

Black prisoners lives matter

By Kathy Durkin

— Justice for Samuel Harrell!



Samuel Harrell

A "Beat Up Squad" of up to 20 prison guards killed Samuel Harrell on April 21 at Fishkill Correctional Facility in Beacon, N.Y., charge his family and community supporters. They are seeking justice for this 30-year-old African-American prisoner.

No charges have yet been filed against any officers involved in this atrocity. No guard has even been suspended or put on leave. The "Beat Up Squad" members are still on the job.

Members of Hudson Valley Black Lives Matter, along with other area residents, marched with Harrell's relatives to the office of Dutchess County District Attorney William Grady in Poughkeepsie, N.Y., on Aug. 27 to demand the arrest, indictment and conviction of those responsible for Harrell's death.

Demonstrators held a banner saying "#Justice for Samuel Harrell" and blocked traffic. Some held signs naming DA Grady and guards implicated in the assault. A rally was held across from Grady's office. Some protesters circled the building while others blocked the entrance.

Diane Harrell, the slain prisoner's spouse, said: "Sam was murdered by a group of men who used their positions of power in the prison to act out their rage. I cannot bear the thought of my husband's last few minutes of life. I know he felt excruciating pain. I can promise that we will not rest until there is justice for Sam."

And Margaret Kwateng of the Hudson Valley BLM, which organized the demonstration, stressed, "What is left to investigate? ... If Bill Grady doesn't press homicide charges, he will not only be condoning the continued terrorizing of current inmates at the hands of a known gang of violent cor-

There was nothing attached to the Def. Response

Do this with all disclosure

RESPONSES REQUEST FOR DISCLOSURE

(YES)

REQUEST NO. 1: The full name, current mailing address, and telephone number for all individuals who are likely to have discoverable information, identify the subject matter of that information.

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RESPONSE: See Exhibit "A" attached hereto. *194.2(e)*

REQUEST NO. 2: The hourly attorney fee or salary paid for the legal representation provided by counsel of record.

AS REQUIRED BY TRCP 194.2(e) AND 194.4

RESPONSE: Defendants object to this request as it is improper and not provided for under Texas Rule of Civil Procedure 194.2.

REQUEST NO. 3: The hourly attorney fee or salary paid counsel of record for the legal representation in Appellate Case No. 05-12-01143-cv.

RESPONSE: Defendants object to this request as it is improper and not provided for under Texas Rule of Civil Procedure 194.2.

There is nothing attached

REQUEST NO. 4: The full name, address, and telephone numbers of individuals employed at QuikTrip Store #909 from December 2007 to May 2008.

RESPONSE: Defendants object to this request as it is improper and not provided for under Texas Rule of Civil Procedure 194.2. See Exhibit A.

REQUEST NO. 5: The full name, address and telephone number of all employees who worked at QuikTrip Store #909 on October 05, 2007, to October 07, 2007. November 12, 2007 to November 15, 2007 and December 24, 2007.

RESPONSE: Defendants object to this request as it is improper and not provided for under Texas Rule of Civil Procedure 194.2.

REQUEST NO. 6: All the exhibits you and your counsel of record intend or expect to offer. Identify each exhibit and give a brief summary about its relevance to this lawsuit.

rections officers, but condoning racist violence in prisons in general." (Huffington Post, Aug. 27)

Natajah Roberts of Citizen Action of New York said: "Many inmates who saw [Harrell's killing] have been threatened ... put in solitary and ... told not to say anything about what they saw. We are here to demand justice and specifically to demand that the DA file homicide charges." (Radio station WAMC, Aug. 28)

After the demonstration, Grady announced that his office will investigate Harrell's death together with the U.S. Attorney for the Southern District of New York.

Death ruled a 'homicide'

Harrell's relatives say that his bipolar mental illness contributed to his confusion on April 21, when he mistakenly expected his family to pick him up to take him home. As he got ready to leave, guards attacked him. They claimed he had smoked synthetic marijuana and was behaving erratically.

However, the Orange County medical examiner found cuts and bruises on Harrell's body — and no illegal drugs in his system. His death was ruled a "homicide." State prison officials have released little information about the fatal assault.

The New York Times extensively investigated the massive attack on Harrell, reporting on Aug. 18 that he "was thrown to the floor and was handcuffed. As many as 20 officers — including members of a group known around the prison as the "Beat Up Squad" — repeatedly kicked and punched Mr. Harrell ... with some of them shouting racial slurs, according to more

than a dozen inmate witnesses."

Edwin Pearson said, "Like he was a trampoline, they were jumping on him." Inmates saw Harrell "thrown or dragged down a staircase." One prisoner saw him lying on the landing, "bent in an impossible position."

Attorneys for Harrell's family have received 19 affidavits and letters from inmate eyewitnesses. None state that Harrell fought back or even talked to his assailants. They name nine officers who participated in the attack and the ranking officer on duty at the time — Sgt. Joseph Guarino — who has often been sued for brutality.

Inmates who saw the horrific beating have been put into solitary confinement and threatened with violence after speaking to Harrell's lawyers, relatives or journalists.

'Pervasive culture of abuse'

The blog of the Correctional Association of New York, a prisoner-advocacy group, cites its 2013 report documenting "harassment and provocation" in the building in which Harrell was killed. On Aug. 18, the website condemned "the pervasive culture of violence and abuse perpetrated by Department of Correction and Community Supervision and the attempted cover-up — this time at Fishkill. The homicide of 30-year-old Samuel Harrell on April 21 by Fishkill prison guards is a reminder that the entire prison system is out of control and irreparably broken."

Other revelations about brutality in New York state prisons have recently come to light. In June, when two prisoners escaped from the Clinton Correctional Facility in Dannemora, N.Y., other inmates were put into solitary confinement and tortured by prison guards trying to extract information.

These horrific incidents once again expose the intrinsically racist, oppressive and brutal system of mass incarceration. In demanding justice for Samuel Harrell and all victims of racist police violence, it is essential to call for the uprooting of the entire prison system. It is a cornerstone of the capitalist state, whose mission is to use force and violence to maintain exploitation of the multinational working class. □

"All" prisoners lives matter, that includes U.S. citizens and non-citizens being held in jails, prisons and immigration detention facilities. Add your voice to the call for justice for those killed.

BLACK LIVES MATTER

#BLACKLIVESMATTER

Trigger-Happy in Dallas, TEXAS

GRASSROOTS ACTIVISTS HAVE WORKED FOR YEARS, WITH limited success, to draw attention to the Dallas Police Department's use of deadly force — especially fatal shootings of African Americans.

Now, those activists have some fresh ammunition, if you will, in the form of a new report showing that Dallas recorded the third-highest rate of fatal police shootings among the nation's 10 largest cities from 2010 through 2014.

The report from the Better Government Association, a Chicago nonprofit, believed to be the first to

compare the number of fatal police shootings in the nation's largest cities, was conducted in the wake of Michael Brown's death in Ferguson, Missouri, in August 2014.

The report found that Dallas, the nation's ninth-largest city, recorded 34 fatal police shootings — a rate of 2.7

per 100,000 residents — over the last five years. That rate was the highest in Texas, followed by Houston at No. 5 (2.23), and behind only Phoenix (3.77) and Philadelphia (3.48) nationally.

"It doesn't surprise me," said civil rights attorney Shayan Elahi, counsel for the police accountability group Dallas Communities Organizing for Change. "The stats are horrific, and they clearly indicate a problem, whether the city likes to admit it or not. Facts don't lie."

Elahi's group filed an administrative complaint with the U.S. Department of Justice in December calling on Washington, D.C., to cut off federal funding for the Dallas Police Department until "systematic police misconduct" is remedied. The complaint is pending, and Department of Justice representatives didn't respond to a request for comment.

According to the complaint, Dallas recorded 58 fatal police shootings from 2002 to mid-2013. While the Better Government Association report doesn't include information about race, the complaint states that African Americans, who account for only 25 percent of Dallas' population, were victims in more than half of those cases (33).

Elahi said the complaint was filed after local officials refused to address the group's concerns, an allegation echoed by other grassroots activists. But Sgt. Warren Mitchell, a spokesman for DPD, insisted that's not the case.

Mitchell pointed to DPD's website, which details recent changes to policy governing the use of deadly force. The changes include automatic notification of the FBI, creation of a community engagement team

and ongoing training for officers. DPD also recently began posting information about officer-involved shootings online, which Elahi said was one of the positive outcomes of the Department of Justice complaint.

"It's something that has been looked at, not only from our perspective, but from a community perspective as well," Mitchell said. "We definitely hear them, and we're doing what we can."

The Dallas City Council recently agreed to purchase 1,000 police body cameras, but that accounts for fewer than one-third of DPD's officers, and Mitchell acknowledged that the department still has no formal policy for their use.

Collette Flanagan, founder of Mothers Against Police Brutality, said although it may appear DPD has made progress, she believes those advances are superficial.

Flanagan, whose unarmed son was shot seven times and killed by a Dallas officer in 2013, called for independent investigations into police shootings. She said district attorneys are too often beholden to police unions that help fund their campaigns, adding that no Dallas officer has been indicted for a fatal shooting in 42 years.

Flanagan also called for drug testing of officers involved in fatal shootings, as well as elimination of a DPD rule that allows them to remain silent for 72 hours afterward and review video before making a statement.

"I wouldn't say things have gotten better on the drilldown," said Flanagan, who called DPD's community engagement teams "a farce."

"We don't care about you coming to our community and having barbecue and drinking soda with us," she said. We want you to stop killing our kids."

—JOHN WRIGHT

"We don't care about you coming to our community and having barbecue and drinking soda with us. We want you to stop killing our kids."

No city inside America is immune to the growing epidemic of police violence resulting in the inexcusable murders of unarmed Black men, women and children. As two recent stories in the Texas Observer have highlighted, Dallas and Houston, Texas are home to some of the most trigger-happy police when it comes to this country's ten largest cities.

Some facts you won't hear on the local news nor the big police-friendly corporate medias is that no Dallas police have been held accountable for the murders of unarmed Blacks. In Houston, Texas during the past "ten years", not one police officer has been found to have used unnecessary or excessive force in connection with the murders of unarmed Black people. Every murder under these circumstances has been ruled justified. So clearly there is a urgent need for the Black Lives Matter

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movement to grow and for the struggle to deepen as we all actively do our part to end the culture and political structure that enables police to take the lives of Black people who represent no imminent threat to the safety of the officer.

(*) Visit the [Texas Observer .org](http://TexasObserver.org) for in depth stories about police violence and more

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Killeen Daily Herald Sept. 15, 2015
Bond denied for ex-cop on murder charge in black man's death

CHARLESTON, S.C. (AP) — A judge denied bail Monday for a white former South Carolina police officer charged with murder in the shooting death of a black motorist, saying his release would "constitute an unreasonable danger to the community."

In a brief order, Circuit Judge Clifton Newman denied bond for Michael Slager.

"After careful consideration of all the evidence presented and the nature and the circumstances of the offense, the court finds that the release of (the) defendant would constitute an unreasonable danger to the community and the request for release on bond should be denied," it said.

The former North Charleston officer has been held in solitary confinement since his arrest on murder charges in the April 4 shooting death of Walter Scott.

A bystander's cellphone video showed Slager firing eight times as Scott tried to run from a traffic stop.

The incident inflamed the national debate about how blacks are treated by law officers.

This is Another Reflection of the final results of an unarmed Black man's encounter with a trigger-happy policeman.