

Friday, February 26, 2010

DIAMOND: Demilitarizing local police

Richard Diamond

Just over four years ago, Salvatore J. Culosi was gunned down by a Fairfax County, Va., SWAT team member who suspected the 37-year-old optometrist of wagering on football games. County officials insist that it was an accident when Officer Devall Bullock squeezed the trigger of his .45-caliber pistol, sending a bullet into the chest of the unarmed man. In 2007, the Culosi family sued Mr. Bullock and the county for financial and punitive damages related to the incident.

On Monday, the U.S. Court of Appeals for the 4th Circuit issued a technical decision that will allow the suit finally to go to trial, most likely in early summer. Lawyers on both sides had taken the gamble that appeals in the middle of lower court proceedings could resolve some of the weightier legal issues in advance. The three-judge federal appellate panel took a year to shoot down the idea, returning the matter to the lower court with the state of affairs essentially unchanged.

"Now it's going to move like lightning," said Bernard J. DiMuro, the Culosi family's lawyer. "This is one of the fastest courts in the country."

A decision, even a preliminary one, cannot come soon enough, as justice in this important case is long overdue. The thin blue line quickly closed ranks around Officer Bullock and shielded him from taking responsibility for his actions. Then-Commonwealth's Attorney Robert F. Horan Jr. refused to file involuntary-manslaughter charges. The punishment Mr. Bullock suffered for killing a non-threatening man with no criminal record was a three-week suspension without pay. While the Fairfax County police internal investigation admitted that the use of the SWAT team was "not necessary," the department can hardly succeed in its attempt to sweep fundamental problems under the rug with empty promises for "more oversight" and "enhanced training."

As former Cato Institute policy analyst Radley Balko meticulously documented in a 2006 paper, "Overkill: The Rise of Paramilitary Police Raids in America," law enforcement agencies around the country have increased their use of military-style tactics to deal with low-risk situations. Mr. Balko mapped 43 specific examples in which use of the SWAT team led to the death of an innocent and 173 cases in which military-style tactics were used against people who, apparently unlike Dr. Culosi, had not broken any laws.

One of the highest-profile examples of this type of mistake was the 2008 raid on the home of Berwyn Heights, Md., Mayor Cheye Calvo. SWAT team officers gunned down Mr. Calvo's dogs, which were attempting to flee out of fear while Mr. Calvo and his family were held at gunpoint - even though they and the friendly black Labrador retrievers had done nothing wrong. The Prince George's County sheriff's department cleared itself, declaring the operation a success.

The choice to use overwhelming force in every situation - no matter the inherent risk level - is a tactic more appropriate to soldiers on an actual battlefield. The mentality has no place on public streets, where it places "officer safety" above the duty to protect the innocent. This impression is reinforced when the officers and officials behind the raids are not held to account when things go tragically wrong.

It would be unthinkable, were the situation reversed, for charges to be dropped against a driver who lost control of his vehicle and struck and killed a police officer on the side of the road. Such charges would be appropriate for a simple reason: The user of a potentially deadly implement has the responsibility to avoid situations in which control may be lost. As long as officers know they can do anything without facing strong consequences - neither Mr. Horan nor his successor has, as commonwealth's attorney, ever filed manslaughter charges against a police officer - responsibility is lost.

One sure-fire way to avoid the dangers of excess is for law enforcement to refocus its efforts on fighting real crime as opposed to soft targets like small-time gamblers. A state that runs lottery and liquor-store operations lacks the moral authority to criminalize a private bet on a sporting event. Surely Fairfax County Police would better serve the community by addressing the 834 burglaries that went unsolved last year than to play army and go after nonviolent persons whose only crime was to place their bets outside of the state's own lottery system.

A judgment in favor of the Culosi family could be the best thing for area law enforcement.

It speaks the only language county bureaucrats understand. It hits them in the wallet. That could spur the needed adjustment in priorities away from the militarized attitudes and lack of accountability that fosters an "us versus them" divide between police and public. Such a change is needed for law enforcement to regain the trust and respect the profession once had in the community.

Richard Diamond is a senior editor for The Washington Times.

Ads by Google 

[Police Careers](#)

[Law Enforcement Jobs](#)

[Police Exam](#)

[Police Exam Prep](#)