

The Police and Civilian Deaths

by

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Let me state that I fully support our brave men and women in law enforcement. They have a very daunting task of protecting our communities and serving the people.

In the past year we have had many shootings and deaths attributed to being caused by the police. While it is sad that anyone is shot and/or killed by a law enforcement officer, we are too quick to become the Monday Night Quarterback without understanding the situation. The problem is that we have a 2D instead of 3D view of the event(s), thus much is not seen until days later. We often hear from witnesses (spectator) almost immediately after an event, but nothing from law enforcement until days later. The media jumps on this with a ferocious appetite and stirs up emotions without any regret or remorse for their actions.

In almost all shooting incidents, a "shooting board" is convened. The objectives of these boards are not to clear the officer(s) involved but to investigate what lead up to the shooting, how the shooting incident took place, and whether the shooting was justified or not. The boards' findings often go to the area's district attorney for disposition. Similar boards/investigations are also convened if a person dies while in police custody or being arrested.

While this is the proper procedure to be taken, the media, activist groups and individuals with agenda stir up the public over the incidents and complicate matters further. Looking out for their own political backside, weak-kneed police chiefs, sheriffs, mayors and city council members often call for officer resignations without any foundation or cause. This is injustice, pure and simple.

While there are many problems surrounding these civilian deaths, racism is usually not the issue. The race ticket is used to stir emotions and cause trouble. Let's take a look at the recent shooting of Daunte Wright in Minnesota. Here are some facts, in a time-line fashion, that have been reported:

1. Daunte Wright was black
2. Officer Kim Potter is white and a 26 year veteran officer
3. Wright was stopped for expired vehicle tags
4. Officers discovered Wright had a warrant for his arrest
5. Wright was struggling with police
6. Wright breaks free of police and enters car
7. Potter repeatedly yelled "Taser"
8. Potter shoots Wright (right handed)
9. Wright drives away and dies
10. Minnesota Bureau of Criminal Apprehension stated that Potter apparently mistook her gun for her Taser

11. Chief Gannon claimed shooting was an accidental discharge
12. The medical examiner called it a homicide according to NPR
13. Gannon released Potter's body cam footage
14. Potter and police Chief Gannon resigned

Several people have stated that Wright was stopped and shoot because he was black. These are such an ignorant statements made by individuals who don't take the time to think. Wright was stopped because the car he was driving had expired license tags. He was not stopped because he was black and probably not because there was an air freshener hanging from the mirror as he mentioned to his mother on the phone. How do we know this? It is easy to understand for several reasons.

- When you are driving behind a car it is difficult to tell whether the driver is male or female, young or old, black or white.
- Cars have head rests that block a driver's head, thus you cannot determine the above easily.
- Because it is darker inside a car than outside, it also makes it difficult to ascertain a driver's identify, age, sex or race.
- The final reason is the tag was expired and this is easily determined by the date/year decals placed on automobile tags.

Once Wright was stopped, at some point it was determined that there was a warrant for his arrest. At this stage the narrative changed from a simple traffic stop to fugitive arrest. It was not explained whether Wright was already out of the car when the narrative changed or not but most likely he was as an officer tried to handcuff him.

While an officer tried to handcuff, he struggled against the officer and jumped behind the wheel. An officer told Wright to not attempt to run and then Potter yelled "Taser" several times. It can be assumed that Wright started the car in an attempt to run and was thus shot. Remember that he drove away instead of staying put.

The media's coverage of this shooting has been dismal and inaccurate. Following are excerpts from a few news stories:

- Officers then discovered that he had a warrant for his arrest. (NY Times)
- outstanding warrant for an unspecified gross misdemeanor (New York Magazine)
- "Holy shit, I just shot him!" she yelled in apparent surprise as Wright peeled away in the car. (New York Magazine)
- After the car pulls away, the officer yells an obscenity and says, "I just shot him" (NY Times)

NBC News reported:

- Daunte Wright was stopped for expired plates, but driving while Black may have been his 'crime'

- The police confrontation escalated after officers saw what could have been an air freshener hanging illegally from the rearview mirror.
- The chain of events that ended with yet another fatal police shooting of a Black man in Minnesota began in what has become a typical tragedy — with a traffic stop for a minor infraction.

Other media statements include:

- Mayor Elliot (black) stated the city had intended to fire Potter as a message to the community that the shooting was being taken seriously
- An area district attorney stated he “couldn’t wait to charge Potter.”
- An attorney for Wright’s family called the shooting “entirely preventable” and “inhumane.”

To learn from this and other incidents we first have to understand that law enforcement incidents DO NOT happen in a vacuum. As much as many politicians, groups, and individuals want you to believe them, there is no single cause that triggers an incident. Incidents are a culmination of social environment, policing guidelines combined with the government and public’s ineptitude for making wise and quality decisions.

To understand how our social environment has impacted policing, we need to look at the past relationships between society and policing. For example in a very simplified manner, when pioneers first moved west and formed communities there was little need for policing. However as the communities grew commerce developed, economic classes emerged, riff-raff drifted into towns, and social norms changed. Outlaws, murder, robbery, and other criminal activity surfaced. People desperately wanted to be safe from such activities and hired “lawmen” (gunslingers) to protect themselves. As crime increased so did the number of lawmen accompanied by a variety of laws and regulations.

The simple criminal activities of the past however became more complicated and criminal organizations evolved. Consequently public demand for protection from these activities also increased and has resulted in more laws, rules, regulations, and a need for more law enforcement personnel. Because of public demands, increasing and changing laws, and evolving new economic, political and social norms, all law enforcement officers (LEOs) are tasked with too many responsibilities and duties.

Law enforcement in the US is highly fragmented and has no common requirements, rules and regulations, policies, or training. This fragmentation has led to many problems such as a lack of cooperation between agencies, distrust of police, and currently a redistribution of budgets in order to maintain peaceful and lawful environments.

When critically looking at law enforcement from this viewpoint, it would be easy to suggest that our Constitution is the root cause since it distinguishes between federal and state rights. Similarly, state constitutions make distinguishes between state, county and city rights. One can also say that such a claim is supported by those counties and

cities that have become sanctuaries for illegal activities. However this is not the case. Codified in the United States Code are laws that can diminish the fragmentation discussed above. Some of these laws have already been used to direct states in upholding specific federal laws, how interrogations are to be held, etcetera.

There are more law enforcement agencies than people are aware of. They can be found at all levels of government as shown below.

- Federal level
 - 43 separate agencies

- State level
 - The number of agencies varies by state.
 - North Carolina has 26 different agencies
 - Whereas Wyoming has only 7 agencies

- County level
 - Most counties in the US have one agency – sheriff's department
 - Mecklenburg county in NC has 2 agencies
 - Some counties also have special jurisdiction agencies

- Municipality level (cities, towns, villages, townships, parishes, hamlets)
 - City Police Department
 - Some municipalities have special jurisdiction agencies

- Special jurisdiction agencies
 - Transit Authority Police
 - School District Police
 - Housing Authority Police
 - District Attorneys' Office Investigators
 - Airport Police
 - Harbor Police
 - University Police
 - Hospital Police

All of these law enforcement agencies have only four things in common with regard to its LEOs. The LEOs must . . .

- be a US citizen
- pass a background check
- pass a physical exam
- be able to carry a firearm

Many, but not all, agencies also require:

- A high school diploma

- Completion of a BLET (Basic Law Enforcement Training) program
- Have a background in law enforcement, or a bachelor's degree in criminal justice or a related field.

As for LEO training, all states have BLET programs. However the programs vary from state-to-state. For example

- Alabama 14 wks
- North Carolina 16 wks
- Georgia 11 wks
- Kentucky 24 wks
- South Carolina 12 wks
- Tennessee 12 wks
- Virginia 33 wks (14 wks basic instruction, 4 wks field training, 15 wks classroom)

Most states also have initial BLET requirements followed by annual recertification requirements for firearms and taser training. There are four major problems with training in these areas.

1. Given LEO duties, the amount of time provided for training is typically 20 hours a week. The 20 hours however have to be spread over a number of required training subjects and in some cases a limited number of electives. Depending on the subject, the amount of time given to another subject may be longer or shorter.
2. Most recertification requirements are specific and bare minimum. For example, a state may require the LEO to score a minimum 70% with 50 rounds of ammunition shot from various positions.
3. Since agencies provide ammunition for certification and recertification, the number of rounds for (re)certification and additional practice/training are limited due to budget concerns.
4. The most important problem though is that almost all of the certification and recertification courses are conducted using stationary targets. The LEO in almost all cases is never put under stress to practice or qualify with his/her weapon, be it a firearm or taser.

Another problem is also the individual LEO. Although it is generally accepted that LEOs are never off duty, the majority of them consider their end of shift as being off-duty until time rotates to their next shift. With this attitude, rarely does an LEO practice or exercise the physical skills that he/she needs to interact with the public or suspects, or for their own personal safety. Thus, during the time between recertifications, the LEO rarely maintains any real physical skill level.

Consequently, as with most cases, Officer Kim Potter, although a trainer herself, was not given the training she needed to do her job when placed under stressful situations. This is a problem compounded by a lack of time and budget, and an increase of LEO

duties placed on all agencies by the courts, oversight government committees, the law, and demands of the public.

Could the shooting of Daunte Wright been prevented? Probably. Was Officer Potter at fault? Probably not. Will the district attorney look at the shooting as a single incident or one having a multitude of causes? As reported, the district attorney is looking at it as a single incident and as a feather in his cap as he had already made his decision before the facts came to light. The district attorney stated that he was looking forward to charging Potter.

While we know that Wright was shot and that Potter mistakenly drew her firearm instead of her taser, because of a lack of proper training, there were two other problems that immediately lead to the shooting that are being largely ignored.

The first problem occurred when another officer asked Wright to get out of the car. Once Wright was out of the car, the officer should have closed the door instead of leaving it open. This singular action would have prevented Wright from getting back into the car in an attempt to escape.

The second problem was the lack of proper handcuffing procedure. Several mistakes took place while the officer attempted to cuff Wright. When Wright got out of the car it is unclear how the officer had him turn and face the car and place his hands behind his back. However it is clear that the officer did not have Wright spread his feet or interlock them and that the officer did not place either of his own feet to further control Wright.

While holding Wright's right hand with his left hand, the officer retrieved his handcuffs and attempted to cuff Wright. During the cuffing attempt, the officer stepped sideways to the left, loosing the lock on Wright's arm. Presumably, as soon as Wright felt the arm lock being release he struggled and managed to get back into the car.

The released video of Potter's body cam shows the above problems. Unfortunately it prominently shows Potter's Glock instead of taser. Body cams are a great tool however, just like any piece of equipment that LEOs wear, it must be properly placed. As shown in the video, the body cam was probably attached to Potter's uniform at chest level. If it had been attached higher, closer toward her eyes, the picture would have been much different and the Glock would not be as prominent.

Many lessons are to be learned from the above discussion. Yes law enforcement needs to be revamped but not in the manner that the left and progressives want it to be. National standards need to be developed and agencies need to reduce the number of duties that their LEOs have to deal with. Specifically there needs to be more division of labor. An LEO should either be traffic, drugs, assaults, domestic, etc, but not all of them.