**Moral Case Analysis**

**ASSESSMENT COVER SHEET**

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| Title Death of Kelly Thomas\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
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We certify that the attached essay complies with the principles and policies of the Student Guide to the Code of Academic Integrity of the Loyola Schools, Ateneo de Manila University.

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Death of Kelly Thomas

On July 5, 2011, the Fullerton Police Department received a call from the management of The Slidebar Kitchen, a restaurant in Fullerton, California. The caller mentioned that someone was vandalizing cars near the Fullerton Transportation Center, a rail and bus station. Upon arriving, the police officers encountered Kelly Thomas, who was shirtless and disordered. According to the police officers, Thomas was very uncooperative and he resisted when they attempted to search him. “Now you see my fists?”, asked Manuel Ramos, one of the police officers. “Yes”, answered Thomas, “What about them?”. Ramos responded, “They are getting ready to fuck you up.”

A total of six police officers assaulted Thomas, who was unarmed and had a history of mental illness. During the altercation, Thomas could be heard screaming “I can’t breathe” and “Dad! Dad!” The assault lasted for ten minutes, during which Thomas was combatively resisting. After the beating, Thomas was taken to a hospital and it was discovered that he had received extensive injuries to his face, head, and neck. One of the paramedics stated that Thomas was unconscious, lying in a pool of blood. Thomas was comatosed, and after five days, he was taken off life support and died.

Following Thomas’s death, protests broke out against the Fullerton Police Department and City Council. A public comment session was held with the City Council wherein the victim’s father, Ron Thomas, and the victim’s stepmother made statements about the incident. Ramos and the other police officers involved were arrested afterwards, and held on trial for murder charges. However, they were not found guilty. The protests resumed following the acquittal. The officers were released from employment in the Fullerton Police Department soon afterwards.

In initial reports, there were claims that Kelly Thomas fought with the police officers and managed to seriously injure two of them. However, the Fullerton Police Department later claimed that none of the officers suffered any serious injuries. It was revealed that it was only Thomas that suffered multiple serious injuries and the story was soon picked up by several news outlets.

In this situation, Officer Manuel Ramos did what was assigned to him, to stop the vandal that was Thomas. He might have assaulted Thomas because some of his actions might have suggested that he was going to assault the police officers and in turn, provoked him to take action against Thomas. However, the fact that the officers covered up the incident after it happened suggests that they knew that what they did was wrong and they were trying to escape from the consequences of their actions. In the video footage, it was seen that Thomas was begging for his life yet the officers, particularly Ramos, continued to assault him which led to him having a lot of serious injuries and slipping into coma.

Officer Manuel Ramos was charged with second degree murder and involuntary manslaughter. He was the one who issued provocative statements during the incident, such as “Now you see my fists?...” Since he was an agent of law and order as a police officer, and Thomas’s resistance during the incident, it is understandable that Ramos had taken control of the situation through the course of physical restraint and self-defense. It appears that Ramos was just performing his duty as a police officer in apprehending Thomas, but he employed the use of excessive force in doing so.

According to Aquinas, there are four factors that can affect a man’s control over his actions. These four are violence, fear, ignorance, and concupiscence. Based on the video footage, audio recordings, and witness statements regarding the event, none of these four factors were present. In the case of violence, it was present but only in the case of Thomas and not Ramos since it was Ramos who was using force on Thomas. In the case of fear, it can be safely assumed that Ramos did not act out of fear because on the audio recordings, it can be heard that Thomas complied with the orders from Ramos and it was actually Ramos that was threatening Thomas when he said that his fists were getting ready to “fuck Thomas up.” From the video recordings, there was nothing that can be clearly seen as something that caused Ramos to be overcome by lust. It can also be safely assumed that Ramos knew what he was doing since he was even defending himself in court after the event. If he did not know what he was doing, he could have plead for insanity. Being a police officer, he must be knowledgeable about the different laws. His reason must have been aware that what he did to Thomas was unethical and evil, yet he still committed the act. Aquinas said that if your will is in contrast or against reason, that will is evil. Based on this, it can be assumed that what Ramos did was evil.

What Ramos did was a human act, since it was a rationally-controlled voluntary act. Although it can be argued that at first he was acting out of duty and self-preservation due to Thomas’s combative resistance, hence an act of man, excessive force was not necessary. Ramos chose to be overly violent, continuing to physically abuse Thomas to the point of critical injury, who was then already defenseless. Corollary to this, the interior act is that, again, of Ramos’s duty as a police officer. It is his duty to maintain law and order, and in this specific incident, it required him to apprehend Thomas. His exterior act - the way he executed it, however, is not good. Beating up a defenseless man who has already succumbed to compliance with authority is not only a violation of human right, but also an evil act in itself. Following this, Ramos’s interior act - his initial intention of apprehending Thomas out of duty, was distorted by the evilness of the exterior act, therefore rendering his act, as a whole, evil.

According to the teachings of Kant, the act of Manuel Ramos is not morally good because he did not do his duty as a human person. The duty of the human person is to do good and not to be happy. What Ramos did was act out of self-interest and it resulted in a bad thing. His act was not in accordance with the moral law since it is not rational, meaning, it cannot be applied to all rational beings without exception. Kant mentioned moral worth in his teachings and there are two important factors to determine if the person has an inner moral worth based on his act/s. These two factors are motive, which is acting out of duty, and action, which is acting as the duty requires or doing what is right. In Ramos’ case, not only did he not act out of duty, he also did not do what is right. He could have just handcuffed Thomas and brought him to the jail. However, Ramos opted to beat him up and abuse him. There are two kinds of imperatives that tell man to do something: hypothetical and categorical. The main difference between the two kinds is that categorical is universal and absolute while hypothetical is not. What Ramos did cannot be universal since it is just focused on himself. Similar to an example that Kant used, Ramos is “flourishing” but he did not care about Thomas. Instead of helping Thomas, who clearly needed help, Ramos used his power against Thomas. Ramos had the capacity to help Thomas in many ways, such as bringing him to a hospital or putting him in jail for a while. These are relatively harmless alternatives to what he did to Thomas and it cost Thomas his life. If everyone had the same attitude as Ramos, then no one would ever receive help, just like in Kant’s example of the happy and flourishing man who only cared about himself.

Ramos’s act also fits into the Kantian definition of a wrong action - an action that is based upon maxims that one could not will that all persons should follow. One simply could not will for all persons to assault a defenseless, mentally-ill person.

In his teachings, Aristotle categorized actions into two kinds: voluntary and involuntary. Voluntary acts are genuine choices while involuntary acts are acts that a person is not morally responsible for since they are done because of external forces. An act can only be considered as involuntary if it is done out of ignorance of particular circumstances, if it is the result of external compulsion, or if it is done to avoid a greater evil. In the case of Ramos, he was not ignorant of the circumstances of Thomas since he knows a lot about the law and he is also familiar with Thomas due to previous confrontations between them. There was also no identifiable external compulsion that caused him to act that way. In the statements of the police officers, they claimed that Thomas was uncooperative. However, the evidences, specifically the video footage of the event, proved them wrong. In the footage, it can be clearly seen that Thomas actually complied with the orders from Ramos. Thomas was vandalizing when the officers first encountered him, probably due to his schizophrenia. Ramos should have known better and took more care instead of acting recklessly against Thomas. It also cannot be to avoid greater evil because simply putting Thomas in handcuffs and bringing him to jail is enough to avoid further damage to properties in the surroundings of the event. Since the act of Ramos did not fit any of the three factors that would determine if an act is voluntary or not, it can be safely assumed that what he did was voluntary or his choice.

To conclude the case analysis, it can be said that what Officer Manuel Ramos did is not morally good. This conclusion is supported by the various moral theories presented by Aquinas, Kant, and Aristotle. It can also be said that he was also responsible of his actions and this is supported by the teachings of Aristotle that was presented in the analysis.

References:

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