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GOOD, BAD, AND UGLY



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BLACK LIVES MATTER'S DEMANDS FOR REFORMING LAW ENFORCEMENT INCLUDE A FEW POINTS THAT OFFICERS SHOULD APPLAUD BUT OTHERS ARE NOT VIABLE, MISGUIDED, BIASED, AND JUST PLAIN DANGEROUS.

RON MARTINELLI

Stories about the Black Lives Matter (BLM) movement currently fill up the air and print space of national and international news. And it appears that after Democratic presidential candidate and former Secretary of State Hillary

Clinton met with BLM leaders and encouraged them to develop a platform of the changes they would like to see in American policing, they have developed a 10-point program for ending police shootings and alleged acts of brutality that they now refer to as "Campaign Zero," meaning they believe if these measures were instituted there would be no more police shootings of young black men.

To understand the Black Lives Matter movement and its demands, you must first realize that the entire movement is founded upon a number of false narratives. For instance, in a statement introducing Campaign Zero, activist supporter Molly Weasley of

the blog politicalmurder.com erroneously wrote: "More than 1,000 people are killed each year by police. Of those, nearly 60% were unarmed." Weasley fails to list where she pulled up that statistic. That's because a valid source for that statistic doesn't exist. It's a blatant lie.

Here's the truth about officer-involved shootings and in-custody deaths in the United States from the U.S. Department of Justice FBI Uniform Crime Reports and the U.S. Census Bureau. Blacks comprise a little less than 13% of the entire U.S. population. Between January 2009 and January 2012 there were a total of 1,491 officer-involved deaths of citizens. This equates to approximately 372, not 1,000 deaths a year. Of these, 61% involved white males, 32.2% involved black males, and 3.2% involved males of other races. The final 3.2% of police-involved deaths were female subjects. This means that twice as many white males die in police use-of-force encounters than black males.



Approximately 120 black males a year die in police encounters where force is used. Let's look at that in comparison to the overall U.S. homicide rate. During the three years from 2009 to 2012, there were 56,250 homicides nationally. Of those, approximately 19,000, or 39%, were homicides of black males. Whereas only 3.2% of black males killed by homicide were killed by police, a slightly higher percentage of 3.4% of black males were actually killed in justifiable self-defense shootings by private citizens. Yes, that's right. Civilians defending themselves actually kill more black males per year than police do on a yearly basis.

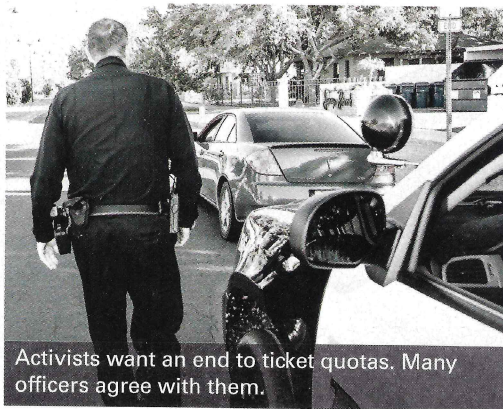
A staggering number of black males who were killed by homicide—17,719 of the 19,000 homicides or 93%—were killed by other black males. This is what is referred to as "black-on-black crime."

Black-on-black crime is an inconvenient truth for the BLM movement that its leaders never seem to address. And here's another one of those inconvenient truths. The yearly FBI statistics of law enforcement officers killed in action record that approximately 41% of officers killed by violent means are killed by black males. A review of the available statistics indicates that black males murder police officers at a rate nearly eight times higher than black males dying during police use-of-force encounters. However, you never will hear anyone from the Black Lives Matter movement or the mainstream media mention this.

Now that I have, in part, discussed the shaky foundation of the Black Lives Matter movement, let's analyze the good, bad, and ugly of the movement's 10-point Campaign Zero plan to reform law enforcement and our justice system.

1 End broken windows policing.

The BLM demands an end to this proven policing strategy where patrol officers proactively enforce minor misdemeanor crimes. They especially want this enforcement curtailed in minority neighborhoods. Minor crimes to them are violations such as prostitution, minor drug sales, drug influence, petty thefts, vandalism, and weapons possession. Really? Are those the crimes you want the police to forget about in your neighborhood? Do you think there might be a relationship between these misdemeanor crimes and more serious and violent crimes? Of course there is, and that is why in every community where the proactive "broken windows" enforcement strategy has been applied, overall crime has



Activists want an end to ticket quotas. Many officers agree with them.

PHOTO: POLICE FILE

been reduced. When that strategy is removed, crimes will rise.
SCORE: Bad (It will accelerate the frequency of serious crimes nationwide.)

2 Community oversight of law enforcement. This involves the use of civilians overseeing and monitoring police actions, including uses of force. Having worked on such a

civilian review board as a consulting expert, I have no problem with this concept as long as the members of the police commission or civilian review board are properly vetted for background and biases; not politically selected; and most importantly, professionally trained in the law and police practices. The problem is that while a number of large cities employ civilian review boards, relatively few are successful. This is because their members are politically selected, have biases against police, and lack the proper level

of training needed to make forensic, rather than emotional or political, decisions.

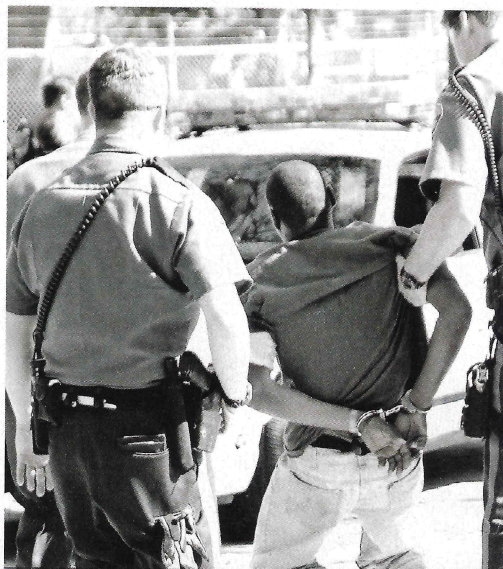
SCORE: Good (But only if the right people are involved)

3 Limit use of force. This demand is intended to establish standards to monitor how force is used by police. We already have this; it's called "the law" and department policies. State and federal statutes and federal civil rights case laws provide legal criminal and civil standards or guidelines by which police actions and uses of force are evaluated and judged under the Fourth Amendment and 14th Amendment. In addition, police departments develop and implement administrative policies that are enforced through the disciplinary process.

All states have commissions on peace officers' standards and training that have codified standards of police practices. There are also national bodies that provide codified police standards. In fact, no other criminal justice profession has more laws and standards than law enforcement and this is rightly so.

What is missing in the BLM's demand regarding limiting police uses of force is specifically what techniques, tactics, and/or weaponry they are suggesting be limited or removed. That's very important to know. Without knowing this, their demand to "limit use of force" is far from viable.

SCORE: Ugly (Dangerous for officers. Use of force should always be regulated by agency policy and the law.)



Activists want an end to "broken windows" policing. But that would lead to a rise in crime.

PHOTO: ANSWERSFROMMEN.COM

4 **Independently investigate and prosecute police for alleged violations.** As the director of a team of professional investigators, medical personnel, and applied scientists who are trained and experienced in independently reviewing officer-involved shootings, in-custody deaths, and other uses of force, I am in favor of this. Even though I find that in the majority of cases, law enforcement generally does a credible job of investigating uses of force; I also find that even at the federal and state level, detectives' investigative and applied science skills can be lacking. I also find that major investigations can be hampered by budgets, manpower constraints, the lack of forensic equipment, and the occasional bias. I favor an independent, multidisciplinary approach to the investigation of serious police uses of force.

SCORE: Good

5 **Police departments should represent the ethnic make-up of the communities they serve.**

For several decades, police departments have done nearly everything possible to recruit, select, and train suitable minority candidates to become law enforcement officers. However, this is a most difficult task. This is not due to racism, as has been suggested by the BLM movement, but rather because candidates from all ethnic backgrounds often lack the appropriate education, background, social skills, mental mindset, and/or physical fitness needed for this unique and demanding job. Last month the Los Angeles County Sheriff's Department reported that only two out of 100 applicants for the position of deputy sheriff passed the agency's comprehensive, multi-phasic selection process and background examinations. As a former police academy director and field training officer, I can attest that the washout rate in the academy and in the field training program is significant. The problem is finding people who want to be law enforcement officers who have the skills and background to do the job well. There may be many people from all ethnic backgrounds who can do the job, but many of them choose to pursue other higher paying and less risky professions.

The BLM movement, the media, and the general public need to understand that when you appropriately demand that police be properly selected and well trained, you naturally restrict the selection process. You can't have it both ways. You don't want to have underqualified, armed police officers on the street making split-second decisions involving detentions, arrests, vehicle pursuits, and uses of force, including deadly force.

SCORE: Good (It's wonderful for people in the community to see people who are like them on the police force. Most agencies work hard to find qualified candidates who represent the ethnic background of the people served, but they are frustrated in their efforts.)

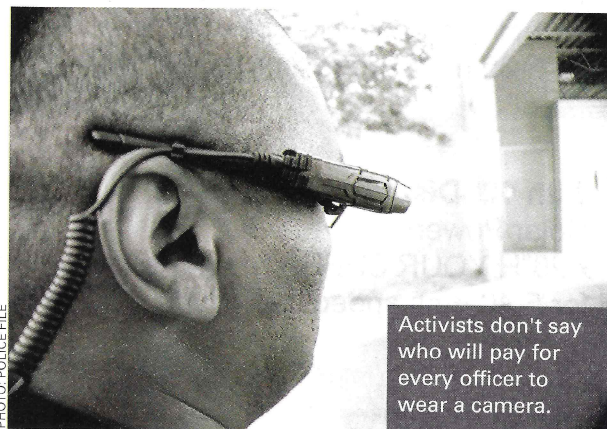


PHOTO: POLICE FILE

Activists don't say who will pay for every officer to wear a camera.

6 **Officers should wear body cameras, have in-car video systems, and civilians must have the right to record officers on duty.** Most officers, including myself, see video evidence capture technology as beneficial to both police and the communities they serve. But there are several problems to its implementation that need to be overcome and understood. First, video evidence capture equipment and storage of the files are very costly and the majority of police departments cannot afford them. Federal grants are helping to make this happen, but there's not nearly enough money in these grants to cover the cost completely. Next, the public needs to understand that forensically, video cameras don't always depict the "totality of circumstances," which is critical in the ultimate analysis of a police action or use of force. The camera only shows what it is pointed at and we live in a 360-degree world. Departments also have to implement reasonable policies on the use of body cameras so officer safety is not affected.

Next, the BLM movement wants to ensure that citizens have the right to record police interactions. Actually, Americans already have this right under the First Amendment. What is needed is better police training that reminds officers citizens have this right. However, citizens also need to be reminded

that once a person records a police encounter, that the recording automatically becomes forensic evidence. Police have the right to collect and review evidence, but not "confiscate" a citizen's camera or cellphone. Again, mutual training is needed so that the delicate balance of evidence collection and civil rights is satisfied.

SCORE: Good (But who is going to pay for it?)

7 **Better police training.** Every law enforcement officer and administrator in America is always clamoring for more and better training. The BLM wants more training on "racial bias." But officers already receive plenty of this training at the police academy and through in-service programs. The people who really need better training are private citizens and the news media. I would make this training mandatory.

In my opinion as a police expert, citizens beginning at the elementary school level should receive training on their civil rights, the law, and legal authority of police officers. Members of the news media covering and reporting on police actions should receive mandated training on these issues. Reporters demonstrate a lack of knowledge of police practices, police legal authority, and civil rights daily when they report on police investigations and uses of force. As long as the BLM movement recognizes that education and training is a two-way street, I fully support their demand for more training.

SCORE: Good (We'll take all the training we can get. But the public needs some training, too.)

GOOD, BAD, AND UGLY

8 **Ending "for profit" policing.** The movement wants "an end to quota systems and limits on fines for low-income people." As a retired police officer, I would agree that quota systems are bad; they still exist in some areas; and should be permanently removed. However, the courts and municipalities set the bail schedules for fines, not law enforcement officers. It would appear unconstitutional and unduly discriminatory to give preferential treatment to low-income offenders, over those who earn more. Therefore, this is not a viable solution. Here's a better one that is guaranteed to both reduce the crime rate while allowing low-income offenders to keep more money in their pockets: Stop committing crimes! It's just that simple.

SCORE: Good, Bad, and Ugly (Ticket quotas are a bane for officers, but we have no control over the policies of cities and counties. Plus, people need to take responsibility for their own behavior.)

9 **End the "militarization" of the police.** This point seeks to end the federal government's 1033 Program that provides military surplus equipment and weapons to local police departments. I think BLM supporters need to first identify what types of military grade weapons they do not want their police to have. Then we can have a reasonable discussion. There are a



PHOTO: ©STOCKPHOTO.COM

An end to police using military-style equipment is one of the Black Lives Matter group's demands.

number of items of equipment that enhance police and community safety. There are admittedly others that are frivolous and not needed.

SCORE: Too vague to score.



10 Have "fair" police contracts. The BLM movement believes that union labor contracts offer police officers too much protection in instances of misconduct. Supporters call for the elimination of barriers that prevent the public from reviewing an officer's disciplinary history. In addition, they call for an end to paying officers on administrative leave while being investigated for an alleged use of excessive force.

Obviously, there are many obstructions to the viability of this demand, including labor laws, an officer's civil rights, and due process. Let me get this straight. BLM activists march against police alleged abuses of civil rights; yet they have no problem with taking away some of those same protections from police officers. They want police officers immediately suspended without pay before they have been found guilty of alleged violations. These activists, who so vehemently protest police officers' alleged violations of due process in deadly force confrontations, want to violate that same due process for officers who are being investigated? Does anyone see a problem here?

Next, regarding the public's "need to know," vs. the public's "right to know" about an accused officer's personnel files. Said files are protected by labor and other civil laws. There are firm criminal and civil remedies already in place to ensure this balance is maintained. The trier of fact in any determination as to

whether or not an accused officer's personnel file can be opened to the public is the court. There are no problems with this system and I agree with it.

SCORE: Ugly (Officers have a right to due process and cannot be stripped of hard-won union rights.)

In summary, much of the 10-point Campaign Zero program of the Black Lives Matter movement is based on false assumptions and lacks substance and viability because the activists have no factual context to support their demanded reforms. To date, BLM's leaders have been unwilling to listen to or even research the facts. Until they are willing to honestly look at the socio-criminal and political issues that drive high crime rates and this new war on police that they, in part, have instigated, their 10-point justice reform plan cannot be taken seriously. ☉

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