

INNOCENT LIVES MATTER



By Jay B Gaskill

There are several lessons from the “Black Lives Matter” campaign, among them:

- ✓ Law enforcement is on one side, predators on the other.
- ✓ For every bad cop (a very, very rare thing in my long experience), there are thousands of dangerous crooks.
- ✓ Effective numbers of on-duty officers are the key to public safety, because well-deployed police forces do deter crime.
- ✓ Police officers do not actually want to shoot their service weapons in the field. To say that shooting a gun is a last resort for any police officer is a huge understatement.

We enjoy safety because we live behind the thin Blue line. But who are the first to suffer when police coverage is inadequate? ...Those who must live in the poorest neighborhoods. In every city, they will suffer first and most.

In Oakland, where I served as an Assistant Public Defender and later was appointed to run the County Public Defender’s office, the poorest neighborhoods were populated with struggling families, predominantly African-American and Hispanic. They couldn’t afford burglar bars on their windows, surveillance cameras, private security, or any other crime protection than to - *“Call 911 and wait...and wait.”*

Unlike the comfortable folks living in gated communities, Oakland’s poor were (and to a tragic degree still are) forced by circumstances to live in danger. Poor families were denied the one fundamental entitlement without which all other entitlements are meaningless: the right to effective police services. It’s hard enough being poor without being constantly victimized by thieves and thugs.

So it is particularly tragic when some high publicity police misconduct incident stokes anger towards “the police.” Whether any particular officer is justified or is way out of line, the resulting hue and cry will weaken support for law enforcement. I have seen the consequences: Police morale tanks; crime witnesses decline to cooperate; and politicians hesitate to fund additional police resources.

Thankfully, most communities support their police forces. But there are toxic undercurrents in every community: In more rural communities, we think of the meth epidemic, something that can

spike without warning and overmatch law enforcement resources. In urban neighborhoods, there are criminal gangs. And everywhere, criminal acts are opportunistic. This is why a visible, responsive police presence holds down crime. And why, in stable neighborhoods, the social capital of trust networks among the law abiding neighbors, crime is also lower.

Police shootings are always troubling, even to the officers involved and even when they are fully justified. When the shooting victim is black, there is often a hair trigger reaction among the local African American community. This distrust quickly and opportunistically can grow into a political movement based on a thoroughly outmoded caricature of police officers as a bunch throwback, gun-toting “crackers.” The truth is that the overwhelming majority of America’s police officers are in service for idealistic reasons. Most police officers serve their entire careers without firing their service pistols, except on the range.

Few civilians appreciate the risks police take when, without backup, they must approach someone in a car, an alley, in poor lighting, or when outnumbered. They are damned if they have a firearm ready, and quite possibly dead if they do not.

Years ago I was driving my wife and two small children from California to see my parents in Idaho. I was a career public defender on vacation. I didn’t know it, but this was to be my law enforcement epiphany.

About 80 miles from my destination, after driving for more than 12 hours, I was ticketed for speeding. The practice then (later discontinued) was to require the driver to post bail at the nearest police station; but in this case I was allowed to use the station in my parents’ town.

So I arrived, put the kids to bed, and borrowed my mother’s car, an old Dodge, and went to find the local police station. But the station had moved since my last visit, and I soon found myself in a dark cul-de-sac. But before I could turn around, a patrol car suddenly lit up in front of me. I hurriedly backed up, having been conditioned to expect that any police car that suddenly lights up like that is responding to a call. As it turned out, I was the target. I was ordered out of my mother’s car and directed to produce ID. Cranky and full of civil rights fervor, I slammed my wallet down on the hood of my mother’s Dodge.

Only then did I notice that the officer had his hand on his sidearm. I backpedaled as best I could, dropping the names of some local judges I knew. This drew a stone-faced response. Then I remembered a classmate, E. H., a long-time friend who was (I hoped) still a member of the force. When I mentioned his name, everything melted, and the officer and I were soon on a first name basis.

The officer then explained that this was the location of several burglaries; that he could not tell in the dark whether I had other people in the car. He was alone without backup. He confided to me that he was frightened. ...Frightened. My African American friends and colleagues can attest that I am and was then a white dude. I can attest that any person of any color in that situation would have been perceived as a potential threat.

Whenever you encounter a rant about police racism and excessive force (hard to avoid in the current hysterical atmosphere), keep some facts in mind:

- ✓ Brave African American police officers are on duty, shoulder to shoulder with their brothers in Blue, 24-7, fighting the same enemy.
- ✓ Then look at the victim demographics: Recently in Oakland, African Americans made up 67 of the city's 90 homicide victims. In San Francisco, they were 50% of all homicide victims. In Los Angeles, 43% of homicide victims were Latino, 38% were black.
- ✓ This pattern is repeated across urban America. Poor people, often minority poor people, are disproportionately numerous among the lists of homicide victims.

Every killing that is prevented by a police presence, saves innocent lives: The homicide victim: spared. His or her family: spared. The neighborhood: spared. Even the would-be killer's family is spared. The bottom line: **Innocent lives matter.**

As a public defender in Oakland, I witnessed the rise of the Black Panthers, a race-based "protest" group that mutated into a destructive force. While I was defending a burglary case in the Alameda County Courthouse in Oakland, Black Panther "Defense Minister", Huey P Newton was being tried next door for the murder of a police officer. It was a retrial after a hung jury. During a recess in his case, Newton, with his lawyer, Charles Gary, entered my courtroom, and sat in during my final argument.

Huey P Newton was an intelligent, charismatic figure with devout, but uncritical followers. The Black Panthers began in idealism, and mutated into a criminal gang. The famous slogan was "*The Revolution has come, it's time to pick up the gun. Off the pigs!*"

In 1968, Panther Eldridge Cleaver led an ambush of Oakland police officers, during which one Panther was killed. Newton himself was killed in 1989 by a drug dealer.

Oakland's police never quite recovered. Years ago, my office had an intake of 180 murders in one year. This was for the whole county, but Oakland accounted for the vast majority of killings. More recently, Oakland's homicides were "down" to 85. In a small town, say one of 50, 000, that would be about two killings a month.

After all these years, Oakland is still seriously under-policed.

Do take a moment to tell the next police officer you encounter that you appreciate all that he or she does for the community.

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Portions of this piece were published as an OP Ed in The Post Register, a regional Idaho newspaper. www.postregister.com Jay B Gaskill served as the 7th Alameda County Public Defender before leaving his "life of crime." He now lives in Idaho Falls, his former hometown.