

Prosecutor declines to bring charges against Cincinnati cops who lied to protect killer of Samuel DuBose

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The University of Cincinnati put police officers Phillip Kidd and David Lindenschmidt on paid administrative leave Thursday for the course of an internal investigation into their reports of the July 19 killing of Samuel DuBose by officer Ray Tensing.

The family of DuBose has demanded that Kidd be charged for making false statements on a police incident report, claiming that he saw DuBose's car dragging Tensing. This came after the release of the two officers' body camera footage, in which they can be heard corroborating Tensing's false claim that he only shot DuBose after being dragged by his car.

Tensing himself pleaded not guilty to murder and voluntary manslaughter and was released from jail Thursday after his father paid \$100,085 bond. Tensing had pulled DuBose over for not having a front license plate, and soon sought to physically remove DuBose from his car, prompting DuBose to attempt to flee. Roughly a second after DuBose started his car, Tensing shot him once in the head, killing him.

Tensing claims that he became caught and dragged along, prompting him to shoot DuBose in the head. His body camera footage clearly refutes this story and in fact indicates that Tensing intended to kill DuBose, as he draws his weapon immediately after DuBose starts his car and fires at his head almost instantaneously.

On Friday, Hamilton County Prosecutor Joe Deters announced that a grand jury had heard testimony regarding Kidd and Lindenschmidt's falsifications and declined to indict them for corroborating Tensing's false story. Grand juries routinely operate under the direct advice of the prosecutor, meaning that Deters likely sought a nonindictment for Tensing's two accomplices.

Kidd and Lindenschmidt's body camera footage reveals that neither was in a position to see whether Tensing was caught in DuBose's car. Lindenschmidt was sitting in his patrol car, parked directly behind Tensing's patrol car, when the shooting took place. Kidd's body camera is not turned on until he is chasing DuBose's car with Tensing and Lindenschmidt. However, the footage from Lindenschmidt's camera shows Kidd running on the sidewalk, also behind Tensing's car, indicating that his view of the shooting was obstructed by both Tensing and DuBose's car.

The *Guardian* revealed Friday that two of the officers who corroborated Tensing's story—Eric Weibel, who wrote the initial police report, and Kidd—were also involved in the 2010 police killing of Kelly Brinson, an unarmed, mentally ill black man who had been hospitalized at Cincinnati's University hospital.

After suffering a psychotic episode, Brinson was shocked with a Taser three times and then "rushed" by seven University of Cincinnati officers, including Weibel and Kidd. Surveillance video shows officers smothering Brinson, and at one point an officer grabs him by the neck, choking him. During this beating, Brinson suffered a respiratory cardiac arrest and died three days later.

Brinson's family ultimately settled their civil suit against University of Cincinnati police and the hospital for \$638,000, with the expectation that the officers would be removed from the force outright. The only disciplinary measure taken, however, was to remove them from patrolling duties at the psychiatric wards at the hospital.

Shocked at learning that Weibel and Kidd were

involved in attempting to falsify Tensing’s murder of DuBose, Kelly Brinson’s brother, Derek, declared: “They should be held accountable for perjury and they should be accessories to the DuBose murder.”

Weibel wrote the police report so as to bolster Tensing’s false account of the shooting, writing, “I could see that the back of his pants and shirt looked as if it had been dragged over a rough surface.”

Kidd falsely claimed to have seen firsthand Tensing being dragged by DuBose’s car, repeatedly declaring, “Yeah, I saw that.”

Lindenschmidt also lied in an attempt to bolster Tensing’s story, telling another officer: “I just arrived to back him [Tensing] up, the guy took off. The officer was stuck in the vehicle. He fired one round.”

Commenting on the significance of the body camera footage, DuBose’s sister Terina DuBose Allen declared: “I think that if there had not been a body camera that Sam would have been left with the memory of everyone saying he was basically trying to kill a police officer. They would have turned a nonviolent man who was loved into a poster child for violence against police officers.”

Texas House County Affairs Committee Chairman said brutal arrest of Sandra Bland was the “catalyst” for her death

The Texas House County Affairs Committee began its legislative inquiry into the arrest and subsequent death of Sandra Bland Thursday. The meeting involved committee members questioning Steven McCraw, the director of the Department of Public Safety, the department for which state trooper Brian Encinia works.

At the inquiry, committee chairman Garnet Coleman, a Democrat from Houston, described the brutal arrest of Bland by Encinia as the “catalyst” that led to her death. Coleman sought to place responsibility for Bland’s death entirely on Encinia, saying, “What he did triggered the whole thing.”

Police claim to have found Bland hanging in her jail cell July 13. The official report states that she was found hanging from a plastic trash bag attached to a

bathroom partition—which was roughly equal to her height—with her feet touching the ground.

Despite the protestations of her family, officials have continually sought to portray Bland as suicidal, with Waller County Prosecutor Warren Diepraam last week declaring that an official autopsy found her cause of death to be a suicide.

On Tuesday, officials in Waller County released hours of footage showing Sandra Bland alive in the Waller County jail, in a further attempt to silence those questioning what led to her death. The released videos, however, fail to document the crucial hour before her death, which was missing from the initially released footage taken from a hallway that does not even show her cell.



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