

David Felix: jailed by an unjust system, failed by city services, killed by police

Our friend's life – and mental health – mattered, but the police shot him in the building that should've been his sanctuary



In October 2014, David Felix was a participant in a charity runway fashion show in support of homeless youth programs in NYC Photograph: Ivan Monforte

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No one claimed the body of David Felix for 21 days; instead, it lay in state at the Office of the Medical Examiner, the blackened and seared edges of the gunpowder's stippling forming a dark halo on his ebony skin until his grief-stricken parents arrived from Haiti to identify the body of their oldest son. The "Felix David" described by the police and the New York media – none of whom got his name right – is unrecognizable to those of us who knew David Felix. The 24 year-old polyglot, aspiring fashion student and black immigrant with a love for world history was instead caricatured as a schizophrenic with a predisposition for violence.

Media coverage about David's killing sounded as impersonal and adversarial as a prosecutor's opening statement. David's character was questioned ("He had a criminal record," [said the New York Times](#), and the [New York Post](#) and [New York Daily News](#) headlines label him a "Robbery suspect") and his crimes of poverty and resilience were framed as part of his "troubled past," the familiar

implication that if a black victim was “[no angel](#)”, it somehow justifies the way that police took his life.



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From left to right: Ramong Felix, age 6 (middle brother), David Felix, age 8, just shortly before his 9th birthday (oldest brother), and Ecclesiaste Felix, age 4 (youngest brother), in 1999 in Port-au-Prince, Haiti Photograph: Courtesy of the Felix Family

David had a zest for life; he was handsome, and he knew it. A strawberry milkshake enthusiast, he could dance salsa, bachata, cha cha and merengue and eagerly offered unsolicited fashion makeovers. Since his arrival in New York City in 2007 at age 16, David forged another family in the runaway and homeless youth community – one of resilience and mutual support. When his own younger brothers Ramong and Ecclesiaste arrived in the United States from Haiti, David cared for them, in their own words, “just like a father”. By demonizing this young black man, the police and media tried to convince us that his life didn’t matter, as if this will somehow distract from their own culpability in his unnecessary death.

On the Saturday afternoon that they ended David’s life, Harold Carter and Vicente Matias, two veteran detectives of the 26th Precinct, were searching for David after an alleged purse-snatching at his girlfriend’s college when they entered a 20-bed supportive housing program run by The Bridge in New York’s East Village. Carter and Matias buzzed the front office – which, due to the time of day, had only one staff person on duty. The young black woman told the detectives that the building houses people with mental health issues, and that David is diagnosed with schizophrenia. The detectives told the staff member that they had a legally-required warrant to enter David’s building and

apartment, showed her a piece of paper with David’s picture on it (which is typical of a New York City Record of Arrests and Prosecutions, known as a Rap sheet, and not an arrest warrant). They refused to wait while she called a supervisor, barged in despite her protests and headed up to the sixth floor while demanding that she accompany them and use her master key to open his door.

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The [instructions in the NYPD Patrol Guide](#) to officers in such situations are “Do not attempt to take [emotionally disturbed persons] into custody without the specific direction of a supervisor” and “attempt to isolate and contain [the person] while maintaining a zone of safety until arrival of a patrol supervisor and Emergency Service Unit personnel.” Still, the officers attempted to take David into custody without more skilled assistance.

As detectives entered his room, he was watching television, David reportedly yelled “I’m not going!” and fled down the fire escape. Despite the fact that David posed no immediate physical threat to himself or others at that time, the officers failed to simply contain him in his apartment until help arrived, and instead intercepted him as he attempted to reenter the building from the courtyard.

The Counted: people killed by police in the United States in 2015 – interactive

The Guardian is counting the people killed by US law enforcement agencies this year. Read their stories and contribute to our ongoing, crowdsourced project

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Nameless police officials then alleged to the Times that a scuffle ensued in which both officers were injured; David, 24-years-old and 1.78m (5’10”), allegedly hit Matias in the head with a 317g (.7-pound) plastic VX-800 police radio – which a former detective not involved in the case told the Times is “like getting hit with a brick”, though a brick is five times a police radio’s

weight and made of concrete. NYPD policy clearly states that “[d]eadly force will be used ONLY as a last resort”, yet Carter fired point-blank at David instead of utilizing a less-than-lethal weapon such as a Taser or pepper spray.

The detectives, who had been personally notified of David’s diagnosis, claim that they followed procedure because they “were not responding to a call for an ‘emotionally disturbed person.’” But officials also claim that the department “does not have strict procedures for the sort of situation that presented itself” to the two battle-scarred detectives. That claim is false.

Police and corrections officials have ostensibly “reformed” the city’s response to those with mental health issues because of killings in the spotlight since at least 1984 – killings like those of [Eleanor Bumpurs](#), [Iman Morales](#), [Khiel Coppin](#), David Kostovski, [Shereese Francis](#), and [Jerome Murdough](#). And yet, another person with mental health issues in this city is dead at the hands of the police – an all-too common occurrence around the US, as the Guardian’s project [The Counted](#) shows.

The situation for people with mental health issues is in New York, like many places, at such a crisis point that, on 12 May 2015, the City Council held an oversight hearing concerning [Mayor Bill de Blasio’s action plan on mental health and the criminal justice system](#). One of the key components of the mayor’s plan is the dramatic expansion of housing programs for people who experience homelessness and mental health issues – precisely the type of program where David met his death. People with mental health issues who are housing insecure are “frequent flyers” of encounters with the criminal legal system due to the high rates of mental health issues within the homeless population, as well as laws – courtesy of Broken Windows policing – that [criminalize](#) basic acts of human survival, like sleeping, sitting, and eating in public places.



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David Felix in April 2015 Photograph: Ivan Monforte

There was no safe space for David Felix in New York City. As advocates that work with homeless populations know, since 9/11, the police are increasingly militarized, which creates traumatic and violent interactions with residents in existing shelters and supportive housing programs. Policing was a daily reality for David, who was once arrested and charged with criminal trespass simply for entering a New York City Human Resources Administration building to apply for public benefits and asking to see a supervisor after being called a “dirty, black immigrant.”

An appropriate response by the city to David’s killing would be to expand these critical housing programs as a sanctuary from warrantless searches and threats, including threats to arrest supportive housing staff seeking to protect residents with mental health diagnoses from potentially deadly encounters with the police in their own homes.

The deadly pattern of police excessive force against those with mental health issues is a nationwide problem. Several Department of Justice investigations have [found](#) that police officers systematically use excessive force against those with mental health issues. Police officers, for instance, [entered the San Francisco group home of Teresa Sheehan without a warrant in order to take her into custody](#) in August 2008. Sheehan lived with mental health issues and allegedly threatened officers with a knife but, rather than waiting for backup, officers forced their way back into her room and shot her several times. She survived

and filed a federal civil rights suit in 2009, claiming that, under the Americans with Disabilities Act, the failure of city employees – the police – to provide accommodations – get back-up – was unreasonable given her disability. It was initially dismissed, then reinstated on appeal and, eventually, the City of San Francisco modified its appeal to the reinstatement and decided not to challenge the ruling that arrests require reasonable accommodation. That decision essentially [saved people with mental health needs](#) and those that care for them from a potential US supreme court ruling that could have gutted a crucial portion of the Americans with Disabilities Act and thereby handed police officers an expanded right to shoot people with mental health issues during police encounters.

And, as a black immigrant in the United States, David suffered the additional consequences of both anti-black racism and unjust immigration laws. Like other immigrants of African descent who face detention and deportation at a rate that is [five times](#) their representation in the undocumented population, David was racially profiled by local police, turned over to Immigration and Customs Enforcement and placed in deportation proceedings. He was released in 2013, after two traumatic years in immigration detention, after which his prior record and incarceration limited his opportunities for employment and supportive housing. David struggled through the shelter system and with piecing together support from multiple youth programs but kept trying. In the fall of 2014, David was granted housing at The Bridge ... the same apartment where, half a year later, he would meet his untimely death.

Opal Tometi, a co-founder of Black Lives Matter and the executive director of the Black Alliance for Just Immigration, told us, “What happened to David Felix represents the very familiar violence black immigrants have faced as their journeys and stays in the US have been criminalized. These are our fears as we hear plans to expand the NYPD into spaces we previously considered safe.”

David’s death at the hands of two veteran police officers was only the last incident in a long history of his being criminalized simply for being who he was. Policing and state violence has expanded to such an extent in this country that it touched every single aspect of David’s life. As a black immigrant that

also suffered from homelessness and mental health issues, David experienced constant violence in the forms of poverty, xenophobia, criminalization of homelessness and mental health issues, as well as systemic anti-black racism.

David's story is a critical part of a larger narrative of anti-black police violence. But for us – for today – David's death is also about his life, about the police who killed him, the justice his family and his community will be denied and the media who became the mouthpiece for the story the police wanted them to tell. Change for people like David will never come through existing systems, because those systems are not broken. Rather, those systems function exactly as they were intended: to control, dehumanize and end black lives.

From The Guardian