

Grand jury exonerates New York cop who shot 19-year-old youth

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A grand jury impaneled by the Brooklyn district attorney decided on February 17 against the indictment of police officer Richard Neri, who shot 19-year-old Timothy Stansbury Jr. to death last month on the roof of his building.

The circumstances of Stansbury's killing had aroused particular outrage. Along with two friends, he was attempting to use the roof as a shortcut on his way to a party in an adjoining building. When Stansfield pushed the door to the roof just as Neri pulled it open, the cop, who was on a regular patrol, pulled the trigger without any word of identification or warning.

The dead youth's family was bitter over the grand jury decision, and neighborhood residents expressed surprise at the failure to indict the officer for criminally negligent homicide or manslaughter, especially since New York City police commissioner Raymond Kelly had held a news conference within hours of the shooting to express his sympathy with the family and to declare that "there appears to be no justification for the shooting."

"I didn't expect this," said Stansbury's uncle, Wayne Clayburne. "I expected something to happen. Not just let my nephew lay dead like that. We're back to where we started from. And it hurts so bad."

Timothy's sister, Timetress Stansbury, said, "What angers me most is this officer may get off scot-free. I'll do whatever it takes, even if it means committing the rest of my life to get justice."

In fact, the failure to bring charges against the police is true to the pattern that can be seen in nearly every other case of unprovoked police killings. There also were no indictments in some of the well-known incidents in recent years in New York, such as the killing of Patrick Dorismond by an undercover narcotics officer. The four officers who killed West

African immigrant Amadou Diallo five years ago were tried, but acquitted, after the proceedings were moved to Albany, 150 miles north of where the killing took place.

Grand juries typically take their cues almost automatically from the local prosecutors who present the evidence to them. This is the source of the well-known adage that a grand jury "would indict a ham sandwich" if so demanded by the prosecutor. The reverse is also true. In this case, Brooklyn district attorney Charles J. Hynes, who works closely with the Police Department, presented witnesses, including a police training officer and officer Neri himself. The jury was instructed that negligence was not sufficient cause to bring charges. As Stephen Gillers, a law professor at the New York University School of Law, explained, "We're not just talking about negligence, we're talking about something so unreasonable as to be a gross deviation. A mistake, or a simple act of negligence, is not enough to be criminal."

Of course if Timothy Stansbury had, in fear or panic, been the one to pull the trigger, there is no doubt that charges would have been brought. The grand jury decision reflects the fact that the police are given license to kill, and leeway for "mistakes," as long as the victim is a worker or working class youth.

The grand jury decision underscores just how little meaning can be attached to the expressions of sympathy from New York City mayor Michael Bloomberg and his police commissioner after the latest killing. In fact, Bloomberg and Kelly no doubt understood that an indictment would probably not be forthcoming, and their words were aimed essentially at appeasing the anger over the killing, not doing anything about it.

The Stansbury family has several other recourses.

They can seek federal civil rights charges against the police officer. While the US attorney for the Eastern District in New York issued a statement saying that her office had begun a review of the evidence, this is highly unlikely to lead to any action. The officer may also face departmental charges, and the family can in addition file a wrongful death civil lawsuit against the city. A civil lawsuit in the case of Amadou Diallo was recently settled for several million dollars.

Even if the city winds up paying as the result of a suit or settlement, however, such an outcome does nothing about the continuing police violence and the real dangers that minority workers and youth in particular face in their own neighborhoods, dangers that stem not only from open racism but from the standard methods of police work in defending the status quo of poverty and inequality. As far as the political and financial establishment is concerned, financial settlements become nothing but the cost of doing business.

The law-and-order campaign, regularly stoked by the media and the big business politicians, means that the police function as a virtual occupation force in poorer neighborhoods. When they claim innocent victims, their superiors express regret, in terms not that different from those of the US military authorities in the current occupation of Iraq.



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