

Michael Brown Case: Grand Jury Delivers Findings

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Michael Brown Decision Reinforces the Need For a Change In Strategy

Supporters of Michael Brown across the nation wanted [justice](#) for what they saw as a violent and criminal act in the killing of the black teen. The decision of the Ferguson, MO Grand Jury not to indict Darren Wilson for the shooting of Michael Brown has ignited a firestorm of commentary and disagreement.

[See Getting the Facts Right About the Ferguson Grand Jury Decision](#)

At the time of this writing, it will have been nearly 100 days since the shooting of unarmed black teen Michael Brown, by police officer Darren Wilson.

The overwhelming response to this act of violence against young black man caused outrage in Ferguson, MO as well as throughout cities across the nation. The ensuing protests met by a militaristic police presence captivated national & international news during the days following the shooting.

Many of the usual players made their appearance during the ongoing news cycle – Rev. Al Sharpton, Jesse Jackson, assorted local elected & religious officials and those representing local grass roots organizations.

Despite the emotional outcry from protestors, many of whom were arrested, and the 24 hour news coverage immediately following the event; what has been accomplished? **Pretty much nothing.**

The problem is simple. White politicians and police officials know our playbook. Here it is...

1. Organize a protest and march.
2. Get out local leaders to voice their consternation about what happened.
3. Appear on major news outlets unprepared and demand nothing of substance.
4. Wait for the criminal justice system to deliver a decision (in this case the Grand Jury)
5. If the decision is unfavorable... march some more.

The modern form of protestors marching, carrying placards and voicing their disdain for the system makes for great imagery. Although patterned after the marches of the civil rights era, today most of these attempts at civil disobedience lack one key ingredient.

They lack a clear and calculated objective under the direction of who not only understand the system, but who also have a game plan leading to solutions that can be disseminated to the masses.

The civil rights leaders of the 50's and 60's were organized. They built coalitions around specific core issues and engaged not just in civil disobedience but also in empowering people at the grass roots. Their rhetoric did more than just restate the obvious condition plaguing the community, but offer hope and a plan for advancement and change.



The killing of Michael Brown and Trayvon Martin as well as countless other young black men is nothing new in the black experience with the criminal justice system in America. Now at age 55, I can still remember conversations my father had with me regarding how the police view black men.

Blacks in America must now come to terms with the fact that despite gains after the civil rights era and the election of the nation's first African American president; little has changed.

When asked what they want as the outcome to their protests, many marchers stated that they wanted justice. What does that mean? Justice in our system has little to do with truth. "Better to be guilty and rich, than poor and innocent" rings familiar.

Why It's Damn Near Impossible To Convict Cops In Homicides- "Qualified Immunity"

Most folks are likely unfamiliar with the following term, "**Qualified Immunity**". But it is this legal concept that protects police when they commit acts of violence against ordinary citizens.

"*Qualified immunity* balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." *Pearson v. Callahan* (07-751). Specifically, it protects government officials from lawsuits alleging that they violated plaintiffs' rights, only allowing suits where officials violated a "clearly established" statutory or constitutional right. When determining whether or not a right was "clearly established," courts consider whether a hypothetical reasonable official would have known that the defendant's conduct violated the plaintiff's rights. Courts conducting this analysis apply the law that was in force at the time of the alleged violation, not the law in effect when the court

considers the case.

Qualified immunity is not immunity from having to pay money damages, but rather immunity from having to go through the costs of a trial at all. Accordingly, courts must resolve qualified immunity issues as early in a case as possible, preferably before discovery.

Qualified immunity only applies to suits against government officials as individuals, not suits against the government for damages caused by the officials' actions. Although qualified immunity frequently appears in cases involving police officers, it also applies to most other executive branch officials. While judges, prosecutors, legislators, and some other government officials do not receive qualified immunity, most are protected by other immunity doctrines.

Read more about Qualified Immunity here:

http://www.law.cornell.edu/wex/qualified_immunity

Police officers generally have broad powers to carry out their duties. The Constitution and other laws, however, place limits on how far police can go in trying to enforce the law. As the videotaped beating of motorist Rodney King, in Los Angeles and several recent cases in New York have illustrated, police officers sometimes go too far, violating the rights of citizens. When this happens, the victim of the misconduct may have recourse through federal and state laws. A primary purpose of the nation's civil rights laws is to protect citizens from abuses by government, including police misconduct. Civil rights laws allow attorney fees and compensatory and punitive damages as incentives for injured parties to enforce their rights.

The New Hampshire Supreme Court held that:

“Municipal police officers are immune from personal liability for decisions, acts, or omissions that are: (1) made within the scope of their official duties while in the course of their employment; (2) discretionary, rather than ministerial; and (3) not made in a wanton or reckless manner.”

Members of the [My Brother's Keeper Task Force](#) (including Judge Mathis) have made recommendations to President Obama regarding the proliferation of police killings of black males.

They include addressing:

- False & negative stereotypes
- The role of poverty in crime.
- Denial of equal opportunity
- Failure of the Educational System
- And, the general distrust among African American citizens of the police.

[Read My Brothers Keeper Task Force Report to The President here](#)