

2 killings underscore police use of force

Officers rarely face charges, conviction

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USA TODAY

Two officers roughly 400 miles apart claimed self-defense after they were indicted this summer in the murders of two Black women, killings that sparked a national outcry over police brutality and law enforcement accountability.

Connor Grubb, a police officer in Blendon Township, Ohio, was indicted Tuesday, one year after fatally shooting Ta'Kiya Young in her car. The grand jury's decision came weeks after Sean Grayson, a former sheriff's deputy in Illinois, also was indicted on murder charges for shooting Sonya Massey in her kitchen.

Experts say the police shootings, two of hundreds across the U.S. each year, underscore the prevalent use of deadly force by law enforcement despite widespread de-escalation standards. Data shows the vast majority of officers don't face charges for killing people while on the job, and internal discipline procedures vary greatly across the nation's 18,000 law enforcement agencies.

In Illinois, the deputy was fired within days of shooting Massey, his police union dropped a grievance, and the sheriff resigned after Gov. JB Pritzker joined a chorus of his critics. In Ohio, the officer's murder indictment came a year after the incident, his union is sticking by him, and the police department said he remains on paid administrative leave.

According to Mapping Police Violence, most killings by officers begin with traffic stops, mental health checks, disturbances, nonviolent offenses or where no crime was alleged. Since January, law enforcement officers in the U.S. have killed 759 people, putting the year on track to be the deadliest since the nonprofit began tracking incidents in 2013.

While some departments require officers to de-escalate situations, punishment typically doesn't extend beyond professional discipline, said Stephen Rushin, associate dean of faculty research and development and law professor at Loyola University of Chicago.

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“The crux of the issue is often about making sure that officers have fair and adequate process,” Rushin said, “and balancing that fairness and procedural kind of legitimacy with the need for supervisors to take decisive action against officers that they view as unfit to serve on the force or they view as warranting discipline.”

Vast majority don't end in conviction

Standards for convicting an officer criminally or civilly tend to focus on the moment force was used, Rushin said.

Courts generally don't hold officers accountable for failing to de-escalate a situation before deadly force is used, he said.

“It's all about what is the level of risk you're facing at that moment, and then whether the use of force was necessary,” Rushin said. An officer isn't allowed to use deadly force to respond to a nonfatal threat based on what is known at that moment, he said.

Police killed more than 1,200 people in 2023, according to the Mapping Police Violence project, a number the group said has risen for the last 10 years.

As deaths have risen, so too has the number of police officers charged with violent on-duty crimes, including murder, manslaughter and assault, the group found. But charges, such as those facing Grubb and Grayson, remain rare and convictions rarer still, data shows. Less than 2% of killings by police result in an officer being charged, and 1% result in an officer being convicted, according to Mapping Police Violence.

The shootings disproportionately impact people of color, according to the group's data.

In 2023, 27% of people killed by police were Black, despite making up only 13% of the population. Native Americans, Latinos and Pacific Islanders were also killed by police at disproportionately high rates.

The national data project also found Black, Asian and Latino people killed by police are more likely to be unarmed than white people.

Alternative approaches

Brian Higgins of John Jay College of Criminal Justice said officers have nonlethal options available to protect themselves in dangerous situations, such as a Taser or pepper spray, but using them can be complicated. A small percentage of people don't feel the effects of pepper spray, and Higgins has seen several instances in which officers accidentally sprayed themselves or another officer.

To effectively employ a Taser, an officer must be at the right distance, and a thick set of clothes can prevent the device's probes from reaching a target's skin.

The potential complications associated with nonlethal devices can make using them risky, he said.

“If you're going with the Taser, and the Taser



Family and friends mourn the loss of Ta'Kiya Young and her unborn daughter last September after the woman was fatally shot by a police officer in a suburb of Columbus, Ohio. The officer involved remains on paid leave as his case proceeds. COURTESY HERGESHEIMER/COLUMBUS DISPATCH FILE

doesn't always work, the cop is dead,” Higgins said.

Law enforcement agencies often have use-of-force guidelines to direct officers how to respond in various situations. The National Institute of Justice shared an example of a continuum of options, from no force, in which the officer's mere presence is enough deter crime, to nonthreatening commands, followed by physical force, then “less lethal” methods such as pepper spray, Tasers or batons.

Lethal force, namely using firearms, is only to be used if a person poses a “serious threat” to the officer or someone else, the institute said.

The Department of Justice's standard for judging whether police shootings are justified is based on “the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

Following Young's killing, Blendon Township police requested the Ohio Attorney General's Bureau of Criminal Investigation conduct an outside investigation. The procedure is standard among police agencies in Ohio when one of their officers kills or injures someone in a shooting.

While the investigation led to Grubb's eventual indictment, his attorneys argued he met that standard when he fired his gun as he was hit by a car.

“This case is not about if Connor Grubb made the decision to use deadly force, but why he made the decision to use deadly force,” attorneys Mark Collins and Kaitlyn Stephens wrote in a statement.

Grubb's union also stood by his decision to use force after the indictment, saying the officer was in a tough spot.

“Like all law enforcement officers, Officer Grubb had to make a split-second decision,” Brian Steel, president of the Fraternal Order of Police Capital City Lodge No. 9, said in a statement. “These decisions are made under extreme pressure and often in life-threatening situations, with the primary goal of safeguard-

ing the general public's and their own lives.”

'Is it worth taking a life?'

An officer must consider several things before using deadly force, Higgins said, including the intended outcome of the encounter and whether using a firearm is proportionate to the alleged crime.

It comes down to a simple question, Higgins said: “Is it worth taking a life?”

The Department of Justice's policy on the use of force is to “value and preserve human life,” according to the agency's Justice Manual. “Officers may use force only when no reasonably effective, safe, and feasible alternative appears to exist.”

Simply stopping someone from fleeing does not justify the use of deadly force, according to the manual. It also explicitly prohibits officers from using firearms to disable moving vehicles, unless the person operating the vehicle threatens the officer or someone else.

In Young's case, Higgins said he saw little justification for using a gun since Young was accused of shoplifting, not “mass murder,” and firing on a moving vehicle is particularly fraught because an injured driver won't necessarily stop the car.

A more deliberate approach to use of force reflects a change in policing evolving for the past 10 years, Higgins said, particularly since the police murder of George Floyd in 2020.

“We were taught you don't retreat; when the police show up, they're in charge,” he said, recalling his days as a young patrolman. “Now they're being taught that if it's not putting other people at risk, you don't always have to stand your ground.”

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