Additional Testimony of
Heather Mac Donald
Fellow, Manhattan Institute
Committee on the Judiciary of the United States House of Representatives
Oversight Hearing on Policing Practices
September 19, 2019

During the September 19 oversight hearing on policing practices held by the House Judiciary Committee, I discussed a study published this August in the ***Proceedings of the National Academy of Sciences.*** That study examined the claim that the race of suspects or police officers determines the incidence of fatal police shootings. The influential Black Lives Matter movement has argued that we are experiencing an epidemic of racially biased police shootings to black men; indeed, Chairman Nadler, in his opening remarks, stated that the "frequency of these killings [of black men] and the absence of full accountability for those responsible send a message to members of the African American community that Black Lives Do Not Matter."

The ***Proceedings of the National Academy of Sciences*** study, by faculty at Michigan State University and the University of Maryland at College Park, reached a different conclusion: it is the rate of violent crime that determines fatal police shootings. The more frequently officers encounter violent suspects from any given racial group, the greater the chance that members of that group will be fatally shot by a police officer. In fact, black civilians are shot less, compared with whites, than their rates of violent crime would predict. There was no evidence that officer race (i.e., whiteness) predicted the race of the shooting victim or that there was anti-black bias in fatal police shootings.

The following witness, Phillip Atiba Goff, director of the Center for Policing Equity at the John Jay College of Criminal Justice, announced that his "love of country" and his "vocation as a scientist" required him to put aside his prepared remarks to "correct the record." The authors of the ***PNAS*** study had recently acknowledged that their "central causal claim" was "unsupported by the data and factually wrong," Mr. Goff asserted. Theirs is a "correlational" study, Mr. Goff said, and the "authors themselves have admitted to others in the scientific community

that the central causal claim that they make, which is that there is no bias in [police shootings], is unsupported by the data." Mr. Goff refused to be part of a "laundromat for junk science," he concluded.

Chairman Nadler gave me a minute and a half to respond to Mr. Goff. I said that the ***PNAS*** study was hardly an outlier; previous analyses had reached the same no-bias conclusion, including a 2017 paper by Harvard economist Roland Fryer that found no evidence of racial discrimination in shootings; a lab study of police shoot-don't-shoot decisions out of Washington State that found that officers in a realistic video simulator were three times less likely to shoot unarmed black suspects than unarmed white suspects; and shoot-don't-shoot experiments by the University of Chicago's Josh Correll that also found that police don't shoot unarmed black civilians at any higher rate than unarmed white civilians. (Correll is now at the University of Colorado, Boulder.)

Invited by Chairman Nadler to reply in turn, Mr. Goff said: "None of that is true." Roland Fryer has "confessed to be being embarrassed" by his study, which "has been roundly debunked," Mr. Goff said. The Washington simulator study was not timed—so, according to Goff, irrelevant. And it was simply inaccurate to say that Correll's research revealed no bias. "It absolutely did." Mr. Goff dismissed as of little interest Correll's "error" rate finding—the fact that officers don't mistakenly shoot unarmed blacks at a higher rate than unarmed whites. What should matter, Mr. Goff said, is that the black armed suspects in Correll's experiments were "shot more quickly; white armed suspects were shot more slowly."

It is Goff's testimony that was inaccurate, however—to say the least. The authors of the ***PNAS*** study have not acknowledged that their work was "factually wrong" or "unsupported by the data." To the contrary, they have reaffirmed their research. Nor has Roland Fryer confessed to being embarrassed by his study.

The original findings of the ***PNAS*** study "largely stand unchanged," wrote two of the authors in response to a critique of their paper from two Princeton politics professors. That critique "in no way invalidates" the central claim regarding the lack of anti-black racial disparities among those fatally shot by the police, reported David Johnson, a postdoctoral researcher in the Lab for Applied Social Science Research at the University of Maryland, and Joseph Cesario, a professor of psychology at Michigan State University. Even under the study design proposed by the critics,

there is again "no significant evidence of anti-black disparity in the likelihood of being fatally shot by police," Professors Johnson and Cesario conclude.

Asked after the hearing if he had repudiated his study, Professor Roland Fryer wrote back in an email: "I literally have absolutely no clue what Goff is talking about. My study was published in the top Econ journal [***The Journal of Political Economy***]." Professor Fryer pointed to another paper of his in the ***American Economic Review (Papers and Proceedings)*** that reaffirmed his ***Journal of Political Economy*** results. That second study found that after controlling for whether the suspect was armed, the nature of the suspect's encounter with the officer, and other relevant factors, blacks in Houston were "27.4 percent ***less*** likely to be shot at by police relative to non-black, non-Hispanics. Investigating the intensive margin—who shoots first in an encounter with police or how many bullets were discharged in the endeavor—there are no detectable racial differences." (Italics in original.) The evidence of police bias in some studies is "mainly a result of misspecified regression equations," Professor Fryer concluded. The most "granular data"—which takes into account crime rates and civilian behavior before and during a police-civilian interaction—suggest that there is "no bias in police shootings."

I sent a request to the Center for Policing Equity that Mr. Goff supply a citation to the alleged retractions by Professors Johnson, Cesario, and Fryer; there has been no response.

To examine the Princeton critique of the ***PNAS*** paper directly: The ***PNAS*** researchers had constructed a database of 917 officer-involved fatal shootings from 2015. Fifty-five percent of the victims were white, 27 percent were black, and 19 percent were Hispanic. (Since 2015, the proportion of blacks killed by the police has dropped; in 2018, it was 23 percent, according to the ***Washington Post***'s database on fatal police shootings.) The ***PNAS*** analysis focused on the characteristics of each individual fatal police shooting to test statistically whether officer or civilian race predicted fatal police shootings. As the authors put it in their response paper, they calculated the "probability that a civilian is Black, Hispanic, or White given that a person has been fatally shot." They found that officer or civilian race does not predict fatal police shootings; posing a threat to officers or civilians does.

The Princeton authors—Dean Knox and Jonathan Mummulo—argued that the ***PNAS*** study used the wrong calculation. Instead, the only meaningful test of police bias would look at the probability that a person in some wider population (beyond victims of fatal police shootings) will be shot given his race. Professors Johnson and Cesario readily acknowledge that Professors Knox and Mummulo's approach is valid, but they reject the implication that their method is not—contrary to Mr. Goff's claims.

The dispute implicates a vexed issue in the analysis of police activity: the benchmark problem. Racial-advocacy groups and the media use population data as the benchmark for evaluating bias in police stops, arrests, or shootings: if blacks have proportionally more encounters with the police than their representation in the local population, police bias must be the reason, conclude those advocacy groups and the press. In New York City, for example, blacks are about 23 percent of the civilian population, but they made up 57 percent of stop, question, and frisk subjects in 2018. Whites are about 34 percent of New Yorkers; they made up 8.4 percent of stop subjects in 2018. The police are therefore singling out blacks based on their race, argue the advocates.

Others, myself included, have argued that crime rates should be the relevant benchmark for police activity, since policing today is data-driven: officers are deployed to where civilians are being victimized, and that is overwhelmingly in minority neighborhoods. If crime rates are used to measure police activity, policing no longer looks disproportionate. In New York, to continue the example, blacks were 72.6 percent of known shooting suspects in 2018, according to victim and witness identifications (those victims and witnesses being overwhelmingly black themselves). Whites in 2018 were 2.8 percent of known shootings suspects. Black and white stop rates—57 percent and 8.4 percent—are easily commensurate with rates of violent street crime.

The ***PNAS*** analysis was a deliberate attempt to sidestep the benchmark problem by testing for bias within the finite set of police shooting victims. The Princeton approach would revive the benchmark issue by requiring the choice of a benchmark against which to measure the probability of police shootings. In their response to Professors Knox and Mummulo, the ***PNAS*** authors note that under a number of reasonable benchmarks, there is ***still*** no evidence of police bias in fatal shootings. Measured against Centers for Disease Control data about homicide rates, for

example, blacks are five times ***less*** likely than whites to be fatally shot by the police. One could also observe that blacks constituted 62 percent of all robbery defendants, 57 percent of all murder defendants, and 45 percent of all assault defendants in America's 75 largest counties in 2009, the latest year for which such county data is available, though blacks made up only 15 percent of the population in those counties, according to the Bureau of Justice Statistics. A roughly 25 percent share of police shooting fatalities is easily in line with what those county crime rates would predict, since police shootings will occur where officers are most likely to encounter armed and violent suspects.

Mr. Goff dismissed the ***PNAS*** study as "correlational"—meaning, it looked for causal associations among existing data, rather than setting up an experiment to generate new data and test the effects of deliberately introduced potential causes. But every other study of fatal police shootings is also correlational, since it would be impossible to ethically conduct an experiment regarding fatal police shootings. Mr. Goff's implication that the ***PNAS*** study was illegitimate because correlational was another misrepresentation.

Ironically, Mr. Goff's Center for Policing Equity has conducted its own study of police use of lethal force that was not only—inevitably—correlational but that reached the same conclusion as the ***PNAS*** and Fryer studies: there is no bias in lethal shootings by the police. The average lethal-force rate against white civilians is over twice that against black civilians for every 1,000 violent arrests, and nearly twice that for every 1,000 arrests overall, the study found.

Mr. Goff was correct that the officers in the Washington State simulator study were not under artificial time pressure to make their shoot-don't-shoot decisions, unlike the Correll studies, which give officers at most 750 milliseconds to respond to potential gun-toting suspects. That absence of a time limit was designed to replicate conditions on the street; even without a time limit, participants' physiological response showed considerable stress.

The Correll finding that officers do not shoot unarmed blacks at a higher rate than unarmed whites directly undercuts the Black Lives Matter narrative. Professor Correll suggests plausible reasons why officers may be quicker—measured by milliseconds—to reach a shoot decision when confronted by an armed black suspect compared with an armed white suspect: their experience with the demographics of street crime. Not only do blacks commit the

vast majority of drive-by shootings (and whites almost none), the Department of Justice has found that police officers are five times more likely to die at the hands of a black suspect than a white suspect.

Mr. Goff's conclusion in his second response to my remarks ("The idea that there is not bias is a—it is just not a serious position when you look at the corpus of the science") was untrue. A robust body of scientific literature challenges the received position that policing—including the use of lethal force—is permeated by racial bias. Mr. Goff later said that "there is not a study that takes into account crime rates" that doesn't find bias. That statement is also untrue. Mr. Goff misrepresented specific items in that literature, including the ***PNAS*** and Fryer studies, and the general tenor of that literature, as well. The House Judiciary Committee should call him back and demand that he correct the Congressional Record.