

STRATEGY AND TACTICS ESSAYS

By

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A DELICATE BALANCE

Can police best help a democracy flourish by intervening or by artfully holding back?

“People across America were disgusted by what they saw here. Millions have been inspired by you because, the next night, you didn’t go away. You have altered the national discussion.”

By Julius (Jay) Wachtel. [Firebrand documentarian Michael Moore](#) was referring to a series of incidents in Oakland that began with [the arrest of ninety-seven “Occupy” activists](#) who refused to leave an illegal encampment early last Tuesday. That evening a group of four-hundred demonstrators marched on the site intending to take it back. Thus far there had been no injuries of consequence, but as tempers flared what many feared would happen did. A few hotheads hurled paint and rocks at a skirmish line of officers who blocked the way. Police responded with batons and tear gas. [A canister struck an Iraqi vet in the head](#) and sent him to the hospital in critical condition.

City officials expressed remorse and visited with the injured man’s family the next day (he suffered a skull fracture but his condition has improved.) Once the plaza was cleaned protesters were allowed to return but cautioned not to camp overnight. They not only ignored the warning but kicked things up a notch, calling for a citywide general strike to take place Tuesday, November 1.

There is precedent. Sixty-five years ago the famous [Oakland labor strike of 1946](#) shut the city down for two days. Unlike what Occupy intends, the event began with a spontaneous walkout by retail workers. When city officials sent in police to protect strikebreakers and make sure that supplies got through organized labor called a general strike, and soon the streets of Oakland were flooded with tens of thousands of angry members of the working class.

A major strike carries risks to public safety and could further damage Oakland’s fragile economy. Even so, labor and community leaders have lent their qualified support. Union members seem particularly enthused. One who told reporters that the financial crisis badly hurt his family [put it quite plainly](#): “It looks like we’re on course to be the next 1946.”

Soon after the 1946 strike municipal elections transformed the composition of Oakland’s city council from labor-hostile to labor-friendly. But in recent decades the

jobs that brought scores into the middle class have disappeared, reducing the influence of unions and possibly causing Oakland officials to think of Occupiers as extremists. Whether their tone-deafness will return once Michael Moore and his entourage have left is impossible to predict. In any event, the reoccupation seems temporarily secure. Mayor Jean Quan, who heartily endorsed the initial police response, seems thoroughly chastened. Acting police chief Howard Jordan confirmed that cops wouldn't be going back in; officer presence, he emphasized, would be "very, very minimal." Given what his depleted department may face if the strike actually takes place ([80 officers were laid off last year](#)) it could hardly be otherwise.

Oakland has become the poster child of what can happen when city leaders forget that in a democracy the elite must occasionally pay attention to the rabble. That's apparently a lesson that even hyper-liberal places such as San Francisco must periodically relearn. Just across the bay, its own entourage of Occupiers were happily encamped when [rumors spread of an impending raid](#). That night a gaggle of union bosses and politicians showed up and cops kept their distance. Volunteers clean the grounds, porta-potties are in place, and by all appearances the campers will be there for a good while longer.

Prompted perhaps by the Oakland debacle some "occupied" cities [have adopted a warily permissive approach](#). In Los Angeles, where the mayor seems most concerned that the month-long campout will ruin the expansive lawn that graces city hall, police insist there is no timetable. "We're still working as best we can and trying to be cooperative [with Occupy]," said a commander, who also mentioned that whatever happens the department will do its best to avoid using tear gas. Meanwhile in Occupy's birthplace, New York City, protesters [face a far more daunting challenge than the cops](#): the weather. Perhaps they can adopt the ways of their counterparts in other chilly climates. Occupy Boston has a greenhouse-like affair in the works, while Occupy Maine set up a heated outdoor room and has asked for permission to stack bales of hay as a windbreak.

In "[First, Do No Harm](#)" we displayed a photo of a transient snoozing in front of offices closed for a holiday. Readers were asked what a passing cop should do. After setting out a couple of real-life examples with very bad endings the answer seemed all but obvious: sometimes doing nothing is best.

If only all situations were as simple! Yet the principle of avoiding needless intrusion is the same. Other than in a few situations, such as domestic abuse, police have full discretion in deciding whether, when and how to act. Circumstances can easily make mechanistic responses impractical, unwise or unjust. In "[Who Deserves a Break?](#)" we examined the example of a student who is caught with a switchblade in his pockets. We

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argued that the implicit threat to public safety tilts the scales in favor of making an arrest, and that's so whether the youth attends a Christian college (as in the example) or not.

Here we see it differently. To be sure some anarchists and assorted ne'er do-wells have infiltrated the ranks of the protesters. Yet by all accounts most Occupiers seem sincere, peaceful and committed to reforming an economy that badly needs repair. Their choice to take the message to the streets follows in a tradition that Americans have held dear since the days of the original "Tea Party." By making reasonable accommodations – suspending no-camping rules, furnishing portable toilets, and so on – enlightened officials aren't threatening the Constitution: they're defending it. They're also defusing needless friction with a public that cops very much need on their side, in good times and bad.

Sometimes the best solutions come from afar. In London, which hosts its own Occupy-like movement, officials at St. Paul's Cathedral [are turning to the courts](#) to evict hundreds of activists camped outside. A proposal by the deputy mayor in charge of policing would use high-pressure sprinklers to shoo protesters away. But some citizens can't understand why all the fuss. A middle-aged Londoner who came to mass thought that the economy was a perfect cause for the Church. "I would like to see the tents and the church stay together. This is what the church should be preaching, anyway, and nobody is doing any harm here. I am happy to be able to see both things."

And to that all we can add is "Amen."

Posted 5/12/25

A LETHAL DISTRACTION

A foot pursuit of hit-and-run suspects turns into an exchange of fire with an armed resident



For PoliceIssues by Julius (Jay) Wachtel. We clipped this image from an [extensive video compilation](#) that LAPD released one day after its officers exchanged gunfire with (and, fortunately, only lightly wounded) a well-known local resident. We'll get to the details shortly. But that encounter instantly brought to mind a similar and ultimately far more tragic confrontation. It took place in Hemet, a city of about 90,000 about ninety miles southeast of Los Angeles, about two years ago. In that episode, which we examined in "[When Worlds Collide](#)," a police officer shot and killed a homeowner who was also in their own yard, and also carrying a gun. And no, he never fired it.

Back to Eagle Rock. That's the prosperous Northeast Los Angeles neighborhood where [novelist Jillian Lauren](#) resides with her husband, musician Scott Shriner and their two small children. About three in the afternoon on Tuesday, April 8 she and (reportedly) her kids and a babysitter were in the family's detached, single-family residence when a police helicopter [began hovering overhead](#). It was helping LAPD and California Highway Patrol officers scour the neighborhood for three male adults who had just fled the scene of a traffic accident. Here's a sequence of stills we clipped from the video:



A fixed surveillance camera depicts an absconder coursing through the perimeter of one of the upscale homes that line the street. Directed by residents, officers chase after the man. The cops wind up in the home's elaborate rear patio, their quarry nowhere in sight. A tall, tightly constructed fence lines the back of the property. As it turns out, it abuts the rear yard of Ms. Lauren's home. While the chopper's rotor blades noisily whirl overhead, the officers peer over the fence. But instead of the bad guy (he's soon caught nearby) they spot Ms. Lauren walking around. She's gripping a gun.



Yelling over the fence, the officers identify themselves and order Ms. Lauren to drop the gun (the video uses her husband's last name, "Shriner.") But she doesn't. And as the cops train their guns on



Ms. Lauren (left image), she fires a single shot (second image). Their return fire wounds her in the arm. It also kicks up a cloud of dust (third image). (Click [here](#) for a brief video clip of the shooting.) Ms. Lauren promptly retreats into her home. Check out those time captions: from initial warnings to "shots fired" took all of two minutes. Nearly an hour would pass before Ms. Lauren came out and surrendered.

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LAPD's official take on things, set out in its [April 10 news release](#), is that "officers ordered Shriner (again, her husband's name) to drop the handgun numerous times; however, she refused." Ms. Lauren was arrested for attempted murder of a peace officer and released on bond. Her 9mm. pistol was recovered, along with a spent cartridge. Her next court date is May 13. That's when prosecutors are expected to proffer formal charges.



That will undoubtedly present a challenge. Clearly, Ms. Lauren *did* shoot at the cops. But *why* is far from settled. While the officers' commandments are audible on bodycam footage, Ms. Lauren wasn't carrying a police radio, and helicopter noise may have kept her from understanding what was being yelled. That tall fence that got in the cops' way (see images) obstructed her view as well. Given Ms. Lauren's rattled outlook, she likely assumed that the men who were pointing guns and barking orders were the bad guys who got chased into her neighborhood.



That's not just idle speculation. Listen to the 911 call that closes out LAPD's video compilation. According to the narrator, LAPD Capt. Alex Chogyoji, the call came in shortly after the shooting. It features three voices: the dispatcher's, a female caller (whom we assume is Ms. Lauren's babysitter), and a woman with the caller (most likely, Ms. Lauren.) Here's our transcript:

- Caller: Oh, there were three men, she says, there were three men, and one of them shot her and the cops are looking for him right now. They have their guns out. And like, I don't know if they found him yet or not, but they told me to not look out the window so, I'm not looking out.
- 911: Okay. So, he's not in your yard? You don't know that he's there?
- Caller: Well, he was in my yard because that's where he shot her.
- 911: Oh, okay.
- Caller: He shot from the other side...he shot from the other side of the gate.
- 911: Okay.

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- Caller's companion: Other side. He was...I had my gun...And he said put down that gun, put down that gun. I said put down your fucking gun...And then he shot me.
- Caller: Okay. That's what happened I guess.
- Caller's companion: I had a gun...
- 911: So, you guys don't know where he went?
- Caller (to companion): Okay babe, just please breathe, okay?
- Caller (to 911): Okay, how long do you think until someone can be here?
- 911: Well, the officers are looking for this man. That's why I'm asking if you...do you know where he went?
- Caller: I have no idea where he went...
- Caller (to companion): Where was he when you...when you got shot?
- Caller's companion: He was out. There are three men out at the other side of this fence here...

Upper-crust neighborhoods such as Ms. Lauren's are festooned with security cameras. That's where much of LAPD's video compilation originated. When cops arrived, Eagle Rock residents quickly pointed them in the direction where a bad guy fled. Officers shouldn't have been surprised to find citizens patrolling their yards. Yet Ms. Lauren *was* packing a gun. That might have been a bit discomfiting.

Switch perspectives. Ms. Lauren knew that hoodlums were on the loose. Strangers were now peering over her fence, waving pistols. Might they be cops? That's unlikely. Why would police be after *her*?

Given the officers' lack of visibility and the whap-whap-whap of the helicopter rotors, verbal commands might not have sufficed. Our related posts (see below) are replete with examples of the tragic officer-citizen misunderstandings that can accompany the chaos of the streets. In Hemet ("[When Worlds Collide](#)") a resident called police to report a theft from his home. Officers looked in his backyard, but the thief was gone. So two cops went around the block to check the yard of the opposing home. But its resident, Christian Drye, a father of five, said he'd do it himself, thank you. And when he grabbed a gun and stepped outside (shadows of Ms. Lauren), an officer who remained at the original caller's home took him for being the bad guy. And shot an impulsive but well-meaning homeowner dead.

Keeping one's distance may seem to run counter to the police mission. But there is sometimes no alternative. That's not just our opinion. Former Grand Rapids, Michigan police officer Christopher Schurr was recently tried for murdering Patrick Lyoya, whom he had stopped for a traffic violation ("[Tenacity is Great – Until it's Not](#)"). Lyoya, who

was unlicensed, drunk and had a domestic violence warrant, bolted. Schurr caught up, and during a violent struggle Lyoya grabbed the officer's Taser. So the cop shot him dead. Use-of-force experts [lined up on both sides](#). While defense experts called the shooting justified, Schurr had already discharged both of his Taser's cartridges. Squeezing its trigger would presumably have no effect. According to prosecution expert Seth Stoughton, the "imminent threat of death or great bodily harm" that justifies deadly force was accordingly absent. In his opinion, Mr. Lyola should have been let go, and arrested later.

That case [just ended in a mistrial](#). So back to "square one." *Is there* a solution? As we recently suggested in "[Putting Things Off](#)," there are good reasons why cops prefer not to delay arrests. On the other hand, as "[Backing Off](#)" points out, sometimes the only realistic preventive may be to *not* intervene. We'll soon see how the criminal justice system handles Ms. Lauren's problematic situation. Stay tuned!

Posted 10/20/16

A MATTER OF LIFE AND DEATH

In an era of highly lethal firearms, keeping patrol informed is job #1

By Julius (Jay) Wachtel. On October 8, 2016 Palm Springs police officers Lesley Zerebny and Jose “Gil” Vega were shot and killed as they stood outside a residence to which they had been called over a “simple family disturbance.” (Another officer who responded to the scene was wounded but is doing well.) Only moments earlier the father of John Felix, a 26-year old ex-con, had [frantically begged a neighbor for help](#). “My son is in the house, and he’s crazy. He has a gun. He’s ready to shoot all the police.” Tragically, the officers learned that Felix was armed [only after they arrived](#). When they called on him to come out he opened fire with an AR-15 .223 caliber semi-automatic rifle, shooting multiple rounds through the home’s front door.

Officers Zerebny and Vega were wearing soft body armor. Given the weapon used, we can assume that it was ineffective. Due to their extreme velocity, .223 caliber (5.56 mm) and similar rifle ammunition [readily penetrate the soft body armor](#) that street cops typically wear. Specialized ceramic or hard metal inserts can stop these rounds, but vests so equipped are too heavy and uncomfortable to wear on patrol. (Felix reportedly used “armor-piercing” ammunition whose composition and construction is intended to pierce armor plates. But ordinary .223 rifle ammunition readily defeats soft body armor.)

And the bad news doesn’t stop there. Once high-velocity projectiles strike flesh they cause devastating wounds, creating temporary cavities that can be more than ten times the projectile’s diameter, affecting large areas of tissue and damaging or destroying nearby organs. ([Gunshot Wounds](#), DiMaio, p. 152)

Felix’s weapon, the Colt AR-15, is specifically banned under California law. Enacted in 1989 after a deranged man used an AK-type rifle to kill five children and wound dozens more in a Stockton schoolyard, [the State’s “assault weapon” ban](#) prohibits the possession of certain enumerated weapons including the AR-15. More generally, the law bans any semi-automatic, centerfire rifle that has one or more of certain external features such as a handgrip, requires that ammunition magazines for semi-auto rifles be removable only with a tool, and limits magazine capacity of semi-auto pistols and rifles to ten rounds. (A similar but weaker Federal law was passed in 1994. For more about that statute, which expired in 2004, click [here](#).)

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Eager to safeguard their best-selling, most profitable products, gun manufacturers [adjusted to the original bans](#) and to every tweak thereafter, promptly renaming weapons on the “bad-gun” list, stripping rifles of external baubles such as handgrips and flash suppressors, and limiting magazine capacity to ten rounds. When California tried to impair quick reloading by requiring that magazines only be removable with a tool, savvy entrepreneurs quickly [devised a simple add-on](#) that uses a bullet tip to drop empties (hence, the infamous “bullet button.”) In time [the state countered](#) with an [amendment](#), to be effective next year, that rifles be so configured that reload necessitates a partial “disassembly.” As one might expect, [an easy workaround](#) is already being marketed. Bottom line: citizens can select from a veritable cornucopia of “Federal” and “California legal” weapons that comply with every restriction that’s been imposed but are in most important aspects functionally identical to the bad old “assault rifles” they replaced. (For a taste simply Google “semi auto rifles California legal.” [Here](#) is one example.)

All through this decades-long struggle, the elephant in the room – ballistics – has been studiously ignored. Despite the carnage – in 2015 [nearly as many deaths](#) were caused by guns (33,736) as by motor vehicles (33,804) – America’s gun makers continue enthusiastically marketing firearms whose projectiles defeat protective garments worn by police and inflict potentially life-threatening wounds nearly anywhere they strike. While some States have addressed peripheral issues such as magazine capacity, Government experts are well aware of the lethality of .223 and similar projectiles, but the imperatives of politics and commerce apparently demand that lawmakers look the other way.

We’ve had a lot to say about such things before (see, for example, “[A Ban in Name Only](#)” and “[Cops Need More Than Body Armor](#)”). Here, our focus is on mitigating the risk. According to the FBI, between 2006-2015 [nineteen officers were killed](#) by bullets that penetrated body armor. (The toll of those injured but not killed is unknown.) All these deaths but one were caused by rifle ammunition. Assumedly, most of these cops, like most of those who battled the perpetrators of the recent [San Bernardino massacre](#), weren’t “militarized”: they were ordinary patrol officers, using ordinary police cars, wearing conventional, soft body armor. (That’s probably true everywhere. FBI statistics indicate that only [seven of the 41 officers killed in 2015](#) were specialists engaged in a designated “tactical situation.”)

Had the citizen who called Palm Springs PD (reportedly, the shooter’s mother) alerted dispatch about Felix’s threat to kill officers, and that he was armed with a rifle, the information would have certainly been passed on, and officers Zeregnny and Vega would have undoubtedly chosen a different approach. But as their distraught chief later

pointed out, the call came out as a “simple” family disturbance. Alas, if there’s a takeaway from this tragedy, it’s that little is “simple” anymore. The civilian firearms market [has become so militarized](#) that, regardless of how minor a situation might seem, it’s become imperative to probe every caller about possible threats, and particularly the presence of a weapon.

Naturally, what’s important can’t always be gleaned over the phone. What else can be done?

- Some States and localities have gun purchase and/or registration databases that can be queried by name and address. While this wouldn’t have helped in Palm Springs (the killer’s weapon was supposedly stolen) it might have prevented the infamous [Santa Barbara massacre](#) of April 2014.
- Information about prior calls and outcomes is of course important. That’s why it’s imperative to collect everything that’s potentially useful, index it by name and address, and make it instantly available to patrol.
- Individuals with violent histories and those on probation and parole can be flagged. Entries should include an account of their past offending and whether violence was involved. (The Palm Springs suspect, a notorious gang member, had done prison time for a shooting. His brother is currently incarcerated.)
- Members of the public can be solicited for information about mentally disturbed family members.

One might think that in a time of Internet-connected cell phones and mobile data terminals cops no longer need rely on dispatch to warn them of possible risks. That couldn’t be farther from the truth. Officers caught up in the hurly-burly of taking calls need knowledgeable, inquisitive souls with ready access to a wide range of information to help keep them safe, or as safe as possible. In this brave new world of ballistic threats, a robust, patrol-oriented information platform isn’t a luxury: it’s a pressing need.

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A PARTNER IN *EVERY* SENSE

When a K-9 is stabbed its handler opens fire. It's not the first time.



For Police Issues by Julius (Jay) Wachtel. There's no question that the 9-1-1 call merited an urgent response. Actually there were two calls, whose timing overlapped. Fullerton (Calif.) police released a [comprehensive video account](#) of the May 27, 2020 incident that includes conversations between 9-1-1, callers and field units. Here are a few extracts:

First call

FPD 9-1-1, police

Caller Um, yeah...um, my emergency is my stepdad hit my brother, and they're fighting right now...He has a knife! Hurry up!

FPD Who has the knife?

Caller The owner of the house...stepdad... Hector Hernandez...come fast... (gunshot and screaming in background)

Caller He pulled out a gun on me. He just tried shooting!

FPD Where is Hector right now? Is he still in the house or is he outside?

Caller No. He is out in the courtyard screaming...He's just drunk...he's drunk

FPD And as far as you know, nobody's been injured?

Caller No



Second call

FPD 9-1-1 Fullerton police; what is your emergency?

Caller Hello, I think I heard gunshots...

FPD Where? Where are you? Where are you? (caller provides address)

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FPD We have officers on the way there...How many gunshots...?

Caller ...please get in here...How many gunshots? Four or five...

Dispatcher to units

We can hear screaming in the background now...

R/P (reporting party) is now saying the subject is armed with a gun. And fired the gun...

R/P's advising that the subject went back inside the house...

And we also have neighbors calling confirming shots fired...

They're advising Hector is inside the res...and his 8-year old and a 13-year old are also inside.

Fullerton's video includes footage from the K-9 officer bodycam. As he drives up Mr. Hernandez exits the residence and positions himself by the front door. Multiple officers are present as the K-9 cop takes the lead. He promptly releases "Rotar," who initially runs the wrong way. After redirecting the pooch, the officer points his pistol at Mr. Hernandez and follows behind. As the dog leaps on Mr. Hernandez the officer orders him to "get on the ground!" (third image). Instantly something bad happens (Mr. Hernandez stabs the dog.) The officer yells "let me see your hands!" and fires his gun (fifth image.) As Mr. Hernandez screams in agony the officer announces, "he's got a knife!" (sixth image) and fires again.



Mr. Hernandez writhes in pain. Officers run up and drag "Rotar" away. In a later clip the K-9 cop tells a colleague "I think [the dog] has been stabbed." When asked if the K-9

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is “OK” he replies “I don’t know. He was stabbed and then he [Mr. Hernandez] started going after me.” Of that we’ve seen no video. But there *was* a knife (see top graphic) and the dog’s wound (right graphic) *was* grisly. Fortunately, he survived and retired. And while it turned out that Mr. Hernandez hadn’t been carrying a gun on his person, police found the pistol he had fired inside the home.



Alas, such things have happened before. [In February, 2020 Saginaw \(MI\) police were summoned to a home](#) where a mentally ill man held a housemate at knifepoint. Officers physically tangled with the assailant and freed his companion. But despite being stunned with a Taser, the knife-wielding man broke loose and retreated deep into the home. A K-9 was sent in to flush him out. But when the dog took him down, the evildoer stabbed him in the head. Knife in hand, the suspect started to rise. That’s when an officer shot him dead. Prosecutors ruled the killing “justified and consistent with preservation of self and others”:

Officer Adams was within reach of Blaisdell, Blaisdell remained in control of a large knife, he had just stabbed a police canine with the knife, and his movements indicated that he was attempting to get up from the ground. Officer Adams reported that he was in fear for his own safety; Officer Engelhart reported that he feared for Officer Adams’s life.

Still, the assailant’s mother sued, [and the city ultimately settled](#) for \$510,000.

Saginaw’s K-9 recovered and returned to the job. Alas, not K-9 “Aren.” In January 2016 [he was stabbed and killed by an angry, knife-wielding man](#) during a ferocious fight with officers in Wilkinsburg (PA). They, too, wound up shooting and killing the man, [and prosecutors deemed their actions justified](#). Family members [filed a Federal lawsuit](#). Although a trial judge tossed it out, an appellate court questioned the cops’ lethal response and reinstated the case, which is apparently still pending.

Back to Fullerton. On July 21, 2021, fourteen months after Mr. Hernandez’s death, [Orange County prosecutors issued](#) a highly detailed, sixteen page report. Here’s an extract:

As Corporal Ferrell reached with his left hand towards Rotar to get Rotar off the bite, Corporal Ferrell physically reacted to seeing the knife...Corporal Ferrell jerked his body away from Rotar and Hernandez. This is when the first shot was fired by Corporal Ferrell. At the time of the shot, Corporal Ferrell was less than one foot away from Hernandez and within arms’ reach of Hernandez [thus] close enough to be stabbed...The BWC shows Corporal Ferrell yelled, “He’s got a

knife!” Corporal Ferrell was still within...arm’s reach of Hernandez when he fired the second shot...

Prosecutors arrived at essentially the same conclusion as their colleagues in Michigan and Pennsylvania:

Hernandez’ conduct captured on BWC would prevent the prosecution from proving beyond a reasonable doubt that Corporal Ferrell was not justified in believing he was in imminent fear of suffering great bodily injury and/or death at the time he discharged his service weapon.

[Mr. Hernandez’s family was outraged](#). Their lawyer, Garo Mardirossian, who represents them in a lawsuit, argued that Mr. Hernandez never posed a threat to the officer. Instead, he was just trying “to protect himself from being mauled by a dog”:

He’s just got his hands up the whole time, then they release the dog...A 2-inch or 3-inch pocket knife in your pocket is not illegal. And even then, he did not touch that pocket knife and pull it until after the dog was mauling him. And you have a right to grab whatever you can...to stop excessive, illegal use of force against you...

Bill Brown, a friend of Mr. Hernandez and member of the “Justice for Hector Hernandez coalition” argued that the K-9 officer only fired because of what was



happening to his dog:

“I mean he just got totally reckless because it was like he just got tunnel vision. He focused on, ‘Oh, my God, he’s hurting my dog, I’m gonna stop him now ...’ That’s exactly what it seems like happened — he lost all control of his training and reasonable thinking and just decided, I need to do this.”

Mr. Brown’s assessment isn’t unreasonable. After all, if someone is stabbing your pet, and you have a gun in hand, what might you impulsively do? Yet police had been called because Mr. Hernandez was acting crazy and firing a gun. Every officer on scene must have worried that he was still “packing.” Canine handlers are especially exposed to harm. [That’s why the IACP urges](#) that they be accompanied by a “cover officer”:

...the cover officer is usually responsible for providing cover while the handler devotes his or her concentration to the activity of the canine...Cover officers are essential if the suspect is located because the handler alone cannot safely secure

both the canine and suspect or manage the canine while conducting a search of the suspect...(p. 12)

Fullerton's K-9 handler seemed eager to seize the opportunity to collar the man. Had he waited Mr. Hernandez might have gone back in the house, endangering its occupants and making his capture far more risky and problematic. So he essentially rushed in with just his canine partner. That was inherently dangerous, so he kept his pistol trained on Mr. Hernandez. Such tactics cut both ways. As we mentioned in "[Speed Kills](#)", examples abound of lethal errors committed by cops in a hurry. Officer personalities and skill sets also vary. Cops who are "easily rattled, risk-intolerant, impulsive or aggressive" are use-of force disasters waiting to happen.

However, we're just speculating. Fullerton PD's [published rules for canine deployment](#) don't mention the use of cover officers. We also know nothing about this K-9 cop. Whether things might have turned out more peaceably in another agency or with a different dog handler is impossible to say. What *can* be said is that when assessed from the perspective of [Graham v. Connor's](#) "reasonable officer," Mr. Hernandez's behavior clearly set the stage for a tragic ending. Perhaps a poor outcome was inevitable; perhaps not. But sometimes you really, *really* can't simply blame it on the cops.

Posted 11/26/16

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.

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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 previously 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.

- 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.

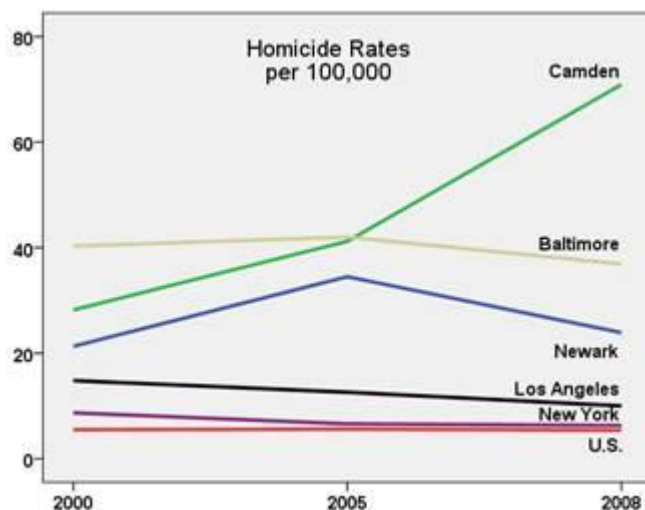
Posted 12/14/09

A VERY DUBIOUS ACHIEVEMENT

Camden PD fights crime and violence. And its own officers.

For Police Issues by Julius (Jay) Wachtel. Being first is normally an honor. But when the FBI reported that Camden, New Jersey, pop. 76,182, had 1,777 violent crimes and 54 murders in 2008, yielding a sky-high violence rate of 2332.6 per 100,000 and a dismal murder rate of 7.1 per 10,000, it was hardly bestowing praise. Just like in 2004 and 2005 (and nearly 2007, when it was number two) Camden was once again the most dangerous city in the U.S.

While the UCR warns against simply ranking communities – after all, there are demographic variables such as age, educational attainment and income to consider – there’s no escaping the implications. Aggregating all Part I crimes except arson, Camden’s 2008 crime score was twenty-four percent higher than runner-up St. Louis, a stunning fifty-eight percent more than fifth-placed Flint, and a ridiculous two-hundred-and-four percent higher than twenty-ninth placed Newark, itself no slouch in the violence sweepstakes. Current-year figures are mixed. As of last month homicides and shootings were both down (although still ahead of 2006) but aggravated assault has increased, driving overall violence up five percent over 2008.



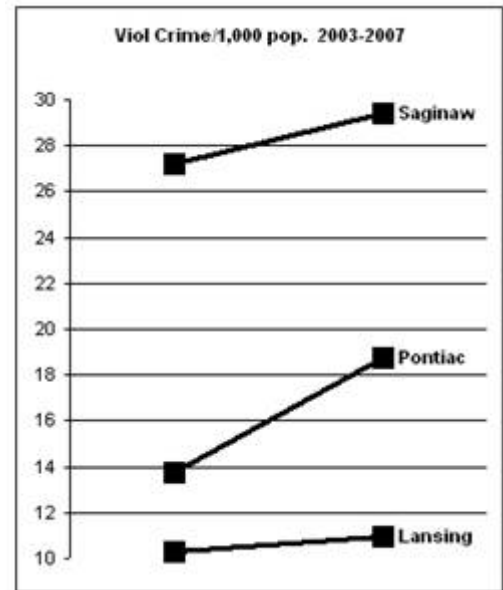
No matter how one slices and dices, the troubled community’s crime stat’s are grim. Reproduced from an [earlier posting about Newark](#), these crime charts (Camden was included as a worst-case scenario) portray what many consider the indisputably criminogenic effects of [de-industrialization](#). Adding insult to injury – the troubled community’s poverty rate has for years hovered at one-third – its unemployment rate reached a stunning

17 percent in May 2009.

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It's no surprise that in 2002, in what was billed as the "biggest municipal takeover in American history," New Jersey [brought Camden under State control](#). Taking over in exchange for injecting a \$175 million stimulus, it appointed a "Chief Operating Officer" with authority to approve all decisions of the Mayor and City Council. One year later New Jersey's attorney general appointed a "Police Director" to oversee the struggling police department.

What's been the result? [A recent headline](#) by the Philadelphia Inquirer says it all: "Camden Rebirth: A promise still unfulfilled." Despite years of intervention the local economy remains stagnant. Empty, boarded-up storefronts litter vast sections of the city. During rainstorms raw sewage overflows into basements, driving hapless residents from their homes. And while crime and violence remain unacceptably high, police strength, which Trenton promised to keep at then-existing levels, has plunged from fifteen to *thirty-four percent* depending on how one's counting. Equipment shortages and malfunctions are also rampant, with police cars in such disrepair that twenty recently flunked State inspection.



That's not to say that the State hasn't tried. In 2008 a leap in the homicide rate led to [the sixth command change](#) in as many years. Luis Vega, a tough-minded ex-NYPD cop became the new police director while veteran Camden officer John Thomson was installed as the new chief. Tactics were thoroughly revamped. Compstat is being used to track crime patterns and assess effectiveness. Police regularly swoop down on hot spots, ticketing and arresting petty violators in an attempt to remedy quality-of-life problems that were supposedly ignored in the past. To insure that cops are doing as they're told Jose Cordero, the attorney general's gang czar, shows up each week to monitor progress.

Alas, there's been considerable blowback from the rank-and-file. With only 290 officers on active status, as compared to 440 when the State took over, the weight of the new style has fallen heavily on the shoulders of ordinary cops. Their [complaints](#) range across a broad spectrum, from missing lunch breaks and being denied vacation time, to being pressed to arrest and stop citizens without adequate cause, to being told how and

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where to patrol while camera-toting internal affairs detectives run around making sure they comply.

Something had to give, and it did. Like each of his predecessors, Police Director Vega lasted only one year, resigning in August for “family reasons”. If Camden’s Mayor has her way, he won’t be replaced:

I dare anyone to show me any police department in the country that has been studied as often as the Camden Police Department, has had as many leadership changes and . . . [such a] confusing and fractured command structure.

Is Camden’s aggressive approach the appropriate response? Hot-spot strategies are nothing new, but the city’s “[mobilization drill](#)” version seems more like the work of an occupying force than a civilian police:

...out of nowhere, 16 police cruisers, lights flashing, pull into the neighborhood. Car doors slam, officers fall into formation. There's a 30-second briefing before officers are off to look for speeding motorcycles, teenagers smoking pot, and men wanted on warrants. In less than two hours on a summer evening, 38 pedestrians are questioned, 14 traffic tickets are issued, and one arrest is made...

Citizens aren’t the only targets. The union leader calls Compstat meetings “nightmares.” A recent example featured Mr. Cordero, the AG’s man, browbeating a veteran captain because one of his teams made only a single arrest in four days. (A newsman who was present didn’t report whether Mr. Cordero asked about the nature of the case.)

Any city that thinks it can cite and arrest its way out of a perfect storm of poverty and joblessness is badly mistaken. Same goes for any department that tries to bully cops or turn them into robots. It’s no secret that many of the *forty officers* who left the department last year did so because they were disgruntled. What’s more, those still hanging around don’t seem much happier. That’s a bad sign. In the real world – and that presumably includes Camden – most police work is done outside the presence of supervisors and internal affairs. It’s well known that micromanagement and heavy-handed supervision can destroy morale and stifle innovation. They can also break the bond between staff and line, yielding platoons of independent contractors who could care less what the chief thinks.

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As the Mayor suggests, Camden PD really *is* an excellent case study. It's for that reason that its troubles became the topic for a midterm essay at Cal State Fullerton. Here is what a student who happens to be a working street cop had to say:

The problem associated with the officers' resistance [to being told what to do] stems from the type of individual that is hired for law enforcement. An assertive, decision-making type of person would not want to be told when to exercise that assertiveness and how to make one's decisions.

Camden PD badly needs to find a balance that will allow it to implement effective strategies while allowing officers the discretion and flexibility they need, and the job satisfaction they seek. Perhaps its managers could begin by looking past Compstat and asking those most familiar with field conditions – their own officers – to help devise sensible and sustainable responses to crime and violence.

If they'd like, we could send a couple students to help them get started.

Posted 12/8/24

ACTING...OR *RE*-ACTING?

An urgent response proves tragically imprecise



For Police Issues by Julius (Jay) Wachtel. In mid-November the national president of the NAACP and the leader of its Las Vegas branch released [a joint statement](#). Here's how it opens:

When people call 911, they're calling for help — not for a death sentence. If Brandon Durham hadn't called 911, he'd likely be alive today. This case — like too many others before it — reminds us that many police officers do not value Black lives.

Their stern admonition was followed by a “March for Justice” by city hall in honor of the 43-year old local realtor who was fatally shot on November 12. Tragically, his killer, Las Vegas police officer Alexander Bookman — that's him pointing the gun — had gone to Mr. Durham's home in response to his plea for help.

We clipped the photo from Officer Bookman's bodycam video. (Click [here](#) for a release that omits the shooting, and [here](#) for our complete and captioned version.) Mr. Durham — he's on the right — lived in the single-family home with his fifteen-year old daughter. On the left is his assailant, Alejandra Boudreaux, 31, a transgender person with whom Mr. Durham [reportedly once had](#) a sexual relationship.

Mr. Durham had called police on two succeeding evenings: November 10 and 11, 2024. Police reports obtained by Las Vegas TV channels [KLAS](#) and [KTNV](#) indicate that on the first night, November 10, Mr. Durham reported that Boudreaux was in his converted garage and refused to leave. Here's what he told the dispatcher:

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We were friends at first...I need this person — I've got a trespasser — me and my kid are here man, this person won't leave — big old Black guy, kind of crazy.

Officer Bookman was one of the responders. Boudreaux soon left, and there's no indication that any officers entered Mr. Durham's home or interacted with either party. No report was written.

On the following night, November 11, area residents, including Mr. Durham, alerted authorities about gunfire and smashed windows. Here's an extract from [Las Vegas PD's official release](#):

Durham stated multiple people were outside shooting at his residence. He then stated someone had entered through the front and back doors of the house, and he was locking himself in the bathroom.

About 10 seconds into [our video](#) a dispatcher describes the interloper as “medium build, red beanie, wearing a black sweatshirt and dark sweat pants.” That, indeed, was Boudreaux. And this time she was armed with two knives. No gun was observed or recovered, and the reports of gunfire remain unexplained. Here's [an extract from the police report](#) (its image was posted by KLAS):

Officers Romanski, Brogdon and Bookman arrived together, Officer Romanski observed the front window had been broken out and [it] appeared someone made entry. Officer Romanski heard screaming coming from inside the house. Officer Bookman kicked open the door. The officers made entry with Officer Bookman entering first followed by Officer Brogdon and Officer Romanski. Officers Bookman and Brogdon entered the hallway and Officer Romanski covered the living room...Officer Romanski heard Officer Bookman yell to drop the knife. Officer Romanski looked toward Officer Bookman and observed him firing shots. Officer Romanski only had a view of Officer Bookman and not where he was shooting.

These four images from Officer Bookman's bodycam indicate that less than twenty seconds elapsed between the moment he kicked in the door (left image) and when he encountered the pair. Officer Bookman's voice is indistinct, but according to police

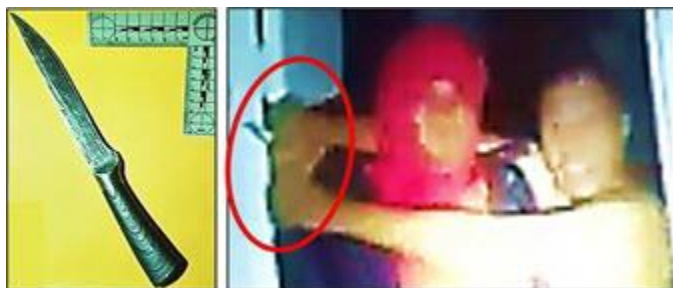


reports, [he instantly ordered](#) they drop the knife. And if you can bear watching the grisly scene, check out the succeeding and final moments (they're at the end of [our video](#).)

Following the yelling, Officer Bookman came across the pair at about 1:36. Two seconds later he ordered them to drop the knife. One second later he focused the beam of his pistol-mounted flashlight on the head of the man on the right – Mr. Durham. And a second after that – at about 1:40 – he opened fire on Mr. Durham. Officer Bookman reportedly delivered six rounds in three seconds and kept shooting as Mr. Durham fell. Throughout, Mr. Durham's hands remained clamped on Mr. Boudreaux's wrists, and they plunged to the floor locked in an embrace.

Considering the movement of the light beam and the positioning of his gun, Officer Bookman seems to have purposely fired at the party on the right – Mr. Durham. Clearly, officer Bookman didn't enter the home intending to shoot a lawful occupant. But it doesn't seem that any of the officers were personally acquainted with either Mr. Durham or Boudreaux. So when Officer Bookman encountered the pair, he had to decide which was the interloper. There *were* a couple of clues:

- Boudreaux – the man on the left – was fully dressed. His clothes, including that red beanie, were consistent with the dispatcher's brief description of the intruder's attire.
- Mr. Durham – the man on the right – was only wearing briefs, as though he had been suddenly awakened.



But it wasn't simply about correctly identifying the pair. Which was in fact the aggressor? Close inspection of the video indicates that Boudreaux gripped the knife in his right hand, which was raised as if to strike. Mr. Durham had both arms wrapped around Boudreaux, and his hands grasped his assailant's

right hand and wrist. Even if Officer Bookman realized that the intruder *was* on the left, his physical distance from the pair and the lightning speed of his decision-making may have led him to misjudge what was taking place. After all, if the homeowner was trying to stab someone, that too must be stopped.

Back to those blistering comments by the NAACP. True enough, Officer Bookman is White, while both Mr. Durham and Boudreaux are Black. But there's no question that

police were there because a Black man – Mr. Durham – had called for help. And his plight was very much real. [Here's what Boudreaux told police](#) after she surrendered:

While on the way back to Durham's house, Boudreaux decided that she was going to die. She explained she had been suicidal for a few days and wanted to be shot by the police...“I wanted the cops to shoot me dead. And I wanted him to live the wreckage that I caused in his house.”

What might have prevented the officer's fatal blunder? “[Speed Kills](#)” described a chaotic July 2018 encounter in Aurora, Colorado, when a home's lawful resident – a decorated Vietnam vet, to boot – was shot dead by patrol officers who mistook him for being the intruder they urgently summoned to apprehend. As we noted then, a prompt response can be lifesaving. But it also “creates risks to innocent victims that cannot be easily dismissed.”

From our earliest posts (see, for example, “[Making Time](#)”) we've repeatedly emphasized that split-second decisions can prove tragic. Ditto, Las Vegas. Slowing down would have given Officer Bookman a better opportunity to gather accurate information. Moving in more closely would have helped him identify the true aggressor and decide how best to respond. What's more, slowing down would have allowed his colleagues to participate. Their presence might have been of substantial tactical or other instrumental value. But it's not only about tactics. Here's another tidbit from “[Speed Kills](#)”:

Officer personality characteristics...typically receive scant attention. Yet all who have worked in law enforcement (including your blogger) know that its practitioners are human: they have quirks, and their behavior can deteriorate under stress.

Officer Bookman is 26 years old and has been a Las Vegas cop since 2021. Had he shot and killed Boudreaux, he would have likely been lauded as a hero. But he didn't, so he wasn't. And influential community members are now [demanding his prosecution](#). In a November 18 [news release](#), Clark County District Attorney Steve Wolfson announced that two reviews are in progress: one is administrative and policy-oriented; the other is a full-bore criminal investigation. When these are completed – the D.A. cautioned it “could take months” – he would decide whether any officers would be charged.

As for Boudreaux, she faces “multiple felony offenses, including Home Invasion with a Deadly Weapon and Assault with a Deadly Weapon.” But of course, she's just an asterisk.

Posted 11/16/10

AN EPIDEMIC OF BUSTED TAIL LIGHTS

LAPD struggles over claims of racial profiling

By Julius (Jay) Wachtel. Here's a puzzler for our loyal readers. Click [here](#) to read LAPD's policy on "biased policing". Then read it again. Now imagine you're an LAPD officer patrolling an area where shootings involving ethnic gangs have occurred. You spot an older, beat-up car slowly circling the block. It's occupied by sloppily-attired young male members of that ethnic group. Children and pedestrians are present. Do you: (a) go grab a donut, (b) wait until shots are fired, or (c) pull the car over?

If you answered (c) you may wind up with a lot of explaining to do. Or not. It really depends on which paragraph of section 345 is controlling. The first, which paraphrases [Terry v. Ohio](#), appears to leave race open as one of the factors that can be used when deciding to detain someone for investigation:

Police-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts, consistent with the standards of reasonable suspicion or probable cause as required by federal and state law."

But the very next paragraph appears to limit the use of race to situations where cops are looking for a specific individual:

Department personnel may not use race...in conducting stops or detentions, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by their race...may rely in part on race...only in combination with other appropriate identifying factors...and may not give race...undue weight.

Section 345's prohibition against using race as an anticipatory factor has spurred spirited debate within LAPD. While everyone agrees that race should never be the *sole* factor, many cops don't think that it should *always* be out of bounds. In a [notable recent conversation](#) (it was, believe it or not, inadvertently taped) an officer told his superior that he couldn't do his job without racially profiling. Somehow the recording made its way to the Justice Department, which is still monitoring the LAPD in connection with the [Rampart scandal](#). As one might expect, DOJ promptly fired off a letter of warning.

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Chief Charlie Beck, who's struggling to get the Feds off his back, quickly denied that the officer's comments reflect what most cops really think. Still, the faux-pas reignited a long-simmering dispute between LAPD and the Los Angeles Police Commission, whose president, John Mack, a well-known civil rights activist, has bitterly accused the department of ignoring citizen complaints of racial profiling.

Each quarter the [LAPD Inspector General](#) examines disciplinary actions taken against officers during that period. Last year, as part of an agreement that relaxed DOJ oversight, LAPD IG investigators started reviewing the adequacy of inquiries conducted by LAPD into alleged instances of biased policing (LAPD's preferred term for racial profiling.)

The [2009 second quarter report](#) summarized biased policing complaints for the prior five quarters. Out of 266 citizen complaints of racial profiling, zero were sustained. This was by far the greatest such disparity for any category of misconduct. IG employees examined a random sample of twenty internal investigations of biased policing. Six were found lacking in sufficient detail to make any conclusions. Incidentally, twelve of the police-citizen encounters involved traffic offenses. Ten were for no tail lights, cracked windshields, tinted front windows, no front license plate and jaywalking. An eleventh was for speeding, a twelfth for riding a dirt bike on a sidewalk.

The most recent report, covering the [fourth quarter of 2009](#), revealed 99 citizen allegations of biased policing; again, zero were sustained. The IG reviewed a sample of eleven investigations; it criticized two as inadequate. Four officer-citizen encounters had complete information. Each was precipitated by a traffic violation: one for running a red light, one for no brake lights (the driver later insisted only his supplemental third light was out), one for not wearing a seat belt, and one for tinted front windows.

Earlier this year DOJ criticized the IG's investigation review process as superficial. Biased policing claims will henceforward be investigated by a special team, using new protocols. Their first product is due out soon.

Cops have so many ostensible reasons for making a stop that divining their underlying motive, if any, is probably a non-starter. That was conceded by no less an authority than the Supreme Court. Here is an extract from its ruling in [Whren v. U.S.](#):

The temporary detention of a motorist upon probable cause to believe that he has violated the traffic laws does not violate the Fourth Amendment's prohibition against unreasonable seizures, even if a reasonable officer would not have stopped the motorist absent some additional law enforcement objective.

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It's widely accepted in law enforcement (and apparently, by the courts) that using all available laws isn't cheating – it's simply good police work. That can make it well-nigh impossible to determine whether racial bias was a factor in making a stop. John Mack may not like it, but the commanding officer of Internal Affairs was probably just being candid [when he told the police commission](#) that sustaining an allegation of biased policing literally requires that an officer confess to wrongdoing.

What can be done? Target individuals, not ethnic groups. Selecting low-income, minority areas for intensive policing, even if they're crime "[hot spots](#)," can damage relationships with precisely those whom the police are trying to help. Aggressive stop-and-frisk campaigns [such as NYPD's](#) can lead impressionable young cops to adopt distorted views of persons of color, and lead persons of color to adopt distorted views of the police. Our nation's inner cities are already tinderboxes – there really is no reason to keep tossing in matches.

Target individuals, not ethnic groups. Repeat at every roll-call. And be careful out there!

Posted 11/18/21

BACKING OFF

***Leaving suspects alone cuts against the grain of policing.
But there are few options.***



For Police Issues by Julius (Jay) Wachtel. Consider what life might be like today had Derek Chauvin and George Floyd never crossed paths on May 25, 2020. There would have been no reason to post “[Punishment Isn’t a Cop’s Job](#)” a mere nine days later, nor to ultimately devote a special section of the website to the tragic encounter and its profound consequences on American policing.

Nor, a couple months ago, to cancel a guest lecture at a local university because the professor wouldn’t let your writer play a video compilation of the police interaction with Mr. Floyd, from his arrest to the bitter end. In truth, given the tenor of these times, your writer’s advance warning that he agreed with officer Lane’s initial approach probably doomed the presentation.

Here our concern goes well beyond *Floyd*. We’ll take it one step at a time. First, when *should* officers become involved? Let’s review four notorious incidents, beginning with Mr. Floyd:

- [George Floyd](#) (Minneapolis, MN) It all began with a 9-1-1 call to MPD. Employees of a convenience store complained that a customer paid for a carton of cigarettes with a counterfeit bill, then wouldn’t make things right when he was approached as he sat in his car. They also reported that Mr. Floyd, who was at the wheel, appeared to be “on something,” meaning drugs.
- [Karen Garner](#) (Loveland, CO) In June 2020 Loveland police were called by a Walmart because an elderly woman tried to leave without paying for her items, then ripped off the Covid mask from an employee who intervened. Officers soon encountered the alleged assailant, Karen Garner, 73, as she “picked wildflowers”

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while walking home.

- [Manuela Rodriguez](#) (Long Beach, CA) Cops often initiate contacts based on what they observe. In a September 2121 “on view” incident in Southern California, Long Beach school police officer Eddie F. Gonzalez was on motorized patrol one block from a high school campus when he noticed that a young woman, later identified as Manuela Rodriguez, 18, was assaulting a 15-year old female student. Also present were Ms. Rodriguez’s 20-year old boyfriend and his brother, 16.
- [Karon Hylton](#) (Washington, D.C.) Traffic stops in high-crime areas are often conditioned on reasons other than traffic; say, suspicion of gang involvement or gun possession. One evening last month, while working a specialized anti-crime detail, D.C. police officer Terence Sutton observed a reputed gang member, Karon Hylton, 20, riding a moped on the sidewalk, without wearing a helmet. Suspecting that Hylton, whom he knew, “was armed and wanted revenge” over a recent clash, officer Sutton tried to stop him, ostensibly to issue a ticket.

Most officers would probably agree that the above situations are typical of what cops encounter each day. Of these, the in-progress assault on the teen seems the most worthy of prompt intervention. But the call about Mr. Floyd was also somewhat pressing: a local business had been victimized, the alleged evil-doer refused to make things right, and he was set to drive away while apparently impaired.

Beliefs about one’s role and obligations are intrinsic to all occupations. Police are committed to helping local businesses deal with shoplifters and unruly customers. Officers also expect that their colleagues will vigorously combat gangs and make life as miserable as possible for their members. So, what did the officers do? Let’s take each example in turn.



Pulling a gun isn’t pretty, but that’s what rookie MPD officer Thomas Lane did when Mr. Floyd seemed reluctant to step out of the car. As depicted in [bodycam video](#), officer Lane soon had the drugged man out of the driver’s seat and in physical custody, avoiding further risks to citizens and police. Grimace if you wish, but in the everyday world of law enforcement, where citizens are often obstinate and all-too-frequently armed, that was a “success.”

While Mr. Floyd’s dereliction seems minor (he paid for his

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smokes with a counterfeit twenty), the large, unruly man presented a not-insubstantial physical threat. Store employees said that they last observed him sitting behind the wheel of a parked car, and that he seemed to be “on something.” It turns out that [Mr. Floyd had a substantial criminal record](#), including a conviction for armed robbery. But we don’t know whether officers on scene knew, or when they found out.

As it turns out, Mr. Floyd *was* under the influence of powerful drugs. Had he been allowed to drive off he’d have imperiled innocent motorists. Officer Lane’s stern approach also avoided a risky pursuit. Mr. Floyd was promptly in handcuffs and on the sidewalk, where he threatened no one. So far, so good. When he later resisted getting into the back of a squad car, officers should have summoned a transport van. But their superior seemed intent on inflicting punishment. And we know how *that* turned out.

Karen Garner’s encounter, on the other hand, went poorly from the start. [According to the bodycam](#), when his command to stop was ignored, Loveland officer Austin Hopp gave no quarter to the woman’s age or clearly sketchy mental state (she suffers from dementia.) Instead, he grabbed the frail 73-year old from behind, twisted her arms and forcibly pushed her to the ground. Ms. Garner was promptly placed in a patrol car, taken to jail and booked for the \$13.88 shoplift.



As one might expect, this episode didn’t end well for the city *or* the cop Ms. Garner’s lawsuit [was recently settled for \\$3 million](#). Officer Hopp is being prosecuted for assault, and an officer who assisted him has been charged with failing to report their colleague’s excessive use of force. Both have resigned.

Walmart employees likely realized that Ms. Garner had mental issues. (Click [here](#) for a video of what happened in the store.) However, we don’t know whether that concern was conveyed to 9-1-1. And when the responding officer encountered a recalcitrant, elderly person he immediately turned to force. Officer Hopp, 26, had only one year on the job. Perhaps he thought that Ms. Garner’s conduct required he make an arrest. Maybe he wanted an easy “stat.”

No matter. While the rookie’s decisionmaking skills might have eventually improved, sometimes there really *is* no second chance. [Loveland police chief Robert Ticer quickly endorsed the cop’s prosecution](#). He also moved to increase de-escalation training and include a discussion of Alzheimer’s disease. Of course, persons such as Ms. Garner require an appropriate intervention the *first* time. To that end, an appropriate step would be to organize a dedicated mental health response team, perhaps using the

popular [“Cahoots”](#) model.



When the Long Beach school cop pulled up, Ms. Rodriguez promptly jumped into the front passenger seat of her companions’ car. Just as the trio set to leave, officer Gonzalez walked up and, gun at his side, ordered Ms. Rodriguez out. But the sedan abruptly sped off, nearly knocking the officer down. Officer Gonzalez fired at least twice, fatally wounding Ms. Rodriguez. (Click [here](#) for a video compilation.)

Officer Gonzalez’s employment was promptly terminated and [he was charged with murder](#). His qualifications have since come under scrutiny. He had reportedly two very brief stints with local police departments, one of which “chose to separate” him from his job.

Officer Gonzalez interrupted an assault. Yet when multiple persons are involved – the assailant was there with two male friends – trying to do it alone invites a blunder. We’re not opposed to drawing a gun and holding it to one’s side. But when a cop is at a great disadvantage – officer Gonzalez was outnumbered, on foot and lacked cover – should something happen a poorly thought-through, near-reflexive shooting becomes far more likely. Consider, for example, [the tragic incident in Waukegan](#) when an officer opened fire on a car he thought was purposely backing up on him, killing a passenger and wounding the driver. That’s why, as we mentioned in “[An Illusory Consensus \(Part II\)](#)”, many agencies have adopted [PERF’s Guiding Principle No. 8](#), which prohibits shooting at moving vehicles “unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself” (p. 44).

D.C. police rules have strictly restricted vehicular pursuits since at least 2003. According to Police Chief Peter Newsham, [they’re presently forbidden for anything short of a felony](#). Karon Hylton, on the other hand, had observably committed nothing more than a traffic infraction. But he was reportedly a gang member. And when he refused to stop, the chase was on (click [here](#) for the video). Alas, Hylton soon collided with a van and was killed.



In these days, with police literally “under the gun,” D.C.’s strict rules about chases are intended to avoid grossly disproportionate outcomes. As we recently mentioned in “[Regulate](#),” foot pursuits have repeatedly led to bad endings. No matter that the lethal “blow” suffered by Mr. Hylton wasn’t delivered by a cop. Police

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officers must become accustomed to the notion that, as in virtually every other sphere of life (say, vaccination) individualism has triumphed over compliance. Policing can provoke all manners of unintended consequences, and simply because a citizen disobeys is no longer reason enough to use force.

So, when *should* cops act? In the “good old days” of [Dragnet](#) and [Adam-12](#), politicians and the public seemed far more indulgent of officer skills and temperament. Allowances were typically made for the perils of the street and the little that cops may know about the characters and circumstances they face. Law enforcement is replete with ambiguity and uncertainty, and in the real world of the streets, crude responses are sometimes unavoidable. Over the last several years, though, the permissible margin of error has substantially narrowed. [So while we’re not overly fond of rulemaking](#), strict guidelines such as D.C.’s can give officers, who labor under considerable peer and public pressure, defensible reasons *not* to act.

Of course, should cops become notably less proactive, criminals and evildoers may be emboldened. Pointing to recent increases in violence, [some claim that’s already happened](#). Fine-tuning the police response so that our emerging notions of justice and equity aren’t breached and everyone is pleased has human *and* practical limits. And they’ve likely been reached.

Posted 4/21/20

CAN THE URBAN SHIP *BE* STEERED?

Seasoned police leadership. Yet the violence continues.



For Police Issues by Julius (Jay) Wachtel. One can empathize with Charlie Beck. On February 10, only two weeks after announcing a comprehensive reorganization of the perennially troubled agency, Chicago's interim top cop faced two epidemics. Only one was new: coronavirus ([the city's first case was confirmed two weeks earlier](#)). As for the other, it was really more of the same. According to the *Sun-Times*, the homicide-beset city had just experienced its "[deadliest February weekend in 18 years](#)," with nine shot dead and fourteen wounded in less than two days.

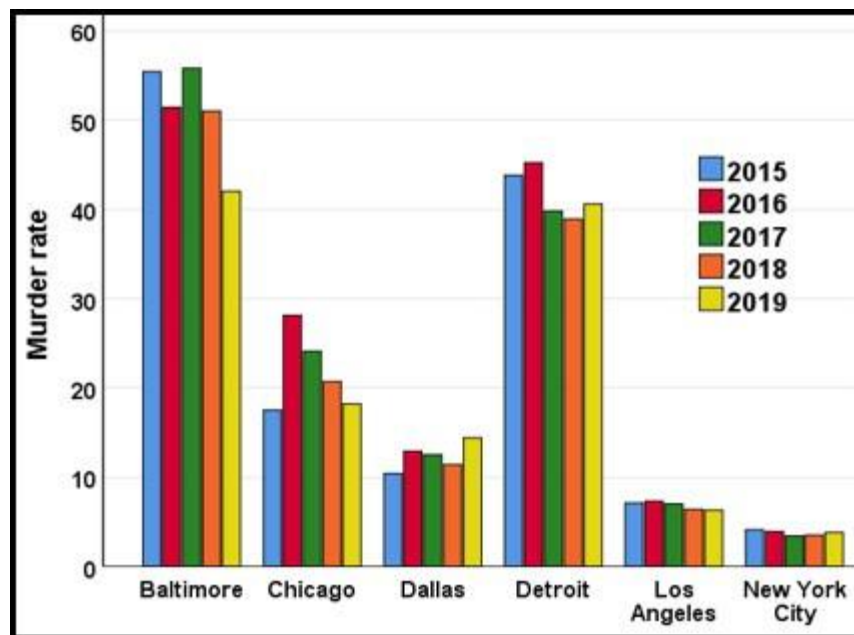
As one might expect, Mayor Lori Lightfoot wasn't pleased. So Chief Beck devised an "intermediate strategy" to promptly "put more resources into the areas most affected." In other words, more cops patrolling Chicago's violence-prone inner-city neighborhoods. That, one supposes, is how police responded after that other weekend, August 2-4, 2019, when [seven died and fifty-two were wounded](#) in a staggering *thirty-two* separate shootings.

Chief Beck can't be blamed for those. That burden falls on the shoulders of then-chief [Garry McCarthy](#). After rising through NYPD's ranks, then spending five years as Newark's chief, McCarthy became Chicago's top cop in 2011. That's the good news. The bad is that he was in charge on October 20, 2014. That's the fateful day when officer Jason Van Dyke barged in on a situation that colleagues seemed to have under control and inexplicably shot and killed [Laquan McDonald](#), a 17-year old youth who was reportedly trying to break into parked cars while waving a knife.

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McDonald's killing set off waves of demonstrations. Nothing, though, happened to officer Van Dyke until late 2015, when a dash-cam video that sharply contradicted his and his colleagues' accounts of the episode was ordered released by a judge. That stunning development led Mayor Rahm Emanuel, who proudly hired McCarthy, [to promptly fire him](#). It also led to the arrest of officer Van Dyke, who was ultimately convicted convicted of 2nd degree murder and [sentenced to nearly seven years imprisonment](#). And it opened the floodgates to Federal intervention. A [damning DOJ report](#) was followed by a [consent decree and Federal monitoring](#), which continues through the present day.

Former Chief McCarthy missed most of the blowback. That fell, instead, on the shoulders of his replacement, Eddie Johnson, whom Mayor Emanuel appointed in March 2016. A veteran Chicago cop who grew up in Cabrini-Green, widely considered the city's "most notorious public housing project," [Johnson was considered](#) to be someone who would be respected by cops and citizens alike.



Chief Johnson knew he had a mountain to climb. His beloved city [had reported 478 homicides in 2015](#). Although its murder rate of 17.5 per 100,000 pop. was far better than Baltimore's abysmal 55.4 and Detroit's merely awful 43.8, it was nonetheless more than twice L.A.'s (7.0) and five times the Big Apple's (3.4). And during the new chief's first year, things turned worse. Chicago closed out 2016 with an appalling 765 murders (rate 28.1), a one-year leap of sixty percent. (Dallas, a distant runner-up, went from 136 to 171 murders, a 26 percent increase.)

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Why the surge? Some observers attributed it to an officer “[slowdown](#)” supposedly spurred by the intense public criticism that followed McDonald’s killing. Thankfully, murder soon began a gratifying descent. By 2019 killings had receded to 492, a four-year plunge of thirty-six percent. Yet in both raw numbers and rate (18.2) Chicago’s homicide problem remained worse than in 2015. Bottom line: however “new and improved,” the Windy City remained much more a “killing field” than either Los Angeles (253 murders in 2019, rate 6.3) or New York City (318 murders, rate 3.8).

Yes, *killing field*. [Here’s a news update](#) we posted on August 8, 2019:

Seven dead and fifty-two wounded, including seventeen shot in a two-hour period. That was the toll last weekend in Chicago’s infamous West Side, a gang-ridden area “devastated by drugs and violence.”

Chief Johnson was still in charge. Should we blame him? Well, no. As we’ve repeatedly emphasized (see, for example, “[Place Matters](#),” “[Repeat After Us](#)” and “[Location, Location, Location](#)”) crime’s roots lie in poverty and the social disorganization that accompanies poverty, factors that are ultimately beyond the power of law enforcers to fix. To be sure, passive policing can encourage hooliganism, and forceful responses such as stop-and-frisk might for a time reduce violence. But the imprecision that inevitably accompanies aggressive crime-fighting measures often backfires. [Just ask NYPD and LAPD](#).

Mayor Lightfoot seems to be of like mind. Poverty was her focus some weeks ago, on February 14, when in a [near-40 minute address](#) she beseeched a “standing-room only crowd” at the City Club to help turn their community around. “Poverty is killing us,” she implored. “Literally and figuratively killing us. All of us.” While “epidemic” gun violence was mentioned, her [highly detailed prescriptions](#) focused on economic conditions. There were only a few substantive recommendations as to crime and justice, and all but one were economically centered. She touted an [ongoing program](#) to forgive unpaid fines and parking tickets so that poor persons didn’t needlessly lose their driver licenses. To help the formerly incarcerated find housing she suggested prohibiting landlords from running criminal checks on potential tenants until after they were otherwise approved. She also called for increased opportunities for the poor to land jobs in emergency services:

When a graduate of one of our police or fire academies walks across the stage they are walking into a middle-class life. That life and all the benefits of middle-class life that those jobs bring must be open to all of us.

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And in a passing mention of the opioid crisis, Mayor Lightfoot defined it as primarily a public health issue, not a law enforcement problem.

In truth, the mayor was likely reluctant to revisit the chronically fraught area of policing. For one thing, only three days had passed since she upbraided Charlie Beck and his staff over that “deadliest February weekend” mentioned above. As for Chief Johnson, [she had fired him a couple months earlier](#) for lying about [an October 2019 incident](#) in which he apparently fell asleep, while drunk, at the wheel of his car.

Two months later there was another kid on the block. On April 15 Charlie Beck [passed the mantle](#) to Chicago P.D.’s new permanent chief, David Brown. Dallas’ former top cop took the opportunity to praise his predecessor for implementing a massive restructuring that, among other things, supposedly gave patrol commanders additional resources: “The policing mind of Charlie Beck is deep, it’s wide and it’s quick, and I will ensure that what he’s begun to set in place, in motion, here in Chicago, flourishes and reaches its full potential.”

That’s a tall order, and we hope that after thirty-three years as a Dallas cop, six as its chief, he’s the one to fulfill it. Chief Brown is perhaps best known for what [Governing called](#) his “masterful handling” of [the murder of five Dallas police officers](#) and the wounding of seven on July 7, 2016 by a sniper who was [upset over police killings](#). Yet over the years his reformist zeal and alleged favoritism in promoting friends reportedly caused morale problems. So much so that in September 2015 a host of police groups including the National Black Police Association took the extraordinary step of [publicly calling for his ouster](#). Well, that didn’t happen. But in late 2016, only weeks after his officers were murdered, Chief Brown retired. Why? Maybe it was the lousy morale. Maybe it was the surge in homicide: 2016 ended with 171 murders, a 26 percent increase over the 136 killings in 2015. Indeed, that depressing statistic [drew skepticism over his abilities years later](#), when he applied for the job in Chicago.

Who took over Dallas P.D. when Chief Brown left? That would be [Reneé Hall](#), a veteran Detroit officer. And yes, she still leads the Dallas force. As of late, though, her tenure’s proving a bit rocky. In what seems a re-run of what happened three years earlier, Dallas suffered 200 killings in 2019, twenty-nine percent more than the 155 murders recorded in 2018. Calling the surge “[patently unacceptable](#),” Dallas Mayor Eric Johnson complained that Chief Hall’s approach, “increasing the number of investigators working for the Dallas Police Department, adding civilian analysts and establishing a 100-member violent crime reduction team” [left him dissatisfied](#).

Reneé, meet David.

It would be impolite to close without making some observations. Our first relates to Chicago Mayor Lightfoot's desire to employ minorities in policing. We're fully onboard with that. But her speech lacked suggestions for improving literacy in low-income areas, an essential element for positions such as with the police, where the ability to express oneself on paper is critical.

And we're skeptical about [Dallas Mayor Johnson's](#) wish for "data-driven solutions for communities disproportionately affected by violent crime." Actually, that sounds like...Compstat! But as "[Driven to Fail](#)" and other posts in our "[Quantity and Quality](#)" section have pointed out, policing doesn't happen on an assembly line. Cops and citizens are imperfect, and the environment of the streets can lead both to act in unpredictable, sometimes unfortunate ways. Using numbers, whether they're from Compstat or old-fashioned pin maps, will inevitably lead to more police activity in high-crime areas. Mistakes (including "[false positives](#)") *will* happen. And if there's a lot of policing, there will be *lots* of mistakes. Perhaps Mayor Johnson could ask LAPD's new chief, Michel Moore (he took over after Charlie Beck) about the consequences of his agency's [stop-and-frisk campaign](#). It was motivated by the best of intentions. But then "stuff" happened.

So what can Chiefs do? Instead of falling prey to managerial rhetoric, why not transform a naughty obstacle – the imprecision of policing – into a positive? While the media, academics and other "outsiders" obsess over mistakes, officers soldier on, making miracles every day. How do they get unpredictable, occasionally hostile citizens to do the right thing without using force? In "[Fair but Firm](#)" we mentioned a way, but your writer is a couple decades removed from fieldwork. So, as he recently suggested to a national police organization (he's waiting to see if they'll publish his brilliant essay), why not ask cops about how *they* succeed?

Well, that's enough for now. Stay healthy!

Posted 12/18/11

CATCH AND RELEASE

Sometimes there really is no substitute for common sense

By Julius (Jay) Wachtel. “If you’re talking about somebody who the rap sheet in front of you shows is potentially a dangerous person, has a gun, has a criminal history, common sense says don’t let him out until you make one phone call.” New York City [Mayor Michael Bloomberg’s criticism](#) was directed at Evelyn Laporte, a Brooklyn judge who had brushed aside a prosecutor’s request to set \$2,500 bail and released a man arrested on drug possession and child endangerment charges on his own recognizance.

Yet the suspect, Lamont Pride, 27, [wasn’t an unknown quantity](#). Officers had caught him packing a knife a couple months earlier, a tangle that cost Pride a day in jail. Authorities in Pride’s home town, Greensboro, North Carolina had [recently secured felony warrants](#) accusing Pride of shooting a man in the foot as they quarreled over a woman. Pride, who allegedly used a .22 pistol, was charged with assault with a deadly weapon with intent to inflict serious injury, felony conspiracy, and possession of a firearm by a felon, the latter relating to a prior conviction for armed robbery, an offense for which he served 13 months in prison.

Now here’s the part that’s hard to swallow. Greensboro’s warrants [specified “in-state extradition only.”](#) Police and prosecutors would later explain that they didn’t consider Pride a flight risk and thought “he could still be in the area.” So why not authorize extradition? One can guess that in these times of strapped budgets there were second thoughts about sending officers to another state to bring back a local ne’er-do well, particularly if injuries, as in this case, were minor and the victim was no one special.

The story doesn’t end there. When NYPD arrested Pride for drugs and child endangerment an officer called Greensboro PD to confirm that they wouldn’t extradite. That fact was passed on to Judge Laporte, who also got a look-see at Pride’s long rap sheet. But she O.R.’d him anyway. Still, NYPD wasn’t done. A detective called Greensboro a few days later. Whatever transpired during that little chat clearly had an impact, and on November 8 North Carolina’s warrant was amended to authorize extradition.

Alas, it was too late. Pride skipped his New York City court appearance and was nowhere to be found. On December 12, NYPD officer Peter J. Figoski, 47, a 22-year veteran and father of four, [responded to a report of a residential armed robbery](#). (It turned out to be a vicious attempt to rip off a local drug dealer.) While searching a dark

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apartment building officer Figoski and his partner were surprised by Pride, who allegedly pulled a 9mm. pistol and shot Figoski dead. Pride was caught during a foot chase.

Felons on the lam are always dangerous. On June 29, 2010 Dontae Morris allegedly [shot and killed Tampa police officers David Curtis \(I\) and Jeffrey Kocab](#) during a traffic stop. Morris, whose record includes arrests (but not convictions) for murder and weapons violations was released from prison two months earlier after serving a two-year term for possession and sale of cocaine. Only thing is, Morris had an active felony warrant for bad checks. “Right now we’re not going to start pointing the fingers of blame,” said Tampa PD Chief Jane Castor. “And frankly, it’s not going to bring the officers back.”

The deaths of officers Curtis and Kocab have been attributed to a complex tangle of bad decisions. Equally lethal results can flow from simple paperwork blunders. On January 23, 2011 “low-risk” parolee Thomas Hardy, 60, [shot Indianapolis police officer David Moore](#) during a traffic stop. Hardy was arrested after robbing a convenience store an hour later. Actually, Hardy shouldn’t have been on the street in the first place, as he had recently been arrested for felony theft. Regrettably, Hardy’s parole status hadn’t been entered into the computer, and he didn’t tell, so he was let go after arraignment.

Officer Moore succumbed to his injuries. Both his parents were cops. His father was a retired Lieutenant, his mother an active-duty Sergeant.

We’ve suggested in the past that bad decisions can be often attributed to a tendency to “dismiss, dismiss, dismiss.” Going to “extraordinary lengths to routinize information and interpret questionable behavior in its most favorable light” can have tragic consequences. Here are a few examples:

- Perhaps fearing that they might be branded as bigots, military authorities repeatedly ignored warning signs about [the radicalization of Nidal Hasan](#), the Army major who killed eighteen and wounded twenty-eight at Fort Hood.
- A lack of regulatory will and Federal law enforcement resources were clearly at work in the case of [Bernie Madoff](#), the record-breaking Ponzi artist whose decades-long scheme cost victims billions.
- Parolee [Phillip Garrido](#) enjoyed so much slack while under supervision that he was able to kidnap a young woman and, with help from his wife, confine her to a backyard pen for eighteen years as his sex slave.

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- After doing fifteen years for rape, Cleveland serial killer [Anthony Sowell](#) was ignored by police despite a string of odd and violent goings-on at his home involving various women, including one who supposedly “fell” from a window.
- And who could forget would-be underwear bomber [Umar Abdulmutallab](#), a self-made Nigerian terrorist whom American consular and intelligence authorities failed to place on the do-not fly list even after Umar’s father warned them that his radicalized kid was up to no good.

When funding is tight criminal justice agencies must economize. And yes, there are consequences. States have been granting early paroles by the bucketful, releasing inmates left and right to make room and save money. Yet predicting someone’s threat to society is chancy. In August [three top Wisconsin juvenile corrections officials were suspended](#) after police arrested three Milwaukee teens for a vicious robbery-murder. Two had been granted early releases while serving terms for violent crimes. One, now 18, did less than three years for directing a killing in which his adult codefendants got twenty years.

Decisions that can let potentially dangerous individuals go free should be taken in a reflective atmosphere with sufficient time to gather and evaluate all pertinent information. In the efficiency-obsessed atmosphere that pervades today’s criminal justice system that ideal is rarely reached. Pressures to economize can lead well-intentioned practitioners such as Judge Laporte to lose their way and forget why they’re there. It’s precisely for such reasons that Mayor Bloomberg’s admonition to use “common sense” should be taken to heart. Officers Figoski, Curtis, Kocab and Moore would ask for nothing less.

Posted 2/5/12

CATCH AND RELEASE (PART II)

An “evidence-based” pre-trial release program lands Milwaukee in a pickle

By Julius (Jay) Wachtel. Ever since NIJ adopted the “[evidence-based](#)” mantra it’s been *de rigueur* for governments at all levels to demand solutions that are founded in science and empirically verifiable. But in criminal justice, where it’s often hard to say what factors to consider in the first place, let alone how to measure their effects, thoughtlessly crunching data is risky.

For an example look no further than Milwaukee’s [brand-new pretrial release program](#). Developed by [Justice 2000](#), a small Milwaukee nonprofit founded in 2001 to promote the “safe release and community integration of criminal offenders,” it applies a set of measures to estimate the likelihood that a defendant might fail to appear or reoffend. Staff members collect information about the nature of the offense, criminal record, previous failures to appear, drug and alcohol use, mental impairment, community bonds and family ties from official records and personal interviews. Results are computed and furnished to a court commissioner who makes the final decision about bail and release.

Justice 2000’s director says that its protocol is based on a study of two years’ worth of release data, and that everything is done impartially. “We’re neutral, just supplying information and applying the tool.”

It’s not the first time that Justice 2000 has provided pretrial services. [In 2003 it took over](#) the city’s “Municipal Court Alternatives Program,” which offers persons cited for minor transgressions community service, drug treatment and counseling as alternatives to jail and fines. In 2004 the main outcome metric, fewer jail days, was 13,288, saving the city \$531,520 in housing costs.

Justice 2000’s new program is different. Just how different was apparent a few days ago when authorities announced that [Derrick Byrd](#) was returned to custody after a commissioner acting on Justice 2000’s recommendation released him on his own recognizance. What was the original charge? Robbery-murder.

Yes, that’s right: Milwaukee O.R.’d an accused murderer. Stunned prosecutors (they had asked for a \$150,000 cash bond) rushed to a judge, who looked things over and set bail at \$50,000. By then Byrd was gone, but he surrendered after checking in with

Justice 2000 staff. His bail is now \$30,000, which he still can't pay. Incidentally, there's no doubt that he was involved in the crime, the murder last October of the owner of a recycling business. According to [a sketchy account](#), Byrd admitted that he participated in planning the heist but says that someone else pulled the trigger. Byrd reportedly has no prior criminal record and his lawyer says that he is willing to cooperate and point the finger at the real shooter.

Justice 2000's program has been in effect only since mid-January. Amazingly, Byrd isn't the only accused killer whom its staff has recommended for kid-gloves treatment. On January 24 police arrested [Chasity Lewis, 18](#), for reckless homicide. An admitted marijuana dealer, she told police that three boys tried to take drugs without paying and that one punched her. Doing what comes natural, she pulled a .22 pistol that she carried for protection and shot her assailant, a 16-year old boy, point-blank in the chest. Based on her lack of a prior record, school attendance and "steady home life," Justice 2000 recommended O.R. But for blowback from the Byrd case, she would have gotten it. (Instead, a commissioner set bail at \$20,000. Lewis remains in custody.)

All pre-trial release schemes are subject to two types of error. "Type 1" errors of overestimation (also referred to as false positives) lead to the detention of persons who would not have fled or committed another crime. "Type 2" errors of failure to include (also referred to as false negatives) cause the release of those who will likely flee or recidivate. According to Milwaukee County Sheriff David A. Clarke, Justice 2000's protocol seems purposely biased in favor of the accused. "There's a use for pretrial screening, but obviously this tool needs to be recalibrated," said Clarke, who suggested that "evidence-based decision making" and promises of saving money are sweeteners offered by those with a secret liberal agenda.

Politics aside, it may be that when it comes to murder, trying to strike the usual cost-benefit, Type 1/Type 2 balance doesn't work. When Justice 2000 played in the sandbox of municipal court the consequences of being wrong (i.e., Type 2 errors) were minimal. In general criminal court, though, releases carry far weightier implications. Predicting recidivism is a frustratingly inexact science. As we pointed out in "[Reform and Blowback](#)," when a dangerous someone is let go and maims or kills, there's no trying to explain why they were released.

Bottom line: releasing shooters on their own recognizance is a huge step into the unknown. It's a new, quantum world, with hazy parameters and unpredictable consequences.

Well, maybe not all *that* unpredictable. In "[Risky Business](#)" we discussed the dangers of chasing after defendants who go on the lam. Warrant service is an extremely

dangerous business that all-too frequently leads to shootouts and dead cops. Of course, officers serving warrants are at least forewarned. Imagine what can happen when patrol officers inadvertently come across a dangerous wanted person. “[Catch and Release](#)” featured two such examples:

- In December 2011 Lamont Pride, a robber wanted for a shooting in North Carolina, [shot and killed NYPD officer Peter J. Figoski](#). Pride had been arrested by NYPD twice in recent months, most recently on a drug charge for which he failed to appear. He was released on low bail both times because the North Carolina warrant didn’t authorize extradition.
- In June 2010 Dontae Morris, a felon with arrests for murder and weapons violations, [shot and killed Tampa police officers David Curtis and Jeffrey Kocab](#) during a traffic stop. Morris, who had been recently released from a prison term for sale of cocaine, had an active warrant for bad checks.

Just how Milwaukee came to endorse release practices that could lead to O.R.’s for murder suspects will be fodder for discussion for years to come. Partnering with what clearly seems to be an advocacy group (in 2010 Justice 2000 merged with [Community Advocates](#)) may have been imprudent. Budget-conscious county officials might have been seduced with promises of cost savings and freeing up bed space. Perhaps the appeal of an “evidence-based” based strategy was too hard to resist.

But don’t just trust *Police Issues*. It’s been a year since Malcolm K. Sparrow’s superb [research article](#) cautioned against assuming that “evidence-based” approaches can yield practicable solutions to the real-life dilemmas encountered by police. Those that prove useful, he said, tend to be rebranded variants of what cops have already done. Dr. Sparrow counseled academics to heed the advice of practitioners, as they’re the real experts at the game. Last May [judges in St. Louis, Missouri](#) took that notion to heart. Sick and tired of gun violence, they started setting \$30,000 bail, full amount cash only, on everyone caught illegally packing guns. No surprise, most remained locked up. Homicides promptly began to drop, and the year ended with 114, 20 percent less than in 2010 and the fewest since 2004. Researchers now studying the program think that it holds special promise.

Milwaukee, meet St. Louis.

Posted 1/11/20

CHAOS IN D.C.

Rioters overrun the Capitol. Are police to blame?



For Police Issues by Julius (Jay) Wachtel. On January 6, 2121 hordes of protesters inflamed by President Trump's defeat and exhorted by him and his son to convey their message to legislators stormed the U.S. Capitol, overwhelming police. While none visibly carried firearms, some had or got hold of pipes and other objects. Once inside, rioters fought with several officers, and [Capitol police officer Brian Sicknick](#) was repeatedly struck with a fire extinguisher, sustaining ultimately fatal injuries. (Click [here](#) for the video of a rioter spraying officers with a fire extinguisher.) A military veteran and avid supporter of the President, officer Sicknick had served with the Capitol force since 2008.

Most Capitol cops left their guns holstered. However, as intruders smashed through a window on the door that led from their corridor to the Speaker's Lobby, a plainclothes officer on the other side [drew his pistol](#). As Ashli Babbitt, 35 climbed through the opening the officer fired. She was quickly attended to but her wound proved fatal. [Here's an excerpt](#) from a statement by Capitol police chief Steven Sund:

As protesters were forcing their way toward the House Chamber where Members of Congress were sheltering in place, a sworn USCP employee discharged their service weapon, striking an adult female. Medical assistance was rendered immediately, and the female was transported to the hospital where she later succumbed to her injuries.

Ms. Babbitt was reportedly unarmed. [Her husband and family](#) said that she was a patriot and a U.S. Air Force veteran. Her social media account displayed fervent support for the President and endorsed far-right positions on a host of issues.



Three other protesters died from unspecified “medical emergencies” suffered during the siege (one reportedly fell to his death while climbing.) More than fifty officers sustained non-fatal injuries, a few considered serious.

None of the intruders openly flaunted firearms and most let members of the media carry on with their work. No reporters were apparently hurt, although at least a couple were observably pushed around. Yet as one pores through the profusion of news accounts about the melee (this clip is from the L.A. Times print edition) the unmistakable tenor is that the intruder’s aggressive behavior gave Capitol staff and legislators abundant reason to fear physical harm. Here’s an outtake from “[Inside the assault on the Capitol: Evacuating the Senate](#)” by the *Washington Post*’s Paul Kane:

It was 2:15 p.m. Wednesday and the U.S. Capitol was under assault, the most brazen attack on Congress since terrorists hijacked an airplane and attempted to slam it into the building more than 19 years ago. On Wednesday, a pro-Trump mob crashed into the building in a historic first that sent Washington into lockdown and prompted the type of evacuation that congressional security officials have been planning since 9/11 but had never had to execute.

How did the rioters get in? Check out [Google Earth’s satellite image](#) of the Capitol. It’s a vast place with a cornucopia of entry points. Controlling access would require miles of fencing (think “border wall”) and an immense, continuous police presence. Until D.C. police showed up, Capitol police were vastly outnumbered and officers guarding the exterior were quickly overrun. That, of course, is exactly what the rioters had counted on.

Let’s personalize this. You’re a Capitol cop. Say that a dozen flag-waving but visibly unarmed anarchists approach a bashed-in entryway. In a few moments they’ll be in a supposedly “secure” area, rubbing shoulders with legislators. *Do* you shoot them? Legally, *can* you?

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Probably not. According to the *Code of Federal Regulations* ([10 CFR 1047.7](#)) Federal officers can only use lethal force to protect themselves or others from “imminent danger of death or serious bodily harm” or when trying to keep someone who poses such threats from fleeing. Here, for example, is the [FBI’s plain-language rule](#):

FBI special agents may use deadly force only when necessary — when the agent has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the agent or another person. If feasible, a verbal warning to submit to the authority of the special agent is given prior to the use of deadly force.

Federal law ([18 USC Sec. 1752](#)) makes it a misdemeanor to illegally enter or engage in disruption in a restricted Federal zone, such as the Capitol and its grounds. Violations become felonies when someone carries a dangerous weapon or firearm or their acts cause “significant bodily injury.” Simply trying to arrest an unarmed someone – even for a felony – is by itself insufficient for using lethal force. That requires a threat of “death or serious bodily harm.”

Visuals-rich pieces in the *New York Times* (click [here](#) and [here](#)) aptly depict what took place. Rioters easily pushed through and circumvented a depleted Capital police force that remained outside. And here a bit of explanation is called for. Capitol cops’ core function – their *raison d’etre* – is to protect legislators, staff and authorized visitors. Realizing what was up, most scrambled inside to do just that. *This was not the time* to tie up critical resources by making petty arrests.

Natch, the rabble took advantage. Storming the building, they climbed walls, broke windows and gained mass entry by breaking through exterior doors to the Rotunda. Videos posted by *NBC News* show [what happened inside](#). As a few officers use pepper spray and such to slow the horde down, their colleagues frantically [shepherd legislators and staff](#) into the Senate and House chambers and pile furniture against the doors to block access. One photo depicts plainclothes officers [pointing their sidearms](#) at a protester who is peering into one of the galleries where legislators had hunkered down. Another portrays officers outside a chamber as they [watch over several arrestees](#).

Five persons lost their lives: Officer Brian Sicknick, Ms. Ashli Babbitt, [and three intruders](#) who died from unspecified “medical emergencies” during the siege (one supposedly fell to his death while climbing.) D.C. Police Chief Robert Contee reported that “valiant fighting” left fifty-six officers injured. Several were seriously hurt, including one who was “snatched into a crowd” then beaten and tased.

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In its initial wave of prosecutions, the Department of Justice [accused fourteen rioters](#) of committing Federal crimes. Nine face charges of misdemeanor illegal entry. Among these is Arkansas man [Richard Barnett](#), the smug fellow who was photographed with his feet on a desk in the office of the Speaker of the House. Allegations against the other five are more serious, including alleged threats, assault, possession of loaded handguns, and, for one defendant, possession of explosives.

D.C. police officers arrived in force during the melee to help clear intruders from the interior. Again, taking persons into custody can tie up multiple cops, so not everyone could be arrested. In the end, D.C. police [made sixty-eight arrests](#). Federal agencies are now poring through photos and videos to identify additional interlopers who are deemed worthy of being charged. Those who broke windows and doors and carried away artifacts are first in line. (Click [here](#) for a *New York Times* list of “notable arrests” as of January 10.)

So far, the most serious unprosecuted offenses relate to the deaths of officer Sicknick and Ms. Babbitt. Officer Sicknick’s assailants are yet to be named. Ms. Babbitt, an intruder, was killed by a Capitol police officer, who has been placed on leave. His status is in the air. Did her actions and demeanor pose a reasonable fear that she might hurt someone? We’ll update both cases as developments occur.

Was the mob “storming” foreseen? Pointing to “violent clashes, stabbings and acts of destruction” that happened during a similar rally in December, D.C. Mayor Muriel Bowser, who was very critical of the response, [had warned of impending violence](#) for weeks. And while the *New York Times* [discovered no “broadly organized plan to take action,”](#) its reporting suggested that something big might happen. “Storm the Capitol” [had come up online 100,000 times](#) during the preceding month. Far-right forums [bulged with posts “threatening violence”](#) over the fraud that supposedly cost their hero the election, and user comments were replete with goodies such as “pack a crowbar” and “does anyone know if the windows on the second floor are reinforced?” Here’s what a former Secretary of Homeland Security recently said:

You didn’t need intelligence. You just needed to read the newspaper...They were advertising, ‘Let’s go wild. Bring your guns.’ You don’t need to have an FBI investigation. You just need to be able to be able to read.

On the other hand, Representative Tim Ryan (D-Ohio), whose committee funds the Capitol police, denied there was any advance intelligence of a “storming.” Ditto Capitol police chief Steven Sund, [who is resigning over the debacle](#) along with the Masters-at-Arms of both Houses. [Chief Sund called the episode](#) completely unanticipated and

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“unlike any I have ever experienced in my 30 years in law enforcement here in Washington, D.C.”:

Maintaining public safety in an open environment – specifically for First Amendment activities – has long been a challenge. The USCP had a robust plan established to address anticipated First Amendment activities. But make no mistake – these mass riots were not First Amendment activities; they were criminal riotous behavior.

Unfortunately, the President’s stirring of the pot helped make the “unanticipated” inevitable. On December 19 he tweeted “Big protest in D.C. on January 6th. Be there, will be wild!” [His final call to duty](#) (with a Twitter link, no less) came on Tuesday, January 5th:

I will be speaking at the SAVE AMERICA RALLY tomorrow on the Ellipse at 11AM Eastern. Arrive early — doors open at 7AM Eastern. BIG CROWDS!
pic.twitter.com/k4blXEScoc

That evening [thousands gathered at a pre-rally event](#) south of the White House to hear “speaker after angry speaker” denounce the stolen election and identify the “Democrats and weak Republicans, Communists and Satanists” who deserved blame. There were sizeable delegations from far-right groups including the “[Oath Keepers](#),” the “[Proud Boys](#)” and “[Q-Anon](#),” which promote conspiracy theories and point to Biden’s election as evidence that America is being subverted from within. And while tactical gear wasn’t the common mode of dress, some in the audience carried pepper spray and clubs and wore helmets and flak jackets.

They returned in force early the next morning [to hear their main man](#). According to *NBC News*, park authorities originally permitted the event for ten-thousand, but the President’s exhortations had likely driven up attendance, and the crowd wound up about three times that size. And they got what they came for. Here’s an excerpt from [Eric Trump’s warm-up remarks](#):

Have some backbone. Show some fight. Learn from Donald Trump. And we need to march on the Capitol today. And we need to stand up for this country. And we need to stand up for what’s right.

Here’s an outtake from [his father’s closing words](#):

...nobody until I came along had any idea how corrupt our elections were...but I said something is wrong here, something is really wrong, can't have happened

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and we fight, we fight like hell, and if you don't fight like hell you're not going to have a country anymore...So we are going to--we are going to walk down Pennsylvania Avenue...and we are going to the Capitol, and we are going to try and give--the Democrats are hopeless, they are never voting for anything, not even one vote but we are going to try--give our Republicans, the weak ones because the strong ones don't need any of our help, we're try--going to try and give them the kind of pride and boldness that they need to take back our country. So let's walk down Pennsylvania Avenue.

And thousands did (natch, *sans* the Donald). While most either kept on walking or paused to demonstrate – legally – on the Capitol's vast greenspace, a rabid contingent several-hundred strong split off. Inciting each other through word and deed, they high-tailed it for the building. And ran smack-dab into officers whose leadership hadn't prepared them for the storm. Or the potentially threatening nature of the "stormers." While there is no proof at present that their activities were coordinated, the mob bristled with members of far-right groups. It also included personalities such as [Nick Fuentes](#), a star of the far-right Internet media, and [Q-Anon booster Jake Angeli](#), the fellow in a fur coat and horns.

As media accounts make clear, enforcement-wise things quickly turned desperate, and D.C. police and other law enforcement agencies were summoned. But the delay in battening down the hatches enabled the violent breach of an American treasure, leading to vandalism, injuries and deaths. A cascade of blame has followed. Given all the warnings, why did police fail to prepare for the seemingly inevitable? Here's what [former Senate sergeant-at-arms](#) Frank Larkin thinks:

The police should have defined a hard line and there should have been consequences for crossing it. The fight should have been outside. Not inside. To have that confrontation at the door, that was a losing formula.

Ditto the head of the Capitol police union, which called on the chief and his top commanders to promptly resign: "This lack of planning led to the greatest breach of the U.S. Capitol since the War of 1812" (that's when the Brits set the Capitol on fire.)

Still, former Capitol cop Jose Cervino, who planned security for protests and events, wasn't sure that the President's anticipated comments [left a realistic strategy available](#):

No one expected the president to say, 'Hey guys, let's all go down to the Capitol and show them who's boss.' That is a completely different thing that no one's ever planned or prepared for. How could you?

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And once the impossible happened, officers couldn't turn to the one measure that would bring the episode to an end:

We have the members and we have the leadership secured. Is it correct to start shooting people? I can't imagine that I would be happier today if we found out we kept the crowd out, but wound up shooting 40 people.

There was another concern. Feds and D.C. police [are still smarting from heated criticism](#) about their enthusiastic crackdown on June racial protests near the White House. Their purpose, it's said, was in part to keep hostile crowds away from the fence-encased, supremely distanced and heavily guarded residence of the President. Six months later, officials in charge of Capitol security worried that hardening the "people's house" [would lead to similar complaints](#).

Of course, the Capitol is no White House. It's a wholly different venue, supposedly welcoming to all sides of the spectrum. There are even visitor galleries! But in our current, deeply polarized atmosphere, some politicians (and their lawyers) seem determined to encourage their followers to exercise their worst qualities. Regretfully, deaths and injuries happened. Yet as short-staffed as they were, police were able to keep legislators and staff from harm. Yet some of what happened off-site raises alarm. We've heard about the pipe bombs that were found and disarmed near the Republican and Democratic party offices. [Now consider these episodes](#):

- A 70-year old Alabama grandfather showed up in a pickup stuffed-full with "an M4 assault rifle, loaded magazines, three handguns and 11 Mason jars filled with homemade napalm [i.e. Molotov cocktails.]" He carried a pistol in his pockets.
- A Georgia man and fervent Trump booster texted a profusion of inflammatory, threatening comments, i.e., that he was taking a "s-ton" of 5.56 mm ammunition and was "thinking about heading over to Pelosi C—'s speech and putting a bullet in her noggin on Live TV." FBI agents tracked him to a hotel. They seized an assault rifle, a pistol, ammunition and drugs.

Effectively "securing" the Capitol against a repeat intrusion – and the air is thick with warnings about Inauguration Day – might require measures that would in effect remove a national treasure from the public sphere. (Fencing is being installed as we write.) That may not be what we want, but unless our dueling tribes come together as the Americans they ostensibly are, and exercise some common sense in how they go about their business and communicate with their supporters, it's what we're surely going to get.

Posted 1/3/19

COPS AREN'T FREE AGENTS

To improve police practices, look to the workplace

For Police Issues by Julius (Jay) Wachtel. How policing gets done clearly matters. Even if it's mostly done right, do it wrong once and the consequences can haunt a community and the nation for decades. We'll examine several prominent, science-based approaches to improving police practices, then (saving the best for last!) offer our own, workplace-centric view.

In 2011, not long before budgetary concerns brought down the annual shindig, your blogger sat in the auditorium as Dr. John Laub delivered the welcoming address at the NIJ conference. In [his speech](#) the agency's freshly-minted director introduced a new way to fuse science and practice.

If that doesn't ring a bell, shame! Have you never heard of "translational" criminology?

If we want to prevent and reduce crime in our communities, we must translate scientific research into policy and practice. Translational criminology aims to break down barriers between basic and applied research by creating a dynamic interface between research and practice. This process is a two-way street — scientists discover new tools and ideas for use in the field and evaluate their impact. In turn, practitioners offer novel observations from the field that in turn stimulates basic investigations.

We'll come back to the newfangled concept in a moment. But first, let's take a brief detour. In 1998, as part of the Police Foundation's "Ideas in American Policing" series, [Professor Larry Sherman](#) applied the "evidence-based" concept [from the field of medicine](#) to the field of policing:

Evidence-based policing is the use of the best available research on the outcomes of police work to implement guidelines and evaluate agencies, units, and officers. Put more simply, evidence-based policing uses research to guide practice and evaluate practitioners. It uses the best evidence to shape the best practice.

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If acting on evidence seems, well, commonsensical, keep in mind that action-directed cops and reflective scientists are probably not a natural mix. But problems have a way of forcing change. Propelled by a series of social crises, some of which police themselves instigated or made worse, and supported by initiatives such as George Mason University's [Center for Evidence-Based Crime Policy](#), evidence-centric research took off.

DOJ promptly jumped in. "[Using Research to Move Policing Forward](#)," an article in the March 2012 *NIJ Journal*, highlighted the many benefits of "being smart on crime":

Evidence-based policing leverages the country's investment in police and criminal justice research to help develop, implement and evaluate proactive crime-fighting strategies. It is an approach to controlling crime and disorder that promises to be more effective and less expensive than the traditional response-driven models, which cities can no longer afford.

The Feds also [announced](#) a new website, [crimesolutions.gov](#), that would function as a virtual repository of evidence-based criminal justice practices:

CrimeSolutions.gov organizes evidence on what works in criminal justice, juvenile justice and crime victim services in a way designed to help inform program and policy decisions. It is a central resource that policymakers and practitioners can turn to when they need to find an evidence-based program for their community or want to know if a program they are funding has been determined to be effective.

CrimeSolutions.gov is more than a bookshelf. It includes an evaluation component, with experts assigning grades [on a sliding scale](#): effective, promising, inconclusive or no effects. To date, they have appraised 80 policing [programs](#), mostly targeted efforts aimed at a specific community, and 11 broader [practices](#). For example, the program "[Hot Spots Policing in Lowell, Massachusetts](#)" focused on reducing disorder in high-crime areas by, among other things, increasing misdemeanor arrests and expanding social services. Evaluators found that it reduced disorder and significantly reduced citizen complaints of burglary and robbery. It was rated effective. "[Problem-Oriented Policing](#)," a widespread practice that assesses community problems and tailors a response, was reviewed through a meta-analysis of ten studies. In all, the practice seemed to yield significant reductions in crime and disorder and received the second-best rating, "promising."

Basing decisions on evidence is all well and good. But how should knowledge be turned into practice? That's where "translational" comes in. [In his address](#), Dr. Laub defined translational research as "a scientific approach that reaches across disciplines to

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devise, test and expeditiously implement solutions to pressing problems.” Just like evidence-based science, the translational approach [also has its origins in medicine](#). To assure that end products are responsive to real-world needs, translational researchers and practitioners must collaborate at each step, from defining the issue to devising, implementing and assessing interventions. Involving practitioners allows them to share real-world knowledge with researchers, while involving experts allows them to convey and interpret scholarly findings to practitioners, [who might otherwise be forced to rely](#) on secondary sources.

So what’s missing? Neither the evidence-based nor translational approaches offer a template for discovering needs. That’s where a third paradigm, “Sentinel Events,” comes in. Initially described by Dr. Laub as the “[organizational accident model](#),” it got started in [aviation](#), was adopted by [medicine](#), then became [a key NIJ initiative](#) (full disclosure: I was recently welcomed into its listserv and appreciate the kindness.) Sentinel researchers are alerted by things gone wrong. Using a structured, science-based approach, actual episodes of police shootings, wrongful convictions and such are examined in depth to discover weaknesses and devise changes “that would lead to greater system reliability and, hence, greater public confidence in the integrity of our criminal justice system.”

Several studies have praised Sentinel’s potential. For example, “[A Sentinel Events Approach to Addressing Suicide and Self-Harm in Jail](#)” (2014) concluded that using it to probe violent episodes in correctional facilities can “help to instill a new culture...that better ensures the safety and well-being of those under their custody.” Still, there is an obvious “if.” Sentinel’s success depends on acquiring accurate and complete accounts of what took place. But strangers who pop in with lots of questions after things turn sour might get a cold reception. How to get the real scoop? Here is what our nation’s medical accrediting agency [recommends](#):

- Those who report human errors and at-risk behaviors are NOT punished, so that the organization can learn and make improvements.
- Those responsible for at-risk behaviors are coached, and those committing reckless acts are disciplined fairly and equitably, no matter the outcome of the reckless act.
- Senior leaders, unit leaders, physicians, nurses, and all other staff are held to the same standards.

[NIJ’s 2015 guide](#) for conducting sentinel reviews, “Paving the Way: Lessons Learned from Sentinel Events Reviews” emphasizes avoiding blame. And, harking back to translational research, it recommends that to insure an informed judgment review

teams include “sharp-end-of-the-stick practitioners with front-line knowledge” and researchers with “one foot in the practice world and one foot in the research world....” (For a 2014 NIJ collection of brief essays about the sentinel approach click [here](#).)

Sentinel drew our attention because *Police Issues* also works back from real events, admittedly in a far less scientific way. So what is it that we could possibly add? Let’s begin with a little story.

A very long time ago, after completing his coursework at the University at Albany, your blogger turned to the matter of his dissertation. Fortunately, only two years had passed since he had interrupted his career as a Fed, so his memory of the workplace was still vivid. With invaluable support from Hans Toch and Gary Marx, two scholars with deep knowledge of the police environment, he got the job done. The product, “Production and Craftsmanship in Police Narcotics Enforcement,” explored the interaction between “quantity” and “quality,” which has long bedeviled practitioners of the policing craft. (Click [here](#) for a journal article based on the dissertation and [here](#) for a more chatty piece.)

We need hardly mention which of the two characteristics addressed in the title proved the more dominant. After interviewing and administering instruments to members of drug units at six police departments of varying size, it was apparent that line-level officers struggled to balance the same pressures to make “numbers” that had dogged your blogger and his colleagues. Here’s a typical officer comment about the salience of “numbers”:

It filters down [that superiors] want higher numbers, so inevitably we give them higher numbers. You turn in your monthly report, you’ve got two arrests, they say “you had only two drug arrests”? Now, you may have gotten the two biggest dealers in the State, but they’re still going to complain because you’ve only got two.

Here’s one about the meaning of a “quality case”:

A quality case is a case where you cover all the little aspects. You make sure your reports are descriptive, that they contain all the elements of the offense necessary for prosecution, that the evidence is properly handled....Basically you’re [covering] all the bases that you feel will be necessary to successfully prosecute that case.

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And here's how your blogger reconciled these views:

It may be that a narrow definition of case quality is an adaptation that allows narcotics police to maintain a craftsmanlike image while presenting the smallest possible impediment to production.

Production pressures have had an unending run in the nation's major police agencies. Bill Bratton brought along number-centric [COMPSTAT](#) when he stepped in to manage LAPD. In 2012, three years after Bratton left, CRC Press released "[The Crime Numbers Game: Management by Manipulation](#)." Authored by two John Jay Criminal Justice professors (one, a retired NYPD Captain), the book spilled the beans on Compstat's corrupting influence. To make things seem hunky-dory, supervisors ordered officers to increase what could be counted, like car stops, while downgrading the severity of crimes (or if possible avoiding taking reports altogether.) Disgruntled cops [soon spilled the beans](#), generating internal inquiries and a slew of [damning media accounts](#). Alas, Compstat had already been adopted by many agencies and praised as a policing wunderkind (for the Police Foundation's supportive assessment click [here](#).)

Pressures to "make numbers" (or to keep certain numbers down) are well known in industry. But they're seldom considered in policing. Let's plagiarize from a [recent post](#):

In every line of work incentives must be carefully managed so that employee "wants" don't steer the ship. That's especially true in policing, where the consequences of reckless, hasty or ill-informed decisions can easily prove catastrophic. But we can't expect officers to toe the line when their agency's foundation has been compromised by morally unsound practices such as ticket and arrest quotas. This unfortunate but well-known management approach, which is intended to raise "productivity," once drove an angry New York City cop [to secretly tape his superiors](#).... And consider the seemingly contradictory but equally entrenched practice of [downgrading serious crimes](#) – say, by pressuring officers to reclassify aggravated assaults to simple assaults – so that departments can take credit for falling crime rates.

When probing officer-involved calamities your blogger always considers pressures to produce. Another likely suspect is chaos. A never-ending series of posts (most recently, "[Routinely Chaotic](#)") addresses factors likely to precipitate a disorderly police response; for example, a lack of information, insufficient resources, unpredictable citizens, and officers who are impulsive or unwilling to accept risk. Despite the best de-escalation training, such deficits can transform so-called "routine" encounters into nightmares that are virtually impossible to manage, let alone peacefully resolve. (For an instant workshop on chaos click on the "related posts" section of that blog piece.) Over the

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years, the messiness of the police workplace has led us to suggest a host of correctives, from [not involving cops](#) unless absolutely necessary (an idea from, gee, medicine!) to implementing [early intervention protocols](#) so that problem characters get snagged before they cause their own demise.

Our suggestion here is that whatever the approach, whether evidence-based, translational or sentinel, explicitly considering the forces that affect (some would say, beset) the police workplace can point us to remedies that really work. To begin, check out the posts linked below. Then, let's get busy!

Posted 9/14/14, updated 10/27/14

COPS NEED MORE THAN BODY ARMOR

As powerful weapons flood the streets, what can officers do?

By Julius (Jay) Wachtel. As a St. Louis grand jury began mulling over the shooting death of Michael Brown by a Ferguson police officer in August, the Senate's Homeland Security and Governmental Affairs Committee swung into action. Their concern wasn't with the killing but with what happened afterwards. Specifically, whether authorities over-reacted to protesters by swooping in with heavy-handed tactics and a bevy of intimidating military gear, including a fearsome-looking \$360,000 BearCat armored truck paid for with a grant from the Department of Homeland Security.

Missouri's own Sen. Claire McCaskill acknowledged that the bullet-resistant qualities of the vehicle had proven useful. Still, she and other legislators questioned whether the plethora of armaments being acquired by police forces in wake of 9-11, much of it military surplus furnished at no cost by the Defense Department, was overkill. America's top cop, Attorney General Eric H. Holder Jr., promptly chimed in: "At a time when we must seek to rebuild trust between law enforcement and the local community, I am deeply concerned that the deployment of military equipment and vehicles sends a conflicting message."

Law enforcement's track record gives cause to worry. Missteps in handling demonstrations have poisoned police-community relations for decades. In 2007 we chastised LAPD after a commander declared an immigrant-rights march illegal, resulting in a violent confrontation that observers characterized – and not without justification – as a "police riot." Apparently the department learned its lesson, and four years later we praised them for a massive but low-key and effective response to boisterous Occupy Wall Street demonstrators.

Yes, there was chaos and looting in Ferguson, and police were obliged to respond. Yet when (mostly white) officers attired in helmets and protective gear imprudently pointed weapons at a (mostly black) crowd – one cop from a nearby town actually threatened to shoot an unarmed protester – it harkened to a past that our nation has struggled mightily to leave behind.

That, in a nutshell, was the backdrop for the Senate's review. Considering the hearing's tenor, the implications seem grim. While gun makers happily churn out ever-more lethal hardware for civilian use, the Ferguson imbroglio could make it far more difficult for law enforcement agencies, particularly, smaller, less well-funded

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departments to acquire protective gear and armored vehicles to counter the lethal threats that cops often face.

For an example of this dilemma look no farther than Davis, a town of about 65,000 nestled a short drive from California's capital. A few weeks before Ferguson blew up, its police department was the proud recipient of a \$680,000 armored car, courtesy the Department of Defense. In urging the acquisition Chief Landy Black told the city council that the vehicle's ability to resist bullet penetration made it "the perfect platform to perform rescues of victims and potential victims during active-shooter incidents, and to more safely deliver officers into active shooter incidents, barricaded hostage crises, and/or other or environments involving armed offenders."

No matter. With only one dissenting vote, council members recently ordered Chief Black to return the MRAP to sender.

Had the good chief just been blowing gunpowder? Hardly. Thugs armed with high-powered weapons have been playing havoc with the Golden State's cops:

- On July 16, three weeks before Ferguson, heavily armed bank robbers led Stockton police on a wild, bullet-riddled chase that ended with the fatal wounding of two suspects and, tragically, a hostage. An AK-47 type rifle and large quantities of ammunition were recovered. Police used an armored vehicle to close in. No officers were hurt.
- On August 18, nine days after Ferguson, LAPD engaged in a running gun battle with two suspects. One, armed with a high-powered rifle, shot and wounded a SWAT officer, and was killed with return fire. An armored vehicle helped bring the incident to a close.
- Four days later, on August 22, gang members armed with an AK-47 type rifle with high-capacity magazines and a handgun left a 31-year old San Bernardino police officer in critical condition with a head wound. His partner shot one of the assailants dead and three other suspects were arrested.
- UPDATE: On October 24, 2014, Luis Bracamonte, 34, aka Marcelo Marquez, used an AR-15 rifle to shoot and kill two Sacramento County, California sheriff's deputies. He also wounded a third deputy and a civilian. Bracamonte was arrested along with his wife, who was armed with a handgun. Bracamonte, an illegal alien, had been twice deported.

But if we give cops what they're asking for, aren't we "militarizing" the police? Perhaps. On the other hand, when any ordinary citizen can bop into a gun store and come out with 7.62 and .223 caliber, high-capacity, high-cyclic rate rifles whose rounds

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will readily penetrate ballistic vests, the line between “police work” and “military work” seems thin, indeed. Consider, for example, the incident that made SWAT famous, the North Hollywood shootout of February 28, 1997, when two bank robbers armed with a 9mm pistol and five semi-auto rifles (several made full auto, an illegal but often simple conversion) wounded eight LAPD officers and five civilians.

Exactly how did platoons of frightened officers, crouching behind their cars with their peashooters drawn, define their roles *then*?

Still think that MRAP’s are a bit much? Each year the FBI compiles detailed statistics about police line-of-duty deaths. These provide a sobering view of the limitations of personal body armor:

- According to the FBI, 535 law enforcement officers were feloniously killed during 2003-2012, 493 (92%) with firearms. Of those who fell to gunfire, 360 (73%) were killed with handguns, 92 (18.7%) with rifles, and 38 (7.7%) with shotguns.
- Of those killed by firearms, 321 (65.1%) were wearing body armor. Wounds to the torso accounted for 101 (31.4%) of these deaths.
- Rounds penetrated the vest (instead of entering above, below or between panels) in 22 (21.8%) of the instances where officers succumbed to torso wounds.
- All but one of these lethal, panel-penetrating torso wounds were by rifles.

Back to Ferguson. Remember that even Senator McCaskill acknowledged the usefulness of the armored vehicle. If you have nothing other than ballistic garments, think hard before advancing on someone armed with a high-powered rifle and a bushel-full of ammo.

And keep in mind that whether or not you’re “militarized,” you’re still the police. You can’t call in an air strike.

Posted 5/30/22

COPS V. ASSAULT WEAPONS: A HOPELESS SITUATION

Even the speediest, most expert response can't foreclose mayhem



For Police Issues by Julius (Jay) Wachtel. On May 26, clicking on the “gunshop” link at [Oasis Outback](#) produced a static, full-screen display of “[Our Hearts Are With the Families of Uvalde](#)” in large block letters. To get to the intended destination page we had to manually type in its [address](#). (Doing that worked. It also brought up a proud announcement that the store “Is Now a Class 3,” meaning it sells machineguns and silencers.)

Oasis’ redirection was certainly understandable. As the whole world knows, it’s the sporting goods store where eighteen-year old [Salvador Ramos legally purchased](#) the Daniel Defense, AR-15 style, .223 caliber semi-automatic rifle he used to murder nineteen students and two teachers at Robb Elementary School, which sits only three miles away. Ramos bought the gun on May 17. He went back the next day to get 375 rounds of ammunition, then returned two days later to buy a second assault rifle (he left it behind in his truck during the massacre.) And on May 24 it was time for a massacre!



Ramos was proud of his lethal new toys. He [posted photos](#) of the weapons and of an ammunition magazine on his Instagram account. He also [asked another user](#), whom he apparently picked at random, to repost the pictures on her account. But she refused. “What your

guns gotta do with me?” she demanded. He messaged her again early the morning of the attack. “I’m about to...I got a lil secret I wanna tell u.” He promised to reveal it before 11:00 am. And he did, but not to her. Instead, [he spilled the beans](#) to a fifteen year-old [FaceTime](#) chum in Germany. Days earlier he bragged to her about acquiring bullets that “would expand when they struck somebody.” This time his first message was about a dispute with his grandmother. A few minutes later he texted “I just shot my grandma in her head.” And seconds after that, “Ima go shoot up a(n) elementary school rn (right now).”

Ramos was by most accounts a troubled soul. A former classmate – Ramos had sent him pictures of his newly-bought guns – said that their gaming sessions [were frequently interrupted](#) by calls from Ramos’ mother, who complained that he was “doing nothing with his life.” Ramos would reply with expletives. He frequently wound up at his grandmother’s house, which is where he was living when he bought the guns and embarked on his attack.

Ramos had recently dropped out of high school. He took a job at a fast-food joint but soon walked out on that as well. A former supervisor called him a loner. “You know how my guys talk to each other and are friendly? He wasn’t like that.” His German friend thought him friendless and isolated. Their exchanges occasionally proved disturbing. Such as when Ramos bragged that he “threw dead cats at people’s houses.”

Another virtual acquaintance said that Ramos once streamed an image of himself holding a gun. There was blood on the ground, which Ramos attributed to a nosebleed.

Ramos’ world seemed wholly virtual. Until it wasn’t. About 11:30 am on May 24, 2002, after shooting his grandmother – she was struck in the face and critically wounded – he put both rifles and a bag of ammunition in a pickup truck and drove to Robb Elementary School. According to Texas DPS Chief Steven McCraw, [Ramos crashed his vehicle into a ditch](#) and exited with the Daniel Defense rifle and his ammo. After firing at two persons who were leaving a nearby funeral home he crouched behind a car and fired at a school building. A district police officer drove by but apparently didn’t see him. Ramos climbed a fence and entered the school through an open back door. As he reached classrooms 111 and 112 – they’re interconnected – he unleashed a barrage of “more than 100 rounds,” apparently firing through the walls. That, we assume, is how his victims met their horrendous fates.



Three local police officers entered the school “two minutes” behind Ramos. Four colleagues soon joined them. Ramos fired at them from the classrooms. Bullets pierced a wall and inflicted “grazing wounds” on two of his pursuers. Before long, nineteen officers [had staked out the hallway](#). And that’s where the school district police chief told them to wait.

Police evacuated all the students they could. But the surviving occupants of rooms 111 and 112 remained under Ramos’ control. Within minutes, several surreptitiously dialed 9-1-1 and in hushed tones reported that many classmates had been shot dead. They begged for police to come in. [Eventually, a tactical team was assembled](#). Using a ballistic shield for cover, an “elite Border Patrol tactical unit” and several local officers confronted Ramos. Gunfire broke out. Ramos was killed. Unfortunately, the shield didn’t offer perfect protection and an agent “was shot in the foot and grazed in the head.”

That entry happened about 12:50 pm. According to the ABC News timeline, that took place *one hour and fifteen minutes after* the first set of officers followed Ramos onto the campus.

This delay has occasioned a lot of criticism. According to Texas DPS Director Steven C. McCraw, [“It was the wrong decision, period.”](#) His sentiments were echoed by Texas Governor Greg Abbott, who declared himself “absolutely livid.” Even if Ramos had stopped shooting at students, prompt medical attention could have allowed more of the injured to survive. Alas, it’s not the first time that police have been accused of failing to



speedily intervene during a school massacre. Only four years ago, in February, 2018, a 19-year old former student used an AR-15 style rifle to kill seventeen persons and wound an equal number at [Marjorie Stoneman High School](#) in Parkland, Florida. Nikolas Cruz then blended in and simply walked away. Deputies were severely criticized for not promptly going in, and the Sheriff was ordered removed.

Similar concerns were voiced after the [1999 Columbine massacre](#), when two Colorado high school seniors gunned down twelve students and a teacher and wounded twenty-three others. While all that happened within twelve minutes of the initial 9-1-1 call, SWAT didn't go in for forty-five minutes. By then, both shooters had taken their own lives. In fact, Columbine is widely credited for leading to the development of the "[Immediate Action/Rapid Deployment Approach](#)." This technique, which enables ordinary officers to quickly assemble into teams and confront active shooters in a variety of settings, [has been adopted by police agencies throughout the U.S.](#)



Rapid deployment has reportedly succeeded on many occasions. But we recently discussed an "immediate action" response in Los Angeles that turned out poorly ("[Who's in Charge?](#)"). In December 2021 a 24-year old man on felony probation burst into a large clothing store and began assaulting customers and staff. LAPD dispatchers (incorrectly) informed officers that the suspect had fired shots. Responding officers quickly gathered, promptly assembled into a column formation, and got to work (see bodycam image on the right). And when they neared the suspect, the officer on point opened fire with an assault rifle, fatally wounding a man whom he assumed was armed (he wasn't.) Tragically, a police bullet also pierced an interior wall, killing a 14-year old girl who had taken refuge with her mother in a dressing room.

Humans are unpredictable. Getting them to voluntarily comply can be difficult. Throw in the extreme lethality of firearms available to the general public and the challenge becomes enormous. As we've mentioned in past posts (see, for example, "[An American Tragedy](#)") assault rifle projectiles sail through walls and ordinary ballistic garments as though these obstacles don't exist. Should they strike flesh, the bullets indeed (as Ramos bragged) "expand," creating huge cavities that pulverize blood vessels and destroy organs. It's why the team that ultimately went in at Robb Elementary took that special shield.

We suspect that Ramos' use of an assault rifle prompted the school police chief to adopt that "[barricaded subject](#)" approach. After all, Ramos' bullets had already wounded two officers. To be sure, slowing things down so that responders can be adequately briefed and equipped (again, that shield) makes sense. It's not only officer safety. After all, unless it's exquisitely well-placed, police gunfire can easily endanger innocents. Again, think back to that L.A. clothing store.

But *an hour*? Once they realize they're surrounded, "ordinary" criminals might simply give up. But individuals on a rampage – meaning school shooters and wackos who burst into clothing stores – are coming from a decidedly different mental place. In such cases, extending an ample opportunity to surrender can invite even more mayhem. On the other hand, hurried policing can, even if expertly delivered, prove tragically imprecise. Just ask LAPD.

No matter how well policing is done, it can't prevent mass shootings. Neither can it always mitigate the outcomes. So what about doing something about the killers' tools? We've repeatedly called for outright bans on assault rifles, which are essentially instruments of war (see, for example, "[Ban the Damned Things!](#)"). But even supposedly gun-unfriendly places like California have only managed to institute "pretend bans" that ignore what *really* counts: the weapons' fearsome ballistics (click [here](#) and [here](#) for our articles on point in the *Washington Post*.)

What about background checks and "[Red Flag](#)" orders? Certainly, screening buyers can help. But reliable ways that consistently and reliably prohibit questionable characters from buying guns are simply out of reach. Ramos had his foibles, but they were nowhere near what a judge would require to bar him from buying guns. And in an awful coincidence, his first gun purchase came only three days after another murderous eighteen-year old – [Payton Gendron](#) – gunned down ten persons at the *Tops* market in Buffalo, New York. That mass murder, which also drew the world's attention, was also done with an AR-15 style assault rifle that its mis-user legally bought. Gendron even had a seemingly substantial prior mental-health demerit. But it was never acted on, so he remained qualified to buy guns. And both sellers – Oasis Outback, Uvalde, TX; Vintage Firearms, Endicott, NY – reported that the transactions seemed perfectly routine.

Until, of course, they weren't.

Posted 3/17/20

COVID-19: R.I.P. POLICING?

Crime-fighters confront the challenges of Coronavirus

For Police Issues by Julius (Jay) Wachtel. What risks does the pandemic pose to effective policing? To the administration of justice? How are police and other components of the criminal justice system responding? How *should* they respond? And last but not least, is the crisis being used to advance pre-existing agendas?

Police work brings officers into frequent, close contact with colleagues and citizens. Routine interactions are close and personal, and the intimacy skyrockets during an arrest. When officers are called on to provide a service, it's not as though they can postpone or defer a response. Neither is their work only about crime. As Sunnyvale (Calif.) officers [fought to revive an elderly man](#), they didn't know he had been exposed to the virus. And when they were told, they didn't stop. In the end, five cops and two paramedics wound up in quarantine. (Fortunately, their patient turned out not to be infected.) Similar situations are popping up throughout the U.S. For example, in Los Angeles, where [three deputies and five firefighters were recently quarantined](#).

In Kirkland, Washington [the circumstances were far grimmer](#). An adult nursing facility that was placing an unusually large volume of emergency medical calls became the "epicenter" of America's coronavirus outbreak. At least ten residents and former residents have died from the infection, and seven visitors (one from North Carolina) came down with the virus. Three police officers and thirty-one firefighters – *twenty-five percent* of the fire department – [wound up in quarantine or isolation](#); eighteen were symptomatic.

According to the [Centers for Disease Control](#) the main route of transmission is via virus-laden droplets infected persons expel when they cough or sneeze. Should these land on someone's mouth or nose they can be aspirated and set off an infection. However, the "good news" is that droplets bearing the virus are relatively heavy and fall to the ground within six feet. Transmission by touching an object or surface on which droplets landed or were deposited, then transferring the virus to oneself by touching the eyes or nose, is thought possible but much less likely.

CDC's [guidance for law enforcement officers](#) emphasizes that the danger zone is six feet. Regular hand washing is important, as is not touching one's face "with unwashed hands." Beyond that, the CDC urges that officers use specialized personal protective

equipment (PPE) whenever contacting persons believed to be infected. Here's what's needed:

- Disposable examination gloves
- Disposable isolation gown or single-use/disposable coveralls (if unable to wear a disposable gown or coveralls because it limits access to duty belt and gear, ensure duty belt and gear are disinfected after contact with individual)
- NIOSH-approved particulate respirator (i.e., N-95 or higher-level. Facemasks are an acceptable alternative until the supply chain is restored)
- Eye protection (i.e., goggles or disposable face shield that fully covers the front and sides of the face)

Officers are counseled to disinfect their duty belt and other gear with spray or wipes after making any arrest that involves "close contact." They are also advised to launder (but not shake) their clothing. These admonitions aside, the CDC's assessment is that "for law enforcement personnel performing daily routine activities, the immediate health risk is considered low."

Well, that may be so. Alas, even when dispatched, officers typically know nothing about the physical condition of those with whom they might interact on scene. And when they arrive, there is usually little time or opportunity to gather that information. So a few steps seem prudent:

- Require that officers who encounter persons in need of medical assistance don goggles and a face mask before they step in to help
- Regardless of the nature of an incident, require that call-takers inquire whether someone with a communicable disease is present and relay the response to dispatchers so they can pass it on
- Insure that pertinent medical information is entered into the dispatch database to forewarn officers who handle future calls involving the same persons or locations

Incidentally, we emphasize the role of dispatchers and databases because of their centrality to safe and effective patrol operations. (For more about that check out "[A Matter of Life and Death](#)").

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Of course, it's not just about officers. It's also about organizations. "If we lose 40 percent of our force, what would police service look like?" Considering what happened in Sunnyvale and Kirkland, that concern, [voiced by a Portland Deputy Chief Chris Davis](#), is hardly far-fetched. During these uncertain, stressful times, having a full complement of officers on hand is a paramount concern. To help keep the peace at besieged retail stores, LAPD and the L.A.S.D. [are putting "more boots on the ground"](#) and shifting detectives to patrol. But police departments are staffed by people, and people get sick. How should agencies prepare for the personnel shortages that coronavirus will inevitably bring? [Steps recommended by the IACP](#) include pooling resources with neighboring communities, canceling vacations, extending shifts and placing off-duty officers on call. Calling in reservists and even retirees are also options.

Well enough. But the chiefs offer one more recommendation, and it's somewhat jarring. Agencies are advised to evaluate "what services require an on-scene police presence versus those that can be handled by alternative means such as by phone or online." In other words, to consider rationing.

To be sure, *what* cops do and *why* can always stand reassessment. That seems particularly apropos when an epidemic's afoot. Consider [what recently befell](#) Miami PD's motorcycle squad. It's on quarantine after Brazil's president, for whom its officers provided security (and with whom they mingled) was diagnosed with the virus. Substantially easing the burden on field resources, though, calls for a lot more than banning motorcades or, another Miami example, [not serving eviction notices](#). But withholding flesh-and-blood cops from calls that have been classified as less pressing is not without major risk. There would certainly be "errors in call classification," perhaps more than a few with grave consequences. And even if nothing bad happens, the deterrence and reassurance benefits of a uniformed police presence would be lost. Natch, these effects would fall most heavily on the long-suffering residents of the high-crime neighborhoods that typically generate the most service requests.

Still, in the "real world" some retrenchment may be called for. Initiatives to limit *who* comes into the system are exploding in popularity. [Courts throughout the U.S.](#) are postponing trials, arraignments and such. Jails and prisons are responding with [lockdowns](#), no visiting allowed. What else can be done? How about the cops? After all, they're the ones who kick off the mess by making arrests. Collin County (Texas) Sheriff Jim Skinner fears that arrestees might waltz in with a lethal present, then spread it through his jail. So [he's urged local police](#) to forego taking non-violent criminals into custody: "Would you arrest if you and your staff had to take custody and care for the person? You may decide that an arrest isn't necessary to protect public safety." A local

small-town chief agreed: “We do not believe his request is unreasonable given the current situation.”

Sheriff Skinner has plenty of big-time company. Los Angeles County, for example, has used cite-and-release and early release [to reduce its jail population](#) by six-hundred inmates. Meanwhile arrests have reportedly dropped from three-hundred a day to sixty. That’s *a full eighty percent*. [Colorado](#), though, seems an exception. To keep jails and prisons humming as usual it’s made major efforts to keep physical spaces disinfected and to screen new and current inmates for the virus. Actually, screening persons about to be released can greatly benefit the community. Unfortunately, this is a very imperfect world. Our decentralized criminal justice system, which reflects our decentralized political system, doesn’t turn on a dime. Jails and prisons may not be able to round up enough “dimes” to test everyone. So for crimes that are *really* non-violent – say, drunken driving, shoplifting or petty theft – cite-and-release seems an appealing option.

Yes, mistakes in identifying arrestees who pose a threat to society will happen, and we know the communities that would bear the heaviest load (hint: it’s not nine-oh-two-one-oh.)* So it’s crucial that adjustments made during the pandemic be considered as temporary. Yet some are already pouncing on the chaos to advance their agendas. In a long, nicely crafted [opinion piece](#) in the *New York Times*, staff writer Emily Bazelon approvingly mentions King County D.A. Dan Satterberg’s decision to file “only serious violent cases” because of the pandemic. That police have long criticized D.A. Satterberg [for being too easy on offenders](#) isn’t mentioned. Instead, Ms. Bazelon uses his move to support her view that our present crisis provides “an opportunity to rethink how the system treats low-level offenses”:

It also makes sense to stop arresting and incarcerating people for technical — that is, noncriminal — violations of parole and probation. About 4.5 million people live under court supervision around the country. In 2017, they made up 25 percent of new admissions to state prisons, not because they committed new crimes, but for infractions like missed curfew or unauthorized travel. This practice often makes little sense in terms of public safety; it is particularly hard to justify now.

Ms. Bazelon’s opinions are not uncommon among well-meaning observers who haven’t labored in the system’s trenches. But when [The Crime Report](#) breathlessly announces that similar sentiments have been expressed by America’s “top probation and parole executives,” one need pay attention. In an [open letter](#) that warns of the risk posed by the many arrestees “churning” between jails and home, “[Exit: Executives Transforming Probation and Parole](#)” urges major reductions in the number of persons

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placed under supervision, a “drastic” curtailment of arrests for “technical” violations, and a large increase in early releases. Indeed, as [NBC reports](#), the Covid-19 threat has led to such easings throughout the U.S. “Exit,” though, has long pushed for parole and probation systems that are “smaller, less punitive, and more hopeful, equitable, and restorative.” So it’s hardly an impartial observer.

There are also good reasons for acting against “technical” probation and parole violators. Really, minor, isolated breaches land no one in jail. Supervision caseloads, though, invariably include miscreants who are out of control but have not yet been arrested for another crime. A P.O.’s ability to meaningfully sanction problem clients for “technical” violations is an invaluable tool. It’s the bedrock on which probation and parole rest. If only an arrest for a crime will do, where’s the deterrent value? Why place anyone under supervision?

And that was our final point: crises can make for lousy precedent. But rest assured, we’ll be keeping an eye on things. In the meantime don’t forget: six feet!

* ZIP Code for Beverly Hills

Posted 11/2/08

CRIME-FIGHTING ON A BUDGET

When money's tight can we afford specialized units?

By Julius Wachtel, (c) 2010

In many areas the prolonged downtrend in crime and violence has come to an end. At this writing [Pittsburgh](#) is well on its way to posting its worst murder record in a decade, with the number of homicides already equaling all of 2007. In [Chicago](#), a city stunned by the recent brutal murders of actress Jennifer Hudson's mother, brother and nephew, murder's gone up nearly fifteen percent. As for the nation's great crime-reduction success story, [New York City](#), its murder rate (430 killings so far in 2008) is nine percent *higher* than at this time last year. Even the celebrated home of [Operation Ceasefire](#) is under siege; although Boston's murder rate is slightly lower than in 2007, its [proportion of victims](#) under eighteen (67 so far in 2008) remains *three times* that of five years ago.

What can police do? There are three approaches to reducing crime and violence: uniformed patrol, selective enforcement, and a community model.

- Adding patrol officers seems the simplest solution. Unfortunately, budgets are tight and cities across the country are actually losing officers. [New York's force](#), the country's largest, has dropped to levels of the early nineties. Due to their limited tax bases smaller cities have been particularly hard hit. By the end of 2008 [Vallejo](#) (Calif.), population 120,000, will have lost *sixty officers* from its once-robust complement of 150. At the opposite end of the U.S. [Pontiac](#) (Mich.), a city of 66,000, is making do with only 65 cops, a ratio of .98 officers per 1,000 population, less than half the national average of 2.4. As one might expect, crime [has gone through the roof](#).

Just how important is patrol? Many years ago an experiment in Kansas City "proved" that random patrol had no effect on crime. The study [has since been severely criticized](#) because actual differences between beats -- some were left alone, in others random patrol was eliminated, and in others it was increased -- were far too small to expect a difference. Moreover neither citizens nor crooks had been informed of what was going on.

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- Can cops be used more effectively? That's the promise of selective enforcement. Problem areas can be flooded with uniformed officers to augment regular patrol and help tamp down crime. Teams of plainclothes and uniformed officers can be assigned to watch drug-dealing hot spots and stop and frisk gang members. Gun-carrying felons can be targeted with Federal prosecution. Such strategies are credited with steep reductions in homicide in [Baltimore](#). Hoping for similar results, [Chicago](#) is assembling a 150-officer task force to go after armed gangsters.

But not everyone's sold. For the last nine months a gang squad and roving teams of officers have made hundreds of drug arrests and seized numerous guns in selected areas of [Cleveland](#). Crime's reportedly dropped like a rock. Yet the police union president claimed that the improvement isn't due to proactive enforcement but to random fluctuations in crime -- "the luck of the draw." Some citizens are also skeptical. As the co-chair of a Cleveland group noted, pulling officers from patrol -- what was done to staff specialized teams -- can leave some neighborhoods floundering. That's why [Boston's](#) police commissioner recently disbanded an eighty-officer surveillance task force and put them back in uniform. "Clearly in Boston the amount of visibility in the street is a great concern to the community, and we want to make sure we increase that."

- Some claim that cops alone can't make the difference. Boston's [Operation Ceasefire](#) is probably the best-known example of a community-wide response to gang violence. Troublemakers were brought in for face-to-face confrontations with police and probation officers, who promised to arrest them at the slightest misstep. ATF was called in to stop gun trafficking, the DEA to dismantle drug operations. But it wasn't all enforcement. Social agencies and church and community groups were very much a part of the effort, steering gang members to jobs, training and substance abuse treatment.

For several years results seemed spectacular, with reductions in homicide of as much as 61 percent. By 2000, though, the gang problem had come back and violence was up. What happened? Participants admitted that after an initial success the program [lost steam](#), its complex structure proving exceedingly difficult to maintain over the long haul. A 2007 attempt to implement Ceasefire in [Cincinnati](#) stalled relatively quickly, apparently for much the same reason. Meanwhile hopes are high for a new Ceasefire program in [Pittsburgh](#).

Policing is at heart a crude tool, a way to apply force to achieve desirable social ends. Beyond putting cops on the street and locking up offenders we don't really know what

works. In any case, as crime goes up and citizens feel less secure, strategies that reduce already sketchy beat coverage, in effect robbing Peter to pay Paul, may not be the best approach. It may not be sexy, but helping traditional patrol and detectives become more efficient and effective by studying and adjusting how they work and deploy seems by far the most promising approach.

Posted 11/12/19

DID THE *TIMES* SCAPEGOAT L.A.'S FINEST? (I)

Accusations of biased policing derail a stop-and-frisk campaign

For Police Issues by Julius (Jay) Wachtel. Let's begin with a bit of self-plagiarism. Here's an extract from "[Driven to Fail](#)":

As long as crime, poverty, race and ethnicity remain locked in their embrace, residents of our urban laboratories will disproportionately suffer the effects of even the best-intentioned "data-driven" [police] strategies, causing phenomenal levels of offense and imperiling the relationships on which humane and, yes, effective policing ultimately rests.

Our observation was prompted by public reaction to the collateral damage – the "false positives" – when specialized LAPD teams cranked up the heat in high-crime areas. Stripping away the management rhetoric, L.A.'s finest embarked on a stop-and-frisk campaign, and [we know full well](#) where those can lead. Facing a citizen revolt, [LAPD promised to fine-tune things](#) so that honest citizens would be far less likely to be stopped by suspicious, aggressive cops.

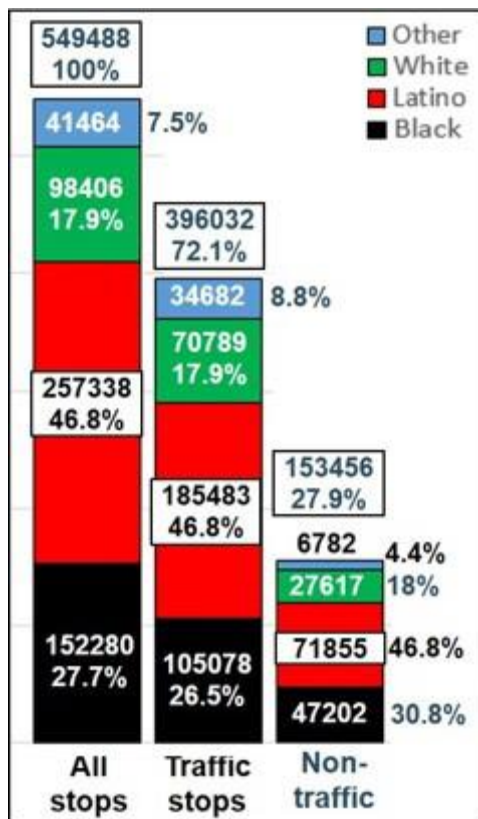
Well, that was in March. Seven months later, [the Los Angeles Times reported](#) that while the number of stops did go down, substantial inequities persisted. Among other things, blacks were being stopped at a rate far higher than their share of the population (27% v. 9%), while whites benefitted from the opposite tack (18% v. 28%). What's more, even though whites were *more* likely to be found with contraband, they were being searched substantially *less* often than Blacks and Latinos.

That, indeed, was the story's headline ("LAPD searches blacks and Latinos more. But they're less likely to have contraband than whites.") And the reaction was swift. Less than a week later, [Chief Michel Moore announced](#) that his specialized teams would stop with the stop-and-frisks and shift their emphasis to tracking down wanted persons:

Is the antidote or the treatment itself causing more harm to trust than whatever small or incremental reduction you may be seeing in violence? And even though we're recovering hundreds more guns, and those firearms represent real weapons and dangers to a community, what are we doing to the tens of thousands of people that live in those communities and their perception of law enforcement?

To be sure, [policing is an inherently “imprecise sport,”](#) and doing it vigorously has badly upset police-community relations elsewhere. Still, if the good chief wasn’t just blowing (gun)smoke, foregoing the seizure of “hundreds” of guns might tangibly impact the lives of those “tens of thousands” who live in L.A.’s violence-plagued neighborhoods, and not for the better. (For an enlightening tour of these places check out “[Location, Location, Location.](#)”)

To better assess LAPD’s approach we turned – where else? – to numbers. California’s “[Racial and Identity Profiling Act of 2015](#)” mandates that law enforcement agencies disseminate information on all stops, including every detention or search, traffic and otherwise, voluntary or not. For its reporting the *Times* analyzed LAPD stop data for the period of July 1, 2018 through April 30, 2019. It’s available [here](#).



We downloaded the massive dataset and probed it using specialized statistical software. It contains 549,488 entries, one for each person whom officers proactively contacted during that ten-month period. (Actual stops were considerably fewer, as many involved multiple individuals.) About seventy-two percent (396,032) of those contacted were encountered during vehicle stops for traffic violations. The remaining 153,456 were detained outside a vehicle (“non-traffic stops”.) Reasons included on-view offending (e.g. drinking, littering or smoking a joint), openly possessing contraband such as drugs or guns, behaving in a way that suggested the possession of contraband or commission of an offense, having an active warrant, or being a probationer or parolee of current interest.

Latest [Census estimates](#) peg L.A. City as 48.7 percent Hispanic/Latino. As the bar graph shows their share of stops came in at 46.8 percent, well in sync with that figure. Yet as the *Times* alarmingly noted, whites, who comprise 28.4 percent of the city’s population, figured in just 18 percent of stops, while Blacks, whose share of the city’s population is only 8.6 percent, accounted for a vastly disproportionate 28 percent of stops.

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And there was the matter of searches, as well. We crunched the numbers and produced this graph. As the *Times*

reported, only a measly five percent of traffic stops of whites led to a search.

Meanwhile Latinos were searched in 16.1 percent of traffic stops, and Blacks in 23.3 percent. Yet searches of whites reportedly turned up loot more often.

		All	Black	Latino	White
All stops	Contraband found	7.4%	9.1%	8.0%	5.3%
	Search	25.6%	33.2%	27.3%	15.2%
	Contraband found	20.7%	20.8%	20.1%	23.4%
	No search	74.4%	66.8%	72.7%	84.8%
	Contraband found	2.2%	3.3%	3.4%	2%
Traffic	Contraband found	3.1%	4.9%	3.2%	1.3%
	Search	15.0%	23.3%	16.1%	5%
	Contraband found	16.7%	17.2%	15.9%	20.1%
	No search	85.0%	76.7%	83.9%	95%
	Contraband found	0.7%	1.2%	0.8%	0.3%
Non-traffic	Contraband found	18.6%	18.5%	20.2%	15.3%
	Searched	52.8%	55.4%	56.1%	41.2%
	Contraband found	23.6%	24.1%	23.3%	24.5%
	No search	47.2%	44.6%	43.9%	58.8%
	Contraband found	12.9%	11.4%	16.2%	8.9%

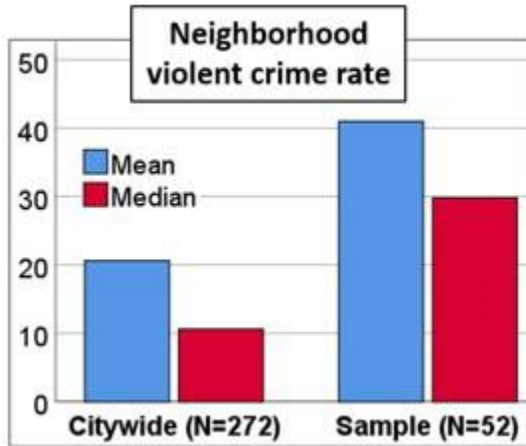
Might whites, as the *Times* clearly suggests, be getting away with something?

As we discussed in “[Driven to Fail](#),” stop-and-frisks had for better or worse become LAPD’s key tool in a campaign to tamp down violence. Specialized teams focused – albeit, not exclusively – on hot spots called “Laser” zones. A disproportionate number were in South and Central bureaus, the poorest and most severely crime-impacted areas of the city, predominantly populated by Hispanic/Latinos and Blacks.

Unfortunately, no stop location is given other than street address. Nor is there any information about crime rates or poverty levels. We set out to fill these gaps. To make the project doable we used statistical software to draw a random sample of one-hundred encounters. Given the dataset’s huge size that’s admittedly too few to adequately represent the whole. But it’s a start.

Our sample includes one-hundred distinct individuals who were detained at one of ninety-nine unique stop locations. Seventy were stopped while in vehicles; thirty not. Overall, their race and ethnicity – 45% Hispanic/Latino, 32% Black, 16% white – came

pretty close to the corresponding distribution (46.8%, 27.7%, 17.9%) for the full dataset. So we feel fairly confident extending our findings to the whole.



Let's talk about the sample. Using the *Times*' "Mapping L.A." utility, which tracks the city's 272 neighborhoods, we obtained violent crime data for the fifty-two neighborhoods that encompass the ninety-nine distinct street locations where citizens were stopped. It's apparent from the sample that LAPD targeted the city's more violent places. As the chart indicates, the mean violent crime rate of the sample's neighborhoods, 41, is twice the citywide rate of 20.6, while the sample's median rate, 29.8, is nearly three times the citywide 10.6.

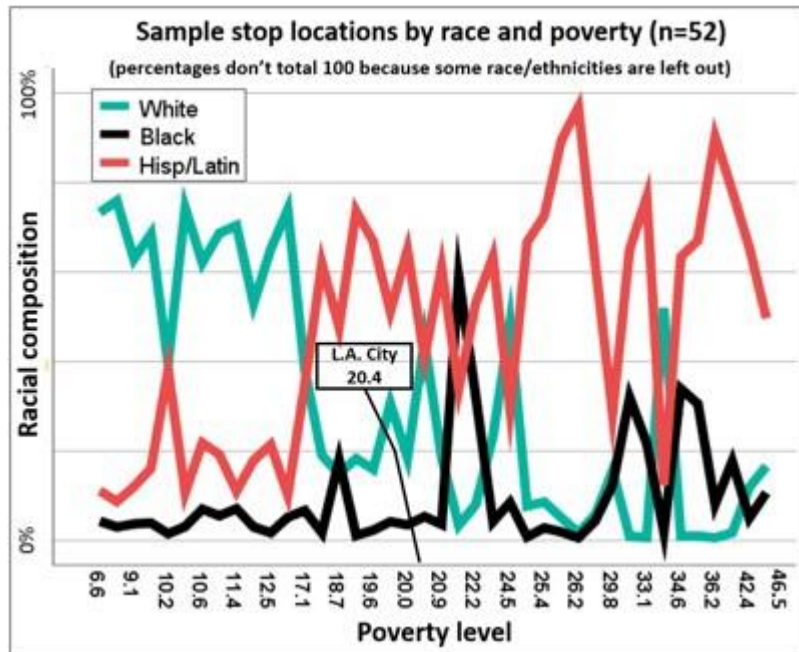
Violence rates in 36 of the sample's 52 neighborhoods exceed the citywide mean, and all but three exceed the citywide median.

Prior posts emphasize the centrality of neighborhoods. What about them might steer its inhabitants down the

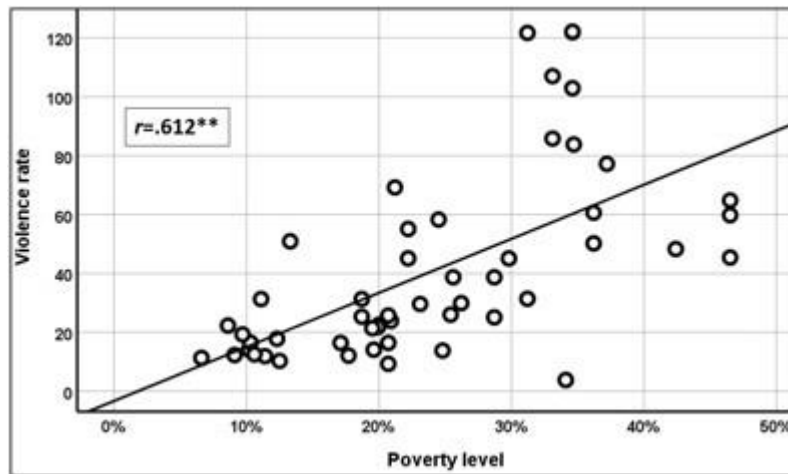
wrong path? Poverty – and what comes with being poor – are usually at the top of the list. We gathered racial/ethnic composition and poverty level data for each of the sample's fifty-two stop locations by entering their Zip code into the [2017 American Community Survey](#).

(Incidentally, a quick way to get a Zip code is to type the street address into Google.)

This graph displays the results:

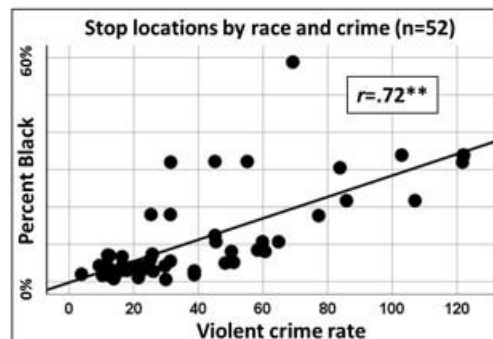
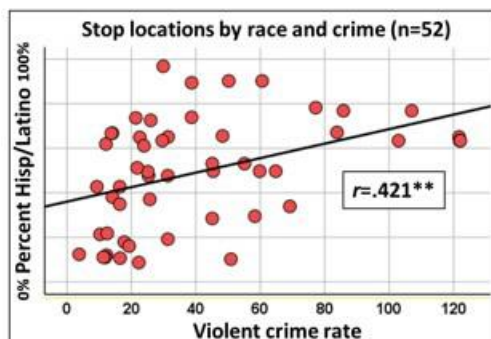
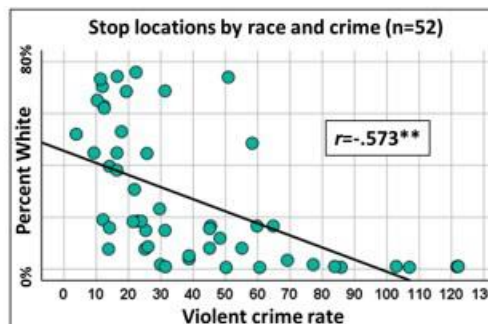


No surprise: whites predominate in most of the sample's economically better-off neighborhoods. As poverty rates increase (note the citywide mean of 20.4 percent) Hispanic/Latinos and Blacks come into the majority. Crime, as the below scattergram illustrates, follows a similar pattern.



Each circle represents one of our fifty-two neighborhoods. Clearly, as poverty increases, so does violence. Number crunchers pay attention: the r correlation statistic (zero means no relationship; one is a perfect, lock-step association) is a sizeable .612; what's more, the two asterisks mean the coefficient (the .612) is statistically significant, with less than one chance in a hundred that it was produced by chance.

So what happens when we plug in race? This group of scattergrams depicts the “simple” (read: potentially misleading) relationship between each racial/ethnic group and violent crime:



As percent Hispanic/Latino and Black increase so does violence, while as percent white increases, violence falls. But we know full well that violence isn't "caused" by race or ethnicity. It's influenced by a variety of factors; for example, family supports, peer influences, childcare, educational, training, job and career opportunities, and so on. Of course, we'd love to assess the impact of each, but things would quickly become unwieldy. Instead, we can turn to poverty as their surrogate. Going back to the 52-neighborhood sample, let's see whether factoring in ("controlling for") poverty makes a difference:

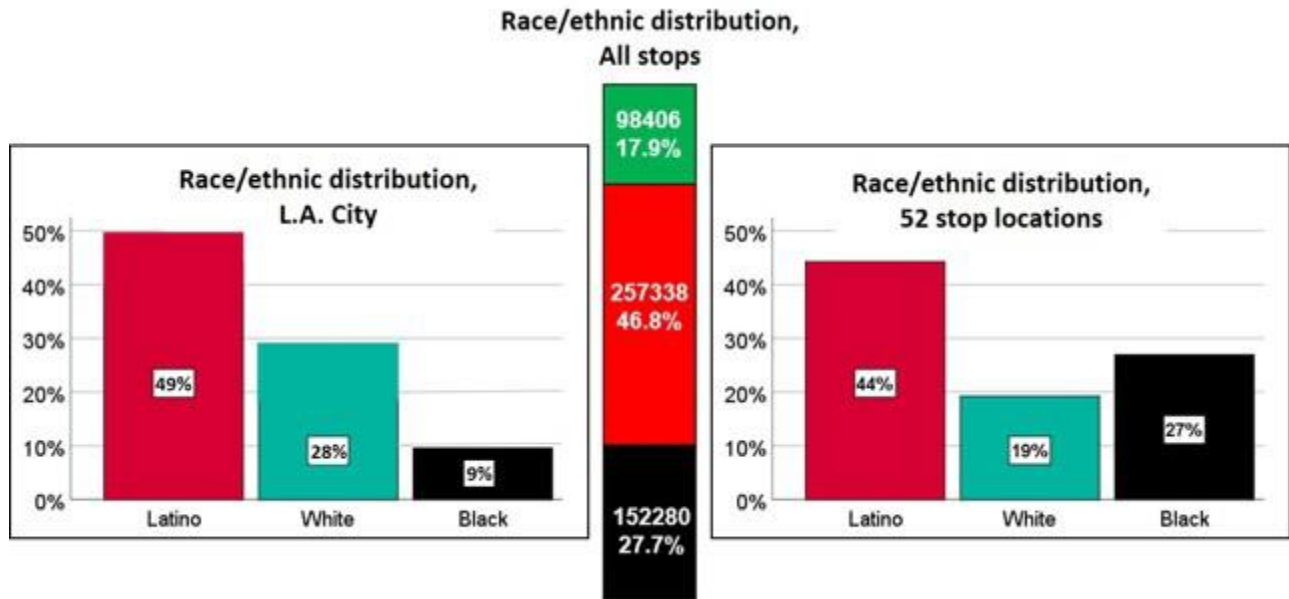
Correlation between violence rate and ...				
		PctLatin	PctWhi	PctBlk
ViolentRate	Pearson Correlation	.421**	-.573**	.720**
	Sig. (2-tailed)	.002	.000	.000
	N	52	52	52
Same, controlling for poverty level				
		PctLatin	PctWhi	PctBlk
ViolentRate	Correlation	.078	-.236	.694
	Significance (2-tailed)	.588	.095	.000
	df	49	49	49

Sure enough, once poverty is thrown into the mix, the simple ("zero-order") relationships between race/ethnicity and crime substantially weaken. In fact, the correlations between race/ethnicity and violence for Hispanic/Latinos and for whites recede so far that their significance exceeds .05, the maximum risk that social scientists will take that what seems to be a relationship was produced by chance. What's more, controlling for poverty is a crude approach. Imagine if one could accurately "control" for the influence of each and every important factor. Might the relationships between race/ethnicity and violence drop to zero?

Of course, neither criminologists nor cops nor ordinary citizens are surprised by the notion that violence is a byproduct of economic conditions. Even under the most sophisticated targeting protocols, police crackdowns usually wind up focused on poor places because that's where violence takes its worst toll. Alas, as we recently pointed out in ["Driven to Fail,"](#) the imprecision of policing – and the behavior of some admittedly

imperfect cops – can easily produce a wealth of “false positives,” straining officer-citizen relationships that may already rest on flimsy supports. And leading to outcomes such as what drove us to write this piece.

To be sure, there are “yes, buts.” Check out our (thankfully) final graphic:



Suspensions at the *L.A. Times* were aroused by the discovery that an unseemly small percentage (17.9) of vehicle stops were of whites. Does that mean that L.A.’s cops are bigots? Well, as we’ve discussed, the targeting protocol zeroed in on 52 areas (right-side graphic) whose proportions of white and black residents differ substantially from their citywide numbers (left-side graphic.) And in the end, the racial/ethnic distributions of those stopped (center graphic) closely approximates that of the right-side graphic, meaning the population officers actually faced.

Yes, but. Maybe cops expressed their bigoted nature in another way. After all, how does one “explain” that only *five percent* of car stops of whites resulted in a search? (For Latinos it was 16.1 percent; for Blacks, 23.3.) And that *more* contraband was found when the few, unlucky whites *got* searched? Might it be, as the *Times* clearly implies, that in their haste to lock up Blacks and Hispanics L.A.’s finest purposely overlooked far more serious evil-doing by whites?

Well, that’s enough for now. Part II will continue exploring the disparities using data from several obscurely coded fields in the master file. We’ll also have something to say about the types of contraband seized and from whom. (Thanks to the dataset’s unwieldy

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structure, that takes some doing.) And we'll probably close off with some inspiring words of wisdom about vigorous policing. But that's for next time. So stay tuned!

Posted 12/3/19

DID THE TIMES SCAPEGOAT L.A.'S FINEST? (PART II)

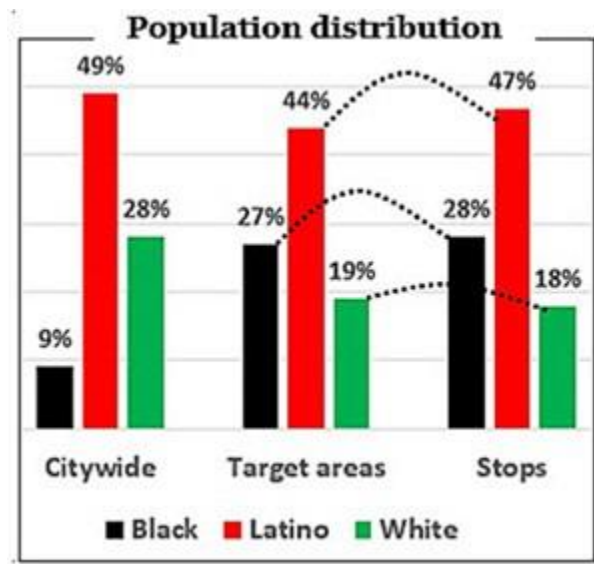
***Quit blaming police racism for lopsided outcomes.
And fix those neighborhoods!***

For *Police Issues* by Julius (Jay) Wachtel. [Part I](#) challenged the [L.A. Times' apparent conclusion](#) that race and ethnicity drove officer decision-making practices during LAPD's stop-and-frisk campaign. Let's explore who got stopped and who got searched in greater detail.

Who got stopped?

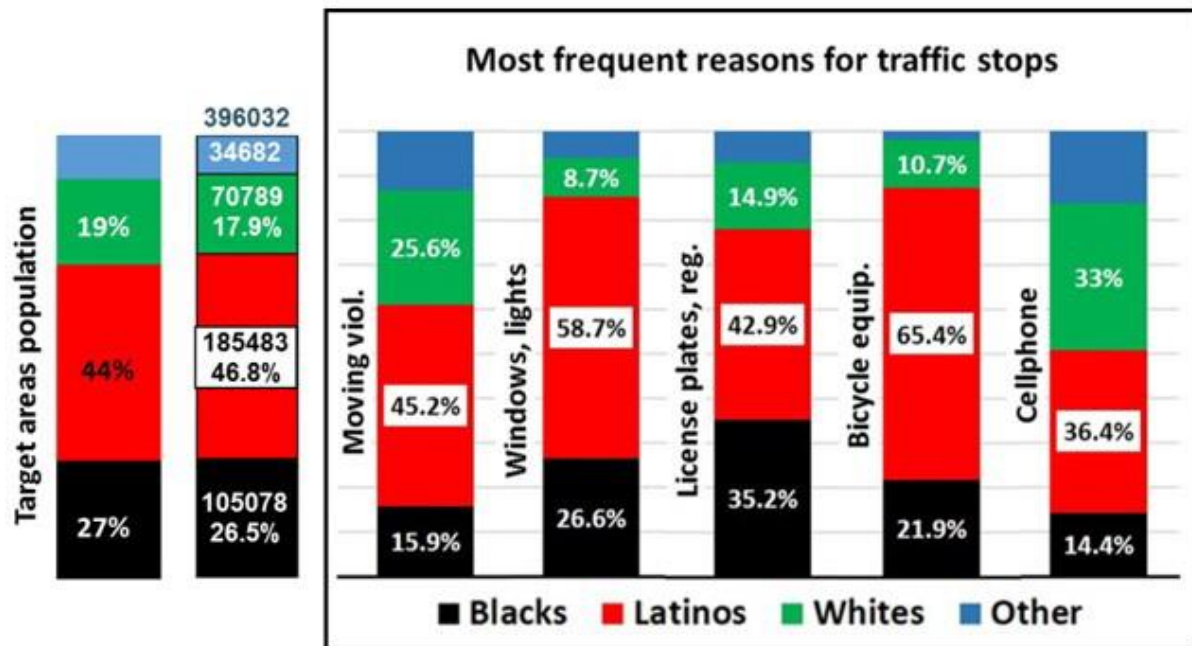
L.A. City is twenty-eight percent white. Yet as the Times noted, only eighteen percent of the 549,488 persons stopped during a ten-month period were white. On the other hand, Blacks, who comprise a mere nine percent of the city's total population, figured in twenty-seven percent of stops. Proof positive of bias, right?

Not so fast. L.A.'s communities are far from integrated. We coded a random sample of stops for location and identified 52 distinct neighborhoods. Armed with demographics, we compared again. Check out those dotted lines. Once location is factored in, the racial/ethnic makeup of those who were stopped closely corresponds with the demographics of the place where they were stopped. That's what one would expect.

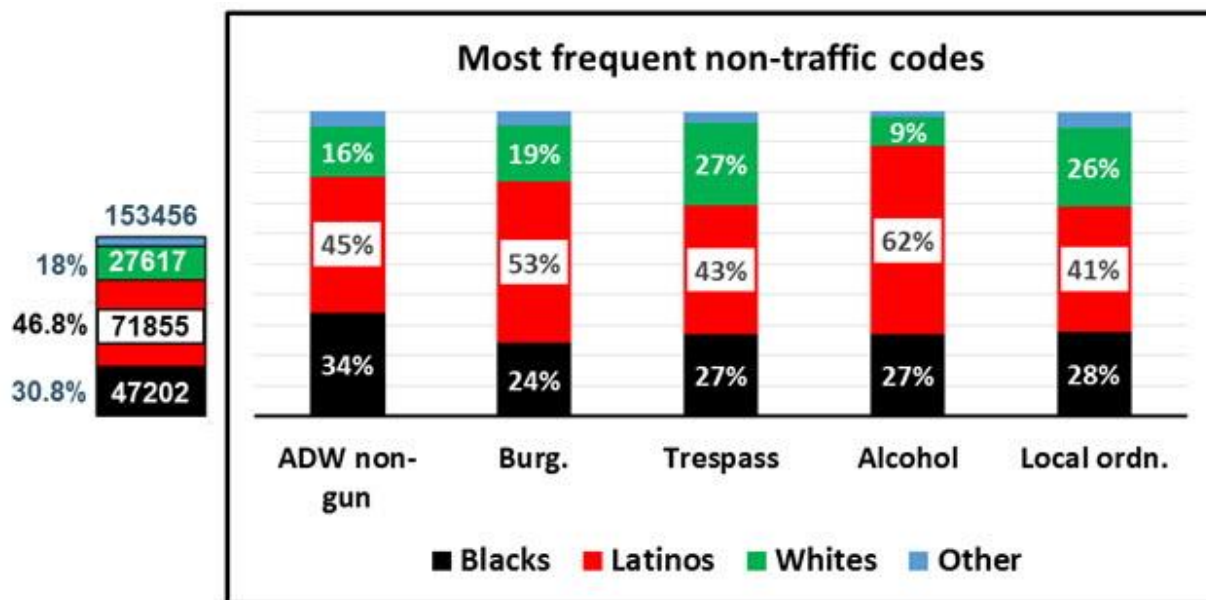


Still, that doesn't prove that bias *didn't* play a role in targeting. For more insight about officer decisionmaking we focused on two data fields pertinent to the "why's" of a stop: "traffic violation CJIS offense code" and "suspicion CJIS offense code." (For a list of these Federally-standardized codes click [here](#).) Seventy-two percent of those stopped (n=396,032) were detained in connection with a traffic violation. Overall, the racial/ethnic distribution of this subset was virtually identical to that of the target area. We collapsed the ten most

frequent violations into five categories. This graphic displays shares for each racial/ethnic group:



Twenty-eight percent of stops (n=153,456) were for non-traffic reasons. Of these, 82 percent (n=126,005) bore a CJIS crime suspicion code. Here are the top five:

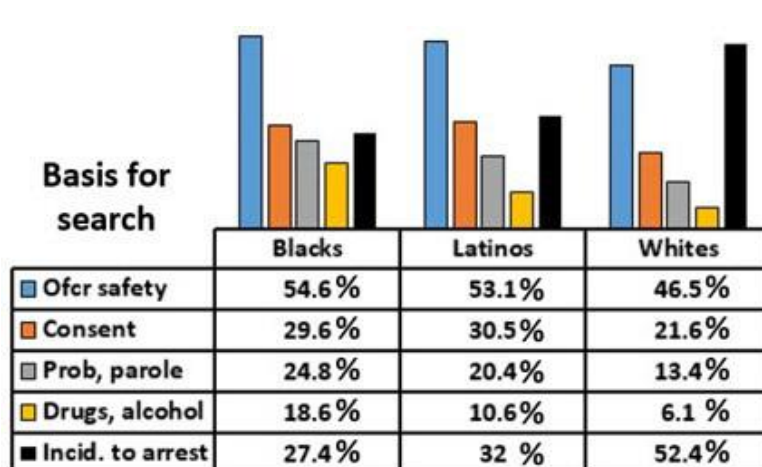
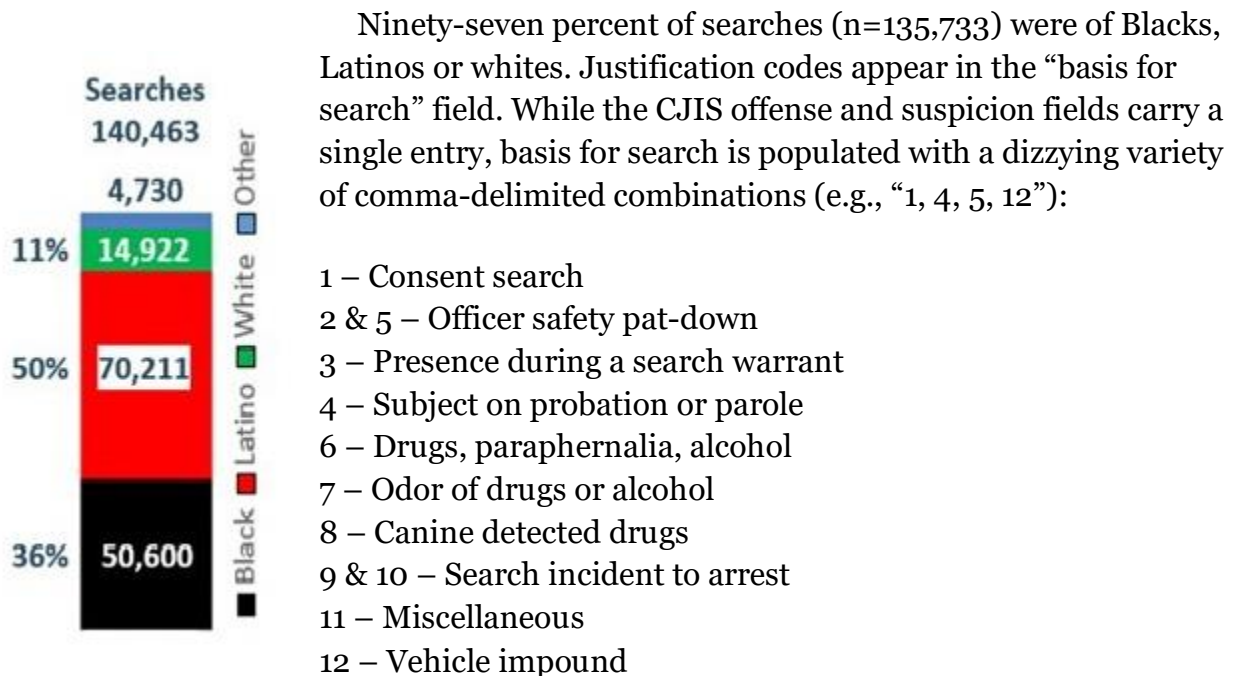


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The remaining eighteen percent of non-traffic stops lacked a CJIS suspicion code. That subset was 29.5 percent Black, 48.9 percent Latino and 17.4 percent white, which closely resembles the racial/ethnic distribution of target areas.

Proportionately, the distribution of stops – traffic and otherwise – roughly corresponded with each racial/ethnic group’s share of the population. But there were exceptions. Whites were frequently dinged for moving violations and yakking on cell phones, and Latinos for obstructed windows and inoperative lighting. Most importantly, Blacks had an oversupply of license plate and registration issues, with implications that we’ll address later.

Who got searched?



We collapsed the most frequently-used codes into five categories: officer safety, consent, probation/parole, drugs and alcohol, and incident to arrest (percentages exceed 100 because multiple codes were often used.)

Officer safety was the primary reason cited for

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searching Blacks and Latinos. When it came to whites, incident to arrest took first place. That may be because whites were substantially less likely than Blacks or Latinos to grant consent, have drugs or alcohol in plain view or be under official supervision.

Patterns between groups seemed otherwise consistent, and what differences exist could be attributed to place and economics. Yet a nagging problem persists. Why, as the *Times* complains, were whites searched far less frequently during traffic stops than Blacks or Latinos? After all, when searched, whites had *more* contraband!

Traffic stops

	All groups	Blacks	Latinos	Whites
Search conducted	15.0%	23.3%	16.1%	5.0%
Search & contraband seized	16.7%	17.2%	15.9%	20.1%

Contraband found

	All groups	Blacks	Latinos	Whites
All stops	7.4%	9.1%	8.0%	5.3%
Traffic	3.1%	4.9%	3.2%	1.3%
Non-traffic	18.6%	18.5%	20.2%	15.3%

We'll get to that in a moment. But first we'd like to point out a couple things that the *Times* left out. First, only fifteen percent of traffic stops involved a search. When all traffic

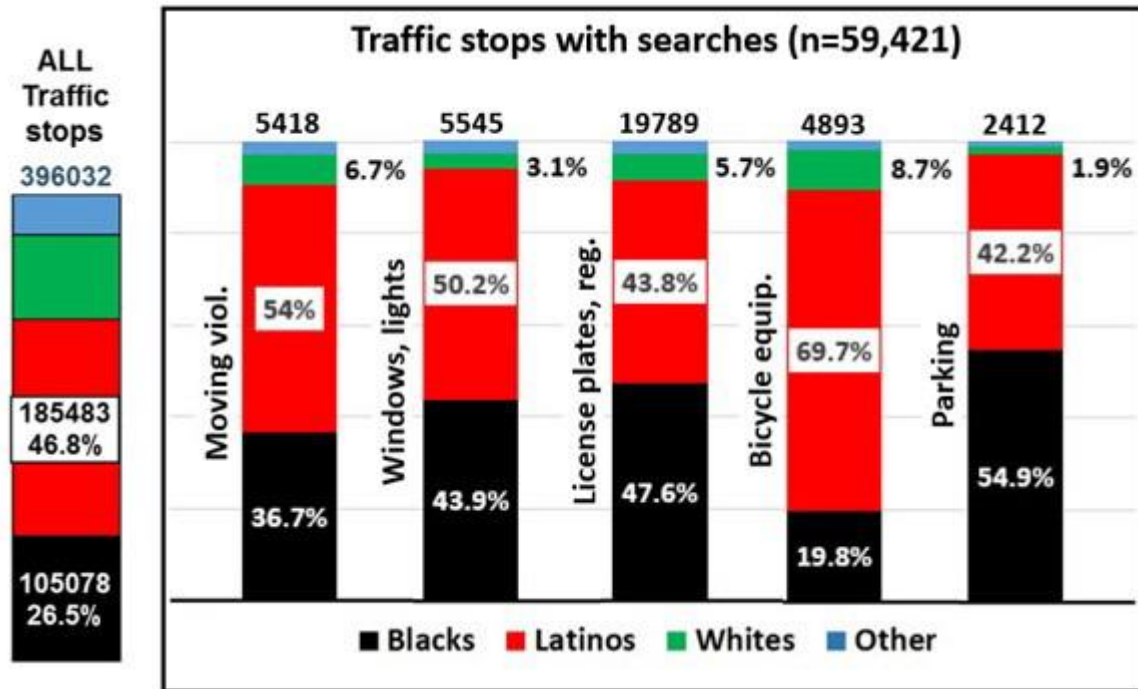
stops are taken into account contraband was seized – much, assumedly in plain view – from 4.9 percent of Blacks, 3.2 percent of Latinos and 1.3 percent of Whites.

Neither did the Times say anything about the kinds of contraband seized. Since LAPD's goal was to tamp down violence, we selected all encounters, traffic or not, where "contraband_type" includes the numeral "2", meaning a firearm. Overall, 3,060 of the 549,488 individuals stopped during the project (0.06 percent) had a gun or were present when a gun was found. Whites were substantially *less* likely than Blacks or Latinos to be found with a gun, and particularly when searched.

Gun recoveries

	Black	%	Latino	%	White	%
Total encountered	152,280		257,338		98,406	
No search, gun found	141	0.09	223	0.09	75	0.08
Search, gun found	1,096	0.72	1,182	0.46	198	0.20
Total with guns	1,237	0.81	1,405	0.55	273	0.28

Back to traffic stops with a search. For this subset the top codes were the same, excepting that parking infractions replaced cellphone misuse. Here are the results:



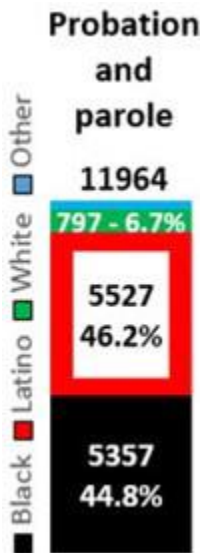
When we examined *all* traffic stops the one disparity that caught the eye was a substantial over-representation of Blacks for license plate and registration violations. As the above graphic illustrates, that's even more so for traffic stops that led to a search. Overall, license plate and registration issues were the most frequent traffic violations linked to a search, appearing in out of every three episodes (19,789/59,421).

What's the takeaway?

First, not all stops are created equal. Non-traffic stops are often precipitated by observations – say, a gangster with bulging pockets – that may “automatically” justify a [“Terry” stop-and-frisk](#). Discerning what's going on inside a vehicle is far trickier. Without something more, ordinary moving violations (e.g., speeding or running a stop sign) and equipment boo-boos (e.g., inoperative tail lights) don't give an excuse to search.

That “more” can be a registration or licensing issue. If a plate has expired or is on the wrong vehicle, or if a vehicle's operator lacks a valid license, officers have an opening to parlay a stop into something more. Indeed, a 2002 California Supreme Court decision ([In re Arturo D.](#)) expressly endorsed intrusive searches for driver license and vehicle registration information. (In time, the enthusiastic response apparently backfired, and just days ago California's justices literally slammed on the brakes. (See [People v. Lopez.](#)) In any event, it often really *is* about money. Registration and licensing issues are tied to

economics, making many Blacks vulnerable to inquisitions while lots of whites get a free pass.



Our analysis of the “basis for search” and “basis for search narrative” fields revealed that at least 11,964 of the 549,488 persons in the dataset were on probation or parole. More than half (6,810, 56.9 percent) were encountered during a traffic stop. It’s not surprising that every last one was searched. Blacks, whose share of persons under supervision ([30 percent of probationers; 38 percent of parolees](#)) is about three times their proportion of the population ([12.3 percent](#)) were, as a group, by far the most exposed.

Policing is a complex enterprise, rife with risk and uncertainty. As with other human services, its practice is unavoidably imprecise. Although we’re reluctant to be too hard on our media friends, this may be a good time to remind the *Times* that trying to “explain” dissimilar outcomes by jumping to the usual conclusion – essentially, that cops are racists – can do a major disservice. As we’ve pointed out in a series of posts (be sure to check out our [“stop and frisk”](#) section), when cops target high-crime areas, the socioeconomics of urban America virtually assure disparate results.

So should police abandon aggressive crime-fighting strategies? That debate has been going on for a very long time. In our view, the *real* fix calls for a lot more than guns and badges. (For the latest, supposedly most “scientific” incarnation of targeted policing check out “Understanding and Responding to Crime and Disorder Hot Spots,” available [here](#).) In our own, very measly opinion what’s *really* needed is a “Marshall Plan” for America’s neighborhoods, so that everyone regardless of ethnicity, skin color or financial resources gets the chance to prosper.

Of course, we all know that. Still, we’re waiting for a candidate to utter that magic word. Psst...once again, it’s “neighborhoods”!

Posted 3/27/19

DRIVEN TO FAIL

Numbers-driven policing can't help but offend. What are the options?

LAPD Bureau	Population	Murders 2016	Rate	Laser zones
Central	842,700	77	9.1	10
South	640,000	124	19.4	15
Valley	1,426,071	65	4.6	5
West	840,400	28	3.3	10

For Police Issues by Julius (Jay) Wachtel. It's been a decade since DOJ's Bureau of Justice Assistance kicked off the "[Smart Policing Initiative](#)." Designed to help police departments devise and implement "innovative and evidence-based solutions" to crime and violence, the collaborative effort, since redubbed "[Strategies for Policing Innovation](#)" (SPI) boasts seventy-two projects in fifty-seven jurisdictions.

[Eleven of these efforts](#) have been assessed. Seven employed variants of "[hot spots](#)," "[focused deterrence](#)" and "[problem-oriented policing](#)" strategies, which fight crime and violence by using crime and offender data to target places and individuals. The results seem uniformly positive:

- Boston (2009) used specialized teams to address thirteen "chronic" crime locations. Their efforts reportedly reduced violent crime more than seventeen percent.
- Glendale, AZ (2011) targeted prolific offenders and "micro" hot spots. Its approach reduced calls for service up to twenty-seven percent.
- Kansas City (2012) applied a wide range of interventions against certain violence-prone groups (read: gangs). It reported a forty-percent drop in murder and a nineteen percent reduction in shootings.

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- New Haven, CT (2011) deployed foot patrols to crime-impacted areas. Affected neighborhoods reported a reduction in violent crime of forty-one percent.
- Philadelphia (2009) also used foot patrols. In addition, it assigned intelligence officers to stay in touch with known offenders. Among the benefits: a thirty-one percent reduction in “violent street felonies.”
- Savannah (2009) focused on violent offenders and hot spots with a mix of probation, parole and police. Their efforts yielded a sixteen percent reduction in violent crime.

We saved our essay’s inspiration – Los Angeles – for last. It actually boasts three SPI programs. Two – one in 2009 and another in 2014 – are directed at gun violence. A third, launched in 2018, seeks to boost homicide clearances. So far, DOJ has only evaluated the 2009 program. Here is [its full SPI entry](#):

Los Angeles, CA 2009	The Los Angeles SPI addressed gun-related violence using Operation LASER (Los Angeles’ Strategic Extraction and Restoration Program).	Research Design	Gun Violence, Violence Reduction
	<ul style="list-style-type: none">▪ Targeted violent repeat offenders and gang members who commit crimes in target areas.▪ Used intelligence-driven location- and offender-based tactics.▪ Implemented a Crime Intelligence Detail, composed of sworn officers and a local crime analyst, to create proactive, real-time intelligence briefs called Chronic Offender Bulletins.▪ Directed patrol, specific missions, and enhanced surveillance.	<p>Interrupted time-series analysis, which assesses whether the interventions in target areas had an effect on crime while controlling for previous trends. (Research evaluation is ongoing.)</p> <p>Findings</p> <p>22.6% reduction in homicides per month in the target division.</p> <p>5.2% reduction in gun crimes per month in each reporting district of the target division.</p>	

From a tactical perspective, the project falls squarely within the hot-spots and focused deterrence models. But its fanciful label – LASER – gave us pause. “Extracting” bad boys and girls to restore the peace and tranquility of hard-hit neighborhoods conjures up visions of the aggressive, red-blooded approach that has repeatedly gotten cops in trouble. Indeed, when LASER kicked-off in 2009 LAPD was still operating under Federal monitoring brought on by the [Rodney King beating](#) and the [Rampart corruption and misconduct scandal](#) of the nineties. That same year the Kennedy School issued a report about the agency’s progress. Entitled “[Policing Los Angeles Under a Consent Decree](#),” it noted substantial improvements. Yet its authors warned that “the culture of

the Department remains aggressive: we saw a lot of force displayed in what seemed to be routine enforcement situations” (pp. 37-38). And that force seemed disproportionately directed at minorities:

A troubling pattern in the use of force is that African Americans, and to a lesser extent Hispanics, are subjects of the use of such force out of proportion to their share of involuntary contacts with the LAPD....Black residents of Los Angeles comprised 22 percent of all individuals stopped by the LAPD between 2004 and 2008, but 31 percent of arrested suspects, 34 percent of individuals involved in a categorical use of force incident, and 43 percent of those who reported an injury in the course of a non-categorical force incident.

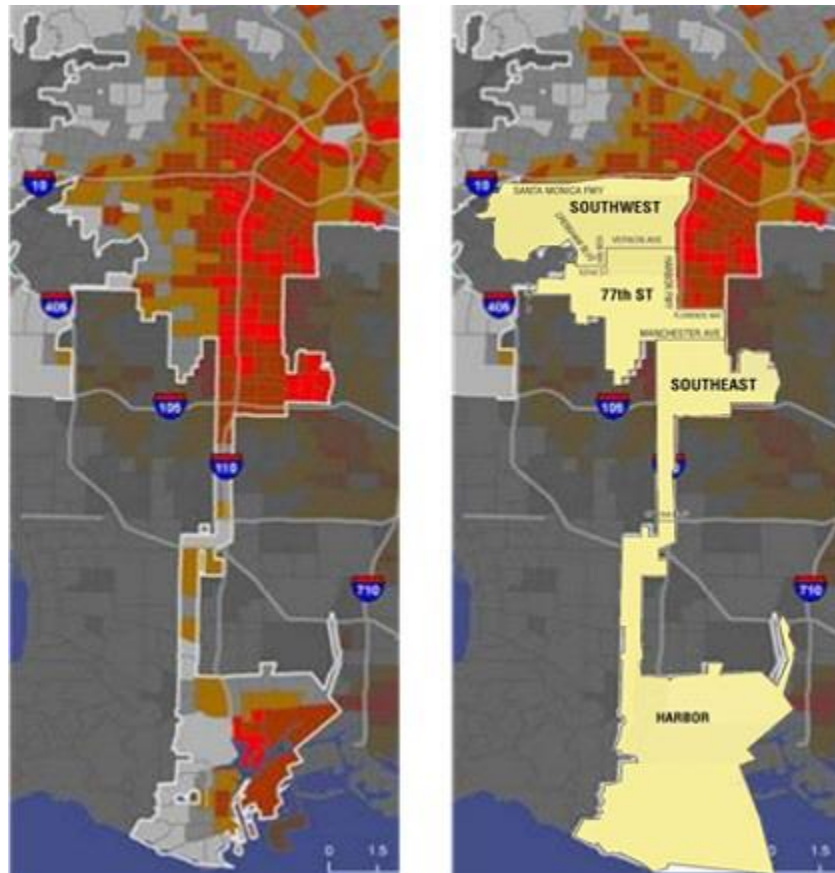
During the same period the Los Angeles Police Commission’s [Inspector General](#) questioned the department’s response to complaints that officers were selecting blacks and Latinos for especially harsh treatment. In “[An Epidemic of Busted Taillights](#)” we noted that members of L.A.’s minority communities had filed numerous grievances over marginal stops involving “no tail lights, cracked windshields, tinted front windows, no front license plate and jaywalking.” Yet as the IG’s second-quarter 2009 report noted, not one of 266 complaints of racial profiling made during the prior fifteen months had been sustained, “by far the greatest such disparity for any category of misconduct.” (Unfortunately, the old IG reports are no longer on the web, so readers will have to trust the contents of our post. However, a [May 2017 L.A. Police Commission report](#) noted that LAPD’s internal affairs unit “has never fully substantiated a [single] complaint of biased policing.” See pg. 18.)

Despite concerns about aggressive policing, LASER went forward. [LAPD used a two-pronged approach](#):

- A point system was used to create lists of “chronic offenders.” Demerits were awarded for membership in a gang, being on parole or probation, having arrests for violent crimes, and being involved in “quality” police contacts. These individuals were designated for special attention, ranging from personal contacts to stops and surveillance.
- Analysts used crime maps to identify areas most severely impacted by violence and gunplay. As of December 2018 [forty of these hotspots](#) (dubbed LASER “zones”) were scattered among the agency’s four geographical bureaus. These areas got “high visibility” patrol. Businesses, parks and other fixed locations frequently associated with crimes – “anchor points” – were considered for

remedies such as eviction, license revocation and “changes in environmental design.”

South Bureau wound up with the most LASER zones. Its area – South Los Angeles – is the city’s poorest region and nearly exclusively populated by minorities. As our opening table demonstrates, it’s also the most severely crime-impacted, with the ten most violent neighborhoods in the city and by far the worst murder rate. When we superimpose South Bureau (yellow area) on LAPD’s hotspots map, its contribution to L.A.’s crime problem is readily evident:



LAPD’s IG issued a [comprehensive review](#) of LASER and the chronic offender program two weeks ago. Surprise! Its findings are decidedly unenthusiastic. According to the assessment, the [comparatively sharp reductions](#) in homicides and violent crime that were glowingly attributed to LASER – these included a near-23 percent monthly reduction in homicides in a geographical police division, and a five-percent-plus monthly reduction in gun crimes in each of its beats – likely reflected incorrect tallies of patrol dosage. Reviewers questioned the rationale of the “chronic offender” program, since as many as half its targets had no record for violent or gun-related crimes. Many of

their stops also seemed to lack clear legal cause. (Such concerns led to the offender program's suspension in August.) While the IG didn't identify specific instances of wrongdoing, it urged that the department develop guidelines to help officers avoid "unwarranted intrusions" in the future.

Well, no harm done, right? Not exactly. [At a public meeting](#) of the Police Commission the day the IG released its report, a "shouting, overflow crowd of about 100 protesters" flaunting "LASER KILLS" signs demanded an immediate end to the LASER and chronic offender programs. A local minister protested "we are not your laboratory to test technology," while civil libertarians complained that the data behind the initiatives could be distorted by racial bias and lead to discriminatory enforcement against blacks and Latinos. And when LAPD Chief Michael Moore pointed out that his agency had long used data, an audience member replied "yeah, to kill us." He promised to return with changes.

Chief Moore's comments were perhaps awkwardly timed. In January the *Los Angeles Times* [reported that](#) officers from a specialized LAPD unit had been stopping black motorists in South Los Angeles at rates more than twice their share of the population. They turned out to be collateral damage from a different data-driven effort to tamp down violence. Faced with [criticisms about disparate enforcement](#), Mayor Eric Garcetti promptly ordered a reset.

It's not that LAPD officers are looking in the wrong places. South Bureau, as the table and graphics suggest, is a comparatively nightmarish place, with a homicide every three days and a murder rate more than twice the runner-up, Central Bureau, and six times that of West Bureau. And while dosages varied, LAPD fielded LASER and the chronic offender program in each area. Policing, though, is an imprecise sport. [Let's self-plagiarize:](#)

Policing is an imperfect enterprise conducted by fallible humans in unpredictable, often hostile environments. Limited resources, gaps in information, questionable tactics and the personal idiosyncrasies of cops and citizens have conspired to yield horrific outcomes.

As a series of posts have pointed out (see, for example, "[Good Guy, Bad Guy, Black Guy, Part II](#)"), stop-and-frisk campaigns and other forms of aggressive policing inevitably create an abundance of "false positives." As long as crime, poverty, race and ethnicity remain locked in their embrace, residents of our urban laboratories will disproportionately suffer the effects of even the best-intentioned "data-driven"

strategies, causing phenomenal levels of offense and imperiling the relationships on which humane and, yes, effective policing ultimately rests.

What happens when citizens bite back? Our recent two-parter, “Police Slowdowns” (see links below) described how police in several cities, including L.A. and Baltimore, reacted when faced with public disapproval. [A splendid piece](#) in the *New York Times Magazine* explains what happened after the [Department of Justice’s 2016 slap-down](#) of Baltimore’s beleaguered cops. Struggling in the aftermath of [Freddie Gray](#), the city’s finest slammed on the brakes. That too didn’t go over well. At a recent public meeting, an inhabitant of one of the city’s poor, violence-plagued neighborhoods wistfully described her recent visit to a well-off area:

The lighting was so bright. People had scooters. They had bikes. They had babies in strollers. And I said: ‘What city is this? This is not Baltimore City.’ Because if you go up to Martin Luther King Boulevard we’re all bolted in our homes, we’re locked down. All any of us want is equal protection.

If citizens reject policing as the authorities choose to deliver it, must they then simply fend for themselves? Well, a Hobson’s choice isn’t how *Police Issues* prefers to leave things. Part of the solution, we think, lies buried within the same official reproach that provoked the Baltimore officers’ fury. [From a recent post](#), here’s a highly condensed version of what the Feds observed:

Many supervisors who were inculcated in the era of zero tolerance continue to focus on the raw number of officers’ stops and arrests, rather than more nuanced measures of performance...Many officers believe that the path to promotions and favorable treatment, as well as the best way to avoid discipline, is to increase their number of stops and make arrests for [gun and drug] offenses.

In the brave new world of Compstat, when everything must be reduced to numbers, it may seem naïve to suggest that cops leave counting behind. Yet in the workplace of policing, what really “counts” can’t always be reduced to numbers. It may be time to dust off those tape recorders and conduct some richly illuminating interviews. (For an example, one could begin with [DOJ’s Baltimore report](#).) There may be ways to tone down the aspects of policing that cause offense and still keep both law enforcers and the public reasonably safe.

In any event, police are ultimately *not* the answer to festering social problems. Baltimore – and many, many other cities – are still waiting for that “[New Deal](#)” that someone promised a couple years ago. [But we said that before.](#)

Posted 9/21/20

EXPLAINING...OR IGNORING?

In a badly fractured land, the ambush of two deputies unleashes a raft of excuses. And, as usual, no solutions.

For Police Issues by Julius (Jay) Wachtel. Economically, Compton is in a lousy place. Nestled in a chronically poor area of Los Angeles, the incorporated community of about 95,000 [suffers from a 21.9 percent poverty rate](#), about twice the national figure. As one might expect, Compton's reputation crime-wise is also lousy. [Its 2018 toll](#) of 1,174 violent crimes and 22 murders yields rates of 1,200.7 and 22.5 per 100,000 pop., far higher than comparable figures for Los Angeles (747.6 and 6.4) and the U.S. overall (368.9 and 5.0).

Compton's travails are long-standing. So when killings and such happen, it's mostly families, friends and sheriff's deputies who take notice (the city gave up its police department two decades ago). But when a still-unknown assailant snuck up on two deputies sitting in their patrol car, [pulled a pistol and opened fire](#), the world paid attention. That attack, which took place on September 12, caused serious but thankfully non-fatal injuries and both officers are recovering.

Let's place this event in context. [LEOKA](#), the FBI's Law Enforcement Officers Killed and Assaulted database, presently categorizes some assaults on officers as "unprovoked," meaning they did nothing to prompt an armed exchange. Assaults on officers that involve "entrapment and premeditation" are coded as an "ambush." This table sets out each category's contribution to the felonious murder of law enforcement officers between 2007-2020 (this year's data is thru 9/11):

Fatal attacks	07	08	09	10	11	12	13	14	15	16	17	18	19	20	Tt
Officers killed	58	41	48	56	72	49	27	51	41	66	46	56	48	37	691
Ambush	9	1	6	2	2	3	1	11	7	19	5	11	2	8	87
Unpr. attack	7	5	9	11	6	1	4	1	3	3	3	1	5	2	61

We pored through the LEOKA for equivalent information about *firearm* assaults on officers, regardless of whether an injury occurred. Best we could do is this table, which

breaks out gun “ambushes” since 2014 (we believe that in this dataset “ambush” includes unprovoked attacks):

Firearm assaults on law enf. ofcrs.	2014	2015	2016	2017	2018	TT
Total	1,950	2,018	2,377	2,677	2,116	11,138
Ambush	44	86	103	110	97	440

Bottom line: about five officers are assaulted with firearms in the U.S. each day. That’s a lot. While “only” four percent – about two per week – are attacked without warning, the threat of being surprised by a murderous gunslinger is real. That vulnerability [led the FBI to warn](#) that ambushes and unprovoked attacks had gone up about twenty percent during the course of a decade and urged that police adjust their protocols accordingly.

Of course, in this gun-besotted, violence-ridden land officers well know they could face gunfire during most any encounter. Here are four examples of ambushes and unprovoked attacks from past posts in our [Gun Control](#) section:

[April 2009](#): A mentally disturbed twenty-two year old would-be “White supremacist” gunned down Philadelphia police officers Eric G. Kelly, Stephen J. Mayhle and Paul J. Sciuillo and wounded two others. Police responded after his worried mother called 9-1-1 to complain about her son’s erratic behavior.

[October 2016](#): Palm Springs police officers Lesley Zerebny and Jose “Gil” Vega were shot and killed by a rifle-wielding twenty-six year old as they stood outside a home to which they were dispatched on a “simple family disturbance.”

[August 2019](#): California Highway Patrol officer Andre Moyer was shot and killed while “filling out paperwork” to impound a traffic violator’s car. His murderer was slain during a wild, protracted shootout with responding officers.

[November 2016](#): Des Moines police Sgt. Anthony Beminio and Urbandale, Iowa officer Justin Martin were murdered by the same killer in ambushes a half-hour apart. Both were found behind the wheel of their cars, still strapped to their seats.

Unlike the above examples, neither had been on a call. Their middle-aged assailant, a “loner” with a history of troubled behavior, ultimately surrendered.

What distinguishes these attacks from the wounding of the L.A. County deputies? In part, their media coverage. The *Los Angeles Times* posted an initial account shortly after the ambush, [then updated it](#) after a news conference held the following morning. Its story mentioned that one of the deputies was thirty-one and was the mother of a six-year old, and that both she and her partner, a male in his early twenties, went through the academy together and had only been on the job slightly more than one year. Sheriff Alex Villanueva and Assemblyman Reggie Jones-Sawyer were both quoted as calling the attack “cowardly.” Here’s what L.A.P.D. Chief Michel Moore had to say:

Tonight we pray for these two guardians to survive. I recognize and acknowledge we live in troubled times. But we must as a community work thru our differences while loudly and resoundly condemn violence. Blessed are the Peacemakers.

Compton was going through a particularly troubled time. Less than two weeks had passed since deputies had shot and killed [Dijon Kizzee](#). An ex-con with convictions for illegally possessing guns, Mr. Kizzee was reportedly riding a bike on the wrong side of the street and fled on foot when deputies tried to stop him. When they closed in he allegedly punched one in the face, and as they scuffled supposedly dropped the handgun he was carrying. [Deputies said they fired](#) when he picked it up.

Mr. Kizzee’s killing [ignited raucous protests](#), which led to their own arrests. Police-citizen tensions were already at a high pitch, inflamed by [the recent killing of a Latino youth](#), shot dead by deputies who said he was armed, and by [deputies’ rough treatment](#) of a suspected looter, an event that a bystander captured on video. As one might expect, this context affected reporting. Only two days after the ambush [an L.A. Times article](#) featured an interview with a “long-time South L.A. activist” who questioned “why such swift calls for justice don’t come when it is the police who cause the injuries.” His comments were followed by a recap of recent alleged abuses, most notably the killing of Mr. Kizzee, and an interview with an academic psychiatrist who insisted that the link some made between “anti-police messaging” and the ambush (e.g., L.A. Sheriff Alex Villanueva’s “words have consequences”) was nothing more than “[confirmation bias](#),” the tendency for people to believe what supports their pre-existing views:

That’s a really, really important thing to point out, because you absolutely will get people who will spin this into meaning that these protests are causing problems.

Well, we certainly don't want to fall into *that* trap. After all, we could get ambushed by, say, [Erika Smith](#)! In an extended "opinion" piece published *three* days after the attack, Ms. Smith, a key member of the *Times* editorial staff, scorned L.A. County Supervisor Kathryn Barger's concern that excessive public criticism of the police may have played a role. Here is what Ms. Barger had said:

I support peaceful protests. But what I don't support are the type of comments, especially the ones made outside a hospital, blocking an emergency room, where two deputies were fighting for their lives, and you had individuals chanting what they were chanting. So I believe that we have slowly crossed that line. And what you've seen is what has manifested in the shooting of those two deputies. I do believe that.

Indeed, [ABC News](#) and other reputable sources had reported that protesters who marched for Mr. Kizzee gathered outside the hospital where the deputies were being treated and chanted "death to the police" and "kill the police." While Ms. Smith agreed that this wasn't a good idea and called the deputies' wounding "a cruel and callous crime," she vigorously objected to the "insinuation" that the attack was caused by anti-cop activism. Supporting "the broader movement for racial justice and police reform," Ms. Smith then launched into a critique of local policing, from the shooting of Mr. Kizzee to the deputy cliques we wrote about in "[Two Sides of the Same Coin](#)."

So what "causes" ambushes? Looking on prior examples, [Richard Poplawski](#), the 22-year old white supremacist who murdered the Philadelphia police officers, was a deeply disturbed youth obsessed with guns and violence. [John Felix](#), 26, who killed the Palm Springs officers, was a volatile, deeply troubled former gang member and had served prison time for armed assault. [Aaron Luther](#), the middle-aged man who killed the CHP officer, was an ex-con with a history of violence. And [Scott Green](#), the middle-aged man who killed the Iowa officers, was an emotionally disturbed spouse abuser "whose life was unraveling." Still, none of these killings served an even remotely "functional" purpose. Our best guess is that they may have reflected a compulsion to assert oneself in the face of societal rejection. But we're not psychologists.

While there was plenty of speculation about their "cause," no one connected any of those murders to a greater social movement. No one suggested that officers were in effect bringing on their own demise. But times have changed. As the academic who shook off the connection between protests and the ambush well knew, "confirmation bias" can cut both ways. Maybe anti-police sentiment didn't embolden the ambusher.

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Maybe it *did*. Perhaps he had been acquainted with Mr. Kizzee or another alleged victim of police brutality. Maybe he had himself been brutalized.

Of course, we know nothing about the triggerman. But once we do, where would probing his reasons take us? Even if we somehow divine the causes of the deputies' ambush, Compton will remain saddled with the baggage that led City-data.com to place it among *the most crime-ridden four percent* of U.S. cities. That's really, really lousy company. To climb out of that hole would take a lot more than protesting police mistreatment. It would call for a frontal assault on poverty and the socioeconomic deforestation that poverty invariably produces. That would require the massive infusion of social and financial capital ("Marshall Plan") that we ceaselessly harp about in our "Neighborhoods" posts. Want to get started? Click on "[But is it Really Satan?](#)" Go to the [Bogalusa Daily News](#) and read what Washington Parish (Louisiana) Sheriff Randy Seal had to say.

Then, get busy!

Posted 11/29/10

FIGHTING THE WALL STREET MOB

Feds use wiretaps and “cooperating witnesses” to expose insider trading

By Julius (Jay) Wachtel. While Joe and Jane Citizen nervously watched the value of their 401(k)'s plummet, [Raj Rajaratnam](#) was raking it in. According to the Feds, the wealthy founder of the Galleon Group, a hedge fund that invests in technology companies, traded stocks in a way that would warm the cockles of a Mafia don's heart. Instead of doing his homework and taking his chances, he bribed employees of firms such as Google and Hilton Hotels to give him details about company finances before the information went public.

That's insider trading, and it's illegal as heck. Every cent that Rajaratnam made came out of someone else's pocket. His scheme was wildly profitable. Rajiv Goel, one of Rajaratnam's many tipsters, allegedly told him that Goel's employer, Intel, was about to invest in another company. Thanks to the tip, Rajaratnam made a quick \$579,000.

For Rajaratnam that was small potatoes. Information that the Hilton chain was about to be sold made him \$4 million. Advance knowledge that Google's quarterly report would show a dip in profits was worth twice as much, a cool \$8 million.

Rajaratnam had many sources. Danielle Chiesi, a trader who worked for another hedge fund, passed on tips from her own insiders. “I'm dead if this leaks. I really am and my career is over,” she once said.

Suspicious trading activity can lead to SEC investigations and civil fines. Indeed, it was a massive SEC inquiry that put the FBI on Rajaratnam's trail. But convicting someone of a crime is something else again. Convicting someone of insider trading requires proof beyond a reasonable doubt that they purposefully stacked the deck, making admissions such as Chiesi's crucial. After all, there's nothing wrong in playing the market like it's a racetrack, relying on sheer luck and a filly's (or a stock's) past performance. So how did the Feds manage to put the bracelets on Rajaratnam and his cohort? By using, for the first time ever, the same tool that's been so successful against organized crime: the wiretap.

A wiretap is an electronic interception where *neither* party to a communication has given consent to be monitored. (Wiring up informers or undercover agents is not wiretapping, since they are a “party” to the communication and obviously gave consent.)

Feds who want to wiretap must satisfy a District Court judge of several things. There must be probable cause to believe that someone committed an [enumerated crime](#). [Wiretapping must also be a last resort](#), meaning that “normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous.”

Rajaratnam and Chiesi are pending trial. They have objected to the wiretaps on several grounds, among them government misconduct. A Federal judge half-agreed but still [allowed the intercepts to come in](#) as evidence. We'll leave arguments about the affidavit for another time. Here we're interested in how the FBI's case came together.

Rajaratnam was wiretapped first. [Probable cause](#) for his interception came from Roomy Khan, a “cooperating witness” who was one of Rajaratnam's insiders. This wasn't her first go-round. In 2001 she had secretly pled guilty to passing Rajaratman information from her then-employer, Intel. Khan agreed to cooperate and her case was sealed. Unfortunately, the FBI's investigation stalled, probably because the events of 9/11 [shifted the agency's focus to counter-terrorism](#). Six years later the SEC alerted the FBI that Khan and Rajaratman were at it again. Agents confronted Khan, who folded and agreed to cooperate (she has pled guilty and is angling for a reduced sentence.) Her subsequent phone calls to Rajaratman yielded many golden admissions, for example, that “he knew someone ‘very good’ at Broadcom who could give him ‘the numbers.’”

There were three wiretaps on Chiesi. Probable cause was based on information discovered during the Rajaratnam intercepts. Unfortunately, the contents of the tapes are under seal, so what she actually did is unknown.

Fast-forward to November 26 and the [arrest of Don Chu](#). His employer, Primary Global Research, is an “advisory firm” that hooks up traders at hedge funds with persons who are experts about various industries.

Of course, being an “advisor” can provide excellent cover for passing on insider information. A [Federal complaint](#) says that's exactly what happened. Prosecutors accuse Chu of running a stable of “experts” who supply insider information about their employers. It was all going swimmingly until the FBI flipped one of the traders who was buying Chu's services. His name is Richard Lee.

For months everything that transpired between Chu and Lee was literally “on the record.” FBI agent B.J. Kang (the same one who brought down Rajaratman) taped Chu providing insider information about two major technology companies, Broadcom and Atheros. Chu was afraid of the SEC, so he looked for company insiders in Asia, “where

nobody cares.” One of his best was employed by Broadcom in Taiwan. Listed as a “consultant” on the books of Primary Global Research (and designated “CC-1” in the Federal complaint), the tipster was paid more than \$200,000 between 2008-2010.

Now here’s the rest of the story. Richard Lee, the “cooperating witness” who brought down Chu, was one of fourteen traders and employees who pled guilty during the Rajaratnam investigation. Plea agreements invariably require that defendants play ball. Not counting Khan, that leaves a dozen additional “cooperating witnesses.” Did they also wear wires and make recorded phone calls for agent Kang and his colleagues? With word out that as many as *fifty* hedge funds are under investigation for insider trading, we’ll soon find out.

Posted 11/23/20

FIX THOSE NEIGHBORHOODS!

Creating safe places calls for a comprehensive, organic approach



For Police Issues by Julius (Jay) Wachtel. While campaigning in Charlotte four years ago, candidate Trump promised that he would place the nation's impoverished communities on the path to prosperity with major investments in infrastructure, job development and education. He would also fight the disorder that bedevils poor areas and [assure that justice was dispensed equally to all](#). While some Black voices were skeptical about the sincerity of Trump's "New Deal for Black America," others applauded his apparent enthusiasm for reform. Even after eight years of Democratic rule, poverty and crime still beset the inner cities. So give him a chance!

And for a single term, America did. According to the [Fed's most recent \(2019\) survey](#), the economy performed well, with the gross domestic product going up unemployment going down. And until the ravages of the pandemic and urban disorder, violence was also on the way down. According to [FBI figures](#), the violent crime rate dropped one percent during 2018-2019 and property crime fell four and one-half percent.

Yet not everyone benefited. As the Fed noted, income distribution has hardly budged in the last three decades, with the top one-third enjoying about a third of the nation's wealth while the bottom half seems consigned to a measly two percent. [Federal crime statistics](#) demonstrate marked disparities as to place. Detroit closed out 2015 with 295 murders; New York City had 319. Once their populations are taken into account, the Motor City's homicide rate – 43.8 per 100,000 pop. – was *more than ten times* the Big Apple's measly 4.1. Four years later the results proved much the same, with Detroit's 492 murders yielding a 41.4 rate while New York City's 319 homicides delivered a far gentler 3.8, even better than the nation's 5.0.

Considering New York City's seemingly benign crime numbers it seems to make perfect sense that Mayor Bill de Blasio calls it the "[safest big city in America](#)." Only

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problem is, “New York City” is a place name. People live, work and play in *neighborhoods*. And during a career fighting crime, and another trying to figure out where it comes from, your blogger discovered that focusing on tangible places can prove illuminating in ways that yakking about wholes obscures.

Politicians know that. Mayor de Blasio counts on a profusion of prosperous neighborhoods to produce low citywide crime numbers. Consider the Upper East Side. With a population of 220,000 and a poverty rate of only 7.2 percent (versus the city’s twenty), [its police precinct, the 19th.](#), posted zero murders in 2017, one in 2018, and zero again in 2019. And while 2020 has supposedly brought everyone major grief crime-wise, as of November 15 [the 19th. has recorded just one killing](#).

Contrast that with the Big Apple’s downtrodden Brownsville district. Burdened with a 29.4 percent poverty rate, its 86,000 residents have historically endured an abysmal level of violence. Brownsville’s police precinct, the 73rd., logged nine murders in 2017, thirteen in 2018 and eleven in 2019. That produced a murder rate (per 100,000 pop.) *more than three times* New York City’s overall rate and about *thirteen times* that of the Upper East Side. Then consider what happened this year. As of November 15 [the poverty-stricken 73rd.](#) logged an astounding 25 murders, *more than twice* its merely deplorable 2019 figure.

Murders - NYPD precincts								
Pct.	Pop.	Pov. %	2018	Rate	2019	Rate	2020	Rate
19th.	220,000	7.2	1	0.5	0	0	1	0.5
73rd.	86,000	29.4	13	15.1	11	12.8	25	29.1

Upper East Siders managed to shake off the pandemic and George Floyd. Clearly not the Brownsvillians. Note to Hizzoner: they’re both your denizens.

Switch shores. Los Angeles Police Department’s West Los Angeles station serves an affluent area of 228,000 inhabitants. [Its primary ZIP, 90025](#), boasts a poverty rate of 11.25 percent. West L.A. Division reported two murders between January 1 and November 14, 2018, one between those dates in 2019, and four this year. In comparison, the 77th. Street station tends to a score of impoverished neighborhoods. [Its primary Zip code, 90003](#), suffers from a poverty rate of 30.7 percent. Although the 77th. serves a substantially smaller population of about 175,000, it endured far, far more murders ([39](#),

35 and 48) than West L.A. Division during the same periods. And while murder did increase in both areas between 2019 and 2020, check out the leap in the 77th.

Murders - LAPD stations								
Area	Pop.	Pov. %	2018	Rate	2019	Rate	2020	Rate
West L.A.	228,000	11.3	2	0.9	1	0.4	4	1.8
77th. St.	175,000	30.7	39	22.3	35	20	48	27.4

Indeed, things in the poor parts of L.A. have deteriorated so markedly this year that four killings last night in South Los Angeles [caused the city to reach that 300-murder milestone](#) it successfully avoided for a decade. Shades of Brownsville!

So, crime-wise, is there really a “New York City”? An “L.A.”? During the last decade posts in our [“Neighborhoods”](#) special section reported similar disparities within cities across the U.S. For example, consider Minneapolis, that usually tranquil place where the death at the hands of police of [Mr. George Floyd](#) set off national waves of protest that have yet to subside. Coding its eighty-five neighborhoods for violent crimes per 100,000 pop., [we recently compared](#) the four least violent (mean rate 0.7) with the four most brutish (mean rate 35.6). That exposed a huge disparity in mean family income: \$106,347 for the calm areas, \$45,678 in the not-so-peaceful.

So is there only one Minneapolis? No more so than one Portland! Our national capital of dissent has at least 87 neighborhoods. [Comparing the ten neighborhoods](#) with the lowest violence rates (mean=1.5) against the ten with the highest (mean=9.0) revealed that only nine percent of the former were in poverty versus 21.4 percent of the latter. Ditto Baltimore, South Bend, Chicago and elsewhere. (Click [here](#), [here](#) and [here](#).)

It’s hardly a secret that poverty and violence are locked in an embrace. Years ago your blogger and his ATF colleagues discreetly trailed along as traffickers hauled freshly-bought handguns into distressed neighborhoods for resale to local peddlers. Alas, a gun from one of the loads we missed was used to murder a police officer. That tragedy, which haunts me to this day, furnished the inspiration for [“Sources of Crime Guns in Los Angeles, California,”](#) a journal article I wrote while transitioning into academia.

Alas, when yours truly arrived on campus, he found that the criminal justice community was not much interested in neighborhoods. That lack of concern has apparently continued. But ignoring place can easily lead us astray. [A recent study](#) of Chicago’s move to facilitate pre-trial release approvingly notes that defendants let go

after the relaxation were no more apt to reoffend (17 percent) than those released under the older guidelines. To be sure, more crimes *did* happen. ([A news account](#) estimated 200-300 more per year.) But as the authors emphasized, a six-month increase in releases from 8,700 under the old guidelines to 9,200 under the new (5.7 percent) didn't significantly affect crime citywide. Given Chicagoland's formidable crime problem, that's hardly surprising. But set the whole aside. What about the poverty-stricken Chicago neighborhoods where most releasees inevitably wind up? Did *their* residents notice a change? Was it for the better or worse?

Yet no matter how well it's done, policing is clearly not the ultimate solution. Preventing violence is a task for society. As we've repeatedly pitched, a concerted effort to provide poverty-stricken individuals and families with child care, tutoring, educational opportunities, language skills, job training, summer jobs, apprenticeships, health services and – yes – adequate housing could yield vast benefits.

That notion, which the [Urban Institute](#) and others have long championed, is nothing new. And while there are some promising nonprofit initiatives – say, [Habitat for Humanity's neighborhood revitalization program](#) – most efforts at urban renewal focus on rehabilitating physical space and helping industries and businesses grow. In today's [Washington Post](#), mayors representing cities in Pennsylvania, Ohio, West Virginia and Kentucky peddled a “Marshall Plan” for Middle America that would create jobs through major investments in renewable power. While that could ostensibly yield great benefits, it hardly addresses the needs of the scores of unskilled, under-educated, poorly-served denizens of our inner cities. That, however, is the goal of [Jobs-Plus](#), a long-standing HUD program that offers employment and educational services to the residents of public housing in designated areas. Its budget? A measly \$15 million. Nationwide.

Meanwhile impoverished communities continue to reel from crime and disorder. So here's a hint for Mr. Biden, who absent a coup, will assume the throne in January. Your predecessor talked up a good idea. Alas, it was just that: “talk.” America urgently needs to invest in its impoverished neighborhoods. A comprehensive “Marshall Plan” that would raise the educational and skill levels and improve the job prospects, lives and health of the inhabitants of these chronically distressed places seems the logical place to start.

Posted 3/19/25

FOREWARNED IS FOREARMED

Killings of police officers seem inevitable. What might help?



For Police Issues by Julius (Jay) Wachtel. Let's begin with a slightly edited extract from [Police Chief Paul Neudigate's account](#) of the tragedy that befell his agency and the greater Virginia Beach community on Friday evening, February 21, 2025:



...Last night officers Girvin and Reese...observed a blue Hyundai Sonata with an expired plate. They attempted to stop this vehicle [but] the vehicle failed to yield. They followed the vehicle...It came to a stop at the dead end of Silven Court. Both officers approached the vehicle. The male driver was immediately argumentative [and] refused to exit...They made numerous requests for him to exit. At some point he complied [and] stepped out...Almost immediately there was a tussle...While that tussle was occurring this individual pulled a pistol from his pocket and immediately shot both officers...Those officers fell to the ground. While [they lay] on the ground defenseless he shot them each a second time....

Our lead graphic depicts the late Virginia Beach police officers Cameron Girvin (left photo) and Christopher Reese (right photo). They're the heroes. As for their assailant, 41-year old local resident John Lee McCoy III, he entered a nearby shed [and committed suicide](#).

Both officers were relative newcomers to the force. Officer Reese, a former Sheriff's deputy, was hired in 2022, and Officer Girvin joined the agency in 2020. Neither one knew McCoy. Neither had they been alerted that the man they stopped for a traffic

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infraction had a history of violence and gun misuse. Here's the criminal record we assembled from Virginia State and Federal Court websites:

Court	Offense Date	Filed Date	Charges	Disposition		
				Date	Action	Sent.
Chesapeake	5/6/02	11/6/02	Unlawful wounding	12/9/02	Pled guilty	12 mos. Prob.
VA Beach	8/20/07	12/17/07	Fel. destroy property	6/18/08	Acquitted	
VA Beach	11/26/07	12/17/07	Fel. fail to appear	6/18/08	Not prosecuted	
US District	2003-09	4/2/09	Conspire to Distribute & possess drugs	1/28/10	Pled guilty	6 yrs. prison
			Use, carry & possess gun	1/28/10	Pled guilty	5 yrs. prison
			Discharge gun	1/28/10	Dismissed	

Note that 2002 "unlawful wounding," a felony offense that [Virginia law](#) defines as "shooting, stabbing, etc., with intent to maim, kill, etc." That episode ended with a misdemeanor plea (case no. CR 02003662.) It was followed, five years later, by a property destruction charge, of which he was acquitted. Two years later came the Feds. On January 28, 2010 John Lee McCoy III, aka "J-Mac" and "T-Mac", then a youthful 26, pled guilty in Norfolk, Virginia Federal Court to drug and gun violations. Here's an outtake from the judgment:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>
T.21, USC, Section 846	Conspiracy to distribute and possess with intent to distribute cocaine, heroin, cocaine base, and marijuana; Use communication facilities to cause, commit, and facilitate felony violations of the Controlled Substances Act; and Open, lease, rent, use, and maintain places for the purposes of manufacturing, distributing, and using controlled substances	Felony
T.18, USC, Sections 924(c)(1)(A) and 2	Using and carrying a firearm during and in relation to a drug trafficking crime	Felony

According to the record, since 2003 McCoy and his brother had participated in a long-term, wide-ranging drug trafficking enterprise that distributed large quantities of cocaine, marijuana and heroin. A "Statement of Facts" filed in support of his guilty plea

to the Federal charges, *which McCoy endorsed as correct*, sets out a disturbing history of gun use (and misuse):

- In 2005 McCoy bought a .357 cal. revolver and paid for a shooting range membership. He then applied for a CCW permit.
- In 2006 McCoy “shot a man in the face and neck” as payback for a “burglary” (actually, a theft of drugs) from his brother’s residence. Best we can tell, this episode, [which drew coverage in the local media](#) and supposedly led to a warrant for “aggravated malicious wounding” was apparently never prosecuted.
- In March 2009 McCoy bought a 12-gauge shotgun and a .45 caliber pistol. He was packing that pistol when arrested one month later on Federal charges. A search of his residence turned up a 12 gauge shotgun, another .45 caliber pistol with an obliterated serial number, a .38 caliber revolver, and \$4,500 in cash.

McCoy’s run-in with the Feds landed him in prison. He drew eleven years – six for distributing drugs and five for being armed – to be followed by five years of supervised release. But McCoy got a couple of breaks. He was paroled in December 2017 after serving eight years. Two years later, in November 2019, his supervising agent certified that McCoy “has complied with the rules and regulations of supervised release and is no longer in need of supervision.” Three years before his term of supervision was set to end, the 44-year old ex-con was a completely “free” man.

His final encounter came about five years later.



A few hours after the murder of officers Girvin and Reese [a like tragedy befell a small Pennsylvania community](#). On Saturday morning, February 22, 2025 a gunman took

hostages in a hospital ICU, then opened fire when West York Borough police officers arrived. Officer Andrew Duarte (pictured above) was killed, and two other officers and three hospital workers were wounded. Diogenes Archangel-Ortiz, the 49-year old gunman, was shot dead.

What brought him to the hospital? After learning that the woman he loved “was gone,” Archangel-Ortiz apparently [intended to confront the staff members](#) who had “failed” him. According to a former girlfriend, the bad news had landed in the lap of a chronically depressed man. And according to York County criminal records, one who was physically aggressive as well. Here’s the summary we compiled from the [York County Court portal](#):

Offense date	Charge	Action	Sentence	Date
3/17/07	Leave scene of accident	Pled guilty	3-12 mos. jail	4/24/08
3/26/08	Simple assault	Pled guilty	10-23 mos. jail	12/15/08
	Parole viol	Confined	421 days	12/26/12
	Parole viol	Confined	263 days	10/30/13
10/16/16	Physical harassment	Pled guilty	Unk.	Unk.
	Contempt of Court	Probation	6 mos.	10/28/16
	Contempt of Court	Confined	3-6 mos.	3/22/17

Archangel-Ortiz had been prosecuted for three crimes: leaving the scene of an accident, simple assault, and physical harassment. He pled guilty to each, then repeatedly failed to comply with his conditions of release. His most recent criminal charge, “physical harassment,” apparently stemmed from [an incident in which he struck a woman](#) – we assume, the former girlfriend – with a wine glass, and the contempt charges reflect his failure to obey a restraining order that was intended to keep him away.

McCoy and Archangel-Ortiz were coming from different “places.” McCoy, a convicted felon, was probably anxious about being caught with a gun, as that would likely lead to his re-imprisonment. On the other hand, Archangel-Ortiz was acting out his inner demons, and the officers got in the way.

Might these tragic outcomes have been avoided?

Despite decades of strategizing and rule-making (see, for example, “[A Not-So-Magnificent Obsession](#)”) there are few real preventives for situations such as those faced

by the officers who responded to the hospital. Tactical units have to be assembled, and given the immediate, lethal threat that Archangel-Ortiz posed, that highly vaunted “de-escalation” approach (we wrote about it [here](#)) may have been out of reach.

On the other hand, there seemed to be no pressing need to stop the car in Virginia Beach. Post-Floyd pressures to keep cops from needlessly tangling with citizens have led many agencies to prohibit traffic stops for pretextual reasons or for minor transgressions such as expired tags. Here, for example, is [LAPD’s policy](#), dated March 9, 2022:



Use of Traffic/Pedestrian Stops - General. Traffic or pedestrian stops made for the sole purpose of enforcing the Vehicle Code or other codes are intended to protect public safety. Therefore, officers should make stops for minor equipment violations or other infractions only when the officer believes that such a violation or infraction

significantly interferes with public safety.

Yet there *is* a trade-off. Not stopping McCoy would have allowed an ex-con who had once shot someone “in the face and neck” to keep packing (and misusing) a gun.

Back to square one. Is there a way to enhance officer safety during self-initiated encounters (i.e., Virginia Beach) *and* dispatched calls (i.e., West York)? Perhaps. [Artificial intelligence \(AI\)](#) has promised to revolutionize policing. While we think its potential is overblown – and that its risks *are* real – A.I. is being used to develop place-based crime solutions, generate investigative leads, [and even dispatch non-emergency calls](#) using “chatbots.” So let’s extend that vision. Might things have turned out differently had dispatchers been able to instantly scan consumer, motor vehicle and criminal databases and compare the results? Once alerted that McCoy and Archangel-Ortiz likely had serious criminal records, the officers would have probably called in additional units and handled the encounters in a more cautious, tactical fashion.



As it turns out, that capability could have prevented a like, tragic outcome *on the very next day*. After we finished writing the original piece we learned that on February 23, 2025 Hinds County, Mississippi Deputy Sergeant Martin Shields, Jr. (pictured above) was shot and killed while responding to a domestic disturbance. According to the [Officer Down Memorial Page](#), a 42-year old man with a “lengthy criminal history” (reportedly, *seven* felony and *eighteen* misdemeanor arrests) opened fire when the deputy arrived. Eric Brown also shot and wounded his wife and another woman when they tried to flee, [then committed suicide](#).

Full stop. In “[Our Never Ending American Tragedy](#)” we emphasized that lawmaking was *not* the ultimate solution. As firearms continue flooding the streets – we’re now beset with unserialized “ghost” guns – policing has become increasingly risky. Indeed, firearm mortality rates for most U.S. States [are reportedly similar](#) to those of countries “experiencing active conflict.” So forewarning officers about the criminal records of their antagonists seems an obvious step. Yes, the tip-offs could be incorrect. Yes, officers might over-react. But other than simply pulling cops back, it’s really all we have left.

Posted 9/10/11

FORTY YEARS AFTER KANSAS CITY

Specialized teams may be dandy, but patrol still counts

By Julius (Jay) Wachtel. Nearly forty years have passed since a notable (some would say, *notorious*) experiment in Kansas City shook the foundations of American policing, bringing into question its organizing principle and laying the groundwork for a flood of empirical research into strategies of deployment.

In 1972 then-Chief Clarence Kelley (he would soon leave to head the FBI) invited George Kelling and his colleagues at the Police Foundation to use his department to test the proposition that routine patrol prevents crime. In what became known as the [Kansas City Preventive Patrol Experiment](#) (PPE), fifteen patrol areas were divided into five sets of three demographically similar beats, with each assigned one of three dosages (no change, more patrol, less patrol).

There's never been any question that policing deters crime. One need only to turn to such naturalistic "experiments" as the police strikes in [Boston](#) and [Montreal](#), the [New York City blackouts](#) and the destruction and looting that accompany mass disorders to see what takes place when hooligans think that they can rampage unmolested.

Wherever the threshold of general deterrence may lie, it's likely to depend in large part on two factors: the visibility of police and their perceived effectiveness. Patrol officers play a key role. When not responding to calls for service they're expected to brace suspicious characters, check out crime hot spots, help detectives solve crimes, effect on-view arrests, look for fugitives, corral misbehaving probationers and parolees, and so on.

According to the PPE report, that's exactly how Kansas City cops went about doing their jobs. Naturally, one would think that all this activity had great deterrent value. But one would be wrong. When outcomes were measured one year later, the crime rates in "proactive" beats (more patrol), "reactive" beats (no patrol) and the single-car "control" beats (no change) were about the same. Ergo, patrol dosage didn't matter.

Not so fast, said the critics. Researchers openly conceded that differences in dosage had been attenuated by factors outside their control. Some officers didn't obey experimental protocols. Patrol cars frequently crossed into other areas while running back-ups and responding to calls. Although the report's authors didn't think that the

contamination was of sufficient magnitude to affect their findings, several academics, most notably [Richard Larson](#), disagreed. His objection, that patrol dosages didn't vary to the extent required to adequately test the hypothesis, is supported by the fact that arrest rates were about the same regardless of dosage, a curious outcome indeed.

So far there's been no attempt to replicate the PPE. Turning the messy environment of patrol into a laboratory is apparently more challenging than it seems. In "[Policing for Crime Prevention](#)" (DOJ, 1998) Professor Larry Sherman reviewed the very sketchy literature on random patrol and concluded that evidence in its favor was virtually non-existent. On the other hand, considerable evidence had accumulated that focused enforcement efforts such as directed patrol and hot-spot policing could reduce crime and violence.

Ten years later an analysis by [Dr. Anthony Braga](#) concluded that hot-spot policing held a lot of promise. An [anti-gun campaign in high crime areas](#) of Kansas City took weapons off the street and reduced armed violence. [A hot-spot program](#) in Jersey City slashed prostitution and drug offending without incurring substantial displacement effects; even better, improvements persisted even after police withdrew.

Few such projects are conducted under anything that resembles controlled conditions, so interpreting their outcomes is often a guessing game. In 2009 the [Philadelphia Foot Patrol Experiment](#), by Dr. Jerry Ratcliffe and his colleagues at Temple University, rose above the crowd by returning to the gold standard of scientific research – an experiment. From all appearances they seem to have done a far better job of it than the PPE.

During a three-month summer period pairs of new police academy graduates were assigned to sixty walking beats. Each was matched to a control area with similar rates of violent crime. Officers were essentially left to craft their own strategies. Some worked to develop relationships with residents and merchants, while others focused spent their time watching for possible offenders.

At project's end researchers compared the crime counts. After accounting for a displacement effect there were 53 fewer violent crimes overall in the experimental area, about one less violent crime per beat and a 23 percent improvement over the control area. Statistically significant gains were demonstrated by experimental beats whose pre-intervention violent crime counts were in the upper forty percent, with the most violent areas reaping the greatest benefits. (The statistical significance of the difference between pre- and post- intervention violent crime counts was .05 for beats with pre-intervention scores in the 60th. percentile, and <.001 for those in the ninetieth percentile.) Proactive

policing rose sharply. As might be expected, the largest gain, 64 percent, was in pedestrian stops. Arrests also increased, but at a substantially lower rate (13 percent.)

Philly's fling lasted three months. But it's still experimenting. Using funds from NIJ's "[Smart Policing Initiative](#)," which supports promising, evidence-based crime-fighting strategies, [PPD is testing different approaches at eighty "micro-sites,"](#) 20 with foot patrols, 20 problem-solving, 20 targeting chronic offenders, and 20 controls.

Indications are that hot-spot and similar approaches can help, especially when crime problems are well-defined and relatively contained and treatment dosages are substantial. (For news clips about recent efforts, including their pros and cons, click [here](#)). Still, at a time when shrinking resources make lengthy delays in police response the norm, some agencies have been returning officers to patrol. It's happening in Chicago, whose new chief [Garry McCarthy](#) disbanded specialized crime-fighting teams to help make good on the mayor's promise to put 1,000 more cops on patrol. Meanwhile the new chief at [San Diego PD](#) has dismantled long-standing community and problem-oriented initiatives. With eighty percent of patrol time taken up by emergency response, he insists that his hands are tied.

In America most policing is locally funded, so staffing and deployment varies. Yet as the economy continues to reel the future of specialized units seems cloudy. With no relief on the horizon, it may be worthwhile to study how best to integrate hot-spot policing and other crime-fighting strategies into the patrol function, which is after all the basic mechanism for delivering police services in the U.S. It may be the time to stop letting the cart lead the horse.

Posted 2/18/11

HAVING YOUR CAKE, AND EATING IT TOO!

Two noted economists say we can reduce imprisonment and crime. But what kind of crime?

By Julius (Jay) Wachtel. In these days of shrinking budgets who wouldn't want to take a bite out of crime while reducing prison populations at the same time? Think it's a pipe dream? In "[Imprisonment and Crime: Can Both be Reduced?](#)", the lead article in the February 2011 issue of *Criminology & Public Policy*, economists Steven Durlaf and Daniel Nagin argue that old-fashioned deterrence, if done right, can minimize the need to punish and incarcerate and save bucketfuls of cash along the way.

What "done right" means we'll get to later. First let's look at deterrence. Criminologists claim that punishment can deter two ways, by the *severity* of sanctions, and by the *certainty* that they will be imposed. Durlaf and Nagin are skeptical about severity. For one thing, criminals aren't particularly known for their long-range thinking. For another, three-strikes and "truth in sentencing" laws have already cranked up sentence lengths to stratospheric heights. Even if severity deters, additional increases in sentence length would yield only marginal benefits.

On the other hand, they suggest that there's plenty of room left to tweak certainty. Who's best to do it, and at the least cost? It's not corrections. To be sure, offenders can be sent back to prison should they violate the terms of their release. Hawaii's [Project HOPE](#), which gets a lot of favorable mention in the article, discourages probationers from crossing the line by promptly jailing them for a few days whenever they goof. But such programs are expensive and only affect persons already in the system. What Durlaf and Nagin are angling for is a way to scare potential offenders straight without laying a hand on them. How to do it? Let's let them say it:

If one takes the total resources devoted to crime prevention as fixed, then our conclusions about the marginal deterrent effects of certainty and severity suggest that crime prevention would be enhanced by shifting resources from imprisonment to policing.

Durlaf and Nagin dismiss the deterrent effects of regular patrol and detective work. Instead, they suggest that the answer lies in targeted law enforcement. They seem particularly fond of [hot-spot policing](#), mentioning several studies that found it reduced crime without incurring displacement costs. They also support efforts that target

offenders. Among the examples cited are Boston's Project Ceasefire and Project Exile, which used Federal laws to impose harsh sentences on criminal gun possessors. Durlaf and Nagin admit that the evidence about targeted strategies isn't conclusive, and that the observed effects are uneven, but they're nonetheless convinced that these approaches can deter offenders without making it necessary to process them in the first place. (Click [here](#) for a posting about hot-spots. Click [here](#) for a posting that summarizes studies of Ceasefire and Exile.)

We've argued in these pages that police count, so quarreling with academics who agree that cops are important might seem small-minded. But before one guzzles the Kool-Aid of harsh policing there are many concerns to sort through. Considering the criticality of police-community relations, it might seem paradoxical to enthusiastically endorse aggressive practices, which have in fact become *de rigueur* in many communities during recent years. In passing, Durlaf and Nagin concede that harsh strategies such as stop-and-frisk can create citizen blowback. As those of us old enough to be retired from law enforcement well know, aggressive cops have also provoked riots. (For a discussion of New York City's stop-and-frisk campaign click [here](#). For accounts and news links to intensive policing projects around the U.S. click [here](#).)

That's not to say that there's no place for hard-nosed policing. Surveillance and undercover work has been used to address open-air drug and sex markets for decades, usually at minimum inconvenience to the law-abiding. Such efforts, which continue under the rubric of [problem-oriented and hot-spot policing](#), can clearly drive down offending, at least while cops are watching. Yet there's little or no evidence that these strategies offer a beneficial collateral effect on assaultive crimes. Admitting as much, [Sacramento police](#) are set to test the idea of using hot-spots, not to counter violence per se but to reduce the number of routine calls for service. That, in turn, should supposedly give officers more time to devote to serious crime. Of course, whether such an indirect approach can produce results is open to question.

Looking to hot-spots and the like to deter violence may be unwise. Many, perhaps most shootings and killings aren't resolved until detectives process crime scenes, interview witnesses and conduct follow-up investigations. Indeed, a proven way to boost homicide clearances is to increase, even temporarily, the number of investigators. If it's true, as Durlaf and Nagin insist, that deterrence is best served by certainty of arrest, one can hardly think of a better way to deter violence than to deploy more detectives.

A time-tested approach to preventing violence is to target violent people. In [Project Exile](#), police and Federal agents identified convicted felons who carried guns, the goal being to send them to prison for prolonged periods, under the reasonable assumption

that they would otherwise be committing serious crimes. A well-regarded evaluation concluded that the program reduced violent crime. But such projects go against the grain of Durlaf and Nagin's approach. Determined at the outset to "restrict our attention to changes in sanction policy that have the potential to reduce both imprisonment and crime," they explicitly reject the most straightforward preventive tool in the criminal justice arsenal:

...we note that our analysis does not address incapacitation effects, which constitute a logically independent way of reducing crime from deterrence. We recognize that the possibility that incapacitation effects are large represents a potential challenge to our objective of reducing crime and imprisonment....

Durlaf and Nagin expend pages of effort to rebut evidence that three-strikes and truth-in-sentencing laws reduce crime. (For a previous posting on point click [here](#).) We'll leave that quarrel for econometricians. It's not that the authors claim that incapacitation has no value. Their objections are more nuanced. Imprisonment has reached its maximum form, so its potential to further improve things is at its limit. Incarceration makes offenders worse off. It's difficult to predict who ought to be incapacitated, and for how long. Indications that it reduces crime can't be trusted, as many other variables are at work. (Of course, that's also true for deterrence.) And so on.

One would have more confidence in the authors' conclusions had they analyzed the effects of incapacitation rather than merely taken shots at studies that conclude it works. Durlaf and Nagin's skepticism about the benefits of imprisonment is evidenced by their concern about its criminogenic effects. Apparently, they're unconcerned about the criminogenic effects of leaving a criminal free to ply his trade. Really, where does more learning take place – in prison or on the street?

In the next few weeks we'll be parsing sixteen reaction essays to "Imprisonment and Crime." We'll also be examining two recently-released reports on criminal justice policy, one by the [Smart on Crime Coalition](#), which addresses a variety of punishment-related topics, and another by the [Justice Reinvestment Project](#), which suggests risk-assessment and supervision practices that purportedly reduce imprisonment and recidivism.

Stay tuned!

Posted 9/13/09

HIDDEN IN PLAIN SIGHT

The unintended consequences of sloppy policing

By Julius Wachtel, (c) 2010

In 2006 a 911 caller reported that women and girls were “living in squalor” in the rear yard of a home in Antioch (Calif.) [A deputy contacted the homeowner](#) and warned him that living outdoors in a residential area was a code violation. According to the complainant, the officer explained that he didn’t go inside or enter the yard because that would require a search warrant. He then left.

Two years later [Phillip Garrido](#) went to the UC Berkeley P.D. to apply for a permit to hold a religious event on campus. He was accompanied by two teens he introduced as his daughters. Worried about their “robotic” behavior and washed-out appearance, an officer asked Garrido to return the next day. Meanwhile she punched his name and birthdate into the computer. Bingo! The 58-year old man was on life parole for kidnapping and rape. He had spent eleven years behind bars.

Called by the cops, a stunned parole agent said no, Garrido didn’t have any children. Why were they asking?

It turns out the [11 and 15-year old girls](#) who were with Garrido were indeed his, fathered with a woman whom he snatched eighteen years earlier in Placerville, a town about two hours’ drive away. Then only eleven, the girl was grabbed at a bus stop outside her home as her horrified stepfather looked on. For the next eighteen years she and the two daughters she would bear lived in a ramshackle arrangement of tents and lean-to’s behind the house that Garrido and his wife Nancy shared.

On September 4, 2009 San Bernardino (Calif.) police went to the group home where [Trevor Castro](#) lived to arrest him on a drunk driving warrant. After six months of being held captive in the squalid facility the 23-year old developmentally disabled youth was delighted to be handcuffed. After what he had experienced going to a *real* jail would be a pleasure.

Once inside officers were horrified by what they saw and smelled. Nearly two dozen elderly and mentally ill persons were living in modified chicken coops with no running

water, using buckets as latrines. Running away was impossible, as the compound was encircled by a block fence topped with razor wire. Physical beatings were common.

The home's operator had a history of run-ins with the authorities. Police arrested her on sixteen felony counts of elder abuse.

Neighbors applauded the action but wondered why it took so long. Patrol cops frequently responded to disturbances outside the home but always left without going inside, explaining that they couldn't do so without a warrant. Complaints to code enforcement fell on deaf ears.

Doing nothing for lack of a search warrant is a lousy excuse. Inquisitive cops and detectives often probe private space by obtaining the consent of owners or occupants. There are also plenty of other things that can be done. Had the deputy simply run a criminal record check he would have learned that Garrido was on life parole for an offense that made any contact with teens highly irregular. Officers could have searched the property without a warrant or alerted a parole agent.

But the deputy didn't check. Assuming, perhaps, that the complainant was exaggerating, he reportedly spent a half-hour with Garrido, then left. Too bad for Garrido's victims, who wound up doing another two years in captivity before UC cops stepped in. "We are beating ourselves up over this," [said the Sheriff](#). "I'm first in line to offer organizational criticism, offer my apologies to the victims and accept responsibility." (Click [here](#) for a video of the news conference.)

It was much the same story at the group home. Police could have asked to look around from the very start. If refused (an unlikely event) they could have referred matters to regulators. They, in turn, would have quickly discovered what officers would have learned had they bothered to check: *the home was unlicensed*. It could have been shut down and its owner arrested months earlier.

But officers never checked. [Embarrassed city fathers](#) now promise to investigate.

What trips up ordinary cops can also trip up the almighty Feds. Knowledgeable insiders had warned for decades that [Bernard Madoff's](#) investment returns seemed grossly excessive, yet not once did the G-Men (and women) try to confirm that the trades which supposedly yielded the enormous profits *were actually made* (they weren't.) Why bother? Madoff had a sterling reputation; what's more, no Ponzi scheme of that magnitude could possibly exist!

But it did.

When your blogger ran an ATF gun trafficking group in the nineties he was astounded by the thousands of relatively new guns that LAPD recovered each year. [Where did they come from?](#) It turned out that many had been going out the back door of corrupt gun stores. (One such case accounted for 10,000 guns in two years.) It happened, in part, because ATF inspectors didn't compare what dealers said they bought against distributor invoices, enabling crooked licensees to create piles of firearms for illegal resale by the simple expedient of leaving incoming guns off the books.

For police the first step towards recovery is to concede a weakness for jumping to conclusions. Serious crime isn't always apparent, and as cops filter information through their storehouse of experiences and preconceptions it's not surprising that they'll occasionally goof. Fortunately, testing assumptions is often as simple as grabbing a mike, making a phone call and using a keyboard. Taking the trouble to confirm what's "obvious" can keep officers from overlooking the unexpected, like captives living in tents and chicken coops.

Posted 5/16/17

IDEOLOGY TRUMPS REASON

Clashing belief systems challenge criminal justice policymaking

By Julius (Jay) Wachtel. Ideologies – collections of ideas, values and beliefs – are the sociopolitical glue that binds people into a common cause. Of course, there are consequences. Disputes between clashing ideologies have convulsed nations into war. At home, two competing ideologies – liberalism and conservatism – continue their long-running struggle for supremacy. Naturally, each camp trenchantly advances its own vision of justice, including how, when and to whom criminal sanctions should apply.

That split is reflected in the memberships of the [American Society of Criminology \(ASC\)](#) and the [Academy of Criminal Justice Sciences \(ACJS\)](#). With its roots in sociology, ASC has typically attracted so-called “progressive” scholars. In contrast, ACJS, which originated in a field once known as “police science,” enjoys a more practical orientation, and features a website that gives a prominent nod to practitioners. Still, both organizations publish respected scholarly journals and share substantial common ground. Indeed, the disciplines they cover enjoy a lot of overlap, and many academics belong to both groups.

This amity might soon be tested. Days ago the ASC executive board [released an extraordinary statement](#). Its four main points, rendered in boldface, directly challenge the Trump administration’s criminal justice agenda:

- Immigrants do not commit the majority of crime in the United States.
- The proposed travel ban is not empirically justified and targets the wrong countries.
- The U.S. is not in the midst of a national crime wave.
- The U.S. government plays an important role in police reform.

Each statement is followed with a discussion that includes notes to data and scholarship. If that’s too subtle a reminder of the Society’s empirical cred’s (and by implication, the Trump administration’s unscientific approach) one of the closing paragraphs makes the point succinctly:

Recent Presidential executive orders and other administrative decisions are at odds with established evidence in criminology and criminal justice. Crime-control policies should be built on science, and elected officials at all levels of

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government have a responsibility to endorse public policies that are evidence-based and that promote fairness, equality, and justice.

Incidentally, even that dig is footnoted, in this instance to a journal article that challenges the usefulness of deportations in reducing violent crime.

That's not to imply that footnotes are bad. What's disturbing about the discussions is that they seem tailored to support a particular ideological agenda. We'll have more to say about that later. For now let's tackle ASC's views on immigration policy. Here is an abridged version of its position:

Immigrants do not commit the majority of crime in the United States. First, a century's worth of findings on immigration and crime in the U.S. show that immigrant concentration decreases crime at the neighborhood and city levels – also known as the revitalization thesis. That immigration is a protective factor against crime also holds true for individuals; immigrants as a whole are far less likely to commit crimes than non-immigrants.

Indeed, as we skimmed the literature we found considerable support for the notion that immigration [can revitalize neighborhoods](#). Data also consistently indicates that foreign-born immigrants are substantially less likely than native-born persons to break the law. Interestingly, research in Chicago suggests that this effect may weaken over time. Compared to the third generation (parents and children all born in the U.S.), first-generation, foreign-born immigrants were 45 percent less likely to commit an act of violence. For members of the second generation the advantage was reduced to 22 percent.

So what about that third generation? Table 4 in [Undocumented Immigration and Rates of Crime and Imprisonment: Popular Myths and Empirical Realities](#) (Rubén G. Rumbaut, August 2008) reports percent ever-arrested and percent ever-incarcerated for a sample of nearly three-thousand Southern California males, ages 20-39, of known race, ethnicity and generation (condensed version below).

Ethnicity	Gen 1.5 - foreign born, arrived pre-teen		Gen 2 - U.S. born, at least one parent foreign-born		Gen 3 - U.S. born, both parents U.S. born	
	Arrested	Incarc	Arrested	Incarc	Arrested	Incarc
Mexican	22.3	11.9	29.8	20.4	39.6	26.6
White, non-Hispanic					29.4	18.1
Black, non-Hispanic					40.4	27.3

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While relatively low at the start, arrest and incarceration of Hispanics (and most other ethnic groups – see full table) increases dramatically by the third generation. By then between-group differences closely align with the U.S. imprisonment rate ([“Prisoners in 2010,”](#) Table 14.) Whites are least likely and blacks are most likely to be incarcerated, while Hispanics fall between.

Ethnicity	2010 imprisonment rate per 100,000 pop.	
	Male	Female
Hispanic	1258	77
White	459	47
Black	3074	133

This phenomenon, which muddles neat, pro-immigrant conclusions, is no secret in the literature. Of course, to paint a truly illuminating picture would require parsing newcomers by their legal status. Inasmuch as legal immigrants are likely better educated, higher-income and have more job and educational prospects, we suspect that their descendants may also be more law-abiding. Instead, the ASC simply cherry-picked what data supported their views.

Let’s tackle another of the ASC’s targets: the Administration’s focus on violent crime. Here’s an extract from the Executive Board’s comments:

...rates of violent and property crime have been declining in the U.S. for at least a quarter century. Many criminologists have referred to this post-1990s period as “the great crime decline.” It is true that some cities experienced large increases in homicide in 2015, but this is not indicative of a national pattern as homicide rates overall remain significantly below 1990s peaks.

Once again, the ASC’s account misleads. [“Is Crime Up or Down? Well, it Depends”](#) conveys the obvious: whether crime has gone up or down depends on *when* we compare. Nationally, violence has been dropping since the eighties. But it’s still far higher than in 1960. It’s also important to consider *where* one sits. ASC conceded that “some cities experienced large increases in homicide in 2015.” But why leave out 2016? According to [data compiled by FiveThirtyEight](#) lots of hard-hit places got hit again. Killings in Cleveland increased by 20.6 percent; in Oakland, by 22.4 percent. For sheer numbers it’s hard to top Chicago, [which suffered an appalling 747 homicides in 2016](#), a 17.6 percent increase from the merely deplorable 495 murders in 2015. (By the way, it’s logged 213 so far this year.) And don’t even think about comparing America’s numbers to, say, Canada or Great Britain!

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Bottom line: many communities continue suffering from what any reasonable “empirical” person would consider a grotesque level of violence. Regardless of one’s ideological leanings, the numbers alone abundantly justify a vigorous response. For a prestigious criminological association to shrug it off by suggesting that things were once worse (they were once better, too) is, well, appalling. Perhaps one of the ASC’s luminaries might volunteer to move into an impacted neighborhood in, say, Chicago, place a calculator (and flak vest) by their bedside and let us know how it goes.

Bundling notions about complex topical areas such as immigration, violent crime and police use of force into a neat package is what ideologies do. Legal and illegal immigration can (does not!) yield different benefits and costs in the short term and the long. Surges in violence are (are not!) of legitimate concern in many cities. Reducing the use of force may (does not!) require changing a lot more than cops. To succeed at this one must sweep confounding data aside. What supports one’s position is good: what doesn’t is ignored. Incidentally, that’s called “confirmation bias.” We recently touched on that well-known phenomenon [here](#). That it apparently infects the ASC is disheartening.

Our concerns also extend to the Trumpists. Impulsively conceived, poorly designed travel bans, [moves to banish oversight of forensics](#), a return to the draconian drug sentencing policies of the past (click [here](#) and [here](#)), and the championing of aggressive police practices such as “[stop and frisk](#)” and “[broken windows](#)”, whose thoughtless use we’ve repeatedly criticized (click [here](#) and [here](#)) suggest they’re determined to occupy the opposite ideological bench. You know, the one to the (far) right of the ASC.

Meanwhile, as our polarized combatants settle in at their iPhones and greedily snatch at confirmatory morsels while fastidiously ignoring everything else, those who bear the consequences of their decisions are left to wonder: in this brave new data-driven, empirically-based world, is that really all there is?

Posted 7/13/08

INTRUSIONS “HAPPEN,” GOOD POLICE WORK DOESN'T

*Home intrusions by homicidal strangers
may be more common than police imagine*

By Julius Wachtel, (c) 2010

When Patsy Ramsey told officers that she found a ransom note on the stairs that morning, claiming that her daughter had been kidnapped and demanding \$118,000 for her release, eyes rolled. It was the day after Christmas 1996 in Boulder, Colorado. Instead of enjoying the holidays John and Patsy Ramsey were dealing with the abduction of their six-year old daughter, [Jon-Benet](#). Later that day, when a thorough search of the home turned up the child's body in the cellar, they became the prime suspects in her murder.

Within days the D.A. announced that the parents were under an “umbrella of suspicion.” Why? Mostly because the victim was found in her own home and there were no signs of forced entry. (Not that there had to be, as the house had unsecured windows and one unlocked door, but still...) And the \$118,000 mentioned in the note happened to be the exact amount of the bonus that John Ramsey recently received.

For the next three years authorities pressed for the parents' indictment. Finally in 1999 a Grand Jury said no. Police washed their hands of the case. Disgruntled officers left the department. Among them was former detective [Steve Thomas](#), who in 2000 co-authored *In JonBenet: Inside the Ramsey Murder Investigation*, a book that suggested the mother accidentally killed Jon-Benet while disciplining her, then tried to cover it up. (He, his co-author and publisher later settled an \$80 million libel suit filed by the Ramseys.)

His wasn't the first book on the case. One year earlier [Stephen Singular](#) wrote *Presumed Guilty – An Investigation into the JonBenet Ramsey Case, The Media and the Culture of Pornography*. Drawing from his knowledge of the porn industry, he proposed that Jon-Benet's death was an accident that happened while one of her parents -- probably the father -- was having her pose for pornographic pictures.

Finally in 2001 came the parent's book, *The Death of Innocence*, which assembled the profile of an intruder from information gathered by lawyers and private eyes. Intrigued by their work, the new D.A., Mary Keenan, hired retired detective [Lou Smit](#) to take a

fresh look. His opinion? The cruel way in which Jon-Benet was murdered (strangled with a garrote, then bashed on the head) and the presence of male DNA on her underclothes indicated that the crime was committed by a sadistic pedophile who was familiar with the Ramseys and knew about the husband's bonus.

Smit's conclusion -- that it *was* an intruder -- was supported by a recent [announcement](#) that matching DNA has been found in a second location on Jon-Benet's underwear, a place that her attacker would have had to grab to undress her. Although the DNA profile has yet to identify a suspect, it ruled out all family members, so the indefatigable D.A. (now known as Mary Lacy) wrote the family an official apology. John Ramsey was happy to be exonerated. His wife Patsy would have been equally pleased; she died from cancer in 2006.

Boulder police now face restarting the investigation from scratch. All the chief would say is that they'd consider it.

Two years after Jon-Benet's murder a startlingly similar incident took place in Escondido, California. On the morning of January 21, 1998 the body of [Stephanie Crowe](#), 12, was discovered in her room. She had been stabbed to death. There were no signs of forced entry and none of the family members said they heard anything. Four days later police brought in her 14-year old brother, Michael. After a relentless six-hour session he confessed. Police then picked up a friend, Joshua Treadway and gave him even harsher treatment. He not only confessed but implicated a third boy, Aaron Houser. (Houser maintained his innocence throughout.)

But in the Crowe case there *was* another suspect. Hours before the murder Richard Tuite, a 28-year old schizophrenic with a criminal record was reported wandering near the Crowe residence. Police were called but didn't find him. The next day patrol officers encountered Tuite at a laundromat and brought him to the police station. They took his clothes, which seemed stained. Detectives, who had already focused on the boys, pooh-poohed any connection and didn't bother sending anything to the lab.

Six months later a judge threw out all of Crowe's confession and most of Treadway's, ruling that both teens had been coerced. Still, he held the boys for trial as adults. He also ordered, on behalf of the defense, that the items taken from Tuite be examined.

In January 1999, as jury selection for the boy's trial got underway, analysts reported that Tuite's shirt was spattered with Stephanie Crowe's blood. Charges against the boys were dismissed. Tuite's case was taken over by the Sheriff's Department and State

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Attorney General. In May 2003 he was convicted of voluntary manslaughter and sentenced to thirteen years.

How did Tuite get in the residence? Through an open garage and an unlocked laundry room door. (For a detailed account of the Stephanie Crowe case, up to the boys' clearance, click [here](#).)

Now consider the chilling case of [Vicki Wegerle](#).

It was September 16, 1986 in Wichita, Kansas. Bill Wegerle was driving home for lunch when his wife Vicki's car passed him going the opposite direction; strangely, she wasn't at the wheel. Bill Wegerle found her in their house, strangled to death with a nylon stocking.

Police found no sign of forced entry. Wegerle immediately became the prime suspect. Word spread and people started to whisper. Their two children, who had been at school when the crime occurred, were mercilessly harassed by classmates.

Bill Wegerle was never charged, and neither was anyone else. With the investigation stalled, the family's life, made miserable enough by the loss of a wife and mother, was upended for nearly eight years. Then in 2004 a copy of Vicki's driver license and photographs of the crime scene were anonymously mailed to a Wichita newspaper.

One year later police arrested Dennis Rader, the "BTK" killer, a 59-year old married man and church deacon who had brutally murdered ten Wichita-area women between 1974 and 1991. After being out of the limelight for many years Rader had resumed taunting authorities, sending letters and leaving victims' belongings in public places.

Rader's DNA was matched to scrapings from Vicki Wegerle's fingernails. He said that he got in her house by pretending to be a telephone repairman. (For Rader's description of how he murdered Vicki click [here](#).)

It's not just living with someone that can get you in trouble. On August 12, 1989, Warwick, Rhode Island police discovered the body of [Vicki Cushman](#), a single 29-year old woman in her ransacked apartment. She had been choked and her skull was crushed.

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On a table detectives found an unmailed letter she wrote begging her lover to come back. It was addressed to Scott Hornoff, a married Warwick cop.

Hornoff was interviewed. He at first denied the affair, then an hour later admitted it. Detectives believed him and for three years looked elsewhere. Then the Attorney General, worried that Warwick PD was shielding its own, ordered State investigators to take over. They immediately pounced on Hornoff. Their springboard? Nothing was taken; the killing was clearly a case of rage. Only one person in Warwick had a known motive: Hornoff, who didn't want his wife to find out about the affair. And he had initially lied. Case closed!

Hornoff was tried and convicted. His motion for a new trial was rejected. And there it would have ended, except that in November 2002, thirteen years after the murder and six after Hornoff reported to prison, a local man walked into the Warwick police station and confessed. He was Todd Barry, a jilted lover. Providing details that only the killer could have known, he said he broke into his ex-girlfriend's apartment and killed her in a drunken rage. It turned out that Barry's name had been in Vicki Cushman's Rolodex all along.

Hornoff was freed. Barry got thirty years. But nothing's really ended for Hornoff, who is still picking up the pieces of a shattered life.

Stranger-intrusion killings are relatively infrequent. But police don't investigate "overall" -- they look into individual crimes, each of which is unique. Even when it turns out, as in the last example, that the victim and killer knew each other, it's possible to go terribly wrong.

What's the moral? Don't just look where the light shines. And be very, very skeptical about what you think you know. Here's how ex-cop Hornoff puts it: "After what I saw, there could be 10 witnesses to a crime and unless I saw it myself it would be very difficult for me to accuse anybody, and even if I did, that person would have to convince me that they didn't have a twin."

Posted 9/20/14

IT'S AMATEUR HOUR IN THE SOUTHLAND

***Goofs by L.A.-area cops generate unwelcome publicity –
and probably, at least one lawsuit***

By Julius (Jay) Wachtel. There are likely tens of thousands of police-citizen interactions every day, so one would expect a few goofs. But considering recent events, if they awarded Emmys for amateurish policing, two Southland agencies would be in strong contention. And the FBI wouldn't be far behind.

Friday, August 22nd was a gorgeous day in Beverly Hills. With a predicted low in the mid-70s, it promised to be a perfect evening for a pre-Emmy party. Alas, producer Charles Belk, 51, wouldn't make it. After a couple tough hours running a "gifting suite" at a fancy hotel (don't ask), Mr. Belk was lounging around in a presumably equally fancy restaurant when he became concerned about getting a...parking ticket. That's why, about 5:20 pm, he left to check the meter.

His timing was atrocious. Only moments earlier another "tall, bald black man in a green shirt" held up a nearby Citibank. Spotting the shiny-domed Belk, officers must have thought he was manna from heaven. They gleefully pounced, applied handcuffs and sat him on the curb. Belk tried to explain (read his Facebook post [here](#)). He asked the cops to compare his appearance to the bad guy on the bank video. But no one was listening.

Forty-five minutes later, while Belk, the object of a "reasonable suspicion" detention under *Terry*, sat with his hands cuffed behind his back, a witness "positively" identified him as the robber. Ergo – probable cause!

After booking Belk at the Taj Mahal (that's what they call BHPD's stunning headquarters), detectives and the FBI grilled him. Surprisingly, Belk didn't confess. Instead, he kept badgering them to watch the video. As the ordeal reached the six-hour mark, they finally gave in.

Belk was un-arrested a few minutes later. Sorry! Have a nice evening! (He's now considering a lawsuit.)

Incidentally, one of the real robbers, a female, was also arrested. She's been tied to nearly a dozen heists. But her male partner is still on the lam. So if you spot a tall, bald black guy...

LAPD claims that its officers had plenty of justification for detaining starlet Danielle Watts (“Django Unchained”) and her boyfriend, celebrity-chef Brian Lucas, on November 11. According to gossip website TMZ, workers in a Studio City office building observed Watts and Lucas in a parked car, partially undressed and having vigorous sex, and they apparently kept at it even when someone confronted them to complain.

An aggrieved citizen dialed 9-1-1. But by the time officers arrived (presumably, they weren’t dispatched Code 3) Watts and Lucas were no longer in flagrante delicto. LAPD Sergeant Jim Parker, the senior officer on scene, told the Los Angeles Times that he asked the couple for their ID’s. Lucas complied. Watts didn’t.

In retrospect, her recalcitrance isn’t difficult to understand. What if a gossip website found out?

There followed a verbal jousting match between Watts, who stood on her rights as an American to not show ID, and Sgt. Parker, who insisted that she had to because, among other things, there was “probable cause.” Sgt. Parker recorded the encounter and gave the tape to the Times, which posted it online (take that, TMZ!) If you have the stomach, take a listen. It sounds just like a know-it-all older brother bickering with his obnoxious kid sister.

Except that brothers don’t handcuff their sisters and deposit them in the back of a black-and-white when they try to walk away.

Sgt. Parker soon confirmed Watts’ identity, removed the handcuffs (she said they cut her wrist) and released the couple. Really, he had little choice. The frisky stuff happened well before he got there, and cops can’t arrest for misdemeanors such as indecent exposure not committed in their presence. For that they need a warrant, which requires interviewing witnesses and assembling evidence. LAPD has presumably bigger fish to fry. And one cannot imagine a prosecutor going along.

To be sure, these episodes *are* factually different. Yet both began with *Terry* stops that spiraled out of control. Consider, first, the arrest of Charles Belk. A photograph depicts two BHPD officers casually looking on while he sulks on the curb. Either cop could have pulled out a smartphone and within moments confirmed that Mr. Belk was indeed a producer working on Emmy-related events. Five minutes of “investigation” would have verified that he just left a nearby restaurant and that his car was parked nearby.

So, he impulsively decided to rob a bank while on a stroll?

True enough, a witness ID'd Mr. Belk as the robber. But experienced cops know how shaky one-on-one identifications (they're called "showups") can be. When someone who resembles a perpetrator is in police custody, witnesses can feel compelled to say "yes, that's him." Add a cross-racial element, as we assume applies in this case, and it's doubly problematic.

Perhaps the street cops were leaving it to detectives and the FBI, which takes the lead in bank robbery cases, to do the basics. But it doesn't look like the "experts" pulled out their smartphones, either. By the time they decided to test their own judgment the actual perpetrator was long gone. And when he is caught, forget about using the witness who ID'd Mr. Belk.

On the other hand it's hard to develop much sympathy for Danielle Watts. Her evident "it's all about me!" attitude grates. But in this blog we're mostly interested in how police behave. After all, they're the ones who get the big bucks for persuading recalcitrant citizens to voluntarily comply.

And here officers fell seriously short. After being on scene for, say, thirty seconds, they must have realized that no citizen had been harmed (offended, perhaps). The call was indeed a "nothing." Sergeant Parker readily conceded that he only persisted to verify Watts' identity for his paperwork. Why he didn't simply ask her companion, then use a smartphone to confirm, we don't know. We do know, because we listened to the tape, that Sergeant Parker got hooked into a protracted debate and wound up sounding just like his irritating, self-righteous antagonist.

In the end, police gained the upper hand over a slight, small woman by applying handcuffs. Had the situation been handled more artfully, say, with verbal persuasion techniques routinely taught in police academies, officers might have still got the job done *and* made it to lunch on time. If nothing else, one hopes that Sergeant Parker and his colleagues learn some Verbal Judo before they run into a recalcitrant, 250-pound weightlifter on their next "nothing" call.

Posted 10/21/20

L.A. WANTS “CAHOOTS.” BUT *WHICH* “CAHOOTS”?

Some politicians demand that officers keep away from “minor, non-violent” crime



For *Police Issues* by Julius (Jay) Wachtel. “[Ideology Trumps Reason](#)” and “[A Conflicted Mission](#)” blamed ideological quarrels for hobbling America’s ability to regulate its borders and control the pandemic. Here we turn to ideology’s insidious effect on crime control, as politicians capitalize on the social movement inspired by [the death of George Floyd](#) to push half-baked plans that would replace police officers with civilians.

For an example we turn to Los Angeles, where [the City Council recently approved](#) a proposal by its “Ad Hoc Committee on Police Reform” to establish “[an unarmed model of crisis response](#).” As presently written, the measure would dispatch civilian teams instead of cops to “non-violent” 9-1-1 calls that “do not involve serious criminal activity” and have at least one of six “social services components”: mental health, substance abuse, suicide threats, behavioral distress, conflict resolution, and welfare checks.

Approved by unanimous vote on October 14, [the move was endorsed](#) the very next day by none other than...LAPD!

The Los Angeles Police Department fully supports the City Council's actions today to establish responsible alternatives to respond to nonviolent calls that currently fall to the Department to handle. For far too long the men and women of the Department have been asked to respond to calls from our community that would be more effectively addressed by others.

So how does George Floyd fit in? Although he’s not mentioned in the actual motion, Mr. Floyd is prominently featured in [an extensive report](#) prepared by the Council’s legislative analyst:

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Following the nationwide protests over the murder of George Floyd in Minneapolis, calls for a reduced role of law enforcement in nonviolent calls has been reiterated. The need for alternative unarmed models of crisis response has grown out of concerns related to the increased rates of arrest and use of force by law enforcement against individuals dealing with mental illness, persons experiencing homelessness, or persons of color. Armed response has been noted to be incompatible with healthcare needs or the need for other services, including service for the unhoused community.

Analyst Andy Galan isn't out on a limb. On the very day the motion passed, its most prominent signatory, [former council president Herb Wesson, Jr.](#) argued that George Floyd would still be alive and well had civilians handled the situation instead of cops:

Calling the police on George Floyd about an alleged counterfeit \$20 bill ended his life. If he had been met with unarmed, trained specialists for the nonviolent crime he was accused of, George Floyd would be turning 47 years old today. This plan will save lives.

Is he right? Might non-cops have done better? [Here's a partial transcript](#) of the 9-1-1 call:

Caller: Um someone comes our store and give us fake bills and we realize it before he left the store, and we ran back outside, they was sitting on their car. We tell them to give us their phone, put their (inaudible) thing back and everything and he was also drunk and everything and return to give us our cigarettes back and so he can, so he can go home but he doesn't want to do that, and he's sitting on his car cause he is awfully drunk and he's not in control of himself.

Mr. Wesson suggests that Mr. Floyd met all three conditions of the proposed model. His behavior was not (at first) violent. And assuming that stealing cigarettes is no big deal, neither was there any "serious criminal activity." As for that "social service need," the complainant reported that Mr. Floyd was "not in control of himself." Check, check, check.

Alas, it's only after the fact that one often learns "the rest of the story." As a chronic drug user with a [criminal record](#) that includes armed robbery, Mr. Floyd was hardly a good candidate for civilian intervention. Watch [the video](#). His odd, unruly behavior led the first cop with whom he tangled to conclude, probably correctly, that the small-potatoes thief was in the throes of [excited delirium](#). Really, had Mr. Floyd complied instead of fought, that hard-headed senior officer we criticized wouldn't have entered the picture and things could have ended peaceably.

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No, guns and badges aren't always necessary. Yet when a shopkeeper calls and complains they've just been swindled (Mr. Floyd copped some smokes with a fake twenty) and the suspect's still around, dispatching civilians, and only civilians, seems a stretch. Gaining compliance from someone who's been bad isn't always easy. Even "minor" evildoers might have a substantial criminal record. Or maybe a warrant. Seemingly trivial, non-violent offending is potentially fraught with peril, and as your blogger has personally experienced, situations can morph from "minor" to potentially lethal in an instant. At the bottom of our list (though not necessarily in terms of its importance) 9-1-1 callers might feel slighted should they be denied a uniformed police presence.

Considering the negatives, one can't imagine that any law enforcement agency would endorse handing off response to "minor" crimes to civilians. That's not to say that mental-health teams can't be useful. [LAPD has long fielded SMART teams](#) that include specially-trained police officers and a mental health clinician. They're used to supplement beat cops in select, highly-charged situations that could easily turn out poorly. Far more often, though, officers tangle with homeless and/or mentally ill persons who don't require the intense, specialized services of a SMART team but whose shenanigans could tie things up for extended periods. It's for such situations, we assume, that the chief would welcome a civilian response.

That's where [Eugene's "CAHOOTS" initiative](#) comes in. It's the model the city council recommended for adoption in L.A. Here's another extract from the analyst's report:

CAHOOTS...teams consist of a medic (a nurse, paramedic, or EMT) and a crisis worker...Responders are able to provide aid related to crisis counseling, suicide prevention, assessment, intervention, conflict resolution and mediation, grief and loss counseling, substance abuse, housing crisis, first-aid and non-emergency medical care, resource connection and referrals, and transportation to services.

Sounds great, right? But there's a Devil in the details. Read on (*italics ours*):

The CAHOOTS response staff are not armed and do not perform any law enforcement duties. *If a request for service involves a crime*, potentially hostile individual, or potentially dangerous situation, the call is referred to the EPD.

Oops. Here's how an Oregon CAHOOTS team member [described its protocol](#) (*italics ours*):

The calls that come in to the police non-emergency number and/or through the 911 system, if they have a strong behavioral health component, if there are calls

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that do not seem to require law enforcement *because they don't involve a legal issue* or some kind of extreme threat of violence or risk to the person, the individual or others, then they will route those to our team....

Police-citizen encounters have become grist for a mill of ideologically-driven solutions that overlook the complexities and uncertainties of the police workplace. George Floyd is but one example. Our [Use of Force](#) and [Conduct and Ethics](#) sections have many others. Say, the tragic case of [Rayshard Brooks](#), the 27-year old Atlanta man who was shot dead after he fired at a cop with the Taser he grabbed from the officer's partner. That incident, which happened in June, began with a call from a local Wendy's complaining that a driver was asleep and blocking the drive-through lane. (Incidentally, that's not even a crime.) The encounter began amicably. But when the seemingly pleasant man failed a field sobriety test and realized he was being arrested for drunk driving he went ballistic and a vicious struggle ensued. (Click [here](#) for the videos.)

It turns out that just like Mr. Floyd, Mr. Brooks had a history of violence and was on felony probation. Oops.

Back to L.A., where the Council's incarnation of CAHOOTS sits on Mayor Eric Garcetti's desk. Hizzoner once opined that Mr. Floyd was "[murdered in cold blood](#)," so one figures that he also hankers for change. But given the realities of the streets – and the need to keep retailers and 9-1-1 callers happy – we suspect that the mayor will artfully massage things so that cops continue to be dispatched to "minor, non-violent" crimes. That, in any event, was obviously what Police Chief Michel Moore expected when he endorsed Oregon's version of Cahoots.

Of course, the City Council would have to swallow its collective pride. Thing is, council members aren't appointed – they're elected. Los Angeles is a big place with a complex socioeconomic mix. Lots of residents have expressed a desire for change, and they hold the power of the vote. So we'll see.

Posted 12/4/11

LAPD GOT IT RIGHT

***Ousting Occupiers on its own schedule,
with sensitivity and attention to detail***

By Julius (Jay) Wachtel. “You have to agree that this is not your grandfather’s LAPD.” [Connie Rice’s reaction](#) undoubtedly perplexed some of her admirers. After all, only a short time earlier, during the early morning hours of November 30, more than a thousand cops swarmed over the City Hall lawn, shut down the Occupy encampment and arrested nearly 300 protesters.

Yet the well-known civil rights activist and long-time LAPD critic couldn’t be more pleased. Her feelings were shared by legal observers, ministers and rabbis who circulated through the site, keeping a wary eye on cops as they hauled campers away. Pam Noles, a protester and onsite monitor for the National Lawyers Guild, which supports the Occupy movement, praised everyone for keeping it peaceful: “The LAPD had their A game on....Both sides did what they had to do.”

Just what this “game” would be was decided well in advance. Determined not to emulate the [chaos in Oakland](#), where cops hammered protesters with clubs, rubber bullets and tear gas, or the [debacle at the University at California at Davis](#), where a campus police Lieutenant doused a line of students with pepper spray, Chief Charlie Beck resisted City Hall pressures to dismantle the camp while officers dialogued with protesters. LAPD resorted to arrests on only one occasion, when a crowd of Occupiers left their encampment, swarmed over an intersection and blocked traffic.

Most of L.A.’s politicians had come out in support of the protest early on. But after nearly two months it became increasingly clear that some protesters intended to camp out indefinitely. With efforts to come to a mutually acceptable solution floundering – Occupiers couldn’t agree amongst themselves to accept free office space from the city in exchange for clearing the lawn – LAPD declared the campout an unlawful assembly and set November 29 as the deadline for protesters to leave or face arrest.

Still, Monday morning came and went with nothing more than a couple of cops [placidly walking through the camp](#). Of course, what they were doing – inventorying tents – presaged that the end was near. By then those who would leave had done so, leaving behind a core that vowed to remain until arrested. Yet even they gave assurances that they would submit peacefully. It was going exactly how Chief Beck intended.

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Not quite five years earlier it was a different story. On May 1, 2007 thousands of activists and ordinary citizens [assembled at MacArthur Park](#), in Los Angeles' Pico-Union district, to protest Federal immigration policy. Although permits had been secured to hold the event, dozens of protesters turned rowdy, spilling into the streets, blocking traffic and throwing objects. Officers were caught unprepared. They declared an unlawful assembly and chased their quarry into the park, where families and members of the media had gathered. Video footage depicts cops indiscriminately flailing batons, firing rubber bullets and knocking down innocent persons who had no idea that anything had gone wrong.

It was an ugly incident. Then-chief Bill Bratton, who wasn't present (he chose to attend a party and left the matter to subordinates) [took blame for the undisciplined response](#). More than dozen cops received departmental sanctions. [Los Angeles paid out more than \\$13 million](#) to settle claims of excessive force.

Fast forward to 2011. Memories of the 2007 mêlée and the mishandling of Occupiers elsewhere convinced Chief Beck to take it slow and easy. He directed managers to establish a working relationship with protesters and plan for the day when officers might have to move in. Thanks to a good script and plenty of rehearsals both cops and protesters enjoyed a Hollywood ending.

If only all policing could be done this way. As we pointed out in "[Making Time](#)," the urge to act quickly has repeatedly led officers to make poor decisions, occasionally with tragic consequences. In the case of the Wall Street protests that swept the country, pressures to give Occupiers the bum's rush came from many sources, both inside and outside the police. Even in Los Angeles, where protesters were received favorably, impatience quickly set in. One day before LAPD moved in a story in the [L.A. Times](#) suggested that police delays emboldened protesters and made their eventual expulsion more risky. Chief Beck felt obliged to respond:

This is the Los Angeles Police Department. No one is more capable of laying down the law than we are. No one should have any illusions that this will be a difficult crowd management [task] for us. No one should have any illusions that this [the delay] is a sign of weakness, inability or lack of will from the Police Department.

Most Occupiers are ordinary citizens, fed up like the rest of us with the economic inequality that has ripped at the nation's social fabric. If they choose to protest while others grin and bear it, that's their privilege, and the attention that they've brought to the underlying problem may be well worth sacrificing a City Hall lawn or two. In any

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case, however one feels about the efficacy of their methods, it really doesn't have to be police versus protesters, and for reminding us of that we have the good chief to thank.

As history has repeatedly demonstrated, things could have turned out quite differently. Cops go on duty to solve problems, not back away. They quickly learn that even the most "ordinary" citizens can be dangerous, and that gaining voluntary compliance – a must, as no one can fight their way through a shift – requires a certain fortitude of purpose. Officers are nearly always outnumbered, often massively so, and they know that timidity and indecision can encourage adversaries to take advantage, with potentially lethal consequences.

To be sure, officer personalities differ, and identical factual circumstances can lead to completely different outcomes. Still, the lessons that cops learn on patrol produce a working personality that is attuned to the unpredictable, stress-inducing contingencies of making stops and taking calls. Such skills aren't optimized for handling demonstrations, where First Amendment rights and political realities require that officers shrug off levels of rowdiness and disrespect for authority that they wouldn't (and perhaps shouldn't) tolerate elsewhere.

Chief Beck's singular accomplishment was to hold down the temperature. Officers got to know protesters, reducing the fear factor and making it less likely that, come D-Day, one side would misread the other's intentions. Regularly placing uniformed cops onsite made their presence less threatening. And when it came time to clear the encampment, Chief Beck gave days of notice, then delayed as the deadline passed to give everyone plenty of time to leave. At execution officers entered well-mapped territory in small, controlled groups, with civilian monitors present to remind everyone to mind their p's and q's. Everyone – police and protesters alike – knew what to expect and misunderstandings were relatively few.

Successfully managing a politically-charged event of this scale requires time, sensitivity and superb attention to detail. LAPD took their time and did it right. And in the tinderbox that is American society that's not a little thing.

Posted 2/25/11

LESSONS OF ST. PETE

Police tactics remain stagnant while officer killings continue to rise

By Julius (Jay) Wachtel. The tragic murders of three St. Petersburg, Florida police officers in less than a month vividly demonstrates that even as the decades-long decline in violent crime continues, [dropping from 506.5 to 429.4 per 100,000 population between 2000 and 2009](#) (preliminary figures indicate [the rate continued falling in 2010](#)), the threat posed to officers by armed criminals remains all too real.

According to the [FBI](#) the number of officers feloniously shot and killed was fairly stable between 2000-2007, fluctuating between 45 and 61 per year. Although an abrupt, unexplained dip in 2008 brought the toll down to 35, gun deaths promptly climbed back to 45 in 2009. Although last year's FBI LEOKA data isn't in, the National Law Enforcement Officers Memorial Fund [reported 61 officers killed by gunfire in 2010](#), matching the previous decade's high set nine years ago. What's more, the trend apparently continues, with [sixteen officers felled by gunfire](#) so far in 2011 compared with ten killed at this juncture last year.

Considering the relatively small numbers and fluctuation one can't conclude that officers face a heightened risk of being shot and killed. On the other hand, since society has apparently become less violent – the raw frequencies of violent crime are down along with the population-adjusted rates – one must wonder why cop killings aren't also on the decline.

If you've read our prior posts on such things, you'd know what we think – that the proliferation of firearms and their increased lethality likely play an important role. In the long run such issues are of course important. But for now let's consider some practical measures that might stem the toll.

On February 21, 2011 St. Petersburg, Florida police officer [David Crawford](#) responded to a nighttime prowler call. Spotting a youth who fit the suspect description, he parked his patrol car, took out a notebook and approached on foot. Crawford didn't know that the slight, skinny 16-year old had a record for auto theft and had just tried to break into a car. Nor that he was skipping school and running with a gang. Nor that he was armed with a .380 caliber pistol that he recently bought on the street for \$140.

The youth abruptly turned around and opened fire. Four or five rounds struck officer Crawford in the torso, fatally wounding him. He returned fire but to no effect. And no, he wasn't wearing a ballistic vest.

The community reeled. [Less than a month had passed since the murder of two other St. Petersburg officers](#). On January 24 a warrant-service team comprised of a St. Petersburg detective, a deputy sheriff and a US Marshal went to the home of the spouse of Hydra Lacy Jr., 39 to arrest the local thug on an aggravated battery warrant. A large, beefy man, Lacy had a prison record and a serious assaultive history, including an arrest for sexual battery. Police reports indicated that he might be armed with his wife's 9mm. pistol and that he told her he would shoot it out before going back to prison.

The team, which had been seeking Lacy for weeks, was certain that he was inside. His wife answered the door. She quietly admitted that her husband was hiding in the attic. There were guns in the house, but she didn't know if he got one when he jumped out of bed.

A police K-9 officer, Jeffrey Yaslowitz, 39, was just coming off shift and offered to help. He and his dog found nothing at first. Officer Yaslowitz then boosted himself into the attic and confronted Lacy. The marshal soon joined him. The suspect seemed compliant and lay down on his stomach as though he was surrendering. Lacy then suddenly pulled a 9mm. pistol and began firing. Yaslowitz was mortally wounded and fell inside the attic. The marshal, whose injury was less severe, tumbled downstairs.

Officer Thomas Baitinger, 48 and others rushed into the home to rescue their colleagues. Lacy fired through the ceiling, killing Baitinger. After several additional exchanges of gunfire – Lacy was by then armed with officer Yaslowitz's .40 caliber pistol – officers were finally able to pull Yaslowitz down. It took a tactical team, an unsuccessful attempt at negotiation and the partial tear-down of the residence with heavy equipment to bring the episode to a conclusion. Lacy, who remained holed up throughout, was found dead of gunshot wounds.

What lessons can be gained from the murder of officer Crawford? Like other St. Petersburg cops he worked in a one-officer car. And that's in a city with a high crime rate – [one ranking of cities over 75,000 population](#) places it 370 worst out of 400 in serious crime, just one place short of Philadelphia and only eight shy of Newark.

Well, there are lots of arguments pro and con over one-officer units. Suffice it to say that the real reason for having them is that it provides twice the “coverage” for half the cost. Financial constraints and the apparent easing in violence has encouraged agencies everywhere to adopt the questionable practice, and by now the pattern is so entrenched that changing it is probably far-fetched.

Yet consider the downsides. First, there is the obvious peril of going one-on-one with anyone. (For a graphic example check out [Dancing With Hooligans](#).) Then there’s the difficulty of trying to keep a situation contained while running license plates and record checks and communicating with one’s peers. And if the unexpected happens, which in police work means frequently, a solo officer may be so in the thick of things that calling for help is impossible.

On November 7, 2010, [Riverside, California police officer Ryan Bonaminio](#) pulled over a truck that had been involved in a hit-and-run. What officer Bonaminio didn’t know was that the driver, Earl Green, 44, was a multi-convicted felon on parole, and that he had just stolen the vehicle from a rental yard. Green fled on foot, with Bonaminio in pursuit. At some point Bonaminio slipped and fell. Green jumped on the officer, took away his .40 caliber Glock pistol and shot him dead. Green was subsequently arrested and charged with first-degree murder.

Officer Bonaminio’s murder spawned concern about Riverside’s practice of running one-officer cars. (The city is no quiet burg, earning 210th. place out of 400 on the measure referenced above.) Chief Sergio Diaz promptly came out with a blistering repartee of critics “sitting at home eating Cheetos in their underwear.” Well, while writing this piece your blogger was in his robe, sipping herbal tea. But during his brief experience piloting a one-officer car in a small community he remembers a certain encounter that could have easily ended in tragedy. And no, he was too busy fighting to reach for the mike. (His behind was saved by a citizen.)

Officers Yaslowitz and Baitinger had plenty of law enforcement company. Yet they too lost their lives. But how could it happen? One would think that going after a violent person ensconced in an attic and probably armed is a ready-made situation for a surround and call-out, to be followed by negotiation and, if need be, the use of chemical agents. That indeed is how SWAT eventually handled it, but only after two officers had already died.

Cops are can-do people. They're also prideful. One can certainly appreciate the desire to get the job done without having to call in tactical units. Not knowing the rules of engagement in St. Petersburg, we surmise that the warrant-service team, which to all appearances worked independently, made up their tactics on the fly and wound up involving other officers beyond their level of preparation.

That's not to say that SWAT is always a perfect solution. In [Oakland: How Could it Happen?](#) we wrote of the shooting deaths of four Oakland police officers in a single day. A wanted parolee who had just shot and killed two motorcycle officers was holed up in an apartment. [A SWAT team converged on the scene.](#) After an hour a decision was made to assault the premises. Two of the first officers to enter were shot dead as the wanted man fired through interior walls.

There is really no answer short of handling every arrest of a dangerous person with extreme care. On January 20, 2011 [Miami-Dade detectives were looking for Johnny Simms](#), a 22-year old convicted drug dealer with a rap sheet for armed robbery. A notoriously violent man with tattoos depicting flames, a gun and the words "savage" and "10-20 life," Simms was wanted for the cold-blooded murder of a man he gunned down some months earlier.

Detectives went to an apartment where they knew Simms had been staying. They knocked on the door and were admitted by Simm's mother. Just then the suspect jumped into the room, gun blazing. Officer Amanda Haworth, 44 sustained a fatal head wound. Officer Roger Castillo, 41, who was standing just outside, was also stuck by a bullet and killed. Another detective came running around the complex and shot Simms dead.

One thing's for sure: if we really paid attention to experience, police tactics would be far more standardized than what presently seems to be the case. Officers wouldn't be routinely doing one-on-ones with possibly dangerous characters. Really, safety requires that we give up some efficiencies. Agencies that run one-officer cars should think it over. At a minimum they must set and enforce rules that prohibit lone-wolf foot pursuits and require that two units converge on every possibly risky contact.

Serving warrants on violent persons calls for a specialized approach, including surveillance, so that encounters take place in as safe and controlled an environment as possible. Tactical teams must either be in charge or present. And once they become

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involved, deviating from normal surround and call-out practices, such as what happened in Oakland, must be strongly discouraged.

Yes, there's one more thing. Wearing ballistic vests should be mandatory, even when it's hot and muggy. In [DNA's Dandy, But What About Body Armor?](#) we bemoaned the sad state of body armor, both as to its comfort and protective capabilities. We again call for a major effort in that direction. Hopefully, someone's out there listening.

Posted 11/23/07

LOVE YOUR BROTHER -- AND FRISK HIM, TOO!

Aggressive patrol strategies have costs other than money

By Julius Wachtel, (c) 2010

Brushing aside concerns by the retiring police commissioner, Philadelphia's mayor-elect Michael Nutter announced that officers in the City of Brotherly Love would be implementing a "stop, question and frisk" campaign to combat a soaring murder rate, in 2006 nearly *four times* that of New York City (27.7/100,000 v. 7.3/100,000).

Nutter, who will take office on January 7, was elected on a platform that makes fighting crime the top priority. His police-centric emphasis contrasts sharply with an initiative by outgoing chief Sylvester Johnson and other community leaders to flood Philly's most dangerous neighborhoods with citizen patrollers. (Two-hundred members of the "10,000 Men: A Call to Action" movement are due to begin their duties this Thanksgiving weekend.)

Stop-and-frisk is nothing new. Cops have been detaining and questioning citizens since there *was* a police. But its roots as a legally-sanctioned strategy trace back to 1968, when the U.S. Supreme Court decided in *Terry v. Ohio* that the Fourth Amendment allows officers to detain and frisk persons if there is "reasonable suspicion" that they are armed and about to commit a crime, a much less stringent standard than the probable cause requirement for conducting a search or making an arrest.

Rulings after *Terry* allow officers to make investigative stops and temporarily detain anyone they reasonably suspect may have committed or is about to commit a crime, *whether or not they might be armed*. (See, for example, *U.S. v. Arvizu*). Reaching the "reasonable suspicion" threshold requires more than a guess -- it calls for the presence of objective, articulable facts that a reasonably well-trained officer would find compelling. Once they detain someone officers remain bound by the Constitution, so searching for anything beyond a weapon requires probable cause, and interrogation calls for *Miranda*.

On its surface, Mayor-elect Nutter's violence reduction approach seems like an ideal application for stop-and-frisk. But as the saying goes, the devil is in the details. Even if he follows through with plans to declare "crime emergencies" and impose curfews, his officers will still have to obey both the Constitution *and Terry*. Anti-crime campaigns

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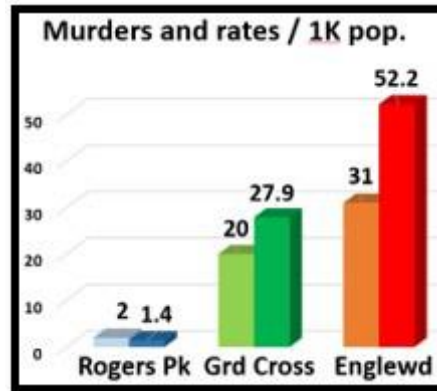
place police, from the chief to patrol, under enormous pressure. Imagine what might happen when it is possible, as in the case of investigative stops, to count the number of times that a particular technique is applied. Will officers be encouraged to do quality work or just rack up the numbers? Will they pull over cars and stop pedestrians willy-nilly or only when there is reasonable suspicion?

And it's not just a question of what's legal. Whether or not aggressive policing is done by the book, a heavy hand can erode the bonds of trust and confidence between citizens and police. When he was asked about a stop-and-frisk campaign, the present chief said, "While I'm the police commissioner, I'm not going to do it." Well, soon there will be a new sheriff in town, who *will* do it. Let's hope it's done right -- legally and with restraint -- so that the besieged city can finally live up to its ambitious slogan.

Posted 7/25/22

MASSACRES, IN SLOW-MO

Poor Chicagoans complain that their massacre never ends



For Police Issues by Julius (Jay) Wachtel. Here's what a middle-aged resident of Chicago's Grand Crossing area [recently had to say](#) about violence in his neighborhood:

We're ignored here. Kids get shot here — they throw them in the bag and keep on going. But they got the whole SWAT team out there in Highland Park trying to get the bottom of this sh--.

"J.R." was referring to the full-bore police response, including cops from Chicago, to the recent Fourth of July massacre, when a troubled youth armed with an assault rifle opened fire during a parade in nearby Highland Park, gunning down seven spectators and wounding more than two-dozen. Situated twenty-seven miles north of Chicago, the prosperous small city (pop. about 30,000) [boasts a median household income of \\$147,067](#). That's more than twice Chicago's \$62,097 and a full five *five times* [Grand Crossing's abysmal \\$30,110](#).

He wasn't the only Chicagoan to feel aggrieved. In crime-stricken Englewood (median income \$22,228), a neighborhood's self-described "Big Mama" despaired of a solution. "They have a lot of resources there in Highland Park. Our babies see people get shot while they're at a playground, and there's no counseling. They have to suck it up and deal with it." She was referring to the recent gunning down of a man by a nearby playground. And, not long before that, to the young man who ran into her yard, bleeding profusely from a gunshot wound.

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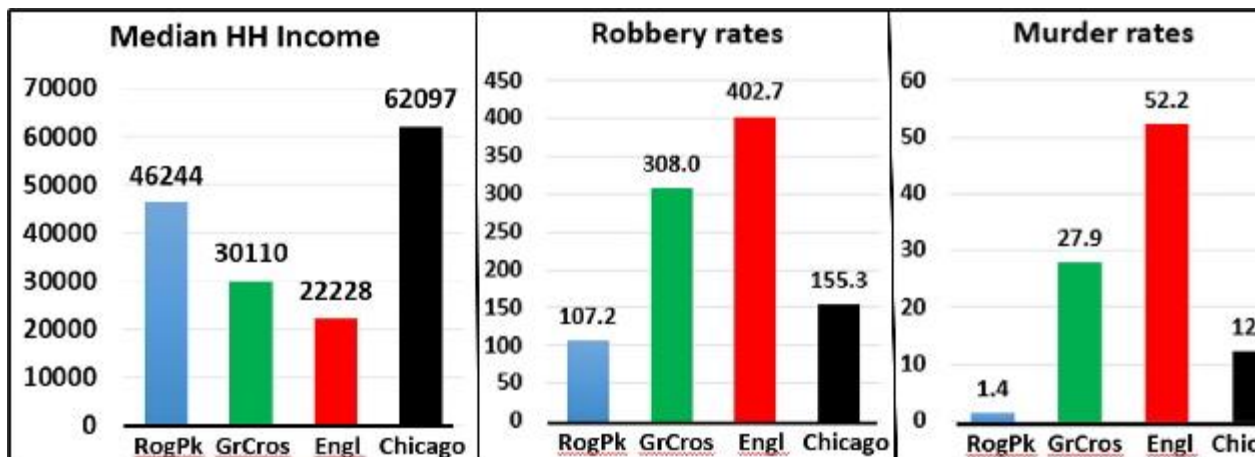
A post-massacre, in-depth [Chicago Tribune piece](#) about Highland Park mentioned the city's affluence. And, as well, a resident's annoyance that it mattered:

'Affluent' has all sorts of meanings. Besides, who cares how rich people are if they're being shot at? They're people. It suggests we're protected from the world. Plus, we're not fancy! There are little, teeny homes here, too!

There was also blowback *after* the piece was published. [One letter-writer complained](#) that "it's not the time (if ever there is one) to talk about the haves and have-nots of a community still reeling from the horrific events of July Fourth."

Indeed, the mayhem that took place within the span of a few moments has left a scar on Highland Park and its citizens that may never heal. We're certain that neither "J.R." nor "Big Mama" harbor ill will against the distraught community. But they are clearly frustrated with the perceived official neglect – and the all-too-visible consequences of that neglect – that they and their neighbors supposedly endure day-in and day-out because of poverty.

We've never felt that poverty "causes" crime and violence. But it's definitely associated with the factors that do. Over the last decade-plus, essays in our "[Neighborhoods](#)" special topic have probed this connection. Invariably, we've found that crime, violence and economic conditions are tightly linked. In "[The Usual Victims](#)" we compared 2019 and 2020 murder rates for Chicago, Los Angeles and New York City, and, within each, between one low-poverty and one high-poverty neighborhood. As one might expect, Chicago's notorious Englewood area, where 46 percent were poor, endured a murder rate *seventeen times* that of relatively benign Rogers Park, where "only" 26 percent of residents were poor.



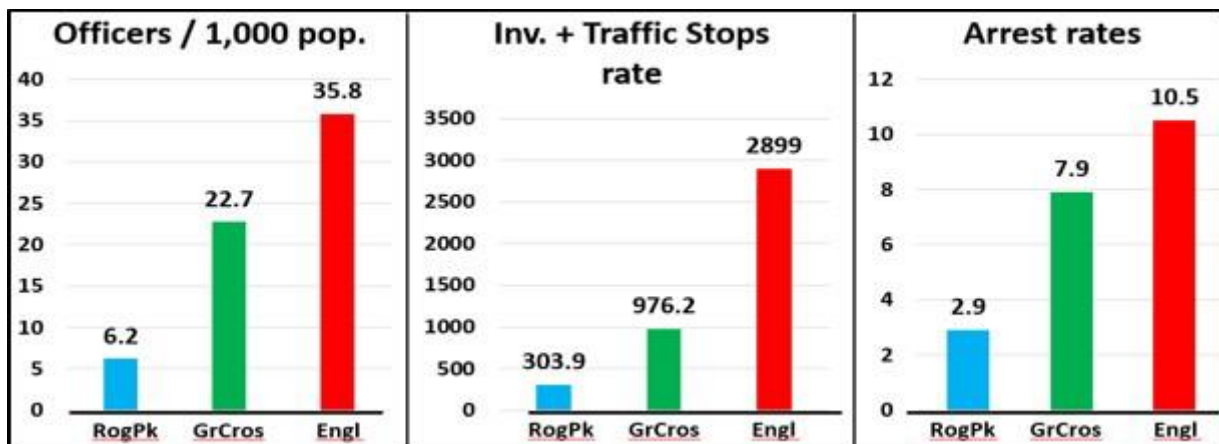
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	Dist	Pop	Robberies	Murders
RogPk	24	138,941	149	2
GrCros	3	71,742	221	20
Engl	7	59,346	239	31
Chicago		2,171,197	4189	334

That disparity has persisted. Check out these charts, which depict 2022 data for Rogers Park (blue), Grand Crossing (green), Englewood (red), and Chicago overall (black). Median household income for each neighborhood is from [a recent Chicago planning report](#). Robbery and murder rates (per 100,000 pop.) reflect offenses committed between January 1 and July 10, 2022 and were computed using [CPD crime data](#) and district populations in a [Chicago IG report](#).

It's the same old story: lower incomes, higher rates of violent crime. Check out our lead graph. Grand Crossing's (J.R.'s area) raw murder count, 20, is a stunning *ten times* that of Rogers Park, which has nearly twice the population but suffered "only" two criminal homicides. Grand Crossing's murder rate is *twenty times* that of Rogers Park and *more than twice* Chicago's overall. And look at those robbery numbers! It's not surprising that some citizens of Grand Crossing wonder where all that help went.

So *what about* that "help"? Here the situation's less clear. We downloaded 2017 Chicago police division staffing data from the [Citizens Police Data Project](#), 2017-2020 [stop data from the Chicago I.G.](#), and 2022 arrest data (thru July 10) from the [CPD statistics portal](#). Each rate was calculated per 1,000 residents of the corresponding police district.



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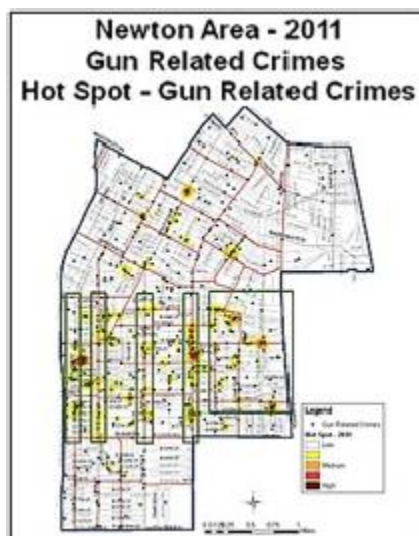
	Dist	Pop	Ofc	Inv Stops	Tfc Stops	Both	Arrests
RogPk	24	138,941	864	11282	30937	42219	396
GrCros	3	71,742	1632	12233	57798	70031	565
Engl	7	59,346	2126	32439	139601	172040	625

Deployment isn't simply a matter of population size. Officer strength reflects differences in district crime rates. Although District 7's (Englewood) population is *less than half* District 24's (Rogers Park), it reportedly had *more than twice* as many cops. And as one would expect, more cops means lots more stops and arrests. Englewood officers cumulatively made about *four times* as many stops as their colleagues in Rogers Park and 1.6 times as many arrests.

Chicago's cops have a substantially greater presence and act far more proactively in crime-beset neighborhoods. Their efforts seem a version of the "[Geographically Focused](#)" and "[Hot Spots](#)" strategies that NIJ and academic researchers (e.g., "[Hot-spots policing and crime reduction](#)") have repeatedly praised. As we mentioned in "[Driven to Fail](#)," these approaches have tamped down violent misbehavior in many places.

Bottom line: CPD is *not* ignoring crime-stricken neighborhoods. Yet considering the violence that residents of places like Grand Crossing and Englewood endure, their irritation is easy to understand. What to do? Maybe particularly beset areas could use more cops. Or maybe we could get the ones already there to "crank things up."

Clearly, either approach could pose big problems. Englewood and Grand Crossing already enjoy disproportionate numbers of cops. Pulling officers from other areas might easily lead to more crime in those districts. As for increased hiring, that may also be out of reach. Even if there's money for salaries, suitable candidates are proving hard to find. Cities across the U.S. have been losing officers, and Chicago's numbers are presently



"[the lowest in recent history](#)". About 350 of its cops retired in 2018, and [nearly twice that number](#) – more than 660 – retired in 2021.

What about increasing the productivity of officers already on the job? Consider "LASER," LAPD's 2009 hot-spots incarnation. A product of its "[Smart Policing Initiative](#)," LASER targeted known offenders and graced high-crime areas with intensive patrol ("[Driven to Fail](#)"). And it seemed very effective. Problem is, high-crime areas tend to be poor and disproportionately populated by persons of color. Even if cops try to be careful, racial and ethnic disparities in stops, searches and arrests

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seem inevitable. Add in pressures to do more, and you’ve “[A Recipe for Disaster](#)”. By 2019 an accumulation of frustration over the allegedly abusive treatment of Black citizens in LASER areas led a “shouting, overflow crowd of about 100 protesters flaunting ‘LASER KILLS’ signs” – the very residents of the community cops were supposedly trying to help – to demand the program end.

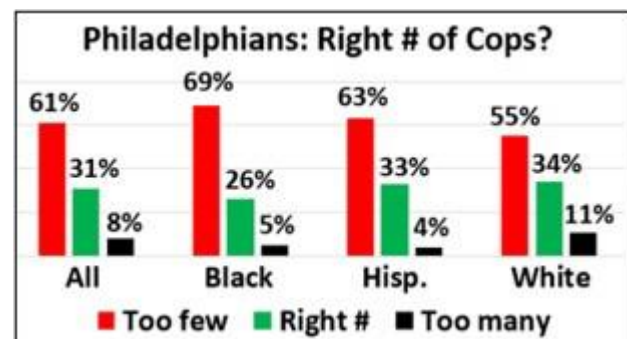
Lower-income Chicagoans aren’t the only Americans who feel frustrated over their perceived abandonment by city hall. Let’s dial it back three years. Here’s what a resident of a poor, violence-plagued Baltimore neighborhood had to say about her visit to a “well-off area”:

The lighting was so bright. People had scooters. They had bikes. They had babies in strollers. And I said: ‘What city is this? This is not Baltimore City.’ Because if you go up to Martin Luther King Boulevard we’re all bolted in our homes, we’re locked down. All any of us want is equal protection.

But how did Baltimore’s policing *get* “unequal”? In April 2015, Freddie Gray, a 25-year old Baltimore resident with a criminal record, [ran from officers performing enhanced patrol](#) in a poor, crime-ridden area. He was caught, arrested for carrying a switchblade, and placed in a police transport van. Handcuffed but otherwise unsecured, Mr. Gray tumbled in the van during his careless transport and [was fatally injured](#). State prosecutors filed (ultimately, unsuccessful) charges against the six cops involved, and [DOJ opened an inquiry](#) into the agency’s practices (click [here](#) for the findings).

Reacting to their slapdown, Baltimore cops [staged a prolonged “slowdown”](#). They sharply curtailed self-initiated activity, and stops of suspicious cars and pedestrians plunged. As the (interim) Chief described it, “in all candor, officers are not as aggressive as they once were...” And yes, there were consequences. As our tables in “[Police Slowdowns](#)” illustrate, Baltimore killings skyrocketed, and stayed high.

As the last decade came to an end, negative public reaction to alleged racial profiling and police abuse (e.g., [the killing of George Floyd](#)) led agencies throughout the U.S. to dial things back. Then, perfectly timed, came the pandemic. Unrestrained by aggressive strategies such as hot-spots, crime and violence soared. So did concerns about personal safety. [According to a recent Pew poll](#) “70% of Philadelphians see crime, drugs, and public safety as the most important issue facing the city—up nearly 30 percentage points from 2020”. At 44%,



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the proportion who reported feeling safe in their neighborhoods is the lowest since 2009. And although only 32 percent of Blacks believe that police treat them equally, *a full sixty-nine percent* (the largest proportion by race) feel there are *too few* cops.

Well, more cops may be out of reach. But in reaction to what seems our “new normal,” three major burg’s: [Los Angeles, New York City and Chicago](#) brought back hot-spots policing. For a closer look at Chicago’s approach check out its District Strategic Plans (click [here](#) for District 3, [here](#) for District 7, and [here](#) for District 24). Each sets out priority locations and details the manner of intervention. For example, here is the “enforcement response” for an area identified as “Howard Street, between Greenview and Clark” in relatively benign District 24 (Rogers Park):

Focus enforcement efforts and missions on Howard Street where gang members are known to loiter; drink on the public way, and sell narcotics. Conduct gang and narcotics dispersals and issue ANOV’s (our note: citations), while creating a greater sense of safety on Howard Street.

In dangerous District 7 (Englewood), where “opposing gang factions are in conflict with each other to expand their territories” and shootings frequently happen, problem areas get special resources. Here is one example:

Conduct missions with Beat and Tactical cars to resolve conflicts. POD (our note: fixed observation cameras) <https://home.chicagopolice.org/inside-cpd/police-observation-device-pod-cameras/> and traffic missions to assist in those efforts. Community Safety Team (CST) to assist with enforcement. District Intelligence Officers (DIO’s) will continue to gather intelligence on gang factions & claimed territories.

We’re quite confident that Chicago is *not* ignoring its most imperiled citizens. High-crime districts get lots of extra help. Problem is, the frequent episodes of violence endemic to these areas tie up squads of officers for prolonged periods. Trying to maintain adequate patrol coverage by stuffing beset precincts with extra troops has its limits.

So what’s left? That takes us back to the dilemma that pervades our “Neighborhoods” posts: [cops can’t correct what most needs fixing!](#) So what *can*? Let’s self-plagiarize from [“Fix Those Neighborhoods!”](#):

Yet no matter how well it’s done, policing is clearly not the ultimate solution. Preventing violence is a task for society. As we’ve repeatedly pitched, a concerted effort to provide poverty-stricken individuals and families with child care,

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tutoring, educational opportunities, language skills, job training, summer jobs, apprenticeships, health services and – yes – adequate housing could yield vast benefits.

We'll untangle another problem in a couple of weeks. Stay tuned!

Posted 11/15/09

MISSED SIGNALS

*In hindsight everything's simple.
But policing takes a lot more than hindsight.*

By Julius Wachtel, (c) 2010

So much violence, so little time! While the (virtual) ink from “[Hidden in Plain Sight](#)” was still wet we were shaken by horrific news from Cleveland, where police were unearthing human remains at the home of registered sex offender [Anthony Sowell](#). As digging continues eleven bodies have been found, all female. So far the identities of ten are known. Ranging in age 25 to 52, most were reportedly addicts and sex workers. Sowell, who had been released in 2005 after doing fifteen years for rape, had apparently lured them in with drugs and liquor.

How was he caught? It wasn't because police and public health authorities followed up on complaints about a [horrible stench](#) emanating from the residence (they didn't).

It wasn't because [a woman accused Sowell](#) of choking and raping her last November. (Sowell was arrested but the case was dismissed, apparently because the victim didn't seem credible.)

It wasn't because [a deputy checking up on sex offenders](#) got suspicious when he stopped by to chat with Sowell last month. (The officer didn't enter the home. Maybe it smelled too bad. Anyway, there was no need, as Sowell was reporting as required. A psychologist even declared that he was unlikely to reoffend!)

It wasn't because [a woman told police](#) that shortly after the deputy left Sowell choked and raped her, then offered her money to keep quiet. (She supposedly didn't show up for an interview.)

And it wasn't because [a naked woman landed on the street](#) after “falling” from Sowell's upper-floor window. (She reportedly refused to talk to officers who went to see her at the hospital.)

In the end Sowell's September victim finally met with the cops. What she said led them to obtain [arrest and search warrants](#). Once inside the home, their noses led them to two bodies. Hmm, something suspicious here!

Only days after the grim discovery in Cleveland another mass killing rocked the nation. This one happened all at once. On November 5, 2009 a thirty-nine year old Fort Hood psychiatrist went on a shooting spree, killing thirteen and wounding twenty-eight. [Major Nidal Malik Hasan](#) now stands charged with capital murder.

Hasan had a troubled history. According to a former classmate at the Medical University of the Armed Services, [he frequently expressed opposition](#) to the wars in Iraq and Afghanistan and considered himself "a Muslim first and an American second." Hasan once gave a lecture on "whether the war on terror is a war against Islam." When students challenged him about the topic's relevance (it was an environmental health course) Hasan got "sweaty and nervous and emotional."

After graduating in 2003 Hasan was an intern and resident at Walter Reed Medical Center. If anything, [his clashes with colleagues](#) got worse. Hasan seemed distracted. He was often late for work and made himself unavailable even while on call. [Co-workers](#) said that he was occasionally belligerent and belittled colleagues. [Hasan's detached attitude](#) and extremist orientation (he gave a bizarre lecture in which he remarked that "the Quran teaches that infidels should have their heads cut off and set on fire") led colleagues to worry about his mental health. Indeed, superiors considered terminating Hasan's residency, but the procedures were onerous and they were afraid he would accuse them of religious bias. In the end Hasan was dealt with in the time-tested manner: he was promoted (to Major) and transferred to Fort Hood.

While at Walter Reed [Hasan exchanged e-mails](#) with radical cleric Anwar al-Awlaki. Designated by the U.S. as a "global terrorist," the imam lives in Yemen, where he went after leading a Virginia mosque that Hasan attended. Picked up by routine intercepts, the e-mails were forwarded to a Joint Terrorist Task Force. Agents apparently contacted a top official at Walter Reed, who surmised that the messages were in connection with Hasan's research on post-traumatic stress. Concluding that the e-mails were innocuous, the task force closed its file. But what did they really know about Hasan? Had they been told that his PowerPoint presentation on post-traumatic stress included a slide with the purported Muslim warrior creed, "we love death more than you

love life”? Were they aware that he was trying to get an early separation because of alleged religious persecution?

Neither Walter Reed nor the task force were in a position to investigate an odd duck at Fort Hood. That was a job for Army intelligence or CID. But they weren't alerted, so the puzzle remained unassembled. Even had they looked they would have missed a key fact: [Hasan had recently purchased a handgun](#). And not just any handgun, but an unusually expensive, [highly lethal, high-capacity cop killer](#) that was never intended for civilian use. Of course, since the Feds and Texas lack centralized gun registries, there was no way to know that Hasan bought a gun short of asking him or visiting gun stores.

Everyone (like your blogger) who's kicked off an intelligence program knows to prepare for an avalanche. Whether information arrives electronically or through word of mouth, there are hardly enough resources to examine data let alone pursue more than a tiny fraction of leads.

That embarrassment of riches affects everyone, from the pointy-heads at police HQ to the cop on the beat. Cast your net too broadly and you'll invariably commit a rash of “Type 1” errors, sending out trivial leads and squandering your credibility. Narrow your search and you'll get bit by “Type 2” errors, missing worthwhile targets like Sowell or Hasan whom any idiot should have known to investigate.

Police are expected to accomplish *something*. As [we've pointed out](#), catching real terrorists is tough, so it's not surprising that given limited resources the Feds might choose to “rope in” dummies. More generally, the tendency to reach for low-lying fruit is manifested in a preference for so-called “actionable” intelligence, meaning that the underlying offense is self-evident or nearly so. Put simply, until a victim signed on the dotted line Sowell was just another of the umpteen weasels polluting Cleveland's troubled Imperial Avenue neighborhood. Hasan? He wasn't even on radar.

It's a truism that Type 2 errors of omission usually go undetected, so the chances of being seriously embarrassed by not acting are small. Sowell and Hasan were exceptions. Their dangerousness wasn't appreciated because the default strategy is to dismiss, dismiss, dismiss. Unless there's an obvious violation, officers may go to extraordinary lengths to routinize information and interpret questionable behavior in its most favorable light. Consider for example the [Madoff scandal](#), where the Feds overlooked blatant inconsistencies and ignored detailed tips in a rush to “prove” that all was well.

Doing nothing is easy to justify. According to the spokesperson for the Cleveland sheriff, the deputy who talked with Sowell didn't go in the house because he didn't have the authority. Hasan was promoted because kicking him out might have triggered controversy. Absent an underlying crime – Sowell's murders were as yet undiscovered; Hasan's were still to be committed – neither case offered an obvious entry point or investigative path. Intending no pun, there was plenty of reason to dig, but the calculus of political, bureaucratic and individual needs mitigated against anyone picking up a shovel.

As we suggested in "[Hidden in Plain Sight](#)," disorganized, poverty-stricken neighborhoods are particularly challenging. Sowell preyed on victims who were indisposed to turn to police, and if they did, were unlikely to be believed. Citizens besieged by violence had long given up trying to wake up the city to their plight, while overburdened cops looked on even the oddest circumstances, like women tumbling from windows, as just another symptom of the miserable conditions on their beat.

In the end, it's that last observation that offers the hint of a remedy. Rare events such as mass murder are difficult to predict precisely because they *are* rare. Our best shot at preventing them lies in avoiding the urge to routinize and in paying close attention to the unusual and offbeat, like naked women falling from the sky and military officers e-mailing with terrorists.

Solving cases retrospectively is easy. Developing the ability to anticipate crime and work *prospectively* is the real trick.

Posted 01/08/12

MURDER, INTERRUPTED?

Searching for violence-reduction strategies other than hard-nosed policing

By Julius (Jay) Wachtel. “[The Interrupters](#),” one of the season’s most acclaimed documentaries, follows three [Chicago Ceasefire](#) street workers as they seek to disrupt the cycle of violence and retaliation that infuse the everyday lives of poor youth with fear and uncertainty.

Launched in 1999 by the University of Illinois School of Public Health, Chicago Ceasefire deployed former gang members in inner city areas to identify and counsel high-risk youth, mediate disputes and defuse potentially violent situations. This approach distinguishes Chicago from [Boston Ceasefire](#) (aka Boston Gun Project,) a 1996 initiative that tackled the problem of youth homicide by staging meetings (“call-ins”) with parolees and probationers to scare them straight and offer options. (Click [here](#) and [here](#) for full descriptions and evaluations of both projects.)

Chicago and Boston have been modeled by other initiatives. In 2003, a 49 percent one-year increase in Pittsburgh’s homicide rate led a coalition of community organizations to develop “[One Vision One Life](#),” a violence-reduction program whose protocol follows Chicago Ceasefire’s street-worker approach.

One Vision staff selected three areas for intervention. Two, “Northside” and “Hill District” were best by exceptionally high homicide rates, 31 and 44 per 100,000 respectively. A third, “Southside,” had a relatively low rate of 4/100,000 but was considered problematic for other reasons. It was intended that outcomes would be compared with non-targeted areas within Pittsburgh.

One Vision hired forty street workers who lived in the target districts and had street credibility. They identified and interacted with at-risk individuals, referring them to a variety of programs and furnishing employment, housing and social assistance. Workers (aka “interrupters”) conveyed a “no shooting” message, interceding in disputes and applying mediation techniques to help settle things nonviolently. They also responded to homicides and shootings and tried to prevent retaliation. Although street workers occasionally exchanged information with police, there was no regular interaction, which seems understandable given their unique role.

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One Vision was in effect during 2004-05. Evaluators concede that assessing its effectiveness was complicated by the fact that like the Chicago and Boston programs, One Vision's protocol was only "quasi" experimental. Treatment areas had been purposively selected by One Vision staff, making it impossible to rule out the possibility that factors extrinsic to the intervention could be responsible for any post-intervention differences between experimental and control groups. In the end, after considering eleven variables, including violent crime rates, educational level and transiency, evaluators decided it was appropriate to compare Northside, Hill and Southside to the aggregate of non-target areas. One Vision staff also identified seventeen areas that they thought similar to the three treatment sites for use as a secondary control. In addition, efforts were made to measure spillover effects for Hill and Southside (Northside is isolated by rivers, making spillover unlikely.)

What were the results? In a word, unexpected. Before-after comparisons revealed that aggravated and gun assaults increased substantially more in the intervention than control areas. The one exception was Northside, where gun assaults increased less than in the secondary control area. It was One Vision's sole "success" story.

Area	Homicide			Aggravated Assault			Gun Assault		
	Pre	Post	Change	Pre	Post	Change	Pre	Post	Change
Northside	0.04	0.06	0.02	1.10	1.59	0.48	0.33	0.89	0.56
Hill District	0.09	0.09	0.00	1.72	2.02	0.30	0.55	1.28	0.73
Northside and Hill District comparison, all	0.04	0.05	0.01	1.35	1.50	0.16	0.36	0.76	0.40
Northside and Hill District comparison, One Vision	0.08	0.11	0.03	2.35	2.55	0.20	0.84	1.43	0.59
Southside*	0.02	0.02	0.00	1.12	1.66	0.55	0.29	0.96	0.68
Southside comparison, all	0.04	0.05	0.01	1.38	1.43	0.04	0.38	0.84	0.45
Southside comparison, One Vision	0.08	0.12	0.04	2.41	2.42	0.00	0.88	1.52	0.64

Researchers also evaluated the differences in the before-after change between experimental and non-experimental (control) areas. (The table on the right is for the secondary control area. A probability of .05 or less denotes that the differences are statistically significant.)

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Outcome	Predicted Monthly Rate Change	P-Value	Outcome	Predicted Monthly Rate Change	P-Value
Northside			Northside		
Homicide	0.0219	0.7432	Homicide	0.2845	0.7588
Aggravated assault	25.2095	0.0000	Aggravated assault	26.7970	0.0000
Gun assault	13.1244	0.0000	Gun assault	20.0605	0.0000
Hill District			Hill District		
Homicide	-0.6710	0.3374	Homicide	-0.9174	0.2681
Aggravated assault	7.7365	0.0255	Aggravated assault	6.4579	0.1922
Gun assault	6.6038	0.0008	Gun assault	11.1381	0.0003
Southside			Southside		
Homicide	-0.2540	0.6976	Homicide	-0.6288	0.7438
Aggravated assault	25.3953	0.0000	Aggravated assault	25.0327	0.0000
Gun assault	14.6630	0.0000	Gun assault	15.5951	0.0000

For homicide the difference is not statistically significant. But with one exception (the Hill District, when compared to the secondary control area) aggravated and gun assaults increased significantly more in treatment areas. Spillover effects (not pictured) generally followed the same trends, the one exception being that spillover from Hill was inexplicably linked to a significant *decrease* in aggravated assaults.

In summary, One Vision proved a near-fiasco. Not only did it fail to reduce homicide, it seemed to worsen the problem of assaults. Evaluators rejected the only theoretical explanation at hand – that street workers may have inadvertently increased gang cohesion – as there was little interaction between street workers and gangs. They attributed One Vision’s poor showing to insufficient dosage and inaccurate targeting. According to evaluators, the program emphasized “persons in need” over hardcore criminals, such as those served by Chicago Ceasefire. Neither did One Vision partner with law enforcement, a key component of reportedly successful “[Pulling Levers](#)” approaches including Boston Ceasefire, SACSI and Project Safe Neighborhoods.

But holding other efforts up as models of what One Vision could have been is unsatisfying. For example, while advocates of Chicago Ceasefire cite its supposedly resounding success, [evaluators were skeptical](#). While Ceasefire was in effect Chicago also played host to Project Safe Neighborhoods (PSN), a major gun-violence reduction initiative that features harsh Federal prosecution. Like One Vision, Ceasefire was a quasi-experiment, with a design that may have been insufficiently robust to assure that it, rather than PSN, was the driving force behind any benefits that may have accrued. (Incidentally, it’s the same issue that beset the evaluation of [Boston Ceasefire](#).)

Back to One Vision. How can we account for its wrong-way effects on crime? The simplest explanation is that at a time when crime and violence were on the upswing throughout Pittsburgh, local experts – One Vision staff members – accurately targeted

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areas *where the problem was most acute*. One Vision probably had little or no effect, leaving violence to rise at a faster rate on its own.

Really, once we brush rhetoric and false hopes aside, [there's precious little proof](#) that “soft” interventions such as Ceasefire and One Vision can be effective without the coercive presence of the police. Unlike Chicago and Boston, Pittsburgh lacked a hardcore law enforcement program on which to piggyback. It had to do it all by itself. And predictably, it failed.

In 2003-2004 another quasi-experiment, [Project Greenlight](#), applied a “cognitive-behavioral” approach to help put inmates on the right track before release. It too seemingly made things worse. [We concluded that it didn't](#), and that the only reason it looked that way was because, as Greenlight's own data revealed, those assigned to the program had more severe criminal propensities to begin with than controls.

That's not to say that street workers and the like can't be useful. To make a convincing case for such approaches, though, would call for a research design that uses random selection and assignment to control for extraneous factors. Indeed, one is available. It's called a *real* experiment.

Posted 3/4/19

NO SUCH THING AS “FRIENDLY” FIRE

***As good guys and bad ramp up their arsenals,
the margin of error disappears***

For Police Issues by Julius (Jay) Wachtel. During the evening hours of December 8 Ian David Long, 28, [burst into a busy Los Angeles-area nightclub](#), threw smoke bombs into the crowd and unleashed a barrage of more than fifty rounds from a Glock .45 pistol. Twelve patrons were shot dead and one was wounded. Long hid and waited for police. Two officers soon burst in. Long opened fire, striking Ventura County sheriff's sergeant Ron Helus five times. A sixth and fatal wound, to the heart, was accidentally inflicted by return fire from a highway patrol officer armed with a rifle.

Long legally purchased his gun two years ago. He had enhanced it with a laser sight and high-capacity magazines, the latter illegal in California yet easily obtainable elsewhere. Why he acted may never be known. During the horrific episode the six-year Marine Corps vet (he served in Afghanistan) [posted Instagram messages](#) denying any motive other than insanity: “Fact is I had no reason to do it, and I just thought... f***it, life is boring so why not?”

Long would soon bring the incident and his life to a close with a shot to his own head.

One month later, on February 12, [eight NYPD officers responded](#) to a report that a man with a gun forced two employees into the back of a mobile phone store. Among those who rushed to the scene were two detectives who were nearby when the call came.

Detective Brian Simonsen, 42 and his partner, Matthew Gorman, 34, accompanied two beat cops into the premises. Just then the robber, Christopher Ransom, a deeply troubled 27-year old, emerged from the back, flaunting a handgun. [A 42-round barrage instantly followed.](#)

Both detectives were wounded; Simonsen, fatally. A beloved veteran cop, he was working on his day off. The 27-year old suspect, a chronic offender, was also wounded. As it turned out, his “gun” was a realistic-looking toy, so only police rounds flew. An accomplice who was outside acting as a lookout fled but was arrested later.

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According to the FBI, 455 law enforcement officers [were feloniously killed with firearms](#) between 2008 and 2017. Seventy-one percent (323) fell to a handgun. Most common calibers were 9mm. (94), .40 (78) and .45 (36). Twenty-three percent of deaths (104) were caused by high-powered rifles, with calibers .223/5.56 (34) and 7.62 (26) the most frequent.

During the same period 800 other cops [were feloniously injured with a firearm](#). Handguns were implicated in 557 (72%) of the 770 instances [where kind of gun was known](#). Top three handgun calibers were 9 mm. (166), .40 (92) and .45 (80). Rifles caused 142 injuries (18%); top three calibers were 7.62 (60), .223/5.56 (28) and 5.45/5.56 (15).

[Firepower and gun availability](#) have grown exponentially during the past decades. Excluding exports, [domestic manufacturers produced](#) 1,333,241 semi-automatic handguns in 2008. Of these, about 827,000 were in 9mm. and larger caliber. [A decade later](#), in 2017, a staggering 3,415,582 pistols were produced for domestic consumption. About 2,220,000 were 9mm. caliber and beyond.

With guns so abundant (and so enthusiastically marketed) it's inevitable that many will wind up in the hands of criminals (click [here](#) for a related blog post and [here](#) for a longer piece.) In 2017 ATF traced 316,348 firearms, mostly seized by local police. Nine-millimeter pistols were the most frequently recovered, coming in at 84,196 (27% of the total). A more powerful caliber, .40, was second at 38,311. Forty-five caliber took fifth with 24,242, and .357 came in eighth at 9,500. Rifles were close behind. The devastating 5.56mm./ .223 duo had 9,359 cumulative recoveries, while the fierce 7.62mm. of AK-fame had 7,145. These weapons are especially problematic, as their super high-speed projectiles create large temporary wound cavities that pulverize nearby organs and rupture blood vessels (click [here](#) for a summary and [here](#) for a quick course.)

What's available to counter these threats? Body armor. Its protective qualities are strongly impacted by [bullet size, composition and, especially, velocity](#). Arranged by protective capability, from least to most, here are [the most recent Federal standards](#) for ballistic vests:

Armor Type	Test Bullet	Bullet Weight (grains)	Reference Velocity (ft/s)
IIA	9 mm FMJ RN	124	1165
	40 S&W FMJ	180	1065
II	9mm FMJ RN	124	1245
	.357 Mag JSP	158	1340
IIIA	.357 SIG FMJ FN	125	1410
	.44 Mag SJHP	240	1340
III	7.62mm NATO FMJ (M80)	147	2780
IV	.30 Caliber M2 AP	166	2880

Adapted from “Selection & Application Guide 0101.06 to Ballistic-Resistant Body Armor,” p. 12.

FMJ: full metal jacket; JHP: jacketed hollow point; S: soft point; RN: round nose

Levels IA, II and IIIA denote increasingly protective (read: bulkier, heavier, hotter) versions of soft body armor. Defeating high-velocity rifle rounds such as the 7.62 or .223 requires the hard armor of levels III and IV, which are unsuitable for patrol.

During 2008-2017 twenty-two officers died from [bullets that penetrated their body armor](#). (Keep in mind that this doesn’t include non-fatal penetrations, which are likely far more frequent, nor fatalities caused by wounds to areas not protected by armor.) Only one penetration death was attributed to a handgun, a so-called 5.7mm. “[big boomer](#)” with ballistics similar to high-powered rifles (an example is the [FN “Five-seven.”](#)) All other penetration deaths were caused by rifles, with 7.62mm. and 5.56/.223 caliber tied for the top spot [at six deaths each](#).

How protective should armor be? Given the [tradeoff between comfort and safety](#), Level II has probably been the most popular. [Here’s what the Feds think](#):

For armor intended for everyday wear, agencies should, at a minimum, consider purchasing soft body armor that will protect their officers from assaults with their own handguns should they be taken from them during a struggle; Level IIA, II or IIIA as appropriate. (p. 21)

Of course, even the most bullet-resistant body armor can't protect against wounds to exposed areas. [A recent Houston drug raid](#) gone sour left four officers wounded. Two were struck in the neck, one in the shoulder, and one in the face (all fortunately survived.)

Let's return to our two examples of "friendly fire." We don't know whether the Ventura County sergeant was wearing a ballistic vest. But only a cumbersome armor-plated garment could have protected him from the rifle round fired by his colleague. As for the NYPD detectives, neither was wearing armor, so the consequences seem, with the benefit of hindsight, sadly predictable. Here's how the victim officers' superiors explained the tragedies:

[Ventura County Sheriff Bill Ayub](#), about the death of Sgt. Helus: "In my view, it was unavoidable. It was just a horrific scene that the two [deputies] encountered inside the bar."

[NYPD Chief Terence Monahan](#), the agency's top uniformed officer, about the death of Detective Brian Simonsen: "We talk about the tactics, we talk about incidents that have occurred over the course of the last six months. You want to avoid that crossfire situation. But understand — it's great to train — everything happens in a second. You're reacting within seconds and you're in fear for your life. Your adrenaline is high."

"[Routinely Chaotic](#)" addressed the chaos and confusion that accompany some street encounters. Can it occasionally lead cops to shoot each other? Well, we're no tactical wizards, but before conceding that such things are inevitable, here are a few ideas for preventing poor outcomes:

- As NIJ suggests, everyone should wear body armor that will, at a minimum, stop a projectile discharged by a colleague. That rules out the use of long guns other than during highly coordinated tactical responses.
- After [Columbine](#), delaying (i.e., "surround and call-out") is out of favor when innocent lives are at stake. Still, responses must not become chaotic. To prevent possibly lethal confusion an early arrival should remain behind to coordinate colleagues as they show up.

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- Fire discipline is essential. Even the most impromptu entry team must designate “point” and “cover.” Who will engage, and who will protect those engaging, must be explicit from the start.
- [Routinely Chaotic](#) pointed out that “butting in” can prove lethal. Late-arriving officers, *including supervisors*, must take their cues from cops already on scene.

Of course, it’s not just police lives that are at risk. “[Speed Kills](#)” mentioned that innocent citizens are occasionally wounded and killed by misplaced police gunfire. (We distinguish this from purposeful shootings of citizens who turn out to be innocent.) Googling brought up two recent examples. In one, police bullets pierced a wall and [killed a six-year old boy](#) in his home. In the other, two bystanders – a 46-year old woman and a twelve-year old boy – [were injured by police bullets](#) that were meant for a fleeing suspect.

In our gun-crazed land the threats that citizens pose to cops and to each other, and that cops occasionally pose to innocent citizens and other cops, are ballistically identical. Officers must routinely exercise great care to avoid compounding this intractable dilemma. We’re confident that at least to that extent, Sheriff Ayub and Chief Monahan would certainly agree.

Posted 3/29/09

OAKLAND: HOW COULD IT HAPPEN?

Dissecting the murder of four police officers, and its implications

By Julius Wachtel, (c) 2010

The blame game's already underway. Only hours after parolee-at-large Lovelle Mixon [shot and killed four Oakland \(Calif.\) police officers](#), the horrific event was being portrayed as another example of America's losing battle against crime and violence.

Some, including [California Attorney General Jerry Brown](#), wagged their fingers at the State's much-maligned correctional system, which routinely places dangerous men like Mixon, who did six years for armed carjacking, under the supervision of vastly overburdened parole agents (Mixon was one of seventy.) Meanwhile [Los Angeles County Sheriff Lee Baca](#) and writer-activist [Earl Ofari Hutchinson](#) bemoaned practices that keep ex-cons from getting the jobs and education they need to succeed in law-abiding society. [Gun control advocates](#) complained of the ease with which would-be killers can circumvent the few meaningful restrictions that exist (two of the officers were reportedly shot with an assault rifle that is illegal in California but easily obtainable elsewhere.) Concerns were also raised, albeit far more discreetly, about the [tactical decisions](#) that might have led four experienced police officers, including two SWAT-team sergeants, to be gunned down by a single assailant.

[It all began](#) when sergeant Mark Dunakin stopped Mixon for an expired license tag. Returning to his motorcycle, Dunakin discovered that Mixon's driver license was fictitious and called for backup. Officer John Hege arrived. As Dunakin headed back to the car, possibly to make an arrest, Mixon stepped out with a pistol and opened fire. Both officers fell, wounded. Mixon walked up and shot them again at point-blank range. Dunakin died at the scene; Hege lingered for hours before being declared brain dead.

Mixon fled to his sister's apartment, where he had stashed an assault rifle. Less than two hours later, an Oakland PD SWAT team forced their way in. Mixon, who was hiding in a closet, fired wildly through the walls, fatally wounding sergeants Daniel Sakai and Ervin Romans, who were struck in the head. Other officers then shot Mixon dead.

There's no such thing as a "routine" traffic stop. Just hours after the Oklahoma City Federal Building was brought down by a truck bomb, killing 168 and injuring more than

400, a highway patrolman stopped [Timothy McVeigh](#) for a traffic violation. McVeigh, who had the advantage, could have reached for the loaded Glock 9mm. under his jacket. But he didn't.

Mixon chose differently. He had been avoiding his parole officer and probably guessed there was a warrant for his arrest. What's more, only a day before the shootings, Oakland police learned that Mixon's DNA profile matched biological evidence recovered from the [recent rape](#) of a twelve-year old girl. A suspect in a string of crimes including another rape, auto theft and murder (a witness who implicated him refused to testify), Mixon had just done nine months for parole violation after being caught with a drug scale and a stolen laptop. For a time he worked as a janitor but [according to a cousin](#) Mixon bought the car he was driving with proceeds from a far more lucrative gig: pimping.

Were the officers' deaths preventable? We can blame the "system" until the cows come home, but Mixon's conduct clearly suggests that there was no way to control him outside of a cell. And in a society where bearing assault rifles is considered a God-given right it was equally impossible to keep him away from guns.

If it's not the "system," might things have turned out differently had the motorcycle officers taken more care? Maybe, but cops can't draw down on everyone. Patrolling the inner cities, where a goodly proportion of adult males have spent time in prison, almost requires being in a state of denial. Paradoxically, experienced officers may be at special risk. Having managed to avoid serious trouble for years, they may get careless and ignore warning signs that would send a rookie diving for cover. Perhaps the second officer's arrival was a distraction. Maybe it lulled both into a false sense of security. We'll never know.

Once the unfathomable happened and two officers were down, having someone call to say where the shooter had holed up was an unexpected break. Normally such situations are resolved with a "surround and call-out," but [Mixon didn't respond](#). A cop killer was hiding in an apartment building whose design reportedly offered no safe way to evacuate its occupants. Since the murder of twelve students and a teacher at [Columbine High School](#), SWAT teams have been far more inclined to act sooner rather than later when innocents are at risk, and that's what they did here. Throwing in two "flash-bang" grenades as a diversion, they stormed the apartment. We know what happened next.

Exactly how the SWAT team made entry and why it chose to proceed as it did will be a topic of analysis and debate for years. Although some practices may change, the prognosis is ultimately poor. Due to the penetrating power of modern ammunition and

the difficulty of protecting the head many SWAT teams prefer to make entries “stacked” behind [hard armor](#). Unfortunately, [full-height shields](#) that can defeat rifle fire are too heavy and cumbersome to fit into tight spaces and may impede visibility. Many agencies have deployed robots, but they’re also subject to constraints. For one thing, they can’t see through walls; [Mixon](#), it’s reported, was hiding in a closet.

Given the number of guns in civilian hands, when individuals are hell-bent to do the wrong thing assuring officer safety is well-nigh impossible. For madmen with a rifle there is simply no solution.

Posted 12/28/07

OF HOT-SPOTS AND BAND-AIDS

Intensively policing troubled areas isn't a lasting remedy

By Julius Wachtel, (c) 2010

In 2005 L.A. County Sheriff Lee Baca bemoaned that a scarcity of resources was limiting his ability to battle gang murders in Compton, which the LASD serves under contract. With nearly half his patrol deputies committed to contracts with other cities and his countywide gang squad seriously understaffed, the Sheriff was reluctant to shift officers to a “hot spot” lest problems pop up elsewhere. But when year-end stats revealed that murders in Compton were sharply higher while those in nearby LAPD areas were way down, Baca flooded the city with homicide detectives, gang investigators and deputies from unincorporated areas.

After a couple months of success the impromptu task force was disbanded. As one might expect, Compton promptly reverted to its old habits. When a July 2006 weekend of violence left four dead and others wounded, Baca sent back the extra troops, and that's where they remain. Compton is getting a lot more police coverage than it pays for, and no one's apologizing.

There is no question that hefty, localized increases in police coverage can dampen violent crime. That's why N.Y.P.D. [recently decided](#) to assign an entire academy graduating class of 914 recruits to its mobile field force, doubling it to nearly 2,000 so that it can start flooding troubled areas in Brooklyn. This flexibility is made possible by its superiority in numbers, in turn made possible by what New York City officers get paid (hint: it's a [lot less](#) than L.A.) Except for wealthy communities, high salaries are invariably accompanied by low patrol densities, so sustaining a police “surge” (thing Baghdad) can be difficult. Just how expensive is it to police SoCal? West Covina, a typical middle-class community, estimates salary and benefits for a single officer at \$125,000 per year. Since four officers are required for 24/7 coverage (three plus one for days off), that's \$500,000 for one cop around the clock, not including a vehicle, gas, equipment or support services! If officers work in pairs figure a cool million per year, per patrol car.

How does hot spot policing work? It's simple: stop as many suspicious vehicles and pedestrians as possible. Under the “[Terry](#)” doctrine officers can frisk anyone they reasonably suspect is armed. Since the [Supreme Court's ruling](#) that the underlying

“reason” why a cop stops a car is immaterial, traffic laws are applied to the hilt. Everything from a “white light to the rear”, to a missing expiration year sticker, to a five-mile per hour speeding violation is used to justify stops.

But searching a vehicle or going beyond a pat-down requires more than suspicion -- it calls for either consent or probable cause. And that's where the troubles begin. Pressured to show results, officers have fudged observations, falsified reports and abused suspects. Other than for Rafael Perez, the cocaine-stealing officer who originally blew the whistle, the [Rampart scandal](#) was never about cops lining their pockets -- it was about officers lying, cheating and planting evidence to justify arrests and cover up acts of brutality, including some terrible use-of-force mistakes.

Can intensive policing make a lasting dent on violence? Yes, if officers remain indefinitely. Otherwise, no. Surges usually happen in areas -- like Compton -- that are poor and socially disorganized. That's why it's nearly impossible to “fill in” behind departing officers with community-based initiatives, as those require the active involvement of citizens who aren't afraid to testify and help police.

Hot-spot approaches may also have a natural life-cycle. If limited to a narrow time frame aggressive enforcement is likely to be accepted, even welcomed. But policing is not a precise instrument. Unless officers proceed with exquisite care, innocent persons will inevitably get caught up in the dragnet, and as the inevitable confrontations and misunderstandings pile up citizen support is likely to diminish.

Is there a better solution than the hot-spot band-aid? Probably not. Ideally, law enforcement resources would be distributed according to crime problems, not citizens' ability to pay. Unfortunately, American policing has from inception been highly fragmented, thus dependent on local funding. Extreme situations like L.A. County's, where the Sheriff's budget is overwhelmed by jail needs and contracts prevent sending deputies where they are most needed, only emphasize the structural defects of a criminal justice system that, no matter how unintentionally, best serves the interests of wealthy communities.

Don't believe it? Go visit Beverly Hills P.D. Don't get lost in their headquarters, which wags have dubbed the Taj Mahal. Wind your way through rows of detective desks to the crimes against persons squad. (Try not to do it on the day when they have their one murder a year.) Tell them Compton needs help. Then oink back!

Posted 4/26/25

PUTTING THINGS OFF

Pursuits hurt and kill innocents. What are the options?



For Police Issues by Julius (Jay) Wachtel. As police pursuits go, it's an appallingly familiar scene. Two vehicles lie shattered after their violent collision at an urban intersection. On the right, a white Nissan that [a fleeing thief assertedly drove](#) at “nearly 90 miles per hour” on city streets. On the left, the blue BMW occupied by his victim, Marianne Mildred Casey, 67. She didn't survive the crash.

Why was Anthony Michael Hanzal running from police? His reason has a familiar ring. An undercover cop observed the “second-striker” shoplift “boxes of Legos” at a grocery store. A black-and-white was called in. High on drugs, and with two prior convictions for theft ([Orange County Superior Court](#) cases 19HMO1127 and 23NM11569), when those red lights started flashing the chronic thief and drug abuser probably feared that it was indeed “game over.”

Coincidentally, his life-changing behavior took place on the very day – December 18, 2024 – that [California Proposition 36](#) took effect. Enacted due to widespread disgust over the thievery and shoplifting that beset retailers, it made a third conviction for a misdemeanor property offense a “wobbler” [punishable as a felony](#). Whether Hanzal knew of the toughening hasn't been said. Bolting from the cops, he promptly rear-ended another car and hopped on the freeway. An extensive, high-speed pursuit by multiple agencies wound up back on city streets. Hanzal soon ran a red light and struck an innocent car, killing its elderly driver (photo above).

Hanzal was charged with gross vehicular manslaughter while intoxicated, evading a peace officer causing death, and theft with two prior convictions. ([Orange County Superior Court](#) case# 24NF3264.) He pled not guilty; trial is pending.

Hanzal's pursuit was your stereotypical, "all hands on deck" police chase. (Click [here](#) for the *ABC News* story and video.) Police lost his trail several times, but "backing off" – that, by the way, [is the title of one of our posts](#) – was obviously not in the cards.

Two days after that tragic ending came the arraignment, in the same court system, of another Southern California evildoer. On December 20, 2024 a "documented White Supremacist gang member with six prior strikes" appeared in [Orange County Superior Court](#) to answer for six felonies, ranging from evading a police officer to murder (case# 24WF3411). According to the [D.A.'s press release](#), Timothy Bradford Cole II, 43, fled from police after torching the home of his sister's fiancée. Cole was supposedly retaliating against his sister, whose call to child protective services allegedly caused him to lose custody of his kids.

Cole set the fire by dousing the home's shrubbery with an accelerant. When cops arrived, he took off. Officers promptly set chase. But they didn't have to go very far. Traveling at an estimated speed of 90 mph, Cole soon ran a red light and smashed into a BMW occupied by three innocents. One passenger, a 25-year old Vietnamese foreign exchange student, was killed. (For *NBC L.A.*'s comprehensive account click [here](#).)



It's not just Orange County. Police pursuits are commonplace throughout Southern California. L.A.'s *FOX News* 13 [offers an online chronicle](#) of notable local chases by the CHP and local police (its earliest posted account is of a pursuit on [April 4, 2019](#).) We selected pursuits between April 1, 2024 and March 31, 2025. Keeping in mind the entries' limited scope and accuracy, they do offer insights into episodes that seemed particularly newsworthy. Here's a brief overview:

- *FOX* lists 139 chases over those twelve months. A dozen involved trucks and buses (nearly all had been stolen.) Eight involved motorcyclists. Thirteen of the fleeing vehicles – including a motorcycle – were clocked at speeds exceeding 100 mph.
- Many pursuits weren't prompted by traffic infractions. Nine involved carjackings. Thirty-two were of reportedly stolen vehicles. [In one notorious example](#), a stolen car occupied by four youths, ages 12-14, crashed while being pursued by sheriff's deputies. Each child was seriously injured; two, critically.

- At least twenty-one fleeing motorists were wanted for a recent crime. Several were armed (one reportedly had a stockpile of guns). Four encounters ended in gun battles; one suspect was killed. No innocent persons or officers were reportedly wounded or killed.
- Sixteen chases involved or ended in collisions between fleeing cars and innocent motorists. Six fleeing vehicles collided with police cars. Several crashed into buildings, abutments and other fixed obstacles.
- Virtually every crash produced injuries. Five occupants of the vehicles being pursued were killed. Four innocent persons also died: three were motorists; [one was a bicyclist](#). In that episode, LAPD officers had been trying to stop a man who burglarized a parked car. During a brief, high-speed



chase the suspect's vehicle struck a bicycle. It then collided with several other cars and flipped over. A small tent (pictured) was erected where the cyclist lay.

Ill-fated chases don't only beset Southern California. Updates in "[Is it When to Chase? Or If?](#)" chronicle a host of pursuits with tragic outcomes. This March [a pedestrian and two occupants of innocent vehicles were killed](#) when struck by cars being pursued by Hyattsville, MD police. In January, an officer in a small Mississippi town [chased an SUV beyond his city's limits](#). That vehicle soon crashed into another; the SUV's driver and both occupants of the car it struck were killed.

Policies that govern pursuits vary widely across the U.S. Our local major agency, LAPD, has a relatively permissive approach. Here's an extract from its [current manual](#):

555.10 INITIATION OF A VEHICLE PURSUIT. Officers shall not initiate a pursuit based only on an infraction, misdemeanor evading (including failure to yield), or reckless driving in response to enforcement action taken by Department personnel.

Officers may pursue felons and misdemeanants, including law violators who exhibit behaviors of illegally driving under the influence of drugs or alcohol. If reasonable suspicion or probable cause exists that a misdemeanor (with the exception of misdemeanor evading or reckless driving in response to enforcement action by Department personnel) or felony has occurred, is occurring or is about to occur, employees may pursue a suspect vehicle.

At the start, officers are cautioned against prodding motorists to flee (the phrasing is nearly impenetrable, but its intent seems clear.) Chases are otherwise allowed when there is “reasonable suspicion” that a crime – felony or misdemeanor – was committed or seems “about to occur.” Ordinary traffic offenses such as speeding and expired registration are only “infractions,” thus off the table. DUI, reckless driving and hit-and-run, though, are misdemeanors. Ditto shoplifting, petty theft and all assaults. So for those, the chase is on!

But even LAPD has its limits. Those are buried in yet [another volume](#) of its massive manual:

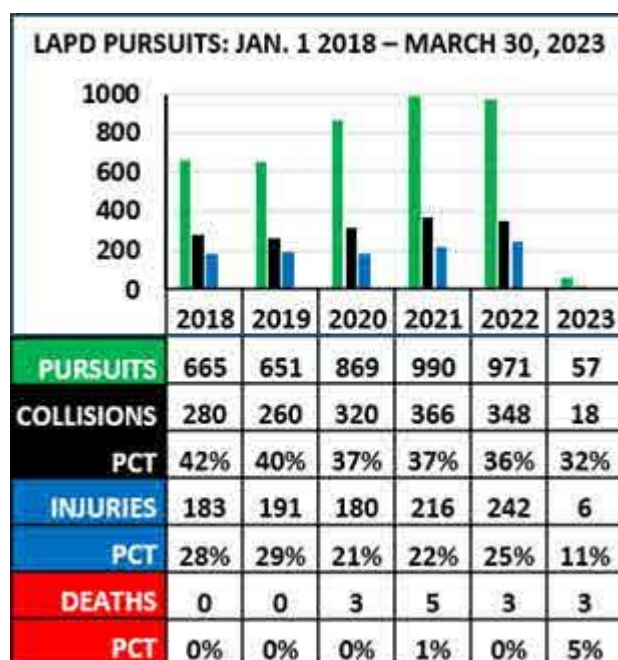
205.17 CONTINUATION/TERMINATION OF THE PURSUIT. Officers involved in a pursuit shall continually evaluate the necessity for continuing the pursuit. Officers must determine whether the seriousness of the initial violation or any subsequent violations reasonably warrants continuance of the pursuit.

That “evaluation” comprises thirteen factors. Here are the first four:

- Whether there is an unreasonable risk of injury to the public's safety, the pursuing officers' safety or the safety of the occupant(s) in the fleeing vehicle
- Whether speeds dangerously exceed the normal flow of traffic
- Whether vehicular and/or pedestrian traffic safety is unreasonably compromised
- Whether the suspects can be apprehended at a later time

A seemingly fundamental reason for chasing – “The seriousness of the crime and its relationship to community safety” – is in seventh place.

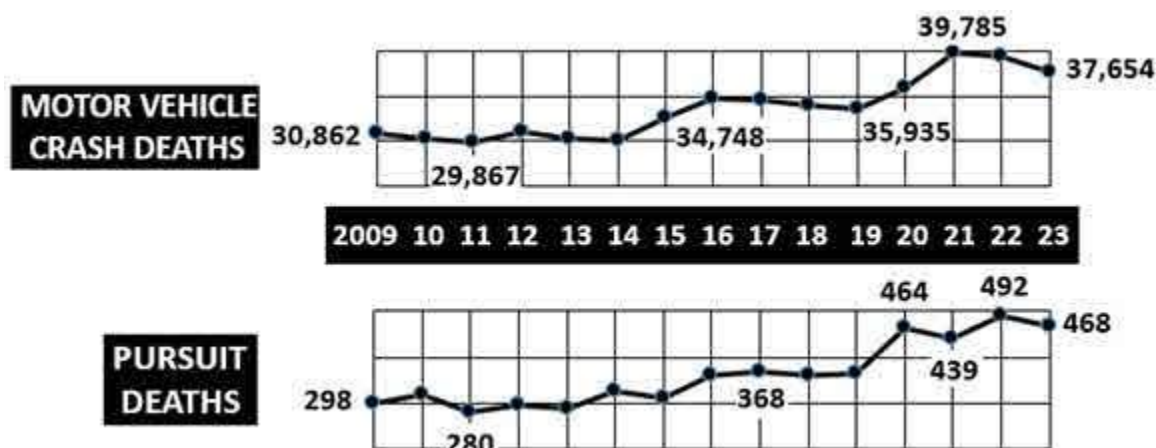
As it turns out, in L.A. (and seemingly, across the U.S.) the primary justification for conducting a chase is that the vehicle being pursued was reportedly stolen. [According to LAPD](#), that was the reason for 44% (1,862 of 4,203) of its chases between January 1,



2018 and March 30, 2023. Drunk driving (17%) placed a distant second and reckless driving (11%) came in third. Violent crimes were further down. ADW (6%) was fourth; carjack/robbery (5.7%) was fifth. LAPD also reported that 38% of pursuits (1,592) resulted in a collision. Of these, 1,032 (65%) caused injury or death. Check out our graphic. Between 36%-42% of LAPD pursuits conducted during full-year periods ended in a crash. Using pursuits instead of crashes as a basis, between 25%-29% ended with a crash-related death. And as one would expect, as the number of pursuits increased, their overall consequences worsened.

Those “consequences” aren’t just a problem in L.A. According to [The City](#), a major nonprofit news outlet that monitors doings in the Big Apple, [N.Y.P.D. pursuits soared in December 2022](#) when John Chell took over as chief of patrol. Thanks to an aggressive anti-crime approach, pursuits jumped from 32 to 53, then “surged” to 133 one month later. But in January 2025 newly-installed Police Commissioner Jessica Tisch (literally) [slammed on the brakes](#). Her decision to restrict chases to instances that involved “suspected felonies or violent misdemeanors” was likely influenced by a profusion of pursuit-related crashes, with “[more than one a day](#)” during the preceding year.

Data collected by [NHTSA](#), America’s highway safety agency, confirms that the consequences of pursuits haven’t only beset L.A. and New York City. (Caveat: NHTSA crash data is incomplete. For example, between 2009-2023, “fatal crashes with pursuits” and “persons killed in fatal crashes with pursuits” lacked entries for L.A. in 2016 and 2018, and for N.Y.C. in 2016, 2017, and 2019-2021.) Keeping such glitches in mind, we assembled a graphic overview:



In 2020 pursuit deaths reached a then-historical high of 464. One year later, the toll was “only” 439. That improvement is consistent with the more restrictive chase policies that accompanied the kinder and gentler approach to policing that was brought on by the 2020 murder of George Floyd. But only one year after that, pursuit deaths reached a new high of 492. What happened? Last April *Stateline* [published an account](#) that suggests the Floyd imbroglio caused many jurisdictions to implement restrictive pursuit policies. But the increase in crime that soon followed led agencies that had tightened the reins on cops to reverse course. That “reversal” happened in even the “Bluest” of places. Say, the District of Columbia and San Francisco:

In the District, officers will be able to begin pursuits if vehicle occupants pose an imminent threat to others. And in San Francisco, officers can initiate pursuits for any felony or “violent misdemeanors, including retail theft, vehicle theft and auto burglaries.”

Are pursuits worth their costs? Two years ago DOJ’s COPS office issued [a comprehensive 146-page report](#) that analyzed pursuit policies across the U.S. “Vehicular Pursuits – A Guide For Law Enforcement Executives in Managing the Associated Risks” closed by endorsing a standard that would require “having reasonable suspicion that the suspect is wanted for a violent crime and presents an imminent threat to the community.” That’s far, far more restrictive than L.A.’s policy. Really, if this approach is used, pursuits would rarely take place.

So what does the [IACP](#) think? America’s premier organization of police executives [issued a guide in 2019](#). However, it’s only intended to help agencies *develop* pursuit policies – it offers no specific recommendations of its own. However, we came across an IACP “model” vehicular pursuit policy [dated December, 2015](#). It’s not on their website, but it seems genuine. Here’s a brief outtake:

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...Pursuit is authorized only if the officer has a reasonable belief that the suspect, if allowed to flee, would present a danger to human life or cause serious injury. In general, pursuits for minor violations are discouraged...Unless a greater hazard would result, a pursuit should not be undertaken if the subject(s) can be identified with enough certainty that they can be apprehended at a later time....

That second sentence really caught our eye. Officers face that “unless a greater hazard would result” conundrum whenever someone flees, or acts as though they might. To be sure, arresting a “not-so-model citizen” is always risky. But abandoning a chase places evildoers on notice and gives them an opportunity to prepare for the Mounties to arrive. Setting up to make an ostensibly safer snatch can also consume prodigious amounts of police time and resources. Meanwhile a potentially dangerous person remains free to run around and misbehave.

Bottom line: there is good reason why officers nearly always prefer to hook someone up when the opportunity first presents itself. To make that task safer, “[*Forewarned is Forearmed*](#)” recently recommended that police deploy advanced technologies so that cops can be instantly informed about the criminal backgrounds of persons they encounter. Still, there is a balancing act. Pursuits *do* hurt and kill innocents. So in policing, as elsewhere, “putting things off” is sometimes called for. But it’s not always the best choice.

Posted 4/1/13

QUANTITY, QUALITY, AND THE NYPD

Has a preoccupation with “numbers” compromised craftsmanship?

By Julius (Jay) Wachtel. “Make cases, put people in jail, numbers. Our department right now is heavily into numbers...There are [statistics] being taken through the chain of command, ‘see how good a job we’re doing, how many people we’re putting in jail,’ that sort of thing.”

Given the controversy embroiling the NYPD, one might think that this comment was made only the other day. But it wasn’t. More than thirty years ago, narcotics officers from New York City and several other large police departments whom I interviewed for my dissertation were unanimous as to one thing: numerical productivity wasn’t the only way that bosses measured their performance, but it was far and away the most important.

By the second decade of the twentieth century so-called “scientific” management and its obsession with counting had become entrenched features of the private sector. Actually, numbers didn’t become gospel in the public sector until the 1960’s, when the new Secretary of Defense, Robert McNamara, infused the Federal government with practices brought over from Ford Motor Company, which he had served as president. During the Vietnam War, McNamara’s endless reports of bombs dropped, acres deforested and enemy killed were repeatedly offered as proof that victory was inevitable. His mea culpa in “The Fog of War” (2003) came forty years late.

Government managers jumped on the bandwagon. Policing usually consumes a majority of city budgets, and now that computers made number-crunching ridiculously easy concerns about the use of public funds could be easily addressed. Cop shops didn’t make widgets, but they did produce its equivalent, in the form of countable tickets, stops and arrests.

It wasn’t just about justifying police budgets. Reducing everything to numbers had another benefit: it made performance “evaluation” ridiculously simple. What couldn’t be counted didn’t exist. “Making cases” became the new mantra. Concerns that reductionism might fundamentally distort what cops actually do were ignored. Worries about the quality of police work were brushed aside.

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From there it was just a short step to quotas. Although informal understandings about minimum numbers of tickets, stops and arrests had always been there, systems such as Compstat, Bill Bratton's gift to the NYPD, reified counting. It wasn't just lowly beat cops who now had to take care. Sergeants, Lieutenants, Captains – every manager could be held accountable for meeting standards whose objective appearance lent a scientific imprimatur.

Counting isn't always inappropriate. Officers should write some tickets and make some arrests, and it's probably wise to pay attention to those whose productivity seems unreasonably low. Yet bureaucracies that measure their performance with numbers are apt to look stagnant unless – you guessed it – the trend line keeps going up. It's in the nature of the counting beast: whether or not crime is on the increase, stops and arrests must keep going up.

Of course, endlessly boosting production will at some point require that officers take shortcuts. Police hamburger, though, usually gets made out of the public eye. Accusations that NYPD officers were pressured to stop citizens or pat them down without "reasonable suspicion" can't be evaluated with a calculator, so proving that cops cheated may be difficult.

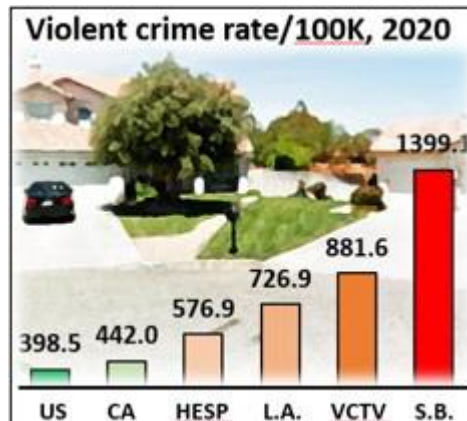
What ought to be done? We know that numerical measures can easily displace other, more worthwhile criteria. Numbers must never stand alone but be carefully integrated into the definition of what it means to do a quality job. Police management styles must also change. Pressuring cops to "get numbers" breeds cynicism, devalues the craft of policing and can precipitate a moral decline in the ranks. Police, politicians and the public must come to grips with the fact that our New Centurions are not well positioned to fix fundamental social ills, and that assigning officers "mission impossibles" will lead even the best-intentioned cops to breach the moral and legal boundaries of their craft.

It seems that several badge-wearing NYPD whistleblowers have come forward and will be testifying in the current Federal civil trial about the effects of pressures to produce on officer behavior. It will be interesting to see if what they have to say will really "count."

Posted 1/9/23

RACE AND ETHNICITY AREN'T PASS/FAIL

DOJ quashes an attempt to obstruct rentals to Blacks and Hispanics



For Police Issues by Julius (Jay) Wachtel. After a decade-and-a-half of trawling for juicy crime and justice developments on which to expound, it's not often that we're (totally) surprised. But that [December 14 piece](#) in the *Los Angeles Times* was definitely a head-snapper. It wasn't just the headline: "Accused of illegally evicting Black and Latino renters, SoCal city, sheriff to pay \$1 million." After all, concerns about racial bias are part of everyday discourse. Instead, it was the reveal that a community of about 100,000 middle-and-upper working class residents got so upset about crime that its leadership enacted an ordinance, effective January 1, 2016, requiring that prospective occupants of rental property pass criminal background checks and thereafter stay out of trouble.

That's right: obtaining and retaining permission to live in a rental was contingent on approval by the San Bernardino County Sheriff's Department, which runs Hesperia's police. Cops notified landlords when tenants stepped out of line. And there were penalties for property owners who failed to heed official "requests" to evict.

Actually, running checks on would-be tenants isn't anything new. Based on a concept developed by the [International Crime-Free Association](#), "crime-free rental housing" programs are in force at scores of communities across the U.S., including "[more than a quarter of all the local governments](#)" in California. Their implementation varies. [Kansas City landlords](#) conduct criminal background checks on prospective tenants and must take the "frequency, recentness, and severity" of their criminal history into account when deciding whether to rent. Police promptly inform owners about tenants' criminal activity, arrests and drug use, and may "*actively push*" for eviction. However, that decision is supposedly left for landlords to make. [KCPD's online guide](#) describes the

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program as “designed to help keep illegal activity off rental property” and provides contact information for the officers who administer it at each patrol division.

ORDINANCE NO. 2015-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, REQUIRING THE REGISTRATION AND REGULATION OF HOUSING RENTAL BUSINESSES FOR CRIME FREE RENTAL HOUSING

Problem is, some cities have apparently gone well beyond “pushing” for eviction. Hesperia’s law, for example, flat-out prohibited

renting or leasing properties to persons with criminal records. What’s more, once individuals *were* housed, landlords were required to evict persons who cops said had misbehaved. These mandates, and many others, formed a [comprehensive, twelve-page ordinance](#) signed by Mayor Eric Schmidt in November 2015. Property owners had to register rental properties with the city, pay an annual fee, and comply with a host of to-do’s. Landlords were required to collect personal identifying information from every prospective adult occupant (not just the person signing a lease) and pay to have each one checked for arrests and such by a commercial service. Rental agreements had to include warnings that entire households would be evicted should any member commit a crime in or near their abode. And the threat *had* to be carried through.

Hesperia justified the move by claiming that there was a “connection between rental properties and increased illegal activity and law enforcement calls for service.” [But the Feds insist](#) that was merely a smokescreen. What did they think was the *real* motive? According to DOJ’s lawsuit, “statements by City and Sheriff’s Department officials indicate that the ordinance was enacted with discriminatory intent and with the purpose of evicting and deterring African American and Latino renters from living in Hesperia.” Their data indicated that Black and Hispanic persons were far more likely than Whites to be denied housing, and once housed to be kicked out. HUD reported that “African American renters were almost four times as likely as non-Hispanic white renters to be evicted because of the ordinance, and Latino renters were 29% more likely than non-Hispanic white renters to be evicted.” Nearly everyone that got booted – 96.3% of individuals and 96.9% of households – lived in a Census block whose majority population was non-White. Yet “only 79% of rental households in Hesperia are located in majority-minority Census blocks.”

DOJ backed its claims of discriminatory intent with [extracts from comments](#) voiced by city council members and police managers during the hearings that preceded the law’s enactment (see link, pages 6-10). For example:

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- City Councilmember Russ Blewett: “the purpose of the ordinance was “to correct a demographical problem.”
- Mayor Eric Schmidt: “I can’t get over the fact that we’re allowing . . . people from LA County to ‘mov[e] into our neighborhoods because it’s a cheap place to live and it’s a place to hide’ and ‘the people that aggravate us aren’t from here,’ and that they ‘come from somewhere else with their tainted history’.”
- Sheriff’s Captain (and future City Manager) Nils Bentsen: “[Bentsen] compared the ordinance to his previous efforts evicting people in ‘a Section 8 house’ where ‘it took us years to ... find some criminal charges [and] arrest the people’.”

19	UNITED STATES DISTRICT COURT	
20	FOR THE CENTRAL DISTRICT OF CALIFORNIA	
21	WESTERN DIVISION	
22	UNITED STATES OF AMERICA,	Case No. 5:19-cv-02298 AB (SPx)
23	Plaintiff,	
24	v.	SUPPLEMENTAL COMPLAINT AND
25	CITY OF HESPERIA, COUNTY OF	DEMAND FOR JURY TRIAL.
26	SAN BERNARDINO, and SAN	
27	BERNARDINO COUNTY SHERIFF'S	Hon. André Birotte, Jr.
28	DEPARTMENT,	United States District Judge
	Defendants.	

DOJ also heavily criticized the [law's alleged impact on innocents](#):

- A Black female householder’s repeated calls about an abusive boyfriend got her and her three children kicked out. Unable to afford other housing, they were forced to move “across the country.”
- A man’s “mental health crisis” led the expulsion of the householder, a Hispanic female, and forced her to relocate to a motel.
- A Black mother’s call for help led to the eviction of the whole family. Unable to secure a replacement rental, they moved away, leaving a teen daughter behind so she could complete high school.

18	UNITED STATES DISTRICT COURT	
19	FOR THE CENTRAL DISTRICT OF CALIFORNIA	
20	WESTERN DIVISION	
21		
22	UNITED STATES OF AMERICA,	Case No. 5:19-cv-02298 AB (SPx)
23	Plaintiff,	
24	v.	CONSENT ORDER
25	CITY OF HESPERIA, et al.,	
26	Defendants.	Honorable André Birotte Jr.
		United States District Judge

Bottom line: [Hesperia recently settled](#). While it will continue to regulate rentals, the Sheriff’s Department is out of the picture and the “crime-free” ordinance is no more. Hesperia has agreed to pay a \$100,000 fine and is allocating nearly a million

bucks to compensate the afflicted and fund projects intended to eliminate housing discrimination. “Civil rights coordinators” will be trained to assess progress during the five-year period that the consent decree is scheduled to run.

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According to the Feds, the disparate outcomes and instances of individual harm weren't by accident but stemmed from animosity towards Blacks and Hispanics. Bigotry, plain and simple. Neither the [Complaint](#) nor DOJ's weighty, self-congratulatory [press release](#) indicated that the city might have had any legitimate reason whatsoever for making decisions that wound up falling hardest on Blacks and Hispanics. Consequently there was no need to address the factors that our [Neighborhoods essays](#) point out are associated with crime. Nor any need to mention the well-known path to a solution. For the record, [let's self-plagiarize](#):

...no matter how well it's done, policing is clearly not the ultimate solution. Preventing violence is a task for society. As we've repeatedly pitched, a concerted effort to provide poverty-stricken individuals and families with child care, tutoring, educational opportunities, language skills, job training, summer jobs, apprenticeships, health services and – yes – adequate housing could yield vast benefits.

So was *anything* beyond racial animus at work? There was one intriguing hint. During hearings for the proposed ordinance, witnesses repeatedly blamed Hesperia's crime [on persons who relocated from Los Angeles](#). Mayor Eric Schmidt complained that "I can't get over the fact that we're allowing...people from LA County" to "mov[e] into our neighborhoods because it's a cheap place to live and it's a place to hide...[they] come from somewhere else with their tainted history." And while [DOJ's Complaint](#) didn't get into causes beyond bias, it pointed out (by way of disagreeing with that shot at L.A.) that "approximately three-quarters of new Hesperia residents between 2012 and 2016 moved there from other parts of San Bernardino County." Well, here's a map:



Hesperia (2020 pop. 95,163) has two sister cities, San Bernardino (pop. 216,784) and Victorville (pop. 122,958). Rating sites are lukewarm about each

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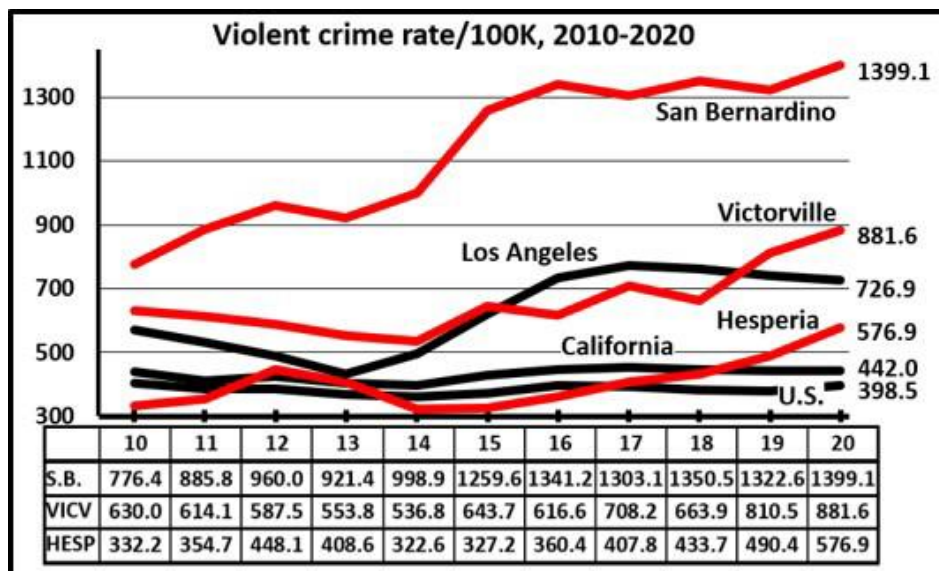
community. [Niche](#) awards Hesperia a “C” overall and a “C” for crime. [Victorville](#) and [San Bernardino](#) earn C-minuses for both. As usual, we turned to the [FBI](#). Our top graph indicates that Hesperia’s 2020 violent crime rate fell between California’s overall and L.A.’s. Victorville’s rate came in considerably higher, and San Bernardino’s was simply appalling. These tables depict the outcome of rank-ordering the violent and property crime rates of all California cities. Remember, these are *ranks*, so #1 is worst:

461 California cities ranked (1 is worst)			460 California cities ranked (1 is worst)			459 California cities ranked (1 is worst)		
2010	ViolCr	PropCr	2015	ViolCr	PropCr	2020	ViolCr	PropCr
San Bern	30	30	San Bern	12	29	San Bern	8	76
Victorville	86	119	L.A.	62	223	Victorville	26	282
L.A.	92	240	Victorville	63	101	L.A.	45	167
Hesperia	219	276	Hesperia	196	218	Hesperia	74	359

Here's how Hesperia and Victorville compared with other California cities of similar population size:

57 Calif. cities pop. 75,000-125,000 ranked (1 is worst:)			68 Calif. cities pop. 75,000-125,000 ranked (1 is worst)			69 Calif. cities pop. 75,000-125,000 ranked (1 is worst)		
2010	ViolCr	PropCr	2015	ViolCr	PropCr	2020	ViolCr	PropCr
Victorville	11	14	Victorville	10	14	Victorville	3	54
Hesperia	32	44	Hesperia	32	41	Hesperia	12	61

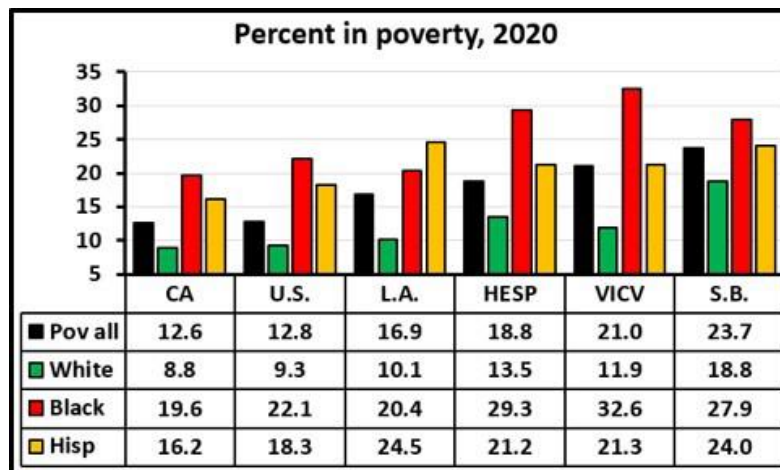
Both sets of tables suggest that San Bernardino and Victorville have developed a serious violent crime problem, and that Hesperia seems to be trying to catch up. Their deteriorating positions are evident in this graph, which depicts violent crime trends for the U.S., California, Hesperia, Victorville and San Bernardino over the full decade:



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Check out those red trend lines. From about 2015 on, Hesperia, Victorville and San Bernardino seemed essentially on the same track. We computed r (correlation) scores. These can range from zero, meaning no relationship, to one, denoting a perfect relationship. Between 2015-2020 the correlation between Hesperia's rates and Victorville's was a sky-high .94, and between Hesperia's and San Bernardino's a slightly lower but still robust .79.

Crime aside, what about economic conditions? Hesperia was never an affluent place. Still, [2020 Census data](#) reveals that its economy is in considerably better shape than Victorville's or San Bernardino's:



Yet in Hesperia as elsewhere, the burden of poverty falls far most heavily on Blacks and Hispanics. But there's not a hint that economic inequality came up during debate. Instead, Hesperia's officials took a conceptual shortcut. Equating crime with race and ethnicity, they sought to prevent the former by reapportioning the latter. Consider, for example, councilmember Russ Blewett's [shameful comments](#):

...Russ Blewett stated the purpose of the ordinance was “to correct a demographical problem.” He stated he “could care less” that landlords and organizations...disagreed with him about the ordinance, and stated that the City needed to “improve our demographic.” Blewett also stated that “those kind of people” the ordinance would target were “no addition and of no value to this community, period,” and that he wanted to “get them the hell out of our town.”

In the end, it wasn't criminal record checks that brought DOJ's reproach. Whether or not everyone who voted for the ordinance suffered from racial animus, its odor suffused the proceedings. And the consequences could make it even tougher for well-intentioned efforts to improve economically-challenged, violence-stressed neighborhoods to take hold.

Posted 6/13/21

REGULATE. DON'T "OBFUSCATE".

Tailor remedies to the workplace. And keep it real!



For Police Issues by Julius (Jay) Wachtel. Chasing after suspects on foot isn't something that should be thoughtlessly encouraged. In "[Want Happy Endings?](#)" we emphasized that such pursuits often end tragically. Our example, the June 18, 2020 shooting death of an armed eighteen-year old by Los Angeles County sheriff's deputies might have been resolved far more peacefully had officers sought to contain the youth and called for backup.

That's not the first time we've questioned foot chases. Over a decade ago [we summarized the problem thusly](#):

[Foot chases] place officers in unfamiliar surroundings. Often alone, lacking access to the normal tools of policing, they get wholly dependent on their guns for survival. Pumped up on anxiety and adrenaline, with little opportunity to observe or reflect, it's inevitable that their split-second decisions will occasionally prove to be tragically wrong...Unless academies can produce Supercops who are unaffected by stress and fatigue and can see in the dark, prohibiting one-on-one foot pursuits may be the only option.



Foot pursuits with tragic endings aren't just a problem in Southern California, where that essay focused. During the early morning hours of March 29, 2021 [a shot-spotter device alerted Chicago police](#) to gunfire. Two officers promptly arrived. An adult male and his young teen companion took off on foot, and the chase was on. A cop promptly corralled Ruben Roman, 21. Surveillance video would later confirm that the alleged gang member was indeed the shooter. Alas, he had apparently passed the gun to the youth, who kept on running. After a prolonged chase,

the other cop cornered him. Adam Toledo [tossed the gun and raised his arms](#) as if to surrender (see image). But as he did so the officer opened fire and shot the youngster dead. (Click [here](#) for our half-speed version of the pursuit's final moments and [here](#) for the official collection of videos of the encounter.)

Two days later, on March 31, it was Déjà vu all over again. For unconfirmed reasons – their quarry had supposedly eluded them a day earlier – [two Chicago police officers furiously chased](#) a twenty-two year old man through a residential area at about one in the morning. Anthony Alvarez entered a townhome complex, and as he reached a set of stairs an officer opened fire and shot him dead. Video footage provided and edited by Chicago PD supposedly shows that during the chase Alvarez produced a gun, which some say he dropped just before the shooting (the videos aren't clear about that.) In fact, his pistol *was* recovered; best we can tell, though, Alvarez never pointed it at his pursuers. (Click [here](#) and [here](#) for our extracts from Chicago PD bodycam videos.)



Given the gunplay that typically rocks Chicago, the lethal encounter with Mr. Alvarez, an adult, was vastly overshadowed by the shooting death of thirteen-year old Adam Toledo. So [just why was a boy running around with an armed felon](#) at two-thirty in the morning? One-time Chicago police commissioner Garry McCarthy (he was chief through 2015) [blamed the child's violent death](#) on the gang members that infest his city. "They have the 'shorties' who they give the gun to," he told *WBBM* radio. Former Commissioner Eddie Johnson, a Black officer who succeeded McCarthy, offered the officer who killed the boy [some words of support](#):

...I don't see anything that would dictate that the officer would be prosecuted for anything. It's a tragedy. All of this happened in less than a second...Tossing a weapon and turning around in a split second doesn't give your brain time enough to process. Reality isn't like Hollywood. It's much different...

Outside the law enforcement community such "explanations" fell on deaf ears. Adam Toledo's killing was widely and near-reflexively condemned. "It could have been any one of my students," [said an eight-grade teacher](#). "I don't think there's enough training for cops, especially white cops dealing with Black and brown kids," she added. "They're

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acting out of fear.” *Chicago Tribune* columnist Rex Huppke [summarized the prevailing sentiment](#) in an uncompromising piece:



There is only one side here, and it’s a side that should be almost instinctual in all of us as human beings, a thread woven into our DNA: What we saw in that police body camera video is wholly, wildly, unnaturally unacceptable.

Perhaps sensing a very ill wind, city officials quickly jumped on the bandwagon. Instead of pointing fingers at the officer – his predicament, we suspect, was too complex and legally charged to allow for a tidy scolding – they blamed police policies. Those, they pledged, would be promptly reformed. [Mayor Lori Lightfoot demanded it](#): “We cannot and will not push the foot pursuit policy reform off for another day.”

Full stop. By “reform” she must have meant meant “change.” Chicago P.D. had issued a [foot pursuit policy](#) in January 2018. Revised last year, the rules comprehensively set out the requirements and justifications for a foot chase. A prominently boxed warning informs officers that foot pursuits are only authorized when there is “reasonable articulable suspicion to conduct an investigatory stop or probable cause to arrest.” Officers are sternly reminded about the risks that foot chases present to everyone, including the suspect. They’re advised to exercise great caution in deciding whether and how to pursue and discouraged from giving chase except in cases of violent crime. Among other things, officers are instructed to interact with suspects in ways that prevent flight, warned against separating from colleagues, and urged to contain fleeing persons by establishing a perimeter. Use of force, including deadly force, is addressed at some length. Here’s an outtake:

Deadly force may not be used on a fleeing subject unless the subject poses an imminent threat of death or great bodily harm to the officer or another person. Force used on a subject who is fleeing, or who is being or has been apprehended, must, as in all use of force, be objectively reasonable, necessary, and proportional.

In all, the advice seems fully consistent with Supreme Court decisions about pursuits (e.g., [U.S. v. Arvizu](#)) and use of force (e.g., [Graham v. Connor](#).)

		Chicago Police Department		General Order G03-07	
FOOT PURSUITS					
					
ISSUE DATE:	26 May 2021		EFFECTIVE DATE:	11 June 2021	
RESCINDS:					
INDEX CATEGORY:	Field Operations				

But then police shot and killed a boy. Two months later, on May 26, the mayor and Commissioner Brown announced a new, comprehensive foot chase

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policy. (Click [here](#) for its “highlights,” [here](#) for its full text, and [here](#) for our compilation.) And be sure to grab a snack. With a word count of 5,777 it’s about *three times* the length of the original version. (By way of comparison, the [foot pursuit policy of the La Verne police department](#), which the L.A. County Police Chief’s Association recently cited as a model in [Lange v. California](#), takes about 1,613 words.

Its massiveness aside, Chicago PD’s new foot chase policy is a polished piece. While it studiously avoids mentioning the assumedly “bad, old” directive the policy addresses most of the same concerns. Its advice, though, is far more detailed. For example, the perils of becoming separated from one’s partner, or of running with a firearm in hand, are set out in police-academy precision. Ditto coordinating pursuits with superiors and support staff. When it comes to rulemaking, the policy considers issues that transcend chases. For example, it specifically prohibits using force “as punishment or retaliation (e.g., force used to punish or retaliate for fleeing or resisting arrest)”. Throughout, many examples are given to demonstrate how the rules would apply to a variety of field situations

So Chicago got its money’s worth, right? Not according to its [embattled police union president](#). John Catanzara complained that the new rules in fact amount to a “no-foot-pursuit policy” that [could preclude chases altogether](#). Mr. Catanzara, a suspended officer who endorsed the Capitol assault, is no friend of city hall. Yet his concerns can’t be easily dismissed. While the original policy didn’t require that suspected criminal behavior meet any certain level of severity to justify a chase, its replacement forbids foot chases when “the established reasonable articulable suspicion or probable cause is solely for a criminal offense less than a Class A misdemeanor (a sentence of less than one year of imprisonment) and the person...poses no obvious threat to the community or any person [or] has no obvious medical or mental health issues that pose a risk to their own safety.”

Mr. Catanzara’s objection brings up our recurring emphasis on the police workplace. Consider the rapidly-changing, stressful situations that officers often encounter. If they happen on a lawbreaker who suddenly bolts, must they instantly and precisely assess the severity of his conduct – say, class of misdemeanor – before chasing? (Say, maybe they could carry this handbook!) To this long-retired practitioner that seems a bit of a stretch. Happily, the new policy adopts the flexibility of the [original rule’s](#) “Whether to Pursue” section by making special allowances should a suspect pose an “obvious” threat.



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Across from Mr. Catanzara sit the civil libertarians. And they object to the new regulations for precisely the opposite reason. Given cops' self-interest, accommodating the rules of the chase to the workplace could in practice mean that no rules exist. Here's how Illinois ACLU legal director Nusrat Choudhury [feels about the new version](#):

It's vague and at times even self-contradictory. But what a policy needs to do is give clear and easy to understand guidance on when not to chase someone on foot. When you look closely it is not going nearly as far as it should...even with the bar on Class A...I think this policy leaves a lot of room for officers to still exercise discretion. There needs to be more guardrails.

We're skeptical. George Floyd's killing and the criticism and increased oversight that followed [have been widely credited for inspiring "police pullbacks."](#) These retrenchments may have [contributed to the surge in violence](#) that's beset cities across the U.S. During the June 4-7 weekend [at least sixty persons were shot in Chicago](#), including eight in a single incident. Among the wounded were an 11-year old girl and a 15-year old boy. Police commissioner David Brown blamed the gunplay on "gang cultures, revenge, retaliation and street justice."

Policing is consumed with risk, uncertainty and a chronic lack of accurate information. Stirring in a bucketful of restrictions may produce a brew that practitioners of the demanding craft may find too toxic to consume. Say that foot chases get the ax or its tightly-written equivalent. Cops become reluctant to test the rules, and word gets out. What might the Windy City's denizens then face?

R.I.P. COMMUNITY POLICING?

Reclaiming professionalism sounds great, but it begs an underlying issue



By Julius (Jay) Wachtel. Having suffered for years through the mind-numbing rhetoric of community policing, your blogger was thrilled to attend the panel entitled “[A New Professionalism](#)” at the June 2010 conference of the National Institute of Justice.

Sparks flew from the very start when [Christopher Stone](#), Guggenheim Professor of the Practice of Criminal Justice at Harvard’s Kennedy School took on – hold your breath – *community policing*. Placing himself firmly in the ranks of the contrarians, he criticized its “cacophony” of purpose, airing out what many have whispered for years, that by absorbing every promising strategy that comes along, with even the most focused crime-fighting programs labeled as inspired by its principles, the concept has been blurred beyond recognition.

As it turns out Dr. Stone wasn’t there just to slay *one* dragon. A monograph soon to be released by [Harvard’s Executive Session on Policing](#) intends to rehabilitate – hold on to your fedoras – *police professionalism*. Dr. Stone and his colleagues will argue that their version, snappily entitled “the new professionalism,” does *not* portend a rebirth of the much-maligned model that dominated American law enforcement in the decades preceding community policing. (To complicate matters some insist that the recent explosion in aggressive strategies such as stop and frisk signals a reincarnation of the “bad” professionalism, but never mind.)

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There are at least four aspects to the new, improved version (keep in mind that Harvard's report isn't out, so this is based on what your blogger scratched out the old-fashioned way):

- A “new accountability” that goes beyond talking about integrity to creating systems that support it; for example, using databases to track officer behavior and warn of emerging problems.
- A “new public legitimacy” that integrates the professional model's law-centered response with community policing's emphasis on citizen participation and consent.
- An emphasis on fostering organizations that “transcend parochialism” and can learn, adapt and innovate as circumstances change.
- A “national coherence” that creates common ground among America's hyper-fragmented police system.

But wait a minute: wasn't the community concept supposed to be a Swiss Army knife? Didn't it take care of every important concern? Not according to Dr. Stone. Even its central tenet – that citizens must help shape the police response – has supposedly fallen short. Exactly what “communities” are supposed to do is vague. What's more, the strategy is silent in areas rife with liberty concerns. How should police deal with political dissent? When should they apply aggressive methods like stop and frisk? How should they employ those new, enticing technologies?

Not so fast, said [David Sklansky](#), Professor of Law and Chair of the Berkeley Center for Criminal Justice. (Full disclosure: David was an Assistant U.S. Attorney while I supervised an ATF squad in Los Angeles. That he didn't always prosecute when we wished will have no influence on this essay.) While Prof. Sklansky agreed that community policing has definitional issues, one being that communities don't agree within themselves as to what's needed, he argued that it nonetheless focuses much-needed attention to the tendency to under-engage with citizens and over-rely on technology. Voicing skepticism about recent innovations such as “information-led” and “predictive” policing, he worried that their preoccupation with numbers harkens back to the same old bureaucratic tendencies that veered professionalism off course. Instead of doing away with community policing he suggested developing an “advanced” version, and we trust that its precepts will be addressed in the forthcoming paper.

Professors Stone and Sklansky were followed by Chief Ronald Davis, East Palo Alto, California. His views reflected the concerns of someone who's involved in the practical side of things, securing resources and making things happen so that others have something to pontificate about. Although Chief Davis supports improvements, he warned that any departure from the status quo could confuse politicians and grantors. With [COPS](#) disbursing millions each year that's not an idle concern.

Chief Davis also offered a provocative question. Is policing a profession or a vocation? If it's a profession its rules, practices and techniques should make the national coherence that Dr. Stone finds lacking a non-issue. Yet profound socioeconomic, cultural and political differences between communities, even those located within the same political boundaries, assure that policing will remain far from "coherent" for the foreseeable future.

In his seminal volume, "[Varieties of Police Behavior](#)," [James Q. Wilson](#) argued that the centrality of discretion defines police work as a craft. Unlike a true profession, policing doesn't lend itself to standardized procedures or written directives. It's mostly learned through apprenticeship, as even the best academies can't simulate the infinite variety of situations and personalities that officers encounter each day. Policing's deeply individualized and particularized nature makes its study exceptionally challenging. And we haven't even touched on how police interact within their own ranks, nor with outsiders.

To understand why cops and chiefs behave as they do we must understand the forces that shape their environment. In past years that was done ethnographically (think Wilson, Manning, Van Maanen and Muir.) Lacking contemporary research of such depth it seems wise to take another look at how the sausage gets made. There are many interesting questions. Crime has supposedly receded, so why have things taken such an aggressive turn? In an [earlier post](#) we mentioned the veteran Camden PD captain who was browbeaten during a Compstat meeting because one of his teams made only a single arrest in four days. Whether that one pinch was particularly difficult or noteworthy seemed to be of little interest, which considering the [pressures generated by Compstat](#) isn't particularly surprising.

That's not to say that constructs such as community policing or police professionalism or the new versions of each have no value. Yet developing a framework that can advance policing to the next level requires far more than from what this (admittedly astigmatic) vantage point looks like a mishmash of ideology, assumptions and superficial observation. So, having discouraged jumping to prescriptions it now seems only fair to make one. Before revising any more paradigms, let's do the grunt

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work. If we need a template, “Varieties of Police Behavior” seems an excellent choice. Dr. Wilson sent graduate students to eight communities; with money from COPS we could dispatch them to eighty, and do it regularly. Imagine that: a national survey! Interviewing a cross-section of cops, politicians and citizens couldn’t help but enlighten us about how policing gets done and, most importantly, *why*.

First *describe*; then and only then *prescribe*. Isn’t that what we insist our students do?

Posted 10/10/20

R.I.P. PROACTIVE POLICING?

Volatile situations and imperfect cops guarantee tragic outcomes



For Police Issues by Julius (Jay) Wachtel.

Banged on the door, no response. Banged on it again no response. At that point we started announcing ourselves, police, please come to the door. So we kept banging and announcing. It seemed like an eternity.

That, according to Louisville police sergeant Jonathon Mattingly, [is how the infamous March encounter began](#). In testimony before a Grand Jury, the supervisor whose bullet (according to the FBI) fatally wounded Breonna Taylor insisted that despite the search warrant's "no-knock" provisions he and his companions, Detectives Myles Cosgrove and Michael Nobles and former Detective Brett Hankinson, loudly announced their presence and only smashed in because no one promptly came to the door.

As soon as they entered chaos erupted. Ms. Taylor's boyfriend, Kenneth Walker, whose presence the officers didn't expect "was standing in the hallway firing through the door." One of his bullets pierced Sergeant Mattingly in the leg. He and detectives Cosgrove and Hankinson returned fire. Walker escaped injury, but bullets fired by Mattingly and Cosgrove fatally wounded Breonna Taylor, the apartment's occupant of record. Meanwhile Hankinson's barrage went wildly off the mark, peppering another apartment but fortunately striking no one.

Kenneth Walker said he thought the officers were criminals breaking in. He was arrested for shooting Sergeant Mattingly but ultimately escaped prosecution. (He blames cops for firing the shot that struck the officer.) In June the police chief fired

Detective Hankinson, [who was disciplined a year earlier](#) for recklessly injuring a citizen. And on September 15 [the city announced it was settling a claim](#) filed by Ms. Taylor's family for \$12 million. That's reportedly one of the largest payouts of its kind, ever.

Grand jurors returned their findings one week later. Neither Mr. Walker nor the officers who unintentionally killed Ms. Taylor were charged. However, [former cop Hankinson was indicted](#) for discharging the fusillade that endangered other tenants. He pled not guilty and awaits trial.

It's not surprising that Ms. Taylor's killing has taken on such significance. Compare it with two other recent cases: [Mr. George Floyd](#), who died after being roughly handled by a Minneapolis cop, and [Mr. Rayshard Brooks](#), who was shot dead by an Atlanta police officer during a foot chase. Mr. Floyd and Mr. Brooks fought police; Mr. Brooks went so far as to fire at his pursuer with the Taser he grabbed from another cop. In contrast, Ms. Taylor did absolutely nothing to warrant rough handling. She was in her own apartment, just standing there when officers opened fire. Her killing was clearly a lethal error.

Law enforcement officers serve search warrants and engage in other high-risk activities every day. Many of these episodes involve dangerous characters, yet most conclude peacefully. However, since most research of police use of force focuses on episodes with bad endings, we know little about the factors that underlie successful outcomes. (That gap, incidentally, is the subject of your writer's recent essay, "[Why Do Officers Succeed?](#)" in *Police Chief*.)

Given the extreme circumstances that the officers encountered at Ms. Taylor's apartment, return fire by Sgt. Mattingly and detective Cosgrove might have been unavoidable. Tragically, their rushed response proved lethally inaccurate. In "[Speed Kills](#)" we mentioned that blunders are likely when officers act hastily or impulsively. Consider the July 2018 episode when, after shooting his grandmother, a Los Angeles man [led police on a wild vehicular pursuit](#). It ended at a retail store where the suspect bolted from his car and ran inside as he fired at the officers. They shot back, missing him but fatally wounding an employee.

Lethal foul-ups also happen when suspects *don't* shoot. In February 2019 late-arriving New York cops [unleashed a barrage at an armed suspect](#) who was fleeing the store he just robbed. Two plainclothes officers who were already on scene got caught in the middle: one was wounded and the other was killed. The suspect's handgun turned out to be fake. Seven months later an NYPD officer [repeatedly fired at a felon](#) with

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whom he had physically tangled. That led arriving officers to mistakenly conclude that they were being shot at. So they opened fire, killing both their colleague and the suspect. His unfired revolver lay nearby.

Police behavior is unavoidably influenced by the well-known risks of the job. And those are indeed substantial. According to the [LEOKA](#) more than two-thousand law enforcement officers (2,116) were assaulted with firearms in 2018. About 129 were injured (6.1 percent) and 51 were killed. Unfortunately, the LEOKA doesn't offer detailed information about the encounters, nor of the outcomes for civilians. Last year [the FBI launched an effort](#) to collect data about all police uses of force that either involve their discharge of firearms or which lead to a citizen's death or serious injury. So far, nothing's been released. However, the *Washington Post* has been collecting information about police killings of civilians since January 2, 2015. As of October 1, 2020, [their database has 5673 entries](#), one for each death. We downloaded the dataset. This table lists some of the pertinent findings.

Means of death		Citizen armed		Mentally ill		Citizen threat	
Shot	5390 (95%)	Gun	3223 (57%)	Yes	1318 (23%)	Attacked officers	3671 (65%)
Shot & Tasered	283 (5%)	Knife, bladed	987 (17%)	No	4355 (77%)	Other threat	1749 (31%)

Citizens were "armed" with a wide assortment of items, including cars, shovels and (yes) even pens. We included only guns and cutting instruments. Six percent (358) of those killed were unarmed.

In 2017 four academics analyzed the *Post's* 2015 data. Published in *Criminology & Public Policy* (Feb. 2017) "[A Bird's Eye View of Civilians Killed by Police in 2015 - Further Evidence of Implicit Bias](#)" concluded that race affected officer threat perceptions. "Controlling" for citywide violent crime rates, the authors concluded that non-Whites, and especially Blacks, were nonetheless significantly more likely to be shot. But more specific "places" such as areas or neighborhoods were *not* taken into account. As we noted in "Scapegoat" [Parts I](#) and [II](#) proactive policing normally targets areas within cities that are beset by violence, usually poverty-stricken neighborhoods that are disproportionately populated by non-Whites. As our tables in [Part II](#) demonstrate, once we "controlled" for location the influence of race and ethnicity on LAPD stops virtually disappeared.

Of course, one need not attribute outcomes such as Ms. Taylor's death – or the killings of [Dijon Kizzee](#) in Compton, [Jacob Blake](#) in Kenosha, [Rayshard Brooks](#) in

Atlanta or [George Floyd](#) in Minneapolis – to racial animus to brand them as tragic mishaps. Posts in our [Compliance and Force](#) and [Strategy and Tactics](#) sections have discussed the forces that drive policing astray and suggested correctives. “[Working Scared](#)” stressed the role of personality characteristics such as impulsivity and risk tolerance. “[Speed Kills](#)” emphasized the advantage of taking one’s time – preferably, from a position of cover. Chaos, a chronic fixture of the police workplace that often leads to poor decisions was the theme of “[Routinely Chaotic](#).” And when it comes to preventives there’s [de-escalation](#), a promising approach that’s at the top of every chief’s list.



Back to Ms. Taylor’s death. On March 13, 2020 Louisville police executed search warrants at 2424/5/6 Elliott Ave. (pictured here) and at her apartment, 3003 Springfield Dr. #4 (top photo). According to police, Jamarcus Glover, Ms. Taylor’s one-time boyfriend, and his associate Adrian Walker (no relation to Kenneth Walker) were using the Elliott Ave. locations as “trap houses” (places where drugs are stored and sold.) Both were convicted felons out on bond awaiting trial for drug trafficking and illegal gun possession charges levied in December 2019.

Here’s a summary of the justification provided in the [search warrant](#):

- Mr. Glover and Mr. A. Walker were pending trial on gun and drug charges.
- In January 2020 police stopped Mr. A. Walker as he left the “trap house” and found marijuana and cash in his vehicle. In the same month a pole camera depicted numerous vehicles visiting the trap house during a brief period. There were many recorded and physical observations of suspicious behavior by both suspects in and around the trap house and of visits to a nearby rock pile they

apparently used to stash drugs.

- In January 2020 the affiant observed Mr. Glover and Mr. A. Walker making “frequent trips” between the trap house and Ms. Taylor’s apartment. Mr. Glover had listed her apartment as his address and was using it to receive packages. On one occasion Mr. Glover was observed taking a package from the residence to a “known drug house.” Ms. Taylor’s vehicle was observed parked at the trap house several times.
- In conclusion, the affiant asserted that his training and experience indicated “that Mr. J. Glover may be keeping narcotics and/or proceeds from the sale of narcotics at 3003 Springfield Drive #4 for safe keeping.”

In late August the [Louisville Courier-Journal](#) and [Wave3 News](#) published detailed accounts about the alleged connection between Ms. Taylor and Mr. Glover. This story drew from a [leaked police report](#), prepared after Ms. Taylor’s death, that describes the evidence detectives gathered before and after executing the March search warrants. It indicates that drugs, cash, guns and paraphernalia were seized from the trap houses and the suspects’ vehicles. There are also surveillance photographs and detailed transcripts of intercepted jailhouse calls made by Mr. Glover after his arrests in December and March. Here’s an outtake from a January 3, 2020 (pre-warrant) phone call between Mr. Glover and Ms. Taylor:

1123 – J. Glover calls ***-***-**** (Breonna Taylor) from booking:

J. Glover: “Call Doug (Adrian Walker) on Facebook and see where the fuck Doug at. He’s got my fuckin money, riding around in my motherfucking car and he ain’t even where he’s supposed to be at.”

B. Taylor: “You said Doug?” J. Glover: “Yeah, Big Doug.”

B. Taylor: “I’ll call him...Why can’t I find him on Facebook? What’s his name on here?”

J. Glover: “Meechy Walker.”

1318 – J. Glover calls ***-***-**** (Breonna Taylor) from booking:

J. Glover: “You talk to Doug (Adrian Walker)?”

B. Taylor: “Yeah I did. He said he was already back at the trap... then I talked to him again just a minute ago to see if you had contacted him. They couldn’t post bond till one.”

J. Glover: “Just be on standby so you can come get me... Love you.”

B. Taylor: “Love you too.”

Here’s part of a post-warrant phone conversation between Mr. Glover and a domestic partner who bore his child:

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1307 – J. Glover calls ***-***-**** (Kiera Bradley – child’s mother) from his dormitory:

K. Bradley: “So where your money at?”

J. Glover: “Where my money at? Bre had like \$8 grand.”

K. Bradley: “Bre had \$8 grand of your money?” J. Glover: “Yeah.”

J. Glover says to an unknown male that joined the call, “Tell cuz, Bre got down like \$15 (grand), she had the \$8 (grand) I gave her the other day and she picked up another \$6 (grand).”

K. Bradley and J. Glover are arguing over him not being honest and him having money at other people’s house. J. Glover says to K. Bradley, “Why are you doing this?”

K. Bradley: “Cuz my feelings are hurt.”

J. Glover: “Why cuz the bread (money) was at her house?”

J. Glover: “...This is what you got to understand, don’t take it wrong but Bre been handling all my money, she been handling my money... She been handling shit for me and cuz, it ain’t just me.”

In a post-warrant call to Mr. Walker, Mr. Glover explains why police searched Ms. Taylor’s residence and why, according to Kenneth Walker (Ms. Taylor’s live-in boyfriend) the officers didn’t find any cash:

1720 – J. Glover calls ***-***-**** (Male – likely Adrian Walker per Accurant) from his dormitory:

J. Glover: “Where you at?” A. Walker: “You know the spot, “E”.”

J. Glover: “I just watched the news nigga... They tryin act like they had a search warrant for Bre’s house too.”

A. Walker: “I know... The only thing I can figure out is they check that license plate. They been putting an investigation on a motherfucker.”

J. Glover: “They checked Bre’s license plate?”

A. Walker: “That’s the only thing I can think of... A motherfucker pull up on the block in the charger, that’s the only thing I can think of.”

J. Glover: “Who at no haters running their mouth?...That nigga (Kenneth Walker) didn’t have no business doing that shit. That nigga got Bre killed nigga.”

A. Walker: “You got to see like the bigger picture to it though you feel me, it’s more to it than what you feelin like right now.”

J. Glover: “I know, I know she was feelin me. At the end of the day everything stolen from me though, I swear I know that.”

J. Glover: “...That man tell me, I watched you leave your baby momma’s house. Alright if you watched me leave my baby momma’s house, why would you execute a warrant at Bre’s house... Bre got that charger and all this shit... Bre’s paper trail makes sense for everything she got though.”

J. Glover: “...I don’t understand how they serve a warrant for Bre’s house when nothing

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ties me to Bre house at all except these bonds.”

A. Walker: “Bonds and cars and 2016... It’s just ties though... Look at the ties since 2016, ever since Rambo (homicide victim)... and the camera right there, they see a motherfucker pull up.”

J. Glover: “Yeah she (Breonna Taylor) was out there the top of the week before I went to court.” A. Walker says to J. Glover, “They didn’t even have to see her pull up, all they had to do is see that license plate... They done put two and two together... Then on top of that they go over there and find money.”

J. Glover: “No, Bre don’t, Bre don’t, Bre don’t...Bro you know how Bre do... They didn’t find nothing in her house.”

A. Walker: “I thought you said they found some money over there?”

J. Glover: “It was there, it was there, it was there...They didn’t do nothing though that’s the problem... Kenneth said ain’t none of that go on.”

A. Walker: “So they didn’t take none of the money?”

J. Glover: “Kenneth said that none of that go on. He said Homicide came straight on the scene and they went to packaging Bre and they left.”

Mr. A. Walker and Mr. Glover were released pending trial. Mr. Glover has reportedly absconded.

Go through the report. If genuine – and it certainly seems to be – it depicts Ms. Taylor as a knowing participant of Mr. Glover’s drug-trafficking enterprise. There is really no gentle way to put it.

As a Fed your blogger obtained and participated in serving many search warrants. In his opinion, the March 2020 search warrant of Ms. Taylor’s residence seems well supported by probable cause. Yet neither this writer, nor anyone he knows, was ever shot at while on the job, let alone had a partner wounded. How would we have reacted under such circumstances? Would we have instantly realized that the shooter “didn’t really mean it?” Could we have safely “de-escalated”? And if not, would we have accurately placed return fire?

Set warrants aside. Consider a far more common cause of innocent deaths: police pursuits. Instead of getting into specifics, [California law](#) requires that agencies establish detailed policies about *when* and *how* to chase and train their officers accordingly. (Click [here](#) for LAPD’s policy.) Yet pursuits [still continue to end poorly](#).

Really, when it comes to the more fraught aspects of policing such as pursuits or search warrants the usual preventives – rules, training, supervision – can’t always be

counted on to prevent horrific outcomes. Yes, there are other ways. Police occasionally abandon chases. As for search warrants, officers sometimes elect to watch, wait and intercept occupants as they leave. Naturally, doing that is resource-intensive, and should surveillance be detected it could lead to the destruction of evidence. Detaining persons also carries risk.

About 17 percent of Louisville's residents live in poverty. In Ms. Taylor's ZIP code, 40214, the proportion is about twenty percent. In 40211, where the "trap houses" were located, it's about thirty-four percent. Jamarus Glover and Adrian Walker were taking advantage of a deeply troubled neighborhood for their selfish ends. Sadly, Breonna Taylor had apparently lent a hand.

Search warrants aren't the first proactive strategy to come under challenge. Most recently, "[Should Police Treat the Whole Patient?](#)" discussed the back-and-forth over stop-and-frisk and other geographically targeted enforcement campaigns, whose intrusiveness and tendency to generate "false positives" has badly disrupted police-minority community relations across the U.S.

Search warrants, though, are supposedly different. They're based on articulated evidence of criminal wrongdoing and must be approved by a judge before execution. As your blogger discovered while a Fed, they're the stock-in-trade of serious criminal investigations. Without this tool officers would be hard-pressed to combat major sources of drugs or guns. They'll undoubtedly play a key role in "[Operation Legend](#)," that new Federal-local partnership we've heard so much about. Of course, it's also essential that police avoid endangering the lives of innocent citizens. Perhaps it's time to revisit some of our more cautionary essays; say, "[First Do No Harm](#)" and "[A Delicate Balance](#)."

Yet in our ideologically charged, perhaps irreparably fractured climate, turning to the usual remedies (i.e., training, tactics, supervision) may not do. Breonna Taylor's characterization as an innocent victim of police overreach has added a bucketful of fuel to the fire. We're talking "defund" on steroids. So by all means let's quit pretending. Level with the inhabitants of our poorer, crime-stricken places about the risks of even the best-intentioned proactive policing. Give them an opportunity to opt out of, say, drug investigations and such. Of course, be sure to inform them of the likely consequences. Considering what our nation is going through, it seems to be the least we can do.

Posted 3/27/11

RISKY BUSINESS

Warrant service is killing cops

By Julius (Jay) Wachtel. Aggressive policing is back in style. With support from [NIJ](#) and university-based researchers, police departments across the U.S. have implemented a variety of hard-hitting, targeted approaches to combat violence and get guns off the street. Assessments of their efforts have been largely positive. Of course, whether it's Boston's new and improved [Ceasefire](#), Memphis' [Blue CRUSH](#) or Philadelphia's [Operation Pressure Point](#), in the end it all comes to the same thing: cull violent men from the streets and send them to prison for a very long time.

What's seldom pointed out, though, is that not all the bad guys get "culled" right away, and many who do are released before trial. Indeed, for the most serious crimes, such as murder, enough evidence to file charges may not be developed for weeks or months, leaving dangerous men – the "worst of the worst" – free to roam the streets until they're picked up, if at all, on warrants.

Over the years virtually every major law enforcement agency has created specialized warrant service teams. Many work in concert with task forces organized by the U.S. Marshals Service. Dubbed [Fugitive Apprehension Strike Teams](#) (FAST), these groups [reportedly arrested more than 90,000 fugitives](#), including nearly 1,000 murder suspects, during 2005-2009. In February 2011 the [Dallas-Fort Worth FAST](#), which includes U.S. deputy marshals and officers from the Dallas and Fort Worth police and sheriff's departments, arrested its 10,000th. fugitive since the team's 2004 inception. Two of its most recent captures were being sought for aggravated robbery; its 10,000th. was a man wanted for the aggravated sexual assault of a child.

Warrant service can be very productive. Just this month, [the Trenton, New Jersey](#) sheriff's fugitive unit worked with deputy U.S. marshals from the New York/New Jersey Fugitive Task Force to capture four highly sought-after fugitives, including three gang members, on warrants charging drug dealing, burglary, aggravated assault and felony weapons offenses. One suspect was surprised at work. Two others were caught at their rural "hideout" and gave up without a struggle. So did the fourth. A member of the Latin Kings, he had bolted into a home and hid in a closet.

Regrettably, not all encounters end so peacefully. And the toll this year has been frightening. On January 20 Miami-Dade detectives [Amanda Haworth, 44](#) and Roger

[Castillo, 41](#) were working with a Marshal's fugitive task force hunting a wanted killer. They tracked the man to an apartment and were let in by his mother. Gunfire broke out; by the time it was over both detectives and the wanted person lay dead.

Four days later another tragedy played out in [St. Petersburg, Florida](#). Officers with a fugitive task force were told that the ex-con they sought for aggravated battery was hiding in an attic. They called for backup. Two St. Petersburg police officers not on the warrant team, Jeffrey A. Yaslowitz, 39 and Thomas Baitinger, 48 entered the home and were shot to death. A deputy U.S. Marshal was seriously wounded.

Three weeks later, on February 16, West Virginia [Deputy U.S. Marshal Derek Hotsinpillar, 24](#) was killed and two colleagues were wounded when a man wanted for drug trafficking opened fire with a shotgun. Catastrophe then struck in St. Louis. On March 8 [Deputy U.S. Marshal John Perry, 48](#) was killed and another marshal and a police officer were wounded by a fugitive who ambushed them inside a residence. A tactical unit found the man dead from gunshot wounds an hour later. He was being sought on drug and assault charges.

Members of fugitive squads train together and develop special expertise. However, they and the ordinary cops who come to their aid lack the firepower, protective gear and chemical weapons available to full-fledged SWAT teams. SWAT operations are planned with safety in mind. Locations are surrounded and neighbors evacuated. Suspects are called out or, if necessary, flushed out with chemical munitions. Few if any warrant teams are prepared to take such measures. It's not that they would want to. Turning felony arrests into major tactical events would seriously impair their productivity, allowing dangerous offenders to stay on the streets far longer, or as some fear, permanently.

Dallas PD nonetheless decided two years ago to tip the scales in favor of safety. On January 6, 2009 [gang unit Corporal Norman Smith](#) and other officers went to an apartment to serve a warrant for aggravated assault. They tried to use a pretext to get in but were met with gunfire. Corporal Smith was fatally shot in the face. Dallas PD promptly revamped training and procedures. Carrying ballistic shields and using standard "knock and announce" procedures are now required.

In a [July 1998 overview of "pulling levers"](#) NIJ endorsed the use of aggressive police tactics, including warrant service, as a way to help tame violent drug markets (photos depicting plainclothes cops raiding an apartment appeared on the journal cover.) To forewarn citizens and discourage potential criminals, it recommended that the following message be conveyed to the community in advance (boldface added):

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We have three serious crackdowns ready to deploy. They will involve heavy police and probation presence, **warrant service**, and the like. Those arrested will receive special prosecutorial attention and, if convicted to probation, will be put on strict supervision probation regimes; groups and individuals with a history of violence will be screened for added attention by DEA and the U.S. Attorney. We will decide, over the next 2 weeks, where to direct those crackdowns. We will make our decisions based on whether, between now and then, there is any violence associated with your drug market....

Aggressive policing can have unintended consequences. It can anger residents of crime-impacted areas, cause anxious officers to mistakenly shoot innocent persons, and, as discussed above, lead to officer deaths and woundings. NIJ has been inexplicably silent about these side effects. [Now that there's a new director on board](#) – and a criminologist, no less – here's hoping that a more well-rounded approach will prevail.

Posted 3/6/18

ROUTINELY CHAOTIC

Rule #1: Don't let chaos distort the police response. Rule #2: See Rule #1.

By Julius (Jay) Wachtel. “She was too fast for me.” Taking the stand at his trial for murder, manslaughter and negligent homicide, [that's how NYPD Sgt. Hugh Barry explained](#) winding up in a situation that ultimately forced him to pull the trigger, mortally wounding Deborah Danner, 66, a diagnosed paranoid schizophrenic. Only a day later Mayor DeBlasio [declared the officer at fault](#): “The shooting of Deborah Danner is tragic and it is unacceptable. It should never have happened.” Police Commissioner James O'Neill agreed: “That's not how we trained. We failed.”

On October 18, 2016 officers were dispatched to the apartment building where Ms. Danner lived and occasionally lost control. [Sgt. Barry testified](#) that when he arrived Ms. Danner was ensconced in her bedroom, a pair of scissors in hand. He said he convinced her to put the scissors down and come out, but she soon became recalcitrant. Fearing she'd go back for the scissors, he tried to grab her, but the panicked woman slipped away. So he chased her back into the bedroom, and got confronted with a baseball bat. Sgt. Barry testified that Ms. Danner ignored repeated commands to drop the object, then aggressively stepped towards him and began her swing.

In our earlier comments about the case ([A Stitch in Time](#) and [Are Civilians Too Easy on the Police?](#)) we referred to NYPD's lengthy and, in our opinion, [confusingly written protocols](#). In all, these rules apparently prescribe that unless a mentally ill person's actions “constitute [an] immediate threat of serious physical injury or death to himself or others” officers should limit their response to establishing a “zone of safety” and await the arrival of their supervisor and an emergency services unit.

Well, a sergeant got there, and he didn't wait for the specialists. With the Big Apple still reeling from [Eric Garner's death at the hands of a cop](#) two years earlier, the mayor and police commissioner probably figured that accepting responsibility and promising reform was the wisest course. Ditto for the D.A. While [she vigorously insisted](#) that her decision to prosecute was based on the facts, and nothing but, expressions of concern by Black Lives Matter and other activists might have helped spur [Sgt. Barry's indictment seven months later](#).

As one would expect, the charges – and their severity – caused an uproar in cop-land. Here's how the NYPD Sergeant's Benevolent Association [disparaged](#) the “political prosecution”:

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Police Commissioner James O'Neill stated that "we failed" when describing the fatal shooting of Deborah Danner, an emotionally disturbed woman who attacked Sgt. Hugh Barry with a baseball bat. The reality is that Commissioner O'Neill "lied" because, in the split-second that Sgt. Barry had to make a momentous decision, he followed department guidelines...

Here's how a union member saw it:

...There is nothing easier than to be a Monday morning quarterback. This is an absolute joke, my thoughts and prayers are with all of you guys in particular Sgt. Barry. I am quite confident justice will prevail in this situation...

While their arrival was staggered (Sgt. Barry reportedly came in next to last), five patrol officers and two paramedics ultimately handled the call. According to a reporter who sat through the trial, [their testimony clashed](#):

Two emergency medical technicians and five police officers have testified over the last two days of trial, giving differing accounts of what happened. It is not unusual for witnesses to a shooting to remember things differently, though in this trial, some of the inconsistencies have been striking.

"Striking" seems an understatement. [A paramedic testified](#) that she was conversing with Ms. Danner when the supervisor arrived. Sgt. Barry didn't contact her, and officers soon butted in, causing the agitated woman to scurry back to the bedroom. However, four officers insisted that the medics never actually entered the apartment, while the fifth, Officer Camilo Rosario, said that the EMT who spoke with Ms. Danner [retreated to the front door](#) when Sgt. Barry arrived. Officer Rosario's account also differed from Sgt. Barry's. Officer Rosario said he informed his supervisor about the scissors and Ms. Danner's refusal to voluntarily go to the hospital. So they soon decided to go to the bedroom to fetch her. Officer Rosario, who was right behind Sgt. Barry, agreed that Ms. Danner threatened with a bat, and that's when the shooting happened.

Sgt. Barry conceded that containing Ms. Danner within a "zone of safety" and awaiting the arrival of an emergency services team might have been possible. He also turned away (we think, correctly) the suggestion he should have used a Taser, as CED's are neither suitable nor intended for use as defensive weapons. Of course, Sgt. Barry wasn't being prosecuted for violating policy but for needlessly taking Ms. Danner's life. In the end, the judge (it was a bench trial) felt that prosecutors did not meet their stiff burden, [and he acquitted Sgt. Barry](#) on all counts.

In “[Are Civilians Too Easy on the Police?](#)” we suggested that the case was purposely overcharged so that jurors who may have been reluctant to severely sanction a cop had a lesser offense on which to convict. That’s probably why Sgt. Barry opted to be tried by a judge. He is [presently on desk duty](#) awaiting an internal hearing. Unless he can convincingly argue that his decision not to wait for specialists was correct – that Ms. Danner posed an imminent threat to herself or others – his future with NYPD seems bleak.

In science the “ideal case” is a made-up example that typifies the situation under study. But when it comes to failed encounters between citizens and police there’s little need to concoct scenarios. Our [Use of Force](#) and [Strategy and Tactics](#) sections brim with accounts of policing gone wrong (for a few recent examples click [here](#)). Indeed, handling chaos is what cops do. What they try to avoid – usually, successfully – is letting the messiness of the real world infect their response so it turns into what officers sneeringly refer to as a “cluster”.

To be sure, there is no shortage of guidance for handling fraught situations. Experts [routinely advise](#) that officers who encounter troubled persons “[de-escalate](#)” and slow things down, giving themselves an opportunity to think things through and [making time](#) for supervisors and specialists to arrive. Well, they may not have called it “de-escalation,” but that commonsense approach is what good cops have always done. Regrettably, what advice-givers can’t supply is more cops. Lots of bad things can happen during a shift, from nasty domestic disputes to robberies and shootings, so care must be taken to leave some uniforms available. Given limited resources (anybody out there got too many cops?) calls must be handled expeditiously and without needlessly tying up specialized teams. As a one-time police sergeant, your blogger thinks that’s what Sgt. Barry was trying to do. Really, a supervisor, five officers and two EMT’s on a single call would be pretty darn good most anywhere.

Might things have turned out differently had an officer Tasered Ms. Danner early on? Possibly. NYPD’s rules specifically allow (i.e., encourage) using CED’s “to assist in restraining emotionally disturbed persons.” Properly deploying the devices, though, can be tricky. At least two officers must be directly involved. Subjects should be relatively still, offer an ample target area and not be heavily clothed. Applying multiple doses or zapping the infirm, elderly or mentally disturbed (Ms. Danner fits at least the last two categories) [can prove fatal](#). CED’s are useful, but far from an unqualified solution.

Fine. Humankind is frail. Chaos rules the streets. There is a surplus of wackos and a shortage of cops. One-size-fits-all solutions are rare. So, Dr. Jay, what do *you* suggest?

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We won't belabor the subject of critical incident response, which has been exhaustively addressed by authoritative sources (for two examples click [here](#) and [here](#).) Instead, let's advance a couple of points that are frequently missing from the conversation.

First, as to early intervention. "[A Stitch in Time](#)" emphasized the pressing need to detain mentally disturbed persons for examination and treatment as soon as they become a cause for police concern. That's especially true for individuals such as Deborah Danner who live alone. If that seems harsh, consider that waiting until the third episode may, as with Ms. Danner, turn into a death sentence.

Secondly, we must stop thinking of police as a quasi-military force. Those of us who have been in both occupations know that military operations are typically conducted in groups. Policing is decidedly not. While police also have sergeants, lieutenants and what-not, life-changing decisions are regularly made by twenty-somethings with a badge, acting completely on their own. By the time supervisors such as Sgt. Barry arrive on scene a lot has usually transpired. From our reading of news reports, Officer Rosario seemed to be especially well-informed, having observed Ms. Danner's behavior from the early stages of the incident through her interaction with the EMT. But he apparently deferred to the judgment of his late-arriving superior, who promptly grabbed for the woman, and ultimately shot her, within five minutes of arrival.

What to do? Police protocols should place those most familiar with a situation – typically, the first officer(s) on scene – in charge, at least until things have sufficiently stabilized for a safe hand-off. Officer Rosario and his colleagues had been monitoring the disturbed woman and waiting her out. Had Sgt. Barry taken on a supportive role, as supervisors routinely do, and let her alone, a heart-warming Hollywood ending might have been far more likely.

Posted 6/21/09

SCIENCE IS BACK. NO, REALLY!

DOJ promises that, henceforth, research will drive crime control policy

By Julius Wachtel, (c) 2010

Last Monday a throng of academics, practitioners and grantees (and this blogger) assembled in Arlington, Virginia for the [2009 Conference](#) of the National Institute of Justice. It was obvious within moments that DOJ had a special message to put across. Kristina Rose, NIJ's acting director had hardly taken up the mike when she launched into an ebullient portrayal of a rejuvenated, researcher-friendly, scientifically-oriented organization anxious to develop evidence-based strategies to combat crime, drugs and terrorism.

The hotel's immense ballroom felt like a revival tent. At long last, science is here to stay!

Ms. Rose then turned over the podium to her boss, Laurie Robinson, acting head of the Office of Justice programs, the umbrella agency of which NIJ is a part. While Ms. Rose, a key NIJ official during the Bush years looked on, Ms. Robinson sharply rebuked the preceding Administration for snubbing research. Declaring that "science will once again be respected at the Department of Justice," she said that extensive safeguards had been put in place to prevent political meddling. Hours later the same assurances were put forth in a luncheon address by her boss, Attorney General Eric Holder.

Allegations that Bush and his cronies were hostile to science aren't exactly new. Yet when the new kids on the block wind up sounding like Elmer Gantry one wonders whether they're merely slapping lipstick on the same old pig. That's not an idle concern. Although the AG and his underlings seemed sincere, it hasn't been that long since the [National Academy of Sciences](#) pointed out that a host of forensic "disciplines" touted under both Republican and Democratic administrations lacked a scientific basis. NIJ's brazen, ultimately [unsuccessful attempt](#) to suppress the study helps explain why the [NAS suggested](#) that an independent organization be created to oversee forensics, as "advancing science in the forensic science enterprise is not likely to be achieved within the confines of DOJ."

Writing in a [recent issue](#) of *The Criminologist*, a former president of the American Society of Criminology voiced serious doubts about placing DOJ in charge of criminal

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justice research. His concern, that political appointees might be tempted to twist conclusions to fit policy (or, one might add, ideology) isn't the only drawback. Confounding complexities, a lack of basic knowledge about the causes and prevention of crime and a paucity of valid metrics can make it well-nigh impossible to determine whether newfangled interventions offer unique advantages. DOJ, as a law enforcement agency, expects its components to demonstrate success in the fight against crime. As the conference wrapped up one well-regarded researcher (and frequent grantee) privately complained that NIJ's eagerness to showcase solutions is a recipe for exaggeration.

There were other issues.

- Little or nothing was said about preventing police misconduct and excessive force.
- Not unexpectedly, the silence about gun *control* (as opposed to gun *violence*) was deafening.
- A few participants expressed distress about the overarching emphasis on DNA, which they saw as a money pit that can starve the development of other deserving technologies. For example, the effectiveness of ballistic vests has hardly improved in the last two decades, yet basic research in this area has been essentially abandoned to private industry.

PoliceIssues will be commenting on specific aspects of the proceedings in the coming weeks. A special forum about the future of criminal justice research has been established. To contribute your comments -- and we hope that you will -- please click on the "Forum" link below. (To read messages click on "archive.")

Stay tuned!

Posted 1/17/10

SEE NO EVIL, SPEAK NO EVIL

Why don't witnesses come forward? Often, for a very good reason

By Julius Wachtel, (c) 2010

"These rats deserve to die, right or wrong? . . . My war is with the rats. I'm a hunt every last one bitch that I can, and kill 'em."

Extract from wiretap of Philadelphia drug lord [Kaboni Savage](#), charged in 2009 with ordering seven murders.

"If you see something, you better look the other way...Don't tell nothing unless you can take care of yourself, because the city don't have nothing in place to help you."

Philadelphia resident [Barbara Clowden](#) commenting on the murder of her sixteen-year old son only days before he was to testify against the man who tried to burn down their home.

According to the [Philadelphia Inquirer](#) thirteen witnesses or relatives of witnesses have been murdered in the city of brotherly love since 2001. Philadelphia does have a [witness assistance program](#), currently funded at about \$1 million per year. But despite the danger – Ms. Clowden's son, Eric Hayes, was gunned down far from their old neighborhood – help is limited to paying for a motel room and living expenses, and that only for four months. Beneficiaries must sign a 13-page form that requires them to stay away from their former neighborhoods and avoid those they left behind. That's not unusual. Because relocated witnesses tend to return to their old haunts, no less an authority than the [U.S. Department of Justice](#) recommended that cities with witness protection programs draft detailed contracts to forestall liability.

Witness intimidation is a major national concern. [According to a 2006 study](#) it figured in nearly a third of Minneapolis murders and half of its violent crime. It's supposedly why Trenton's citizens are reluctant to help police, and why Boston's cops cleared less than four in ten homicides. None of this should prove surprising. [Nearly two decades ago](#) about one-third of Bronx County (NY) criminal court witnesses reported they had been threatened; of the remaining two-thirds, a majority said they feared reprisal.

What can be done to discourage intimidation? [The Justice Department has recommended](#) several strategies, including admonishing defendants to stay away from witnesses, keeping dangerous persons in jail until trial, strengthening penalties for making threats, and vigorously prosecuting those who do. Of course, none of these approaches is fail-safe. In-custody defendants can get friends to do their bidding. Prosecuting intimidators after the fact doesn't solve the original problem. Doing so also requires – you guessed it – a willing witness.

Spending more money protecting witnesses would help. Still, with [14,180 murders](#) and [1,382,012 violent crimes](#) in 2008, relocating everyone is impossible. What's more, few persons are eager to upend their lives for the sake of putting someone in jail. Those who do are prone to break the rules, occasionally with lethal consequences. Consider the case of 23-year old [Chante Wright](#). Placed under protection of US Marshals after witnessing a homicide in Philadelphia, she was shot and killed only hours after returning home to visit her ailing mother.

If getting witnesses to cooperate is difficult, what about compelling them to testify under penalty of law? DOJ discourages the practice, warning that it can “backfire” and lead those who might eventually cooperate to “forget.” On the other hand, your blogger knows from experience that once such witnesses take the stand they usually tell the truth. Those who prevaricate can be impeached, and particularly if they've made inconsistent verbal or written statements in the past. Indeed, misbehaving witnesses have often influenced jurors to convict.

That, in fact, has been the experience in Philadelphia. [A defense lawyer and former D.A.](#) praised its prosecutors, saying that they're “among the best in the country in trying recantation cases. They've raised it to an art form.” Detectives try to “lock in” witnesses by getting detailed statements early on. And should witnesses clam up or change their minds, officers are more than happy to take the stand and read what they were told, “line by line.” Prosecutors have even ordered the arrest of material witnesses to guarantee their availability come trial. [To prevent intimidation](#) court records must be signed out with photo ID, and D.A.'s often ask that defense lawyers be prohibited from giving clients copies of police reports (reproducing and distributing official documents on the street is a common intimidation technique.) Over a defense objection, a scared female witness was even allowed to take the stand while draped in a burka.

Whether one asks or compels witnesses to testify, it's impossible to avoid the underlying moral dilemma. How can we balance their safety against the imperatives of fighting crime? In July 2005 two assailants shot and killed Philadelphia resident [Lamar Canada](#) over a gambling debt. An eyewitness, Johnta Gravitt, voluntarily identified one

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of the shooters as Dominick Peoples. Gravitt's statement was supported by Martin Thomas. A friend of Peoples, he told police that the suspect buried the guns used in the shooting in his backyard (they were dug up.) It was an open-and-shut case, at least until ten days after the 2006 preliminary hearing, when Gravitt was gunned down. Someone then posted a copy of Thomas' statement on a local restaurant wall. It bore the ominous inscription, "Don't stand next to this man. You might get shot." Thomas stopped cooperating. Forced to appear at Peoples' trial two years later, he recanted everything.

Peoples was convicted of killing Canada. Gravitt's murder remains unsolved. As of this writing, Thomas hasn't been harmed.

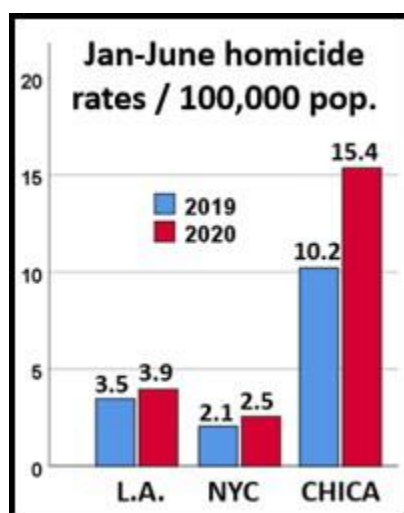
Posted 8/3/20

SHOULD POLICE TREAT THE *WHOLE* PATIENT?

*Officers deal with the symptoms of social decay.
Can they go further? Should they?*



For Police Issues by Julius (Jay) Wachtel. “A boy walks to a corner store and is shot in the chest.” One can’t conceive of a more [devastating headline](#). Shot dead in an alley, Otis Williams was only fourteen. Many victims of America’s urban violence are kids. They’re also disproportionately Black and, just like Otis, reside in poor areas long beset by crime and violence.



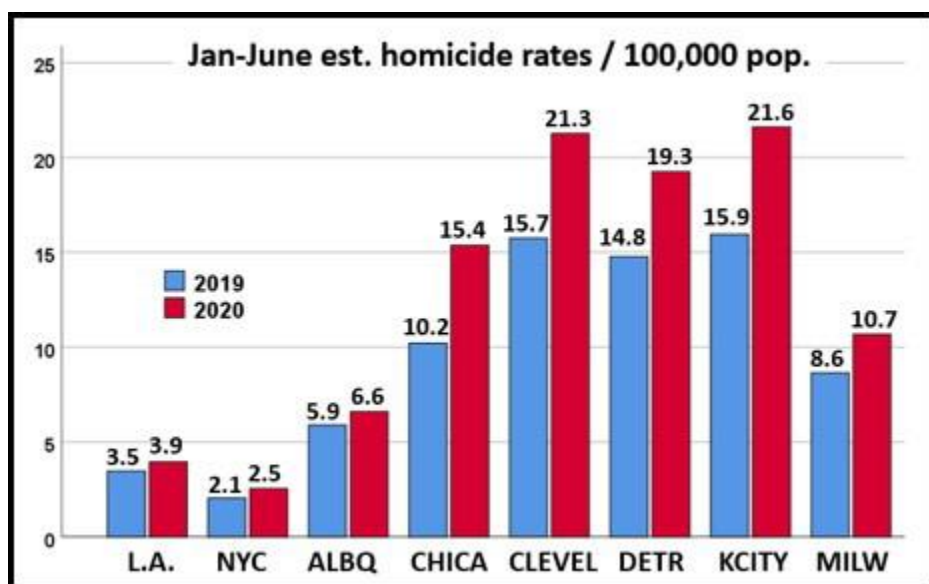
Otis lived with his mother in Florence, a South Los Angeles neighborhood [whose troubles we’ve repeatedly written about](#). When Los Angeles brags about its crime rate it doesn’t mention Florence. As we mentioned in “[Repeat After Us](#),” aggregate statistics obscure disparities in violence within cities, such as Los Angeles and New York City, that enjoy large pockets of wealth and seem prosperous and safe “overall.” But the recent upswing in violence has drawn notice to both. [Los Angeles’ 157 murders](#) through July 18 mark a 13.8 percent increase over the 138 homicides it recorded during the equivalent period last year. Ditto New York City, [whose count thru July 19](#), 212, reflects a 24 percent year-to-date jump. So there’s a lot less to brag about.

While regrettable, L.A.’s and New York City’s numbers hardly compare to what’s befallen chronically violent places such as Chicago. [As of July 19](#) the Windy City

recorded an appalling 414 homicides. That's *fifty percent* more than the relatively "measly" 275 murders it endured during the equivalent period last year. To compare, in 2019 New York City had about *twice* Chicago's population but suffered about *half* as many homicides. Chicago also had thirty percent more murders than L.A., a city nearly half again its size in population.

We've become so inured to the mayhem that it might be useful to look beyond the U.S. In 2019 (the full year) 650 persons were murdered in the United Kingdom (England, Wales, Scotland and Northern Ireland.) Its combined population of about 66,650,000 produced a homicide rate of 0.97 per/100,000, less than half New York City's and a mere sliver of Chicago's (look at the below graph. The UK's bar would hardly show.) If that's not shocking enough, "[A Lost Cause](#)" compared U.S. and U.K. police officer deaths during 2000-2015. While the U.S. has about *five* times the U.K.'s population, *forty times* as many U.S. law enforcement officers were feloniously killed. (Not-so-incidentally, the disproportion may have something to do with the means. In the U.K., knives and such were used in fourteen of the 21 officer murders, while in the U.S., guns figured in all but seventy of the 831 killings.)

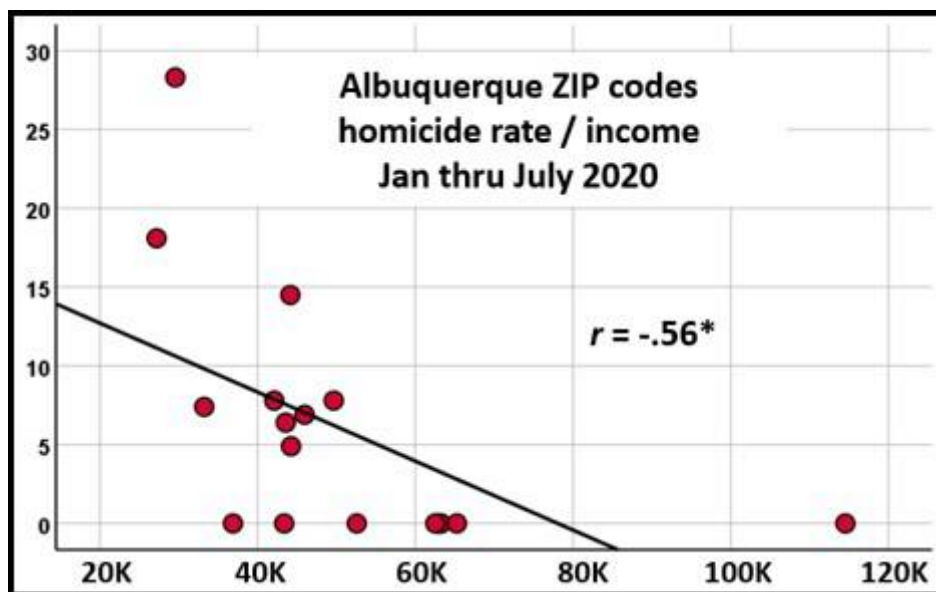
A new Federal initiative, "[Operation Legend](#)," intends to deal with the slaughter. Named after LeGend Taliferro, a four-year old Kansas City boy who was shot and killed several weeks ago, the program commits Federal funds and law enforcement



personnel from the FBI, Marshals Service, DEA and ATF to help Chicago Albuquerque, Cleveland, Detroit, Kansas City (Mo.) and Milwaukee battle gun and drug violence. This graph, which compares the homicide rates of "Operation Legend" cities during equivalent periods in 2019 and 2020, confirms that each could use some quality help. (L.A. and NYC are shown for comparison. Gathering the data was a bit tricky, but our numbers should be pretty accurate.)

Who outside Albuquerque would have thought that it had a *murder* problem? Its mayor, the Hon. Tim Keller, [bemoaned his city's descent](#) into crime and asked for State help last year. And with 37 homicides so far in 2020 (there were 33 during this period in 2019) the not-so-placid burg of 560,513 has been backsliding. Ditto Milwaukee, which suffered 63 murders through June compared with 51 in 2019. As for the others, their numbers are even more appalling. Cleveland had 60 killings thru July 7, 2019; this year the toll was 89. Detroit recorded 129 murders through June 18 compared with 99 last year. Kansas City went from 79 murders during the first half of 2019 to 107 so far this year.

We mentioned that aggregate statistics can conceal disparities within communities. That's why posts in our ["Neighborhoods"](#) special section often rely on *neighborhood*



crime rates. We recently placed that magnifying glass on [Portland and Minneapolis](#). As for Operation Legend cities, ["Mission: Impossible?"](#) looked within Chicago. So this time we picked on...Albuquerque! [KOB Channel 4's homicide map](#) showed 37 murders in 2020 thru July

30. They took place in nine of the city's seventeen regular Zip codes. Their population numbers and income figures were collected from [United States Zip Codes.org](#). As expected, the economics of the murder v. no-murder ZIP's proved starkly different. Mean MHI (median household income) for the nine ZIP's with at least one murder (actual range was two to seven) was \$39,969. Mean MHI for the eight murder-free ZIP's was \$62,668. Those means are clearly different and, statistically speaking, significantly so ($p=.015$). And check out that graph ("scattergram"). Note how the Zip codes (red dots) distribute along the income and murder rate/100,000 axes. Bottom line: more money: less murder! (That asterisk on the r correlation statistic - it maxes out at 1.0 - means that the association between income and homicide rate is statistically significant. It's also "negative," meaning that as one goes up the other goes down.)

OK, point made. We've confirmed what social scientists have known for decades: poverty and crime go together like...well, you know. So back to "Operation Legend." Feds have sponsored joint task forces for decades. [According to DOJ](#), agents will apply Federal laws and resources to help local police address "offenses involving firearms and violent drug trafficking organizations." It's intended to assure that serious criminals who might otherwise escape justice get their day in court. Your blogger participated in similar task forces during his Federal career and his presence generated no controversy. But in this hyper-partisan era, with the [brouhaha in Portland](#) framing the moment, it was perhaps inevitable that "Legend" would be disparaged [as yet another effort](#) to distract attention from the hardships that have long beset America's citizens of color. Chicago Mayor Lori Lightfoot, who invited the Feds in, found it necessary to clarify that the outsiders wouldn't be wearing fatigues or chase after rock-throwers:

These are not troops. Troops are people who come from the military. That's not what's coming to Chicago. I've drawn a very firm line against that.

Mayor Lightfoot isn't simply waiting for "Legend." Chicago's explosive murder rate has led its new police chief, David Brown, to form "[Community Safety Teams](#)." Modeled on the well-known "[Hot Spots](#)" approach, their officers will focus on the neighborhoods beset by violence, mostly in the city's South and West. Agencies throughout the U.S. have used hot-spots, and [often with supposedly good results](#). A recent academic finding that hot spots "[is an effective crime prevention strategy](#)" has even led NIJ to bestow its [seal of approval](#). But sending in the cops can be tricky. "[A Recipe for Disaster](#)" and other posts in our "[Stop-and-frisk](#)" special section have cautioned that the bucketfuls of stops produced by get-tough campaigns inevitably generate "false positives," and as these accumulate they can severely irritate the inhabitants of neighborhoods police are ostensibly trying to serve. Carelessness, pressures to produce "numbers" and out-and-out lying by cops striving to look good [made things even worse](#). Blow-back from residents and civil libertarians had led Chicago, New York City and Los Angeles to shut down hot-spots programs. Now that unbearable violence is back, each city has dug out that bad old approach, renamed it ("Operation Legend") and dressed it up in new finery. And so the cycle begins anew.

Alas, even the most skillfully applied enforcement strategies can't remedy the root causes of the crime and disorder that bedevil low-income neighborhoods. Getting there would require a skillful and exceedingly well-funded application of "[social disorganization](#)" theory. But there seems to be little interest in either Red or Blue political quarters for that "[Marshall Plan](#)" we've hollered about. Not that there haven't been some promising moves. "[Place Matters](#)" mentioned [Birmingham's \(Ala.\) comprehensive program](#). One of its components, the "[Promise Initiative](#)," provides

apprenticeships to high-school juniors and seniors and offers tuition help to those bound for college.

So wait a minute. Is there a role for police here, as well? Can cops help impoverished societies transform? LAPD says yes! Its decade-old [“Community Safety Partnership”](#) program (CSP) has placed teams of mostly minority officers in seven of the city’s low-income housing projects. CSP officers work in uniform but don’t typically conduct criminal investigations or make arrests. They interact with residents, participate in group activities, enable the “safe passage” of youths to and from school, and provide one-on-one counseling and referrals. [An external evaluation](#) by a UCLA researcher, CSP locations enjoy less crime. As one might expect, the constant presence of police “disrupts” gangs and enhances the ability of residents “to gather and enjoy public spaces, facilities, and programs.” However, another [favorable but less glowing review](#) cautioned that despite CSP, “residents generally do not trust the police and expressed concerns about mistreatment, including a lack of anonymity when reporting crimes.”

Seizing the moment, LAPD just transformed CSP into its own Bureau under the leadership of a Deputy Chief. But not everyone’s happy. Indeed, the notion that police should increase their sphere of influence [has badly divided the Blues](#). Connie Rice, the well-known Black civil-rights lawyer who helped found CSP, [praised its expansion](#): “warrior enforcement culture needs to be replaced with this kind of guardian-style approach that rewards problem-solving engagement between officers and the communities they protect.” Her pointedly guarded language didn’t do the trick. No sale, said Paula Minor of “Black Lives Matter L.A.”: “This [CSP] is not a program that needs to be operated by armed, sworn police officers.” Her views were seconded by Hamid Khan. A well-regarded activist who leads the [“Stop LAPD Spying Coalition,”](#) he argued that [funds should be redirected](#) from the police to community programs.

It’s already happened. On July 1st. the L.A. City Council [stripped \\$150 million](#) from LAPD’s billion-plus budget, sharply cutting overtime and ultimately reducing officer staffing by 231 positions. These funds are now destined for minority communities; one proposed use is a youth summer jobs program. LAPD managers are caught square in the horns of a dilemma. Violence is up, and officers must continue to face the task of cleaning up the “symptoms” of the social disorganization that characterizes low-income neighborhoods. If attempts such as CSP to treat “the whole patient” are to expand, cops must come from somewhere. So far, CSP’s been funded by outside donors. Will that continue? And if so, would those who feel the cure (policing) is worse than the disease (violent crime) tolerate an *increased* police presence?

That ending’s still being written.



SLAPPING LIPSTICK ON THE PIG (PART II)

“Proving” that crime-control strategies work is laden with pitfalls

For Police Issues by Julius (Jay) Wachtel. In August 2005 the prestigious journal *Criminology & Public Policy* published “Did Ceasefire, Compstat, and Exile Reduce Homicide?”, an analysis by Richard Rosenfeld and two colleagues from the University of Missouri-St. Louis of three celebrated violence reduction programs: Boston’s Project Ceasefire and Richmond’s Project Exile (both discussed in [Part I](#)) and Bill Bratton’s Compstat, a program that began in New York City and spread throughout the U.S.

Each program was widely credited with success. But according to the authors none had been satisfactorily evaluated. Using sophisticated statistical techniques, they sought to determine whether declines in homicide in Boston, Richmond and New York City went significantly beyond drops that were being experienced elsewhere. Corrections were taken for police coverage, incarceration rate, level of cocaine use, population density and resource deprivation, the last a composite measure that includes factors such as poverty rate and male unemployment.

Their conclusions rattled more than a few cages. Once extrinsic factors were taken into account New York’s drop in homicide didn’t significantly exceed that of comparable areas. Compstat might be a terrific idea, but in this study it wasn’t demonstrably so. Richmond, on the other hand, easily passed the test, its adjusted 22 percent yearly decline in firearm homicide proving significantly better than reductions elsewhere.

Ceasefire proved to be a mixed bag. As this chart from the Ceasefire report illustrates, a steep and persistent decline in the number of youth gun homicide victims coincided with the project (pre/post-intervention means 3.5/1.3. See “Reducing Gun Violence: the Boston Gun Project’s Operation Ceasefire,” National Institute of Justice, September 2001, p.58)

Examining an extended three-year post-intervention period, Rosenfeld and his colleagues calculated that Boston enjoyed an adjusted 30-percent yearly drop in youth gun homicides, nearly twice the 16 percent yearly reduction reported in comparable

cities. However, since the actual number of deaths was few, the 14 percent improvement wasn't enough to reach statistical significance. (Expanding the victim age range, thus increasing their number by only three yielded what the writers termed "marginal" significance.)

But let's not quibble. Boston Ceasefire posted impressive real-world results. That's to be expected. Police, probation officers and Federal agents served warrants, did stop-and-frisks, made drug and gun busts and conducted probation and parole checks. Yet, although the [NIJ Research Report](#) concedes that the program incorporated the "certainty, swiftness and severity of punishment" aspects of the deterrence model, the tendency has been to credit Ceasefire's success to its unique notification and warning aspects. That explanation has become so common that when discussions at the recent NIJ conference turned to the program one could be excused for thinking that there was no enforcement component at all. On the contrary: as the descriptive sections of the NIJ report make clear, police & probation efforts were very substantial. They were certainly so from the perspective of offenders, who are unused to concerted law enforcement measures, and particularly if they persist.

Teasing out just how much of Boston Ceasefire's fourteen percent gain came from locking people up and how much from everything else was impossible then, and it's impossible now. As one of Project Safe Neighborhoods' evaluators told the blogger, specifying the effects of, say, notifications is well-nigh impossible.

In 1999 the University of Illinois School of Public Health initiated Chicago Ceasefire. Don't be fooled by the "Ceasefire" label -- this is an unique approach. Street workers and "violence interrupters" prowled inner-city areas, identifying and counseling high-risk youth, mediating disputes and defusing situations that might lead to violence. Every effort was made to keep staff members independent and credible. Unlike Boston, there was no deployment of police, and while official tips about violence were welcomed, information only flowed one way.

A recent [NIJ evaluation](#) reports mixed results. Seven of Chicago Ceasefire's sites were matched with seven locations where the program was not in effect. Homicides fell significantly more than in the matched area at only one site (again, death counts were very small.) Other results were more promising. When compared to matched locations, four project sites experienced additional decreases of 17 to 24 percent in shots fired, and four demonstrated additional decreases of 16 to 34 percent in actual shootings.

Evaluating Chicago Ceasefire presents many challenges. There were other projects, including PSN, operating in and near Ceasefire sites. Assessors also raised serious

doubts about the equivalency of the comparison sites. That's a potentially fatal flaw. High-crime locations such as those where Ceasefire was deployed tend to attract more policing. Without data on the nature and intensity of law enforcement activity, attributing improvements to program effects is risky.

There's another concern. Consider, for example, the far higher violence rates of PSN vis-à-vis non-PSN cities. Of course, you say: that's how sites were selected in the first place! But extreme scores are unstable and apt to revert to more moderate levels for no discernible reason. If a generalized crime drop is already underway, precipitous changes could be easily misinterpreted. Absent a robust research design, bundling high-crime locales is just asking for trouble come evaluation time.

In "Knowing when to fold 'em: an essay evaluating the impact of Ceasefire, Compstat and Exile," UCLA statistician Richard A. Berk gloomily concludes that unless programs are specifically designed to be rigorously evaluated doing so may be unwise.

What if random assignment, a strong quasi experiment, or a convincing analysis of observational data are not in the cards? Even if the policy questions are vital, it may be wise to throw in the hand. Suspect science, even the best that can be done under the circumstances, does long run damage to the credibility of all science. The position taken here is that under these circumstances, responsible researchers should withdraw until stronger studies are possible. It may even be possible to help make those stronger studies more likely.

Guiding the lily with unsupportable claims ultimately works to everyone's disadvantage. Yet public servants don't have the luxury not to decide, and their decisions must be based on *something*. Often that "something" is their best judgment, informed with hefty doses of real-world experience. Next week in the (hopefully) final part of this series we'll examine some promising real-world approaches to fighting crime and violence.



SLAPPING LIPSTICK ON THE PIG (PART I)

Do elaborate violence-reduction initiatives make a difference?

“Given his extensive criminal record, if there was a Federal law against jaywalking we’d indict him for that.”

For Police Issues by Julius (Jay) Wachtel. Issued by United States Attorney Don Stern (yes, *Stern*), the pithy threat, which was plastered throughout a violence-ridden Boston neighborhood, was actually part of [Operation Ceasefire](#), a strategy devised by Harvard researchers to combat youth gun violence.

Ceasefire had two components: a law enforcement campaign to curb gun trafficking, thus reduce the supply of firearms, and a so-called “pulling levers” approach intended to reduce the *demand* for guns. Beginning in 1996 gang members in selected crime hot spots were summoned to group meetings where they were warned by police, probation and the Feds that if violence continued serious consequences would follow. Educators, job training specialists and community workers were also on hand to offer alternatives. Posters were put up to spread the word about the project and what happened to those, like Freddie, who dared to ignore it.

Once the notification and publicity phases were done the hammer fell. Cops swarmed problem locations, doing stop-and-frisks and arresting drug dealers, gun possessors and those with outstanding warrants. Probation officers conducted surprise searches. Thanks to United States Attorney Don Stern’s enthusiastic participation, felons and drug dealers caught with guns -- or, as in the above example, ammunition -- wound up in Federal court, where bail was rare and sentencing tough. Progress was soon evident. Comparing the two-year implementation period (May 1996 - May 1998) to the five years preceding the intervention, the mean number of monthly gun deaths for ages 24 and under fell sixty-three percent. Citywide gun assaults declined by a quarter.

During 1998-2000 a violence-fighting initiative called [SACSI](#) sought to implement the Ceasefire model in ten cities: Indianapolis, Memphis, New Haven, Portland, Winston-Salem, Albuquerque, Atlanta, Detroit, Rochester and St. Louis. U.S. Attorneys were in charge of each site. Once the preliminaries were done police and the Feds hit the streets with all they had. Their gloves-off approach yielded promising results. Gun

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assaults in Indianapolis fell 53 percent. Portland enjoyed a 42 percent decrease in homicide.

Although SACSI gave lip service to “pulling levers” [NIJ’s own report](#) reveals that for better or worse the focus was overwhelmingly on law enforcement:

Each of the SACSI sites implemented both enforcement and prevention strategies, yet all sites, particularly at the start, emphasized enforcement and prosecution. Many of the initial strategies were enforcement oriented -- targeting hotspots and repeat offenders, crackdowns, sweeps, saturation patrols, serving warrants, and making unannounced visits to probationers....Prevention activities in most sites were meager and implemented late in the SACSI program....(pp. 10, 15)

Evaluators tried to assess the effectiveness of notification and warning strategies. Their conclusions weren’t encouraging:

The impact of the lever-pulling approaches was mixed. Three of four sites found that offenders had indeed “heard the message” about new violence bringing swift and certain law enforcement action. Yet, in those same sites, there was no difference in the recidivism rates of lever-pulling attendees and those of comparison groups of offenders. Researchers in Indianapolis found a general deterrent effect due to offenders’ awareness of increased police stops, probation sweeps, and the like, rather than their awareness of SACSI “offender notification” meetings and messages. (pp. 4-5)

Federal law treats gun-toting criminals harshly. Title 18, United States Code, section 924, imposes a mandatory minimum 5-year penalty on drug dealers and violent offenders caught with guns. Armed felons with three prior convictions for violence or drug trafficking are subject to a fifteen-year term with no possibility of parole. In 1997 these provisions became the centerpiece of Project Exile, a program intended to rid Richmond (Virginia) of armed thugs.

Unlike Ceasefire, there was no pre-hammer component -- it was all vigorous policing from the very start. Within a year gun homicides were down forty-one percent.

In 2001 the U.S. Justice Department blended components of Ceasefire, SACSI and Project Exile into an anti-violence initiative called Project Safe Neighborhoods (PSN).

U.S. Attorneys in each judicial district were encouraged to work with mayors, police chiefs, local prosecutors and probation and parole to devise and implement

comprehensive, locally-attuned strategies to fight violent crime. Trainers and IT experts were provided. Although the emphasis was on law enforcement, sites were encouraged to incorporate Ceasefire's "pulling lever" components, and many did.

A recently published evaluation of PSN offers a mixed picture. While Federal prosecutions increased overall, philosophical differences and workload concerns made some U.S. Attorneys and judges reluctant to take on street offenders, whom they viewed as a local responsibility. In districts where PSN took hold the partnerships were mostly among law enforcement agencies rather than the broader spectrum envisioned by Ceasefire. And getting probation and parole involved wasn't always easy, a significant issue given their key monitoring and sanctioning roles. (Probation officers may have been reluctant to play "cop," thus lose credibility with their charges.)

Evaluators identified eighty-two cities where PSN was implemented and 170 cities where it was not. Violent crime rates were compared between the pre-intervention period of 2000-2001 and a four-year period, 2002-2006, when the program was in effect. PSN cities (also called "target" cities) were classified by "dosage", meaning the program's rigor -- high, medium or low. (It's too complicated to go into here, but dosage was measured in a way that heavily weighted law enforcement efforts.) Both PSN and non-PSN cities were also categorized by level of Federal prosecution -- high, medium and low.

Statistical significance aside, PSN's effects seem insubstantial. Overall, violent crime per 100,000 pop. fell about 4 percent in PSN cities (top trend line) while in non-PSN cities it declined about 1 percent.

PSN's effects might have been attenuated by weak implementation. As the chart demonstrates, sites higher in "dosage" fared better at the start. (Why the effects of medium dosage persisted, while high dosage did not, is an open question.)

High levels of Federal prosecution seemed helpful for PSN and, to a lesser degree, non-PSN sites, while low levels appeared catastrophic for the latter. Again, there is some inconsistency, as low level of Federal prosecution is associated with a greater reduction in violence than medium level.

Whatever their causal mechanism, most gains were wiped out over time. By 2005 the trend in violence was on the upswing for non-PSN cities regardless of prosecution level, for PSN cities at all prosecution levels, and for PSN cities at both low and high dosages of program implementation.

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As the PSN evaluation suggests, and as [recent events](#) in Boston, Cincinnati and elsewhere illustrate, lean economic times and other factors can make programs like Ceasefire, SACSI, Project Exile and PSN difficult to sustain. Expending scarce resources on complex partnerships with non-governmental entities and on elaborate techniques such as offender call-ins and notifications raises even more questions. How well such approaches work and whether they add sufficient value to justify their distraction and expense are among the issues we'll look at next week.



SLAPPING LIPSTICK ON THE PIG (PART III)

Simple policing strategies are the best

For Police Issues by Julius (Jay) Wachtel. It's as close to a Nobel as a criminologist can get. David L. Weisburd, a professor with joint appointments at Hebrew University and Virginia's George Mason University was awarded the 2010 Stockholm Prize in Criminology for demonstrating that hot-spot policing doesn't displace crime. One of a growing number of academics who propose that offending is rooted in place, Dr. Weisburd believes that concentrating efforts at crime-prone locations deters crime and can minimize conflicts between the public and police.

In the mid-90's Dr. Weisburd and his colleagues tested an enhanced drug hot spot strategy in Jersey City (N.J.) Police identified fifty-six open-air drug markets. At half undercover officers bought drugs and made arrests as usual. In the others they cranked things up, selecting targets in advance rather than ad-hoc, placing extra cops on patrol and sending in housing and liquor inspectors. What happened? Both the old and new approaches suppressed drug activity about equally. Effects from the enhanced sites also benefitted adjoining areas, contradicting the conventional wisdom that intensive policing displaces crime.

In a later study Dr. Weisburd and others geocoded 14 years (1989-2002) of Seattle crime data to reflect "street segments" (both sides of the street of a contiguous block.) Their analysis replicated earlier findings that crime concentrates at relatively few places. They also discovered that offending at these hot-spots was stable over time, and that the city's crime drop, which coincided with a general improvement across the U.S., was mostly due to declines at high-crime "micro-locations." ("Trajectories of Crime at Places," *Criminology*, 42:2, May 2004.)

Dr. Weisburd returned to Jersey City to revisit the crime-displacement hypothesis. Two hot spots were selected; one prostitution, the other drugs. Police hit the prostitution site with a series of reverse stings, each time arresting dozens of clients. They also set up checkpoints between operations to inform and warn potential customers. A narcotics task force, a violent offender squad and intensified patrol took care of the drug location. (A few non-law enforcement tactics were applied at both locations, but what the cops did seems by far the most salient.)

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Prostitution and drug offending plunged at both sites, with gains remaining evident after policing subsided. Again, there was a “diffusion of benefits” to surrounding areas and no substantial displacement. Offenders later explained to researchers that relocating was not so much in the cards as it would be difficult and unsafe. (“Does Crime Just Move Around the Corner?” *Criminology*, 44:3, August 2006.)

Drug, vice and stolen property stings (remember the LEAA-funded storefront operations?) have been around for decades. To respond to shootings and gang violence police across the U.S. have deployed specialized gang and anti-violence units and staged stop-and-frisk campaigns. As effective as such strategies may be (credited with a 32 percent 2007-2008 homicide drop in [Milwaukee](#)) they also tend to sweep in innocent citizens, making it crucial that officers are well trained and supervised and that there is good communication between the police and the community.

Multi-agency task forces are very popular. Philadelphia’s “[Operation Pressure Point](#)” deploys teams of police, probation officers and Federal agents to crime hot spots on weekend evenings, when most violence occurs. In [Charlotte](#) (N.C.) police partner with ICE to combat violent Central American gangs. U.S. Marshals regularly stage fugitive apprehension projects. A [recent California example](#) netted more than 1,000 wanted persons, including thirty-one homicide suspects.

Long-term Federal-local racketeering investigations seem particularly promising. Last month the U.S. Attorney in Los Angeles struck at the MS-13 gang, indicting twenty-four members on charges that could in some instances draw life terms. In May he indicted 147 members of the Varrios, a gang that is centered in the tiny, impoverished unincorporated community of Hawaiian Gardens.

Despite their many successes, the literature still treats police as though they’re in the nineteenth century. It’s assumed that crime can’t be deterred without (a) bringing in outside experts to (b) design stunningly complex programs that (c) involve special innovations and (d) call for multiple “partners.” And we haven’t even mentioned the impenetrable, eye-popping rhetoric that’s usually offered in justification. In fact, there’s pitifully little proof that tacking on extraneous interventions -- slapping lipstick on the pig, if you will -- adds significant value to the core component of most anti-crime strategies: the police. As [Cincinnati](#) discovered, adding complexity can create turmoil, making programs so unwieldy that they can’t possibly be sustained.

It may not seem so from TV cop shows, where everything gets resolved in sixty minutes and there’s no paperwork, but even simple arrests consume lots of resources. Police must also jump through legal and procedural hoops that civilians can’t begin to fathom. Most officers accept the limits of their authority and try to be effective

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within established law and procedure. Asking them to do things far removed from the norm is a recipe for confusion. Consider how Baltimore officials reacted to the notion (a strategy actually applied in High Point, N.C.) of making buys from street drug dealers, then calling them in and threatening prosecution if they don't behave:

Representatives from the Police Department, state's attorney's office and mayor's office attended training last year sponsored by the Bureau of Justice Assistance to learn about how it works, and determined it wasn't a good fit for Baltimore, where much criticism of law enforcement focuses on repeat offenders who avoid prosecution. "When you have a city as violent as Baltimore, if you have enough to bring an indictment, we're not going to give bad guys a choice," said Margaret T. Burns, a spokeswoman for Baltimore State's Attorney Patricia C. Jessamy. [A mayor's representative] said elements of the strategy might work, "but having enough information to indict somebody and then not actually doing so is not something that this group felt was appropriate."

"Not giving bad guys a choice" is hardly the most pressing issue. In his younger days, when your blogger worked undercover buying everything from machine guns to a stolen front-end loader (don't ask) he quickly learned that there's no such thing as a "routine" deal. Explaining why someone got hurt while police were fulfilling the odd requirements of an "innovative" program is not something that any chief or prosecutor would want to do.

Tightening the law enforcement screws may be easier than dealing with the underlying conditions that breed crime. But keeping things down once the cops are gone is tough. Even crooks learn, and once the low-hanging fruit gets picked -- and get picked it must -- taking it to the next level may require far more resources than a local agency can spare. (That's where the Feds can help.) Initiatives such as Weed and Seed have sought to sustain gains with social service and community-building programs. Results, though, have been uneven, possibly because of the very heavy lifting that's needed to turn disorganized communities around.

We may be asking far too much from the police while giving them far too little credit for their knowledge and accomplishments. As the ones most intimately aware of their environment, they're in the best position to design and implement appropriate responses to crime. Outside advice can be useful, but it must be offered humbly and accepted with a critical eye. In the end, encouraging police to work where they're most comfortable and productive, while offering them the resources and information they need to do a quality job, will insure that the critical things only they can do are done right.

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Posted 9/23/18

SPEED KILLS

Acting swiftly can save lives. And take them, too.

By Julius (Jay) Wachtel. On April 20, 1999, two high school seniors staged an elaborately planned massacre at Colorado's [Columbine High School](#). Before committing suicide they shot and killed twelve students and a teacher and wounded nearly two dozen others. When it comes to police strategy, Columbine changed everything. Criticism that lives would have been saved had officers moved in more quickly – they awaited SWAT, which took forty-five minutes to arrive – led the [Governor's review commission](#) to suggest a new approach:

Clearly, rapid deployment poses risks to innocent victims but, even so, immediate deployment by teams of responding officers to locate and subdue armed perpetrators seems the best alternative among a set of risky and imperfect options in a situation like that at Columbine High School. (p. 67)

Dubbed IA/RD ("[Immediate Action/Rapid Deployment](#)"), the new strategy marked [a shift in response philosophy](#), from containment to prompt intervention. To be sure, IA/RD doesn't simply mean "barging in." Officers are supposed to be trained in this approach, and when the opportunity comes form small teams and move in a coordinated fashion. Yet when things get "hot" in the real world time is at a premium, and the one thing that cops must have to make good decisions – accurate information – is often lacking.

Reacting swiftly can save lives. As events regularly demonstrate, it also creates "risks to innocent victims" that cannot be easily dismissed. During the early morning hours of July 31, Aurora (CO) patrol officers responded to [a report of intruders](#) at a private residence. They came upon a chaotic scene. Within moments gunfire erupted inside the home. An adult male came into view holding a flashlight in one hand and a gun in the other. When commanded to drop the weapon he raised the flashlight. An officer not yet identified shot him dead. Inside the residence cops found a naked dead man and an injured 11-year old boy. It turned out that the person whom the cop killed – Richard "Gary" Black Jr., a decorated Vietnam vet – was the lawful resident. [He had fought with and shot the naked man](#) – a known gang member and ex-con – after the intruder broke into the home and tried to drown Mr. Black's grandson in the bathtub.

Hasty responses have also proven tragically imprecise. On June 16 Los Angeles police officers were summoned to [a stabbing at a homeless shelter](#). It turned out that an angry

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resident had cut his ex-girlfriend's hands with a knife (her injuries were not critical.) When cops confronted the 32-year old assailant on the sidewalk he grabbed a disabled person, Elizabeth Tollison, 49, and put the knife to her throat. Officers opened fire, killing both.

Five weeks later, on July 21, a man who shot his grandmother led LAPD officers on a wild car chase. He eventually crashed his vehicle by a Trader Joe's. [Firing at officers, he ran inside](#). Police fired back. One of their rounds fatally wounded a store employee, Melyda Corado, 27. After a prolonged standoff, the suspect, Gene Atkins, 28, surrendered peacefully.

Sometimes there is no need to intercede. On September 6, Dallas police officer Amber Guyger, 30, finished her shift and drove to the apartment building [where she had been living for a month](#). On arrival she parked one level higher than usual and inadvertently wound up at the apartment directly above her own. It so happened that its brand-new tenant, PricewaterhouseCoopers employee Botham Jean, 26, had left his door unsecured. Officer Guyger knew something was amiss but nonetheless walked in and reportedly issued loud "verbal commands." But [they failed to have the desired effect](#). Apparently thinking herself in peril, she fired twice, killing Mr. Jean in his own apartment.

Over the decades law enforcement experts, academics, interest groups and the Federal government have recommended ways to make policing more effective while preventing needless harm to the law-abiding. "[Making Time](#)," a key tactic that skillful cops have always used, has been incorporated into organizational directives and training regimes, essentially becoming an official tool of the trade.

So what's holding things back? Why is *Police Issues* revisiting the same concerns *ad nauseam*?

On October 20, 2014 [Chicago officers responded to a call](#) about a teen trying to break into parked vehicles. Patrol cops soon encountered 17-year old Laquan McDonald. He was walking down the street, reportedly "swaying" a knife. As our [original post](#) indicated, and as the officers likely assumed, the teen had lived a hard life. So they called in for assistance to peacefully corral the troubled youth. A half-dozen additional units soon arrived:

'We were trying to buy time to have a Taser,' Officer Joseph McElligott testified Monday in a hushed Cook County courtroom. '(McDonald) didn't make any direct movement at me, and I felt like my partner was protected for the most part inside the vehicle...We were just trying to be patient.'

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Officers retained their approach even when McDonald ignored commands to drop the knife and slashed a police car's tires. Then officer Jason Van Dyke and his partner pulled up. According to his colleagues, Van Dyke, a 14-year veteran, emptied his pistol at the youth within *six seconds* (his partner stopped him from reloading.) More than a year later, following public protests and a court-ordered release of officer bodycam video, officer Van Dyke was charged with murdering McDonald. (Van Dyke is presently on trial. For compelling details about the case see the [special section in the Tribune website.](#))

This wasn't the first time that a cop's unwelcome intrusion undermined a promising response. "[Routinely Chaotic](#)" discussed the notorious October, 2016 killing of Deborah Danner, a mentally ill 66-year old woman. While she was being successfully contained a late-arriving supervisor butted in, causing Ms. Danner to flee to the bedroom and pick up a baseball bat. Sgt. Hugh Barry promptly shot her dead. He was tried for the killing but acquitted by a judge. (Sgt. Barry remains on limited duty awaiting departmental action.)

In the uncertain environment of the streets, outcomes are shaped by many factors, including the availability and accuracy of information, police and mental health resources, and officer knowledge and experience. Officer personality characteristics, though, typically receive scant attention. Yet all who have worked in law enforcement (including your blogger) know that its practitioners are human: they have quirks, and their behavior can deteriorate under stress.

Click [here](#) for the complete collection of strategy and tactics essays

"[Three Inexplicable Shootings](#)" suggested that "cops who are easily rattled, risk-intolerant, impulsive or aggressive are more likely to resort to force or apply it inappropriately." Violent experiences – and in our gun-saturated land they are deplorably common – undoubtedly play a major role in fashioning the lens through which officers perceive and respond to threats:

- One year before blundering into the wrong apartment, Dallas officer Guyger (mentioned above) [shot and wounded a parolee](#) after he took away her Taser. Her actions were deemed justified and the suspect, who survived, was returned to prison. (An unidentified "police official" [attributed officer Guyger's recent, lethal lapse](#) to the effects of an excessive long shift.)
- One *month* before killing Richard Black, the unnamed Aurora cop shot mentioned above [shot and killed an armed pedestrian](#) whom he and a partner confronted during a "shots-fired" call. Although the shooting seemed justified, a

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lawyer for Black's family questioned whether the officer should have been returned to regular duty so quickly.

Our "sample" is infinitesimally small. It's also not lacking for contradictions. Chicago cop Jason Van Dyke, for example, testified that [he had never fired at anyone other than McDonald](#) during his 14-year career. (Officer Van Dyke did amass a not-inconsequential record of citizen complaints, including one that triggered a large monetary award.)

According to the [National Law Enforcement Officers Memorial](#), thirty-one officers were shot and killed during the first half of 2018, while twenty-five fell to gunfire during the same period in 2017. Los Angeles, where your blogger is based, has been beset with shootings of police. On July 27 a gang member on probation [shot and wounded an LAPD officer](#) who told him to exit his vehicle during a seemingly "routine" traffic stop (the assailant was shot and killed by her partner.) On September 19 two L.A. County Sheriff's deputies [were wounded during a firefight](#) with assault suspects. One suspect was killed and another was wounded.

When streets teem with guns and with evildoers willing to use them, risk-tolerance can be "[a very hard sell](#)." But there's no arguing that rushed police decisions can needlessly kill. What's the solution? PERF's "[Guiding Principles on Use of Force](#)" suggests that keeping distance, taking cover and "de-escalating" can provide a safe middle-ground:

...rushing in unnecessarily can endanger the responding officers...When officers can keep their distance from a person who is holding a knife or throwing rocks and attempt to defuse the situation through communication and other de-escalation strategies, they can avoid ever reaching that point where there is a significant threat of death or serious physical injury to anyone, including themselves.

Still, considering the dynamics of street encounters, there's no guarantee that time, cover and distance will be available. In the uncertain and often hostile environment of the streets, officers can find it impossible to quickly choreograph and implement a peaceful response. Bottom line: "slowing down" requires that cops occasionally accept considerable risk. Should their judgment be off, they can be easily hurt or killed. That's not ideology: it's just plain fact. And it's the fundamental dilemma that well-meaning "experts" have yet to address.

Posted 4/6/08

THE GANGS OF L.A.

To rid a city of gangs, look to the basics first

Nero has become synonymous with deadly inaction in the face of crisis, which is precisely why his name springs to mind as one considers the Los Angeles City Council and its dangerous fiddling over control of the city's anti-gang programs...(Tim Rutten, "[That Deadly Gang in City Hall](#)," *Los Angeles Times*, April 2, 2008)

For Police Issues by Julius (Jay) Wachtel. Now that our home-town paper has joined Controller Laura Chick's campaign to transfer control of gang programs from the self-dealing City Council to the self-serving Mayor, it seemed a good idea to turn on the ol' time machine (*L.A. Times* historical on *Pro-Quest*) and check out the gains we've made during the last century and a quarter of anti-gang crusading:

Last night between 11 and 12 o'clock Officers Whaling and Steele, together with the private watchman on the beat, made a round-up and captured seven of as tough youngsters as there are in the city, five of whom were white and two colored.... ("Youthful Hoodlums," Aug. 3, 1889)

More than forty robberies here, in Long Beach and in the Big Bear Lake district were said by the police to have been admitted in signed confessions obtained yesterday from members of the "baby bandit gang" who were rounded up on Monday.... ("Baby Bandits Admit Crimes," Aug. 6, 1924)

Chief of Police Parker yesterday ordered additional police into duty to combat juvenile gangs, as detectives in the latest gang slaying faced the "silent treatment" from witnesses....Meanwhile more youth gang crimes were reported here. ("New Crimes by Youth Gangs Bring Boost in Police Force," Dec. 16, 1953)

Three cars filled with Watts area youth drive 40 miles to Pacoima, stop a carload of unknown boys and blast them with a shotgun. The attackers roar away before police can get to the scene. Five carloads of boys from Pasadena cruise into South Los Angeles, fire a shot and toss a gasoline-filled bottle at a group of boys.... ("Cars Give Teen-Agers Range and Speed in Crime," July 5, 1961)

After declaring that youth gang violence had reached "epidemic proportions," Los Angeles County Sheriff Peter J. Pitchess announced a new crackdown Thursday on juvenile crime. He told a Hall of Justice news conference that a special 50-

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man team of veteran officers has been assembled.... (“Pitchess Opens War on Youth Violence,” Dec. 19, 1975)

Los Angeles police are conceding that traditional patrol practices are no match for the continual wave of violent street gang crime in the East Valley, including Sunland-Tujunga. The LAPD’s Valley Bureau has asked the department to create a 28-man unit that would specialize in breaking up gangs and arresting members.... (“Special Patrol Urged to Curb Youth Gangs,” Nov. 12, 1978)

Flash forward thirty years:

Scores of marchers walked through a section of the South Robertson area of Los Angeles with banners calling for an end to gangs and guns and urging other locals to join the fight against crime. But just days later, residents [were] shaken by fresh bloodshed in two separate shootings that left a 37-year-old resident dead and a transient wounded. (“[Two Shootings Unnerve L.A. Neighborhood](#),” April 3, 2008)

Los Angeles police shot and killed a man Wednesday afternoon in Wilmington after he fired at them several times, authorities said, with one of the rounds from his gun ricocheting off an officer's protective vest and grazing his body...Officers had intended to arrest the man, David Sedillo, 26, who authorities said was in a street gang and was wanted for threatening law enforcement officers' lives. (“[Suspect is Shot, Killed](#),” April 3, 2008)

Gangs are an endemic fixture of urban life. (If you think they’re only a problem here, check out Paris, whose suburbs regularly explode in [riots](#) set off by encounters between besieged cops and the young underclass.) Try as we might, it seems impossible to shake off the cycle of poverty, ignorance and hopelessness that leads youth astray. We’ve become so desperate that when a smart cookie like the City Controller comes along and promises that we can reorganize our way out of the swamp we snap at anyone who stands in the way. How *dare* the City Council disagree!

Well, simmer down. What Controller Chick [proposes](#), placing all gang programs under a “czar” working out of Hizzoner’s office, sounds suspiciously like that oh-so successful Federal model of Homeland Security. Really, if all it took to rout gangsters was bureaucratic reshuffling, wouldn’t every city across the U.S. from Alameda to Washington already be doing it? Are our elected officials really so venal that they’d let the killing continue just so they can hang on to pet projects?

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We actually know a lot about gangs and crime. For example, we know that if you're reading this post you probably live in a place where it's safe to walk at night. Crime, particularly *gang* crime, is a matter of place. Demographics *do* matter. Gangs arise in areas beset by poverty and its correlates: unemployment, violence, drug-dealing, single-parent households, illiteracy. The values that form in this witches' brew are passed on between generations, accounting for the persistence of behavior that bedevils outsiders and even gangsters often find self-defeating.

What's to be done? Nothing can happen until residents of gang-infested areas feel free to go about their business without fear of being killed or extorted. Anyone who's been exposed to the perverted mentality of gang leaders and "shooters" (triggermen, an influential few within each gang) knows just how difficult a task this is. It's a job for police, who must respond in sufficient numbers -- and here quantity is important -- to restore the salience of conventional controls.

Where society is profoundly disorganized schools wind up being the best place -- often the *only* place -- for transmitting and promoting positive values. But schools often take on the character of their communities, which isn't necessarily a good thing. In areas where the neighborhood is the problem we must help transform educational institutions into oases of peace and learning. [Tough-love policies](#) and a willingness to exclude disruptive students are key to creating an atmosphere of safety and tranquility where those who are inclined to learn, can. Many students would also be better served through quality vocational education rather than conventional curricula that leaves them without a marketable skill even if they somehow manage to hang on until graduation.

Prisons are the place of last resort. Yet they too can help. Creating "prisons within prisons" -- secure places where inmates disposed to better themselves receive intensive educational and vocational training -- can go a long way towards breaking the cycle of release and re-incarceration that besets our correctional system. Naturally the same goes for community corrections.

There are other valuable approaches. Still, until the basics are attended to, local programs of the kind that L.A.'s "gang czar" might oversee are unlikely to provide significant relief. (If you don't agree, do your own *Pro-Quest* search and report back.) Getting upset about who's in charge of what doesn't count is a silly distraction. It's like fiddling while Rome burns.

Posted 4/29/12

THE MORE THINGS CHANGE...

Twenty years after the L.A. Riots, are things really better?

By Julius (Jay) Wachtel. In 1990, when Los Angeles marked the twenty-fifth anniversary of the Watts Riot, the worst civil disturbance in modern American history, most experts agreed that despite all the studies and reports [improvements had been few and little of significance had changed](#). Regrettably, their depressing assessment was confirmed only two years later when Angelenos suffered through a second conflagration.

Now, as weary Southlanders mark the twentieth anniversary of the so-called “Rodney King” riots, named after the black parolee who was beaten senseless during an encounter with police, the rush is on to demonstrate that this time we really did “get” it. At a recent event sponsored by the *Los Angeles Times*, civil rights leader Connie Rice and former D.A. Gil Garcetti [pointed to the 1992 riots as a transformative event](#) that changed the LAPD from an occupation force to a progressive “majority minority” department far more sensitive and responsive to citizen needs.

There’s no doubt that the LAPD *looks* different. By most accounts, it also seems to *act* differently. According to a columnist’s glowing report, [the “siege mentality” is gone](#). A favored explanation is that the shift to community policing instilled a new culture. Cops began treating everyone with dignity and respect, defusing decades of hostility and reducing the likelihood that history would repeat itself.

If nothing else, the 1992 riots set off a game of musical chiefs. Best known for warning officers that differences in physiognomy made it unwise to place blacks in choke holds, nasty old Daryl F. Gates was quickly replaced by an outsider, former Philadelphia police commissioner Willie Williams. He left at the end of an undistinguished five-year term that was marked, among other embarrassments, by an inability to pass the California POST exam. As his replacement the city chose Bernard Parks, a brilliant but embittered LAPD insider whose discipline-intensive response to the Rampart corruption scandal would make him wildly unpopular with the troops.

Like Williams, Parks was denied a second term. He was succeeded in 2002 by William Bratton, a savvy New Yorker who cozied up to civic leaders and politicians. An experienced top cop, Bratton relaxed Parks’ reign of terror while retaining a firm grip on the ranks. When he left in 2009 to return to consulting work, it was again time to draw from within the ranks. Charlie Beck, a consummate LAPD insider, was appointed chief. Less wedded to arrest and crime statistics than the numbers-obsessed Bratton, he’s also

proven less of a disciplinarian, with a track record of letting officers off the hook [that's upset police commissioners](#).

As to one thing there's no doubt: the streets are indeed far more peaceful. LAPD's 77th. Street Division, in the heart of south Los Angeles, recorded 32 killings in 2011, nearly 80 percent fewer than the 143 murders in 1992. [A knowledgeable cop explained](#) that arresting gang members and a decline in the crack trade led to "less bad guys on the block" and a more tranquil atmosphere.

As we mentioned in "[Reform and Blowback](#)," mass incarceration may be responsible for a big chunk of the "Great Crime Drop" of the 1990s. Between 1990 and 2006 the imprisonment rate climbed from 447 to 503 per 100,000, while time served increased 29 percent for property crimes and 39 percent for violent crimes. So it's hardly surprising that crime plunged by about a third. But the funding to support stiff sentencing has evaporated, and prison budgets are being slashed everywhere. Police layoffs, once unthinkable, are now commonplace. And there are ominous signs that the crime curve is flattening out. Despite a shrinking population, [homicides increased in Detroit](#) from 308 to 344 last year, while [armed robbery is on the upswing](#) in Washington D.C., New York City and Philadelphia.

[Economic conditions in south L.A. have also worsened](#). Median income is lower than in 1992, and unemployment in two districts approaches a catastrophic rate of one in four. When so many lack a job, that's a lot of fuel for the fire. Meanwhile demographic shifts have turned large chunks of the inner city into mostly Hispanic, freezing out blacks who aren't part of the personal networks that are key to landing lower-end jobs.

In tough times one looks to the government. But the City of Angels has its own problems, in the nature of a \$220-million tax shortfall, leading Mayor Antonio Villaraigosa [to warn of impending layoffs](#). With fewer public-sector jobs and less government aid, prospects for the unemployed, undereducated and those with criminal records are bleaker than they've been in decades.

Do ordinary people think that things are getting better or worse? One week ago your blogger listened in as journalist and radio host Patt Morrison posed that question to a gathering at USC. In no particular order, here is what some audience members had to say (not verbatim, but fairly close):

Black female, middle-aged, south L.A. resident then and now: Things have not changed. In the neighborhood there is still the same status quo. There is definitely a division [between affluent and others].

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White ex-activist: LAPD officers are much more involved and have a better relationship with citizens.

White male: Racism hasn't changed much.

Journalist who covered the 1992 riots: All that has changed is the LAPD, for the better.

White male educator: Public education is worse than twenty years ago.

Voice in the crowd: Riots can start again unless there is socioeconomic change. Have not addressed the major economic difference.

White male: Gap between haves and have-nots has increased.

Older white woman: Community policing is becoming more effective. Improvement since Darryl Gates left.

Rodney King, the guest speaker, showed up late. Here are a few of his exchanges with Ms. Morrison (not verbatim, but fairly close.)

Q. Have the city and the police changed?

A. Yes. It's a slow process. The City of L.A. has worked on race relations and [established] commissions.

Q. Has LAPD changed?

A. Has changed a lot. Changing chiefs around.

Q. Are people getting along better?

A. Better. We have come a little ways, we have a long ways to go. It has to be in each of our hearts, [it's] up to each one of us as individuals each day.

Overall, Rodney King conveyed a far more hopeful message than the mostly bleak prognostications offered by his audience. Of course, he was there to sell a book. It's "[The Riot Within: My Journey from Rebellion to Redemption](#)," written with Lawrence J. Spagnola.

Untangling cause and effect is difficult. Even so, your blogger guesses that the new, improved LAPD that Rodney King and others spoke of didn't originate from a chief's

directive but is the byproduct of a kinder and gentler environment. Using the [UCR report building tool](#) revealed that in 1992 Los Angeles had 1,094 murders (pop. adjusted rate 30.3), 39,508 robberies (rate 1,093) and 46,445 aggravated assaults (rate 1,285). In 2010 there were 293 murders (rate 7.7), 10,924 robberies (rate 288) and 9,344 aggravated assaults (rate 246).

Case closed? Maybe not. Perhaps the LAPD really has become so adept that no matter socioeconomic conditions, crime will keep going down, and that no matter how poorly citizens behave, officers will never again spark off a riot. Yet, as [a couple of tense officer-hooligan confrontations](#) witnessed by an *L.A. Times* columnist suggest, the goodwill generated by the department's ostensibly new approach may not have percolated to society's fringes, where poverty and hopelessness furnish abundant kindling.

Hopefully, we're wrong.

THERE'S NO ~~EASY~~ SOLUTION

The domestic arms race has made police work exceedingly risky

By Julius Wachtel, (c) 2010

“The actions of those officers were appropriate, and they're not to be criticized in any way.”

That's how LAPD Chief Bill Bratton laid down the law to the [Los Angeles Times](#) when a reporter asked whether the shooting death of a SWAT officer and the grievous wounding of another might have been averted had the team not acted so hastily.

While the question may have come too soon, it's one eminently worth asking. Only moments before SWAT arrived patrol officers were already set to barge into the home of a resident who called 911 and told dispatchers that he had shot and killed his family.

Why did SWAT rush in? After the [1999 Columbine massacre](#) departments around the country supplanted conventional “surround and call-out” doctrines with “active shooter” strategies that endorsed making a quick entry, by patrol officers if necessary, when doing so might save lives. Without doubt, the new approach has worked. [Prompt response](#) by Kansas City patrol officers is credited for minimizing the toll of an April 2007 shopping center shooting spree that left one officer wounded and two citizens dead. More recently, [officers](#) burst into a packed Missouri city council meeting and shot dead a crazed gunman who had killed two cops and three city officials, probably saving several others from the same fate.

Swift action can work miracles. But all bets are off if the element of surprise is missing and the perpetrator has had time to prepare; for example, as in Los Angeles, where the shooter positioned himself behind stacked mattresses and waited for officers to burst in. Active shooter strategies were not intended for barricaded suspects, and there is no doubt that despite Chief Bratton's testy response LAPD will be carefully reviewing its policies to help prevent a repeat tragedy.

Information is naturally the key. But how can officers know whether someone really is lying in wait? How much time must lapse before it's considered too dangerous to rush in? Newfangled technology is hardly the answer. Dropping in microphones, sending in a robot -- all these are uncertain tools that take a lot of time, time that those already threatened or bleeding to death don't have.

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There is another, equally serious issue -- gun lethality. According to [Federal gun manufacturing records](#), less than twenty percent of handguns made in 1973 were high-caliber, meaning .357 and above for revolvers and 9 mm. and above for pistols (not including .38 revolvers and .380 pistols, which are considered medium caliber.) On that year only *one-third* of newly-manufactured handguns were pistols, a significant point since these can potentially hold more rounds than revolvers and are much quicker to reload. Over the next quarter-century things dramatically changed. By [1998](#) fifty-eight percent of handguns produced were high-caliber, and by [2006](#) the figure was a stunning *sixty-five* percent. On that year *three-fourths* of handgun production was reserved for pistols.

Wound severity is a function of ballistics (see, for example, De Maio's *Gunshot Wounds*," 2d. Ed., p.59). As caliber and velocity increase, the energy that a bullet can transfer to tissue soars:

[Ballistics of commonplace pistol ammunition](#)

Caliber	Muzzle velocity (ft.- sec.)	Muzzle energy (ft.- lbs.)
(Low) .25	760	64
(Mid) .38	975	264
(Hi) 9mm	1220	334
(Hi) .40	1135	403

Critics claim that firearms manufacturers purposely racked up their products' lethality as a marketing ploy, much as auto manufacturers increased sales by building ever-larger SUV's. Racing to keep from being outgunned, officers now routinely carry high-capacity .40 and .45 caliber pistols. (A .40 caliber pistol was one of the two handguns that the Missouri killer used when he burst in to the city council meeting. He stole it from the body of a police sergeant he had already murdered.)

What does this mean to the cop on the street? Even when medical care is promptly available, as during the incidents in Los Angeles and Missouri, the arms race has made gunshot wounds far less survivable. Of the 26 officers shot and killed in 2006 while wearing body armor, [nineteen were wounded in the head and neck](#), critical areas where

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differences in the lethality of a projectile can determine whether a victim lives or dies. Increases in lethality can help explain why, while the national [murder rate](#) has steadily dropped since the early 1990's -- sixteen percent between 1997 and 2006 -- the number of officers feloniously killed by firearms has [fluctuated](#). According to the FBI, 68 were killed in 1997, falling to 41 only two years later, then rising to 61 in 2001. Substantially fewer officers -- 46 -- were shot and killed in 2006. But in [2007](#) the count went way up again, with an estimated 69 officers killed by gunfire.

There's no snappy ending here. Considering the lethality and ubiquity of firearms, it's a wonder that officers keep stepping up to the plate. And considering our bizarre love affair with guns, the future promises only more dead cops.

Posted 12/4/07

TO DISCOVER THE TRUTH

When kids tell tall tales the consequences can be grave

For Police Issues by Julius (Jay) Wachtel. Jim Amormino was stunned. "In 28 years in law enforcement, I have never had a 4-year-old make up a story like this." The Orange County (Calif.) Sheriff's Department spokesman was referring to an incident last month where a "spiky-haired man with a dragon tattoo" reportedly tried to snatch a kid playing in a park. Eight sheriff's cars and a helicopter later, the victim admitted that the man she described was a TV character. She made the whole thing up to get back at her mother for leaving her alone in the playground.

Last March OCSD deputies fanned out in another dragnet when a 12-year old Aliso Viejo girl reported that a man tried to abduct her at knifepoint. Hundreds of leads were checked before the girl admitted that she lied to justify missing her school bus. Amormino admitted that on average his agency received one such a report a month, usually from kids who are trying to get out of trouble.

"He grabbed my hair and then he started pulling me. And that's when I screamed. I tried to go away, and then my friends were trying to help me, and that's when he started choking me." After spending eight months in jail, Eric Nordmark went to trial in January 2004 for sexually assaulting three Garden Grove (Calif.) teens. But on the second day one of his accusers tearfully recanted. They made it all up. Their motive? To avoid being punished for coming home late.

In March 2006 a 12-year old Buena Park elementary school student told police that she was sexually assaulted in a school restroom. An examination revealed some minor injuries. The girl gave a detailed description of the event and even helped prepare a composite sketch of the assailant. Days later she admitted making the whole thing up. Why? Who knows?

Sometimes kids are encouraged to lie. In January 2006, after spending seven months in San Bernardino County (Calif.) jail, Christopher Fitzsimmons was released when DNA tests proved that he did not rape the 4-year old girl who accused him of assaulting her in a park. Defense investigators discovered that the girl's mother, an acquaintance of Fitzsimmons, had accused others of raping her daughter, including two *after* his arrest.

In 2005 Kyle Sapp publicly apologized. Two decades earlier he was one of dozens of children who swore that the owner and employees of a Manhattan Beach (Calif.)

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preschool forced them to commit numerous sex acts. None of it was true. Police and psychologists were sure that something happened, so the kids told them what they wanted to hear. “I felt everyone knew I was lying. But my parents said, ‘You’re doing fine. Don’t worry.’ And everyone was saying how proud they were of me.”

Fortunately, that case fell apart and the only two defendants who went to trial were acquitted. But other endings haven’t been so tidy. Consider the case of John Stoll, freed in May 2004 after serving *eighteen years* for allegedly leading a cabal of Bakersfield (Calif.) child molesters. The last of forty-six defendants in a string of put-up cases, Stoll’s luck turned during two tearful, in-court recantations, including one by a 26-year old man whose false testimony as a child *sent his own mother to prison for six years*.

Or how about the Wenatchee (Washington) child sex ring? In 1995 *forty-three* adults were arrested for sexually abusing *sixty* children. Eighteen were convicted, some on *thousands of counts*. Most were poor, rural people; several were mentally handicapped. But all the stories were lies, implanted by police and psychologists who isolated the children in a juvenile facility and pressured them to talk. Years later one remembered being told that “my parents did things to me and to my sisters...When I disagreed and said they were wrong, they said I was lying. I had to remember. I had to talk.” Some defendants served several years in prison before being exonerated. In 2001 the city and county were ruled negligent and forced to pay compensation. Awards went as high as \$3 million.

Eager to resolve immediate problems, to cover up being late for school or to get rid of a pesky detective or psychologist, children may not realize the harm their lies can cause. Young people are particularly susceptible to manipulation and pressure. Unsophisticated, dependent and eager to please, they don’t realize that authority figures may not have their best interests at heart. And whatever they say can always be taken back, right?

Wrong. Consider the case of [three West Memphis \(Ark.\) teens](#) who were accused of murdering three Cub Scouts in 1993. Under relentless interrogation, one of the accused, a developmentally disabled youth, confessed and implicated two friends. Although there was no physical evidence connecting them with the brutal crimes, his confession -- which he quickly recanted -- led to their convictions. They’re still in prison. (DNA recently tied a victim’s father and the father’s friend to the scene. A Federal habeas hearing is pending. For another example check out the blog entry on the Stephanie Crow case.)

Criminal investigators shoulder a tremendous burden. Their job, as I frequently admonish my students, is not to “collect evidence”, or “collect evidence beyond a

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reasonable doubt”, or any such simplistic formulation. *It’s to discover the truth.*
And *that’s* a distinction well worth remembering.

Posted 5/16/10

TOO MUCH OF A GOOD THING?

*NYPD's expansive use of stop-and-frisk
may threaten the tactic's long-term viability*

By Julius (Jay) Wachtel.

“These are not unconstitutional. We are saving lives,
and we are preventing crime.”

That's how department spokesperson [Paul J. Browne](#) justified the more than one-half million “[Terry](#)” stops done by NYPD officers in 2009. But not everyone's on board. A current [Federal lawsuit](#) by the Center for Constitutional Rights charges that the department's own statistics (NYPD must keep stop-and-frisk data in settlement of an earlier case) prove that its officers routinely and impermissibly profile persons by race.

In [Terry v. Ohio](#) (1968) the Supreme Court held that officers can temporarily detain persons for investigation when there is “reasonable suspicion” that they committed a crime or were about to do so. Persons who appear to be armed may also be patted down (hence, “stop-and-frisk.”) Later decisions have given police great leeway in making investigative stops. For example, in [U.S. v. Arvizu](#) (2002) the Court ruled that officers can apply their experience and training to make inferences and deductions. Decisions can be based on the totality of the circumstances, not just on individual factors that might point to an innocent explanation.

Last year NYPD stop-and-frisks led to 34,000 arrests, the seizure of 762 guns and the confiscation of more than 3,000 other weapons. [Eighty-seven percent](#) of those detained were black or Hispanic. Since they only comprise fifty-one percent of the city's population, to many it smacked of racial profiling. In its defense, NYPD pointed out that fully eighty-four percent of those arrested for misdemeanor assault in 2009 were also black or Hispanic. Its stops, the department insists, are proportionate to the distribution of crime by race.

There is data to support both views. A [2007 Rand study](#) found only a slight disparity in the intrusiveness and frequency of NYPD stops once differences in crime rates are taken into account. But a [1999 analysis](#) by the New York Attorney General concluded that the disparity in the frequency of stops could not be explained by racial differences in criminal propensity.

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Dueling studies aside, NYPD concedes that blacks, Hispanics and whites who are stopped are equally likely to be arrested (for all races, that's about six percent.) Indeed, blacks are less likely than whites to have weapons (1.1 versus 1.6 percent.) So why are blacks and Hispanics far more likely to be stopped in the first place? According to NYPD, that's because anti-crime sweeps usually take place in high-crime (read: poor) precincts where many minorities happen to live.

It's a truism that policing resembles making sausage. Even when cops try to be respectful, no amount of explanation can take away the humiliation of being stopped and frisked. Although NYPD executives and City Hall argue that the tactic has been instrumental in bringing violent crime to near-record lows, a recent New York Times [editorial](#) and a [column](#) written by Bob Herbert, one of the city's most influential black voices, warn that its use has driven a wedge between cops and minorities.

NYPD's aggressive posture harkens back to the grim decade of the 1960's, when heavy-handed policing lit the fuse that sparked deadly riots across the U.S. Encouraged to devise a kinder and gentler model of policing, criminologists and law enforcement executives came up with a new paradigm that brought citizens into the process of deciding what police ought to be doing, and how. The brave new era of [community policing](#) was born.

It wasn't long, though, before observers complained that the newfangled approach was of little help in reducing crime and violence. Spurred for more tangible solutions, academics and practitioners devised [problem-oriented policing](#), a strategy that seeks to identify "problems," which may include but are not limited to crime, and fashion responses, which may include but are not limited to the police. But despite its attempts at practicality, POP's rhetorical load is substantial, while its strategic approach is not much different than what savvy police managers have been doing all along.

Then [CompStat](#) arrived. To be sure, police have always used pin maps and such to deploy officers. CompStat elevated the technology. More importantly, it prescribed a human (but, some argue, not necessarily *humane*) process for devising strategic responses to crime and holding commanders accountable for results. It was introduced, incidentally, by the NYPD.

Compstat [has been criticized](#) for placing unseemly pressures on the police. Its preoccupation with place, though, resonated with criminologists who had long believed that geography was critical. Soon there was a new kid on the block: [hot-spot policing](#). An updated, more sophisticated version of a strategy known as selective enforcement, it encourages police to fashion responses that take into account the factors that bind

geography to crime. It's not just that a certain kind of crime happens at a certain time and place, but *why*.

After forty years of ideological struggle and experimentation vigorous policing has come back in style. For an example look no further than the [campaign pledge](#) by Philadelphia Mayor Michael Nutter to attack the city's violence epidemic with hot spot policing and "stop, question and frisk" His call to action has been echoed in cities across the U.S. From [Newark](#), to [Philadelphia](#), to [Detroit](#), [Omaha](#) and [San Francisco](#), police are using a variety of aggressive strategies including stop-and-frisk to restore the peace and get guns off the street.

That's the good news. The bad news is that from Newark, to Philadelphia, to Detroit, Omaha and San Francisco.... Benefits don't come without costs. Stop-and-frisk is no doubt effective, yet as recent events in New York City demonstrate it's not without potentially serious consequences. An inherently elastic notion whose limits officers frequently test, *Terry* is more than ripe for abuse. Of course, whether NYPD's enthusiastic embrace has stretched stop-and-frisk beyond what the Supremes intended will be the subject of litigation for a long time to come. Let's hope that events on the ground don't make the decision moot.

Posted 10/11/14

TRAFFIC STOPS AREN'T JUST ABOUT "TRAFFIC"

Two instances of using traffic laws to justify drug searches reach the Supreme Court

By Julius (Jay) Wachtel. Nicholas Heien and Naynor Vasquez were tooling along rural North Carolina when they drove by a parked sheriff's patrol car. Officer Darisse looked up. On the lookout for "criminal indicators," the eagle-eyed cop noticed that Vasquez, the driver, seemed "stiff and nervous." So he pulled out to follow. Officer Darisse then noticed that one of the vehicle's brake lights wasn't working.

Bingo!

In his report, Officer Darisse wrote that he stopped the car because of a malfunctioning brake light. He could hardly have claimed otherwise. To justify a stop an officer needs, at the very least, reasonable suspicion of law-breaking. Merely "driving while stiff" isn't enough.

As one might expect, the cop wasn't all that interested in light bulbs in the first place. But to rummage through a car requires either the occupants' consent or probable cause that contraband or other evidence of a crime may be present. After issuing a written warning about the malfunctioning brake light the officer asked if he could search for drugs and such. Vasquez didn't object and Heien, the vehicle's owner, grunted his assent.

A full forty minutes later the good officer had his prize: a baggie of crack cocaine. He promptly arrested the pair for transporting drugs. What officer Darisse didn't know then – but certainly knows now – was that the North Carolina vehicle code requires only a single functioning brake light.

That oopsie set off a fascinating legal drama. In *Heien v. North Carolina* (no. 13-604, cert. granted 4/21/14) Heien argues that his conviction – so far every court, including the North Carolina supreme court, has ruled against him – goes against common sense. After all, if citizens are expected to know the law, shouldn't the cops? (Vasquez pled guilty and isn't a party to the appeal.)

In the law, though, logic isn't necessarily dispositive. Heien's petition for certiorari points out that State and Federal appeals court have come down on both sides of the issue. Some have ruled that stops based on the mistaken belief that a certain traffic law exists violate the Fourth Amendment, thus poison the fruit of the tree. Others have

allowed evidence gained through such stops, holding that an officer's "objectively reasonable" belief is enough.

As to the last point, North Carolina heartily agrees. It argues that mistakes of law and of fact should be evaluated by the same standard – their objective reasonableness. Officers supposedly need "leeway" to be effective, and holding them to a higher bar for mistakes of law would be impractical. It's also unnecessary, as there are few cases in which such errors could be excused.

At the heart of the dispute lies the "good faith exception" to the exclusionary rule. Heien argues that when a stop is predicated on a non-existing traffic law the exception does not apply – everything must be suppressed. North Carolina disagrees; in its view, an objectively reasonable mistake of law is not the kind of outrageous police conduct that the Fourth Amendment was intended to prevent.

Dennys Rodriguez and Scott Pollman were tooling along a Nebraska highway when police officer Struble observed their vehicle drift across the line demarcating the shoulder. Officer Struble initiated a traffic stop. He then asked Rodriguez, the driver, to accompany him to his police car, where a drug-sniffing dog awaited. Whether Rodriguez realized what was up we don't know. He asked if he had to leave his vehicle, and when told "no" he stayed put. That and Pollman's evasive demeanor aroused the cop's suspicions.

After issuing a warning ticket the officer told the pair to stick around and radioed for backup. Help arrived in six or seven minutes. Officer Struble then walked the pooch around the car. It alerted, and a search turned up a "large bag" of meth.

Rodriguez and Pollman were convicted on Federal drug charges. On appeal, they claimed that once the officer issued the warning they should have been let go, and that their detention, if only for seven minutes, violated their Fourth Amendment rights. Their pleas were rejected by the Eight Circuit, which had itself allowed "de minimis" extensions for drug sniffing in prior cases.

In their appeal to the Supreme Court (*Rodriguez v. U.S.*, no. 13-9972, cert. granted 10/2/14) Rodriguez and Pollman cite a number of state and Federal court decisions which hold that once legitimate police business has been concluded, even the briefest detention is Constitutionally impermissible. "Liberty is compromised not because of the traffic violation that permitted the stop in the first instance but because of the officer's own curiosity or hunch. When that is the case, the length of detention is irrelevant."

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With lower court decisions in their cases stacked against them, the petitioners seem to be at a serious disadvantage. Rodriguez and Pollman were legally stopped and only briefly detained. Had the officer delayed writing the warning until backup arrived, which under the circumstances (it was midnight) seems prudent, what would be left of their claim?

On the other hand, Heien's argument has promise. His stop was inherently unlawful. One wonders about the message that making a "good faith" exception in such cases would convey. That an officer's well-crafted "reason" can matter more than the law?

Your blogger isn't normally fond of gambling, but he predicts that the Supremes will reverse *Heien* and affirm *Rodriguez/Pollman*. Stay tuned!

Posted 7/1/11

TRANSLATIONAL? THAT'S RIGHT, *TRANSLATIONAL*

A new paradigm seeks to bridge the gap between theory and practice

By Julius (Jay) Wachtel. Translational? Um, what's that?

It's criminology's new direction, that's what. [In a recent speech](#) NIJ's new Director, John Laub, on leave from his position as Distinguished Professor of Criminology at the University of Maryland, said that he first learned of the tongue-twister through his daughter, a physician. It turns out that "translational research" (root: "translate") is a scientific approach that reaches across disciplines to devise, test and *expeditiously* implement solutions to pressing problems.

Wait a minute: isn't that supposedly the purpose of applied research? Well, according to no less an authority than [Wikipedia](#) there is a difference. Applied research is mostly concerned with incremental gains. Translational research, on the other hand, is the nimble cousin of basic research, able to accomplish paradigmatic shifts but far more swiftly.

Translational research has become popular in medicine. That makes sense: when lives are at stake it's important to move quickly from theory to practice. Dr. Laub feels the same urgency about crime and justice. Hence the theme of this year's [National Institute of Justice Conference](#), "Translational Criminology: Shaping Policy and Practice With Research."

For an example of a translational approach we turn to the "[National Police Research Platform](#)," an NIJ-funded initiative that seeks to measure police effectiveness. Housed at the University of Illinois at Chicago, the project is in its third year, with twenty-eight agencies enrolled. At a presentation on June 20 its director, Dr. Dennis Rosenbaum, emphasized that the intention is to eventually create a nationally representative sample of three-hundred departments of various size.

To date the Platform has issued ten reports in areas including officer stress, supervision, training, technology and integrity. All data has been gathered through online surveys of sworn personnel, civilian employees and ordinary citizens. It is anticipated that in time other sources of information will be incorporated as well. There

are also plans to collect data longitudinally and to test new strategies with randomized trials.

For now, the Platform has concentrated on providing information rather than implementing change. At the June 20 session Dr. Gary Cordner, Professor of Criminal Justice at Kutztown University said that [prompt feedback](#) lets agencies self-assess in a timely fashion, compare themselves to overall norms and take such measures as they deem necessary. As an example he mentioned [a survey about first-line supervision](#). One of its findings was that 62 percent of supervisors, the largest proportion, placed “a lot” of emphasis on keeping officers out of trouble, while only 19 percent felt that way about arrest and citation productivity. Responses seemed fairly consistent across agencies. That, according to Dr. Cordner, isn’t always the case. In [another survey](#), officers in smaller agencies thought that discipline was much more fairly administered than those in large agencies.

Well, that seems interesting. So what else is going on? Check out [CrimeSolutions.gov](#). Introduced at the 2011 conference, NIJ’s newest stab at translational research reports on the effectiveness of selected criminal justice programs in corrections, courts, drug abuse, juvenile justice and law enforcement. [Using a highly structured process](#) NIJ analysts review existing, published evaluations and at the end assign one of three grades: effective, promising, and no effect.

To date CrimeSolutions [has rated 22 policing programs](#). Seven were awarded the highest grade and fourteen received the intermediate score. Only one was deemed to lack a significant benefit.

Surveying officers, `a la the Platform and rating criminal justice programs, `a la Crime Solutions is all well and good. But a truly “translational” approach would go far beyond collecting opinions and performing secondhand reviews. After all, translational research is supposed to use basic science to correct critical shortcomings, and not in turtle years. We’re talking something like the race to the moon, a concerted effort that in a few years accomplished what might have otherwise taken centuries.

Yes, NIJ has a measly budget. Still, if Dr. Laub is set on going “translational” he might consider taking on a couple of critical issues, then provide sufficient resources to see researchers and practitioners through the entire process. One that comes to mind is the highly consequential matter of ballistic vests, whose wearability and protective characteristics have hardly advanced in decades while the lethality of firearms that cops face has skyrocketed. (For related posts, click [here](#) and [here](#).)

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What do you say, Dr. Laub? Can NIJ do like NASA and bring together scientists and engineers from government and industry to tackle this urgent need, “translationally”?

Well, that’s enough of coining new terms. Watch for more about the 2011 NIJ Conference in forthcoming weeks. And welcome to the fifth year of Police Issues!

Posted 5/30/25

VIOLENCE ISN'T DOWN FOR THE COPS

More officers are being murdered. And mostly, with guns.

Officers feloniously killed			
	2023	2024	CHANGE
Total	60	64	6.7%
By gunfire	32	46	43.8%

For *Police Issues* by Julius (Jay) Wachtel. Sixty-nine of the seventy police departments that comprise the Major Cities Chiefs Association have reported their [violent crime counts for 2024](#). Consistent with the favorable trend that many cities are bragging about, violence is indeed down. But as our top graphic illustrates, officer

69 Major Chiefs cities			
	2023	2024	CHANGE
Homicide	7,797	6,520	-16.4%
Rape	30,377	28,672	-5.6%
Robbery	106,158	96,342	-9.2%
Agg. Aslt.	278,182	265,493	-4.6%

safety remains a seemingly intractable issue. According to the FBI's 2024 [LEOKA Special Report](#), four more officers were feloniously killed in 2024 than in 2023. A substantially larger proportion of the victim officers fell victim to gunfire. Using [UCR LEOKA data](#), here's a look-back to 2014:

Officers feloniously killed											
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Total	51	41	66	46	56	48	46	73	61	60	64
By gunfire	46	38	62	42	52	44	41	40	30	32	46
Percent	90.2%	92.7%	93.9%	91.3%	92.9%	91.7%	89.1%	54.8%	49.2%	53.3%	71.9%

Yet there is some good news. LEOKA's most recent tally, depicted on the right, reveals that one-third fewer officers were feloniously killed during the first four months of 2025 than during that period in 2024. As one would expect, gunfire remained the predominant cause. LEOKA assigns each episode that leads to an officer fatality to one of eleven categories (*Special Report*, pg. 3). Here's how it apportioned the 64 felonious officer killings in 2024 (frequencies in parentheses):

	2024	2025	CHANGE
January	2	3	50.0%
February	7	6	-14.3%
March	5	5	0.0%
April	10	2	-80.0%
Total	24	16	-33.3%
By gunfire	20	12	
Percent	83.3%	75%	

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- Response to unlawful or suspicious activity (14)
- Traffic stop (11)
- Circumstance unknown / not reported (7)
- Follow up investigation (7)
- Tactical situation (7)
- Pursuit (7)
- Check in with another law enforcement officer (4)
- Routine patrol other than traffic stop (3)
- Warrant service (2)
- Medical, mental health, or welfare assistance (1)
- Out of service [court/dining/etc.] (1)

Murders of law enforcement officers draw considerable attention in the media, and their circumstances, including the motives and criminal backgrounds of the killers, are often explored in depth. Drawing from the *Officer Down Memorial Page* (click [here](#) for 2024 and [here](#) for 2025) and relevant news accounts, we identified a total of seventeen episodes between January 1-April 30, 2024 and ten during that period in 2025 that involved the intentional, felonious killing of at least one law enforcement officer. Gunfire was responsible for all the deaths but two in 2024 (one of the non-gun deaths was a stabbing, the other involved the violent use of a chain.) Also note that the officers killed count is slightly lower than LEOKA's. That's due to our exclusion of officers who died from injuries sustained during earlier periods and from the acts of others, such as crossfire by their colleagues. Here's an overall look:

Year	Episodes	Ofc killed	By guns	Known susps.	Ages	Avg. age	Arrest hist.	Ex- con	Mental
2024	17	22	20	16	22-70	40.1	12	8	6
2025	10	11	11	9	14-60	37.9	7	3	2
Sum	27	33	31	25	14-70	40.8	19	11	8

And here's a breakdown by incident type:

Yr.	Tfc.	Warr. svc.	Disturb., trespass	Domest.	Guns, shfts.	Susp. person	Mental	Ambush
2024	6	3	3	2	1	0	1	1
2025	2	3	2	1	1	1	0	0
Sum	8	6	5	3	2	1	1	1

Traffic-related episodes were the most frequent. That's to be expected, as they're by far the most common enforcement activity. But warrant service also figured prominently. That likely reflects its intrinsically conflicted nature and the characteristics of its "clientele." According to news accounts, at least nineteen of the twenty-five

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identified cop killers had substantial arrest histories, and at least seven had one or more felony convictions. Here's a summary of the episodes in 2025, using categories of our making:

	Circumstances	Age	Arrest history	Ex-con	Mental
1	Warrant for agg. sexual assault	56	Y	Y	
2	DHS stopped car for Visa violation	21			
3	Brandishes a gun, throws rocks	25	Y		
4	Suspicious person in shopping ctr.	23	Y		Y
5	Tfc. stop expired plates – 2 officers killed	42	Y	Y	
6	Domestic – help woman get things	42	Y		
7	14-yr. old w/gun – other officer wounded	14			
8	Drug search warrant by SWAT team	60	Y	Y	
9	Man misbehaves in market	58			
10	Protection order – other officer wounded	38	Y		Y

We used the *Officer Down Memorial Page* and accounts in the media to take a closer look. Here are the incidents in numerical order:

1. **Brazoria Co., TX Deputy Jesus Vargas** was shot and killed while serving a warrant for aggravated sexual assault. His assailant was a repeat violent offender who had served a 20-year prison term. [ODMP](#) [News account](#)
2. **Border Patrol agent David Maland** stopped a car for a suspected Visa violation. Its occupants, a young woman and a German national, were previously observed attired in tactical clothing. The woman opened fire, killing agent Maland. Her vehicle contained an assortment of guns and tactical gear. [ODMP](#) [News account](#)
3. **North Las Vegas police officer Jason Roscow** responded to a call about a homeless person brandishing a gun and throwing rocks. As he arrived the man started shooting, and in the exchange of gunfire both were killed. Officer Roscow's murderer had been convicted of CCW and arrested for various offenses, including resisting an officer and larceny. [ODMP](#) [News account](#)
4. **Roswell, GA police officer Jeremy Labonte** arrived at a shopping center on a suspicious person call. When approached, the suspect opened fire. Officer Labonte's killer had been treated for mental issues. He had prior arrests for battery and other crimes and a conviction for unlawfully discharging a weapon. [ODMP](#) [News account](#)

5. **Virginia Beach police officers Cameron Girvin and Christopher Reese** were murdered by the driver of a car they stopped for an expired license plate. Their killer had served eight years in Federal prison for drug offenses and being an ex-con with a gun. [ODMP](#) [ODMP](#) [News account](#) [Prior post](#)
6. **Hinds Co., MS deputy sergeant Martin Shields, Jr.** and a colleague were dispatched to protect a woman as she retrieved belongings from a former residence. Her estranged spouse opened fire as soon as they arrived. Deputy Shields was killed, and the woman and another adult female were wounded. The ex-spouse committed suicide. He had 25 arrests, including 8 for felonies, but no convictions. [ODMP](#) [News account](#) [Prior post](#)
7. **Newark police dept. sergeant Joseph Azcona** and a partner drove up to a reportedly armed 14-year old boy who was amidst a group of teens. Before they could exit their car the youth fired “nearly 30 bullets” from a gun that was apparently converted to full-auto. Sergeant Azcona was killed and his partner was wounded. [ODMP](#) [News account](#)
8. **Marysville, CA police officer Osmar Rodarte** and other members of a regional SWAT team served a search warrant at the residence of a major drug dealer. They were met by gunfire. Officer Rodarte was fatally wounded. His murderer, a registered sex offender who was prohibited from having guns, was also killed. [ODMP](#) [News account](#)
9. **Walton Co., FL deputy sheriff William May** responded to a disturbance at a local market. Once he escorted the disorderly person outside, the man pulled a pistol. They exchanged fire, and both were killed. Deputy May’s killer was a CCW permit holder whom police had previously contacted for “minor issues like welfare checks.” [ODMP](#) [News article](#)
10. **Columbia Co., GA deputy sheriff Brandon Sikes** and three colleagues stopped a vehicle to serve its driver with a domestic violence protection order. Their subject, a diagnosed schizophrenic, opened fire with an “automatic weapon.” Deputy Sikes was killed and a colleague was wounded. Their agency had been alerted that the man had machineguns and pipe bombs, and after the shooting these items were found in his R.V. [ODMP](#) [News article](#)

None of these episodes was your archetypal “felony in progress” call. But as cops well know, virtually any activity that brings them into contact with chronically non-compliant citizens can erupt into violence. And these ten killers were indeed non-

compliant sorts. At least seven had substantial arrest records. At least four had a history of violence. At least three were convicted felons, thus legally barred from having guns. Note those entries about illegal weapons and “tactical gear.” And about a *fourteen-year old* slinging a machinegun.

Take another glance at the graphs that lead off this essay. Cops haven’t apparently realized the benefits of that “great crime drop.” Alas, in our gun-suffused society, firearms are literally within anyone’s reach (“[Where do They Come From?](#)”). And concerted efforts are underway to eliminate the obstacles to gun ownership that *do* exist. Seven years ago we posted “[No one Wants ex-Cons to Have Guns.](#)” Back then the title seemed a reasonably accurate expression of the popular will. Who would have thought that the Supreme Court would in time [order a second look](#) at the Federal law that prohibits gun possession by felons convicted of non-violent crimes?

But put the “*whom*” aside. Let’s turn to “*what*”. Perhaps the only factor that can be realistically addressed is the gun. Machineguns, that curse of modern warfare, have been long illegal for civilians to possess. Inevitably, profit-seeking types developed workarounds. Say, [bump stocks](#), which enable a rate of fire that mimics full-auto. Two years after the [2017 Las Vegas massacre](#), in which bump stock-equipped rifles were used to murder sixty, ATF classified the devices as illegal machinegun conversion parts. Problem is, [Federal law](#) defines machineguns as weapons that fire repeatedly from a *single* pull of the trigger. Bump stocks use recoil to *repeatedly* pull the trigger. That conflict led the Supreme Court to strike down ATF’s ban ([Garland v. Cargill](#), no. 22-976, 6/14/24). (State laws that prohibit bump stocks remain in effect.) So what about ATF’s move against “[forced reset triggers](#),” those newfangled gadgets that accomplish the same ends as bad-old bump stocks? Check out [DOJ’s May 16, 2025 announcement](#):



Today, in accordance with President Trump’s Executive Order Protecting Second Amendment Rights, as well as the Attorney General’s Second Amendment Enforcement Task Force, the Department of Justice announced the settlement of litigation between the federal government and Rare Breed Triggers. “This Department of Justice believes that the 2nd Amendment is not a second-class right,” said Attorney General Pamela Bondi. “And we are glad to end a needless cycle of litigation with a settlement that will enhance public safety.”

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[*Rare Breed Triggers*](#) is free to manufacture and sell the devices. But *only* for use in long guns!

Still want to be a cop? [San Francisco's hiring!](#)

Posted 11/29/23

WARNING: (FRAIL) HUMANS AT WORK

Amid chaos and uncertainty, the presence of a gun can prove lethal



For Police Issues by Julius (Jay) Wachtel. Adrian Abelar concedes that he had a pistol in hand when he stepped out of his vehicle on that fateful day in September 2021. But [his lawsuit](#) against the L.A. County Sheriff's Department insists that his intentions were actually benign:

As plaintiff complied with Deputy 1's direction to exit, he discarded a handgun, tossing it away from himself and the Mazda. (pg. 4)

Alas, that's definitely *not* how the deputies saw it. According to the [video compilation](#) posted by the L.A. County Sheriff's Department, Deputy #1 ordered Abelar out of the car. And when he saw that the man had a gun in hand, the deputy frantically (and repeatedly) yelled "gun!":





Deputy #1 and his partner (Deputy #2) instantly wrestled Abelar to the ground. Deputy #3 (identified by the Sheriff and in the lawsuit as Deputy Yen Liu) then fired once. Discharged about *six seconds* after Deputy #1 yelled “gun”, her bullet struck Abelar, who was lying on his stomach, in the back. Thankfully, the wound wasn’t fatal.

Should Deputy Liu have fired? We’ll come to that later. First, let’s explore what brought the deputies to the auto body shop where the encounter took place. According to the Sheriff’s video compilation and [“transparency summary”](#), the shop’s owner had telephoned the sheriff’s station to report that a man, later identified as Abelar, brought in his car and demanded it be promptly repaired because he was wanted for murder:

...Alright, I got a body shop. I got a guy on my property who’s telling me fix his car right away because he’s up for attempted murder, and the cops are chasing him all over the neighborhood. He just pulled into the back of my shop a half hour ago, needs wheel bearings and I just want him out of here because I just had a “Redacted”, and so if you guys could just roll by he’s in a 2009 Black Mazda 4-door, he’s about 6-2, about 110 pounds, very very light skin with a tank top his girlfriend is in his car; get them off my property please...

The deputies’ response was delayed, and the shop owner called back to complain. When the badge-wearers finally arrived, they found Abelar and his girlfriend seated in a car that was clearly undergoing repairs. Its left front wheel was gone and the front end was jacked up.



Deputy #1 spoke with Abelar. During their interaction, which went on for about five minutes, Abelar was evasive throughout. He purposely misspelled his last name (“v” instead of “b”), furnished an incorrect birth-date, and falsely asserted that the shop had his driver license. That caused a brief delay as deputies confirmed that no, it

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didn't.

Why was Abelar deceptive? Here's a summary of his Los Angeles Superior Court cases, which we gathered through a paid [online search](#):

Off./arr.	Case no.	Charges	Dispo.
9/21/13	XSEVA 131982	Lewd act on child (mult. counts), assault with deadly wpn	1/13/14: Pled nolo to PC273a (F); willful cruelty to child; 4 yrs. prison, 5 yrs. prob.
8/21/14	DOWVA 136527	Injuring spouse, cohabitant	9/8/14: Pled nolo to PC273.5a (F); 2 yrs. prison, 3 yrs. prob.
6/8/15	DOWVA 139332	Criminal threats, brandish replica gun	6/22/15: Pled nolo to PC422(a) – crim threats (F); 2 yrs. prison.
2/3/18	LACBA 465278	Take vehicle w/o consent	2/23/18: Pled nolo to VC10851(a) – take vehicle (F), 2 yrs. prison
10/7/20	DOWVA 154423	Poss. drugs for sale, poss. gun & ammo. by narco. Addict	3/6/21: Pled nolo to PC29088(a) – gun poss. by addict (F); 16 mos. prison
11/25/20	LACOES 05230	Will. cruelty to child, batt. On peace ofcr., false inf. to peace ofcr., burg 2 nd . deg.	1/27/21: Pled nolo to PC148.9 – false ID to peace ofc. (M); 128 days jail
9/2/21	REV1PB 03537	Probation violation	Probation warrant issued; 11/10/21 revoked & reinstated
2/22/22	REV2PB 00664	Probation violation	3/24/22: Revoked & reinstated
6/13/22	REV2PB 02421	Probation violation, warrant request	8/19/22: No bail warrant issued

Abelar was a convicted felon. His 2014 conviction for felony child cruelty would prohibit his possession of a firearm. Six years later he was convicted of gun possession by an addict. And while he wasn't wanted for "murder," he *was* wanted for violating the term of probation that was imposed after a 2020 conviction for furnishing



false ID to police.

During Abelar's most recent tangle, the three deputies who responded didn't know who Abelar really was, nor that he was armed with the pistol depicted above until it was literally too late. Their subject's deceptive demeanor, though, seemed clear from the start. Here's how the Sheriff's video set out the initial five-minute encounter:

ABELAR DID NOT HAVE IDENTIFICATION AND PROVIDED FALSE INFORMATION REGARDING THE SPELLING OF HIS NAME AND HIS DATE OF BIRTH TO THE DEPUTIES.

AFTER SPEAKING TO ABELAR FOR APPROXIMATELY FIVE MINUTES, THE DEPUTIES DECIDED TO DIRECT HIM TO STEP OUT OF THE VEHICLE IN ORDER TO IDENTIFY HIM AND DETERMINE IF HE IN FACT HAD A WARRANT FOR HIS ARREST.

ONE OF THE DEPUTIES OPENED THE DRIVER'S SIDE DOOR OF THE MAZDA AND ASKED ABELAR TO STEP OUT. ABELAR SUDDENLY EXITED THE CAR ARMED WITH A HANDGUN IN HIS RIGHT HAND.

THE DEPUTY YELLED, "GUN, GUN, GUN" AND A SHORT PHYSICAL STRUGGLE ENSUED. BOTH THE DEPUTY AND ABELAR FELL TO THE GROUND NEXT TO THE DRIVER'S SIDE DOOR, AND A DEPUTY-INVOLVED SHOOTING OCCURRED.



At the end of those five minutes, Deputy #1 ordered Abelar out of the car. As Abelar began to exit, the deputy realized that the man was gripping a gun in his lowered right hand. Deputy #1 instantly began yelling "gun!" and took Abelar to the

ground. Deputy #2 jumped in to help. During this process, which took all of five seconds, Abelar's pistol fell away. Deputy #3, however, was a few steps off. *She may have never seen the gun.* But what she knew for sure was what Deputy #1's "gun, gun, gun" alert forcefully conveyed *six seconds* earlier: that deceitful, violent man who told the body shop owner that he was wanted for murder was *armed*.

If so, would her ostensibly defensible reason for shooting Abelar overcome the fact that he had, seconds earlier, been disarmed?

Adrian Abelar survived his wound. Alas, uses of force gone astray often prove needlessly lethal. An instance that stands out for its tactical complexity is the [2020 killing of Breonna Taylor](#) by Louisville police officers who were serving a no-knock search warrant at the apartment she shared with her boyfriend, Kenneth Walker. As it turns out, the warrant was, evidence-wise, deeply flawed. But our attention here is on the situation officers encountered when, seconds after making entry, they were fired on by Mr. Walker, who said he thought they were intruders. His bullet struck an officer in the leg. Police unleashed a barrage of return fire. Their shots missed Mr. Walker but fatally wounded Ms. Taylor, who was unarmed but had appeared alongside him. Shots fired by Detective Brett Hankinson entered an adjoining apartment. Although they struck no one, he wound up being the only officer prosecuted in this case.

As one might expect, ordinary citizens were stymied by the unforgiving circumstances that Detective Hankinson and his colleagues had faced. Hankinson was acquitted of state endangerment charges, and his Federal trial for civil rights violations [recently ended with a hung jury](#).

Back to Abelar. Deputy #3 seemingly got caught up in a complex, life-threatening situation not unlike what the Louisville cops faced. But there's a hitch. Check out the voice-over caption that accompanies the 12:06 frame of the sheriff's video (its accompanying background image was purposely blurred out):

(Deputy) Put your gun away (male groaning)

"Put your gun away" was rapidly uttered by a male. It seems that seconds after Deputy #3 fired, one of her colleagues told her to holster her pistol. His comments carried a clear implication of disapproval.

To be sure, another deputy might have handled things differently. From the beginning (see, for example, "[When Cops Kill](#)") we've emphasized that differences in personality, experience and training greatly affect how officers react. What's more, even "routine" policing is packed with chaos and citizen noncompliance. And while the post-Floyd era has led agencies to try to "fix" things by fashioning ever-more-complex rules to guide the police response, what the deputies faced on September 21, 2021 was decidedly extreme. We thus struggle to come up with a procedural "fix" that would have guaranteed a chronically misbehaving gunslinger came out unscathed.

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Well, there *is* one approach. Set rule-making aside. Make in-depth, broadly-based, no-holds-barred discussions of the unforgiving circumstances that officers often encounter a major component of training and, as well, a routine part of every roll-call. Be sure to throw *everything* into the mix, including the foibles of citizens *and* cops. And by all means, don't feel compelled to preordain (or even offer) "solutions." You see, it's precisely the "unsolvable" that we must squarely face.

Posted 1/11/09

WHAT CAN COPS *REALLY* DO?

*Specialized teams can help,
but their officers must come from somewhere*

By Julius (Jay) Wachtel. “We have shown time and again that if you invest in law enforcement and hold police accountable . . . you will absolutely have a very definitive effect on crime.” According to LAPD Assistant Chief [Earl Paysinger](#), that’s why the citizens of Los Angeles are enjoying a continued drop in homicide, with six percent fewer killings in 2008 than 2007, a reduction of twenty-seven percent over five years. Paysinger was taking his cue from Chief “Hollywood” Bill Bratton, whose well-known refrain -- “I take credit when crime goes down, I take blame when crime goes up” -- sticks in the craw of [criminologists](#) who insist that economics and social forces have a far greater effect on crime trends than the police.

As regular readers of the *Los Angeles Times* know, the paper enjoys a long-running love affair with the Chief. Citing no authority other than Paysinger, the same article flatly reports that “the drop in violence is due, in part, to the LAPD’s success in reducing gang-related crimes.” Never mind that near the end of the piece the luckless [commander](#) of the crime-besotted Central Division called a startling one-year jump of 21 percent in robberies nothing to worry about: “These things happen. Some years numbers go up a little; some years they’re down. The important thing is we are not seeing any patterns [that suggest larger problems].” Incidentally, Bratton’s goal of an overall five-percent crime drop wasn’t met (it was half that). And with the city’s finances in the toilet, his crime-reduction goals for 2009 are yet to be set.

Can the police really impact crime? If there is an effect, can it be measured? These are distinct questions, but to answer the first requires that we say “yes” to the second. That’s where the problem comes in. In a recent op-ed in the L.A. Times, [James Q. Wilson](#) credited “sharp” declines in crime in New York and Los Angeles to strategies such as Compstat and stop-and-frisk. He also had particularly kind words to say about Bratton: “What he has accomplished without a big increase in the size of his force has been remarkable.” Then, in his very next breath, America’s top expert on the police made a stunning turnaround:

To try to sort out the combined and complex relations between crime and the economy, the age of the population, imprisonment, police work, neighborhood culture and gang activity, the National Academy of Sciences Committee on Law and Justice (which I chair) has begun an effort to explain something that no one

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has yet explained: Why do crime rates change? If you have any good ideas, let me know.

Well, that's helpful!

Some cities are experiencing far higher crime drops than L.A. In 2008 [homicide](#) in Milwaukee declined a startling 32 percent, while in Cleveland it fell 25 percent. Police credited the improvements to targeted enforcement strategies, including flooding affected areas with cops and using stop-and-frisk to arrest potential shooters and get guns off the street.

Criminologists speak of two kinds of deterrence: general and specific. "General deterrence" works by creating fear of punishment. Citizens are made aware that there is a criminal justice system, that police are on patrol and that evildoers go to jail. Cranking it up by, say, flooding a problem neighborhood with cops can tamp things down even more. Unfortunately, improvements usually prove fleeting; when cops move on as eventually they must, crime returns.

One way to enhance the gains is by bringing in the second kind of deterrence. In "specific deterrence" we prevent future crimes by arresting offenders. While the preventive effects are lagged, meaning they might not be immediately felt, they will persist as long as perpetrators remain incarcerated, thus unable to commit more crimes.

"Hot spot policing" that combines aspects of general and specific deterrence, such as in Milwaukee and Cleveland, may offer the best solution. However, as the economy sours and officer/population ratios deteriorate, increasing coverage in one area might require drawing officers away from another, in effect robbing Peter to pay Paul. When some of L.A.'s better-off citizens learned that their already skimpily patrolled neighborhoods would have even fewer cops, the [reaction](#) was predictable.

Is it possible to "do" specific deterrence without redistributing officers? Detroit thinks so. It partnered with the [U.S. Marshal's Service](#) in a campaign to round up fugitives; at year's end homicide was down fourteen percent. No, the results weren't equal to Milwaukee's, but the impact on patrol coverage was minimal. And if those caught up in the dragnets were active criminals, taking them off the street -- and keeping them off -- absolutely prevented crime.

Naturally, if we're set on preventing violence, we've got to do a good job convicting the violent offenders we *do* arrest. Now that they constitute as many as half or more of all murders, stranger homicides present a particularly vexing problem. Many are gang killings, where willing witnesses are rare, and despite the promises of CSI there may be

little physical evidence left behind other than a bullet. [Cutbacks that thin the detective ranks](#), perhaps to bolster patrol, may leave little opportunity to do the intensive legwork that's necessary in serious crimes, and none to investigate lesser offenses that, had they been solved, might also have led to the incapacitation of dangerous men.

Crime rates fluctuate. Even when the swings are as pronounced as Milwaukee's we disparage them as "random" not because they really are but because we lack the tools to accurately measure and apportion the change. What part is attributable to social forces? The economy? Policing? That uncertainty, though, shouldn't discourage police from putting their best friend in the crime-fighting business to work. Specific deterrence *works*: as long as we keep arresting and imprisoning active offenders we'll prevent crime. And that's something you *can* count on.

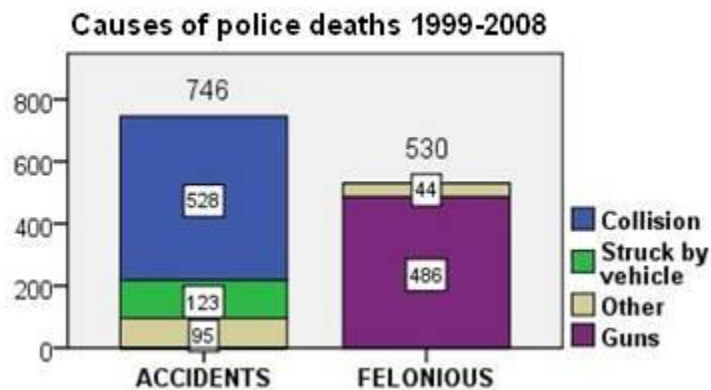
Posted 7/4/10

WHAT'S MORE LETHAL THAN A GUN?

Officers have more to fear from accidents than from criminals

May and June were terrible months for the California Highway Patrol. On May 7 Officer [David Benavides](#) lost his life when his patrol aircraft crashed. One month later, on June 9, motorcycle officer [Phillip Ortiz](#) was on a freeway shoulder writing a ticket when he was struck by an errant vehicle; he died from his injuries two weeks later. On June 11 CHP motorcycle officer [Tom Coleman](#) was killed when he collided with a truck during a high-speed chase. On June 27 the toll reached five when two officers, [Justin McGrory](#) and [Brett Oswald](#) were struck and killed by vehicles in separate incidents,

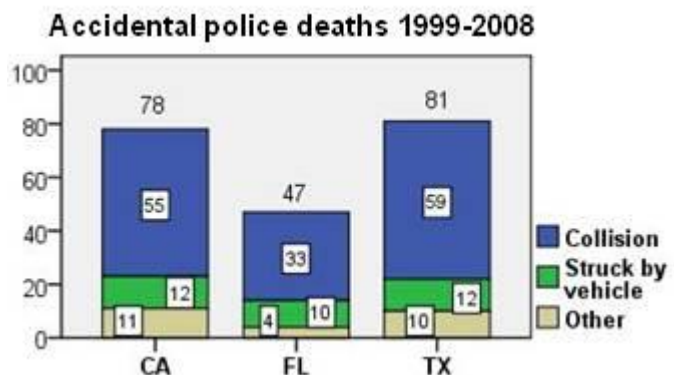
McGrory while citing a motorist and Oswald as he waited for an abandoned car to be towed.



Accidents kill many more cops than gunplay. According to the [FBI](#), 530 officers were feloniously killed in criminal encounters between 1999-2008, with ninety-two percent (486) shot to death. But nearly half again as many (746) [perished in](#)

[accidents](#). Seventy-one percent (528) died in auto, motorcycle and aircraft wrecks (including pursuits, responding to calls and ordinary patrol, all under “collision”.) Sixteen percent (123) were on foot, ticketing motorists, directing traffic and investigating accidents when they were fatally struck by a vehicle. Thirteen percent (95) were killed in other mishaps, including accidental shootings, falls and drownings.

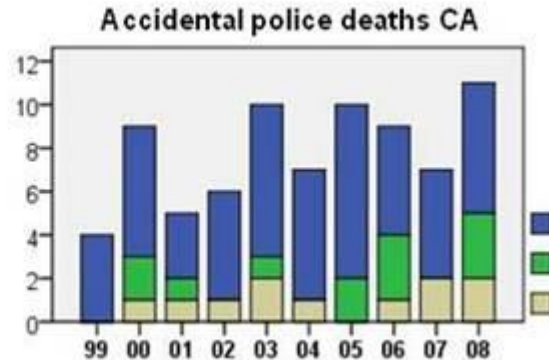
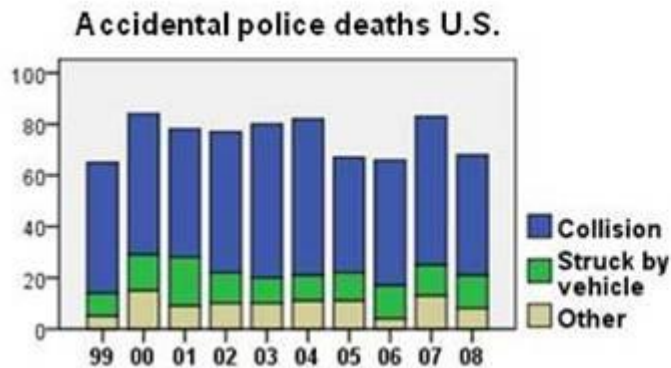
Texas led in both accidental and felonious deaths (81 and 52, respectively). California was second in both (78 accidental and 46 felonious). For both the causes of accidental death matched those of the U.S. as a whole. Seventy-three percent (59) of officers accidentally killed in Texas died in collisions, 15 percent (12) when struck by a vehicle, and 12 percent in other ways. California's proportions were 71 percent, 15 percent



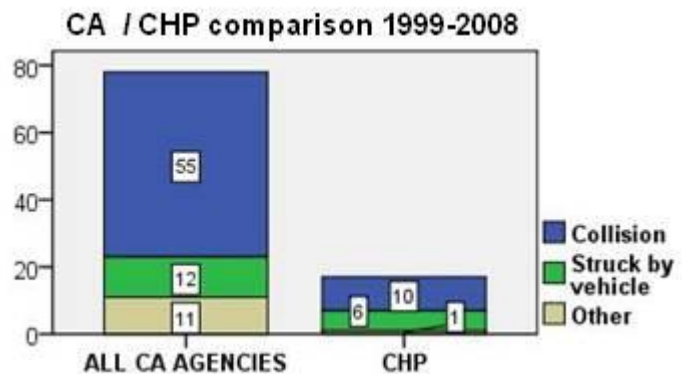
and 14 percent.

Florida was third in accidental deaths (47) and fourth in felonious (22). But its proportion of struck by vehicle deaths was considerably higher, with one officer killed while on foot for every three who died in collisions (in Texas and California it was about one in six.)

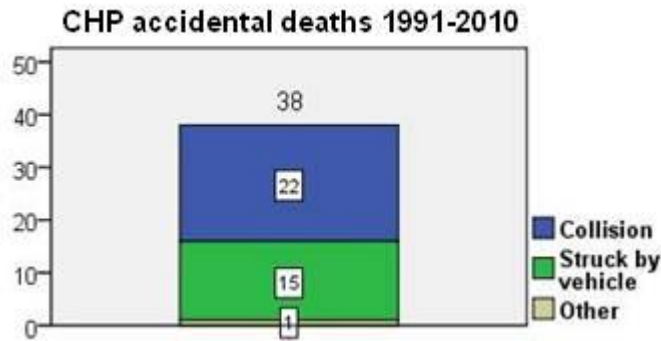
Five dead CHP officers in less than two months is an appalling number, whatever the cause. That three were struck and killed by errant vehicles seems particularly noteworthy. As these two charts demonstrate, the incidence and distribution of accidental police deaths in the U.S. has been relatively stable over time. But while the numbers are small, California has seen an uptick in deaths of officers struck by vehicles.



According to the [FBI](#) 17 CHP officers lost their lives in accidents between 1999-2008. Ten died in collisions, six when struck by cars, and one in an accidental shooting. Referring to the chart on the right (again, keep in mind the low numbers) it seems that CHP officers are somewhat more likely to be fatally struck by a vehicle than the California norm.



CHP over-representation in the struck-by-vehicle category becomes more evident when we expand the timeline. [Online CHP accounts of officer deaths](#) reveal that 38 officers were accidentally killed between 1991 and July 2010. Twenty-two (58 percent) lost their lives in collisions, 15 (39 percent) when struck by vehicles, and one died in an accidental shooting. (Overlapping FBI and CHP data were reconciled except for one case in 2000 and one in 2003.)



Considering where CHP officers spend their time that's hardly surprising. Making stops on freeways and interstate highways exposes them to high-speed traffic, where there is little opportunity to correct one's

mistakes or accommodate errors made by others. All bets are off when drivers are tired, distracted, intoxicated or driving faster than conditions warrant.

Police are well aware of the dangers. In 2003 the International Association of Chiefs of Police (IACP) and NHTSA formed a committee, [LESSS](#), to study ways to mitigate the hazards of traffic stops. Its [initial recommendations](#) suggested enhancing police car resistance to rear-end crashes, packing trunks to avoid the penetration of fuel tanks and passenger compartments in rear-end collisions, improving the visibility of officers and vehicles, widening traffic lanes and building shoulders, enacting "[move over](#)" laws to slow oncoming traffic and keep it away from stopped police cars, and devising best practices for safely positioning officers and vehicles. An appendix listed traffic stop procedures in use by a dozen law enforcement agencies, including the CHP. In [a related article](#) the IACP's *Police Chief* magazine, while conceding there were differences in opinion, recommended, among other things, that officers "minimize their...time in cruisers and prepare citations and other documents outside their vehicles whenever feasible."

In 2005 LESSS issued a roll-call video, "[Your Vest Won't Stop This Bullet](#)". Reproduced in print by *Police Chief*, it offered tips to enhance the safety of traffic stops. Suggesting that insofar as possible officers stay out of their cars until ready to leave, it suggested that if they had to use a radio or such they strap in to avoid becoming a projectile should the vehicle be struck.

Why abandon a metal container to take one's chances on foot? Thanks to the [Arizona DPS](#), which documented the risk in 2002, word spread that Ford Crown Victoria Police Interceptors were susceptible to catching fire in high speed rear-end collisions. Taken on (some say, reluctantly) by [NHTSA](#), the vulnerability led to a number of

recommendations, including the suggestion that officers carefully pack their vehicle's trunk. LESSS didn't come out and say so, but the risk of these fires (about a dozen cops had already perished in them) undoubtedly influenced their recommendation that officers on traffic stops keep out of their cars.

Traffic stops aren't the only hazard. Eight of the fifteen CHP officers struck and killed by cars between 1991-2010 weren't ticketing anyone: two were investigating unoccupied cars, three were at an accident site, and two were directing traffic. Standing on a roadway is risky, and particularly so when motorists are impaired (intoxicated drivers were involved in at least a third of the officer deaths.) Being under the influence, though, doesn't fully explain why someone would veer into a traffic stop. One possible explanation well known to driving instructors is [target fixation](#), the tendency to steer in the direction where one is looking rather than where they intend to go. Suppose for example that emergency lights catch the attention of a drunk, sleepy or unskilled driver. Depending on the circumstances, their impairment might keep them from correcting in time to avoid running into the scene. To that extent bright warning lights could actually be counterproductive.

Clearly there's a long way to go to make cops safe. One hopes that the CHP's recent tragedies spur renewed efforts to counter the plague of accidental deaths that beset law enforcement. It's the least we can do for our police.

Posted 4/20/22

WHEN A “DOPE” CAN’T BE “ROPED”

Can social media identify killers before they strike?



For Police Issues by Julius (Jay) Wachtel. As we write, “the safest big city in America” – New York City, according to former three-term Mayor Michael Bloomberg – reels from an [April 12 mass shooting](#) that wounded ten subway riders, five critically, during the morning commute. Clad in a construction gear and a mask, the gunman entered a subway car, discharged two smoke grenades, then pulled a 9mm. pistol and unleashed a thirty-three shot fusillade.

One day later the sixty-two year old gunman, Frank R. James, called the cops and was promptly arrested.

A maintenance worker and factory hand, James was born in New York City, but as an adult he became estranged from his family and [wound up drifting between jobs](#) in Chicago, Newark, Milwaukee and, most recently, Philadelphia. James had few if any friends, and former neighbors described him as “gruff, standoffish and prone to losing his temper.” Along the way he amassed a long string of arrests for offenses including possession of burglary tools, disorderly conduct, “criminal sex act,” trespassing and larceny. New Jersey authorities once charged him with “making terroristic threats.” But in the end he pled guilty to harassment, wound up on probation and – not for the first time – was ordered into counseling. Throughout, James avoided either a felony conviction or a mental commitment, so he remained legally qualified to buy guns. As he did a decade ago at the Ohio pawn shop where he bought the pistol he would use – then leave behind – in the subway.

James, aka “prophet of truth 88,” was a prolific YouTuber and frequently posted long-winded, expletive-laden monologues about politics, race and crime. Although his

channel has been taken down, “[VideoMattPresents](#)” preserved a couple dozen of his videos. (Click [here](#) for one of the milder examples.) James’ rants were replete with homophobia and misogyny, and his chronic invective [cut across both race and ethnicity](#). Obsessed with issues of race, crime, homelessness and other intractable human problems (he even ranted about the invasion of Ukraine), James seemed convinced that they could only be resolved by driving those who might disagree with his answers to their knees.

Did the subway attack represent a lashing out? James openly conceded that he had long suffered from mental problems (he complained, though, that “treatment” only made things worse.) But as of late, his head trips may have turned worse. Here’s an outtake from a March 20 video that he posted while driving to Philadelphia:

...just thinking ‘cause I’m heading back into the danger zone, so to speak, you know, and it’s triggering a lot of negative thoughts, of course, because I do suffer...have a bad, severe case of post-traumatic stress after the s---t I’ve been through all the f-----g years...



More ominously, in his most recent video, posted one day before the rampage, James announced that he once harbored thoughts of killing but had put them aside because of the likely consequences:

And so, this is why it’s important to think about what you’re going to do before you do it. Let’s not be...I’ve been through a lot of s---t. What I can say ‘I want to kill people, I want to watch you die right in front of my f-----g face immediately.’ But I thought about the fact, hey, man, I don’t want to go to no f-----g prison....

These comments, and more, [have been mentioned](#) in the print media. They were extracted verbatim from videos preserved by the YouTube channel mentioned above. **Click on James’ image for our compilation.**

James isn’t the only social media addict to act on his worst impulses. “[Preventing Mass Murder](#)” focused on three once-nobodies who left their despicable marks in 2018:



Bowers



Sayoc



Beierle

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- Robert Bowers, a middle-aged recluse, used an AR-15 rifle and three pistols to kill eleven and wound six, including four police officers, at Pittsburgh's "Tree of Life" synagogue. An "[isolated, awkward man who lived alone and struggled with basic human interactions](#)," Bowers frequently posted comments disparaging Jewish persons on [Gab](#), an alternative online platform that reportedly [remains popular with extremists](#).
- Cesar Sayoc, a middle-aged bodybuilder with an extensive criminal record for property and violent crime, mailed thirteen explosives-laden packages to politicians and past and present Government officials. With his personal life long in the dumps, Sayoc apparently felt he had nothing to lose, and [he used Facebook and Twitter](#) to rant at his intended victims. California Congresswoman Maxine Waters got a tweet that read "see you soon." Former Attorney General Eric Holder, Jr. received a similar message, appended with "tick tock."
- But the third middle-aged guy, Scott Beierle, was different. (We say "was" because he killed himself.) His "thing," though, wasn't politics – it was that women paid him no heed. His YouTube posts glorified "[Incel](#)" (involuntary celibacy) and praised the movement's former head, sometime [Santa Barbara college student Elliot Rodger](#). We say "former" because Rodger, who knifed and shot six students dead and injured a dozen others during his vengeful spree in 2014, also killed himself. At the ripe old age of twenty-two.

And the carnage continued. In April 2019 [John Earnest](#), 19, posted a vitriolic, anti-Semitic rant on "8chan" (now "8kun"), a message board described as a "[megaphone for mass shooters](#)." He then stormed into a San Diego-area synagogue and opened fire, killing one and wounding three. Four months later [Patrick Crusius](#), a 21-year old Texas man, posted a hateful anti-Mexican, anti-immigrant diatribe on 8chan. Wielding an AK-style rifle, he went on a shooting spree at an El Paso Walmart, killing twenty-three and wounding an equal number. It's thought that Crusius, who "[spent countless hours on the Internet](#)" following white supremacy, essentially learned to hate online.

Alas, despite gun laws and physical security measures (the Poway massacre led President Trump to suggest posting armed guards at religious services) mass killings persist. But is it possible to act before twisted killers strike? Absolutely, says the FBI. Consider, for example, the case of [Robert Hester](#), whose online posts glorifying ISIS and justifying violence drew the attention of undercover agents. Ultimately roped in to an

FBI-fabricated scheme to stage “a mass casualty attack,” Hester pled guilty in 2019 to attempting to provide material support to a terrorist organization. He got twenty years.



There have been dozens of such cases. Yet our posts (see, for example, “[Written, Produced and Directed](#)”) have persistently voiced skepticism about the viability of the threats. Lacking an undercover agent’s friendly “guidance,” many wannabees seemed unlikely to act on their own. Prediction, though, is a tricky business (see, for example, “[Missed Signals](#)”). Consider the flack the FBI got for supposedly overlooking the many social media posts [that warned about a forthcoming Capitol assault](#). As we mentioned in “[Chaos in D.C.](#)”, the phrase “storm the Capitol” supposedly came up online 100,000 times during the preceding month.

According to *NBC News*, part of the FBI’s hesitancy to investigate the Capitol plotters may have been that a massive online “dig” for incriminating information could harken back to the scandalous “snooping” of the Hoover years. Another roadblock – the sheer mass of the content, and how to separate the wheat from the chaff – was mentioned by FBI Director Christopher Wray [during his testimony to the Homeland Security Committee](#) as it investigated the lack of preparedness for the assault:

And how to separate who’s being aspirational versus who’s being intentional, it won’t shock you to learn, and hopefully not other members of the committee, that the amount of angry, hateful, unspeakable, combative, violent, even rhetoric, on social media exceeds what anybody in their worst imagination is out there. And so trying to figure out who’s just saying, “You know what we ought to do is X.” Or, “Everybody ought to do X.” Versus the person who’s doing that, and actually getting traction, and then getting followers, and of course, that’s assuming that they’re not communicating through encrypted channels about all that stuff, is one of the hardest things there is to do in today’s world with the nature of the viral extremism threat we face.

As he agonized about making sense of the disjointed chatter, Director Wray was alluding to a key issue. Unlike the wannabe terrorists that his agents occasionally snared, the Capitol plotters didn’t clearly appropriate the language of crime. Protesting, after all, is a Constitutional right. Given the chaotic online scene, gathering compelling evidence that specific persons will seek regime change through lawbreaking is no simple task. These “dopes” didn’t set themselves up to be “roped.”

It's not just about the Capitol assault. Consider subway shooter Frank R. James. He ranted extensively, and over a long period. Yet as far as we know, his first allusion to shooting *anyone* came only one day before his attack. And even then, no specific targets were announced. Bowers, Sayoc and Beierle also posted profusely. But only Sayoc delivered individualized threats, and these came very late in the process. Similar obstacles would have beset anyone examining the online trails left by John Earnest and Patrick Crusius. To be sure, both seemed potentially dangerous. But building a criminal case takes a whole lot more.

Set “criminal case” aside. Restraining orders are often granted after episodes of domestic violence. In some places their use has expanded to include persons whom family members and police deem untrustworthy with a gun (see “Red Flag” [I](#) and [II](#).) There are also many provisions for dealing with the mentally ill (see “[A Stitch in Time](#)”). But massacres are something new. The threat they pose to educational institutions has [led many school districts](#) to adopt the “[threat assessment](#)” approach. Developed in the nineties, it's a comprehensive process for identifying possible perpetrators, evaluating their risks, and moving them away from violence through counseling, social services and other supports (for a new book about the technique click [here](#).)

Threat assessment relies on referrals from police officers, family members and friends. Could it be expanded to encompass the online world? Perhaps. But [as FBI Director Wray testified](#), given the massive nature of online chatter, distinguishing between the “aspirational” and the “intentional” would require special tools and dedicated analysts:

So there's a data analytics piece, because the volume is so significant that we need to get better at being able to analyze the data that we have to do it in a timely way, to separate the wheat from the chaff. And that requires both tools, analytical tools, and we've had requests for those in the budgets the last couple of years, but also people, data analysts, who can devote their time to that who have the experience.

According to an article in the October 2018 NIJ Journal, “[Using Artificial Intelligence to Address Criminal Justice Needs](#),” A.I. could help. Although the emphasis is clearly on other things, a section about crime forecasting mentions that A.I. could



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scan media to “identify criminal enterprises” and “predict and reveal people at risk.”

We thought the approach intriguing. It seemed especially applicable to our three killers of note, Bowers, Sayoc and Beierle, as each had an expansive, long-standing online presence. Yet [as the Brennan Center recently cautioned](#), Government monitoring of social media platforms raises a host of civil liberties issues. Participants at [a 2019 NAS symposium on human rights](#) worried that AI’s use by the authorities could worsen bias and inequality. Such concerns likely drove Senator Ben Sasse to spill his drink on Director Wray’s great notion:

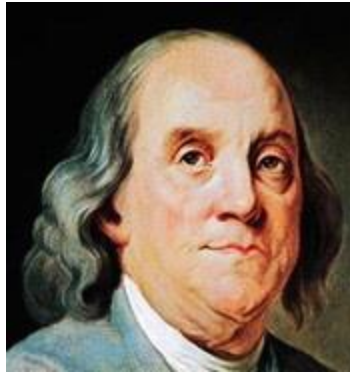
I would love to hear your big national pitch for these data analysts because we need more great human capital to serve their country in this way. But I also want to be sure that our training for these data analysts have First Amendment sensibilities about what they’re there to do. They’re looking for violence, they’re not looking there to be the national speech police.

Actually, the good Senator need not worry. At present, the “craft of policing” isn’t about trolling for lunatics, online or otherwise. As your writer can personally attest, law enforcement agencies – including the FBI – have always focused on crimes, investigations and arrests. That’s what their budgets are built on. It’s how their employees earn promotions and advance through the ranks. So while our epidemic of mass shootings and the Capitol assault may have caused some reconsideration, America’s law enforcement agencies remain firmly planted in the offline world. As long as wackos and killers don’t accidentally cozy up to an undercover Fed, they can likely keep using the Internet to their twisted hearts’ delight.

Posted 11/11/20, edited 11/21/21

WHEN *MUST* COPS SHOOT? (PART II)

“An ounce of prevention...” (Ben Franklin, 1736)



For Police Issues by Julius (Jay) Wachtel. [Part I](#) described four problematic encounters that officers ultimately resolved by gunning someone down. Each citizen had presented a substantial threat: two flaunted knives, one went for a gun, and another reportedly used a vehicle as a weapon. Yet no one had been hurt before authorities stepped in. Might better police work – or perhaps, none at all – have led to better outcomes?

Let's start with a brief recap:

- Los Angeles: A 9-1-1 call led four officers to confront a “highly agitated” 34-year old man running around with a knife. A Taser shot apparently had no effect, and when he advanced on a cop the officer shot him dead.
- Philadelphia: A knife-wielding “screaming man” whose outbursts led to repeated police visits to his mother’s residence chased two officers into the street. As in L.A., he refused to drop the weapon, and when he moved on a cop the officer fired.
- San Bernardino, California: A lone officer confronted a large man who was reportedly waving a gun and jumping on parked cars. He refused to cooperate and a violent struggle ensued. During the fight the man reached for a gun. So the cop shot him dead.
- Waukegan, Illinois: A woman suddenly drove off when a cop tried to arrest her passenger/boyfriend on a warrant. Another cop chased the car, and when it ran

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off the road the officer approached on foot. He quickly opened fire, supposedly because the car backed up at him. Its driver was wounded and her passenger was killed.

Consider the first two instances. Agitated, mentally disturbed men went at cops with knives. Might a Taser strike have stopped them in their tracks? A decade ago, when Tasers were an up-and-coming tool, their prospects seemed limitless. Don't physically tangle with an evil-doer. Don't beat them with a club. Zap them instead! But as we discussed in a two-parter ("Policing is a Contact Sport," [I](#) and [II](#)) that enthusiasm was soon tempered. Some citizens proved highly vulnerable to being zapped, and a substantial number died.

Other issues surfaced. A 2019 in-depth report, "[When Tasers Fail](#)," paints a decidedly gloomy picture. Recounting [a series of episodes](#) in which Tasers failed to stop assailants, including some armed with knives, it concluded that Tasers – and particularly its newest versions – was far less reliable than what its manufacturer claimed. For the relatively clumsy and uncertain tool to be effective its pair of darts must pierce the skin (or come exceedingly close) and be separated by at least one foot. That requires an accurate shot from a moderate distance. Even then, darts can be pulled out, and officers usually get only two shots before having to replace the cartridges. Even when darts are accurately placed, some persons are unfazed when struck while others become even more violent. A use-of-force expert adept with Tasers [conveyed his colleagues' change of heart](#):

When electronic defense weapons first came on the market, the idea was that they would be used to replace lethal force. I think that was sort of a misnomer.

Tasers were never meant to keep *cops* from being killed. That's always been a job for firearms. Even then, nothing's guaranteed. When an angry someone armed with a knife is only a few feet away (supposedly, less than 21 feet) a cop [may have insufficient time](#) to unholster his weapon and shoot. Even with a gun in hand, firing under pressure [often proves inaccurate](#). Bottom line: when facing a deadly threat, drawing one's pistol well in advance, per the officers in Los Angeles and Philadelphia, is essential.

Yet Los Angeles, which deploys two-officer units, had *four* cops on hand. Couldn't they have effectively deployed a Taser before the suspect closed in? Actually, during the chase one cop apparently tried, but the suspect was running, and there was no apparent effect. LAPD's overseers at the Police Commission ultimately [ruled that the shooting was appropriate](#). But they nonetheless criticized the officers for improperly staging the encounter. Police Chief Michel Moore agreed. In his view, the sergeant should have organized the response so that one officer was the "point," another the "cover," and another in charge of less-than-lethal weapons. Chief Moore was referring to a well-

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known strategy, “[slowing down](#).” Instead of quickly intervening, cops are encouraged to take the time to organize their response and allow backup officers, supervisors and crisis intervention teams to arrive.

Might “slowing down” have helped to defuse what happened in San Bernardino or Waukegan?

- As San Bernardino’s 9-1-1 caller reported, the bad guy was indeed armed with a gun. He also vastly outsized the officer and the struggle could have easily gone the other way (click [here](#) for the bystander video.) That the cop *didn’t* “slow down” probably reflected his worry about the persons in the liquor store where the suspect was headed. Waiting for backup would have risked their safety. So for that we commend him. Still, it’s concerning that he was left to fend for himself. Cities that deploy single-officer cars – and these are in the clear majority – normally dispatch multiple units on risky calls. Lacking San Bernardino’s log we assume that other officers were tied up. There’s no indication that the actual struggle was called in, so dispatch might have “assumed” that all was O.K. Really, for such circumstances there’s no ready tactical or management fix. Assuring officer and citizen safety may require *more* cops. And at times like the present, when taking money from the cops is all the rage, good luck with that.
- Waukegan was different. Neither of the vehicle’s occupants posed a risk to innocent citizens. But the officer who originally encountered the couple tried to do everything, including arresting the passenger, on his own. That complete self-reliance was duplicated by the cop who chased down the car. His lone, foot approach was unfathomably risky. Additional units could have provided cover, a visible deterrent and a means of physical containment. After all, the first officer was apparently still available. But the second cop didn’t wait, and the consequences of *that* decision have resonated throughout the land. No doubt, “slowing down” would have been a good idea.

Could the L.A. and Philadelphia cops have waited things out? Watch the videos (click [here](#) for L.A. and [here](#) for Philly.) Both situations posed a clear, immediate risk to innocent persons. Agitated suspects who move quickly and impulsively can defeat even the best laid plans and create a situation where it’s indeed “every officer for themselves.” Worse yet, should a bad guy or girl advance on a cop before they can be “zapped,” other officers may have to hold their fire, as discharging guns or Tasers in close quarters can easily injure or kill a colleague. [And such things do happen](#).

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So what about doing...nothing? In Waukegan there was really no rush. Waiting for another day might have easily prevented a lethal outcome and the rioting that followed. That, in effect, is the “solution” we peddled long ago in [“First, Do no Harm.”](#) Here’s how that post began:

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...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.

To be sure, that gentleman was threatening no one and seemed unarmed. So the medical tenet *primum non nocere* – first, do no harm – is the obvious approach. But police in Aurora, Colorado have substantially extended its application. [Here’s how CBS News described](#) what happened in the Denver suburb on two consecutive days in early September:

...Aurora police officers twice walked away from arresting a 47-year-old man who was terrorizing residents of an apartment complex, even after the man allegedly exposed himself to kids, threw a rock through one resident’s sliding glass door, was delusional, was tasered by police and forced the rescue of two other residents from a second floor room in an apartment he had ransacked.

According to a deputy chief, backing off was appropriate and prevented injuring the suspect or the cops. After all, officers ultimately went back and took the man into custody without incident. Yet as a Denver PD lieutenant/CJ professor pointed out, innocent citizens were twice abandoned and left at risk. “It was a serious call to begin with since it involved a child...I would not have left the guy two successive days, probably not even after the first call.”

Aurora’s laid-back approach remained in effect. On September 24 a team of officers [staked out the residence of a suspected child abuser](#) who had a no-bail domestic violence warrant from Denver. He refused to come out and was thought to be well armed. So the cops eventually left. They later discovered that the man had an outstanding kidnapping warrant. But when they returned he was gone. And at last report he’s still on the lam.

Check out the that post’s reader comments. Not all were complementary. Police undoubtedly feel torn. But [the killing of George Floyd](#) struck a chord and led to rioting in the city. You see, [one year earlier](#), on August 24, 2019, while Aurora’s cops were still operating under the old, more aggressive approach, they forcefully detained Elijah

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McClain, a 21-year old Black pedestrian whom a 9-1-1 caller reported was behaving oddly. McClain forcefully resisted, and during the struggle officers applied a carotid hold. On arrival paramedics diagnosed excited delirium syndrome (exDS) and injected a sedative (ketamine). McClain soon went into cardiac arrest and died days later at a hospital. On February 22, 2021 [an official city report](#) concluded that police did not have adequate cause to forcefully detain or restrain Mr. McClain and that officers and paramedics badly mishandled the situation. A wrongful death lawsuit was subsequently settled for \$15 million (see 11/22/21 update).

Yet we're reluctant to suggest doing nothing as a remedy. Imagine the reaction should an innocent person be injured or killed after cops back off. And while we're fond of "[de-escalation](#)," the circumstances in our four examples seem irreparably conflicted. Consider the suspects in San Bernardino and Waukegan. Both had substantial criminal records and faced certain arrest: one for carrying a gun and the other for a warrant. Yet officers nonetheless tried to be amiable. (Click [here](#) for the San Bernardino video and [here](#) for Waukegan.) In fact, being too casual may have been part of the problem. Our personal experience suggests that gaining voluntary compliance from persons who *know* they're going to jail calls for a more forceful, commanding presence.

Great. So is there *any* approach that might have averted a lethal ending? "[A Stitch in Time](#)" suggests acting preventively, preferably *before* someone runs around with a gun or brandishes a knife. Police departments around the country have been fielding crisis-intervention teams with some success (see, for example, our recent discussion of [the "Cahoots" model](#).) New York City is presently implementing a mental health response [that totally cuts out police](#); that is, unless "there is a weapon involved or 'imminent risk of harm.'" As even Cahoot's advocates concede, once behavior breaches a certain threshold even the most sophisticated talk-oriented approach may not suffice.

And there's another problem. While we're fans of intervening before situations explode, in the real world of budgets and such there's usually little substantial follow-through. We're talking quality, post-incident treatment, monitoring and, when necessary, institutionalization. Such measures are intrusive and expensive, and that's where things break down. That means many problematic citizens (e.g., L.A., Philly, San Berdoo, Waukegan) will keep misbehaving until that day when...

Full stop. Officers resolve highly conflicted situations every day as a matter of course. But unlike goofs, which get big press, favorable outcomes draw precious little attention and no respect. Yet knowing how these successes came to be could be very useful. (Check out [the author's recent article](#) about that in *Police Chief*.)

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We're not holding our breath. During this ideologically fraught era only one-hundred percent success will do. Consider this outtake from [a newspaper account](#) about the incident in San Bernardino:

During a news conference Friday morning, the police sought to portray [the suspect] as physically intimidating, listing his height and weight — 6 feet 3 and 300 pounds — and cataloging what they called his “lengthy criminal past,” prompting one bystander to remark, “What does that have to do with him being murdered?”

Alas, that attitude pervades the criminal justice educational community. Many well-meaning academics have been rolling their eyes for years at our admittedly feeble attempts to reach for explanations in the messy environment of policing. Their predominant P.O.V. — that poor outcomes *must* be attributed to purposeful wrongdoing — has apparently infected L.A. City Hall as well. At a time when “homicides and shootings soar to levels not seen in the city in a decade,” the City Council [just decided to lop \\$150 million off LAPD's budget](#) and shrink its force by 350 sworn officers.

Was that move well informed? Did it fully consider the imperatives and constraints of policing? And just what *are* those? If you're willing to think, um, *expansively*, print out our collected essays in [compliance and force](#) and [strategy and tactics](#). As long as you promise to give them away, they're free!

Posted 10/31/20

WHEN *MUST* COPS SHOOT? (PART I)

Four notorious incidents; four dead citizens. What did officers face?



For Police Issues by Julius (Jay) Wachtel. Many of our readers teach in college and university criminology and criminal justice departments. (That, indeed, was your blogger's last gig.) So for an instant, forget policing. Think about your last evaluation. Was the outcome fair and accurate? Did it fairly reflect – or even consider – the key issues you faced in the classroom and elsewhere?

If your answers were emphatically “yes” consider yourself blessed. The academic workplace is a demanding beast, with a “clientele” whose abilities, attention span and willingness to comply vary widely. And we’re not even getting into administrative issues, say, pressures to graduate as many students as possible as quickly and cheaply as possible. Or the personalities, inclinations and career ambitions of department chairs. (If you’re one, no offense!) Bottom line: academia is a unique environment. Only practitioners who face it each day can truly understand the forces that affect what gets accomplished and how well things get done. Actually, that’s true for most any complex craft. Say, policing.

So what is it that *cops* face? Let’s dissect four recent, notorious examples. Two involved mentally troubled men with knives, one a rowdy ex-con packing a gun, and one a young, non-compliant couple whose male half had amassed a substantial criminal record and was apparently wanted by police.

Los Angeles, November 19, 2019

Last November a citizen alerted an LAPD patrol sergeant that [a man was running around with a knife](#) (photos above.) [Officers soon encountered](#) a highly-agitated 34-year

old male flaunting a “seven-inch kitchen knife.” Officers took off after him on foot (click [here](#) for the officer bodycam video).

During the chase one cop reportedly fired a Taser but without apparent effect. Soon the man paused. As his pursuers tried to keep their distance, Alex Flores swiftly advanced on one. His knife was in his right hand, with the blade pointed in and tucked under his forearm. After Mr. Flores ignored repeated commands to stop the officer shot him dead.

At a police commission hearing [Mr. Flores’ grieving mother and sister argued](#) that he wasn’t a criminal but a mentally ill man struggling with paranoia. “What type of system do you all serve?” his sister demanded to know. “Clearly this was a racist murder.”

Philadelphia, October 26, 2020

During the early morning hours of October 26 two Philadelphia police officers [responded to a call](#) about a “screaming man” with a knife.



Walter Wallace, Jr., 27, was flaunting his weapon on a second-floor porch, and when he spotted the officers he promptly came down the steps. Pursued by his mother, he briskly chased the cops into the street (left and center photos). Ignoring commands to drop the weapon, he kept on coming. So the officers shot him dead (right photo. For a bystander video click [here](#).)

Mr. Wallace’s parents said that their mentally-disturbed son had been acting up despite being on medication. Indeed, police had already been at their home *three times* that very day. Their final call, they insisted, [was for an ambulance, not the police](#). “His mother was trying to defuse the situation. Why didn’t they use a Taser?” [asked the father](#). “Why you have to gun him down?” According to the police commissioner neither officer had a Taser, but the agency has been trying to get funds so that they could be issued to everyone.

San Bernardino, California, October 22, 2020

During the late evening hours of October 22 San Bernardino (CA) police were called about a large, heavyset man who was “[waving around a gun](#)” and “[jumping on vehicles](#)” in a liquor store parking lot.



A lone cop arrived. Spotting the suspect, he drew his pistol and yelled “hey man, come here” (left photo). But the six-foot-three, three-hundred pound man would have none of it. Disparaging the cop for drawing the gun, Mark Bender, 35, announced “I’m going to the store” and kept walking (right photo).



Although the officer was vastly outsized he tried to physically restrain Mr. Bender, and the fight was on (click [here](#) for the officer bodycam video and [here](#) for a bystander video.)

As the pair struggled on the ground, Mr. Bender pulled a 9mm. pistol from his pockets with his right hand (left and center photos). The cop instantly jumped away (right photo) and opened fire. Mr. Bender died at the hospital. His gun was recovered.



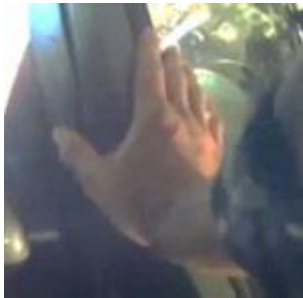
Police reported that Mr. Bender was a convicted felon [with a lengthy criminal record](#). According to the [Superior Court portal](#) he was pending trial on a variety of charges including burglary, resisting police and felony domestic violence.

Waukegan, Illinois, October 20, 2020

About midnight, October 20th, a Waukegan (IL) officer [interacted with the occupants of a parked car](#). According to the city’s initial version, an unidentified officer responded to a report of a suspicious car, but as he arrived the vehicle suddenly left. Another officer found it parked nearby. When he approached on foot the car went into reverse. Fearing

he would be run over, the officer opened fire, badly wounding the driver, Tafara Williams, 20, and killing her passenger, Marcellis Stinnette, 19.

Given from the hospital where she is recovering, Ms. Williams' account [was starkly different](#). She and Mr. Stinnette were sitting in her vehicle, in front of their residence, when a cop drove up. He knew her boyfriend's name and said he recognized him "from jail." She asked if they could leave, then slowly drove off when the officer stepped back. But when she turned into another street her car was met by gunfire. Bullets struck her and Mr. Stinnette and caused the vehicle to crash. An officer kept firing even though she yelled they had no gun. "My blood was gushing out of my body. The officer started yelling. They wouldn't give us an ambulance till we got out the car."



Ms. Williams denied any wrongdoing. She doesn't know what prompted the attack. "Why did you just flame up my car like that? Why did you shoot?" Once videos were released, however, [what actually happened clearly varied from both accounts](#), and most dramatically from



Ms. Williams'. [Bodycam video](#) from the officer who first encountered the couple reveals that he recognized Mr. Stinnette and announced that he was wanted on a warrant. But when the cop walked around to the passenger side (left photo shows his hand on the car) and told Mr. Stinnette that he was under arrest the vehicle abruptly sped away (right photo.)



We now turn to dashcam video from the second police car([click here](#).) That officer took over the pursuit as the fleeing vehicle evaded the original responder.



After running through a stop sign the vehicle turned right and ran off the road to the left (left photo). The officer abruptly stopped at the left curb alongside the vehicle (right photo) and exited his car. Gunfire soon erupted. His bodycam wasn't on, so the officer's claim that Ms. Williams backed up at him can't be visually confirmed. But he accused her of that moments later once he had turned on his bodycam ([click here](#) for the clip.) This officer [was promptly](#)

[fired](#) for not having the bodycam on and for other unspecified policy and procedural violations.

Was Mr. Stinnette in fact a wanted person? We lack access to warrant information, but it seems likely. He had accumulated [a substantial felony record in Waukegan](#) during 2019, including separate prosecutions for “stolen vehicle,” “burglary” and “escape,” and the details we reviewed online suggest that he had failed to comply with conditions for release (click [here](#) for the basic case printout.) As for Ms. Williams, she was the sole defendant in a May 2019 “criminal trespass” that was ultimately not prosecuted (Lake Co. Circuit Court case #19CM00001381.) We know of no other record. But her “flame up my car” comment leaves us wondering.

To be sure, retrospective vision is one-hundred percent. Things could always have been handled better. Yet from the perspectives of the craftspersons who were saddled with the initial burden – meaning, the cops – each encounter posed a substantial risk to themselves, their colleagues, and innocent citizens. Unruly folks running around with knives or guns is never a good thing. And although no weapon was involved, check out the Waukegan [pursuit clip](#). Sixteen seconds in, Ms. Williams blew a stop sign. Consider what might have happened had there been an oncoming vehicle in the cross street.

Still, was deadly force necessary? Shooting someone dead is an inherently repulsive notion that seems acceptable only under the most pressing of circumstances, when innocent lives are at risk and no feasible alternatives are in hand. And even when a shooting seems justifiable, can we take steps to avoid a repeat? Over the years our [Strategy and Tactics](#) and [Compliance and Force](#) sections have discussed a wide variety of practices intended to keep cops and citizens (yes, the naughty *and* the nice) from hurting one another, or worse. Of course, special resources may be called for. And there will always be issues with human temperament and citizens’ disposition to comply.

Our next post will bring such notions forward and apply them to each incident. In the meantime, please share your thoughts, and we’ll include them – anonymously, of course – in Part II. Until then, stay safe!

Posted 10/9/11

WHEN ONE GOOF IS ONE TOO MANY

Pilots use checklists. Physicians, too. Why not detectives?

I do believe I should have photographed the flumazenil on the floor before I put it on the table. Yes, in hindsight I would have done that.

By Julius (Jay) Wachtel. One would think that if there is a time to dot all the i's and cross all the t's this would have been it. This wasn't just any case. [So why did the coroner's investigator pick up that object](#) before photographing it, violating a rule that every rookie knows?

It turns out that the vial found in Michael Jackson's bedroom contained a drug used to reverse the effects of benzodiazepine, a commonly prescribed sedative for treating insomnia. Flumazenil is useless for overdoses of propofol, the powerful surgical sedative that caused the troubled singer's death.

Dr. Conrad Murray is on trial for involuntary manslaughter. He allegedly overdosed Jackson with propofol, which has no known antidote, then failed to adequately monitor him. When the physician discovered that Jackson wasn't breathing, he supposedly threw a Hail Mary pass by administering flumazenil. Murray's lawyers vigorously disagree. What really happened, they insist, is that Jackson self-administered a lethal dose of propofol while the doctor wasn't looking. They even pointed to the syringe that he supposedly used.

Alas, Jackson's fingerprints aren't on it. [But the investigator's are.](#) That's welcome news for the defense, which is expected to argue that careless handling wiped away evidence of what really took place. It's their best shot. Jackson's fingerprints haven't been found on any syringes or medicinal containers, so unless Murray's legal team can plant doubts about the quality of the state's forensic efforts speculation that the pop star acted as his own physician will remain just that.

This odd case aside, poor police work can be very consequential. Last week a Texas man was freed after serving 25 years for murdering his wife. He had always insisted he was innocent, and he was right. (Click [here](#) for an account from the Innocence Project, and [here](#) and [here](#) for two articles in a series by the *Austin Statesman*.)

On August 13, 1986 Michael Morton left for work. Later that day a neighbor stopped by and discovered the body of Morton's wife, Christine. She had been beaten to death.

Morton was promptly charged. Prosecutors presented a case that focused on the couple's quarrels and Michael Morton's dissatisfaction with his wife's weight and their sex life. To enhance the case a coroner used a questionable process to set the time of death as the previous evening, while the couple was home.

Jurors returned a guilty verdict in less than two hours. A half-hour later they came back with the sentence: life imprisonment. That was Michael Morton's first lucky break.

His second was when he gained representation by the Innocence Project. Earlier this year a private lab performed DNA testing on a bandanna found near the home but not introduced at trial. Bingo! Analysts reported that it bore the victim's blood as well as genetic material from a third party. That person was identified as an ex-con with a lengthy, multi-state record, including convictions for burglary and assault with intent to kill. He is now a prime suspect in two murders: the killing of Christine Morton and the beating death of an Austin woman two years later.

In their haste to get Michael Morton authorities ignored or glossed over several significant facts:

- Two days following the murder the victim's Visa card was used and recovered at a store in San Antonio.
- A \$20 check made out to Christine Morton was cashed nine days after her murder. Her endorsement had been forged.
- One day after the murder a neighbor told a deputy that a stranger's vehicle had parked near the Morton's residence on several occasions, and that its driver walked into the woods behind the home.
- In a recorded phone call with police eleven days after the murder, Christine Morton's mother related a conversation with the couple's three-year old boy, who was at home when the killing took place:

Child: "Mommy's crying. Because the monster's here. He hit Mommy. He broke the bed."

Grandmother: "Is Mommy still crying?"

Child: "No. Mommy stopped."

Grandmother: "Then what happened?"

Child: "The monster threw a blue suitcase on the bed. He's mad."

Grandmother: "Where was Daddy, Eric? Was Daddy there?"

Child: "No. Mommy and Eric was there."

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A blue suitcase was found lying on Christine Morton's body. That and the child's words led the woman to conclude that her son-in-law was innocent. Just like he said, her daughter had been murdered by an intruder. But she later declined to speak with defense lawyers. And no, they were never told about the audiotape or the other unfollowed leads.

Atul Gawande is a friendly guy. He's also an author, a writer for *The New Yorker* and, in his spare time, a surgeon and professor at Harvard medical school. His most recent book, "[The Checklist Manifesto](#)," begins with the story of a girl who survived a lethal accident thanks to a coordinated effort by team of medical specialists. Paragraphs later he describes a complex case in which he participated that began equally well but nearly came to a tragic end because of a belatedly detected infection.

According to Dr. Gawande there are 150,000 post-surgical deaths each year. He estimates that half are avoidable. "However supremely specialized and trained we may have become," he writes, "steps are still missed. Mistakes are still made...Our great struggle in medicine these days is not just with ignorance and uncertainty. It's also with complexity: how much you have to make sure you have in your head and think about. There are a thousand ways things can go wrong."

Dr. Gawande's book has a simple goal: to insure that the i's get dotted and the t's get crossed. To keep things on the right track [it suggests that medical professionals do what pilots do](#) – use a checklist. (Click [here](#) for one that Dr. Gawande developed for the World Health Organization.)

Of course, the concept of a checklist is nothing new. Nearly every activity from bird watching to industrial processes has one. And yes, there are some for law enforcement. Click [here](#) for one that's specific to homicide investigation. Using it might have spared the coroner's investigator assigned to the Michael Jackson case considerable embarrassment (item H-5-a-4: "Photograph specific items of evidence such as footprints, cartridge cases, weapons, etc. as observed in place at scene...") It might have prodded detectives investigating Christine Morton's murder to expand their inquiries beyond what they thought "obvious." For example, sections H-16 and H-17 mention a need to look into the victim's finances and the theft of money or property.

Just like they've helped aviators and physicians, comprehensive, well-designed checklists can guide investigators through the complexities of the real world. If taken seriously they might also help neutralize tendencies towards tunnel vision. To accomplish these goals checklists must be living documents that require participation and endorsement by each officer who contributes to an investigation. They should be shared with prosecutors and made discoverable by the defense.

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What Harvard's Dr. Gawande learned in the school of medical hard knocks is nothing new to criminal justice. As [a recent example](#) in Los Angeles demonstrates, human frailties and the exigencies of policing have the potential of producing outcomes that are every bit as disturbing as medical goofs. If using checklists can help – and there's every indication they can – let's put our heads together and get busy.

Posted 9/5/23

WHEN (VERY) HARD HEADS COLLIDE (II)

*What should cops do when miscreants refuse to comply?
Refuse to comply?*



For Police Issues by Julius (Jay) Wachtel. Other than depicting a police officer's backside, what else is unusual about this picture? Look closely. That shiny Lexus two Ohio cops tangled with on August 24 lacks a rear license plate. According to Blendon Township police Chief John Belford, it lacked a front license plate as well (click [here](#) for his video statement and [here](#) for our transcript). Indeed, the vehicle was probably unregistered. According to police accounts and records we dug up in municipal court files – we'll get into that below – its driver and sole occupant, twenty-one year old Ta'Kiya Young, was likely unlicensed.

But first, let's examine the circumstances that led to the ultimately tragic encounter (click [here](#) for the police chief's initial Facebook statement, posted one day after the event, and [here](#) for his follow-up account.) [Blendon Township](#), a prosperous community of about 10,000 residents, lies about sixteen miles northeast of Columbus, the state capital. Blendon's smallish, full-service [police department](#) employs seventeen sworn officers, including two detectives and eleven patrol officers. Chief Belford reported that immediately preceding their contact with Ms. Young, two patrol officers were in the Kroger parking lot, helping a locked-out citizen get back into their car. That's when a Kroger employee ran up and informed them that Ms. Young, who was walking up to her nearby Lexus (it was parked in a handicapped slot) stole liquor from the store. She had supposedly been in the company of other shoplifters, but they already fled.

So the cops shifted their attention. Here's a sequence of images from their [bodycams](#):

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Time hh:mm:ss	Image #	Bodycam Officer #	Event
18:27:55	1	2	Ms. Young enters her car
18:28:03	2-4, 6, 7	2	Officer 2 walks up, starts ordering her out
18:28:11	5	2	Officer 1 walks by
18:28:18	8, 9	1	Officer 1 positions in front of the vehicle
18:28:27	10	2	Vehicle starts moving
18:28:28	11, 12	1	Officer 1 fires one shot through windshield, fatally wounding Ms. Young
18:28:29	13, 14	2	Officer 1 struck, pushed aside by vehicle

Things happened very quickly. Eight seconds after Officer 2 began ordering Ms. Young to exit her vehicle, Officer 1 walked by and planted himself in front of the car (a clearly poor move that we'll come to later). Only nine seconds after that, the car began to move. Veering sharply to the right, it knocked Officer 1 aside. Having already unholstered his gun, he instantly fired. His round penetrated the windshield (images 11 and 12) and fatally wounded Ms. Young. Even so, she managed to safely steer the car to the shopping center's walkway and, as the officers ran alongside, bring it to a halt. Ms. Young was locked inside, so the cops broke in to render aid. Alas, it proved too late.

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Police haven't mentioned finding any ill-gotten merchandise in Ms. Young's car. According to her lawyer, [there was none](#), as she had been observed leaving the liquor in the store. Her decision to do so may have been spurred by employee reaction to the large-scale shoplift in which she allegedly participated. But the absence of loot certainly provides grist for the lawsuit being filed by her family.

Ms. Young *did* refuse to cooperate with police. Her flight also placed Officer 1 at great risk. Had she decisively stepped on the gas or failed to swing the vehicle away, he might have been killed. Her reckless behavior reflects an unfortunate pattern of conduct that's been documented in the municipal courts of [Franklin](#) and [Sandusky](#) counties:

Off. date	Case no.	Charge	Dispo
8/20/23	CRB 013483	Viol. protect. Order	Dismissed (deceased)
7/25/23	Unk.	Red light viol.	Unk.
1/5/23	CRB 000200	Viol. protect. Order	Dismissed (deceased)
10/14/22	CRB 016143	Petty theft	Diversion prog., then warrant, then dismissed (deceased)
12/29/21	TRD 100254	60 mph in a 35 mph zone	FTA warrant, \$242 fine
4/18/21	CRB 005169	Flee/elude officer; disorderly conduct	Guilty, 4 days jail, fine
4/18/21	TRD 111193	59 mph in a 35 mph zone	See above
1/3/21	TRD 100300	102 mph in a 65 mph zone	\$192 fine

We've often cautioned about the chaotic nature of police-citizen encounters (see, for example, "[Routinely Chaotic](#)"). Ditto, citizens' frequent reluctance to peacefully comply ("[Fair but Firm](#)"). Ditto, the risk that rushed responses might cause needless harm. ("[Speed Kills](#)"). Here, all three concerns seem to apply. Still, the circumstances that Officers 1 and 2 faced were unforgiving from the start. An alleged participant in a major shoplift episode was about to drive away. Worse still, neither officer had apparently connected with Ms. Young in the past, and her vehicle's lack of license plates deprived them of some potentially very useful information.

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Even so, Officer 2 (their names have not as yet been released) didn't treat the situation as a dangerous felony stop. He hurried to the driver's door and, without drawing his gun, ordered Ms. Young from the vehicle. But she refused to exit. And kept refusing. Officer 2 apparently tried to open the car's door (see images 7-9 above). But it was locked.

Officer 1 noticed. Perhaps to emphasize the seriousness of the situation, or simply as a bully tactic, he placed himself in front of the vehicle and drew his pistol. As one might expect, police trainers [have condemned his approach](#). While drawing a gun might be justified, accepted practices clearly rule out standing in front of a suspect's car. (Imagine what would have happened had Ms. Young *really* stepped on the gas.) Still, once the vehicle began to move and he got bumped, firing a shot could be justified as self-defense. Blendon PD's relevant [use of force rules](#) are typical for the genre. Here's an extract:

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

A horrific outcome had been eminently avoidable. That it wasn't can be attributed to the unholy combination of two *very* hard heads: one a citizen's; the other a cop's. We wrote about a like pair fourteen years ago ("[When Very Hard Heads Collide](#)"). But for a notorious recent example there's the paradigm-shifting episode involving Minneapolis cops and George Floyd ("[Punishment Isn't a Cop's Job](#)"). It started out in a similar fashion, with officers responding to a call about a shoplifter who wouldn't give things back. Rookie cop Thomas Lane, the first officer on scene (he's now in Federal prison) managed to get Mr. Floyd out of his car and onto the sidewalk, no harm done. Unfortunately, Mr. Floyd (he had a substantial criminal record) soon stopped playing nice. That frustrated a senior cop (Derek Chauvin, now also imprisoned). So he came up with a "better idea."

What's the fix? Three years ago our *Police Chief* op-ed "[Why do Officers Succeed?](#)" pointed out that cops successfully handle fraught situations involving misbehaving citizens every minute of every day. While tactical blunders *do* happen (our [Strategy & Tactics](#) essays are riddled with examples) Officer 1's purposeful, obviously dangerous positioning seemed clearly intended to convey a message. And to the cop's likely dismay, his challenge was accepted. But there's no need to craft yet another elaborate set of rules. The solution is really quite straightforward. Impress on our public servants that society can't afford non-compliance with accepted procedures, and especially by its

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badge-wearers. In the fraught atmosphere that characterizes present-day America, their blunders truly *are* an invitation to disaster.

Posted 1/14/19

WHEN WALLS COLLIDE

Ideological quarrels drown out straight talk about border security



For Police Issues by Julius (Jay) Wachtel. Before moving on, try to identify the authors of these quotes. Click on the links to check your answers. If you're right, you get bragging rights! And if not, don't fret. You'll be in great company.

"I voted numerous times when I was a senator to spend money to build a barrier to try to prevent illegal immigrants from coming in. And I do think you have to control your borders." ([article](#) [video](#))

"We simply cannot allow people to pour into the United States undetected, undocumented, unchecked, and circumventing the line of people who are waiting patiently, diligently, and lawfully to become immigrants in this country." ([article](#) [video](#))

Were you surprised? So was your blogger. Yet when it comes to immigration and its control, the tenor of these times is decidedly different. On January 20, 2017, President Trump issued [Executive Order 13767](#), directing the Department of Homeland Security (DHS) to "take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border."

Two years later, having run smack dab into another wall (a Democratic House), the President's "five-billion dollar" dream remains unfunded, hobbling the Government and leaving reasoned discussion about border security for another day. But like our hero Sergeant Joe Friday, Police Issues is all about the facts. So, what are they?

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According to [historical U.S. Border Patrol data](#) there has been a decades-long increase in illegal crossing along the southwest border. In 1960 arrests totaled 21,022. After a protracted climb, apprehensions peaked at 1,615,844 in 1986 and at 1,643,679 in 2000. Counts have since dropped to the levels of the early 70s, with 303,916 apprehensions in 2017 and [396,579 in 2018](#).

Arrests, of course, represent only a fraction of unauthorized entries. [A comprehensive February 2017 report](#) by Congress' General Accounting Office (this essay's main data source) estimates that during FY 2013-2015 (October 1, 2012 - September 30, 2015) more than one million persons illegally entered the U.S. through the southwest border.

Physical security has not been ignored. A 1996 law ordered the installation of fencing in areas highly impacted by illegal entry, including a “triple-layer fence” near San Diego. Subsequent amendments upped the game so that by 2015 miles of fencing along the southwest border had increased more than five-fold. Its quality was also enhanced, with pedestrian (left photo) and vehicle barriers (right photo) transitioning to a hardy



“bollard” style made up of closely spaced, large-diameter vertical posts. Our nearly 2,000 mile long southwest border (696 miles land and 1295 miles of river) is now secured by 354 miles of primary pedestrian fencing, 82 percent (290 miles) of bollard design, and by 300 miles of primary vehicle fencing (225 miles of a more impervious, modern design.)

During FY 2007-2015 \$2.3 billion was spent to improve and extend barriers. Routine maintenance came in at about \$450 million. With average costs of \$6.5 million per mile for primary pedestrian fencing and \$1.8 million per mile for primary vehicular barriers, the enhancements didn't come cheap. For example, replacing 14.1 miles of legacy pedestrian fencing with bollard-style in Tucson and Yuma cost \$68 million, or \$4.9 million per mile. Other recent projects include \$13.4 million to replace 1.4 miles of

pedestrian fencing in New Mexico and \$45 million for a similar 7.5 mile project in Naco, Arizona.

What was the payoff? According to Customs and Border Protection (CBP), an agency of the Department of Homeland Security (DHS), bollard-style fencing is pricey but superior, keeping illegal immigrants from gaining ready access to populated areas and forcing the more determined to travel to remote, unguarded locations where they cannot quickly blend in. CBP recorded nine-thousand-plus breaches of pedestrian fencing during 2010-2015, with legacy barriers suffering nearly six times as many incursions per mile (82 v. 14) as their bollard counterparts. In Nogales, bollard fencing reportedly reduced assaults on agents by 81 percent, while bollard-style vehicle barriers slashed “drive-throughs” in Tucson by 73 percent. Many “degraded” sections of pedestrian and vehicle fencing remain to be addressed.

Even the most modern barriers, though, aren’t foolproof. Bollard fences can be climbed and, as illustrated by the photograph at the top, forcibly breached. That’s where the President’s obsession comes in. A solid, sturdy wall that prevents drive-overs and drive-throughs, is of sufficient height to discourage climbing and rock-throwing, and has a foundation that obstructs ready tunneling, would be by far the most effective. Still, even those who disagree with Speaker Pelosi ([she said a wall would be “immoral”](#)) might find its prison-like ambience off-putting. And the cost of building a continuous wall, and doing it right, would be astronomical. Five billion seems just a down payment.

But we’re ahead of ourselves. If Congress’ number-crunchers have anything to say about it, the wall’s prospects are dim for another reason. You see, the document we’ve been filching from is entitled “SOUTHWEST BORDER SECURITY: Additional Actions Needed to Better Assess Fencing’s Contributions to Operations and Provide Guidance for Identifying Capability Gaps.” Before passing judgment, the GAO’s nitpickers are demanding the facts, just like Sergeant Joe. Here’s an extract from their ultimately disparaging assessment:

CBP has not developed metrics that systematically use these, among other data it collects, to assess the contributions of border fencing to its mission. For example, CBP could potentially use these data to determine the extent to which border fencing diverts illegal entrants into more rural and remote environments, and border fencing’s impact, if any, on apprehension rates over time. Developing metrics to assess the contributions of fencing to border security operations could better position CBP to make resource allocation decisions with the best information available to inform competing mission priorities and investments.

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Bottom line: tell us how many illegal border-crossings your proposals would prevent, and we'll decide if it's worth it.

A copy of Homeland Security's response appears on pp. 67-68 of the [GAO report](#). Echoing its antagonist's often impenetrable verse, DHS promises to supply appropriate "metrics" by March 31, 2018. Well, that date came and went. Then in July 2018 the GAO issued [a second report](#). It's entitled "SOUTHWEST BORDER SECURITY: CBP Is Evaluating Designs and Locations for Border Barriers but Is Proceeding Without Key Information." Its assessment focused on a request to expend \$1.6 *billion* in the 2019 fiscal year to build 65 miles of wall in Rio Grande Valley (page 11.) However, in GAO's not-so-humble opinion, the "metrics" still didn't – no pun intended – measure up:

DHS plans to spend billions of dollars developing and deploying new barriers along the southwest border. However, by proceeding without key information on cost, acquisition baselines, and the contributions of previous barrier and technology deployments, DHS faces an increased risk that the Border Wall System Program will cost more than projected, take longer than planned, or not fully perform as expected. Without assessing costs when prioritizing locations for future barriers, CBP does not have complete information to determine whether it is using its limited resources in the most cost-effective manner and does not have important cost information that would help it develop future budget requests.

These comments might seem perfectly reasonable, but in the context of law enforcement – that, after all, is what CBP does – our nation's auditors are asking for an awful lot. Measurement is simple and arguably accurate when variables are readily quantifiable; say, profit and loss in business, crimes committed and cleared by arrest in everyday policing. But demanding that DHS produce a cost-benefit analysis for each border-hardening proposal would require it to attach numbers – *accurate* numbers, not just guesses – to the illegal crossings and, even more importantly, other crimes the expenditures would prevent. That seems a bit much. After all, had proof of such effects been a condition for funding ATF, your blogger wouldn't have a retired special agent's badge to display on his bookshelf.

So why the obstinacy? While GAO enjoys a reputation for impartiality, its employees may not appreciate the President's "my way or the highway" approach. (Incidentally, GAO's report about the costs of [the President's excursions to Mar-a-Lago](#) are yet to be made public. One can only hope they will reflect the same tenacity and attention to detail that characterizes the agency's more mundane work.)

Of course, Congress gets the final say. GAO is only there to inform. In this case, though, their joint efforts have aligned in a way, intentionally or not, that can only

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frustrate the President's ambitions. From that perspective his perhaps regrettable tantrums make perfect sense. Meanwhile, the nation still pines for a comprehensive, truly objective assessment of what (and how much) ought to be done to safeguard its borders. Alas, in this ideologically fraught, hopelessly divided climate, that prospect seems no more likely than building the wall.

Posted 10/28/07

WHO RIOTED IN MAC ARTHUR PARK?

Bratton, who wasn't there, moves swiftly to censure those who were

By Julius Wachtel, (c) 2010

Within hours of the May Day melee at MacArthur Park, Chief Bratton warmed the cockles of every plaintiff's attorney in town when he spanked L.A.'s finest, publicly refusing to "defend the indefensible." Videotapes clearly showed Metro officers firing rubber projectiles and whacking away at ordinary citizens whose most heinous crime was assembling for a picnic. A few newsies got a full dose of equal treatment, a big no-no considering that LAPD's rough handling of the media during the 2000 Democratic Convention led it to enter into a consent agreement allowing reporters safe access to police lines.

Then came the LAPD's own report, which took commanders to task for failing to anticipate problems and coordinate and control the response. LAPD agreed that its crowd control techniques were poor, the decision to disperse overbroad if not totally unnecessary, the order -- done from a helicopter! -- inaudible, the force used likely excessive (ka-ching!) and training inadequate.

Now, to admit one or two little mistakes is one thing, but LAPD's mea culpa (click [here](#)), which runs to more than one-hundred pages, so broadly indicts the agency's management and training functions that one must wonder whether anyone at Parker Center has ever cracked open a book on policing. In a flurry of activity, Chief Bratton promptly relieved a Deputy Chief of his duties and reassigned a Commander "pending the action of personnel complain investigations." The only thing apparently not being investigated is the Chief's decision to attend an entertainment industry function rather than be present to oversee his department's response to the largest planned demonstration in the City this year.

Only days ago, in an update to the report, LAPD brass informed its lapdogs at the Police Commission that the department is zeroing in on twenty-six officers for using excessive force. But the LAPPL claims that Bratton misconstrued his own department's use-of-force policies, which the union insists are so broad that it's perfectly OK to fire rubber bullets at demonstrators and slug them with batons to move them along.

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Meanwhile, dozens of claims alleging police-inflicted injuries are themselves moving through the L.A. City Attorney's bureaucracy, many extensively documented with medical records and videotapes. And when it comes time for the plaintiffs to present their case, guess who'll be their number one witness? Chief "I wasn't there" Bratton himself! Rest assured that he'll be in the same sparkling uniform that he wore to that important Hollywood function while his troops were preparing to do the "indefensible" at Pico-Union.

Ka-ching!

Posted 12/21/08

WHO'S GUARDING THE HENHOUSE?

While Madoff pulled off the heist of the century, who was watching?

By Julius (Jay) Wachtel. The widow was in disbelief. Her entire trust fund of \$29.2 million wiped clean, she had only fond memories of that “lovely” and “thoughtful” [New York financial magnate](#), an honored member and occasional visitor to the ultra-exclusive Palm Beach country club, founded a half-century ago to accommodate those whose ethnicity kept them from getting in anywhere else.

[Bernard L. Madoff's](#) business occupied three floors of Manhattan's Lipstick Tower. On the eighteenth and nineteenth floors platoons of traders chugged away buying and selling securities. But the real action was on the secretive seventeenth floor. That's where the former NASDAQ chairman and his assistant, Frank DiPascali, ran an exclusive investment business that earned their well-heeled clients returns of ten to twelve percent year-in and out, as predictably as the tick-tocking of a fine Swiss watch.

On December 11, 2008 two [FBI agents](#) appeared on Madoff's doorstep and asked whether he had an “innocent” explanation for the improbable accusations leveled against him by his sons, both principals in the brokerage side of the house. That's when the Baron of Wall Street soulfully admitted, “there is no innocent explanation.”

Investigators were stunned. Of the seventeen-plus *billion* that should have been in client accounts only three-hundred million remained. Madoff said that everything else had been lost in a decades-long Ponzi scheme in which principal from new suckers was used to pay existing investors. Now that the economy had tanked and withdrawal requests were skyrocketing the jig was up. Madoff's best guess of the total loss? Fifty *billion*, or twice what GM and Chrysler are pleading for to avoid bankruptcy.

Madoff's victims are everywhere. Big losers in [Southern California](#) include L.A.'s Jewish Community Foundation, down \$6.4 million, and Steven Spielberg's *Wunderkinder*, a charity to which the acclaimed director reportedly contributed \$1 million per year. Many Hollywood notables used [money managers](#) who invested with Madoff. One, Stanley Chais, faces a multi-hundred-million dollar lawsuit for failing to do due diligence. A respected philanthropist who served with Madoff on several charity boards, Chais complains that he, too was snookered.

In the East the roster of victims includes the Elie Wiesel foundation, named after the Nobel laureate and Holocaust survivor, which lost \$37 million, and the JEHT foundation, which supports a host of non-profits including Cardozo law school's famous [Innocence Project](#). (JEHT was wiped out and closed its doors.) Yeshiva University, where Madoff was treasurer of the Board of Trustees and director of the business school, got whacked for a cool \$100-125 million. Many New York [real estate projects](#) financed or secured by funds entrusted to Madoff are also imperiled. But by far the biggest losers are several externally-owned "feeder funds" that had Madoff manage their assets. One, the Fairfield-Greenwich Group, lost \$7.5 *billion*. Another, Ascot Partners, lost \$1.8 billion.

And that's not all. Madoff's tsunami also swept through [Europe](#), leaving banks from Spain to Great Britain to Switzerland reeling with losses totaling billions.

How could it happen? All along there were whispers that it was a con game. As early as 1999 a [respected Wall Street executive](#) concluded that Madoff's sterling results were bogus and turned him in to the S.E.C. Most who suspected something was amiss guessed, it now seems incorrectly, that Madoff's unusually consistent performance was due to "front-running." If he knew what securities the brokerage side of the house was about to buy, he could acquire them for his investors first, thus temporarily increasing their value. Then when the brokerage placed its bid he could sell the stocks at the inflated price, generating a tidy profit for his clients and a commission for himself.

That's insider trading and illegal as heck. It would have required his sons' help, but so far it seems that they're in the clear. In an interview for a 2001 article, "[Madoff Tops Charts; Skeptics Ask How](#)", Madoff denied any improprieties. He attributed his success to a unique system of hedging stock purchases that sharply reduced the effects of market fluctuations. Why didn't he set up his own fund and really rake it in? Um, he was happy working for commission and didn't want to bother.

Shift gears to the violence-ridden decades of the eighties and nineties when LAPD was recovering ten-thousand guns a year. Many were recently purchased. It turned out that some licensed retailers were making big bucks [pushing guns out the back door](#). How could that be? Dealer records were rarely reviewed. And even when inspectors showed up they never compared the books against distributor invoices, allowing unscrupulous sellers to accumulate large quantities of unrecorded guns for illegal resale.

No, guns aren't stocks but the principle is the same. Decades of deregulation have taken the bite out of the dog. In recent Congressional testimony, former S.E.C.

Chairman [Arthur Levitt](#) complained that politicization and budget cuts curtailed enforcement and demoralized employees. In what the *New York Times* characterized as a “mea culpa,” [Christopher Cox](#), the S.E.C.’s current head, angrily accused these same employees of ignoring a decade of warnings about Madoff. Rather than investigate they simply “relied on information voluntarily produced by Mr. Madoff and his firm.” Like the ATF inspectors, they accepted the books at face value.

What else might they have done? They could have verified how much capital Madoff really held. Or they could have visited “Friedling & Horowitz,” the obscure auditing firm responsible for examining his books. [Private financial researchers](#) who did so ran into a middle-aged accountant and a secretary working out of a tiny office in remote New City, New York. That was one of the many reasons they advised their clients to steer clear of Madoff.

No one in the S.E.C. has the power to arrest. That’s why an FBI agent signed the criminal complaint. In contrast with ATF, DEA, Customs and Immigration, which house regulatory and criminal investigation functions under the same roof, the FBI and S.E.C. work separately, creating a distance that inevitably inhibits the free exchange of information. Had it been otherwise a savvy agent might have learned of the scheme before it turned into an international catastrophe. In any case, we would be far better served if our battalions of highly-paid auditors and special agents spent their time aggressively ferreting out crime rather than picking up the pieces after the fact. It’s simply not good enough to put up a fence after a fox cleans out the henhouse.

Posted 2/1/09

WHO'S GUARDING THE HENHOUSE? (PART II)

The devastating legacy of Al Gore's reinvention movement

By Julius (Jay) Wachtel. In the wake of a mortgage scandal that brought on the worst economic crisis since the Great Depression, current and retired FBI agents are doing something totally out of character: they're sniping at their beloved Bureau. In a recently published [exposé](#) a former agent charged that the agency's shift of thousands of agents to counter-terrorism fatally impaired its ability to combat financial crime. "The public thought the administration was resourcing counter-terrorism when in fact they were forcing cannibalization of the criminal program. Now the chickens have come home to roost."

Crime may be hard to prevent but it's usually easy to discover. Victims are likely to complain. And for so-called "victimless" crimes such as drug dealing and prostitution police can [target the settings](#) where these crimes are known to occur and use surveillance and undercover to draw out offenders.

But what the mortgage shysters were doing was different. To all appearances they were conducting a legitimate business. Want to buy a home but lack proof of income? No problem, just tell us what you make, and if it's enough (wink, wink) you're in! Everyone got their slice of the pie, from brokers who sealed the deals to supposedly rock-solid financial institutions that bundled the shaky loans into tempting, high-yield securities. In time, as teaser rates expired and homeowners found themselves unable to keep up foreclosures soared, driving down home values and rendering those nifty mortgage-backed investments worthless. Felled by greed, Wall Street's carefully nurtured façade of invulnerability collapsed. Surprise! The [Masters of the Universe](#) had no clothes.

Where were the cops while all this was going on? Even the vaunted FBI is at its best after a crime has occurred and there are witnesses and victims to describe exactly what happened. But borrowers weren't complaining, at least not until they found themselves on the street. Neither were lenders. As a retired FBI official pointed out, "you had victim banks that would not acknowledge that they were victims. 'We're not out any money,' they would say. 'Nothing has been foreclosed.' The banks weren't reporting, the regulators weren't regulating, and the FBI was concentrating on external mortgage fraud as opposed to the underlying internal problem."

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Regulators not regulating? What's *that* all about? Rewind to the early 90's, when in a Pollyannish fit of goodwill Vice-president Al Gore sought to bring Government and industry together in a new Great Hug:

The Vice President introduced the idea of customer service for regulated industries -- that "good players" who want to comply with federal regulations often need information and assistance... Most importantly, the Vice President called on federal regulators to form partnerships with the community they regulated to explore even more groundbreaking ways to achieve goals like clean air and safe food. In February 1995, to reinforce the work of the Vice President and his regulatory workgroup, the President met with regulators. He directed them to cut obsolete regulations, reward results, not red tape, get out of Washington-create grass roots partnerships, and negotiate, don't dictate.

Within a year *sixteen-thousand* pages of "unnecessary federal regulations" fell to the knife. By 2000, when the [National Performance Review](#) had run its course, a glowing self-assessment boasted that agency rule books had been thinned by an astounding 640,000 pages. But the NPR's most tangible accomplishment was its impact on the [Federal civilian workforce](#), where it supposedly eliminated a whopping 426,000 positions. (That turns out to be a bit of an exaggeration, as the government [had been steadily shrinking](#) since at least 1990. Still, Congressional Budget Office statistics reveal there were 225,900 fewer non-Postal civilian employees in 2000 than 1995, a not-inconsequential decrease of eleven percent.)

Perhaps more significantly, the worker bees who remained on the job got hammered with a New-Ageish ideology that redefined the relationship between industry and government as a "partnership", with the former becoming the latter's "customer". Traditional Government performance measures such as the number of times that regulators slapped an industry's hands were eschewed in favor of a kinder and gentler approach:

The use of regulatory partnerships has become the preferred approach for getting results. NPR worked with five key regulatory agencies (EPA, FDA, FSIS, OSHA and FAA) to pilot new approaches, to deploy information technology, and to do a better job measuring what matters— namely their impact on their mission (e.g. clean air) as opposed to historical process measures (e.g. the number of tickets written for regulatory violations). As a result, food-borne illness, toxic emissions, and worker injury rates are dropping. And the regulated community has better information and tools to help with compliance.

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Naturally, boosters of government reinvention declared the effort a resounding success. Meanwhile no one seemed to notice that regulatory agencies had turned into mere shadows of their former selves. “The regulators are the ones embedded in the banks,” a [former FBI agent](#) pointed out. “They would be able to see [financial fraud] if they were looking. They were the first line of defense in detecting it.” Unfortunately, the canaries in the coal mine had lost their voice. Demoralized by [reductions in staffing and political interference](#), the S.E.C. and its sister agencies demonstrated little interest in pursuing the examples of “pervasive financial corruption” that kept popping up. Lacking victims or demonstrable evidence of serious harm, it’s no surprise that the FBI chose to allocate its resources in a different direction.

Yes, we trusted. We trusted the system to police itself. We trusted brokers, dealmakers and investment bankers to watch out for the public interest. Yet thanks to “reinvention” no one was looking over their shoulders. There was nothing to deter profit mongers from tying up their consciences alongside their yachts. And it’s not over. Only the other day [our new Prez chastized](#) Wall Street bankers for shamelessly awarding themselves bonuses even as the government was rushing to prop up their institutions with Federal funds.

Like they say, “what’s new”?