

The Virgin Islands Consortium

Can Law Enforcement Eliminate Minorities Killings?

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This opinion piece was submitted by: Dr. Celvin “CG” Walwyn, who started his career as a Virgin Islands law enforcement explorer. It is being published in light of recent racial tensions in America following the [deaths of black civilians](#) and [five police officers](#).

Introduction

Over the years, the New York Police Department has been the source of protests by civilians who do not take light the fact that officers of the New York City Police Department (NYPD) have had many shootings that might be misunderstood (whether true or not) as racist. Neighborhood activists have protested to the Mayor and the City Council but the problem exists.

Analyze race and culture within American society

When one thinks of the New York Police Department and police brutality, they conjure up memories of Amadou "Ahmed" Diallo, a 22-year-old immigrant from West Africa (Jet Magazine, 1999), the Abner Louima "police plunger incident" where a Haitian immigrant (Louima) was allegedly anally assaulted by one of NYPD's finest. It is alleged the assault was committed by forcing the handle of a toilet plunger up Louima's anus (Jet Magazine, 1997). New York City residents overcame the Louima incident.

The people of New York are fed up with their police killing one black man after another. They believe that the Mayor and City Council are not listening. Three shootings by police have caused another round of emotional appeal by the New York City minority citizens to halt the murder of black men by the New York City Police Department (AP Reports, 2006). They are asking for answers and want to know what the New York City Police can do to stop the killing of New York City's black men, even black policemen.

According to the Police Policy Council (AP News, n.d.), in 1995, NYPD officers fired 1700 shots at their citizens. The total bullets that hit their targets were 300. In 2001, the number of bullets fired at citizens was 200; the amount that found their target was approximately ten victims. Sean Bell one of those victims. Bell was leaving his bachelor's party at a club when undercover NYPD officers approached him. Not knowing who the undercover police officers were, Bell allegedly drove his vehicle at the undercover officers and hit one of the cops. The police officers allegedly discharged their firearms, killing Bell.

According to the reports, Police Commissioner Raymond Kelly said the groom was involved in an argument outside the club after 4 a.m., and one of his friends made a reference to a gun. An undercover officer walked closely behind Bell and his friends as they headed for their car. As the undercover officer walked toward the front of the vehicle, the vehicle's occupants drove forward — striking him and an undercover police vehicle, Kelly said.

If what the commissioner said was true about the officers discharging their duty weapons at the departing vehicle, then according to New York City Mayor Bloomberg (Fox News, 2006), the police appeared to have violated the policy stating that officers cannot shoot at a vehicle being used as a weapon if no other deadly force is involved. "Sometimes things happen and they're inexplicable. There is no reason to suspect this had any racial overtones."

Analyzing the public safety system in minority communities

But that shooting will not be the only shooting where the police have been accused of shooting a black man. In 2007, an off-duty NYPD Officer became responsible for the death of Honduran immigrant Fermin Arzu in the Bronx. According to Juliet Papa (2009) Officer Lora was off duty and at home when he heard the sound of an automobile crash. Officer Lora grabbed his badge and gun and ran to the direction to the sound. Fermin Arzu allegedly refused to stop when directed by Officer Lora who then discharged his duty weapon when he felt that was in danger of being dragged by Arzu (Papa, 2009). When Arzu refused to stop, Officer Lora discharge his weapon, which resulted in the death of Mr. Fermin Arzu. Again, if Mayor Bloomberg is correct, this is another blatant

violation of policy by shooting after a moving vehicle.

On May 28th, 2008, The New York Daily News reported that another black man was shot down in the streets of New York by a white police officer. A white police officer shot an off-duty black cop on a Harlem street. Officer Omar Edwards, a 25-year-old newlywed, was chasing a man who had broken into his car. Witnesses said that Officer Andrew Dunton was passing by in an unmarked police car and saw Officer Edwards with a gun. Witnesses said Officer Edwards did not respond to the commands of Officer Dunton to drop the gun. This time, the shooting was different; it was a white cop killing a black cop.

But this is not the first time a black cop was shot by a white police officer. On August 22, 1994, Robinson, a black undercover Transit cop, was chasing an armed teenager in a Manhattan subway station (O'Shaughnessy, 2009). Peter Del Debbio, a white officer on his way home, mistook Robinson for another gunman and fired five shots, hitting Robinson four times in the back. For Robinson, the fatal shooting of Omar Edwards Thursday night in Harlem brought back an all-too-familiar scenario: A black man chasing someone, the gun was drawn; a white cop springs into action, and shoots the gunman, who turns out to be a fellow officer. But what is the reaction of the community when a black cop kills a black citizen? Is the reaction from the community activists any different?

In July 2009, 49-year-old Shem Walker was on his stoop (step) taking a smoke when he noticed that there was a black male sitting on the stoop. The black male appeared to be transient and Walker did not want the activity on his mother's stoop. The stranger was wearing headphones and appeared to not hear Walker's command to get off the stoop. It is alleged that he thought that the stranger was ignoring him. Walker, a military veteran, allegedly kicked the stranger in the back of the head, knocking him off the stoop. The stranger got up and turned around to see who kicked him. As he turned around Walker punched him in his face, causing a cut over his eyes. Confused as to what happened, the stranger identifies himself as a police officer and draws his service weapon. Walker, seeing the weapon, grabs it, and both men struggle for control of the weapon. As the struggle ensues, the firearm is discharged. Walker is hit in the chest. He is later pronounced dead.

The community is outraged at counting white cop after white cop killing black men, even black officers. The community has increasingly called for the prosecution of officers who kill unarmed citizens. But the community also calls for the prosecution of black officers who shoot black citizens as well. In the case of Walker, the community activists were quick to say that their protest was not about race, it was about justice and asked for an independent investigation into the shooting (Barker, 2009). It is true; it is not about race because both Walker and the undercover officer were black. There were a few whites involved as in the Sean Bell incident. This story did not even make the mainstream media. It was a black on black shooting.

But what about Walker's actions, were they in part responsible for leading to his death? Al Sharpton, at Walker's funeral, allegedly stated that the city should have sent a representative to Walker's funeral (Gendar, 2009). The city declined. Walker was committing a crime when he was killed. He was beating a man allegedly he thought was homeless. Walker did not have the authority to arbitrarily administer punishment at will. If the stranger was trespassing on the property, he had a duty to call the police after the intruder refused to leave. Instead, allegedly he took the law into his own hands. Even the

Guyana Caribbean Institute for Democracy (GCID) overlooked this fact when they demanded that the New York State Attorney General file charges of murder against the undercover cop for murdering Walker (Suralie, 2009). Balko (2009) stated that a few days after the shooting of Walker, the community held a candlelight vigil on the site. A patrol officer drove by and saw the crowds and demanded identification of the participants. The exchange became heated and more units had to be called in to break up a physical altercation between the police and the relatives of Shem Walker. Such insensitivity by the NYPD Officer could have lead to more violence and definitely did nothing to foster a meaningful relationship between the police and community.

Solution to improve police relationship between the police and minorities

Are police officers punished for their actions when they shoot unarmed civilians? Are they punished when they shoot fellow police officers? The citizens of New York have differing opinions. Some believe that there is no justice; some believe there is "Just Us" (meaning minorities). In fairness to the City of New York, Officer Lora, the cop who shot Fermin Arzu for not stopping after a traffic accident, was convicted and sentenced to 15 years in prison. He is appealing the sentence. Officer Dunton, the cop who shot Officer Edwards, was no-billed by a grand jury. That means that he will face no criminal penalties for his actions.

Two things learned during the research for this paper was that most of the victims of the police shootings discussed here were immigrants. It appears that there is a large community of immigrants in Brooklyn. Most of the shootings were done by off-duty officers and two of the victims were off-duty police officers. All of the victims were minorities. It would benefit the agency to look at the shootings again and determine if there is an attitude of trigger happiness among officers? Is there a lack of respect for immigrants? Citizens have asked the question: Is there an unspoken rule that says if a white officer shoots a black man it is okay, as long as he does not shoot a white man? There is definitely a need for remedial "Shoot, don't shoot" training."

The New York City Council became so concerned about the shootings that they authorized a study of the police shootings by the New York City Police Department (Parascandola, 2007). A panel recommended that there be better training for supervisors of undercover operations. According to Parascandola (2007), the panel also recommended that officers in marked police cars be kept on standby and patrol officers be made aware of the undercover operation beforehand; as they believed their presence at the scene might have prevented the shooting.

Satzewich & Shaffir (2009) studied racial profiling in Canada and found that most officers will deny that there is racial profiling. Their study showed that even cops who are not thought of as being prejudiced if caught up in the moment, can lose focus and become a racial profiler if only for an instant. Toronto is a city that is close to the State of New York. While there was proof that there is the potential for racial profiling in that part of Canada, there is no proof that the New York City Police Officers were racially profiling any of the victims. The fact that many of the victims were immigrants or descendants of immigrants has not been factored into the equation.

Looking at the whole issue of these shootings would lead a rational person to believe that the police overreacted in the Bell shooting. The officer who shot Officer Davis also

overreacted. The recommendations would be to have these officers or the whole agency take sensitivity classes and to include in the annual block training, realistic scenarios relating to the encounters that resulted in the loss of life. Some of these shootings were labeled accidental. But that is only one part of the problem. It is evident that there is a great disconnect between the New York Police Department and its minority and immigrant communities. A study needs to be done on the recruiting and retention rate of minority officers in the police department. There seems to be a drawing of the police to the immigrant community or is it possible that the immigrants are drawn to the high crime areas (not supported by data) and are just pawns in the bigger scheme of non-community support for local law enforcement?

Egon Bittner's classic analysis of the police role is one that is 'best understood as a mechanism for the distribution of non-negotiable force'. This does not mean that police use violence in performing everyday tasks: the point is that, for Bittner, the police role is defined by the potential application of legitimate force. Generally, they concentrate on unlawful police violence, its potential control by law and other means, and the connection between violence and police culture. There are other avenues for effecting change, including recruitment, training, and individual officer accountability.

Can Justice Be Found For The Victims?

In the aftermath of a police shooting and the arrest of a police officer being held accountable for his/her actions, is it possible for a white police officer to get a fair trial in the Bronx? That question is similar to one that asks, "Can a minority American get a fair trial from an all white jury? The result of the verdict in the Diallo's killing clearly answers the first question. With Bronx minorities making up 80 to 90% of the jury pool, a change of venue was requested. There is justice in the Bronx, but the residents cannot see it. Prosecutors routinely get convictions in criminal cases because the minority American community wants safe streets as much as any other community. Minority juries are as "fair" and "intelligent" as any jury. But are the minorities expected to continue to accept the status quo of the NYPD, or are they prepared to answer the call of duty to do the right thing and come forward to serve on juries and hold the police accountable?

According to Dr. Atiba Goff of the Russell Sage Foundation "For the past three years, the Consortium has worked jointly with the Denver Police Department to conduct research on racial bias in officers' decision to shoot, gender equity in officer retention, the efficacy of diversity training in its police academy, and racial bias in use of force." Phillip Atiba Goff, Ph.D., Russell Sage Foundation Visiting Scholar, is an Assistant Professor of Psychology at UCLA, and Executive Director of Research for the Consortium. So extensive is this issue in law enforcement, that many agencies in North America (including Canada) are conducting seminars on how to stop this trend of arbitrarily killing minorities before it becomes a national epidemic.

Conclusion

Finally, police agencies should attend the use of force consortiums to determine if they can glean any ideas to assist them in averting what could potentially lead to more gun violence between police officers and their minority communities. The accidental or intentional shooting of citizens by the New York Police Department is by itself a problem; the shooting of fellow officers, who have been through the same training, is an even

bigger problem. Blacks are not the only ones being shot by fellow officers; Hispanic officers are also being shot (Perez, 2006). To date, there was no listing of any white (NYPD) officer being mistaken for a criminal and shot because he was holding a gun. This fact shows that there is a total disconnect in the confrontational training, or lack thereof, offered by the some police departments. Ironically, this paper was written in 2009, yet in 2016, many of the concerns of police killing young minority men expressed in 2009, have been and continue to manifest themselves in minority communities beyond New York. Not all police officers are bad, not all minorities are bad. Regardless of the race of the random actor, he or she must be held accountable for their actions.

About the author: Dr. Celvin "CG" Walwyn holds a Ph.D. in Public Safety with a Specialization in Leadership, a Masters Degree in Security Management with a Concentration on Homeland Security, and a Bachelors Degree in Criminal Justice. He served as the 2011-2015 Commissioner of Police with the Royal St. Christopher and Nevis Police Force, the 2014 Chairman of the CARICOM Police Commissioners and Military Chiefs, and a former Texas Police Chief, who retired after serving 30 years as a veteran of Florida, Texas, and Caribbean law enforcement. He began his career as a Virgin Islands Law Enforcement Explorer. Find more on Dr. Walwyn on LinkedIn or contact him at cgwalwyn@me.com or @drwalwyn on Twitter