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Donald E. Wilkes Jr.

University of Georgia School of Law, wilkes@uga.edu

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The problem of excessive police violence

By Donald E. Wilkes Jr.

Police who violate the public trust by engaging in inappropriate work-related activities — such as using excessive force — are one of the greatest threats to the protections extended to citizens in a free and democratic society.

- Victor E. Kappeler et al., *Forces of Deviance: Understanding the Dark Side of Policing* — p. 3 (2d ed. 1998).

In 1931, a government body appointed by President Hoover, the National Commission on Law Observance and Enforcement (popularly known as the Wickersham Commission because of its chairman, George Wickersham, a former U.S. attorney general), issued a Report on what it called "lawlessness in law enforcement." The Report detailed and sharply condemned many widespread abuses then being committed by American police, including brutality in making arrests and interrogating prisoners.

Since 1931 lawlessness in law enforcement—also known as illegal enforcement of the law—has been a recognized field of study. There are numerous scholarly works inquiring into when and to what extent our police, while on duty, violate the law—constitutional rights, criminal statutes, tort law, or other legal provisions.

Excessive or unnecessary use of force against citizens by police officers is a classic form of lawlessness in law enforcement. It is not the only form of illegal law enforcement that American police commit, but it is the most horrific one—and it smacks of a police-state.

Official government crime statistics reveal little about lawless law enforcement. They mainly tell us about crimes or acts of violence committed by one private citizen against another private citizen, and about



Professor Wilkes will speak at the AHRF at 7 p.m. Saturday.

crimes or acts of violence committed by citizens against police—even purporting to tell us about how many times (usually unarmed) citizens "assault" (usually armed) police officers. But the statistics are almost entirely silent about crimes or acts of violence (whether lawful or unlawful) committed by police officers against citizens. They reveal nothing about criminal prosecutions of or civil actions for damages against police. They do not reveal how many people the police shoot fatally or nonfatally, or shoot at but miss; how many people are killed or injured by police high-speed automobile chases; how many people are tasered fatally or nonfatally by police; how many people are clubbed, punched, kicked, slapped, or beaten by police; how many people are bitten by police dogs; how many people police pepper-spray, or subject to

a chokehold or to hogtying; how many times, and under what circumstances, and with what results, police detonate explosive devices (including bombs lobbed into homes to execute warrants); or how often police injure persons they arrest or how many people suffer injuries while in police custody or at the stationhouse.

The absence of such crime statistics is scandalous.

Because of the lack of official statistics, information about police violence, including inappropriate police violence, must be gleaned from the media and news reports. Recent examples:

■ Around 9 a.m. on Saturday, Aug. 25, 2012, while pursuing and shooting a gunman who had just committed a murder outside the Empire State Building but fired no other shots, two New York City police officers—in a shootout in which police did all the shooting—fired a flurry of 14 bullets, killing the murderer, but also injuring nine innocent bystanders, with three of them suffering gunshot wounds and six struck by bullet fragments.

Of the 11 people shot that morning, the NYPD was responsible for 10 of those shot, 9 of whom were "collateral damage." One of the bystanders shot by police accused officers of "shooting randomly."

■ Around 5 a.m. on Thursday, Feb. 7, 2013, in Torrance, California, police fired a fusillade of bullets at a mother and daughter delivering newspapers, riddling their pickup truck with bullets after recklessly and ridiculously mistaking them for fugitive alleged cop-killer Christopher Dorner.

Miraculously, the victims were not killed (although photos show their vehicle looked like Swiss cheese after the incident). The LA Times reported: "In their pursuit of a fugitive ex-cop, at least seven officers opened fire on what turned out to be a mother and daughter delivering newspapers on a quiet residential street

... Margie Carranza, 47, and her mother, Emma Hernandez, 71, were the victims ... Police saw a pickup truck exit a freeway and head in the general direction of the Redbeam Avenue residence of a high-ranking Los Angeles police official, which was being guarded by a group of LAPD officers. A radio call indicated that the truck matched the description of Dorner's gray Nissan Titan. As the vehicle approached the house, officers opened fire, unloading a barrage of bullets into the back of the truck. When the shooting stopped, they quickly realized their mistake. The truck was not a Nissan Titan, but a Toyota Tacoma. The color wasn't gray, but aqua blue. And it wasn't Dorner inside the truck, but Carranza and her mother delivering copies of the Los Angeles Times. [Police] declined to say how many officers were involved, what kind of weapons they used, how many bullets were fired and, perhaps most important, what kind of verbal warnings—if any—were given to the women before the shooting began. "How do you mistake two Hispanic women, one who is 71, for a large, black male?" said Richard Goo, 62, who counted five bullet holes in the entryway to his house. Glen T. Jonas, the attorney representing the women, said the police officers gave "no commands, no instructions and no opportunity to surrender" before opening fire. He described a terrifying encounter in which the pair were in the early part of their delivery route through several South Bay communities. Hernandez was in the back seat handing papers to her daughter, who was driving. Carranza would briefly slow the truck to throw papers on driveways and front walks. As bullets tore through the cabin, the two women "covered their faces and huddled down," Jonas said. "They felt like it was going on forever." Hernandez was shot twice in her back and is expected to recover. Her daughter escaped with only minor wounds from broken glass."

■ Moments later, other, nearby Torrance police officers mistakenly shot up a pickup truck being driven by a person who, like Carranza and Hernandez did not match the description of the murder suspect.

The LA Times reports that, in response to the sound of the gunshots being fired at the two women delivering newspapers, these officers slammed their cruiser into a black truck—similar to Dorner's—being driven by David Perdue and opened fire. Perdue's attorney described the shooting as "unbridled police lawlessness" in an interview with the press. The LA Times reports: "David Perdue was on his way to sneak in some surfing before work Thursday morning when police flagged him down. They asked who he was and where he was headed, then sent him on his way. Seconds later, Perdue's attorney said, a Torrance police cruiser slammed into his pickup and officers opened fire; none of the bullets struck Perdue. His pickup, police later explained, matched the description of the one belonging to Christopher Jordan Dorner—the ex-cop who has evaded authorities after allegedly killing three and wounding two more. But the pickups were different makes and colors. And Perdue looks nothing like Dorner: He's several inches shorter and about a hundred pounds lighter. And Perdue is white; Dorner is black."

Media information also suggests that in far too many instances where policemen have used inappropriate force the officers are not held accountable either civilly or criminally.

There are reasons why unlawful police violence keeps reoccurring. Much of this violence occurs in back rooms of police stations or in other places where there are no witnesses present except the victim and the police themselves. Traditional police culture breeds an end-justifies-the-means attitude among officers. There is also the recent militarization of police, which infuses officers with a warrior mentality while equipping them with military-style weaponry and equipment. Also, illegal law enforcement is encouraged by the absence of meaningful sanctions imposed on the offending officers whose misconduct is exposed. Police are in some cases justified in

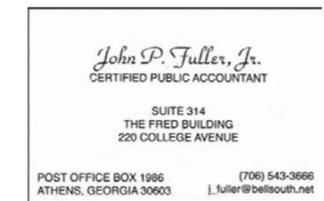


arresting officer. A citizen charged with a nonviolent offense is surrounded by SWAT officers, one of whom inadvertently shoots and kills the citizen. Violent, no-knock entries into homes by SWAT teams are routine events—and even when the offense is nonviolent or minor. In wrong-address raids, SWAT teams burst into the homes of innocent citizens and terrorize them. Students engaged in peaceable protests are pepper-sprayed. Peaceful street protestors are beaten with batons. Prisoners under interrogation in police stations are subjected to the third-degree. "Stories of cops propositioning, harassing, and sexually assaulting women turn up every week around the country," a recent news story says.

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using force, and not every police use of force is excessive or inappropriate. No one is questioning the authority of police to use a reasonable amount of force in appropriate situations. And no one is saying that all police officers commit excessive violence. Nevertheless, on the whole, American police are too violent. This is unacceptable in a country premised on protecting individual rights and preventing governmental abuse of power. Nothing is more inconsistent with American

democratic values than police-state tactics. Inappropriate violence by our police must end.

Calling for an end to unlawful police violence is not an anti-law enforcement position. It is pro-law enforcement. Honest, professional police officers know this. Good cops, like the people of this country, do not want American police to act like the Gestapo.

The problem of excessive violence by police must be solved. Failure is impossible.

Know your rights if you're stopped by the police

We rely on the police to keep us safe and treat us all fairly, regardless of race, ethnicity, national origin or religion. This provides tips for interacting with police and understanding your rights.

Note: Some state laws may vary. Separate rules apply at checkpoints and when entering the U.S. (including at airports).

What to do if you're stopped by police, immigration agents or the FBI:

Your rights

• You have the right to remain silent. If you wish to exercise that right, say so out loud.

• You have the right to refuse to consent to a search of yourself, your car or your home.

• If you are not under arrest, you have the right to calmly leave.

• You have the right to a lawyer if you are arrested. Ask for one immediately.

• Regardless of your immigration or citizenship status, you have constitutional rights.

Your responsibilities

• Do stay calm and be polite.

• Do not interfere with or obstruct the police.

• Do not lie or give false documents.

• Do prepare yourself and your family in case you are arrested.

• Do remember the details of the encounter.

• Do file a written complaint or call your local ACLU if you feel your rights have been violated.

- ACLU



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The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

"All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being. America's own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for all our citizens. For unless there is security here at home there cannot be lasting peace in the world." - Franklin Delano Roosevelt

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Governments in several countries monitor the internet use of their citizens, and have censored and imprisoned people for expressing their opinions in emails, blogs, and chatrooms. In China, people have been arrested and charged for contact with U.S. researchers and for using the Internet to spread human rights information.

- Amnesty International

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