

The Watch • Opinion

Walter Scott's killer is going to prison. But his case is an anomaly.

By **Radley Balko** December 8

Michael Slager, the North Charleston, S.C., police officer who shot and killed black motorist Walter Scott, was sentenced to 20 years in prison yesterday. He had earlier pleaded guilty to violating Scott's civil rights.

This is one of the few times a police officer has ever been held criminally accountable for an on-duty shooting. But Slager's is not a story about accountability, or about fair justice. Slager was caught dead-to-rights on video. The video of the shooting went viral and made national headlines. Even with that video, state prosecutors were unable to convict him. (A jury in state court deadlocked.) Slager finally pleaded guilty on the federal civil rights charges. My hunch is that was probably a strategic mistake. I'm not at all convinced that a jury would have convicted him in federal court, either. Juries just don't like to convict cops.

Why so cynical? Consider that even as Slager's sentence came down this week, a former Arizona police officer was acquitted after shooting and killing unarmed Daniel Shaver. Those who have seen the body-cam footage describe the shooting as an execution. Also this week, NYPD officers shot and killed a 69-year-old man during a 4 a.m. raid. The police were looking for a 30-year-old man on drug and gun charges. A 90-year-old man who was also in the apartment said the two thought they were being robbed. And in Los Angeles, we learned this week that more than 300 sheriff's deputies are on a secret misconduct list for offenses ranging from lying under oath to domestic violence to possible sexual assault. But thanks to union-negotiated rules, that list is kept secret from the public, from defense attorneys and even from prosecutors. Not only were the deputies on the list never criminally charged, they get to keep testifying before juries. They get to keep sending people to prison.

But you needn't even leave South Carolina to see just how anomalous Slager's conviction really is. Last year, I published a series on policing in the state that included, among other incidents ...

- A police raid for a misdemeanor gambling violation in which an officer shot and killed suspect Ernest Russell Jr. The officer's report on the raid was so far removed from body-camera footage of the shooting that it's hard to see how both

could be about the same incident. The officer was never disciplined.

- Another task force raid on a Myrtle Beach man for a couple of low-level marijuana sales that resulted in police shooting the suspect multiple times. The officers severely wounded the man and nearly killed him. He lost the use of several organs and is paralyzed. Ballistics testing showed that police claims that the man had fired a gun at them were wrong — the gun hadn't been fired. Surveillance video then emerged that contradicted police claims to have knocked and announced multiple times before battering down the man's door. None of the officers associated with the raid were ever disciplined.
- A bogus police stop and roadside search in the town of Aiken that resulted in white officers probing a black man's anus in search of drugs. There appeared to have been no justification for either the stop or the search. Audio of the search was captured on the officers' microphones. One officer received extra training as a result of the incident.
- In another incident, a police officer stopped a man after claiming the man activated his turn signal too late. Dash-cam footage shows that this was false. After a few minutes, the officer beat the man, then arrested him. The man was then subjected to numerous medical procedures without his consent. A prosecutor later dismissed all charges against the man. Not only were the officers involved never disciplined, but one was later promoted.
- In 2014, a South Carolina police officer shot and killed a 70-year-old man after mistaking his gun for a cane. The officer was never charged.

These are just a few examples. There have been numerous others, like the shooting of Zachary Hammond. In the police shooting of Lori Jean Ellis, forensic evidence directly contradicted police accounts of events leading up to the shooting. Yet investigators from the South Carolina Law Enforcement Division (SLED) — the agency that investigates such shootings — never looked into the discrepancies. One supervising agent said he didn't need to, "because they're police officers and I believe what they're telling me." Another investigator said he didn't look into the contradictions because, "As the lead investigator for the state's premiere law enforcement agency, it is my responsibility to put this case together. After looking at this information, I deemed that it was not necessary to interview that officer again. And that was the decision that I made." He later admitted under oath that he doesn't even always read the full forensics reports from officer-involved shootings.

There have been at least a couple of other examples of South Carolina officers being held accountable, most notably Sean Groubert, the former state trooper who was sentenced to 12 years for shooting unarmed motorist

Levar Jones. (Groubert is expected to be released after about three years). But that, too, was a case in which the shooting was caught on video, and in which the video went viral.

So when there has been damning video that attracted national attention, the police agencies that employed these officers immediately distanced themselves from the officers and attributed the shootings to the actions of some rogue cops who should have known better. Without video, however — or when whatever video there is fails to make national news — accountability is much harder to come by. More to the point, holding the occasional individual officers accountable for predictably tragic results caused by systemic problems may feel good in the short term, but it won't stop people from getting killed.

Last year, *The Watch* published convincing evidence that SLED investigators had failed to look into serious and stark contradictions in police reports about incidents in which officers had shot and killed people. It included a SLED investigator admitting, on video, that he doesn't even always read forensics reports for the cases he investigates. I found that in other police shootings, the SLED case summaries didn't even bother trying to explain or further investigate major discrepancies between video footage and police reports.

After the series ran in June 2016, SLED chief Mark Keel responded in the *Statehouse Report*, a local publication that covers South Carolina politics. Here was his response:

“We recognize the recent series in the *Washington Post's* website was the writer's position and was appropriately labeled by *The Post* as opinion.

“SLED welcomes constructive criticism and input to better serve the law enforcement community and the people of South Carolina. Our agency's services are nationally and internationally recognized and accredited.

“It would be easy to take offense based on the inaccuracies and misleading information in this series. That benefits only the writer and those who want to believe that law enforcement is somehow evil.


“Our commitment to the people we serve is thoroughly and fairly investigate criminal activity. That is what has made SLED a respected and progressive law enforcement agency.”

SLED is touted as the most elite and professional police agency in the state. It is tasked not only with investigating police shootings but also with training officers and setting standards for other police agencies to follow. Faced with credible allegations that his agency failed to meet its purported standards, Keel dismissed it all as the work of a mere opinion writer who thinks police are evil.

With that sort of leadership in South Carolina, expect to see more tragic and mistaken police shootings in the state. Occasionally, one of the officers might be held accountable, as Michael Slager was. But only under near-perfect conditions. Most won't. In the meantime, there will be more Walter Scotts, Ernest Russells and Lori

Jean Ellises.

 **10 Comments**

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