Notes on police violence

Trial begins for second Baltimore police officer charged in death of Freddie Gray

Nick Barrickman
13 May 2016

Opening statements and testimony were heard on Thursday in Baltimore Circuit Court in the trial of police officer Edward M. Nero for the April 2015 death of 25-year-old Freddie Gray.

Nero's trial is the second of six for the police officers charged in the death of Gray, who died from severe spinal injuries after being given a "rough ride" in the back of a police vehicle. The trial is scheduled to last up to a week.

Gray's death set off weeks of protests and limited rioting throughout Baltimore in opposition to police brutality. State and local officials responded by declaring martial law and deploying the National Guard.

As a criminal defendant in the state of Maryland, Nero has opted to have his trial decided by a presiding judge rather than by jury. The police officer has pleaded not guilty to misdemeanor charges of second-degree assault and misconduct relating to the arrest, reckless endangerment and another second-degree assault charge relating to how Gray was treated while being loaded into the police van.

Nero was one of two police officers who physically apprehended Gray as the latter fled from the police in the west Baltimore neighborhood of Winchester-Sandtown after having made eye contact with an officer. A bystander video taken of the arrest shows Gray screaming in pain as police officers carry him to the back of a police wagon.

Despite Nero's role in assaulting Gray, the prosecution has confined its case to questioning the legality of the officers' decision to arrest him.

While prosecutors have dropped charges asserting Gray was the victim of false imprisonment due to police claims of having found a switchblade in the young man's possession, state attorneys are contending that Gray's detention was nonetheless illegal. According to Chief Deputy State's Attorney Michael Schatzow, Nero "deprived Mr. Gray of his liberty" while planning to "arrest him, and [then] decide whether to unarrest him."

Testifying for the prosecution, Baltimore Police Captain Martin Bartness said that Nero had violated department policy on seat-belting passengers while transporting Gray, although later asserted that such decisions are ultimately left up to the officers' discretion and do not amount to a law.

In response to the charges of Nero having violating Gray's Fourth Amendment rights, defense attorney Marc Zayon said Gray's "unprovoked flight" in the presence of police constituted a probable cause for arrest.

"It is clear in this case that everything that was done, not only by Officer Nero but all of the involved officers, was done correctly," Zayon said, adding that Gray had been "passively and actively resisting arrest, banging in the wagon, kicking the wagon," prompting Nero to forego buckling him inside of the van.

Of the state's decision to question the legality of the arrest, Zayon warned that such a strategy would cause officers to "simply not make arrests." A number of commentators have expressed similar concerns, with the *Guardian* noting that the strategy would effectively "turn Nero's case into a referendum on police stops in high crime areas and have wide-ranging implications on how officers can be punished for illegal stops, searches, and detentions."

The unlikelihood of such an argument being upheld in court has prompted a number of pro-police commentators to voice confidence that Baltimore Circuit Judge Barry G. Williams will rule in favor of Nero.

"It was clearly a legal chase, stop, frisk, then search. And a reasonable arrest, even if it wasn't legal (and it might have been legal)… I can't imagine a weaker case [for the prosecution]," Peter Moskos, a professor at the John Jay College of Criminal Justice and a former BPD officer told the *Guardian*.

In December, the trial for Officer William G. Porter, the first of the six officers charged in the death of Gray, ended in a hung jury. The mistrial was followed by months of delays as state prosecutors sought to compel Porter to testify against his fellow officers despite his own upcoming retrial. Porter as well as another officer set to be tried, Garrett E. Miller, will testify against Nero.

South Carolina grand jury indicts cop who shot unarmed man in the back

On Tuesday, a federal grand jury indicted former North Charleston police officer Michael Slager on violation of civil rights charges for the April 2015 murder of 50-year-old Walter L. Scott, who was African American.

Slager has been charged with depriving Scott of his rights "to be free from the use of unreasonable force by a law enforcement officer" as well as using a weapon while committing a "felony crime of violence." Additionally, Slager is being charged with obstruction of justice for misleading authorities by claiming that

© World Socialist Web Site

Scott had attacked him with a taser stun gun and provoked the shooting.

If found guilty Slager could face life imprisonment or the death penalty, as well as a fine up to $250,000.

Slager was indicted on state charges for Scott's murder last June, with the date for that trial set for October 31, although complications may place the start of the trial some time in 2017.

Slager killed Scott after pulling him over for a broken tail light. After being questioned by the police officer about the ownership of the vehicle he was in, Scott fled and was chased by Slager.

A video filmed by a witness shows Slager struggling with Scott before the latter turns and runs away, with the police officer opening fire eight times at the unarmed man, striking him four times in the back and once in the ear. Slager then retrieves an object from the ground, likely his taser, and places it at the fallen man's side.

Speaking to *NBC* reporters at the time, Walter Scott, Sr., the victim's father, commented, "The way he was shooting that gun, it looked like he was trying to kill a deer." Slager had a history of violence prior to the 2015 killing, including a 2013 event involving the unprovoked tasering of a North Charleston man who witnesses report was neither resisting arrest nor dangerous.

According to Scarlett A. Wilson, the prosecutor for Charleston County who is overseeing the charges, the joint federal and state prosecutions against Slager "vindicate separate interests…While certainly the state charges address the killing of Mr. Scott, they do not directly address the alleged violation of Mr. Scott's civil rights by a government employee acting under color of law."

Speaking after the hearing on Tuesday, Judy, the mother of Walter Scott, said to news reporters, "I thank God that my son was used to pull the cover off all the violence and the cover-ups that have been going on," adding, "I'm happy for that. But I'm sad because my son is gone."

Slager was one of only a handful of law enforcement officials indicted for the more than 1,000 police homicides which occurred in the US last year. In a report last year, the *Washington Post* stated that in the years from 2005 until 2015 only 54 police officers have been charged for a killing, with even fewer being convicted. A *Pittsburgh Tribune-Review* study released earlier this year shows that the Department of Justice has ruled in the favor of law enforcement in 96 percent of the more than 13,000 cases involving complaints of civil rights violations by the police since 1995.

San Francisco sheriff's deputies receive felony charges for assault on unarmed motorist

San Francisco prosecutors obtained felony warrants for two California sheriff's deputies stemming from a vicious assault on a motorist last fall.

A surveillance video of the assault from last November shows the two deputies, Luis R. Santamaria and Paul D. Wieber, repeatedly raining blows from police batons upon a suspect, Stanislav Petrov, in an alleyway after Petrov reportedly led the two deputies on a high-speed chase before crashing his Mercedes-Benz into a parked car and fled on foot.

According to Michael Haddad, one of Petrov's attorneys, the motorist suffered multiple lacerations to his head as well as broken bones in his hands after attempting to shield himself from the assault. According to San Francisco Public Defender Jeff Adachi, who released the video days after the attack occurred, the beating resembled the 1991 police assault of unarmed Los Angeles motorist Rodney King.

CNN quotes Michael Rains, Santamaria's attorney, who declares that his client, who teaches classes regarding use of force, is "very much aware that any use of force captured visually and audibly is graphic and ugly, even though it may be lawful in every aspect." Both Wieber and Santamaria maintain that the vicious assault on Petrov was an attempt to "end the resistance and take him into custody."

New England troopers relieved of duty after assaulting man who was attempting to surrender

Two state police troopers, one from New Hampshire and another from Massachusetts, have been relieved from duty after a video from an aerial surveillance camera captured a number of state police troopers assaulting a man while he was in a prone position attempting to surrender.

Richard Simone, 50, of Holden, Massachusetts led police on a high speed chase across two states on Wednesday. After running into a dead end in Nashua, New Hampshire, Simone exited his vehicle and got on "all fours" in an attempt to surrender before being rushed by several state police officers and repeatedly attacked.

An investigation is planned into the assault, with Massachusetts State Police releasing a statement noting "the video appears to show a use of force against the suspect… If it is determined that a department member has not lived up to those expectations, we will take appropriate action."

Simone was wanted on multiple warrants for felony assault and battery with a dangerous weapon as well as larceny. Appearing at an arraignment on Thursday, Simone showed visible bruising around his eye and ear. He is scheduled to face additional charges for attempting to evade arrest in multiple jurisdictions.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site