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PUNISHMENT ISN'T A COP'S JOB (III)

Some citizens misbehave. Some cops answer in kind.



For Police Issues by Julius (Jay) Wachtel. “Hi, um, I’m being followed by a police car.” According to the [Los Angeles Times](#), those were the first words spoken by Emmett Brock when 9-1-1 answered his call. February 10 had turned out to be “a miserable day” for the high-school substitute teacher. A colleague harassed him for being transgender, and he left work early. On the way home Mr. Brock drove by a traffic stop. An L.A. sheriff’s deputy was being rude to a motorist. So he flipped him off.

Things turned decidedly sour. A sheriff’s patrol car promptly got on his tail. Mr. Brock said it was the same officer, [but the deputy’s lawyer \(yes, he now has one\) denies it](#). Either way, the patrol car followed Mr. Brock turn by turn, though without activating warning lights or sounding its siren. Mr. Brock noticed its presence. Concerns over the deputy’s intentions supposedly led him to call 9-1-1 and convey what was happening. But the operator offered no help. And when Mr. Brock pulled into his intended destination, a 7-11, purportedly to buy a soft drink before going to his therapy appointment, so did the deputy. What happened was captured by the store’s external camera. (Audio from the deputy’s bodycam was subsequently inserted. Click [here](#) for the full video and [here](#) for our edited, captioned version with some slow-mo thrown in.)



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Mr. Brock parked his vehicle and the deputy pulled in behind, blocking his exit. As Mr. Brock began to step out the deputy quickly walked up and got in his face. Their conversation isn't perfectly clear, but the deputy apparently mentioned stopping Mr. Brock, and Mr. Brock countered "no, you didn't." Things moved so quickly that even in slow-mo it's impossible to say whether Mr. Brock tried to walk off. Or, as the deputy later claimed, made a fist. Nearly instantly, the deputy grabbed Mr. Brock's left arm (see top sequence). Mr. Brock protested ("hands off of me") and tried to free himself. But the deputy took him to the ground. And the fight was on. During the struggle Mr. Brock repeatedly complained that he was being hurt. But the deputy kept exerting force until he got his man in handcuffs. That took a couple of minutes.



Throughout, the officer clearly kept the upper hand. And fist. His report, which Mr. Brock's lawyer provided to *CNN*, openly admits the use of considerable force: "I punched S/Brock face and head, using both of my fists, approximately 8 times in rapid succession."

There's no evidence that Mr. Brock committed a moving traffic violation, nor that he was ever signaled to pull over. So we can't call what happened a "traffic stop." But that's how the officer characterized it, albeit after-the-fact. His purported justification was that an object (a deodorizer) hanging from Mr. Brock's rear-view mirror [obstructed his view of the roadway](#) (see California Vehicle Code [section 26708](#)).

And no, we're not making it up.

What happened near Circleville, Ohio on July 4th. was most definitely a traffic stop. And its justification seems clear. A highway inspector [tried to stop a semitruck with a missing mudflap](#), but the vehicle's operator, Jadarrius Rose, a 23-year old Memphis man, kept going. So the highway patrol stepped in. Mr. Rose pulled over for the troopers. An officer's bodycam shows what then happened (for the full set of released bodycam videos, click [here](#). For our edited, captioned version click [here](#).)



That's right: weapons were drawn and pointed at the truck. That, Mr. Rose told *CNN*, scared him. So, just like Mr. Brock, he dialed 9-1-1. And just like Mr. Brock, he didn't find the operator's comments sufficiently comforting. So he drove off.

Then things got a bit, um, *complicated*. According to Mr. Rose, the 9-1-1 operator eventually convinced him it was o.k. to pull over. So he did. But watch the video. During round #2 a veritable legion of squad cars joined what ultimately turned into a "three-county pursuit." In his account to *CNN*, Mr. Rose said reassurances by 9-1-1 that he would be treated peacefully led him to stop. But an [ABC News release](#), which is supposedly based on the official incident report, indicates that "troopers placed stop-sticks, or spike strips, in the roadway ahead of the chase and blew out Rose's tires, forcing him to pull over."

That's not an inconsequential difference. Still, Mr. Rose voluntarily stepped out of the cab and put his hands up (left image). But he apparently hesitated when ordered to get on his knees. A Circleville K-9 officer who had joined the chase walked up with his dog and ordered Mr. Rose to comply (second image). "You're going to get the f***g dog. Get on the ground or you'll get bit."



From a distance, a bullhorn-equipped trooper saw what was happening. [He repeatedly ordered the handler to not release his dog](#), as the suspect's hands were up. Whether the handler heard him we don't know. Either way, he promptly released the pooch. It initially ran off in the opposite direction, away from Mr. Rose (third image). It

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then stopped and turned. Although Mr. Rose had by then fallen to his knees, the handler nonetheless waved it back in (fourth image). The K-9 charged and grabbed Mr. Rose with its jaws. “I gave you three warnings, did I not?” the K-9 cop later scolded. “Did I not say *final* warning? Well, you didn’t comply, so you got the dog.”

Fortunately, Mr. Rose wasn’t seriously hurt. He faces felony charges for failure to comply with the troopers. As for the handler, he’s been fired.

Mr. Brock, a substitute high-school teacher, and Mr. Rose, a truck driver, were gainfully employed. Neither had a known criminal record. Yet both wound up losing their jobs. Their legal scars and unsought notoriety could also impair their future prospects. Of course, neither is fully blameless. “Flipping off” a cop and refusing to pull over are risky gambits, predictably laden with consequences. And we don’t just mean of the legal kind. In the “real” world where imperfect humans reside, rude challenges – including challenges to authority – often draw rude responses. “And the fight is on” isn’t just a catchphrase: it’s an accurate depiction of what one can expect when they disrespect the limits of human nature.

But officers are trained to keep their cool, right? After all, it’s hardly a secret that keeping the peace, enforcing the law and gathering evidence in chaotic, often hostile environments is no picnic. But the George Floyd imbroglio was a powerful reminder that techniques which are intended to keep the pot from boiling over (e.g., “de-escalation”) can’t always keep cops from getting emotionally caught up in the turmoil. And, as [“Punishment \(I\)”](#) and [“Punishment \(II\)”](#) warned, turn at least some into punishers.

So, what’s available? A solution that quickly comes to mind is to simply keep cops and citizens apart. Indeed, policymakers around the U.S. have moved to minimize the frequency of these encounters. Many jurisdictions abandoned aggressive enforcement practices such as stop-and-frisk. Others have prohibited cops from stopping cars for “technical” violations. In 2020, shortly after the George Floyd debacle, [Virginia enacted a law](#) that barred car stops for minor violations such as “dangling objects from rear view mirrors that obstruct a driver’s view”. In April, Minneapolis, the community at the epicenter of the troubles, [signed a “court-enforceable agreement”](#) with the Minnesota Dept. of Human Rights that severely circumscribes pretextual stops. Consent searches during such stops are prohibited. Use of force is also limited, and officers must not use it to punish or retaliate. What’s more,



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they will no longer be trained on “[excited delirium](#)”, a medically-recognized syndrome that’s caught blame for encouraging cops to physically (and needlessly) intervene.

That shift in tone, which we discussed in “[Backing Off](#)”, “[Regulate. Don’t “Obfuscate”](#)” and “[Full Stop Ahead](#)”, has supposedly led to some unintended consequences. Police, law enforcement groups and more than a few local and state officials have warned that throttling back emboldens evildoers. Concerns that Virginia’s move made “roadways more dangerous” and “increased crime” recently [led its legislators to introduce a bill](#) that would return traffic laws to their former intrusiveness.

In the end, we’re reluctant to endorse un-craftsmanlike approaches to policing. Such as letting cops manufacture reasons for stopping persons whose behavior stirs misgivings. So what *should* be the watchwords? “Articulate” and “reasonable.” When an officer’s suspicion that something is criminally amiss rises to that level, by all means, make the stop. If not, move on. Our personal experiences suggest that’s how most cops go about their jobs, every hour of every day. Unseemly digressions (e.g., Mr. Brock and Mr. Rose) are the exceptions. In fact, three years ago, our *Police Chief* magazine essay, “[Why Do Officers Succeed?](#)” suggested that successful episodes of policing could serve as excellent templates for doing it right. Here’s an outtake:

Officers are frequently involved in encounters that, had they not been adroitly handled, would have likely turned out poorly. They regularly meet substantial challenges when gathering evidence of serious crimes. These obstacles and others are overcome almost as a matter of course. Imagine the potential benefits to the practice of policing should we probe these happy outcomes to find out why officers succeed.

Still seems like a good idea.