

Notes on police violence

Woman killed by Minneapolis police had called to report a rape

By Matthew MacEgan and Niles Niemuth
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Minneapolis city officials released transcripts Wednesday of two 911 calls made by 40-year-old yoga instructor Justine Damond to report what she suspected to be a rape happening near her house shortly before she was killed by police officers outside her home.

“I can hear someone out the back and I, I’m not sure if she’s having sex or being raped,” Damond told a dispatcher in the first call. “And I think she just yelled out ‘help,’ but it’s difficult, the sound has been going on for a while, but I think, I don’t think she’s enjoying it,” Damond said.

Damond placed a subsequent call with 911 concerned that no police officers had yet arrived to check out the disturbance.

Two officers, Matthew Harrity and Mohammed Noor arrived shortly afterwards, pulling up in the alley behind the woman’s house with the lights of their squad car off.

The attorney for Minneapolis police officer Matthew Harrity told reporters Wednesday that it was “reasonable” to assume the officers believed they were being ambushed when his partner, Mohamed Noor, shot Damond, also known as Justine Ruszczuk, through the driver’s side door of their cruiser Saturday night.

“It’s certainly reasonable to assume that any police officer would be concerned about a possible ambush under these circumstances,” attorney Fred Bruno stated at a press conference on Wednesday.

Harrity told investigators that as they reached the end of the alley he heard a loud noise nearby and immediately after Damond, who was unarmed and wearing her pajamas, approached the cruiser’s driver’s side window. Noor, in the passenger seat, suddenly opened fire across Harrity, shooting Damond through the driver’s side door.

An autopsy determined that Damond, who died on the spot, was killed by a single gunshot to the abdomen. Her

death has been ruled a homicide.

While Minneapolis police officers are required to wear body cameras and all squad cars have dash cams, no video of the incident exists; the officers had not turned on their body cameras and the dash cam had also been turned off.

Damond’s killing has sparked outrage across the US and in her home country of Australia where her family has demanded an explanation of why she was killed. Approximately 300 people gathered at a vigil Wednesday morning in Sydney to mourn her death.

Noor and Harrity have both been placed on paid administrative leave until the state investigation is concluded.

After two deadlocked juries DA drops charges in killing of Samuel DuBose

On Tuesday, Ohio prosecutor Joseph T. Deters of Hamilton County announced in a press conference that the county had decided to drop any further efforts to prosecute Raymond Tensing, a former University of Cincinnati police officer who killed Samuel DuBose at a traffic stop in 2015. The decision comes after two trials that ended with deadlocked juries.

Tensing, who is white, was first charged with murder and voluntary manslaughter 10 days after stopping DuBose, a 43-year-old black man, on July 19, 2015. The officer had initially reported that he had been forced to shoot DuBose during the traffic stop because he was being dragged by the car and was nearly run over.

On the day Tensing was arrested, however, his initial account was exposed as a lie. Body camera footage was released to the public showing that the officer had shoved his gun into the car window and yelled stop after he saw DuBose turning on the ignition in the middle of the stop, after which Tensing fired a single round into the man’s

head. It was only after the shot that the car lurched forward and came to a stop down the street as Tensing ran after it.

Deters told reporters that his decision not to retry Tensing came after meeting with jurors in the case and being told that the officer would never be convicted because some jurors would never vote to convict a police officer. “We had two jurors that simply would not find a police officer guilty,” he said. “Period.” Deters initially decried the officer’s actions in 2015 and described the incident as “a pretty chicken-crap stop.”

On Tuesday, he stated, “I don’t like it. My opinion of this case has not changed from two years ago tomorrow and it’s not going to change.” Deters delivered the news to DuBose’s family on Tuesday before the press conference and reported, “Needless to say, they’re very upset with what the decision was. It was horrible.”

DuBose’s sister spoke to reporters after the press conference and explained that she thought the decision would encourage police officers by sending a message that they will not face criminal penalties for killing people. She said that Tensing “was judged by the jurors who didn’t want to convict because they valued Tensing’s life more. It wasn’t about evidence.”

Deters has referred the issue to the US Attorney’s office for the Southern District of Ohio, which will allow federal authorities to explore the case for possible federal civil rights violations. Deters told reporters that the US Attorney’s office called the county prosecutor’s office about the case and that his staff had already met with federal authorities to review the evidence.

Such referrals are made by district attorneys in police violence cases knowing that prosecutions for civil rights violations are highly unlikely. The standards of evidence for bringing charges in federal civil rights cases are much higher than in state criminal cases.

An investigation by the *Pittsburgh Tribune-Review* found that between 1995 and 2015, under the administrations of former presidents Bill Clinton, George W. Bush and Barack Obama, federal prosecutors refused to bring charges against 96 percent of police officers accused of civil rights violations. This trend continues under the Trump administration.

US Justice Department decides not to charge New Mexico police officers who killed James Boyd

Federal prosecutors announced on Tuesday that they would not be filing civil rights charges against the two former Albuquerque police officers, Dominique Perez and Keith Sandy, who killed a mentally ill homeless man

in 2014. A state District Court judge declared a mistrial in October last year after a jury could not reach a verdict on second-degree murder charges.

James Boyd was a 38-year-old homeless man who was diagnosed with paranoid schizophrenia and was involved in a standoff with officers at his illegal campsite in a wealthy neighborhood in the foothills of the Sandia Mountains.

Nineteen officers were involved in the standoff. Officer Sandy threw a flash grenade toward Boyd while another unleashed a police dog. Boyd, who appeared to be confused, pulled out two pocketknives and stood in place. Both Sandy and Perez fired fatal shots into him within five seconds.

At the time of Boyd’s killing, the Albuquerque Police Department had already been under scrutiny by the Department of Justice for a pattern of using unnecessary force, including deadly force. A report was released by the department shortly after Boyd’s death, recommending that the local agency scale back its use of force.

The District Attorney Raúl Torrez of Bernalillo County had already announced in February that he would not retry the murder case. The U. attorney for New Mexico, James D. Tierney, stated in a news release that there was not enough evidence “to meet the high legal standard required to prosecute” a civil rights case.

The decision comes after it has been reported that the Trump administration has been asking the Justice Department to scale back investigations into allegations of civil rights violations involving local law enforcement agencies. The administration has also asked that the department stop pushing local agencies to reform “use-of-force” policies when it comes to police killings. The Justice Department has since called for the review of 14 such reformation decrees across the nation.

The city police union in Albuquerque applauded the US Department of Justice for its decision. Union President Shaun Willoughby said, “This is the end of a nightmare for these two officers.” Boyd’s family has settled a complaint against the city for \$5 million.

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