

A Few minutes with the Boss

By: Joseph Andalina

The Florida Shooting Tragedy

I am not even going to try to comment on the circumstances surrounding this case. Between those who would try to dismiss this shooting as self-defense, or the race hustlers trying to convict the shooter before any day in court is granted, or the profound false reporting by the media and press, this incident is turning into a carnival sideshow.

A young man is dead and another may or may not be responsible. But in my mind, two facts leap out, other than the shooting itself.

1. The media and other hustlers vilifying the police for not making an arrest.
2. The press by hyping the incident into a frenzy and not reporting **all** of the facts.

On the first issue, the media and the vast hoards of various personalities who seek a hanging blame the police for not arresting the shooter. I get it. If it was my son, I would be screaming too—and so would you.

But blaming the police is wrong. It's wrong because by some accounts, the investigators **wanted** to arrest the shooter, but were prohibited by the county prosecutor from doing so. He said no, so they didn't. The prosecutor will undoubtedly take in witness statements, forensics, injuries to the shooter, and the "stand your ground law" which simply states that while defending yourself, you do not have to retreat from harm before using deadly force if you feel your life is in danger, or could receive great bodily harm.

So that's the rub here; the cop should have been allowed to use his discretion and arrest the shooter for voluntary or involuntary manslaughter, depending on his decision at that time. The prosecutor could later sort this stuff out. After all, there is a dead boy here, and cops know what probable cause is.

When prosecutors or some brass tell you or order you to make an arrest or multiple arrests, or not to, despite what you, as the responding officer or investigator thinks or knows what to do, is just arrogance or sometimes just stupidity. And we see more and more if this all the time. The person who is the responding officer is best suited to make that decision at the time an incident occurs.

A supervisor feels they can order you to make an arrest when he knows that you did not see the incident, but he/she did. And this could be for simple DUI that he observed, a disorderly conduct, or in writing a traffic ticket for some offense. It is a frequent problem in law enforcement based on questions in the past that MAP has received.

When some of my old bosses tried to make me do this, I would tell them ...So and so, I didn't see the infraction, I can't make the arrest. If you order me to do so, I will, but the A&B report will indicate your name as the person knowing the facts and the probable cause. I will also state in the report that I was ordered to make an arrest that I didn't see, and advise the State's Attorney

of that. Same with traffic tickets. How can I write a ticket to someone for an infraction that I didn't see, but my sergeant did? Something is very wrong there.

Piss them off? You bet. But what are they going to say? I'm too lazy to do the reports, afraid to testify, or just don't want to go to court? Well, we all know the answer to that one, don't we? All of the above.

Right is right and no officer should be ordered to make an arrest or write a traffic ticket **unless** he/she personally witnessed the offense or has the probable cause to do so. Would I recommend that you cops on probation do what I did? Heck no—vindictive brass would just whack you for something else and fire your hind end before your probation is over.

But the point is discretion. We are supposed to have it. We are supposed to be trusted and allowed to make these decisions that can impact many. Unless the law is very different in Florida, I don't see why a prosecutor can tell a cop **not** to make an arrest. Yes, their input is needed but it's still the officer's discretion at the time of any incident.

The prosecutor's job is to put a case together that supports your probable cause and investigation. Cops know when to make an arrest, especially when someone winds up deceased. This is probable cause and it's there in most instances. Yes, maybe the "stand your ground law" muddies the waters, but that dispute comes later. Prosecutorial or brass interference should never occur in police work, but alas, on this planet it does, and it does often.

Secondly, the media and press have made a mockery of truth in reporting. They are guilty of High Crime and Misdemeanor as are Founding Fathers and Ann Coulter would say.

Justice is not important to some of them. Hype is, selling newspapers and TV spots is as well, as all too often influencing the direction they want the people to go is predominant in their reporting. Depends on their political spin, editorial staff, or their own stupidity.

Among the hype is the recently released 911 tapes where it was shown that the media (NBC) left out some of the questions and answers in the original call that resulted in the shooter looking like he was a racist profiler. The actual audio tapes show otherwise. By now you have all seen what I'm referring to.

What the media/press has done in this and other incidents is appalling. They should not be influencing an outcome but simply reporting the facts. A judge and jury should hear the facts free of disingenuous reporting of those in the media who have their own agendas.

And of course, we have seen that done to cops frequently. We are almost always painted in a poor light when we use force. The press will often demonize you, just as they did in this incident before all the facts are in. This unprofessional behavior of some news outlets just adds to this tragedy.

But Vita é bella still.