



OpEdNews Op Eds 6/17/2021 at 9:09 PM EDT

Ellison Points to Mistakes that Could be Corrected in Future Cases Where Black Americans were Killed by Police



Robert Weiner

By Robert Weiner and Rabria Moore

In PuLSE Institute forum, Minn AG Keith Ellison, Who Oversaw Successful Chauvin/George Floyd Case, Points to Mistakes in Other Prosecutions that could be corrected in future cases where Black Americans were Killed by Police

Article Originally published in the PuLSE Institute

By Robert Weiner and Rabria Moore

Under the radar screen but highly significant for future case strategies, Minnesota Attorney General Keith Ellison laid out where prosecutors went wrong in past cases that involved the death of black Americans at the hands of police and what they should do in the future to be victorious in such cases. Ellison oversaw the successful Derek Chauvin/George Floyd case and appointed the prosecutors when local officials delayed action. In the Chauvin-Floyd case, prosecutors obtained unanimous guilty verdicts on all three murder counts sought.

In a forum by The PuLSE Institute, Detroit's national poverty think tank, moderated by acclaimed journalist and PuLSE Editor-in-Chief Bankole Thompson on June 1, Ellison attributed the losses in three cases - Michael Brown, Eric Garner and Breonna Taylor - to prosecutors who "lacked energy" and put in "half-hearted efforts."

Michael Brown was an 18-year-old black man who was fatally shot by former Ferguson police officer Darren Wilson. During the trial, Prosecuting Attorney Robert McCulloch "misinstructed the grand jury on the use of force."

According to the Legal Information Institute, deadly force should only be used "under conditions of extreme necessity, when all lesser means have failed or cannot reasonably be employed," but McCulloch told the jury that it was lawful to use deadly force on a fleeing felon.

"You cannot do that," Ellison said. "That is unconstitutional policing, but that was in the instructions in that case."

In the killing of Eric Garner, former NYPD officer Daniel Panteleo put Garner in a prohibited chokehold although he repeatedly stated, "I can't breathe." Using a method of subduction that was barred by the department should have led to the indictment of the officer, but it did not.

"You're violating departmental policy, somebody dies as a result, and there's no indictment, no true bill," Ellison said.

In a more recent case involving Breonna Taylor, a 26-year-old woman who was fatally shot while sleeping in her apartment, Ellison said Attorney General Daniel Cameron's efforts to prosecute the case led to no one being culpable for Taylor's death.

In Taylor's case, one officer was indicted on three counts of wanton endangerment, but no officer was charged with killing her. According to some of the grand jurors, a homicide offense for the death of Taylor was never presented to the Grand Jury.

"There are people who put in weak efforts," Ellison said. "There are people who haven't really thrown their shoulders into it, and I think that they're wrong for doing it. People blame the police all the time, but what about these prosecutors who are not fulfilling their oath."

Aside from prosecutors, there is another group of people whom Ellison believes plays a part in these cases being lost: medical examiners.

Ellison said that there are many medical examiners who act as if they do not see anything, individuals who "won't call something a homicide that clearly is one."

"They escape all scrutiny, but they're part of the problem too," he said.

Ellison is working to share what his team learned during the Derek Chauvin trial, one of those findings being that many people in the Minneapolis police department - "from the chief on down" - do not agree with the current policing system.

"I think a lot of people think that all the cops agree with that (thumper, tough guy nonsense). No, they don't," he said.

Unlike previous cases, Ellison and his team were able to bring in multiple law-enforcement officers, including Minneapolis Police Chief Medaria Arradondo, who condemned Chauvin's actions.

Cariole Horne was a black police officer in Buffalo, NY. She had served on the force for 19 years, only one year away from eligibility for her pension, when she was fired and stripped of her pension for intervening in an action, stopping a chokehold on a suspect by a fellow officer. Ultimately, she was punished for protecting the suspect from police brutality.

Ellison said it is officers like Horne that joined the force to "help people in their toughest time," and it is those officers who have to come together and decide the behaviors that they will not tolerate.

"There has been this culture in policing that's like don't say anything," Ellison said. "Even if your guy did the wrong thing, don't say anything. We have to break that culture, and let me tell you who's going to be among the happiest when we do: good cops."

Robert Weiner, a PuLSE Institute National Advisory Panel member, former Clinton White House spokesman, communications director for Cong. John Conyers' Government Operations and Judiciary committees, and aide to Congressman Charles Rangel, Ed Koch, Claude Pepper, and Sen. Ted Kennedy. Now a national columnist and radio-TV commentator, he recently won the National Press Club President's Award for his program recruiting young journalists to co-write over 900 op-eds in top papers. Rabria Moore is a policy analyst and writer for Weiner Public News and Solutions for Change.