



A Murder Charge for A Police Officer? It's A Rarity In Harris County

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The indictment of a Harris County sheriff's deputy on murder charges Thursday was a rare occurrence for the Houston area. While police in Harris County have killed at least 100 civilians in the past decade, most of these slayings were determined to be justified, and officers rarely face charges, let alone murder.

The Harris County District Attorney's Office could not recall the last time it prosecuted a police officer for murder, and spokesman Dane Schiller said the office does not track defendants in that matter. The Harris County Sheriff's Office did not return a request for comment, but the last time a Houston Police Department officer was charged with a murder was in 2004, according to spokeswoman Jodi Silva.

That case stemmed from a 2013 incident involving Arthur Carbonneau, a rookie officer who'd been on the force for less than a year. Carbonneau was investigating an assault at a north Houston apartment complex when he got into a confrontation with Eli Escobar, a 14-year-old special education student who was not involved. Carbonneau shot Escobar in the head, killing him. Carbonneau was found guilty of murder and ultimately served 60 days in jail, Silva said.

Last Thursday, Harris County District Attorney Kim Ogg announced she'd pursue murder charges against Deputy Chauna Thompson and her husband, Terry Thompson, after a confrontation at a Houston-area Denny's on May 28 left John Hernandez, a 24-year-old father, dead. It appears to be the first time in more than a decade that a Houston law enforcement officer has faced murder charges.

A police report said Terry Thompson approached Hernandez because Hernandez was urinating in public. But a video of the incident, captured by an anonymous bystander, shows Thompson sitting astride Hernandez with his arm around Hernandez's neck. His wife, Deputy Chauna Hernandez, kneels on the ground next to the pair and orders Hernandez to remain on the ground. Hernandez went into a coma and died three days later. The Harris County medical examiner determined Hernandez had died of asphyxiation and ruled the death a homicide.

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Deputy Thompson and her husband both face murder charges.

It took less than two weeks for Ogg to hand down the indictments. “That’s a pretty quick turnaround,” John Fullinwider, cofounder of the Dallas-based group Mothers Against Police Brutality, said. “Call it an aberration.”

Roughly a thousand civilians are killed by police each year, including 421 so far in 2017, according to a database created by the *Washington Post*. But less than one percent of those deaths result in a murder indictment, Fullinwider said.

Fullinwider was pleased to hear the Thompsons would face murder charges. But he largely attributed that to “a lot of media coverage.” And he expressed concern that justice was only served in the most extreme cases — like when there was graphic footage of a killing.

“A police officer body camera or a bystanders cell phone video does not always lead to an indictment,” he said. “But without it, it’s really rare. People don’t believe — and don’t want to believe — that police killed unarmed people.”

Of course, many of the people killed by police are armed. In 2015, then-Houston Police Chief Charles McClelland released the first-ever public database of shootings involving city officers. After reviewing 83 of those shootings, which ran from 2013 until 2015, the *Houston Press* found that 67 of them involved an armed suspect. In 46 of the cases, the suspect had a gun.

But that still leaves 16 cases between 2013 and 2015 in which Houston police officers shot an unarmed suspect. It’s unclear how many of those died. Starting in late 2015, Eva Ruth Moravec, a graduate student at the University of Texas at Austin, spent a year investigating all the times that Texas law enforcement officers shot unarmed civilians. Of the 169 civilians shot by Texas cops that year, 33 were unarmed, including at least four people in the Houston area.

Houston has had its fair share of controversial police killings over the years. In September 2012, officers shot and killed Brian Claunch, a schizophrenic wheelchair-bound man who was missing an arm and a leg. Police said Claunch was trying to stab an officer with a weapon. That weapon turned out to be pen. Officers were cleared of charges related to Claunch's death.

Less than two months later, officers shot and killed Kenny Releford, a Third Ward resident, while Releford was on his front porch. Releford, who had allegedly just assaulted one of his neighbors, also appeared to suffer from mental health issues. Houston police declared the shooting of Releford to be justified.

But the most infamous case of police brutality in Houston may be the 1977 killing of Joe Campos Torres, a Vietnam veteran who was arrested for disorderly conduct. Officers beat Campos Torres up and threw him into a Buffalo Bayou, prompting the Moody Park Riots. For that crime, involved officers received probation and a \$1 fine, according to Fullinwider, the cofounder of Mothers Against Police Brutality.

Jonathan Blanks, editor of the Cato Institute’s National Police Misconduct Reporting Project, said there are a few reasons why police involved in the deaths of civilians are unlikely to be prosecuted. For one thing, he said, police officers only need to prove they had “reason to

believe” their lives were in danger. (Some researchers call this the “reasonably scared cop rule.”) That’s a low bar to meet, especially when the other person involved in a confrontation is dead.

For another thing, Blanks said, officers get a 24- to 72-hour “cool off” period after a deadly shooting, during which time officers can review body cam footage, consult a lawyer and, as Blanks put it, “try to create a plausible story given what they know.”

“That’s absolutely insane,” he added. “No homicide detective would approach a suspect and say, ‘We’re going to give you three days and the number for a really good lawyer.’”

According to Blanks, it wasn’t even until 2015 that the United States had a real database of police-involved killings. The FBI used to give the national average at about 400 per year, Blanks said. Then, starting in 2015, *The Washington Post* and *The Guardian* began compiling their own databases, which have shown the number is closer to 1,000 per year.

It’s unclear how many Houstonians have been shot and killed by police. The Houston Police Department has shot 422 people since 2005, resulting in 121 deaths, according to department records. Meanwhile, Tebben Lewis, a spokesman for the Harris County Sheriff’s Department, shared data showing that Houston sheriff’s deputies have shot and killed 28 people since 2009. But both numbers only record shooting deaths — not deaths from other causes like strangulation.

Chauna and Terry Thompson each posted \$100,000 bail and are free on bond. They are due back in court on Tuesday. Deputy Thompson has been suspended pending the outcome of the case. Harris County Sheriff Ed Gonzalez, her boss, said he supports the charges.