

State of emergency declared after acquittal of Cincinnati cop who shot youth

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City officials in Cincinnati imposed a state of emergency early Thursday in response to protests against the acquittal of a policeman who killed an unarmed black youth earlier this year. Mayor Charlie Luken also instituted an overnight curfew effective 12:30 a.m. Thursday; the mayor said he expected the curfew to begin again Thursday night at 10 p.m. Police called in backups and put all officers on 12-hour shifts. Protesters set fires and threw rocks and bottles Wednesday night as word of the verdict spread. One arrest was made.

In the midst of an orgy of patriotism and “national unity,” the declaration of a state of emergency in a major urban center is a more accurate barometer of the real state of social relations in the US.

Protesters were reacting to the decision by a municipal court judge Wednesday to clear Officer Stephen Roach of all charges in the shooting death of 19-year-old Timothy Thomas. The incident on April 7 set off four days of protest and rioting in which nearly 800 people were arrested in the largest civil disturbance in the US since the 1992 Los Angeles riots. Thomas was the fifteenth black man killed in encounters with Cincinnati police since 1995. Roach is believed to be the first Cincinnati policeman ever brought to trial for fatally shooting a suspect.

Hamilton County Municipal Judge Ralph E. Winkler, who heard the case without a jury at Roach’s request, summarily dismissed the charges, negligent homicide and obstructing official business—two misdemeanors that carried a maximum sentence of nine months in prison—and essentially blamed Thomas for his own death.

Winkler’s decision exuded sympathy for the accused policeman and hostility to the dead youth. Of Roach, he declared: “The reasonableness of an officer’s action

should be judged from the officers on the scene perspective of the facts.... If an officer mistakenly believed that a suspect was likely to fight back, the officer might be justified in using more force than was actually necessary. In such situations, an officer’s action should not be subjected to 20/20 hindsight or Monday morning quarterbacking.”

The judge twice insinuated that Thomas was a menace to society: “Timothy Thomas was not unknown to the Cincinnati police. He had 14 open warrants.” In fact, these were misdemeanor warrants, including traffic violations and two for running from the police. Winkler later commented: “Police Officer Roach’s history was unblemished until this incident. Timothy Thomas’s history was not unblemished.”

Following the verdict, Special Prosecutor Stephen McIntosh timidly expressed concern about whether Thomas’s actions had figured too prominently in the judge’s decision. “The person who was on trial here is Officer Roach,” he observed, “not Mr. Thomas.”

The April 7 shooting took place in Cincinnati’s impoverished Over-the-Rhine district at 2 a.m. Roach was one of several cops who chased Thomas. The other officers testified at the trial that they did not draw their weapons, nor feel any need to do so. The prosecution argued that the killing took place because Roach was running with his finger on the trigger of his 9mm revolver, rather than waiting until a threat was perceived as Cincinnati police officers are supposed to do.

Roach was charged with obstructing official business for giving three contradictory accounts of the shooting. First, he told fellow officers that the gun “just went off.” Later, while being questioned by investigators, he gave a detailed story, saying he thought that Thomas, wearing baggy sweatpants, was reaching for a gun.

When investigators told him that his statement was contradicted by a police cruiser camera's recording of his actions, he changed his story yet again. In his final version he claimed that Thomas had come around a corner, startling him and causing him to shoot.

During the trial police homicide investigator Charles Beaver testified that he didn't believe Roach's story. Beaver said he had concluded that the detailed description given by the accused cop was scripted. "In my training, it's very unusual for not just police witnesses, but civilian witnesses, to have that kind of recall."

In his decision Judge Winkler rejected this and similar testimony, asserting that "any different statements attributed to Officer Roach were not substantial and the statements did not hamper or impede the police investigation of the incident in any way."

Responding to Roach's acquittal outside the courtroom, Timothy Thomas's mother, Angela Leisure, commented, "Justice means 'just us.' If you are a police officer, you have true justice. If you're not, you don't.... This situation will happen again unless something changes." She also said: "Stephen Roach is a liar. Stephen Roach has to answer to God for his crimes."

Susan Knight from the Greater Cincinnati Homeless Coalition in Over-the-Rhine told a *World Socialist Web Site* reporter:

"People were angry but not surprised. Some were crying and others frustrated. In Over-the-Rhine there were some fires set and damage done. A few hundred other people protested in the area last night. Some were saying that the city got everything that it deserved last April. One said this wasn't just a matter of police brutality, but the whole city was racist. Someone else mentioned that with events of September 11 there is all this talk of national unity, but don't pretend there is unity in Cincinnati.

"The police kept a low profile, but the city has imposed a curfew for tonight. The city council is now debating putting 75 more police officers on the streets. The money for this is going to come from the Human Relations Commission."

The events in Cincinnati—both Winkler's green light to the already murderous Cincinnati police and the popular reaction—are further indications of the great

social tensions in the US, unacknowledged by the media and the political establishment, but simmering just beneath the surface.



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