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May 1, 2014

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May Day looms. Last year wasn't so bad. 2012, not so much. What is the source of the violent outbreaks? What's the difference between a successful peaceful demonstration and one that spirals downward to violence? I know people who would say the difference between 1 May 2012 and 1 May 2013 was the leadership and reaction at SPD, that is, both were severely lacking in 2012, and the city paid for it.

The newest City Council member Kshama Sawant is of a different opinion. She has expressed that the mere presence of police at a protest is a trigger, an escalation, and that it is in fact the police instigating the majority of the violence. That is to say, Miss Sawant doesn't believe the police are reacting to emerging threats and criminal behavior, but are rather committing acts of violence for no real reason. I know many people are likely to agree with her, but many people are in fact crazy. Miss Sawant is no exception.

Existence is not an escalation, nor is presence. The presence of a police force does precisely the opposite, a reasonable, that is, sane person, is less likely to commit a crime, especially a violent crime, in the presence of any officer let alone a large police force. It is important for the police to appear intimidating, because intimidation in itself is a de-escalation technique. The rare individual who acts violently in the face of a mobilized police force is emboldened and vindicated by people like Sawant who say the fault lies with the police. Would they prefer if the police didn't show up at all? Perhaps the police shouldn't even exist? I'd imagine the business owners small and large would take issue with a lack of police response.

Miss Sawant recently said, "I strongly oppose violence and property damage because this plays into the hands of the police and the political establishment who aim to discredit and undermine our struggles." I don't know who she means by "our" but I can't imagine someone as privileged as her having many struggles. In any case it sounds like she's trying to say that the police encourage people to break the law because somehow it's what they want? I have no idea, it's fucking ludicrous. "I also oppose the provocative statements and actions of the Seattle Police Department in relation to May 1st. The Seattle police are acting in a repressive, anti-democratic manner along with the corporate owned mass media who are attempting to whip up a polarized state of fear." She offers these statements with zero substantiation.

She also said, “We do not condone violence as part of any protest. However, it has to be noted that flashbang grenades, pepper spray, tear gas, these are not weapons brought out by protesters. These are weapons brought out by police and if you look at any incident of political violence, the overwhelming violence comes from the police.” So violent acts committed by protesters are perfectly acceptable (i.e. condoned) because somewhere in the police formation exist less-lethal tools. It is important to note, none of the items she listed are in fact weapons. An M-16 is a weapon, a Glock 21 is a weapon, even a rock or a bottle are weapons. Tear gas is not a weapon. These are tried and true riot-control measures. They would not be utilized if the parade did not devolve into a riot. We all saw what that can look like on 5 February 2014. Weird that the police who were out in force like never before, armed with many less-lethal tools, never engaged in any sort of violence, because their presence was not met with violence from citizens.

Miss Sawant is a rather out-spoken socialist, and aims to move our government in that direction as the disparity between the rich and poor is unacceptable. Taking cues from such socialist regimes as Iraq, the USSR, North Korea, Cuba, Vietnam, Egypt, Syria, Laos, Libya, Sri Lanka, Yemen, Cambodia, Somalia, Ethiopia, and Afghanistan, Miss Sawant hopes to reduce that gap as these countries failed miserably to do.

Look again at her statements. These are things a conspiracy theorist would say. The police and politicians and the media are all colluding together to force otherwise peaceful protesters into violent confrontations? Why? That is utterly, unapologetically insane.

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October 21, 2014

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Dismissal of UOF Lawsuit and Update

Yesterday the lawsuit filed by more than 100 Seattle police officers aimed at forcing amending the new SPD use of force policy was dismissed by Judge Pechman. She said Merrick Bobb is immune to civil action as an agent of the court and the case against the other defendants failed to show substantiation.

Mr. Bobb's immunity means that he can do as he pleases with the police department and the city government. He has already shown extreme bias and a propensity for extortion and there is no one in Seattle who can hold him accountable, stamped with Judge Pechman's seal of approval. So much for government oversight.

The second decision, that the lawsuit did not have any substantiation, is in concert with our Chief's statement that she is unaware of any incident in which an officer got hurt as a direct result of the new use of force policy. I know at least two. And I know several more where the possibility of injury was greatly and unnecessarily increased because of hesitation and mutually exclusive portions of the UOF policy. This argument is a slap to the faces of reasonable thinkers everywhere and yet another bastardization of the scientific method by people who are as far from scientists as Ken Ham. The logic here is that in order to know that a rule or policy is a bad policy, one must be able to show specific examples of when bad things happened as a direct result of the rule or policy. Do you really need an example to know that a rule or policy or law is stupid? Has no one any foresight?

Let's look at a hypothetical. What if Merrick Bobb enacted a policy requiring officers to drive everywhere in reverse? Ridiculous, right? But using the above logic, there aren't any examples of it not working or getting people hurt; there's no substantiation, which means it's a valid policy. One that Merrick Bobb could force on us because no one can stop him. And according to our Chief, until someone gets hurt, there's no reason not to follow it.

As I predicted, a while ago several previously unknown attorneys made public disclosure requests for the records on every officer involved as a plaintiff in the lawsuit. The aim is to find officers with prior misconduct, especially complaints (founded or not) about excessive use of force. If there is enough to make a case that the lawsuit is about heavy-handed officers wanting to dole out physical retribution on suspects, then the PDR will be made known publicly. If however there aren't sufficient complaints in the officers' files, then the PDR will not even be mentioned anywhere but here. I requested that I receive a copy of everything that the attorneys receive as a result of the PDR, so more will be forthcoming.

One of the motions to dismiss was filed by Pete Holmes which argues that the new use of force policy is already subject to periodic review per the consent decree and therefore, the lawsuit is redundant. This is ridiculous for all sorts of reasons, so I will simply pick a couple. First, the use of force policy and its efficacy are supposed to be reviewed every six months. It went into effect on 1 January 2014. The review has yet to happen. I guess the DOJ doesn't know how to count. There has been talk of the review, including questionnaires that are to be done with the officers, they have also not happened.

There were some suggestions made by a member of Merrick Bobb's Monitoring Team, the Seattle attorney Peter Ehrlichman who actually made some insightful observations in spite of himself. His bio page at his firm's web site starts off with: "Peter is a partner and senior member of the Seattle Trial practice and serves as co-chair of the Banking Industry Group. His practice is focused on complex litigation, including in the areas of securities, financial services, real estate, general commercial and trusts and estates. Mr. Ehrlichman has substantial experience defending class actions." Sounds like he's just the guy to implement police department policy.

In any case, Mr. Ehrlichman said some of the new use of force policy is unnecessary and tedious. No shit. This includes the requirement to write a use of force report for every officer on a call after a suspect complains of uncomfortable handcuffs. He also thought the requirement to write a full use of force report and chain of command review as a consequence of a "Type 1" use of force (such as if someone complains of pain for any reason whatsoever) was excessive and could be reduced to adding certain information to the original police report. There were a few others, but I can't remember them and there's no way to look it up because the bulletin and all copies have since been destroyed. Merrick Bobb responded to the suggestions by his team member by holding meetings with officers in at least one precinct. The meeting was unannounced, closed, and attended only by officers who were selected, none of whom were patrol officers. Shortly after, Merrick Bobb determined that the use of force requirements that Peter Ehrlichman said were excessive and unnecessary weren't actually a concern to patrol officers after all, as was indicated by officers not on patrol.

The reporting of Type 1 uses of force have since been changed in that officers were given permission to write more succinct statements. Otherwise nothing has changed.

The scheduled DOJ review is not the same as the lawsuit. Any review of the UOF policy conducted by the very people who wrote and approved it is ultimately going to fail and result in precisely zero changes. We might as well give Ken Ham sole authority to write the biology curriculum for Seattle teachers then later ask him to review its efficacy.

Who's gonna say, "you know that thing I spent 3 years and millions of your dollars on doing for you? Yeah that wasn't good enough, let me fix it cuz I screwed up." Rather, Mr. Bobb will repeatedly and consistently say, "you're not complying with what I asked," and "there are more problems that we never discussed before and are outside my mandate but need to be fixed," and "don't make me sic Judge Robart on you!" until he has leeched every penny he conceivably could out of Seattle and he'll move on to the next, probably St Louis.

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October 30, 2014

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Open Season on Police Officers

Line of duty deaths for police officers are on the rise. Compared to the same time last year, 2014 LOD for police officers have increased by 20%. Compare that to deaths by gunfire which have increased by 68%.

Our police have always had an extremely difficult and extraordinarily dangerous job. Police have a unique charge in that not only are they expected to, but also required to, continually and repeatedly make contact with criminals and violent offenders. Persons who have numerous police contacts have often in the past developed a healthy respect for law enforcement, being aware of their capabilities. This is not always the case however, the sense of respect in all things has dwindled nationwide of late, and the bureaucracy is systematically removing the police officer's teeth.

A cursory view of "news" reports would have us believe that police abuses are on the rise. There is no data to support this but only anecdotal claims and unsubstantiated assertions made by demonstrated liars. Liars who also stand to profit considerably from perpetuation of such awful ideas. Merrick Bobb's (non-profit) PARC was paid \$41,650 in salaries for the month of May.

Police are reportedly racist, mean, heavy-handed, and everyone hates them. Absurd notions to say the least, and utterly false. I will explore these things at length in the future, but the precipitate once all the muck has been boiled away is that inundating our populace with false accusations and negative presuppositions has a lasting and dramatic effect on perceptions; far greater than that of reality. Psychologists call this prejudice.

A more accurate statement would be that anti-police sentiment is increasing. Everything a police officer does is a reaction. The Socialist movement is gaining traction, Islamic radicalism is beginning to reach us in such a way not felt since September of 2001, and ironically enough, Islamophilia is also on the rise. Police are seen as the enemy by all facets of radicalism, whether left or right, religious or criminal enterprise, the mentally unstable and anti-State militants of all

shapes and sizes, even the wealthy just as the impoverished. And now the general population of middle-class Americans are beginning to adopt the same prejudicial attitudes about police while many academics proclaim prejudice as the enemy and point their fingers at officers.

The media have no obligation to report truth, in order to be the first to break a story, speculation fills the gaps. Take for example when the Supreme Court was set to make a ruling on the constitutionality of "Obamacare" and well before the announcement was made that in the Court's opinion, "Obamacare" is in fact constitutional, all the major news networks began reporting precisely the opposite finding. Perhaps wishful thinking, or perhaps a bad source, in any case a falsehood. Fox and CNN and MSNB are purposefully manipulating their audiences while ever blurring the demarcation between guessing, and lying, neither one of which has any place in a news agency.

Consequently facts are glossed over, while more sexy hypotheticals are considered and designed to produce controversy. Controversy drives ratings. And many begin to believe the fabricated controversy is the actual story. We have already surpassed the cusp, probably sometime in the 90's, and now negative attitudes persist and multiply like vermin, vermin fed with a healthy helping of Confirmation Bias on the daily.

Even our leaders get involved. Do they believe the awful things they say, or are they in search of support? Manipulation seems more likely, but who knows? The end result is the same, enhanced polarization and augmented hatred.

What will come of this? Nothing good.

It is now socially acceptable for people to question, argue, even fight with police thanks to the proliferation and success of practicing attorneys and bureaucrats, among many other things (everyone gets a trophy!). Police and government entities are now considered responsible for the decisions and actions of others. The result is a criminal element that is coddled and pandered, a narcissistic population that considers itself experts in all fields after reading a couple blogs, and extremists who are all but invulnerable. American life has since turned into a game in the minds of our youth, a fact exemplified by "SWATting" keyboard warriors and teenage girls expatriating from luxury and comfort to ISIS, who soon discover that life as a slave in Syria actually sucks.

This growing sentiment, that all police officers are bad people because they're prejudiced, that I know the polices and practices of a department better than its employees because I saw it on the news, that I understand case law better than officers thanks to my associate's degree in English Literature, or my BA in Social Studies, or my MBA, this infectious disease of a superiority complex and self righteousness and delusion that education and intelligence are synonymous will only result in a stagnant society and dead citizens.

All these factors together are our civilization's collective voice calling for a bounty on police officers. Open season has been declared. First our police will be subjected to increased ambushes, assaults, and murders and will likely begin to take crime reports over the phone rather than in person. Quality applicants will dwindle and many veteran officers will abandon ship, leaving departments to scrape the bottom of the barrel to fill positions. Militant Islam will rear its ugly head with growing regularity and severity. Our keyboard warriors will continue to interject

themselves where they don't belong. It may start with an argument or an otherwise benign enforcement action, a person convinced of moral superiority but lacking in emotional stability and prudence will become physically assaultive and find him or herself outmatched. People will get hurt, and people will die. And the police will once again be blamed for our nation's shortcomings.

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January 14, 2014

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Who Is Merrick Bobb?

This is an article I wrote for the Seattle Police Officer's Guild newspaper, The Guardian. The article was never published. It was since posted by fellow officer, Steve Pomper on StevePomper.com.

Who is Merrick Bobb?

Merrick Bobb is one of many who applied for the position of monitor to oversee implementing DOJ-mandated reforms at SPD. His application was approved by the City Council, the DOJ, and begrudgingly by Mayor McGinn. He was then appointed by Judge Robart.

Bobb graduated from UC Berkeley Law and worked for a number of years as a corporate litigation attorney around LA. While at Berkeley he had a run-in with an Oakland officer who perceived Bob had intentionally drove his vehicle toward him. Bobb envisioned his career had come to a screeching halt and was understandably scared. Some UC Berkeley officers who were nearby intervened, told Bobb that they believed him, and let him go. The incident had a lasting impact on Bobb, who stated he was struck by the latitude the officers had in their discretion.

After Berkeley and his stint in corporate litigation, Bobb became involved in an oversight committee in 1993 in response to the infamous Rodney King incident. Bobb stayed in LA where he continued to oversee reforming the LA County Sheriff's Department and made the radar of some players in police reform.

In 2001, the Vera Institute of Justice created the Police Assessment Resource Center and placed Bobb as its president and executive director. From this position Bobb served as monitor of the LASD and now SPD. His most recent contract with LASD was renewed by the Board of Supervisors for LA County in 2009 for three years and a maximum salary of \$223,000 per year.

The observant reader might notice that in all his years of experience, Mr. Bobb doesn't have any real training in law enforcement. He contends this doesn't matter so long as he understands the officers' viewpoints. I contend that he cannot possibly understand from the sidelines.

Mr. Bobb doesn't let his lack of experience prevent him from Monday morning quarterbacking. Perhaps an unfair comparison, as most people who engage in Monday morning quarterbacking have actually played football at some point in their lives. But in any case, he doesn't see it as a hindrance. And perhaps it's not, but if so then perhaps next time we're looking for a monitor, we should hire whoever makes the inevitable "they should have just shot him in the legs" comment about the latest OIS. In the interest of saving money, maybe someone slightly less qualified, but clearly capable of making equally relevant suggestions.

I learned early on that examining one's motives is revealing and provides for much higher level of understanding. For most people, the motivation for training, seeking, and attending their respective jobs is acquisition of financial resources. Money is power and in most cases the power to take care of one's family; in others, the power wielded and granted by financial means can be extraordinary and even encourage compromise of values. Merrick Bobb is paid a yearly salary on a contractual basis, that is, his compensation is dependent on availability of work.

The reports I read that were authored by Merrick Bobb were riddled with examples of where the LASD failed to meet criteria satisfactorily, even a decade or more after the Rodney King incident. Occasionally he would make suggestions, such as increasing rates of discipline and changing policy in order to bring the LASD closer to compliance as only Merrick Bobb defines it. He often used the woefully ambiguous language of whether the LASD has "done its best" in fixing the alleged problems, of which Bobb is the only judge. The reports would almost invariably find the LASD's efforts were failures. Bobb would also introduce issues not previously mentioned in other reports. If a law enforcement agency already met the requirements (i.e. done their best), there would be no reason for the monitor and his team to continue monitoring it and collect a paycheck. The reader might also notice that Merrick Bobb's employment at the LASD lasted for approximately 20 years.

One of his more famous recommendations was to ban solo officer foot pursuits because from 1997 to 2004 of the 283 LA County deputy involved shootings, 64 were either during or at the conclusion of a foot pursuit (~22.6%). It is not specified how many of them were solo foot pursuits.

Recently Merrick Bobb sent some expense reports to the city asking for reimbursement. He asked Seattle's taxpayers to cover the costs of his dining out, cable, and his alcohol. Additionally, he asked the city to pay for an excessive baggage fee for someone who isn't involved with the monitoring team. When questioned about it, Mr. Bobb seemed rather irritated. He replied that the questions were, "humiliating, time consuming, and obstructionist." He also conjectured that the city is not cooperating with his efforts. Bobb clearly expected Seattle to pay for his steak and wine and Downton Abbey, after 20 years of doing the same work for LA County. I wonder what did LASD pay for?

This seems a typical reaction for Mr. Bobb. Our guild had just issued a motion in federal court to protect our collective bargaining rights as required by RCW. A recent interview on KUOW on 13 March 2013, Mr. Bobb referred to attorney Peter Ehrlichman when asked about SPOG's motion. Mr. Ehrlichman called it a "further distraction," and "inappropriate" as Bobb is an "agent of federal court." The implication being that federally appointed agents don't have to abide the law, especially Merrick Bobb. Any resistance however valid it may be, is responded to with allegations of purposeful obstruction and veiled threats. It goes like this, either you be quiet and pay my bills and do as I say, or I report to the federal judge that you're disobeying him and not cooperating. There is a legal term for this, those of us trained in law enforcement know what it is.

It isn't all that surprising. The Monitoring Plan for the First Year explicitly states that the monitor and the settlement agreement cannot be limited by Seattle Municipal Code. Basically they don't have to follow our laws if they see it as contradictory to their efforts.

Of course, there are motivators other than financial, some might be more applicable to a person with the financial security Merrick Bobb enjoys. So what might it be in this case?

Mr. Bobb is interested in more than solo officer foot pursuits, he has also taken issue with detentions, use of force and weapons, as well as early warning systems, open-ended policies, and best practices. Many of these may sound familiar, because they are very much the same as the "problems" that SPD is to be addressing. What's more is that despite his directive of ensuring constitutional policing, he has no intention of obeying laws that preclude his measures, because for Mr. Bobb, the ends do in fact justify the means.

Remember back to his altercation with the Oakland officer. He said the amount of discretion the officer had made an impression, and the fear he had almost traumatizing. Ever since he has been waging a personal war with officer discretion. He wishes to ban solo officer foot pursuits and make significant changes to pursuit policy in general. He wants to create use of force policy that is weapon-specific. He has sought and continues to seek reforming of best practices. He is a passionate advocate of data-driven computerized early warning systems. He takes issue with policy setting guidelines rather than defined rules. Accepting all recommendations will eventually lead to policy reading more like a board game rulebook than a practical guide for law enforcement. I can't help but think if Merrick Bobb has his way, every officer decision will be determined by a PARC flowchart.

Merrick Bobb has shown us that he views the average police officer as under-educated, incompetent, and untrustworthy. It is his desire to control us vicariously by limiting our discretion and making our decisions for us because we are not intelligent enough to do so ourselves.

If Mr. Bobb truly wishes to understand, then I'd like to offer an opportunity for him to ride with me in my patrol car on Rainier Beach from 0300-1200. Diminishing job security is not a concern I have.

Officer Anthony James Reynolds #7585

First Watch, Sam Sector

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Joe Rogan @joerogan · 26 Mar 2013

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Tony Reynolds

@TonyJReynolds



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Tony Reynolds @TonyJReynolds · 17 Mar 2013

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view summary



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LolzingHyena @LolzingHyena · 5 Mar 2013

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LolzingHyena

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