

Howard University Law Students on Eric Garner, Michael Brown and the Standards of Proof in the US Justice System

After Hands Up Don't Shoot, HUSL students pen letter urging change in police practices

By [Global Research News](#)

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As we sat and watched the reactions of countless youth activists, families, and community members in the streets of Ferguson, MO, we were perplexed by the Grand Jury's decision not to indict Officer Darren Wilson for the death of Mike Brown. Similarly, a grand jury has refused to indict Officer Daniel Pantaleo for the death of Eric Garner in Staten Island, New York. In the aftermath of these grand jury decisions, we are left with several questions: How can there be so many different accounts of the events that occurred between Officer Wilson and the late Mike Brown? How could these accounts, and the resulting discrepancies, not amount to probable cause? What should we advocate for when an officer was not indicted where there was video footage of his aggressive policing? Do prosecutors not advocate for bringing charges against a potential defendant during grand jury proceedings? Will people of color ever find solace in their criminal justice system again?

As Howard University School of Law students, we stand on the shoulders of change agents like Supreme Court Justice Thurgood Marshall and Charles Hamilton Houston. In our halls each day, we are reminded of their extraordinary impact on our country and their desire to make it clear that all lives matter and should be treated equally. In our classes, we learn about the various standards of proof involved in courtroom proceedings. We often hear about the magnitude of the "beyond a reasonable doubt" standard of proof that is placed on the state during criminal trials. We also learn about the standard of proof for grand juries: probable cause to believe a crime has been committed by a criminal suspect. This is a very low bar. It means that in order to indict a criminal suspect, the grand jury has to find that there was probable cause for ANY of the charges suggested; charges ranging from firstdegree murder to involuntary manslaughter. Probable cause does not require the grand jury to find that the suspect is clearly guilty or even that the suspect more than likely committed the crime. Notwithstanding, on November 24, 2014, the grand jury in Ferguson found that there was no probable cause to believe that Officer Wilson committed a crime when he shot and killed Mike Brown. On December 3, 2014, the grand jury in Staten Island found that there was no probable cause to believe Officer Pantaleo committed a crime when he placed Eric Garner in a chokehold, which contributed to his death.



What happens now? How is faith restored in the criminal justice system for people of color? It starts in every city in the country. Every Mayor and every city has the power to prevent another Ferguson-like event. The Howard University School of Law community recommends that every Mayor and City Council establish an independent police accountability review board made up of diverse people of all ages, race, gender, sexual preference, education levels and expertise who are willing to work together to monitor the relationships between people of color and law enforcement officers. Additionally, Mayors can leverage their federal funding and other local resources to ensure that police departments are equipped with not only dashboard cameras but also body cameras and technology to record the interactions between law enforcement and the communities they serve. It is clear that surveillance technology is only a small part of fixing overall relationship between law enforcement and citizens, and thus, we ask that law enforcement be required to undergo regular sensitivity training as a continued course during their tenure of service. This effort does not end in our major cities. We recommend local counties, towns, municipalities, and their elected officials adopt these same community-based solutions and leverage resources to improve transparency and accountability.

In this critical time, we as Howard Law students must realize and fully embrace what it means to be a Social Engineer. The burden rests upon us to be effective beacons of change by equipping ourselves with the legal tools and experiences necessary to combat injustice and restore faith in our criminal justice system. As we prepare for our final exams, it has never been clearer how important a Howard Law attorney is in our society. We will continue to fight for equality amongst all people, transparency in our criminal justice system, and advocate for accountability from all government actors and communities alike. These recent decisions are not ideal, but we will continue to fight to ensure that all lives are valued in every community across our country.

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