

New York prosecutor urges no jail time for killer cop

By Daniel de Vries
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Brooklyn district attorney Ken Thompson has decided to seek no prison time for the police officer convicted of killing 28-year-old Akai Gurley in the stairwell of his Brooklyn housing development in November, 2014.

The case is one of the few instances among thousands of police killings in recent years that has actually gone to jury trial. However, the district attorney's actions demonstrate the lengths to which the state will go, even in the exceedingly rare cases of a conviction, to ensure that there are no serious consequences for police murder.

The district attorney announced his recommendation last week in a letter to Judge Danny Chun, who will sentence ex-New York Police Department officer Peter Liang on April 14.

Thompson, Brooklyn's first African American prosecutor, was elected in 2014 pledging to restore fairness to a judicial system widely despised as rigged. In the letter, he argued Liang's felony manslaughter and official misconduct convictions warranted 500 hours of community service, six months of home confinement and a period of probation. The manslaughter charge carries a maximum sentence of 15 years.

The recommendation came as an outrage to Gurley's family. "This is a slap in the face to Akai Gurley. His life did not mean anything to DA Thompson," Gurley's aunt, Hertencia Petersen, said at a rally last Wednesday outside Thompson's office. "How can you tell me it's OK to murder, to take an innocent life, and not be held accountable?"

Jurors who served on the case also reacted to the news with shock and anger. One 62-year-old juror told the *New York Daily News*, "What was the point of prosecuting him? What did we do this for? [Police

officers] deserve to be prosecuted and sentenced just like everyone else who has the same background or committed the same crime." The juror noted that his father had been sentenced to a seven-year prison term for accidentally shooting a friend.

Much of the muted media coverage of the case sought to portray Liang in the most sympathetic terms: a frightened, rookie cop without adequate training, patrolling a dark and dangerous public housing project. Liang claimed he accidentally pulled the trigger of his 9mm Glock as Gurley and his girlfriend entered the doorway of the seventh floor stairwell. New York City police officers and their supporters, along with sections of the Chinese immigrant community who argued Liang was a scapegoat for the crimes of the NYPD, held rallies to defend the cop. Yet the facts of the case testify to the culpability of Liang and the NYPD as a whole.

As Gurley lay dying in the stairwell Liang made no attempt to administer aid. His first action was to search the stairwell for his bullet in order to cover up the crime. When he finally reported the incident, he made no call for an ambulance. Trained in CPR, Liang made no attempt to resuscitate Gurley. Instead, Gurley's panicked girlfriend was left to try to save his life with second-hand instructions from a 9-1-1 operator.

The "vertical patrols" Liang and his partner were conducting, with guns drawn, inside the Pink Houses in Brooklyn are part of a virtual police occupation of New York's working class neighborhoods. Minority youth in particular are targeted, treated as criminals at all times whether inside their homes or on the streets.

Gurley's killing came just four months after the brutal NYPD choking death of Eric Garner in Staten Island and in the midst of a nationwide epidemic of police murders. Beyond the high profile killings,

unchecked police brutalization and intimidation are a daily occurrence, as the recent arrest, caught on video, of a mail carrier on the job for complaining about a cop's dangerous driving once more demonstrates.

Much of the liberal political establishment in New York rushed to defend and even praise Thompson's handling of the prosecution. The *New York Times* carried an analysis piece proclaiming the district attorney a "shrewd victor" in a case with no apparent winners. While Democratic mayor Bill de Blasio refrained from commenting directly on the sentencing, his police chief Bill Bratton hailed the move. "[Thompson] is intimate with all the circumstances in this case and I applaud him for making this decision," Bratton said.

Behind this support is a fundamental agreement with open right-wingers, like Patrolman's Benevolent Association spokesman Patrick Lynch, on the necessity of the police state apparatus to operate with impunity, combined with rhetorical concern with democratic rights of the victims of police violence.

Thompson went further than most of his peers in New York City and throughout the country in actually bringing the case to trial, a maneuver that was calculated to mollify anger at the killing of an unarguably innocent man. At the same time, Thompson's call for no jail time ensures not only that there is no significant punishment for the killing of Gurley, but that the NYPD's officers can continue their repressive operations without pause.

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