

Chicago cop cleared in the 2012 killing of 15-year-old Dakota Bright

Benjamin Mateus
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On Thursday, October 12, the Chicago Police Board voted 5-3 to clear officer Brandon Ternand of the 2012 shooting death of 15-year-old Dakota Bright. The decision came less than a week after the conclusion of the high-profile trial of Chicago officer Jason Van Dyke, who was found guilty of second-degree murder for the 2014 killing of Laquan McDonald.

The decision means that Ternand will not face any discipline for the murder of Bright and will be reinstated into active duty with back pay. City payroll records indicate he earns \$87,000 per year.

The Police Board came to its conclusion despite an August 2017 recommendation by the Independent Police Review Authority (IPRA) that Ternand be fired over Bright's "unprovoked" and "unwarranted" killing and a settlement by the city with Bright's family for nearly \$1 million.

Ternand fatally shot Bright in the back of the head under circumstances which remain unclear six years later. The sparse details note that the teenager was fleeing from the police and was more than 50 feet away from Ternand when he was shot dead.

Bright left his friend's house in the mid-afternoon and was walking to his grandmother's home nearby in Chicago's South Side Park Manor neighborhood. Officers were responding to a reported burglary when they saw Bright walking through an alley.

Ternand told IPRA's investigators he saw Bright with a handgun and a chase ensued. While the officer said that Bright turned back to look at the police and reached for his waist when he was shot, no gun was found on the teenager's body, though police claim a weapon was recovered nearby. Three officers at the scene corroborated Ternand's claim that he shot Bright in self-defense.

The conclusions of IPRA's investigation are

damning, noting that it was "unlikely" for Bright to gesture in a provoking manner since he didn't have a gun on him and the officer used excessive force in the matter at hand. Also, IPRA remarked that "the officers [on scene] were not only colleagues who frequently worked together; they were friends that socialized together. They had ample opportunity to discuss the events among themselves at the scene of the incident as well as on at least three other occasions." IPRA recommended firing Ternand, a suggestion rejected by the Police Board.

According to the *Chicago Tribune*, from 2010 to 2014 Ternand has had 23 complaints lodged against him placing him in the top 12 out of 12,000 police officers on the force during that period. Besides a federal lawsuit over the Bright killing, five other suits against Officer Ternand have been filed in the Cook County Circuit Court. He has also fired shots on three occasions in a two-year span. However, many in the police department have defended Ternand's violent actions, citing his record as a highly decorated officer with a reputed reputation for honesty.

In over eight years, IPRA had rarely sustained a complaint against a police officer nor made any recommendation to punish an officer, and this despite the hundreds of civilians shot by the police and millions in legal settlements paid out to victims. IPRA had never found cause to investigate or discipline officer Van Dyke and more than a year after McDonald's death it had done nothing to investigate the apparent cover-up by officers and their supervisors. That IPRA recommended the firing of Officer Ternand must be seen from the perspective of the pressures on the Chicago Police Department and the mayoral office as a byproduct of the Laquan McDonald murder cover-up.

Such a recommendation, however, was problematic

for the Police Department and the Mayor's office.

The superintendent of the Chicago Police Department, Eddie Johnson, disagreed with IPRA's recommendation to fire Ternand. Still, the Chicago Police Board selected to review the case rejected Johnson's recommendations and ordered an evidentiary hearing.

After months of review and investigation their conclusions are anything but satisfactory and grossly flawed. Despite IPRA's findings of inconsistencies, the Police Board found Ternand's testimony "credible and persuasive" and praises him as "a highly decorated and respected tactical officer with years of experience."

As the *Chicago Tribune* writes, "The board majority said it relied heavily on 'his reputation for honesty,' based on the character witness testimony of his partner, other officers on the scene that afternoon, his wife and Deputy Chief Kevin Johnson, who called Ternand among the 10 best officers he has ever supervised."

This can hardly be the basis for an acquittal when the forensic evidence would bring into question troubling facts. The minority of three board members voted to fire Ternand on lack of credibility of testimony based on the autopsy results showing the bullet struck Bright "in the midline of the back of his head." They questioned, as did IPRA, how Bright could have turned his head or reach into his pocket if it was empty.

Rahm Emanuel, the two-term Democratic mayor of Chicago, is not planning to run for a third term, but he intends to see through a court-enforced consent decree as one of his last acts. As the WSWs has noted, "The consent decree is an exercise in damage control to curb the social unrest and public anger arising from systemic abuses and constitutional violations perpetrated by the Chicago Police Department."

"Ultimately the purpose of the consent decree in Chicago is to give legal and political cover to the CPD and the Democratic Party as plans are carried out to further militarize and deploy the police against the working class in the coming struggles against the state."

The Van Dyke conviction is not the outcome of a sudden change in the status quo but is an anomaly resulting from overwhelming evidence and mass popular outrage. The reduction of his conviction to second-degree murder has emboldened Van Dyke's attorneys in their effort to appeal which will most likely

see Officer Van Dyke's conviction overturned.

The Chicago Police Board's decision to reinstate Ternand corroborates the fact that there is little interest or possibility to bringing reform to the police departments regardless of the endless streams of rhetoric about reform measures and political grandstanding by Black Lives Matter and other political protest organizations which operate in the orbit of the Democratic Party.

It is certain that Rahm Emanuel will seek to curry favor for his Democratic Party successor through the formation of the Civilian Office of Police Accountability and bringing into the fold groups such as Black Lives Matter, the American Civil Liberties Union and National Association for the Advancement of Colored People to be involved in a civilian oversight group. The intention, however, is not to fight for victims like Bright and his family but rather to provide means to defuse social tensions by channeling them through the well-worn mechanisms of identity politics.



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