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EVERY COP NEEDS A TASER

There must be a way for three officers to handle a drunk with a knife short of killing him

"Let's be clear, and I will be, about what happened in the Westlake area. There was a man with a knife. That man with a knife was threatening individuals, innocent people who were on the street there. That man was in close proximity – in fact, the facts will show that actually he had his hand on at least one person at some point in that altercation. We've got to go through an investigation. But when it's all said and done, I'll guarantee you what's going to come out is that these guys are heroes, and I stand by them."

By Julius (Jay) Wachtel. Coming on the heels of three days of disturbances in the Westlake district, an impoverished, densely-populated area of central Los Angeles that's home to tens of thousands of Central American immigrants, many without papers, [Mayor Antonio Villaragoisa's](#) comments conveyed a tinge of desperation. Cops did their jobs. Why would anyone criticize them?

Hizzoner's frustration was understandable. Although what happened later isn't as clear-cut, it's beyond dispute that [the incident began](#) when a pedestrian alerted three bicycle officers about a man threatening passers-by with a knife. Officers quickly found the suspect, Manuel Jamines, 37, a Guatemalan national, and approached him on foot. According to police, Jamines was waving a knife. In an episode that LAPD Chief Charlie Beck said lasted less than a minute, officers ordered Jamines in both English and Spanish to drop the weapon. Instead of complying Jamines held the knife high and advanced on officer Frank Hernandez, a 13-year veteran. Hernandez fired twice, striking Jamines in the head and killing him.

It turned out that Jamines, a day laborer, was drunk. A large folding knife with a six-inch blade was recovered. It was speckled with blood.

Relatives said that Jamines had an alcohol problem and had been drinking since that morning. A cousin told Jamines to go home but the man apparently didn't listen. His body will be reportedly returned to the Guatemalan village where his wife and three children reside.

Residents erected a makeshift memorial. Then the marches and protests began. Participants, including a handful of very white-looking members of the "Revolutionary Communist Party" flooded the Pico-Union district. There were three nights of disturbances, a handful of injuries and several dozen arrests. Trash was strewn about and a few dumpsters were set on fire but damage was slight. [LAPD rules that forbid officers](#) from routinely inquiring into immigration status don't apply to those arrested, and it may be that fear of being deported helped keep things from escalating.

A couple of witnesses have since come forward to report that Jamines had nothing in his hands when he was shot. Frankly, their accounts are less than credible (one, who hid her face from cameras, criticized officers for moving on unlicensed sidewalk vendors, an issue of continuing controversy.) Your blogger

wasn't there, and until there's an authoritative account to the contrary we accept that officer Hernandez sincerely believed there was no option but to shoot.

Yet we remain troubled.

According to the FBI, law enforcement officers [justifiably shot and killed](#) 368 persons in 2008, the last year for which complete data is available. During the same period [58,792 officers were assaulted](#) and 15,366 were injured, with 188 hurt by gunfire and 125 with cutting instruments. From this perspective the number of citizens slain by police seems, for lack of a more delicate term, relatively modest. That officers generally exercise restraint is borne out by a [BJS special report](#), which estimated that only 1.6 percent of police-citizen contacts in 2005 involved the use of force.

While police must be able to protect themselves and others, they are expected to accept some risk. Considering the many instances in which citizens have been shot because they were mistakenly thought to present a threat there are probably more than a few cops who wish they had not been as quick to pull the trigger.

And that brings us to this incident and this particular officer. [According to the Los Angeles Times](#) officer Hernandez has previously shot two persons. Both shootings were reportedly ruled "in policy," meaning that they were deemed justified. In the first episode, which occurred in 1999 when Hernandez had three years on the job, he shot a female armed robbery suspect after an exchange of gunfire. In the second, which occurred in 2008, Hernandez shot an alleged assault suspect whom he said pointed a gun while trying to flee. [A follow-up story in the Times](#) reports that Hernandez was admonished for using improper tactics in the latter incident. A lawsuit has also been filed. It now seems that the man Hernandez wounded was unarmed and apparently unconnected with the assault.

Considering that most cops complete their careers without shooting anyone, Hernandez is somewhat of a rarity. Yet each situation must be judged on its own. Assuming that the mayor is correct and that the present shooting will also be ruled "in policy," the question will nonetheless linger as to whether a father's life might have somehow been spared.

That brings us to the observation that inspired this post. LAPD patrol units carry Tasers and beanbag shotguns. Bicycle officers, as Chief Beck acknowledged, typically don't. (They do carry OC spray. Its limited reach and delayed effect, though, can make it chancy to use should suspects have weapons.)

Police around the U.S. regularly deploy Tasers against knife-wielding suspects with good effect. In July [a Salt Lake City bicycle cop](#) Tased a man who approached him and his partner while wielding a knife (for other recent examples Google "taser knife.") A recent [Federally-funded study](#) identified 500 episodes in central Florida, including 185 involving edged weapons, where officers could have justifiably used deadly force but successfully opted for an alternative, most often the Taser (pp. 86-88). Lives were saved, expensive litigation was avoided and cops didn't have to second-guess themselves for the rest of their careers.

Earlier this year ex-LAPD Assistant Chief George Gascon, now police chief in San Francisco, [asked for permission](#) to issue Tasers to the SFPD. Reviewing fifteen justifiable shootings between 2005-2009, he concluded that five, which involved suspects who had knives or "charged" at police, could have been

averted had a less-than-lethal alternative been available: "One of the things we are saying in this analysis is that if we had another tool in the tool bag, i.e., a Taser, some of these shootings could have been avoided."

Alas, the fear that cops might go hog-wild with CED's carried the day and Chief Gascon didn't get his wish. But one hopes that he'll try again.

Back to L.A. [In a recent interview](#) Chief Beck expressed concern that an incident he considers "pretty straightforward" has touched off so much resentment. He seems committed to regaining the community's trust and we wish him well. Of course, not being privy to all the gory details we can't be positive that a Taser would have peacefully resolved this incident, thus making *real* heroes of the police and avoiding the recriminations that followed. Even so, there's little question but that Tasers should be carried by all patrol officers, including bicycle cops. There really *must* be a way to handle a drunk with a knife without having to call in the coroner.