

Posted 8/30/14

A VERY HOT SUMMER

Five incidents reignite concerns about police use of force

By Julius (Jay) Wachtel. Five recent use-of-force incidents, each involving white officers and black citizens, have reawakened deep concerns about the troubled relationship between America's police forces and members of minority communities.

- On July 1 a motorist's cell phone captured the image of a reportedly disoriented middle-aged woman as she walked along an onramp to a Los Angeles freeway during rush hour. Suddenly a California Highway Patrol officer runs up, tackled Marlene Pinnock, 51, and takes her down. A timely rescue...or was it? As his quarry flails on the ground, the officer, who is straddling the woman, delivers a series of severe blows.
- On July 17 NYPD plainclothesmen confronted a man peddling untaxed cigarettes on a street corner. The suspect, a petty, chronic violator, told the cops to go away. Instead, an officer applied what has been described as a chokehold – prohibited by NYPD regulations – and took the man to the ground. Eric Garner, 43, obese and in poor health, soon complained that he couldn't breathe. He then died.
- On August 9, in Ferguson, Missouri, an 18-year old man who shoplifted a package of smokes from a convenience store and roughly pushed aside a protesting clerk was confronted by a patrol officer who either knew of the incident, or didn't. Either way, onlookers and police agree that the youth leaned into the driver's side of the police car. Shots rang out. At least several were apparently fired by the officer while he was still seated, and he may have fired more after stepping out. Michael Brown was riddled with bullets. One, which struck the top front of his head, proved fatal.
- On August 11 two LAPD gang officers confronted a 25-year old pedestrian at night in a high-crime area. What happened next is in dispute. While some onlookers disagree, police insist that the youth assaulted an officer and went for his gun. Family members knew Ezell Ford to be seriously mentally ill. But not the officer who shot and killed him.
- On August 19 a 25-year old man shoplifted food and drinks from a St. Louis, Missouri convenience store. He was followed outside by a clerk. Witnesses say that Kajieme Powell had a knife, was acting "erratically" and talking to himself. When police arrived he brandished the knife. Ignoring commands, he advanced on the officers and asked to be shot. Ultimately, they did, killing him. Coming only 10 days after the events in nearby Ferguson, authorities promptly released details of the incident and did their best to defuse things.

One could play the race card, but we won't. Who's to know what's in men's hearts? But these incidents had commonalities beyond race. Each suspect was at most a petty offender. At least

three suffered from mental illness. And whatever offending did take place was minor. Had officers not shown up, no one would have died, and victims could have reported their losses in the conventional way.

But the cops *did* show up. As your blogger learned early in his law enforcement career, even the most inconsequential contact can go “high order,” and that’s especially true when dealing with young males and the emotionally disturbed. It’s for such reasons that rookies are urged to apply the *Is it worth it?* test before taking action. Say an officer runs across a gaggle of graffiti artists. Instead of heeding orders to stay put, they scatter. Should they be chased? Imagine what citizens would say should a youngster be seriously hurt. “For goodness sakes, he was only a kid!” And they’d be right!

In an aggressive Broken Windows/Compstat era, with cops being encouraged to go after every infraction no matter how minor, stepping back may seem like an atavistic throwback to Timmy & Lassie. Yet, as we have often suggested (e.g., “First, Do No Harm”), doing nothing is sometimes the wisest option. Policing happens in unpredictable environments populated by fallible humans, and nearly one-hundred years after the establishment of the country’s first criminal justice training program at UC Berkeley, interactions between cops and citizens remain frozen at the Cro-Magnon stage. No, we can’t be certain that warning the cigarette peddler “don’t be here when we come back” would have had much of an effect. But anything would have been far better than what happened.

Even when something *must* be done, it can make sense to do it in a more neutral environment (i.e., at someone’s residence, instead of the street) or to wait until additional units are on scene. Perhaps officers could have delayed acting against the knife-wielder until someone got in position with a Taser. Unfortunately, most agencies now field single-officer cars, so teamwork has suffered. To properly take hold, group tactics must be regularly practiced and used.

Beat officers are, and should rightly remain, a department’s first line of contact. “Making Time” described the shooting of an unarmed autistic youth by LAPD gang enforcement officer. Four years later, we’re chronicling a disturbingly similar situation. Both episodes might have been more peaceably resolved had cops known the young men. That’s why it’s so important to integrate patrol into all enforcement activities, to assure that someone familiar with the territory and its inhabitants is always present.

In this imperfect world, the emphasis properly lies on preventing the need to use force in the first place. First, by placing strict limits on when to intervene (good-riddance, Broken Windows.) And secondly, by carefully attending to the interventions that *do* occur. Pulling back may be a hard pill for some cops to swallow – after all, they’re the ones we ask to step in – but should policing lead to a tragedy, one can be sure that society will rightfully apply a very strict cost/benefit analysis to what officers did.

In retrospect, was Ferguson “worth it”?