

Misdemeanor charges for Cincinnati cop who killed unarmed black teenager

By Jerry White
8 May 2001

Scores of black residents expressed anger in Cincinnati Monday evening after a Hamilton County grand jury indicted a police officer on two misdemeanor counts for the April 7 killing of an unarmed African American teenager. The shooting sparked several days of protests and rioting in the city of 331,000. Police Officer Stephen Roach was charged with negligent homicide—punishable by six months in jail—and obstruction of official business—which carries a 90-day jail sentence—for the fatal shooting of Timothy Thomas, a 19-year-old father of an infant son.

More than 150 protesters were on hand when Hamilton County Prosecutor Mike Allen announced the grand jury's decision. The group of mostly black young men turned from the courthouse in anger and began protesting in the streets. Cincinnati police officers carrying shotguns closed off the area.

Thomas's mother, Angela Leisure, called officer Roach's indictment a “slap on the hand” and said it was difficult for her to call for a peaceful response, as she had done during last month's riots. “I don't want anyone else to be in the same situation as me and the other families that's lost black men in this city,” she said. “But I can't sit here and say my whole heart is for peace right now. That's not how I feel. I'm not going to lie to the public, and I'm not going to lie to myself. That is not how I feel. My feelings are borderline rage.”

Thomas was the fifteenth African American killed by the Cincinnati police in the last six years, and the fourth since last November. He was shot after a 10-minute chase involving nearly a dozen police officers. Thomas was wanted on 14 misdemeanor counts, including 12 traffic infractions and two counts of evading the police.

The second charge against Roach—obstruction of official business—stems from conflicting statements

given by Roach to homicide investigators on April 7 and April 10. Roach's initial statements were contradicted by evidence presented to the grand jury, including accounts from more than 20 witnesses, aerial photos of the scene and video footage from a police squad car. Roach claimed that he shot Thomas because he thought the youth was reaching into the waistband of his pants for a gun. No weapon was found on the scene. Witnesses said Thomas was holding his oversized pants by his waist when Roach shot him.

A Hamilton County grand jury decided not to charge Roach with more serious charges, including “aggravated murder,” “involuntary manslaughter” or “reckless homicide”—which carry sentences anywhere from five to ten years, to life in jail, if convicted. The whitewash of the police killing was politically prepared by Prosecutor Mike Allen—a former Cincinnati police officer—who initially resisted the convening of a grand jury investigation and refused to make public evidence that directly contradicted Roach's statements. Allen only called the grand jury after violence erupted in the streets, and then he suggested that the jurors should not cave in to public pressure.

On April 20, Allen, who earlier denounced those rebelling in the streets as “law-breaking thugs who should be prosecuted vigorously,” said he was indicting 63 people on felony charges, ranging from aggravated rioting, breaking and entering, weapons possession and “inducing panic.” If convicted many of the defendants—who are almost all black—could face prison sentences of up to a one-and-a-half years in a state penitentiary. Allen also said his 17-member “Riot Prosecution Task Force” would review news videotape of the riots in order to identify and prosecute additional suspects.

The grand jury ruling came exactly one month after

Roach shot Thomas in the impoverished African American neighborhood of Over-the-Rhine. The killing triggered three nights of protests, rioting and clashes with the police. Dozens of residents were hurt and over 800 people were arrested for rioting, looting and violations of the dawn-to-dusk curfew imposed when Mayor Charlie Luken declared a state of emergency.

Hamilton County Prosecutor Mike Allen gave the city 24-hour notice of the ruling, so that the police and city officials could prepare for the public response. The Cincinnati Police Division was placed on full alert Monday evening in preparation of the grand jury's ruling. Acting Public Safety Director Gregory Baker said, "We're going to use zero reaction time" to suppress any street violence, including prompt declarations of a state of emergency and a curfew, if necessary. "We are in a high state of readiness," Baker said, likening city preparations to a tornado warning.

The comments of Keith Fangman, the head of the local police union, were particularly provocative. "There have been many in the black community, including black leaders, who have stated that anything short of a felony murder indictment and they're going to burn the city down."

Hamilton County sheriff's deputies were placed on 12-hour shifts, along with many Cincinnati police officers who patrolled the Over-the-Rhine neighborhood in cars occupied by three cops, as they did during last month's riots. Police efforts were being coordinated with the Ohio State Highway Patrol, which dispatched 125 state troopers to Cincinnati during last month's riots.

In an effort to dissipate anger Mayor Luken walked in Over-the-Rhine at midday Monday, accompanied by a group of neighborhood religious leaders and social service providers. Residents demanded justice for Thomas, but the mayor, a Democrat, said, "What people have to understand is that they have to respect the decision of the grand jury."

Several black officials, including leaders of the National Association for the Advancement of Colored People (NAACP), urged residents to rely on the Bush administration to deliver justice. "Do not despair," said Norma Holt Davis, local president of the NAACP, "whatever is announced by Allen is not the last word." She said the NAACP would push US Attorney General John Ashcroft to step up an investigation into civil

rights violations. Before the grand jury's decision Monday, Ashcroft announced the Justice Department would investigate the possible use of "excessive force" by Cincinnati police officers, and provide the city and police department with "expert technical assistance on how to best reform their policing practices."

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