

Notes on police violence in America

Texas grand jury refuses to indict police officers involved in the death of Sandra Bland

By Nick Barrickman and Tom Hall
24 December 2015

Texas grand jury refuses to indict police officers involved in the death of Sandra Bland

A Texas grand jury decided Monday against issuing indictments in the case of Sandra Bland, who was found dead in her Waller County jail cell in July.

“After reviewing all the evidence in the death of Sandra Bland, a Waller grand jury did not return an indictment in the death of Bland, nor were any indictments returned against any employee of the Waller County Jail,” special prosecutor Darrell Jordan announced Monday night. Bland’s family maintains that the 28-year old African American woman, an outspoken critic of police violence, was not suicidal.

“The grand jury has looked at all the evidence and found no evidence of murder,” Jordan added. The grand jury in Monday’s ruling considered only the events that occurred at the Waller County jail. They are expected to begin hearings on the initial arrest sometime in January.

On July 10 Bland was driving through Waller County, located just west of Houston, en route to her new job at Prairie View A&M University, when she was stopped by Texas state police for failing to use her turn signal. The officer, Brian Encinia, suddenly ordered Bland out of her car, threatening her with a taser and yelling, “I will light you up!”

Bland spent the next three days in jail. On July 13, she was discovered dead in her jail cell, hanging from a plastic trash bag from a bathroom partition. An autopsy by the Harris County coroner ruled Bland’s death a suicide. Encinia, who filed a false report of the incident that omitted his threats to taser the woman, has not been charged for any crime.

Video of Bland’s jail cell taken after her death reveals numerous discrepancies in the police’s version of events. A garbage can with the plastic trash bag still in it is seen in video footage of the cell. In addition, video taken from outside of Bland’s cell, as well as dashcam footage from

Encinia’s squad car, contains missing footage and unexplained technical glitches.

Following the same playbook as St. Louis County prosecutor Robert McCullough in the aftermath of the Michael Brown case in Ferguson last year, prosecutors utilized the secret grand jury proceedings to obtain a non-indictment. Lewis White, co-chair of the panel appointed to investigate Bland’s death, told MSNBC that prosecutors had made no specific recommendations to the grand jury, a highly irregular procedure. “We’re letting the grand jury make the decision. They’re making all the decisions,” he said. The nominal purpose of a grand jury is not to determine guilt or innocence, but whether the prosecution’s case has probable cause to take the trial to a jury.

Attorneys for the Bland family excoriated prosecutors over the opacity of the grand jury process, accusing local authorities of continuing a cover-up of Bland’s murder. “How should [Bland’s family] feel confident in what these people are telling them when it’s easy to look at the evidence and investigate and come to a conclusion?” attorney Cannon Lambert, who is also representing the family in a wrongful death lawsuit, told the media. The family has been shut out of the process and only found out about the decision after it was reported in the media.

Lambert continued: “There is a 52-minute video (of the arrest) that has been in existence since July 10. Why is it taking this long to determine if he violated her constitutional rights? It’s clear what Encinia did and that he lied about what he did.” Bland’s mother, Geneva Read-Veal, told the press, “Right now, the biggest problem for me is the entire process. I simply can’t have faith in a system that’s not inclusive of my family that’s supposed to have the investigation.”

Prosecutors announce plans to retry police officer accused of murdering Freddie Gray

On Monday, prosecutors for the state of Maryland announced plans to retry Baltimore police officer William G. Porter, one of six officers indicted in the April 19 death of Freddie Gray. The announcement came less than a week after Maryland Circuit Court Judge Barry G. Williams declared a mistrial in the first of a half-a-dozen high profile cases for police officers involved in the death of the 25-year old Gray.

Porter's new trial date is set for June 13 of next year. Porter was indicted for involuntary manslaughter, reckless endangerment, second-degree assault and misconduct in office after an arrest and alleged "rough ride" in the back of a police van that left the 25-year old Gray with a severely injured spine.

Gray's death sparked massive social unrest in Baltimore and across the country, as workers and young people took to the streets to protest against the ongoing spate of police violence. The outpouring of opposition was attacked by Baltimore officials as the actions of "thugs" while martial law was declared in the city.

During Porter's trial, the defense insisted that the police officer had alerted other officers of Gray's condition and suggested the injured man receive medical attention during the 45-minute van ride to the Western District Police Station, which the officers in question – van driver Caesar Goodson, Jr. and Sergeant Alicia White – allegedly did nothing to address. Goodson is scheduled to go on trial January 6 of next year.

The decision of the prosecution to push Porter's retrial to the back of the docket places the state's chances of obtaining convictions for the five remaining officers in doubt, as prosecutors had intended to use Porter as a witness against the others. It is now likely that Porter will invoke his Fifth Amendment right against self-incrimination, citing his own still-pending case, if prosecutors attempt to use him as a material witness.

It is also unlikely that prosecutors will be able to show Porter's videotaped testimony from immediately after Gray's arrest, in which the officer states that Gray had told him that he could not breathe during the van ride. "I don't know how the state proves Officer Goodson was aware Freddie Gray needed a medic without Porter's testimony," said former Baltimore prosecutor Warren Alperstein to the *Washington Post*.

It is now expected that the state may be forced to offer reduced charges or even immunity to Porter in exchange for the latter's willingness to testify.

There are a number of other contradictions in the prosecution's strategy, including the usage of Porter as a key witness for the prosecution despite its contention that the police officer had lied in his telling of events during his

own trial.

Report shows 1 in 8 police officers involved in shooting incidents in 2015 had previous records of gun violence

A nationwide survey conducted by the *Washington Post* has revealed that 1 in 8 police officers involved in a shooting incident in the past year have been involved in multiple shooting incidents. The report, conducted by *Post* reporters from January through September of this year, is the first national compiling of such information on record.

The report found that in 367 cases, 55 individual officers had previous fatal shootings on their records, some with as many as three or four such killings, while another 45 officers had previous non-fatal incidents in their backgrounds. *Post* reporters submitted requests for information on 743 deadly shootings in a nine month period, receiving replies in roughly half of the cases.

"It's a national embarrassment. We don't even know how many times cops pull their triggers" said Geoffrey Alpert, a criminologist from the University of South Carolina of the findings. Despite legislation such as the Violent Crime Control and Law Enforcement Act, requiring that police shootings be nationally documented, the report notes that no such statistics have been provided to the government since the act was passed.

The *Post* report details police shootings in which one or more officers involved had previous killings on their record. In New Mexico, five state troopers involved in shootings this year alone had previous incidents in their backgrounds. One such officer was involved in two shooting deaths during a span of just six weeks.

In addition to the lack of statistical data available detailing which cops are known killers, the report also notes that many officers are allowed return to their beat before any investigation has been completed into the various shooting incidents which they are permitted to rack up.

The report comes as police killings in the United States have reached record levels. According to *killedbypolice.net*, 1,160 people have been killed by cops since January, exceeding last year's total of 1,108.

To contact the WSWS and the
Socialist Equality Party visit:

<http://www.wsws.org>