

**STOP-AND-FRISK**  
**&**  
**HOT-SPOTS ESSAYS**

By  
Julius Wachtel

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## A RECIPE FOR DISASTER

***Take an uncertain workplace. Toss in a “mission impossible”  
and pressures to produce. Voila!***

*For Police Issues by Julius (Jay) Wachtel.* Early last year [a mother received a letter from LAPD](#) informing her that her son was a gang member. Shocked by the news, the parent promptly marched off to a police station where she vehemently insisted that her kid had nothing whatsoever to do with gangs. LAPD apparently took her complaint to heart. After reviewing the reporting officer’s bodycam footage and “finding inaccuracies in the documentation,” a supervisor contacted the parent and assured her that the teen would not be identified as a gangster.

To its credit, LAPD launched [an expansive inquiry](#). During the following months many members of the agency’s specialized “Metro” division came under investigation. Twenty were ultimately stripped of their official duties. Their alleged misconduct – incorrectly reporting on field interview cards that persons they stopped were gang members – had seriously compromised the agency’s gang database. One of eight regional systems that comprise the state’s [“Cal Gang” intelligence network](#), its use is governed by State law. Only specially certified law enforcement officers can access the system, and adding entries is strictly regulated. Among other requirements, targets for inclusion must meet at least two of eight specified criteria, such as admitted gang membership or displaying a gang tattoo, and must have been contacted not just once but “on multiple occasions.”

[An August 2016 report](#) by the California State Auditor revealed widespread noncompliance with these rules. LAPD, in particular, was singled out for serious and persistent lapses. Yet its problems apparently persisted. Public blowups over LAPD’s controversial stop-and-frisk campaign (see, for example, [“Scapegoat,” Part I](#)) recently led Chief Michel Moore, a veteran officer who took the helm in June 2018, [to publicly announce his determination](#) to right the ship:

I don’t mean this to go on for months or years. I will make a finding on the basis of the completed investigation as to appropriate disposition — whether that be sustained acts of misconduct, including the potential criminality....

“Criminality”? Well, fudging the facts so that a stopped person meets the criteria for inclusion into a gang database sure seems like a purposeful falsification of official

records. But why would an officer do that? L.A.'s a busy place, and it's not as though its street cops lack for things to do. Chief Moore's angst, though, wasn't directed at ordinary badges but members of the elite "Metro" group, which had been assigned to conduct "intensive patrol" – meaning, of course, stop-and-frisks – in neighborhoods beset by gangs and gunplay.

We've suggested in a string of essays (for example, "[Driven to Fail](#)" and "[Good Guy/Bad Guy/Black Guy, Part II](#)") that get-tough campaigns inevitably lead to a profusion of "false positives." That's created major angst among members of minority groups, and not just in Los Angeles. Still, given the high rates of violence that characterize many lower-income areas, their police feel obliged to do *something*. How the outcomes of that "something" get assessed and measured presents some complex dilemmas.

In [a new, thought-provoking article](#), the *L.A. Times* reported that managers evaluated Metro's cops on sixteen criteria, from arrests and citations to "field interviews of gang members." As we mentioned in "[Driven to Fail](#)," Metro's teams were unfamiliar with their assigned areas' patterns and worthy inhabitants. So they adapted, in part, by focusing on pre-identified "chronic offenders." Finding and discreetly following noteworthy prey until there's enough to justify a "Terry" stop, though, proved no easy task. Targets of opportunity became a fallback strategy.

Whether cops free-lance or shadow known targets, the uncertain environment of policing virtually guarantees a profusion of error. [Let's self-plagiarize](#):

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

Not every unproductive encounter reflects an error of judgment. There were likely more than a few worthy characters among those whom Metro had to ultimately let go. How many? Lacking clear data, it's impossible to know. Yet the abundance of apparent "false positives" created an ideal platform for critics unfamiliar with the vagaries of the police workplace to jump to the conclusion that cops are racists. That, along with relentless pressures to produce measurable outcomes, created a vicious cycle well

known to cops who have participated in get-tough-on-crime campaigns. Fudging someone's gang involvement is a lie, period. But given the intrinsic difficulties of their "mission impossible," Metro's officers might have thought it the surest way to score enough "hits" to satisfy superiors while keeping nettlesome citizens, reporters and civil libertarians off their agency's backs.

Pressures to produce aren't just a problem at LAPD and NYPD. They're endemic to policing. Demands from the top to "give us numbers," which ultimately land on the shoulders of those who occupy the bottom of the flow chart, were obvious to the blogger throughout his law enforcement career. So much so that it inspired the topic of his dissertation. Entitled "Production and Craftsmanship in Police Narcotics Enforcement," it explored the tension between quantity and quality in street drug enforcement. (For an article based on this work, click [here](#).) Here's just one of the many memorable quotes from a "worker bee":

Make cases, put people in jail, numbers. Our department right now is heavily into numbers. It's not so much the quality of the case but it's how many cases you do...because there are stat's being taken through the chain of command.

Not even your blogger, who's obsessed with the notion of craft, would suggest that numbers are wholly irrelevant. Citation counts, for example, can be *one* valid measure (hopefully not the *only* measure) of the quality of an agency's traffic enforcement effort. Yet counting can easily distort what takes place. That's not only true in policing. Unholy pressures to produce quantifiable miracles pervade government, commerce and industry. (In education, your writer's second career, it was "how many graduates did we have this year?") But let's take a *really* long reach. Consider the Boeing 737 fiasco. Is there any doubt that pressures to maximize profits impaired the quality of engineering? Here's an extract from the [New York Times account](#) of an official report filed by former senior engineer Curtis Ewbank:

...Ray Craig, a chief test pilot of the 737, and other engineers wanted to study the possibility of adding the synthetic airspeed system to the Max. But a Boeing executive decided not to look into the matter because of its potential cost and effect on training requirements for pilots. "I was willing to stand up for safety and quality," Mr. Ewbank said in the complaint, "but was unable to actually have an effect in those areas. Boeing management was more concerned with cost and schedule than safety or quality."

All lies aren't equal. "[Why do Cops Lie?](#)" and other posts in our [Conduct and Ethics](#) series offer eye-popping examples of bias, selfishness and greed. Perhaps some of these

qualities apply to a few of Metro's officers as well. But it seems to us that the relentless characteristics of the workplace might have led some otherwise honest, hard-working cops to justify seemingly unproductive stops by fudging their subjects' gang affiliations. Given the circumstances, these might have seemed like only "little white lies."

Of course, in policing there is no such thing.

Posted 11/16/10

## AN EPIDEMIC OF BUSTED TAIL LIGHTS

### *LAPD struggles over claims of racial profiling*

*By Julius (Jay) Wachtel.* Here's a puzzler for our loyal readers. Click [here](#) to read LAPD's policy on "biased policing". Then read it again. Now imagine you're an LAPD officer patrolling an area where shootings involving ethnic gangs have occurred. You spot an older, beat-up car slowly circling the block. It's occupied by sloppily-attired young male members of that ethnic group. Children and pedestrians are present. Do you: (a) go grab a donut, (b) wait until shots are fired, or (c) pull the car over?

If you answered (c) you may wind up with a lot of explaining to do. Or not. It really depends on which paragraph of section 345 is controlling. The first, which paraphrases [Terry v. Ohio](#), appears to leave race open as one of the factors that can be used when deciding to detain someone for investigation:

Police-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts, consistent with the standards of reasonable suspicion or probable cause as required by federal and state law."

But the very next paragraph appears to limit the use of race to situations where cops are looking for a specific individual:

Department personnel may not use race...in conducting stops or detentions, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by their race...may rely in part on race...only in combination with other appropriate identifying factors...and may not give race...undue weight.

Section 345's prohibition against using race as an anticipatory factor has spurred spirited debate within LAPD. While everyone agrees that race should never be the *sole* factor, many cops don't think that it should *always* be out of bounds. In a [notable recent conversation](#) (it was, believe it or not, inadvertently taped) an officer told his superior that he couldn't do his job without racially profiling. Somehow the recording made its way to the Justice Department, which is still monitoring the LAPD in connection with the [Rampart scandal](#). As one might expect, DOJ promptly fired off a letter of warning.

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Chief Charlie Beck, who's struggling to get the Feds off his back, quickly denied that the officer's comments reflect what most cops really think. Still, the faux-pas reignited a long-simmering dispute between LAPD and the Los Angeles Police Commission, whose president, John Mack, a well-known civil rights activist, has bitterly accused the department of ignoring citizen complaints of racial profiling.

Each quarter the [LAPD Inspector General](#) examines disciplinary actions taken against officers during that period. Last year, as part of an agreement that relaxed DOJ oversight, LAPD IG investigators started reviewing the adequacy of inquiries conducted by LAPD into alleged instances of biased policing (LAPD's preferred term for racial profiling.)

The [2009 second quarter report](#) summarized biased policing complaints for the prior five quarters. Out of 266 citizen complaints of racial profiling, zero were sustained. This was by far the greatest such disparity for any category of misconduct. IG employees examined a random sample of twenty internal investigations of biased policing. Six were found lacking in sufficient detail to make any conclusions. Incidentally, twelve of the police-citizen encounters involved traffic offenses. Ten were for no tail lights, cracked windshields, tinted front windows, no front license plate and jaywalking. An eleventh was for speeding, a twelfth for riding a dirt bike on a sidewalk.

The most recent report, covering the [fourth quarter of 2009](#), revealed 99 citizen allegations of biased policing; again, zero were sustained. The IG reviewed a sample of eleven investigations; it criticized two as inadequate. Four officer-citizen encounters had complete information. Each was precipitated by a traffic violation: one for running a red light, one for no brake lights (the driver later insisted only his supplemental third light was out), one for not wearing a seat belt, and one for tinted front windows.

Earlier this year DOJ criticized the IG's investigation review process as superficial. Biased policing claims will henceforward be investigated by a special team, using new protocols. Their first product is due out soon.

Cops have so many ostensible reasons for making a stop that divining their underlying motive, if any, is probably a non-starter. That was conceded by no less an authority than the Supreme Court. Here is an extract from its ruling in [Whren v. U.S.](#):

The temporary detention of a motorist upon probable cause to believe that he has violated the traffic laws does not violate the Fourth Amendment's prohibition against unreasonable seizures, even if a reasonable officer would not have stopped the motorist absent some additional law enforcement objective.

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It's widely accepted in law enforcement (and apparently, by the courts) that using all available laws isn't cheating – it's simply good police work. That can make it well-nigh impossible to determine whether racial bias was a factor in making a stop. John Mack may not like it, but the commanding officer of Internal Affairs was probably just being candid [when he told the police commission](#) that sustaining an allegation of biased policing literally requires that an officer confess to wrongdoing.

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

Target individuals, not ethnic groups. Repeat at every roll-call. And be careful out there!



Posted 11/18/21

## BACKING OFF

*Leaving suspects alone cuts against the grain of policing.  
But there are few options.*



*For Police Issues by Julius (Jay) Wachtel.* Consider what life might be like today had Derek Chauvin and George Floyd never crossed paths on May 25, 2020. There would have been no reason to post “[Punishment Isn’t a Cop’s Job](#)” a mere nine days later, nor to ultimately devote a special section of the website to the tragic encounter and its profound consequences on American policing.

Nor, a couple months ago, to cancel a guest lecture at a local university because the professor wouldn’t let your writer play a video compilation of the police interaction with Mr. Floyd, from his arrest to the bitter end. In truth, given the tenor of these times, your writer’s advance warning that he agreed with officer Lane’s initial approach probably doomed the presentation.

Here our concern goes well beyond *Floyd*. We’ll take it one step at a time. First, when *should* officers become involved? Let’s review four notorious incidents, beginning with Mr. Floyd:

- [George Floyd](#) (Minneapolis, MN) It all began with a 9-1-1 call to MPD. Employees of a convenience store complained that a customer paid for a carton of cigarettes with a counterfeit bill, then wouldn’t make things right when he was approached as he sat in his car. They also reported that Mr. Floyd, who was at the wheel, appeared to be “on something,” meaning drugs.
- [Karen Garner](#) (Loveland, CO) In June 2020 Loveland police were called by a Walmart because an elderly woman tried to leave without paying for her items, then ripped off the Covid mask from an employee who intervened. Officers soon encountered the alleged assailant, Karen Garner, 73, as she “picked wildflowers”

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while walking home.

- [Manuela Rodriguez](#) (Long Beach, CA) Cops often initiate contacts based on what they observe. In a September 2121 “on view” incident in Southern California, Long Beach school police officer Eddie F. Gonzalez was on motorized patrol one block from a high school campus when he noticed that a young woman, later identified as Manuela Rodriguez, 18, was assaulting a 15-year old female student. Also present were Ms. Rodriguez’s 20-year old boyfriend and his brother, 16.
- [Karon Hylton](#) (Washington, D.C.) Traffic stops in high-crime areas are often conditioned on reasons other than traffic; say, suspicion of gang involvement or gun possession. One evening last month, while working a specialized anti-crime detail, D.C. police officer Terence Sutton observed a reputed gang member, Karon Hylton, 20, riding a moped on the sidewalk, without wearing a helmet. Suspecting that Hylton, whom he knew, “was armed and wanted revenge” over a recent clash, officer Sutton tried to stop him, ostensibly to issue a ticket.

Most officers would probably agree that the above situations are typical of what cops encounter each day. Of these, the in-progress assault on the teen seems the most worthy of prompt intervention. But the call about Mr. Floyd was also somewhat pressing: a local business had been victimized, the alleged evil-doer refused to make things right, and he was set to drive away while apparently impaired.

Beliefs about one’s role and obligations are intrinsic to all occupations. Police are committed to helping local businesses deal with shoplifters and unruly customers. Officers also expect that their colleagues will vigorously combat gangs and make life as miserable as possible for their members. So, what did the officers do? Let’s take each example in turn.



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Pulling a gun isn’t pretty, but that’s what rookie MPD officer Thomas Lane did when Mr. Floyd seemed reluctant to step out of the car. As depicted in [bodycam video](#), officer Lane soon had the drugged man out of the driver’s seat and in physical custody, avoiding further risks to citizens and police. Grimace if you wish, but in the everyday world of law enforcement, where citizens are often obstinate and all-too-frequently armed, that was a “success.”

While Mr. Floyd’s dereliction seems minor (he paid for his

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smokes with a counterfeit twenty), the large, unruly man presented a not-insubstantial physical threat. Store employees said that they last observed him sitting behind the wheel of a parked car, and that he seemed to be “on something.” It turns out that [Mr. Floyd had a substantial criminal record](#), including a conviction for armed robbery. But we don’t know whether officers on scene knew, or when they found out.

As it turns out, Mr. Floyd *was* under the influence of powerful drugs. Had he been allowed to drive off he’d have imperiled innocent motorists. Officer Lane’s stern approach also avoided a risky pursuit. Mr. Floyd was promptly in handcuffs and on the sidewalk, where he threatened no one. So far, so good. When he later resisted getting into the back of a squad car, officers should have summoned a transport van. But their superior seemed intent on inflicting punishment. And we know how *that* turned out.

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Karen Garner’s encounter, on the other hand, went poorly from the start. [According to the bodycam](#), when his command to stop was ignored, Loveland officer Austin Hopp gave no quarter to the woman’s age or clearly sketchy mental state (she suffers from dementia.) Instead, he grabbed the frail 73-year old from behind, twisted her arms and forcibly pushed her to the ground. Ms. Garner was promptly placed in a patrol car, taken to jail and booked for the \$13.88 shoplift.



As one might expect, this episode didn’t end well for the city *or* the cop Ms. Garner’s lawsuit [was recently settled for \\$3 million](#). Officer Hopp is being prosecuted for assault, and an officer who assisted him has been charged with failing to report their colleague’s excessive use of force. Both have resigned.

Walmart employees likely realized that Ms. Garner had mental issues. (Click [here](#) for a video of what happened in the store.) However, we don’t know whether that concern was conveyed to 9-1-1. And when the responding officer encountered a recalcitrant, elderly person he immediately turned to force. Officer Hopp, 26, had only one year on the job. Perhaps he thought that Ms. Garner’s conduct required he make an arrest. Maybe he wanted an easy “stat.”

No matter. While the rookie’s decisionmaking skills might have eventually improved, sometimes there really *is* no second chance. [Loveland police chief Robert Ticer quickly endorsed the cop’s prosecution](#). He also moved to increase de-escalation training and include a discussion of Alzheimer’s disease. Of course, persons such as Ms. Garner require an appropriate intervention the *first* time. To that end, an appropriate step would be to organize a dedicated mental health response team, perhaps using the

popular [“Cahoots”](#) model.

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When the Long Beach school cop pulled up, Ms. Rodriguez promptly jumped into the front passenger seat of her companions’ car. Just as the trio set to leave, officer Gonzalez walked up and, gun at his side, ordered Ms. Rodriguez out. But the sedan abruptly sped off, nearly knocking the officer down. Officer Gonzalez fired at least twice, fatally wounding Ms. Rodriguez. (Click [here](#) for a video compilation.)

Officer Gonzalez’s employment was promptly terminated and [he was charged with murder](#). His qualifications have since come under scrutiny. He had reportedly two very brief stints with local police departments, one of which “chose to separate” him from his job.

Officer Gonzalez interrupted an assault. Yet when multiple persons are involved – the assailant was there with two male friends – trying to do it alone invites a blunder. We’re not opposed to drawing a gun and holding it to one’s side. But when a cop is at a great disadvantage – officer Gonzalez was outnumbered, on foot and lacked cover – should something happen a poorly thought-through, near-reflexive shooting becomes far more likely. Consider, for example, [the tragic incident in Waukegan](#) when an officer opened fire on a car he thought was purposely backing up on him, killing a passenger and wounding the driver. That’s why, as we mentioned in “[An Illusory Consensus \(Part II\)](#)”, many agencies have adopted [PERF’s Guiding Principle No. 8](#), which prohibits shooting at moving vehicles “unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself” (p. 44).

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D.C. police rules have strictly restricted vehicular pursuits since at least 2003. According to Police Chief Peter Newsham, [they’re presently forbidden for anything short of a felony](#). Karon Hylton, on the other hand, had observably committed nothing more than a traffic infraction. But he was reportedly a gang member. And when he refused to stop, the chase was on (click [here](#) for the video). Alas, Hylton soon collided with a van and was killed.



In these days, with police literally “under the gun,” D.C.’s strict rules about chases are intended to avoid grossly disproportionate outcomes. As we recently mentioned in “[Regulate](#),” foot pursuits have repeatedly led to bad endings. No matter that the lethal “blow” suffered by Mr. Hylton wasn’t delivered by a cop. Police

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officers must become accustomed to the notion that, as in virtually every other sphere of life (say, vaccination) individualism has triumphed over compliance. Policing can provoke all manners of unintended consequences, and simply because a citizen disobeys is no longer reason enough to use force.

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So, when *should* cops act? In the “good old days” of [Dragnet](#) and [Adam-12](#), politicians and the public seemed far more indulgent of officer skills and temperament. Allowances were typically made for the perils of the street and the little that cops may know about the characters and circumstances they face. Law enforcement is replete with ambiguity and uncertainty, and in the real world of the streets, crude responses are sometimes unavoidable. Over the last several years, though, the permissible margin of error has substantially narrowed. [So while we’re not overly fond of rulemaking](#), strict guidelines such as D.C.’s can give officers, who labor under considerable peer and public pressure, defensible reasons *not* to act.

Of course, should cops become notably less proactive, criminals and evildoers may be emboldened. Pointing to recent increases in violence, [some claim that’s already happened](#). Fine-tuning the police response so that our emerging notions of justice and equity aren’t breached and everyone is pleased has human *and* practical limits. And they’ve likely been reached.

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:

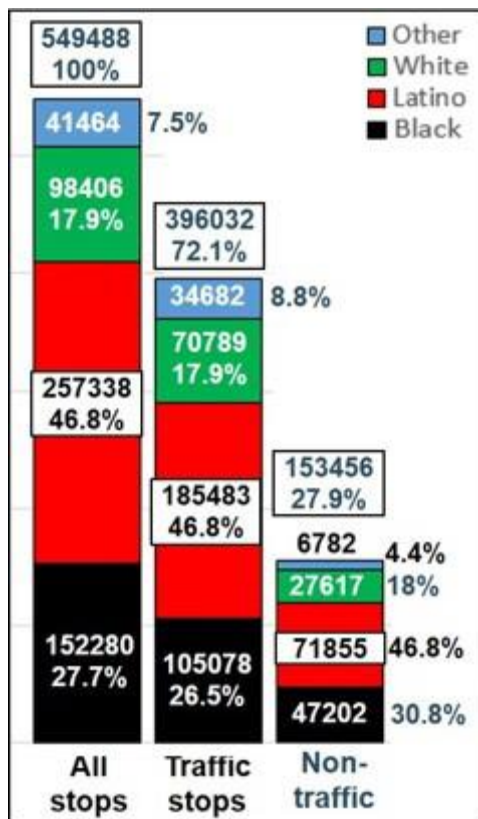
Is the antidote or the treatment itself causing more harm to trust than whatever small or incremental reduction you may be seeing in violence? And even though we're recovering hundreds more guns, and those firearms represent real weapons and dangers to a community, what are we doing to the tens of thousands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



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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?

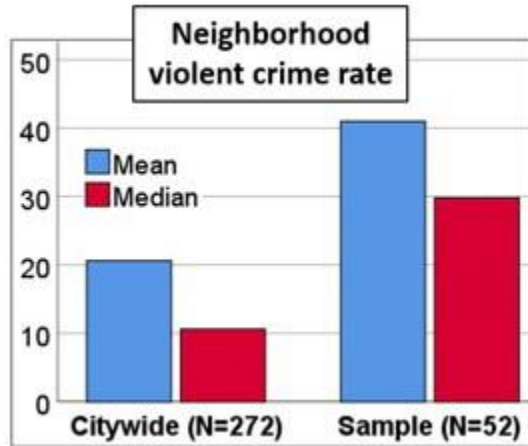
As we discussed in “[Driven to Fail](#),” stop-and-frisks had for better or worse become LAPD’s key tool in a campaign to tamp down violence. Specialized teams focused – albeit, not exclusively – on hot spots called “Laser” zones. A disproportionate number were in South and Central bureaus, the poorest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

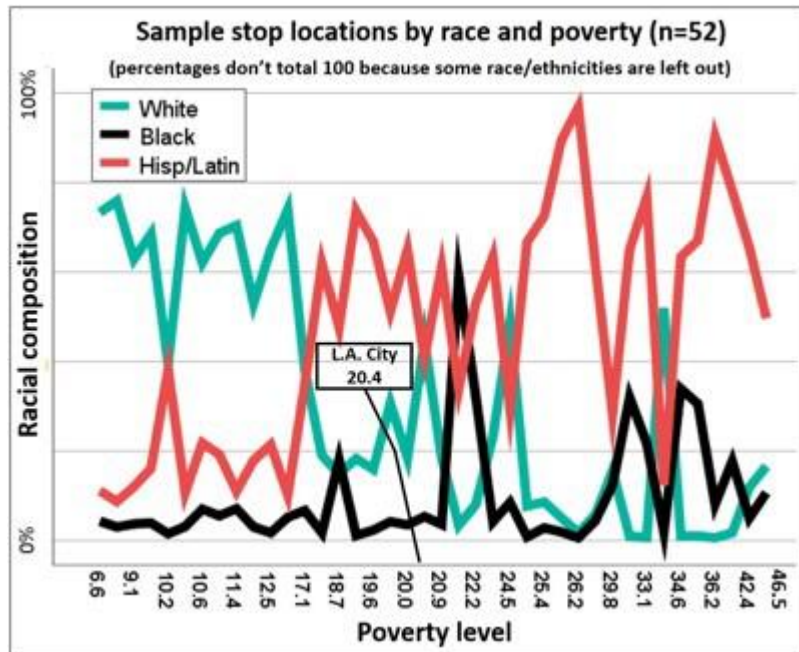
Violence rates in 36 of the sample's 52 neighborhoods exceed the citywide mean, and all but three exceed the citywide median.

Prior posts emphasize the centrality of neighborhoods. What about them might steer its inhabitants down the

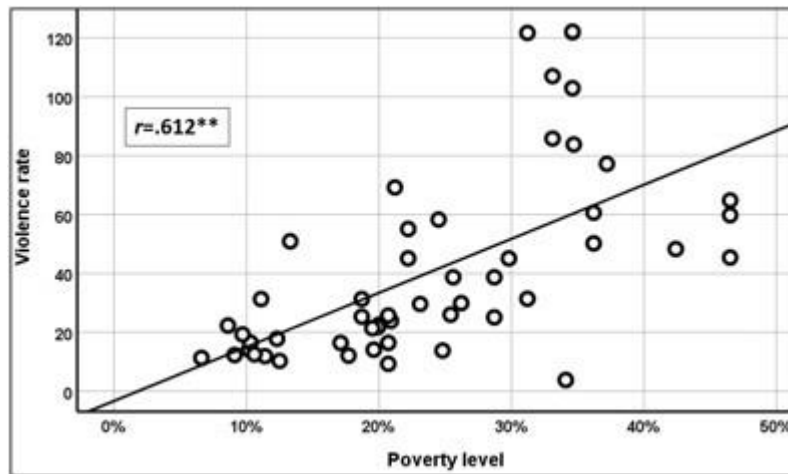
wrong path? Poverty – and what comes with being poor – are usually at the top of the list. We gathered racial/ethnic composition and poverty level data for each of the sample's fifty-two stop locations by entering their Zip code into the [2017 American Community Survey](#).

(Incidentally, a quick way to get a Zip code is to type the street address into Google.)

This graph displays the results:

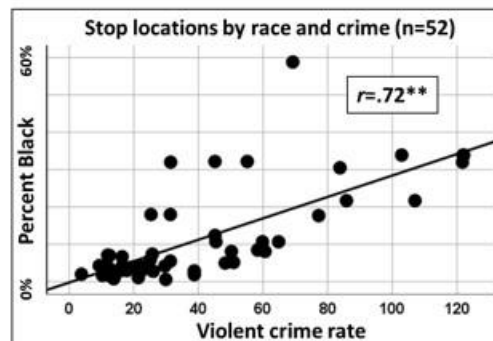
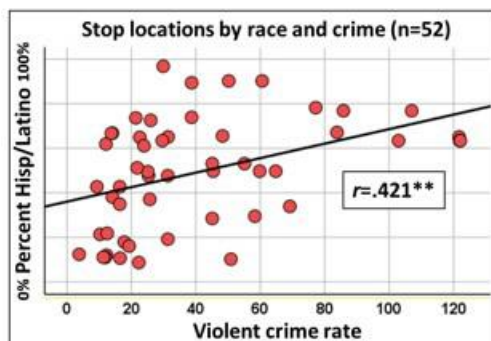
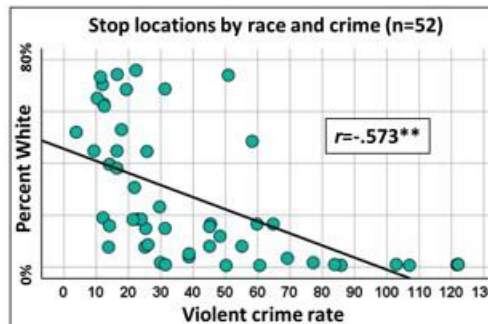


No surprise: whites predominate in most of the sample's economically better-off neighborhoods. As poverty rates increase (note the citywide mean of 20.4 percent) Hispanic/Latinos and Blacks come into the majority. Crime, as the below scattergram illustrates, follows a similar pattern.



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:

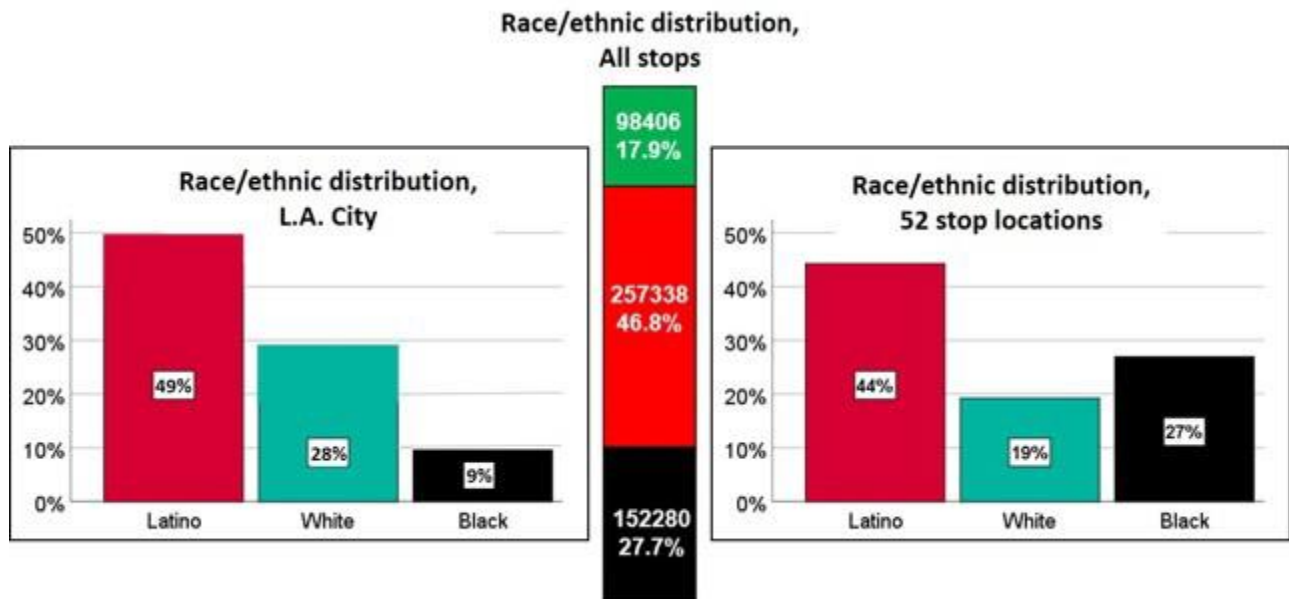
Correlation between violence rate and ...				
		PctLatin	PctWhi	PctBlk
ViolentRate	Pearson Correlation	.421**	-.573**	.720**
	Sig. (2-tailed)	.002	.000	.000
	N	52	52	52
Same, controlling for poverty level				
		PctLatin	PctWhi	PctBlk
ViolentRate	Correlation	.078	-.236	.694
	Significance (2-tailed)	.588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

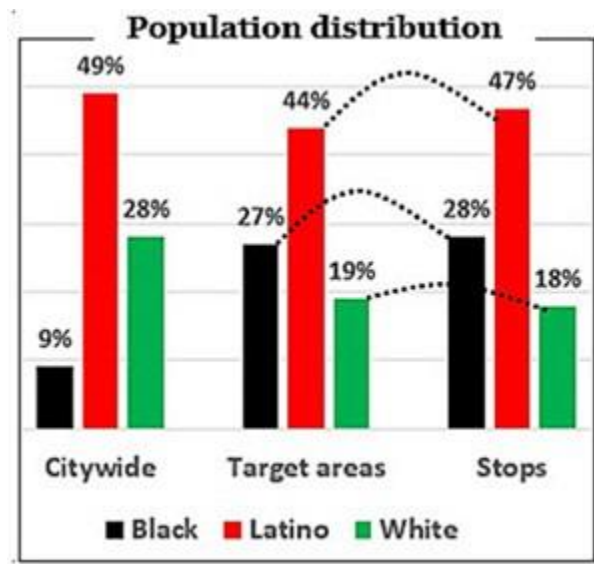
***Quit blaming police racism for lopsided outcomes.  
And fix those neighborhoods!***

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.

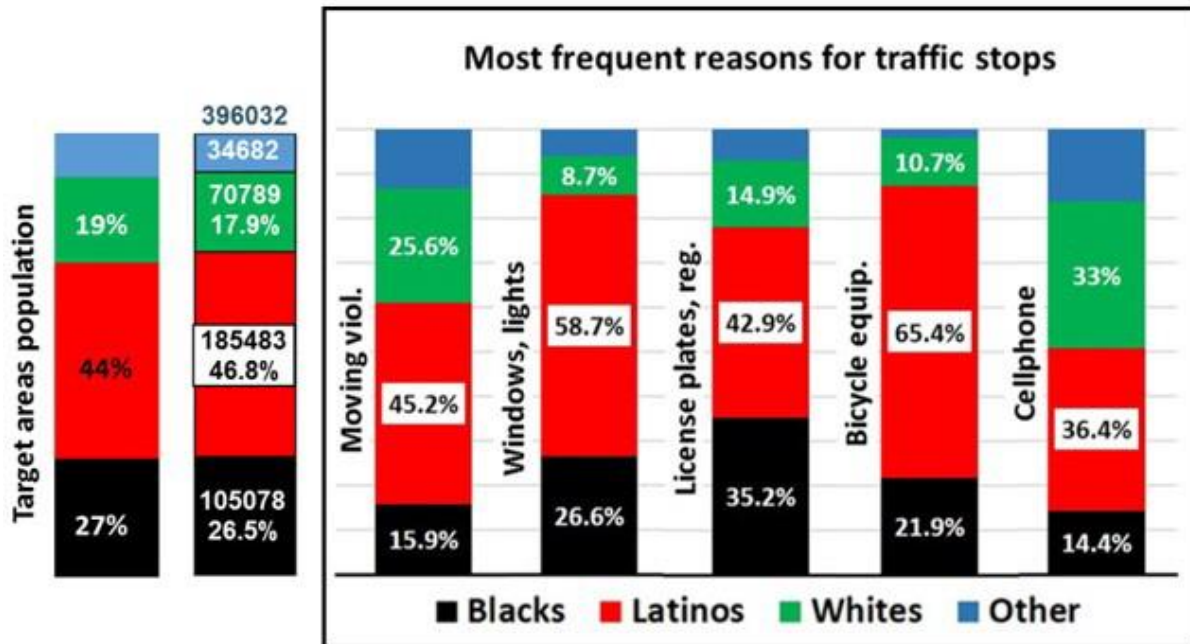


Still, that doesn't prove that bias *didn't* play a role in targeting. For more insight about officer decisionmaking we focused on two data fields pertinent to the "why's" of a stop: "traffic violation CJIS offense code" and "suspicion CJIS offense code." (For a list of these Federally-standardized codes 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

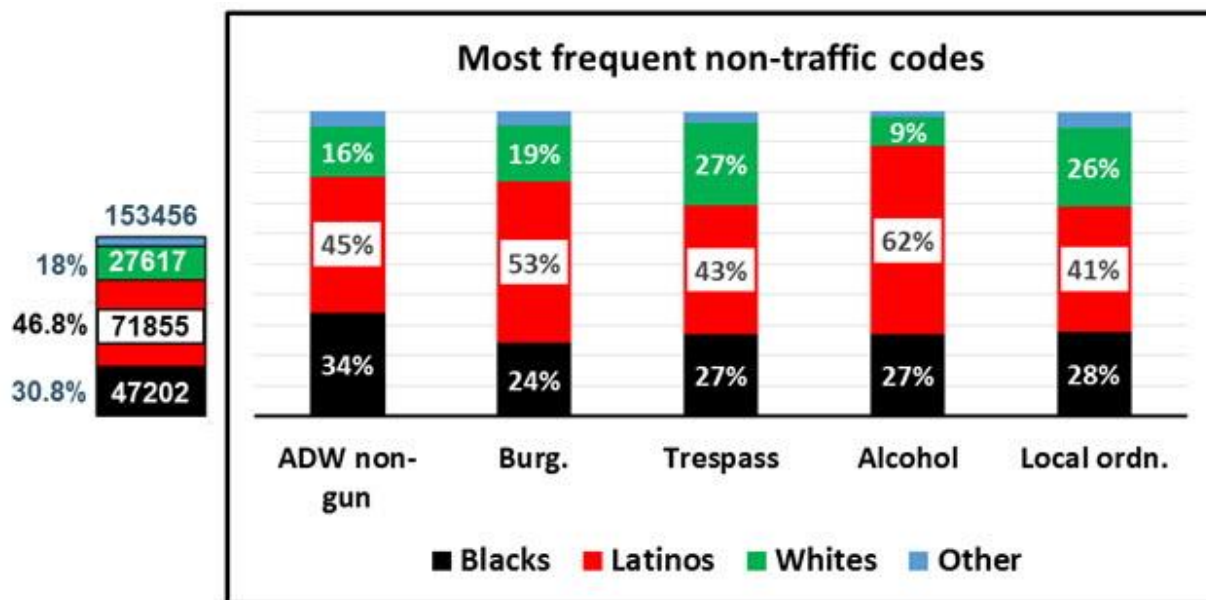


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frequent violations into five categories. This graphic displays shares for each racial/ethnic group:



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.

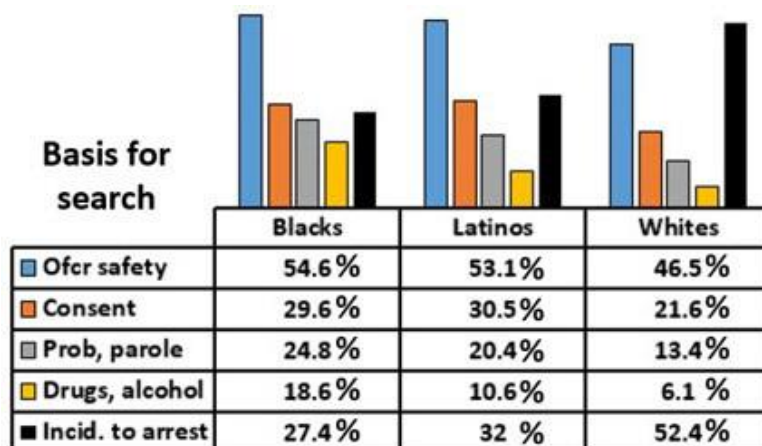
Proportionately, the distribution of stops – traffic and otherwise – roughly corresponded with each racial/ethnic group’s share of the population. But there were exceptions. Whites were frequently dinged for moving violations and yakking on cell phones, and Latinos for obstructed windows and inoperative 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

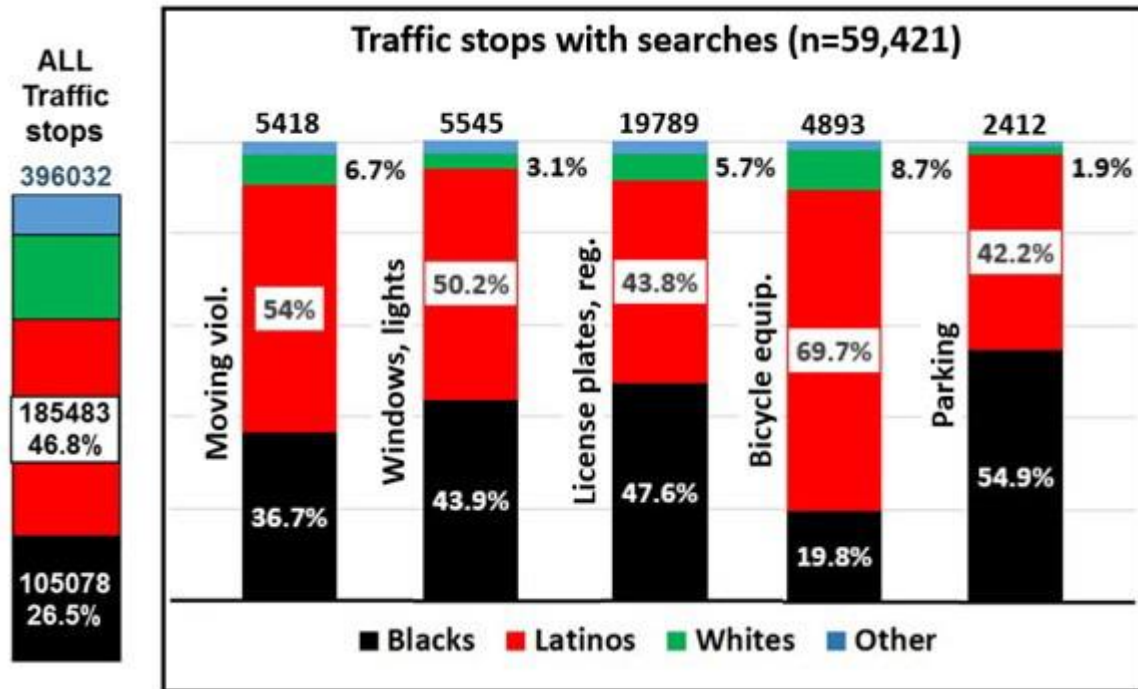
stops are taken into account contraband was seized – much, assumedly in plain view – from 4.9 percent of Blacks, 3.2 percent of Latinos and 1.3 percent of Whites.

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:



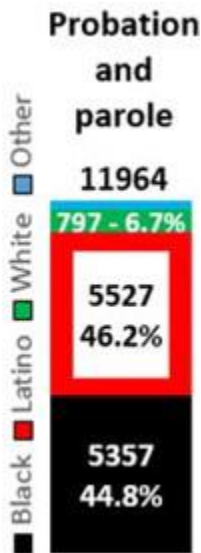
When we examined *all* traffic stops the one disparity that caught the eye was a substantial over-representation of Blacks for license plate and registration violations. As the above graphic illustrates, that's even more so for traffic stops that led to a search. Overall, license plate and registration 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 3/27/19

## DRIVEN TO FAIL

*Numbers-driven policing can't help but offend. What are the options?*

LAPD Bureau	Population	Murders 2016	Rate	Laser zones
Central	842,700	77	9.1	10
South	640,000	124	19.4	15
Valley	1,426,071	65	4.6	5
West	840,400	28	3.3	10

*For Police Issues by Julius (Jay) Wachtel.* It's been a decade since DOJ's Bureau of Justice Assistance kicked off the "[Smart Policing Initiative](#)." Designed to help police departments devise and implement "innovative and evidence-based solutions" to crime and violence, the collaborative effort, since redubbed "[Strategies for Policing Innovation](#)" (SPI) boasts seventy-two projects in fifty-seven jurisdictions.

[Eleven of these efforts](#) have been assessed. Seven employed variants of "[hot spots](#)," "[focused deterrence](#)" and "[problem-oriented policing](#)" strategies, which fight crime and violence by using crime and offender data to target places and individuals. The results seem uniformly positive:

- Boston (2009) used specialized teams to address thirteen "chronic" crime locations. Their efforts reportedly reduced violent crime more than seventeen percent.
- Glendale, AZ (2011) targeted prolific offenders and "micro" hot spots. Its approach reduced calls for service up to twenty-seven percent.
- Kansas City (2012) applied a wide range of interventions against certain violence-prone groups (read: gangs). It reported a forty-percent drop in murder and a nineteen percent reduction in shootings.

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- New Haven, CT (2011) deployed foot patrols to crime-impacted areas. Affected neighborhoods reported a reduction in violent crime of forty-one percent.
- Philadelphia (2009) also used foot patrols. In addition, it assigned intelligence officers to stay in touch with known offenders. Among the benefits: a thirty-one percent reduction in “violent street felonies.”
- Savannah (2009) focused on violent offenders and hot spots with a mix of probation, parole and police. Their efforts yielded a sixteen percent reduction in violent crime.

We saved our essay’s inspiration – Los Angeles – for last. It actually boasts three SPI programs. Two – one in 2009 and another in 2014 – are directed at gun violence. A third, launched in 2018, seeks to boost homicide clearances. So far, DOJ has only evaluated the 2009 program. Here is [its full SPI entry](#):

<b>Los Angeles, CA</b>  <b>2009</b>	<b>The Los Angeles SPI addressed gun-related violence using Operation LASER (Los Angeles’ Strategic Extraction and Restoration Program).</b>	<b>Research Design</b>	<b>Gun Violence, Violence Reduction</b>
	<ul style="list-style-type: none"><li>▪ Targeted violent repeat offenders and gang members who commit crimes in target areas.</li><li>▪ Used intelligence-driven location- and offender-based tactics.</li><li>▪ Implemented a Crime Intelligence Detail, composed of sworn officers and a local crime analyst, to create proactive, real-time intelligence briefs called Chronic Offender Bulletins.</li><li>▪ Directed patrol, specific missions, and enhanced surveillance.</li></ul>	<p>Interrupted time-series analysis, which assesses whether the interventions in target areas had an effect on crime while controlling for previous trends. (Research evaluation is ongoing.)</p> <p><b>Findings</b></p> <p>22.6% reduction in homicides per month in the target division.</p> <p>5.2% reduction in gun crimes per month in each reporting district of the target division.</p>	

From a tactical perspective, the project falls squarely within the hot-spots and focused deterrence models. But its fanciful label – LASER – gave us pause. “Extracting” bad boys and girls to restore the peace and tranquility of hard-hit neighborhoods conjures up visions of the aggressive, red-blooded approach that has repeatedly gotten cops in trouble. Indeed, when LASER kicked-off in 2009 LAPD was still operating under Federal monitoring brought on by the [Rodney King beating](#) and the [Rampart corruption and misconduct scandal](#) of the nineties. That same year the Kennedy School issued a report about the agency’s progress. Entitled “[Policing Los Angeles Under a Consent Decree](#),” it noted substantial improvements. Yet its authors warned that “the culture of



the Department remains aggressive: we saw a lot of force displayed in what seemed to be routine enforcement situations” (pp. 37-38). And that force seemed disproportionately directed at minorities:

A troubling pattern in the use of force is that African Americans, and to a lesser extent Hispanics, are subjects of the use of such force out of proportion to their share of involuntary contacts with the LAPD....Black residents of Los Angeles comprised 22 percent of all individuals stopped by the LAPD between 2004 and 2008, but 31 percent of arrested suspects, 34 percent of individuals involved in a categorical use of force incident, and 43 percent of those who reported an injury in the course of a non-categorical force incident.

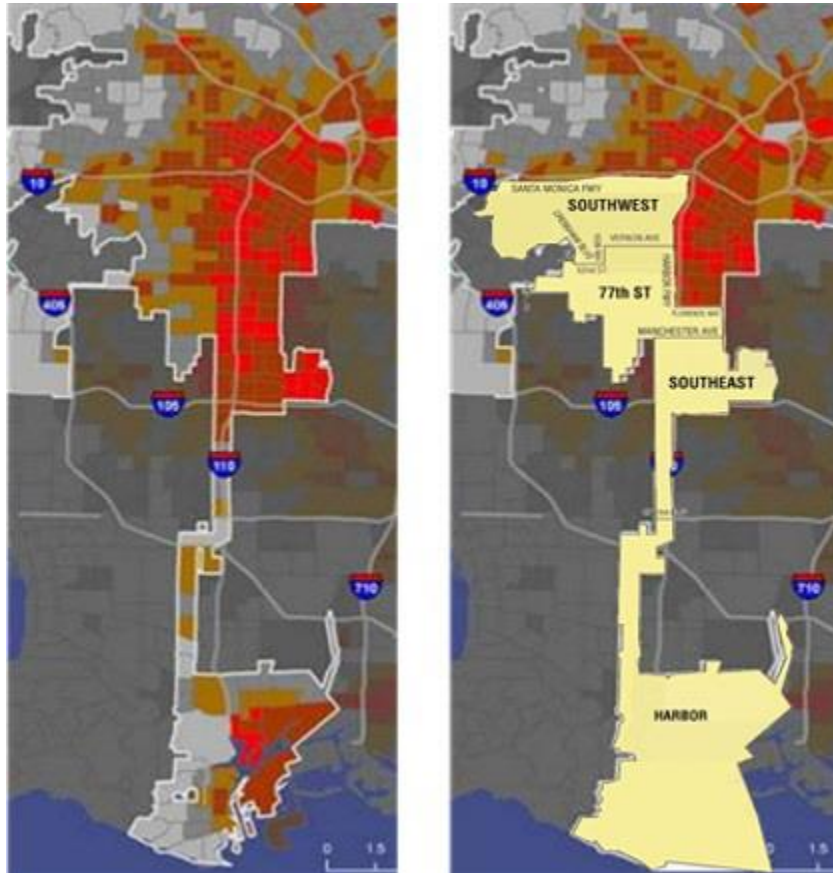
During the same period the Los Angeles Police Commission’s [Inspector General](#) questioned the department’s response to complaints that officers were selecting blacks and Latinos for especially harsh treatment. In “[An Epidemic of Busted Taillights](#)” we noted that members of L.A.’s minority communities had filed numerous grievances over marginal stops involving “no tail lights, cracked windshields, tinted front windows, no front license plate and jaywalking.” Yet as the IG’s second-quarter 2009 report noted, not one of 266 complaints of racial profiling made during the prior fifteen months had been sustained, “by far the greatest such disparity for any category of misconduct.” (Unfortunately, the old IG reports are no longer on the web, so readers will have to trust the contents of our post. However, a [May 2017 L.A. Police Commission report](#) noted that LAPD’s internal affairs unit “has never fully substantiated a [single] complaint of biased policing.” See pg. 18.)

Despite concerns about aggressive policing, LASER went forward. [LAPD used a two-pronged approach](#):

- A point system was used to create lists of “chronic offenders.” Demerits were awarded for membership in a gang, being on parole or probation, having arrests for violent crimes, and being involved in “quality” police contacts. These individuals were designated for special attention, ranging from personal contacts to stops and surveillance.
- Analysts used crime maps to identify areas most severely impacted by violence and gunplay. As of December 2018 [forty of these hotspots](#) (dubbed LASER “zones”) were scattered among the agency’s four geographical bureaus. These areas got “high visibility” patrol. Businesses, parks and other fixed locations frequently associated with crimes – “anchor points” – were considered for

remedies such as eviction, license revocation and “changes in environmental design.”

South Bureau wound up with the most LASER zones. Its area – South Los Angeles – is the city’s poorest region and nearly exclusively populated by minorities. As our opening table demonstrates, it’s also the most severely crime-impacted, with the ten most violent neighborhoods in the city and by far the worst murder rate. When we superimpose South Bureau (yellow area) on LAPD’s hotspots map, its contribution to L.A.’s crime problem is readily evident:



LAPD’s IG issued a [comprehensive review](#) of LASER and the chronic offender program two weeks ago. Surprise! Its findings are decidedly unenthusiastic. According to the assessment, the [comparatively sharp reductions](#) in homicides and violent crime that were glowingly attributed to LASER – these included a near-23 percent monthly reduction in homicides in a geographical police division, and a five-percent-plus monthly reduction in gun crimes in each of its beats – likely reflected incorrect tallies of patrol dosage. Reviewers questioned the rationale of the “chronic offender” program, since as many as half its targets had no record for violent or gun-related crimes. Many of

their stops also seemed to lack clear legal cause. (Such concerns led to the offender program's suspension in August.) While the IG didn't identify specific instances of wrongdoing, it urged that the department develop guidelines to help officers avoid "unwarranted intrusions" in the future.

Well, no harm done, right? Not exactly. [At a public meeting](#) of the Police Commission the day the IG released its report, a "shouting, overflow crowd of about 100 protesters" flaunting "LASER KILLS" signs demanded an immediate end to the LASER and chronic offender programs. A local minister protested "we are not your laboratory to test technology," while civil libertarians complained that the data behind the initiatives could be distorted by racial bias and lead to discriminatory enforcement against blacks and Latinos. And when LAPD Chief Michael Moore pointed out that his agency had long used data, an audience member replied "yeah, to kill us." He promised to return with changes.

Chief Moore's comments were perhaps awkwardly timed. In January the *Los Angeles Times* [reported that](#) officers from a specialized LAPD unit had been stopping black motorists in South Los Angeles at rates more than twice their share of the population. They turned out to be collateral damage from a different data-driven effort to tamp down violence. Faced with [criticisms about disparate enforcement](#), Mayor Eric Garcetti promptly ordered a reset.

It's not that LAPD officers are looking in the wrong places. South Bureau, as the table and graphics suggest, is a comparatively nightmarish place, with a homicide every three days and a murder rate more than twice the runner-up, Central Bureau, and six times that of West Bureau. And while dosages varied, LAPD fielded LASER and the chronic offender program in each area. Policing, though, is an imprecise sport. [Let's self-plagiarize:](#)

Policing is an imperfect enterprise conducted by fallible humans in unpredictable, often hostile environments. Limited resources, gaps in information, questionable tactics and the personal idiosyncrasies of cops and citizens have conspired to yield horrific outcomes.

As a series of posts have pointed out (see, for example, "[Good Guy, Bad Guy, Black Guy, Part II](#)"), stop-and-frisk campaigns and other forms of aggressive policing inevitably create an abundance of "false positives." 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"



strategies, causing phenomenal levels of offense and imperiling the relationships on which humane and, yes, effective policing ultimately rests.

What happens when citizens bite back? Our recent two-parter, “Police Slowdowns” (see links below) described how police in several cities, including L.A. and Baltimore, reacted when faced with public disapproval. [A splendid piece](#) in the *New York Times Magazine* explains what happened after the [Department of Justice’s 2016 slap-down](#) of Baltimore’s beleaguered cops. Struggling in the aftermath of [Freddie Gray](#), the city’s finest slammed on the brakes. That too didn’t go over well. At a recent public meeting, an inhabitant of one of the city’s poor, violence-plagued neighborhoods wistfully described her recent visit to a well-off area:

The lighting was so bright. People had scooters. They had bikes. They had babies in strollers. And I said: ‘What city is this? This is not Baltimore City.’ Because if you go up to Martin Luther King Boulevard we’re all bolted in our homes, we’re locked down. All any of us want is equal protection.

If citizens reject policing as the authorities choose to deliver it, must they then simply fend for themselves? Well, a Hobson’s choice isn’t how *Police Issues* prefers to leave things. Part of the solution, we think, lies buried within the same official reproach that provoked the Baltimore officers’ fury. [From a recent post](#), here’s a highly condensed version of what the Feds observed:

Many supervisors who were inculcated in the era of zero tolerance continue to focus on the raw number of officers’ stops and arrests, rather than more nuanced measures of performance...Many officers believe that the path to promotions and favorable treatment, as well as the best way to avoid discipline, is to increase their number of stops and make arrests for [gun and drug] offenses.

In the brave new world of Compstat, when everything must be reduced to numbers, it may seem naïve to suggest that cops leave counting behind. Yet in the workplace of policing, what really “counts” can’t always be reduced to numbers. It may be time to dust off those tape recorders and conduct some richly illuminating interviews. (For an example, one could begin with [DOJ’s Baltimore report](#).) There may be ways to tone down the aspects of policing that cause offense and still keep both law enforcers and the public reasonably safe.

In any event, police are ultimately *not* the answer to festering social problems. Baltimore – and many, many other cities – are still waiting for that “[New Deal](#)” that someone promised a couple years ago. [But we said that before.](#)

Posted 9/27/21

## FULL STOP AHEAD

***Floyd and the virus upend policing. Some cops react poorly.***



*For Police Issues by Julius (Jay) Wachtel.* Rebelling against shots was once consigned to society's fringes. No longer. Two months ago, as municipalities across the U.S. struggled with their vaccination *refuseniks* Southern California's progressives stepped to the plate. On July 27th. [Mayor Eric Garcetti and City Council President Nury Martinez announced](#) that Los Angeles city employees would be required to "either submit proof of [COVID-19] vaccination or a weekly negative test." [An ordinance to that effect](#) was enacted in August. Approved on a 13-0 council vote, it requires that city employees be fully vaccinated by October 19 "unless approved for an exemption...as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs." Exempted employees, however, will be required to submit to weekly testing.

San Diego soon followed [with a similar law](#). Its deadline for employees to get vaccinated or exempt is November 2.

Well, that's as it should be. Vaccination has long been an integral part of a "[social contract](#)" which calls on citizens to give up certain freedoms in exchange for the benefits they accrue from society and the state. So job done, right? Not exactly. You see, it seems that in both Los Angeles and San Diego an aversion to (literally) roll up one's sleeves "[infected](#)" [a goodly number of emergency responders](#). As of the first week of September, 53 percent of Los Angeles' police officers and 41 percent of its firefighters [reportedly lacked their full complement of shots](#). And many remain ill-disposed to get poked. [Insider data](#) obtained by KNX-1070 radio reveals that over 3,000 LAPD employees – about one out of every four in a force of 9,000 officers and 3,000 civilians – intend to seek exemptions.

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LAPD empl	Fully vaccd	Partly vaccd	Not vaccd	Unk	Wants relig exempt	Wants medical exempt
12315	6377	164	1918	3856	2651	368

What's more, some aren't just asking. With assistance from [a legal nonprofit](#) that peddles the notion that vaccination mandates "are unreasonable and impede on the religious rights of individuals," [six LAPD employees](#) filed a [Federal lawsuit](#) that seeks to block the ordinance. Calling it an "overbroad and unwarranted intrusion into the confidential medical conditions of Plaintiffs and thousands of employees," they argue it violates "fundamental Constitutional rights to bodily integrity, including, especially, to be free from unconsented to or coerced medical treatment."

Coercion seems the key concern. According to the plaintiffs, the vaccines' emergency-use approval affords individuals the choice "to accept or refuse administration." But the ordinance makes full vaccination "a condition of employment." So police employees really have no choice. To keep their jobs they must either submit to poking or, should they gain an exemption, endure "onerous" and "intrusive" weekly testing. Several plaintiffs revealed that they've had COVID, thus acquired a natural immunity that's supposedly better than what vaccination offers. Yet the ordinance ignores this advantage. It's also alleged that the city failed to outline a detailed process and allot "a reasonable time" to prepare and submit requests for exemption.

Ditto San Diego. [In an online rant](#), a cop urged his colleagues to "stand up for our God given freedoms" and reject the mandate. Nearly half of San Diego's 2,000 police officers [remain unvaccinated](#). Ninety percent who responded to a union survey oppose mandatory shots, and sixty-five percent indicated they would consider resigning if vaccination was required.

L.A.'s powerful officer union, the Los Angeles Police Protective League, seems to support officer vaccination. However, it worries that enforcing the ordinance would lead to even more cops leaving and could have a "debilitating and catastrophic impact" on public safety. Instead of shots, [it suggests that weekly testing](#) would create "an appropriate balance" between personal rights and public health. Same-o, same-o in San Diego, whose police union has drawn a "line in the sand against mandatory vaccinations." But its president, Jack Schaeffer, says that the alternative of weekly testing is fine. So far both cities seem to be sticking with their deadlines. So we'll see.

To avoid such battles other communities [have considered fully exempting](#) the police. After [warnings from the police union](#) that a mandate would "exacerbate an already

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dangerous staffing crisis,” [Portland moved to exempt](#) officers from a regulation requiring that city workers get poked. Cincinnati, which is supposedly “struggling to retain and attract enough police officers,” [is leaning towards the substitute](#) of weekly testing. Struggles between cities and their cops are also underway in San Jose, New York City and Chicago, whose police union leader [likened mandatory vaccination to the Holocaust](#). (He apologized.)

Yet doesn’t the “social contract” cut both ways? Officers chronically complain about citizen non-compliance. So shouldn’t the badge-carriers set the example? Problem is, vaccination mandates are coming at a time of severe disruption to the police workplace. [George Floyd’s killing](#) brought on a flurry of rulemaking that sought to limit officer discretion and insure that cops got penalized for the blunders they *did* make. Consider, for example, the “[George Floyd Justice in Policing Act](#)”. Although it never made it out of the Senate, the proposed Federal law would have abolished the defense of qualified immunity, which protects officers from private lawsuits. It would have also required that jurisdictions receiving Federal law enforcement funds adopt Federal use-of-force standards and participate in a national police misconduct registry.

Meanwhile, [California State Senate Bill 2](#) sits on Governor Gavin Newsom’s desk. If he signs it, State authorities could investigate alleged police wrongdoing anywhere in the Golden State and, should they find misconduct, revoke officers’ peace officer status – meaning, put them out of a job – no prosecution necessary. According to the measure’s author, a Los Angeles-area State Senator, “we’ve seen 150 years of police policing themselves and it doesn’t work.” There have even been moves to do away with police departments altogether. Minneapolis voters will have a chance this November [to “replace” their police force](#) “with a Department of Public Safety which could include licensed peace officers (police officers) *if necessary...*” (emphasis ours).

“Replacing” cops, though, seems an incomplete remedy. What the Minneapolis initiative wouldn’t “replace” is criminals. If it takes effect – and we doubt it will – and if crime keeps taking place – and we’re sure it will – *someone* will still have to interact with suspects and witnesses, gather evidence and make arrests. They’ll quickly discover what their badge-carrying forerunners well knew: policing doesn’t come close to providing the clarity that practitioners of more peaceable occupations take for granted. Is that citizen reaching for a cell phone or a gun? Would being “nice” gain compliance or encourage flight? Essays in our “[Compliance and Force](#)” section frequently refer to the reluctance by some members of the public to voluntarily comply with officer orders and requests. Check out “[Dancing With Hooligans](#).” It’s somewhat colorfully subtitled “For street cops every day’s a reality show. And that reality is often unpleasant.”

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No, officers don't always behave wisely. As we've often pointed out (e.g., "[Speed Kills](#)") rushed, "split-second" decisions can easily precipitate tragic endings. Cop personalities also vary. Some officers are chronically impulsive; others seem unwilling to accept even a smidgen of risk. Still, deciding whom to stop or chase, when to use force, and, most importantly, how much and of what kind, requires that cops exercise considerable autonomy. Yet the trend is clearly to tighten that leash. Consider Chicago's [mammoth new foot-chase policy](#). Characterized as a "no-foot-chase policy" by the leader of the police union, the new rule was adopted without significant officer input. Coming in at (our count) 5,777 words, [three times the length of its predecessor](#), it forbids foot chases when, among other things, "the established reasonable articulable suspicion or probable cause is solely for a criminal offense less than a Class A misdemeanor (a sentence of less than one year of imprisonment) and the person...poses no obvious threat to the community or any person [or] has no obvious medical or mental health issues that pose a risk to their own safety."

Got it? Now implement that on the street!



Something else accompanied the pandemic and the killing of George Floyd. As rulemaking soared, [so did homicide](#). Milwaukee had [190 murders in 2020](#). That's supposedly "the most ever recorded" and nearly twice its previous year's toll. Notoriously violence-fraught Chicago [endured half-again as many murders in 2020](#) as in 2019 (there's been an appalling 558 so far in 2021.)

[Los Angeles](#) and [New York City](#) endured steep 2019-2020 increases as well (47 percent and 38 percent respectively). And our nation's [violence-troubled capital](#) experienced a lesser but still considerable jump of 19 percent.

Why did murder sharply increase? Some attribute it to an exit of cops. "[Elevated police turnover following the summer of George Floyd protests](#)," a recent article in *Criminology & Public Policy*, confirmed that an exit did occur. We were able to readily gather the number of sworn officers pre- and post-pandemic for Milwaukee, New York City and Los Angeles. [Data for 2019 came from the UCR](#). Since its 2020 release is not yet in, we used city-linked websites for more recent numbers. (Click [here](#) for Milwaukee's 2020 numbers, [here](#) for New York City's 2021 numbers, and [here](#) for L.A.'s 2021 numbers.) Sworn employee staffing modestly declined in each city; all were in the

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five-percent range. Milwaukee reported 1832 sworn officers in 2019 and 1738 in 2020 (-5.1%). New York City went from 36,563 in 2019 to 34,770 as of September 2021 (-4.9%). Los Angeles, which had 10,002 officers in 2019, reported 9,432 as of August 2021 (-5.7%).

Cause and effect, right?

Well, not so fast. While the “elevated turnover” article *did* mention that “fewer officers per capita have been linked to higher crime rates,” it didn’t probe further. And to complicate things, another article in the same issue, [“Crime, quarantine, and the U.S. coronavirus pandemic”](#) reported that property crimes, drug crimes, robberies and aggravated assaults went *down*. At some point, a reduction in sworn staff would likely lead to more crime, of whatever kind. But whether a relatively small decline (five percent) would precipitate a spike in murder seems questionable. After all, the ninety-five percent of cops who remain are still doing their jobs, right?

Well, not so fast. To be sure, intensively patrolling afflicted areas to discourage gunslinging and other loutish behavior had become a popular police practice. [“Geographically focused”](#) and [“hot spots”](#) have been deemed successful at preventing crime by both NIJ and independent scholars ([“Hot spots policing and crime reduction”](#), *Journal of Experimental Criminology*, 2019). Unfortunately, when these approaches are implemented, productivity pressures and the uncertainties of the street can create an abundance of “false positives” – meaning that lots of citizens get needlessly hassled ([“Turning Cops Into Liars”](#) and [“Driven to Fail”](#)). High-crime areas are often predominantly populated by citizens of color, so they bear the brunt of these errors ([“Scapegoat I”](#) and [“Scapegoat II”](#)). Bottom line: by the end of the last decade, blowback over alleged racial profiling led police departments – New York, Chicago and Los Angeles, to mention three – to throttle back. That easing became even more pronounced after George Floyd.

Something else might also be at work. In a recent assessment, the typically “progressive” *New York Times* blamed an increase in the Big Apple’s gun violence [on a purposeful slowdown by disaffected cops](#). If so, it wouldn’t be the first time that officers have held back. Intense criticism and heightened oversight brought on by controversial shootings propelled “police slowdowns” in Baltimore, Chicago and Minneapolis during the mid-2010’s (see [“Police Slowdowns”](#)). Now consider all the negative, anti-police sentiment that followed the killing of George Floyd. All those new, complex rules. Really, one would expect cops to become at least somewhat disenchanted. Who wouldn’t?



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And let's look beyond police behavior. "[Has COVID-19 Changed Crime? Crime Rates in the United States during the Pandemic](#)," a recent article in the *American Journal of Criminal Justice*, suggests that increased stress and reduced personal mobility brought on by the virus created a "rampant opportunity for intimate partner violence, serious batteries, and homicides." So throw that in as well. Somewhat fewer, decidedly less-enthusiastic cops applying less-than-optimal strategies at a time when citizens are going bonkers. Are we closer to explaining the severity of the murder spike?

Well, back to the future! [LAPD recently brought back that "bad old" hot spots approach](#) for another go-round. Ditto, [Chicago](#) and [New York City](#). And we're happy that a proven approach is getting a second look. Applying effective strategies while assuring that targets are selected with great care is a perfect mission for those highly autonomous public servants we call "cops." As to that, we cut them no slack. While the "exchange agreement" entitles them to certain benefits – like a good salary – it doesn't give them the right to "slow down" or otherwise slough off. Police officers have awesome responsibilities. They must strive to do their best no matter how often managers and public officials change their ever-loving minds. In the end, if a cop can't do their daily best on the street, it really is best that they resign.

Posted 7/18/16

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

Noble moved his arms while on the ground.

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

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

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

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

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

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

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

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

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

Posted 10/5/16

## IS IT ALWAYS ABOUT RACE?

***Unruly citizens and streets brimming with guns  
make risk-tolerance a very hard sell***

*By Julius (Jay) Wachtel.* Fatal police shootings of black men in Tulsa, Charlotte, El Cajon and, most recently, Los Angeles have inflamed tensions between police and minority communities. We'll look at these and other episodes in a moment. But if black citizens are indeed treated more harshly – [as we've reported](#), the findings go both ways – the essential question is: why? Some officers – hopefully, very few – may be classically “prejudiced,” meaning driven by racial animus. On the other hand, racial stereotyping is probably widespread. Cops are likely influenced by their experiences in lower-income, minority communities, where violence and gunplay are an ever-present threat. And when it comes to blacks the data is particularly grim. While African-Americans constitute only 13.3 percent of the population, 52.3 percent of homicide victims in 2015 were black. (Click [here](#) for census data, [here](#) for victim data, and [here](#) for offender data.)

Sometimes, though, it's not just about race. Let's begin our exploration with a few “perfect storms” from Southern California, your blogger's backyard. We start with one of our earliest posts:

[May 2008, Inglewood](#): Patrol officers investigating gunfire saw a man jump into a car. It accelerated in their direction. They opened fire, wounding two occupants and killing Michael Byoune, a 19-year old black teen. It turned out that no one in the car had done anything wrong. Here's what the police chief said: “I won't go so far as to call it a mistake. The process that the officers went through had a very tragic outcome.” One officer was Hispanic, the other, white. Two months later, [the white cop was involved in another fatal shooting of a black man](#) and was removed from patrol duty. He later [left the department and sued](#), ultimately unsuccessfully, for discrimination. A civil suit by the victim families [was settled for \\$2.45 million](#).

[September 2009, South L.A. County](#): L.A. County Sheriff's deputies looking for two robbery suspects encountered a pair of candidates. One, a middle-aged black man, ran off and an officer chased him on foot. At some point the man made a motion, leading the officer to fire, killing Darrick Collins, 36. But he turned out to be innocent. Collins did have some pills, though, and after a recent arrest for drugs was probably trying to avoid another bust. An internal investigation found the cop to have “acted lawfully, in self-defense.” Even so, Collins' family [received a \\$900,000 settlement](#).

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[March 2010, Los Angeles](#): LAPD gang officers on motorized patrol heard a “loud noise.” Looking around, they observed a pedestrian fiddling with something in his pants. They ordered the man to stop but he approached them, still fiddling. The officers fired, fatally wounding Steven Eugene Washington, 27, an autistic black man. Washington was unarmed. [An internal investigation](#) found the officers at fault for how they “approached and engaged” but not for the shooting, as they could have reasonably feared he was reaching for a gun and had only an instant to decide. [The victim’s mother settled for \\$950,000](#). After several years on desk duty the officers (both are Hispanic) sued for discrimination and retaliation. [Jurors awarded them \\$4 million](#).

[July 2011, Fullerton](#): Officers confronted a man who seemed to be prowling parked cars. When he resisted multiple cops pummeled him and repeatedly applied a Taser, deeply alarming passers-by. Kelly Thomas, 37, a white, homeless schizophrenic, later died. Three officers were prosecuted for manslaughter and excessive force: [two were acquitted and charges were dismissed against the third](#). (Our post commented on an apparently undisciplined response by multiple units and the involvement of a cop with an allegedly brutal reputation.) A civil suit filed by the victim’s family [was settled for \\$4.9 million](#).

[February 2012, Orange County](#): A sheriff’s deputy observed an SUV crash through the locked gates of a high school at 4:30 am. The driver, who was black, walked off, leaving two girls, nine and fourteen, in the cab. More cops arrived. Soon the driver returned, ignored the deputy, got in the vehicle and tried to drive off. Supposedly to protect the girls, the officer, who is white, fired three times, fatally wounding Manuel Levi Loggins, Jr., a 31-year old Marine Corps sergeant (the children were his daughters.) Although no charges were filed, [the D.A. nonetheless wondered](#) why the deputy let the driver re-enter the vehicle:

In hindsight, one could conclude that several non-deadly options were available to Deputy Sandberg prior to the shooting. For example, he could have removed the children and/or the keys from the vehicle prior to [the driver’s] return. Of course, this would have required [the deputy] to anticipate that [the driver] would return to the vehicle and blatantly ignore the deputies’ commands prior to re-entering the SUV.

“Anticipate,” of course, is what cops do. [A \\$4.4 million settlement was reached](#) with the man’s wife and kids.

[Civil judgments 2012-2013](#): Be sure to read our mind-boggling summary. One, for an eye-popping \$24 million, resulted from the 2010 shooting of a teen playing with a pellet gun. Here’s an extract from the LAPD chief’s reaction to the jury’s award:



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...The replica gun was indistinguishable from a real handgun on a dark night. When our officers are confronted with a realistic replica weapon in the field, they have to react in a split second to the perceived threat. If our officers delay or don't respond to armed suspects, it could cost them their lives...I am encouraging the City Attorney to appeal because I believe the judgment is unwarranted.

The child, Rohayent Gomez, 13, [was paralyzed](#). Both he and the officer are Hispanic.

[August 2014, Los Angeles](#): Two LAPD gang officers, one white, the other Hispanic, confronted a black male pedestrian at night in a high-crime area. According to police, the man assaulted one cop and went for his gun. He was shot dead. As it turns out, Ezell Ford, 25, was unarmed and seriously mentally ill. LAPD's chief found the shooting "in policy." But the Police Commission disagreed, concluding that the officers lacked reason for the stop and handled it poorly. Both cops wound up on permanent desk duty, [then sued for discrimination and retaliation](#). State and federal lawsuits [were also filed by Ford's family](#). (This notorious incident has its own [Wikipedia page](#). For an activist viewpoint click [here](#).)

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Ford's death wasn't the only during that "[Very Hot Summer](#)." Two weeks earlier NYPD officers tangled with a middle-aged black man peddling untaxed cigarettes. A late-arriving cop jumped into the fray and applied a choke hold, [killing Eric Garner, 43](#). That incident was promptly followed by the [shooting of Michael Brown](#), an 18-year old black Missouri youth who shoplifted a box of cigarillos from a convenience store and shoved aside the protesting clerk. This episode is now simply referred to by the name of the city where it took place: "Ferguson."

Only two months after Brown's death, [a Chicago cop with a history of complaints](#) shot and killed [Laquan McDonald](#), a mentally troubled 17-year old black youth wielding a knife. Other cops on scene reportedly thought force excessive. Protests engulfed the city, leading to the chief's prompt firing, and, ultimately, to the officer's indictment for murder (the case is pending.) Chicago settled with the victim's family for \$5 million.

And still there was no let-up. Only a month later, in November 2014, a Cleveland officer shot and killed [Tamir Rice](#), a black teen who had pointed a realistic-looking pellet gun at visitors to a city recreation center. Although the cop insisted that 12-year old reached for the gun, witnesses disagreed, and a video suggested that the officer fired almost instantly after encountering the youth. Citing a "perfect storm of human error, mistakes, and communications by all involved that day," grand jurors declined to indict the cop or his partner. Cleveland settled with the child's family for \$6 million.

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Five months later came an event that didn't involve gunplay. On April 12, 2015 [Freddie Gray](#), a 25-year old black man was fatally injured while riding in a Baltimore police van. Gray was being taken to jail after an arrest for having a switchblade knife. In a city where police had been repeatedly accused of mistreating blacks, the incident (we blogged about in "[A Very Rough Ride](#)") set off nights of protest, looting and violence. Determined to make things right, the D.A. (she is black) promptly charged six cops, including three black officers, for crimes ranging to manslaughter. But evidence of intent was lacking, and after one mistrial and three acquittals – by a black judge, no less – all remaining charges were dropped. Gray's family settled for \$6.4 million.

One month later, two LAPD officers [tussled with a homeless man](#) annoying passers-by on the Venice boardwalk. During the struggle the officer, who is black, drew his gun and fired, mortally wounding Glendon Brenn, a 29-year old black man. A surveillance video contradicted the cop's claim that Brenn went for his partner's gun. In a rare set of moves, the chief criticized the cops' approach as tactically unsound, ruled that drawing a gun and firing were unjustified, and recommended prosecution. However, the D.A. hasn't acted and at this point it seems unlikely that the officer who shot Brenn will face charges.

Less than a year later [two incidents](#) led the kettle to boil over. On July 5, 2016 officers in Baton Rouge tangled with [Alton Sterling](#), a 37-year old black man. Sterling, a registered sex offender with a violent past, was selling CD's and had reportedly brandished a gun. He resisted being searched and a furious struggle ensued. A Taser didn't work, and when Sterling allegedly reached for the pistol that he was indeed carrying a cop shot him dead. One day later, on July 6, officers in Falcon Heights, Minn., a suburb of St. Paul, stopped a car whose driver supposedly resembled the photo of an armed robber. [Philando Castile](#), a 32-year old black man, promptly pulled over. His girlfriend, who was riding in front, said that he immediately told the officer he had a gun (he did, and it was legally registered.) But something got lost in translation, and when Castile reached for his wallet the cop opened fire, fatally wounding him. And no, Castile was not the robber.

While the precipitating factors differed, the deaths of Sterling and Castile led to widespread protests and became the driving force behind the movement known as "[Black Lives Matter](#)." Inflammatory, anti-cop rhetoric [became a "new normal"](#), inspiring angry, disturbed characters to retaliate. One day after Sterling's death a gunman murdered five officers and wounded nine in Dallas; ten days later, another shot and killed three officers and wounded three in Baton Rouge.

If there had ever been a time for introspection and, perhaps, some behavior modification on everyone's part, this was surely it. Alas, polarization prevailed. Law

enforcement executives expressed little appetite for fundamentally rethinking the use of force, while black leaders condemned the police while ignoring the drug use, gunplay and loutish behavior bedeviling their own communities.

And the toll continued. On September 16 a pair of Tulsa cops [confronted a disoriented middle-aged black man](#). Ignoring police orders to stop, [Terence Crutcher](#), 40, returned to the vehicle he had inexplicably abandoned and reached in, prompting one officer to discharge his Taser and the other to fire her gun. Crutcher fell dead. Police did not find any guns, but did recover a vial of PCP. A former parolee with a history of arrests, [Crutcher had served nearly four years on drug charges](#) and was reportedly using PCP. Prosecutors accused Officer Betty Jo Shelby, 42, of overreacting and promptly charged her with manslaughter.

A mere four days later another middle-aged black man fell to police gunfire. On September 20 Charlotte (N.C.) [plainclothes officers on an unrelated assignment](#) observed [Keith Lamont Scott](#), 43, sitting in a parked vehicle. According to Officers Scott was rolling a joint, and when he stepped out and reentered his vehicle they noticed he was armed with a handgun. In North Carolina open carry is legal, but the presence of both a gun and drugs ultimately led police to order Scott from his vehicle. He got out but allegedly ignored orders to drop the gun, then made a supposedly threatening motion. That's when a black plainclothes officer shot Scott dead. Videos of the event proved inconclusive [and riots erupted](#). As a convicted felon – he served a prison term for a 2005 shooting – Scott was Federally prohibited from possessing firearms. Police recovered a handgun, and a video of the incident depicts him wearing an ankle holster.

One week after that, Alfred Okwera Olango, 38, a Ugandan refugee, [was shot dead by an officer in El Cajon](#) (Calif.) His sister had called police and reported her brother was acting strangely. Two officers confronted Olango: one pointed a Taser, the other a gun. A video still from the moment at which they fired depicts Olango in a shooting pose, aiming what turned out to be an electronic vape device at one of the cops. Olango [had been convicted in the U.S.](#) for transporting and selling drugs and for being an armed felon, and Uganda refused to take him back. “My son was a good, loving young man,” his mother lamented. “Only 38 years old, I wanted his future to be longer than that. I wanted him to enjoy his daughter.”

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Whew. Let's pause to offer some comments about the use of force. First, cops who place themselves inside threat perimeters without cover (e.g., most incidents described above) are gambling that they know what's up and can react appropriately. But citizens are full of surprises, repeatedly startling officers into doing exactly what most

desperately want to avoid. So unless innocent persons are under immediate threat, the old “surround and call-out” technique is highly recommended. When there aren’t enough officers to bottle someone up, disabling vehicles, closing off escape routes or simply tagging along [can “make” precious time](#) to gather information and plan the next move. Maybe that gun really is a vapor pen. Who would have thought?

Of course, some citizens refuse to be interrupted. Others may be so physically imposing – Eric Garner and Alton Sterling are good examples – that going mano-a-mano promises a big-time struggle with an uncertain conclusion. Cops carry lots of stuff on their belts, and none want to roll around on the ground and risk having their tools used against them. [That’s where bean-bag shotguns and Tasers come in](#). Yes, they’re expensive, use specialized “ammunition” and require training and regular practice. But when citizens refuse to comply, there are few better options. [Every cop should have a Taser](#), and each police car should be equipped with a bean-bag shotgun, not just the supervisor vehicles where they’re usually kept.

Incidentally, our vision of Tasers and bean-bags as preventive tools probably clashes with some agency guidelines. Bringing down an uncooperative someone with a less-than-lethal weapon is best done the instant it’s possible. Waiting for additional justification can turn into a death warrant. So reworking the rules governing the use of less-than-lethal force may be called for.

Constructs such as “productivity” and “proactivity,” while perhaps defensible in other occupations, are a lousy fit for policing. We have repeatedly argued against the widespread use of strategies such as stop-and-frisk, and even suggested that it is sometimes best to simply leave petty offenders alone. (For a comprehensive overview see [“Good Guy/Bad Guy/Black Guy, Part II”](#).) Aggressive law enforcement practices mesh poorly with the social fabric, and their use has badly damaged relations between citizens and police. Should a paradigm be called for, we suggest [“craftsmanship.”](#)

Finally, many of the incidents described above can best be described as “clusters.” (Yes, we mean it in the vernacular.) To minimize the use of force a well-organized response is essential. [That’s why patrol shifts must regularly train together](#). (Those who think that notion odd or too expensive are directed to the million-dollar awards and settlements mentioned above.) And once cops are on scene, someone must, regardless of rank, take charge and remain in control until there’s an orderly handoff.

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Policing is an imperfect enterprise conducted by fallible humans in unpredictable, often hostile environments. Limited resources, gaps in information, questionable tactics

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and the personal idiosyncrasies of cops and citizens have conspired to yield horrific outcomes. Still, countless cop-citizen encounters occur every day. Many could have turned out like the examples above but, thanks to very craftsmanlike police work and considerable risk-taking, they're resolved peacefully. Indeed, [as we've repeatedly pointed out](#), if officers were completely risk-averse dead citizens would line the sidewalks at the end of each shift:

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

Unfortunately, [ever-more-lethal firearms](#) keep flooding the streets (for how that takes place see our related article, below). Here's a brand-new example. Three days ago, on October 1, LAPD officers [pulled over a vehicle](#) they suspected was stolen. A passenger in the back seat reportedly ducked down. As the car slowed to a stop an 18-year old black male jumped out while "holding his waistband as if he was supporting something." Thinking he might be armed, officers gave chase. (Watch the surveillance video. As it turns out, the cops had it right.) When Cornell Snell allegedly turned to face them, gun in hand, they opened fire. Snell was shot dead. A .40 caliber pistol was recovered, fully loaded, round in the chamber.

Bottom line: thanks to the ready availability of powerful guns, the real and perceived risks of everyday policing have risen to unprecedented levels. With risk tolerance becoming a very hard sell, implementing a "tolerable" approach to policing seems increasingly out of reach.

Posted 11/23/07

## **LOVE YOUR BROTHER -- AND FRISK HIM, TOO!**

***Aggressive patrol strategies have costs other than money***

By Julius Wachtel, (c) 2010

Brushing aside concerns by the retiring police commissioner, Philadelphia's mayor-elect Michael Nutter announced that officers in the City of Brotherly Love would be implementing a "stop, question and frisk" campaign to combat a soaring murder rate, in 2006 nearly *four times* that of New York City (27.7/100,000 v. 7.3/100,000).

Nutter, who will take office on January 7, was elected on a platform that makes fighting crime the top priority. His police-centric emphasis contrasts sharply with an initiative by outgoing chief Sylvester Johnson and other community leaders to flood Philly's most dangerous neighborhoods with citizen patrollers. (Two-hundred members of the "10,000 Men: A Call to Action" movement are due to begin their duties this Thanksgiving weekend.)

Stop-and-frisk is nothing new. Cops have been detaining and questioning citizens since there *was* a police. But its roots as a legally-sanctioned strategy trace back to 1968, when the U.S. Supreme Court decided in *Terry v. Ohio* that the Fourth Amendment allows officers to detain and frisk persons if there is "reasonable suspicion" that they are armed and about to commit a crime, a much less stringent standard than the probable cause requirement for conducting a search or making an arrest.

Rulings after *Terry* allow officers to make investigative stops and temporarily detain anyone they reasonably suspect may have committed or is about to commit a crime, *whether or not they might be armed*. (See, for example, *U.S. v. Arvizu*). Reaching the "reasonable suspicion" threshold requires more than a guess -- it calls for the presence of objective, articulable facts that a reasonably well-trained officer would find compelling. Once they detain someone officers remain bound by the Constitution, so searching for anything beyond a weapon requires probable cause, and interrogation calls for *Miranda*.

On its surface, Mayor-elect Nutter's violence reduction approach seems like an ideal application for stop-and-frisk. But as the saying goes, the devil is in the details. Even if he follows through with plans to declare "crime emergencies" and impose curfews, his officers will still have to obey both the Constitution *and Terry*. Anti-crime campaigns



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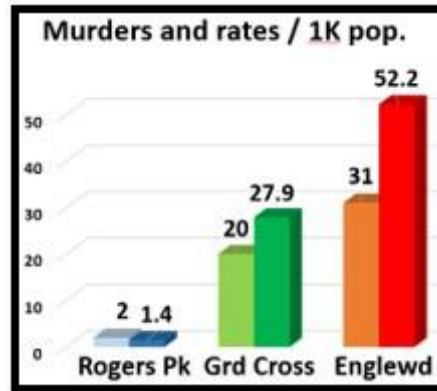
place police, from the chief to patrol, under enormous pressure. Imagine what might happen when it is possible, as in the case of investigative stops, to count the number of times that a particular technique is applied. Will officers be encouraged to do quality work or just rack up the numbers? Will they pull over cars and stop pedestrians willy-nilly or only when there is reasonable suspicion?

And it's not just a question of what's legal. Whether or not aggressive policing is done by the book, a heavy hand can erode the bonds of trust and confidence between citizens and police. When he was asked about a stop-and-frisk campaign, the present chief said, "While I'm the police commissioner, I'm not going to do it." Well, soon there will be a new sheriff in town, who *will* do it. Let's hope it's done right -- legally and with restraint -- so that the besieged city can finally live up to its ambitious slogan.

Posted 7/25/22

## MASSACRES, IN SLOW-MO

*Poor Chicagoans complain that their massacre never ends*



*For Police Issues by Julius (Jay) Wachtel.* Here's what a middle-aged resident of Chicago's Grand Crossing area [recently had to say](#) about violence in his neighborhood:

We're ignored here. Kids get shot here — they throw them in the bag and keep on going. But they got the whole SWAT team out there in Highland Park trying to get the bottom of this sh--.

"J.R." was referring to the full-bore police response, including cops from Chicago, to the recent Fourth of July massacre, when a troubled youth armed with an assault rifle opened fire during a parade in nearby Highland Park, gunning down seven spectators and wounding more than two-dozen. Situated twenty-seven miles north of Chicago, the prosperous small city (pop. about 30,000) [boasts a median household income of \\$147,067](#). That's more than twice Chicago's \$62,097 and a full five *five times* [Grand Crossing's abysmal \\$30,110](#).

He wasn't the only Chicagoan to feel aggrieved. In crime-stricken Englewood (median income \$22,228), a neighborhood's self-described "Big Mama" despaired of a solution. "They have a lot of resources there in Highland Park. Our babies see people get shot while they're at a playground, and there's no counseling. They have to suck it up and deal with it." She was referring to the recent gunning down of a man by a nearby playground. And, not long before that, to the young man who ran into her yard, bleeding profusely from a gunshot wound.

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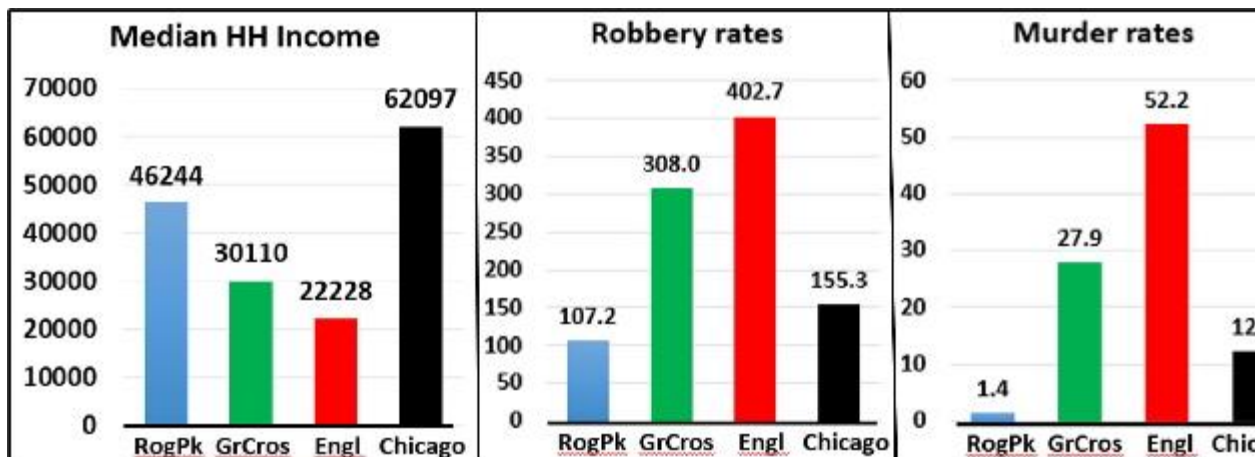
A post-massacre, in-depth [Chicago Tribune piece](#) about Highland Park mentioned the city's affluence. And, as well, a resident's annoyance that it mattered:

'Affluent' has all sorts of meanings. Besides, who cares how rich people are if they're being shot at? They're people. It suggests we're protected from the world. Plus, we're not fancy! There are little, teeny homes here, too!

There was also blowback *after* the piece was published. [One letter-writer complained](#) that "it's not the time (if ever there is one) to talk about the haves and have-nots of a community still reeling from the horrific events of July Fourth."

Indeed, the mayhem that took place within the span of a few moments has left a scar on Highland Park and its citizens that may never heal. We're certain that neither "J.R." nor "Big Mama" harbor ill will against the distraught community. But they are clearly frustrated with the perceived official neglect – and the all-too-visible consequences of that neglect – that they and their neighbors supposedly endure day-in and day-out because of poverty.

We've never felt that poverty "causes" crime and violence. But it's definitely associated with the factors that do. Over the last decade-plus, essays in our "[Neighborhoods](#)" special topic have probed this connection. Invariably, we've found that crime, violence and economic conditions are tightly linked. In "[The Usual Victims](#)" we compared 2019 and 2020 murder rates for Chicago, Los Angeles and New York City, and, within each, between one low-poverty and one high-poverty neighborhood. As one might expect, Chicago's notorious Englewood area, where 46 percent were poor, endured a murder rate *seventeen times* that of relatively benign Rogers Park, where "only" 26 percent of residents were poor.



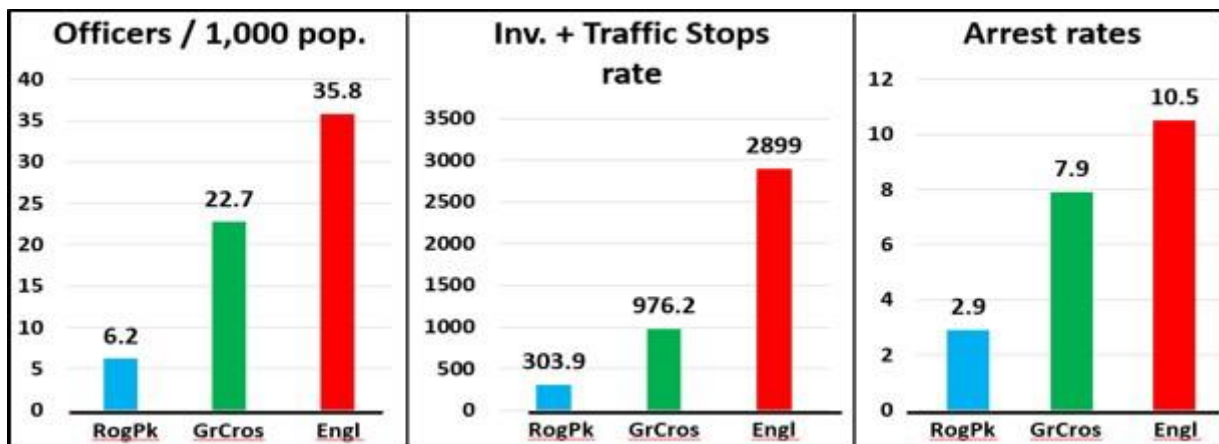
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	Dist	Pop	Robberies	Murders
<u>RogPk</u>	24	138,941	149	2
<u>GrCros</u>	3	71,742	221	20
<u>Engl</u>	7	59,346	239	31
<b>Chicago</b>		<b>2,171,197</b>	<b>4189</b>	<b>334</b>

That disparity has persisted. Check out these charts, which depict 2022 data for Rogers Park (blue), Grand Crossing (green), Englewood (red), and Chicago overall (black). Median household income for each neighborhood is from [a recent Chicago planning report](#). Robbery and murder rates (per 100,000 pop.) reflect offenses committed between January 1 and July 10, 2022 and were computed using [CPD crime data](#) and district populations in a [Chicago IG report](#).

It's the same old story: lower incomes, higher rates of violent crime. Check out our lead graph. Grand Crossing's (J.R.'s area) raw murder count, 20, is a stunning *ten times* that of Rogers Park, which has nearly twice the population but suffered "only" two criminal homicides. Grand Crossing's murder rate is *twenty times* that of Rogers Park and *more than twice* Chicago's overall. And look at those robbery numbers! It's not surprising that some citizens of Grand Crossing wonder where all that help went.

So *what about* that "help"? Here the situation's less clear. We downloaded 2017 Chicago police division staffing data from the [Citizens Police Data Project](#), 2017-2020 [stop data from the Chicago I.G.](#), and 2022 arrest data (thru July 10) from the [CPD statistics portal](#). Each rate was calculated per 1,000 residents of the corresponding police district.



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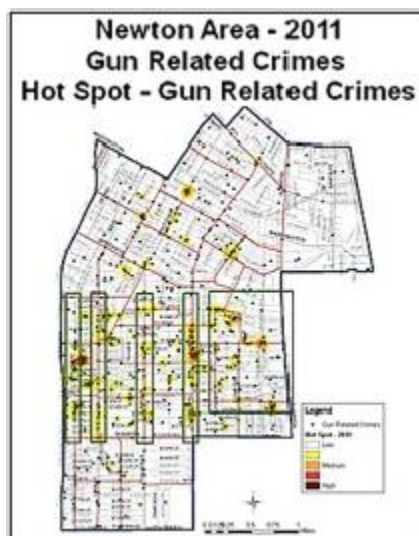
	Dist	Pop	Ofc	Inv Stops	Tfc Stops	Both	Arrests
RogPk	24	138,941	864	11282	30937	42219	396
GrCros	3	71,742	1632	12233	57798	70031	565
Engl	7	59,346	2126	32439	139601	172040	625

Deployment isn't simply a matter of population size. Officer strength reflects differences in district crime rates. Although District 7's (Englewood) population is *less than half* District 24's (Rogers Park), it reportedly had *more than twice* as many cops. And as one would expect, more cops means lots more stops and arrests. Englewood officers cumulatively made about *four times* as many stops as their colleagues in Rogers Park and 1.6 times as many arrests.

Chicago's cops have a substantially greater presence and act far more proactively in crime-beset neighborhoods. Their efforts seem a version of the "[Geographically Focused](#)" and "[Hot Spots](#)" strategies that NIJ and academic researchers (e.g., "[Hot-spots policing and crime reduction](#)") have repeatedly praised. As we mentioned in "[Driven to Fail](#)," these approaches have tamped down violent misbehavior in many places.

Bottom line: CPD is *not* ignoring crime-stricken neighborhoods. Yet considering the violence that residents of places like Grand Crossing and Englewood endure, their irritation is easy to understand. What to do? Maybe particularly beset areas could use more cops. Or maybe we could get the ones already there to "crank things up."

Clearly, either approach could pose big problems. Englewood and Grand Crossing already enjoy disproportionate numbers of cops. Pulling officers from other areas might easily lead to more crime in those districts. As for increased hiring, that may also be out of reach. Even if there's money for salaries, suitable candidates are proving hard to find. Cities across the U.S. have been losing officers, and Chicago's numbers are presently



"[the lowest in recent history](#)". About 350 of its cops retired in 2018, and [nearly twice that number](#) – more than 660 – retired in 2021.

What about increasing the productivity of officers already on the job? Consider "LASER," LAPD's 2009 hot-spots incarnation. A product of its "[Smart Policing Initiative](#)," LASER targeted known offenders and graced high-crime areas with intensive patrol ("[Driven to Fail](#)"). And it seemed very effective. Problem is, high-crime areas tend to be poor and disproportionately populated by persons of color. Even if cops try to be careful, racial and ethnic disparities in stops, searches and arrests

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seem inevitable. Add in pressures to do more, and you’ve [“A Recipe for Disaster”](#). By 2019 an accumulation of frustration over the allegedly abusive treatment of Black citizens in LASER areas led a “shouting, overflow crowd of about 100 protesters flaunting ‘LASER KILLS’ signs” – the very residents of the community cops were supposedly trying to help – to demand the program end.

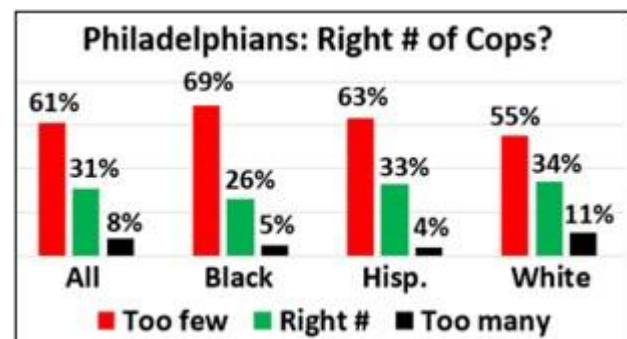
Lower-income Chicagoans aren’t the only Americans who feel frustrated over their perceived abandonment by city hall. Let’s dial it back three years. Here’s what a resident of a poor, violence-plagued Baltimore neighborhood had to say about her visit to a “well-off area”:

The lighting was so bright. People had scooters. They had bikes. They had babies in strollers. And I said: ‘What city is this? This is not Baltimore City.’ Because if you go up to Martin Luther King Boulevard we’re all bolted in our homes, we’re locked down. All any of us want is equal protection.

But how did Baltimore’s policing *get* “unequal”? In April 2015, Freddie Gray, a 25-year old Baltimore resident with a criminal record, [ran from officers performing enhanced patrol](#) in a poor, crime-ridden area. He was caught, arrested for carrying a switchblade, and placed in a police transport van. Handcuffed but otherwise unsecured, Mr. Gray tumbled in the van during his careless transport and [was fatally injured](#). State prosecutors filed (ultimately, unsuccessful) charges against the six cops involved, and [DOJ opened an inquiry](#) into the agency’s practices (click [here](#) for the findings).

Reacting to their slapdown, Baltimore cops [staged a prolonged “slowdown”](#). They sharply curtailed self-initiated activity, and stops of suspicious cars and pedestrians plunged. As the (interim) Chief described it, “in all candor, officers are not as aggressive as they once were...” And yes, there were consequences. As our tables in [“Police Slowdowns”](#) illustrate, Baltimore killings skyrocketed, and stayed high.

As the last decade came to an end, negative public reaction to alleged racial profiling and police abuse (e.g., [the killing of George Floyd](#)) led agencies throughout the U.S. to dial things back. Then, perfectly timed, came the pandemic. Unrestrained by aggressive strategies such as hot-spots, crime and violence soared. So did concerns about personal safety. [According to a recent Pew poll](#) “70% of Philadelphians see crime, drugs, and public safety as the most important issue facing the city—up nearly 30 percentage points from 2020”. At 44%,





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the proportion who reported feeling safe in their neighborhoods is the lowest since 2009. And although only 32 percent of Blacks believe that police treat them equally, *a full sixty-nine percent* (the largest proportion by race) feel there are *too few* cops.

Well, more cops may be out of reach. But in reaction to what seems our “new normal,” three major burg’s: [Los Angeles, New York City and Chicago](#) brought back hot-spots policing. For a closer look at Chicago’s approach check out its District Strategic Plans (click [here](#) for District 3, [here](#) for District 7, and [here](#) for District 24). Each sets out priority locations and details the manner of intervention. For example, here is the “enforcement response” for an area identified as “Howard Street, between Greenview and Clark” in relatively benign District 24 (Rogers Park):

Focus enforcement efforts and missions on Howard Street where gang members are known to loiter; drink on the public way, and sell narcotics. Conduct gang and narcotics dispersals and issue ANOV’s (our note: citations), while creating a greater sense of safety on Howard Street.

In dangerous District 7 (Englewood), where “opposing gang factions are in conflict with each other to expand their territories” and shootings frequently happen, problem areas get special resources. Here is one example:

Conduct missions with Beat and Tactical cars to resolve conflicts. POD (our note: fixed observation cameras) <https://home.chicagopolice.org/inside-cpd/police-observation-device-pod-cameras/> and traffic missions to assist in those efforts. Community Safety Team (CST) to assist with enforcement. District Intelligence Officers (DIO’s) will continue to gather intelligence on gang factions & claimed territories.

We’re quite confident that Chicago is *not* ignoring its most imperiled citizens. High-crime districts get lots of extra help. Problem is, the frequent episodes of violence endemic to these areas tie up squads of officers for prolonged periods. Trying to maintain adequate patrol coverage by stuffing beset precincts with extra troops has its limits.

So what’s left? That takes us back to the dilemma that pervades our “Neighborhoods” posts: [cops can’t correct what most needs fixing!](#) So what *can*? Let’s self-plagiarize from [“Fix Those Neighborhoods!”](#):

Yet no matter how well it’s done, policing is clearly not the ultimate solution. Preventing violence is a task for society. As we’ve repeatedly pitched, a concerted effort to provide poverty-stricken individuals and families with child care,

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tutoring, educational opportunities, language skills, job training, summer jobs, apprenticeships, health services and – yes – adequate housing could yield vast benefits.

We'll untangle another problem in a couple of weeks. Stay tuned!

Posted 11/6/11

## N.Y.P.D. BLUE

### *Allegations of misconduct and corruption beset the nation's largest police force*

*By Julius (Jay) Wachtel.* Less than a year after a fellow officer (and jilted lover) [aimed her pistol and pulled the trigger](#), leaving him with bullet holes in the arm and shoulder, officer Jose Ramos wound up in yet another bull's-eye.

In December 1998 [a tip that Ramos and a helpmate were peddling drugs](#) led internal affairs detectives to tap telephones at two barbershops that Ramos acquired as gifts from his father. One undercover officer hired on as a barber. Others posed as drug dealers and gained Ramos' confidence. During the next three years they paid him to help rip off a pretend marijuana operation and to haul loads of pretend heroin in his police cruiser. Ramos was delighted. "I could drive a dead body in the trunk of my car where I want and no one would stop me," he bragged.

There was a reason why IA spent so much time and money. Soon after opening the drug case detectives overheard Ramos talk on the phone about fixing traffic tickets. They discovered that the Bronx branch of the patrol officers' union was running a massive, long-standing scheme to fix tickets issued to officers' families and friends. Upon request, union rep's (Ramos was one for two years) [tracked down and destroyed citations](#) before they hit the courts and the motor vehicle bureau.

It was an unpaid service. It was also audacious and completely illegal. Each instance of a fixed ticket entangled violators, requesting officers, union go-betweens and the officers who actually destroyed the paperwork in a host of crimes that deprived the city of revenue and potentially imperiled public safety.

In 2011 a grand jury reviewed a sample 800 episodes of ticket fixing, representing thousands of criminal violations and financial losses of up to \$2 million. Jurors may have thought that they were working in secret, [but investigators knew that details of the case had been leaked](#) to union officials by one of their colleagues more than a year earlier.

The long-awaited [indictment](#) was unsealed last week. Two Sergeants and twelve officers stood accused of destroying 300 citations. Each was charged with multiple counts of official misconduct, obstruction, conspiracy, criminal solicitation and grand

larceny. In addition, a well-regarded former Internal Affairs lieutenant was accused of leaking information about the inquiry. All were released except Ramos, who was charged with multiple drug counts and held on \$500,000 bail.

Dozens of officers with lesser involvement received departmental discipline. Some were forced to retire. Others got immunity in exchange for promising to testify against those indicted. One [tried to commit suicide](#).

The blame game is well underway. It's not just about fixing tickets. A spate of recent messes including [the conviction of an officer who planted drug evidence](#) and [the arrest of eight cops for smuggling guns](#) into New York (they fell prey to an FBI sting) suggests that some of the city's "finest" have fallen well short of that ideal. [Internal Affairs has taken the brunt of the criticism](#). Some question whether it's professionally up to the task. Others say that it's too small to be effective or so procedurally hidebound that its investigators have no opportunity to be proactive.

Criticisms have also been voiced about the lack of external oversight. The one agency charged with that function, "[The Mayor's Commission to Combat Police Corruption](#)," has a small staff and limited authority. Alarmed by the turn of events, [politicians in Albany recently demanded](#) that Mayor Bloomberg either convene a special panel to investigate the NYPD or the state would do it for him. But so far Hizzoner (speaking through a rep) has said "no."

We'll put the integrity of the N.Y.P.D. up against that of any police force in the world. But for the rare instances they are needed, we already have five district attorneys, two U.S. attorneys and the Civilian Complaint Review Board in New York City, plus an extremely aggressive Internal Affairs Bureau. There is absolutely no need to creating another layer of government here.

There are other concerns. NYPD's low entry salary is said to discourage better-qualified applicants. Excluding allowances and overtime, [an academy recruit earns \\$41,975](#). After 1½ years the base increases to only \$43,644, [nearly \\$20,000 less](#) than what LAPD officers earn at that point in their careers. (After five years the gaps narrow considerably.) Still, it's a big jump to conclude that lousy starting pay makes Gotham's warriors more likely to stray. Thanks to the financial meltdown NYPD has enjoyed [a surge of well-educated applicants](#). Between 1999 and 2009 the proportion of officers with 4-year degree jumped from 17 to 24 percent. It's now commonplace for recruits to have baccalaureates. New York City's cops may be fewer in number, but in terms of formal education they're getting smarter.

What else can explain the department's perceived moral decline? For a clue we return to the example of the drug-planting cop. At his trial [an officer who pled guilty to like charges](#) testified that the practice, known as "flaking," was how some kept their numbers up. "As a detective, you still have a number to reach while you are in the narcotics division...Tavarez [the officer he was trying to help] was worried about getting sent back [to patrol] and, you know, the supervisors getting on his case." And yes, there was a ready neutralizer. "It's almost like you have no emotion with it...they're going to be out of jail tomorrow anyway; nothing is going to happen to them anyway."

Of course, there will always be rogues. Absent a resistant culture they can and will contaminate others. That's not just a theory. "It's a Courtesy, Not a Crime" [read a sign](#) held up by one of the 350 police union members who turned out to support the Bronx ticket-fixers when they were arraigned. Their president's speech drew wild applause. "Taking care of your family," he intoned, pausing for dramatic effect. "Taking care of your friends. Taking care of those who support New York City police officers and law enforcement..is...not...a...crime."

Right. So let's "take care" of everyone!

In "[The Crime Numbers Game](#)" criminal justice professors John Eterno and Eli B. Silverman assert that NYPD's vaunted Compstat program created a culture of deception in which beleaguered superiors routinely downgraded crimes to create an illusion of effectiveness. They later [expanded their argument](#) to encompass ticket-fixing, laying blame on a management culture so obsessed with productivity that it ignored quality.

There were clear signs of trouble as early as 2005. That's when the then-chairman of the Mayor's police corruption panel [resigned in protest](#) of its toothlessness. One of his concerns was that crimes were routinely downgraded in severity to make the police look good. He was brushed off by NYPD officials. They insisted that fudging stat's (something to which they didn't admit) wasn't really corruption, thus none of the panel's business.

Five years later, in February 2010, the *New York Times* reported the results of [a survey](#) by professors Eterno and Silverman. Of nearly 500 NYPD officers who retired at the rank of captain and above, more than one-hundred reported that statistics had been manipulated so that New York City would compare favorably with other areas.

Natch, police officials said that the professors got it wrong. Three months later the *Village Voice* ran the [first in a series of investigative pieces](#) about the NYPD. Drawing heavily from tapes secretly recorded by a whistle-blowing cop in Brooklyn, it concluded

that officers were under pressure to record a lot of activity while reporting as little crime as possible:

[The tapes] reveal that precinct bosses threaten street cops if they don't make their quotas of arrests and stop-and-frisks, but also tell them not to take certain robbery reports in order to manipulate crime statistics. The tapes also refer to command officers calling crime victims directly to intimidate them about their complaints. As a result, the tapes show, the rank-and-file NYPD street cop experiences enormous pressure in a strange catch-22: He or she is expected to maintain high "activity" – including stop-and-frisks – but, paradoxically, to record fewer actual crimes.

Then another whistle-blower surfaced, this time [in the Bronx](#). He too had tapes. They confirmed that officers were being pressured in countervailing directions. On the one hand they had to make lots of "chickenshit" arrests, tickets and stop-and-frisks. On the other they had to avoid taking crime reports or downgrade what was passed on. "It happened all the time. The reason was CompStat. They [supervisors] know what they are going to be asked for in CompStat, and they have to have a lower number – but not too low."

This time NYPD couldn't deny everything – after all, there were tapes of roll calls and such. Police Commissioner Ray Kelly ordered an investigation. [Five heads promptly rolled in Brooklyn](#), including a Commander's. But that wasn't the end of it. Only three weeks later [two memos from Brooklyn's 77th. precinct](#) landed on the pages of the *Daily News*: "For the week of 10/18-10/24 we need 25 double-parkers, 15 bus stops, 50 seat belts, 75 cell phones...Thank you."

In January 2011 Commissioner Kelly [anointed three former prosecutors](#) to investigate the integrity of NYPD's crime statistics. Questions were promptly raised about how the panel would work. As we await its findings the department's controversial stop and frisk policy, [on which we've extensively reported](#), has come under renewed criticism. Three weeks ago a Federal grand jury [returned a civil rights indictment](#) against a Brooklyn cop who stopped a black man and allegedly arrested him without cause.

Making tickets disappear, planting evidence, needlessly stopping people and downgrading crimes strip policing of all meaning. How could officers be so base and self-serving? How could they so thoroughly devalue their work? While it's not the only answer, NYPD's preoccupation with numbers must rank near the top. Instead of promoting a passion for excellence – the "quality" orientation that professors Eterno



and Silverman mention, and which your blogger has long championed – managers substituted measures for goals. Compstat helped transform the exercise of coercive power, a tinderbox in any democracy, into an elaborate insider's game. It's no surprise that some officers turned into moral entrepreneurs.

NYPD has plenty of smart, highly skilled cops. All they require is an opportunity to practice their craft at the level it deserves. If only their superiors would let them.

Posted 12/28/07

## OF HOT-SPOTS AND BAND-AIDS

*Intensively policing troubled areas isn't a lasting remedy*

By Julius Wachtel, (c) 2010

In 2005 L.A. County Sheriff Lee Baca bemoaned that a scarcity of resources was limiting his ability to battle gang murders in Compton, which the LASD serves under contract. With nearly half his patrol deputies committed to contracts with other cities and his countywide gang squad seriously understaffed, the Sheriff was reluctant to shift officers to a “hot spot” lest problems pop up elsewhere. But when year-end stats revealed that murders in Compton were sharply higher while those in nearby LAPD areas were way down, Baca flooded the city with homicide detectives, gang investigators and deputies from unincorporated areas.

After a couple months of success the impromptu task force was disbanded. As one might expect, Compton promptly reverted to its old habits. When a July 2006 weekend of violence left four dead and others wounded, Baca sent back the extra troops, and that's where they remain. Compton is getting a lot more police coverage than it pays for, and no one's apologizing.

There is no question that hefty, localized increases in police coverage can dampen violent crime. That's why N.Y.P.D. [recently decided](#) to assign an entire academy graduating class of 914 recruits to its mobile field force, doubling it to nearly 2,000 so that it can start flooding troubled areas in Brooklyn. This flexibility is made possible by its superiority in numbers, in turn made possible by what New York City officers get paid (hint: it's a [lot less](#) than L.A.) Except for wealthy communities, high salaries are invariably accompanied by low patrol densities, so sustaining a police “surge” (thing Baghdad) can be difficult. Just how expensive is it to police SoCal? West Covina, a typical middle-class community, estimates salary and benefits for a single officer at \$125,000 per year. Since four officers are required for 24/7 coverage (three plus one for days off), that's \$500,000 for one cop around the clock, not including a vehicle, gas, equipment or support services! If officers work in pairs figure a cool million per year, per patrol car.

How does hot spot policing work? It's simple: stop as many suspicious vehicles and pedestrians as possible. Under the “[Terry](#)” doctrine officers can frisk anyone they reasonably suspect is armed. Since the [Supreme Court's ruling](#) that the underlying

“reason” why a cop stops a car is immaterial, traffic laws are applied to the hilt. Everything from a “white light to the rear”, to a missing expiration year sticker, to a five-mile per hour speeding violation is used to justify stops.

But searching a vehicle or going beyond a pat-down requires more than suspicion -- it calls for either consent or probable cause. And that's where the troubles begin. Pressured to show results, officers have fudged observations, falsified reports and abused suspects. Other than for Rafael Perez, the cocaine-stealing officer who originally blew the whistle, the [Rampart scandal](#) was never about cops lining their pockets -- it was about officers lying, cheating and planting evidence to justify arrests and cover up acts of brutality, including some terrible use-of-force mistakes.

Can intensive policing make a lasting dent on violence? Yes, if officers remain indefinitely. Otherwise, no. Surges usually happen in areas -- like Compton -- that are poor and socially disorganized. That's why it's nearly impossible to “fill in” behind departing officers with community-based initiatives, as those require the active involvement of citizens who aren't afraid to testify and help police.

Hot-spot approaches may also have a natural life-cycle. If limited to a narrow time frame aggressive enforcement is likely to be accepted, even welcomed. But policing is not a precise instrument. Unless officers proceed with exquisite care, innocent persons will inevitably get caught up in the dragnet, and as the inevitable confrontations and misunderstandings pile up citizen support is likely to diminish.

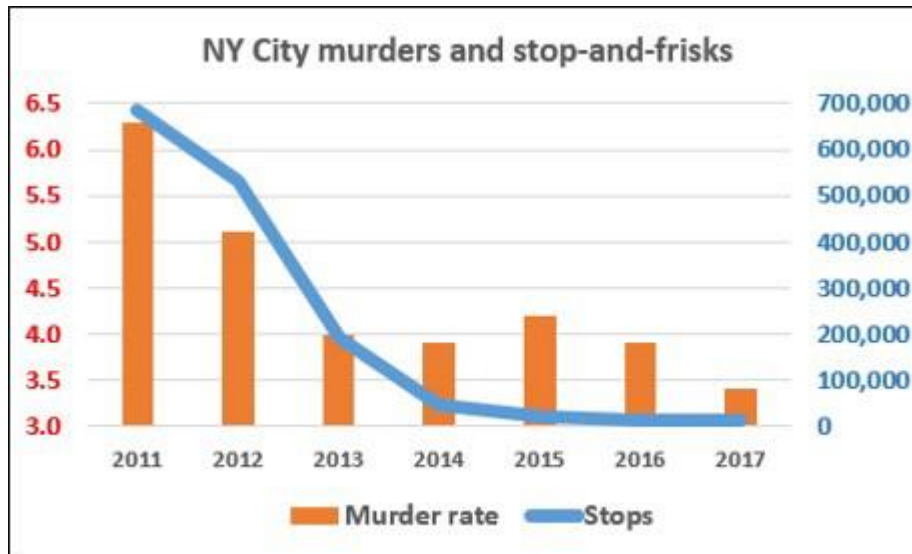
Is there a better solution than the hot-spot band-aid? Probably not. Ideally, law enforcement resources would be distributed according to crime problems, not citizens' ability to pay. Unfortunately, American policing has from inception been highly fragmented, thus dependent on local funding. Extreme situations like L.A. County's, where the Sheriff's budget is overwhelmed by jail needs and contracts prevent sending deputies where they are most needed, only emphasize the structural defects of a criminal justice system that, no matter how unintentionally, best serves the interests of wealthy communities.

Don't believe it? Go visit Beverly Hills P.D. Don't get lost in their headquarters, which wags have dubbed the Taj Mahal. Wind your way through rows of detective desks to the crimes against persons squad. (Try not to do it on the day when they have their one murder a year.) Tell them Compton needs help. Then oink back!

Posted 8/4/18

## POLICE SLOWDOWNS (PART II)

*Cops can't fix what ails America's inner cities – and shouldn't try*



By Julius (Jay) Wachtel. [Part I](#) concluded that sharp, purposeful reductions in discretionary police-citizen encounters probably increased violent crime in Baltimore, Chicago and Minneapolis. Here we'll start by considering the effects of work actions in two supposedly safer places: New York City and Los Angeles.

There are few better laboratories for assessing the effects of reducing officer activity than New York City, whose famous stop-and-frisk campaign [dates back to the early 2000's](#). As we reported in "[Location, Location, Location](#)" its lifespan coincided with a plunge in the city's murder rate, which fell from 7.3 in 2002 to 3.9 in 2014.

Glance at the chart, which displays data from [NYPD](#) and the UCR. Clearly, stop-and-frisk had become a *very* big part of being a cop. Officers made more than *six-hundred eight-five thousand* stops in 2011 (685,724, to be exact). We picked that year as a starting point because that's when adverse court decisions started coming in (for an in-depth account grab a coffee and click [here](#).) Still, the program continued, and there were a robust 532,911 stops in 2012. But in August 2013 a Federal judge ruled that NYPD's stop-and-frisk program [violated citizens' constitutional rights](#). Activity instantly plunged, and the year ended with "only" 191,851 stops. Then the bottom fell out. Stop-and-frisks receded to 45,787 in 2014, 22,563 in 2015, 12,404 in 2016 and 11,629 in 2017.

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It wasn't just stop-and-frisks. Productivity was being impacted by other issues, most notably officer displeasure with Mayor Bill de Blasio, who openly blamed cops for the serious rift with the minority community caused by the tragic [July 2014 police killing of Eric Garner](#). Then things got worse. That December an angry ex-con [shot and killed](#) NYPD officers Rafael Ramos and Wenjian Liu as they sat in their patrol car. Officers quickly attributed his deranged act to the [hostile anti-cop atmosphere](#) supposedly being fostered by City Hall, then expressed their displeasure by going on a modified "strike". According to [NYPD statistics reviewed by the New York Post](#), arrests during December 2014 were down by sixty-six percent when compared to a year earlier, while tickets and the like plunged more than ninety percent. Although the magnitude of the slowdown soon receded, its effects reportedly persisted well into 2015.

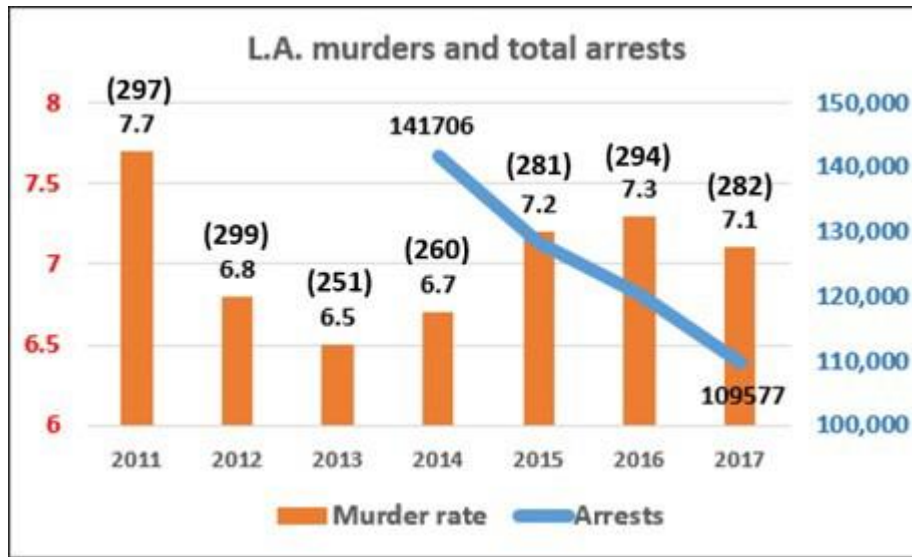
On the whole, did less vigorous policing cause crime to increase? Look at the chart again. During 2011-2013 murders and stops declined at about the same rate. On its face that seems consistent with views expressed by some of the more "liberal" outlets, which concluded that doing less actually *reduced* crime – at least, of the reported kind (click [here](#) and [here](#)). But in 2014 the downtrend in killings markedly slowed, and in 2015, with stop-and-frisk on the ropes and officers angry at Hizzoner, murders increased. A study recently summarized on the NIJ [Crime Solutions](#) website concluded that, all in all, stop-and-frisk did play a role in reducing crime:

Overall, Weisburd and colleagues (2015)\* found that Stop, Question, and Frisk (SQF) was associated with statistically significant decreases in the probability of nontraffic-related crime (including assault, drug-related crimes, weapon-related crimes, and theft) occurring at the street segment level in the Bronx, Brooklyn, and Staten Island...SQFs did not have a statistically significant impact on nontraffic-related crime in Manhattan or Queens."

\* David Weisburd, Alese Wooditch, Sarit Weisburd and Sue-Ming Yang, "Do Stop, Question, and Frisk Practices Deter Crime?" *Criminology and Public Policy*, 15(1):31–55 (2015).

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Stop-and-frisk campaigns reportedly reduced crime in other places. For example, check out [Lowell, Mass.](#) and [Philadelphia](#). However, [our views on the practice](#) are mixed, and we'll have more to say about it later. For now let's move on to our last city, El Pueblo de Nuestra Senora, La Reina de Los Angeles:



L.A.'s murder rate initially followed the New York pattern, [plunging from 17.1 in 2002 to 6.5 in 2013](#). But L.A.'s tick-up has been considerably more substantial. That concerned the [Los Angeles Times](#), which reported that arrests paradoxically decreased by twenty-five percent between 2013 and 2015. "Field interviews" (the term includes stop-and-frisks) also supposedly dropped, and 154,000 fewer citations were written in 2015 than in 2014. Unfortunately, the *Times* didn't post its actual numbers on the web. Our tally, which uses data from the UCR and the [LAPD website](#), indicates that arrests declined 23 percent between 2014-2017, a period during which murders increased about six percent.

According to the *Times*, officers conceded that they had slowed down on purpose. Their reasons included public criticism of police overreach, lower staffing levels, and the enactment of [Proposition 47](#), which reduced many crimes to misdemeanors. And while the lessened activity led some public officials to fret, some observers thought that doing less might be a good thing:

If police are more cautious about making arrests that might be controversial, making arrests that might elicit protests, then that is a victory. We want them to begin to check themselves.

Contrasting his vision of "modern policing" with the bad old days, when doing a good job was all about making lots of stops, searches and arrests, then-Chief Charlie Beck heartily agreed:

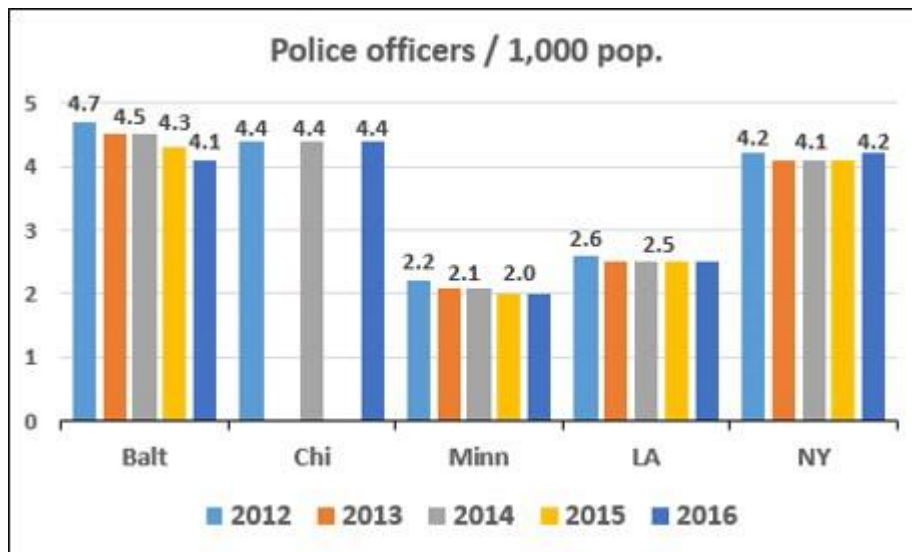
The only thing we cared about was how many arrests we made. I don't want them to care about that. I want them to care about how safe their community is and how healthy it is.



Well, that's fine. But it doesn't address the fact that twenty-one more human beings were murdered in 2015 than in 2014. Was the slowdown (or whatever one chooses to call it) responsible? While a definitive answer is out of reach, concerns that holding back might have cost innocent lives can't be easily dismissed.

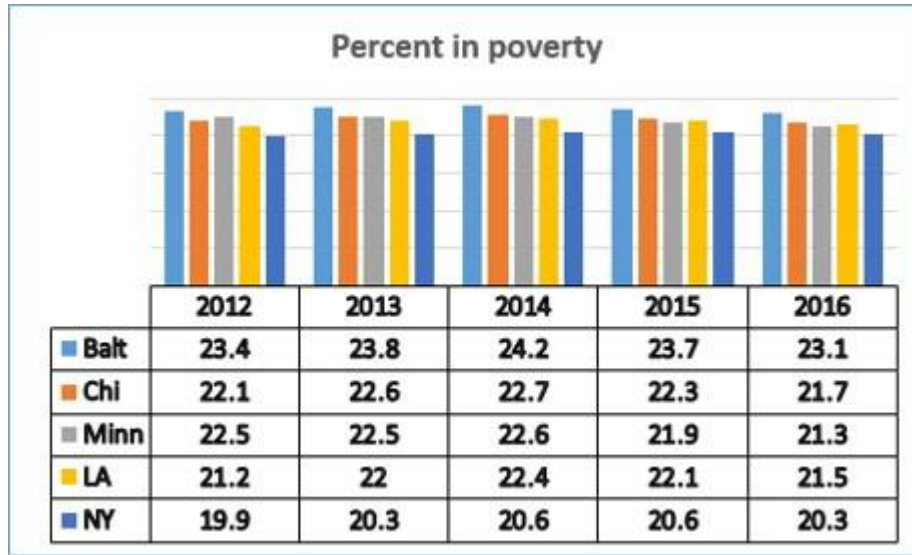
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Other than police activity, what enforcement-related variables can affect the incidence of crime? A frequently mentioned factor is police staffing, usually measured as number of officers per 1,000 population. Here is a chart based on data from the UCR:



LAPD staffing has always been on the low end. Its officer rate per thousand, though, held steady during the period in question. So did the rate for every other community in our example except Baltimore, where the officer rate steadily declined while homicides went *way* up (see [Part I](#)).

Forget cops. What about the economy?



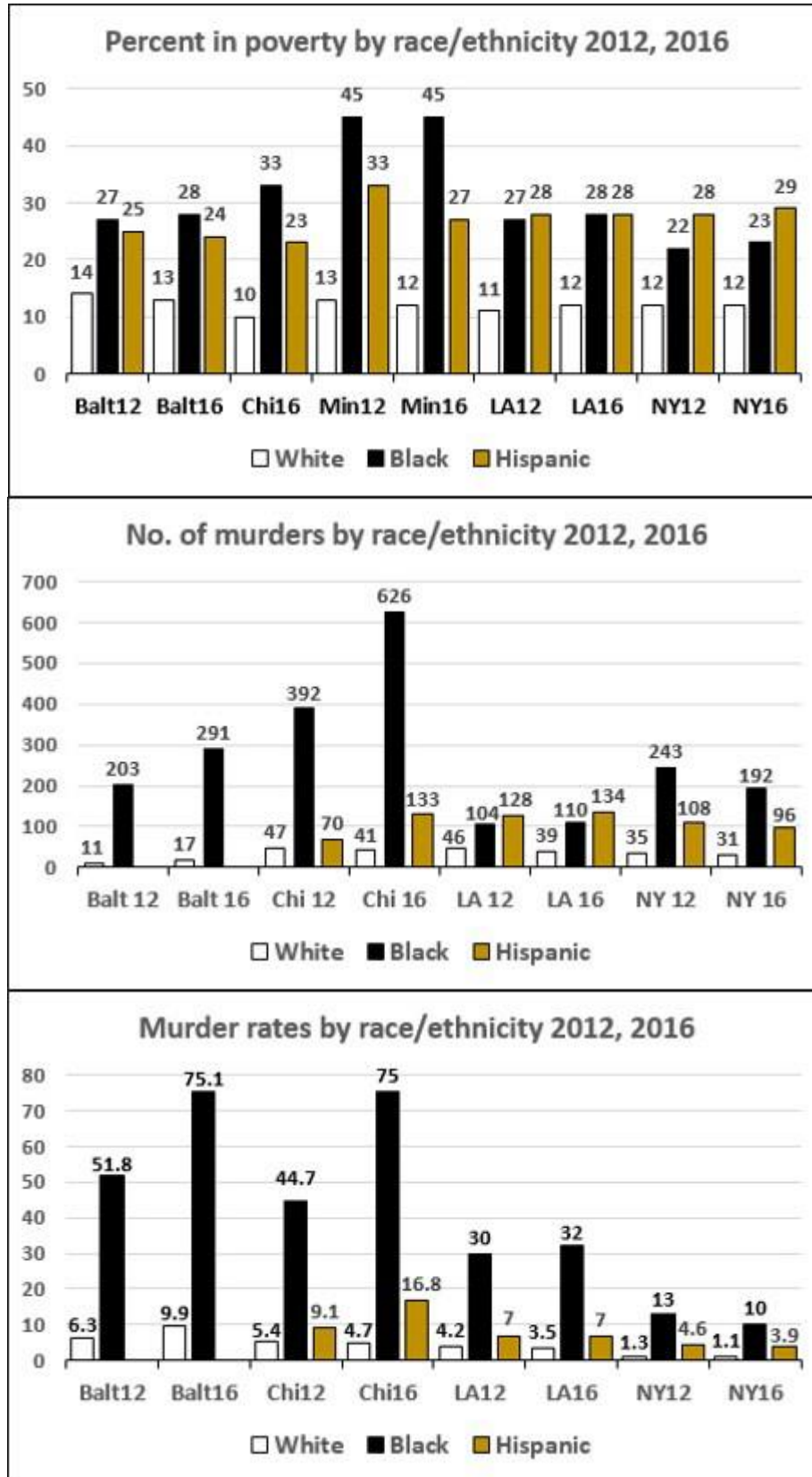
This graph, which uses [poverty data from the Census](#), indicate that the three high-crime burg's from [Part I](#) – Baltimore, Chicago and Minneapolis – have more poverty than the lower-crime communities of Los Angeles and New York. That's consistent with the poverty > crime hypothesis. On the other hand, within-city differences during the observed period seem slight. So blaming these fluctuations for observable changes in crime is probably out of reach.

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Back to stop-and-frisk. Is aggressive policing a good thing? Not even *Crime Solutions* would go that far. After all, it's well known that New York City's stop-and-frisk debacle, which we explored in "[Too Much of a Good Thing?](#)" and "[Good Guy, Bad Guy, Black Guy \(Part II\)](#)", was brought on by a wildly overzealous program that wound up generating [massive numbers of "false positives"](#):

[During 2003-2013] NYPD stopped nearly six times as many blacks (2,885,857) as whites (492,391). Officers frisked 1,644,938 blacks (57 percent) and 211,728 whites (43 percent). About 49,348 blacks (3 percent) and 8,469 whites (4 percent) were caught with weapons or contraband. In other words, more than one and one-half million blacks were searched and caught with...nothing.

Keep in mind that aggressive policing doesn't happen in Beverly Hills. It happens in poor areas, because that's where violent crime takes its worst toll. NYPD officers most often frisked persons of color because they tended to reside in the economically deprived, high-crime areas that the well-intentioned but ill-fated policing campaign was meant to transform. These graphs illustrate the conundrum:



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In the end, turning to police for solutions to festering social problems is lose-lose. There are legal, practical and moral limits to what cops can or should be asked to accomplish. Saying that it's a "matter of balance" is too glib. Given the uncertainties of street encounters and variabilities in resources, skills and officer and citizen temperament, calibrating aggressive practices so that they avoid causing offense or serious harm is out of reach. It can't be done.

Correcting fundamental social problems isn't up to the police: it's a job for society. *Police Issues* is neither Red nor Blue, but when President Trump offered Charlotte's denizens a "[New Deal for Black America](#)" that would sharply increase public investment in the inner cities, [we cheered](#). Here's an extract from his speech:

Our job is to make life more comfortable for the African-American parent who wants their kids to be able to safely walk the streets. Or the senior citizen waiting for a bus, or the young child walking home from school. For every one violent protester, there are a hundred moms and dads and kids on the same city block who just want to be able to sleep safely at night.

Those beautiful sentiments – that *promise* – was conveyed nearly two years ago. America's neglected inner-city residents are still waiting. And so are we.

Posted 2/20/23

## PUNISHMENT ISN'T A COPS JOB (II)

*In Memphis, unrelenting violence helps sabotage the craft*



*For Police Issues by Julius (Jay) Wachtel.* During the evening hours of January 7, Memphis Police Department's "Scorpion" anti-crime unit set the stage for yet another memorial to police abuse. A few days later, after Tyre Nichols died from his injuries, residents adorned the spot of his final encounter, transforming a residential streetcorner into an ode for a twenty-nine year old California transplant whom few had really known.

That place, the intersection of Castlegate and Bear Creek lanes, was where officers intercepted Mr. Nichols after he fled from their colleagues. His first encounter, at Baines and Ross Roads, where authorities say they stopped him for reckless driving, was captured by a pole-mounted camera and the bodycam of a late-arriving cop. (Click [here](#) for our condensed version of the video.)

Unfortunately, that's the only video that's been released of that first stop. So we can't tell whether there really was a pressing, let alone legitimate reason to make the stop. Nor whether Mr. Nichols, who is depicted being dragged out of his car by an angry, cursing cop, had *really* refused to peacefully exit the vehicle.



All along, Mr. Nichols speaks calmly. But he evidently offered some physical resistance, and the officers used pepper-spray and a Taser (third image). Even so, Mr. Nichols quickly managed to break free and run off (fourth image).



As members of a special team, the officers who made the stop were in an unmarked car. That could have worried Mr. Nichols from the start. Their aggressiveness and crude language may have also come as a shock. We don't know whether Mr. Nichols was under the influence of drugs, leading him to be uncooperative and combative, such as what's been attributed to persons in the throes of "[excited delirium](#)." Police later [asked Mr. Nichols' mother](#) if her son was on drugs, as he had displayed "superhuman strength" when they tried to apply handcuffs. But she said that the tall, skinny man suffered from [Crohn's disease](#). That's a substantial disability. And during the struggle at the first stop location, one of the cops got accidentally hit with pepper-spray (click [here](#) for a brief clip that depicts the officer's partner rinsing out his eyes.) That dousing might have relaxed the cops' grip on Mr. Nichols.

Whatever enabled the man's escape, the initial encounter demonstrates a lack of tactical aptitude. Contrast that with what happened at the start of the disastrous incident after which this essay is entitled, [the murder of George Floyd](#), when a rookie cop got the drug-addled man out of his car, in handcuffs and on the sidewalk without causing him any harm. Floyd's supposedly drug-induced "superhuman strength" came later, when he violently resisted being seated in a police car. ([See the testimony](#) of MPD Lt. Johnny Mercil and MPD medical support coordinator Officer Nicole Mackenzie during Chauvin's trial.).

Once he broke free, Mr. Nichols hot-footed it to his mother's house. It's located in one of Memphis' nicer areas, about a half-mile away. Alas, another Scorpion crew caught up with him as he entered the neighborhood. That encounter, which involved twice as many cops as the first, was grotesquely violent





from the start, with officers mercilessly kicking and pummeling Mr. Nichols (left image) and repeatedly dousing him with pepper spray (right image). About six minutes later, once Mr. Nichols was virtually unresponsive, they dragged him away (left image) and



propped him against one of their cars (right image.) (Click [here](#) for our condensed version of the polecam video, and [here](#) and [here](#) for our condensed versions of officer bodycam videos.)

Most of our information came from the videos and the veritable flood of news coverage. (Click [here](#) for the *Associated Press* Nichols “hub”, with links to each of their stories.) Other than the videos, little has been officially released. On January 20, two weeks after the encounter, Memphis PD Chief Cerelyn “CJ” Davis posted [a brief notice](#) announcing the firing, earlier that day, of the five officers who encountered Mr. Nichols at the streetcorner. One week later she delivered [a video address](#). Her remarks (click [here](#) for a transcript) implicitly attributed their “egregious” behavior for his death. Calling her cops’ conduct “heinous, reckless and inhumane”, a violation of “basic human rights” and “the opposite” of what they were sworn to do, she promised “a complete and independent review...on all of the Memphis Police Department's specialized units.” ([According to the AP](#), as of February 7 six Memphis officers have been fired over the incident and a seventh was removed from duty.)



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Still, the Chief didn't say that police were *solely* to blame for the horrific outcome:

I promise full and complete cooperation from the Memphis Police Department with the Department of Justice, the FBI, the Tennessee Bureau of Investigation, and the Shelby County District Attorney's office to determine the entire scope of facts that contributed to Tyree Nichols death.

So far, none of these agencies have released their reports. Shelby County's Coroner is also yet to publicly weigh in. However, [according to a lawyer retained by the Nichols family](#), "preliminary findings" issued by "a highly regarded, nationally renowned forensic pathologist" revealed that Mr. Nichols "suffered extensive bleeding caused by a severe beating." Whether drugs or a prior medical condition might played a role in his death is yet to be announced.

Medical issues aside, did Mr. Nichols' behavior during the initial stop make things worse? [A police report](#) filed by the "Scorpions" supposedly stated that Nichols was a suspect in an aggravated assault, that he was "sweating profusely and irate" when he got out of the car, that he grabbed for an officer's gun, and that he pulled on the cops' belts (ostensibly, to get a gun). But nothing was said about the officers' use of force. Really, given the horrific police conduct captured on the videos, Mr. Nichols' physical condition and behavior now seem beside the point. Fundamentally, we have a replay of another shameful saga. Had Derek Chauvin not forcibly held him down for those infamous six minutes, a man who *had* committed a (minor) crime, who *did* have drugs in his system, and who *did* exhibit seemingly "superhuman strength" would have come out alive.

Had the Memphis cops not savagely beat Mr. Nichols, he, too would have unquestionably survived. But they did. So were they rogues from the start? Demetrius Haley, the officer who pulled Mr. Nichols from his car, was a former prison guard. Three years before becoming a cop [he reportedly participated in a "savage beating"](#) that led to a Federal lawsuit. Yet Memphis hired him anyway.

["Three \(In?\)explicable Shootings"](#) and ["Black on Black"](#) discuss other encounters between Black cops and Black citizens that ended poorly. But our essays are cluttered with examples of "easily rattled, risk-intolerant, impulsive or aggressive" White cops as well. And their deficiencies were often no secret. Consider the Minneapolis cop who [shot and killed a 9-1-1 caller](#) for the "crime" of walking up to his car. Not only did he stack up serious complaints during his first two years on the job, but his fitness to be a cop was questioned by psychiatrists when he was hired. And there's the tragic November 2014 [shooting of Tamir Rice](#), a 12-year old Cleveland boy. He was gunned down by a rookie who had been pressed to resign by his former agency. Here's what that department's deputy chief said:

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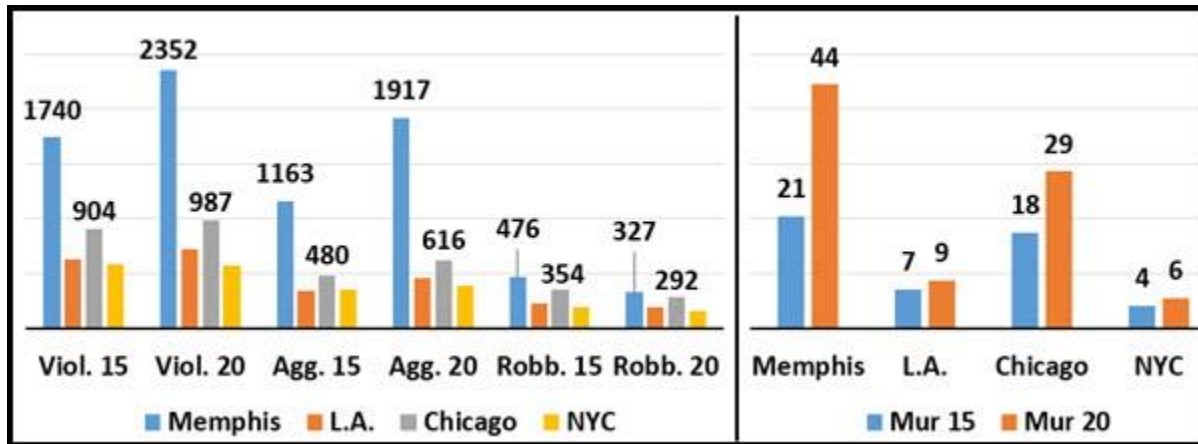
He could not follow simple directions, could not communicate clear thoughts nor recollections, and his handgun performance was dismal...I do not believe time, nor training, will be able to change or correct the deficiencies...

How did “the craft of policing” sink to the level displayed by the “Scorpions”? Let’s start by assessing a central feature of the police workplace: crime. According to [a recent survey](#) by the Major Cities Chiefs Association, here’s where Memphis sat, violent crime-wise, during the first six months of last year:



(MCCA reported data for seventy agencies, but we only calculated crime rates per 100,000 pop. for the sixty metropolitan police departments whose [population base](#) could be readily determined. Also remember that these are *six-month* rates).

Memphis’ violent crime problem is nothing new. Turning to the [UCR](#), here’s how its 2015 and 2020 *full-year* crime rates compared with our “usual suspects” (L.A., Chicago and New York City):

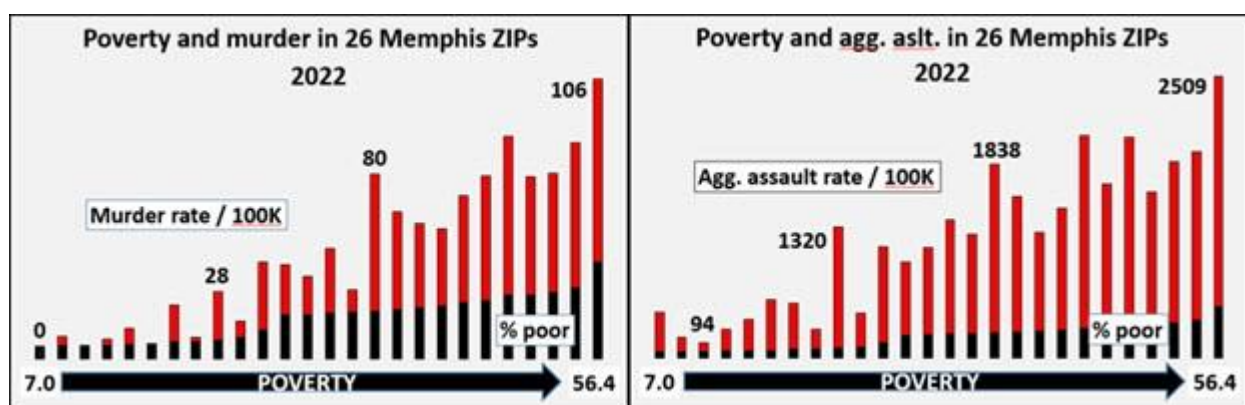


Again, these are rates per 100,000 population. Their underlying frequencies are also very revealing. For example, Memphis (pop. 657,936) reported 135 murders and 11,449 violent crimes in 2015. Los Angeles (pop. 3,962,726), a city six times in population, suffered *twice* as many murders (282) and *a bit more than twice* as many violent crimes (25,156).

And it gets worse *within*. Drawing violent crime data from the [Memphis hub](#), and poverty data from the [Census](#), we calculated full-year, per/100,000 rates for murder, aggravated assault and robbery for each of the city's twenty-six unique ZIP codes. We used correlation (the "r" statistic) to assess the relationships between poverty and crime ("r" ranges from zero to one: zero means no relationship, one denotes a lock-step association):

r	Murder	Agg aslt	Robb
Poverty	0.91	0.9	0.59

These *r*'s suggest that poverty, murder and aggravated assault are essentially two sides of the same coin. And robbery isn't far behind. These sobering messages are also conveyed by the graphs and the table (both list Zip's by poverty, from low to high):





Prior essays, most recently [“What’s Up? Violence”](#) and [“Woke Up, America!”](#), emphasized the criminogenic effects of poverty. [“Fix Those Neighborhoods!”](#) pointed out that cities need lots of “prosperous neighborhoods” to keep their overall violence stat’s down. With nearly one in four residents in poverty, that’s where Memphis falls decidedly short. Its 2022 citywide murder rate, a nasty 33, is higher than the rates of LAPD’s notoriously violent [77th. Street Division](#) (pop. 175,000), which came in at 30, and NYPD’s chronically beset [73rd. precinct](#) (pop. 86,000), which scored an extreme (by Big Apple standards) 26. Indeed, the 37 per 100,000 rate where Mr. Nichols’ first encounter with police took place – Raines & Ross roads, Zip 38115 – is one of eleven that exceed the city’s overall 33; and most, by comfortable margins (38126, where more than half live in poverty, scored a soul-churning 106.)

So what’s our point? Prosperity can give cops a relatively peaceful environment in which to ply their craft. But there’s precious little prosperity *or* peace in Memphis, a city literally awash in violence. It’s that carnage that in November 2021 led the police chief [to deploy teams](#) – they were impolitically named “Scorpion” – to conduct what are essentially stop-and-frisk campaigns. As one might have expected, their aggressive posture quickly generated blowback. That’s not unlike what similar projects encountered elsewhere. [“A Recipe for Disaster”](#) and

[“Turning Cops Into Liars”](#) described the travails of LAPD’s Metro teams, which focused on violence-ridden “hot spots”. Its members were repeatedly accused of making needless stops, using excessive force, and justifying their unseemly behavior by lying on reports. Like issues long plagued the L.A. County Sheriff’s Dept., which continues struggling with [“deputy gangs.”](#) Similar problems have beset anti-crime campaigns in Chicago, New York City and elsewhere. Some of these programs were disbanded, but surges in violence that accompanied the pandemic brought many back.

What happened in Memphis may not be unique. Its exhaustive visual documentation, though, is one for the record books. What’s more, it wasn’t just one or two cops, who could be blamed as outliers. So far, *more than a dozen officers* (including two Shelby

Memphis 2022 rates				
Zip	Pov	Murd	Ag Aslt	Robb
38120	7	0	428	48
38018	8	5	152	44
38125	8	0	94	19
38117	8	4	237	135
38133	8	9	346	46
38119	9	0	554	117
38141	10	21	506	69
38016	10	2	217	60
38103	11	28	1320	513
38134	13	9	366	93
38104	17	39	1048	450
38111	25	29	794	408
38128	26	22	947	177
38115	27	37	1241	372
38122	27	13	1084	414
38107	28	80	1838	458
38116	29	56	1474	272
38112	30	49	1077	189
38109	31	45	1330	200
38114	33	62	2099	399
38118	34	72	1559	809
38105	37	92	2042	717
38127	37	69	1448	206
38108	38	69	1763	318
38106	41	84	1840	337
38126	56	106	2509	406
City	23	33	954	249

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County deputies) have been implicated in the brutal episode. Their “job done” nonchalance after pummeling Mr. Nichols – they mill about exchanging casual talk – fits that “[culture of violence and bravado](#)” which the head of Memphis’ NAACP chapter, Van Turner, believes has infected policing throughout the U.S. As we watched the videos, the thrashing conveyed an angry fusion reminiscent of how George Floyd was treated after he fought the cops. Punishing someone with a merciless beating, as in Memphis, or by relentlessly pinning them to the ground and ignoring their pleas, as in Minneapolis, really *is* “two sides of the same coin.”

What’s to be done? As usual, police executives have taken to rulemaking. [A recently enacted LAPD regulation](#) prohibits pretextual stops unless officers have “articulable information” that a citizen’s behavior could lead to serious injury or death. And there’s Chicago PD’s [5,777 word foot-chase policy](#), whose complexities led the police union to (justifiably, we think) characterize it as a “no-foot-chase” policy.

Of course, limiting stops and chases *will* keep some terrible things from happening. Perhaps a balance can be struck so that imposing limits won’t encourage evildoers and compromise public safety. Still, having worked in policing, we’re skeptical that rules alone will keep cops from responding emotionally, and particularly in highly charged, violence-laden environments such as Memphis. What’s needed? We could start by frankly discussing such things in the academy and at all levels of police organizations. How can the craft of policing – it *is* an art form, by the way – be practiced so that it resists the unholy influences of the workplace? And we mean the *whole* environment: both citizens *and* cops.

Give it a whirl. And if you do, let us know how it pans out!



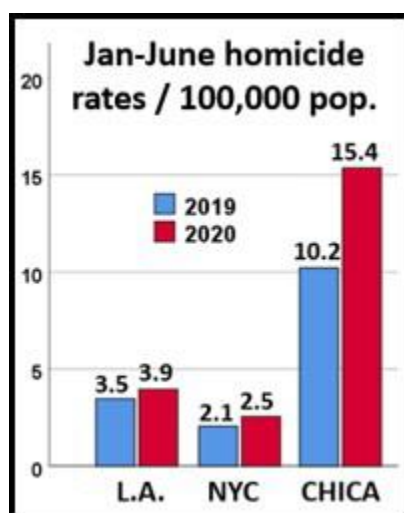
Posted 8/3/20

## 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.



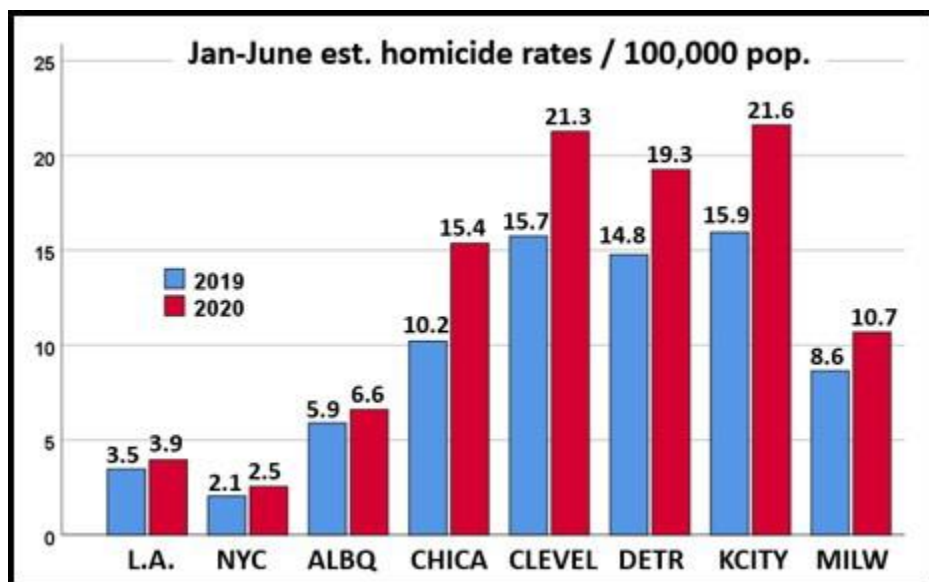
Otis lived with his mother in Florence, a South Los Angeles neighborhood [whose troubles we’ve repeatedly written about](#). When Los Angeles brags about its crime rate it doesn’t mention Florence. As we mentioned in “[Repeat After Us](#),” aggregate statistics obscure disparities in violence within 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.)

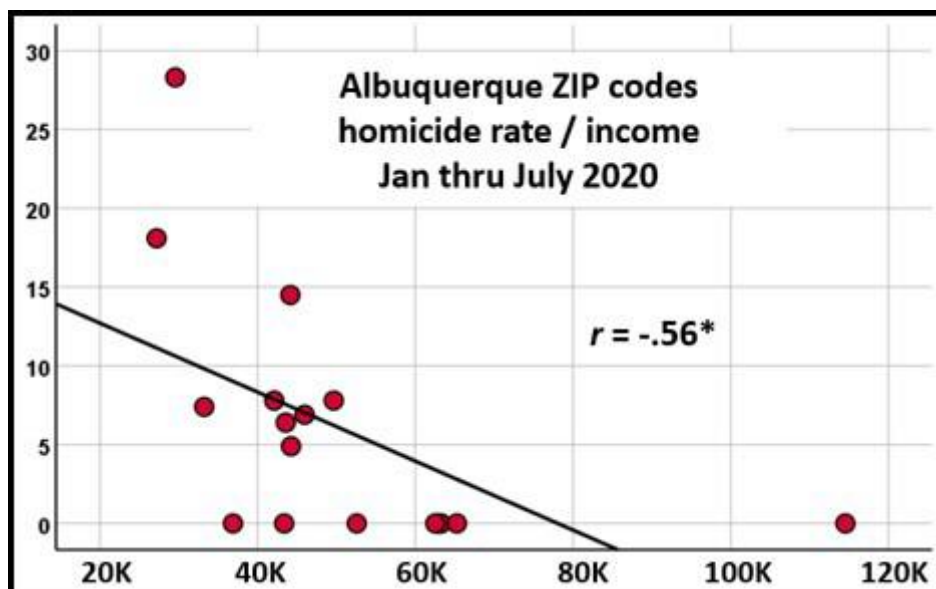
A new Federal initiative, "[Operation Legend](#)," intends to deal with the slaughter. Named after LeGend Taliferro, a four-year old Kansas City boy who was shot and killed several weeks ago, the program commits Federal funds and law enforcement



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 5/16/10

## TOO MUCH OF A GOOD THING?

*NYPD's expansive use of stop-and-frisk  
may threaten the tactic's long-term viability*

*By Julius (Jay) Wachtel.*

“These are not unconstitutional. We are saving lives,  
and we are preventing crime.”

That's how department spokesperson [Paul J. Browne](#) justified the more than one-half million “[Terry](#)” stops done by NYPD officers in 2009. But not everyone's on board. A current [Federal lawsuit](#) by the Center for Constitutional Rights charges that the department's own statistics (NYPD must keep stop-and-frisk data in settlement of an earlier case) prove that its officers routinely and impermissibly profile persons by race.

In [Terry v. Ohio](#) (1968) the Supreme Court held that officers can temporarily detain persons for investigation when there is “reasonable suspicion” that they committed a crime or were about to do so. Persons who appear to be armed may also be patted down (hence, “stop-and-frisk.”) Later decisions have given police great leeway in making investigative stops. For example, in [U.S. v. Arvizu](#) (2002) the Court ruled that officers can apply their experience and training to make inferences and deductions. Decisions can be based on the totality of the circumstances, not just on individual factors that might point to an innocent explanation.

Last year NYPD stop-and-frisks led to 34,000 arrests, the seizure of 762 guns and the confiscation of more than 3,000 other weapons. [Eighty-seven percent](#) of those detained were black or Hispanic. Since they only comprise fifty-one percent of the city's population, to many it smacked of racial profiling. In its defense, NYPD pointed out that fully eighty-four percent of those arrested for misdemeanor assault in 2009 were also black or Hispanic. Its stops, the department insists, are proportionate to the distribution of crime by race.

There is data to support both views. A [2007 Rand study](#) found only a slight disparity in the intrusiveness and frequency of NYPD stops once differences in crime rates are taken into account. But a [1999 analysis](#) by the New York Attorney General concluded that the disparity in the frequency of stops could not be explained by racial differences in criminal propensity.



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Dueling studies aside, NYPD concedes that blacks, Hispanics and whites who are stopped are equally likely to be arrested (for all races, that's about six percent.) Indeed, blacks are less likely than whites to have weapons (1.1 versus 1.6 percent.) So why are blacks and Hispanics far more likely to be stopped in the first place? According to NYPD, that's because anti-crime sweeps usually take place in high-crime (read: poor) precincts where many minorities happen to live.

It's a truism that policing resembles making sausage. Even when cops try to be respectful, no amount of explanation can take away the humiliation of being stopped and frisked. Although NYPD executives and City Hall argue that the tactic has been instrumental in bringing violent crime to near-record lows, a recent New York Times [editorial](#) and a [column](#) written by Bob Herbert, one of the city's most influential black voices, warn that its use has driven a wedge between cops and minorities.

NYPD's aggressive posture harkens back to the grim decade of the 1960's, when heavy-handed policing lit the fuse that sparked deadly riots across the U.S. Encouraged to devise a kinder and gentler model of policing, criminologists and law enforcement executives came up with a new paradigm that brought citizens into the process of deciding what police ought to be doing, and how. The brave new era of [community policing](#) was born.

It wasn't long, though, before observers complained that the newfangled approach was of little help in reducing crime and violence. Spurred for more tangible solutions, academics and practitioners devised [problem-oriented policing](#), a strategy that seeks to identify "problems," which may include but are not limited to crime, and fashion responses, which may include but are not limited to the police. But despite its attempts at practicality, POP's rhetorical load is substantial, while its strategic approach is not much different than what savvy police managers have been doing all along.

Then [CompStat](#) arrived. To be sure, police have always used pin maps and such to deploy officers. CompStat elevated the technology. More importantly, it prescribed a human (but, some argue, not necessarily *humane*) process for devising strategic responses to crime and holding commanders accountable for results. It was introduced, incidentally, by the NYPD.

Compstat [has been criticized](#) for placing unseemly pressures on the police. Its preoccupation with place, though, resonated with criminologists who had long believed that geography was critical. Soon there was a new kid on the block: [hot-spot policing](#). An updated, more sophisticated version of a strategy known as selective enforcement, it encourages police to fashion responses that take into account the factors that bind

geography to crime. It's not just that a certain kind of crime happens at a certain time and place, but *why*.

After forty years of ideological struggle and experimentation vigorous policing has come back in style. For an example look no further than the [campaign pledge](#) by Philadelphia Mayor Michael Nutter to attack the city's violence epidemic with hot spot policing and "stop, question and frisk" His call to action has been echoed in cities across the U.S. From [Newark](#), to [Philadelphia](#), to [Detroit](#), [Omaha](#) and [San Francisco](#), police are using a variety of aggressive strategies including stop-and-frisk to restore the peace and get guns off the street.

That's the good news. The bad news is that from Newark, to Philadelphia, to Detroit, Omaha and San Francisco.... Benefits don't come without costs. Stop-and-frisk is no doubt effective, yet as recent events in New York City demonstrate it's not without potentially serious consequences. An inherently elastic notion whose limits officers frequently test, *Terry* is more than ripe for abuse. Of course, whether NYPD's enthusiastic embrace has stretched stop-and-frisk beyond what the Supremes intended will be the subject of litigation for a long time to come. Let's hope that events on the ground don't make the decision moot.

Posted 10/11/14

## TRAFFIC STOPS AREN'T JUST ABOUT "TRAFFIC"

### *Two instances of using traffic laws to justify drug searches reach the Supreme Court*

*By Julius (Jay) Wachtel.* Nicholas Heien and Naynor Vasquez were tooling along rural North Carolina when they drove by a parked sheriff's patrol car. Officer Darisse looked up. On the lookout for "criminal indicators," the eagle-eyed cop noticed that Vasquez, the driver, seemed "stiff and nervous." So he pulled out to follow. Officer Darisse then noticed that one of the vehicle's brake lights wasn't working.

Bingo!

In his report, Officer Darisse wrote that he stopped the car because of a malfunctioning brake light. He could hardly have claimed otherwise. To justify a stop an officer needs, at the very least, reasonable suspicion of law-breaking. Merely "driving while stiff" isn't enough.

As one might expect, the cop wasn't all that interested in light bulbs in the first place. But to rummage through a car requires either the occupants' consent or probable cause that contraband or other evidence of a crime may be present. After issuing a written warning about the malfunctioning brake light the officer asked if he could search for drugs and such. Vasquez didn't object and Heien, the vehicle's owner, grunted his assent.

A full forty minutes later the good officer had his prize: a baggie of crack cocaine. He promptly arrested the pair for transporting drugs. What officer Darisse didn't know then – but certainly knows now – was that the North Carolina vehicle code requires only a single functioning brake light.

That oopsie set off a fascinating legal drama. In *Heien v. North Carolina* (no. 13-604, cert. granted 4/21/14) Heien argues that his conviction – so far every court, including the North Carolina supreme court, has ruled against him – goes against common sense. After all, if citizens are expected to know the law, shouldn't the cops? (Vasquez pled guilty and isn't a party to the appeal.)

In the law, though, logic isn't necessarily dispositive. Heien's petition for certiorari points out that State and Federal appeals court have come down on both sides of the issue. Some have ruled that stops based on the mistaken belief that a certain traffic law exists violate the Fourth Amendment, thus poison the fruit of the tree. Others have

allowed evidence gained through such stops, holding that an officer's "objectively reasonable" belief is enough.

As to the last point, North Carolina heartily agrees. It argues that mistakes of law and of fact should be evaluated by the same standard – their objective reasonableness. Officers supposedly need "leeway" to be effective, and holding them to a higher bar for mistakes of law would be impractical. It's also unnecessary, as there are few cases in which such errors could be excused.

At the heart of the dispute lies the "good faith exception" to the exclusionary rule. Heien argues that when a stop is predicated on a non-existing traffic law the exception does not apply – everything must be suppressed. North Carolina disagrees; in its view, an objectively reasonable mistake of law is not the kind of outrageous police conduct that the Fourth Amendment was intended to prevent.

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Dennys Rodriguez and Scott Pollman were tooling along a Nebraska highway when police officer Struble observed their vehicle drift across the line demarcating the shoulder. Officer Struble initiated a traffic stop. He then asked Rodriguez, the driver, to accompany him to his police car, where a drug-sniffing dog awaited. Whether Rodriguez realized what was up we don't know. He asked if he had to leave his vehicle, and when told "no" he stayed put. That and Pollman's evasive demeanor aroused the cop's suspicions.

After issuing a warning ticket the officer told the pair to stick around and radioed for backup. Help arrived in six or seven minutes. Officer Struble then walked the pooch around the car. It alerted, and a search turned up a "large bag" of meth.

Rodriguez and Pollman were convicted on Federal drug charges. On appeal, they claimed that once the officer issued the warning they should have been let go, and that their detention, if only for seven minutes, violated their Fourth Amendment rights. Their pleas were rejected by the Eight Circuit, which had itself allowed "de minimis" extensions for drug sniffing in prior cases.

In their appeal to the Supreme Court (*Rodriguez v. U.S.*, no. 13-9972, cert. granted 10/2/14) Rodriguez and Pollman cite a number of state and Federal court decisions which hold that once legitimate police business has been concluded, even the briefest detention is Constitutionally impermissible. "Liberty is compromised not because of the traffic violation that permitted the stop in the first instance but because of the officer's own curiosity or hunch. When that is the case, the length of detention is irrelevant."

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With lower court decisions in their cases stacked against them, the petitioners seem to be at a serious disadvantage. Rodriguez and Pollman were legally stopped and only briefly detained. Had the officer delayed writing the warning until backup arrived, which under the circumstances (it was midnight) seems prudent, what would be left of their claim?

On the other hand, Heien's argument has promise. His stop was inherently unlawful. One wonders about the message that making a "good faith" exception in such cases would convey. That an officer's well-crafted "reason" can matter more than the law?

Your blogger isn't normally fond of gambling, but he predicts that the Supremes will reverse *Heien* and affirm *Rodriguez/Pollman*. Stay tuned!

Posted 7/20/20

## TURNING COPS INTO LIARS

*Keeping score can distort what officers do*



**Quality is Job 1.**

*For Police Issues by Julius (Jay) Wachtel.* What do “Adrian Flores, Jasean Carter, Dontae Kelly, Juan Garcia, Lamonte Jenkins, Jameis Beatrice, Wilford Jones, Jammeal Quaran, Rapaul Winston, Marquis James, Devon Canzalez, Ramon Gutierrez, Hector Amaya, Wilmer Francisco, Julio Espinosa, Gerald Matthews and Jorge Rodriguez” have in common?

If you guessed “they don’t exist!” give yourself a pat on the back. [A massive complaint](#) filed by the L.A. County D.A. alleges that these seventeen characters were “fictional persons” brought to life by three LAPD officers who during the period March 2018 to January 2019 submitted field interview cards falsely claiming that each had been stopped and duly identified as a gang member.

So what do “Jaron P., Angelo M., Chris C., Kivon W., Alden O., Isiah B., Lawrence J., Antonio M., John S., Gadseel Q., Jose Q., Justin H., Emmanuel B., Bryan G., Jose J., Billi J., Alejandro R. and Andres A.” have in common?

If you guessed “they’re real, but not gang members” have one on us! According to the complaint, these were real people whom the officers falsely labeled as belonging to a street gang. Officers had helpfully supplied each one’s purported moniker (e.g., “Dub Bird”) and, for most, described their gang tattoos.

Natch, once the jig was up each F.I. card became a separate felony count of “Preparing False Documentary Evidence” ([Calif. Penal Code section 134.](#)) Officers also included false gang affiliations in crime reports; each became a felony count of “Filing a False Report” ([P.C. 118.1.](#)) Including conspiracy ([P.C. 182\[a\]\[5\]](#)), the cop who apparently led the enterprise was charged with *fifty-nine* counts. One of his partners was included in thirteen; another in five.



In all, the damage done seems substantial. In addition to influencing enforcement and prosecutorial decisions, the bogus data was entered into the statewide [Cal Gangs database](#), becoming a source of misleading information and saddling dozens with unearned “gang” labels that could, among other things, make them vulnerable to enhanced sentencing should they be convicted of crimes in the future. Concerns about abundant falsehoods recently led the State Attorney General [to strip all LAPD contributions](#) from the database.

As things stand, there won't be any more. In “[Recipe for Disaster](#)” we discussed how the mess first came to light. According to [a January 7 LAPD news release](#), an internal inquiry began when a mother contested the accuracy of an official letter informing her that her son was a gangster. As they compared officer body-cam videos with field interview cards – [the technique that prosecutors say](#) underpinned the charges – internal affairs investigators came to believe that as many as [twenty members](#) of LAPD's elite “Metro” group had been exaggerating their productivity by simply making things up. While some of the inconsistencies were ultimately attributed to errors and such, there was no mistaking a fifty-nine count criminal complaint. And once that lid blew LAPD Chief Michel Moore decided to withdraw his agency from CalGangs altogether.

By this point, complaints from Black citizens that they were being unfairly targeted had led the chief to reorient Metro from stop-and-frisk to other approaches (see [Scapegoat, Part I](#).) But it's not as though LAPD can simply back off from crime-fighting. Major-city violence has definitely taken a turn for the worse. Through July 11 [LAPD reported](#) 151 homicides compared with 134 during the same period last year. An even sharper increase has beset New York City. [Through July 12](#) its portal reports 203 murders and 634 shootings compared with 165 and 394 during that period in 2019. [Commenting on the spike](#), NYPD Commissioner Dermot Shea blamed areas “overrun by gangs”:

There is a lot of gang activity, a lot of drug activity. It's bad people with guns, and it doesn't get any simpler than that. People settling scores, spraying a crowd.

Ditto Chicago. [Its Compstat pages](#) report 385 murders and 1541 shootings in 2020 through July 12 compared with 260 and 1059 during the same period in 2019. (Click [here](#) for the *Tribune* story.) As [academics occasionally concede](#), intensively policing troubled areas (i.e., “hot spots”) can tamp down violence. So while the Windy City's Black police chief, David Brown, says he's sensitive to the concerns of the post-George Floyd era, the appalling forty-eight percent increase in killings led him [to revisit the](#)

[concept](#) of a citywide violence suppression team that could prevent and if necessary deal with flare-ups. Um, a “Metro” group, so to speak.

New York City, Los Angeles and Chicago maintain public Compstat portals that offer detailed statistics on crimes including murder, sexual assault, robbery, aggravated battery, burglary, theft and motor vehicle theft. Data is aggregated weekly, and the manner of its display enables ready comparisons over periods as long as four years. Bottom line: these are the numbers, and numbers don’t lie! Although aggregate crime statistics obscure the fact that many neighborhoods remain disproportionately impacted by violence (see, for example, [“Place Matters”](#)) New York and Los Angeles are fond of bragging about their [“crime drops.”](#) Police brass inevitably feel judged (and undoubtedly *are* judged) by crime numbers, their change over time, and how their cities compare with other places. Should they feel discontent, subtle and not-so-subtle pressures to assign serious crimes to lesser categories can flow through the ranks (see, for example [“Cooking the Books”](#)). Transforming “aggravated” assaults into “simple” assaults – or, even better, not reporting them altogether – can help everyone’s prospects, from a lowly precinct Captain all the way to the chief. And, come election time, even the mayor!

Such tricks have their limits. It’s a lot tougher to ignore bodies as they pile up. So even in today’s atmosphere, when calls for the police to back off seem pervasive, the “bluest” of the media will jump on the cops should things spin murderously astray. Consider, for example, this July 16 piece in the *New York Times*: [“Shootings Have Soared. Is the N.Y.P.D. Pulling Back?”](#) Here’s a small slice of its pan:

Arrests have declined drastically this summer, falling 62 percent across the board for the last four weeks compared with the same period last year, police data show...Gun arrests have dropped 67 percent during the same four weeks compared with last year, even as shootings have continued to spiral upward.

Despite its reputation as a police scold, the *Times* is sparing no effort to disparage officers for supposedly doing less. For a bit of whiplash, keep in mind that it was criticism from the “blues” [that drove NYPD to disband](#) a citywide anti-crime unit that focused on getting guns off the street. A mere month later, the same commissioner who pulled the plug is [planning to reverse course](#).

He’ll discover what police well know. To have a *real* effect on violence requires more than filling out cards. It calls for smartly targeted stops that yield [a substantial increase in desirable outcomes](#) such as gun seizures and arrests. But making more such stops legally – that is, with adequate justification – can prove challenging under the best of

circumstances. Now consider the [charged, production-oriented environment](#) officers faced in Metro:

Multiple law enforcement sources told NBCLA's I-Team that Metro Division officers had been pressured by their commanders to show that their patrols were productive. Officers assembled daily statistics about the number of people they stopped and questioned, the number of contacts with gang members, the number of arrests, and other metrics.

While the LAPD hierarchy “denied there was pressure to produce any particular type of statistics,” the potentials for abuse are obvious. Your blogger was well aware of pressures to produce throughout his law enforcement career. Indeed, they became fodder for his doctoral dissertation, “Production and Craftsmanship in Police Narcotics Enforcement” (for an article based on this work click [here](#).) What he discovered wasn't exactly new: doing a “quality” job in policing is like doing “quality” work [in any other craft](#). Say, woodworking. It requires attention to detail and a commitment to do one's best without cheating or taking shortcuts. Should outcomes prove less than perfect good cops own up to their mistakes, do what they can to fix things, and hopefully use what they learned to prevent flub-ups in the future.

Where to start? We must define precisely what “quality” means for each task, from patrol to the chief. If counting has a place – after all, for duties such as traffic enforcement, numbers can be useful – its role must be clearly articulated. One could use the process your blogger recently articulated in *Police Chief* magazine (“Why do Officers Succeed?” Click [here](#) and scroll to p. 26. Or [contact](#) the writer and ask for a .pdf).

In this numbers-obsessed, Compstat-driven era, “productivity metrics” have reached absurdist heights (for an example click [here](#).) They've provided officers so inclined an impetus for out-and-out lying, as exemplified in the accusations against LAPD Metro's “three bad apples.” More broadly, society's obsession with counting, [which we've traced](#) to a late defense secretary's obsession with counting “bombs dropped, acres deforested and enemy killed” during the Vietnam war has displaced other, far more worthy objectives. Like [building safe planes](#). And [dispensing the right drugs](#). And, in policing, properly arresting the truly deserving. Let's quote one of the narcotics detectives we interviewed for that long-ago dissertation ([article, p. 269](#)):

Make cases, put people in jail, numbers. Our department right now is heavily into numbers. It's not so much the quality of the case but it's how many cases you do...because there are stat's being taken through the chain of command.

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Imploring officers to do quality work while our fingers are crossed behind our backs can only contribute to the cynicism. Management's commitment to do "well" instead of "more" must be genuine. As that old Ford ditty goes, let's truly make quality "Job #1"!