Phoenix, Arizona, police shoot man dead in his car, sparking protests

Chase Lawrence
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On Saturday, July 4, Phoenix, Arizona, police officers killed James "Jay" Garcia, 28, by shooting him multiple times while he sat in his parked car in the driveway of his friend's house. He was pronounced dead after being taken to a nearby hospital. The shooting was streamed on Facebook Live by a bystander, and later reposted; the video can be viewed here. Garcia was not under suspicion of any crime when he was confronted by the officers. A demonstration and vigil were held Sunday outside Phoenix Police Department to protest the killing.

Garcia's killing demonstrates the intransigence of the police, who continue to carry out wanton killings against workers in the midst of widespread protests demanding an end to such violence. Protests in cities across the country have become a daily occurrence in the aftermath of the murder of George Floyd by four police officers in Minneapolis, Minnesota, on May 25.

The video of the latest killing shows four police officers surrounding Garcia's car. Witnesses who saw the police aim their guns at Garcia pleaded for them to put down their weapons. One officer, with his pistol pushed against the driver's-side window, aimed directly at Garcia's head, can be heard saying "Hey, stop f------ moving. I will f------ shoot you." As that officer threatened Garcia another officer walked from the back of the sedan to the passenger side window with what appears to be a crowbar and bashed the window several times, immediately after which police rapidly fired multiple rounds point blank through the windows of the vehicle, striking Garcia.

Onlookers cried out "That's f----- up. That's f----- up," and "What the f---" as police pointed their weapons and shouted commands at Garcia's motionless body, his head slumped to the driver's side window riddled with bullet-holes at head height.

An officer grabbed the destroyed driver's side window and tossed it into the yard. Garcia's head slumped out of the car at this point, where the window once was, and is clearly visible, while all four officers continued to point their guns directly at Garcia's body, who is clearly in no position to fight back and in all likelihood mortally wounded or already dead.

At this point, bystanders pleaded for the police not to shoot anymore, "He's dead already, you shot him in the head eight times!" and "at least [let him] have an open-casket." The police continued screaming demands for Garcia's clearly motionless body to "drop the gun!"

In a video briefing released by the Phoenix Police Department, spokesperson Mercedes Fortune said the officers were in the area in order to investigate a 911 call about a man who had previously been suspected of assault with a knife allegedly threatening another man.

Police say they were directed to the house in whose driveway Garcia was parked in by the 911 caller, and talked to Garcia for 10 minutes, after which they commanded him to exit the vehicle in order to "secure the scene" and at that point Garcia refused, rolled up the windows on his car, and pulled out a gun.

Following this, police say that Garcia asked them to shoot him and started to point the gun at them. The only evidence the police provide for this claim is a 44-second video taken *after* the shooting that shows a police officer put on gloves and pick up what looks to be a Glock 17 handgun from inside Garcia's vehicle. It is unclear exactly how long after the end of the cell phone video the police footage was taken.

The Phoenix police have refused to release body-cam footage of the shooting, claiming that it would compromise the investigation into the shooting. No explanation was given as to how the release of the body-cam footage from after the shooting would not

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compromise the investigation but the footage from during the shooting could. Police have not confirmed if Garcia had any connection to the assault suspect.

The *Arizona Republic* reported that Garcia was parked outside the home of Lisa Wagner. In an interview with the *Republic*, Wagner said that Garcia was waiting on her son, Shawn Hansen, 26, to meet him outside so that they could go somewhere. She described Garcia as an "all-around good guy" and could not believe he was killed by police, noting, "Everyone kind of feels like [the police] murdered Jay."

Garcia's sister, who joined in the protest marching to the police headquarters Sunday, told the *Republic*, "He was a great father and a great brother and a great son."

Even if one were to take the police's story for granted, their actions would still be criminal. Upon police's immediate approach, once Garcia became uncooperative, police had no reason to continue to talk to him, let alone surround his car. Arizona is an open-carry state, meaning that it would be perfectly fine for Garcia to openly display a firearm, and he should not have been subject to any harassment or legal consequences.

The 911 caller was under no immediate threat by Garcia and there was no reason that police had to escalate the situation and force their demands. The claim that non-compliance with the police is a cause in itself for summary execution is not legally valid. Finally, even after being provoked by the police, if Garcia really did brandish a gun and ask officers to shoot him, there is no reason that police should have complied as it would indicate suicidal, rather than homicidal intent. Based on the video evidence and the information provided by the department, it is clear the police were intent on a confrontation.

On Tuesday, Phoenix Police Chief Jeri Williams noted that the killing had attracted national attention and reported that the FBI has opened an "independent civil rights review" investigation at his request. Williams explained that this was in addition to an internal investigation by the Phoenix Police Department as well as a criminal investigation by the department's homicide division. He also promised that the body-cam footage would be released in 10-14 days rather than the typical 45 days.

Phoenix's mayor is a Democrat, and that the Democratic Party holds more seats on the Phoenix city council than the Republicans or independents. This is the 28th officer-involved shooting so far this year in in Maricopa County—encompassing Phoenix and its outlying suburbs—according to a count by KPHO/KTVK. This is nearly double the record-low 15 police shootings in 2019.

On average in the United States, police killings since 2015 have been around 1,000 a year as documented by the *Washington Post*, and police are on track this year to reach that number again with at least 511 killed as of July.

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