

# Two Aurora, Colorado police officers charged after brutally beating 29-year-old Kyle Vinson

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On July 23 Aurora, Colorado, police officers John Haubert, who is white, and Francine Martinez, who is Hispanic, faced multiple criminal charges for the violent beating and arrest of 29-year-old Kyle Vinson, a black man.

Body cam footage released Tuesday showed Haubert using his pistol to beat the unarmed Vinson while attempting the arrest, further choking him and putting the barrel of his gun to his head, threatening to kill him. Haubert barked, “If you move, I will shoot you!” The officer initially approached Vinson while he was sitting, pushed him to the ground and forced him onto his stomach. He then proceeded to beat Vinson over the head with his firearm. Vinson, with blood pouring from his head, repeatedly cried out, “You’re killing me, bro! You’re killing me, you’re killing me!”

Haubert is faced with five criminal charges, including first- and second-degree felony assault and felony menacing, while Martinez, who has been with Aurora Police Department (APD) for six years, faces two misdemeanor charges for failure to report use of force and failure to intervene during Haubert’s gross misconduct. Haubert has been arrested, and Martinez is on paid leave.

Aurora Police Chief Vanessa Wilson called the beating a “very despicable act” at a press conference, further stating, “This video will shock your conscience. It is very disturbing.” Wilson, a 23-year veteran of the force, took over the department in August of 2020, and is the first woman to permanently lead the APD. Contrary to the ongoing epidemic of police killings in the United States, Wilson declared, “We’re disgusted. We’re angry. This is not police work. We don’t train this.”

Aurora’s police department has been involved in a myriad of abuse-of-force incidents in recent years. Most egregious was the 2019 police murder of 23-year-old Elijah McClain, a black man who died after an encounter with police. The officers who attacked him were responding to a call about a “suspicious” person walking down the street.

Colorado’s Legislature passed the Enhance Law Enforcement Integrity Act, a token police reform bill last year, which requires all officers to use body cameras by July 2023. According to Leg.Colorado.gov with the new law, “A peace officer may turn off a body-worn camera to avoid recording personal information that is not case related; when working on an unrelated assignment; when there is a long break in the incident or contact that is not related to the initial incident; and during administrative, tactical, and management discussions.” However, “A peace officer does

not need to wear or activate a body-worn camera if the peace officer is working undercover.”

According to the bill summary, the new law sanctions failure to activate or tampering with a body cam and requires the release of all recordings of an incident within 21 days of a complaint. In a significant loophole it allows for redaction or withholding of videos if there is “specified privacy interest at stake.”

Moreover, it also bans the use of chokeholds, “limits” potentially lethal uses of force and removes “qualified immunity” for police officers. The new law also bars police from engaging with deadly force against suspects believed to be armed, unless there is an imminent threat of a weapon being used. It also requires officers to intervene and report such incidents when excessive force is used by colleagues. By what measure “excessive force” is calculated remains ambiguous. According to Cornell Law School’s Legal Information Institute, “Excessive force refers to force in excess of what a police officer *reasonably* believes is necessary.” (Emphasis added)

In an attempt to appease public opinion of the police following the 2020 Memorial Day police murder of George Floyd, which sparked protests against police violence and fueled protests in Aurora over the killing of McClain, Wilson strategically placed the officers on leave and released the body camera footage as soon as possible, in accordance with the 2020 bill in an effort to “shed light” on an incident she described as an “anomaly.” Wilson went on to say, “This is not the Aurora Police Department—this was criminal.”

## **Wauwatosa, Wisconsin**

Milwaukee County Circuit Judge Glenn Yamahiro announced Wednesday that he had found probable cause to charge former Wauwatosa Police Officer Joseph Mensah in the 2016 fatal shooting of Jay Anderson Jr. Both of them are black. “This decision has not been taken lightly, nor was it predetermined,” Yamahiro noted.

The police shooting, which occurred five years ago on June 23, 2016 at Madison Park in a Milwaukee suburb, was ruled justified as self-defense by the County District Attorney’s Office. “Based upon the totality of the circumstances, the court does find probable cause that Officer Joseph Mensah operated a weapon, in a matter constituting criminal negligence, and in so doing, caused the death of Jay Anderson Jr.,” said Yamahiro.

Yamahiro continued, “Therefore, the court finds probable cause that Officer Mensah committed the crime, homicide by negligent

handling of a dangerous weapon. The basis for this finding rests on the testimony received over the course of these hearings.”

The judge’s decision has overturned the prosecutor’s decision, and he ordered a special prosecutor to formally charge Mensah with homicide by negligent use of a weapon within 60 days.

Mensah, since 2015, has shot and killed three people in the line of duty while employed with the Wauwatosa Police Department. The Milwaukee County District Attorney’s Office ruled all three fatal shootings justified self-defense, including the most recent shooting of 17-year-old Alvin Cole in 2020, who was also black. Cole was shot dead by Mensah outside a mall.

After District Attorney John Chisholm decided against filing charges against Mensah in 2016, Anderson’s family sought a federal review for a civil rights violation. A year later in February of 2017, the US Attorney’s Office for Eastern Wisconsin declined to prosecute Mensah.

### **Kenosha, Wisconsin**

Albert Gonzales, one of four Kenosha, Wisconsin officers involved in the 2004 killing of 21-year-old Michael Bell, Jr., is the first to file papers with the Kenosha County Clerk’s Office for the November 2022 sheriff’s election.

On November 9, 2004, Gonzales shot Bell, who was white, in the head one day before Bell was to testify at a court hearing regarding a prior incident involving the same officer. Gonzales, who is Hispanic, was the subject of a \$1.75 million wrongful death settlement following the death of Bell.

In the dashcam footage, Bell is shown pulling up to his house in Kenosha, whereupon an officer follows him. The footage goes on to show Bell exiting the vehicle, unarmed, to speak with Gonzales, but the latter approached Bell, placing his hand on Bell’s neck and proceeding to slam him against his vehicle. A struggle broke out after the officer’s gross hostility, whereupon three officers held Bell against a squad car, face down, while Gonzales had his gun drawn, placing it, according to eyewitness testimony, to the right side of the victim’s head, shooting Bell point-blank in front of his mother and sister. The officer claimed Bell took his gun.

In under 48 hours, the Kenosha Police Department ruled the shooting justified, prompting Bell’s father, Michael Bell Sr., to hire his own investigators. Bell’s investigators uncovered inconsistencies and fabrications in the police account of the events which transpired. The police report claims Gonzales shot Bell on the left side of his head. “The only way to line up the muzzle stamp to Officer Gonzales’ gun’s position is to have Michael Edward Bell’s face pointed towards the sky,” according to P. Douglas Kelley, M.D. Chief Medical Examiner.

Upon hearing his son’s murderer announce his candidacy for sheriff, Bell Sr. told Wisconsin Public Radio, “I’m alarmed by it, I do think many of the good people of Kenosha County will see through it, and it’s not going to be an issue.”

In March 2020, Gonzales self-published a 102-page book on Amazon detailing his involvement in the Bell shooting, titled “A Fateful Two Minutes.” It is described as, “One Midwestern police officer’s brush with death. It’s a story of how through faith and resilience, he and his family overcame persecution, threats, and media attacks.” This resulted in a lawsuit filed by Bell Sr. against Gonzales for defamation.

Meanwhile, the Wisconsin Supreme Court’s Office of Lawyer Regulation (OLR) has agreed to evaluate if Kenosha County District Attorney Michael Graveley, who was elected as the county’s district attorney in 2017, mishandled his decision not to launch a John Doe investigation into the police-shooting. Bell Sr. had called on Graveley to re-examine the case and open an investigation in September 2017, but he declined.

Bell Sr. has been working tirelessly to seek justice for his son and has been working with retired Kenosha Police Detective Russ Beckman to help investigate the shooting. In a grievance filed by Beckman to the OLR, he alleges Graveley misrepresented evidence in the case. The OLR initially dismissed the grievance filed against Graveley in May, claiming there was an “insufficient basis to proceed.” However, Beckman filed a 107-page appeal on July 12 and another on July 20. The office responded that it would “further review” the grievance.

“Is the prosecutor looking at the case by the facts involved or are they looking at it through the lens of a 30-year relationship (with law enforcement). The public needs to know whether the facts involved will be an issue or a bias will be there because of that working relationship,” Bell told Wisconsin Public Radio.

In a statement via email, Graveley maintained the allegations are without merit, saying, “I presume their investigator will review the submission and again make a recommendation on whether the board should further review. The decision that is being appealed is that the Board would take no action on the complaint filed. With this voluminous new submission, I presume the director would want his professional staff to do due diligence.”

### **Conclusion**

As with the Aurora Police Department’s history of brutalization and murders, the Kenosha Police Department played an essential role in facilitating the shooting and murders of anti-police violence protesters by fascist gunman Kyle Rittenhouse last year. It is indicative of their fundamental class orientation.

Both victims of police brutality and the state enforcers in these cases have come from men and women in white, black and brown skin. However, the common denominator in these cases is that police killed and brutalized working-class people. According to MappingPoliceViolence.org, 564 people have died at the hands of police this year. There have only been nine days where police have not killed anyone.

Of the victims, 161 were white, 106 black, 71 Hispanic, 2 Asian, 6 Native American, 3 Pacific Islander, and 215 “unknown.”

In 2020, out of more than 1,000 police killings, traffic stops accounted for 120, mental health and welfare checks 97, non-violent offenses 197, domestic disturbance 160, reportedly seen with a weapon 93, crimes committed against others 41, and alleged violent crimes 341.



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