San Antonians protest Ferguson grand jury decision

By John Tedesco | November 25, 2014 | Updated: November 26, 2014 12:58am

Protesters led by SATX4Ferguson leader Mike Lowe (center) gather at the Bexar County Courthouse in San Antonio on Tuesday, November 25, 2014, to protest the St. Louis County Grand Jury's decision not to indict Ferguson Police Officer Darren Wilson after he shot and killed
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unarmed teenager Michael Brown in Ferguson, Missouri, in August. The grand jury’s decision was announced Monday night and has led to protests across the country.

Former City Councilwoman Sheila McNeil disagrees with the rioting and looting in Missouri, where a grand jury issued no criminal indictments against the Ferguson police officer who shot and killed an unarmed black man who had struggled with the officer.

But McNeil said she understands the frustration.

"On the face of it, it looks like this man got away with murder," said McNeil, who helped organize a rally Tuesday evening at the Bexar County Courthouse to "stand in support" of protesters in Ferguson.

More than 100 people rallied in a peaceful but loud gathering that lasted several hours. The crowd broke out in spontaneous chants, including "No justice no peace no racist police" and "Hey, hey, ho, ho, these killer cops have got to go."

McNeil joined other San Antonians who say they’re saddened and outraged by the Aug. 9 death of Michael Brown, 18, who was shot by Ferguson police officer Darren Wilson. To McNeil and other members of the African American community, the shooting proved how a supposedly race-blind society views minorities with suspicion.

Taj Matthews, executive director of the Claude & ZerNona Black Developmental Leadership Foundation in San Antonio, complained that law enforcement officials "stacked the deck" against Brown after the shooting to make him look bad in the court of public opinion.

"They went out of their way to make this kid look like he was this horrible kid," Matthews said in an interview.

San Antonio Mayor Ivy Taylor did not respond to an interview request Tuesday. But her office released a written statement saying such shootings send a strong message: "That our sons should be feared and that their lives are
without worth.”

“Feeling that the death of young black men is somehow inevitable and acceptable in the eyes of the law is a sure breeding ground for the hopelessness and rage we saw in Ferguson last night,” Taylor’s statement read.

William Terrill, a professor at Michigan State University who has studied how police use force in cities that include San Antonio, said the Ferguson case illustrates why police departments need to work hard at shoring up trust with residents they are sworn to protect.

“When that belief and trust in the police breaks down, we no longer view police as legitimate,” Terrill said. “If you don’t have that, all you need is one of these violent types of conflicts that can explode.”

Terrill was hired by the San Antonio Police Department in 2003 after a newspaper investigation revealed that SAPD officers used physical force against minorities at higher rates than other suspects. Terrill later found that officers were more likely to use force against blacks, and they were more likely to use higher levels of force against them, with weapons such as batons and pepper spray.

Terrill said it’s rare for a police officer to be convicted of homicide. But he said it was surprising that prosecutors in St. Louis County couldn’t secure an indictment from the grand jury. He said that suggests the case was either weak or prosecutors presented it in a way that seeded doubt with grand jurors.

He applauded the prosecutors’ decision to publish evidence that’s normally secret, such as transcripts of grand jury testimony from witnesses and Wilson. Terrill called the move “absolutely unusual.”

“I fear the transparency game in Ferguson is happening a little too late,” Terrill said. “But better late than never.”

Wilson was driving his patrol vehicle when he spotted Brown and a friend walking in the street. He told them to get off the road and Brown cussed at the officer.

Wilson backed up the vehicle and Wilson later testified that the encounter turned violent. Wilson said Brown struggled for the officer’s gun. Two shots went off. Brown ran and Wilson chased him. Some witnesses said Brown turned around and raised his hands to surrender when Wilson opened fire.

The case sparked protests in Ferguson and other cities. The rallying cry was “Hands up, don’t shoot,” a reference to Brown’s final moments.

But St. Louis County Prosecuting Attorney Robert McCulloch said Monday that version of events might not
be true. Witnesses disagreed on whether Brown was surrendering — or charging Wilson when the officer opened fire.

“The duty of the grand jury is to separate fact from fiction,” McCulloch said in a press conference Monday. Matthews complained the prosecutor was hardly impartial and seemed to take Wilson’s side at every turn.

“It seemed like he was a walking brochure for the police officer,” he said.

Federal authorities are conducting their own investigation of the shooting to determine whether Wilson violated Brown’s civil rights. That criminal probe doesn’t hinge on the state investigation.

“The federal government can bring their own criminal charges under separate criminal laws,” said St. Mary’s University law professor Albert Kauffman. “There’s a whole set of statutes of denial of civil rights.”

The legal precedent for that independent inquiry has roots in Texas. Kauffman said a notorious police shooting in Medina County in 1975 led to an appellate court decision that lets federal officials file separate charges.

In that case, Castroville police chief Frank Hayes detained and beat a robbery suspect, Richard Morales, who was innocent. Dismissing other officers, Hayes shot and killed Morales with a shotgun. No one witnessed the shooting. Morales’ body was later found buried 400 miles away near Carthage.

A jury in Tom Green County found Hayes guilty of a lesser offense of aggravated assault and sentenced him to 10 years in prison. But a federal grand jury issued its own indictments in San Antonio. Hayes was later convicted and sentenced to life in prison.

Hayes appealed and argued he was being charged with the same crime twice, a case of double jeopardy. But the U.S. Court of Appeals for the Fifth Circuit upheld the conviction.

In Ferguson, federal officials have the legal authority to pursue their own case. But whether that will happen is unclear.

“There’s no way I think the feds move forward,” Terrill said. "Once you get into this level of conflicting evidence, it could go one way or the other. It’s a toss up. The feds don’t usually move forward on a toss up.”

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