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## **Police have known for 45 years they shouldn't shoot at moving cars. But they still do it.**

Experts widely agree shooting at moving vehicles is a bad idea. But this kind of shooting recently got a 15-year-old killed.

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Lee Merritt/Facebook

Police and experts have widely known for 45 years that it shouldn't be done. Yet late last month, the act cost a 15-year-old boy his life.

In April, a police officer, responding to a call about a house party, shot at a moving car and killed the front-seat passenger, 15-year-old **Jordan Edwards**. The officer, Roy Oliver, has already been fired and charged with murder, although there are still a lot of lingering questions about what happened.

But one thing we've known for decades is that this kind of shooting simply shouldn't happen, because police officers should almost never shoot at moving vehicles. That's been the policy in New York City, the country's biggest local police department, for 45 years — and experts widely argue that it should be the policy for all police departments.

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The argument for the change is straightforward: Shooting at a 4,000-pound vehicle is an ineffective way to stop it. Not only is the officer likely to miss the target (because real life isn't *Call of Duty*), but she may actually hit someone else entirely. And if the officer gets or remains in front of the moving car in the course of shooting, she could get hurt even if she hits the driver.

“If you’re successful and shoot the driver, now you have an uncontrolled vehicle,” Geoff Alpert, a police tactics expert at the University of South Carolina, told me. “And it’s just as likely his foot is going to go on the gas as it is to not go on the gas.”

Yet these shootings continue to happen. According to **a Washington Post database**, police nationwide have killed nearly 200 people who were inside a moving car since January 2015. These are by and large shootings that violate what policing experts consider best practices, causing deaths that are unnecessary, even if they’re legal.

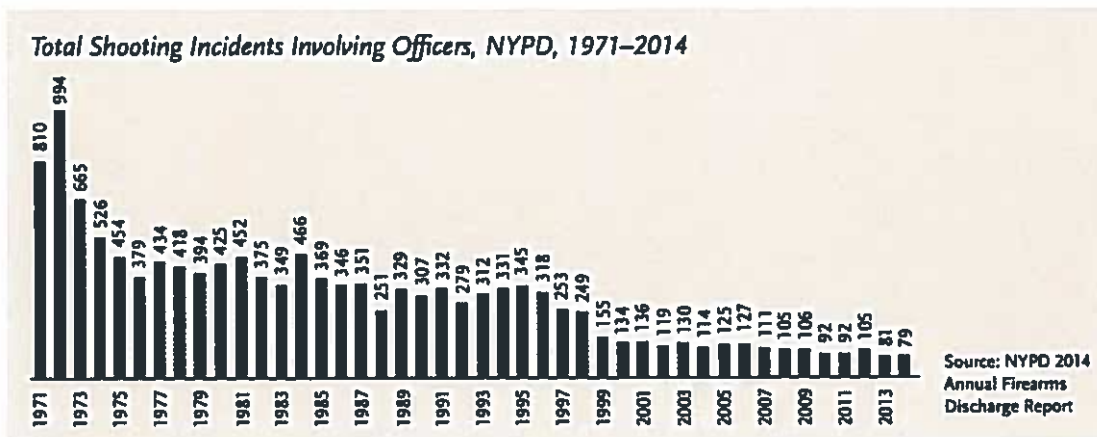
If policies banning shooting at vehicles were implemented, enforced, and followed, all or most of these deaths could have been prevented while actually making police safer. At a time when excessive use of force by police is getting more attention, this change seems like low-hanging fruit in a policy area that can often be very divisive and messy.

### **45 years ago, New York City banned shooting at moving vehicles**

More than four decades ago, the New York City Police Department found it had a big problem: It was killing a lot of people. One of these shootings in particular drew a lot of protests and days of riots: the killing of **10-year-old Ricky Boddien**.

So the NYPD decided to reform its use of force practices to limit unnecessary deaths. The department made several changes, but one of the biggest came after it realized that many of these deaths were caused by cops shooting at moving vehicles. So it banned shooting at moving vehicles altogether as long as the only physical threat was from the car, not another weapon. This means police would be justified in shooting at a moving car if the driver was firing a gun at them, but not if the car itself was the only danger to police or others.

The Police Executive Research Forum, which studies and advocates for policing policies, **summarized the results**: “That NYPD policy, adopted in 1972, resulted in an immediate, sharp reduction in uses of lethal force in New York City. Police shooting incidents declined from nearly 1,000 a year in 1972 to 665 the following year, and have fallen steadily ever since, to fewer than 100 per year today.”



Police Executive Research Forum

The ban has had no noticeable impact on police’s ability to stop crime. Crime in New York City has generally dropped for decades, and it’s now at **historic lows**. In particular, total murders in 2016 in the city were 335 — down from 352 in 2015 and 673 in 2000. (The city’s murder rate has even fallen below the national average in **recent years**.)

Police officers haven’t always perfectly followed New York City’s ban. After **the police shooting of Sean Bell**, who was unarmed, in 2006, police were **criticized** in part for shooting at a car. This goes to show that just having a policy in place isn’t always enough to stop a shooting; it’s also crucial for officers to have good guidance and training, as well as for departments to properly enforce their policies.

But generally, policing experts agree the ban on shooting at vehicles has been good for New York City.

“You had a loss of life and officers putting themselves in danger,” Chuck Wexler, executive director of the Police Executive Research Forum, told me. “The typical offense — a stolen car — was a relatively minor offense. Taking someone’s life, obviously, [was] a tragedy. So they realized, ‘We just have to put in place a strong prohibition against police officers shooting at vehicles.’”

There are exceptions to the rule. Wexler pointed to a situation like **the terrorist attack in Nice, France**, where a truck rammed through civilians and killed dozens of people and injured hundreds. Such a desperate situation would warrant a police officer using force. “Obviously, police would certainly be free to do whatever they have to to stop that vehicle,” Wexler said.

There are also cases in which an officer might not be able to move out of a car's way, making use of force potentially necessary. "I'd do everything I could to avoid [the car]," Alpert of the University of South Carolina acknowledged.

But these types of incidents, thankfully, make up a tiny minority of cases in which the police are dealing with a moving vehicle. That's why the Police Executive Research Forum has called for a strict ban on shooting at vehicles in its **30 Guiding Principles on Use of Force**.

Some law enforcement officials agree. John Timoney, who previously worked at the higher levels of police departments in New York City, Philadelphia, and Miami, **wrote** for the Police Executive Research Forum, "A strict policy does not mean that there will never be an exception to the rule. If a cop can give a valid reason why he or she shot at a moving car (I have heard a few in my time), it can be treated as an exception to the rule. But in the large majority of cases, a strict rule against shooting at cars will not only save lives, it will keep our cops out of trouble, out of the press, and God forbid, out of jail."

Wexler argued that it's important any ban on shooting moving vehicles remain stringently enforced and narrowly written. Otherwise, officers will feel too much leeway — and may opt to shoot more often than they should. "If it isn't a strong prohibition, then what happens is officers will put themselves in a position in which they do feel their life is in danger, and they have no choice," he said.

### **Experts argue a ban on shooting at moving vehicles makes everyone safer**

Experts said this policy is good for just about everyone involved: officers, the driver, and anyone else who may be around this kind of situation.

"No officers, to my knowledge, have been hurt as a result of it," Wexler said, referring to New York City's policy. "And many lives have been saved." He added, "This policy, to me, is all about the sanctity of human life — both officer and the subjects they're dealing with."

To understand why, imagine a case in which an officer is in front of a car that's speeding toward him. If the cop decides to shoot, that could put him in harm's way, since, instead of getting out of the way, he'll be focused on shooting. That could get the officer seriously injured.

The other issue is that shooting a moving vehicle is a very ineffective way of actually stopping it. Most of the time, officers will miss — since cops simply aren't always the

marksmen we see on television and in the movies. They might even hit the wrong target, like a passenger or a passerby near the car.



Jewel Samad/AFP via Getty Images

But even if they do hit the driver, that in no way guarantees that the car will actually stop. A wounded driver or dead body could lean into the pedal harder, causing the car to spiral out of control — and maybe hit more people and do more damage.

The downside, of course, is that not shooting may in some situations let a suspect get away. Experts argue, however, that this downside is worth the gains. “There’s probably 100,000 warrants in the city of New York now,” Wexler said. “So there’s 100,001. They’ll get him, find out where he lives. It just isn’t worth endangering everyone’s lives over something that, compared to taking a life, is insignificant.”

Phillip Atiba Goff, a criminal justice and racial bias expert at John Jay College, compared this policy with those that ban car pursuits. Police have found that car chases often result in innocent people or officers getting hurt as a pursuit spirals further and further out of control. So many departments have banned car chases, instead relying on GPS tags, license plates, and other means of identification to catch up with a fleeing driver later.

“No matter how well you’re trained, you can’t be trained to race a car — like in a video game — and never get anybody hurt,” Goff said. “So people are just doing the cost-benefit analysis in their head, and saying [that] the risk to do this rarely is outweighed by the rewards.”

### **The big lesson: police need to avoid situations in which force becomes the only answer**

The whole issue speaks to a general issue with how police use force: Often, it’s not the seconds before the shooting in which the officer did something wrong. Instead, it can come down to what the officer was doing in the minutes or even hours before he fell into a situation in which force was suddenly deemed necessary.

Think of the final moments of before a Cleveland police officer shot and killed 12-year-old **Tamir Rice** in 2014. In that tragedy, officers suspected that Rice, who was black, had an actual firearm when he was in fact playing with a toy gun. And officers drove right into the park where Rice was playing, shooting the boy within two seconds of getting out of their squad car.

What if officers had, instead of driving into the scene, parked further away, surveyed the area, and walked into the park more slowly, while giving warnings to Rice? It’s of course impossible to say what the outcome would be — but it certainly seems much more likely that Rice would be alive today.

As Goff previously told me, “We talk about the split-second decisions that have to be made when deadly force is used, and it’s a red herring. Most of the time, [police] are not ambushed in a corner and then they have to figure out what to do. Most of the time, what happens is there are a number of tactical decisions you’ve made up until that point that have compromised your safety.”





Speccer Platt/Getty Images

Situations involving a moving vehicle can be similar. If a cop's focus is to stay out of a vehicle's way instead of stopping a driver by any means necessary, he will likely never jump in front of a moving car — an immediately threatening situation in which he might deem force the only option. The police officer can avoid putting himself in dangerous but unneeded circumstances that warrant force, averting what policing experts call “a lawful but awful shooting.”

Goff previously gave an example from **research work he did in Las Vegas**. There, police established a foot pursuit policy that said the officer who was giving chase should not be the first person to put their hands on the suspect, with coordinated backup instead arriving on the scene and taking on that role. The idea is that foot pursuits often ended in excessive use of force — after all, they are high-adrenaline chases in which the officer and the suspect can get really angry, really fast. So by limiting, when possible, chasing officers from putting their hands on the suspect, Goff figured you could limit use of force.

The change appeared to work. There was a 23 percent reduction in total use of force and an 11 percent reduction in officer injury over several years, on top of reducing racial disparities, according to Goff. “Safer for the officer, safer for the suspects,” he told me.

“I didn’t have to talk about race to reduce a disparity that has racial components to it,” he added. “I had to change the fundamental situation where police are chronically engaging



with suspects. And that's the kind of example that I'm talking about how you interrupt the biases of life."

In the suburbs of Dallas, Texas, a similar approach — if a specific policy with decades of evidence were followed — could have saved a 15-year-old's life.

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