

## **Justifiability and Culpability in Lethal Self-defense: Police Officers vs. Civilians**

Christopher J. Marier

Department of Government and Justice Studies, Appalachian State University

### **Author Note**

ORCID: Christopher J. Marier <https://orcid.org/0000-0002-2445-6315>

Funding for this research was provided by a grant from the Undergraduate Research Council at Appalachian State University.

Correspondence should be directed to Christopher J. Marier, Appalachian State University, ASU Box 32107, Boone, NC 28608. Email: [mariercj@appstate.edu](mailto:mariercj@appstate.edu)

This is the author-accepted manuscript. The final, published version of the manuscript can be found at <https://doi.org/10.1016/j.jcrimjus.2023.102142>

## **Abstract**

### **Purpose**

Some critics argue that legal standards, even when and where equivalent, are differentially applied to officers and civilians. This study examined evaluations of justifiability and culpability for police officers versus civilians, as well as White shooters versus Black shooters, in a 2×2 factorial experiment. It also explored how personal attitudes and characteristics correspond to those evaluations.

### **Methods**

A national sample of 2,492 online respondents evaluated culpability and justifiability involving a claim of lethal self-defense involving mistake of fact. After reviewing facts about the case, watching video of the incident, and being given jury instructions for murder and self-defense, respondents were asked to evaluate the justifiability of the shooting on a 6-point scale and render a verdict.

### **Results**

Police officers and Black shooters were evaluated more favorably. Pre-existing confidence in the police demonstrated direct and interaction effects on perceived justifiability and likelihood of acquittal.

### **Conclusions**

These results reveal a double standard that benefits police in cases of lethal self-defense. The strong correlation between pre-existing confidence in the police and acquittal of police officers indicates a need for further research on how a generalized public trust in police impacts particularized evaluations of conduct in specific cases.

**Key words:** accountability, police, public opinion, self-defense, use of force

There are deep and widespread divisions when it comes to public perceptions of police use of force. At the extremes, there are some who are inclined to think that most police force is unjustified, and others who are inclined to think that force by the police is inherently justified. The mission of the Black Lives Matter organization includes “interven[ing] in violence inflicted on Black communities by the state” (BLM website, 2021). At the same time, a Blue Lives Matter organization claims that law enforcement officers are “bullied by slander, illegitimate complaints, frivolous lawsuits, and physical threats” (Blue Lives Matter, 2021). Some people say that police are treated too leniently—that they are given the benefit of the doubt in situations that other people would not be. Others say that the police are treated too harshly—that they are held to unrealistic standards and unfairly punished when they lawfully use force.

These narratives and counter-narratives belie the lack of empirical evidence on evaluations of force, blame, and justification. No study to date has systematically explored whether, under circumstances that are factually and legally equivalent, the public perceives police officers to be more or less justified in exercising lethal self-defense than private citizens. The primary purpose of this study is to evaluate whether officers and private citizens are perceived similarly or differently when they kill someone and claim self-defense. It additionally considers how such perceptions are associated with the race of the person claiming self-defense as well as community members’ personal characteristics, including pre-existing attitudes toward the police. The results help us understand whether favorable or unfavorable attitudes toward police limit the possibilities for a fair, just, and accountable justice system.

### **Literature Review**

According to representative polls of Americans, officers rarely use force, but when they do, it is often perceived as inappropriate: just 3% of Americans who had contact with police experienced

the threat or use of force, but nearly half of these considered it excessive (Tapp & Davis, 2022). We must turn to other sources, however, to understand the prevalence of *lethal* force, which of course cannot be captured with surveys of those experiencing it.

Unfortunately, there is no systematic, centralized database of police killings in the U.S. The best estimates come from the *Washington Post* and suggest that police shoot and kill approximately 1,000 people per year (Comer & Ingram, 2022). Between the years 2005 and 2019, when police shot and killed approximately 15,000 people, just 104 officers were charged with murder or manslaughter for such deaths, and just 35 were convicted (Stinson & Wentzlof, 2019). This means that less than 1% of all police-caused homicides led to charges against the officers, and only a third of those led to convictions. Some critics argue that low rates of prosecution and conviction are evidence that police are not held accountable (Lopez, 2020). They make contrasts to homicides more generally, where over 60% of all homicides are cleared by arrest (FBI, 2020), and about 60% of those charged are convicted (Reaves, 2013).

However, police-caused homicides are likely to be qualitatively different from other homicides, and there are several reasons why police homicides are more likely to be legally justified. The police are much more likely than the average citizen to have contact with violent offenders; are tasked with responding to violent crimes in progress; are much more frequently assaulted than the average citizen; and are almost certainly armed at the moment they are assaulted (Bierie, 2017; NIOSH, 1996; Duhart, 2001; Fridell *et al.*, 2009). It is also plausible—although unestablished in research—that officers' perceptions of imminent danger and the need for self-defense differ from the perceptions of civilians in similar situations. Officers are also formally trained and educated in self-defense law, at least to a greater degree than most citizens, which plausibly leads to lethal-force

decisions that more often comport with the law. In short, police homicides may be much less likely to result in murder charges because they are much more likely to be lawful.

Nonetheless, many people express concerns that police officers are not held to the same standards as private citizens. Critics argue that far too much deference is given to police officers when determining what is “reasonable” under the circumstances (NAACP, 2016; Leonnig, 2014). Police homicides are more likely than other homicides to be interracial and disproportionately impact people of color (McElvain & Kposowa, 2008). Some people suggest that the lack of accountability is motivated by racial animus—or, at the very least, has unintentional but profound disparate impacts (Amnesty International, 2015). Critics argue that police are less likely to be held accountable for homicide than other citizens, even where their conduct might otherwise rise to the level of criminal culpability (Leonnig, 2014). This study explores those claims.

### **Public Perceptions of Police Use of Force**

Researchers have explored numerous factors that may shape community members’ perceptions of police use of force. These factors may include characteristics of the community member respondent, the officer, or the subject force is used against.

Research has explored the role of community member characteristics and attitudes on their evaluations of police force. For instance, women consistently demonstrate less support for police use of force than men (Arthur & Case, 1994; Barkan & Cohn, 1998; Carter & Corra, 2016; Carter *et al.*, 2016; Choi, 2019; Girgenti-Malone *et al.*, 2017; Johnson & Kuhns, 2009; Mourtgos & Adams, 2020; Silver & Pickett, 2015; Simon *et al.*, 2021; Thompson & Lee, 2004; Trahan & Russell, 2017; Wilson & Dunham, 2001). Support for police use of force is more consistent among conservatives than liberals or moderates (Bradford *et al.*, 2017; Braga *et al.*, 2014; Carter & Corra, 2016; Carter

*et al.*, 2016; Johnson & Kuhns, 2009; Mourtgos & Adams, 2020; Silver & Pickett, 2015; Trahan & Russell, 2017). Unsurprisingly, people who express more favorable pre-existing attitudes toward the police (whether measured as confidence in police, self-identification with police, perceptions of police legitimacy, or other measures) also tend to find real or hypothetical police uses of force to be more justifiable (Bradford *et al.*, 2017; Braga *et al.*, 2014; Celestin & Kruschke, 2020; Gerber & Jackson, 2017; Granot *et al.*, 2014; Patton *et al.*, 2017; Porter *et al.*, 2018; Sommers, 2015; cf. Baker & Bacharach, 2017; Choi, 2019; Cullen *et al.*, 1996; Girgenti-Malone *et al.*, 2017; Jefferis *et al.*, 2011). Other community member characteristics, such as age, income, and education, have yielded inconsistent results (for a review, see Richardson, 2022, Chapter 2).

Community member race also plays a significant role in evaluations of police force. Research consistently finds that White Americans are significantly more supportive of police use of force than Black Americans (Arthur & Case, 1994; Baker & Bacharach, 2017; Choi, 2019; Culhane *et al.*, 2016; Girgenti-Malone *et al.*, 2017; Mourtgos & Adams, 2020; Silver & Pickett, 2015; Simon *et al.*, 2021; Strickler & Lawson, 2020; Thompson & Lee, 2004; Williams *et al.*, 1983; Wilson & Dunham, 2001). This is true across a wide variety of circumstances and contexts. For instance, in a study exploring the effects of officer gender, contextual information, and participant characteristics on evaluations of excessive force, only participants' demographic characteristics—including race—demonstrated an effect on judgments of excessive force (Baker & Bacharach, 2017). A recent study found that, overall, African Americans were significantly less likely to find a police officer's use of force reasonable than were White respondents—especially if the person shot was Black (Fridell & Marier, 2023). More than 30 years of data from the General Social Survey reveals that Black citizens are approximately half as likely to agree that it is *ever* appropriate for a police officer to strike

someone—even in legally reasonable circumstances such as the person’s escape from custody or physical attack of the police officer (Mourtgos & Adams, 2020; Silver & Pickett, 2015).

Research has also explored the way suspect characteristics influence perceptions of police use of force. Citizens may consider the arrest of female suspects less reasonable than the arrest of male suspects (Patton *et al.*, 2017; cf. Porter *et al.*, 2018). Community members view the shooting of young suspects as less reasonable than the shooting of adult suspects, all else equal (Porter *et al.*, 2018). The mental health status of the suspect has demonstrated inconsistent results (Kahn *et al.*, 2017; Culhane *et al.*, 2016). Citizen perceptions of the use of force often depend a great deal on the race of the person it was used against. Several studies have explored how public opinions regarding police force are affected by the race of the person it was used against. While Girgenti-Malon *et al.* (2017) found no effects of suspect race, other studies tend to find attitudes are less favorable when officers use force against Black people (Fridell & Marier, 2023; Huff *et al.*, 2018; Porter *et al.*, 2021; Strickler & Lawson, 2022). Fridell & Marier (2023) found this may be especially, though not exclusively, true among Black respondents, while Johnson & Kuhns (2009) found evaluations differed *only* among Black respondents. Citizens have also viewed police force less favorably when the person it was used against was *both* Black and mentally ill (Kahn *et al.*, 2017), or when the person it was used against was Black *and* the shooting was clearly unreasonable (Huff *et al.*, 2018). Thus, the evidence to date suggests that evaluations of police force may depend on the race of the person it was used against, but that may be moderated by other factors, including the race of the perceiver.

Characteristics of the officer may also influence citizens’ perceptions of police use of force. Female officers may be viewed more favorably than male officers (Salerno & Sanchez 2020; cf. Baker & Bacharach, 2017). Officers who had been previously disciplined or recommended for

remedial training were perceived less favorably than officers who had not—even when their underlying behavior was the same (Braga *et al.*, 2014; Porter *et al.*, 2018). Just four studies have examined the influence of officer race on evaluations of police use of force, and none using representative samples. Two of these studies found that officer race had no effect on perceptions of use of force (Porter *et al.*, 2021; Salerno and Sanchez, 2020), while two studies revealed that perceptions were more favorable for Black officers than White officers (Levin & Thomas, 1997; Strickler & Lawson, 2022). The contradictory findings and the use of non-representative samples (often college students, who are disproportionately White, liberal, and from higher socioeconomic backgrounds) justifies further exploration of the effect of officer race on citizen perceptions of police force—one objective of this study.

### **Public Perceptions of Private Citizens' Use of Force**

Unlike the foregoing research on perceptions of police use of force, relatively little is known about the public's evaluation of a private citizen's use of force in self-defense. People appear to demonstrate rather generous attitudes toward citizens who use deadly force—even when that deadly force is unnecessary or unlawful, such as killing a thief (Oleson & Darley, 1999; Robinson & Darley, 1995). This is especially true among people who have little confidence in the criminal justice system to protect them and their property (Oleson & Darley, 1999). People also demonstrate favorable attitudes toward women (but not men) who use deadly force against an abusive partner (Hodell *et al.*, 2014). Whether and how respondents' own characteristics predict their perceptions of other private citizens' claims of self-defense remains understudied.

### **Self-defense Law**

Self-defense is one of several legal justifications that can remove culpability from an act that might otherwise be considered criminal. According to the Model Penal Code, “the use of force upon

or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion” (American Law Institute, 1962). Generally, the person claiming self-defense must not have been the initial aggressor, and the use of force in self-defense requires proportionality and the reasonable belief that the force was necessary to counter an imminent threat.

Legally, citizens and police officers are often held to the same fundamental standards of self-defense: for either party, deadly force as self-defense is legally justified to prevent imminent death or great bodily harm (Stoughton *et al.*, 2021). Police use of force may be either assertive (as when the police attempt to arrest or capture someone) or defensive (as when police act to protect themselves or others from an attack).<sup>1</sup> While only eighteen states explicitly allow officers to use force to protect themselves or another person every state authorizes physical force in self-defense under general statutes that apply to all citizens, sworn and unsworn alike (Stoughton *et al.*, 2021). Some states make this explicit, such as an Indiana law codifying that an officer “has the same right as a person who is not a law enforcement officer to assert self-defense” under the general self-defense statute (Use of Force Relating to Arrest or Escape, 2022). Other states which have not articulated this right via state statute have established via binding court decisions that such laws include police officers (e.g., *Florida v. Peraza*, 2018).

The principles of necessity and proportionality are central to self-defense law. Under the principle of necessity, a person can use force only to the extent that it is necessary to protect themselves from harm. Under the principle of proportionality, the amount of force used must be appropriate to the level of danger faced.

---

<sup>1</sup> Only defensive force is considered in this study.

However, the use of force, including deadly force, need not be *strictly* necessary and proportional—only reasonably perceived as such. Hypothetically, if someone pointed a toy replica of a gun at another man’s head and threatened to shoot him, the use of deadly force would not be strictly necessary or proportional, since the toy replica is not a deadly weapon. Despite this mistake of fact, the victim would be legally justified in using deadly force against the man with the toy gun if any “reasonable person,” under the circumstances, would perceive a grave and imminent threat requiring the use of force in self-defense. Jurors must evaluate the credibility of such claims in ambiguous cases where a weapon was not used but was implied. Therefore, members of the public are often called upon to make value judgments as well as factual judgments about blame, justification, and reasonableness in homicides, and such judgments may be tainted by extralegal social factors, including the shooter’s sworn/non-sworn status and race.<sup>2</sup>

In short, every state in the U.S. has laws justifying the use of force—including deadly force—in order to protect oneself from a serious, imminent threat. This right applies to *both* citizens

---

<sup>2</sup> A full legal review is beyond the scope and space constraints of this social science review and brief legal primer, but a few remarks are in order. It is important to acknowledge that use-of-force law is not identical for officers and civilians in all places, times, and circumstances. As has been noted, officers have a right to assertive use of force that private citizens do not, such as preventing escape or effecting a felony arrest. Many states continue to statutorily permit officers to kill fleeing felons, and while *Tennessee v. Garner* exposed officers to civil liability when shooting non-threatening fleeing felons, their criminal liability in such circumstances is determined by state statute (Flanders & Welling, 2015). The legal authority of a police officer to kill an escapee in some states clearly challenges the legal principle of proportionality in the use of deadly force (Lee, 2018); because this is an assertive rather than defensive use of force, this study does not consider such circumstances at all. Even when it comes to defensive use of force, there are nuances of law that sometimes vary with jurisdiction or context. For instance, 17 states have a duty-to-retreat rule (in contrast to a “Stand Your Ground” rule). While courts have decided that police officers are protected by “Stand Your Ground” laws in states that have them (e.g., *Florida v. Peraza*, 2018), states with duty-to-retreat rules often do not apply those rules to police officers, substantially weakening the “necessity” component of justifiable self-defense when the person is a police officer (Lee, 2018). Such legal differences make it difficult to assess whether discrepancies in evaluations of police and citizen uses of force are due to variation in the law versus selective application of the law based on the shooter’s sworn/civilian role. This potential confounding necessitates an experimental design that holds the application of law constant, to parse out the unique effects of sworn status, notwithstanding any potential real-world jurisdictional variation in legal standards. Readers may also ask about the role of qualified immunity in the kinds of cases characterized here. Qualified immunity shields officers from civil liability for violations of civil rights (including but not limited to unconstitutional lethal uses of force under the standards set forth in *Tennessee v. Garner*), but it does not shield officers from criminal liability under state statutes for homicide or assault. Therefore, it does not apply to the present study.

and police officers. Even when, in hindsight, it turns out the force used was unnecessary because of some misunderstanding or mistake of fact, the use of force may still be legally justified so long as there was an honest and reasonable belief it was necessary at the time. Use-of-force law sometimes varies for officers and civilians, making it difficult to determine whether officers are treated differently based on the law, or based on public attitudes about the police. Even where there is legal equivalence in the exercise of self-defense for private citizens and police officers, community members may treat them with considerable distinction. The primary objective of this study is to test that hypothesis.

### **Current Study**

This study seeks to determine whether people perceive the justifiability of lethal self-defense differently for officers versus civilians and Blacks vs. Whites when all other factors, including the factual circumstances, legal standards, and jury instructions, are held constant, through the use of an experimental survey. Both independent and interactive effects are considered in a 2×2 factorial design. From the survey data this study additionally assesses whether a respondent's pre-existing confidence in the police and their demographic characteristics (including race, gender, education, income, age, and conservatism) are associated with evaluations of lethal self-defense.

### **Methods**

#### **Sampling Procedure**

A sample consisting of 2,492 American respondents was solicited to complete a Qualtrics survey via Lucid Theorem.<sup>3</sup> Participants were selected from the population of individuals who have

---

<sup>3</sup> In accordance with the 2018 federal regulations regarding research with human subjects [45 CFR 46] and University policy and procedures, the research activities described in the study were deemed exempt from IRB review because they involved no more than minimal risks, falling into exemption category 2 (survey, interview, and public observation study). Informed consent was obtained from all respondents in the study. A total of 2,805 participants responded to the survey invitation, although this number was reduced to 2,492 participants in the analyses because some

signed up to participate regularly in online surveys administered for researchers by Lucid Theorem. While this was not a stratified random sample, Lucid Theorem produced a sample that reflects adults in the U.S. on gender, age, race, ethnicity, and partisanship. Therefore, the sampling procedures used to gather the current pool of respondents is representative of the population from which they were drawn. Lucid's online recruitment method closely mirrors those of Qualtrics, Dynata, CCES, and SSI (Norris *et al.*, 2023). Such samples have been shown to provide more demographically and politically representative samples when compared to the survey recruitment procedures of Facebook and Mechanical Turk (Boas *et al.*, 2018). Quota-based convenience sampling demonstrates good external validity, consistently producing equivalent treatment effects and effect sizes as much more costly nationally representative population-based samples (Mullinix *et al.*, 2016). Research comparing Lucid to alternatives has concluded that "Lucid can serve as a drop-in replacement... Lucid boasts a much larger pool of subjects... the risk of cooperation among subjects is minimal given their diverse sources; subjects are less professionalized; subjects are more similar to US national benchmarks in terms of their demographic, political, and psychological profiles. Experimental results obtained on Lucid are solidly in line with the results obtained on other platforms" (Coppock & McClellan, 2019, p. 12). The summary statistics appearing in Table 1 also provide reassurance that the Lucid sample in this study substantially reflects the U.S. overall.

### **Experimental Procedure**

This study entailed a survey experiment. Participants were randomly assigned scenarios where the shooter/defendant was identified as either a police officer or a rideshare (Uber) driver.<sup>4</sup>

---

participants declined to participate following informed consent ( $N = 313$ ), failed an attention check ( $N = 73$ ), and/or abandoned the survey ( $N = 102$ ). The data are freely available from a public OSF repository (redacted).

<sup>4</sup> The choice to assign the civilian to a role as an Uber driver was primarily done to provide a credible rationale for the recording dashcam during an apparently random encounter.

The shooter's race (Black or White) was also randomly assigned.<sup>5</sup> These manipulations were introduced via a brief written case vignette,<sup>6</sup> the use of racially stereotypical names, a photo depicting the shooter (and therefore his race),<sup>7</sup> and a photo caption that read, e.g., “[Mr./Officer] [Seth Becker/Jamal Washington] has been charged with shooting an unarmed man, but he claims it was self-defense.” Other conditions were identical between groups, including the fact that the person shot was White, that the object turned out to be a cell phone (not a gun), that the man shot was suffering from schizophrenia,<sup>8</sup> and that the shooter claimed they acted in self-defense, based on a fear they were about to be shot.

Participants then watched a real-life incident recorded via a dashcam that showed a pickup truck cutting off a vehicle at night, whereafter the driver jumped out of the truck, walked back toward the vehicle he had just cut off, raised a shiny object, and made a vague, unintelligible threat.<sup>9</sup> As he approached with his arm raised, he was shot just outside of frame (audibly but not visibly) by the driver he cut off. A still from the video appears in Figure 1. The video was chosen due to its lack

---

<sup>5</sup> Participants were introduced to the race and sworn/unsworn status of the defendant *before* watching the video. This was done because most of the dashcam videos people see are police dashcams, which may anchor participants' perceptions to the police perspective. By introducing the defendant and the supposed source of the footage (Uber driver vs. police dashcam) first, we reduce the likelihood of such misattribution.

<sup>6</sup> The vignette read “[Mr./Officer] [Seth Becker/Jamal Washington], [an Uber driver/a police officer], was transporting [a passenger/an arrestee] a little after 2 in the morning when a silver pickup truck cut him off and slammed on the brakes, forcing him to stop. The man in the truck, identified later as Hunter Jackson, jumped out of the truck and walked quickly back toward him. He raised an object in his right hand and shouted something. [Mr./Officer] [Becker/Washington] immediately shot Hunter, killing him. The entire incident happened in less than 20 seconds. The object Hunter was holding was a cell phone, not a gun. No weapons were found on him or in his vehicle. Hunter suffered from schizophrenia and sometimes experienced paranoid delusions, but [Mr./Officer] [Becker/Washington] only learned this later. [Mr./Officer] [Becker/Washington] claims that he thought Hunter was pointing a gun at him and threatened him; he said that he feared for his life and shot in self-defense.”

<sup>7</sup> The photos and names were those used by Fridell & Marier (2023), who originally derived them from Gaddis (2017) and the Chicago Face Database.

<sup>8</sup> This detail was added to provide a credible explanation for the man's bizarre conduct in the video. It does so in a way that is plausible for an apparently random, potentially threatening act against *either* a police officer or a civilian. It is “perfect information” only known in hindsight but may still factor into participants' evaluation of the reasonable person standard. Because both the control and treatment groups were exposed to this information, it does not systematically bias the effects of the experimental conditions.

<sup>9</sup> The original source of the video was, in fact, from an Uber driver, and therefore does not have the accoutrements of police footage (such as police radio chatter, flashing lights, siren, or equipment-activated text [brakes/speed/lights/siren]) often seen in police footage.

of widespread publicity, the unrevealed (and therefore manipulable) identity of the shooter, an ambiguous threat involving an unknown object, and a lack of graphic detail that could distress viewers.

[FIGURE 1]

All participants were asked to read identical jury instructions for murder<sup>10</sup> and the legal justification of self-defense.<sup>11</sup> They were then asked to evaluate the justifiability of the shooting on a six-point scale, as well as render a verdict in the case. An attention checks was incorporated to improve validity (Berinsky *et al.*, 2013).

## Variables

### *Dependent Variables*

Participants were asked to rate the perceived *justifiability* of the shooting on a 1-6 scale where 1 represented “Completely unjustified” and 6 represented “Completely justified.” They were also asked to render a verdict (guilty or not guilty); this was coded into a variable named *acquittal* (where 1 = not guilty, 0 = guilty) because it more intuitively corresponds to the *justifiability* variable (where more justifiable uses of force should correspond to a higher likelihood of acquittal). Indeed, these variables were well correlated (Pearson’s  $r = .490$ ; Spearman’s  $\rho = .489$ ; Kendall’s  $T_b = .432$ ; all relationships significant at  $p < .001$ ). The somewhat moderate correlation suggests that jurors

---

<sup>10</sup> The jury instructions read: “[Seth Becker/Jamal Washington] is accused of Second-Degree Murder. If you find Hunter Jackson was killed by [Seth Becker/Jamal Washington], you will then consider the circumstances surrounding the killing in deciding if the killing was Second Degree Murder, or whether the killing was excusable or resulted from justifiable use of deadly force. To prove the crime of Second-Degree Murder, the State must prove the following three elements beyond a reasonable doubt: 1. Hunter Jackson is dead; 2. The death was caused by the criminal act of [Seth Becker/Jamal Washington]; 3. There was an unlawful killing of Hunter Jackson by an act imminently dangerous to another and demonstrating a disregard for human life.”

<sup>11</sup> The instructions for self-defense read: “The defendant has offered evidence of having acted in self-defense. Use of force is justified when a person reasonably believes that it is necessary for the defense of oneself or another against the immediate use of unlawful force. However, a person must use no more force than appears reasonably necessary under the circumstances. Force likely to cause death or great bodily harm is justified in self-defense only if a person reasonably believes that such force is necessary to prevent death or great bodily harm.”

assess justifiability and culpability at least somewhat independently of each other. Ordinal outcomes (*justifiability*) and dichotomous outcomes (*acquittal*) each have their own analytic advantages: while an ordinal variable produces more variance and sensitivity, it often violates assumptions of parallelism for ordinal logistic regression, especially with large samples. A dichotomous outcome requires fewer assumptions, provides a straightforward interpretation (guilty/not guilty), and permits a much clearer interpretation of notoriously complicated non-linear interaction effects (Mize, 2019), but risks oversimplifying the relationships. The current study considers both outcomes.

### ***Independent Variables***

The independent variables included two experimental manipulations and nine control variables. The experimental manipulations included the shooter's sworn/unsworn status ("cop" is used for brevity) and whether the shooter was Black or White (where Black = 1 and White = 0). Control variables included dummy variable indicators to measure whether the respondent was White, Black, Hispanic, or male. The respondent's educational level was measured on an 8-point ordinal scale, where the lowest value indicated less than a high school degree and the highest indicated a doctoral degree. The respondent's income was measured on a 6-point ordinal scale, where the lowest value indicated an income of less than \$15,000 per year, and the highest indicated an income over \$249,000 per year. Age was measured as a continuous variable. Respondents were asked about their political orientation, which ranged from "Strong Democrat" (Partisanship = 1) to "Strong Republican" (Partisanship = 7). Finally, respondents were asked, "How much confidence do you have in the police?" Responses were measured on a 6-point ordinal scale, where 1 represented "None at all" and 6 represented "A great deal."<sup>12</sup>

---

<sup>12</sup> Demographic information was collected by Lucid prior to participation. Confidence in the police was measured immediately after informed consent, prior to the experiment.

Descriptive statistics of study variables are reported in Table 1. Select variables have been broken down by category to provide more detail informing sample representativeness and ordination. Participants had a mean value of 3.616 (out of 6) in their evaluations of the justifiability of lethal self-defense in the given scenario, a median value of 4, and a modal value of 4. Just under half (47.1%) chose to acquit the defendant. Participants reported an average confidence in police of 4.124 on the 6-point scale, indicating more favorable than unfavorable attitudes.<sup>13</sup> On a 7-point scale of partisanship, participants averaged 3.707, indicating a slightly more conservative political orientation in the overall sample. Importantly, there were no statistically significant differences between control and experimental groups on respondent characteristics, suggesting that random assignment was successful and there are no systematic biases.

[Table 1]

### **Analytic Procedure**

Analyses included *t* tests, Wilcoxon rank-sum tests,<sup>14</sup>  $\chi^2$  tests, and factorial ANOVA to evaluate independent and interactive effects of the experimental conditions. Additionally, ordinal logistic regression was used to evaluate the non-experimental (observational) influence of respondents' characteristics and pre-existing attitudes toward the police on perceptions of justifiability, and binary logistic regression was used to evaluate the influence of those characteristics and attitudes on the likelihood of acquittal. All analyses were performed in Stata 17 MP.

---

<sup>13</sup> Fewer than a third of all respondents rated their confidence in police between 1 and 3; more than two thirds rated their confidence in police between 4 and 6.

<sup>14</sup> Because the outcomes are ordinal, rather than continuous, nonparametric tests such as the Wilcoxon rank-sum test can provide less biased results and do not rely on the parametric assumptions of *t* tests (Wilcoxon, 1945).

## Results

### Experimental Results

Analyses began with tests of the effect of experimental manipulations (sworn status and race) on the outcomes of justifiability and acquittal. Perceptions of justifiability significantly varied by sworn status according to both parametric and nonparametric tests, as reported in Tables 2 and 3. Specifically, participants found use of lethal self-defense more justified when it was used by police officers rather than civilians. A  $t$  test indicated higher average justifiability when force was used by officers (3.742) than citizens (3.489), a difference which is statistically significant at  $p < .001$ . The effect size is modest, where Cohen's  $d = .150$ . Because the 6-point justifiability scale is ordinal rather than continuous, a nonparametric test is warranted (Wilcoxon, 1946). A Wilcoxon rank-sum test, like the  $t$  test, indicated that lethal self-defense is deemed significantly more justified when it is used by a police officer rather than a civilian ( $z = 3.837, p < .001$ ).

Public perceptions of justifiability also varied with the race of the person claiming self-defense (Tables 2 and 3). Justifiability was rated lower when the shooter was White (3.547) rather than Black (3.685), a difference which is significant at  $p < .05$ . The effect size is quite low, where Cohen's  $d = .082$ . A Wilcoxon rank-sum test similarly found a significant difference, where  $z = 1.998$ , and  $p < .05$ .

[Table 2]

[Table 3]

A Chi-Square Test of Independence was performed to assess the relationship between sworn status and *acquittal*. There was a significant relationship between the two variables, where  $\chi^2(1, 2,490) = 7.872, p < .01$ . A Chi-Square also indicated a significant relationship between shooter race

and acquittal, where  $\chi^2(1, 2,490) = 13.057, p < .001$ . Specifically, police officers were significantly more likely to be acquitted than civilians, and Black shooters were significantly more likely to be acquitted than White shooters.

[Table 4]

The data permitted the analysis of interactive or contextual effects using two-way ANOVA—specifically, whether the race of the shooter demonstrated any interaction with the sworn/unsworn status of the shooter on the outcome of perceived *justifiability*. The results appear in Table 5. There was not a significant interaction between the effects of sworn status and race [ $F(1, 2,492) = .00, p = .946$ ]. Consistent with the analyses reported above, simple main effects analysis showed that police officers ( $p < .001$ ) and Black shooters ( $p < .05$ ) were significantly associated with perceptions of justifiability.

[Table 5]

### **Non-experimental Results**

Ordinal logistic regression was performed to evaluate the influence of respondent characteristics on perceptions of *justifiability* (Table 6, Model 1). Results are reported as odds ratios. Consistent with the previous results, respondents were 25.7% more likely to consider the shooting more justified when the shooter was a police officer ( $p < .01$ ). In this model, respondents were no more likely to consider the shooting more justified when the shooter was Black (O.R. = 1.135,  $p = .08$ ). Respondent race (Whites +28.8%,  $p < .05$ ), gender (males +15.8%,  $p < .05$ ), conservative partisanship (+8.8%,  $p < .001$ ), and pre-existing confidence in police (+38.7%,  $p < .001$ ) were statistically significant predictors of perceived justifiability.

[Table 6]

Further analysis explored whether there was an interaction between pre-existing confidence in the police and the shooter's sworn status on the perception of justifiability (Table 6, Model 2).<sup>15</sup> The interaction effects are visualized in Figure 2. Confidence in the police was associated with significantly and substantively higher perceptions of justifiability, although this effect was significantly stronger when respondents were evaluating a police officer's use of force compared to a civilian's. There was a 22% probability that a shooting by a civilian would be deemed "completely justified," compared to a 32% probability that a shooting by a police officer would be deemed "completely justified."

[Figure 2]

Another model used binary logistic regression to estimate the effect of respondent characteristics and attitudes on the likelihood of *acquittal* (Table 7, Model 1). Respondents were nearly 20% more likely to acquit a police officer than a civilian ( $p < .05$ ), and they were nearly 40% more likely to acquit a Black shooter than a White one ( $p < .001$ ). Like the previous models, which explored perceptions of justifiability (Table 6), conservatism (+16.7%,  $p < .001$ ) and confidence in the police (+5.8%,  $p < .01$ ) also significantly predicted the likelihood of acquittal. Unlike the previous model, however, respondent race and gender had no effect on the ultimate verdict, and age increased the likelihood of acquittal (+2.8%,  $p < .001$ ).

[TABLE 7]

---

<sup>15</sup> The significance of the interaction term cannot be interpreted as an indication of an interaction effect in non-linear models, as they can in OLS regression (Mize, 2019). Therefore, first and second differences were examined according to best practices (Mize, 2019). Those tests, though not reported here, confirmed the significant interaction between confidence in police and the shooter's sworn status. The interaction effects were largest at the poles of the justifiability scale ("Completely Justified"/"Completely Unjustified"), such as those illustrated in Figure 2.

Further analysis explored whether there was an interaction between pre-existing confidence in the police and the shooter's sworn status on the likelihood of acquittal (Table 7, Model 2). The interaction effects are visualized in Figure 3. Higher confidence in the police had no effect on the likelihood of acquittal when the shooter was a civilian, as illustrated by the relatively flat slope. However, the likelihood of acquittal of a police officer significantly increased with pre-existing confidence in police. Those who say they have a "great deal" of confidence in police are about 44% likely to acquit a civilian, but about 55% likely to acquit a police officer.

[FIGURE 3]

The results can be summarized as follows: the experimental conditions—shooter sworn status and race—consistently demonstrated modest but statistically significant direct causal effects on perceptions of justifiability and the decision to acquit. Age and partisanship predicted both perceptions of justifiability and likelihood of acquittal. Race and gender were associated with perceptions of justifiability, but not with the likelihood of acquittal. Pre-existing confidence in the police was associated with greater perceived justifiability of shootings by both police officers and civilians. Pre-existing confidence in the police was associated with a significantly higher likelihood of acquittal *only* for police officers.

### **Discussion**

Are judgments about the use of lethal force evaluated similarly for police officers and private citizens? According to the results of the experiment undertaken here, the answer is no. Under identical circumstances, citizens consider lethal self-defense more justified when it is used by police officers than when it is used by civilians. The results of this experiment reveal that police officers are more likely to be given the benefit of the doubt in shootings in self-defense involving mistakes

of fact (the scenario under study here). This may explain, if only in part, why police officers are infrequently convicted of crimes related to on-duty shootings.

The results also reveal that Black shooters who claim self-defense are viewed more favorably than White shooters. This is true for Black and White police officers as well as Black and White citizens. When five Black Memphis police officers beat Tyre Nichols to death, many people asked whether dismissal and criminal charges would have been as certain and swift had the officers been White. While there are important differences between Tyre Nichols' death and the scenario used in this study—the race of the person killed, for instance, as well as the purpose of the use of force (apprehension vs. self-defense)—the results of this study suggest that Black officers (and citizens) are perceived as having been *more* justified in their use of lethal force. This is consistent with some prior research showing that citizens hold more favorable views toward Black officers than White officers when they use force or make arrests (Levin & Thomas, 1997; Strickler & Lawson, 2022). It is possible that citizens use personal characteristics of the officer to make inferences about the officer's motives and character. Widespread consciousness about racial injustice may also make people more conscious of their own potential biases, and therefore produce some degree of compensation. However, given the widely-recognized antipathy between police and Black communities, if participants were simply responding in socially desirable ways then it is perhaps somewhat surprising that respondents evaluated *both* Black shooters *and* police officers more favorably. Whether these results are due to a conscious social desirability bias, an unconscious implicit bias, or some other phenomenon deserves further attention—especially given that this effect has now been observed in multiple studies.

This study found that confidence in the police strongly moderates the probability of acquittal of a police officer's self-defense claim, but not a private citizens' self-defense claim (Figure 3). The

result is perhaps not altogether surprising, but it is an important empirical finding nonetheless. It suggests, for instance, that defense attorneys who inquire about potential jurors' attitudes toward the police during *voir dire* may be more likely to seat jurors sympathetic to their defendant when that defendant is a police officer. Prosecutors and defense attorneys may know this intuitively, but this study quantifies the effect: people with a great deal of confidence in the police are about 15% more likely to acquit an officer than people with no confidence at all in the police.

The results provoke important questions about police accountability. People find police shootings more justifiable than private citizens' shootings under identical experimental conditions. The large effect of confidence in the police on evaluations of justifiability—holding all else constant, including factual and legal factors—suggests that truly rational, objective judgements of culpability remain out of reach. Recent scholarship asks whether legal standards and community standards differ (Stoughton *et al.*, 2021), and empirical evidence suggests that they differ quite substantially (Richardson, 2022). Given that evaluations differ between those with and without confidence in the police, whose evaluations comport most closely with the law? The results suggest that those with high confidence in the police are making the more biased decisions that are inconsistent with the law. As illustrated in Figure 3, the probability of acquittal for police vs. civilian shootings differs only among those who have more confidence in police. On the other hand, those with little confidence in the police view the situations similarly—which, legally and factually, they are.

This study, like most others (e.g. Kennedy *et al.*, 2022), finds that confidence in the police is much more common than not. Because most Americans have substantial confidence in the police, most Americans may also evaluate the use of force in ways that systematically favor the police. Disagreements about how the police are doing *generally* bear on decisions about how the police behaved *in a particular instance*. Although the law is neutral, its application is not. In addition to

the public attitudes measured herein, prosecutors may either share those attitudes, or may intuitively sense that the burden of proof is higher for police officers than civilians, contributing to the infrequency of prosecution. It is of little surprise, then, that protests and counter-protests emerge after ambiguous uses of force.

Given the experimental evidence herein that citizens evaluate police use of deadly force differently than civilians', it would be prudent to explore the potential reasons for the discrepancy. Do citizens presume that officers' training and experience contribute to more accurate threat assessments? Are these attitudes a function of personal or vicarious experiences with the police or criminal victimization? Future research might also explore differences in evaluations of assertive force rather than defensive force—that is, when officers or citizens use physical force to apprehend someone rather than defend themselves.

This study is not without shortcomings. While the vignettes presented to the participants were quite explicit about the race and role of the officer/civilian involved, the omission of manipulation checks was a regrettable oversight. Jury eligibility was not ascertained, so while the attitudes captured in this study are likely to reflect general American sentiment, they may or may not generalize to juries, who often less reflect the U.S. population as a whole. The scenario presented to respondents depicted *lethal* force. Although lethal force carries the most consequence for its victims and society, non-lethal self-defense is used far more often by both police officers and private citizens. While the race of the shooter was manipulated, the person shot in the scenario was White; given evidence that perceptions depend not only on officer race, but also suspect race, respondent race, and interactions between them, future research might manipulate several of these factors simultaneously. Furthermore, this study cannot speak to assertive uses of force (e.g., apprehension, arrest, or re-capture) that are the source of much controversy and criticism. This experiment depends

upon an *ipso facto* equivalence about legal justifiability defenses for police officers and civilians. If officers and the public are held to the exact same legal standards of self-defense—as they are in many states—then the experimental results reveal a discrepancy between the law on the books and the law in action. Where self-defense standards *do* vary by state (Lee, 2018), the results of this study may still hold because the legal standards are experimentally controlled, but this deserves further evaluation.

These limitations notwithstanding, this study demonstrates several strengths. It is the first study to compare evaluations of force used by officers and civilians, and its experimental design contributes to strong causal inference. This is also the first study to use a nationally reflective sample when evaluating the influence of officer race (as opposed to suspect race) on perceptions of the use of force, improving generalizability. The scenario presented to participants was deliberately ambiguous and involved a mistake of fact only known in hindsight, producing substantial variability in citizens' perceptions. Many previous studies on this topic use scenarios that are obviously justified or unjustified, leading to differences of opinion only among the staunchest critics or allies of the police. Finally, the study's use of a video vignette, which is somewhat uncommon in this line of research, may provide an advantage over written vignettes because of its "realistic nature" (Jefferies *et al.*, 2011, p. 85), improving internal validity.

### **Conclusion**

The use of deadly force by police often leads to considerable controversy, such as when Officer Darren Wilson shot and killed unarmed Michael Brown in Ferguson, Missouri (Bosman & Fitzsimmons, 2014). The same can be said about many instances of lethal self-defense by civilians, such as when neighborhood watch member George Zimmerman killed unarmed teenager Trayvon Martin (Alvarez & Buckley, 2013). In cases such as these, the shooters claim self-defense, but the

justifiability of the shootings remains disputed by many Americans. In such cases, too, many of the circumstances are ambiguous, or at least they may have been at the time of the shooting. Was the force reasonably perceived as necessary? Was there a threat of death or serious bodily injury? Was the threat imminent? Police officers are far less frequently charged or convicted of murder than private citizens. While there are a litany of factors contributing to that disparity—including differential exposure to violence as well as familiarity with self-defense laws—many police critics insist that, even under identical circumstances, police shootings may be regarded as justified where a private citizen's shooting may not be. The results of this experiment show that those critic's claims appear to have some merit: when police officers kill someone in self-defense under ambiguous circumstances involving mistakes of fact, they are more likely to be deemed justified and acquitted than identical cases involving private citizens.

### References

Alvarez, L. & Buckley, C. (2013, July 14). Zimmerman Is Acquitted in Killing of Trayvon Martin.

*The New York Times*. <https://www.nytimes.com/2013/07/15/us/george-zimmerman-verdict-trayvon-martin.html>

Amnesty International. (2015). *Deadly Force: Police Use of Lethal Force in the United States*.

Amnesty International USA. [https://www.amnestyusa.org/wp-content/uploads/2015/06/aiusa\\_deadlyforcereportjune2015-1.pdf](https://www.amnestyusa.org/wp-content/uploads/2015/06/aiusa_deadlyforcereportjune2015-1.pdf)

Baker, M. A., & Bacharach, V. R. (2017). Police Officer-Civilian Confrontations Caught on

Camera: The Influence of Contextual Frames on Judgements of Excessive Force. *American Journal of Criminal Justice*, 42(4), 683–697. <https://doi.org/10.1007/s12103-017-9387-5>

Berinsky, A. J., Margolis, M. F., & Sances, M. W. (2014). Separating the Shirkers from the

Workers? Making Sure Respondents Pay Attention on Self-Administered Surveys. *American Journal of Political Science*, 58(3), 739–753. <https://doi.org/10.1111/ajps.12081>

Bierie, D. M. (2017). Assault of Police. *Crime & Delinquency*, 63(8), 899–925.

<https://doi.org/10.1177/0011128715574977>

Black Lives Matter. (n.d.). *About Black Lives Matter*. Retrieved December 1, 2021, from

<https://Blacklivesmatter.com/about/>

Blue Lives Matter. (n.d.). *About: Blue Lives Matter*. Retrieved December 1, 2021 from

<http://bluelivesmatter.blue/about>

Bosman, J., & Fitzsimmons, E.G. (2014, Aug 10). Grief and Protests Follow Shooting of a

Teenager. *The New York Times*. <https://www.nytimes.com/2014/08/11/us/police-say-mike-brown-was-killed-after-struggle-for-gun.html>

Braga, A. A., Winship, C., Tyler, T. R., Fagan, J., & Meares, T. L. (2014). The Salience of Social Contextual Factors in Appraisals of Police Interactions with Citizens: A Randomized Factorial Experiment. *Journal of Quantitative Criminology*, 30(4), 599–627.

<https://doi.org/10.1007/s10940-014-9216-7>

Bruce, D. (2011). Control of the use of lethal force. *SA Crime Quarterly*, 36, 3–12.

Carter, J. S., & Corra, M. (2016). Racial resentment and attitudes toward the use of force by police: An over-time trend analysis. *Sociological Inquiry*, 86(4), 492–511.

doi:10.1111/soin.12136

Carter, J. S., Corra, M., & Jenks, D. A. (2016). In the shadows of Ferguson: The role of racial resentment on White attitudes towards the use of force by police in the United States.

*International Journal of Criminal Justice Sciences*, 11(2), 114–131.

Celestin, B. D., & Kruschke, J. K. (n.d.). *Lay evaluations of police and civilian use of force:*

*Moral and physical magnitude ratings of officer and civilian actions.*

<https://doi.org/10.31219/osf.io/gdnb4>

Comer, B. P., & Ingram, J. R. (2022). Comparing Fatal Encounters, Mapping Police Violence, and

Washington Post Fatal Police Shooting Data from 2015–2019: A Research Note. *Criminal*

*Justice Review*, 48(2), 249-261. <https://doi.org/10.1177/07340168211071014>

Coppock, A., & McClellan, O. A. (2019). Validating the demographic, political, psychological, and experimental results obtained from a new source of online survey respondents. *Research*

*& Politics*, 6(1), <https://doi.org/10.1177/2053168018822174>.

- Culhane, S. E., Boman, J. H., & Schweitzer, K. (2016). Public Perceptions of the Justifiability of Police Shootings: The Role of Body Cameras in a Pre- and Post-Ferguson Experiment. *Police Quarterly*, 19(3), 251–274. <https://doi.org/10.1177/1098611116651403>
- Duhart, D. T. (n.d.). *Violence in the Workplace* (No. 190076; BJS Special Report, pp. 1–12). National Institute for Occupational Safety and Health. Retrieved December 11, 2022, from <https://bjs.ojp.gov/content/pub/pdf/vw99.pdf>
- Federal Bureau of Investigation. (2020). *Crime in the United States, 2019: Offenses Cleared* (Uniform Crime Report). <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/clearances.pdf>
- Flanders, C., & Welling, J. (2015). Police Use of Deadly Force: State Statutes 30 Years After Garner. *Saint Louis University Public Law Review*, 35(1), 7.
- Florida v. Peraza, 2018. 259 So. 3d 728.
- Forell, C. (2010). What's Reasonable?: Self-defense and mistake in criminal and tort law. *Lewis and Clark Law Review*, 14, 1401–1434.
- Fridell, L. A., & Marier, C. J. (2023). The Impact of Suspect Race and Precipitating Incident on Community Members' Assessments of Deadly Force Reasonableness. *Homicide Studies*, 27(1), 142-166. <https://doi.org/10.1177/10887679221112601>.
- Fridell, L., Faggiani, D., Taylor, B., Brito, C. S., & Kubu, B. (2009). The impact of agency context, policies, and practices on violence against police. *Journal of Criminal Justice*, 37(6), 542–552. <https://doi.org/10.1016/j.jcrimjus.2009.09.003>

- Funk, T. M. (2019). *Questions of value: An evaluative study of self-defense theory and practice in Germany, England, and the United States* [Http://purl.org/dc/dcmitype/Text, University of Oxford]. <https://ora.ox.ac.uk/objects/uuid:f794ea71-baf3-46fd-bf78-8533ba84e230>
- Gaddis, S. M. (2017). How black are Lakisha and Jamal? Racial perceptions from names used in correspondence audit studies. *Sociological Science*, 4, 469–489.  
<https://doi.org/10.15195/v4.a19>
- Girgenti-Malone, A. A., Khoder, C., Vega, G., & Castillo, D. (2017). College students' perceptions of police use of force: Do suspect race and ethnicity matter? *Police Practice and Research*, 18(5), 492–506. <https://doi.org/10.1080/15614263.2017.1295244>
- Hodell, E. C., Wasarhaley, N. E., Lynch, K. R., & Golding, J. M. (2014). Mock Juror Gender Biases and Perceptions of Self-Defense Claims in Intimate Partner Homicide. *Journal of Family Violence*, 29(5), 495–506. <https://doi.org/10.1007/s10896-014-9609-2>
- Huff, J., Alvarez, M. J., & Miller, M. K. (2018). *Mock Juror Perceptions of Police Shootings: The Effects of Victim Race and Shooting Justifiability*. 16.
- Jefferis, E., Butcher, F., & Hanley, D. (2011). Measuring perceptions of police use of force. *Police Practice and Research: An International Journal*, 12(1), 81–96.
- Jenkins, L. (1996). *Violence in the Workplace: Risk Factors and Prevention Strategies*. U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Division of Safety Research.

Johnson, D., & Kuhns, J. B. (2009). Striking Out: Race and Support for Police Use of Force.

*Justice Quarterly*, 26(3), 592–623. <https://doi.org/10.1080/07418820802427825>

Kahn, K. B., Thompson, M., & McMahon, J. M. (2017). Privileged protection? Effects of suspect

race and mental illness status on public perceptions of police use of force. *Journal of*

*Experimental Criminology*, 13(2), 171–191. <https://doi.org/10.1007/s11292-016-9280-0>

Kennedy, B., Tyson, A., & Funk, C. (2022). Americans' trust in scientists, other groups declines.

Pew Research Center. [https://www.pewresearch.org/science/wp-](https://www.pewresearch.org/science/wp-content/uploads/sites/16/2022/02/PS_2022.02.15_trust-declines_REPORT.pdf)

[content/uploads/sites/16/2022/02/PS\\_2022.02.15\\_trust-declines\\_REPORT.pdf](https://www.pewresearch.org/science/wp-content/uploads/sites/16/2022/02/PS_2022.02.15_trust-declines_REPORT.pdf)

Lee, C. (2018). Reforming the law on police use of deadly force: De-escalation, pre-seizure

conduct, and imperfect self-defense. *University of Illinois Law Review*, 629.

Leonnig, C. D. (2014, August 28). Ferguson shooting case renews debate over police officer's

leeway in use of deadly force. *Washington Post*.

[https://www.washingtonpost.com/politics/current-law-gives-police-wide-latitude-to-use-](https://www.washingtonpost.com/politics/current-law-gives-police-wide-latitude-to-use-deadly-force/2014/08/28/768090c4-2d64-11e4-994d-202962a9150c_story.html)

[deadly-force/2014/08/28/768090c4-2d64-11e4-994d-202962a9150c\\_story.html](https://www.washingtonpost.com/politics/current-law-gives-police-wide-latitude-to-use-deadly-force/2014/08/28/768090c4-2d64-11e4-994d-202962a9150c_story.html)

Levin, J., & Thomas, A. R. (1997). Experimentally manipulating race: Perceptions of police

brutality in an arrest: A research note. *Justice Quarterly*, 14(3), 577–586.

Lopez, G. (2020, December 14). Police officers are prosecuted for murder in less than 2 percent of

fatal shootings. *Vox*. [https://www.vox.com/21497089/derek-chauvin-george-floyd-trial-](https://www.vox.com/21497089/derek-chauvin-george-floyd-trial-police-prosecutions-Black-lives-matter)

[police-prosecutions-Black-lives-matter](https://www.vox.com/21497089/derek-chauvin-george-floyd-trial-police-prosecutions-Black-lives-matter)

Lusignan, R., & Marleau, J. (2010). Occupational  
Victimization. In *International Handbook of Victimology*. Routledge.

Mack, L. R., & Roberts-Lewis, K. (2016). The Dangerous Intersection between Race, Class and

Stand Your Ground. *Social Policy*, 23(1), 15.

- McCamman, M., & Culhane, S. (2017). Police body cameras and us: Public perceptions of the justification of the police use of force in the body camera era. *Translational Issues in Psychological Science*, 3(2), 167–175. <https://doi.org/10.1037/tps0000117>
- McElvain, J. P., & Kposowa, A. J. (2008). Police Officer Characteristics and the Likelihood of Using Deadly Force. *Criminal Justice and Behavior*, 35(4), 505–521.
- Mize, T. (2019). Best Practices for Estimating, Interpreting, and Presenting Nonlinear Interaction Effects. *Sociological Science*, 6, 81–117. <https://doi.org/10.15195/v6.a4>
- American Law Institute, 1962. Model Penal Code § 3.04. Philadelphia, PA.
- Mourtgos, S. M., & Adams, I. T. (2020). Assessing Public Perceptions of Police Use-of-Force: Legal Reasonableness and Community Standards. *Justice Quarterly*, 37(5), 869–899. <https://doi.org/10.1080/07418825.2019.1679864>
- Mullinix, K. J., Leeper, T. J., Druckman, J. N., & Freese, J. (2015). The Generalizability of Survey Experiments. *Journal of Experimental Political Science*, 2(2), 109–138.
- NAACP. (2016, January 1). *Legislative Accountability to Eliminate Wrongful Use of Deadly Force by Law Enforcement*. <https://naacp.org/resources/legislative-accountability-eliminate-wrongful-use-deadly-force-law-enforcement>
- Norris, R. J., Hicks, William D., & Mullinix, Kevin J. (2023). *The Politics of Innocence: How Wrongful Convictions Shape Public Opinion*. NYU Press.
- Oleson, K. C., & Darley, J. M. (1999). Community Perceptions of Allowable Counterforce in Self-Defense and Defense of Property. *Law and Human Behavior*, 23(6), 629–651.

- Patton, C. L., Asken, M., Fremouw, W. J., & Bemis, R. (2017). The Influence of Police Profanity on Public Perception of Excessive Force. *Journal of Police and Criminal Psychology*, 32(4), 340–357. <https://doi.org/10.1007/s11896-017-9226-0>
- Porter, E. V., Wood, T., & Cohen, C. (2021). The public’s dilemma: Race and political evaluations of police killings. *Politics, Groups, and Identities*, 9(1), 101–128. <https://doi.org/10.1080/21565503.2018.1528162>
- Reaves, B. A. (2009). Felony Defendants in Large Urban Counties, 2009—Statistical Tables. *Statistical Tables*, 40.
- Rector, N. A., Bagby, R. M., & Nicholson, R. (1993). The Effect of Prejudice and Judicial Ambiguity on Defendant Guilt Ratings. *The Journal of Social Psychology*, 133(5), 651–659.
- Richardson, D. (2022). *The “Reasonableness Divide”: Comparing Community Members’ Assessments of Force Reasonableness to Legal Standards*. Unpublished Dissertation. University of South Florida.
- Robinson, P., & Darley, J. (1995). Justice, Liability, and Blame: Community Views and the Criminal Law. *Faculty Scholarship at Penn Carey Law*.
- Salerno, J. M., & Sanchez, J. (2020). Subjective interpretation of “objective” video evidence: Perceptions of male versus female police officers’ use-of-force. *Law and Human Behavior*, 44(2), 97–112. <https://doi.org/10.1037/lhb0000366>
- Silver, J. R., & Pickett, J. T. (2015). Toward a Better Understanding of Politicized Policing Attitudes: Conflicted Conservatism and Support for Police Use of Force. *Criminology*, 53(4), 650–676. <https://doi.org/10.1111/1745-9125.12092>

Smith, D. (2020, July 8). Nine out of 10 Americans say racism and police brutality are problems, poll finds. *The Guardian*. <https://www.theguardian.com/us-news/2020/jul/08/americans-racism-police-brutality-problems-poll>

Stafford, K., & Fingerhut, H. (2020, June 17). AP-NORC poll: Sweeping change in US views of police violence. *Associated Press*. <https://apnews.com/article/us-news-ap-top-news-racialinjustice-politics-police-728b414b8742129329081f7092179d1f>

Stinson, P., & Wentzlof, C. (2019). On-Duty Shootings: Police Officers Charged with Murder or Manslaughter, 2005-2019. *Criminal Justice Faculty Publications*. [https://scholarworks.bgsu.edu/crim\\_just\\_pub/101](https://scholarworks.bgsu.edu/crim_just_pub/101)

Stoughton, S. W., Noble, J. J., & Alpert, G. P. (2021). *Evaluating police uses of force*. NYU Press.

Strickler, R., & Lawson, E. (2022). Racial conservatism, self-monitoring, and perceptions of police violence. *Politics, Groups, and Identities*, 10(2), 254–275. <https://doi.org/10.1080/21565503.2020.1782234>

Tapp, S. N., & Davis, E. J. (2022). Contacts Between Police and the Public, 2020. *US Department of Justice Office of Justice Programs Bureau of Justice Statistics Special Report, 1-24*.

*Tennessee v. Garner*, 471 U.S. 1 (1985).

Use of Force Relating to Arrest or Escape, 2022. Indiana Code § 35-41-3-3(f).

Wilcoxon, F. (1945). Individual Comparisons by Ranking Methods. *Biometrics Bulletin*, 1(6), 80–83.

Table 1. Descriptive Statistics of Study Variables (n = 2,492)

<u>Select Demographic Variables</u>	
<b>Variable</b>	<b>Percentage</b>
<b>Race/Ethnicity</b>	
White, non-Hispanic	67.54
Black	10.99
Hispanic, any race	13.37
Asian	4.79
Hawaiian or Pacific Islander	.44
Native American	.97
Some Other Race	2.05
<b>Gender</b>	
Male	51.57
Female	48.43
<b>Education</b>	
Less than high school	3.79
High school graduate	28.72
Post high school vocational training	3.19
Some college, no degree	18.96
2-year degree	8.07
4-year degree	26.74
Masters or Professional degree	8.79
Doctorate	1.73
<b>Income</b>	
< \$15K	19.13
\$15K – \$34,999	25.37
\$35K – \$64,999	24.96
\$65K – \$99,999	15.33
\$100K – \$249K	13.68
> \$249K	1.53

Other Variables

<b>Variable</b>	<b>M (SD) [Range]</b>
Shooter Cop (1 = Yes)	.500 [0 – 1]
Shooter Black (1 = Yes)	.500 [0 – 1]
Conservatism	3.707 (2.096) [1 – 7]
Confidence in Police	4.124 (1.535) [1 – 6]
Age	45.147 (16.974) [18 – 94]
Justifiability of Deadly Force	3.616 (1.688) [1 – 6]
Acquittal (1 = Yes)	.471 [0-1]

Table 2. t tests, "How justified was the use of deadly force?", n = 2,492

Manipulation	Control Group Mean (SD)	Experimental Group Mean (SD)	Cohen's d	t-statistic
Shooter Cop	3.489 (.047)	3.742 (.048)	.150	3.751***
Shooter Black	3.547 (.049)	3.685 (.047)	.082	2.043*

\* $p < .05$ , \*\*\* $p < .001$

Table 3. Wilcoxon rank-sum tests, "How justified was the use of deadly force?", n = 2,492

Manipulation	Control Group		Experimental Group		z-statistic
	Rank sum	Expected	Rank sum	Expected	
Shooter Cop	1,486,493.5	1,554,385.5	1,619,784.5	1,551,892.5	3.837***
Shooter Black	1,517,775.5	1,553,139	1,588,502.5	1,553,139	1.998*

\* $p < .05$ , \*\*\* $p < .001$

Table 4. Chi-square tests of independence, verdict by sworn status and race.

Manipulation	Overall Sample	Guilty	Not Guilty	$\chi^2$ tests of independence
Sworn Status				
Cop	1,243 (49.9%)	623 (50.1%)	620 (49.9%)	$\chi^2 = 7.872$ $p < .01$ $n = 2,490$
Civilian	1,247 (50.1%)	695 (55.7%)	552 (44.3%)	
Shooter Race				
White	1,245 (50.0%)	704 (56.5%)	541 (43.5%)	$\chi^2 = 13.057$ $p < .001$ $n = 2,490$
Black	1,245 (50.0%)	614 (49.3%)	631 (50.7%)	

Table 5. Two-way ANOVA of justifiability, effects of shooter sworn status and race, n = 2,492

Source of Variation	SS	df	MS	F
Shooter Cop	40.051	1	40.051	14.15***
Shooter Black	12.046	1	12.046	4.26*
Interaction	.013	1	.013	.00
Error	7,043.780	2,488	2.831	
Total	7,095.716	2,491	2.849	

\* $p < .05$ , \*\*\* $p < .001$

Table 6. Ordinal logistic regression on justifiability,  $n = 2,385$

	Model 1		Model 2	
	O.R.	S.E.	O.R.	S.E.
Shooter Cop	1.257**	.091	.544**	.117
Shooter Black	1.135	.082	1.144	.060
Respondent White	1.288*	.144	1.268*	.141
Respondent Black	1.275	.191	1.249	.187
Respondent Hispanic	1.182	.140	1.178	.140
Respondent Male	1.158*	.086	1.153	.086
Respondent Edu	1.026	.022	1.028	.022
Respondent Income	1.030	.032	1.029	.032
Respondent Age	.999	.002	.999	.002
Conservatism	1.088***	.020	1.090***	.020
Confidence in Police	1.387***	.038	1.256***	.046
Confidence X Cop Interaction	—	—	1.226***	.060
Thresholds:	.523	.202	.120	.215
	1.293	.202	.893	.214
	2.123	.206	1.726	.216
	2.992	.212	2.599	.221
	3.951	.221	3.564	.226
R <sup>2</sup>	.030		.032	

Notes. \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

Table 7. Binary logistic regression on likelihood of acquittal,  $n = 2,384$ .

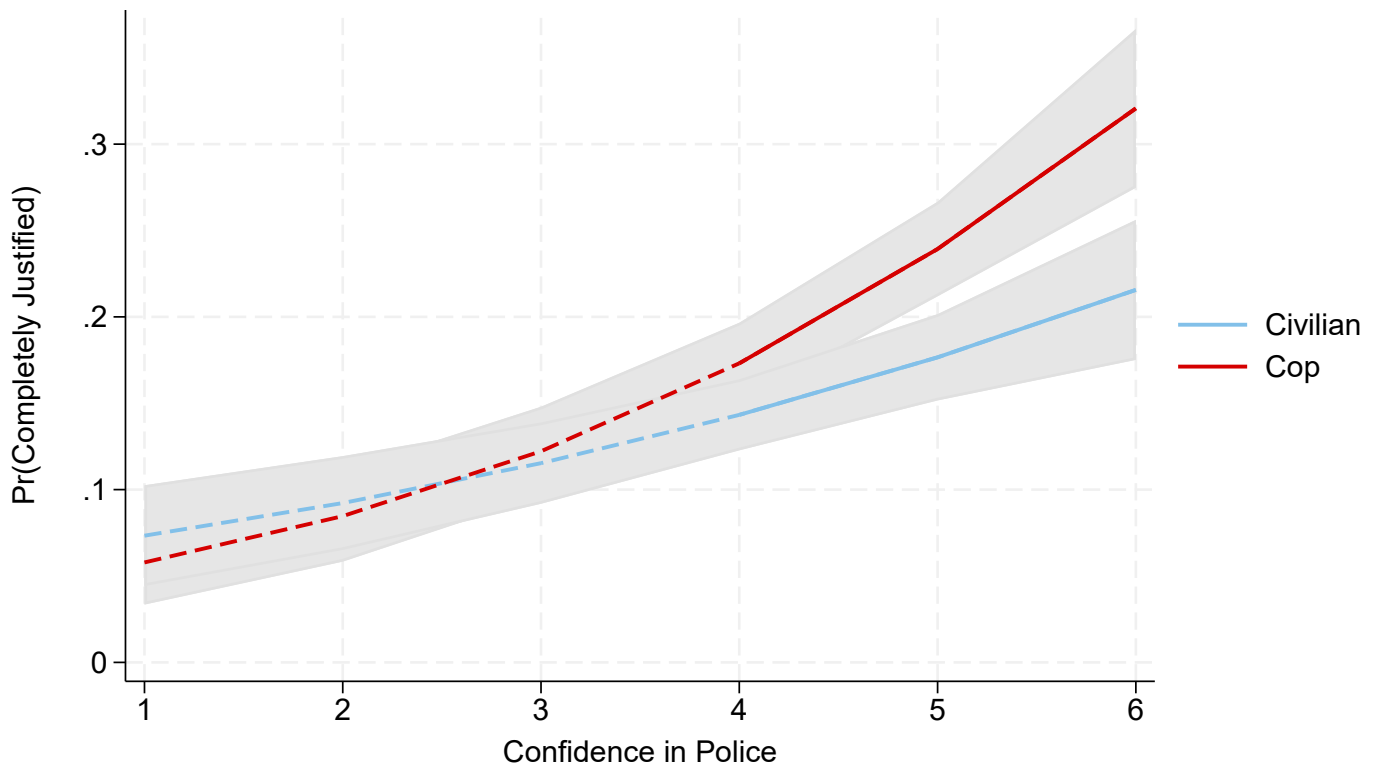
	Model 1		Model 2	
	O.R.	S.E.	O.R.	S.E.
Shooter Cop	1.196*	.103	.644	.161
Shooter Black	1.393***	.120	1.398***	.121
Respondent White	.874	.118	.865	.117
Respondent Black	.992	.176	.977	.173
Respondent Hispanic	.878	.125	.880	.125
Respondent Male	1.070	.095	1.065	.094
Respondent Edu	1.016	.026	1.016	.026
Respondent Income	.996	.036	.997	.037
Respondent Age	1.028***	.003	1.023***	.003
Conservatism	1.167***	.025	1.169***	.025
Confidence in Police	1.058**	.032	.983	.040
Confidence X Cop Interaction	—	—	1.162**	.066
Intercept	.092***	.023	.124***	.032
Pseudo R <sup>2</sup>	.068		.073	

Notes. \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

Figure 1: Still image from video scenario

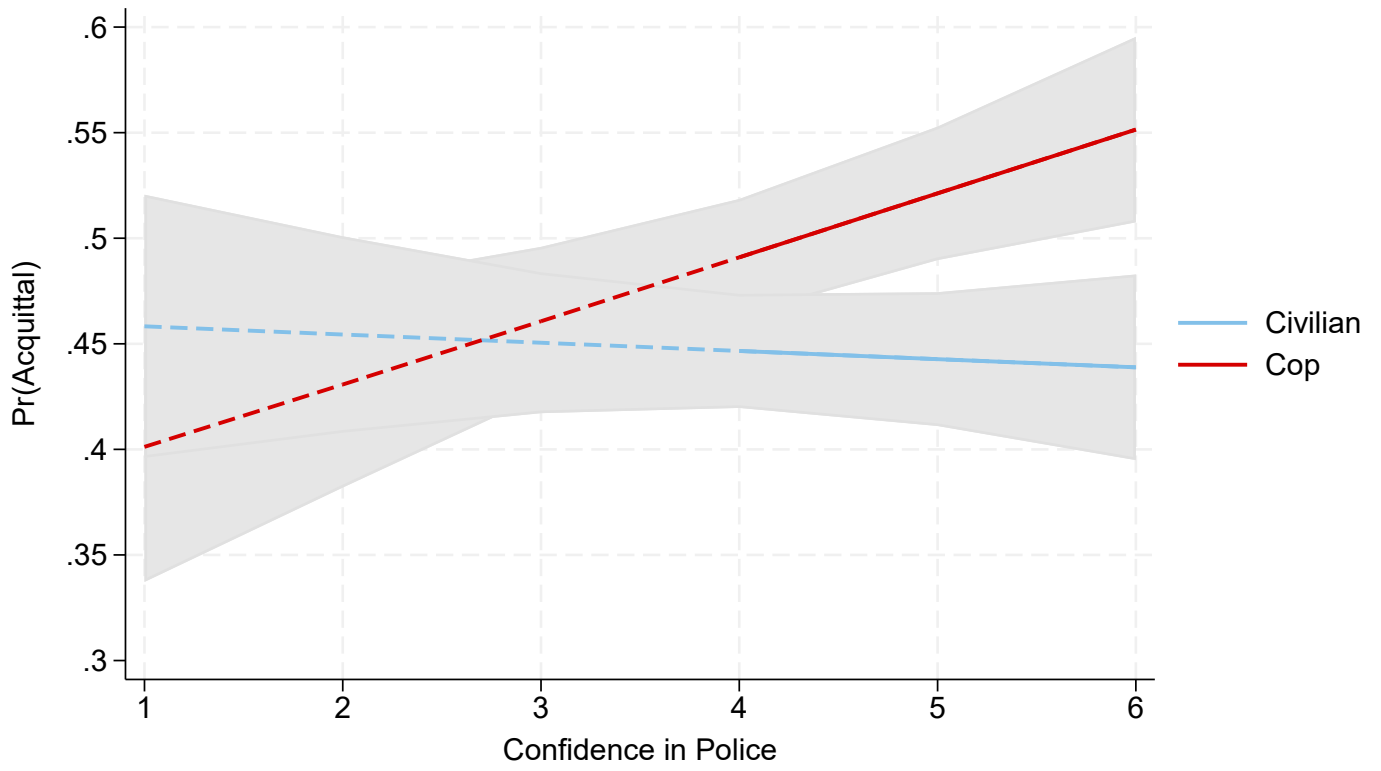


Figure 2: Interaction between pre-existing confidence in police and sworn condition on perception that the shooting was “completely justified.”



NOTE: Group difference (cops vs civilians) is significant ( $p < 0.05$ ) when lines are solid

Figure 3: Interaction between pre-existing confidence in police and sworn condition on likelihood of acquittal.



NOTE: Group difference (cops vs civilians) is significant ( $p < 0.05$ ) when lines are solid