



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

RESOLUTION

No. 2021-19

Targeting the Data Gaps in Gun Violence and Police Use of Force

Reported to the Caucus by the NHCSL Law and Criminal Justice Task Force
Rep. Kerry Tipper (CO), Chair

Sponsored by Sen. Daniel A. Ivey-Soto (NM)

Ratified by the Caucus on March 26, 2022

I. Gaps in gun violence data may cost Hispanic lives

WHEREAS, 2020 was one of the deadliest years on record for the United States, with an estimated 19,300 people killed in gun homicides or non-suicide-related shootings—a 25 percent increase over 2019;¹ and,

WHEREAS, each year, 3,800 Hispanic people are killed by gun violence in the United States;² and,

¹ Centers for Disease Control and Prevention (CDC), National Center for Health Statistics. WONDER Online Database, Underlying Causes of Death, 1999–2019, <https://wonder.cdc.gov/ucd-icd10.html> ; See also, Everytown for Gun Safety analysis using Gun Violence Archive 2014–2020 data and Centers for Disease Control and Prevention 1999–2019 data. According to Gun Violence Archive, there were 15,439 gun homicides and non-suicide-related gun deaths in 2019 and 19,365 in 2020. Gun Violence Archive, accessed January 6, 2021, <https://www.gunviolencearchive.org/>

² CDC, WONDER, *supra* n.1. Underlying Causes of Death. A yearly average was developed using five years of the most recent available data: 2015 to 2019.

WHEREAS, Hispanic people in the United States are twice as likely to be killed by gun homicide than white people, and guns are used in nearly three-fourths of the homicides where the victims are Hispanic;³ and,

WHEREAS, underfunded and censored federal data collection systems leave considerable gaps in our ability to study gun violence;⁴ and,

WHEREAS, this problem may be compounded for the Hispanic population, as the diversity of Hispanic or Latino identities means that understanding exactly how gun violence impacts specific Hispanic communities is limited by insufficient collection of race and ethnicity data, and aggressive federal immigration policies and lack of trust in law enforcement contribute to the under-reporting of crimes;⁵ and,

WHEREAS, without reliable data on gun violence, policymakers don't have the tools they need to target prevention effectively, and major government investments in data collection and analysis have proven instrumental for saving lives in analogous areas like motor vehicle safety;⁶ and,

II. Gaps in police use of force data may cost Hispanic lives

WHEREAS, police use of force with a firearm can be an especially pernicious form of gun violence, with Americans far too often injured or killed by the very authority figures entrusted to protect them and their communities; and,

WHEREAS, deadly force is “force that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing death or serious bodily injury,” and includes all firearm discharges by an officer, except those during

³ Ibid. Homicide includes shootings by law enforcement.

⁴ Everytown for Gun Safety Support Fund, “Why Funding Gun Violence Research Matters,” April 2019, <https://everytownresearch.org/report/why-funding-gun-violence-research-matters/>.

⁵ Everytown for Gun Safety Action Fund, “The Impact of Gun Violence on Latino Communities,” September 2020, <https://www.everytown.org/report/the-impact-of-gun-violence-on-latino-communities/>. US Census Bureau, “Research to Improve Data on Race and Ethnicity,” accessed August 21, 2020, <https://bit.ly/34mE8HN>. See also: Mark Hugo Lopez, Jens Manuel Krogstad, and Jeffrey S. Passel, “Who is Hispanic?” Pew Research Center, November 11, 2019, <https://pewrsr.ch/3aSkR2s>. Hamutal Bernstein et al., “Adults in Immigrant Families Report Avoiding Routine Activities Because of Immigration Concerns,” Urban Institute, July 2019, <https://urbn.is/3bJuErK>. Tahirih Justice Center et al., “Immigrant Survivors Fear Reporting Violence,” June 2019, <https://bit.ly/2IWgp5U> (national survey finding that three out of four advocates and attorneys reported that immigrant domestic abuse survivors have concerns about going to court for a matter related to the abuser/offender, and over 76 percent reported that immigrant survivors have concerns about contacting the police). Nik Theodore, “Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement,” Department of Urban Planning and Policy, University of Illinois at Chicago, May 2013, <https://bit.ly/3m7Vnk3>.

⁶ Everytown for Gun Safety Support Fund, “Why Funding Gun Violence Research Matters,” April 2019, <https://everytownresearch.org/report/why-funding-gun-violence-research-matters/>.

training or practice on a firing range, and regardless of the result actually produced;⁷ and,

WHEREAS, every year, police in America shoot and kill more than 1,000 people, and 95 percent of all civilian deaths caused by police are with a firearm;⁸ and,

WHEREAS, Hispanic people are more likely to be fatally shot by police than non-Hispanic white people;⁹ and

WHEREAS, existing data on police use of force are entirely insufficient, making it difficult for researchers to analyze excessive force and denying policymakers the tools to effectively evaluate the need for change and to properly target efforts at policy accountability;¹⁰ and,

III. Policy change can narrow these deadly gaps

WHEREAS, policymakers should respond with strength to close critical data gaps that produce underestimates of these deadly gun violence impacts for Hispanic communities -- and stymie the work needed to save lives.

⁷ Based on New Jersey statute: N.J.S.2C:3-11. See also deadly force defined in, Office of the New Jersey Attorney General, [Use of Force Policy](#) (Dec. 2020).

⁸ Fatal police shootings occur at an annual rate of 3.1 per million residents, with an average of 1,011 annual victims. Everytown for Gun Safety analysis of Mapping Police Violence 2013–2019, <https://mappingpoliceviolence.org/> (accessed June 4, 2020), and U.S. Census Bureau, “National Population by Characteristics, 2010–2019” datasets, <https://www.census.gov/data/datasets/time-series/demo/popest/2010s-national-detail.html> (accessed June 4, 2020). This rate is markedly higher than other countries: Australia’s rate is 0.19 per million (4.28 victims per year on average); England and Wales’ is 0.05 per million (2.64 victims per year on average); Germany’s is 0.13 per million (9.61 victims per year on average); and New Zealand’s is 0.20 per million (1 victim per year on average). L. Doherty and S. Bricknell, “Shooting Deaths in Police Custody,” Statistical Bulletin no. 19 (April 2020), <https://www.aic.gov.au/publications/sb/sb19>; Independent Office of Police Contact, “Annual Deaths during or following Police Contact Statistics,” <https://www.policeconduct.gov.uk/research-and-learning/statistics/annual-deaths-during-or-following-police-contact-statistics> (accessed June 15, 2020); Milan Gagnon, “Police in Germany Kill More Than You Think,” DW, May 14, 2017, <https://www.dw.com/en/police-in-germany-kill-more-than-you-think/a-38822484>; Independent Police Conduct Authority [New Zealand], “Annual Report, 2017–2018.”

⁹ Everytown for Gun Safety Support Fund analysis of Mapping Police Violence 2013–2019, accessed June 4, 2020; “National Population by Characteristics: 2010–2019,” US Census Bureau, accessed June 4, 2020. On average, police shot and killed 177 Hispanic/Latino Americans per year; this is a rate of 2.95 fatal police shootings per million Hispanic/Latino Americans. During the same time, police shot and killed an average of 453 non-Hispanic white Americans each year; this is a rate of 2.29 per million non-Hispanic whites. This may underestimate the true rate, as race was unknown for approximately 10 percent of the reported deaths.

¹⁰ Everytown for Gun Safety Support Fund, “Gun Violence and the Police,” June 2020, <https://everytownresearch.org/report/gun-violence-and-the-police/>. The majority of fatal police shootings were officially misclassified as not law enforcement-related as recently as 2015. Justin Feldman, Sofia Gruskin, et al., “Quantifying Underreporting of Law-Enforcement Related Deaths in the United States, Vital Statistics and News Media-Based Data Sources: A Capture-Recapture Analysis,” *PLoS Med* 14 (2017), <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002399>

THEREFORE, BE IT RESOLVED, that the National Hispanic Caucus of State Legislators declares that our communities, our data scientists, our policymakers, and our law enforcement leaders need a fuller picture of gun violence and police use of force, especially deadly force, in order to mount a truly impactful response; and,

BE IT FURTHER RESOLVED, that the National Hispanic Caucus of State Legislators adopts this Resolution as a list of recommended policies that the several states and territories can adopt as a group or individually, befitting their circumstances; and,

BE IT FURTHER RESOLVED, that the National Hispanic Caucus of State Legislators urges its members and the several states and territories to dedicate substantial allocations from their state budgets to fund data collection infrastructure and new research into gun violence and its causes, including to evaluate suicide, nonfatal assaults, unintentional shootings, and non-training firearm discharges by law enforcement; and,

BE IT FURTHER RESOLVED, that the National Hispanic Caucus of State Legislators urges its members and the several states and territories to explore the creation of permanent state offices of gun violence prevention and permanent research institutes to study gun violence in their communities and to evaluate and recommend potential policy solutions; and,

BE IT FURTHER RESOLVED, that the National Hispanic Caucus of State Legislators urges its members and the several states and territories to prioritize the collection and public dissemination of data on police use of force, as well as accountability and transparency on police disciplinary procedures and outcomes after any use of force incidents, especially deadly force, including by requiring to the furthest extent possible that state and local law enforcement agencies collect and publish those data; and,

BE IT FURTHER RESOLVED, that the National Hispanic Caucus of State Legislators urges local leaders to consider similar policy changes in their towns and cities, with a special focus on requiring robust gathering of data on violence by police and transparency in police disciplinary procedures and outcomes after officers use force; and,

BE IT FINALLY RESOLVED, that the National Hispanic Caucus of State Legislators urges Congress and the President to enact similar legislation to that outlined above as appropriate for the Federal sphere and to cooperate with states and localities that enact the legislation and/or establish the policies outlined above.

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY RATIFIED THIS RESOLUTION ON MARCH 26, 2022, AT ITS ANNUAL MEETING IN WASHINGTON, DC.