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COMING CLEAN IN SANTA BARBARA

Good police work could have prevented a massacre

By Julius (Jay) Wachtel. During the past decade a wave of mass shootings has drawn attention to the threat posed by the armed and mentally ill. Federal law prohibits firearms possession by persons who have been adjudicated to be mentally defective. But adjudication is controlled by State laws, and most require proof, before someone can be detained, that they pose an imminent physical risk to themselves or others. Absent demonstrably violent behavior, that's a tough standard to meet. So in practice, mental issues are usually only taken up in court after a crime has already occurred.

So much for prevention!

It's usually up to police to collect and present evidence of dangerousness. When Santa Barbara (Calif.) sheriff's deputies knocked on Elliot Rodger's apartment door on April 30, the 22-year old Isla Vista resident and sometime college student was not an unknown commodity. He had come to official attention twice before, once as the victim or instigator of a minor brawl, and again as the complainant in a petty theft. On this occasion the circumstances were different. Alerted by Mr. Rodger's parents that their son, who had a history of psychological issues, might be experiencing an emotional crisis, state mental health authorities alerted police. Several officers promptly conducted a "welfare check." After reportedly spending ten minutes with Mr. Rodger they left.

Three weeks later Elliot Rodger would become a mass killer, stabbing three students to death, then gunning down three others and wounding thirteen. He left behind a thick manifesto excoriating the many co-eds who had spurned his advances. Yet according to Santa Barbara County sheriff Bill Brown, the deputies who spoke with Rodger found him in good mettle, with a "very convincing story" that persuaded them he did not pose a threat.

Rodger himself would have disagreed. In his manifesto he wrote that had deputies entered the apartment, he would have surely been arrested. Aside from his as-yet incomplete rant, which professed his intention to commit mass murder, he had three high-powered pistols, a large quantity of ammunition and numerous ammunition magazines.

But the officers stayed outside. According to Sheriff Brown, they had found no legitimate reason to pursue the matter. After all, Rodger had his rights.

California requires that all gun sales, including private transactions, go through a dealer and be recorded with the state. A ten-day waiting period is also in effect. Computerized decades ago, the "Automated Firearms System" (AFS) allows peace officers to instantaneously determine if someone legally purchased a handgun in California by entering their name and birthdate into any police terminal. (As of this year perpetual, centralized records of long gun transfers will also be kept.) Had the sheriff's dispatcher or one of the deputies bothered to check, they would have

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immediately discovered that Mr. Rodger had been amassing pistols since turning 21, the minimum legal age for buying a handgun.

Now comes some informed speculation. To someone who spent his career in law enforcement, it seems inconceivable that an officer who knew that Mr. Rodger had bought three handguns in quick succession would not press his inquiries and ask to see the weapons, and if told “no” to cajole and insist, in the way that cops do every day when dealing with recalcitrant citizens. This, as we know, didn’t happen, as neither the dispatcher nor the responding officers had checked to see whether Mr. Rodger had guns.

This failure to do some very basic fact-gathering is plainly obvious to any law enforcement professional. One assumes that in the future sheriff’s dispatchers will run AFS checks so that deputies are properly informed. Yet Sheriff Brown’s comments are not reassuring. True enough, dealing with the mentally ill is not simple. And no one wants cops to overstep. But when the sheriff of Santa Barbara County puts off his officers’ failure to act to the complexities of the factual and legal environment, he is being disingenuous. Street cops are not unfamiliar with the mentally ill, and fully expect them to dissemble. Any reasonably competent officer who knew that Rodger had a small arsenal would have been legally justified to press his inquiries beyond the front steps, and would have felt morally compelled to do so. Even if Mr. Rodger didn’t cooperate, minimal investigation would have yielded plenty of cause (among other things, ominous YouTube postings) to search his apartment and detain him for mental evaluation.

Now, days after the tragedy, with calls for more tightly regulating gun sales, lowering the legal threshold of dangerousness, and even creating mental health teams to respond with deputies, it seems that the Santa Barbara Sheriff’s Department has artfully sidestepped the real culprit: shoddy policing. As cops well know, in the real world of limited time and resources there is no substitute for doing a quality job. When a chief law enforcement officer deflects blame by attributing a preventable tragedy to the supposedly greater flaws of the system, he’s essentially given up. Hopefully his subordinates won’t follow suit.

FULL DISCLOSURE: This story was twice offered to the Los Angeles Times as an op-ed. It was twice rejected, first on May 27, and again on May 30. Coincidentally (or not) a story posted by the Los Angeles Times on May 30 reported that Rodger’s gun purchases had gone unnoticed by the authorities. That led your writer to email one of its writers. On the following day the Times ran a follow-up piece suggesting that deputies had messed up by not checking. Then on June 2 the Washington Post scooped everyone with a detailed, damning account of the sheriff’s department stumble, and its tragic consequences.