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## FIRST, DO NO HARM

### *Just how intrusive should patrol be?*

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

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

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

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

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

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During the early morning hours of Friday, January 14, 2011 LAPD responded to a disturbance in the upscale Westside community of Playa Vista. When officers arrived they found [Reginald Doucet, Jr.](#) running around stark naked, "yelling and behaving erratically." A former college football player and NFL prospect, the 25-year old had been arguing with the taxi driver who brought him to his condominium.

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

Both officers were treated for injuries and released.

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

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

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

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

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

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

Lacking verifiable details it's hard for outsiders to speculate what officers might have done to avoid killing Mr. Zerby and Mr. Doucet. However, we *can* urge that when no serious crime has occurred, bias be shifted in the direction of restraint. As it turns out, Mr. Zerby could have been observed indefinitely. Mr. Doucet presented a different problem. But every cop knows that without a less-than-lethal weapon (and sometimes even with it) it can take several officers to restrain a large, uncooperative man without

seriously hurting either the suspect or themselves. Mr. Doucet had not committed a serious crime. It's likely that he, too, could have been watched from a safe distance until additional officers arrived.

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

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

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

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