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A DEAD MARINE, AND A LOT OF QUESTIONS

Failure to properly contain a situation can leave deadly force as the only option

By Julius (Jay) Wachtel. Why do cops mistakenly shoot and kill? Sometimes the reason is simple. Fear and haste can lead them to confuse a cell phone for a gun, or to interpret an innocent motion as someone reaching for a weapon. Intoxicated and mentally disturbed persons often fail to follow directions and may behave inappropriately, increasing the risk that their behavior will be interpreted as hostile.

Such tragedies are often avoidable. In [“First, Do No Harm”](#) and in [“Making Time”](#) we emphasized that officers need not always intercede. Sometimes it’s best to do nothing. When they decide to act, even a slight delay can help clarify things and keep them from needlessly taking what might be an irreversible step.

Risk tolerance is an intrinsic aspect of policing. Cops take chances every hour of every day, from walking up to cars during a traffic stop, to wrestling with drunks and the mentally ill, to tracking a citizen’s hands to make sure that they’re pulling out a wallet instead of a gun. If cops insisted on absolute safety they’d be leaving behind a trail of dead civilians at the end of every watch.

Often the decision-making calculus is very complex.

About 4:30 am on February 7th., Marine Corps Sergeant Manuel Loggins, Jr. [drove his personal SUV](#) onto the grounds of San Clemente High School, a public secondary school in coastal Southern California. His two daughters, ages 9 and 14, were sitting in the back. An Orange County deputy sheriff happened to be parked nearby doing paperwork. According to the officer, the SUV was speeding and crashed through a locked gate. Its driver then exited and walked away. More deputies arrived. Several minutes later, Loggins returned. Ignoring the deputies’ commands, he got in the SUV and tried to drive away. A deputy then fatally shot him.

Sheriff’s officials defended the officer’s actions. They accused Loggins of “acting irrationally” and placing the girls at risk. Drugs and alcohol, they conceded, were not involved. Colleagues described Loggins as deeply religious and a “poster boy” for the Marines. A former military superior said that Loggins routinely took his daughters to the high school in the early morning to exercise and read the bible.

As one can imagine, the shooting drew a lot of flack in the blogosphere. It left especially bad feelings with the Marines, where Loggins was deeply admired. Criticism led the Orange County deputies’ union to [issue a statement relating their version of events](#). Loggins, it said, ignored the deputy’s commands to stop and walked away. The deputy followed for a short distance but returned to the SUV when he heard the girls screaming. He also heard Loggins “yelling irrational statements” from the field. Other deputies arrived and comforted the girls. Loggins then unexpectedly returned, climbed back in the vehicle against deputies’ orders and began driving away. That’s when a deputy fired, an action that “clearly prevented

serious harm from coming to Loggins' two children and anyone else on the road that morning." AOCSD's report concludes by describing the deputy as a USMC veteran with 15 years of service in the sheriff's department.

Colonel Nicholas Marano, Camp Pendleton's commander, was dismayed. [In an unusual public statement](#) he expressed dissatisfaction "with the official response from the city of San Clemente and Orange County" and anger over suggestions by the sheriff's department and the deputies' union that Loggins, who was unarmed, posed a threat to either the officers or his daughters: "Many of the statements made concerning Manny Loggins' character over the past few days are incorrect and deeply hurtful to an already grieving family." Colonel Marano was especially steamed over AOCSD's account, which "did not shed any light on the decision-making process that deputy went through on the scene."

There is no question that speeding in a high school parking lot and smashing through a gate are sufficient cause for a stop. It's also beyond dispute that such actions cannot justify a shooting even should children be onboard. Cops would otherwise be opening fire on reckless drivers every day. On the other hand, the sequence of unusual events, Loggins' indisputably odd behavior, and his alleged noncompliance are such that one can understand, without necessarily agreeing, why a deputy might reasonably feel that the girls were at risk.

Whether that risk was sufficient to justify using deadly force we'll leave to the lawyers. Here we're more interested in why Loggins wasn't kept from reentering the vehicle, a move that many commentators thought obvious. Our suspicion – and at this point that's all it can be – is that after checking on the girls the deputies repositioned themselves too far away. We say so because of a remark in the AOCSD's statement to the effect that Loggins "unexpectedly and quickly returned to his Yukon."

Lacking more facts one cannot grasp the rationale of a decision that left occupants in the vehicle. Whatever the deputies' reason for leaving them – [a sheriff's spokesperson said they set up a "perimeter"](#) – if the girls were at risk they should have been removed. Perhaps the deputies were in a hurry or didn't want more tears and screaming. Maybe they were certain that Loggins couldn't get past them.

But he did.

In "[Sometimes a Drunk is Just That](#)" and in "[Making Time](#)" we pointed out that once cops leave the academy they learn that the complexities of the real world go far and beyond what's possible during simulation exercises. That's why many agencies require that officers participate in ride-alongs during initial training. It's also, we think, a compelling reason for creating rich training scenarios with open-ended conclusions.

Unfortunately, much police training continues to be dominated by the military "stress" model, which emphasizes obedience and following orders and, at least in this writer's opinion, discourages critical thinking and innovation. Both the [Los Angeles County](#) and Orange County sheriff's academies are of this type. But the issues go far beyond that. Academy tactical training tends to be preoccupied with the minutiae of containment and clearing, emphasizing fixed, choreographed responses and ignoring the complexities of incidents, such as in San Clemente, where concepts such as "perimeter" seem absurdly beyond the point.

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Training issues aside, why a deputy didn't grab the kids while the others, say, jammed the SUV with their patrol cars we'll never know. If Loggins was considered too dangerous to approach they could have Tased him, then if necessary apologized later.

But they didn't.

Even good people can behave poorly. We expect officers to keep the peace and secure compliance while using as little force as possible. When they fail to contain a situation, allowing it to escalate to the point where the only available solution is to kill, we really must go back to the drawing board. It's not to condemn the police. It's to keep fallible citizens alive, and to help make cops better.