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JUSTIFIABLE HOMICIDE BY POLICE OFFICERS*

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Probably no other type of aggressive behavior has been the subject of as much popular and professional concern and investigation as homicide. Such interest has been restricted almost entirely to criminal homicide, i.e., homicide which is unlawful and therefore subject to legally imposed sanctions. It is frequently not realized that all homicides are not necessarily criminal. Although homicide is the killing of one human being by another, it is the conditions under which the event occurs that determine its criminal or non-criminal nature. At common law non-criminal or innocent homicide was divided into two types: (1) Justifiable homicide, an intentional killing either commanded or authorized by the law. Examples include the killing of an enemy during war, the execution of a legal sentence of death, unavoidable killings in arresting a felon or preventing his escape, and those necessitated in lawful self-defense which places the slayer in imminent peril of death or great bodily harm. (2) Excusable homicide, an unintentional killing done without intent to harm and without criminal negligence, as well as homicide committed in self-defense upon a sudden affray—as when a person kills another after becoming engaged in a sudden affray, in order to save himself from reasonably apparent danger or great bodily harm. The difference between justifiable and excusable homicide committed in self-defense is that in the latter the slayer is regarded as in fault to some extent for becoming engaged in the affray. The main distinction between the two forms of innocent homicide is that in the one the killing is committed under circumstances that constitute

merely an excuse, whereas in the other the homicide is fully justified.¹

The difference between the two types of non-criminal homicide has been emphasized because the present study is concerned with one class of justifiable homicides: the killing of criminals by police officers. Numerically, such killings constitute from 2% to 5% of all intentional violent deaths.² On the other hand all forms of innocent

¹ ROLLIN M. PERKINS, "The Law of Homicide," *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY*, 36 (6) (March-April, 1946), 392-97; and MELVIN F. WINGERSKY, *A TREATISE ON THE LAW OF CRIMES* (Chicago: Callaghan & Co., 1958), 414-16. The common law distinction between justifiable and excusable homicide has been abandoned in many jurisdictions, all killings which are not criminal being considered as justifiable homicides.

² For the country, excluding accidental homicides, police slayings of criminals from 1952 through 1955 constituted 3.2% of all homicides. The causes of death on which this calculation is based include: late effect of injury purposely inflicted by another person (not in war); nonaccidental poisoning; assault by firearms and explosives; assault by cutting and piercing instruments; assaults by other means; injury by intervention of police; and execution. The annual contribution of police slayings (injury by intervention of police) to these seven types of intentional violent deaths was 3.2% in 1952, 3.3% in 1953, 3.2% in 1954, and 3.1% in 1955. Calculated from: *VITAL STATISTICS—SPECIAL REPORTS, "Mortality from Each Cause: United States 1952-54,"* National Office of Vital Statistics, Federal Security Agency, 44 (1) February 29, 1956, p. 31. The 1955 percentage was calculated from Vol. 46, No. 1, November 6, 1956, pp. 31-2. Of 662 homicides occurring in the urban area of Greater Cleveland, Cuyahoga County, Ohio, between January 1, 1947 and December 31, 1953, 35, or 5.4% were justifiable police homicides. ROBERT C. BENSING and OLIVER SCHROEDER, JR., *HOMICIDE IN AN URBAN COMMUNITY* (Springfield: Charles C Thomas, 1960), 1, 80. From 1948 to 1952 the Philadelphia Police Department listed 627 homicides, 14, or 2.2% of which were justifiable killings. MARVIN E. WOLFGANG, *PATTERNS IN CRIMINAL HOMICIDE* (Philadelphia: University of Pennsylvania Press, 1958), 24. Of 739 homicides committed during 1921 and 1922 in Atlanta, Birmingham, Memphis, and New Orleans, 42, or 5.7% of the victims were shot while resisting arrest. J. J. DURRETT and W. G. STROMQUIST, "Preventing Violent Death," *SURVEY*, 54 (8) (July 15, 1925), 437.

* The writer would like to express his gratitude to the following individuals for their assistance in the study: Dr. Joseph W. Spelman, Medical Examiner for the County of Philadelphia; Charles E. Hughes, Jr., City Archivist; David S. Brown, Captain of the Homicide Unit of the Philadelphia Police Department; and Dr. Marvin E. Wolfgang, Associate Professor of Sociology, University of Pennsylvania.

and excusable homicide combined account for a sizeable proportion of all killings.³ It is perhaps because of the infrequency of fatal police assaults on criminals that the literature in this area is almost non-existent. Nevertheless, the subject has a priori interest for all those concerned with law enforcement and the problems of crime. The phenomenon of justifiable police homicide (J.P.H.) is a response to criminal conduct on the part of the decedent. Oddly, the decedent assumes the dual role of victim and offender: he is an offender because he violated the law and a victim because he was killed as a consequence. There can be little doubt that for the V-O's (victim-offenders) of police homicide "Crime Doesn't Pay." Among other things, then, a study of justifiable homicides by police officers is an investigation of the victim's contribution to his own victimization.

THE APPROACH

The sample studied consisted of all police killings of criminals in Philadelphia from 1950 to 1960, inclusive. The books of the Homicide Unit of the Philadelphia Police Department revealed that there were 32 cases during this eleven year period.⁴ Extensive records were maintained for each case, detailing the circumstances under which the killings occurred, various characteristics of the victim-offender, his previous criminal record if any, and interviews with witnesses to the homicide as well as with friends and relatives of the decedent. Thirty of the 32 cases were disposed of by the medical examiner, who at the inquest exonerated the officers involved in the killings on the grounds that death was due to justifiable homicide. In the two remaining cases the officers were held for the

³ Of the 1438 homicides committed in Cook County, Illinois, in 1926 and 1927, 223 (15.5%) were non-criminal. These 223 non-criminal killings include 89 police slayings of criminals. It is likely that a good number of the remaining non-criminal homicides are excusable, although they are identified as justifiable. ILLINOIS CRIME SURVEY (Chicago: Blakely Printing Co., 1929), 601. In Washington, D. C., for the period 1914-1918 justifiable and excusable homicides comprised 32% of the total, 26.6% of homicides committed in Detroit in 1920, and 31.5% of those in Chicago in 1920. H. C. BREARLEY, HOMICIDE IN THE UNITED STATES (Chapel Hill: University of North Carolina Press, 1932), 63.

⁴ During this period there was a single case of the slaying of a criminal by a private citizen. A young colored man attempted to rape Barbara Willis. She screamed and her husband came to her assistance. The husband, Jerry, struck the offender in the jaw, causing him to fall down a flight of steps. Jerry then took the man back to his apartment where he continued beating him. The offender died a few days later from head injuries.

grand jury, indicted, tried by a jury, and found not guilty. In all the cases testimony presented at the inquest formed an important basis upon which the medical examiner reached his decision concerning the manner of death. All of these statements were examined by the writer, with particular attention directed to the examiner's summary opinion. From the testimony given at the inquest, combined with police interviews and reports, there emerged a complete and accurate description of the events leading to and the circumstances immediately surrounding the police killings.

THE FINDINGS

There were 42 police officers who, in the performance of their duty, shot and killed 32 male criminals, or 1.3 officers for each V-O. This does not include officers who fired at the V-O but missed. In 23 cases not more than one officer was responsible for the slaying. All of the deaths resulted from gunshot wounds. Eleven officers sustained injury—from being bitten to multiple stab wounds—in attempting to apprehend the felons.

Race. Twenty-eight, or 87.5%, of the 32 decedents were Negroes. In contrast, only 22% of the city's population were Negro from 1950 to 1960, while this minority group accounted for just 30.6% of arrests for all offenses reported to the F.B.I. during the same period.⁵ In other words, the Negroes' contribution as victims of justifiable police homicide was 2.9 and 4.0 times as great as their contribution to the number of persons arrested and their prevalence in the population of Philadelphia, respectively. The average annual rate of Negro victims of police killings was 5.47 per 1,000,000 Negro inhabitants, compared to a white rate of .25—a ratio of 22 to 1. Regardless of the index used, then, the Negro's tendency to be a subject of police slayings is excessive. This situation, however, is not restricted to Philadelphia. As will be shown in greater detail later, the ratio of Negro to white rates varied from 5.8 to 29.5 among seven selected cities surveyed. For the nation as a whole the ratio of Negro to white rates of the V-O's was 7 to 1, respectively.

⁵ Since the majority of crimes committed by the V-O's were Part I offenses, it could be argued that the calculation of the Negro's contribution to the arrest picture should be restricted to Part I offenses. Such a computation reveals that 37.5% of persons arrested for Part I offenses between 1950 and 1960 were Negroes. UNIFORM CRIME REPORTS, Federal Bureau of Investigation, United States Department of Justice, Washington, D. C., 21 (2) 1950 and 1960.

The large number of Negro justifiable homicides in Philadelphia subjects, both absolutely and relatively, might be interpreted as an indication of racial discrimination by the police. Such an inference, however, would be unwarranted. To attempt to answer this charge it would be necessary to know the race of the officers responsible for the homicides, the distribution of officers by police districts, the racial composition of the criminals in the city, etc. Moreover, a close examination of the 32 cases indicates that, with few exceptions, the officers who took the criminals' lives acted as any "reasonable man" in their position would have. In many cases the officers exercised considerable restraint in delaying the use of fatal force as long as they did. In each case the officer's reliance on the extreme sanction of effecting arrest was rationally utilized as a last resort. This is supported, in part, by the fact that in 28 of the 32 cases the offenders were warned verbally, by the firing of a shot in the air, or both, that unless they halted they would be shot at. In the 4 cases in which no warning was given, the conditions were such as to preclude it. There is also little doubt that a warning would have had no deterrent effect on these men—it obviously had none on the 28 decedents who were warned. Accordingly, the victims of justifiable homicide were adequately informed of the risks of refusing to submit peaceably.

Age, Marital Status, Occupation. As a group the V-O's were young: the average age was 27.6 years, the range extending from 15 years to 60 years. Half of the group were under 24 years of age. Only 3 decedents were over 40 years of age, and 2 were juveniles, i.e., below 18 years of age. Of the 27 cases in which marital status was known, 15 of the men were single, 5 were married, 5 separated, 1 divorced, and 1 was a widower. Occupationally the group consisted primarily of unskilled workers. Of the 30 cases in which "usual occupation" was known, there were 3 clerks, 1 machinist, and 1 shoe repair man; the occupations of the remaining men required no special skills or training.

Time and Place of Shootings. Distribution of the fatal shootings by hours of the day was tabulated for quarter periods, i.e., for six-hour divisions. Any such delineation is of course arbitrary but nonetheless useful in determining whether any relationship exists between time of day and occurrence of fatal attacks. There was a tendency to use fatal force in the late evening and early morning hours (14 cases between 9:00 P.M. and 2:59 A.M.) and somewhat less so toward the late morning

hours (8 cases between 3:00 A.M. and 8:59 A.M.). Almost 72% of the shootings occurred between 9:00 P.M. and 9:00 A.M. These figures do not refer to the time at which the V-O's died but rather to the time at which they were shot by the police. This, in turn, depended upon the time the offenders committed their crimes.⁶ The concentration of shootings between 9:00 P.M. and 2:59 A.M. is similar to the pattern revealed in studies of criminal homicide.⁷ The fatal wounding of the offender typically occurred on the highway, 24 of the men having been shot in the street. Three were shot in retail establishments, 3 in houses, and 2 in transportation vehicles. The interval between the shooting and death of the offender was uniformly short, 29 of the 32 criminals having died by the time they reached the hospital. Of the remaining 3 persons, 2 died one day later and 1 lived for three days.

Instant Offense, Resistance, Criminal Record. The instant offense refers to the original crime for which the offender was being arrested. This is to distinguish it from additional offenses the criminal may have committed while resisting arrest—itsself a violation of the law. These two elements are highly significant because a police officer's right to employ fatal force in making an arrest depends upon them. In attempting to arrest a felon an officer may use all the force necessary, even to the extent of killing him.⁸ An officer is not required to engage a felon on equal terms but may use superior force in effecting an arrest.⁹ However, the right to kill a fleeing offender is limited to cases in which the officer has reasonable grounds to believe that the person whom he is attempting to arrest is a felon. Mere suspicion that a felony has been committed will not justify the killing to prevent the

⁶ In 28 of the 32 cases the offenders were shot immediately following the commission of their crimes, in the course of the commission of their crimes, or in the pursuit process. In these 28 cases, therefore, there was a very brief and unbroken chain from the commission of the crime until the fatal shooting. In the remaining 4 cases the instant offenses had been committed at least a day before they were shot; however, in each of these 4 cases the offenders forcefully resisted arrest when they were approached by the officers.

⁷ MARVIN E. WOLFGANG, *PATTERNS IN CRIMINAL HOMICIDE* (Philadelphia: University of Pennsylvania Press, 1958), 106-10; and ROBERT C. BENSING and OLIVER SCHROEDER, *HOMICIDE IN AN URBAN COMMUNITY* (Springfield: Charles C Thomas, 1960), 11.

⁸ SYLVESTER B. SADLER, *CRIMINAL AND PENAL PROCEDURE IN PENNSYLVANIA* (Rochester: The Lawyers' Co-Operative Publishing Co., 1903), 145.

⁹ CLARENCE ALEXANDER, *THE LAW OF ARREST IN CRIMINAL AND OTHER PROCEEDINGS* (Buffalo: Dennis & Co., 1949), 488.

escape of the suspect.¹⁰ Concerning the apprehension of misdemeanants, although some courts have sanctioned the use of fatal force to accomplish an arrest or prevent escape from the officer's custody, the better opinion is to the contrary.¹¹ Therefore, if a lawful attempt to arrest a misdemeanant is resisted, to effect the arrest the officer may employ any necessary force short of taking life. If, however, in the course of the conflict the officer is threatened with death or great bodily harm by the offender, he may kill him in self-defense.

Twenty-four of the 32 instant crimes were Part I offenses. These 24 crimes consisted of 5 burglaries, 9 robberies, 7 larcenies, 2 assaults with intent to kill, and 1 aggravated assault and battery. In every one of these cases the officers responsible for the slayings acted in accordance with the law. In the single misdemeanor among these crimes, aggravated assault and battery,¹² the officer killed the offender in self-defense. Of the remaining 8 misdemeanor instant offenses, 3 were disorderly conducts, 4 were weapon violations, and 1 was a case of investigation. In attempting to arrest 7 of these 8 subjects, the officers again acted within the prescriptions of the law: in every instance, although only a misdemeanor had been committed, the killing was necessitated because the officer's life was jeopardized. In the remaining case, that of a man threatening several patrons with a knife, there was some question as to the legality of the officer's action; the defendant was later exonerated in court.

When the officers attempted to arrest the 32 men—28 of whom were solitary offenders—25 ex-

¹⁰ MAURICE H. BROWN and RONALD A. ANDERSON and LEONARD SARNER, *REVIEW SERIES-PENNSYLVANIA LAW* (Philadelphia: Maurice H. Brown Law Institute, 1956), 12. A reasonable mistake may be used as a defense where death is caused in the attempt to prevent what appears to be the commission of an atrocious felony.

¹¹ MELVIN F. WINGERSKY, *A TREATISE ON THE LAW OF CRIMES*, (Chicago: Callaghan and Co.), 1958, 420. The courts have held that "life may be taken, if necessary, in effecting an arrest for a misdemeanor, or in order to prevent the escape of a person who is in custody for a misdemeanor (State v. Phillips, 119 Iowa 652, 94 N. W. 229, 67 L. R. A. 292 (1903); State v. Garrett, 60 N. C. 144, 84 Am. Dec. 359 (1863)). The better opinion, however, is to the contrary (Handley v. State, 96 Ala. 48, 11 So. 322, 38 Am. St. Rep. 81; State v. Smith, 101 N. W. 110 (Iowa 1904); Stephens v. Com., 20 Ky. L. Rep. 544, 47 S. W. 229)" and numerous other cases.

¹² Aggravated assault and battery is defined as a misdemeanor in Pennsylvania. See PURDON'S *PENNSYLVANIA STATUTES ANNOTATED*, Title 18: Crimes and Offenses, section 4709, headed Aggravated Assault and Battery.

TABLE 1
ANNUAL NUMBER OF J.P.H. FOR COUNTRY

Year	Number*
1950	282
1951	227
1952	256
1953	255
1954	244
1955	227
1956	226
1957	228
1958	229
1959	227

* The 1960 figure is not yet available.

hibited various degrees of resistance, and 7 fled from them. Six of the 25 resisted (pulling away, pushing, jerking away from officer), 2 assaulted the officer, and 17 committed aggravated assault and battery on the lawmen. Without exception, then, the officers' utilization of fatal force was authorized by law, was in the interests of justice, and represented a last resort.

Approximately three-quarters of the V-O's had previous contacts with law. The average number of charges against them was 4.9, with an average of 2.1 Part I charges. In addition, two-thirds of the men had received institutional sentences. A similar proportion of the V-O's had been arrested for offenses against the person.

COMPARATIVE DATA

In an effort to learn something of justifiable police homicide elsewhere, letters were sent to the police departments of 17 selected cities, nine of which responded with varying amounts of the information requested.¹³ In addition, the National Office of Vital Statistics has published annual figures since 1949 on the number of criminals killed by law enforcement officers for the country as a whole. Table 1 presents these data from 1950 to 1960, the approximate period covered in the Philadelphia sample and requested from the cities contacted. The average number of criminals killed

¹³ The seventeen cities contacted were: Miami, Dallas, Washington, D. C., Kansas City, Mo., Baltimore, Md., Chicago, Cincinnati, Seattle, Boston, Columbus, Los Angeles, New York, Pittsburgh, Akron, Buffalo, St. Paul, Milwaukee. The information requested from each was the number of justifiable police homicides in their city from 1950 through 1960, the race and age of each decedent, and whether the decedent had a previous criminal record.

per year was 240, with little variation. Only in one year, 1950, was the number of police killings as much as 17.5% greater than the mean. In none of the remaining nine years did the number deviate more than 6.7% in either direction from the average. Police slayings of criminals were remarkably constant from 1955 through 1959, with an average of 227.4 deaths for these five years and less than 1% deviation from this value in any year. In four years—1950, 1955, 1956, and 1957—the NOVS also published the rate of police killings by race and sex. The rate of Negro victims was seven times that of the white victims, amounting to 14 Negro decedents and 2 white decedents per 1,000,000 respective population groups. Female victims of justifiable homicide are practically non-existent: 99.6% of the 963 decedents for the four years cited were male; 49.1% of this number were Negro. These figures for Negro and white victims contrast sharply with the Philadelphia findings. However, although the rate of Negro V-O's in Philadelphia is several times that of white V-O's, the City of Brotherly Love is not alone in this respect, as Table 2 indicates. In every city the Negro's tendency toward victimization is disproportionate. Excluding Philadelphia, the general rate for the seven cities is 8.8 times greater for Negro than white decedents; when Philadelphia is included in the calculation the ratio is 9.1 Negroes to each white V-O.

Age, Race, Previous Record. There was a total of 318 J.P.H. from 1950 through 1960 in the nine cities which responded to the researcher's letters. The age of the decedents was known in 159 of these cases, presenting a profile very similar to the Philadelphia data. Half of the group were under 28 years of age; 32% of the men were 20 to 25 years

TABLE 3
RATES OF JUSTIFIABLE POLICE HOMICIDE, BY CITY

City	1955 Pop.	J.P.H. 1950-60	\bar{X} Annual Rate per 1,000,000 pop.
Boston.....	749,320	3	.40
Buffalo.....	556,445	7	1.07
Milwaukee.....	689,358	10	1.32
Philadelphia.....	2,037,058	32	1.42
Washington, D. C.....	783,067	26	3.06
Cincinnati.....	503,274	23	4.17
Kansas City, Mo.....	466,080	23	4.50
Akron.....	282,478	14	4.60
Chicago.....	3,585,683	191	4.85
Miami.....	270,482	21	7.06

of age. Only 5 of the 159 victims were juveniles, while 8.8% were above 45 years of age. The age of the V-O's ranged from 14 years to 80 years. The race of the decedents was indicated in 269 cases and of this number 61.7% were Negroes. Table 3 reveals some interesting variations in the distribution of J.P.H. by city. Chicago accounted for 54.6% of the 350 police slayings (including Philadelphia) from 1950 through 1960 and had the second highest annual rate of justifiable homicides. Miami led the ten cities with a yearly rate of 7.06 decedents per 1,000,000 inhabitants. Boston had the lowest occurrence of slayings, with considerably less than one victim per 1,000,000 population. For the ten cities combined the rate was 3.2 per 1,000,000 population. This rate is appreciably larger than the national rate of 1.45. This may be partially explained by the fact that the cities constituting the total sample are among the largest and most urban in the country. Other things being equal, a larger population base means more potential and actual criminals and consequently the more frequent involvement in those situations in which fatal police force is used. That this is not necessarily the case, however, is evidenced by inspection of Table 3 and by a rank correlation coefficient of .48 between city size and the number of criminals killed by police. Nevertheless, population size certainly is not to be minimized as a determinant of criminal deaths. Another factor influencing the prevalence of J.P.H. is the size of the police force. Effectively, the task of arresting criminals falls entirely to the police, and therefore the number of criminals killed would be expected to vary with police force strength. A rank coefficient of correlation of .37 between these

TABLE 2

RATES OF NEGRO AND WHITE DECEDENTS, BY CITY

City	Negro	White	N:W Ratio
	Rates per 1,000,000 pop.		
Akron.....	16.1	2.7	5.8 to 1
Chicago.....	16.1	2.1	7.4 to 1
Kansas City, Mo.....	17.0	2.2	7.5 to 1
Miami.....	24.4	2.7	8.8 to 1
Buffalo.....	7.1	.5	12.2 to 1
Philadelphia.....	5.4	.2	21.9 to 1
Boston.....	3.2	.1	25.2 to 1
Milwaukee.....	13.5	.4	29.5 to 1

TABLE 4
RATES OF JUSTIFIABLE POLICE HOMICIDE PER
10,000 OFFICERS

City	Police Force* (1955)	Annual Rate per 10,000 Officers
Boston.....	2835	1.05
Buffalo.....	1260	4.76
Milwaukee.....	1635	5.50
Philadelphia.....	4763	6.08
Washington, D. C.....	2253	10.65
Chicago.....	7720	22.53
Cincinnati.....	846	24.82
Kansas City, Mo.....	593	35.41
Miami.....	498	38.15
Akron.....	268	48.50

* Source: *Uniform Crime Reports*.

two variables lends some support to this hypothesis. At the same time, Table 4 throws into relief the exceptions to this relationship. The annual rate of J.P.H. per 10,000 officers ranged from 1.05 in Boston to 48.5 in Akron. For all ten cities the rate was 14.0.

TO KILL AND BE KILLED

An interesting and important practical consideration for those concerned with law enforcement is the likelihood of a police officer killing a criminal and, conversely, an officer's chances of being killed by a criminal. An officer's chances of causing the death of a criminal while making an arrest is presented in Table 5 by city.¹⁴ In Akron, the average annual number of officers who fatally wounded criminals from 1950 through 1960 was 63.4 per 10,000 officers; while in Boston the rate was as low as 1.4. Other things being equal, then, the probability of Akron policemen killing a criminal in any given year is 45 times as great as that of Boston policemen. For the ten cities combined the mean rate of J.P.H. was 18.4 per 10,000 officers.

Nationally, there was an average annual rate of 194.2 officers involved in criminal deaths between 1950 and 1960 per 100,000 police department

¹⁴ The number of officers responsible for taking the lives of the criminals among the cities contacted by letter was not known. However, in the Philadelphia data there were 1.3 officers for each decedent. The number of decedents in each of the nine cities surveyed was multiplied by 1.3 to approximate the number of officers responsible for the killings.

TABLE 5
AVERAGE ANNUAL RATE OF OFFICERS RESPONSIBLE
FOR DEATHS OF CRIMINALS PER 10,000 OFFICERS,
BY CITY

City	Rate
Boston.....	1.41
Buffalo.....	6.34
Milwaukee.....	7.33
Philadelphia.....	7.76
Washington, D. C.....	13.75
Chicago.....	29.66
Cincinnati.....	33.09
Kansas City, Mo.....	47.21
Miami.....	50.20
Akron.....	63.43

personnel, or a rate of 5.7 per 3,000,000 population.¹⁵ The average annual number of police killed in the line of duty from 1950 through 1960 was 52.6, yielding a rate of 31.7 officers killed per 100,000 police department personnel,¹⁶ or less than one officer killed per 3,000,000 population. In other words, in any given year policemen are approximately six times more likely to kill than to be killed in the course of their duty; at the same time the probability of either event occurring is very small. In this connection, there is reason to maintain that the popular conception of the dangerous nature of police work has been exaggerated. Each occupation has its own hazards. The main difference between police work and other occupations is that in the former there is a calculated risk, as indicated above, while other occupational hazards are accidental and injuries usually self-inflicted. That the occupational risks in law enforcement are less dangerous than those in many larger industry groups is apparent upon inspection of Table 6. Half of the major occupations had higher fatality rates than that of police officers. This is not to suggest that courage is not an important pre-

¹⁵ The number of officers contributing to the death of criminals for the nation as a whole was determined as stated above.

¹⁶ This figure includes all deaths of police personnel as long as the employee was killed while performing official police duties. Therefore the rate of officers killed by criminals would be less—and perhaps considerably so—than 31.7 per 100,000 police department personnel. FBI Director J. Edgar Hoover announced that of the 71 law enforcement officers who met violent deaths in the line of duty in 1961, 34 died as a result of injuries sustained from accidents, most of which were traffic mishaps. *THE POLICE CHIEF*, 29 (6) (June, 1962) 46.

TABLE 6
OCCUPATIONAL FATALITIES PER 100,000 EMPLOYEES,
1955

Occupation	No. of Empl.	No. of Fatalities	Fatality Rate per 100,000 Empl.*
Mining.....	748,000	700	93.58
Agriculture.....	6,730,000	3700	54.97
Contract Construction.....	2,506,000	1900	75.81
Manufacturing.....	16,552,000	2000	12.08
Transportation.....	2,722,000	1200	44.08
Public Utilities.....	1,335,000	200	14.98
Trade.....	10,728,000	1100	10.25
Finance, Service, Gov., Mis.....	14,808,000	2100	14.18
Law Enforcement.....	167,862	55	32.76†

* All fatality rates, except those in Agriculture and Law Enforcement, were calculated from: *Monthly Labor Review*, LXXIX (January-June, 1956), 439, 474-77. The source for the number of employees in agriculture was: *U. S. Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1957* (Washington, D. C., 1960), 70.

† Calculated from *Uniform Crime Reports*.

requisite in a police officer. Undoubtedly this very quality is largely responsible for keeping police fatality rates as low as they are. Rather, it is to suggest that the general belief that law-enforcement activity is one of extreme peril is not confirmed by an analysis of the facts.¹⁷

SUMMARY AND CONCLUSIONS

In the eleven year period from 1950 through 1960 there were 32 cases of police slayings of criminals in Philadelphia. In addition, information concerning this phenomenon was obtained from the police departments of nine selected cities, all having populations of more than 250,000. For all ten cities (including Philadelphia) there were 350 criminals killed during the period in question. Intensive analysis of the Philadelphia data and of the more limited comparative data reveals that

¹⁷ It is recognized that certain classes of police officers are exposed to greater danger than others. However, it is equally true that for selected subclasses of other occupational groups the risk of death in the course of work is also greater.

definite observable patterns are associated with the justifiable homicide situation and are characteristic of the victim-offenders involved. The Negro's contribution as a V-O is markedly disproportionate, ranging from approximately 6 to 29 times the rate of whites among the ten cities, with a national annual ratio of 7 to 1. The female's participation in justifiable homicide is negligible—there were none among the 350 city decedents, while female victims constituted an insignificant .4% of national police killings of criminals during 1950, 1955, 1956, and 1957. Generally, the victims of such slayings are relatively young: half of the 191 cases in which age was known were below 28 years of age, with only 10.4% above 45 years of age. The ages ranged from 14 years to 80 years; 3.7% of the cases were juveniles. Occupationally the majority of the Philadelphia decedents are unskilled workers. Approximately 72% of the V-O's sustained their fatal injury between 9:00 P.M. and 9:00 A.M., typically on the highway, and were dead by the time they reached the hospital. Three-quarters of the original crimes for which the Philadelphia decedents were being sought were Part I offenses, criminal homicide the only Part I offense not represented. Most of the 32 V-O's forcibly resisted arrest, such resistance ranging from pulling away from the officer's custody to assault with intent to kill the policeman. Almost without exception the victim-offenders were given adequate warning of the possible fatal consequences of refusal to surrender. In every instance the officer acted within the law and exercised mature judgment in the interest of society and in a situation which demanded spontaneous action. About two-thirds of the 32 decedents had previous criminal records, were sentenced to a penal institution at least once, and had demonstrated more than casual violence on prior occasions. There were strong indications of psychotic disturbance in 6 of the 32 men.

The context within which the killings occurred, the serious crimes for which the V-O's were being arrested, their realization of the possible consequences of resistance and flight, and the officer's reliance upon fatal force as a last resort—all these things make it clear that criminals killed by police officers generally are responsible for their own death.