

Posted 10/10/20

R.I.P. PROACTIVE POLICING?

Volatile situations and imperfect cops guarantee tragic outcomes



For Police Issues by Julius (Jay) Wachtel.

Banged on the door, no response. Banged on it again no response. At that point we started announcing ourselves, police, please come to the door. So we kept banging and announcing. It seemed like an eternity.

That, according to Louisville police sergeant Jonathon Mattingly, [is how the infamous March encounter began](#). In testimony before a Grand Jury, the supervisor whose bullet (according to the FBI) fatally wounded Breonna Taylor insisted that despite the search warrant's "no-knock" provisions he and his companions, Detectives Myles Cosgrove and Michael Nobles and former Detective Brett Hankinson, loudly announced their presence and only smashed in because no one promptly came to the door.

As soon as they entered chaos erupted. Ms. Taylor's boyfriend, Kenneth Walker, whose presence the officers didn't expect "was standing in the hallway firing through the door." One of his bullets pierced Sergeant Mattingly in the leg. He and detectives Cosgrove and Hankinson returned fire. Walker escaped injury, but bullets fired by Mattingly and Cosgrove fatally wounded Breonna Taylor, the apartment's occupant of record. Meanwhile Hankinson's barrage went wildly off the mark, peppering another apartment but fortunately striking no one.

Kenneth Walker said he thought the officers were criminals breaking in. He was arrested for shooting Sergeant Mattingly but ultimately escaped prosecution. (He blames cops for firing the shot that struck the officer.) In June the police chief fired

POLICEISSUES.ORG

Detective Hankinson, [who was disciplined a year earlier](#) for recklessly injuring a citizen. And on September 15 [the city announced it was settling a claim](#) filed by Ms. Taylor's family for \$12 million. That's reportedly one of the largest payouts of its kind, ever.

Grand jurors returned their findings one week later. Neither Mr. Walker nor the officers who unintentionally killed Ms. Taylor were charged. However, [former cop Hankinson was indicted](#) for discharging the fusillade that endangered other tenants. He pled not guilty and awaits trial.

It's not surprising that Ms. Taylor's killing has taken on such significance. Compare it with two other recent cases: [Mr. George Floyd](#), who died after being roughly handled by a Minneapolis cop, and [Mr. Rayshard Brooks](#), who was shot dead by an Atlanta police officer during a foot chase. Mr. Floyd and Mr. Brooks fought police; Mr. Brooks went so far as to fire at his pursuer with the Taser he grabbed from another cop. In contrast, Ms. Taylor did absolutely nothing to warrant rough handling. She was in her own apartment, just standing there when officers opened fire. Her killing was clearly a lethal error.

Law enforcement officers serve search warrants and engage in other high-risk activities every day. Many of these episodes involve dangerous characters, yet most conclude peacefully. However, since most research of police use of force focuses on episodes with bad endings, we know little about the factors that underlie successful outcomes. (That gap, incidentally, is the subject of your writer's recent essay, "[Why Do Officers Succeed?](#)" in *Police Chief*.)

Given the extreme circumstances that the officers encountered at Ms. Taylor's apartment, return fire by Sgt. Mattingly and detective Cosgrove might have been unavoidable. Tragically, their rushed response proved lethally inaccurate. In "[Speed Kills](#)" we mentioned that blunders are likely when officers act hastily or impulsively. Consider the July 2018 episode when, after shooting his grandmother, a Los Angeles man [led police on a wild vehicular pursuit](#). It ended at a retail store where the suspect bolted from his car and ran inside as he fired at the officers. They shot back, missing him but fatally wounding an employee.

Lethal foul-ups also happen when suspects *don't* shoot. In February 2019 late-arriving New York cops [unleashed a barrage at an armed suspect](#) who was fleeing the store he just robbed. Two plainclothes officers who were already on scene got caught in the middle: one was wounded and the other was killed. The suspect's handgun turned out to be fake. Seven months later an NYPD officer [repeatedly fired at a felon](#) with

POLICEISSUES.ORG

whom he had physically tangled. That led arriving officers to mistakenly conclude that they were being shot at. So they opened fire, killing both their colleague and the suspect. His unfired revolver lay nearby.

Police behavior is unavoidably influenced by the well-known risks of the job. And those are indeed substantial. According to the [LEOKA](#) more than two-thousand law enforcement officers (2,116) were assaulted with firearms in 2018. About 129 were injured (6.1 percent) and 51 were killed. Unfortunately, the LEOKA doesn't offer detailed information about the encounters, nor of the outcomes for civilians. Last year [the FBI launched an effort](#) to collect data about all police uses of force that either involve their discharge of firearms or which lead to a citizen's death or serious injury. So far, nothing's been released. However, the *Washington Post* has been collecting information about police killings of civilians since January 2, 2015. As of October 1, 2020, [their database has 5673 entries](#), one for each death. We downloaded the dataset. This table lists some of the pertinent findings.

Means of death		Citizen armed		Mentally ill		Citizen threat	
Shot	5390 (95%)	Gun	3223 (57%)	Yes	1318 (23%)	Attacked officers	3671 (65%)
Shot & Tasered	283 (5%)	Knife, bladed	987 (17%)	No	4355 (77%)	Other threat	1749 (31%)

Citizens were "armed" with a wide assortment of items, including cars, shovels and (yes) even pens. We included only guns and cutting instruments. Six percent (358) of those killed were unarmed.

In 2017 four academics analyzed the *Post's* 2015 data. Published in *Criminology & Public Policy* (Feb. 2017) "[A Bird's Eye View of Civilians Killed by Police in 2015 - Further Evidence of Implicit Bias](#)" concluded that race affected officer threat perceptions. "Controlling" for citywide violent crime rates, the authors concluded that non-Whites, and especially Blacks, were nonetheless significantly more likely to be shot. But more specific "places" such as areas or neighborhoods were *not* taken into account. As we noted in "Scapegoat" [Parts I and II](#) proactive policing normally targets areas within cities that are beset by violence, usually poverty-stricken neighborhoods that are disproportionately populated by non-Whites. As our tables in [Part II](#) demonstrate, once we "controlled" for location the influence of race and ethnicity on LAPD stops virtually disappeared.

Of course, one need not attribute outcomes such as Ms. Taylor's death – or the killings of [Dijon Kizzee](#) in Compton, [Jacob Blake](#) in Kenosha, [Rayshard Brooks](#) in

POLICEISSUES.ORG

Atlanta or [George Floyd](#) in Minneapolis – to racial animus to brand them as tragic mishaps. Posts in our [Compliance and Force](#) and [Strategy and Tactics](#) sections have discussed the forces that drive policing astray and suggested correctives. “[Working Scared](#)” stressed the role of personality characteristics such as impulsivity and risk tolerance. “[Speed Kills](#)” emphasized the advantage of taking one’s time – preferably, from a position of cover. Chaos, a chronic fixture of the police workplace that often leads to poor decisions was the theme of “[Routinely Chaotic.](#)” And when it comes to preventives there’s [de-escalation](#), a promising approach that’s at the top of every chief’s list.



Back to Ms. Taylor’s death. On March 13, 2020 Louisville police executed search warrants at 2424/5/6 Elliott Ave. (pictured here) and at her apartment, 3003 Springfield Dr. #4 (top photo). According to police, Jamarcus Glover, Ms. Taylor’s one-time boyfriend, and his associate Adrian Walker (no relation to Kenneth Walker) were using the Elliott Ave. locations as “trap houses” (places where drugs are stored and sold.) Both were convicted felons out on bond awaiting trial for drug trafficking and illegal gun possession charges levied in December 2019.

Here’s a summary of the justification provided in the [search warrant](#):

- Mr. Glover and Mr. A. Walker were pending trial on gun and drug charges.
- In January 2020 police stopped Mr. A. Walker as he left the “trap house” and found marijuana and cash in his vehicle. In the same month a pole camera depicted numerous vehicles visiting the trap house during a brief period. There were many recorded and physical observations of suspicious behavior by both suspects in and around the trap house and of visits to a nearby rock pile they

POLICEISSUES.ORG

apparently used to stash drugs.

- In January 2020 the affiant observed Mr. Glover and Mr. A. Walker making “frequent trips” between the trap house and Ms. Taylor’s apartment. Mr. Glover had listed her apartment as his address and was using it to receive packages. On one occasion Mr. Glover was observed taking a package from the residence to a “known drug house.” Ms. Taylor’s vehicle was observed parked at the trap house several times.
- In conclusion, the affiant asserted that his training and experience indicated “that Mr. J. Glover may be keeping narcotics and/or proceeds from the sale of narcotics at 3003 Springfield Drive #4 for safe keeping.”

In late August the [Louisville Courier-Journal](#) and [Wave3 News](#) published detailed accounts about the alleged connection between Ms. Taylor and Mr. Glover. This story drew from a [leaked police report](#), prepared after Ms. Taylor’s death, that describes the evidence detectives gathered before and after executing the March search warrants. It indicates that drugs, cash, guns and paraphernalia were seized from the trap houses and the suspects’ vehicles. There are also surveillance photographs and detailed transcripts of intercepted jailhouse calls made by Mr. Glover after his arrests in December and March. Here’s an outtake from a January 3, 2020 (pre-warrant) phone call between Mr. Glover and Ms. Taylor:

1123 – J. Glover calls ***-***-**** (Breonna Taylor) from booking:

J. Glover: “Call Doug (Adrian Walker) on Facebook and see where the fuck Doug at. He’s got my fuckin money, riding around in my motherfucking car and he ain’t even where he’s supposed to be at.”

B. Taylor: “You said Doug?” J. Glover: “Yeah, Big Doug.”

B. Taylor: “I’ll call him...Why can’t I find him on Facebook? What’s his name on here?”

J. Glover: “Meechy Walker.”

1318 – J. Glover calls ***-***-**** (Breonna Taylor) from booking:

J. Glover: “You talk to Doug (Adrian Walker)?”

B. Taylor: “Yeah I did. He said he was already back at the trap... then I talked to him again just a minute ago to see if you had contacted him. They couldn’t post bond till one.”

J. Glover: “Just be on standby so you can come get me... Love you.”

B. Taylor: “Love you too.”

Here’s part of a post-warrant phone conversation between Mr. Glover and a domestic partner who bore his child:

POLICEISSUES.ORG

1307 – J. Glover calls ***-***-**** (Kiera Bradley – child’s mother) from his dormitory:

K. Bradley: “So where your money at?”

J. Glover: “Where my money at? Bre had like \$8 grand.”

K. Bradley: “Bre had \$8 grand of your money?” J. Glover: “Yeah.”

J. Glover says to an unknown male that joined the call, “Tell cuz, Bre got down like \$15 (grand), she had the \$8 (grand) I gave her the other day and she picked up another \$6 (grand).”

K. Bradley and J. Glover are arguing over him not being honest and him having money at other people’s house. J. Glover says to K. Bradley, “Why are you doing this?”

K. Bradley: “Cuz my feelings are hurt.”

J. Glover: “Why cuz the bread (money) was at her house?”

J. Glover: “...This is what you got to understand, don’t take it wrong but Bre been handling all my money, she been handling my money... She been handling shit for me and cuz, it ain’t just me.”

In a post-warrant call to Mr. Walker, Mr. Glover explains why police searched Ms. Taylor’s residence and why, according to Kenneth Walker (Ms. Taylor’s live-in boyfriend) the officers didn’t find any cash:

1720 – J. Glover calls ***-***-**** (Male – likely Adrian Walker per Accurint) from his dormitory:

J. Glover: “Where you at?” A. Walker: “You know the spot, “E”.”

J. Glover: “I just watched the news nigga... They tryin act like they had a search warrant for Bre’s house too.”

A. Walker: “I know... The only thing I can figure out is they check that license plate. They been putting an investigation on a motherfucker.”

J. Glover: “They checked Bre’s license plate?”

A. Walker: “That’s the only thing I can think of... A motherfucker pull up on the block in the charger, that’s the only thing I can think of.”

J. Glover: “Who at no haters running their mouth?...That nigga (Kenneth Walker) didn’t have no business doing that shit. That nigga got Bre killed nigga.”

A. Walker: “You got to see like the bigger picture to it though you feel me, it’s more to it than what you feelin like right now.”

J. Glover: “I know, I know she was feelin me. At the end of the day everything stolen from me though, I swear I know that.”

J. Glover: “...That man tell me, I watched you leave your baby momma’s house. Alright if you watched me leave my baby momma’s house, why would you execute a warrant at Bre’s house... Bre got that charger and all this shit... Bre’s paper trail makes sense for everything she got though.”

J. Glover: “...I don’t understand how they serve a warrant for Bre’s house when nothing

POLICEISSUES.ORG

ties me to Bre house at all except these bonds.”

A. Walker: “Bonds and cars and 2016... It’s just ties though... Look at the ties since 2016, ever since Rambo (homicide victim)... and the camera right there, they see a motherfucker pull up.”

J. Glover: “Yeah she (Breonna Taylor) was out there the top of the week before I went to court.”

A. Walker: “They didn’t even have to see her pull up, all they had to do is see that license plate... They done put two and two together... Then on top of that they go over there and find money.”

J. Glover: “No, Bre don’t, Bre don’t, Bre don’t...Bro you know how Bre do... They didn’t find nothing in her house.”

A. Walker: “I thought you said they found some money over there?”

J. Glover: “It was there, it was there, it was there...They didn’t do nothing though that’s the problem... Kenneth said ain’t none of that go on.”

A. Walker: “So they didn’t take none of the money?”

J. Glover: “Kenneth said that none of that go on. He said Homicide came straight on the scene and they went to packaging Bre and they left.”

Mr. A. Walker and Mr. Glover were released pending trial. Mr. Glover has reportedly absconded.

Go through the report. If genuine – and it certainly seems to be – it depicts Ms. Taylor as a knowing participant of Mr. Glover’s drug-trafficking enterprise. There is really no gentle way to put it.

As a Fed your blogger obtained and participated in serving many search warrants. In his opinion, the March 2020 search warrant of Ms. Taylor’s residence seems well supported by probable cause. Yet neither this writer, nor anyone he knows, was ever shot at while on the job, let alone had a partner wounded. How would we have reacted under such circumstances? Would we have instantly realized that the shooter “didn’t really mean it?” Could we have safely “de-escalated”? And if not, would we have accurately placed return fire?

Set warrants aside. Consider a far more common cause of innocent deaths: police pursuits. Instead of getting into specifics, [California law](#) requires that agencies establish detailed policies about *when* and *how* to chase and train their officers accordingly. (Click [here](#) for LAPD’s policy.) Yet pursuits [still continue to end poorly](#).

POLICEISSUES.ORG

Really, when it comes to the more fraught aspects of policing such as pursuits or search warrants the usual preventives – rules, training, supervision – can't always be counted on to prevent horrific outcomes. Yes, there are other ways. Police occasionally abandon chases. As for search warrants, officers sometimes elect to watch, wait and intercept occupants as they leave. Naturally, doing that is resource-intensive, and should surveillance be detected it could lead to the destruction of evidence. Detaining persons also carries risk.

About 17 percent of Louisville's residents live in poverty. In Ms. Taylor's ZIP code, 40214, the proportion is about twenty percent. In 40211, where the "trap houses" were located, it's about *thirty-four percent*. Jamarcus Glover and Adrian Walker were taking advantage of a deeply troubled neighborhood for their selfish ends. Sadly, Breonna Taylor had apparently lent a hand.

Search warrants aren't the first proactive strategy to come under challenge. Most recently, "[Should Police Treat the Whole Patient?](#)" discussed the back-and-forth over stop-and-frisk and other geographically targeted enforcement campaigns, whose intrusiveness and tendency to generate "false positives" has badly disrupted police-minority community relations across the U.S.

Search warrants, though, are supposedly different. They're based on articulated evidence of criminal wrongdoing and must be approved by a judge before execution. As your blogger discovered while a Fed, they're the stock-in-trade of serious criminal investigations. Without this tool officers would be hard-pressed to combat major sources of drugs or guns. They'll undoubtedly play a key role in "[Operation Legend](#)," that new Federal-local partnership we've heard so much about. Of course, it's also essential that police avoid endangering the lives of innocent citizens. Perhaps it's time to revisit some of our more cautionary essays; say, "[First Do No Harm](#)" and "[A Delicate Balance](#)."

Yet in our ideologically charged, perhaps irreparably fractured climate, turning to the usual remedies (i.e., training, tactics, supervision) may not do. Breonna Taylor's characterization as an innocent victim of police overreach has added a bucketful of fuel to the fire. We're talking "defund" on steroids. So by all means let's quit pretending. Level with the inhabitants of our poorer, crime-stricken places about the risks of even the best-intentioned proactive policing. Give them an opportunity to opt out of, say, drug investigations and such. Of course, be sure to inform them of the likely consequences. Considering what our nation is going through, it seems to be the least we can do.