

Notes on police violence

Milwaukee cop found not guilty of August 2016 killing that sparked protests

Josh Varlin
22 June 2017

Former Milwaukee police officer Dominique Heaggan-Brown, 24, was acquitted on Wednesday of all charges related to the police murder of Sylville Smith, 23, last August. The killing sparked protests in the Sherman Park neighborhood of Milwaukee that saw the torching of cop cars and a handful of nearby businesses, as well as the mobilization of the National Guard.

The acquittal of Heaggan-Brown comes only days after the acquittal of Jeronimo Yanez, the police officer who killed Philando Castile in Minnesota last July.

Smith, who was African American, was reportedly suspected of being involved in a drug deal because he had out-of-state license plates. Heaggan-Brown, also African American, pulled over Smith and then, after Smith fled, engaged in a foot chase.

A graphic video from Heaggan-Brown's partner's body camera shows the quick and horrific resolution of the chase: The two police officers chased Smith to the area between two houses, where Smith encountered a fence. Smith, who was holding a gun by the barrel, attempted to throw it over the fence, presumably to surrender to the police unarmed so he could live.

Heaggan-Brown then shot Smith in the arm, and Smith fell to the ground on his back. Less than two seconds after the first shot, with Smith on the ground and his gun over the fence and out of reach, Heaggan-Brown fired the second shot. This shot was fatal, with the *New York Times* saying, "An official from Milwaukee County's medical examiner's office said that the second shot traveled through Mr. Smith's heart and lung and was 'not survivable.'"

It took a mere 12 seconds from the beginning of the foot chase to the fatal shot.

Prosecutions in police killings are rare, and convictions are even rarer. It is likely that without the significant protests and unrest in Milwaukee after the killing, there would not even have been a trial.

As it stands, Heaggan-Brown was fired from the Milwaukee Police Department in October 2016 after an internal investigation into a separate incident. According to the *Times*, the night after the shooting, Heaggan-Brown "went to a bar, met a man, drank heavily and 'bragged about being able to do whatever' he wanted 'without repercussions.'"

Heaggan-Brown then allegedly raped the man and left him at a hospital the next day. Afterwards he texted his superior to receive help, saying that he needed "to handle this in the most secret and right way possible."

Because the charges related to that incident are to be handled separately from the killing of Smith, information related to the alleged rape was not presented to the jurors to factor into Wednesday's decision.

Milwaukee County District Attorney John Chisholm, who prosecuted Heaggan-Brown for the killing of Smith, argued that while the first shot—when Smith was tossing the gun over the fence—was justified, the second shot—when Smith was unarmed, injured and on the ground—was not.

Heaggan-Brown's defense argued that the officer followed police procedure when he fired the fatal shot into Smith's chest. According to his lawyer, Heaggan-Brown, like all Milwaukee police officers, was taught to follow the "one-plus rule," meaning officers should always assume that someone with one weapon may have another, even if there is no direct evidence for this.

Based on this, Heaggan-Brown's lawyers argued that, because Smith's arms were reaching toward his waist as he tumbled on the ground (no doubt a result of gravity and pain more than conscious intent), it was reasonable for Heaggan-Brown to fear that Smith was going to draw and use another weapon.

Jonathan Smith, Heaggan-Brown's lawyer, said, "A gunfight doesn't end until the threat is stopped"—although, of course, the threat had stopped when Smith had thrown his gun away and fell to the ground injured.

As the *World Socialist Web Site* noted during the protests against Smith's killing, police killings are ultimately rooted in the class dynamic of the United States, including its deep and growing poverty and inequality. "Whatever the role racism may play—a 2011 analysis of traffic stop data found that African American drivers were more than seven times as likely as white drivers to be pulled over by the MPD—the war waged by the American ruling class has been directed at the working class of all races."

It is worth noting in this context that Smith, Heaggan-Brown, and fascistic Milwaukee County Sheriff David Clarke are all African American. While racial minorities are affected disproportionately by police brutality, whites still make up a majority or plurality of police killings. A perspective that boils down every aspect of American society to race cannot adequately explain, let alone combat, police violence or any other social phenomenon rooted in capitalism itself.



To contact the WSWWS and the Socialist Equality Party visit:

wsws.org/contact