

Monday, November 27, 2006

Violence begets violence: Contagious shooting.

On November 25, 2006, New York police shot and killed Sean Bell in a hail of bullets that injured his two passengers. Mr. Bell and his passengers were unarmed. The New York police commissioner claims that Mr. Bell's car struck the leg of an undercover police officer, and twice struck an undercover vehicle. The bigger picture will likely take awhile to unfold. This New York Times opinion piece says: "It is known in police parlance as 'contagious shooting' -- gunfire that spreads among officers who believe that they, or their colleagues, are facing a threat. It spreads like germs, like laughter, or fear. An officer fires, so his colleagues do, too." As in the rest of life, police-suspect confrontations are often shrouded in shades of gray, rather than in clearcut sides of good and evil. Because police are issued weapons, handcuffs and the power of arrest, such power -- like any power -- is at risk for abuse. This state of affairs calls for a heavy focus on sufficient funds and resources for skilled and successful hiring, retaining, training, constant retraining, supervising, monitoring, evaluating, and firing of police. However, even with such an approach, the risk of abuse of police power remains high until the criminal justice system is substantially overhauled to legalize such activities as marijuana, prostitution, and gambling; to heavily decriminalize drugs; to eliminate mandatory minimum sentencing; to substantially reform the draconian sentencing system and penalties at the state and federal level; to reduce prison and jail populations; to reduce the number of people detained pretrial; to give more teeth to the Fourth, Fifth, Sixth and Eighth Amendments to the Constitution; and the list goes on. Jon Katz.

Posted by Jon Katz in Criminal Defense at 11:10