

Ferguson Authorities Face Criticism Over Handling of Mike Brown Case

Troubling details in grand jury documents renew longstanding skepticism of police brutality investigations.

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St. Louis prosecutor Robert McCulloch [is facing criticism](#) over his handling of the grand jury investigation into the death of Michael Brown in Ferguson, Missouri, which resulted in Brown's shooter, Ferguson Officer Darren Wilson, not being indicted. Documents released after the grand jury announcement Monday have also led to scrutiny over the actions officials took at the crime scene.

"The process is broken," said Benjamin Crump, an attorney for the Brown family, in a press conference Tuesday. "The process should be indicted."

The information grand juries receive about a case is at the discretion of prosecutor, and usually a specific charge is laid out for them to consider. In Wilson's case, the grand jury was given so much evidence, witness testimony and context to consider that it stretched into 25 separate meetings over the course of three months -- usually grand juries take only a matter of a few days. Furthermore, McCulloch did not point the secret, 12-person panel to a charge preferred by the prosecution, but rather laid out five charges for them to consider, leaving the decision about whether to prosecute up to them.

Writes Jeffrey Toobin [in The New Yorker](#): "He turned it over to the grand jury, a rarity itself, and then used the investigation as a document dump, an approach that is virtually without precedent in the law of Missouri or anywhere else."

The documents the prosecutor's office released after the announcement, all of which [St. Louis Public Radio has made available online](#) -- have also provided a number of details that some experts have said are troublesome. For instance, [as the Washington Post noted](#), the investigator from the medical examiner's office did not take measurements or photographs at the scene, that Wilson was allowed to go unescorted to the station and put his own weapon in an evidence bag and his initial descriptions of the incident were not recorded on tape.

Furthermore, jurors were also told about the [criminal history of Dorian Johnson](#) -- Brown's friend who was with him during the robbery and the shooting -- and discrepancies among his and other witness accounts were highlighted for them, but did not question any of Wilson's testimony, prompting jurors to take the officer's account at face value while introducing doubt about what

the witnesses said they heard or saw. The fact that Wilson also chose to testify itself is uncommon, according to a [St. Louis Public Radio report](#), and Brown's attorneys were not allowed to participate in the proceedings.

In effect, McCulloch "allowed Darren Wilson to sit there and give his side of the story," Missouri state Sen. Jamilah Nasheed [told the Los Angeles Times](#). "But there was no one there to give Michael Brown's side of the story."

Even before the final announcement, concerns were raised about McCulloch's involvement. McCulloch's father was a white cop killed on the job by an African-American 50 years ago, prompting some to call on Missouri Gov. Jay Nixon to remove McCulloch from the case. [Nixon refused](#).

McCulloch [has also been questioned](#) for his decision to make the non-indictment announcement -- long expected to draw high emotions -- at 8 p.m. at night, as the cover of darkness posed additional challenges to curbing riots. Throughout the development of the case, authorities have also been criticized for their initial reluctance to release Wilson's identity, and once they did per an open record request, to put it out alongside a surveillance tape of Brown and Johnson allegedly stealing cigarettos from a local supermarket the morning Brown was killed, even though the robbery was not what prompted Wilson to initially confront Brown.

Concerns over how police misconduct allegations are handled existed long before this particular case.

A [1998 Human Rights Watch Report noted](#) a "natural conflict of interest" when district attorneys are asked to prosecute a member of a law enforcement agency they regularly depend on to investigate and testify for their other criminal investigations.

[Time](#) and [time again](#) in police brutality cases, calls for special, outside prosecutors to be brought in to investigate misconduct [are renewed](#).

According to a [2009-2010 survey](#) by Cato Institute's National Police Misconduct Report Project, of the 8,300 incidences identified as credible police misconduct allegations, less than half resulted in charges for the officer; of the 426 law enforcement officers whose alleged misuse of force resulted in a fatality, only 28 faced charges.

A grand jury [did not bring charges](#) against a cop who recently shot and killed a African-American in an Ohio Wal Mart who was holding a BB gun mistaken for a rifle. A grand jury investigation [into the death of Eric Garner](#) -- who died because of an illegal chokehold by a New York cop -- is underway and the case of a 12-year-old Cleveland boy who was fatally shot last week by an officer who thought the toy gun he was carrying in his waistband was a firearm [will also be considered](#) by a grand jury.