were passively or actively resisting.

³⁹ In this analysis, individuals who exhibited both active and passive resistance during an encounter are treated as active resisters.

⁴⁰ Fleeing and attempting to flee were combined for this analysis.

Table 6: Officer Force Type Used on Resisting Subjects by Race

Active Resistance	Empty hands	Instrument	Discharge firearm	Restraint Device	Vehicle	Total
Black	220 (67.9%)	69 (21.3%)	1 (0.3%)	23 (7.1%)	11 (3.4%)	324 (100%)
White	188 (70.1%)	36 (13.4%)	0	42 (15.7%)	2 (0.7%)	268 (100%)
Passive Resistance	Empty hands	Instrument	Discharge firearm	Restraint Device	Vehicle	Total
Black	27 (71.1%)	5 (13.2%)	0	4 (10.5%)	2 (5.3%)	38 (100%)
White	31(62.0%)	7 (14.0%)	0	12 (24.0%)	0	50 (100%)

Fleeing Subjects: The OIPA also reviewed instances of force on blacks and whites fleeing (or attempting to flee). Instruments were used relatively equally on blacks and whites when they fled on foot and when they fled using a vehicle. However, instruments were used on a greater proportion of black subjects than on white subjects when the subject did not flee. For instance, instruments were used on 14% of blacks fleeing on foot and on 12% of whites fleeing on foot, while instruments were used on 24% of blacks who did not flee and 14% of whites who did not flee (Table 7). Conversely, officers more often used restraint devices to resolve encounters with whites as compared to blacks, regardless of whether the subject fled or not.

Table 7: Officer Force Type Used on Fleeing Subjects by Race

Flee on Foot	Empty hands	Instrument	Discharge firearm	Restraint Device	Vehicle	Total
Black	123 (79.4%)	23 (14.8%)	1 (0.6%)	7 (4.5%)	1 (0.6%)*	155 (100%)
White	78 (76.5%)	13 (12.7%)	0	11 (10.8%)	0	102 (100%)
Flee by Vehicle	Empty hands	Instrument	Discharge firearm	Restraint Device	Vehicle	Total
Black	4 (14.3%)	16 (57.1%)	0	0	8 (28.6%)	28 (100%)
White	3 (33.3%)	5 (55.6%)	0	0	1 (11.1%)	9 (100%)
Did not Flee	Empty hands	Instrument	Discharge firearm	Restraint Device	Vehicle	Total
Black	114 (62.6%)	45 (24.7%)	0	20 (11.0%)	3 (1.6%)	182 (100%)
White	133 (64.6%)	30 (14.6%)	0	42 (20.4%)	1 (0.5%)	206 (100%)

* In one incident, the subject fled both by vehicle and then on foot.

Subject Possession of Weapon(s): The number of instances a force type was used on black and white subjects in possession of a weapon during the encounter is presented in Table 8. Due to the small number of encounters with subjects in possession of weapons, OIPA refrains from making any conclusions about discrepancies in force used on black and white subjects during these encounters.

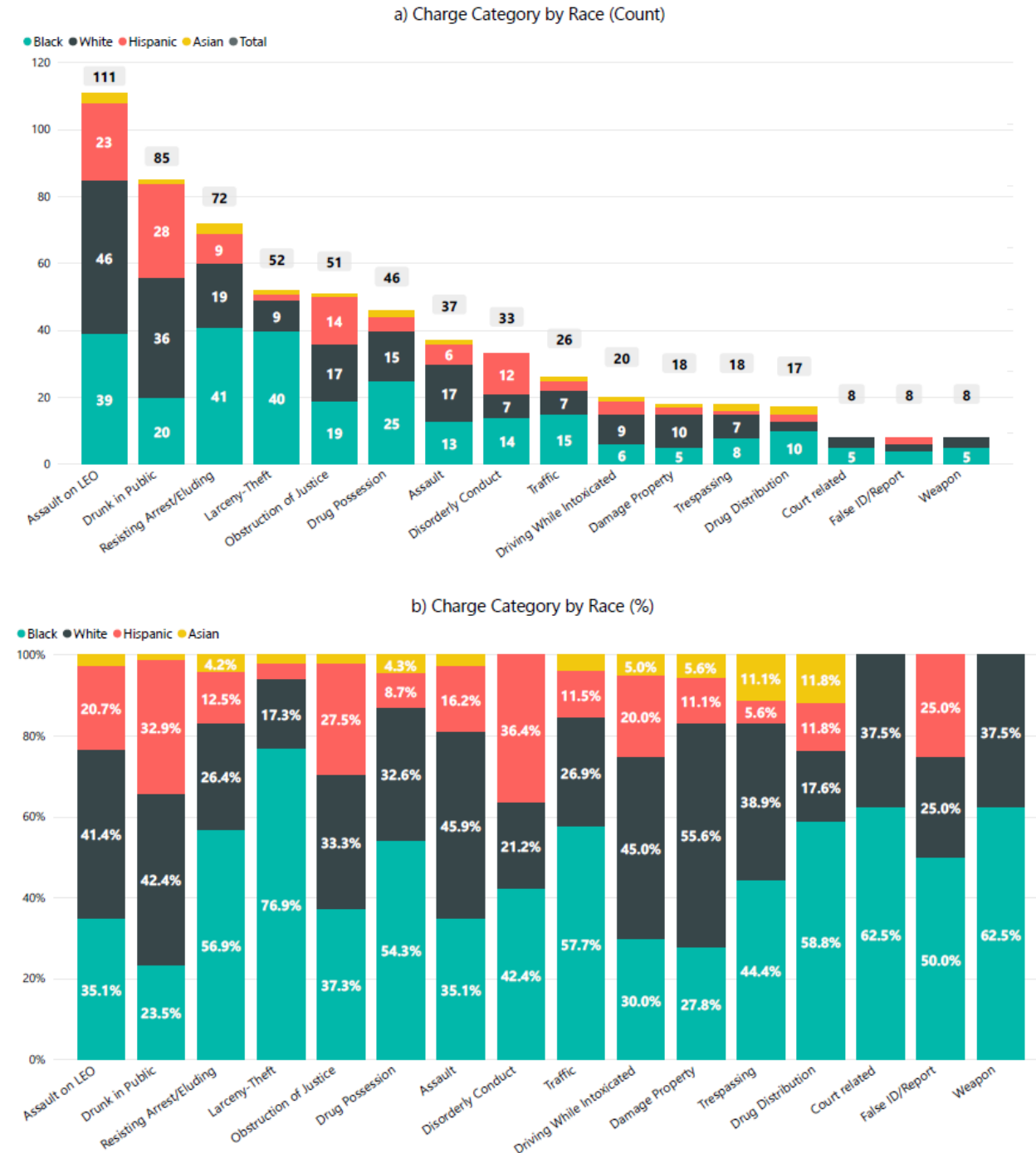
Table 8: Officer Force Type Used during Encounters with Subject in Possession of Weapon

Weapon Present	Empty hands	Instrument	Discharge firearm	Restraint Device	Total
Black	16	11	1	2	30
White	10	11	0	1	22

Charges

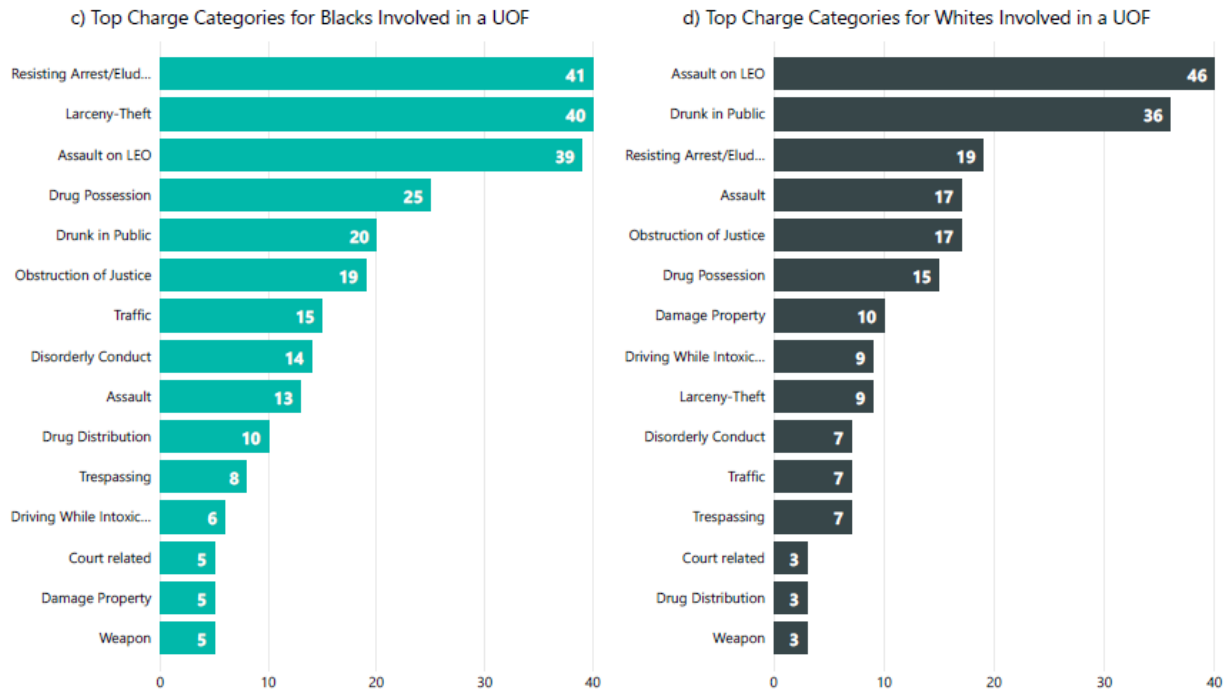
In 2016, the most common charges received by subjects after an encounter with the police using force included Assault on a Law Enforcement Officer (111 charges), Drunk in Public (85 charges), Resisting Arrest/Eluding (72 charges), Larceny-Theft (52 charges), and Obstruction of Justice (51 charges) (Figure 14a).

Figure 14a-b: Charges Received by Subjects Involved in Force Incidents



Whites were charged more often than blacks with Assault on a Law Enforcement Officer (41% versus 35%) and Drunk in Public (42% versus 23%) (Figure 14b). Blacks were charged more often than whites with Resisting Arrest/Eluding (56% versus 26%) and Larceny-Theft (76% versus 17%). Similar proportions of blacks and whites were charged with Obstruction of Justice (37% versus 33%). Blacks were more often charged with Disorderly Conduct than whites (42% versus 21%).

Figure 14c-d: Top Charges Received by Black and White Subjects Involved in Force Incidents



Conclusion

The OIPA conducted a review of FCPD's uses of force in 2016 to provide additional information to the Fairfax County Board of Supervisors and County residents on the situations in which the FCPD used force. 2016 is the second year for which the OIPA has reviewed force incidents to identify situational factors that may help to explain the observed racial disparity. While the OIPA is limited in its ability to identify specific trends in the FCPD data due to data collection changes, we note some common situational factors in force incidents that occurred in both 2015 and 2016:

- There was an equal proportion of incidents in which blacks and whites exhibited passive resistance, as interpreted by FCPD officers.
- There was a greater proportion of incidents in which FCPD officers viewed blacks as actively resisting than whites.
- More blacks than whites fled or attempted to flee during an encounter with an FCPD officer that ended in the use of force.
- More whites than blacks spit at officers or bit (or attempted to bite) officers with their mouths.
- Officers more often used takedowns and pointed their firearms at black subjects than white subjects.
- Officers used restraint devices on whites more often than blacks.
- Officers infrequently encountered blacks and whites with a weapon in their possession.
- In 2015, and in the first six months of 2016, blacks and whites were identified as potential EDP's in relatively equal frequencies.

In addition, there were some key differences in the force incidents from 2015, when compared to the force incidents from 2016:

- In 2015, blacks more often than whites used physical force such as punches or kicks against an officer. In 2016, both groups used physical force against officers in a similar number of incidents.
- Alcohol and drugs were present in more incidents involving whites than blacks during force incidents in 2015. During the first six months of 2016, drugs were more often present in force incidents involving blacks and alcohol was more often present in force incidents involving whites.
- While an infrequent occurrence overall, blacks possessed or used a weapon, such as a firearm, knife, or other cutting instrument, more often than whites during incidents resulting in force in 2016. In 2015, the number of incidents where a subject was found to be in possession of a weapon was virtually identical for both blacks and whites.

In 2016, only about 1 in 1000 community member contacts (i.e., out of 460,245 calls for service including criminal, service, and traffic calls) resulted in the FCPD using force.⁴¹ While this rate is extremely low, it benchmarks incidents of force to community members of all races and ethnicities

⁴¹ FCPD reports that there were 500 use of force incidents out of 460,245 contacts between officers and community members ([FCPD Internal Affairs Bureau 2016 Annual Statistical Report](#)).

living, working, or traveling through Fairfax County and does not provide a detailed picture of how FCPD use of force disproportionately impacts certain racial groups, particularly blacks.

When considering arrest rates in Fairfax County, approximately 1 out of 100 arrests result in force being used (Table 9). The likelihood of force being used during an arrest is higher in the Mount Vernon (1.7% of arrests) and Mason (1.4% of arrests) police districts (Table 9). Notably, these are also the police districts where minorities make up a significant portion of all force incidents: blacks make up 65% of force incidents in Mount Vernon and Hispanics make up 51% of force incidents in Mason (Figure 2b).

Table 9: Arrest and Force Incidents by Station in 2016⁴²

District Station	# of Arrests	% of Total Arrests	# of Force Incidents	% of Total Force Incidents	Force Incidents % of Arrests
Fair Oaks	6,777	19.9%	42	10.9%	0.6%
Franconia	5,135	15.1%	60	15.6%	1.2%
Mason	5,490	16.2%	76	19.8%	1.4%
McLean	4,476	13.2%	51	13.3%	1.1%
Mount Vernon	5,056	14.9%	85	22.1%	1.7%
Reston	2,331	6.9%	29	7.6%	1.2%
Sully	2,062	6.1%	12	3.1%	0.6%
West Springfield	2,662	7.8%	29	7.6%	1.1%
TOTAL	33,989		384		1.1%

In its earlier manual review of 2015 force data, the OIPA was not able to find a discernable difference in the amount of force deployed against blacks versus that deployed against whites when engaged in similar conduct.⁴³ With improvements in the data available for the current analysis of 2016 incidents, the OIPA was able to deconstruct the types of force used by officers when encountering black and white subjects exhibiting similar behaviors.

In this analysis we compared the percentage of blacks who had a type of force used on them when they exhibited a specific behavior to the percentage of whites who had the same type of force used on them when they exhibited the same behavior. The data reveals that in 2016:

- A greater proportion of blacks than whites had an instrument used on them during an encounter with the police when the subject actively resisted.
- A greater proportion of blacks than whites had an instrument used on them when the subject did not flee.

⁴² Arrest data was taken from the [Fairfax County Police Department Statistical Report: Arrests & Citations, 2016-2017](#). Arrests and force incidents with no district station information (or those involving specialized units) have been removed.

⁴³ See OIPA's [A Review of the Disparity in FCPD Use of Force Incidents by Race in 2015](#), p. 9.

- Restraint devices were used to resolve encounters with a greater proportion of whites than blacks, regardless of whether the subject was exhibiting passive or active resistance and regardless of whether the subject attempted to flee or not.

While the OIPA cannot isolate the reasons or causes for the observed disparity between races in FCPD force incidents in 2016, the data reviewed from 2016 use of force incidents suggests that not all individuals in Fairfax County experience police contact in the same way. This finding is consistent with a 2016 survey of Fairfax County community members in which non-whites reported more negative perceptions of the police than whites.⁴⁴ Specifically, non-whites reported being stopped by the police in the past 12 months more often than whites. Non-whites were less likely than whites to report that they were treated fairly by FCPD officers. Since 2016, the FCPD has taken steps to address the differences between white and non-white community member perceptions of the department. For example, the FCPD conducts various programs to better engage youth in schools, meets with parents of children with special needs, and refers juvenile offenders to the County's restorative justice program. The department also works closely with the Fairfax County Communities of Trust, engages community members in its policy development on an on-going basis, and provides de-escalation and implicit bias training and other activities for officers to expand their cultural awareness.

In addition to supporting the study conducted by UTSA, OIPA will continue to review force incidents and provide information to the public on this topic. We commend the FCPD for opening its data to scrutiny and allowing a research entity to conduct an empirical analysis of uses of force by race. To further the public's knowledge of the disparate impacts of FCPD activities across race and ethnicity, OIPA has recommended⁴⁵ that the FCPD take steps to collect and publish data on other kinds of police activities by subject race, such as traffic stops, consents to search, arrests, and citations. Ideally, this data could be published by the FCPD in its annual statistical reports.

This report is intended to promote greater transparency on the frequency and types of force used by the FCPD across race and ethnic groups. The purpose of OIPA's data reviews are to complement efforts by the County – and the FCPD specifically – to increase the availability of public information on police department activities. Other notable efforts include: the Board of Supervisors' implementation of a system of civilian oversight to review allegations of excessive police use of force, abuse of authority, and serious misconduct; the FCPD's implementation of body-worn cameras; and the UTSA study to attempt to identify the reasons for disproportionate number of force incidents involving blacks.

⁴⁴Center for Evidence Based Crime Policy (2016). [*The Fairfax County Community Survey of the Fairfax County Police Department*](#). George Mason University.

⁴⁵ See OIPA's [*A Review of the Disparity in FCPD Use of Force Incidents by Race in 2015*](#), pp. 12-13.

