

New York Times "Room for Debate" -- April 9, 2015: "Do Police Use Deadly Force Too Often?"

Police Shouldn't Ask If a Shooting Is Justified, But If It's Avoidable



Seth Stoughton is a professor at the University of South Carolina School of Law, where he is affiliated with the Rule of Law Collaborative. He served as a city police officer and state investigator. He is on Twitter.

Too many officers see themselves as warriors, vigilant against enemies, not guardians, protecting the community.

UPDATED APRIL 9, 2015, 2:06 PM

Every time a police shooting gets national attention, the difference in the conflicting attitudes that civilians and law enforcement have toward the use of force is glaring. That conflict drives much of the tension between police agencies and the communities they serve.

- Know he shw!*
- artificial justification*
- ★ When cops evaluate a use-of-force incident, they ask whether it was justified focusing on the legal rule set by the Supreme Court in the 1989 case Graham v. Connor. The Court held that officers may use force so long as it is "objectively reasonable." To determine whether a particular action was objectively reasonable, the Court held, judges must view the situation through the deferential lens of "a reasonable officer on the scene."
is it ever truly reasonable to batter, mangle, or kill anyone?
 - ★ When civilians evaluate a use-of-force incident, they ask whether it was avoidable. They want to know whether the officer could have done something—anything—else.

The tragic shooting of Tamir Rice last November puts the difference between "justified" and "avoidable" in stark contrast. Officers responding to call that there was a "man with a gun" in a park drove to within about ten feet of their suspect. One officer jumped out of the car and, within two seconds, fatally shot the 12-year-old. Was it justified? Probably, if one narrowly considers the officers proximity to an apparently armed man. Was it avoidable? Almost certainly, when one acknowledges that the officers could have—and should have—parked at a safe distance and approached cautiously by using cover, concealment, and communication.
what is protocol? why aren't officers abiding by protocol?

Why do most officers, charged with serving and protecting their communities, persist in asking whether a use of force was justified rather than necessary? I put a great deal of blame on the expansive "warrior mindset" that has become so highly esteemed in the law enforcement community. To protect themselves, to even survive, officers are taught to be ever-vigilant. Enemies abound, and the job of the Warrior is to fight and vanquish those enemies. —suspects
agreed

That's not the right attitude for police. Our officers should be, must be, guardians, not warriors. The goal of the Guardian isn't to defeat an enemy, it is to protect the community to the extent possible, including the community member that is resisting the officer's attempt to arrest them. For the guardian, the use of avoidable violence is a failure, even if it satisfies the legal standard.

Society invests a tremendous amount of trust and responsibility into our police officers. Policing is a difficult job, not least because of the potential for violence that cannot be predicted or, in many cases, prevented.

But in the long run, it would be safer for everyone if officers saw their role as guarding the community, not defeating enemies.

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No Way to Tell Without a National Database



Kami Chavis Simmons, a former federal prosecutor, is a professor and director of the criminal justice program at Wake Forest University School of Law.

The F.B.I. tracks justifiable homicides by police, but it only includes self-reported data from 750 agencies.

UPDATED APRIL 9, 2015, 2:08 PM

The police shooting of Walter Scott in North Charleston, S.C. seems to many to be the latest occurrence in a disturbing pattern of police officers using deadly force against unarmed African Americans.

Are officers more likely to employ deadly force than ever before? Or is it the national focus that is new? Have the widespread use of camera phones and social media made it difficult for officials to ignore issues that have persisted in many communities for years? A central question, of course, has been whether implicit (or explicit) bias explains why officers use greater force in some circumstances.

It is impossible to determine the scope of the problem without a comprehensive national database of the number of people killed by police officers. Although some groups do track when police use serious force, a federal database would help policy makers identify not only dangerous trends and determine whether police use force disproportionately against minorities but best practices, and thus ultimately develop policies that prevent more deaths.

While the Department of Justice collects some data on officer-involved shootings, it does not require the nation's 17,000-plus local law enforcement agencies to all report to a central database. Instead, the F.B.I. tracks justifiable homicides by police, but it only includes self-reported data from 750 agencies. Indeed, while the F.B.I. generally estimates around 400 deaths annually, independent researchers claim the number is closer to 1,000.

In December 2014, the President signed the Death in Custody Reporting Act, a law requiring states and local law-enforcement agencies that receive federal money to make quarterly reports about the death of any person who is detained, arrested or incarcerated.

This law represented a remarkable step toward greater transparency in officer-involved fatalities, but a truly accurate database should require local police departments to report not only the deaths that occur, but any serious uses of force. More complete information regarding the circumstances under which an officer is involved in a fatality or non-fatal injury would be a valuable tool to discerning patterns of conduct, identifying areas for training or needed changes in departmental policy and increasing accountability.

Knows her stuff!

death and brutality should be documented for accurate conclusions to be made on racial injustice

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Police Use of Deadly Force Is Rare, Scrutiny Has Risen



Jim Glennon, a retired third-generation law enforcement officer, is the owner of Calibre Press and the Street Survival Seminar for police training.

YouTube-inspired outrage only exacerbates the difficult task of balancing personal safety and public protection for cops who care.

UPDATED APRIL 9, 2015, 2:07 PM

It is hard to find any justification for the shooting of Walter Scott, especially when the video the world is viewing shows the officer dropping his Taser next to Scott after radioing: "Shots fired and the subject is down. He took my Taser." There is no quarrel with the outrage over what this officer did.

But it is not an indication of widespread issues with how the almost 800,000 law enforcement officers throughout the United States use force. *agreed. The public only sees negative news because it causes more of a response.*

And the stats more than bear that out. Statistically, officer use of force has been low for many years. We don't train near adequately enough — or sometimes even in the right ways — but we rarely use force. The F.B.I. looks at use of force from many perspectives and the statistics are available to prove that in the majority of the cases where force would be an option, officers now avoid it. But as Mark Twain said, "There are three kinds of lies — lies, damned lies, and statistics." F.B.I. stats won't sway the naysayers, but officer use of force is definitely infrequent. *continues to repeat unprovable* ["rarely" is a loaded word.]

What is up however, is viewing videos of actual police incidents by the general public. These videos, after years of watching Law & Order, NCIS and T.J. Hooker reruns, present quite a contrast to expectations and skewed paradigms. Reality often isn't as pretty or neat as Hollywood would imply.

So cops become cartoons, not people. Too many, we are buffoons and thugs and racists, and anyone can confirm these biases with simple Google searches that create worlds that don't exist.

But living in the cop world for over 30 years has ^{proved} to me unequivocally that the vast majority of those in law enforcement are honorable. Almost all of them got into this profession because they wanted to help people. They live in the world that everyone else avoids — a world of mayhem, tragedy, senseless violence and unspeakable uncaring by segments of the wider society.

I train cops for a living. In our training we show videos too — dozens and dozens of video depicting officers being murdered during routine encounters with "nonviolent" and "unarmed" subjects. Those same videos never seem to make national news or cause violent protests.

The toughest part of this job is in the balance. Trying to balance safety while under the kind of stress most people will never experience is incredibly difficult, and it's not getting any easier. This now-routine default of impugning law enforcement with biased labels — "racist," "jack-booted thug," and worse — is disingenuous, ^{disputing} dangerous, and cheap in this age of YouTube-inspired outrage.

Glennon blames the use of social media and television in the demonization of police figures in real life.

Clearly staged incident; Police sets up the victim after the fact to cover up his wrong-doings.

"statistically" yet shows no statistics or citations to back his claim

I find it ironic that he frequently references "statistics" as proving his claim... yet quotes Twain in a way that outright says that statistics are lies.

However, the general problem here is not simply police brutality but systematic racism

and that is a HUGE problem; not only for the public's safety, but for the safety of the officers as well.

officers are being trained to fear the public and assume that everyone is prepared to attack them.

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Walter Scott's Death Should End Public's Denial of Police Victimization of Blacks



Walter Katz, a former public defender, was part of a task force that challenged convictions in cases brought by corrupt Los Angeles police officers in the Ramparts case. He is a member of the National Association for Civilian Oversight of Law Enforcement and has been part of the office of independent review, monitoring the Los Angeles Sheriff's Department. He is on Twitter.

The shooting made clear that some cops lie and think they can get away with murder. And the victims are disparately black.

UPDATED APRIL 9, 2015, 2:07 PM

There is a phenomenon in the United States which most of the public is unwilling or unable to fully acknowledge. The killings by police of unarmed black men and boys is akin to climate change -- for many, seemingly no evidence will convince them that there is a relationship between race and police violence. The justifiably outraged reaction to the apparent murder of Walter Scott suggests that the denial may be finally wearing off. Now is the time to confront that denial and ask whether the reforms that are typically called for are sufficient to combat an obvious disparate impact on black Americans.

For years black Americans and their allies have been saying that officers are killing blacks with impunity. The common reaction is to dissect each fatal encounter and explain what the deceased did to justify being killed. This allowed the majority of the public to disengage from the conversation and write off each death as the deceased's fault. What the shooting of Walter Scott tore off was any pretense of a legal justification that he was posing an imminent threat to officer Michael T. Slager.

What is still missing is any evidence of racial motivation. The circumstantial evidence, though, is strong because each questionable death seems to occur when the civilian is black or brown be it on a New York City sidewalk, the back corner of a suburban Walmart, a park in Cleveland or a field in South Carolina. The recent President's Task Force on 21st Century Policing addressed racial bias and recommended better collection of demographic data of police encounters and the racial composition of police departments and adoption of policies prohibiting racial profiling. Those recommendations have to be expanded upon and implemented.

First and foremost, the dearth of data surrounding lethal use of force must be eliminated. Lawmakers have to force police departments to adopt a culture of transparency where a range of data including the use of force, traffic stops and complaints are made public.

Second, de-escalation tactics must always precede the use of force. The current legal justification for using both lethal and non-lethal force is very broad. As long as officer can demonstrate that he feared an imminent threat of harm and it appears reasonable, he is not subject to any discipline for the use of force.

Third, addressing implicit bias through training may not be enough. What the Department of Justice investigation of Ferguson, Mo. clearly showed is that the bias can be very explicit. Departments have to adopt zero tolerance for racial bias and dishonesty and remove any officers from their forces when racial motivations or lying is uncovered.

① collection of brutality data must start.

② better training in order to deem force unnecessary or used as a last resort.

③ remove violators of brutality restrictions from Law enforcement rolls.

④ thorough investigations are necessary

Law means nothing unless proper consequences are put in place for rule breakers regardless of authoritative position.

Problem → Solution
style of winning (proactive)
[well organized]

[Katz, cont.]

Finally, investigations of deadly force incidents must be far more robust. In far too many troubling shootings, investigators are not willing to ask the officers the tough questions they would ask in any other homicide that did not involve cops but instead let them off the hook with softball questions.

There are no easy answers but the killing of Walter Scott demonstrates once and for all that some cops lie and murder and think they can get away with it. As long as the public was in denial that approach worked, now the burden is on all of us, police departments and their political leadership to say "enough is enough."

Social media brings to the light a more aggressive, racist side of police forces that may lead those who are frequently exposed to the negative publicity to believe that police men and women abuse their power with little to no consequences or repercussions. While scrolling through Facebook on any given day, for example, one may be able to watch videos or read articles about black men, women, and children being shot or brutalized by a police officer, or even several at a time, with little provocation.

- live footage contradicting real-time claims*
- crime scene images to set the scene*
- black community / white officer with prior record*
- two witness accounts that defend the victim*

I am aware that there are malicious police officers, but I am also aware of the fact that isolated incidences do not reflect on police forces as a whole.

By MIREYA VILLARREAL CBS NEWS June 26, 2017, 6:40 PM

Why is convicting officers so rare?

4 Comment Share Tweet Stumble Email

NEW YORK -- From Cincinnati to Milwaukee to Minnesota *Clearly there have been a lot of problems* three trials in seven days all ended with juries not convicting police officers charged with fatally shooting black men. *with police officers racial profiling is alive and well!*

That has led some to ask why convicting officers is so rare.



VIDEO *It is the duty of the jurors to second-guess motive and intention just like with any other criminals.*
Second mistrial declared in case of officer who killed unarmed black man

"They're not easy cases," said Bowling Green State University Professor Philip Stinson, who has been researching that very question.

His data shows police fatally shoot more than 900 people every year. Since 2005, 82 officers have been charged, but only 29 have been convicted, 15 by a jury. *29 = 35% of 82. How in depth is investigation?*

"Jurors are seemingly very reluctant to second-guess the split-second, life-or-death decision of on-duty police officers in potentially violent street encounters," Stinson said. *It doesn't sound right that only 35% are unperturbed anything is a potentially violent situation and it is the officers responsibility to act accordingly*

More importantly, Stinson says, the law is based on a 1989 U.S. Supreme Court *as mentioned in Broughton's article*



Jury instructions state that officers can use deadly force if they believe there's an imminent threat to themselves or others. And use of force "must be judged from the perspective of a reasonable officer on the scene" and not with "20/20 ... hindsight."

Though some officers lose their jobs, the objective is to avoid the court cases altogether.

Ron Hosko, president of the Law Enforcement Legal Defense Fund and a

10/25/2017

Why is convicting officers so rare? - CBS News

Play VIDEO

MN cop found not guilty in shooting death of Philando Castile

former FBI assistant director, says better de-escalation training is needed.

"Not every occasion in America do we need an aggressive bulldog, or certainly a pit bull. We don't need police officers barking at the end of their chain and snapping and snarling at citizens," Hosko said.

At least 20 police officers are waiting to stand trial across the country in use-of-force cases.

Collaborative Writing Project
Group Members:

Course Name
Date 15 Nov 2017

Peer Review Worksheet

Name of author MIA-Myline Melina Name of reviewer Bruce Simpson

1. Introduction: How does the first paragraph introduce both the paper's topic and the writer's approach or general conclusion? Is the first sentence attention-getting and relevant to the topic?

The first paragraph introduces both the paper's topic and the writer's approach by highlighting the flaws from the police officers and the suspects. Yes, it is attention-getting and the author did a great job.

2. What can you identify as a thesis statement? Suggest, if possible, a way to improve the introduction or thesis statement.

The thesis is very clear. It follows the introduction. It names the issues and the ways to resolve those issues by training and investigation.

3. Structure: Can you identify the organization of the paper from the main idea of each paragraph? What are the main concepts explored in the paper? Does each paragraph make a relevant point that is distinct from what has already been covered? What are the main conclusions?

Yes, the author made the main concepts clear in each paragraph which made it easier for me to read. Mica uses repetition on how important extended training is and how beneficial it would be to the police officers and the public.

4. Clarity/Style: Did you find distracting grammar, punctuation, spelling, or word usage problems? Circle them and identify any patterns or themes you detect. Is the tone of the essay formal? If you find awkward sentences, try to explain why they don't make sense to you. *No distracting grammar. Just minor errors. This paper is very formal and the author did a great job. Good sentence structure.*

5. Resources: Does the author clearly identify his/her sources? Is proper in-text and reference format used?

Yes, the author used clear identification of the sources. I don't see any issues with the citation.

6. What is/are the paper's greatest strength(s)? Explain.

The paper's greatest strength would be the introduction and the thesis. Mia did a great job to lure me into her research and make me more interested in reading the paper.

Multiple Perspectives Notecatcher & Claim Development Tool

Name: Mia Mylene Medina

Main Argument		Countering Possibilities		
Sources & Their Credibility	What's this source's main argument? What is the source's most relevant evidence?	Arguing Other Side	Dissenting	Uncovering Values
Stoughton Credibility? - City police officer - State investigator - University of South Carolina School of Law	Police officers should have a <i>Guardian</i> mentality rather than a warrior mentality. "To protect themselves, to even survive, officers are taught to be ever-vigilant." No evidence.	Stoughton makes general statements as to the reaction of civilians vs. officers making it seem as though all officers are only concerned with legalities while all civilians are only concerned with the de-escalation tactics of the officer... when it is grey.	As previously stated, it is not true that all cops evaluate lawfully and that all civilians evaluate in regards to "a better way." What Stoughton does is he creates a black and white fallacy to portray cops as mechanical, non-empathic...	Statistics, examples, or references to the type of police training that creates the "warrior" mentality should be added onto the article in order to back up the claim that most officers "warrior mindset."
Simmons Credibility? - former federal prosecutor - professor and director of the Criminal Justice Program at UFWOL	Deaths and brutality at the hands of police forces should be documented for accurate conclusions to be made about racial profiling/injustice. 2014 - Death in Custody Reporting Act "requiring states and local law... to make quarterly reports about deaths..."	Chavis fails to mention the fact that state laws vary from state-to-state and social settings also vary, therefore data may reflect this disproportion and will prove difficult when considering police brutality to be a serious issue.	Keeping a national database of the number of people killed by police will show just that - the people killed. Each case will vary in circumstances and faults. Victims may be more or less aggressive, confrontational, or complacent.	Why are only 400/1,000 claims being filed annually actually going through? What is the root cause of this misrepresentation? More data and examples should be provided to show the necessity of documentation.
Glennon Credibility? - 3rd generation law enforcement officer - Owner of Calibre Press and the Street Survival seminar for police training	Glennon blames social media and television for the demonization of officers in real life. He claims that the acts of one officer are not an indication of widespread issues and that police use of force is rare. No evidence	Glennon frequently undercuts his own claims in regards to stating both proving him right and also being less, and the fact that police trainees are trained to fear the people that they are supposed to protect.	Glennon presents the argument that he trains police officers and does not realize that this example proves his bias in the situation - having only experienced his own training technique with his own "tack" forces.	The idea of statistic backing his claim is presented multiple times yet there are never any real statistics provided to prove his argument. He should also look outside of his own experience.
Katz Credibility? - former public defender - part of a task force that investigated corrupt officers - member of the NAACP	Cops continue to use force in cases where force is unnecessary because they are not given any consequences and the public refuses to believe that violence occurs unequally towards minorities. President's Task Force on 21st Century Policing	Unarmed black men aren't the only victims of police brutality - minorities and poor people are also affected by prejudice/racist police officers on a daily basis.	De-escalation tactics are useful to learn, however, in the moment officers are still not trained to handle their emotions or natural instincts to fight for survival - that is what needs to be handled.	Each of the four points are only briefly discussed. The suggestions would be much stronger if examples were used to reveal the importance of the law's reformation - why it's needed and what it will do when implemented.