

## WHY COPS SHOOT

explore every case



Miami Beach police officers shoot and kill robbery suspect David Winesett, 51. [Image from 2015 YouTube video]

## WHY COPS SHOOT

**An unprecedented review of Florida police shootings reveals how fear and bias breed confusion, how order quickly dissolves into chaos, and ways to avert the violence.**

Sarasota

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Times Staff

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**W**hen her baby was born, Clemons hugged him and promised to God she would protect him from the mean world. She never let him out of her crib because she needed him close. She drove him to school because she didn't trust bus

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manners, to respect the police and do  
say.

She constantly texted his coaches and  
when she shipped him off to college in  
on a football scholarship. She wore a T-shirt  
said RODNEY'S MOM on senior day and  
hand as they walked across the field.  
parent? She was a backpack.

And with her college graduate back home  
Sarasota, tooling around in his mother's  
Liberty with the five-star safety rating  
gospel music in the CD player, she would  
She texted him, like she did most nights.  
Come home.

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Courtesy of Natasha Clem

Rodney Mitchell poses with his son, Channing, the year before Mitchell was killed.

Rodney Mitchell, 23, who worked at Kohl's department store, was on his way around 9:30 p.m. on June 11, 2012, when he saw police lights in the rearview mirror. He pulled off U.S. 301 and came to a stop on Washington Court, just north of Dr. Martin Luther King Way.

The deputy getting out of the Crown Victoria behind Mitchell was the same age and also had gone to college on a football scholarship. Under different circumstances, they would've had a lot to talk about.

Adam Shaw had made mistakes in 2½ years with the Sarasota County Sheriff's Office. He'd been disciplined for stopping minority residents for seatbelt violations then illegally searching their cars. Now he was part of Operation Armistice. Police were saturating north Sarasota to reduce crime. The black community scornfully called it Operation Amistad, after the slave ship.

Mitchell, in the Jeep with Florida tag GODANGL, was the next target.

Shaw would later say he saw Mitchell wasn't wearing a seatbelt as the two passed on the road going opposite directions, even if it was nighttime and the Jeep had tinted windows. He would say the car didn't stop soon enough and that after it stopped, the driver was moving around a lot inside. He would say the driver refused to put the car into park.

What Mitchell's 16-year-old cousin remembers from the passenger's seat is a white cop rushing to the driver's window and shouting: "Boy, why didn't you stop the car?"

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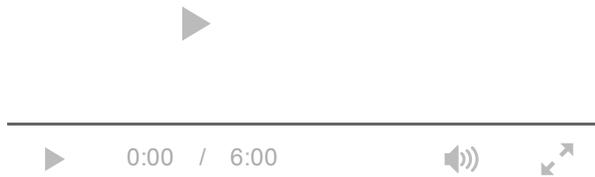
Mitchell’s hands on the steering wheel, and Shaw ordering him to put the car into park. He remembers his unarmed cousin moving his right hand from the wheel toward the gearshift, then the flash from a muzzle, then the sound of four shots.

*Pop, pop, pop, pop.*

From stop to gunfire: 41 seconds. 

Natasha Clemons raced to the scene when a friend called. Police would not let her go to Rodney, sprawled in the driver’s seat, wearing his seatbelt. She collapsed right there, bathed in the blue lights of the lawmen who killed her only son.

# ‘I just don’t understand, and I’ll never understand’



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Times

Pasco County deputies faced a suspected bank robber during a standoff in 2010.

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later in Melbourne, then four days later in Tallahassee. In 2014, police shot 14 people that month and 136 people that year statewide. Some shootings don't make the news, but also tourists and a security guard and a hospital patient. Police never know the tally. Some shootings don't make the news. The Department of Law Enforcement can say how many people were in any given year, but not how many times cops fired their guns. The FBI's statistics on police shootings aren't much better. They're an accurate count.

"Embarrassing and ridiculous," FBI Director James B. Comey said in 2014. "Lack of data."

"Unacceptable," former Attorney General Eric Holder called the practice. For the past three years, shootings of unarmed black men and women have sparked outrage. But they are anecdotes. Without a comprehensive scope.

"How can we fix what we can't measure?" asked Vanita Gupta, head of the Department of Justice's Civil Rights Division from 2011 to 2014. "It's a year."

To help fill that void, the *Tampa Bay Times* in September 2014 surveyed nearly 400 law enforcement agencies in Florida for reports of when an officer shot someone between Jan. 1, 2009, and Dec. 31, 2014. The *Times* analyzed more than 10,000 pages of police records, newspaper reports, and court files, and fresh interviews, to build Florida's most comprehensive database of police shootings.

Databases compiled since the 2014 shooting death of Michael Brown in Ferguson, Mo. — most notably by the *Washington Post* and the *New York Times* — cover a shorter period of time, rely on media reports and court records of those killed by police. The *Times* database accounts for all police shootings in Florida in which someone was hit by a bullet, allowing a more comprehensive look at the numbers. It also accounts for the circumstances leading to the shootings to better understand why police use deadly force.

The top line findings: Florida's police shot 827 people in 2014, or about one every 2½ days. More than half — 434 — were black. They had about the same number of shootings, an average of

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who shot at an officer before the officer fired back. He, Nearly a fifth of the people shot — 156 — were unarmed no vehicle. And half of those were black, in a state where just 15 percent of the population. That means unarmed nearly eight times as likely to be shot by police than white. One hundred twelve people shot were believed to have used officers or otherwise used a vehicle as a weapon.



ABC News (2015)

A dash camera image shows a police officer moments before he shot a schizophrenic man in Miami Gardens.

Most of the shootings seem justified. While millions of interactions are peaceful, we give police the authority to kill and the benefit of the doubt, and we expect them to use violence judiciously to protect the public and themselves. More often than not they do. And policing can be dangerous. In the same six years, 23 officers were killed in the state, according to the Florida Department of Law Enforcement.

But then there are cases like Rodney Mitchell's.

They highlight systemic problems that lead to questionable shootings: police operations that target minority neighborhoods; dubious traffic stops and nervous cops who rush to judgment; bad decisions by police that put them in harm's way so they feel forced to shoot.

In the worst cases, officers lie. They change their stories, tamper with evidence. They can kill an unarmed man lying on his back.

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analyzed was an on-duty cop charged with a crime for shooting someone. got thrown out of court.

On-duty police are more likely to face criminal charges if they shoot and miss.

Many of the shootings were avoidable and unnecessary. Those tend to be the ones that make national news and spark protests.

“Lawful, but awful,” is what Chuck Wexler calls them.

He’s executive director of a group of police executives who study issues like use of force. He said a full third of police shootings nationwide are cases in which the suspect was unarmed or cases where police could have avoided putting themselves in harm’s way, like unnecessarily standing in front of suspect’s car.

Check the *Times* database and you’ll find plenty of cases that fit Wexler’s description of lawful, but awful.

A 17-year-old boy with Down Syndrome who took his mom’s minivan for a low-speed joy ride. A 60-year-old man fetching cigarettes from a car in his driveway. An autistic 18-year-old who threw four lava rocks at an officer. A drunk 20-year-old who was chased down and shot by an off-duty cop after a ring-and-run prank. A man shoplifting a can of Bud Light from a gas station.

An unarmed 23-year-old ex-football player driving his mother’s Jeep Liberty.



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MONICA HERNDON | Tir

Tallahassee attorney James Cook said he took on Rodney Mitchell's case because he felt deputies tried to cover up a fatal mistake.

**J**ames Cook, 69, parked his Toyota Prius a few blocks from the capital building in Tallahassee and climbed the stairs where the Bill of Rights hung on the wall. Books lined his shelves, and letters from prisoners spilled out on the floor. On his computer screen was a photograph of Rodney Mitchell, driver's seat of his mother's Jeep, eyes closed, a bullet through his eyebrow, his face covered in blood.

Cook speaks with a slight drawl, wears a goatee and combs his hair straight back. He grew up in North Florida during the civil rights era, remembers Klan rallies and police roughing up black kids. In his career working civil rights cases, and Mitchell's was his first. In the morning. He was preparing to appeal the judge's ruling granting Sarasota County sheriff's deputies Adam Shaw and Troy Thomas Knight immunity from being sued.

One of the many things that bothers Cook about the Mitchell case is the position of the deputies. When Shaw made the stop and search of the driver's side, Sasse stood near the front of the car.

"This has happened for a long time," Cook said. "It's like a bullfight scenario, where maybe somebody has a war with you and expect the person to try to flee. So an officer will get on

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person if the person surrenders, but it's also a reason to  
 And they do. Of the 827 shootings, about 10 percent sta  
 stop and ended in bloodshed. And almost 70 percent of  
 traffic stops weren't armed with a gun. Cook worked on  
 example that's in the *Times*' database.

## 'You really shouldn't have to think



See more videos

In January 2010, Orange County sheriff's deputies moved in on Torey Breedlove, a suspected car thief in an SUV. Breedlove tried to drive away but was surrounded by deputies with guns drawn. A witness said Breedlove raised his hands, but deputies said they heard an engine revving, so they fired 137 rounds, killing Breedlove. A grand jury cleared the deputies, but Breedlove's sister sued on behalf of the man's four children. Evidence presented in the civil case showed the revving engine was a deputy's SUV, not Breedlove's. His sister got \$450,000.

"The conduct at issue here," wrote U.S. District Judge Gregory A. Presnell, "is more akin to an execution than an attempt to arrest an unarmed suspect."

Many police agencies prohibit firing into vehicles, reasoning that they're more likely to create a 3,000-pound unguided missile than to stop the car. The New York City Police Department adopted such a rule in 1972 and killings plummeted. But many departments have been slow to change.

Cook believes police violence stems from the militarization of police, and the spread of SWAT teams after the Watts Riots in the mid 1960s. Police agencies use grants to buy military-grade equipment such as Bearcat armored vehicles, M-16 rifles and night-vision goggles. These programs

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even pressing charges. It's called "civil asset forfeiture," and its use has grown leaps. In 2014, for the first time ever, police took more from American citizens than burglars did, according to economist Martin Armstrong, who used statistics from the FBI and Institute for Justice. Police departments use the money, cars and homes seized through civil asset forfeiture to support their budgets.

So street cops often are encouraged to make traffic stops, search vehicles and, if they suspect a crime, legally take the owner's cash and car.

In the three months prior to the night Rodney Mitchell died, Deputy Shaw had stopped motorists for expired tags, faulty taillights and illegal lane changes. He searched 80 percent of the vehicles he stopped, records show and he seized cash and drugs from several. Half were black drivers in a county that is 90 percent white.

"The answer to the riddle of why officers who are assigned to drug and gun and other contraband-oriented assignments, who are armed to the teeth, often in military fashion, take the time and trouble to make traffic stops for mundane offenses like 'tag light out' or 'no seat-belt' can be answered by the multi-million dollar forfeiture trade that supplements police incomes," Cook said.

The current Florida Department of Law Enforcement training guide for traffic stops acknowledges the importance of stops to make arrests for more serious crimes. But it also warns that the "final precipitating event in nearly every serious race riot in the United States in modern history was a traffic stop in a minority neighborhood."

The Watts Riots of 1965. The Miami riots in 1980 and '89. Rodney King in Los Angeles in 1992. St. Petersburg in 1996.

Cook teaches community groups how to behave safely during a stop. Show your hands. Make slow movements. If asked to step out of the car, announce clearly that you'll be removing your seat belt first.

He said that criminals are actually pretty good at this. They've been arrested before and know how to do it safely. It's the rest of us who might be nervous or stressed who need help.

Rodney Mitchell had been in trouble with the law once, for DUI in college in New Mexico, but the Sarasota deputies didn't know that. Nor could they have known that he was trying to get a job as an elementary school teacher.

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Courtesy of James Cc

Sarasota County Sheriff's Deputy Troy Sasse, left, told investigators that Rodney Mitchell was looking all around and not paying attention to Deputy Adam Shaw, right. "They were up to no good is what I felt," Sasse said. "It just seemed really, really odd."

On the night of the shooting, Deputy Sasse, standing near the front of the car, said he suspected something was up because of Mitchell's behavior, but he couldn't articulate exactly what when questioned by investigators. Cool thinks his statement is typical of racial bias and that Mitchell would have been nearly blinded by the police spotlights. The Sarasota County Sheriff's Office declined to make the deputies or the sheriff available for an interview because Mitchell's mother filed a civil lawsuit, but their statements are part of the court record.

"I just noticed that the driver was just, he was just like looking all around," Sasse told investigators. "He wasn't paying any attention to Deputy Shaw (the driver's door) and what he was telling him and it was just it felt like something like he was going to take off or ... they were up to no good is what I felt. It just seemed really, really odd."

And he later told them: "He wouldn't make eye contact with me, he wouldn't look at me. He just kept moving his head, looking around."

"And that's when you drew your weapon?" the investigator asked.

"Right. ... I drew my weapon when he put his hand down."

Mitchell put his hand down because Shaw told him to put the car in park.

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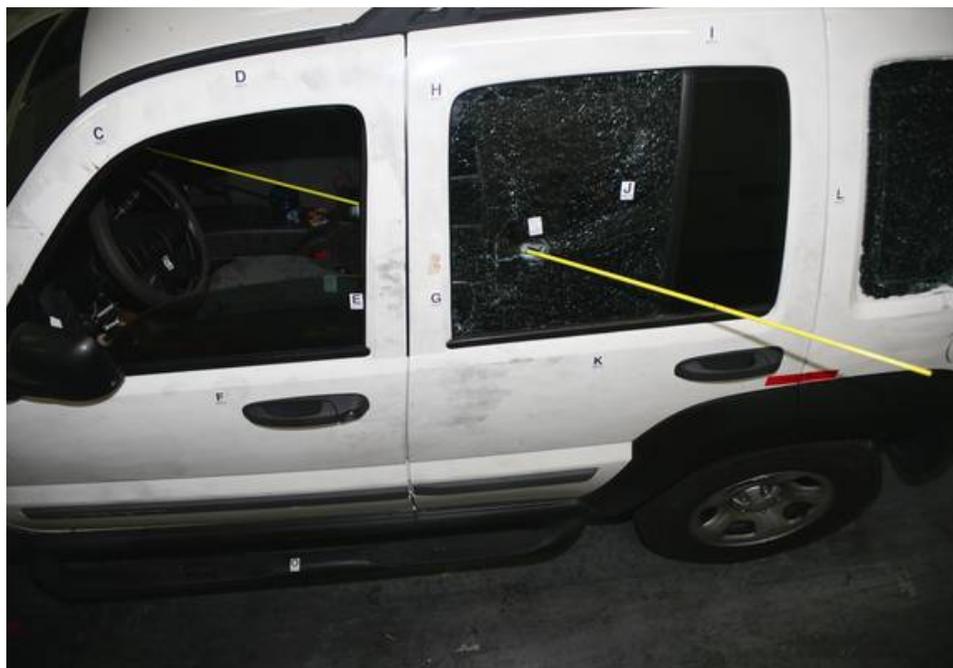
“And, and hearing Shaw say put it in park, put it in park. And I’m just looking at him and he’s, he’s not looking at me. His eyes are not making contact and it just ...”

“But he made a move with his right hand that concerned you,” the investigator said.

“As soon as he moved his hand down,” Sasse said.

He continued: “(A)s soon as his hand went down that’s when things just seemed like it just, it was going to go bad. It just, his hand went down so I’m coming out. When I come out and I’m coming up that’s when the car taking off.”

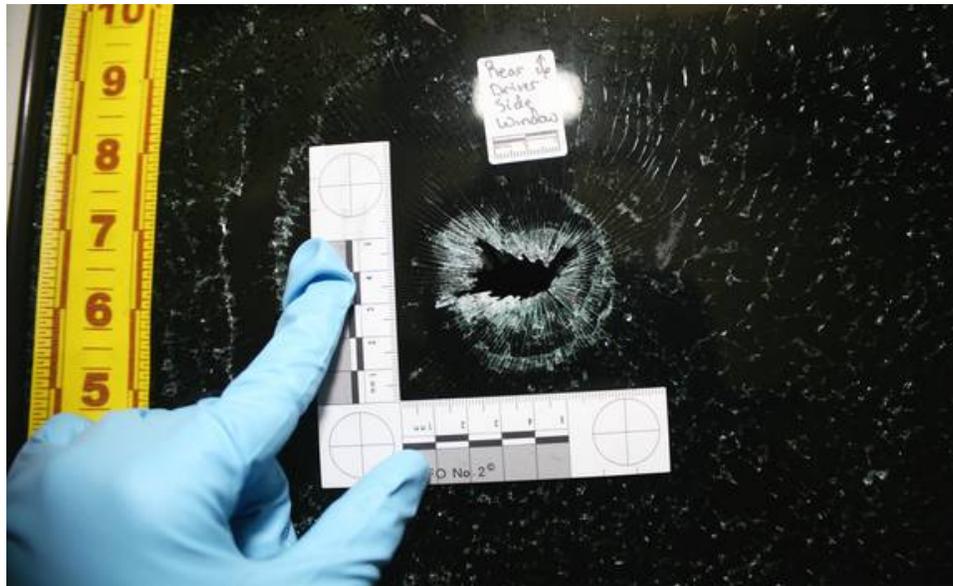
Both officers fired twice, but it was Sasse’s second shot that struck Mitchell’s palm and head. The question Mitchell’s lawyers asked was whether Sasse’s first shot was fired after the Jeep lurched forward, as Sas and Shaw have said. Or did Mitchell step on the gas when they started firing?



Courtesy of James Cc

A police investigation photo shows the trajectory of the shot that killed Rodney Mitchell.

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Courtesy of James Cc

The bullet entered the rear window on the driver's side.



Courtesy of James Cc

Rodney Mitchell's blood covers the dashboard of his mother's Jeep. In the corner childhood photo of Rodney and his sister, Brandy.

A witness at the gas station across the highway said the shots were fired before the vehicle moved. A judge disregarded his testimony because the man thought the shots came from the car, not the deputies.

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version of events put forward by police tends to stick.

“These cases need to be litigated,” Cook said. “The public doesn’t want to believe that the police would behave this way and yet they’ve seen them behave this way many times now.”

In the Mitchell shooting, security video from a nearby Xpress Lube given to the sheriff’s office might have recorded the shooting. But the video shows deputies pulling Mitchell over. Then it shows Mitchell’s Jeep careening across the highway after shots are fired. But the video frames of actual shooting are missing. “The video appears to have been altered,” Cook alleged in a court motion.



Lawyers for the sheriff’s office said that the videos had not been altered and came directly from Xpress Lube’s corporate headquarters.

The “Sheriff, in good faith, has provided copies of the Xpress Lube Videos in its possession to Plaintiffs for review and provided a chain of custody for the Xpress Lube Videos in the Sheriff’s possession,” the sheriff’s lawyers argued.

Cook’s experts could not determine why there was a time lapse.

“I was never able to prove wrongdoing,” he said.

He also pointed out that black marks on the curb show that the Jeep’s tires were turned to the right, away from the officers. And that Deputy Sasse gave inconsistent statements about where he was positioned when he fired. He first told investigators he was at the side of the jeep, near the front driver’s side tire. Then he said he was in front of the headlight and fired through the windshield when the car lurched toward him. Investigators found that no bullets went through the windshield, but into the frame between the windshield and driver’s-side window, through the driver’s-side window and through the driver’s-side rear window.

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neither deputy was hit by the car.



MONICA HERNDON | Tir

From left, Deanna Joseph of Tampa, Krystal Brown of DeLand, Vickie Williams of West Palm Beach and Jackie Johnson of Valdosta, Ga., comfort each other at the site in DeLand where Marlon Brown was run over by a patrol car.

**R**odney Mitchell's mother was late. When Natasha pulled into the gravel lot in front of the Shriener morning in April, she still wasn't sure she wanted her fourth anniversary of his death was close and she was a mother. She found herself part of a sorority of mostly black women, mothers, daughters and husbands to police violence. They wear names and photographs of the dead and hold events to beg for new investigations and criminal charges. They also plays a role in the use of lethal force.

The numbers are, in fact, skewed racially.

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whites to be shot by police.

And blacks make up 57 percent of the shootings that still stand. That's in a state where, according to an ACLU analysis cited earlier, whites are cited for seatbelt violations nearly twice as often as blacks. The *Times*' data shows that blacks were more likely to be shot during the commission of a minor crime, shot while resisting arrest, or shot for resisting arrest.

Combined, whites were more likely to be shot after killing someone, threatening the police. Whites also were shot more often during domestic violence episodes and when they or someone they knew had mental health issues. Whites made up almost 80 percent of the officers involved in "suicide by cop."

But the racial bias is hard to prove, said Wexler, the executive director of the Washington, D.C.,-based Police Executive Research Forum. One of the group's studies tackled racially biased policing. Researchers held focus groups with citizens and law enforcement across the country and some results were not surprising: Citizens felt that racial bias in policing was a major problem, and cops didn't see it as such.

What researchers found interesting was this: After a white officer downplayed the scope of the problem, a minority officer stood up and describe his or her personal experience being pulled over. The white officers were shocked.

If you pick that apart, it speaks more to ignorance than to racism, researchers say. And ingrained, subconscious racial bias is a much harder problem to fix.

Inside the lodge in DeLand, the women prepared the room for a memorial and community forum to coincide with the third anniversary of the death of Marlon Brown, who was run over by a police car in a fiery crash from a traffic stop in 2013. Brown was unarmed and was wearing his seatbelt. The dramatic death was captured on video from an officer's dashcam and the officer was fired but never charged. Brown's widow, Krystal Brown, is still calling for justice. She planned the memorial forum.

"We had no other choice but to form a team," Brown said. "I was not alone. There's no textbook to losing a family member to police violence."

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traffic stop. Nearby was the aunt of Corey Jones, a 31-year-old drummer shot dead by a plainclothes Palm Beach Gardens police officer. At another table sat the mother of Tinoris Hill, a young man who was unarmed when he was shot inside his home. A Palm Beach County deputy investigating a burglary.



MONICA HERNDON | Tampa Bay Times

Natasha Clemons hugs Geneva Reed-Veal, mother of Sandra Bland who died in police custody in Texas, during a Justice for Marlon Brown event.

“We’re not safe,” Brown said. “We have stories of people getting killed inside their own houses.”

One by one they stepped to the microphone to tell their stories to the panel of candidates running for local office.

“Take it out of the hands of local prosecutors,” one said.

“He didn’t have a search warrant,” said another.

They called for body cams and accountability. They complained about police harassing young black men in the tradition of antebellum slave patrols. One man said his son called him crying because police had stopped him for questioning while on a date with a white girl.

“Everyplace now is one incident away from chaos,” said Patrick Henry, a Daytona Beach city commissioner. “These are the times we live in.”

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have a good relationship with the public, for the most part. He said it's because of the chief, Mike Chitwood.

In their first conversation five years ago, Henry had one request for Chitwood: "Police our side of town the way you police the other side of town." And he said Chitwood is doing just that.

"You should meet our chief," Henry said.



MONICA HERNDON | Tir

In most situations, if the suspect is unarmed, there's no reason to use lethal force said Michael Chitwood, former Daytona Beach police chief, now sheriff of Volusia County.

**D**aytona Beach Bike Week, 2013. Chief Mike Chitwood, wearing shorts and a three-button polo and a salt-and-pepper mustache, was walking down a packed Main Street in Daytona Beach when a man told Chitwood he was a sovereign citizen and the police had no authority over him.

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Michael Deangelo, 43, spit on the chief's back. Chitwood and Deangelo started fighting. They fell and Chitwood saw a motorcycle hard enough for four stitches. His right index finger was in Deangelo's mouth and the crazed man was trying to bite it. A lefty, could have gone for the gun holstered on his left hip. Chitwood unleashed blow after blow to the man's skull, breaking places, until his assailant finally let go. Bystanders helped arrest Deangelo. Chitwood got a cast and stitches and was back to work later that day, finger intact.

He relayed the story a few months ago in his office.

"I'm not going to shoot him," he said in an accent that reflected his Philadelphia upbringing. "The key to use of force anywhere is proportionality. Would you use an elephant gun to kill a mouse? Would you use deadly force if somebody was biting on my finger?" His tone was calm. Chitwood has comb through six years of police shooting reports and he seems shockingly subdued.

"You can get your finger sewed back on," he said. "It's not a knife and he was plunging it in my chest. It was my finger. If anybody would have a hard time saying, 'He bit me, so I bit him.'"

In most situations, if the suspect is unarmed, there's no need for deadly force, he said.

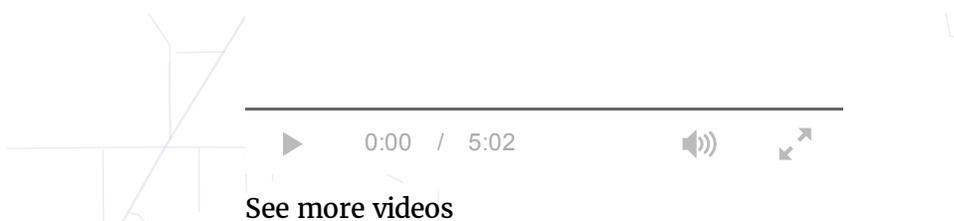
That alone could have reduced a fifth of the 827 shooting incidents in the database in which the person shot had no weapon.

It's not that he'd never use deadly force. Chitwood, 53, has seen some of the most violent men during his 18 years with the Philadelphia Police Department. But that thinking has driven Chitwood's 10 years leading the Tampa Bay Police Department. He took the job because he saw it as a challenge.

"Crime was out of control, the police department was overwhelmed," he said. "There was a lack of confidence in the police, and every day there were bad stories about something that the police weren't doing in the paper."

**'Our job is to solve problems.'**

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Chitwood started to train officers in de-escalation and began equipping cc with body cameras in 2012, before that technology was widely adopted. He recorded everything that happened inside the police station, including line ups and interviews, so “there’s no shenanigans,” he said.

He began recruiting new officers from Bethune-Cookman University in 2012 and later instituted mandatory race and policing training with the historically black college’s help.

He encouraged officers to be effective communicators. He said most cops never fire their guns, yet they spend hundreds of hours at the gun range. They spend far less time training in active listening and communication.

“We’re proficient in (shooting), but we’re not proficient in the No. 1 thing dealing with people,” he said. “I think the No. 1 complaint in America against police officers is rudeness.”

He also began to try to keep crooked cops out of his department by hiring people with solid, deep background investigations. He established an alert system to try to identify rogue cops. He started randomly drug testing officers.

“I’ll tell you that 98 percent of the cops that work here, we have no problem with,” he said. “Two percent are your organizational terrorists. They’re constantly in trouble.”

When a citizen calls to complain, they may not know the offending officer’s name. But if Chitwood knows the shift, he knows who it is.

“And sure enough, you go back and pull the call, you know who it was because that’s just who you’re dealing with,” he said. “They’re the guys you have to focus in on.”

What’s particularly interesting about Chitwood is the stricture of his policies, especially when it comes to police chases and use of force. He’s blunt. Do not shoot into a vehicle. If you do shoot, he said, you’d better have tire tracks in your chest.

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we've switched out of the guardian mentality and we've become warriors. And that's not what American policing was founded on."

He's been involved for many years with Wexler's group, the Police Executive Research Forum.

Wexler began researching use of force after the 2014 shooting of Michael Brown in Ferguson, Mo., which prompted protests and civil unrest. Wexler's group organized a 2015 trip to Scotland for about 25 American police executives, including Chitwood, to learn how unarmed Scottish officers use de-escalation techniques to capture offenders armed with knives and bats.

Wexler had an epiphany on the trip. He heard one of the American chiefs say, "I tell my officers that the most important thing is that they go home safely at night."

He saw a Scottish policeman cringe.

"We wouldn't say that," the officer said. "We say that everyone should go home safely."

Chitwood was amazed to see largely unarmed Scottish officers use shields to surround and subdue a man wielding a baseball bat.

"It's a shame that we have to preach it, but 28 years ago, when I got hired they hammered into our heads the sanctity of human life," he said. "And somewhere along the line, we've gone off the rails, and we've gone into that war mentality, that it's us against the people we are protecting."



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the third anniversary of Marlon Brown's death.

In January, PERF issued 30 “guiding principles” on use of force based on i research. The document called on agencies to do things many cops agree with, such as adopt de-escalation as policy, render aid immediately after a suspect has been shot and prohibit shooting at vehicles.

But it also encouraged agencies to implement use-of-force policies that go beyond the minimum standard, what's known as the “objectively reasonable” standard. That means use of force must be judged from the perspective of a reasonable officer on the scene.

In a rare move, the Fraternal Order of Police and the International Association of Chiefs of Police issued a joint statement critical of that guideline.

“At a traffic stop, in the dark alley, or during a call of shots fired, we are relying on the judgment of that officer. These brave men and women are thoroughly trained to respond appropriately to a variety of different situations, especially those in which the just and lawful application of force is necessary” the statement read. “That is why both of our organizations reject any call to require law enforcement agencies to unilaterally, and haphazardly, establish use-of-force guidelines that exceed the ‘objectively reasonable’ standard set forth by the U.S. Supreme Court nearly 30 years ago.”

Missy O'Linn, a former cop and use-of-force expert who is now a lawyer and defends cops in court, attended a PERF gathering and felt like it was a dog and pony show, that PERF was suggesting American policing was bad its core.

She argued that a fraction of one percent of all police interactions result in the officer using any kind of force. And a much smaller fraction result in shootings.

“And 99.9 percent of those people didn't do what the nice officer asked them to do,” she said. “That is something that is lost in the whole discussion.”

In an interview, she said the media has created a “false narrative” about policing and race by highlighting questionable shootings, including that of Michael Brown in Ferguson, Mo., which sparked protests. She pointed out

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“Wilson did nothing wrong,” she said. “Officers don’t care what color your hands are. They care where your hands are.”

The “Hands-up-don’t-shoot” storyline that developed, based on eyewitnesses who said Brown’s hands were up in a surrender position when he was shot, fell apart under scrutiny. Evidence would later show that Brown punched and grabbed Wilson, but by then protesters had already carried their signs to the next controversial shooting.

“People may not understand how heavily this weighed on our officers,” O’Linn said. “We’re overwhelmed by a multitude of media reports ... that are putting our public safety officers at risk.”

She said the majority of PERF’s recommendations are fine, but some are insulting and dangerous. She pointed specifically to the suggestion that an officer facing a threat should stop to consider: “Will my actions be viewed appropriate—by my agency and by the general public—given the severity of the threat and totality of the circumstances?”

That kind of hesitation puts the officer and public at risk, O’Linn said.

Chitwood has heard the argument that very strict guidelines can make police less safe, but he doesn’t buy it.

“What I’m asking you to do is, in certain situations, slow down,” he said. “That first bit of information, that 911 call you get, it’s not sometimes right. It’s not most of the time right. It’s always wrong. And if you’re operating on that first piece of information and you’re flying in at a hundred miles an hour with wrong information, you’re going to make a wrong decision.”

Have his stricter policies worked?

Daytona Beach has a population of 62,300 and is known for its raucous Spring Break crowds, NASCAR’s Daytona 500 and Bike Week, which brings some 500,000 rowdy bikers to town for 10 days every year. Chitwood said Daytona’s daytime population is closer to 120,000 and special events bring 8 or 9 million visitors a year.

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Times

Motorcyclists crowd Main Street during Daytona Beach's Bike Week, which brings about half a million people for 10 days each year.

But the city had just four police shooting incidents between 2009 and 2014. Three of the Daytona shootings involved an armed suspect who was endangering lives; the other person shot had crashed into a car, led police on a chase and drove at an officer.

Armed assailants are also apprehended safely. Chitwood pointed to a recent encounter captured on an officer's body cam, which the police gave the *Times*. A mentally ill man, shirtless and high on crack, was threatening neighbors with a knife. Two rookie officers exited their patrol car. One pulled out his handgun and the other drew a Taser. One of the officers had interacted with the man a few months before.

"Why don't you chill out, Derrick?" the officer can be heard saying. "Why don't you stop acting so crazy?"

The man, swinging his knife, walked toward the cop with the gun and the other shouted a loud warning then deployed his Taser. The man immediately fell flat on a driveway with a thud and the officer kicked his knife away, rolled him over and handcuffed him behind his back. The officers appear calm and unafraid throughout the incident.

"The neighbors on the video are like, 'I cannot believe you didn't shoot him. Why did you not shoot him?'" Chitwood said. When the man calmed down he told one of the cops: I'm Jesus Christ and I wanted to prove to everybody here that your bullets can't kill me.

## WHY COPS SHOOT

Hey, Chitwood! How you doing, man?

“I wanted to say, ‘You dumb son of a bitch. Do you realize how close you came to getting killed?’ But here he is, back on his meds, sitting on his front step, waving at the police chief.”



MONICA HERNDON | Tir

David Diamond, a University of South Florida professor and expert in cognitive and neural sciences, has studied how a brain responds to tense situations.

**D**avid Diamond was hesitant to talk. These are not just police shootings, in the sway of dramatic viral videos and cop killings. And, he’s just a brain scientist.

“I have a high regard for the police who have an incredible job and are under a great deal of stress,” he said in his office at the University of South Florida. “I want to talk to them about their stress and how to manage it.”

## WHY COPS SHOOT

baby syndrome,” those tragic moments when otherwise accidentally leave their children in hot cars. But he also and police shootings.

To begin with, there is a primitive part of our brain, the which controls our primal emotions and our response t said. It’s the part of the brain that makes a baby cry wh makes a rat run when it sees a cat, even if the rat has n before.

It’s the part of our brain that makes us fear for our life v threatened.

There’s another part, though, called the prefrontal cort our reasoning and self-control. It develops throughout it’s the region that helps us plan, determine right from socially inappropriate behaviors.

“When we are threatened, the brain goes into survival r

“All of this reasoning and self-control that goes on in t can be suppressed by our hypothalamus when our life is

This competition between the prefrontal cortex and the survival value, he said. A gazelle running away from a li think in the moment. It just reacts, maximizing the cha

The same thing happens in the human brain when, faci perceived, the hypothalamus kicks into hyperdrive. In tl primitive survival mode of the hypothalamus suppresses thinking going on in the prefrontal cortex.

As we evolved, we learned how to get along with verbal communication. But it’s often the case in police encoun modern behaviors evaporate. The ability to read someor and body language, for instance, is sometimes lost in a nighttime traffic stop when an officer is shining a spotl

To further complicate things, guns — and even the thre short-circuited these methods of communication becau easy to harm and kill.

So in tense situations, when communication has broke officer is going to be so sensitive to subtle movements t interpreted as a threat to his or her life,” Diamond said.

## WHY COPS SHOOT

“The police officer in that moment,” he said, “thinks he is in danger before you take his.”

The science and U.S. courts seem to agree on this.

The 1989 Supreme Court case that provides broad legal protection is called *Graham vs. Connor*. As use-of-force cases go, this one and the ruling barely got a mention in the *New York Times*. The case stated specifically that the “reasonableness” of a particular action will be judged from the perspective of a reasonable officer on the scene, not with 20/20 hindsight in the safety of a judge’s chambers. Even in cases involving shootings that are prosecuted or dragged into civil court, the science, stands in favor of the officer.

It’s hard to dispute that the police officer is at times the most powerful person in the criminal justice system. We want to make sure we’ve extended to police a sweeping benefit of the doubt. In the pressure-cooker of a possible life-or-death experience, when he is in danger, he is allowed to shoot to kill, even if that decision is being reviewed in court, the guiding question is “would a reasonable officer” have made the same decision?

If the brain scientist is right, though, the choice to shoot is often a matter of primitive instincts which demand we survive any threat. In a split second, when there’s a battle waging in an officer’s mind between reasonableness and survival, all bets are off.

And when the primitive brain wins, maybe the “reasonable officer” is not so reasonable at all. Maybe the only chance to be reasonable is to make decisions made before he feels forced to squeeze the trigger.



## WHY COPS SHOOT



MONICA HERNDON | Tir

Rick Sheldon smokes a cigarette outside of his home in rural St. Johns County. His wife, Andi, was killed by deputies who said she pointed a shotgun at them.



MONICA HERNDON | Tir

His wife came to the door with the shotgun because she was startled awake, said Rick Sheldon. She had no way of knowing, he said, who was stalking through her yard in the dark.

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**R**ick Sheldon saw Andi for the first time across t  
Tradewinds Lounge in St. Augustine, back wher  
indoors. She was 5 feet 4 with dark blonde hair.

## WHY COPS SHOOT

He was a paramedic for Jacksonville Fire Rescue, and she was a nurse. Extreme environmentalists, they lived off the grid in St. Johns County, not far from St. Augustine. They set up solar panels and put a box out so people could leave their cars. They drove a Prius and raised farm animals and tended to a vegetable garden. They called their isolated place in the woods Hummingbird Hollow. On April 14, 2012, they returned from a vacation. They had beer and then some more drinks, and they got into an argument. After nightfall, Rick drove his pickup north on a dirt road toward a fishing pond he likes. But his truck got stuck. He called the fire station to say he wouldn't be at work the next day. He was fighting with his wife. The fire chief called 911 to see if he could swing by to check on the couple. He told police Sheldon



Courtesy of Rick Sheldon

Rick and Andi Sheldon met in St. Augustine and married a year later.

## WHY COPS SHOOT

information tends to be incorrect.

Around 10:40 p.m., dispatch sent several units toward the Sheldons' rural home, down a long gravel lane. Informed by the fire chief that the Sheldons were possibly armed, the deputies parked more than half a mile away and decided to walk to the house in the darkness. One alerted the rest he was going to use night-vision goggles. All to check on a domestic dispute. Sheldon's lawyers would later say their approach "suggests a tactical response to what was categorized as a 'welfare check.'"

"Supposedly the wife has a (gun) and is chasing the male who took medication," a dispatcher told them. "I don't know if he's hallucinating or what's going on."

Rick had taken medication, but was not hallucinating. His wife was in bed, not chasing him with a gun.

"Is she chasing him with a firearm for any particular reason?" a deputy asked.

"It's all third hand (information)," the dispatcher replied. She said they had phone numbers for both Rick and Andi.

When deputies reached Sheldon's property, one called Rick, who was at least 3 miles away. Rick told him what happened, and that it wasn't a big deal, that everyone was safe. Rick said he was fine, and he was now laying on the hood of his truck with a flask, enjoying himself.

"We want to get in contact with your wife first at the house just to, um, 'cause, you know, we've got deputies out here and it's dark, you know, and we don't want her to think that we're somebody prowling ... so how's the best way that we can make contact with her?"

Rick relayed her phone number. The deputy said he'd have a colleague call. But it was too late. The other deputies had surrounded the porch in the darkness. Gunshots rang out.

"Shots fired," the deputy can be heard saying on the phone. "Oh, sh--!"

"Who the hell is firing shots?" Rick said. "Deputy?"

The deputies fired 24 shots and hit Andi Sheldon eight times. She fell in her own doorway, wearing only panties and eye-glasses and holding a shotgun she used for protection.

### WHY COPS SHOOT



MONICA HERNDON | Tir

Bullet holes are still visible on the exterior of the Sheldons' home.



FI

Deputies fired 24 shots and hit Andi Sheldon eight times.

## WHY COPS SHOOT



FI

Andi Sheldon was standing just outside her home holding a shotgun when she was shot.

Sheriff David Shoar told the media that Andi came out of the house and was “repeatedly told to drop the weapon.”

“She focused on one deputy in particular and when she pointed the shotgun directly at him, he and his colleagues opened fire, which neutralized the immediate threat.”

Neutralized the immediate threat.

That’s what bothers Rick Sheldon. His wife was a threat only because deputies startled her from bed. She had no way of knowing it was the law stalking through her yard, he said. Why didn’t they simply call her on the phone? Why didn’t they pull up the driveway with their car lights flashing? Let’s agree that no officer wanted to kill a hospice nurse that night.

Using the best information they had, as misunderstood as that information was, the jumpy deputies went to help a couple, and they were walking through the darkness of a situation they perceived to be dangerous. And a sleeping, nearly naked woman heard something outside her rural home and grabbed her gun and opened the door.

Lawful, and awful.

## ‘One of those nights from hell.’

# WHY COPS SHOOT



See more videos



MONICA HERNDON | Tir

Natasha Clemons stands among ANSWER Coalition Suncoast protesters at a Sarasota intersection in July.

## WHY COPS SHOOT



MONICA HERNDON | Tir

Clemons sits with her grandchildren — her daughter’s kids — Chase Fields, 5, and Me’la Rutledge, 3, as she listens to speakers during a community meeting in Sarasota.

**O**n the fourth anniversary of her son’s death, J Clemons again passed out placards that said “ and “We Will Have Justice” and “Rodney’s Lif activists filled a park by a bayou in Sarasota, not far from Again, the mothers of the lost showed up to support each other. Since Rodney’s death, Clemons earned her nursing degree from Petersburg College and wore her cap and gown to his graduation in 2015. Dr. Martin Luther King Jr. Individual Service Award. Rodney Mitchell Foundation to raise awareness of racial violence. She has met about 400 mothers, mostly black women, who have been killed by police.

She filed a lawsuit for wrongful death in 2014, and an appeals court judge ruled in favor of the deputies. The appeals court, though, ruled that the deputies were not in violation of the law for using deadly force. “reasonable officer” could have perceived Mitchell’s Jeep accelerating when it accelerated.

Clemons still cries when she thinks about it. She said she lost money, and refused a settlement offer.

She didn’t believe the Sheriff’s Office’s version of the shooting. She asked the deputies to answer her questions.

## WHY COPS SHOOT



Courtesy of Natasha Clemons

Natasha Clemons said Rodney “was always smiling.” In her wrongful death lawsuit, two separate courts ruled in favor of the Sarasota County sheriff and his two deputies.

She has become a small part of a large nationwide movement that has grown up in the past few years to challenge the system. By bringing lawsuits. By staging protests. By taking count and looking for better ways to police.

There’s nothing to suggest the shooting numbers in the past two years have fallen, but newspapers and websites have started tracking police shootings and in-custody deaths. Bills are pending in Congress that would mandate data collection on use of force and other police-community encounters; provide money for body cameras; train police in de-escalation and preservation of life; and prohibit the transfer of dangerous weapons from the military to police.

The Department of Justice announced last year that it would spend four years monitoring Miami’s 1,300-member police force after a critical review of shootings between 2008 and 2011. Newly-appointed Attorney General Jeff Sessions, however, recently indicated he might end the federal oversight of some police departments earlier than expected.

## WHY COPS SHOOT

America's largest police chiefs organization issued a formal apology to minorities "for the actions of the past and the role that our profession has played in society's historical mistreatment of communities of color."

In August, Mike Chitwood was elected sheriff of Volusia County, with near double the employees he had as chief of Daytona Beach.

"The policy flows from the people that have the power in the community," Chitwood said. "That's the only way change is going to ever occur, is when there's a problem and people come forward and say we're not going to tolerate this."

"We weren't having these conversations, and police chiefs and thought leaders weren't having these conversations a few years ago," said Gupta, a former DOJ official. "Policing ultimately is not going to be solved at the federal level. There are things the Fed needs to do, but there are also things happening at the local level."

The local level then:

At the park in Sarasota, the mothers stood near a bust of King and shook their fists and spoke the names of the dead into a bullhorn, into the void of their American justice. Spend enough time with them and they start to betray a chorus that may never end. No justice, no peace, they shout.

"Rodney Mitchell is my son," Natasha Clemons said when it was her turn. "He is my life."

The little boys in the front stopped wiggling and looked up at her face as a police car rolled down the street.

## WHY COPS SHOOT



MONICA HERNDON | Tir

In June, supporters gathered for a rally in Sarasota, four years after the death of Rodney Mitchell.



MONICA HERNDON | Tir

Clemons keeps a photo of her son on the dashboard of her car.

**About the reporter:** Ben Montgomery is a general assignment reporter based in Tampa. He joined the *Times* in 2006 after working at several other papers including the *Tampa Tribune*. In 2010, he was a finalist for the Pulitzer Prize.

## WHY COPS SHOOT

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## More on police shootings

### A case-by-case look

Read summaries of every police shooting in the *Times'* one-of-a-kind database.

## WHY COPS SHOOT

### About the story

Reporter Ben Montgomery discusses what he learned during the investigation.

### If you're black

You're more likely to be shot in questionable circumstances.

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