

BREONNA TAYLOR ESSAYS

By

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R.I.P. PROACTIVE POLICING?

Volatile situations and imperfect cops guarantee tragic outcomes



For Police Issues by Julius (Jay) Wachtel.

Banged on the door, no response. Banged on it again no response. At that point we started announcing ourselves, police, please come to the door. So we kept banging and announcing. It seemed like an eternity.

That, according to Louisville police sergeant Jonathon Mattingly, [is how the infamous March encounter began](#). In testimony before a Grand Jury, the supervisor whose bullet (according to the FBI) fatally wounded Breonna Taylor insisted that despite the search warrant's "no-knock" provisions he and his companions, Detectives Myles Cosgrove and Michael Nobles and former Detective Brett Hankinson, loudly announced their presence and only smashed in because no one promptly came to the door.

As soon as they entered chaos erupted. Ms. Taylor's boyfriend, Kenneth Walker, whose presence the officers didn't expect "was standing in the hallway firing through the door." One of his bullets pierced Sergeant Mattingly in the leg. He and detectives Cosgrove and Hankinson returned fire. Walker escaped injury, but bullets fired by Mattingly and Cosgrove fatally wounded Breonna Taylor, the apartment's occupant of record. Meanwhile Hankinson's barrage went wildly off the mark, peppering another apartment but fortunately striking no one.

Kenneth Walker said he thought the officers were criminals breaking in. He was arrested for shooting Sergeant Mattingly but ultimately escaped prosecution. (He blames cops for firing the shot that struck the officer.) In June the police chief fired

Detective Hankinson, [who was disciplined a year earlier](#) for recklessly injuring a citizen. And on September 15 [the city announced it was settling a claim](#) filed by Ms. Taylor's family for \$12 million. That's reportedly one of the largest payouts of its kind, ever.

Grand jurors returned their findings one week later. Neither Mr. Walker nor the officers who unintentionally killed Ms. Taylor were charged. However, [former cop Hankinson was indicted](#) for discharging the fusillade that endangered other tenants. He pled not guilty and awaits trial.

It's not surprising that Ms. Taylor's killing has taken on such significance. Compare it with two other recent cases: [Mr. George Floyd](#), who died after being roughly handled by a Minneapolis cop, and [Mr. Rayshard Brooks](#), who was shot dead by an Atlanta police officer during a foot chase. Mr. Floyd and Mr. Brooks fought police; Mr. Brooks went so far as to fire at his pursuer with the Taser he grabbed from another cop. In contrast, Ms. Taylor did absolutely nothing to warrant rough handling. She was in her own apartment, just standing there when officers opened fire. Her killing was clearly a lethal error.

Law enforcement officers serve search warrants and engage in other high-risk activities every day. Many of these episodes involve dangerous characters, yet most conclude peacefully. However, since most research of police use of force focuses on episodes with bad endings, we know little about the factors that underlie successful outcomes. (That gap, incidentally, is the subject of your writer's recent essay, "[Why Do Officers Succeed?](#)" in *Police Chief*.)

Given the extreme circumstances that the officers encountered at Ms. Taylor's apartment, return fire by Sgt. Mattingly and detective Cosgrove might have been unavoidable. Tragically, their rushed response proved lethally inaccurate. In "[Speed Kills](#)" we mentioned that blunders are likely when officers act hastily or impulsively. Consider the July 2018 episode when, after shooting his grandmother, a Los Angeles man [led police on a wild vehicular pursuit](#). It ended at a retail store where the suspect bolted from his car and ran inside as he fired at the officers. They shot back, missing him but fatally wounding an employee.

Lethal foul-ups also happen when suspects *don't* shoot. In February 2019 late-arriving New York cops [unleashed a barrage at an armed suspect](#) who was fleeing the store he just robbed. Two plainclothes officers who were already on scene got caught in the middle: one was wounded and the other was killed. The suspect's handgun turned out to be fake. Seven months later an NYPD officer [repeatedly fired at a felon](#) with

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whom he had physically tangled. That led arriving officers to mistakenly conclude that they were being shot at. So they opened fire, killing both their colleague and the suspect. His unfired revolver lay nearby.

Police behavior is unavoidably influenced by the well-known risks of the job. And those are indeed substantial. According to the [LEOKA](#) more than two-thousand law enforcement officers (2,116) were assaulted with firearms in 2018. About 129 were injured (6.1 percent) and 51 were killed. Unfortunately, the LEOKA doesn't offer detailed information about the encounters, nor of the outcomes for civilians. Last year [the FBI launched an effort](#) to collect data about all police uses of force that either involve their discharge of firearms or which lead to a citizen's death or serious injury. So far, nothing's been released. However, the *Washington Post* has been collecting information about police killings of civilians since January 2, 2015. As of October 1, 2020, [their database has 5673 entries](#), one for each death. We downloaded the dataset. This table lists some of the pertinent findings.

Means of death		Citizen armed		Mentally ill		Citizen threat	
Shot	5390 (95%)	Gun	3223 (57%)	Yes	1318 (23%)	Attacked officers	3671 (65%)
Shot & Tasered	283 (5%)	Knife, bladed	987 (17%)	No	4355 (77%)	Other threat	1749 (31%)

Citizens were "armed" with a wide assortment of items, including cars, shovels and (yes) even pens. We included only guns and cutting instruments. Six percent (358) of those killed were unarmed.

In 2017 four academics analyzed the *Post's* 2015 data. Published in *Criminology & Public Policy* (Feb. 2017) "[A Bird's Eye View of Civilians Killed by Police in 2015 - Further Evidence of Implicit Bias](#)" concluded that race affected officer threat perceptions. "Controlling" for citywide violent crime rates, the authors concluded that non-Whites, and especially Blacks, were nonetheless significantly more likely to be shot. But more specific "places" such as areas or neighborhoods were *not* taken into account. As we noted in "Scapegoat" [Parts I](#) and [II](#) proactive policing normally targets areas within cities that are beset by violence, usually poverty-stricken neighborhoods that are disproportionately populated by non-Whites. As our tables in [Part II](#) demonstrate, once we "controlled" for location the influence of race and ethnicity on LAPD stops virtually disappeared.

Of course, one need not attribute outcomes such as Ms. Taylor's death – or the killings of [Dijon Kizzee](#) in Compton, [Jacob Blake](#) in Kenosha, [Rayshard Brooks](#) in

Atlanta or [George Floyd](#) in Minneapolis – to racial animus to brand them as tragic mishaps. Posts in our [Compliance and Force](#) and [Strategy and Tactics](#) sections have discussed the forces that drive policing astray and suggested correctives. “[Working Scared](#)” stressed the role of personality characteristics such as impulsivity and risk tolerance. “[Speed Kills](#)” emphasized the advantage of taking one’s time – preferably, from a position of cover. Chaos, a chronic fixture of the police workplace that often leads to poor decisions was the theme of “[Routinely Chaotic](#).” And when it comes to preventives there’s [de-escalation](#), a promising approach that’s at the top of every chief’s list.



Back to Ms. Taylor’s death. On March 13, 2020 Louisville police executed search warrants at 2424/5/6 Elliott Ave. (pictured here) and at her apartment, 3003 Springfield Dr. #4 (top photo). According to police, Jamarcus Glover, Ms. Taylor’s one-time boyfriend, and his associate Adrian Walker (no relation to Kenneth Walker) were using the Elliott Ave. locations as “trap houses” (places where drugs are stored and sold.) Both were convicted felons out on bond awaiting trial for drug trafficking and illegal gun possession charges levied in December 2019.

Here’s a summary of the justification provided in the [search warrant](#):

- Mr. Glover and Mr. A. Walker were pending trial on gun and drug charges.
- In January 2020 police stopped Mr. A. Walker as he left the “trap house” and found marijuana and cash in his vehicle. In the same month a pole camera depicted numerous vehicles visiting the trap house during a brief period. There were many recorded and physical observations of suspicious behavior by both suspects in and around the trap house and of visits to a nearby rock pile they

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apparently used to stash drugs.

- In January 2020 the affiant observed Mr. Glover and Mr. A. Walker making “frequent trips” between the trap house and Ms. Taylor’s apartment. Mr. Glover had listed her apartment as his address and was using it to receive packages. On one occasion Mr. Glover was observed taking a package from the residence to a “known drug house.” Ms. Taylor’s vehicle was observed parked at the trap house several times.
- In conclusion, the affiant asserted that his training and experience indicated “that Mr. J. Glover may be keeping narcotics and/or proceeds from the sale of narcotics at 3003 Springfield Drive #4 for safe keeping.”

In late August the [Louisville Courier-Journal](#) and [Wave3 News](#) published detailed accounts about the alleged connection between Ms. Taylor and Mr. Glover. This story drew from a [leaked police report](#), prepared after Ms. Taylor’s death, that describes the evidence detectives gathered before and after executing the March search warrants. It indicates that drugs, cash, guns and paraphernalia were seized from the trap houses and the suspects’ vehicles. There are also surveillance photographs and detailed transcripts of intercepted jailhouse calls made by Mr. Glover after his arrests in December and March. Here’s an outtake from a January 3, 2020 (pre-warrant) phone call between Mr. Glover and Ms. Taylor:

1123 – J. Glover calls ***-***-**** (Breonna Taylor) from booking:

J. Glover: “Call Doug (Adrian Walker) on Facebook and see where the fuck Doug at. He’s got my fuckin money, riding around in my motherfucking car and he ain’t even where he’s supposed to be at.”

B. Taylor: “You said Doug?” J. Glover: “Yeah, Big Doug.”

B. Taylor: “I’ll call him...Why can’t I find him on Facebook? What’s his name on here?”

J. Glover: “Meechy Walker.”

1318 – J. Glover calls ***-***-**** (Breonna Taylor) from booking:

J. Glover: “You talk to Doug (Adrian Walker)?”

B. Taylor: “Yeah I did. He said he was already back at the trap... then I talked to him again just a minute ago to see if you had contacted him. They couldn’t post bond till one.”

J. Glover: “Just be on standby so you can come get me... Love you.”

B. Taylor: “Love you too.”

Here’s part of a post-warrant phone conversation between Mr. Glover and a domestic partner who bore his child:

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1307 – J. Glover calls ***-***-**** (Kiera Bradley – child’s mother) from his dormitory:

K. Bradley: “So where your money at?”

J. Glover: “Where my money at? Bre had like \$8 grand.”

K. Bradley: “Bre had \$8 grand of your money?” J. Glover: “Yeah.”

J. Glover says to an unknown male that joined the call, “Tell cuz, Bre got down like \$15 (grand), she had the \$8 (grand) I gave her the other day and she picked up another \$6 (grand).”

K. Bradley and J. Glover are arguing over him not being honest and him having money at other people’s house. J. Glover says to K. Bradley, “Why are you doing this?”

K. Bradley: “Cuz my feelings are hurt.”

J. Glover: “Why cuz the bread (money) was at her house?”

J. Glover: “...This is what you got to understand, don’t take it wrong but Bre been handling all my money, she been handling my money... She been handling shit for me and cuz, it ain’t just me.”

In a post-warrant call to Mr. Walker, Mr. Glover explains why police searched Ms. Taylor’s residence and why, according to Kenneth Walker (Ms. Taylor’s live-in boyfriend) the officers didn’t find any cash:

1720 – J. Glover calls ***-***-**** (Male – likely Adrian Walker per Accurant) from his dormitory:

J. Glover: “Where you at?” A. Walker: “You know the spot, “E”.”

J. Glover: “I just watched the news nigga... They tryin act like they had a search warrant for Bre’s house too.”

A. Walker: “I know... The only thing I can figure out is they check that license plate. They been putting an investigation on a motherfucker.”

J. Glover: “They checked Bre’s license plate?”

A. Walker: “That’s the only thing I can think of... A motherfucker pull up on the block in the charger, that’s the only thing I can think of.”

J. Glover: “Who at no haters running their mouth?...That nigga (Kenneth Walker) didn’t have no business doing that shit. That nigga got Bre killed nigga.”

A. Walker: “You got to see like the bigger picture to it though you feel me, it’s more to it than what you feelin like right now.”

J. Glover: “I know, I know she was feelin me. At the end of the day everything stolen from me though, I swear I know that.”

J. Glover: “...That man tell me, I watched you leave your baby momma’s house. Alright if you watched me leave my baby momma’s house, why would you execute a warrant at Bre’s house... Bre got that charger and all this shit... Bre’s paper trail makes sense for everything she got though.”

J. Glover: “...I don’t understand how they serve a warrant for Bre’s house when nothing

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ties me to Bre house at all except these bonds.”

A. Walker: “Bonds and cars and 2016... It’s just ties though... Look at the ties since 2016, ever since Rambo (homicide victim)... and the camera right there, they see a motherfucker pull up.”

J. Glover: “Yeah she (Breonna Taylor) was out there the top of the week before I went to court.” A. Walker says to J. Glover, “They didn’t even have to see her pull up, all they had to do is see that license plate... They done put two and two together... Then on top of that they go over there and find money.”

J. Glover: “No, Bre don’t, Bre don’t, Bre don’t...Bro you know how Bre do... They didn’t find nothing in her house.”

A. Walker: “I thought you said they found some money over there?”

J. Glover: “It was there, it was there, it was there...They didn’t do nothing though that’s the problem... Kenneth said ain’t none of that go on.”

A. Walker: “So they didn’t take none of the money?”

J. Glover: “Kenneth said that none of that go on. He said Homicide came straight on the scene and they went to packaging Bre and they left.”

Mr. A. Walker and Mr. Glover were released pending trial. Mr. Glover has reportedly absconded.

Go through the report. If genuine – and it certainly seems to be – it depicts Ms. Taylor as a knowing participant of Mr. Glover’s drug-trafficking enterprise. There is really no gentle way to put it.

As a Fed your blogger obtained and participated in serving many search warrants. In his opinion, the March 2020 search warrant of Ms. Taylor’s residence seems well supported by probable cause. Yet neither this writer, nor anyone he knows, was ever shot at while on the job, let alone had a partner wounded. How would we have reacted under such circumstances? Would we have instantly realized that the shooter “didn’t really mean it?” Could we have safely “de-escalated”? And if not, would we have accurately placed return fire?

Set warrants aside. Consider a far more common cause of innocent deaths: police pursuits. Instead of getting into specifics, [California law](#) requires that agencies establish detailed policies about *when* and *how* to chase and train their officers accordingly. (Click [here](#) for LAPD’s policy.) Yet pursuits [still continue to end poorly](#).

Really, when it comes to the more fraught aspects of policing such as pursuits or search warrants the usual preventives – rules, training, supervision – can’t always be

counted on to prevent horrific outcomes. Yes, there are other ways. Police occasionally abandon chases. As for search warrants, officers sometimes elect to watch, wait and intercept occupants as they leave. Naturally, doing that is resource-intensive, and should surveillance be detected it could lead to the destruction of evidence. Detaining persons also carries risk.

About 17 percent of Louisville's residents live in poverty. In Ms. Taylor's ZIP code, 40214, the proportion is about twenty percent. In 40211, where the "trap houses" were located, it's about thirty-four percent. Jamarus Glover and Adrian Walker were taking advantage of a deeply troubled neighborhood for their selfish ends. Sadly, Breonna Taylor had apparently lent a hand.

Search warrants aren't the first proactive strategy to come under challenge. Most recently, "[Should Police Treat the Whole Patient?](#)" discussed the back-and-forth over stop-and-frisk and other geographically targeted enforcement campaigns, whose intrusiveness and tendency to generate "false positives" has badly disrupted police-minority community relations across the U.S.

Search warrants, though, are supposedly different. They're based on articulated evidence of criminal wrongdoing and must be approved by a judge before execution. As your blogger discovered while a Fed, they're the stock-in-trade of serious criminal investigations. Without this tool officers would be hard-pressed to combat major sources of drugs or guns. They'll undoubtedly play a key role in "[Operation Legend](#)," that new Federal-local partnership we've heard so much about. Of course, it's also essential that police avoid endangering the lives of innocent citizens. Perhaps it's time to revisit some of our more cautionary essays; say, "[First Do No Harm](#)" and "[A Delicate Balance](#)."

Yet in our ideologically charged, perhaps irreparably fractured climate, turning to the usual remedies (i.e., training, tactics, supervision) may not do. Breonna Taylor's characterization as an innocent victim of police overreach has added a bucketful of fuel to the fire. We're talking "defund" on steroids. So by all means let's quit pretending. Level with the inhabitants of our poorer, crime-stricken places about the risks of even the best-intentioned proactive policing. Give them an opportunity to opt out of, say, drug investigations and such. Of course, be sure to inform them of the likely consequences. Considering what our nation is going through, it seems to be the least we can do.

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WHITE ON BLACK

Should Black citizens fear White cops?



For Police Issues by Julius (Jay) Wachtel. Jackson, Mississippi's capital city, is mostly Black. Ditto its cops. So if citizens are better off dealing with cops of their own race, a frail, elderly Black resident should have survived a minor encounter with three Black cops. But as we reported in "[Black on Black](#)" Mr. George Robinson didn't.

This time we'll explore the citizen/cop combination that's provoked protests across the U.S. For examples we'll offer two: the August 23rd wounding of Mr. Jacob Blake, a Black resident of Kenosha, Wisconsin, by a White police officer, and the killing of Mr. Dijon Kizzee, a Black resident of a Los Angeles suburb, shot dead by White Sheriff's deputies on August 31st.

Here's an extract from a [tweet](#) posted by Wisconsin Governor Tony Evers on August 23rd, about three hours after a White Kenosha cop shot and crippled Mr. Jacob Blake:

Tonight, Jacob Blake was shot in the back multiple times, in broad daylight, in Kenosha, Wisconsin. Kathy and I join his family, friends, and neighbors in hoping earnestly that he will not succumb to his injuries....While we do not have all of the details yet, what we know for certain is that he is not the first Black man or person to have been shot or injured or mercilessly killed at the hands of individuals in law enforcement in our state or our country.

However compelled Governor Evers may have felt to denounce the police, his swift opinionating virtually guaranteed that something important would be left out. And it was. When their handiwork went tragically astray, three White cops were trying to arrest the 29-year old Black man on [a recently-issued warrant](#) for felony sexual assault. A Black woman who was apparently Mr. Blake's former domestic partner accused him of [breaking into her home](#) while she slept, sexually assaulting her, then leaving with her car and a credit card.



Mr. Blake remained free. On August 23rd the victim called police [to complain that he was back](#). According to the Wisconsin Department of Justice, which is investigating the use of force, "Police Department officers were dispatched to a residence in the 2800 block of 40th Street after a female caller reported that her boyfriend was present and was not supposed to be on the premises." [An account posted by the police union](#) adds that

Mr. Blake "was attempting to steal the caller's keys/vehicle." Here's our best assessment of what then took place:

- Officers arrived. [Radio messages](#) indicate that they knew of the warrant. Three officers tried to intercept Mr. Blake as he walked to his car. [According to the police union](#) Mr. Blake supposedly "forcefully fought with the officers, including putting one of the officers in a headlock."
- Mr. Blake apparently freed himself and kept walking. [Two officers fired their Tasers](#) but without apparent effect. A bystander who didn't see what, if anything, Mr. Blake carried said that [officers commanded Mr. Blake](#) to "drop the knife!"
- Two bystander videos depict the last part of the encounter. (Click [here](#) and [here](#).) Pistols drawn, officers followed Mr. Blake around his vehicle to the driver's side. As he approaches the door an officer grabbed him by the shirt (see above image) and when the still-noncompliant man stepped in the cop fired seven times into his back. Police claim they recovered a knife from the vehicle's floorboard, and state investigators reported that Mr. Blake admitted it was his.

Mr. Blake's lower body was paralyzed and he remains hospitalized. As for the sexual assault, he pled not guilty via video, posted a \$10,000 bond and waived a preliminary hearing. [Trial could take place](#) as early as November.

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Demonstrations and violence followed. As did visits by President Trump and his challenger, Mr. Joe Biden. Their views were predestined to clash. Focusing on the violence, the President praised law enforcement and the National Guard and [denied that racism had infected policing](#). As for Mr. Blake's shooting, his opinions seemed decidedly mixed:

Shooting the guy in the back many times. I mean, couldn't you have done something different? Couldn't you have wrestled him? You know, I mean, in the meantime, he might've been going for a weapon. And, you know, there's a whole big thing there.

In a controversial follow-on Mr. Trump likened what the officer did to a golfer who "chokes" while attempting a "three-foot putt."

Mr. Biden took a different tack. Focusing on the issue of race, he met with Mr. Blake's family, and in an hour-plus speech at a local church the candidate [bemoaned the plight of Black Americans](#) who must deal with White police: "I can't understand what it's like to walk out the door or send my son out the door or my daughter and worry about just because they're Black they may not come back."

During the afternoon hours of August 31st L.A. County sheriff's deputies were patrolling Westmont, an unincorporated neighborhood in the hard-stricken South Los Angeles area [when they came across a bicyclist](#) reportedly committing an unspecified moving violation. And when they flagged him down he dropped the bike and took off on foot, jacket in hand. ([Update](#): In a 9/17 news conference Sheriff's officials said that Mr. Kizzee had been riding on the wrong side of the street.)

A blurry security camera video depicts deputies chasing a large, burly man as he runs down a sidewalk. There's a protracted, violent tangle during which a deputy said he was punched in the face. Dijon Kizzee, 29, managed to free himself and resumed fleeing. Deputies said that's when he dropped the bundle he was carrying. A gun supposedly fell out, and Mr. Kizzee moved as if to grab it (but didn't). Mr. Kizzee then resumed fleeing (see image) but managed only one long stride before two deputies – [a supervisor and a trainee](#) – opened fire. Mortally wounded, Mr.



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Kizzee fell to the ground. ([Update](#): In a 9/17 “news briefing” Sheriff’s officials said that Mr. Kizzee picked up the gun and had it in hand when the deputies fired.)

Deputies discharged as many as fifteen shots. The handgun Mr. Kizzee allegedly possessed was recovered.

Gunfire by Kenosha police paralyzed Jacob Blake, likely permanently. Gunfire by L.A. Sheriff’s deputies killed Dijon Kizzee. Why did officers turn to lethal force?

We’ll start with Kenosha. With a population of about 100,000, [in 2018 its violent crime rate](#) of 338.2 came in slightly better than the national figure (368.9). That year its murder count was...four. In 2019 killings zoomed all the way to...five. So unlike, say, [Jackson](#) or, as we go on, South L.A.’s Westmont neighborhood, its cops should have little reason to feel they’re at war.

According to Kenosha police chief Daniel Miskinis [it was a combination of things](#). An outstanding arrest warrant may have produced a “heightened awareness” that, together with Mr. Blake’s resistance and possession of a knife, “changed the dynamics” of the encounter. Meaning, it made officers more likely to act defensively or, put another way, aggressively.

To be sure, individuals count. That warrant was for a crime of violence. And this wasn’t the first time that Mr. Blake had violently misbehaved. [According to a court file](#) reviewed by *USA Today*, in 2015 Racine (Wis.) police arrested Mr. Blake after he pulled a gun in a bar and became “combative” when confronted by officers. A firearm was recovered and he was charged with five counts. However, it seems that everything was ultimately dismissed. (For a detailed account of the incident click [here](#).)

What about the cop? Other than being White, [officer Rusten Sheskey](#) was thirty-one years old, had seven years on the job, and lacked any substantial disciplinary record. He also seemed very community-oriented. Indeed, [a year-old newspaper profile](#) depicted him in a very favorable light. Here’s an outtake from his comments during the interview:

What I like most is that you’re dealing with people on perhaps the worst day of their lives and you can try and help them as much as you can and make that day a little bit better. And that, for the most part, people trust us to do that for them. And it’s a huge responsibility, and I really like trying to help the people. We may not be able to make a situation right, or better, but we can maybe make it a little easier for them to handle during that time.

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Square that with shooting someone in the back. Your writer can't. Neither, apparently, can Mr. Joe Biden, [who quickly called](#) for the officer and his colleagues to be prosecuted.

[L.A.'s Westmont area](#) (2010 pop. 31,853), where the encounter between Sheriff's Deputies and Mr. Kizzee took place, is no Kenosha. Only three months earlier [deputies shot and killed](#) an 18-year old murder suspect who reportedly fired on them as he tried to get away. Westmont's most recent [six-month violent crime rate](#) of 413/100,000 (its projected full-year rate would be 826, more than twice Kenosha's) places it as the 27th most violent of Los Angeles' 272 neighborhoods. As one would expect, Westmont is also poor. A full *thirty percent* of its residents live in poverty, [nearly three times the U.S. figure](#) of 11.8 percent.

Might the implicit threat that Westmont presents affect officer decisions? Cops must frequently weigh the consequences to themselves and others of acting swiftly against delaying or trying to "de-escalate." Of course, the consequences of laying a wrong bet can be profound. [Let's self-plagiarize](#):

In the uncertain and often hostile environment of the streets, officers can find it impossible to quickly choreograph and implement a peaceful response. Bottom line: "slowing down" requires that cops occasionally accept considerable risk. Should their judgment be off, they can be easily hurt or killed. That's not ideology: it's just plain fact.

Officer temperaments vary. Crucial characteristics such as impulsivity and risk tolerance are all over the map. Citizen personalities also run the gamut. Factor in the violence, gun-slinging and lack of voluntary compliance that besets hard-hit areas, and the answer to our question seems clear: how could Westmont's nasty aura *not* count?

We know nothing about the deputies involved other than their ranks. However, plenty is known about Mr. Kizzee. [According to family members](#) he was an "unemployed plumber" who had served time in prison but "was trying to find his way." We obtained his criminal record through the [Los Angeles Superior Court website](#). Here's a condensed

CASE NO.	DATE	CHARGES	DISPO	SENTENCE
ATPMA079162-01	6/16/20	Bringing drugs into jail, battery on an officer	Pending	
XCNBA464078-01	1/3/18	Possession of firearm by prohibited person	Nolo (guilty)	28 mos. state prison
ATP8AN03322-01	3/23/18	Felony spousal abuse	Nolo (guilty)	180 days jail
SBAYA093627-01	1/16/16	Evading police; gun poss. by prohibited person	Nolo (guilty)	16 mos. state prison
XNOMA054124-01	9/21/11	Sale of meth, felony resisting	Nolo (guilty)	4 yrs. jail, 5 yrs. prob.

version:

Mr. Kizzee was a convicted felon. He also had felony charges pending when officers confronted him. As a felon, he was prohibited from possessing a gun, a crime for which he had already been twice convicted. He also had a track record of fighting police and trying to evade capture. Had he been again caught with a gun he would have likely been locked up for a very long time.

Kenosha's cops knew there was an active felony warrant for Mr. Blake. And when they stepped in he reacted violently. Taser strikes also had no more effect on Mr. Blake than on [Rayshard Brooks](#), the Atlanta man who fell asleep in a Wendy's drive-through. As for Mr. Kizzee, he also reacted violently. At this point we don't know whether either suspect was under the influence of drugs, but their conduct resembles that of others, such as Mr. Brooks and [George Floyd](#), whose "superhuman strength" and "lack of willingness to yield to overwhelming force" are characteristic of a syndrome that the [International Association of Chiefs of Police](#) and the [American College of Emergency Physicians](#) recognize as "excited delirium" (for more on that and a list of references click [here](#).)

So what *can* be done? Deploying a less-lethal alternative such as a Taser comes to mind. Unfortunately, darts are difficult to place and can be defeated by clothing. Conducted energy devices have proven ineffective on highly excited characters. They're also clumsy and time-consuming to properly deploy, and perhaps impossibly so should encounters turn dynamic. What's more, drawing a Taser leaves an officer with nothing substantial in hand should someone draw a gun. Given the ubiquity of armed characters such as Mr. Kizzee, that's a risk officers may be reluctant to take.

Fine. But is there a way to *prevent* the need to use a weapon? As essays in our "[Compliance and Force](#)" section (e.g., "[Making Time](#)", "[De-escalation](#)") frequently point out, not every situation calls for police intervention, and not every refusal to comply requires a forceful response. "Slowing things down," say, by using verbal skills, can prevent tragic misperceptions, such as thinking someone is going for a gun when they're actually reaching for a cell phone. It also affords an opportunity for backup officers, supervisors and crisis intervention teams to arrive.

Sounds good. But when circumstances turn dynamic, trying to "de-escalate" can give evil-doers the opportunity to go for a gun. And it's not just cops who may be placed at risk. Failure to contain a dangerous person can easily imperil innocents. Officers must also assess how a response squares with law and policy and, perhaps just as importantly,

comports with the views of the colleagues on whom they depend for support. Should things turn out poorly, flouting accepted practice can shred one's reputation. What's more, officer personalities vary. As plentiful examples attest (see, for example, "[Speed Kills](#)") when things turn dicey some cops have proven so risk-averse or impulsive that they were simply incapable of holding off.

Back to Mr. Blake. Consider the options should even the best cop in the world encounter someone that obstinate and violent. Had he got away there would have likely been a vehicular pursuit, with all the attendant risks to both citizens and police. Choosing *not* to pursue would have by no means eliminated the danger he posed. Locating and safely arresting a forewarned fugitive ties up prodigious resources and, as your blogger can personally attest, carries exceptional personal risks as well. It's for reasons such as these that in the practical, everyday world of policing, dangerous characters aren't simply "let go."

To be sure, we're just scratching the surface. From choosing whether to intervene, to deciding how best to proceed, the police decision-making calculus can prove exceedingly complex. Alas, most of us reside in pleasant, middle-class environments and rarely interact with the dangerous, non-compliant folks whom officers encounter every day. So in these ideologically charged times, our "yes, but" sentiments will probably have little effect. Even so, if we'd like to minimize poor outcomes such as the crippling of Mr. Blake or the death of Mr. Kizzee, let's work to expand our understanding of *how* policing happens, and *why*. Then by all means, let's set out to improve the practice of this fascinating and highly demanding craft. Click [here](#) for a place to start.

Posted 9/21/20

EXPLAINING...OR IGNORING?

In a badly fractured land, the ambush of two deputies unleashes a raft of excuses. And, as usual, no solutions.

For Police Issues by Julius (Jay) Wachtel. Economically, Compton is in a lousy place. Nestled in a chronically poor area of Los Angeles, the incorporated community of about 95,000 [suffers from a 21.9 percent poverty rate](#), about twice the national figure. As one might expect, Compton's reputation crime-wise is also lousy. [Its 2018 toll](#) of 1,174 violent crimes and 22 murders yields rates of 1,200.7 and 22.5 per 100,000 pop., far higher than comparable figures for Los Angeles (747.6 and 6.4) and the U.S. overall (368.9 and 5.0).

Compton's travails are long-standing. So when killings and such happen, it's mostly families, friends and sheriff's deputies who take notice (the city gave up its police department two decades ago). But when a still-unknown assailant snuck up on two deputies sitting in their patrol car, [pulled a pistol and opened fire](#), the world paid attention. That attack, which took place on September 12, caused serious but thankfully non-fatal injuries and both officers are recovering.

Let's place this event in context. [LEOKA](#), the FBI's Law Enforcement Officers Killed and Assaulted database, presently categorizes some assaults on officers as "unprovoked," meaning they did nothing to prompt an armed exchange. Assaults on officers that involve "entrapment and premeditation" are coded as an "ambush." This table sets out each category's contribution to the felonious murder of law enforcement officers between 2007-2020 (this year's data is thru 9/11):

Fatal attacks	07	08	09	10	11	12	13	14	15	16	17	18	19	20	Tt
Officers killed	58	41	48	56	72	49	27	51	41	66	46	56	48	37	691
Ambush	9	1	6	2	2	3	1	11	7	19	5	11	2	8	87
Unpr. attack	7	5	9	11	6	1	4	1	3	3	3	1	5	2	61

We pored through the LEOKA for equivalent information about *firearm* assaults on officers, regardless of whether an injury occurred. Best we could do is this table, which

breaks out gun “ambushes” since 2014 (we believe that in this dataset “ambush” includes unprovoked attacks):

Firearm assaults on law enf. ofcrs.	2014	2015	2016	2017	2018	TT
Total	1,950	2,018	2,377	2,677	2,116	11,138
Ambush	44	86	103	110	97	440

Bottom line: about five officers are assaulted with firearms in the U.S. each day. That’s a lot. While “only” four percent – about two per week – are attacked without warning, the threat of being surprised by a murderous gunslinger is real. That vulnerability [led the FBI to warn](#) that ambushes and unprovoked attacks had gone up about twenty percent during the course of a decade and urged that police adjust their protocols accordingly.

Of course, in this gun-besotted, violence-ridden land officers well know they could face gunfire during most any encounter. Here are four examples of ambushes and unprovoked attacks from past posts in our [Gun Control](#) section:

[April 2009](#): A mentally disturbed twenty-two year old would-be “White supremacist” gunned down Philadelphia police officers Eric G. Kelly, Stephen J. Mayhle and Paul J. Sciuillo and wounded two others. Police responded after his worried mother called 9-1-1 to complain about her son’s erratic behavior.

[October 2016](#): Palm Springs police officers Lesley Zerebny and Jose “Gil” Vega were shot and killed by a rifle-wielding twenty-six year old as they stood outside a home to which they were dispatched on a “simple family disturbance.”

[August 2019](#): California Highway Patrol officer Andre Moyer was shot and killed while “filling out paperwork” to impound a traffic violator’s car. His murderer was slain during a wild, protracted shootout with responding officers.

[November 2016](#): Des Moines police Sgt. Anthony Beminio and Urbandale, Iowa officer Justin Martin were murdered by the same killer in ambushes a half-hour apart. Both were found behind the wheel of their cars, still strapped to their seats.

Unlike the above examples, neither had been on a call. Their middle-aged assailant, a “loner” with a history of troubled behavior, ultimately surrendered.

What distinguishes these attacks from the wounding of the L.A. County deputies? In part, their media coverage. The *Los Angeles Times* posted an initial account shortly after the ambush, [then updated it](#) after a news conference held the following morning. Its story mentioned that one of the deputies was thirty-one and was the mother of a six-year old, and that both she and her partner, a male in his early twenties, went through the academy together and had only been on the job slightly more than one year. Sheriff Alex Villanueva and Assemblyman Reggie Jones-Sawyer were both quoted as calling the attack “cowardly.” Here’s what L.A.P.D. Chief Michel Moore had to say:

Tonight we pray for these two guardians to survive. I recognize and acknowledge we live in troubled times. But we must as a community work thru our differences while loudly and resoundly condemn violence. Blessed are the Peacemakers.

Compton was going through a particularly troubled time. Less than two weeks had passed since deputies had shot and killed [Dijon Kizzee](#). An ex-con with convictions for illegally possessing guns, Mr. Kizzee was reportedly riding a bike on the wrong side of the street and fled on foot when deputies tried to stop him. When they closed in he allegedly punched one in the face, and as they scuffled supposedly dropped the handgun he was carrying. [Deputies said they fired](#) when he picked it up.

Mr. Kizzee’s killing [ignited raucous protests](#), which led to their own arrests. Police-citizen tensions were already at a high pitch, inflamed by [the recent killing of a Latino youth](#), shot dead by deputies who said he was armed, and by [deputies’ rough treatment](#) of a suspected looter, an event that a bystander captured on video. As one might expect, this context affected reporting. Only two days after the ambush [an L.A. Times article](#) featured an interview with a “long-time South L.A. activist” who questioned “why such swift calls for justice don’t come when it is the police who cause the injuries.” His comments were followed by a recap of recent alleged abuses, most notably the killing of Mr. Kizzee, and an interview with an academic psychiatrist who insisted that the link some made between “anti-police messaging” and the ambush (e.g., L.A. Sheriff Alex Villanueva’s “words have consequences”) was nothing more than “[confirmation bias](#),” the tendency for people to believe what supports their pre-existing views:

That’s a really, really important thing to point out, because you absolutely will get people who will spin this into meaning that these protests are causing problems.

Well, we certainly don't want to fall into *that* trap. After all, we could get ambushed by, say, [Erika Smith](#)! In an extended "opinion" piece published *three* days after the attack, Ms. Smith, a key member of the *Times* editorial staff, scorned L.A. County Supervisor Kathryn Barger's concern that excessive public criticism of the police may have played a role. Here is what Ms. Barger had said:

I support peaceful protests. But what I don't support are the type of comments, especially the ones made outside a hospital, blocking an emergency room, where two deputies were fighting for their lives, and you had individuals chanting what they were chanting. So I believe that we have slowly crossed that line. And what you've seen is what has manifested in the shooting of those two deputies. I do believe that.

Indeed, [ABC News](#) and other reputable sources had reported that protesters who marched for Mr. Kizzee gathered outside the hospital where the deputies were being treated and chanted "death to the police" and "kill the police." While Ms. Smith agreed that this wasn't a good idea and called the deputies' wounding "a cruel and callous crime," she vigorously objected to the "insinuation" that the attack was caused by anti-cop activism. Supporting "the broader movement for racial justice and police reform," Ms. Smith then launched into a critique of local policing, from the shooting of Mr. Kizzee to the deputy cliques we wrote about in "[Two Sides of the Same Coin](#)."

So what "causes" ambushes? Looking on prior examples, [Richard Poplawski](#), the 22-year old white supremacist who murdered the Philadelphia police officers, was a deeply disturbed youth obsessed with guns and violence. [John Felix](#), 26, who killed the Palm Springs officers, was a volatile, deeply troubled former gang member and had served prison time for armed assault. [Aaron Luther](#), the middle-aged man who killed the CHP officer, was an ex-con with a history of violence. And [Scott Green](#), the middle-aged man who killed the Iowa officers, was an emotionally disturbed spouse abuser "whose life was unraveling." Still, none of these killings served an even remotely "functional" purpose. Our best guess is that they may have reflected a compulsion to assert oneself in the face of societal rejection. But we're not psychologists.

While there was plenty of speculation about their "cause," no one connected any of those murders to a greater social movement. No one suggested that officers were in effect bringing on their own demise. But times have changed. As the academic who shook off the connection between protests and the ambush well knew, "confirmation bias" can cut both ways. Maybe anti-police sentiment didn't embolden the ambusher.

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Maybe it *did*. Perhaps he had been acquainted with Mr. Kizzee or another alleged victim of police brutality. Maybe he had himself been brutalized.

Of course, we know nothing about the triggerman. But once we do, where would probing his reasons take us? Even if we somehow divine the causes of the deputies' ambush, Compton will remain saddled with the baggage that led City-data.com to place it among *the most crime-ridden four percent* of U.S. cities. That's really, really lousy company. To climb out of that hole would take a lot more than protesting police mistreatment. It would call for a frontal assault on poverty and the socioeconomic deforestation that poverty invariably produces. That would require the massive infusion of social and financial capital ("Marshall Plan") that we ceaselessly harp about in our "Neighborhoods" posts. Want to get started? Click on "[But is it Really Satan?](#)" Go to the [Bogalusa Daily News](#) and read what Washington Parish (Louisiana) Sheriff Randy Seal had to say.

Then, get busy!

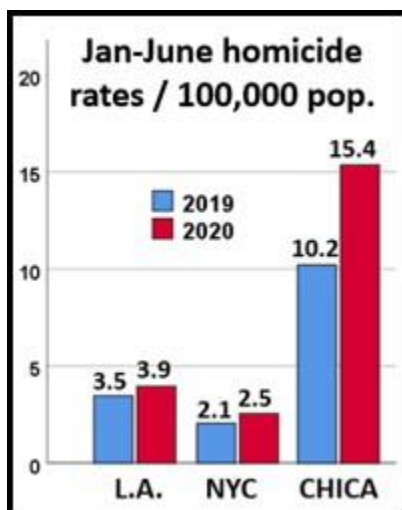
Posted 8/3/20

SHOULD POLICE TREAT THE *WHOLE* PATIENT?

*Officers deal with the symptoms of social decay.
Can they go further? Should they?*



For Police Issues by Julius (Jay) Wachtel. “A boy walks to a corner store and is shot in the chest.” One can’t conceive of a more [devastating headline](#). Shot dead in an alley, Otis Williams was only fourteen. Many victims of America’s urban violence are kids. They’re also disproportionately Black and, just like Otis, reside in poor areas long beset by crime and violence.



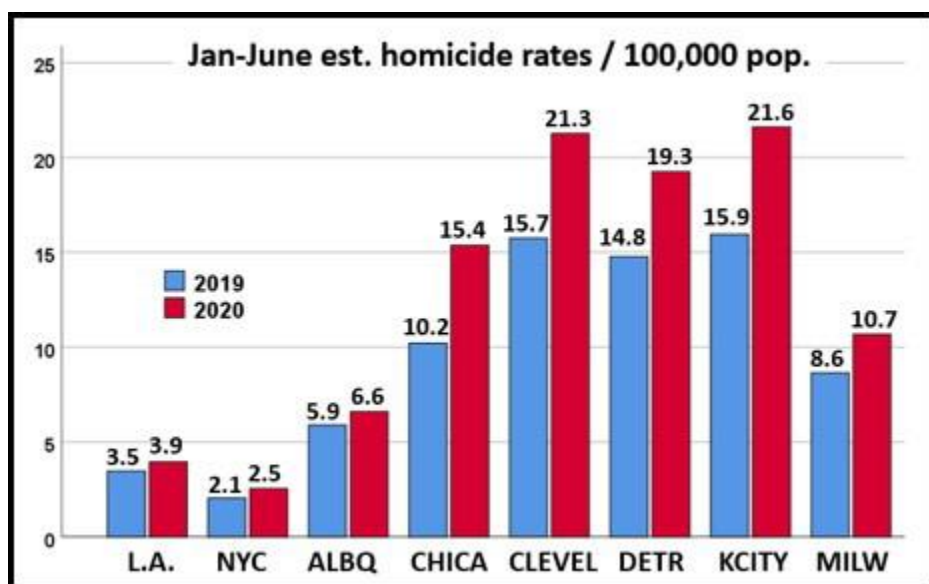
Otis lived with his mother in Florence, a South Los Angeles neighborhood [whose troubles we’ve repeatedly written about](#). When Los Angeles brags about its crime rate it doesn’t mention Florence. As we mentioned in “[Repeat After Us](#),” aggregate statistics obscure disparities in violence within cities, such as Los Angeles and New York City, that enjoy large pockets of wealth and seem prosperous and safe “overall.” But the recent upswing in violence has drawn notice to both. [Los Angeles’ 157 murders](#) through July 18 mark a 13.8 percent increase over the 138 homicides it recorded during the equivalent period last year. Ditto New York City, [whose count thru July 19](#), 212, reflects a 24 percent year-to-date jump. So there’s a lot less to brag about.

While regrettable, L.A.’s and New York City’s numbers hardly compare to what’s befallen chronically violent places such as Chicago. [As of July 19](#) the Windy City

recorded an appalling 414 homicides. That's *fifty percent* more than the relatively "measly" 275 murders it endured during the equivalent period last year. To compare, in 2019 New York City had about *twice* Chicago's population but suffered about *half* as many homicides. Chicago also had thirty percent more murders than L.A., a city nearly half again its size in population.

We've become so inured to the mayhem that it might be useful to look beyond the U.S. In 2019 (the full year) 650 persons were murdered in the United Kingdom (England, Wales, Scotland and Northern Ireland.) Its combined population of about 66,650,000 produced a homicide rate of 0.97 per/100,000, less than half New York City's and a mere sliver of Chicago's (look at the below graph. The UK's bar would hardly show.) If that's not shocking enough, "[A Lost Cause](#)" compared U.S. and U.K. police officer deaths during 2000-2015. While the U.S. has about *five* times the U.K.'s population, *forty times* as many U.S. law enforcement officers were feloniously killed. (Not-so-incidentally, the disproportion may have something to do with the means. In the U.K., knives and such were used in fourteen of the 21 officer murders, while in the U.S., guns figured in all but seventy of the 831 killings.)

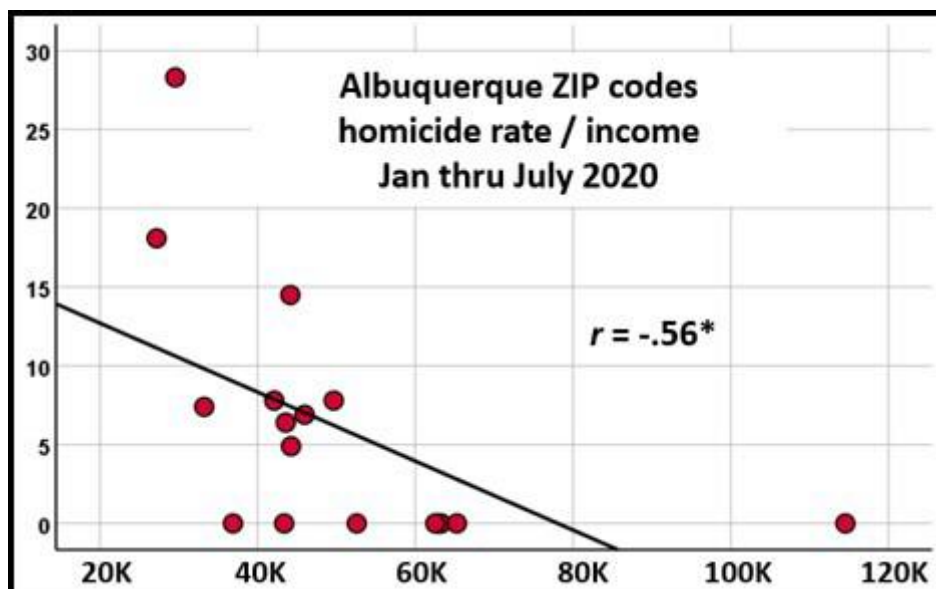
A new Federal initiative, "[Operation Legend](#)," intends to deal with the slaughter. Named after LeGend Taliferro, a four-year old Kansas City boy who was shot and killed several weeks ago, the program commits Federal funds and law enforcement



personnel from the FBI, Marshals Service, DEA and ATF to help Chicago Albuquerque, Cleveland, Detroit, Kansas City (Mo.) and Milwaukee battle gun and drug violence. This graph, which compares the homicide rates of "Operation Legend" cities during equivalent periods in 2019 and 2020, confirms that each could use some quality help. (L.A. and NYC are shown for comparison. Gathering the data was a bit tricky, but our numbers should be pretty accurate.)

Who outside Albuquerque would have thought that it had a *murder* problem? Its mayor, the Hon. Tim Keller, [bemoaned his city's descent](#) into crime and asked for State help last year. And with 37 homicides so far in 2020 (there were 33 during this period in 2019) the not-so-placid burg of 560,513 has been backsliding. Ditto Milwaukee, which suffered 63 murders through June compared with 51 in 2019. As for the others, their numbers are even more appalling. Cleveland had 60 killings thru July 7, 2019; this year the toll was 89. Detroit recorded 129 murders through June 18 compared with 99 last year. Kansas City went from 79 murders during the first half of 2019 to 107 so far this year.

We mentioned that aggregate statistics can conceal disparities within communities. That's why posts in our ["Neighborhoods"](#) special section often rely on *neighborhood*



crime rates. We recently placed that magnifying glass on [Portland and Minneapolis](#). As for Operation Legend cities, ["Mission: Impossible?"](#) looked within Chicago. So this time we picked on...Albuquerque! [KOB Channel 4's homicide map](#) showed 37 murders in 2020 thru July

30. They took place in nine of the city's seventeen regular Zip codes. Their population numbers and income figures were collected from [United States Zip Codes.org](#). As expected, the economics of the murder v. no-murder ZIP's proved starkly different. Mean MHI (median household income) for the nine ZIP's with at least one murder (actual range was two to seven) was \$39,969. Mean MHI for the eight murder-free ZIP's was \$62,668. Those means are clearly different and, statistically speaking, significantly so ($p=.015$). And check out that graph ("scattergram"). Note how the Zip codes (red dots) distribute along the income and murder rate/100,000 axes. Bottom line: more money: less murder! (That asterisk on the r correlation statistic - it maxes out at 1.0 - means that the association between income and homicide rate is statistically significant. It's also "negative," meaning that as one goes up the other goes down.)

OK, point made. We've confirmed what social scientists have known for decades: poverty and crime go together like...well, you know. So back to "Operation Legend." Feds have sponsored joint task forces for decades. [According to DOJ](#), agents will apply Federal laws and resources to help local police address "offenses involving firearms and violent drug trafficking organizations." It's intended to assure that serious criminals who might otherwise escape justice get their day in court. Your blogger participated in similar task forces during his Federal career and his presence generated no controversy. But in this hyper-partisan era, with the [brouhaha in Portland](#) framing the moment, it was perhaps inevitable that "Legend" would be disparaged [as yet another effort](#) to distract attention from the hardships that have long beset America's citizens of color. Chicago Mayor Lori Lightfoot, who invited the Feds in, found it necessary to clarify that the outsiders wouldn't be wearing fatigues or chase after rock-throwers:

These are not troops. Troops are people who come from the military. That's not what's coming to Chicago. I've drawn a very firm line against that.

Mayor Lightfoot isn't simply waiting for "Legend." Chicago's explosive murder rate has led its new police chief, David Brown, to form "[Community Safety Teams](#)." Modeled on the well-known "[Hot Spots](#)" approach, their officers will focus on the neighborhoods beset by violence, mostly in the city's South and West. Agencies throughout the U.S. have used hot-spots, and [often with supposedly good results](#). A recent academic finding that hot spots "[is an effective crime prevention strategy](#)" has even led NIJ to bestow its [seal of approval](#). But sending in the cops can be tricky. "[A Recipe for Disaster](#)" and other posts in our "[Stop-and-frisk](#)" special section have cautioned that the bucketfuls of stops produced by get-tough campaigns inevitably generate "false positives," and as these accumulate they can severely irritate the inhabitants of neighborhoods police are ostensibly trying to serve. Carelessness, pressures to produce "numbers" and out-and-out lying by cops striving to look good [made things even worse](#). Blow-back from residents and civil libertarians had led Chicago, New York City and Los Angeles to shut down hot-spots programs. Now that unbearable violence is back, each city has dug out that bad old approach, renamed it ("Operation Legend") and dressed it up in new finery. And so the cycle begins anew.

Alas, even the most skillfully applied enforcement strategies can't remedy the root causes of the crime and disorder that bedevil low-income neighborhoods. Getting there would require a skillful and exceedingly well-funded application of "[social disorganization](#)" theory. But there seems to be little interest in either Red or Blue political quarters for that "[Marshall Plan](#)" we've hollered about. Not that there haven't been some promising moves. "[Place Matters](#)" mentioned [Birmingham's \(Ala.\) comprehensive program](#). One of its components, the "[Promise Initiative](#)," provides

apprenticeships to high-school juniors and seniors and offers tuition help to those bound for college.

So wait a minute. Is there a role for police here, as well? Can cops help impoverished societies transform? LAPD says yes! Its decade-old [“Community Safety Partnership”](#) program (CSP) has placed teams of mostly minority officers in seven of the city’s low-income housing projects. CSP officers work in uniform but don’t typically conduct criminal investigations or make arrests. They interact with residents, participate in group activities, enable the “safe passage” of youths to and from school, and provide one-on-one counseling and referrals. [An external evaluation](#) by a UCLA researcher, CSP locations enjoy less crime. As one might expect, the constant presence of police “disrupts” gangs and enhances the ability of residents “to gather and enjoy public spaces, facilities, and programs.” However, another [favorable but less glowing review](#) cautioned that despite CSP, “residents generally do not trust the police and expressed concerns about mistreatment, including a lack of anonymity when reporting crimes.”

Seizing the moment, LAPD just transformed CSP into its own Bureau under the leadership of a Deputy Chief. But not everyone’s happy. Indeed, the notion that police should increase their sphere of influence [has badly divided the Blues](#). Connie Rice, the well-known Black civil-rights lawyer who helped found CSP, [praised its expansion](#): “warrior enforcement culture needs to be replaced with this kind of guardian-style approach that rewards problem-solving engagement between officers and the communities they protect.” Her pointedly guarded language didn’t do the trick. No sale, said Paula Minor of “Black Lives Matter L.A.”: “This [CSP] is not a program that needs to be operated by armed, sworn police officers.” Her views were seconded by Hamid Khan. A well-regarded activist who leads the [“Stop LAPD Spying Coalition,”](#) he argued that [funds should be redirected](#) from the police to community programs.

It’s already happened. On July 1st. the L.A. City Council [stripped \\$150 million](#) from LAPD’s billion-plus budget, sharply cutting overtime and ultimately reducing officer staffing by 231 positions. These funds are now destined for minority communities; one proposed use is a youth summer jobs program. LAPD managers are caught square in the horns of a dilemma. Violence is up, and officers must continue to face the task of cleaning up the “symptoms” of the social disorganization that characterizes low-income neighborhoods. If attempts such as CSP to treat “the whole patient” are to expand, cops must come from somewhere. So far, CSP’s been funded by outside donors. Will that continue? And if so, would those who feel the cure (policing) is worse than the disease (violent crime) tolerate an *increased* police presence?

That ending’s still being written.

Posted 11/12/19

DID THE *TIMES* SCAPEGOAT L.A.'S FINEST? (I)

Accusations of biased policing derail a stop-and-frisk campaign

For Police Issues by Julius (Jay) Wachtel. Let's begin with a bit of self-plagiarism. Here's an extract from "[Driven to Fail](#)":

As long as crime, poverty, race and ethnicity remain locked in their embrace, residents of our urban laboratories will disproportionately suffer the effects of even the best-intentioned "data-driven" [police] strategies, causing phenomenal levels of offense and imperiling the relationships on which humane and, yes, effective policing ultimately rests.

Our observation was prompted by public reaction to the collateral damage – the "false positives" – when specialized LAPD teams cranked up the heat in high-crime areas. Stripping away the management rhetoric, L.A.'s finest embarked on a stop-and-frisk campaign, and [we know full well](#) where those can lead. Facing a citizen revolt, [LAPD promised to fine-tune things](#) so that honest citizens would be far less likely to be stopped by suspicious, aggressive cops.

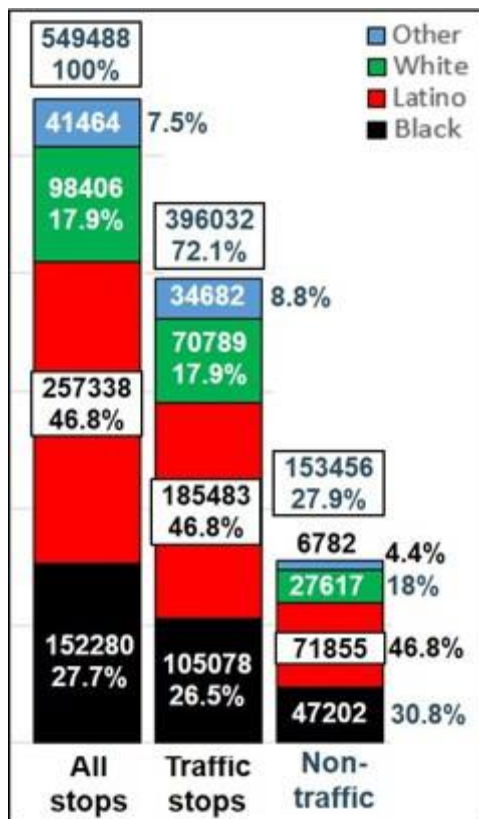
Well, that was in March. Seven months later, [the Los Angeles Times reported](#) that while the number of stops did go down, substantial inequities persisted. Among other things, blacks were being stopped at a rate far higher than their share of the population (27% v. 9%), while whites benefitted from the opposite tack (18% v. 28%). What's more, even though whites were *more* likely to be found with contraband, they were being searched substantially *less* often than Blacks and Latinos.

That, indeed, was the story's headline ("LAPD searches blacks and Latinos more. But they're less likely to have contraband than whites.") And the reaction was swift. Less than a week later, [Chief Michel Moore announced](#) that his specialized teams would stop with the stop-and-frisks and shift their emphasis to tracking down wanted persons:

Is the antidote or the treatment itself causing more harm to trust than whatever small or incremental reduction you may be seeing in violence? And even though we're recovering hundreds more guns, and those firearms represent real weapons and dangers to a community, what are we doing to the tens of thousands of people that live in those communities and their perception of law enforcement?

To be sure, [policing is an inherently “imprecise sport,”](#) and doing it vigorously has badly upset police-community relations elsewhere. Still, if the good chief wasn’t just blowing (gun)smoke, foregoing the seizure of “hundreds” of guns might tangibly impact the lives of those “tens of thousands” who live in L.A.’s violence-plagued neighborhoods, and not for the better. (For an enlightening tour of these places check out “[Location, Location, Location.](#)”)

To better assess LAPD’s approach we turned – where else? – to numbers. California’s “[Racial and Identity Profiling Act of 2015](#)” mandates that law enforcement agencies disseminate information on all stops, including every detention or search, traffic and otherwise, voluntary or not. For its reporting the *Times* analyzed LAPD stop data for the period of July 1, 2018 through April 30, 2019. It’s available [here](#).



We downloaded the massive dataset and probed it using specialized statistical software. It contains 549,488 entries, one for each person whom officers proactively contacted during that ten-month period. (Actual stops were considerably fewer, as many involved multiple individuals.) About seventy-two percent (396,032) of those contacted were encountered during vehicle stops for traffic violations. The remaining 153,456 were detained outside a vehicle (“non-traffic stops”.) Reasons included on-view offending (e.g. drinking, littering or smoking a joint), openly possessing contraband such as drugs or guns, behaving in a way that suggested the possession of contraband or commission of an offense, having an active warrant, or being a probationer or parolee of current interest.

Latest [Census estimates](#) peg L.A. City as 48.7 percent Hispanic/Latino. As the bar graph shows their share of stops came in at 46.8 percent, well in sync with that figure. Yet as the *Times* alarmingly noted, whites, who comprise 28.4 percent of the city’s population, figured in just 18 percent of stops, while Blacks, whose share of the city’s population is only 8.6 percent, accounted for a vastly disproportionate 28 percent of stops.

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And there was the matter of searches, as well. We crunched the numbers and produced this graph. As the *Times*

reported, only a measly five percent of traffic stops of whites led to a search.

Meanwhile Latinos were searched in 16.1 percent of traffic stops, and Blacks in 23.3 percent. Yet searches of whites reportedly turned up loot more often.

		All	Black	Latino	White
All stops	Contraband found	7.4%	9.1%	8.0%	5.3%
	Search	25.6%	33.2%	27.3%	15.2%
	Contraband found	20.7%	20.8%	20.1%	23.4%
	No search	74.4%	66.8%	72.7%	84.8%
	Contraband found	2.2%	3.3%	3.4%	2%
Traffic	Contraband found	3.1%	4.9%	3.2%	1.3%
	Search	15.0%	23.3%	16.1%	5%
	Contraband found	16.7%	17.2%	15.9%	20.1%
	No search	85.0%	76.7%	83.9%	95%
	Contraband found	0.7%	1.2%	0.8%	0.3%
Non-traffic	Contraband found	18.6%	18.5%	20.2%	15.3%
	Searched	52.8%	55.4%	56.1%	41.2%
	Contraband found	23.6%	24.1%	23.3%	24.5%
	No search	47.2%	44.6%	43.9%	58.8%
	Contraband found	12.9%	11.4%	16.2%	8.9%

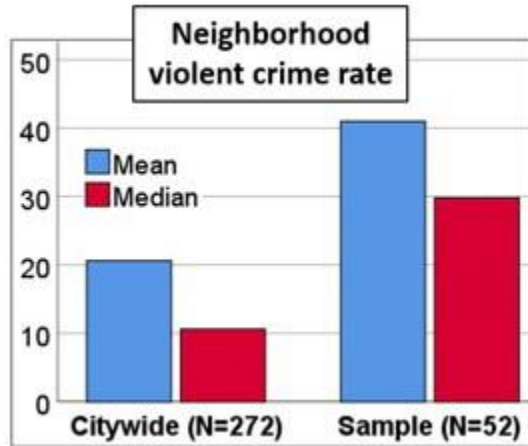
Might whites, as the *Times* clearly suggests, be getting away with something?

As we discussed in “[Driven to Fail](#),” stop-and-frisks had for better or worse become LAPD’s key tool in a campaign to tamp down violence. Specialized teams focused – albeit, not exclusively – on hot spots called “Laser” zones. A disproportionate number were in South and Central bureaus, the poorest and most severely crime-impacted areas of the city, predominantly populated by Hispanic/Latinos and Blacks.

Unfortunately, no stop location is given other than street address. Nor is there any information about crime rates or poverty levels. We set out to fill these gaps. To make the project doable we used statistical software to draw a random sample of one-hundred encounters. Given the dataset’s huge size that’s admittedly too few to adequately represent the whole. But it’s a start.

Our sample includes one-hundred distinct individuals who were detained at one of ninety-nine unique stop locations. Seventy were stopped while in vehicles; thirty not. Overall, their race and ethnicity – 45% Hispanic/Latino, 32% Black, 16% white – came

pretty close to the corresponding distribution (46.8%, 27.7%, 17.9%) for the full dataset. So we feel fairly confident extending our findings to the whole.

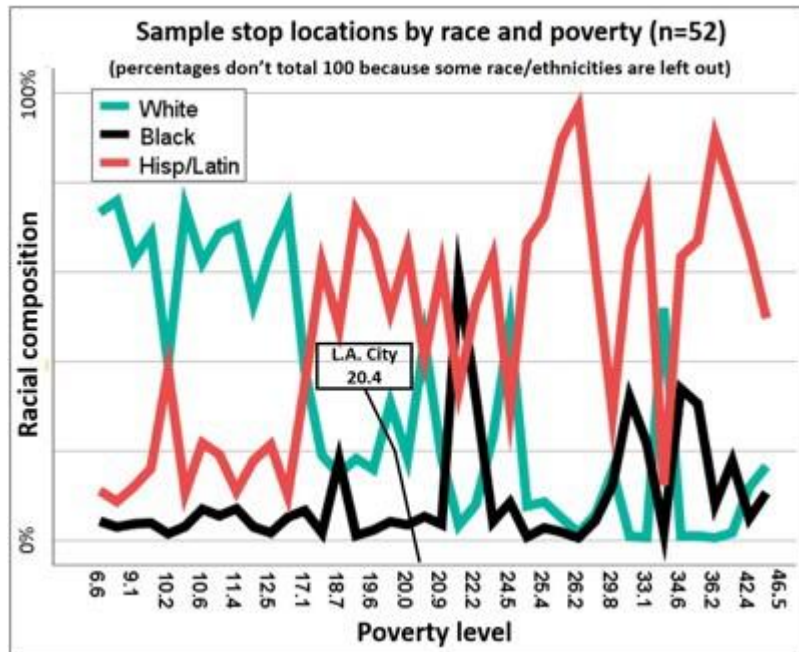


Let's talk about the sample. Using the *Times*' "Mapping L.A." utility, which tracks the city's 272 neighborhoods, we obtained violent crime data for the fifty-two neighborhoods that encompass the ninety-nine distinct street locations where citizens were stopped. It's apparent from the sample that LAPD targeted the city's more violent places. As the chart indicates, the mean violent crime rate of the sample's neighborhoods, 41, is twice the citywide rate of 20.6, while the sample's median rate, 29.8, is nearly three times the citywide 10.6.

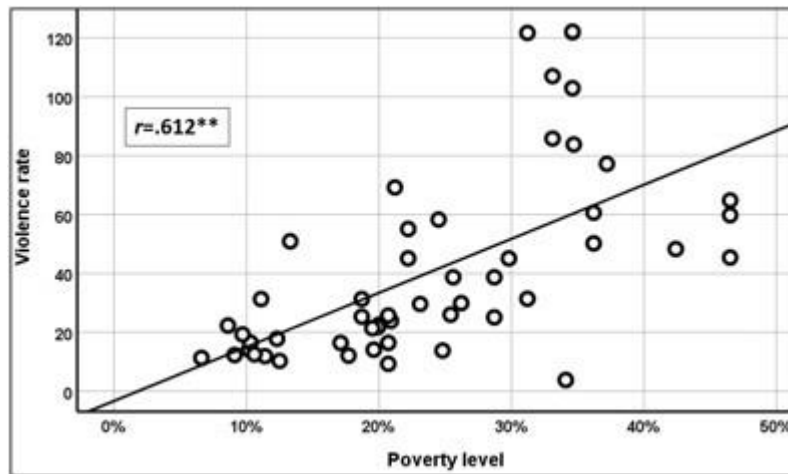
Violence rates in 36 of the sample's 52 neighborhoods exceed the citywide mean, and all but three exceed the citywide median.

Prior posts emphasize the centrality of neighborhoods. What about them might steer its inhabitants down the wrong path? Poverty – and what comes with being poor – are usually at the top of the list. We gathered racial/ethnic composition and poverty level data for each of the sample's fifty-two stop locations by entering their Zip code into the [2017 American Community Survey](#).

(Incidentally, a quick way to get a Zip code is to type the street address into Google.) This graph displays the results:

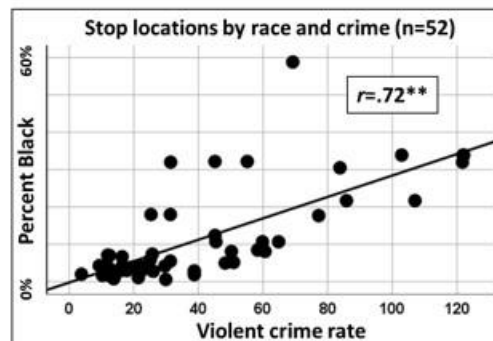
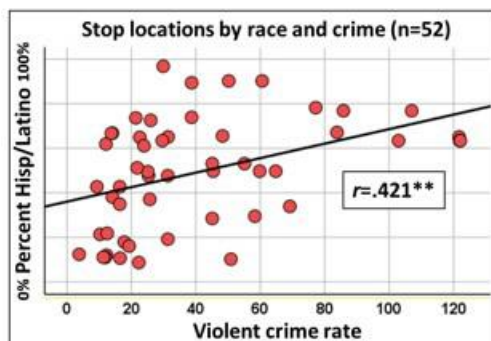
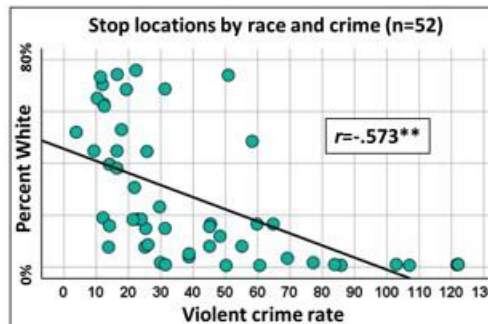


No surprise: whites predominate in most of the sample's economically better-off neighborhoods. As poverty rates increase (note the citywide mean of 20.4 percent) Hispanic/Latinos and Blacks come into the majority. Crime, as the below scattergram illustrates, follows a similar pattern.



Each circle represents one of our fifty-two neighborhoods. Clearly, as poverty increases, so does violence. Number crunchers pay attention: the r correlation statistic (zero means no relationship; one is a perfect, lock-step association) is a sizeable .612; what's more, the two asterisks mean the coefficient (the .612) is statistically significant, with less than one chance in a hundred that it was produced by chance.

So what happens when we plug in race? This group of scattergrams depicts the “simple” (read: potentially misleading) relationship between each racial/ethnic group and violent crime:



As percent Hispanic/Latino and Black increase so does violence, while as percent white increases, violence falls. But we know full well that violence isn't "caused" by race or ethnicity. It's influenced by a variety of factors; for example, family supports, peer influences, childcare, educational, training, job and career opportunities, and so on. Of course, we'd love to assess the impact of each, but things would quickly become unwieldy. Instead, we can turn to poverty as their surrogate. Going back to the 52-neighborhood sample, let's see whether factoring in ("controlling for") poverty makes a difference:

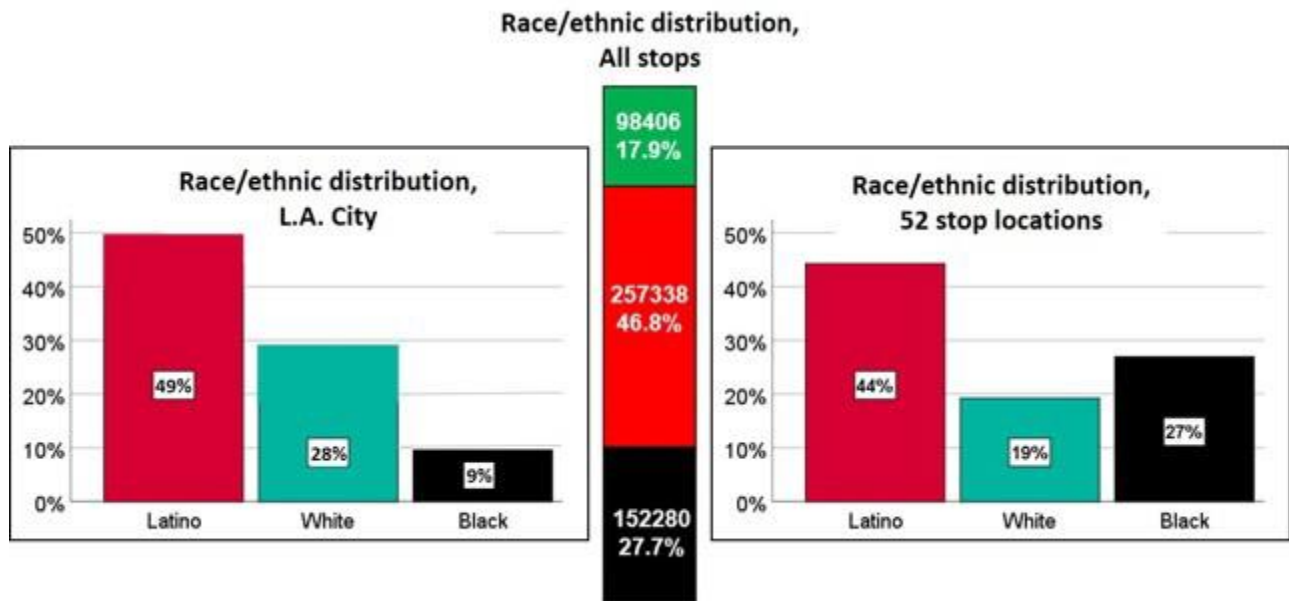
Correlation between violence rate and ...				
		PctLatin	PctWhi	PctBlk
ViolentRate	Pearson Correlation	.421**	-.573**	.720**
	Sig. (2-tailed)	.002	.000	.000
	N	52	52	52
Same, controlling for poverty level				
		PctLatin	PctWhi	PctBlk
ViolentRate	Correlation	.078	-.236	.694
	Significance (2-tailed)	.588	.095	.000
	df	49	49	49

Sure enough, once poverty is thrown into the mix, the simple ("zero-order") relationships between race/ethnicity and crime substantially weaken. In fact, the correlations between race/ethnicity and violence for Hispanic/Latinos and for whites recede so far that their significance exceeds .05, the maximum risk that social scientists will take that what seems to be a relationship was produced by chance. What's more, controlling for poverty is a crude approach. Imagine if one could accurately "control" for the influence of each and every important factor. Might the relationships between race/ethnicity and violence drop to zero?

Of course, neither criminologists nor cops nor ordinary citizens are surprised by the notion that violence is a byproduct of economic conditions. Even under the most sophisticated targeting protocols, police crackdowns usually wind up focused on poor places because that's where violence takes its worst toll. Alas, as we recently pointed out in ["Driven to Fail,"](#) the imprecision of policing – and the behavior of some admittedly

imperfect cops – can easily produce a wealth of “false positives,” straining officer-citizen relationships that may already rest on flimsy supports. And leading to outcomes such as what drove us to write this piece.

To be sure, there are “yes, buts.” Check out our (thankfully) final graphic:



Suspensions at the *L.A. Times* were aroused by the discovery that an unseemly small percentage (17.9) of vehicle stops were of whites. Does that mean that L.A.’s cops are bigots? Well, as we’ve discussed, the targeting protocol zeroed in on 52 areas (right-side graphic) whose proportions of white and black residents differ substantially from their citywide numbers (left-side graphic.) And in the end, the racial/ethnic distributions of those stopped (center graphic) closely approximates that of the right-side graphic, meaning the population officers actually faced.

Yes, but. Maybe cops expressed their bigoted nature in another way. After all, how does one “explain” that only *five percent* of car stops of whites resulted in a search? (For Latinos it was 16.1 percent; for Blacks, 23.3.) And that *more* contraband was found when the few, unlucky whites *got* searched? Might it be, as the *Times* clearly implies, that in their haste to lock up Blacks and Hispanics L.A.’s finest purposely overlooked far more serious evil-doing by whites?

Well, that’s enough for now. Part II will continue exploring the disparities using data from several obscurely coded fields in the master file. We’ll also have something to say about the types of contraband seized and from whom. (Thanks to the dataset’s unwieldy

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structure, that takes some doing.) And we'll probably close off with some inspiring words of wisdom about vigorous policing. But that's for next time. So stay tuned!

Posted 12/3/19

DID THE TIMES SCAPEGOAT L.A.'S FINEST? (PART II)

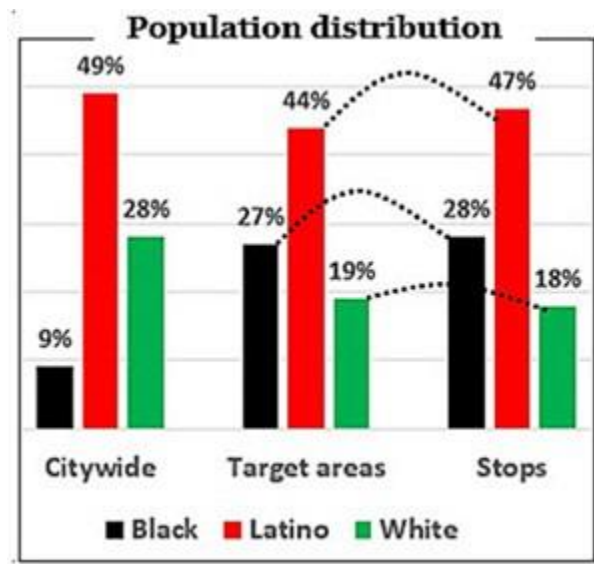
***Quit blaming police racism for lopsided outcomes.
And fix those neighborhoods!***

For *Police Issues* by Julius (Jay) Wachtel. [Part I](#) challenged the [L.A. Times' apparent conclusion](#) that race and ethnicity drove officer decision-making practices during LAPD's stop-and-frisk campaign. Let's explore who got stopped and who got searched in greater detail.

Who got stopped?

L.A. City is twenty-eight percent white. Yet as the Times noted, only eighteen percent of the 549,488 persons stopped during a ten-month period were white. On the other hand, Blacks, who comprise a mere nine percent of the city's total population, figured in twenty-seven percent of stops. Proof positive of bias, right?

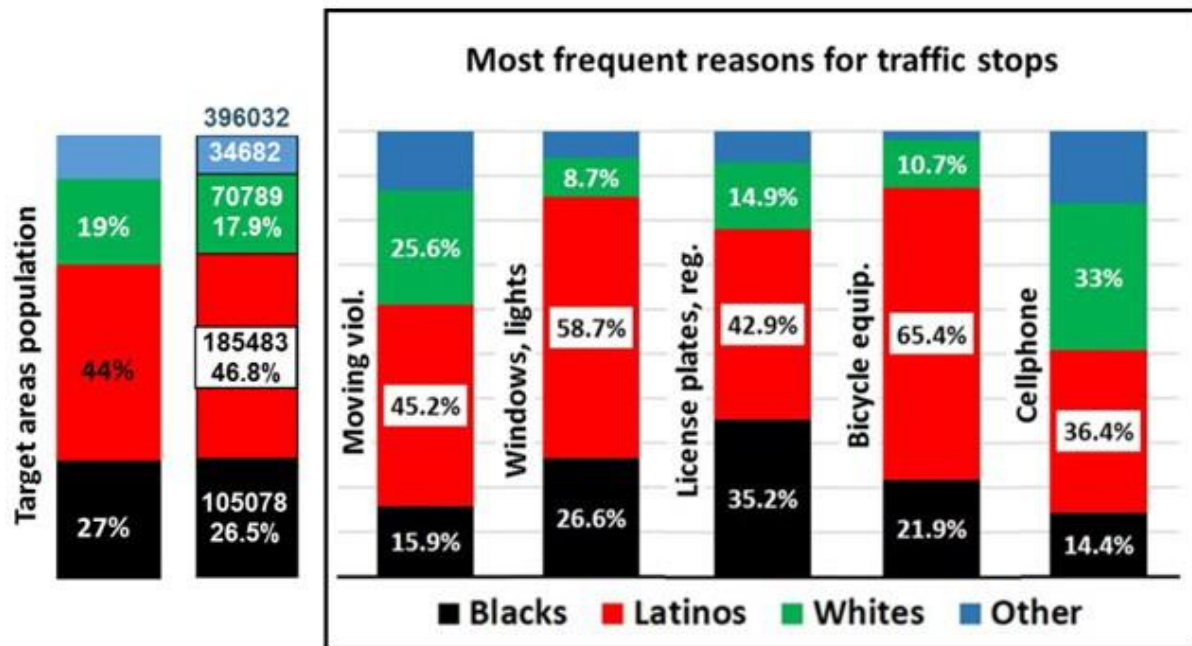
Not so fast. L.A.'s communities are far from integrated. We coded a random sample of stops for location and identified 52 distinct neighborhoods. Armed with demographics, we compared again. Check out those dotted lines. Once location is factored in, the racial/ethnic makeup of those who were stopped closely corresponds with the demographics of the place where they were stopped. That's what one would expect.



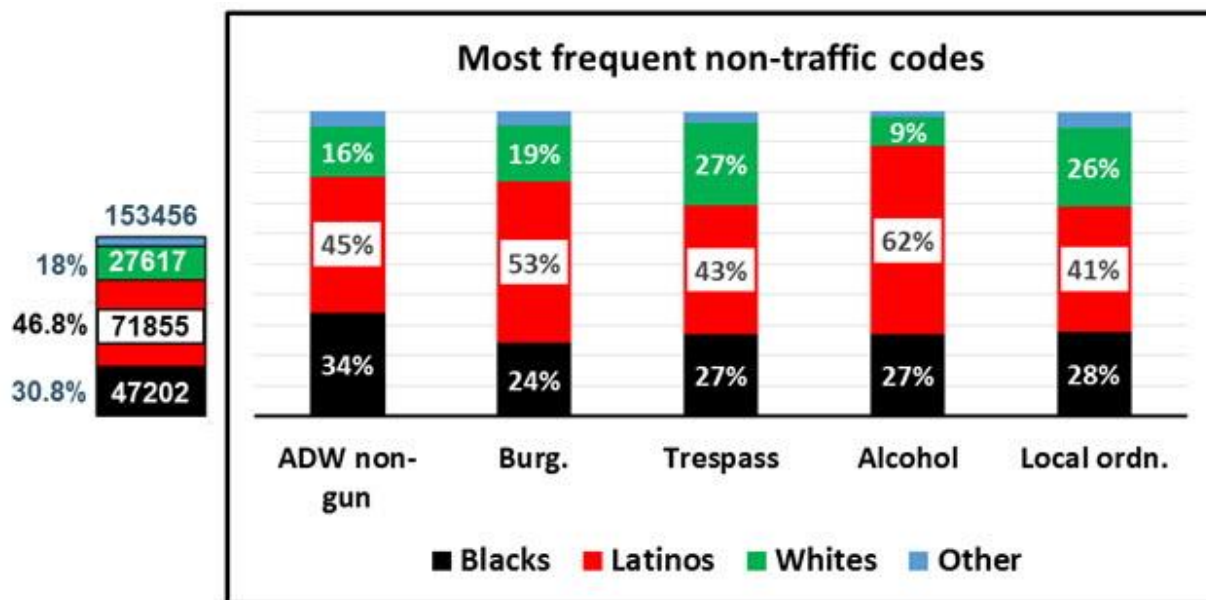
Still, that doesn't prove that bias *didn't* play a role in targeting. For more insight about officer decisionmaking we focused on two data fields pertinent to the "why's" of a stop: "traffic violation CJIS offense code" and "suspicion CJIS offense code." (For a list of these Federally-standardized codes click [here](#).) Seventy-two percent of those stopped (n=396,032) were detained in connection with a traffic violation. Overall, the racial/ethnic distribution of this subset was virtually identical to that of the target area. We collapsed the ten most

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frequent violations into five categories. This graphic displays shares for each racial/ethnic group:



Twenty-eight percent of stops (n=153,456) were for non-traffic reasons. Of these, 82 percent (n=126,005) bore a CJIS crime suspicion code. Here are the top five:



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The remaining eighteen percent of non-traffic stops lacked a CJIS suspicion code. That subset was 29.5 percent Black, 48.9 percent Latino and 17.4 percent white, which closely resembles the racial/ethnic distribution of target areas.

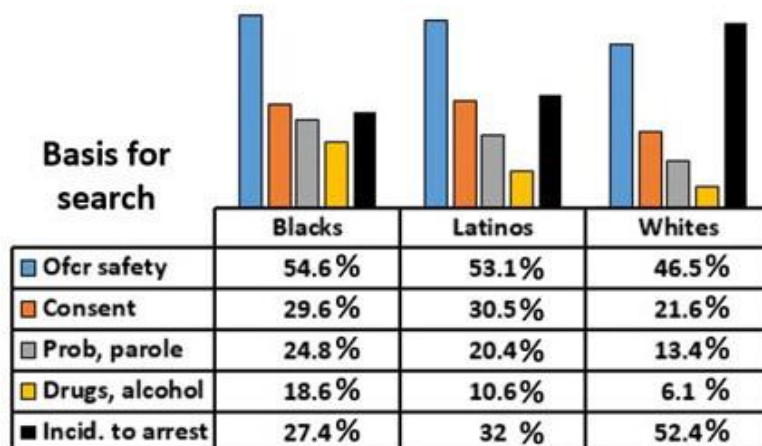
Proportionately, the distribution of stops – traffic and otherwise – roughly corresponded with each racial/ethnic group's share of the population. But there were exceptions. Whites were frequently dinged for moving violations and yakking on cell phones, and Latinos for obstructed windows and inoperative lighting. Most importantly, Blacks had an oversupply of license plate and registration issues, with implications that we'll address later.

Who got searched?



Ninety-seven percent of searches (n=135,733) were of Blacks, Latinos or whites. Justification codes appear in the “basis for search” field. While the CJIS offense and suspicion fields carry a single entry, basis for search is populated with a dizzying variety of comma-delimited combinations (e.g., “1, 4, 5, 12”):

- 1 – Consent search
- 2 & 5 – Officer safety pat-down
- 3 – Presence during a search warrant
- 4 – Subject on probation or parole
- 6 – Drugs, paraphernalia, alcohol
- 7 – Odor of drugs or alcohol
- 8 – Canine detected drugs
- 9 & 10 – Search incident to arrest
- 11 – Miscellaneous
- 12 – Vehicle impound



We collapsed the most frequently-used codes into five categories: officer safety, consent, probation/parole, drugs and alcohol, and incident to arrest (percentages exceed 100 because multiple codes were often used.)

Officer safety was the primary reason cited for

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searching Blacks and Latinos. When it came to whites, incident to arrest took first place. That may be because whites were substantially less likely than Blacks or Latinos to grant consent, have drugs or alcohol in plain view or be under official supervision.

Patterns between groups seemed otherwise consistent, and what differences exist could be attributed to place and economics. Yet a niggling problem persists. Why, as the *Times* complains, were whites searched far less frequently during traffic stops than Blacks or Latinos? After all, when searched, whites had *more* contraband!

Traffic stops

	All groups	Blacks	Latinos	Whites
Search conducted	15.0%	23.3%	16.1%	5.0%
Search & contraband seized	16.7%	17.2%	15.9%	20.1%

Contraband found

	All groups	Blacks	Latinos	Whites
All stops	7.4%	9.1%	8.0%	5.3%
Traffic	3.1%	4.9%	3.2%	1.3%
Non-traffic	18.6%	18.5%	20.2%	15.3%

We'll get to that in a moment. But first we'd like to point out a couple things that the *Times* left out. First, only fifteen percent of traffic stops involved a search. When all traffic

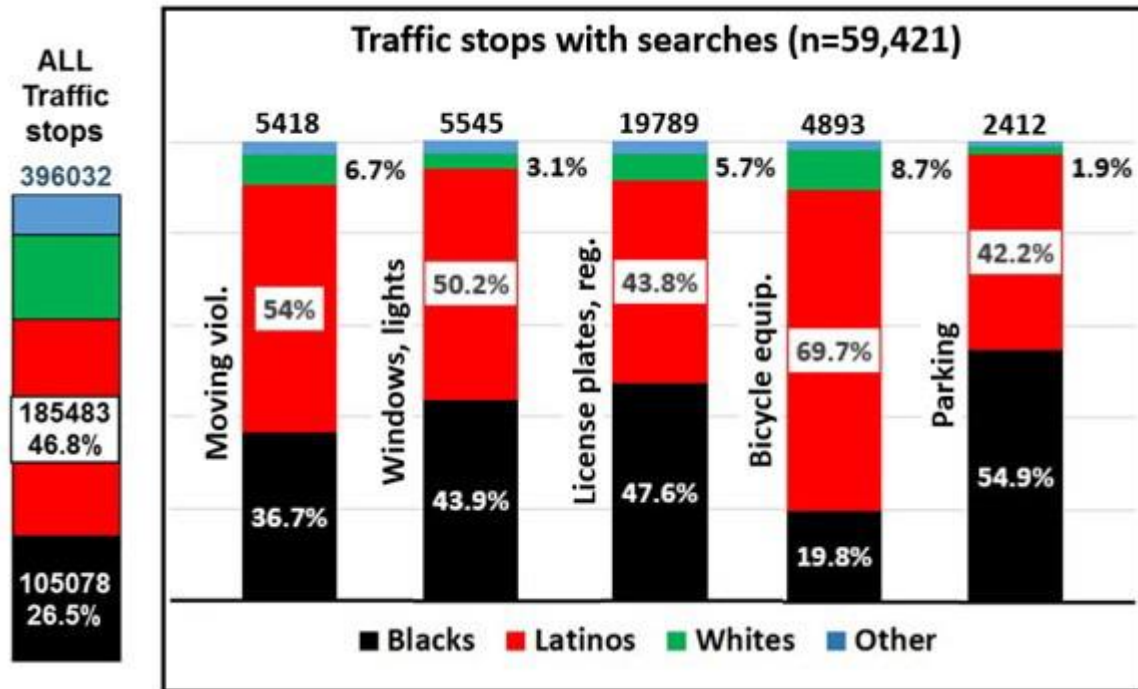
stops are taken into account contraband was seized – much, assumedly in plain view – from 4.9 percent of Blacks, 3.2 percent of Latinos and 1.3 percent of Whites.

Neither did the Times say anything about the kinds of contraband seized. Since LAPD's goal was to tamp down violence, we selected all encounters, traffic or not, where "contraband_type" includes the numeral "2", meaning a firearm. Overall, 3,060 of the 549,488 individuals stopped during the project (0.06 percent) had a gun or were present when a gun was found. Whites were substantially *less* likely than Blacks or Latinos to be found with a gun, and particularly when searched.

Gun recoveries

	Black	%	Latino	%	White	%
Total encountered	152,280		257,338		98,406	
No search, gun found	141	0.09	223	0.09	75	0.08
Search, gun found	1,096	0.72	1,182	0.46	198	0.20
Total with guns	1,237	0.81	1,405	0.55	273	0.28

Back to traffic stops with a search. For this subset the top codes were the same, excepting that parking infractions replaced cellphone misuse. Here are the results:



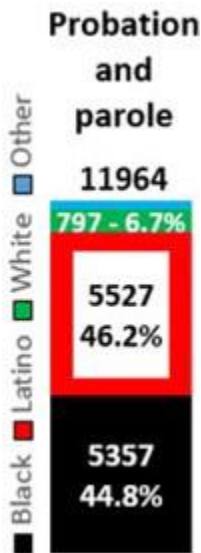
When we examined *all* traffic stops the one disparity that caught the eye was a substantial over-representation of Blacks for license plate and registration violations. As the above graphic illustrates, that's even more so for traffic stops that led to a search. Overall, license plate and registration issues were the most frequent traffic violations linked to a search, appearing in out of every three episodes (19,789/59,421).

What's the takeaway?

First, not all stops are created equal. Non-traffic stops are often precipitated by observations – say, a gangster with bulging pockets – that may “automatically” justify a [“Terry” stop-and-frisk](#). Discerning what's going on inside a vehicle is far trickier. Without something more, ordinary moving violations (e.g., speeding or running a stop sign) and equipment boo-boos (e.g., inoperative tail lights) don't give an excuse to search.

That “more” can be a registration or licensing issue. If a plate has expired or is on the wrong vehicle, or if a vehicle's operator lacks a valid license, officers have an opening to parlay a stop into something more. Indeed, a 2002 California Supreme Court decision ([In re Arturo D.](#)) expressly endorsed intrusive searches for driver license and vehicle registration information. (In time, the enthusiastic response apparently backfired, and just days ago California's justices literally slammed on the brakes. (See [People v. Lopez.](#)) In any event, it often really *is* about money. Registration and licensing issues are tied to

economics, making many Blacks vulnerable to inquisitions while lots of whites get a free pass.



Our analysis of the “basis for search” and “basis for search narrative” fields revealed that at least 11,964 of the 549,488 persons in the dataset were on probation or parole. More than half (6,810, 56.9 percent) were encountered during a traffic stop. It’s not surprising that every last one was searched. Blacks, whose share of persons under supervision ([30 percent of probationers; 38 percent of parolees](#)) is about three times their proportion of the population ([12.3 percent](#)) were, as a group, by far the most exposed.

Policing is a complex enterprise, rife with risk and uncertainty. As with other human services, its practice is unavoidably imprecise. Although we’re reluctant to be too hard on our media friends, this may be a good time to remind the *Times* that trying to “explain” dissimilar outcomes by jumping to the usual conclusion – essentially, that cops are racists – can do a major disservice. As we’ve pointed out in a series of posts (be sure to check out our [“stop and frisk”](#) section), when cops target high-crime areas, the socioeconomics of urban America virtually assure disparate results.

So should police abandon aggressive crime-fighting strategies? That debate has been going on for a very long time. In our view, the *real* fix calls for a lot more than guns and badges. (For the latest, supposedly most “scientific” incarnation of targeted policing check out “Understanding and Responding to Crime and Disorder Hot Spots,” available [here](#).) In our own, very measly opinion what’s *really* needed is a “Marshall Plan” for America’s neighborhoods, so that everyone regardless of ethnicity, skin color or financial resources gets the chance to prosper.

Of course, we all know that. Still, we’re waiting for a candidate to utter that magic word. Psst...once again, it’s “neighborhoods”!

Posted 9/23/18

SPEED KILLS

Acting swiftly can save lives. And take them, too.

By Julius (Jay) Wachtel. On April 20, 1999, two high school seniors staged an elaborately planned massacre at Colorado's [Columbine High School](#). Before committing suicide they shot and killed twelve students and a teacher and wounded nearly two dozen others. When it comes to police strategy, Columbine changed everything. Criticism that lives would have been saved had officers moved in more quickly – they awaited SWAT, which took forty-five minutes to arrive – led the [Governor's review commission](#) to suggest a new approach:

Clearly, rapid deployment poses risks to innocent victims but, even so, immediate deployment by teams of responding officers to locate and subdue armed perpetrators seems the best alternative among a set of risky and imperfect options in a situation like that at Columbine High School. (p. 67)

Dubbed IA/RD ("[Immediate Action/Rapid Deployment](#)"), the new strategy marked [a shift in response philosophy](#), from containment to prompt intervention. To be sure, IA/RD doesn't simply mean "barging in." Officers are supposed to be trained in this approach, and when the opportunity comes form small teams and move in a coordinated fashion. Yet when things get "hot" in the real world time is at a premium, and the one thing that cops must have to make good decisions – accurate information – is often lacking.

Reacting swiftly can save lives. As events regularly demonstrate, it also creates "risks to innocent victims" that cannot be easily dismissed. During the early morning hours of July 31, Aurora (CO) patrol officers responded to [a report of intruders](#) at a private residence. They came upon a chaotic scene. Within moments gunfire erupted inside the home. An adult male came into view holding a flashlight in one hand and a gun in the other. When commanded to drop the weapon he raised the flashlight. An officer not yet identified shot him dead. Inside the residence cops found a naked dead man and an injured 11-year old boy. It turned out that the person whom the cop killed – Richard "Gary" Black Jr., a decorated Vietnam vet – was the lawful resident. [He had fought with and shot the naked man](#) – a known gang member and ex-con – after the intruder broke into the home and tried to drown Mr. Black's grandson in the bathtub.

Hasty responses have also proven tragically imprecise. On June 16 Los Angeles police officers were summoned to [a stabbing at a homeless shelter](#). It turned out that an angry

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resident had cut his ex-girlfriend's hands with a knife (her injuries were not critical.) When cops confronted the 32-year old assailant on the sidewalk he grabbed a disabled person, Elizabeth Tollison, 49, and put the knife to her throat. Officers opened fire, killing both.

Five weeks later, on July 21, a man who shot his grandmother led LAPD officers on a wild car chase. He eventually crashed his vehicle by a Trader Joe's. [Firing at officers, he ran inside](#). Police fired back. One of their rounds fatally wounded a store employee, Melyda Corado, 27. After a prolonged standoff, the suspect, Gene Atkins, 28, surrendered peacefully.

Sometimes there is no need to intercede. On September 6, Dallas police officer Amber Guyger, 30, finished her shift and drove to the apartment building [where she had been living for a month](#). On arrival she parked one level higher than usual and inadvertently wound up at the apartment directly above her own. It so happened that its brand-new tenant, PricewaterhouseCoopers employee Botham Jean, 26, had left his door unsecured. Officer Guyger knew something was amiss but nonetheless walked in and reportedly issued loud "verbal commands." But [they failed to have the desired effect](#). Apparently thinking herself in peril, she fired twice, killing Mr. Jean in his own apartment.

Over the decades law enforcement experts, academics, interest groups and the Federal government have recommended ways to make policing more effective while preventing needless harm to the law-abiding. "[Making Time](#)," a key tactic that skillful cops have always used, has been incorporated into organizational directives and training regimes, essentially becoming an official tool of the trade.

So what's holding things back? Why is *Police Issues* revisiting the same concerns *ad nauseam*?

On October 20, 2014 [Chicago officers responded to a call](#) about a teen trying to break into parked vehicles. Patrol cops soon encountered 17-year old Laquan McDonald. He was walking down the street, reportedly "swaying" a knife. As our [original post](#) indicated, and as the officers likely assumed, the teen had lived a hard life. So they called in for assistance to peacefully corral the troubled youth. A half-dozen additional units soon arrived:

'We were trying to buy time to have a Taser,' Officer Joseph McElligott testified Monday in a hushed Cook County courtroom. '(McDonald) didn't make any direct movement at me, and I felt like my partner was protected for the most part inside the vehicle...We were just trying to be patient.'

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Officers retained their approach even when McDonald ignored commands to drop the knife and slashed a police car's tires. Then officer Jason Van Dyke and his partner pulled up. According to his colleagues, Van Dyke, a 14-year veteran, emptied his pistol at the youth within *six seconds* (his partner stopped him from reloading.) More than a year later, following public protests and a court-ordered release of officer bodycam video, officer Van Dyke was charged with murdering McDonald. (Van Dyke is presently on trial. For compelling details about the case see the [special section in the Tribune website](#).)

This wasn't the first time that a cop's unwelcome intrusion undermined a promising response. "[Routinely Chaotic](#)" discussed the notorious October, 2016 killing of Deborah Danner, a mentally ill 66-year old woman. While she was being successfully contained a late-arriving supervisor butted in, causing Ms. Danner to flee to the bedroom and pick up a baseball bat. Sgt. Hugh Barry promptly shot her dead. He was tried for the killing but acquitted by a judge. (Sgt. Barry remains on limited duty awaiting departmental action.)

In the uncertain environment of the streets, outcomes are shaped by many factors, including the availability and accuracy of information, police and mental health resources, and officer knowledge and experience. Officer personality characteristics, though, typically receive scant attention. Yet all who have worked in law enforcement (including your blogger) know that its practitioners are human: they have quirks, and their behavior can deteriorate under stress.

Click [here](#) for the complete collection of strategy and tactics essays

"[Three Inexplicable Shootings](#)" suggested that "cops who are easily rattled, risk-intolerant, impulsive or aggressive are more likely to resort to force or apply it inappropriately." Violent experiences – and in our gun-saturated land they are deplorably common – undoubtedly play a major role in fashioning the lens through which officers perceive and respond to threats:

- One year before blundering into the wrong apartment, Dallas officer Guyger (mentioned above) [shot and wounded a parolee](#) after he took away her Taser. Her actions were deemed justified and the suspect, who survived, was returned to prison. (An unidentified "police official" [attributed officer Guyger's recent, lethal lapse](#) to the effects of an excessive long shift.)
- One *month* before killing Richard Black, the unnamed Aurora cop shot mentioned above [shot and killed an armed pedestrian](#) whom he and a partner confronted during a "shots-fired" call. Although the shooting seemed justified, a

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lawyer for Black's family questioned whether the officer should have been returned to regular duty so quickly.

Our "sample" is infinitesimally small. It's also not lacking for contradictions. Chicago cop Jason Van Dyke, for example, testified that [he had never fired at anyone other than McDonald](#) during his 14-year career. (Officer Van Dyke did amass a not-inconsequential record of citizen complaints, including one that triggered a large monetary award.)

According to the [National Law Enforcement Officers Memorial](#), thirty-one officers were shot and killed during the first half of 2018, while twenty-five fell to gunfire during the same period in 2017. Los Angeles, where your blogger is based, has been beset with shootings of police. On July 27 a gang member on probation [shot and wounded an LAPD officer](#) who told him to exit his vehicle during a seemingly "routine" traffic stop (the assailant was shot and killed by her partner.) On September 19 two L.A. County Sheriff's deputies [were wounded during a firefight](#) with assault suspects. One suspect was killed and another was wounded.

When streets teem with guns and with evildoers willing to use them, risk-tolerance can be "[a very hard sell](#)." But there's no arguing that rushed police decisions can needlessly kill. What's the solution? PERF's "[Guiding Principles on Use of Force](#)" suggests that keeping distance, taking cover and "de-escalating" can provide a safe middle-ground:

...rushing in unnecessarily can endanger the responding officers...When officers can keep their distance from a person who is holding a knife or throwing rocks and attempt to defuse the situation through communication and other de-escalation strategies, they can avoid ever reaching that point where there is a significant threat of death or serious physical injury to anyone, including themselves.

Still, considering the dynamics of street encounters, there's no guarantee that time, cover and distance will be available. In the uncertain and often hostile environment of the streets, officers can find it impossible to quickly choreograph and implement a peaceful response. Bottom line: "slowing down" requires that cops occasionally accept considerable risk. Should their judgment be off, they can be easily hurt or killed. That's not ideology: it's just plain fact. And it's the fundamental dilemma that well-meaning "experts" have yet to address.

Posted 3/6/18

ROUTINELY CHAOTIC

Rule #1: Don't let chaos distort the police response. Rule #2: See Rule #1.

By Julius (Jay) Wachtel. “She was too fast for me.” Taking the stand at his trial for murder, manslaughter and negligent homicide, [that's how NYPD Sgt. Hugh Barry explained](#) winding up in a situation that ultimately forced him to pull the trigger, mortally wounding Deborah Danner, 66, a diagnosed paranoid schizophrenic. Only a day later Mayor DeBlasio [declared the officer at fault](#): “The shooting of Deborah Danner is tragic and it is unacceptable. It should never have happened.” Police Commissioner James O'Neill agreed: “That's not how we trained. We failed.”

On October 18, 2016 officers were dispatched to the apartment building where Ms. Danner lived and occasionally lost control. [Sgt. Barry testified](#) that when he arrived Ms. Danner was ensconced in her bedroom, a pair of scissors in hand. He said he convinced her to put the scissors down and come out, but she soon became recalcitrant. Fearing she'd go back for the scissors, he tried to grab her, but the panicked woman slipped away. So he chased her back into the bedroom, and got confronted with a baseball bat. Sgt. Barry testified that Ms. Danner ignored repeated commands to drop the object, then aggressively stepped towards him and began her swing.

In our earlier comments about the case ([A Stitch in Time](#) and [Are Civilians Too Easy on the Police?](#)) we referred to NYPD's lengthy and, in our opinion, [confusingly written protocols](#). In all, these rules apparently prescribe that unless a mentally ill person's actions “constitute [an] immediate threat of serious physical injury or death to himself or others” officers should limit their response to establishing a “zone of safety” and await the arrival of their supervisor and an emergency services unit.

Well, a sergeant got there, and he didn't wait for the specialists. With the Big Apple still reeling from [Eric Garner's death at the hands of a cop](#) two years earlier, the mayor and police commissioner probably figured that accepting responsibility and promising reform was the wisest course. Ditto for the D.A. While [she vigorously insisted](#) that her decision to prosecute was based on the facts, and nothing but, expressions of concern by Black Lives Matter and other activists might have helped spur [Sgt. Barry's indictment seven months later](#).

As one would expect, the charges – and their severity – caused an uproar in cop-land. Here's how the NYPD Sergeant's Benevolent Association [disparaged](#) the “political prosecution”:

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Police Commissioner James O'Neill stated that "we failed" when describing the fatal shooting of Deborah Danner, an emotionally disturbed woman who attacked Sgt. Hugh Barry with a baseball bat. The reality is that Commissioner O'Neill "lied" because, in the split-second that Sgt. Barry had to make a momentous decision, he followed department guidelines...

Here's how a union member saw it:

...There is nothing easier than to be a Monday morning quarterback. This is an absolute joke, my thoughts and prayers are with all of you guys in particular Sgt. Barry. I am quite confident justice will prevail in this situation...

While their arrival was staggered (Sgt. Barry reportedly came in next to last), five patrol officers and two paramedics ultimately handled the call. According to a reporter who sat through the trial, [their testimony clashed](#):

Two emergency medical technicians and five police officers have testified over the last two days of trial, giving differing accounts of what happened. It is not unusual for witnesses to a shooting to remember things differently, though in this trial, some of the inconsistencies have been striking.

"Striking" seems an understatement. [A paramedic testified](#) that she was conversing with Ms. Danner when the supervisor arrived. Sgt. Barry didn't contact her, and officers soon butted in, causing the agitated woman to scurry back to the bedroom. However, four officers insisted that the medics never actually entered the apartment, while the fifth, Officer Camilo Rosario, said that the EMT who spoke with Ms. Danner [retreated to the front door](#) when Sgt. Barry arrived. Officer Rosario's account also differed from Sgt. Barry's. Officer Rosario said he informed his supervisor about the scissors and Ms. Danner's refusal to voluntarily go to the hospital. So they soon decided to go to the bedroom to fetch her. Officer Rosario, who was right behind Sgt. Barry, agreed that Ms. Danner threatened with a bat, and that's when the shooting happened.

Sgt. Barry conceded that containing Ms. Danner within a "zone of safety" and awaiting the arrival of an emergency services team might have been possible. He also turned away (we think, correctly) the suggestion he should have used a Taser, as CED's are neither suitable nor intended for use as defensive weapons. Of course, Sgt. Barry wasn't being prosecuted for violating policy but for needlessly taking Ms. Danner's life. In the end, the judge (it was a bench trial) felt that prosecutors did not meet their stiff burden, [and he acquitted Sgt. Barry](#) on all counts.

In “[Are Civilians Too Easy on the Police?](#)” we suggested that the case was purposely overcharged so that jurors who may have been reluctant to severely sanction a cop had a lesser offense on which to convict. That’s probably why Sgt. Barry opted to be tried by a judge. He is [presently on desk duty](#) awaiting an internal hearing. Unless he can convincingly argue that his decision not to wait for specialists was correct – that Ms. Danner posed an imminent threat to herself or others – his future with NYPD seems bleak.

In science the “ideal case” is a made-up example that typifies the situation under study. But when it comes to failed encounters between citizens and police there’s little need to concoct scenarios. Our [Use of Force](#) and [Strategy and Tactics](#) sections brim with accounts of policing gone wrong (for a few recent examples click [here](#)). Indeed, handling chaos is what cops do. What they try to avoid – usually, successfully – is letting the messiness of the real world infect their response so it turns into what officers sneeringly refer to as a “cluster”.

To be sure, there is no shortage of guidance for handling fraught situations. Experts [routinely advise](#) that officers who encounter troubled persons “[de-escalate](#)” and slow things down, giving themselves an opportunity to think things through and [making time](#) for supervisors and specialists to arrive. Well, they may not have called it “de-escalation,” but that commonsense approach is what good cops have always done. Regrettably, what advice-givers can’t supply is more cops. Lots of bad things can happen during a shift, from nasty domestic disputes to robberies and shootings, so care must be taken to leave some uniforms available. Given limited resources (anybody out there got too many cops?) calls must be handled expeditiously and without needlessly tying up specialized teams. As a one-time police sergeant, your blogger thinks that’s what Sgt. Barry was trying to do. Really, a supervisor, five officers and two EMT’s on a single call would be pretty darn good most anywhere.

Might things have turned out differently had an officer Tasered Ms. Danner early on? Possibly. NYPD’s rules specifically allow (i.e., encourage) using CED’s “to assist in restraining emotionally disturbed persons.” Properly deploying the devices, though, can be tricky. At least two officers must be directly involved. Subjects should be relatively still, offer an ample target area and not be heavily clothed. Applying multiple doses or zapping the infirm, elderly or mentally disturbed (Ms. Danner fits at least the last two categories) [can prove fatal](#). CED’s are useful, but far from an unqualified solution.

Fine. Humankind is frail. Chaos rules the streets. There is a surplus of wackos and a shortage of cops. One-size-fits-all solutions are rare. So, Dr. Jay, what do *you* suggest?

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We won't belabor the subject of critical incident response, which has been exhaustively addressed by authoritative sources (for two examples click [here](#) and [here](#).) Instead, let's advance a couple of points that are frequently missing from the conversation.

First, as to early intervention. "[A Stitch in Time](#)" emphasized the pressing need to detain mentally disturbed persons for examination and treatment as soon as they become a cause for police concern. That's especially true for individuals such as Deborah Danner who live alone. If that seems harsh, consider that waiting until the third episode may, as with Ms. Danner, turn into a death sentence.

Secondly, we must stop thinking of police as a quasi-military force. Those of us who have been in both occupations know that military operations are typically conducted in groups. Policing is decidedly not. While police also have sergeants, lieutenants and what-not, life-changing decisions are regularly made by twenty-somethings with a badge, acting completely on their own. By the time supervisors such as Sgt. Barry arrive on scene a lot has usually transpired. From our reading of news reports, Officer Rosario seemed to be especially well-informed, having observed Ms. Danner's behavior from the early stages of the incident through her interaction with the EMT. But he apparently deferred to the judgment of his late-arriving superior, who promptly grabbed for the woman, and ultimately shot her, within five minutes of arrival.

What to do? Police protocols should place those most familiar with a situation – typically, the first officer(s) on scene – in charge, at least until things have sufficiently stabilized for a safe hand-off. Officer Rosario and his colleagues had been monitoring the disturbed woman and waiting her out. Had Sgt. Barry taken on a supportive role, as supervisors routinely do, and let her alone, a heart-warming Hollywood ending might have been far more likely.

Posted 2/16/16

WORKING SCARED

***Fearful, ill-trained and poorly supervised cops
are tragedies waiting to happen***

By Julius (Jay) Wachtel. Keeping one's gun holstered is a sine qua non of policing. It's not just to avoid offending citizens. As experienced cops well know, and as hapless officers regularly discover, a gun needlessly in the hand is an accident waiting to happen. [In an episode](#) that took place only days ago, a Los Angeles County sheriff's shot himself in the calf while pursuing car theft suspects on foot.

Such events aren't rare. Guns accidentally go off in police stations, cop's garages, and during marksmanship sessions at the range. Sometimes the consequences are more than embarrassing. [One small-town police chief](#) has sheepishly admitted shooting himself twice. (For a host of examples plug "officer accidentally shoots himself" into Google.)

It's not only cops who get hurt. Not long ago [a Colorado officer](#) slipped on the ice and accidentally wounded the man he was pursuing. Of course, when the person shot is a crook or was aggressive, blame is easy to deflect; after all, policing is a tough job, and had the suspect behaved to start with, they'd be just fine. That rationale was used, with some success, to minimize the culpability of [an Oakland transit cop](#) who mistakenly drew and fired his sidearm instead of the Taser he had meant to deploy. Tough-minded prosecutors charged the officer with murder, but jurors took pity and convicted him of involuntary manslaughter. In the end, the former officer served a bit over one year. A civil suit against him [went nowhere](#).

These circumstances recently reoccurred in Tulsa. While assisting in an arrest, an elderly reserve deputy fired his gun, [killing a suspect](#) whom he intended to stun into compliance. [Prosecutors charged the volunteer](#) with the lesser form of manslaughter, which in Oklahoma carries a penalty of up to four years in prison or one year in jail. In an accidental shooting last November, [rookie NYPD officer Peter Liang](#), 27, entered a dark stairwell while patrolling a high-rise in the projects. He drew his pistol for protection. (Liang's partner, also a rookie, kept his gun holstered.) Liang would testify that he was startled by a noise and squeezed off a round. The bullet ricocheted off a wall and fatally wounded Akai Gurley, 28. He and his girlfriend had been using the stairs because the elevator was out. Last week a jury convicted officer Liang of manslaughter and official misconduct for failing to render aid. He faces up to fifteen years in prison. (His hapless partner was also fired, ostensibly for not providing aid to the dying man.)

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Mr. Gurley's death was unintended. Not so the November 2014 [shooting of Tamir Rice](#), the 12-year old Cleveland boy who flaunted a realistic-looking pellet gun. Neither Timothy Loehmann, the 26-year old rookie who shot him, nor his partner were charged.

Prior posts have identified factors that can lead to the inappropriate use of lethal force. Some cops may be insufficiently risk-tolerant; others may be too impulsive. Poor tactics can leave little time to make an optimal decision. Less-than-lethal weapons may not be at hand, or officers may be unpracticed in their use. Cops may not know how to deal with the mentally ill, or may lack external supports for doing so. Dispatchers may fail to pass on crucial information, leaving cops guessing. And so on.

Here we'll take a different approach. Comparing the accidental killing of Akai Gurley with the deliberate shooting of Tamir Rice, we'll examine whether these incidents are in fact as dissimilar as they seem.

First, officers Liang and Loehmann were both young and inexperienced. Including the academy, Liang had worked for NYPD less than eighteen months. Loehmann was on the Cleveland force only eight months. He was previously a cop in Independence, a small town south of Cleveland, but left after only one month on the street.

Substantial questions have been raised about both officers' suitability for police work. A *New York Times* reporter who was at Liang's trial [characterized the defendant](#) as "young, scared and unqualified to perform dangerous work..." Loehmann [was rejected by several agencies](#) before being hired by Independence. [According to a deputy chief](#), the recruit was "distracted" and "weepy" during firearms practice and seemed unlikely to improve:

He could not follow simple directions, could not communicate clear thoughts nor recollections,
and his handgun performance was dismal...I do not believe time, nor training,
will be able to
change or correct the deficiencies...

Loehmann resigned under pressure. Cleveland hired him anyway.

During academy training recruits are obsessively cautioned about officer safety. Lectures and practical exercises harp on the fact that being careless can cost a cop's life. Natch, in our gun-suffused land there is an unlimited supply of examples. (Indeed, while officer Liang's trial was in progress, two NYPD officers were shot and wounded while patrolling – you guessed it – a housing project stairwell. The judge disallowed testimony about the episode.)

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Few officers are as nervous as recent grads. Of course, people are constantly doing crazy stuff, so it falls to field training officers to calm their junior partners and keep them from shooting citizens for pulling a tissue to blow their nose. 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.

Alas, the hiring process isn't infallible. Even good screening measures fail. That's why it's essential to closely monitor recruits in the academy and during their first years in the field. That's not foolproof either. Every working officer knows cops who have poor people skills or are prone to overreact, leaving messes for colleagues to clean up. Fortunately, no one usually dies and things get papered over until next time.

Occasionally, though, there is no "next time."

Posted 1/13/16

DE-ESCALATION: CURE, BUZZWORD OR A BIT OF BOTH?

***As bad shootings dominate the headlines,
cops and politicians scramble for answers***

By Julius (Jay) Wachtel. In July 2004, the Department of Justice [issued a biting report](#) that criticized Newark cops for using force instead of acting, as reviewers thought they should, with “thick skin and patience.”

Unfortunately, rather than using de-escalation techniques and acting within the constraints of the Constitution when confronted with disrespectful behavior, NPD has engaged in a pattern and practice of taking immediate offensive action, without regard to whether that conduct complies with the law.

Newark isn't alone. DOJ has been launching “[pattern and practice](#)” investigations of police departments throughout the U.S. During the last five years alone, agencies ordered to change their ways include Albuquerque, Cleveland, East Haven (CT), Miami, New Orleans, Newark, Portland, Puerto Rico and Seattle. (Chicago went under the Federal microscope last month. More about that later.)

Although the events that precipitated Federal intervention were in each case different, excessive force, and particularly the inappropriate use of lethal force, has been the main concern. [DOJ's slap-down of New Orleans](#) cited “many instances in which NOPD officers used deadly force contrary to NOPD policy or law.” Once again, “de-escalation” figured prominently in the prescription for reform:

Critical in-service topics include: use of force, firearms, defensive tactics, integrity and ethics, community policing, communication skills / de-escalation training, cultural competency, search and seizure, policies and procedures, and current legal developments....All force policies should guide officers on how to avoid even justifiable force where it is safe and effective to do so, through the use of de-escalation techniques and solid tactics.

[Miami conceded from the start](#) that, yes, its officers had shot persons without sufficient justification. DOJ used these and other, similar events as evidence that turning to firearms when lesser force would suffice had become an integral component of the city's policing culture: “Based on our comprehensive review, we find reasonable

cause to believe that MPD engages in a pattern or practice of excessive use of force with respect to firearm discharges.” As had become routine, the need for “de-escalation” figured prominently in its recommendations:

...a man known by MPD to have mental illness was shot after he lunged at officers with a broken bottle...Numerous officers unnecessarily surrounded the man, escalating the situation...Although MPD had a CIT officer on the scene, unlike other cases involving persons with mental illness, the supervising officers failed to control the scene so that the CIT officer could do his job. An alternative approach prioritizing de-escalation techniques might have eliminated the need to use deadly force.

Use of force on mentally disturbed persons, drug users and veterans suffering from PTSD was the subject of “[An Integrated Approach to De-Escalation and Minimizing Use of Force](#),” a symposium held three years ago by the Police Executive Research Forum, perhaps the nation’s leading voice in advancing the craft of policing. Here are some of its key conclusions:

- Not every situation calls for police intervention, and not every refusal to comply with an officer’s order requires a forceful response.
- “Slowing things down” can prevent tragic misperceptions, such as thinking someone is going for a gun when they’re actually reaching for a cell phone. Making time also gives time for backup officers, supervisors and crisis intervention teams to arrive.
- De-escalating encounters, for example, by using verbal skills, can cool things down and prevent violence.

[Philadelphia PD’s E.A.R. strategy](#) was featured as an example of this approach. It is comprised of three sequential elements: engage, assess, resolve.

First, you should calmly engage the special needs person to make a connection; the first 10 seconds of this interaction are crucial. Ask the person his name and tell him your name...show empathy and make the person feel heard...Next, gather as much information as possible...Ask the person whether he has a medical condition, is receiving medical treatment, or is taking medication...Once you’ve assessed the person, start thinking about how to resolve the problem...When you have decided your course of action, be sure to announce your intentions...Let him know what you plan to do, and be patient and repetitive in your explanation.

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It's been this writer's experience that an informal version of E.A.R. is how *most* law enforcement officers handle *most* situations, *most* of the time. Along those lines, here's an abridged version of what Steve Pomper, the author of [a well-known police blog](#), had to say about de-escalation:

As a retired cop who worked a sector with numerous mental health facilities let me assure you that de-escalation is nothing new to cops. De-escalation has always been and will always be a cop's first instinct, although it's not always possible. For example, it's rather difficult to verbally de-escalate a person charging at you with a knife. Instructors taught de-escalation in the academy when I was there twenty-three years ago, and it was taught long before that. De-escalation is also just plain common sense, the natural inclination for intelligent people who prefer the path of least resistance—in this case, literally.

Still, considering the many excesses that have come to light, “most of the time” may not be good enough. As if Chicago hasn't experienced sufficient discord (see “[Does Race Matter, Part I](#)” for a gut-churning example), on December 26 one of its cops [accidentally shot and killed](#) a beloved grandmother while aiming for a mentally disturbed 19-year old who reportedly charged at officers with a baseball bat. (The youth was also shot and killed.) And only days ago [LAPD chief Charlie Beck recommended](#) that one of his own cops be criminally prosecuted for shooting to death an unarmed, homeless man with whom officers had a “physical altercation” last May.

Has the frequency of tragic goofs increased? Executives at the PERF forum expressed concern that the new breed of digitally-enlightened police officers may be less apt verbally and less skilled in unarmed combat than “past generations,” thus more inclined to resort to a weapon. Of course, today's cops face an increasingly well-armed public. Indeed, the consequences of America's love affair with the .44 magnum are well known in Chicago, where [murder jumped 12.5 percent during 2014-2015](#), reaching 468, reportedly a U.S. high. Active shooters have become commonplace, occasionally with consequences so grim that [patrol officers are being trained to engage threats](#) instead of waiting for SWAT.

There is another, equally intractable problem. If it's true that most cops prefer to be kind and gentle, that still leaves some who don't, or won't. [Numerous citizen complaints](#), mostly about excessive force, dogged the Chicago cop who now faces murder charges for gunning down Laquan McDonald. As DOJ's findings in Miami demonstrate, it only takes a few trigger-happy officers to cause havoc:

Finally, a small number of officers were involved in a disproportionate number of shootings. A combination of seven officers participated in over a third of the 33

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officer-involved shootings. Had the shooting investigations been completed in a timely fashion, corrective action could have been undertaken and may have prevented the harm that can result from officers' repeated shootings, such as injury or death to the officer and/or the subject, trauma to the officer and others, and costly legal settlements....

So far it's been up to police executives and, on rare occasions, prosecutors and the courts to remove dangerous cops from the streets. But policing is in fact a licensed occupation. To that extent it's not so different in kind from vocations such as plumbing and electrical repair, architecture, law and medicine. If cities are unwilling to enforce professional standards, perhaps state peace officer boards, which set the requirements for officer certification in the first place, ought to step in.

In any event, the training bandwagon has already left the station. Four days after the grandmother was shot dead, the windy city's embattled mayor [announced a set of reforms](#) to "inject humanity" into policing. Rahm Emanuel solemnly promised that officers will be trained to avoid reflexively using deadly force. They will learn to create "more time and distance" when responding to tense situations and to recognize "degrees in between." And just in case the soft approach doesn't work, every beat car will be equipped with a Taser.

Let's hope that this medicine takes hold. We really don't want to revisit Chicago's woes anytime soon.

Posted 1/18/11

FIRST, DO NO HARM

Just how intrusive should patrol be?

By Julius (Jay) Wachtel. It's noon on Martin Luther King day, January 17, 2011. While on routine patrol you observe a man sleeping on the sidewalk of a commercial park.* He's lying in front of offices that are closed for the holiday. A Papa John's pizza box is next to him. Do you: (a) wake him up, (b) call for backup, then wake him, (c) quietly check if there's a slice left, or (d) take no action.

Think you've got it? You'll get another chance in a minute.

It was Sunday afternoon, December 12, 1010. All was quiet in Belmont Shore, an upscale residential area of Long Beach, California. [Douglas Zerby](#), 35, was sitting on the second-floor balcony of a friend's apartment. As usual, he had been drinking. For reasons that he would take to his grave he had a pistol-grip water nozzle in his hands. Yes, the kind for a hose.

Local residents were accustomed to Mr. Zerby's presence and paid no attention. Unfortunately, [one who didn't know him](#) called the cops. He or she described the object in Mr. Zerby's hands as looking like "a tiny six-shooter." Two officers responded and took cover some distance away. They observed an apparently intoxicated man fiddling with an object that looked like a pistol. They called for backup, then for reasons that aren't completely clear moved in to "contain" the suspect. One cop was armed with a handgun and the other with a shotgun. That's when Mr. Zerby reportedly raised his arms and pointed the object in their direction. Both officers fired, sending six handgun rounds and eighteen shotgun pellets, each roughly equivalent to a .38 caliber bullet, downrange. Mr. Zerby was struck multiple times and died at the scene. There is no indication that he and the officers spoke.

Mr. Zerby was the father of an 8-year old. An alcoholic, in and out of rehab, he was by all accounts a pleasant, law-abiding person. Police expressed deep regret but defended the officers' actions as reasonable. Neighbors disagreed. So did Mr. Zerby's surviving relatives, who hired a lawyer and plan to sue.

During the early morning hours of Friday, January 14, 2011 LAPD responded to a disturbance in the upscale Westside community of Playa Vista. When officers arrived

they found [Reginald Doucet, Jr.](#) running around stark naked, “yelling and behaving erratically.” A former college football player and NFL prospect, the 25-year old had been arguing with the taxi driver who brought him to his condominium.

Officers convinced Mr. Doucet to don his underwear. But he ran away twice when they tried to detain him. He was at the front door of the complex when officers finally closed in. Cornered, he began throwing punches, landing blows on both officers in the face and head. Police say that Mr. Doucet then tried to take one of the cop’s guns. That’s when the officer’s partner fired twice, killing him.

Both officers were treated for injuries and released.

One of Mr. Doucet’s neighbors was his former sports agent, Chris Ellison. He described Mr. Doucet as “an outstanding young man who was trying to make a better life.” Ellison said he had never seen Mr. Doucet drunk or violent. “Were the police really getting whooped that bad that they needed to shoot him – twice? They can’t pull out a billy club? They can’t Tase him?”

Ellison’s views were echoed by civil rights advocate [Earl Ofari Hutchinson](#), who questioned why an unarmed man couldn’t be subdued without killing him. “Is it always going to be a situation where you're going to use deadly force? Because if so, that's a problem.” He called on the chief to revamp training. But Paul Weber, president of the LAPD officer union, brushed the suggestion aside. “In this case, naked or not, when Mr. Doucet tried to take an officer's gun away from him, he set in motion the chain of events that sadly led to his death. An officer who loses his gun to a suspect loses his life.”

Stay in the law enforcement biz long enough and you’ll come across plenty of examples of normally law-abiding persons getting shot dead by police. Sometimes they deserve it. Sometimes they don’t. Sometimes, as in Mr. Zerby’s killing, officers misinterpret a gesture as a lethal threat. Sometimes, as in Mr. Doucet’s, they feel that their own lives are at risk.

We seldom hear about the far more frequent (and far less newsworthy) good decisions that cops make every day. Cops routinely accept considerable risk. (Sometimes, as in the case of Lakewood, New Jersey officer [Christopher Matlosz](#), they may take things too casually, with tragic consequences.) When dealing with combative suspects most officers turn to less-than-lethal weapons such as Tasers and beanbag shotguns whenever possible. Regrettably, some departments, possibly fearing overuse, limit their distribution to supervisors and specialized units.

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For more about such things check out the posts linked below. But for now let's turn to the main reason for this post. As readers probably know, "[first, do no harm](#)" is the core principle of medical ethics. Physicians are taught that before intervening they must weigh potential harm against potential benefits.

Primum non nocere would also seem like a good rule for cops to follow. But decades of bombardment by strategies such as "[broken windows](#)" and "[community policing](#)" have left police feeling as though they must take decisive action not just in cases of serious crime, but whenever things seem amiss. It's more intrusion, not less. That may be a mistake. As we emphasized in "[Making Time](#)," the police workplace is hopelessly unpredictable. Cops seldom have complete information or the opportunity to collect it. Experience also teaches that things are often not what they appear to be. Yet officers are pressured to butt in anyway. After all, 911 means "emergency," right?

Lacking verifiable details it's hard for outsiders to speculate what officers might have done to avoid killing Mr. Zerby and Mr. Doucet. However, we *can* urge that when no serious crime has occurred, bias be shifted in the direction of restraint. As it turns out, Mr. Zerby could have been observed indefinitely. Mr. Doucet presented a different problem. But every cop knows that without a less-than-lethal weapon (and sometimes even with it) it can take several officers to restrain a large, uncooperative man without seriously hurting either the suspect or themselves. Mr. Doucet had not committed a serious crime. It's likely that he, too, could have been watched from a safe distance until additional officers arrived.

It feels odd to be writing such an obvious prescription in the twenty-first century. Let's hope that another blogger doesn't feel the need to repeat it in the twenty-second.

Oh, yes, go back to the top and retake the quiz (answers below.)

* Real story, except that (1) there was no cop involved, and (2) the blogger used an unrelated image to represent the drunk, who left before the photo was taken

Quiz answer: (d). If you picked (a) or (b) read the post again; if (c), check out our *Conduct and Ethics* page

Posted 10/30/11

A DELICATE BALANCE

Can police best help a democracy flourish by intervening or by artfully holding back?

“People across America were disgusted by what they saw here. Millions have been inspired by you because, the next night, you didn’t go away. You have altered the national discussion.”

By Julius (Jay) Wachtel. [Firebrand](#) [documentarian Michael Moore](#) was referring to a series of incidents in Oakland that began with [the arrest of ninety-seven “Occupy” activists](#) who refused to leave an illegal encampment early last Tuesday. That evening a group of four-hundred demonstrators marched on the site intending to take it back. Thus far there had been no injuries of consequence, but as tempers flared what many feared would happen did. A few hotheads hurled paint and rocks at a skirmish line of officers who blocked the way. Police responded with batons and tear gas. [A canister struck an Iraqi vet in the head](#) and sent him to the hospital in critical condition.

City officials expressed remorse and visited with the injured man’s family the next day (he suffered a skull fracture but his condition has improved.) Once the plaza was cleaned protesters were allowed to return but cautioned not to camp overnight. They not only ignored the warning but kicked things up a notch, calling for a citywide general strike to take place Tuesday, November 1.

There is precedent. Sixty-five years ago the famous [Oakland labor strike of 1946](#) shut the city down for two days. Unlike what Occupy intends, the event began with a spontaneous walkout by retail workers. When city officials sent in police to protect strikebreakers and make sure that supplies got through organized labor called a general strike, and soon the streets of Oakland were flooded with tens of thousands of angry members of the working class.

A major strike carries risks to public safety and could further damage Oakland’s fragile economy. Even so, labor and community leaders have lent their qualified support. Union members seem particularly enthused. One who told reporters that the financial crisis badly hurt his family [put it quite plainly](#): “It looks like we’re on course to be the next 1946.”

Soon after the 1946 strike municipal elections transformed the composition of Oakland’s city council from labor-hostile to labor-friendly. But in recent decades the

jobs that brought scores into the middle class have disappeared, reducing the influence of unions and possibly causing Oakland officials to think of Occupiers as extremists. Whether their tone-deafness will return once Michael Moore and his entourage have left is impossible to predict. In any event, the reoccupation seems temporarily secure. Mayor Jean Quan, who heartily endorsed the initial police response, seems thoroughly chastened. Acting police chief Howard Jordan confirmed that cops wouldn't be going back in; officer presence, he emphasized, would be "very, very minimal." Given what his depleted department may face if the strike actually takes place ([80 officers were laid off last year](#)) it could hardly be otherwise.

Oakland has become the poster child of what can happen when city leaders forget that in a democracy the elite must occasionally pay attention to the rabble. That's apparently a lesson that even hyper-liberal places such as San Francisco must periodically relearn. Just across the bay, its own entourage of Occupiers were happily encamped when [rumors spread of an impending raid](#). That night a gaggle of union bosses and politicians showed up and cops kept their distance. Volunteers clean the grounds, porta-potties are in place, and by all appearances the campers will be there for a good while longer.

Prompted perhaps by the Oakland debacle some "occupied" cities [have adopted a warily permissive approach](#). In Los Angeles, where the mayor seems most concerned that the month-long campout will ruin the expansive lawn that graces city hall, police insist there is no timetable. "We're still working as best we can and trying to be cooperative [with Occupy]," said a commander, who also mentioned that whatever happens the department will do its best to avoid using tear gas. Meanwhile in Occupy's birthplace, New York City, protesters [face a far more daunting challenge than the cops](#): the weather. Perhaps they can adopt the ways of their counterparts in other chilly climates. Occupy Boston has a greenhouse-like affair in the works, while Occupy Maine set up a heated outdoor room and has asked for permission to stack bales of hay as a windbreak.

In "[First, Do No Harm](#)" we displayed a photo of a transient snoozing in front of offices closed for a holiday. Readers were asked what a passing cop should do. After setting out a couple of real-life examples with very bad endings the answer seemed all but obvious: sometimes doing nothing is best.

If only all situations were as simple! Yet the principle of avoiding needless intrusion is the same. Other than in a few situations, such as domestic abuse, police have full discretion in deciding whether, when and how to act. Circumstances can easily make mechanistic responses impractical, unwise or unjust. In "[Who Deserves a Break?](#)" we examined the example of a student who is caught with a switchblade in his pockets. We

argued that the implicit threat to public safety tilts the scales in favor of making an arrest, and that's so whether the youth attends a Christian college (as in the example) or not.

Here we see it differently. To be sure some anarchists and assorted ne'er do-wells have infiltrated the ranks of the protesters. Yet by all accounts most Occupiers seem sincere, peaceful and committed to reforming an economy that badly needs repair. Their choice to take the message to the streets follows in a tradition that Americans have held dear since the days of the original "Tea Party." By making reasonable accommodations – suspending no-camping rules, furnishing portable toilets, and so on – enlightened officials aren't threatening the Constitution: they're defending it. They're also defusing needless friction with a public that cops very much need on their side, in good times and bad.

Sometimes the best solutions come from afar. In London, which hosts its own Occupy-like movement, officials at St. Paul's Cathedral [are turning to the courts](#) to evict hundreds of activists camped outside. A proposal by the deputy mayor in charge of policing would use high-pressure sprinklers to shoo protesters away. But some citizens can't understand why all the fuss. A middle-aged Londoner who came to mass thought that the economy was a perfect cause for the Church. "I would like to see the tents and the church stay together. This is what the church should be preaching, anyway, and nobody is doing any harm here. I am happy to be able to see both things."

And to that all we can add is "Amen."