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## A STITCH IN TIME

### *Could early intervention save officer and citizen lives?*

By Julius (Jay) Wachtel. Consider a well-known, chronic offender who habitually gathered with other like-minded souls to sell contraband. Then take into account the reprobate's criminal record, which included three open criminal cases and about thirty arrests in as many years for offenses including assault, resisting arrest, grand larceny and, most recently, selling contraband cigarettes.

We're referring, of course, to Eric Garner. During the first six months of 2014 his favorite place for selling loosies was the site of 98 arrests, 100 summonses and hundreds of complaints from citizens, merchants and the landlord of the apartment building where he and his buds gathered to peddle their wares. Two of those arrests were of Garner himself. When, in July, the cops moved in for a third time he tried to fight them off. At six-feet three and 350 pounds, the 43-year old scoundrel suffered from obesity, asthma and circulatory problems, so when an overexcited cop applied a chokehold the outcome seemed all too predictable.

Our second story, also from the Big Apple, reached its equally lethal conclusion last month. On October 18 officers were called to the apartment of Deborah Danner, a 66-year old schizophrenic. Over the years police had repeatedly responded to complaints from other tenants about Danner's behavior. Although Danner was estranged from her family and lived alone, her sister would usually show up and accompany everyone to the E.R.

This time things turned out differently. Danner, naked and agitated, flashed a pair of scissors at the sergeant who entered her bedroom. Although he convinced her to put the scissors down, she then rushed him swinging a baseball bat. He drew his gun and fired twice, killing her. His tactics were quickly criticized by the police chief and, most significantly, by Mayor de Blasio, who wondered why a Taser wasn't used. Hizzoner later lamented that Danner's sister had also been there:

She said she'd seen it done the right way and expected it to be done that way this time as well. You can only imagine the pain she feels having had to stand there and hear the shots fired and the recognition coming over her that she had lost her sister.

You've guessed it – our third account is also from New York. But this time a cop died.

**Manuel Rosales** was a violent, deeply troubled youth. His father would later complain that despite the boy's behavior police and school authorities – he dropped out when he was seventeen – repeatedly let him slide by. By the time that Rosales turned thirty-five the self-professed gang member had been arrested seventeen times and served two prison terms for theft. His violent outbursts led his wife to leave him last year and secure a protective order, which Rosales evidently ignored.

On November 3, while out on bail for a July assault on his estranged spouse, **Rosales broke into her Bronx apartment** and took her and three others hostage. He was armed with a reportedly stolen .45 caliber pistol. Rosales left several hours later. Responding officers spotted his vehicle and gave chase. Rosales crashed his Jeep, and as his pursuers stepped from their vehicles he unexpectedly opened fire, killing Sgt. Paul Tuozzolo and seriously wounding Sgt. Emmanuel Kwo. Rosales was shot and killed.

Rosales had preciously declared his intention to commit suicide by cop. He posted “this nightmare is coming to an end...goodbye” on Facebook one day before his rampage.

When confrontations turn lethal, tactics often draw blame. Except for the chokehold, Eric Garner would still be alive. Maybe, as Mayor de Blasio suggested, Deborah Danner could have been Tased. Yet a New York grand jury **refused to indict** the officer who allegedly choked Garner (he testified that he struggled to avoid being thrown through a plate glass window.) A full-page ad in the *New York Times*, placed by the NYPD Sergeants Benevolent Association (November 25, p. A-5) suggested that had Danner's bat struck the cop one might be asking why he didn't use his pistol.

Really, one can quibble about tactics until the cows come home. But here our focus is on prevention. And one thing is certain: while the motivations and mental states of Garner, Danner and Rosales were different, each had been a prodigious consumer of police services. And the consequences weren't always what one might expect:

- As the Big Apple roiled in the aftermath of Garner's death, **an exasperated NYPD supervisor** pointed to his kid-gloves treatment in the past: “We chased him; we arrested him. But once you've chased a guy, what's a warning going to do?”
- Official reluctance to commit Deborah Danner for mental health treatment **left her grieving cousin**, himself a retired cop, deeply frustrated: “They [police] have been here numerous, numerous times over the years. Debbie was sick since she was in college. They have to do a better job of handling mental illness.”

- Even Rosales, a twice-convicted felon, kept getting breaks. After his arrest earlier this year for assaulting his ex-spouse (and ignoring a protective order, to boot) [he was released on a measly \\$1,000 bond](#), far below the \$25,000 recommended by prosecutors.

A stiff sentence early on might have helped extinguish a pattern of behavior that repeatedly brought Garner into conflict with police. Danner, who had clearly presented a threat to herself and others for over a decade, could have been forcibly hospitalized years earlier. Harsh, perhaps, but far preferable to getting shot. Had the judge acceded to the D.A.'s request for a stiff bond, Rosales would have likely remained locked up, and both he and Sgt. Tuozzolo would still be alive.

Acting decisively when it matters can make a difference. No, we're not suggesting a return to ["broken windows" policing](#), which has a well-earned reputation for needlessly provoking conflict. Neither is our approach a version of ["predictive policing,"](#) which uses crime data to identify ["hot spots"](#) where offending is likely to occur. Instead, our focus is on *individuals*, specifically those whose documented behavior indicates they are at great risk of harming themselves or others.

In an era where the tendency has been to ease punishments, acting pre-emptively may be a hard sell for budgetary reasons alone. Making good decisions may also require information that's not readily available. Officers don't consistently acquire – and police records systems don't consistently store and catalog for ready retrieval – the quantity and quality of information necessary for making reasonably accurate predictions of violent behavior.

Assume that officers and record systems are brought up to the task. What then?

- First, there must be a process for filtering out persons who most need special attention from an admittedly noisy background. This would at a minimum include a substantial history of contacts and, most importantly, input from field officers, who are in the best position to decide whether (and to what extent) the admittedly subjective threshold of dangerousness has been breached.
- Secondly, there should be a non-nuclear option. ["Crisis intervention teams"](#) comprised of officers and medical specialists are widely used to respond to active incidents. Conceptually similar teams could be used proactively to visit and counsel individuals whose behavioral pattern, if left unchecked, might lead to tragedy.

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- Finally, there must be a process for selecting individuals whose behavior resists less coercive means, including pre-identifying available options. Mentally ill persons such as Deborah Danner could be flagged for formal commitment, while offenders such as Eric Garner might be “scheduled” for an arrest instead of a citation or warning.

To be sure, deciding just who merits special attention, and of what kind, invokes substantial liberty concerns. Of course, so does shooting someone, or being shot.