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CONFIRMATION BIAS CAN BE LETHAL

Why did a “routine” traffic stop cost a Philadelphia man’s life?



For Police Issues by Julius (Jay) Wachtel. On August 14, two Philadelphia police officers assigned to the 24th. police district were on routine patrol [when they observed](#) a car “being driven erratically” in the area of “B” Street and Westmoreland. According to then-police commissioner Danielle Outlaw (she’s since announced her resignation) Officer Mark Dial, the passenger, and his partner, the driver, asked dispatchers whether that vehicle had recently raised suspicion (it hadn’t).



Officer Dial and his partner followed the car for about a half-mile as it drove down Westmoreland, turned left onto Lee St., and left again at Willard, a one-way street that runs in the opposite direction. After going the wrong way for a short distance it pulled to the left curb and parked.

That’s where PPD’s initial account – that the vehicle’s driver and sole occupant, 27-year old Eddie Irizarry, promptly jumped out wielding a knife – apparently went off the rails. As Ms. Outlaw acknowledged two days after the tragedy, Mr. Irizarry never stepped out of the car. Instead, [Officer Mark Dial shot and killed him](#) while he remained seated behind the wheel, with the windows rolled up. And yes, the encounter was captured by a stationary camera. We clipped this sequence of images from the [video](#), which was posted online.

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Images 1 & 2 depict Mr. Irizarry's arrival (again, his car is going the wrong way). He quickly pulled to the curb, ran over a traffic cone, then backed in, blocking a parked SUV (3). His car stopped moving at 12:24:10. The police car arrived five seconds later (3-4). Officer Dial exited the passenger side at 12:24:16. He immediately walked around the front of Mr. Irizarry's car, reportedly yelling "show me your hands!" and "I will f***ing shoot you!" (4 & 5). Officer Dial began firing through the driver side window, which was rolled up, at 12:24:22 (6). That's *six seconds* later. And he kept shooting as he walked away (note the shattered glass) (7). His final, final, sixth round was fired at 12:24:24, *eight seconds* after he got out of the police car. Officer Dial then went to the passenger side of Mr. Irizarry's car, and his partner came to the driver's side and opened the door (8). They placed Mr. Irizarry in the police car and drove him to the hospital. But it was too late.

Here's the sequence using clips from [Officer Dial's bodycam](#):



Image 1 shows the police car's arrival. Image 2 depicts Officer Dial walking to Mr. Irizarry's car. Images 3 & 4 show him as he begins shooting, and Image 5 as he continues firing while walking away.



What do we know about Mr. Irizarry? [His family and their lawyers contend](#) that he suffered from chronic “mental problems”, including schizophrenia. These issues, however, apparently didn’t prompt any past police intervention. According to lawyer Shaka Johnson, Mr. Irizarry “has never been arrested a day in his life...He’s never seen handcuffs, the inside of a jail cell. Ever in 27 years. Never had a negative encounter with police.” We confirmed through [Pennsylvania’s official portal](#) that Mr. Irizarry has no State

record of a criminal arrest. However, our review of [Philadelphia municipal court records](#) turned up a 2018 case in which Mr. Irizarry pled guilty to disobeying a traffic control device (Docket #CP-51-SA-0000205-2018). While that’s no great shakes, it seems consistent with his allegedly erratic driving, including making that improper left turn onto Willard St. (see right).



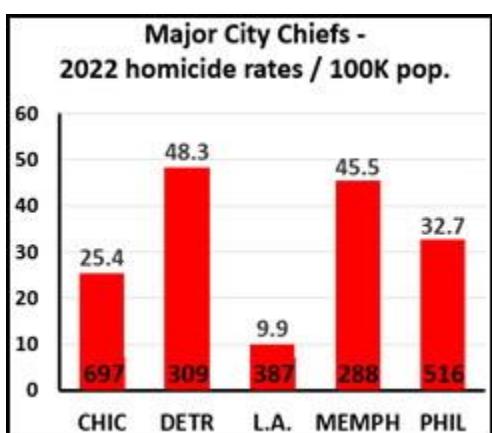
Still, considering that Mr. Irizarry remained in his car, and just how quickly Officer Dial opened fire, there may seem to be little reason to probe further. Most importantly, there’s no indication that Mr. Irizarry had a gun. We don’t have access to the bodycam video of the police car’s driver. But according to the lawyers for Mr. Irizarry’s family, who apparently do, Officer Dial’s partner quickly announced “he’s got a knife.” That supposedly spurred Officer Dial to order Mr. Irizarry to “[drop the knife.](#)” ([Police commissioner Outlaw’s account](#) substituted the word “weapon” for “knife”. Implications-wise, that’s a *big* difference.) And when Officer Dial took his brief glimpse through the driver-side window – which *was* rolled up – he supposedly observed Mr. Irizarry “holding a small, open folding knife against his thigh.” It turns out that there were *two* knives in the car, and both were in plain view. Officials described one as a “serrated folding knife” and the other as “some type of kitchen knife” (the family’s lawyers said that Mr. Irizarry had a “pocket knife” he used for work.)

Clearly, neither dodgy driving nor having knives justifies killing. These behaviors may, however, provide some insight into where Mr. Irizarry was “at”. Perhaps the same applies to Officer Dial. Our essays are replete with chaotic episodes where cops inappropriately use lethal force. Sometimes a citizen waved a knife. Sometimes cops “saw” a gun that wasn’t there. Sometimes a troubled, uncompliant soul – [Ta’Kiya Young](#) comes to mind – stepped on the gas at the wrong time. On occasion, the

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justification for responding with gunfire was clearly lacking. For a recent (and most depressing) example check out "[San Antonio Blues](#)." It's about three cops who fired through the window of an apartment, killing a mentally troubled woman who threatened them *with a hammer*. Bodycam videos created such a compelling narrative that the officers were promptly arrested for murder (click [here](#) for a narrated video compilation).

Ditto, Officer Dial. Thanks to the neighborhood camera and his own bodycam, what happened doesn't really seem at issue. [He's been charged with murder](#) and is out on \$500,000 bail. A preliminary hearing is set for September 26. But that's not quite the "end of the story". [According to his lawyer](#), video (we assume, from his partner's bodycam, which we haven't seen) "demonstrates completely that Officer Dial got out of his car, ordered him to show his hands, and then heard 'gun.' You can hear it on the video. He then saw an individual pointing what he thought was a gun right in his face."



We'll have more to say about Officer Dial's decision-making later. For now, we as usual turn to *place*. To begin with, he and his partner worked in a particularly violent metropolitan area. Check out our comparo on the left, which was prepared from data published by the [Major City Chiefs](#). Philadelphia's 2022 murder rate (rates on top, number of incidents below) was *more than three times* L.A.'s. It even surpassed the rate of notoriously violence-stricken Chicago!

Still, as we emphasize in our "[Neighborhoods](#)" posts, when it comes to making inferences from statistics, citizens don't live – and cops don't toil – in aggregates. What *really* matters are neighborhoods. Let's examine Philly's:

2023 Phila. criminal homicides thru 9/5 Five highest-rate ZIPs					2023 Phila. criminal homicides thru 9/5 Five lowest-rate ZIPs				
ZIP	Pop	Pov	Number	Rate/1K	ZIP	Pop	Pov	Number	Rate/100K
19132	32598	34.1	20	61.4	19102	4793	16.6	0	0
19139	44789	29.2	19	42.4	19103	24854	9.1	0	0
19121	33708	38.9	14	41.5	19115	35226	9.7	0	0
19134	59230	39.4	23	38.8	19118	9999	6.8	0	0
19140	53979	40.6	17	31.5	19119	28509	10.5	0	0
Average		36.4	13.5	43.1	Average		10.5	0	0

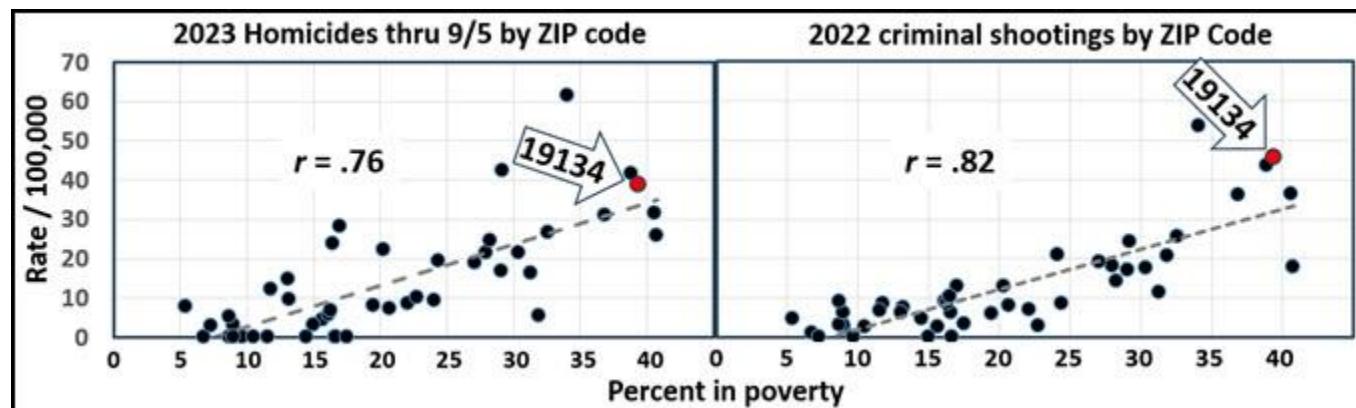
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Officer Dial was assigned to Philadelphia PD's [24th. District](#), and the encounter, from beginning to end, took place within its primary ZIP, 19134. We downloaded and ZIP-coded January 1 – September 5, 2023 homicide data from the [city's official website](#) and obtained population and poverty numbers for each of Philadelphia's 35 residential ZIP's from the [Census](#). With a deplorable 39.4 percent of its citizens in poverty ([U.S. is 12.6 percent overall](#)), ZIP 19134 (it's highlighted in red) was the city's third-poorest. And with a murder rate of 39.4 per 100,000 population, it was its fourth most lethal.

Violence isn't only measured by murder. CBS collected data about [criminal shootings](#) in Philadelphia in 2022, and we ZIP-coded their locations. Here's how *that* can of worms turned out:

2022 Phila. criminal shootings 5 highest-rate ZIPs					2022 Phila. criminal shootings 5 lowest-rate ZIPs				
ZIP	Pop	Pov	Number	Rate/10K	ZIP	Pop	Pov	Number	Rate/10K
19132	32598	34.1	175	53.7	19118	9999	6.8	1	1.0
19134	59230	39.4	270	45.6	19119	28509	10.5	7	2.5
19121	33708	38.9	147	43.6	19106	13064	5.4	6	4.6
19140	53979	40.6	196	36.3	19137	8384	14.5	4	4.8
19133	25798	36.9	93	36.0	19102	4793	16.6	3	6.3
Average		38	176	43	Average		10.8	4.2	3.8

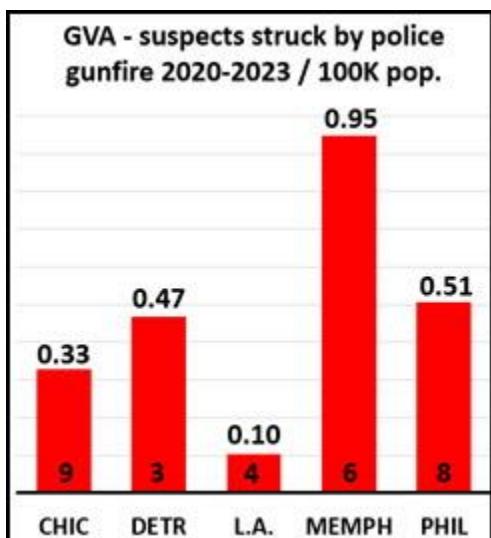
ZIP Code 19134 (highlighted in red) comes in second-worst out of thirty-five. That's decidedly not something to brag about. Neither is the disquieting fact that, as we chronically harp in our "[Neighborhood](#)" posts, poverty and violence are virtually in lockstep. Check out the "*r*" (correlation) statistics on these graphs:



Correlations can range from zero, meaning no association between variables (i.e., poverty and crime), to one, meaning a perfect, lock-step relationship. With an *r* of "plus" .76, Philly's poverty and murder rates are, statistically speaking, very closely linked.

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Ditto, poverty and criminal shootings. In fact, at $r=.82$, that measure comes tantalizingly close to perfection. Of the lousy kind.



Let's look at officer-involved shootings. We downloaded data from the [Gun Violence Archive](#) on suspects struck by police gunfire in our five cities between 2020-2023. Our bar graph on the left (rates on top, number of incidents below) places Philadelphia in the unenviable position of surpassing chronically-beset Chicago and Detroit in terms of police gunfire. We also obtained information about officer-involved shootings in Philadelphia between 2018-

2023 from its [police portal](#) (see right). That revealed that ZIP 19134 (circled in red), where Eddie Irizarry suffered his fatal encounter, had the greatest number and, as well, the highest rate of shootings. ZIP 19134 is actually served by two precincts, 24 and 25, which are housed together. Their officers also handle areas within several other ZIP's, and three of those (19124, 19140 and 19133) had a substantial number of shootings as well. And that unholy relationship between crime and poverty is clearly evident. Notice how average poverty across ZIP's (circled in red) worsens as the number of police shootings increases from zero to one, then to two, and finally to three-plus.

PPD ZIP's with 3+ shootings by police 1/1/2018 - 8/17/2023				
ZIP	Pop	Pov	# Shtgs	Pcts
19134	59230	39.4	7	24, 25
19144	44831	28.3	5	14, 39
19145	44743	16.3	5	1, 17
19124	71209	32.6	4	15, 24, 25
19140	53979	40.6	4	25, 39
19146	40743	13.1	4	17
19133	25798	36.9	3	22, 25, 26
19148	50744	19.5	3	3, 4
Average		28.3		

PPD ZIP's with 0-2 shootings by police 1/1/2018 - 8/17/2023		
# ZIPS	Avg. Pov.	# Shtgs
5	23.4%	2
17	22.0%	1
16	14.4%	0

Lethal blunders have befouled policing since time immemorial. Supposedly well-intentioned officers were being charged with murder long before the George Floyd imbroglio hardened public and prosecutorial attitudes towards the police. Consider, for example, the 2017 killing of [Justine Ruszczyk](#), a well-meaning, middle-aged Minneapolis resident who unexpectedly walked up to the police car that responded to her 9-1-1 call.

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The officer who shot her [wound up serving three years](#) for manslaughter and third-degree murder.

Officer Dial had been a Philadelphia cop for five years. We otherwise know preciously little about him. What we *do* know is that he worked in an especially poor and violence-prone zone of a violence-beset city. “[Working Scared](#)” emphasized that officer personalities are shaped by their working environment. As its subtitle asserts, “fearful, ill-trained and poorly supervised cops” are indeed “tragedies waiting to happen.” Was Officer Dial’s workplace so beset will ill-behavior that it exerted an unholy influence on every citizen-officer encounter? That’s where “[confirmation bias](#)” comes in. It’s the normal human tendency – meaning *everyone*, not just cops – to interpret things in a way that reinforces their pre-existing biases and beliefs. Mr. Irizarry’s erratic driving and, particularly, his rejection of authority figures – he immediately rolled up his window – might have “confirmed” Officer Dial’s biases and badly distorted his decisions.

It might even explain why a cop “saw” a non-existent gun. That, of course, doesn’t excuse his behavior. Really, police officers *are* human. They’re also well-armed. Although they’re also supposedly carefully selected, well trained and closely supervised, some continue to impulsively react with gunfire. Why is that? Are those working in violence-beset areas particularly affected? Might instinctively drawing a gun when danger looms be partly to blame? Given the quirks of human nature, and not just those of the badge-wearing kind, avoiding interminable replays would require that police embark on a brutally honest, in-depth exploration of the underlying issues. We mean at *every* academy session, *every* command get-together, and, most importantly, *every* roll-call, from now until the cows really *do* come home.