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## POLICE SHOT FEWER IN '04 / County credits policy changes and Taser guns for a 25-year low

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Civilian shootings by law enforcement officers in Harris County this year have dropped to 22 - a 25-year low.

Ten of the shootings were fatal, including that of a 19-year-old accused of prying open a school's vending machine and threatening the officer.

Activists and police leaders say the decline is due to policy changes, increased public awareness, the recent acquisition of Taser stun guns by several departments and the Houston Chronicle's midyear investigative reports on the issue.

Chief Harold Hurtt, who joined the Houston Police Department in March, has made use-of-force policy a top priority in part because of the 2003 shooting deaths of unarmed teenagers Jose Vargas, 15, and Eli Escobar II, 14. In those incidents, one officer was indicted on a murder charge and the other was fired, though he got his job back on appeal.

"Normally, prosecutors argue there's a deterrent effect to aggressive prosecution," said Joe Owmbly, who leads the police integrity unit of the Harris County District Attorney's Office. "We're hoping that has had some effect."

In 2004, HPD, the largest law enforcement agency in the county, has had 10 shooting incidents, the fewest on record since 1979, according to a Chronicle analysis of data from the District Attorney's Office.

"To have only (10) shootings is encouraging," Hurtt said. "Hopefully, we can have none."

While applauding the progress, activists insist that only continued public pressure will force further improvements.

"I'm very, very happy," said Randall Kallinen, president of the Harris County American Civil Liberties Union and a lawyer who represents several families of people killed by officers. "But in

Phoenix, (police) shootings went down after the Tasers were purchased, but went up again the next year. We have to look at what this one year means."

Kallinen and others say law enforcement agencies must do more to hold accountable officers involved in shootings who lie or break other departmental policies. No officer was disciplined or indicted in any of the incidents, according to interviews with officials from all departments who had shootings.

The Harris County Medical Examiner's Office this year began to withhold autopsy reports on shooting deaths - public information that used to be readily available - until grand jury reviews are complete.

Eight of those shot in 2004 were described in official reports as being unarmed. Two others were carrying screwdrivers - including a young man shot in one of the year's most controversial cases.

On Oct. 16, Houston Independent School District officer R. McColister killed Roy Rodriguez, 19. Conflicting accounts about how and when McColister encountered Rodriguez that night - and why McColister mistakenly believed the teen had a gun instead of a screwdriver - have prompted a protest from the League of United Latin American Citizens.

One witness said the officer stopped the teen outside the school building, not near the vending machine or on school grounds, according to Sylvia Gonzales, a certified peace officer who has interviewed witnesses in her capacity as regional director for LULAC District 8.

"There's a lot of things that don't add up," Gonzales said.

The case is still under investigation.

Highest number in 1982

The previous low in the past 25 years was 27 in 1997. The count was highest in 1982, when there were 77. In the 1980s, officers killed or wounded citizens an average of 50 times a year. In the 1990s, the annual average was 39. In 2003, there were 32 shootings.

The first shooting of 2004 came eight days into the year, when Houston police officer J.P. Tyler and another officer approached Roberto Ojeda, a mentally ill man whose encampment of blankets and boxes was blocking a downtown sidewalk. When he brandished a 4-foot club at the officers, Tyler shot and wounded him.

At the midpoint of the year, there had been 15 shootings, tracking the previous year's pace. On June 27, Precinct 1 Deputy Constable Brian Kirsch shot and killed Francisco A. Garza after a traffic stop that led to a footchase and a struggle over the officer's gun.

In June and late July, the Chronicle ran an investigative series on shootings by law enforcement officers. The Sheriff's Department then adopted a strict policy against firing at vehicles, and both

the Sheriff's Department and the Pasadena Police Department got Taser stun guns, giving many officers an alternative to firearms.

During July and August, there were no police shootings at all. And there have been only seven in the last half of the year.

The final tally - 22 - is the fewest number of incidents investigated by the District Attorney's Office since 1979, though the same log shows several years when fewer than 10 citizens were killed.

There were no shooting incidents all year in some smaller departments, including the Pasadena Police Department, the county's third-largest. Five of the six county constable's offices also reported no shootings.

Officials attributed the decline to fewer encounters with armed suspects in Pasadena and to changing attitudes.

Precinct 6 Constable Victor Trevino, a vocal advocate of the need to reduce officer shootings and a former HPD officer, said he has seen more attention paid to the use of deadly force lately than at any other time in his 30-year career.

"It used to be viewed as more acceptable by the attitudes in the community and in law enforcement," he said. "Now, we are seeing the right attitude all the way up through the ranks."

Harris County Constable Precinct 1 was the only precinct with any shootings in 2004. Three people were killed in separate incidents: Two men were shot in front of family members, the third was mentally ill.

New policy, fewer shootings

The Harris County Sheriff's Department reported six officer-involved shootings in the first six months of 2004. But the department had only one in the latter half of the year after the sheriff adopted a policy against shootings at cars or trucks.

Sheriff Tommy Thomas did not return calls seeking comment.

Maj. Mike Smith, who oversees the department's patrol bureau, said he thought additional training and the new policy contributed to the decline.

"Some of it is serendipity," he said. "But agency scrutiny, public scrutiny and the policy change make it clear that use of deadly force is an issue we are watching."

Two of the department's shootings were by Deputy William Wilkinson.

In the first case, Wilkinson, moonlighting at a shopping mall, fired on a shoplifter in a crowded parking lot in May. He claimed the man tried to run him down with his car, but assault charges against the man were dismissed by a judge. A grand jury also no-billed Wilkinson.

Eight days later, Wilkinson stopped 25-year-old Hiji Harrison for speeding.

Wilkinson later told investigators that Harrison seemed nervous and struggled when the deputy handcuffed him.

Department officials said Wilkinson fired after Harrison grabbed at the officer's gun. But Harrison's family maintains that investigators initially told them the fatal shooting was accidental.

"First it was a mistake, and then it was multiple gunshot wounds because he was a threat," said Harrison's mother, Julian James. "They just changed the story."

At the request of the Sheriff's Department, the Medical Examiner's Office has withheld Harrison's autopsy report, which would say where and how many times Harrison was shot. The Sheriff's Department has claimed that the report should be withheld as part of the investigation of the incident, which has not yet been presented to a grand jury.

Harrison's family alleges that Wilkinson, the subject of at least three use-of-force complaints involving minorities since 2003, stopped Harrison because he was black.

But Wilkinson's attorney, *Burt Springer*, said the deputy routinely searched every vehicle he stopped after dark. *Springer, general counsel for the Coalition of Police and Sheriff's Local 911*, said the shooting happened only after Wilkinson found an illegal gun in Harrison's car.

Harrison's attorney, Richard Grimes, denies that Harrison had a weapon.

#### Agencies turn to Tasers

Around the county, HPD, the Sheriff's Department, Pasadena police and others have purchased Tasers this year, providing their officers with an alternative to firearms that some believe has already saved lives.

"There are four to five instances where Tasers saved very serious injuries and in at least two, they may have prevented the use of deadly force," said Smith of the Sheriff's Department, which has trained about 200 officers to use Tasers.

In Baytown, one man holding his wife hostage with a shotgun and another who held a knife to his own neck were subdued with Tasers this year, said Lt. David Alford of the Baytown Police Department, where officers have carried Tasers since 2000.

At HPD, Hurtt said he hopes Tasers his officers received in December will lead to a further decline in shootings next year.

Hurtt said not all violent confrontations can be avoided, but any shooting hurts because officers rely on the goodwill of the community to do their jobs.

"There's a lot of harm to a community with use of deadly force," Hurtt said. "Accountability and good supervision and good leadership should start on the street level with citizens on a day-to-day basis. We know people are going to make mistakes. That's what training and retraining is for - to lessen the opportunity for that to happen again."