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Impunity in Tamir Rice killing intensifies demands for systemic reform

Police use of deadly force reflects racial bias

January 5, 2016 2:00AM ET

by [Lauren Carasik](#) @LCarasik

On Dec. 28, a grand jury in Ohio's Cuyahoga County [declined to indict](#) two white police officers involved in the shooting death of Tamir Rice, a 12-year-old African-American boy. The decision capped a year of mounting frustration and outrage over the disproportionate use of lethal force by police officers against black people.

Nearly every aspect of the case is deeply troubling. The police dispatcher, who sent officers to the recreation center where Rice was fatally shot, failed to inform them that the 911 caller noted he was "probably a juvenile" with a "probably fake" gun. Rice was alone in a park, with no one in imminent danger. Yet the officers shot him within two seconds of arriving at the scene. He was not given any aid for nearly four minutes, and officers prevented Rice's distraught 14-year old sister from comforting him, pinning and handcuffing her.

Rice's death is not the sad outcome of a "perfect storm" of tragic mistakes as District Attorney Tim McGinty characterized it, nor is it Rice's fault or that of his community. His untimely death reflects the brutal reality of racism and impunity that permeates policing, evincing a shocking [indifference to the lives of Cleveland's black residents](#).

McGinty, who recommended no indictments in this case, has been long criticized by the Rice family and activists for [dragging the case out](#), [releasing exculpatory information](#) and sabotaging the process to ensure that the officers were exonerated. In November he accused members of [the Rice family](#), who are

pursuing a civil suit, of having “economic motives” for seeking justice for their dead son.

The numbers on police violence in Cleveland and nationwide should disturb. Since 2012, [Cleveland police have killed 10 people](#). All were black, and seven were unarmed. Nationwide, 1,134 people [were killed by law enforcement officers in 2015](#). They were disproportionately black. From 2010 to 2012, black teens — ages 15 to 19 — were [21 times as likely to be killed](#) by police as their white counterparts.

By contrast, despite the rhetoric about a [war on police](#), 2015 was the second-least-deadly year for police officers in decades. Assaults are declining as well. The effect of the dangerously false narrative is pernicious, contributing to a siege mentality among officers that influences their perceptions and reactions, at times to lethal effect. Crime rates are dropping as well, [despite public perceptions to the contrary](#).

Police accountability is key to ending unjustified killings but remains elusive. Prosecutors who work closely with police departments have repeatedly demonstrated their reluctance to hold officers to account. Many district attorneys are elected, giving them [perverse incentives](#) for overcharging defendants and undercharging officers. And as with McGinty, many rely on the secret grand jury system to bring charges, allowing them to obscure their strategic presentation of evidence, which can skew the result in favor of the officers.

The result is impunity. Since 2005, [only 54 officers have been charged](#) in the thousands of fatal shootings. And the vast majority of those officers were exonerated or acquitted. Civil suits offer little solace. Even when plaintiffs prevail, the cost is typically borne by taxpayers, not the officers involved or departmental coffers.

We need the political will to adopt systemic reforms with a sense of urgency, before another child like Tamir Rice is killed because of the color of his skin.

To ensure impartiality, transparency and autonomy, states should follow California's lead and [ban the use of grand juries for police-involved shootings](#). And since police departments are often impenetrable for those seeking to uncover wrongdoing, an independent prosecutor should be empowered to investigate and manage cases involving lethal force. But accountability alone is not enough.

The Supreme Court's [objective reasonableness](#) standard grants broad deference to police officers who use lethal force against almost any perceived threat [of death or serious physical injury to the officer or others](#). The court has offered little guidance on the consideration of the circumstances leading up to split-second decisions to deploy lethal force, which often excludes the possibility of [officer-created jeopardy](#). In Rice's case, instead of pulling up at a safe distance and attempting to de-escalate the situation, the officers skidded into close range and shot him within seconds.

The reasonableness standard is particularly indefensible, since we don't live in a post-racial society. As noted in a recent opinion piece in The New York Times, [implicit bias](#) causes people of all races to "perceive black people as [more aggressive](#) and dangerous than white people" and stronger and less susceptible to pain than people of other races. It also leads people to overestimate the age of black children. Unsurprisingly, those racialized perceptions lead to biased actions: Officers are quicker to fire at [an armed black target](#) than an armed white one. The ubiquity of guns only compounds the problem.

There is no easy fix, and the stakes are high for both officers and the people they kill. But currently, every state and the District of Columbia [violate international standards](#) on the use of lethal force by law enforcement officers. It's time for better laws. Officers should be authorized to employ lethal force only as a last

resort. A necessity standard, [though imperfect](#), is already in effect at the [Department of Justice](#) for all law federal law enforcement agencies.

Better screening and training of officers is also critical. Officer Timothy Loehmann, who fatally shot Rice, previously resigned from the police department in Independence, Ohio. According to his superior there, he displayed a “dangerous loss of composure” during firearms training. “I do not believe time, nor training, will be able to change or correct the deficiencies,” wrote [Deputy Chief Jim Polak](#), concluding Loehmann was emotionally unfit for duty. Yet Cleveland hired him without [reviewing his personnel file](#) from Independence. Deeply entrenched [aggressive policing tactics](#) that focus on deadly force instead of nonviolent conflict resolution must be reoriented to protect both police and civilian lives.

And the federal [government’s failure to effectively track statistics](#) on police killings underscores the need for [anational crime and justice task force](#) to gather and analyze data.

There are reform initiatives underway. The proposed [Police Training and Independent Review Act](#) would incentivize training and independent prosecutions, and the [President's Task Force on 21st Century Policing](#) offers recommendations for improving policing. All we need is the political will to adopt them and additional reforms with a sense of urgency, before another child is killed, in part [because of the color of his skin](#).

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The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera America's editorial policy.