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analysis: 20 percent of people shot by Texas police were unarmed

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OK main

Texas police reported shooting 159 people in the first year that the state tracked such cases under a ground-breaking new law. Austin and Fort Worth each saw five of those shootings — compared with eight apiece in San Antonio and Dallas and 31 in Houston.

Some of the most troubling episodes revealed in the new records have involved Texas officers shooting juveniles or killing unarmed adults suffering a mental health episode.

David Joseph, 17, was standing naked on a neighborhood street when he charged at an Austin police officer who shot and killed him. In Houston, an officer reported seeing Peter Matthew Gaines in a "mental crisis," hitting a freeway sign and mumbling to himself. After ignoring the officer's commands, Gaines was shot twice with a Taser stun gun. Gaines ripped the prongs out of his chest. The officer shot and killed him just outside a Burger King.

Looking at the people shot in the past year by Texas police, Joseph and Gaines were among the 20 percent who were unarmed — and among the 28 percent who were black.

In 2015, Rep. Eric Johnson, an African American Democrat from Dallas, was so troubled by the debate over disproportionate use of force against minorities that he championed a measure to gather more information about all officer-involved shootings, both fatal and non-fatal.

Police Violence  
against black youth in Texas

Johnson said he sought to pass a law to collect that information because of his own experiences “as an African-American male who notices that we have an interesting – statistically speaking – relationship with law enforcement.” He initially sought to collect more data on violent encounters, but later agreed to omit identifying information about individual officers and to also require reports when officers are shot by civilians.

Starting Sept. 1, 2015, all law enforcement agencies in Texas were required to report officer-involved shootings to the Texas Attorney General’s Office.

The Austin shootings

### **Numbers tell a story**

In the first year under this reporting requirement, officers have reported killing 71 people and injuring 88. That data already shows that something Johnson suspected: 28 percent of those shot were African-American, though blacks make up only 12 percent of the Texas population. Among the others who were shot, 28 percent were Hispanic, 43 percent were white and 1 percent were another race, according to reports filed by police.

Racial disparities also show up in the state’s in-custody death reports. According to research by Amanda Woog at the University of Texas, 27 percent of the 1,118 people who died in police custody in Texas from 2005 to 2015 were African-American – an “alarming trend,” Woog said.

“While this data cannot tell us why these numbers have increased so drastically, it does alert us to the problem of increasing fatalities in police encounters in Texas,” Woog said. “Without such data, the national conversation around people dying in police custody – in particular black people – has been largely anecdotal.”

During the past year, 21 law enforcement officers were reported shot by civilians. At least six were killed, based on the reports and press accounts – five of them in the July 7 sniper attack in Dallas.

### **Not all information is available**

Despite the revelations in the new Texas reports, the details of many officer-involved shootings remain shrouded in secrecy.

The Fort Worth Police Department has repeatedly refused to provide information about an incident during which an officer shot and injured an unarmed 12-year-old boy. The department filed its one-page report in July, two months after the shooting, but indicated only that the incident was related to a “vehicle pursuit, foot pursuit, resisting arrest.”

The timing violated requirements to report incidents within 30 days, but Johnson's law has no teeth to punish late reporting.

The agency subsequently refused to release more information in response to a Texas Public Information Act request, claiming the information can be legally withheld due to the injured boy's age.

Most departments investigate their own officers to determine whether policies or laws were violated, though a few send their cases to a neighboring agency or the Texas Rangers.

Most agencies release basic information about shootings, such as address, time, names of those involved and a short summary, which are considered public under Texas law. But even that is under dispute by Irving Police Department, which has refused to name a SWAT officer whose bullet accidentally injured another officer at a shooting range during a September training exercise.

### **Shooting factors disputed**

Police advocates often argue the worst shootings involve a few bad apple officers who deliberately ignore standards or policies. They argue many encounters could be avoided if the public had more respect for law enforcement and followed officer's instructions.

"If you're going to collect data on shootings, then be fair," said Charley Wilkison, executive director of the Combined Law Enforcement Associations of Texas, known as CLEAT. "Did the officer believe the person had a gun? Was the officer in a struggle? We didn't want this to turn into a 'gotcha' aimed directly at officers."

He added: "The police don't want to keep dying, and no one wants to kill a citizen. That's not the goal. But people have to comply with the police. It's their job to protect you."

Experts argue that many shootings could be prevented if officers had more training on use of force or de-escalation techniques. Some shootings hinged on an officer's split-second mistake, like misfiring a bullet or mistaking another object for a gun.

That appears to have been the case in San Antonio in February, when Antroine Jerral Scott got out of his car with a cell phone in his hand as an officer approached him to serve a warrant. According to police, the officer asked Scott to show his hands before firing a fatal shot as Scott's wife watched from inside the car.

In Texas, minimum training and licensing requirements are set by state lawmakers and implemented by the Texas Commission on Law Enforcement. Some Texas departments require more training and typically set their own use of force policies, though about 31 agencies follow standards set by the Commission on Accreditation for Law Enforcement – a standard bearer for best practices.

### **The trauma lingers**

Even when best practices are followed and a shooting is justified, the traumatic event can stay with officers for years.

Austin police officer Patrick Cheatham said the image of the gun David Allen Lupine pointed at him – full chamber, safety off – is forever ingrained in his mind. A grand jury declined to indict Cheatham this summer in the fatal July 2015 shooting of Lupine.

After a shooting, officers are placed on administrative leave until drug test results come back. Then, they await the criminal investigations and grand jury process, which can take months. Peer support can be critical.

“It helped to talk to other officers who had been involved in a shooting,” Cheatham said. “When you’re on the other side of an investigation – especially when I believed that I was about to be killed and I had no other choice – it’s extremely difficult.”

In most Texas cases, a grand jury decides whether an officer is charged with a crime after a shooting. And rarely are officers indicted or successfully sued over constitutional violations.

“When the grand jury gets to hear everything, they acquit,” said Grant Goodwin, Cheatham’s attorney