

Posted 8/24/23

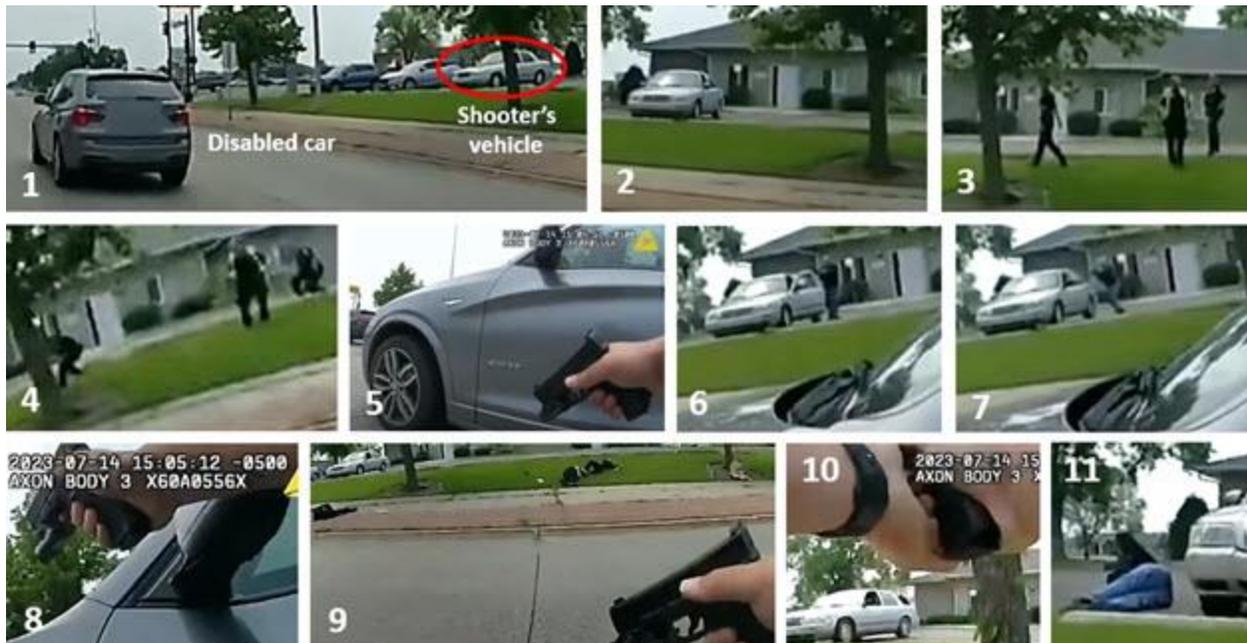
## WHAT COPS FACE

*America's violent atmosphere can distort officer decisions*



For *Police Issues* by Julius (Jay) Wachtel. In April 2023, following his return from tours in Afghanistan and Iraq, former Minnesota Army National Guardsman Jake Wallin [was sworn in as a Fargo, North Dakota police officer](#). He was twenty-three years old. Three months later, on July 14, Officer Wallin was shot and killed, and officers Tyler Hawes and Andrew Dotas were wounded as they awaited a tow truck to remove a car involved in the collision to which they had been dispatched. (One of the involved drivers was also wounded.)

That vehicle, which sat in the middle of the road, was attended by a fourth officer, Zach Robinson. His bodycam soon captured the most disturbing images one could imagine. (Click [here](#) for bodycam-only and [here](#) for the press conference and narrated bodycam.) This sequence tracks the encounter:



## POLICEISSUES.ORG

As traffic peacefully streams by the disabled vehicle (1), the shooter, a 37-year old local man, unobtrusively sits behind the wheel of a car parked in an adjacent lot (2). Meanwhile Officers Wallin, Hawes and Dotas are on foot nearby, awaiting the tow truck (3). Bursts of gunfire suddenly shatter the calm. Bullets strike each of the three officers and one of the drivers involved in the collision (4). Their origin, an AR-15 type rifle wielded by Mohamad Barakat, the sole occupant of the parked car, is equipped with an accessory “binary trigger” that discharges a second round as pressure is released. That in effect transformed his already lethal rifle into a machinegun. Barakat had also brought more than enough ammunition – 1,800 rounds were found in his car – to engage in a protracted gunfight (our introductory image depicts the arsenal found in his home.)

That he didn’t was due to Officer Robinson’s heroic and highly talented efforts. Instantly jumping into the fray, he quickly spotted Barakat, then fired a string of shots using the disabled vehicle as a shield. Barakat, who had stepped out of his car, was fatally wounded (5-8). Officer Robinson then scrambled across the road and, bravely exposing himself to return gunfire, continued engaging the gunman as he crawled behind the vehicle to its driver’s side (9-11).

[According to North Dakota Attorney General Drew Wrigley](#), Barakat was motivated by generalized feelings of hatred and picked on the crash scene “by happenstance”. His Internet searches over the years had featured keywords including “kill fast,” “explosive ammo,” “incendiary rounds,” “mass shooting events,” and, on the day preceding his attack, “area events where there are crowds.” That last search brought up [Fargo’s downtown street fair](#), which was taking place nearby and was in its second day. Barakat had also expressed interest in the city’s “[Red River Valley Fair](#),” a ten-day event that began July 7th.

---

Officer Robinson’s heroic response was absolutely correct. Alas, police shootings are often criticized, and often for good reason. A recent, noteworthy example is the August 5, 2023 fatal shooting by Denver police of Brandon Cole. This sequence tracks that encounter (click [here](#) for the video):



A 9-1-1 caller reported that Mr. Cole, 36, had pushed his wife off her wheelchair and attacked his teenage son. Two one-officer police cars responded (the images are from the second cop's bodycam). They found the situation depicted in the first image. Mr. Cole's wife was sitting on the curb. She asked for an ambulance [but reportedly implored the officers](#) "don't pull your gun out on my husband, please."

Mr. Cole, though, was aggressive from the start. He retrieved an object from his car, then walked towards the first officer, wielding what both cops thought was a knife (2-4). Although the second officer addressed Mr. Cole by his first name, he refused to stop. So while she covered things with her pistol, the first cop discharged his Taser (5-6). Alas, [one of its probes apparently missed](#). Despite more orders to stop, Mr. Cole then went after the second cop, "knife" in hand (7-9). She fired as he reached the sidewalk, inflicting fatal wounds (10-11). Mr. Cole's weapon (it's circled in red in the last two images) turned out to be a black marker.

---

Mr. Cole's pretend knife is reminiscent of an episode in Los Angeles last year. On July 18 a 9-1-1 caller [reported that he was being bothered](#) by an aggressive "dark-skinned guy with dreadlocks" to leave. But when he told the man to leave he replied "I'll leave when I

want. You can leave”, then pulled out a black pistol. Here’s a sequence of images from an officer bodycam (click [here](#) for the original video, and [here](#) for our annotated version):



The first image portrays Jermaine Petit walking away from two officers who trail behind. A vehicle occupied by a Sergeant and another cop follow along (2). One of the cops (we don’t know which) draws close (3) and notices that Mr. Petit’s “pistol” (fourth image, circled in red) isn’t a firearm. It was a car part (see left). But in the rapidly evolving situation – watch the video and notice how quickly things moved along – the officer’s “it’s not a gun bro” comment (5) was apparently lost in translation. One of the officers on foot replied “huh?”, then ordered Mr. Cole to “drop it” (6). And as their quarry stepped into the street (7), a careless gesture likely provoked the sergeant in the car and an officer on foot to open fire (8).

Fortunately, Mr. Petit survived. He would get to celebrate his 40th. birthday.

---

We addressed pretend weapons five years ago in “[There’s No Pretending a Gun](#)”. Two weeks before that, “[A Reason? Or Just an Excuse?](#)” explored why officers occasionally mistake ordinary objects like cellphones for a gun. Two years before that there was “[Working Scared](#)”. Here’s an outtake:

What experienced cops well know, but for reasons of decorum rarely articulate, is that the real world isn’t the academy: on the mean streets officers must accept risks that instructors warn against, and doing so occasionally gets cops hurt or killed. Your blogger is unaware of any tolerable approach to policing a democratic

## POLICEISSUES.ORG

society that resolves this dilemma, but if he learns of such a thing he will certainly pass it on.

Cops *do* get hurt and killed, and it's more than "occasionally." In our gun-beset land, preventives are few. Mohamad Barakat (legally) possessed a veritable arsenal. Even that "binary trigger" was legal. So when Mr. Barakat felt impelled to mount a terrorist attack, he instantly outgunned any ordinary cop on patrol.

Of course, cops well know that evildoers are apt to be better armed. Still, some officers are more skilled than others. Their personalities also vary. "[Working Scared](#)" emphasized that individual differences matter. But grab another look at the Denver and Los Angeles videos. Things were moving *very* quickly. Mr. Cole and Mr. Petit ignored officers' supplications and commands, and those vaunted "[de-escalation](#)" practices weren't an option. Both miscreants also clearly posed a threat to ordinary citizens. So that cure we once advanced – [backing off and letting suspects go](#) – wasn't in the cards.

Neither Mr. Cole nor Mr. Petit presented a clear-cut armed threat. Neither did they co-operate with police. Mr. Cole, though, was at first dealt with more sternly.

- As a colleague covered him with her pistol, the first officer on scene fired his Taser, but, as we noted, unsuccessfully. Mr. Cole then redirected his attention to the other cop. Unfortunately, he closed in on her so quickly that even if she had a Taser, switching to it could have been too risky. So she shot him.
- Although they seemingly had several opportunities to do so, officers didn't try to use a Taser against Mr. Petit. Perhaps the device was unavailable. His reported possession of a "pistol" may have also discouraged them from the distractions involved in deploying a non-lethal device.

One day ago, at a news conference in Fargo, Attorney General Merrick B. Garland [expressed his heartfelt condolences](#) over the murder of officer Jake Wallin and the wounding of his colleagues. He also praised officer Robinson, whose heroism "saved the community from what could have been a catastrophic result." But the A.G. didn't venture into correctives. As cops well know, in our gun-besotted land, remedies other than bravery are few.

So what is available?

- [Assault weapons laws](#). Most recently, "[Are We Helpless to Prevent Massacres?](#)" conveyed our distressing conclusion that "lawmaking is not a solution." That holds true in even supposedly "strong-law" states such as California ([#1 in gun](#)

## POLICEISSUES.ORG

[law strength per Giffords](#)), where loopholes such as we mentioned in “[Loopholes are \(Still\) Lethal](#)” allow the sale and possession of highly lethal .223 caliber semi-automatic rifles like the weapon used by Barakat.

- Extreme Risk Protection Orders. We’re unaware that the authorities had any advance notice that Mr. Cole or Mr. Petit were likely to lethally misbehave. On the other hand, [Mohamad Barakat was well known](#). In 2021 an anonymous tip about his “mental state”, use of “threatening language” and gun possession led to his interview by Fargo detectives. Barakat “denied any ill-intentions.” But, like Mr. Cole and Mr. Petit, he lacked a criminal record prohibiting gun possession, and the matter was dropped. Then, last September, his home kitchen caught on fire. Firefighters came across a “significant amount” of ammunition, several assault rifles and two large propane cylinders that seemed out of place. But there was no follow-through, and his threatening Internet activities were apparently undiscovered until it was too late. Even had they been known, preventative efforts would have been difficult, [as North Dakota lacks a “Red Flag” law](#) that would enable a judge to order guns seized before disaster strikes.
- Non-lethal weapons. It’s not just Tasers anymore. There’s now [BolaWrap](#), a gun-



like device which shoots a long Kevlar cord that wraps around a target’s arms or legs, disabling without causing injury. LAPD, [which touted its adoption four years ago](#), recently reported that patrol officers [successfully used it fourteen times](#) during a one-year trial period. Still, to be truly effective, non-lethal means must be quickly deployed, perhaps far sooner than present rules allow. In a post-Floyd atmosphere that discourages the use of force, that presents a substantial hurdle for even the most seemingly benign devices. So while LAPD Chief Michel Moore bragged about BolaWrap’s deployment to officers who patrol Metro, the city’s transit system, Metro officials emphasized that its use is yet to be approved.

Of course, prevention is the best option. But as rookies quickly discover, ill-intended characters can easily arm themselves to the teeth. Moreover, cops are human. Their toolbox is limited. Given the highly conflicted situations they often face, and the lack of voluntary compliance they often experience, it’s no surprise that their lethal-force

## POLICEISSUES.ORG

decisions will occasionally go astray. Last month we posted "[San Antonio Blues](#)," which analyzed the police killing of a distraught, ill-behaving citizen whose "weapon" was a...hammer. This tragedy occurred in one of the beset city's poorest, most violence-stricken neighborhoods. And as one might expect, that's where police shootings were most frequent:

Does this let the three ex-cops "off the hook"? Certainly not. But to prevent endless replays, we must openly acknowledge that the disorder and lack of compliance common in poverty-stricken areas can poison officer decision-making and distort their response. However, the ultimate "fix" lies outside of policing. As we habitually preach in our Neighborhoods essays, a concerted effort to improve the socioeconomics of poor places is Job #1. Not-so-incidentally, that could also improve the dodgy behavior of some citizens. And good cops would find that most welcome!

In "[On the One hand...But On the Other](#)" and "[Regulate. Don't Obfuscate](#)" we mentioned that the Floyd episode has fueled a toxic atmosphere, promoting a disengagement that can ill-serve the public and advancing rules that threaten to impair cops' ability to protect themselves. But make rules all you wish. For real solutions, one must address the socioeconomic environment in which cops labor. There really *is* no third choice.