Police Use of Deadly Force

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**Introduction**

Name of the Case: Tennessee v. Garner

Citation: No. 83-1035, 83-1070 (1985)

Details

On the 3rd of October in the year 1974, two Memphis Police Officers named Wright and Hymon were forwarded to look into a “prowler inside call.” After the arrival of the police, the concerned citizen directed them towards the house of suspicion. The alarmed citizen heard glass breaking noise coming from the house and felt the need to call the police so they can have a look around. She thought that someone was breaking in the house. As the policemen went to the house one of the officers radioed that he has arrived the scene with his partner. At the same time, the other policeman went to the back of the house after hearing the sound of a door slamming. When he went to the rear of the house the police officer saw an individual running crossways the backyard. Edward Garner the suspect stopped at the fence and tried climbing it so he could run away and avoid the police. Nonetheless, the police officer Hymon asked him to stop and yelled “police, halt.” Officer Hymon reckoned that if Garner climbs over the barrier he will be able to escape a burglary arrest based on an eye witness. Hymon shot Garner to stop him from leaving. The suspect lost his life in the process. This paper will help reflect on the impact of the homicides that are committed by the police because of the deadly force law against unarmed and harmless suspects.

**Discussion**

The decision made by the Memphis police officer of shooting a suspect ended in the death of a young 15-year-old boy named Edward Garner (Terrill, 2016). The choice that the police officer made was based on the suspect being under the suspicion of eye-witnessed burglary. There was a massive dispute surrounding this event amid the State of Tennessee and the father of the deceased. The arguments that both the parties held represented a different side of the spectrum. Under the Tennessee Statute, if the police officer has given the suspect the ultimatum of arrest they should immediately give in. However, if the suspect still tries to escape or forcibly resist, the police officer has the right to use all the possible means to stop the dubious individual from running away. Having said that, there are certain restrictions on applying the deadly force. If the suspect is unarmed and does not pose a threat, then the police officers are to refrain themselves from using force.

In the case, Tennessee v. Garner, the father of the deceased victim was fighting based on a similar circumstance. Edward Garner the suspect was an unarmed 15 years old young man and his size and strength did not pose any threat. Subsequently, the father of the suspect tried bringing an action in the Federal District Court. The father tried to seek damages under the 1983 asserted violation of Edward’s constitutional rights (Flanders & Welling, 2015). However, the court ruled in favor of the defendants as the law for the state of Tennessee allowed such action against a possible suspect whether armed or un-armed. This decision was reversed by the Sixth Circuit court of appeals by stating that action taken against Edward Eugene Garner was in direct conflict of the fourth amendment of United States Constitution. The court further stated that such use of force can only be rightfully used if Edward ever posed any kind of threat against the officers who were tackling him. This case forever changed the concept of police killings and shootings and helped police departments to work with officers in such scenarios.

The killing of young Edward Garner reflected how biased the police department of Memphis was at that time. The issue of ethnic killing can be related here as the boy that was killed by the officers had a darker skin color. The discriminatory action taken by the officers at that time was not substantial. A person who is un-armed and is a suspect can be chased down and brought to justice without using any kind of force or weapons. Police must perform their civil duty of protecting the rights of the citizens with utmost importance. They must not discriminate based on color, class or creed. Tennessee vs. Garner case provides enough substance on discriminatory rules that were applied on the young un-armed suspect.

Furthermore, the district court followed the procedure and ruled in favor of the defendant. The Sixth Circuit Court observed that police and government should only use deadly force only if there is a substantial threat at hands that the suspect will harm a person at a given time. This incident has changed the concept of the use of deadly force by the police departments across the United States of America (Gross, 2015). There have been many policies devised as with time many aspects of administration has changed. There is diversity in the police departments, especially in the upper hierarchy. The executive levels have evolved with more inclusivity as well. The use of force especially against a minor in these circumstances will not provide fruitful results. Professional behavior is required in these scenarios as life threats can cause anyone to break laws.

If Edward was approached on foot at first and assured that he will be given a fair chance of explanation, it would have indulged a sense of comfort and trust in him. This relation of trust is the most important part that can help determine whether the suspect is guilty or not. Using and aiming a gun at someone will not help in defusing the situation at hand. It will rather deteriorate it and cause the plausible suspect to run and even retaliate (Marcus, 2016). The Memphis Police department has evolved and there have been reports of many officers who have been charged and arrested on different occasions. This kind of conduct by the department shows that the level of transparency has increased, and officers will face charges and arrest if found guilty. However, complete uniformity is still a long way as even now (Patterson & Swan, 2016). There are reports of misconducts by the officers on duty and they still use the law as leverage to do anything they can.

**Demographics**

Tennessee is the 16th most inhabited and 36th largest state of United States of America with a population of 6.77 Million as of census conducted in 2018. The city of Memphis with a total population of 650,618 makes it the second-most populous city in Tennessee. Total of 7.6% of the population of Memphis is under the age of 5 as compared to 6.0% of the whole State of Tennessee. Around 25.2% population of Memphis is under the age of 18 and 11.8% of the population is above the age of 65 as compared to 22.2% and 16.4% respectively. The percentage of the female population in Memphis is 52.5% as compared to 51.2% overall in the State of Tennessee.

About 26.9% of the population of Memphis is living in poverty as compared to 15.3% for the State of Tennessee. 63.8% of the total Memphis population has access to internet and computer accessories while 72.4% of the total population of Tennessee has access to internet and technology. The average size of the family is almost the same for Memphis and the State of Tennessee with a ratio of 2.55 and 2.53 respectively (Exum, 2016). The percentage for high school graduates above the age of 25 is 84.5% for Memphis and Tennessee, the percentage is 86.5%. About 25.4% of the population of Memphis has bachelors or higher degree as compared to 26.1% for the State overall. The per capita income for Memphis people as recorded in the census of 2018 was $23,629 as compared to $27,277 for Tennessee overall.

**Memphis Police Department**

John J. Balch laid the foundation of Memphis Police Department when he was given the duty of town constable in 1827. At that time, it was a small room but now with all the time that has passed, the Memphis Police department has 9 precincts with a force of 2,142 officers at present. These officers cover an area of 315 square miles and provide all sorts of public service to the inhabitants. Although with all the history this department had associated itself with, it is worth mentioning that it was as early as 1867 that 2 black men were hired to become a part of the Memphis police department. Johan Harris and William cook remained with the department for 2 years. Rufus McCain another African American became part of the department in February 1878 and slowly the numbers started to increase. From the recent census, the total number of African American officers is 52% while 47% of the officers are white and 1% are Hispanic.

Distribution by gender is also promising as 16% of the present force is female and the rest 84% is male. The police department has provided a program called Response to Resistance Continuum for officers which provides guidelines to them related to scenarios of using deadly force. This program enables officers to complete their tasks and handle difficult scenarios by using minimum and sometimes negligible force. A complete picture of the scenarios should be examined by the officer before taking any step or making any decision.

A special form is provided to the officer that should be filled out after completing a task or handling a situation in the presence of another officer. This form elaborates the code of conduct of the officer and ensures that tasks were completed professionally and comprehensively without using force. This form is then submitted to the supervisor before the officer ends his or her shift. Video camera with audio capacities is also installed in the vehicles for scrutiny purposes. The involvement of other departments like CSI, ISB and Homicide provides more transparency when investigating into use of deadly force. The Memphis Police Department has witnessed huge changes from 1988 when James Ivy became the first African American director of the police. After that in 1992, Eddie Adair was named the first-ever African American police chief.

**Conclusion**

Looking and going through the details of the case I can easily say that the case was very crystal. The officer made the wrong move by shooting young Edward. The fact that Edward the suspect was unarmed and posed no threat was enough for the officer to not take things as far as using deadly force. Also, it is quite upsetting that the color of the victim also played a significant role in the case. If I was in charge I would have fired the police officer for taking such an abrupt action against a minor. However, it is safe to say that Tennessee v. Garner changed police shootings forever. As of today, the policemen cannot search a person or authority without evidence or strong plausible reason, the stance is similar to the usage of guns. One case changed the way how police used guns throughout the United States. Tennessee v. Garner ended up creating a standard for how the court should handle suspect shooting. Today the State of Tennessee has a more diverse police system as well as mentioned above. So, things have taken a change for the better but we still have a long way to go.

**References**

Terrill, W. (2016). Deadly force: To shoot or not to shoot. Criminology & Pub. Pol'y, 15, 491.

Flanders, C., & Welling, J. (2015). Police Use of Deadly Force: State Statutes 30 Years After Garner. . Louis U. Pub. L. Rev., 35, 109.

Gross, J. P. (2015). Judge, jury, and executioner: The excessive use of deadly force by police officers. Tex. J. on CL & CR, 21, 155.

Patterson, G. T., & Swan, P. G. (2016). Police shootings of unarmed African American males: A systematic review. Journal of human behavior in the social environment, 26(3-4), 267-278.

Marcus, N. C. (2016). From Edward to Eric Garner and beyond: The importance of constitutional limitations on lethal use of force in police reform. Duke J. Const. L. & Pub. Pol'y, 12, 53.

Exum, J. J. (2016). Nearsighted and Colorblind: The Perspective Problems of Police Deadly Force Cases. Clev. St. L. Rev., 65, 491.