

## Notes on police violence

# Second mistrial for University of Cincinnati cop charged with murder

**Our reporter**  
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In the third non-conviction of an officer involved in a police killing in less than two weeks, Judge Leslie Ghiz declared a mistrial in the case of Ray Tensing, the white University of Cincinnati police officer who killed Samuel DuBose in July 2015. A first mistrial was declared in November 2016, after four days of deliberation by the jury.

Tensing pulled over DuBose, an unarmed 43-year-old black man, for a missing front license plate. He asked for DuBose's driver's license, which was suspended. When DuBose did not produce his license, Tensing demanded that DuBose undo his seat belt, presumably so he could exit the vehicle and be arrested for driving without a license, a minor offense.

DuBose did not want to exit his vehicle, so Tensing reached into DuBose's car and almost immediately shot DuBose in the head, killing him. DuBose's car then rolled forward slowly. The traffic stop resulted in DuBose's death in about two minutes and was recorded on Tensing's body camera.

The defense argued that Tensing feared for his life and was afraid that he would be dragged along or run over by DuBose's car as he drove away. According to the Associated Press, "An expert hired by prosecutors said his frame-by-frame analysis of the former officer's body camera video showed the officer was not being dragged by the car."

In the immediate aftermath of the police killing, Tensing and a second officer, Eric Weibel, claimed that Tensing was actively being dragged by DuBose's car at the time of the shooting. Weibel claimed a third officer witnessed this as well. The video refutes these claims.

It is unclear if prosecutors will seek to try Tensing a third time.

The mistrial of Tensing follows the acquittal of the officer who killed Sylville Smith in Milwaukee and the June 16 acquittal of the officer who killed Philando Castile in Minnesota.

## Dallas officer charged in January killing of woman in moving vehicle

A Texas grand jury indicted Dallas police officer Christopher Hess in the January killing of Genevive Dawes, a 21-year-old woman who had been sleeping in a vehicle with her partner before police woke her.

Hess was charged with aggravated assault, which carries a sentence between five and 99 years.

In the early morning hours of January 18, Hess and his colleague Jason Kimpel, who was not indicted, woke up Dawes and Virgilio Rosales with flashlights. The officers were investigating a suspicious person call and discovered that the Dodge SUV Dawes and Rosales were sleeping in was stolen. Dawes had purchased the vehicle in December 2016, thinking that the purchase was legitimate.

Dawes, startled, tried to drive away, and backed into a police car at low speed. The lawsuit filed against Hess states: "Dawes, still unaware of what was going on or who was blocking her path, pulled her vehicle forward so she could have a clear path to back up. As Dawes backed up her vehicle at a very slow rate of speed, defendants Hess and Kimpel fired at least 13 shots through the passenger side window, striking Dawes four times in the neck, her right tricep, left arm, upper

left chest and right forearm.”

Dawes died in the hospital as a result of her severe injuries.

Daryl Washington, who is representing the Dawes family, called the shooting “egregious,” in part because the car was moving slower than 5 mph. “We are happy that there may be some justice in this case because the death of Genevive was definitely preventable.”

### **St. Clair Township, Ohio, police kill veteran shooting at a moving train**

A Butler County sheriff’s deputy shot and killed Jacob Faulkner, a white 32-year-old veteran of the Marines, after responding to a call that Faulkner was shooting at a moving train in St. Clair Township, Ohio.

Faulkner’s mother, Donna Faulkner, called 911 June 20 to let officers know that Jacob Faulkner was shooting at trains and may suffer from post-traumatic stress disorder (PTSD). Faulkner had served in Afghanistan.

“He has been going through a really rough time,” his mother told dispatchers. “He doesn’t like the sound the train makes.”

“I don’t want him to be killed ... it is like he is at war,” she said on the call.

The southwest Ohio-based *Journal-News* reports that Jacob Faulkner returned to his home, which deputies began surrounding.

According to a deputy quoted by the *Journal-News*, Faulkner walked outside his house unarmed and holding his hands up. He then went into his house and returned with a gun, at which point deputies shot and killed him after shouting a brief warning.

Taylor Henson, the deputy who killed Faulkner, is currently on paid administrative leave. As per Butler County Prosecutor Michael Gmoser’s policy, the shooting will be presented to a grand jury for consideration.

Faulkner’s family reportedly does not blame Henson and instead describes the case as suicide by cop brought on by PTSD. “Nobody is guilty in this,” Faulkner’s brother-in-law Kevin Gitner said. “It is PTSD. It is a horrible disease. It takes a lot of our veterans.”

“There are 20 veterans every day on average that commit suicide in the United States of America,” Gitner continued.

After returning from Afghanistan six years ago, Faulkner began taking classes at Xavier University and worked at General Electric, but became withdrawn about two years ago. He was fired from his job and quit taking classes and began arguing with his family.

One of Faulkner’s neighbors, Edward Paragin, told the *Journal-News* that he was shaken by the incident. He said that the military “treats them [veterans] for physical wounds,” but does not do enough for mental illnesses like PTSD.

### **Seattle Police Department discusses Charleena Lyles shooting on video game stream**

After Charleena Lyles, a pregnant 30-year-old Seattle woman with a history of mental illness known to the Seattle Police Department, was killed on June 18, the SPD spoke about the shooting on their official Twitch channel.

The Twitch channel, which is used to stream video games while spokespeople discuss issues, is one of the SPD’s many public-outreach efforts, but the decision to discuss a police killing while playing *Destiny*, a first-person shooter game, was widely criticized as insensitive.

Sean Whitcomb, the SPD’s public affairs director, was not shooting in *Destiny* during the discussion of Lyles’ controversial killing, and discussed mental-health access. The SPD has shut down its Twitch channel.



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