



Can We Please Fire Police Officers Who Knock Down Dudes in Wheelchairs? Please?

By Lucy Steigerwald
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On the afternoon of October 1, 2013, police in Lafayette, Indiana, were called to an adult education center after receiving reports about a man with a gun. When they got there, they found only a wheelchair-using 25-year-old student carrying a pocket knife. The man, Nicholas Kincade, reportedly told school security he had a gun for reasons that are still unclear, then angrily informed them that they needed a warrant to search his bag. When the police arrived, they went through his things, found only the pocket knife, and told Kincade to leave the area. At that point, it was an odd but not particularly notable encounter.

Then, as seen on dashcam footage, Kincade ran over the foot of Lieutenant Tom Davidson, who promptly shoved him out of his chair and onto the sidewalk. Davidson and the other officers then pulled Kincade off the road and back into his wheelchair and arrested him for battery, a charge that was later dropped. The video is cringe-worthy, and it also answers the question, “What does a cop have to do for his superiors to fire him?”

On Tuesday, July 1, Lafayette Police Chief Patrick Flannelly told the press that Davidson’s “use of force in this case could have been avoided just by different positioning, by offset positioning, by moving out of the way, by not standing where he was standing.” According to Flannelly, the command staff soon reached a unanimous decision: Davidson was guilty of using excessive force and conduct unbecoming of an officer; they also recommended that he be fired. The mayor of Lafayette agreed. And then, on appeal, a review board decided that a 30-day unpaid suspension and a demotion of rank would do instead. No criminal charges will be brought against Davidson either.

Activists working to combat police misconduct tend to focus on corruption and incompetence within departments, and for good reason. But there have been plenty of instances where it’s civilians—lawyers and juries and the public at large—who are responsible for letting cops get away with crimes.

Think of the killing of Kelly Thomas, an ugly incident that occurred three years ago this month in which the homeless schizophrenic man was beaten to death by Fullerton, California, officers

Manuel Ramos and Jay Cicinelli. The district attorney charged the officers with second-degree murder, involuntary manslaughter, and excessive force; the Fullerton chief of police didn't want them back on his force, ever—and a jury of 12 let Ramos and Cicinelli walk free.

Or think back further, to the Rodney King beating—one of the first police brutality incidents to be captured on video—and the deadly riots that resulted after the three cops who did it were acquitted.

Research by the Cato Institute's National Police Misconduct Reporting Project suggests that cops are less likely to be charged with and convicted for crimes than the average citizen, and when they are found guilty they are generally given more lenient sentences. Part of that can be chalked up to the "blue line" of silence, the unwritten rule that says cops shouldn't snitch on other cops, but part of that blame lies with weak civilian oversight, timid grand juries, and a generalized societal respect for police that does none of us any favors.

Cops remain a special class of people who are given guns and the authority to hurt, detain, and even kill—yet too often, we refuse to cops to a higher standard of behavior that their status should demand.

Now on to this week's bad cops:

-In case we weren't sick of the NSA yet, this week brought two new revelations to add to the pile of 1,675 revelations that have already come out about the futuristic spy agency: Firstly, it turns out that just about every user of the IP-address-hiding Tor Project has their IP address flagged by the NSA through its XKeyscore program, and even visitors to the website that explains what Tor is aren't safe from this treatment. Secondly, a *Washington Post* investigation that came out over the Fourth of July weekend revealed that up to 90 percent of the individuals whose information was captured by the NSA weren't actually targets of the agency. The silver lining here is that the bureaucrats charged with monitoring our every move don't actually seem very good at their jobs, I guess?

-On May 27, a small-time pot dealer named Jason Westcott was shot and killed by a SWAT team in Tampa, Florida, after the cops busted down the door and the 29-year-old reached for his gun. What could make that story bleaker? Well, the raid was over a piddling amount of drugs—the police got a warrant after an informant bought \$200 worth of weed in four months. You want it to get more awful? Well according to a July 5 *Tampa Bay Times* story on Westcott's death, the dealer bought the gun after the cops told him to get one for his protection. Christ.

-Sometimes, the headline is informative enough that you barely need to read the article. "Cop Rats Out His Daughter-in-Law After Helping Her Grow Marijuana for His Cancer-Stricken Granddaughter" is one of those times, unfortunately. At least the officer waited until his granddaughter passed away from that brain tumor.

-More awfulness: A video reportedly recorded last Tuesday shows an officer with the California Highway Patrol (CHP) straddling a 51-year-old black woman and punching her in the head repeatedly. The incident took place after the woman, Marlene Pinnock, was apparently walking

barefoot beside the highway near West Los Angeles and occasionally wandering into traffic. The CHP officer restrained Pinnock, who struggled, and then began pummeling her. The passerby who filmed it was appalled, telling the local media, “If you look at the video, there are 15 hits. To the head, and not just simple jabs. These are blows to the head. Blows. Really serious blows. And this is ridiculous to me.” That cop, who has yet to be named, is on administrative leave while his conduct is investigated.

-Speaking of the CHP, last week VICE contributor Colby Tibbet reported that as part of a “what are you high on, son?” training program, the CHP has begun forcing local homeless people to participate, essentially serving as practice material for cops, or face arrest for minor crimes. One woman Tibbet interviewed even said the cops forced her to leave work and take part after they accused her of being high. “I felt like I was under their shoe, like some gum,” she told him.

-On Friday, a seven-year-old slipped on some mossy rocks and fell into the Brazos River in Waco, Texas—but wait, this story actually has a happy ending: Two police officers were present and acted fast, one jumping in to grab the boy, the other helping them both to shore. Our two Good Cops of the Week are detectives Dennis Taylor and Daniel Harper, who quickly turned a potential tragedy into a fun story for the boy to tell his classmates.