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## **GOOD GUY / BAD GUY / BLACK GUY (PART II)**

### ***Aggressive crime-fighting strategies can exact an unintended toll***

*By Julius (Jay) Wachtel.* Part I concluded that data about police bias towards blacks yields ambiguous and contradictory findings. For black citizens, though, the notion that police decisions are supposedly based on objective factors such as crime rates may be of little comfort. A majority of the stops in [New York City's stop-and-frisk campaign](#) took place in "high crime" zones, meaning low income areas largely populated by minorities. That essentially predetermined the race or ethnicity of those most likely to be stopped. Although blacks only [comprise about 26 percent](#) of New York City's population (whites are 44 percent, and Hispanics about 29 percent), fifty-eight percent of the nearly five-million persons who were detained were black. Twenty-five percent were Hispanic and a measly one in ten was white.

Police executives may insist that's unavoidable. Blacks also need cops to be where the crime is. Consider the numbers. [There were 11,961 murders in 2014](#). Fifty-one percent of the victims were black, 45 percent were white and about 16 percent were Hispanic. Blacks were murdered [and arrested for murder](#) at rates (4 times and 3 times, respectively) considerably exceeding their proportion of the population.

Some of us remember the bad old days of the seventies, eighties and early nineties, when an epidemic of violence fed by crack cocaine gripped the nation. Progressive police agencies sought to enhance their efficiency and effectiveness with newfangled analytical tools like Compstat (click [here](#), [here](#) and [here](#)) and integrated enforcement strategies such as "hot spots" policing (click [here](#) and [here](#)). Aggressive tactics, particularly stop-and-frisk (click [here](#) and [here](#)), became all the rage.

There was a catch. Policing is an imprecise sport. And when its well-intended practitioners target geography, meaning, by proxy, racial and ethnic minorities, the social impact of this "imprecision" can be profound. NYPD stopped nearly six times as many blacks (2,885,857) as whites (492,391). Officers frisked 1,644,938 blacks (57 percent) and 211,728 whites (43 percent). About 49,348 blacks (3 percent) and 8,469 whites (4 percent) were caught with weapons or contraband. In other words, more than one and one-half million blacks were searched and caught with...nothing.

Methodologists call these "false positives." If you're white like the blogger (and reasonably law-abiding) can you remember the last time an officer mistakenly jacked you up? Yet for black persons being a false positive is commonplace. Brian Williams, a

middle-aged black man, recently described [an incident that happened not long ago](#) while waiting outside his apartment building for a friend:

Someone called in a report and police questioned me and asked me why I was there. I had to prove to them that I actually lived there. It did not become physically violent but my initial reaction was visceral, I was like I need to watch what I say here because this could turn bad.

Past encounters with police gave him cause for alarm. In one particularly humiliating episode, which took place while he was in the Air Force, officers needlessly spread-eagled him across the hood of their car after stopping him for speeding.

My experiences they go back decades, one after the other, they become internalized. And it's a combination of my own experiences and an oral history I receive from my friends and family members that have gone through the same thing, we don't just make this up, this happens.

A couple weeks ago Dr. Williams, a trauma surgeon, was in the operating room, laboring to save the lives of officers gunned down by the crazed sniper in Dallas.

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In time, the resentment spawned by hundreds of thousands of false positives could no longer be ignored. Lawsuits, an unfavorable ruling from a Federal court (later set aside), [imposition of a Federal monitor](#), and the election of a new mayor forced NYPD to drastically cut back on stop and frisks. (For more about that click [here](#) and [here](#).) [Stops plunged](#) from 685,724 in 2011 to a reported (some claim, under-reported) 22,563 in 2015.

It's not just the Big Apple. [Numerous complaints about civil rights violations](#), particularly abusive stop and frisk practices, [recently forced Newark](#) to let a Federal monitor oversee the restructuring of its police department. Stop and frisk has also created major heartburn in [Chicago](#), [Philadelphia](#), and, most recently, [San Francisco](#).

Officer personalities vary. Some are thoughtful. Others may be impulsive or unusually fearful. Even the most skilled cops often struggle to make sense of incomplete or contradictory information. If that's not enough, good guys and bad can prove wildly unpredictable. Bottom line: not every encounter will end optimally. Indeed, some seem almost predestined to fail.

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On August 12, 2015 Los Angeles police officers [were called to a pharmacy](#) that had been robbed of cash by a woman brandishing a knife. They soon spotted the suspect and chased her down an alley. According to their account, she drew a large knife, refused to drop it, and advanced towards an officer. A Taser was fired, to no apparent effect. An officer then shot her dead. Currency and a robbery note were found on her body.

A witness insisted that police shot Redel Kentel Jones, 30, a black woman, while she was running away. Exactly what happened can't be conclusively confirmed, as officers did not activate their vehicle dashcams and body cameras had not yet been distributed.

On July 12, amidst raucous protests, [the Los Angeles Police Commission met](#) to issue its ruling on the propriety of the shooting. [Its decision](#), that the use of lethal force was "objectively reasonable and in policy," seemed predestined, as the chief had already deemed it "in policy." Commissioners nonetheless criticized numerous alleged failings and departures, including a lack of planning, poor positioning and inadequate inter-officer communications. A reading, though, fails to convince that doing these things differently would have greatly influenced the outcome.

The officer who shot Jones had a Hispanic surname. He had been on the job a bit more than eight years.

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Nearly a year later, on June 25, 2016, [a private citizen called Fresno, California police](#) to report a suspicious man dressed in camouflage and carrying a rifle. Responding



officers pursued a vehicle speeding away from where the suspect was last seen. Its driver refused to yield but eventually stopped. [Officer body-cam videos](#) depict the vehicle's operator, Dylan Noble, 19, ignoring commands to show his hands, walking away from officers, then approaching them, uttering "I fucking hate my life," all the while reaching behind him as though for a weapon. Officers fired twice, then twice more as

Noble moved his arms while on the ground.

Was Noble a good guy or a bad guy? His behavior must have quickly convinced officers of the latter. As it turns out, though, Noble was unarmed. With the benefit of hindsight, the incident seems like a clear example of "suicide by cop."

One officer had 20 years on the job; his partner, seventeen. Noble, a reportedly well-liked, “happy-go lucky” youth with no criminal record, was white. What happened to the man with the rifle remains a mystery.

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In “[An Epidemic of Busted Taillights](#)”, “[Too Much of a Good Thing?](#)” and “[Love Your Brother – and Frisk Him, Too!](#)” we worried that extensive use of stop and frisk, no matter how well intentioned, “can erode the bonds of trust and confidence between citizens and police.” [Here’s a prescription from the past](#) that still seems pertinent:

Target individuals, not ethnic groups. Selecting low-income, minority areas for intensive policing, even if they’re crime “hot spots,” can damage relationships with precisely those whom the police are trying to help. Aggressive stop-and-frisk campaigns such as NYPD’s can lead impressionable young cops to adopt distorted views of persons of color, and lead persons of color to adopt distorted views of the police. Our nation’s inner cities are already tinderboxes – there really is no reason to keep tossing in matches.

Cops would correctly point out, though, that it’s not just about enforcement “campaigns.” Even so-called “ordinary” police work can lead to tragedy. How can we prevent that? In “[First, Do No Harm](#)” we suggested that this famous medical principle is equally applicable to law enforcement. Policing must not be thought of as society’s Swiss army knife. If one need not intrude, then, simply, *don’t*.

Easy to say, not so easy to do. Police cannot ignore calls about people brandishing handguns. They must respond to robberies. And while wearing camouflage and strutting around with a rifle might seem perfectly normal in, say, Texas, it’s wildly out of place in the Golden State. What’s more, people are unpredictable. Accurate information is scarce. Resources are limited. As we pointed out in “[Making Time](#)” and elsewhere, it seems almost a miracle that the bodies of clueless citizens don’t line the sidewalks at the end of each shift.

But they don’t. “[De-escalation](#),” a trendy, supposedly new concept being advanced by policing experts is nothing new. Most cops have always used a lot of flexibility in handling field situations, often accepting more risk, sometimes much more, than what their own agencies might officially recommend. Uncommon sense, heart, and keen insight into human nature form the core of being a cop. It’s up to field training officers to convey these values to nervous rookies so they’ll never have to explain why they shot a citizen who was reaching for a hankie. Let’s plagiarize from a [prior post](#):

What experienced cops well know, but for reasons of decorum rarely articulate, is that the real world isn't the academy: on the mean streets officers must accept risks that instructors warn against, and doing so occasionally gets cops hurt or killed. Your blogger is unaware of any tolerable approach to policing a democratic society that resolves this dilemma, but if he learns of such a thing he will certainly pass it on.

Unfortunately, present trends are unfavorable to the craft of policing. At the moment of this writing the country reels from [the tragic loss of two Baton Rouge officers and a sheriff's deputy](#), shot down on the morning of July 17 by a self-styled "black separatist" wielding an assault rifle. While neither he nor his actions had any support in the community, murderous rampages by deeply disturbed individuals, whatever their twisted motivations, can only lead to more police militarization and tactical rigidity and blur the line between "good guys" and "bad guys" even further. As we've said before, it's not the outcome we'd wish for, but thanks in part to the [proliferation of highly lethal firearms](#), it's the one we'll inevitably get.