

North Carolina DA exonerates police officers who killed Andrew Brown Jr.

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The district attorney for Pasquotank County announced Tuesday that he would file no criminal charges against the sheriff's deputies who shot and killed Andrew Brown Jr. in Elizabeth City, North Carolina last month. District Attorney Andrew Womble made the announcement at a news conference on the results of the state's investigation.

Andrew Brown Jr., a 42-year-old father of seven, was killed in his driveway while sitting behind the wheel of his car on April 21, when Pasquotank County sheriff's deputies attempted to serve him an arrest warrant for drug-related charges.

Womble called Brown's death "tragic," but said it "was justified because his actions led three officers to reasonably believe it was necessary to use deadly force to protect themselves and others."

Announcing that none of the seven officers involved, including the three who fired shots at Brown, would be charged, he added, "The officers' actions were consistent with their training and fully supported under law."

At the press conference, Womble played 44 seconds of truncated body-cam footage of the incident, while giving a verbal explanation of what was being shown.

The video began as officers, some clad in SWAT gear, arrived in a police pick-up truck to arrest Brown and surrounded him as he sat inside his vehicle. Deputies ordered Brown to stop his vehicle, Womble said, but Brown began to put the car in reverse, allegedly causing an officer who was trying to open the car door to lose his balance. Brown then accelerated forward in an attempt to flee. Womble claimed a deputy was forced to jump out of the way, but this cannot be seen in the footage publicly available.

As Brown's vehicle began to move, a sergeant on the scene fired into the front windshield. The car continued forward and officers fired several more shots through the side of the car and the rear window. Brown's car

continued to accelerate across a yard until it crashed into a ditch.

Womble said a total of 14 shell casings were found on the scene, including from two Glock handguns and an AR-15 style rifle. One of the shots hit the vehicle and ricocheted into a house, he noted.

In coming to his decision not to charge the officers involved, Womble cited an investigative report of the incident conducted by the North Carolina State Bureau of Investigation. That report is not considered a public record and will not be publicly released, the state organization said.

"The facts of this case clearly illustrate the officers who used deadly force on Andrew Brown Jr. did so reasonably and only when a violent felon used a deadly weapon to place their lives in danger," Womble said. He went on to assert that it made no difference how slow Brown's car was moving when the police began firing bullets into it.

Womble's account and decision stand in stark contrast to comments from Brown's family and their attorneys, who saw more footage than has been publicly released. They said the 44-second clip shows that Brown was never a threat to officers as he tried to drive away from them. His family and their attorneys called the killing an "execution."

A private autopsy commissioned by Brown's family indicated that he was hit with at least five bullets, one of which caused a fatal wound to the back of his head. But at Tuesday's press conference, Womble said Brown was shot only twice, in the shoulder and the back of the head, with shrapnel wounds elsewhere.

Womble claimed officers fired only after Brown struck deputies twice with his vehicle, but the family's attorneys say the video is at odds with how the DA framed the shooting. In a statement to CNN, Brown family attorney Bakari Sellers said the footage did not show Brown using his vehicle as a weapon. He argued that Womble did not

adequately explain the shot to the back of Brown's head.

Sellers previously called for Womble to recuse himself from the investigation because of the "incestuous relationship between the district attorney and law enforcement."

Chance Lynch, another of the family's attorneys, said Brown was "ambushed" while sitting in his vehicle. His hands were always visible, and he did not pose a threat to law enforcement, the attorney said.

A first shot was fired, at which time Brown put his car in reverse, "several feet, if not yards away from the police who were there," Lynch said. Brown then turned his vehicle away from deputies, and no officers were visible behind his vehicle.

"At no point did we ever see Mr. Brown make contact with law enforcement," Lynch told reporters at a news conference. "We were able to see where they possibly reached out to make contact to him, but we did not see any actions on Mr. Brown's part where he made contact with them or try to go in their direction. In fact, he did just the opposite."

He continued: "There were so many shots that we found difficulty in counting the number of shots that his vehicle received. At some point, there was a final shot, where it appeared that at that final shot Mr. Brown lost control."

The shooting sparked large protests against police violence and the county's refusal to publicly release all footage of the incident. Protesters have demanded that the video footage from deputies' body cameras and a police vehicle's dash camera be made public. Amid the demonstrations, Elizabeth City officials imposed a curfew and required residents to apply for a permit to protest, a flagrant violation of democratic rights.

In the aftermath of the shooting, Pasquotank Sheriff Tommy Wooten put the seven deputies involved on administrative leave. Soon after, he reinstated four deputies he said did not fire their weapons. The three who did fire remain on leave but will keep their jobs after being "disciplined and retrained."



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