

Violent Deaths due to Legal Interventions

Every year from 2007 to 2012, an estimated 19,000 people were killed during ‘legal interventions’. Defined as the ‘killing of civilians by law enforcement officials, or killings of law enforcement officials on duty’, on average these fatalities account for about 4 per cent of the 508,000 annual violent deaths during that period (Geneva Declaration Secretariat, 2011, pp. 77–78; 2015, p. 4). Box 1 situates violent

deaths due to legal interventions within the broader context of killings by the state and its representatives.

Violent deaths due to police interventions have attracted media attention in countries including Brazil, India, Jamaica, South Africa, the United States, and Venezuela. Such events raise questions about security policy, the role and accountability of the state and law enforce-

Box 1 Unpacking killings by the state

In times of armed conflict, the state typically engages in the targeted killing of rival combatants, although it may also pursue civilians or kill them incidentally. When a country is ‘at peace’, various state actors tend to be responsible for violent deaths in a wide range of circumstances. State actors include not only the police and other law enforcement agencies, prison and judicial authorities, armed forces, and other state security forces, but also individuals or groups that operate at the behest of the government, or with its knowledge or acquiescence—including private contractors and corporations, private militias, and paramilitary groups (Hazen, 2010). Circumstances in which state actors use lethal force range from criminal arrest and anti-terrorism or counter-insurgency operations to the imposition of the death penalty.

The use of terminology to track and measure violent deaths varies across institutions and disciplines. The *Global Burden of Armed Violence* reports distinguish between ‘conflict’ and ‘non-conflict’ deaths, which are usually categorized as ‘homicides’, as well as between ‘state’ and ‘non-state’ actors. Such distinctions may not be used in other contexts, such as that of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, whose mandate clearly covers violations of the right to life in all circumstances, regardless of whether a country or territory is experiencing armed conflict or whether individuals are killed by the state or non-state actors (UNGA, 2010, paras. 45–47; 2013, paras. 26–27).

While national legislation and regulations govern the use of force by law enforcement agencies, international instruments and standards provide guidance on their use of lethal force. Both the UN Code of Conduct for Law Enforcement Officials, under Article 3 and its official commentary, and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stress the principle of proportionality in the context of the use of force by law enforcement officials (UNGA, 1979, p. 186; UNC, 1990). These agreements call on governments to ensure that the arbitrary or abusive use of force and firearms by law enforcement officials be punished as a criminal offence under national law. They also stipulate that international and national standards should be applied through standard operating procedures and appropriate

training in the proportional use of force. These measures do not necessarily ensure standardization at the global level, however. A police officer who shoots and kills a suspect who resists arrest, for example, may be able to rely on specific national legal protections in one country, while the action may be illegal under national law in another country.

The 2015 International Classification of Crime for Statistical Purposes defines violent deaths due to legal interventions as:

death inflicted upon a person by the police or other law-enforcement agents, including military on duty, in the course of arresting or attempting to arrest lawbreakers, suppressing disturbances, maintaining order, and other legal action when the use of force by law enforcement is necessary to protect life (UNODC, 2015, p. 33, n. 45).

This category is excluded from ‘intentional homicides’. Whether deaths due to legal interventions are included in national and therefore international homicide statistics thus depends on the legality of the killings under domestic law.

Similarly, the World Health Organization’s International Classification of Diseases defines death due to legal intervention as:

injuries inflicted by the police or other law-enforcing agents, including military on duty, in the course of arresting or attempting to arrest lawbreakers, suppressing disturbances, maintaining order, and other legal action (WHO, n.d.).

This public health definition also covers deaths caused by state actors during ‘legal execution’ and ‘manhandling’.

Common categorizations such as ‘extrajudicial killings’ or ‘legal interventions’ reflect an assessment of the legality of a killing and, consequently, how related data is registered and used. While this approach serves to classify killings according to a country’s legal categories, it may obscure some facts related to killings by state actors, thus complicating or precluding an accurate understanding of violent deaths due to legal interventions worldwide.

Source: authors’ elaboration based on Malby (2014)

ment agencies, the legitimacy of certain state actions, and potential avenues for security sector reform. Furthermore, they draw attention to the overall availability of data pertaining to the lethal consequences of legal interventions.

This Research Note summarizes key findings of the research on legal interventions conducted for the 2011 and 2015 editions of the *Global Burden of Armed Violence*, with a view to advancing the debate on the coherence, comprehensiveness, and comparability of relevant data within and across countries.

Statistics on violent deaths by law enforcement officers

The data used in both the 2011 and 2015 editions of the *Global Burden of Armed Violence* shows that the number of people who were killed by police and the number of police officers killed while on duty accounted for a steady average of 4 per cent of all violent deaths—and that despite the overall decrease in non-conflict killings during the same time period (Geneva Declaration Secretariat, 2011, p. 80; 2015, pp. 4, 51).

The *Global Burden of Armed Violence* estimate relies on data from 31 countries for which information on legal interventions is available. Among these, only seven include the category in their homicide statistics, while some count related deaths under separate rubrics, or exclusively in public health records. These inconsistencies make it extremely difficult to compare data and to get a clear picture of the global magnitude of the problem. Statistics from Venezuela are a case in point. Records show that in 2012, 3,387 individuals were killed by law enforcement officers for resisting arrest, while another 4,598 deaths registered that year remain under investigation; the human rights organization Provea argues that neither of these figures has been included in Venezuela's homicide statistics (Provea, 2012, p. 406). If they

were to be included, the national homicide rate for 2012 would jump from 51 to 78 per 100,000 population (p. 407).

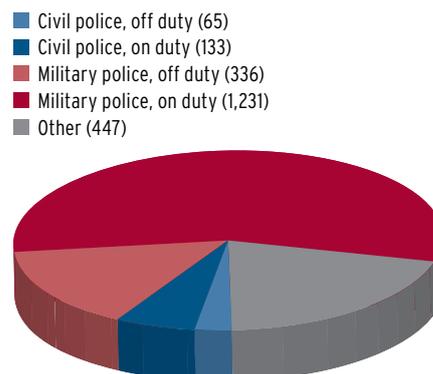
The potential for the use of lethal force by law enforcement officials in the course of police operations exists in all countries. There are, however, significant variations across the globe. In the eight countries that provide information on legal intervention via the World Health Organization's International Classification of Diseases (ICD-10), a total of 20 individuals were killed by police or other law enforcement agents between 2005 and 2012 (WHO, n.d.).¹

In situations characterized by high levels of violence, political unrest, and other security stresses, the use of lethal force by law enforcement actors may be more frequent and can serve as a key indicator of security concerns. A culture of acceptance of heavy-handed tactics towards alleged criminals or social groups that are perceived as 'dangerous', the use of the metaphor of 'being at war' with criminal groups, and the deployment of army units to carry out police or public order duties may lead to increased levels of violence by the police—and army. In some of these cases, state actors have justified the use of lethal force as a means of providing public order or safety (Brinks, 2007, p. 10). Lethal violence by state forces may be described as a response to terrorism, organized crime, or even perceived general lawlessness.

In El Salvador, for instance, the police and military reported 300 instances of exchange of fire between security forces and 'gangs' from January to June 2015; these incidents claimed the lives of 29 police officers and 13 soldiers as well as—during March alone—at least 140 gang members in what appears to be one of the country's most violent years since the civil war (El Salvador, 2015; Magaña, 2015).

The adoption of police reforms and the introduction of specific measures aimed at reducing the number of violent deaths related to legal interventions may prove effective in reducing

Figure 1 **Number of civilian deaths in confrontations with law enforcement officials in Brazil, by type of official involved, 2013**



Source: FBSP (2014, pp. 40-41)

both homicides and police-related killings, as was the case in Brazil. Despite a noticeable drop in the rate of violent deaths, however, killings in the course of legal interventions remained comparatively high. For 2013 alone, the country registered a total of 2,212 individuals killed during confrontations with law enforcement officers, especially with on-duty military police officers (FBSP, 2014, pp. 40-41; see Figure 1).

In Jamaica, a country that is consistently affected by high levels of lethal violence and crime, police-related killings dropped significantly between 2013 and 2014, from 236 to 109, following an annual average of 239 in 2006-13 (*Economist*, 2015). This reduction has been attributed to work carried out by the Independent Commission of Investigations, better monitoring, and external pressure from human rights organizations (Gagne, 2014a).

The cops and the guns: a dangerous profession?

The law enforcement profession is commonly portrayed as risky and dangerous. Police officers can find themselves in perilous situations in which they may be at risk of physical assault or violent death. How they respond in such situations depends on several factors. In most countries, police officers are armed. Yet while

the use of firearms may be the norm in situations where police face high levels of violence and where law enforcement agencies have adopted highly militarized tactics, police forces operating under other circumstances seldom resort to the use of firearms. In Iceland, Norway, and the United Kingdom, for instance, police officers rarely use their guns (Harrold, 2015).

The use of firearms also differs between male and female police officers. Across all types of policing work in the United States, for example, women use weapons significantly less often than their male colleagues; they are also less likely to use 'excessive' force than men (Lonsway et al., 2002, p. 8).

Both civilians and law enforcement officers may lose their lives during legal interventions. The intentional killing of an officer would be included in homicide statistics, but more comprehensive data on such violent deaths—including on the circumstances surrounding them—is needed to generate a more complete picture of violent deaths due to legal interventions.

In 2013, the U.S. Federal Bureau of Investigation (FBI) registered a total of 461 'justifiable homicides'² by police and 27 cases of intentional killing of law enforcement officers ('felonious homicides'). The majority of these incidents were carried out with firearms: guns (and especially handguns) were used in 458 justifiable homicides and 26 felonious homicides (FBI, 2014a; 2014b). On average, 51 law enforcement

officers were intentionally killed every year between 2004 and 2013—the vast majority with firearms (see Figure 2).

The National Observatory of Delinquency and of Penal Responses reports that in France, 20 police officers were killed while on mission between 2008 and 2013, all of them in anti-delinquency operations; another 31 officers died in the course of other regular duties during that time period (ONDRP, 2014, p. 10). Between 1961 and 2009 in Canada, 133 on-duty police officers were killed, 92 per cent with a firearm; in 44 per cent of these cases, a handgun was used (Dunn, 2010).

From 2009 to 2013 in Brazil, 1,770 law enforcement officers were killed, the majority of them off duty (69 per cent) (FBSP, 2014, p. 36). This large number of off-duty officer deaths has been linked to the fact that many officers live in disadvantaged neighbourhoods, where they may be exposed to various risks—even off duty; they may also be involved in conflicts between on-duty police and criminal groups, or serve with private security or militias (Gagne, 2014b; Margolis, 2014).

Conclusions

The category of violent deaths due to legal interventions encompasses a range of different actors, circumstances, and underlying causes. Overall, the phenomenon is underreported. Fatal shootings by law enforcement officers have attracted more attention than deaths that take place under

various other circumstances, including in detention or during interrogation.

A number of factors—such as political sensitivity, varying definitions, and limited information on the inclusion or exclusion of killings by law enforcement officials in national statistics—restrain the ability to provide disaggregated data on the victims, actors, and instruments involved and the particular circumstances under which such killings occur. It is important to improve the recording of all violent deaths due to legal interventions—both the killing of police officers and the killing of individuals by law enforcement officers—independently from their legal assessment, not least because the two phenomena are correlated. Disaggregated data would thus not only allow for a deeper understanding of the dynamics of lethal violence during legal interventions, but also facilitate the development of tailor-made programmes and policies aimed at decreasing cycles of violence and at improving policing strategies, including through rules of engagement and training programmes.

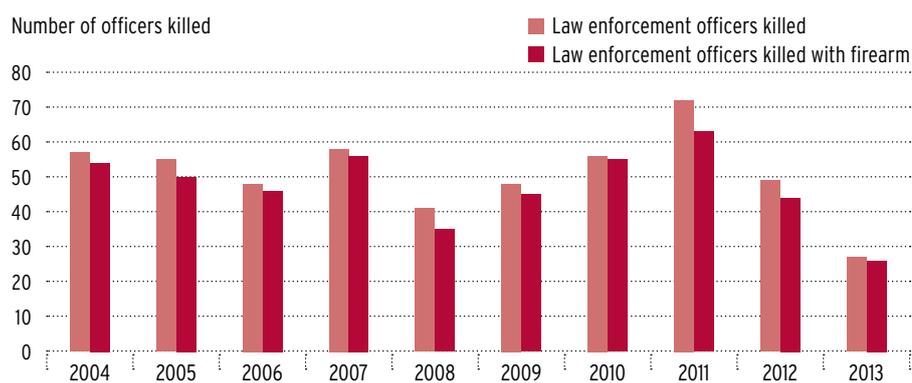
Notes

- 1 The eight countries are Armenia, Cyprus, Germany, Hungary, the Netherlands, Romania, the United Kingdom, and Uzbekistan, all of which fall under the World Health Organization's Regional Office for Europe.
- 2 The FBI defines 'justifiable homicide' as the 'killing of a felon by a law enforcement officer in the line of duty' (FBI, 2013a).

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Figure 2 Law enforcement officers intentionally killed in the United States, by year and firearm, 2004–13



Source: FBI (2014b)

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