

News Roundup

Author : Jeff Welty

Categories : [Uncategorized](#)

Tagged as : [news](#)

Date : December 5, 2014

Several grand juries have recently considered whether to charge white police officers with killing black men. We've already discussed the case in Ferguson, Missouri on this blog. Wednesday, a Staten Island, New York grand jury declined to indict officer Daniel Pantaleo in the death of Eric Garner. The *New York Times* has the story [here](#). Then a South Carolina grand jury indicted officer Richard Combs for murder in the fatal shooting of Bernard Bailey, as *Time* reports [here](#). Is it a small sample? A historic moment? A coincidence? An epidemic? Some or all of the above, depending on your point of view.

I saw many thoughtful pieces this week related to these events. (I also received many thoughtful comments on my blog post about the Ferguson grand jury process, and I would again like to thank those who took the time to contribute to the conversation.) One of the pieces that caught my eye this week was [this WSJ Law Blog post](#), discussing the possibility of using "inquests" to investigate police shootings. The idea is a sort of advisory, preliminary proceeding conducted by a judge with subpoena power. A finding of responsibility wouldn't carry any official consequences or even require the bringing of criminal charges, but might be a barometer that a prosecutor could use in assessing whether charges were appropriate. I also thought [this piece by Eugene Robinson](#) was provocative. It notes that the FBI's Uniform Crime Reports counted 461 justified homicides by police last year, but that departments aren't required to report such killings and many don't. The true number could be as many as 1,000 per year, much higher than in other industrialized nations. Finally, there's been considerable discussion, from President Obama on down, about having police wear body cameras. I've said before that the idea seems promising, but folks interested in the transparency benefits of such a practice should remember that under North Carolina's personnel and public records laws, much footage may not be available to the public. My colleague Frayda Bluestein wrote about that issue [here](#).

In other news:

Executions drop again. The *Christian Science Monitor* recently ran [this article](#) noting that there have been just 32 executions in 2014, the fewest in many years. There are a variety of possible causes, including better defense lawyering, perhaps a small drop in public enthusiasm for the death penalty, and litigation over lethal injection.

Sex offender rules reconsidered. [This](#) WSJ Law Blog post notes that some jurisdictions have begun to question the value of sex offender residential restrictions – the rules that prohibit sex offenders from living within a certain distance of a school, a day care, or the like. Some officials have started to believe that such rules “do little to prevent sex crimes and . . . can drive sex offenders underground and make them harder to monitor.”

No habeas corpus for chimpanzees. The Volokh Conspiracy states [here](#) that a New York court has ruled that chimpanzees are not “persons” eligible for the writ of habeas corpus. The court reasoned that “unlike human beings, chimpanzees cannot bear any legal duties, submit to societal responsibilities or be held legally accountable for their actions.”

Open carry of a banana? Finally, CBS News reports [here](#) that a Colorado man was arrested after pointing a banana at police. Coincidentally, the arrestee hails from the town of Fruitvale.