Excessive Force

Name

Institution

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 Police officers in the US have a very low likelihood of being convicted for killing someone on the job. In fact, presenting a police officer for a trial is not that common of an occurrence, because courts and police are part of the same system. They are coworkers and have more solidarity with each other than with the public. For instance, in Philando Castle, Castle committed no crime and was stopped by police on a pretty thin pretext. Also, Castle was given conflicting directions by police officer and then was shot when he did not obey one of the commands.

It is an unfortunate reality that criminal law has to treat the cases, where encounters with police officers are witnessed, as if police officers are fragile violent victims. Besides, there is a wide disparity in training between different police departments. Police administration seems unwilling to spend the money it would take to have better cops, and it takes money to have more training. It takes money to hire more of them so that officer do not have to experience burn out because of long duty hours. Police budgets are not infinite, and often the police budgets become subject of political wrangling. There is also the matter of how the budgets are spent. Arcane administrative rules guide the spending towards things that make cool sound bites for politicians, rather than what would actually improve things.

As far as the jury system is concerned then sometimes, juries seem to get it “wrong.” Examples might be the first O.J. Simpson trial and the Gideon Busch a.k.a Gidon Busch grand jury. There are times when the jury can get it “right,” but the jury as a whole chooses to engage in jury nullification. Members of juries often face a great deal of stress to make a decision based on politics or threats of mob/thug violence. One example of that would be the jury in the George Zimmerman trial. There, the jury made a decision based solely on the facts. The jury ignored political correctness and threats of mob/thug violence. One can say that the jury acted with the courage of a General Washington, a General Pershing, a General Patton. The prosecutor went full-force against a young Hispanic - Mr. Zimmerman. The member of a minority group was neither famous nor extraordinarily wealthy. Despite all that, he received justice as per American constitution. Most of the people have experienced true pride in American criminal justice system. People, in America, have come a long way since the days when minorities often did not get the same justice as wealthy whites did. The system is not perfect, however, the criminal justice system in America is good if compared with other countries.

The job of the prosecutor is to bring forth the case against the perpetrator which in Philando Castile case is Yanez. It requires that the prosecutor present all the evidence that exists showing that officer Yanez used excessive force in this case to take victim’ - who in this case is Castile- life (Erkkinen, 2017). This is, unlike a case of self-defense between private citizens involves a law enforcement officer trained and authorized under the color of law to be armed, and work to enforce the laws of the state. If Mr. Castile had simply held out his hands and complied with officer Yanez’s orders, this case would not have become complicated for the jury. However, to some extent Mr. Castile resisted officer Yanez wherein the officer fearing for his life and safety, shot and killed Mr. Castile in a matter of seconds.

In this case, there were video recordings of the events which the prosecutor placed before the jury along with the testimony of experts and witnesses. At some point the prosecution rested their case and both the prosecution and defense presented arguments to the jury as to why they should either convict or find officer Yanez innocent of the crime. The Jury then retires to deliberate the evidence while keeping in mind officer Yanez is presumed innocent unless they vote otherwise beyond a “reasonable” doubt. Since the Jury decided that “reasonable” doubt existed that officer Yanez did not use force that exceeded the force allowed by the law (Rose, 2018). Following this the Judge instructs the jury on the different aspects of the laws covering the charges in this case which includes what “reasonable” doubt.

Most of the people’s interpretation of the case is that Castile apparently reached to his right hip, and his gun was in his right pants pocket. Castile may have been reaching to undo his seat-belt (some have suggested reaching his wallet, but he had already handed the police his license and registration)- however, given that his gun was at the same location, it was interpreted as reaching for his gun. So, Yanez then yells to Castile to not reach for the gun, and if Castile was reaching to undo his seat-belt (most likely) did not realize that his actions were being interpreted as reaching for his gun and thus presumably continued his behavior of trying to reach and undo his seatbelt. Unfortunately, the behavior of someone ignoring a police officer out of confusion looks exactly the same as someone who is ignoring an officer with the plan of drawing their gun. Also, there is no time to respond, once someone reaches his gun - this puts officers in the horrible position of having to guess whether the person is really reaching for his gun or doing something innocent - and then having to shoot or not shoot based on that guess.

The most interesting thing regarding the case is that the black jurors found Officer Yanez to be not guilty. Would Yanez’s actions have been different if a white, Asian, or Hispanic man said the exact same thing? Philando did tell the officer he had a firearm, he failed to tell the officer he was legally carrying one. Instead of letting the officer handle the situation, Philando went to reach for something (presumably his license/registration) and Yanez assumed he was reaching for the gun. Yanez’s reckless actions lead to an innocent man being killed. However, one would get a dozen officers that would testify they would have done the same thing to varying degrees.

 The officer made substantial errors and I believe there was good cause to believe they may have risen to the level of criminal wrongdoing. However, the jury heard all the evidence and ultimately came to a verdict of acquittal. The charges were not proven beyond a reasonable doubt in their minds. Fundamentally, that means justice was served. Anyone accused of a crime in the United States is entitled to the presumption of innocence and a trial by jury. If the charges are not proven beyond a reasonable doubt, the jury has the duty to acquit. So, whether or not the outcome is what anyone would have hoped, justice was served. Anyone accused of a crime, including a police officer, is entitled to trial by jury and presumption of innocence. These are very fundamental civil rights (Alang, McAlpine, McCreedy, & Hardeman, 2017).

 In the end, a trial was held and the evidence was weighed by a jury. A case like this receives extra attention,and there were several blacks on the jury, so it would be reasonable to assume there would be a substantially decreased risk of racial bias. Justice did its duty; however, I am conflicted on the verdict. The dashcam video shows a slightly different story than what I was told. Unfortunately, it does not show what Philando was doing in the moments leading up to his death. It is my belief that the officer over-reacted and some miscommunication happened.

**References**

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Erkkinen, M. (2017). *The Role of Activists in the News Coverage of the Case of Philando Castile*.

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