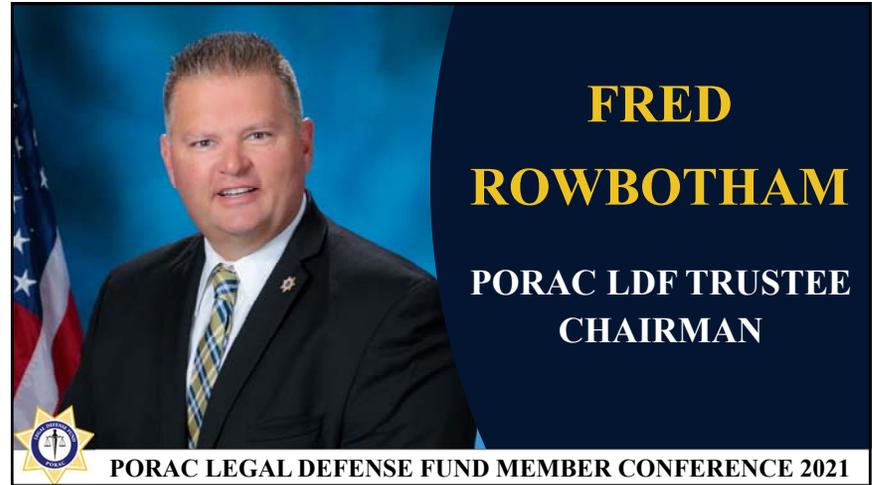
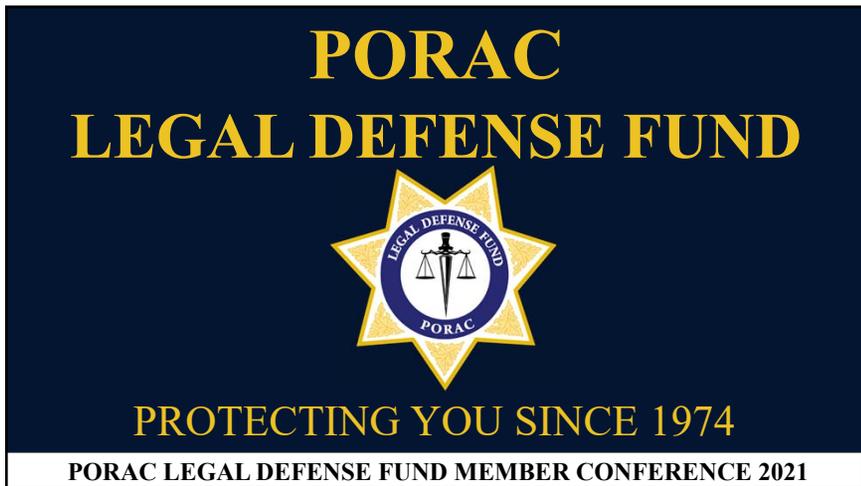




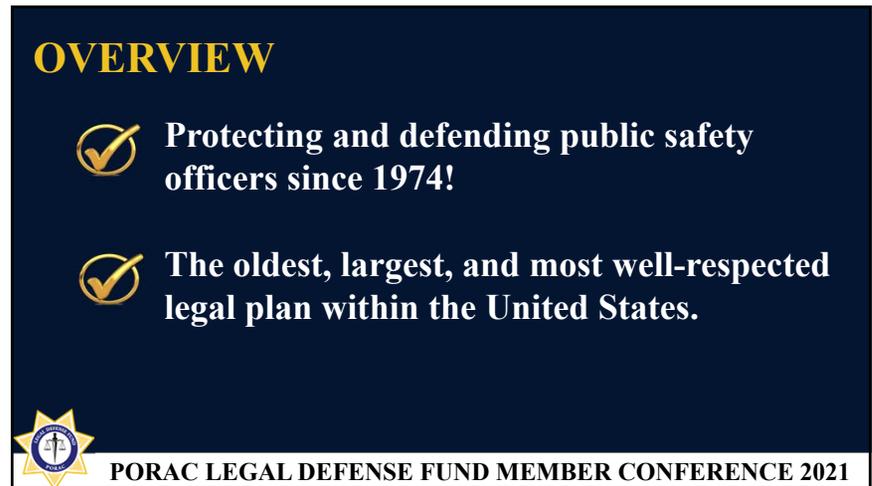
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TIME-TESTED PRINCIPLES

- ✓ Run by cops, for cops
- ✓ Non-Profit

NO cap on benefits!



PORAC LEGAL DEFENSE FUND MEMBER CONFERENCE 2021

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THE POLITICS OF POLICING

MIKE RAINS

Rains, Lucia, Stern, St. Phalle & Silver



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- ✓ Principal and founding member of RLS
- ✓ Heads the firm's Criminal Defense and Legal Defense of Peace Officers Practice Groups.
- ✓ He has over 40 years of experience representing peace officers and other high-profile clients in civil and criminal litigation.



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RLS RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

PROUDLY PRESENTS

THE POLITICS OF POLICING



8



PORAC LDF Symposium
July 19, 2021

Presented by:
MICHAEL RAINS
Rains Lucia Stern
St. Phalle & Silver, PC
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9

Proposition # 1

Politicians employ politics to influence the attitudes and beliefs of their constituents, and to coerce their behavior for the purpose of getting re-elected.

OR

Politics and coercion go hand-in-hand.

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Proposition # 2

- ★ The police and policing in America have always been subject to or affected (and infected) by politicians and politics.
- ★ But the politics of policing has never brought the profession to the brink of extinction.

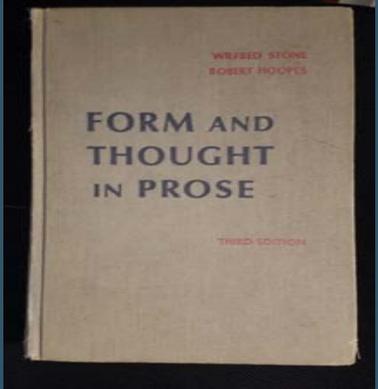
UNTIL NOW!

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WEIR HOOPS
FORM AND
THOUGHT
IN PROSE
THIRD EDITION

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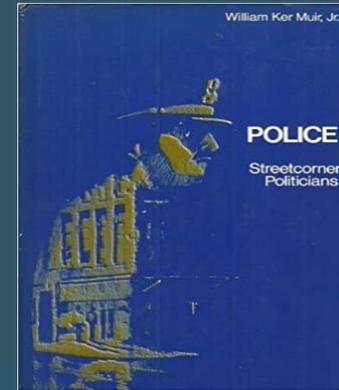
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Proposition # 3

- ★ In our age there is no such thing as “keeping out of politics.” All issues are political issues, and politics itself is a mass of lies, evasions, folly, hatred and schizophrenia.
- ★ George Orwell, “Politics and the English Language.” (Circa 1945)

13



14

Proposition # 4

A policeman becomes a good policeman to the extent that he develops two virtues.

- ★ Intellectually, he has to grasp the nature of human suffering.
- ★ Morally, he has to resolve the contradiction of achieving just ends with coercive means.

Professor William K. Muir, Jr. “Police Street Corner Politicians” (1977)

15

Proposition # 5

To the extent police officers are taught and trained to use various forms of coercion to accomplish “just means” they have similarities to – and differences from – elected “politicians.”

16

Professor William K. Muir, Jr.

Alike, policemen and politicians engage in getting others to submit to events under coercion. Alike, they are victims of coercion and have to devise defenses against it. If there is any important differences between them, it derives from the fact that policemen use, and are subject to threats more directly than politicians. The “offices” of patrolmen are on the curbside, instead of stately offices and hallway corridors. They are “streetcorner politicians.”



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Proposition # 6

The politics of policing in 2021, with its “mass of lies, evasions, folly, hatred and schizophrenia” has driven the “street corner politicians” off the street corners – and has sent them the clear message that any form of coercive behavior, even to achieve a just result – is the catalyst for criminal charges and the loss of livelihood.



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The Result: Proposition # 7

The politics of policing demands an end to police use of coercive measures of any type, even to achieve a “just end”



From now on, consider yourselves Tourists in Blue.



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Proposition # 8

If “street corner politicians” want to avoid the loss of livelihood or imprisonment, they must also become “street corner historians”.

When we examine the history and origin of some of the most frenzied, publicized and politically driven cases for almost six decades, there emerges a common thread:

Cops attempt to use coercive, but initially non-physical measures to “achieve a just result” – the enforcement of the law - but experience **PHYSICAL RESISTANCE TO DETENTION/ARREST** by the subject detained.



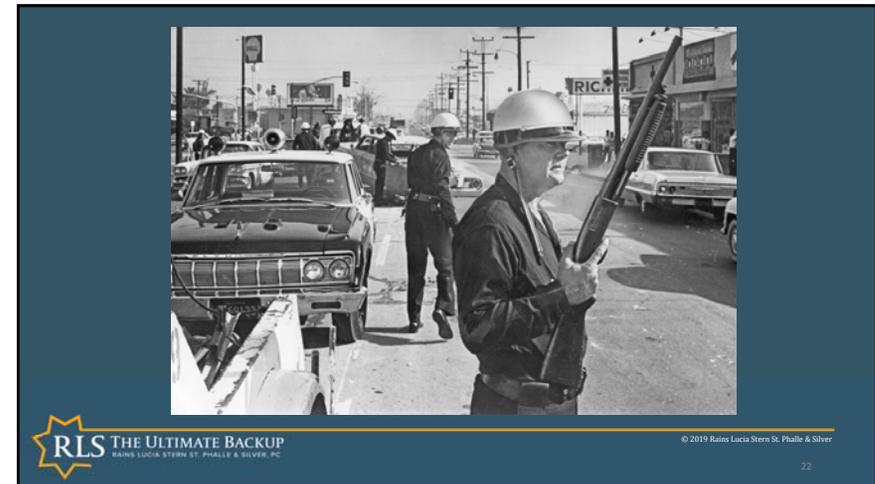
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22

August 11 - 17, 1965 – The Watts Riots in Los Angeles

The Origin: A white officer stops a suspected drunk driver, who fails a sobriety test. As the driver is being arrested, his passenger/brother intervenes, a hostile crowd forms, more cops arrive, fights break-out, and a six day riot erupts.

The Aftermath:

- ✓ 34 deaths
- ✓ 1,032 injuries
- ✓ 4,000 arrests
- ✓ \$40 Million in property damage

23



24

March 3, 1991 – Arrest of Rodney King, Los Angeles, CA

The Origin: King, on parole for robbery, is driving while intoxicated. CHP attempts to stop him on the freeway, resulting in him taking them and LAPD on a high-speed pursuit up to 115 mph on the freeway, and through residential neighborhoods.

Bystander video captures four officers striking King with batons. A Sergeant and three officers are charged with multiple felonies. When the first trial (in Ventura County) results in no convictions, six days of rioting begins in Los Angeles.

The Aftermath:

- ✓ 63 people killed
- ✓ 2,383 injuries
- ✓ \$850 Million in property damage



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August 9, 2014 – The Fatal Shooting of Michael Brown, Ferguson, MO

The Origin: Officer Darren Wilson responds to a call of a “stealing in progress” at a market after Brown tries to steal a box of cigars and shoves a market clerk. Wilson sees Brown walking in the street, drives up to him and directs him to get on the sidewalk. Brown reaches into the window of the car and attacks Wilson, and tries to grab his gun. When Wilson shoots Brown in the hand, he initially flees, and with Wilson in foot pursuit, stops, turns and charges Wilson, who fires 10 more rounds, killing Brown.



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August 9, 2014 – The Fatal Shooting of Michael Brown, Ferguson, MO (cont'd)

The Aftermath: Peaceful protests the day after the shooting led to looting, vandalizing businesses and angry confrontations with police. When video of Brown stealing the cigars was released to the media a week later, more angry protests, claims of the police “smearing” Brown. When it was announced Wilson would not be charged, businesses are burned and looted in St. Louis, Philadelphia, Seattle, Albuquerque, Cleveland, Los Angeles, Oakland, Minneapolis, Atlanta, Chicago and Boston.



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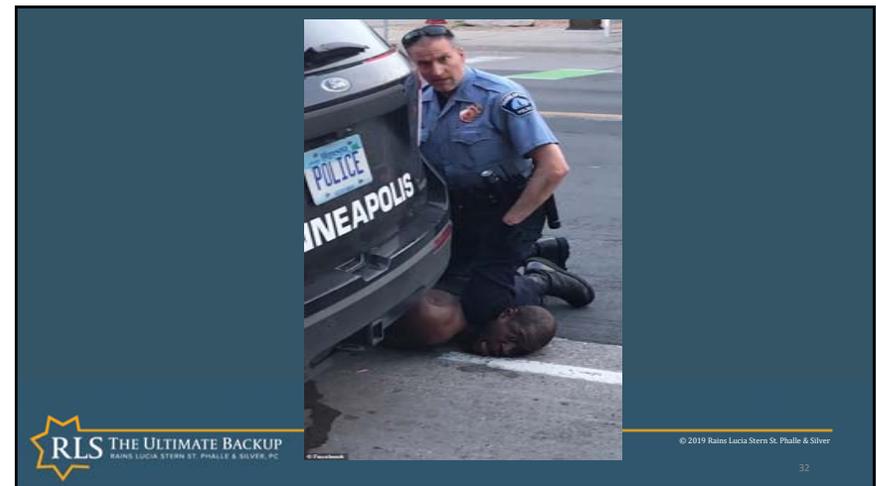
March 13, 2020
The Fatal Shooting of Breonna Taylor, Louisville, KY

The Origin: Louisville Police serve a search warrant at Taylor's apartment after surveillance showed that she had been involved with her ex-boyfriend in an extensive drug trafficking syndicate involving cocaine and fentanyl. When officers do not receive a response to an announcement, they force entry. The first officer through the door is shot by Taylor's current boyfriend, and returns fire, with two other officers. Taylor is hit and dies.

The Aftermath: Daily protests, mostly peaceful in Louisville went on for 119 days, with demonstrators demanding that officers who shot Taylor be criminally charged.

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31



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May 25, 2020 – The Death of George Floyd, Minneapolis, MN

The Origin: The police respond to a call of Floyd attempting to purchase cigarettes with a \$20 counterfeit bill. When police try to put a handcuffed Floyd in the police car, he resists, saying he can not breathe. He is taken to the ground, placed on his stomach, and video shows Officer Derek Chauvin with his knee on Floyd's neck for 9 ½ minutes, including almost 1 ½ minutes after paramedics arrive on the scene.



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May 25, 2020 – The Death of George Floyd, Minneapolis, MN (cont'd)

The Aftermath: Chauvin and three other officers at the scene were fired the next day. Three days later the County D.A. filed criminal charges against Chauvin. Five days after that more serious criminal charges filed against Chauvin, and criminal charges filed against the three other officers.

Nationwide violent protests, looting, burning of businesses, destruction of Government buildings, killings of cops started right after the incident and lasted for months.



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June 12, 2020- The Fatal Shooting of Rayshard Brooks, Atlanta, GA



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June 12, 2020 – The Fatal Shooting of Rayshard Brooks, Atlanta, GA

The Origin: Atlanta P.D. Officer Devin Brosnan responds to a complaint of a man asleep at the wheel of a car in the Wendy's drive-through lane. Officer Garrett Rolfe responds to assist. Rolfe conducts a sobriety test and determines that Brooks is impaired. Up to the point Rolfe tells him to put his hands behind his back and moves in to handcuff him, Brooks has been cooperative, but Brooks resists being handcuffed and he and the officers scuffle on the ground. Brosnan draws his taser, but Brooks wrestles it away from him, and fires it causing Brosnan's head to hit the ground causing a concussion. Brooks then stands up and punches Rolfe, who fires two taser cartridges at Brooks, with no effect. Brooks then flees with Brosnan's taser in one hand and with Rolfe chasing him. Brooks then glances back, half-turns and fires the taser at Rolfe's head. Rolfe drops his taser, draws his firearm and fires three rounds, one strikes Brooks in the mid-back, and one in the buttocks (the third round misses). Brooks dies at the hospital following surgery.



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June 12, 2020 – The Fatal Shooting of Rayshard Brooks, Atlanta, GA (cont'd)

The Aftermath:

- The next day Rolfe was fired and Brosnan placed on administrative leave.
- Five days later the Fulton County D.A. filed 11 criminal charges against Rolfe, including felony murder, and five counts of aggravated assault. Brosnan was charged with two different crimes.
- While the D.A. said Brooks was only “slightly impaired” the toxicology report showed he was over the legal limit for blood alcohol, and also under the influence of cocaine, and eutylone, and he was on probation for false imprisonment and felony cruelty to children.
- Protests/demonstrations, attacks on police, burning and looting nation-wide for months.



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Proposition # 9

Once the media reports – and inevitably distorts – the facts of a police use of force, the elected politicians dive for cover, and are given a “pass,” while the street corner politicians are forced into a corner where they are prominently identified and condemned by the giddy media, the uninformed public, and the politically ambitious District Attorneys.



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38

1998 – The Corcoran 8

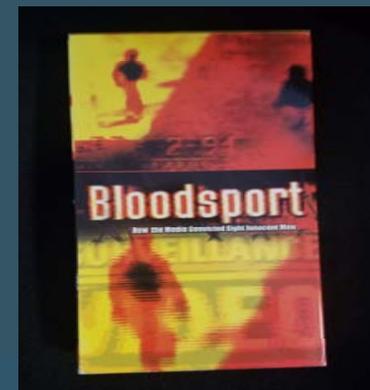
When the Politicians Mandated that the “Worst of the Worst” State Prison Inmates be Integrated on the SHU Exercise Yard



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U.S. Attorney Press Conference

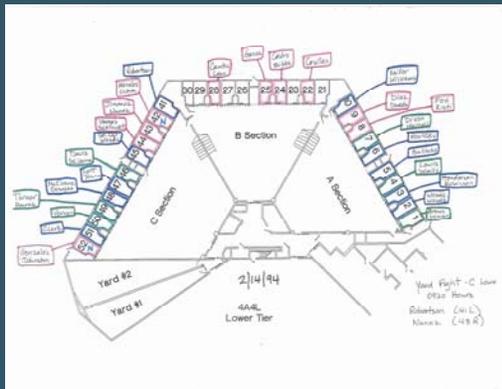


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Excerpt of 60 Minutes – Mike Wallace



42



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