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#### Gamers Involved In Fatal Wichita 'Swatting' Indicted On Federal Charges (kansas.com)

Posted by <u>BeauHD</u> on Thursday May 24, 2018 @09:00AM from the don't-do-the-crime-if-you-can't-do-the-time dept.

bricko shares a report from Kansas: A federal grand jury has indicted the man accused in <u>Wichita's fatal swatting</u> as well as the <u>two gamers</u> involved in the video game dispute that prompted the false emergency call. The 29-page indictment was unsealed Wednesday in U.S. District Court for the District of Kansas. It <u>charges 25-year-old Tyler</u> <u>Barriss</u>, who is facing state court charges including involuntary manslaughter, with false information and hoaxes, cyberstalking, threatening to kill another or damage property by fire, interstate threats, conspiracy and several counts of wire fraud, according to federal court records. One of the gamers -- 18-year-old Casey S. Viner of North College Hill, Ohio -- is charged with several counts of wire fraud, conspiracy, obstruction of justice and conspiracy to obstruct justice. The other gamer -- 19-year-old Shane M. Gaskill of Wichita -- is charged with several counts of obstruction of justice, wire fraud and conspiracy to obstruct justice.



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<u>Qualcomm Announces Snapdragon 710 Platform For Midrange Android Phones</u> Call of Duty Gaming Community Points To 'Swatting' In Wichita Police Shooting

Two More Gamers May Be Charged in Fatal Kansas 'SWAT' Shooting

Submission: Gamers involved in fatal Wichita 'swatting' indicted on federal charges

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# Horse-fuck those morons (Score:1)

And the overreacting police, too.

Nickname: Re: (Score:2.

Rassword: 6-1024 characters lor

Ar**Rublic Vernerintan**g police, too.

ituation and looking at it from the perspective of Wichita's police, I don't think they acted

in Log In a Forgot your password? It is really easy to use hindsight to accuse the police of acting wrongly when the outcome is something nobody wants. If one considers the situation, what the police where being told and what they observed, what happened was justified, even if it was unfortunate. From the perspective of the police, with the information they were provided by dispatch, the guy who got shot was an active

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# • <u>swat = licence to kill</u> (<u>Score:1</u>)

by Anonymous Coward So I call the police for X reason Police are so shit they kill someone playing video games in their room Police keep their jobs

I go to jail

# • <u>1 hidden comment</u>

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#### Re: (Score:3) by Layzej (1976930)

Hopefully someone finally starts to sort out the cultural problem the US police has too. Indeed. Canadian police vs known terrorist: <u>https://www.youtube.com/watch?...</u> [youtube.com] US police vs unarmed man pleading for his life: <u>https://www.youtube.com/watch?...</u> [youtube.com]

# • <u>Re:</u> (<u>Score:1</u>)

Stark contrast.

by Anonymous Coward

I yell "fire" in a packed room and people get trampled to death in a mass panic.

Not my fault at all, it was those shitty people who panicked and trampled the victims to death.

- <u>1 hidden comment</u>

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# • <u>Re:</u> (<u>Score:3</u>)

# by JackieBrown (987087)

I read the linked article. The Slashdot summary really sucks. It doesn't even mention the death or what swatting is. I had to read the article for that.

The police where told that the man had killed his father, was holding his mother and sibling hostage and had soaked the house in gasoline. The man was a dead man walking the moment police where called. With the information they had, they didn't have the luxury to take their time to fully access the situation. I honestly support the civil lawsuit. It's e

# <u>I'll never understand this civil suit thing</u> (Score:2)

### by Interfacer ( 560564 )

This is something I still don't understand. It is up to the criminal court to decide whether the officers dis something wrong or not. If they didn't, then it's strange that the next of kin can essentially get a do-over with lower standards of guilt. In Europe, at least in most countries I am aware of, only the state can bring homicide cases to the court. When that is done, it is done.

The US system allows someone to for example win a self defense case, only for the person who defended himself still to be fuc

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# • <u>Re:</u> (<u>Score:2</u>)

### by <u>Lab Rat Jason ( 2495638 )</u>

This is an interesting problem... if you look at nearly ALL police shootings, they typically seem unjustified from the general public's perspective, but the cops always say "the officer was in fear for his life"... and therefore it is somehow justified. The problem is the way the laws are written and the way police are trained. If you ever get to see police training materials, police conventions, or even the daily emails from the department, they are all oriented around the basic concept of "every interac

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#### <u>not enough</u> (<u>Score:2</u>, Insightful) by <u>sloth jr (88200</u>)

So everyone gets charged except for the cop that actually killed a man? That seems a huge lapse of justice.
<u>2 hidden comments</u>

### <u>Re: (Score:2)</u>

by JackieBrown ( 987087 )

The police did their own review as well as a citizen review board. You have to read through several links to get to

that. The information is in this article <u>http://www.kansas.com/news/loc...</u> [kansas.com]. I can't access the game subsection on Slashdot at work so maybe the information is there as well.

We have the advantage of 20/20 hindsight here. You have to realize that if the situation describe over the phone was actual true, not taking the shot could have gotten an entire family killed.

# <u>2 hidden comments</u>

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# • <u>Re:</u> (<u>Score:2</u>)

### by kilfarsnar ( 561956 )

So everyone gets charged except for the cop that actually killed a man? That seems a huge lapse of justice. I thought the same thing. It shows the degradation of respect for the rights of citizens that "swatting" is even a thing.

# <u>Re:</u> (Score:2)

# by Jhon (241832)

The DA who investigated the shooting by the officer in question:

"Bennett said he had to make a determination based on Kansas law and law handed down by the Supreme Court, which says that when determining if an officer acted reasonably, evidence has to be reviewed based on what the officer knew at the time of the shooting, not 20/20 hindsight, he said."

# <u>Re:</u> (<u>Score:2</u>)

### by <u>Nidi62 (1525137</u>)

The DA who investigated the shooting by the officer in question:

"Bennett said he had to make a determination based on Kansas law and law handed down by the Supreme Court, which says that when determining if an officer acted reasonably, evidence has to be reviewed based on what the officer knew at the time of the shooting, not 20/20 hindsight, he said."

The cop certainly didn't know the victim was armed (since he wasn't) when he opened fire. That is the big problem with police these days. "I thought" or "I believed" has become enough justification and evidence for the use of lethal force, not "I knew". Police now put their safety before the safety of the public. If it had been a real hostage incident and the hostage taker had forced one of the hostages to answer the door the cop would have killed a hostage. Deadly force should not be used unless a **civ** 

# • <u>Re:</u> (<u>Score:1</u>)

# by Anonymous Coward

If you allow a cop to use a firearm and possibly kill a suspect by law, it wouldn't make sense to then call that killing automatically 'a huge lapse of justice'. Only when there's reason to believe the cop overstepped its legal boundaries it would make sense to charge the cop, which doesn't seem the case here. You can't make something legal and then call it a 'lapse of justice' if you then allow it.

# • Everyone? (Score:1)

# by <u>Powercntrl (458442</u>)

So everyone gets charged except for the cop that actually killed a man? That seems a huge lapse of justice. Getting in trouble for goading someone into swatting you seems like a huge lapse of justice, too. Don't talk shit in online games, because some scumbag might get pissed at you and end up swatting the wrong person? I get that the torches and pitchforks are out over this, but the faults lie with the lowlife who actually placed the false 911 call, and the police department for going in "guns blazing" without properly assessing the situation (hell, consumer grade video drones can fly **miles** from the operator - b

### • <u>Re:</u> (<u>Score:2</u>)

### by <u>bobbied</u> (2522392)

Because... The Cop, acting on his training and the information at hand, had every legal right to shoot what he reasonably perceived as a deadly threat to himself and others.

Don't let hindsight cloud your judgment. You must put yourself in the situation and understand the information the cops had. If you consider the 911 call credible and some guy pops out of the house and his hand moves to his waistband, what are you going to do? Do you stand there and get shot? Not even the police are required to do t

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### • <u>That's great, now what about the police?</u> (<u>Score:2</u>, Insightful)

by <u>eric2hill</u> ( 33085 )

Shouldn't they ALSO be held accountable for showing up at a house and killing someone who WASN'T ARMED? Isn't that manslaughter? I hate the double-standard.

- <u>2 hidden comments</u>
- <u>**Re:</u> (<u>Score:3</u>, Informative)**</u>

# by <u>Mashiki (184564</u>)

Police have the "reasonable belief" clause. That doesn't mean they can't be held accountable to internal policies, or state laws regarding the level of force that was used, or various police acts, or reviews of the incidents reviewed by external investigations and so on. You don't really ever hear about it because the media doesn't really care to report on it, but it happens all the time.

- <u>1 hidden comment</u>
- <u>Re:</u> (Score:3)

### by <u>mi (197448</u>)

Police have the "reasonable belief" clause. Citations, please?

### • <u>Re:</u> (<u>Score:2</u>)

### by <u>bluefoxlucid</u> (723572)

Kind of. They're operating as expected; I'd place more of the blame on the institution of criminal justice which has created and maintained this approach to policing.

In other words: it's less the cops's fault as it is the legislature's, mayor's, and governor's.

Do note I'm running to be a legislator (in US Congress), so I may have a non-intuitive assessment of the situation.

- <u>1 hidden comment</u>
- -
- <u>Re: (Score:2)</u>
- by <u>mi (197448</u>)

In other words: it's less the cops's fault as it is the legislature's, mayor's, and governor's.

Imagine, for a second, some bright minds develop a *robotic* policeman — and it shoots someone in similar

circumstances? Not even out of fear for its own "life", but simply because an opportunity to end a hostage-crisis presents itself...

Would you be out seeking excuses for the robot and its designers faced with vague and self-contradictory laws and public preferences, or will you organize and lead a march dem

# <u>Re: (Score:2)</u>

by JackieBrown (987087)

I read your page.

I'm more conservative and disagree with most of your stances but you must have said something I liked here since I friended you :)

Just curious, and you probably can't really go into detail, but how many of these issues are what you support versus what are mandated by your party? (I'm not saying you are selling out - more like "I don't feel strongly about this - or have no opinion - so I can toss my support to what the party says." I'm sure what core principals you have are non-negotiable

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# • <u>It's an interesting admission</u> (<u>Score:5</u>, Interesting)

by <u>Weaselmancer</u> (533834) on Thursday May 24, 2018 @09:22AM (<u>#56665004</u>)

The charge is *involuntary manslaughter*. [findlaw.com]

From that link:

Three elements must be satisfied in order for someone to be found guilty of involuntary manslaughter: Someone was killed as a result of the defendant's actions. The act either was inherently dangerous to others or done with reckless disregard for human life. The defendant knew or should have known his or her conduct was a threat to the lives of others.

The interesting bit is "The act either was inherently dangerous to others or done with reckless disregard for human life."

We're admitting that *simply having the cops show up* is so inherently dangerous that it constitutes a reckless disregard for human life.

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# • <u>Re: It's an interesting admission</u> (<u>Score:2</u>, Informative)

by Anonymous Coward

No, weâ(TM)re saying that calling armed cops who have been told that there is an active danger at a location is inherently dangerous. Thatâ(TM)s a very different thing.

<u>Re:</u> (Score:2)

# by <u>kilfarsnar ( 561956 )</u>

No, you stupid fuck. We're saying the telling the police there is an active hostage situation with a hostage taker so twitchy he already 'accidentally' shot one of the hostages in the head is inherently dangerous. This is an important factor. However, the police need to assess the situation on their own before taking action. That is part of their responsibility, and why they are supposedly trained in law enforcement.

### • Old news (Score:2)

by sibe (173966)

We're admitting that simply having the cops show up is so inherently dangerous that it constitutes a reckless disregard for human life.

Anyone in the US who does not have white skin already knew that.

# • <u>sounds like mockery of the state.</u> (Score:2, Troll)

### by <u>nimbius</u> ( 983462 )

Having exposed local police for bungling ineptitude in the face of a hostage crisis, it seems authorities have no choice but to find every potential crime they can think of to charge this kid with. This includes, beguilingly, arson? Remember: this kid did not kill anyone. at best, he lied to police and should be tried for that. The real question is, what disciplinary action was taken against the officer or officers who fired on an unarmed man in his own home? Was a warrant issued to allow police to ente

• <u>4 hidden comments</u>

# <u>Re: (Score:2)</u>

by Jhon (241832)

DA on the "cop that shot the guy":

"Bennett said he had to make a determination based on Kansas law and law handed down by the Supreme Court, which says that when determining if an officer acted reasonably, evidence has to be reviewed based on what the officer knew at the time of the shooting, not 20/20 hindsight, he said."

The police were acting on deliberately deceptive information provided by the gamer.

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# • <u>Re:</u> (<u>Score:2</u>)

by Hognoxious (631665)

This is what happens when you arm the police idiots.

FTFY.

- <u>1 hidden comment</u>

• <u>Re:</u> (<u>Score:2</u>)

# by LordWabbit2 (2440804)

Because more than a 3rd of Americans are armed - makes it kind of mandatory to arm the police, otherwise they would get picked off like flies.

- <u>Re: (Score:2)</u>

#### by Jhon (241832)

"Because more than a 3rd of Americans are armed"

Actually, we're all armed. Only a third of us with guns. Knives can kill. Bats can kill. Rocks can kill.

Fun fact: Gun ownership is down from 50+ years ago.

- Jeez, the Wheels of Justice Sure Do Grind Slowly.. (Score:1)
- by thebryce (1076543)

# ...but they do grind.

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- <u>obstruction of justice = talked to cops</u> (<u>Score:2</u>)
- by <u>sinij</u> (<u>911942</u>)

No matter what, don't ever talk to cops. When these are the only charges, you know someone got railroaded.

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