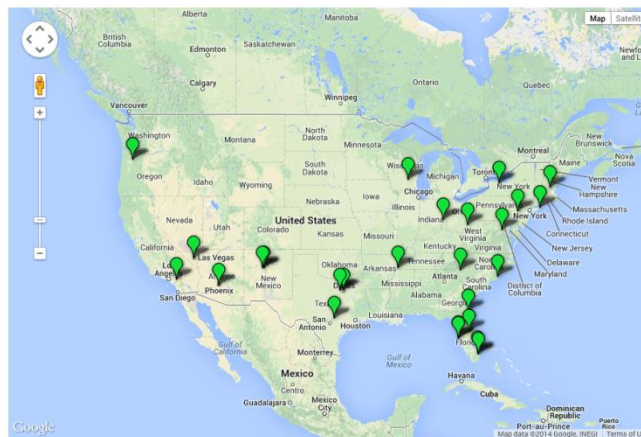


Modern Police Tactics and the Third Amendment

By Glen Asher
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It's pretty easy to find statistics about crime online; there's an entire FBI crime statistics website dedicated to providing us with reports on violent crimes, financial crimes, gang violence, drug crimes and hate crimes among others. What's not so easy to find is a thorough listing of nationwide police misconduct, an issue that, on the surface at least, appears to be becoming more common as local law enforcement becomes increasingly militarized. Fortunately, the CATO Institute tracks police misconduct on a nearly daily basis on their Police Misconduct website. On the website, there is an interesting interactive mapping feature that provides readers with a map showing botched paramilitary police raids where non-violent offenders and innocent bystanders were killed or where raids took place on innocent subjects. I'm going to look at a few sample maps starting with the police raids on nonviolent offenders that ended up with the death of the offender since 1985 keeping in mind that many of these raids are of the variety that involve police use of a battering ram or other device that is used to gain entry without identification:

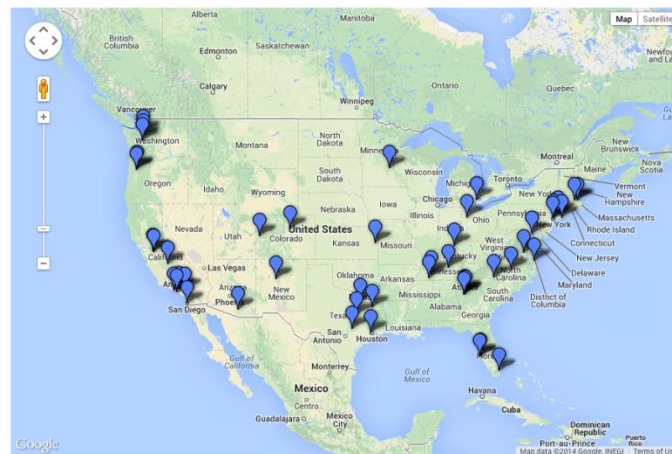


There were 27 raids since 1985 that ended up with the death of a nonviolent offender. Here is an example:

"Police storm the home of Jeffery Robinson, a 41-year-old gravedigger in South Memphis, Tennessee. Robinson lived in a small building on the site of the cemetery that employed him. Police conducted the raid based on an anonymous tip that someone was

selling marijuana on the cemetery grounds. Raiding officers kick in Robinson's door and immediately shoot him in his bedroom, putting a bullet through Robinson's neck. Robinson would die three weeks later. Police said at the time that Robinson charged them with a box cutter. They also found a small amount of marijuana near a camper in Robinson's backyard. Immediately after the raid, Robinson was charged with possession, even as he lay in a hospital, fighting for his life. A review by the Memphis police department's internal affairs unit and the Attorney General's Office found no wrongdoing on the part of the police. For two and a half years, the officers who participated in the Robinson raid remained on the Memphis police force. In October 2004, the jury in a federal civil suit brought by Robinson's family made some striking findings. The jury concluded that the box cutter police say Robinson charged them with -- which was never fingerprinted -- was planted on Robinson after the raid. During the trial, a medical examiner and blood spatter expert also testified that the shooting couldn't possibly have happened the way police say it did. Furthermore, the shirts worn by Robinson and the officer who shot him vanished after the raid. Trial testimony revealed that police bought a new polo shirt, still in its wrapper, and booked it as the shirt Robinson wore the night he was shot. The federal jury concluded that the officers shot Robinson without justification, then tampered with the evidence to cover up their mistakes. The jury also cast doubt on the ensuing investigation by the police department's internal affairs division. In February 2005, the eight officers involved in the raid were finally suspended, more than two years after the raid. Robinson's family won a \$2.85 million verdict against the officers, and negotiated a \$1 million settlement from the city of Memphis."

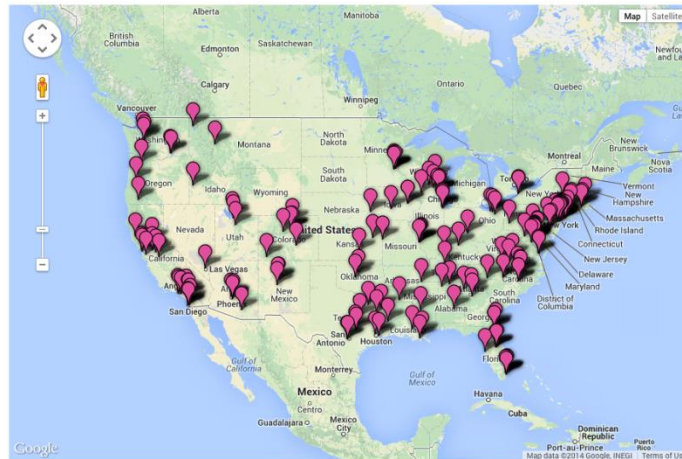
Here is a map showing the police raids that ended up with an innocent party dying:



Since 1985, 44 innocent parties have died in a police raid. Here is an example:

"On March 26, 1987, police in Jeffersontown, Kentucky raid the home of Jeffrey Miles, 24 on an informant's tip. During the raid, Officer John Rucker shoots Miles, and kills him. Police would later discover that Miles wasn't a suspect. The raid had been targeted at the wrong home."

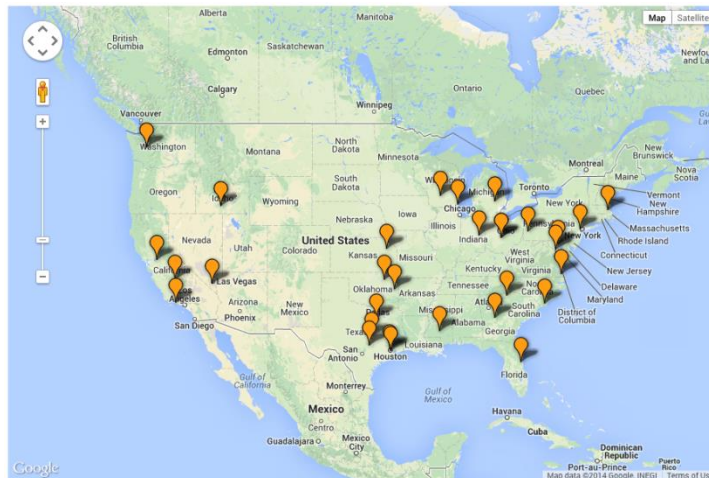
Here is a map showing police raids on innocent suspects since 1985:



Since 1985, there have been well over one hundred police raids on innocent suspects including this one:

"Police in Horn Lake, Mississippi raided a home after a tip from an informant that someone's operating a meth lab inside. Once the paramilitary unit arrives at the scene, however, they find two houses on the property instead of one. They decide to pick one, and conduct the raid anyway. They end up waking up, terrorizing, and injuring a couple in their 80s, leaving the man with bruised ribs and the woman with a dislocated shoulder. They find the meth lab in the other house. Police chief Darryl Whaley insisted that his officers "acted properly" and "followed procedures" in guessing which home was correct before commencing with the raid."

Last, let's look at the number of police officers that have been killed or injured while on a police raid since 1985:



Since 1985, 29 police officers have been killed or wounded while on a police raid including this event:

"In August 1996, Tulsa police raided the home of 68-year-old Mary Lou Coonfield on a drug warrant. Coonfield awakes to find a man in black standing in her bedroom, holding

a gun. She grabs a .22-caliber pistol and fires, wounding Tulsa County Deputy Sheriff Newt Ellenbarger. The warrant for the raid on Coonfield's home would later be thrown out, ruled in both 1996 and 1997 to be illegal. In 1999, a jury acquitted Coonfield of assault and battery with a dangerous weapon and feloniously pointing a weapon, due to Oklahoma's "Make My Day" law, which states that "an occupant of a house is justified in using physical force, including deadly force, against another person who has unlawfully entered the house if the occupant reasonably believes that the other person might use any physical force, no matter how slight, against any occupant of the house." Coonfield, who's both hard of hearing and has poor eyesight, says she didn't hear police announce themselves before entering, and thought she was being robbed."

With these examples in mind and the ongoing militarization of local law enforcement, it is interesting to note how little attention is paid to the Third Amendment of the Constitution or the "A Man's Home is His Castle" amendment which reads:

"No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."

Only one case involving the Third Amendment has ever made it to federal court; the United States Court of Appeals in *Engblom v. Carey*. Two New York State corrections officers took action against the State's governor, Hugh Carey, in a case where they were evicted from their state-provided housing during a state-wide strike by corrections officers in 1979. Their residences were then used to house members of the National Guard.

While it is important to "out" bad police practices it is even more important to expose bad policing policies. It is key that voters convince government policymakers that there is a problem and that they will pay a political price for ignoring it. In general, it appears that most politicians of all stripes and jurisdictions are choosing to blindly believe whatever law enforcement tells them is the truth, a situation which may explain why the current Vice President has chosen to remain silent on the subject as shown here: