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WHEN *MUST* COPS SHOOT? (PART I)

Four notorious incidents; four dead citizens. What did officers face?



For Police Issues by Julius (Jay) Wachtel. Many of our readers teach in college and university criminology and criminal justice departments. (That, indeed, was your blogger's last gig.) So for an instant, forget policing. Think about your last evaluation. Was the outcome fair and accurate? Did it fairly reflect – or even consider – the key issues you faced in the classroom and elsewhere?

If your answers were emphatically “yes” consider yourself blessed. The academic workplace is a demanding beast, with a “clientele” whose abilities, attention span and willingness to comply vary widely. And we're not even getting into administrative issues, say, pressures to graduate as many students as possible as quickly and cheaply as possible. Or the personalities, inclinations and career ambitions of department chairs. (If you're one, no offense!) Bottom line: academia is a unique environment. Only practitioners who face it each day can truly understand the forces that affect what gets accomplished and how well things get done. Actually, that's true for most any complex craft. Say, policing.

So what is it that *cops* face? Let's dissect four recent, notorious examples. Two involved mentally troubled men with knives, one a rowdy ex-con packing a gun, and one a young, non-compliant couple whose male half had amassed a substantial criminal record and was apparently wanted by police.

Los Angeles, November 19, 2019

Last November a citizen alerted an LAPD patrol sergeant that [a man was running around with a knife](#) (photos above.) [Officers soon encountered](#) a highly-agitated 34-year

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old male flaunting a “seven-inch kitchen knife.” Officers took off after him on foot (click [here](#) for the officer bodycam video).

During the chase one cop reportedly fired a Taser but without apparent effect. Soon the man paused. As his pursuers tried to keep their distance, Alex Flores swiftly advanced on one. His knife was in his right hand, with the blade pointed in and tucked under his forearm. After Mr. Flores ignored repeated commands to stop the officer shot him dead.

At a police commission hearing [Mr. Flores’ grieving mother and sister argued](#) that he wasn’t a criminal but a mentally ill man struggling with paranoia. “What type of system do you all serve?” his sister demanded to know. “Clearly this was a racist murder.”

Philadelphia, October 26, 2020

During the early morning hours of October 26 two Philadelphia police officers [responded to a call](#) about a “screaming man” with a knife.



Walter Wallace, Jr., 27, was flaunting his weapon on a second-floor porch, and when he spotted the officers he promptly came down the steps. Pursued by his mother, he briskly chased the cops into the street (left and center photos). Ignoring commands to drop the weapon, he kept on coming. So the officers shot him dead (right photo. For a bystander video click [here](#).)

Mr. Wallace’s parents said that their mentally-disturbed son had been acting up despite being on medication. Indeed, police had already been at their home *three times* that very day. Their final call, they insisted, [was for an ambulance, not the police](#). “His mother was trying to defuse the situation. Why didn’t they use a Taser?” [asked the father](#). “Why you have to gun him down?” According to the police commissioner neither officer had a Taser, but the agency has been trying to get funds so that they could be issued to everyone.

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San Bernardino, California, October 22, 2020

During the late evening hours of October 22 San Bernardino (CA) police were called about a large, heavysset man who was “[waving around a gun](#)” and “[jumping on vehicles](#)” in a liquor store parking lot.

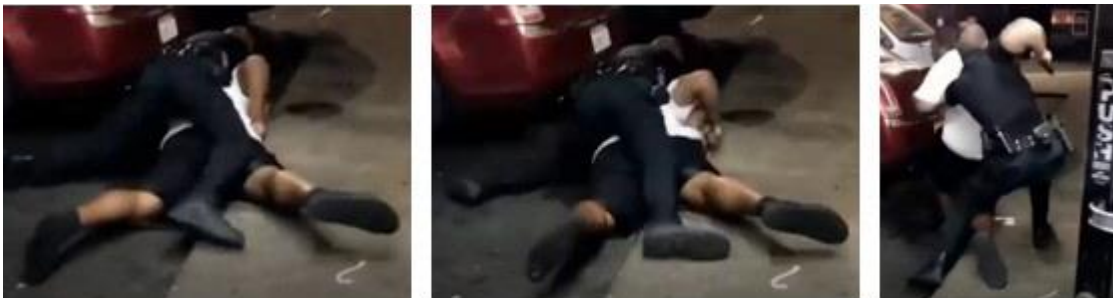


A lone cop arrived. Spotting the suspect, he drew his pistol and yelled “hey man, come here” (left photo). But the six-foot-three, three-hundred pound man would have none of it. Disparaging the cop for drawing the gun, Mark Bender, 35, announced “I’m going to the store” and kept walking (right photo).



Although the officer was vastly outsized he tried to physically restrain Mr. Bender, and the fight was on (click [here](#) for the officer bodycam video and [here](#) for a bystander video.)

As the pair struggled on the ground, Mr. Bender pulled a 9mm. pistol from his pockets with his right hand (left and center photos). The cop instantly jumped away (right photo) and opened fire. Mr. Bender died at the hospital. His gun was recovered.



Police reported that Mr. Bender was a convicted felon [with a lengthy criminal record](#). According to the [Superior Court portal](#) he was pending trial on a variety of charges including burglary, resisting police and felony domestic violence.

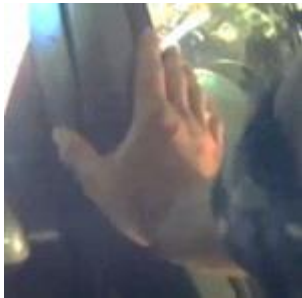
Waukegan, Illinois, October 20, 2020

About midnight, October 20th, a Waukegan (IL) officer [interacted with the occupants of a parked car](#). According to the city’s initial version, an unidentified officer responded to a report of a suspicious car, but as he arrived the vehicle suddenly left. Another officer found it parked nearby. When he approached on foot the car went into reverse. Fearing

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he would be run over, the officer opened fire, badly wounding the driver, Tafara Williams, 20, and killing her passenger, Marcellis Stinnette, 19.

Given from the hospital where she is recovering, Ms. Williams' account [was starkly different](#). She and Mr. Stinnette were sitting in her vehicle, in front of their residence, when a cop drove up. He knew her boyfriend's name and said he recognized him "from jail." She asked if they could leave, then slowly drove off when the officer stepped back. But when she turned into another street her car was met by gunfire. Bullets struck her and Mr. Stinnette and caused the vehicle to crash. An officer kept firing even though she yelled they had no gun. "My blood was gushing out of my body. The officer started yelling. They wouldn't give us an ambulance till we got out the car."



Ms. Williams denied any wrongdoing. She doesn't know what prompted the attack. "Why did you just flame up my car like that? Why did you shoot?" Once videos were released, however, [what actually happened clearly varied from both accounts](#), and most dramatically from



Ms. Williams'. [Bodycam video](#) from the officer who first encountered the couple reveals that he recognized Mr. Stinnette and announced that he was wanted on a warrant. But when the cop walked around to the passenger side (left photo shows his hand on the car) and told Mr. Stinnette that he was under arrest the vehicle abruptly sped away (right photo.)



We now turn to dashcam video from the second police car([click here](#).) That officer took over the pursuit as the fleeing vehicle evaded the original responder.



After running through a stop sign the vehicle turned right and ran off the road to the left (left photo). The officer abruptly stopped at the left curb alongside the vehicle (right photo) and exited his car. Gunfire soon erupted. His bodycam wasn't on, so the officer's claim that Ms. Williams backed up at him can't be visually confirmed. But he accused her of that moments later once he had turned on his bodycam ([click here](#) for the clip.) This officer [was promptly](#)

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[fired](#) for not having the bodycam on and for other unspecified policy and procedural violations.

Was Mr. Stinnette in fact a wanted person? We lack access to warrant information, but it seems likely. He had accumulated [a substantial felony record in Waukegan](#) during 2019, including separate prosecutions for “stolen vehicle,” “burglary” and “escape,” and the details we reviewed online suggest that he had failed to comply with conditions for release (click [here](#) for the basic case printout.) As for Ms. Williams, she was the sole defendant in a May 2019 “criminal trespass” that was ultimately not prosecuted (Lake Co. Circuit Court case #19CM00001381.) We know of no other record. But her “flame up my car” comment leaves us wondering.

To be sure, retrospective vision is one-hundred percent. Things could always have been handled better. Yet from the perspectives of the craftspersons who were saddled with the initial burden – meaning, the cops – each encounter posed a substantial risk to themselves, their colleagues, and innocent citizens. Unruly folks running around with knives or guns is never a good thing. And although no weapon was involved, check out the Waukegan [pursuit clip](#). Sixteen seconds in, Ms. Williams blew a stop sign. Consider what might have happened had there been an oncoming vehicle in the cross street.

Still, was deadly force necessary? Shooting someone dead is an inherently repulsive notion that seems acceptable only under the most pressing of circumstances, when innocent lives are at risk and no feasible alternatives are in hand. And even when a shooting seems justifiable, can we take steps to avoid a repeat? Over the years our [Strategy and Tactics](#) and [Compliance and Force](#) sections have discussed a wide variety of practices intended to keep cops and citizens (yes, the naughty *and* the nice) from hurting one another, or worse. Of course, special resources may be called for. And there will always be issues with human temperament and citizens’ disposition to comply.

Our next post will bring such notions forward and apply them to each incident. In the meantime, please share your thoughts, and we’ll include them – anonymously, of course – in Part II. Until then, stay safe!