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THREE (IN?)EXPLICABLE SHOOTINGS

Grievous police blunders keep costing citizen lives. Why?

By Julius (Jay) Wachtel. On April 29 Balch Springs, Texas police officer Roy Oliver and his partner [entered a residence](#) where teens were reportedly drinking. Gunfire suddenly erupted nearby and the cops ran to investigate. Five youths also left and jumped into a car. For reasons that remain unclear, officer Oliver fired at them with a rifle that he had fetched from his cruiser. One round fatally wounded Jordan Edwards, 15.

Police chief Jonathan Haber quickly issued a news release claiming that the youths had driven at the officers. Body cam video soon proved the assertion false. Chief Haber apologized and fired officer Oliver.

Last month a Dallas grand jury [indicted officer Oliver](#), 37 for murder and aggravated assault. He was also charged with pulling a gun on a motorist who rear-ended his personal vehicle some months ago. Oliver, an Iraq vet and cop since 2011, [had been briefly suspended in 2013](#) for being vulgar and aggressive with prosecutors and in court. No other disciplinary actions against him are known.

On June 4 Omaha police officers [encountered a disturbed man](#) licking a store window. Zachary Bearheels, 29, accepted water but refused further aid and was let go.

Bearheels continued behaving oddly. That evening he was kicked off an interstate bus, and during the early morning hours of June 5 he caused a ruckus outside a convenience store. Two officers eventually cajoled the 5-9, 250-pound man into the back of a squad car. A sergeant soon turned down their request to take Bearheels in for a mental check, so the officers decided to take him back to the bus station. But the unruly man broke loose and tried to flee.

That's when two other cops, Scotty Payne, 38 and Ryan Mc Clarty, 27 jumped in. During the ensuing struggle they delivered a stunning twelve five-second Taser jolts and numerous blows to the head. According to police chief Todd Schmaderer, who moved to fire both cops, "video showed Mr. Bearheels to be motionless on the final few strikes." Indeed, Bearheels was more than "motionless": he was dead. A coroner would later rule

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the cause as “excited delirium,” a diagnosis that has been associated with [other episodes of repeated Taser strikes](#) on emotionally disturbed persons.

What’s known for sure is that Minneapolis police officer Mohamed Noor [shot and killed Justine Ruszczyk](#) during the late evening hours of July 15. What’s puzzling is *why*. Ruszczyk, a local resident, had just called 911 to report overhearing a possible sexual assault. After hanging up she may have tried to draw the attention of officer Noor and his partner, Matthew Harrity, by slapping the trunk of their vehicle as it drove down the alley behind her residence. Officer Harrity, the driver, later told investigators that he heard a loud noise and observed Diamond at his side window. His partner apparently considered the woman a threat [and fired](#). Noor’s bullet struck the middle-aged Australian woman in the torso, inflicting a fatal wound.

Since completing probation in fall 2015 Officer Noor, 31 racked up three complaints. One, an incident in May where he allegedly used excessive force against a mentally ill woman, [has turned into a lawsuit](#). Officer Noor declined to be interviewed about the shooting and is represented by a lawyer.

Independent information about the incident is lacking, as neither patrol car nor officer cameras had been turned on. Meanwhile the chief, who said the shooting “should not have happened,” resigned under pressure and a major shake-up of the department is reportedly under way. One change already made is that officers must now activate body cameras on all 911 calls.

[“The killing of Jordan Edwards shows again how black males — even children — are viewed as a threat.”](#) That headline (yes, *headline*) from the May 7 edition of the *Los Angeles Times* conveys what the editors clearly consider a given: that the killing of Edwards, a black youth, by officer Oliver was motivated by race. Among those quoted in the story is civil rights attorney Benjamin Crump, who on the day of Edwards’ funeral said “These [police officers] are trained professionals, who are supposed to make rational decisions, but they’re not. And yet again our children — I repeat, children — are paying the ultimate price.”

Police Issues has frequently commented on the use of lethal force against blacks. One such episode, which the *Times* also found pertinent, was the [November 2014 killing of Tamir Rice](#), a black 12-year old who was gunned down by a white Cleveland cop. (Rice

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had flaunted an air pistol, and a grand jury refused to indict. Cleveland settled for \$6 million.)

Given America's legacy of bias, concluding that Jordan Edwards was shot because he was black might have seemed obvious to the *Times*. After all, while officers kill many more whites than blacks, the latter have been proportionately much more likely to fall victim to police gunfire (click [here](#), [here](#) and [here](#)). Contemporary research, though, has cut both ways. For example, a [recent in-depth report](#) of shootings by Houston officers concludes that *whites* were at substantially greater risk of being gunned down by cops.

In any case, the officers who shot Bearheels and Ruszczyk were black. So what matters other than race?

- Officer temperament is crucial. Cops who are easily rattled, risk-intolerant, impulsive or aggressive are more likely to resort to force or apply it inappropriately. In "[Working Scared](#)" we remarked that the cop who shot Tamir Rice was forced out from another department when a supervisor noticed that the rookie was inexplicably "distracted" and "weepy" during firearms practice.
- Good judgment and forbearance take time to develop. Pairing inexperienced cops may be a tragedy waiting to happen. [Minneapolis officer Noor](#) had been a cop only two years; his partner, officer Harrity, had one year of experience with MPD. Interestingly, the "loud noise" that may have provoked Noor to fire brings to mind the "loud noise" that [led one of a pair of rookie NYPD cops](#) to discharge a round in a darkened stairwell, fatally wounding a resident who was hoofing it because the elevator was out.
- Talk isn't enough. "[De-escalation](#)," a trendy new buzzword, is how most cops have always preferred to do business. But when beats are beset by guns and violence even the most adept communicators might need more than words. Prompt backup is essential. Less-than-lethal weapons must also be at hand and officers should be adept at their use.
- Practice makes perfect. [As we said not long ago](#), patrol shifts must train together. It's also essential that someone - an experienced officer, if not a supervisor - take charge and coordinate things whenever a use of force is likely.

We hate to label this post a call for "reform," as our analysis and prescriptions are nothing new. Yet an unending stream of unjustified police shootings have been threatening to turn *Police Issues* into a "use of force" blog. So, *please* (and not just for our sake) don't let that happen!