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Reducing Civilian Deaths While in Police Custody

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Reducing Civilian Deaths While in Police Custody

by

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College of Humanities and Social Sciences
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Requirements for the Degree of

MASTER OF ARTS CRIMINAL JUSTICE LEADERSHIP

Dedications

I would like to dedicate this to my daughter, Josslynn Boyd. She is the reason I went back to school. I wanted her to see what hard work and dedication can do for her.

I would like to thank my parents for believing that I can do this even as an adult with a family and full-time work. Their encouragement helped me keep going.

And most importantly, this is dedicated to all people who continue to fight for civil rights and the fight against racism. Please do not give up.

Abstract

Civilian death while in police custody has been on an upward trend and continues to make the news across the United States. Minorities seem to be the ones who suffer this fate more frequently than Caucasians (DeGue, 2016). This shows the injustice, inequality, and double standard within our law enforcement system. To begin the healing process and restore trust between civilians and law enforcement agencies change needs to happen that corrects the apparent injustices and prejudices being perpetuated within law enforcement agencies. The public should not fear their local police agencies and minorities should not fear dying while interacting with police officers. This change can begin with hiring the correct and ethical people, ensuring adequate training and policies are in place, and disciplinary actions occur when policies or expectations are breached as part of their duties. With this type of onboarding systems, SMART Goals, and the right leadership, change can begin. As time passes, civilians and the public should notice the change within law enforcement agencies.

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Chapter 1: Introduction

Across the United States there have been numerous examples of unwarranted civilian deaths that occurred when dealing with law enforcement or under the care of police custody “Victims were majority white (52%) but disproportionately black (32%) with a fatality rate 2.8 times higher among blacks than whites. Most victims were reported to be armed (83%); however, black victims were more likely to be unarmed (14.8%) than white (9.4%) or Hispanic (5.8%) victims” (Degue, 2016). These incidents seem to be prevalent in minority communities and seem to be unjustified. However, the officers involved continually get away with the crimes they commit against civilians, who they are sworn to protect.

These incidents are creating a civil unrest, and while this has been happening for multiple decades, there seems to be a larger movement happening and it continues to gather momentum. Black Lives Matter (BLM) has become a big part in this, and many organization and celebrities have been embracing their message, like the NBA and NFL. BLM was started in 2013 in response to the Trayvon Martin case, where the officer was acquitted. This is likened to the civil rights movement from 1954-1968. Black Lives Matter and what other minorities are fighting for now, are the exact same things they had fought for back during the Civil Rights Movement and even long before that as well when battling slavery for hundreds of years.

The history in this country has been to treat any person not Caucasian poorly and strip them of property and basic human rights as seen in such incidents in our countries history like the reason for the Civil Rights Movement, being allowed to vote, freedom from slavery, lynchings, removal of land and rights from Native Americans. The mistreatment of minorities has gone back centuries and remains as a main and current topic still today. Law enforcement and

minorities have had this struggle for an exceptionally long time and the shame of it all is it continues to grow and make headlines.

In 1991 Rodney King was attacked and beaten by officers after a high-speed chase ensued. (Riotta, 2020). The officers did not just apprehend him and arrest him but beat him so severely that he had skull fractures, which led to brain damage, and multiple broken bones throughout his body. A civilian captured the beating on film and sent it to a news station. All the officers involved were acquitted of their crimes. This “sparked a national conversation about police brutality and racial inequality” (Riotta, 2020). This incident created a civil unrest and violent protests, similar to what we are seeing today with George Floyd, Breonna Taylor, and other victims at the hands of law enforcement.

The concern for many minorities, especially males, is that they fear they will die with any interaction with law enforcement. This is not just if they commit a crime but even being pulled over by an officer as in the case of Philando Castile. This is another case in Minnesota where a civilian was killed by an officer (New York Times, 2017). The New York Times has the video from the dash cam of the shooting.

The growing number of incidents should be a concern for many and not just minorities’ problem. The significance of these incidents shows a blatant disregard for certain humans and a continued practice of inequality amongst protected classes. Citizens, no matter their race, should not fear that if they are pulled over for a routine traffic stop, or if they are questioned by police that that will be the last time, they will be seen alive. This inequality needs to be addressed and wild officer behavior should not be tolerated. As fellow human beings we should protect and care for all and not allow injustices to continue at the hands of our protectors. Addressing these issues

could bring about change and creating trust between citizens and law enforcement. The cohesiveness between the races could spark economic growth, reduce welfare cases, reduce the number of minorities being imprisoned for minor crimes, and allow them to work and be productive in society. Race, creed, religion, gender, age, sexuality should not be a reason one is denied a job or to be a target for police or anyone for that matter.

Background

Similar to the original Civil Rights Movement we are seeing similar actions and issues that were a problem back then that are rearing their ugly heads again. During the Civil Rights Movement, police brutality against African Americans and other minorities was at an all-time high. “In accordance with the thoughts of many individuals in the white communities, police assumed African Americans were intrinsically violent and, as a result, essentially felt it was their duty to protect whites from blacks. In Southern cities, police brutality against African Americans was often condoned by political and civil leaders at all levels.” (Study.com, 3rd paragraph). An example of this brutality is the Detroit Rebellion of 1967, where three black men were killed by White officers. Their “crime” was attending an after-hours drinking establishment. (Horner, 2020)

Horner goes on to state “I believe these events show that police brutality today, perpetrated disproportionately against blacks in urban areas, is more of a continuation of historic patterns than a set of novel events.” (Horner, 2020).

Statement of the Problem

The recent deaths of many African Americans in this country over the years is a cause for alarm and attention that requires action and a call to change. Back in October 2000 the “Death in

Custody Reporting Act of 2000” was enacted. This act outlined and detailed what is to be collected and reported on when a death occurs within police custody. It states

“such State has provided assurances that it will follow guidelines established by the Attorney General in reporting, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes--

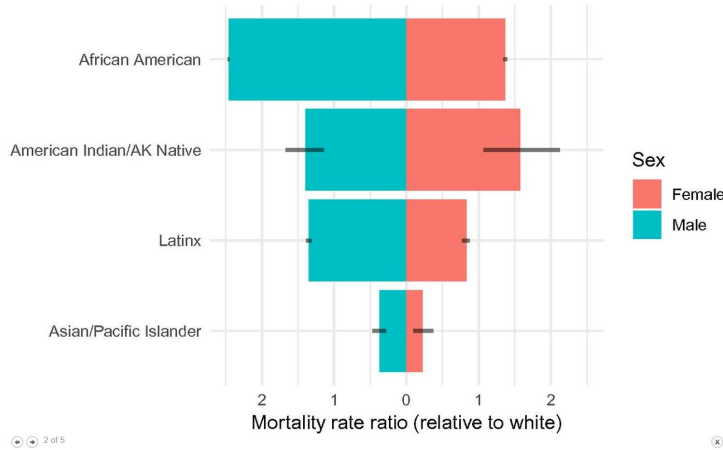
‘(A) the name, gender, race, ethnicity, and age of the deceased;

‘(B) the date, time, and location of death; and

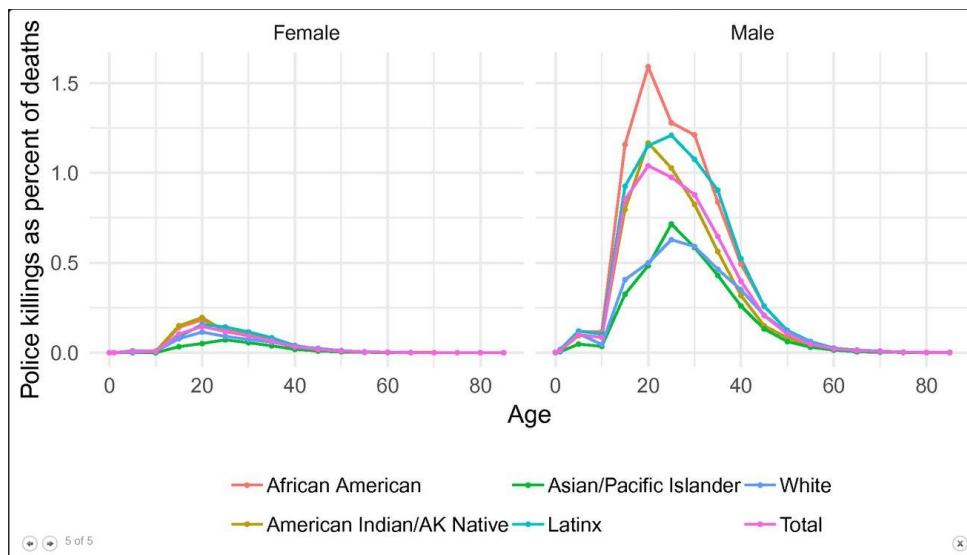
‘(C) a brief description of the circumstances surrounding the death.’. (GovTrack.us., 2021).

However, even though this reporting is required there are states that are not following the quarterly reporting between the years of 2003-2011. According to the Arrested Related Deaths (ARD) Program: Data Quality Profile of 2015 and the department of justice “The national coverage of homicides by law enforcement that the ARD program captures improved from 2003 through 2011. Even with this improvement, assessments indicate that between 31% and 41% of homicides by law enforcement personnel were not captured in the 2011 ARD data.” (U.S. Department of Justice, 2019)

In looking at data from Edwards, shown in **Fig 2**. “The highest levels of inequality in mortality risk are experienced by black men. Black men are about 2.5 times more likely to be killed by police over the life course than are white men” (Edwards, 2019).



In **Fig 3**, Edwards results state “Police use of force is responsible for 1.6% of all deaths involving black men between the ages of 20 and 24.”



All these figures show the severity of the problem and the risk to African American men. Edwards goes on to state “Our analysis shows that the risk of being killed by police is jointly patterned by one’s race, gender, and age. Police violence is a leading cause of death for young men, and young men of color face exceptionally high risk of being killed by police. Inequalities in risk are pronounced throughout the life course. This study reinforces calls to treat police violence as a public health issue. Racially unequal exposure to the risk of state violence has profound consequences for public health, democracy, and racial stratification.” His model has proven true in the

cases of Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Alton Sterling, Philando Castile, Stephon Clark, Breonna Taylor, and George Floyd who were African Americans that died at the hands of police.

Many of the officers that were involved in the previous mentioned cases were not held accountable or responsible for their actions. A few have lost their jobs and one got prison time, but the lack of disciplinary action or being held accountable for the taking of a life, generally unjustified, has been contributing to the unrest that is sweeping the nation. Minorities are tired of their lives not mattering as seen in the lack of action or call to change when the incidents occur. This can be demonstrated by protests and the multiple movements that are actively happening by BLM and NAACP. If law enforcement continues down this path the lack of trust, unrest, protests, violence, and destruction of property will grow. Martin Luther King Jr states “Injustice anywhere is a threat to justice everywhere.” (King, 1963). This is as relevant now as it was back when he spoke those words. Martin Luther King Jr. taught about peaceful protests and use of non-violent methods. However, even he had a breaking point as social conditions worsened, he goes on to say.

“Certain conditions continue to exist in our society, which must be condemned as vigorously as we condemn riots. But in the final analysis, a riot is the language of the unheard. And what is it that America has failed to hear? It has failed to hear that the plight of the Negro poor has worsened over the last few years. It has failed to hear that the promises of freedom and justice have not been met. And it has failed to hear that large segments of white society are more concerned about tranquility and the status quo than about justice, equality and humanity. And so in a real sense our nation’s summers of riots are caused by our nation’s winters of delay. And as long as America postpones justice, we stand in the

position of having these recurrences of violence and riots over and over again. Social justice and progress are the absolute guarantors of riot prevention” (Martin Luther King Jr.,1967).

This quote sounds as if it is explaining what has happened in 2020 as police violence continues and African Americans are still fighting for civil rights and equality in this country. The peaceful protests that began with “taking a knee” while the national anthem was playing in football was heavily criticized and many (Colin Kaepernick) lost their careers to this. African Americans then tried to get recognition and a movement going, BLM, with peaceful marches and protests to gain an audience to bring their grievances too. This too was unsuccessful and many African Americans continued to die and fear their law enforcement. It was only when an outcry after George Floyd and protests turned destructive was their voice heard. The alternative was to keep going down the same path and allowing or accepting that officers can take the lives of any citizen without repercussion.

Conclusion

Looking back at history there are numerous examples of police brutality resulting in severe injury or death of minorities. To shed light on the topic is the first step and that there is a need for change. Restoring trust between law enforcement and the public will not happen overnight but law enforcement can show their intentions and need for change by hiring the correct people, providing training that encompasses such topics as excessive force rules, diversity, empathy, ethics, cultural awareness, and disciplinary actions that will occur when violations are found.

Chapter 2: Review of the Literature

Ethical Application of Death In Police Custody

Deaths while in police custody can occur for a variety of reasons (health issues, drug overdose, severe injuries). It is not always done maliciously or negligently by the arresting police officer. A civilian may have unknown health issues that the officer is unaware of but in doing their job it could exacerbate their health issue. The area that is a cause for concern for many is when an officer takes the life of a civilian while attempting to apprehend the suspect or while trying to control the scene. Officers are entrusted with civilian life and public duty; they are ethically bound to protect and preserve life. “Sanctity of life and the protection of the public are the cornerstones of the MPD’s use of force policy. Officers must recognize and respect the sanctity of life and value of all human life, and the need to treat everyone with dignity and without prejudice.” (Minneapolismn.gov, 2020)

When a civilian is arrested, they are in the “protective care or guardianship of someone or something” (Suhda, 2016). It is the police who have the sole responsibility and duty to protect this person while they are under their care. The civilian expects to maintain their life during this process and should not fear it will be taken away carelessly or baselessly while they are being arrested or with any interactions with law enforcement. Minorities have an increased fear of losing their life when interacting with officers due to the reported number of incidents that have occurred and will continue to occur if planning and actions are not implemented to correct these injustices. As shown on Fig. 3 above. According to the *International Committee of the Red Cross*, “The right to life is a fundamental human right” (ICRC, 2013). This inherent right is for all humans and not just ones of a certain race, gender, or class. This right to live is not diminished even

if a crime was committed or you are suspected of a crime. These suspects are innocent until proven guilty. The arresting officer is not the judge or jury to inflict punishment in this nature unless there is a real fear for their lives or the lives of others. Many of the examples that are reviewed in this paper will show that several of the suspects were not resisting arrest, did not have a weapon, and some were already restrained.

Excessive Force Policy

Cornell Law School defines excessive force as “Excessive force refers to force in excess of what a police officer reasonably believes is necessary. A police officer may be held liable for using excessive force in an arrest, an investigatory stop, or other seizures. A police officer may also be liable for not preventing another police officer from using excessive force.” (Legal Information Institute, paragraph 1)

Various police departments have policies on excessive force. These policies exist to aide protect the public and to help guide the officer on what they should do. But not all situations are the same. “The level of force an officer uses varies based on the situation. Because of this variation, guidelines for the use of force are based on many factors, including the officer’s level of training or experience” (National Institute of Justice, 2020). The policy should clearly define what is considered excessive force, when it would be acceptable use along with examples, when it is not to be used along with examples, and consequences and disciplinary actions for actions taken that are unjustified use of excessive force. This should include officers who stand by and watch abuse by other officers. The policy needs to include the empowerment of another officer to stop inappropriate behavior no matter their rank without risk of repercussions for stepping in.

Policies that are lacking in this information can leave ambiguity and be subjective in nature rather than objective which allows an opening for the officer to interpret it differently than its intended use.

Examples of excessive force against minorities can be easily seen with the cases of Rodney King and George Floyd. These two cases are eerily similar in that they were caught on camera, there were officers at the scene that watched the beatings or excessive force being used and did nothing to aid the victim, and officers have not been held accountable or responsible for their crime. Rodney King did not lose his life during this interaction but sustained serious injuries and permanent brain damage (Independent, 2020). George Floyd did lose his life during his episode with law enforcement. Officers were called by a shop keeper who stated that a counterfeit \$20 bill was used to purchase cigarettes. Seventeen minutes after the first officer arrived George Floyd was unconscious and showing no signs of life. George Floyd was still being pinned by the neck by an officer's knee even after he was cuffed and, on the ground, (Hill, 2020). *Minneapolis.gov* clearly states in their policy "Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person." He was showing no signs of resisting arrest and was subdued yet the officer continued to hold him down. (New York Times, Hill, 2020 Video) There was no immediate threat to officers from George Floyd, but the officer continued to forcefully hold him down.

George Floyd's death sparked a public outcry that demanded reforms which led to the Minneapolis Police Department to "overhaul" their use of force policy. Mayor Jacob Frey states "require officers to consider all reasonable alternatives before engaging in deadly force and use the least amount of force necessary to safely handle a situation." Frey goes on to say, "excessive

use of force against the people officers are sworn to protect is damaging to public trust.”. These policy changes Frey and the public hope that it will enable to “more easily remove officers for egregious conduct” (Forliti, 2020).

The policy revision also “bans officers from shooting at moving vehicles, with exceptions, and revises language to note that even the threat of force, such as unholstering a firearm, will now be classified as a use of force.” (Forliti, 2020). These revisions add a level detail that should remove ambiguity and inform officers of what is acceptable and what is not acceptable. The excessive force policy should also include the empowerment of fellow officers, no matter of rank or tenure, to intervene as needed to stop the prohibited act from continuing. In the Minneapolis, MN police department policy it clearly states "Regardless of tenure or rank, any sworn employee who observes another employee use any prohibited force, or inappropriate or unreasonable force (including applying force when it is no longer required), must attempt to safely intervene by verbal and physical means, and if they do not do so shall be subject to discipline to the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force." (Minneapolismn.gov, 2020). This portion of the policy is exceptionally important as it allows intervention of fellow officers observing the inappropriate actions of an officer but in turn protects citizens from unwarranted abuse and mistreatment. Not only does it provide required actions to intervene but shows an ethical duty to intervene to preserve life when one can. It also provides the disciplinary action that will occur if a fellow observer does not intervene when they should.

Various Policies

Excessive force policies are only one type of policy needed for law enforcement. There are a multitude of others that need to be defined and reviewed with officers with the necessary

provided trainings. Policies exist to protect and inform the employee and the employer. It helps both sides align on what expectations are, what is considered acceptable and more importantly, what is unacceptable.

Many law enforcement agencies and companies have a code of conduct or ethics policy in place that is required of all officers or employees to follow. *I-Sight* defines code of conduct as “how a company’s employees should act on a day-to-day basis. It reflects the organization’s daily operations, core values and overall company culture.” (i-Sight). Code of conduct should include sections that review ethical principles, values, taking accountability and responsibility, and disciplinary actions.

Other policies that should be written and reviewed with officers are the following; Obeying the laws of the United States and the Constitution, how to retain and ensure public trust, treating people with respect and fairness, refrain from prejudice or biased behaviors, drinking and drug use, social media usage, evidence handling and storage, gratuities and gift acceptance, intimidation tactics, confidentiality, reporting of misconduct or unethical behaviors by officers, professional courtesy, and that the code of silence amongst officers is unacceptable and will no longer be tolerated. All these topics should be an individual policy that is reviewed by all officers on a regular basis. This will ensure adherence to policies and any changes that have been since their original review.

Policies outline for officers what is always expected of them, regardless of on duty or off duty status. Policies should be detailed but unfortunately cannot account for all situations that can occur. Their job is to cover the most applicable and common items that can occur. To account for a lack of a policy for a situation that is rare, an edge case, or something not thought of

there can be a “catch-all” type policy. This is a more generic policy that can cover misconduct in general. It can be its own misconduct policy, or each policy can have a section regarding misconduct that was not otherwise identified in the more detailed portion of the policy. That way if a situation occurs that is not explicitly written into a policy that leaders can turn to, leadership has this portion of to refer too and be able to take necessary actions.

Disciplinary action is a necessary section of a policy. It informs the reader, the officer, of what will transpire if they were to breach one of the policies. Ignorance will not be an acceptable reason to breach or break a policy. This section of the policy removes ambiguity of what will occur if the policy is broken and removes the guess work from leadership in what they should do if the scenario arises.

To help officers understand policies they need to be required to read and acknowledge their understanding of the policy annually. Officers need to have access to policies and the appropriate training that needs to accompany the policies. To have officers act in an appropriate manner and the way leaders would like officers to behave they need to be equipped with the information upfront and continually while being a police officer. This can be achieved with the necessary training for all officers to be successful in the line of duty.

Training

Policies are usually accompanied by official training courses to reinforce understanding and practical application for the officer. Humans learn in various ways. To account for the different methods of learning there should be several types of training available to officers. According to the *University of Kansas* people learn by four different methods called the “VARK method”

(University of Kansas, 2020). VARK stands for Visual, Auditory, Reading/writing, and Kinesthetic type learners. Training programs need to have a mixture of these methods worked into the training material that are available to officers. A diverse training system will be more effective and reach a broader audience and can help assist in compliance of trainings and policies.

There should be a set of core trainings that are required of all officers who are onboarding as a new officer and annually thereafter to help reinforce training. As societal changes occur, and new information is learned training and policies need to change to implement and review the new changes. Leaders would need to inform officers of changes and require them to review the updated material and trainings. Annual review of trainings ensure that all officers are receiving the same trainings and information as new officers being hired and onboarded to the department. This removed “old school” approaches and information. The more veteran employees need to be aware of changes since their time in school or original training. Annual trainings should include and review items such as code of conduct, diversity, empathy, racism, harassment, biases, excessive force, social media, and whistleblowing. This approach to training will aide in compliance since it is regularly updated and reviewed.

There are different approaches to training. There can be in classroom training, online training, scenario-based training. A scenario-based training can be effective and allow officers to role play with one another and have a hands-on approach to the required learning. This approach makes the situation seem real and will put the officer in the position to make real time decisions and possible consequences to those decisions. In the role-playing approach there would be someone playing the officer and someone else playing the suspect. There can be an audience who also can watch the scenario play out and then interacts as needed. This allows the participants and the audience to ask questions or explain what they were feeling and thinking as they watched the

scenario. An open discussion can be held at the end of the scenario to showcase how various people perceived what was happening from multiple points of view instead of one side. Scenario based training helps show empathy as it allows for one to see or walk in another person shoes during the scenario. Like what happens when watching a movie or reading a book, the observers and other participants are drawn into the situation and will be exposed to what the people are going through. “One of the most valuable benefits of scenario-based learning is its ability to engage learners by stimulating their brain activity. This form of learning encourages learners to think critically allowing them to solve problems that make decisions based on what they have learned” (Hout, 2020). They will see and experience emotions as the scenario plays out. If an injustice is seen or mistreatment is shown the observer can see this and reflect on “what if that was them”. It can show racism, hate, inequality and what it would look like or feel like to be the person being mistreated. The scenario can continue and show officers being disciplined for misconduct or inappropriate behaviors. If during training an officer does something incorrect, the trainer should inform the officer that they did something wrong, why it was wrong, and what would happen if they did this while on the job. Knowing that they can and will be disciplined for unethical or misconduct may help reduce incidents of that occurring.

Training should include a social media etiquette and what is acceptable to post and what is unacceptable. It does not matter if it is an officer’s private account or that they were off duty when they posted, their words can have backlash for the department and for the public. An officer represents their department and their political, religious, racist, insensitive remarks can have repercussions. This can be observed in the capital riots that happened on January 6, 2021. People were posting their actions while entering the capital and now it is being used against them as evidence. The repercussions of these actions could and should have criminal effects but also

personal, as many have lost their jobs due to their actions that day. While there is free speech, that does not mean you are without consequence for what you say. Officers need to be aware and trained about social media posting and that they are not immune to discipline with inappropriate online actions.

Training is key for developing officers, holding them accountable and responsible, and ensuring compliance. This sets expectations for the officer and what happens if these rules and expectations are not followed. Training is an ongoing process and should occur on regular intervals. Training needs to be fluid and adapt with societal changes and situations that can occur that officers need to be aware of. Officers need to be aware that they are not allowed to treat protected classes differently from non-protected classes. Training should cover that racism is not acceptable and will not be tolerated. Training needs to show that no one race is more of a threat than another. Officers need to understand that their job comes with inherent risk but that the public is not the enemy.

Ethical Leadership

Leadership has an important role in the aim to reduce the numbers of deaths while in police custody. The first step leaders can make is to ensure the correct people are being hired. Leaders need to understand how to hire the right people as officers, what to look for, red flags, and doing thorough background checks on potential candidates for employment. The background check will provide information on past criminal activity by an officer, which may indicate violent behaviors or tendencies. Leaders can request and review personnel files from other stations the officer may have worked at or if there are any current complaints or active cases against them. Leaders should avoid hiring people that have several complaints against them or have been

flagged for using excessive force when unwarranted. Hiring the correct people will help reduce unwanted and undesired situations from occurring.

Leaders are responsible for officer trainings and adherence. Leaders should be required to participate in the same training as officers. This will reinforce that management accepts the training and agrees with the importance of training. They must “walk the walk” if they expect their officers to do the same. Leaders must exude ethical behaviors and standards. The way that they act and conduct themselves are how their employees or subordinates will conduct themselves. Humans tend to mirror behaviors of others, especially their leaders. Leaders set the standards and tone of how their subordinates will act. Leading by example is the biggest benefit they can offer their officers.

Discipline is another responsibility of leaders. Leaders need to be able to follow through on disciplinary action when misconduct or policy breaches happen. Officers need to be held responsible and accountable for their own actions. Discipline is meant to deter unwanted behaviors from happening and as a leader they should not be afraid to reinforce punishments. Dealing with indiscretions swiftly and promptly is important as it sends a clear message to the department and other officers that unbecoming behaviors will not be tolerated. Removing officers that conduct themselves unethically or participate in illegal activity is important for how the department will be run and will affect the morale of the department. If officers, see the dismissal of fellow officers who are not abiding by the rules this could deter those officers from displaying the same behaviors. The removal of the “bad apples” will also let the public know that leaders take actions of their officers seriously. If the public sees that officers are not allowed to do whatever they please with no consequences this could begin to repair the distrust between the public and law

enforcement. According to a Rashawn Ray article in 2020 “When an officer is dismissed, typically the Fraternal Order of Police has helped them resign quietly instead of being fired. This gives bad officers the ability to work for another department” (Ray, 2020). Ray goes on to say that there should be police department insurance policies like in health care.

Being a police officer can be difficult at times. It is a stressful job and officers see and interact with people who are not at their best. According to Rasmussen University and Times Magazine “policing is the fourth most stressful profession” (Flavin, 2018). They see difficult things on a regular basis. Knowing and interacting with your officers on a regular basis as a leader can help identify behavioral changes from the officer’s “norm”. These changes could be a warning sign of stress, burnout, or other issues that the leader needs to know about. These changes can affect the officer’s personality and decision making. Looking for red flags is the responsibility of the leader. Red flag or warning signs to look for are anxiety, depression, PTSD, violence, etc. Their early intervention could be a matter of life or death for someone. If an officer is in crisis or displaying violent tendencies or mistreatment of others the leader must step in and act. Removing the officer from duty will shield the public from mistreatment or an incident that will perpetuate the rift between law enforcement and the public.

Administration Application of Reducing Deaths In Police Custody

To aim toward reducing deaths of civilians while in police custody there needs to be planning, SMART goals, objectives, training, policies, and communication of those items. Leadership and the administration need to be on the same page and have the same goals in mind. The direction and vision need to have all parties playing a part to map this out and plan on how they can play a part in reducing civilian deaths while in police custody.

A committee or focus group needs to be created to take on such a large task. There should be representation on this committee from many different areas to bring a perspective of the situation that might not be apparent to others. This could include such people as leadership of different departments or units, officers of multiple ranks, trainers, human resources, civilian or public representation. This committee needs to be made of different genders, races, ranks, and age groups. This will ensure that many types of voices are heard and represented. The first thing the group should do is clearly state their objectives that this group would like to accomplish. This objective should be comprehensive and measurable and finally communicated to all employees of the precinct, departments, district and the public. The committee should meet regularly and have assigned work that has end dates assigned. This group should then give status updates to all mentioned above to hold themselves accountable for their progress or lack of progress.

A strong start for the committee would be to begin with what success measures they foresee from this group of people. The meaning of success differs greatly from person to person. Due to the differences in success the committee will need to decide what success means to them as a group and then break down how they will measure success. Once you define what success means to the group then the group can begin working on SMART goals to lay out smaller success or milestones that can be achieved that feed toward the success criteria you have agreed upon.

A SMART goal stands for Specific, Measurable, Achievable, Realistic, and Timely (Mindtools). Using this formula helps set well-defined goals that will help you achieve and guide you toward the larger success criteria. It provides a built-in metric to measure success or lack thereof success. An example of a non-SMART goal would be “create a training program for officers when they are onboarded”. As you can see it is generic in nature and does not state any real information. It is lacking in who, when, and success criteria. To add depth and create a

SMART goal you can reword this goal to “Create or redesign a training program that encompasses ethics training, diversity training, excessive force training within 6 months that all officers/employees are required to take annually”. This is much more specific and will help guide and measure outcome. Each SMART goal created will then have its own action plan or project plan that will have tasks and each task will be assigned and owner. In taking this approach the group can track progress, milestones, and issues over the course of their work for achieving that goal. The group will then assemble the people or resources needed to work on their assigned work.

This is not a one-person effort or a single committee job. This requires everyone’s input and cooperation if your ultimate goal is to establish ways to reduce deaths while in police custody. The more you work together as a team in setting goals the more everyone will work together to achieve these goals together. Other employees will feel like they are part of the change and embrace it.

Communication is just as important and just as necessary as setting goals. Communication should be upward and downward and widely distributed. Communication will help align everyone to be on the same path and embracing the work ahead to achieve the vision. Communication will inform others of status, accomplishments, problems, volunteer needs, next steps, etc.

Training is another piece of the administrative lens that needs a focus. If we are expecting officers to change how they act or react to situations and people differently, then training needs to reflect what actions and behaviors we want them to take or adjust. The example previously given was to create or redesign a training program that encompasses behaviors and interactions officers need to change or implement in their day to day lives as an officer of the law.

The significance of focusing on law enforcement training comes from an article written by O'Tool that many of the recruit trainings mimic military styles. This style often belittles officers and all about power and control. This approach is sending out mixed signals to officers and not returning the results wanted or expected from officers. The abuse by officers of civilians have increased over many years.

“In a 2001 Police Foundation article about the abuse of police authority, the authors cautioned that “an organizational culture that sends unclear signals can cause honorable men and women to behave in dishonorable ways.”² They further emphasized that an organization’s culture should “strike the right balance between achieving an organizational goal and observing fundamental principles of decency and fairness.”³ Too often, this balance is not achieved in high-stress recruit training programs, and sometimes the disciplinary culture goes beyond a stressful environment to one that is abusive. For this reason, it should not be surprising that some police officers mistreat members of the public” (O'Tool).

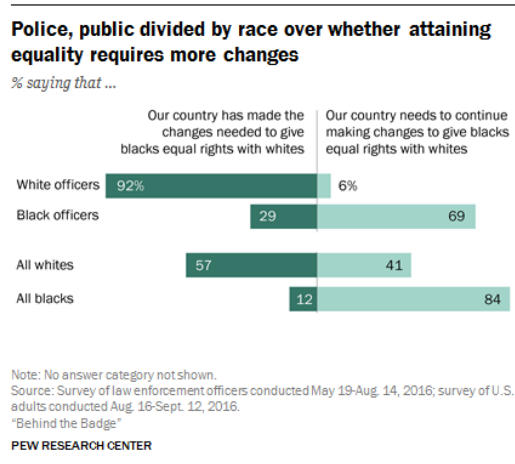
New recruit and veteran officers need to have similar trainings. Veteran employees can be set in their ways and possibly not required to attend any trainings that would update them on areas that have changed or actions no longer wanted by agencies. Training programs need to be fluid and be able to adjust to changes as new information becomes available. They should also be very detailed and come in a variety of options or formats that reinforces materials in different ways. If training includes disciplinary actions the officer will know upfront what is unwanted and inappropriate behavior. To have training link the officer’s actions to consequences could reduce the number of offences they commit.

An offshoot of training can be mentoring programs. Mentoring on the other hand is generally a longer process and it is a give and take on both sides (Henry, 2019). Both parties are contributing to the mentoring session. Participants should meet regularly with your mentee or mentor and have an agenda that will help focus and add structure to each meeting session. Each mentoring session should have specific topics that will be reviewed. Examples of topics could be about how to improve your communication skills, or how to be a stronger leader, or how to get to know your community more. As example of an action item from the meeting both could plan on that any email communications or memo's the mentee sends the mentor will read and give advice or suggestions on changes that person can make to improve on their communication. If a law enforcement officer wants to be a bigger part in their community or try and rebuild trust for the community this can be topics for the more experienced mentor to help guide. The mentor can give the mentee tasks to do and review the outcomes at the next mentoring session. There will be things that might have been successful or could be a complete failure, but either way, something has been learned.

Mentoring officers should also have a focus on developing officers to become better leaders. It can start by an active leader seeing potential in an officer to become a leader and who could be an advocate for change and justice. It obviously does not always have to have such a grandiose outcome, but sure could be. The younger officers and lower ranks eventually want to move up in the ranks. Mentoring can ensure that you are showing what's acceptable and ways to improve the next batch of leaders. The younger officers are our future so why not develop them to become what we have been lacking?

Another approach to mentoring could be lower ranking officers or new recruits are paired with more senior people in the ranks. This can assist in onboarding the newer staff, but also allows the more senior staff to learn new things that their training never covered. This pairing can help both parties see things from each other's point of view. It can also bring about change by helping the other understand things that they might not realize they are doing. It should naturally show that different people can get along, have different ideas or different past or history and still work together. Mentor pairings could also concentrate or focus on diverse pairings. It can pair different genders, races, cultures, and ages to start from different perspectives at the beginning of the session. This can spark open discussion and learning what others have been through and experienced.

According to a PEW survey **Fig 4.**, 92% white officers feel like this country has made enough changes to give blacks equal rights with whites. Only 29% of black officers agree with that statement (Morin, 2020).



The disparity between those two numbers is alarming. Across the United States about 15% of the police force is made up of African Americans (Courtenay, 2020). If the police force is not in agreement or recognize the need for change it shows that there is a deeper problem that

needs to be focused on. This can begin with hiring the right people, correct training, mentoring, setting common goals, and disciplining and ridding yourself of bad officers.

Training and mentoring are important for developing staff. It reinforces and continues a path to help them continually grow. Leaders who invest in their employee's growth and education are often met with increased productivity and great performance from their staff. It can also help reduce negative incidents from occurring and eventually show the community that officers can be trusted. These approaches are to help the people aspect of the officer's growth and understanding of their job, duties, and responsibilities. Creating SMART department goals and communicating goals and plan with your team and leaders is the first step in bringing about change. The team and leaders are buying into these goals and these goals provide a way to use metrics to measure your success. SMART goals are focusing on operational or behavior type changes that your department is looking for. They must be discussed and defined and then the planning can begin.

Correctional Design for Reducing Deaths in Police Custody

Everyone has their own personality and idiosyncrasies. Police officers are no different. Some behaviors we were brought up believing or doing are not acceptable or appropriate. The way you were brought up is not an excuse on how you treat people or how you live in a society. These behaviors we begin learning as a child and actions and outcomes help shape them. These are called behavior chains (Dalphonse, 2020).

A behavior chain is a sequence of events that follow each other that have reinforced a behavior. These chains can be positive or negative, but they are linked together as a chain (Dalphonse, 2020). An example could be every time you sit down to write a paper you need soft music playing in the background and candles lit. Only then can you begin to write the

paper. This occurrence happens because you created a chain of events and it was reinforced in us with a specific outcome. Behavior chains are natural, and we all create them from childhood into adulthood. (Dalphonse, 2020)

These patterns that we reinforce in our daily lives can be harmless or harmful. It becomes harmful or destructive when these chains end with negative outcomes as seen in racism, biases, and violence. These outcomes are not only outcomes that affect the individual. They can hurt others around you who are at the end of these negative chains. An example of a negative chain with a negative outcome within the criminal justice system is when a bias takes hold of an officer and this officer treats or behaves differently because of this bias. Examples of an officer's reinforced bad behavior with being more forceful or violent with minorities or giving women speeding tickets instead of men. They have created a pattern for themselves and might not even realize it.

A behavioral chain could have been created during a training program the officer participated in. The trainer, superior, or colleague could have passed this bias or aversions through the provided training. This could be deliberate or not, but it can take root in someone and then these new negative behaviors become more part of the officer's "normal" behavior or routine. It is like a parent who passes on bad behavior or ignorance to their children.

An officer may not be aware of their negative pattern, but others may see it. This is when fellow officers or even the leaders should bring it to the attention of the officer. Once this problem is identified then the work to correct this behavior can finally begin. For officers that may be aware of their behavior and how it affects others should still be seeking help or required to get

help by their leaders. If they refuse Cognitive Behavioral Therapy (CBT) or to change their behavior this should be handled in a different manner (Cherry, 2020). Disciplinary action or termination might be the appropriate approach to contain bad behavior from spreading.

Often these therapies within the criminal justice system seem to be directed toward the criminal and not the officers. According to Clark, “Cognitive behavioral therapy reduces recidivism in both juveniles and adults” (Clark, 2010). However, if the target became more about wrong or misguided behaviors no matter the status of a person then maybe change can happen. Example, a police chief notices that one of their officers are treating someone inappropriately or using excessive force towards a protected class not only should discipline occur but so should mandated cognitive behavior therapies be required. Discipline as a deterrent works to some extent (US dept of Justice, 2016). If we look at prison sentences and say prison deters criminal activity in general, we know that simply is not true. If it were true, the prison system would not be constantly overpopulated. That means that discipline by itself will not be the answer or change the unwanted behaviors. When looking at criminals and reducing recidivism it seems to come with additional work and not the discipline itself.

Clark states “in most cognitive behavioral therapy programs, offenders improve their social skills, means-ends problem solving, critical reasoning, moral reasoning, cognitive style, self-control, impulse management and self-efficacy” (Clark, 2010).

If this is proven and effective behavioral treatments for inmates, why would it not be the same for officers who seem to have behavioral issues that they are displaying while on the job? Law enforcement agencies need to work this into their programs as well and maybe they will see

a decline in recidivism with excessive force usage, civilian complaints, ethical issues, mistreatment of the public, and any other incident that is protected class driven. “When he combined and compared the effects of these interventions, he found that those based on punishment and deterrence appeared to increase criminal recidivism. On the other hand, therapeutic approaches based on counseling, skill building, and multiple services had the greatest impact in reducing further criminal behavior”. (Clark, 2010).

There are a variety of tools that are given to individuals that are part of CBT programs. To retrain or relearn how to think you need to learn to weigh your actions with consequences. The officer must learn how their actions have consequences and that their behavior has effect on others around them. CBT can also help an officer to learn to control their impulses and their tempers.

One exercise they can do as part of therapy would be to write down an action or decision they need to make and then right the pros and cons for it. Seeing this all the way through from beginning to the end and seeing what results may end up from a decision made will help the officer become a better decision maker. For an officer that might be plagued with a temper they may need to talk with a counselor to address their issues that bring them anger. There could be an unresolved issue from their past, a feeling of inadequacy, or a type of depression that needs to be addressed. They can be taught how to manage their feelings or their self-talk to help with their day-to-day temperament.

These tools are not a one and done resolution or a cure all. These tools need to be practiced regularly so that it becomes its own chain and just a normal process for the officer. Pretty soon it will seem like second nature and might not need a formal approach each time. It teaches

you how to think of a problem or action from beginning to end with multiple possible outcomes. This will help the officer decide if it is a course of action that they would like to take. This practice could also happen in real time in a situation where the officer needs to decide should I use a taser, should I use my gun, etc. It lets them look at the bigger picture instead of seeing things narrowly or through a fearful lens.

Leaders are responsible for all their officers underneath them. If a leader sees behavior changes in any of their officers or see that an officer has increased complaints against them, or temperament issues the leader has a duty to act. Sweeping this type of bad or negative behaviors under the rug will not bring about change or help prevent any future incidence occurring because of these behaviors.

Part of being a leader is to have the tough conversations. Leaders should be aware of the different programs and counselors available to officers for these types of issues. The goal of these conversations is to bring an awareness to the unwanted and destructive behaviors. If these behaviors continue that the officer will face disciplinary action. This can include firing an officer who continues to display inappropriate behaviors that are toxic to their fellow officers and to the public which they are sworn to protect. If the behavior remains unchecked other officers could potentially pick-up bad behaviors themselves. This toxicity can spread across a group and this could increase the incident count in your department. Officers need to understand that their actions have consequences.

Leaders need to help remove the stigma around these types of therapies and make it “normal” to address problems one may have. There is nothing wrong with improving yourself. There

is nothing wrong with counseling. Leaders should talk about this with their direct reports and re-inforce that these are positive actions that lead to positive outcomes.

Conclusion

The injustices that have occurred over many years against minorities needs to be addressed and handled swiftly. These types of behavior and actions from officers should no longer be tolerated. The United States is looked up as a progressive nation, yet we are regressing at a rapid rate. “The first year of US President Donald Trump’s administration was marked by a sharp regression in government efforts to protect and promote a range of human rights, Human Rights Watch said today in its World Report 2018. The Trump administration made policy changes that have harmed refugees and immigrants, undermined police accountability for abuse, and rolled back women’s rights, including access to important health services” (Human Rights Watch,2020). Look at the difference in the handling of Black Lives Matter protests and the Capital Riots. This is a great example of the inequality between the races. During the BLM protests the National Guard was called and lined the streets. Protestors were hit with rubber bullets, pepper sprayed, and many arrests were made on sight. During the Capital Riots police back up was delayed, National Guard was not issued until several hours have passed, and hardly any arrests were made that day. If this problem is not addressed and continued to be ignored, each passing year it will get worse until there is a huge clash between civilians and the criminal justice sectors.

Chapter 3: Implications, Recommendations, and Conclusions

Deaths while in police custody are happening on too regular of a basis across the United States. The victims are often of African American or another protected class. A statistic from an

Axios article is that in Minneapolis, Minnesota the police “have used force against black residents seven times more than on white people in the past five years” (Courtenay, 2020). This shows that African Americans are being treated differently than other races. This biased behavior is illegal and harmful to the nation. This increased the gap between law enforcement and the public. The distrust continues to grow. Removing officers that behave in this nature need to be disciplined or fired if the bad behaviors continue. Precincts need to show the public that certain behaviors and actions will no longer be tolerated.

This problem is across the United States and not isolated to any one area as seen in the highly publicized cases and in the statistics in **Fig. 5** from US department of Justice.

Number of arrest-related deaths, percent confirmed by survey respondents, and death-identification source, by state, June-August 2015

State	Number of deaths that met Arrest-Related Deaths program-eligibility criteria	Percent of deaths confirmed by at least one survey respondent*	Death-identification source	
			Percent of deaths initially identified through media review	Percent of deaths initially identified by survey respondent
All arrest-related deaths	424	87.5%	88.7%	11.3%
Alabama	7	85.7	100	0.0
Arkansas	1	100	100	0.0
Arizona	10	100	90.0	10.0
California	65	87.7	92.3	7.7
Colorado	7	100	100	0.0
Connecticut	2	100	100	0.0
Florida	26	84.6	96.2	3.8
Georgia	15	93.3	86.7	13.3
Hawaii	2	100	100	0.0
Iowa	2	100	100	0.0
Idaho	2	100	100	0.0
Illinois	11	100	81.8	18.2
Indiana	10	100	100	0.0
Kansas	6	66.7	100	0.0
Kentucky	10	60.0	100	0.0
Louisiana	7	100	100	0.0
Massachusetts	6	100	83.3	16.7
Maryland	4	100	75.0	25.0
Maine	3	100	33.3	66.7
Michigan	4	100	100	0.0
Minnesota	3	100	100	0.0
Missouri	12	83.3	50.0	50.0
Mississippi	3	100	100	0.0
Montana	1	100	100	0.0
North Carolina	10	100	100	0.0
Nebraska	1	100	100	0.0
New Hampshire	1	100	100	0.0
New Jersey	7	85.7	100	0.0
New Mexico	8	100	87.5	12.5
Nevada	10	80.0	90.0	10.0
New York	11	81.8	100	0.0
Ohio	16	93.8	75.0	25.0
Oklahoma	10	80.0	100	0.0
Oregon	7	71.4	100	0.0
Pennsylvania	13	76.9	92.3	7.7
South Carolina	7	100	100	0.0
Tennessee	9	100	88.9	11.1
Texas	57	77.2	75.4	24.6
Utah	6	100	100	0.0
Virginia	7	85.7	100	0.0
Washington	11	90.9	72.7	27.3
Wisconsin	7	100	71.4	28.6
West Virginia	4	25.0	100	0.0
Wyoming	3	100	100	0.0

This problem needs to be addressed at the national level but then tasks force or work needs to happen at the local level as well. Creating standardizations, best practices, and disciplinary actions that all law enforcement agency to abide by will help reduce discrepancies on handling the issues. Discipline should also include criminal charges for crimes committed against civilians. Officers should not have full immunity just because they are an officer. That perpetuates the notion that they are not responsible or accountable to their crimes.

As Edwards likened police violence to a public health concern this needs to be handled as attentively as other public health concerns have been (Edwards, 2019). Attention and change needs to be directed to this problem for the greater good of the nation.

Practical Applications

The right to life, liberty, and the pursuit of happiness is a right given to all of us no matter our race, creed, sex, age, or religion. This right did not come with exceptions or caveats. When police officers break this rule and take a life that is unwarranted, they need to be prosecuted and held to the same law they are supposed to be enforcing and abiding by. They are not above the law or immune to it.

Hiring standards should be implemented across the United States, on how to hire good officers. What to look for and what to avoid. Leaders can be trained on how to do background checks, request human resource files from other places worked, and look to see if an officer is on the Brady or Giglio list or that have license violations. Teaching leaders to avoid these types of officers will save them problems down the road. It will protect the public from mistreatment.

Training needs to be thorough and available in multiple formats for the different scenarios and learning approaches. Ongoing training should exist that would incorporate new curriculum or previous changes to training. If training is not done by due date leadership would need to step in and decide next steps. This could be removing from active duty until training obligations are fulfilled. Leaders should also be required to do the same training all of their officers attend and participate in.

Mentoring programs should exist to onboard new officers with successful veterans or other officers that have been recognized for their work. Mentees should be paired with officers who have exemplary behavior and positive impacts on the community or public.

Laws need to be created that punish officers who break these rules and laws. One could even ponder they should have harsher penalties than civilians since they empowered with domain over civilians and should have known better. Prosecution and sentencing them to prison time as other citizens are for murder would help rebuild the trust between the public and law enforcement.

Making it easier to fire officers who act inappropriately, racist, or biased would go a long way for the public. Evaluate the need for unions in general. And possibly removing the unions protecting these toxic officers is another way to help rid yourself of the problems in your station.

Having all law enforcement precincts or departments teach that “blue code of silence” is not acceptable anymore. The “blue code of silence” is when an officer does not report another officer for wrongdoing due to their status as a fellow officer (Westmarland). That officers who see another officer break the law, mistreat someone, or acts unbecoming of an officer should be taught to report this behavior.

Policies should be reviewed regularly by leadership and ensure they are up to date and if amendments are needed than revisions are made to existing policies. The amended policies will then need to be reviewed again by officers to ensure they understand and implement the newly added information. Leadership is responsible for the upkeep of policies and that their officers re-view policies annually, or as needed, to ensure they comply with mandated policies.

When creating committees for actionable items and brainstorming, it should be made up of different people representing different job duties, responsibilities, race, gender, age, and a public representative. The diversity of a committee will be its strength. These committees need to set SMART goals, action items, owners and provide regular communication to the broader and cross functional audience.

Wellness programs and options should be reviewed with officers and maybe even required if a red flag is shown by an officer. Wellness programs are meant to keep employees healthy and happy. It helps the employer reduce loss of productivity, absenteeism, and turnover. “Police and corrections officers who remain healthy throughout their jobs are in much better shape to enjoy what life may bring to their careers. Wellness programs for criminal justice professionals can ensure officers enjoy long and happy retirements as their rewards for a good job done well” (Roufa).

Recommendations for Further Research

Further research can be obtained through local law enforcement agencies and databases. Much of the information found is public information and data and can be accessed by anyone. You can also access <https://www.ojp.gov/topics/all-topics> which allows the user to search thousands of topics. There is plenty of information available regarding deaths in police custody. If

you are interested, you can look up your state and see the statistics on deaths in custody for your state at the following: <https://mappingpoliceviolence.org/states>.

Another database of fatal force usage by police officers can be found here:

[https://www.washingtonpost.com/graphics/2018/national/police-shootings-](https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.1420bd484da7&itid=lk_inline_manual_8)

[2018/?utm_term=.1420bd484da7&itid=lk_inline_manual_8](https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.1420bd484da7&itid=lk_inline_manual_8). At this location you see the number of deaths in the year of all states, but you can also break it down per state.

Conclusion

Deaths while in police custody will happen. There are multiple reasons that could occur that results in a death while in police custody. Reducing the deaths of civilians in police custody that are not a threat to an officer, that are not resisting, or that are already restrained are the areas of concern. To reduce the number of deaths in police custody agencies must work on preventative methods. The steps to prevention start with hiring the right kind people, creating and maintaining policies that are detailed and well-defined, extensive officer required trainings that cross a broad range of topics, and leadership taking disciplinary action when necessary or where required as stated in said policies. These necessary and basic steps help officers to know what their job duties and responsibilities are, what leadership and the public expect from them, and that officers will be held accountable for their actions and their decisions. Not all officers are bad or abuse their power. They became an officer to help others. But what the nation needs to concentrate on the officers who are the “bad apples”. Organizations that rid themselves of toxic people and behaviors have a better path to success and possibly reducing the number of inappropriate deaths in police custody with their officers. This should start the healing process and restoring the trust between the public and law enforcement.

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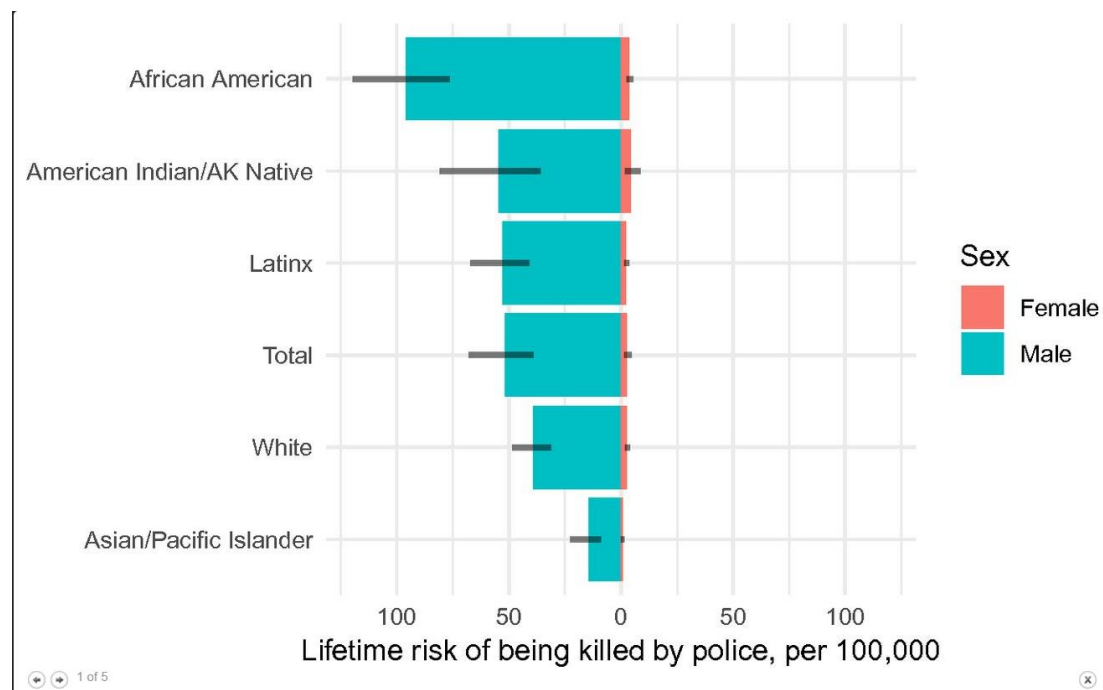
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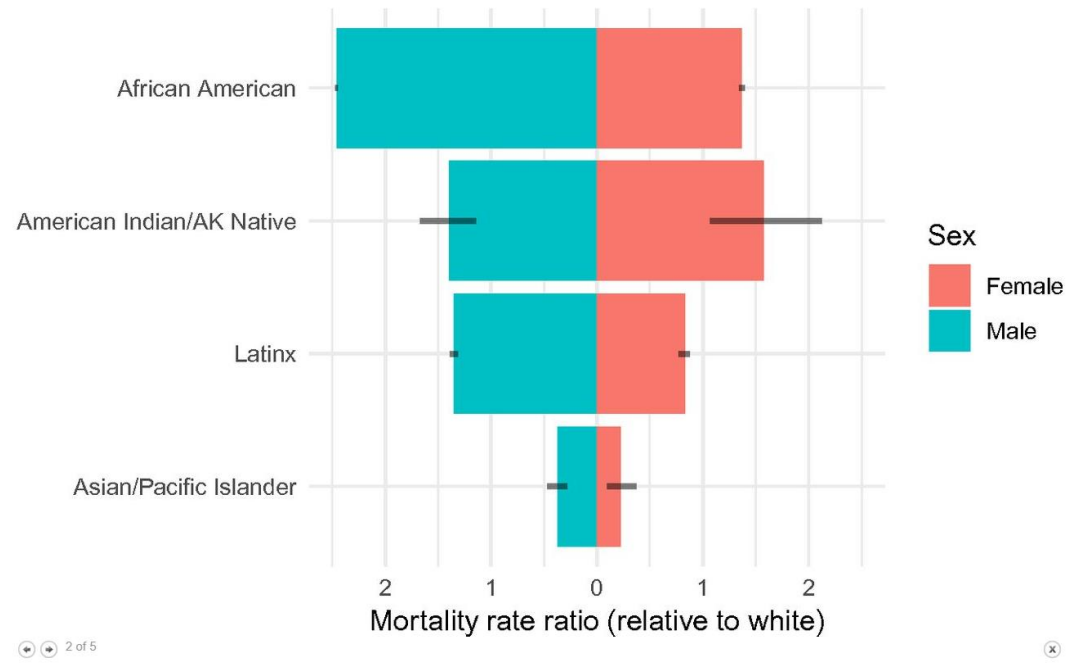
Figures:

Fig.1



Lifetime risk of being killed by the police in the United States by sex and race-ethnicity for a synthetic cohort of 100,000 at 2013 to 2018 risk levels. Dashes indicate 90% posterior predictive uncertainty intervals. Life tables were calculated using model-based simulations from 2013 to 2018 Fatal Encounters data and 2017 National Vital Statistics System data.

Fig 2.



Inequality in lifetime risk of being killed by police use of force in the United States by sex and race-ethnicity at 2013 to 2018 risk levels. Dashes indicate 90% uncertainty intervals. Life tables were calculated using model simulations from 2013 to 2018 Fatal Encounters data and 2017 National Vital Statistics System data.

Fig 3.

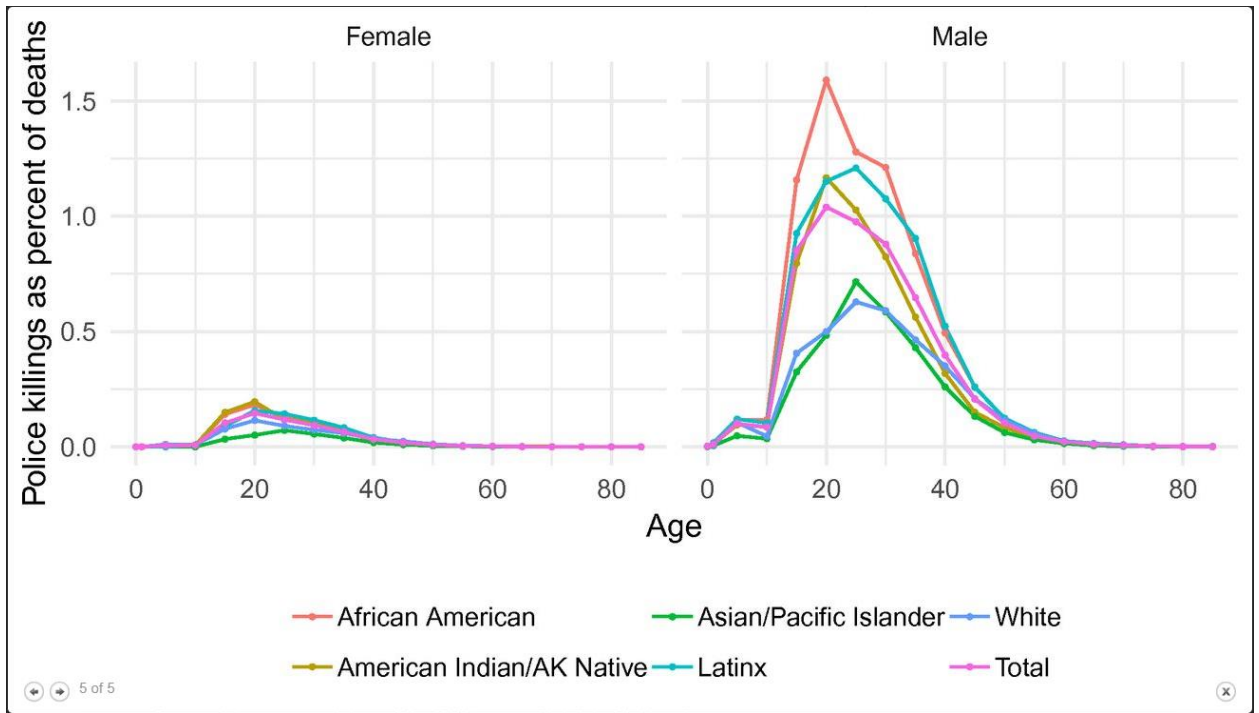
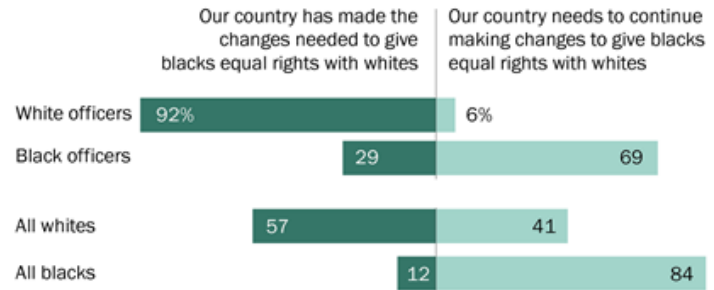


Fig 4.

Police, public divided by race over whether attaining equality requires more changes

% saying that ...



Note: No answer category not shown.
Source: Survey of law enforcement officers conducted May 19-Aug. 14, 2016; survey of U.S. adults conducted Aug. 16-Sept. 12, 2016.
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Fig 5.

Number of arrest-related deaths, percent confirmed by survey respondents, and death-identification source, by state, June-August 2015

State	Number of deaths that met Arrest-Related Deaths program-eligibility criteria	Percent of deaths confirmed by at least one survey respondent*	Death-identification source	
			Percent of deaths initially identified through media review	Percent of deaths initially identified by survey respondent
All arrest-related deaths	424	87.5%	88.7%	11.3%
Alabama	7	85.7	100	0.0
Arkansas	1	100	100	0.0
Arizona	10	100	90.0	10.0
California	65	87.7	92.3	7.7
Colorado	7	100	100	0.0
Connecticut	2	100	100	0.0
Florida	26	84.6	96.2	3.8
Georgia	15	93.3	86.7	13.3
Hawaii	2	100	100	0.0
Iowa	2	100	100	0.0
Idaho	2	100	100	0.0
Illinois	11	100	81.8	18.2
Indiana	10	100	100	0.0
Kansas	6	66.7	100	0.0
Kentucky	10	60.0	100	0.0
Louisiana	7	100	100	0.0
Massachusetts	6	100	83.3	16.7
Maryland	4	100	75.0	25.0
Maine	3	100	33.3	66.7
Michigan	4	100	100	0.0
Minnesota	3	100	100	0.0
Missouri	12	83.3	50.0	50.0
Mississippi	3	100	100	0.0
Montana	1	100	100	0.0
North Carolina	10	100	100	0.0
Nebraska	1	100	100	0.0
New Hampshire	1	100	100	0.0
New Jersey	7	85.7	100	0.0
New Mexico	8	100	87.5	12.5
Nevada	10	80.0	90.0	10.0
New York	11	81.8	100	0.0
Ohio	16	93.8	75.0	25.0
Oklahoma	10	80.0	100	0.0
Oregon	7	71.4	100	0.0
Pennsylvania	13	76.9	92.3	7.7
South Carolina	7	100	100	0.0
Tennessee	9	100	88.9	11.1
Texas	57	77.2	75.4	24.6
Utah	6	100	100	0.0
Virginia	7	85.7	100	0.0
Washington	11	90.9	72.7	27.3
Wisconsin	7	100	71.4	28.6
West Virginia	4	25.0	100	0.0
Wyoming	3	100	100	0.0