The Eric Garner Case: Statewide survey of NY voters’ response to proposed police accountability legislation

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The Eric Garner Case:  
Statewide survey of NY voters’ response to proposed police accountability legislation

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Abstract

The Eric Garner case was unique because this police-induced death was caught on video from before the moment of physical confrontation. A mixed-methods representative household survey and Garner’s arrest video were used to determine NYS voters’ opinions (n=119) about police indictment and Governor Cuomo’s request for expanded authority. Respondents were asked the officers should face indictment, shown the arrest video, and then asked again about indictment. Prior to the video (n=86), a majority of respondents (57.4%) believed involved officers should have been indicted. After viewing, the proportion increased by 13.7%. A majority support Cuomo’s call for expanded authority to appoint a special prosecutor in cases where police are involved in civilian deaths. Study limitations include: prior exposure to the footage and a low response rate. NYS voters generally support Cuomo’s proposal for appointing special prosecutors; however, a quarter of respondents disagreed with the method of reform and expressed either a preference for every case to go to trial, preference for a case-by-case basis, and distrust in state-appointed special prosecutors. This research could inform discussions regarding proposed system reforms. Future research with a less well-circulated video is needed to determine the extent to which videos of police-induced deaths affect public opinion.

Key Words: Eric Garner, New York (NYS) statewide survey, “I can’t breathe,” Cuomo’s Executive Order, Excessive force/Police brutality, Black Lives Matter
Introduction

Civil rights in America are still under fire (Valdez, 2015). Peaceful protests are met with state-sanctioned violence as police acquittals or lack of indictments follow the deaths of unarmed civilians (Zach, 2015). Black lives in America have been historically undervalued. During enslavement, Black lives were used as a commodity and were then viewed as a frivolity during Jim Crow. Critical Race Theory (CRT) posits that Black people face inequity within public service entities due to American institutions being constructed on notions of White supremacy (Crenshaw, 1995). Advances made during the Civil Rights Movement were instrumental in Black individuals gaining access to social institutions (education, voting rights, fair housing, immigration/nationality), but skin color still adversely affects the Black community today disproportionate to other racial groups (Penner & Dovidio, 2016).

This disparity between Black Americans and other racial groups is particularly evident in the criminal justice system. Black people comprise 37.7% of America’s incarcerated (U.S. Federal Bureau of Prisons, 2016), but only 13.3% of America’s total population (U.S. Census Bureau, 2015a), making a Black American 5.1 times more likely to be incarcerated than a White American. Almost a quarter of US states (12) have a prison population that is majority Black (Nellis, 2016). Furthermore, Black neighborhoods are still targets of illegal police quotas (Bronstein, 2014), and Black people are 3.7 times more likely to be arrested for drug offenses than Whites (HRW, 2009). Some scholars attribute these disparities to the ‘roots of poverty, while others postulate that these numbers are the product of racial profiling and fear of ‘the other’ (The Sentencing Project, 2013; Mitchell & Caudy, 2015).

Even within the police force, Black officers are affected by a dualism of Blackness and political pressure to be “proactive” in crime drops (what some refer to as the CompStat era). The New York Police Department’s (NYPD) Edwin Raymond has spoken out about his department’s use of “inherently racist” police tactics such as: illegal quotas, “quality of life” offenses, and disproportionate department recognition for arrests over protective acts - Broken Windows strategy. In 2015, Raymond joined 11 of

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1 Broken Windows Theory (BWT) is the idea of police ‘cracking down’ on smaller crimes to prevent major ones, particularly in more anonymous locations such as urban areas. BWT postulates a socially communicative effect of
his police colleagues (by submitting audio recordings of conversations with a superior) in a class-action
lawsuit on behalf of officers of color in the department who had been refused promotions for not
participating in tactics to obtain numbers-driven arrests (Knafo, 2016). The case is still open before Judge
Laura Taylor Swain of the Southern District of NY (Docket No. 15-CV-6885; U.S. District Court
Southern District of NY, 2015).

Police Use of Deadly/Lethal Force

According to the US Supreme Court (Tennessee vs. Garner; 471 US.1), deadly force is only to be
used in cases where it is “necessary to prevent escape and the officer has probable cause to believe that
the suspect poses a significant threat of death or serious physical injury to the officer or others”
(Community Relations Service, 1999). Empirical evidence on the police use of lethal force is limited, but
media headlines and lived experiences tell us that excessive force, and deadly action, are dominate
today’s narrative of police-civilian interactions.

Amnesty International (AI) recently published a scathing report detailing America’s lack of
compliance to international lethal force laws -- all 50 states are below the international standard, and
some are in violation of US constitutional law. In addition to a nation-wide review of lethal force (by
police officers) laws, AI also demands the USA adhere to accountability measures (AI, 2015) in
accordance with the United Nations (UN) Basic Principles on the Use of Force and Firearms by Law
Enforcement Officials (1990), Violent Crime Control and Enforcement Act (U.S. 103rd Congress, 1994),
Death in Custody Act (U.S. 113th Congress, 2013), and urges the congressional passing of the Police
Reporting Information, Data, and Evidence (PRIDE) Act.

A recent case-analysis on deadly force cases in lower federal courts revealed excessive police
force is a byproduct of department disorganization and managerial meltdowns (Lee & Vaughn, 2010).
Miller suggests that the disproportionality of non-White police deadly force victims to be more a result of

environments – those that are clean/maintained indicate a sense of monitoring and may deter unruly behavior;
whereas environments with broken windows, graffiti, addicts, and prostitutes indicate a lack of monitoring and a
lesser chance of being held accountable for smaller (and ultimately larger) crimes. The theory was experimentally
neighborhood lines, i.e. those with more crime, than skin color (Miller, 2015). Klinger and colleagues used a neighborhood-level study and census tract data to map nine years of officer-involved shooting incidents in St. Louis. While shootings tended to occur in low-income Black neighborhoods with White officers, they found the level of firearm violence - not race, neighborhood, or socioeconomic status - to be strongly associated with police or officer shootings (OIS). The authors conclude their paper with a delineation of how a national OIS database could be constructed, as to allow for transparency and greater understanding of police force factors (Klinger, Rosenfeld, Isom, & Deckard, 2016). A centralized database would provide a platform for data accountability and would ideally go beyond the Federal Bureau of Investigation’s (FBI) “justifiable homicides” to include all incidents of police force, not just fatalities (Alpert, 2016). After a series of high profile civilian deaths due to police force, President Barack Obama established The President’s Task Force on 21st Century Policing in December 2014. The task force comprised six pillars\(^2\) aimed at improving law enforcement interaction with communities and civilians (Ramsey & Robinson, 2015).

*Watchdog Journalism*

As it stands, the US government does not release information about internal investigations after the use of lethal force, and none of the existing national databases (including the FBI’s ‘justifiable’ homicide reports and the Center for Disease Control’s (CDC) National Vital Statistics and Violent Death Reporting Systems) currently reports on cases of lethal force that were not deemed justifiable. Some reasons for this absence are perceived rarity of incidents and a desire to protect police officers (White, 2016). This lack of transparency has led to public outcry and public response. Currently, there are no formalized oversight or accountability mechanisms that monitor a police department’s use of lethal force; instead, data comes from researchers, news outlets, and NGOs that have created monitoring mechanisms for civilian deaths due to police force.

Utilizing Multiple Systems Estimation (MSE) techniques, the NGO Human Rights Data Analysis

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\(^2\) **Six Task Force Pillars:** (1) building trust & legitimacy; 2) policy & oversight; 3) technology & social media; 4) community policing & crime reduction; 5) training & education; and 6) officer wellness & safety)
Group (HRDAG) estimated that there are 1,500 officer-involved lethal shootings yearly (Gershman & Cohen, 2014). This number represents about 8-10% of all homicides in the United States (US) during the time period analyzed. When including only homicides committed by strangers, the proportion of homicides committed by the police jumps to 30% of homicides each year (Ball, 2016). The collaborative research team Mapping Police Violence (2015) aggregated data from three websites to create a geographic information system (GIS) that visually displays where police fatal force incidents have occurred in the US. Fatal Encounters (FE) is an organization that has compiled a national database of civilian fatalities due to police force since 2000 (Burghart, 2016). In 2015, the Guardian and Washington Post joined in monitoring police fatal force incidents. The Guardian’s The Counted (2016) has documented 749 people who have been shot and killed by the police in 2016 up to the time of this writing. The Washington Post’s Fatal Force (2016) has documented 667 cases and was only able to identify the names of officers in 2 out of every 5 cases.\(^3\) The New York think tank Center for Police Equity (CPE) produced a report that compiled five years of police force incidents (19,000) in 11 major US cities. Findings revealed force was used rarely (<2% of cases) but was disproportionately used against Blacks compared to Whites (3.6 times higher). The top three methods of force between 2011-2015 were: tasers, physical restraint, and pepper spray. Across all uses of force methods during arrest, the rate of force was higher against Blacks than Whites (Goff, Lloyd, Geller, Raphael, & Glaser, 2016).

**Technology Sound: Police Killings & Civilian Documentation**

Documentation of the use of excessive force by the police has changed with the introduction of new technologies. In 1991, Rodney King was involved in a high-speed chase with the Los Angeles Police Department (LAPD); once he stopped his car, King was dragged out and severely beaten by four White officers. The entire altercation was caught on home video and led to a grand jury; only to have police manipulate the frame-by-frame footage and each of the four officers receive acquittals (Stuart, 2011).

This injustice was met with a six-day riot in LA during which over 1000 people were injured and over 50

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\(^3\) Each of the aforementioned sources have their data publically available for download and are numbers from the time. Listed statistics are from 8 September 2016.
people were killed (Capehart, 2015). Two and a half decades later, America continues to face videos of
unarmed Black men dying at the hands of the police. The advent of accessible, portable technology and
cell phones equipped with cameras has changed the way Americans see police brutality on a literal level
(Shaw, 2012).

Thousands of lethal force civilian fatalities have occurred since the world was struck by King’s
excessive beating. A small minority of these include: Amadou Diallo, an unarmed Guinean immigrant
who was shot 41 times in his Bronx apartment for the suspicion of having a gun and potentially being
associated with a robbery (23 y.o.; 1999); Robert Mitchell, an unarmed teenager who was tased with
50,000 volts of electricity and killed for fleeing a traffic stop (16 y.o.; 2009); Trayvon Martin, an unarmed
teenager visiting his father in a gated community who was killed by a neighborhood watch volunteer for
suspicious behavior (17 y.o., 2012); Rekia Boyd, a young, unarmed woman who was shot in the back of
the head by an off duty detective for being too loud with her friends in an alley (22 y.o., 2012); Tamir
Rice, a child who was shot twice in the torso by police and did not receive any first aid for holding a toy
gun (12 y.o., 2014); Michael Brown, an unarmed teenager who was shot at least six times by an officer
who said Brown “looked like a demon” when approaching the officer after being blocked by his vehicle
for reportedly stealing cigarillos (18 y.o., 2014); Sandra Bland, a young woman driving home from a job
interview who was pulled over for a traffic stop, arrested, and later found dead in her cell (28 y.o., 2015).
And most recently in the media at the time of this writing (July 2016), Alton Sterling and Philando
Castile. Sterling was pinned to the ground and shot three times in the chest by police for reports of having
a gun. Castile was shot inside his car while reaching for his license. Both incidents were video recorded.
A recent Bloomberg poll speculates that White Americans are more likely to agree with police indictment
if lethal force incidents are video recorded (Lopez, 2014). Campaign Zero found that charging police
officers for fatal shootings is rare, but video evidence can be the difference between indictments and
cover-ups (Bialik, 2016). For this reason, Campaign Zero (2016) advocates for body cameras on police
officers.

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Black Lives Matter Movement

The Black Lives Matter (BLM) Movement is an international activist group that has been instrumental in bringing police brutality and lethal force cases to the forefront of world news. Their roots began after the acquittal of Trayvon Martin’s killer. BLM’s scope is not solely Black lives lost at the hands of police, but also includes addressing how systemic racism (Jee-Lyn García & Sharif, 2015) has “left Black people powerless at the hands of the state” (BLM, 2016). The group has used social media extensively to spread its message of racialized police violence and the necessity of dialogue, frequently with the hashtag #BlackLivesMatter. BLM has been credited with providing a new narrative to policy makers: one that is focused not only on equity, but also on the public health necessity of addressing law enforcement failures (Porter, 2015).

Eric Garner Case: “I can’t breathe”

The NYPD’s 120th precinct lies on the northern quarter of Staten Island in New York City (NYC). In the months leading up to the events of July 17th, 2014 the precinct had received a number of quality of life complaints concerning groups of men loitering and selling cigarettes and drugs in the neighborhood of Tompkinsville. On July 17th, Lieutenant Christopher Bannon noted a group of men congregating as he drove by a local hotspot for criminal complaints and ordered a pair of plainclothes officers to investigate. The area around Tompkinsville Park where police were dispatched, had, according to the New York Times, “already that year been the site of at least 98 arrests, 100 criminal court summonses, 646 calls to 911 and nine complaints to 311” (Baker, Goodman, & Mueller, 2015). Amongst the group of men was a man named Eric Garner, who was well known in the community and to local officers.

As officers approached Eric Garner and made it clear that they meant to arrest him, Garner became frustrated and told the officers, “Don’t touch me please,” and demanded to know why he was being singled out and harassed. Over the two-minute discussion prior to the attempted arrest, the officers occasionally endeavored to take hold of his wrists and arms. A civilian bystander filmed the scene. After backup arrived from the precinct, officer Daniel Pantaleo, one of the original plainclothes officers, swung
one arm over Garner’s shoulder and around his neck, and the other under his arm, and twisted him to the
ground. The video recorded six officers closing in and handcuffing Garner while he lay prone (Goodman,
2016). Garner repeated, “I can’t breathe” 11 times before becoming unresponsive (Mathias, 2014). Officer Pantaleo’s hold around his neck and the weight of the arresting officers on his back were later implicated by the city medical examiner in his death (Shallwani, 2014).

At 3:32 PM, officers called for emergency medical services despite reporting later that Garner “did not appear to be in great distress” (Baker et al., 2015). A second call was lodged about a minute and a half later. Both calls were labeled as “unknown,” a low priority. The ambulance arrived about five minutes later, but the medical response has been criticized as anemic and disorganized once additional bystander footage became public shortly after Garner’s death (Mueller, 2014). About four minutes after the EMTs arrived, Garner was lifted into the ambulance. At 3:44PM, the emergency level was upgraded to the highest alert, “Segment 1,” because Mr. Garner was in cardiac arrest. It is not clear when he had stopped breathing or entered cardiac arrest. At 4:34PM, after transport to the Richmond University Medical Center, Garner was declared dead (Baker et al., 2015). Initially, all personnel involved were suspended without pay; since then all have returned to their regular responsibilities, except one EMT still on “modified duty” (Democracy Now, 2016).

Officer Pantaleo’s chosen method of incapacitation has come under significant scrutiny and is a point of contention in the legal and civil discussion around Garner’s death (Downs, 2015). The officer and a number of organizations representing NYPD, as well as various experts and citizens across the country have insisted that the maneuver used by the officer was not a “chokehold” (Coscarelli, 2014; Goodman & Wilson, 2014). In contrast, various city officials, including Mayor de Blasio, NYPD Commissioner Bratton, and the city medical examiner responsible for the autopsy have referred to it as such, an opinion shared by many experts, elected officials, citizens, and activists (Goldstein & Schweber, 2014; Mays, 2014). Chokeholds have been banned within the NYPD since 1993 and were only permitted in life-

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4 Communities United for Police Reform had 11 Days of Actions and a demand 11 demands, one for each time Garner said, “I can’t breathe.” http://www.thisstopstoday.org/
threatening situations up to eight years prior to the ban (Fischer, 1993). The NYPD has long recognized that the maneuver is “potentially lethal and unnecessary” (Friedersdorf, 2014). Unfortunately, chokeholds are still used frequently and the officers who are found to have employed them are rarely punished (Goodman et al., 2014). The use of the chokehold is not itself illegal according to laws of NYC or New York State (NYS) and the Mayor, in agreement with Commissioner Bratton, has said he will veto any city council bill designed to make them so. Appendix 1 displays a full timeline of Eric Garner’s death.

Cuomo’s Executive Order (No. 147) in Practice

The death of Eric Garner was what the Fifth Amendment considers an “infamous” event, and therefore instigated a grand jury. The purpose of a grand jury is to have a preliminary (sealed) hearing to determine if there is enough evidence to bring criminal charges (R. W., 2014). Directly after the grand jury’s failure to indict in Staten Island (the Eric Garner Case; Fagan, & Harcourt, 2014), NYS Attorney General Eric Schneiderman asked Cuomo for the power to investigate and prosecute cases in which a police officer is responsible for the death of an unarmed civilian (NYS Office of the Attorney General, 2014). The Governor expressed his willingness to issue an executive order that empowered Schneiderman to do just that, but declined to do so immediately, looking first to push the reform through the legislature (Valasquez & Paybarah, 2015). As the months passed and pressure from activists and victims’ families mounted, it became clear that the Governor would be unable to organize and rally lawmakers to a passing vote before the legislative session came to an end. On July 8th, 2015 Cuomo issued Executive Order 147 (NYS Office of the Governor, 2016). Under the order, the Attorney General, as special prosecutor, is required to investigate, and if necessary bring to trial, cases in which a police officer is responsible for the death of an unarmed or questionably armed and dangerous civilian. The special prosecutor and his or her office supplant the local District Attorney who is relegated to whatever role (up to and including none) the special prosecutor feels is appropriate (NYS Office of the Governor, 2015).

5 Autopsy reports of Eric Garner’s death have not been made public
6 In a year period since the creation of Executive Order 147, EO underwent five amendment processes.
The assignment of non-local or “special” prosecutors to cases involving potential wrongdoing by police officers has been considered for many years and in many different locales (Eisen, 2015). In NYS, certain members of the legislature have been working towards a similar bill for over 10 years, but the effort thus far has been stymied. In Cuomo’s 2015 State of the State address, the governor laid out a broad seven-point plan for reforming and strengthening New York’s criminal justice system. One of these points called on legislators to pass a law establishing an “independent monitor who will review police cases where a civilian dies and no true bill is issued and …can recommend a special prosecutor he appointed. The independent monitor should have access to the grand jury information” (Cuomo, 2015).

Since then, a bill (A06509) sponsored by Keith Wright (D) of Harlem passed the Assembly, but failed in the Senate without coming to a vote. The companion bill (S05592), sponsored in the Senate by Ruth Hassell-Thompson (D) of the Bronx, has been under consideration in the Finance Committee since January 2016. The current versions of the bill call for the creation of an Office of Special Investigation headed by a Deputy Attorney General appointed by the State Attorney General. This appointee would be empowered in the same ways and in the same situations as the special prosecutor is by Cuomo’s current executive order. In cases where actions by a NYS officer are under review, the bill calls for a local superior county court to appoint a special prosecutor unaffiliated with the local District Attorney’s Office or the State Attorney General’s Office. Also included are provisions for a stronger judicial presence as part of the grand jury proceedings and a relaxation of the strictures against releasing any information about the grand jury proceedings, the instructions to the jury, and evidence submitted (NYS Assembly, 2015b).

The passage of recent incarnations of the bill have been stalled by partisan divisions as well as a strong desire by some Upstate legislators to see a regional special prosecutor from the area appointed in place of a single statewide official, according to the Governor’s office (Valasquez & Paybarah, 2015). Lawmakers cite concerns about exceptions that the reform makes to the lawful secrecy provisions that surround a grand jury’s deliberations and minutes, as well as the fact that no budgetary provision has been made for the creation of a new advisory position and associated office (Hamilton & Valasquez, 2016).
The Governor continues to encourage the legislature to pass a bill that would codify the reform as permanent state law, as the executive order expires and must be renewed on a yearly basis (NYS Office of the Governor, 2016). The reform and its associated potential laws have been roundly criticized by police representatives and district attorneys across the state, while many activists, criminal justice reform advocates, and other legal experts have applauded the government's response (Remnick, 2015; Roy, 2015). In the context of a charged public debate on policing and justice in the US, this legislation addressing one small part of the conversation has been under consideration in the legislature for more than a year.

With strong opinions to be found in every corner of the state, it is far from clear what the will of the people actually is. It was to this end that a survey was conducted to ascertain the attitudes of New York State voters concerning Garner’s death and the prosecutorial reforms that were temporarily dictated by the Governor, and now lie before the elected representatives of the people of New York. The purpose of this study was twofold: 1) to determine what affect the video had on voters’ opinion on whether or not the arresting officers should face trial; and 2) to determine if NYS voters want to make Governor Cuomo’s reform permanent.

Methods

Sampling

To obtain a representative sample of registered voters in NYS, the authors conducted a modified, 30-cluster design\(^7\) using population data from the 2010 Census. This was conducted first at the county level (62 counties in NYS), followed by the random selection of 30 clusters with population proportional to sample size (via a sampling interval\(^8\)). Five registered voters were selected from each cluster for an intended total sample of 150 NYS voters. Counties were arranged alphabetically, and clusters were selected through systematic, equal-step sampling. Our sample resulted in counties representative of the

\(^7\) 30 cluster design is used globally for immunization and nutrition surveys

\(^8\) The sampling interval was found by dividing the total 2010 New York State population (19,378,102) by the number of clusters (30).
upstate and NYC metropolitan areas’ population distribution, making stratifying by ‘upstate-downstate’ unnecessary. Due to low response rates, data was gathered from 119 of the intended 150 voters.

Interview teams attempted to contact the 150 voters in the sample via phone prior to the interview; however, attempts to contact individuals were often unsuccessful due to outdated phone numbers, changes in address, and unanswered lines. An alternative household selection method was devised by using a random number generator to select an index household from our sampling frame of registered voters within the counties selected during the original sampling process. Interviewers then went in person to the index household and asked if a NYS registered voter was available and willing to be interviewed. From this household, interviewers would systematically move to the next household on the left (facing the street) asking for registered voters willing to interview, until the requisite voters (five per cluster) had been completed for that county.

If households refused to participate, no follow-up contact was made. If households did not have a NYS registered voter present, interviewers did not conduct the survey. If registered NYS voters agreed to participate, they provided verbal consent and were given a copy of the consent form. Graduate students conducted interviews from April 1st to April 13th, 2016.

Interview Instrument and Arrest Video

Interviewers used a 10-item mixed-methods survey in conjunction with Eric Garner’s arrest video. The survey began with a brief description of the Eric Garner case; the first three questions addressed if the respondent had: 1) been previously familiar with the case; 2) seen video footage of the arrest and; 3) if they thought the officers should face trial. Our key question (B5) asked respondents if they agreed with Governor Cuomo’s proposal to make Executive Order No. 147 permanent. To accommodate for various levels of relevant legal knowledge, we included a brief background on the grand jury process before posing the question, and also verbally stated four possible response options. The final question set was demographic: 1) self-identified race/ethnicity; 2) approximate age; and 3) months/years lived at current address. Appendix 2 displays all non-demographic questionnaire items.
Eric Garner’s arrest video was retrieved from the New York Daily News’ website in mp4 format (Murray, Burke, Marcus, & Parascandola, 2014). A bystander, Ramsey Orta, released his recording of Garner’s arrest to NY Daily News. We selected this clip because it was the most complete footage, the most publicized, and from the source of first release. The 51-second clip shows Eric Garner’s interaction with six police officers, including Officer Pantaleo – the officer who put Garner in a chokehold.

**Procedure**

Once interviewers arrived to a door with a NY registered voter willing to participate, they were instructed to read each survey question verbatim, while a scribe documented respondents’ answers and made any additional notes. During the course of the survey, respondents were shown a 51-second video, with audio, of Eric Garner’s interaction with the police. The video was shown to respondents on the interviewer’s laptop or tablet. Before showing the clip, respondents were warned of the potentially violent content and were told they could stop the film at any time. If this was the case, interviewers noted video stop time. If respondents asked not to see the video, interviewers made a note and indicated video stop time at 00:00. After interviewers completed the survey, respondents were asked if they had any further remarks on the topic. Once questions were addressed and remarks noted, respondents were given a copy of the consent form with the project coordinator’s contact information. The Institutional Review Board approved this study. All procedures were carried out as outlined in the approved protocol.

**Quantitative and Qualitative Analyses**

The survey data were entered into Qualtrics Software, and analyzed using a mixed-methods approach. SAS 9.4 and Dedoose 7.0.21 were used for the quantitative and qualitative analyses, respectively. Based on the 119 participants, response frequencies were conducted for survey results and Pearson chi-squared tests were used to determine any significant differences by sex, race, or whether the respondent lived in the NYC metropolitan area or upstate. Differences in age were determined by a t-test. If differences were found to be significant among these demographic categories, the relative risk was calculated and reported as relevant. The responses to the final question in the survey were re-categorized into a new variable due to the fact that many respondents chose their own solutions to Governor Cuomo’s
propose. The new variable was able to describe whether respondents were supportive of stricter measures than proposed or were content with the current judicial system. Open-ended questions in the survey were analyzed using a qualitative content analysis to determine what factors respondents considered in their responses to the main questions of interest. Coders conducted a Kappa test to determine intercoder reliability, (kappa = 0.84).

Results

Descriptive Survey Results

A total of 1313 households were visited to acquire our sample of 119 respondents; a majority of knocks were unanswered or did not have someone in residence at the time of visit (58.1%). Of the 550 households that answered the door, 10.7% did not have a NYS registered voter in the household, and more than half of the households with a registered voter (67.6%) declined to be interviewed.

Table 1 shows the demographic characteristics of the 119 respondents who were interviewed. The majority of respondents were men (54.2%) though this was not statistically significant, lived in the NYC metropolitan area (69.8%), and tended to be older, with a mean age of 50.5 years (95% CI: 47.1, 53.9). More than half of the respondents self-identified their race as White (58.0%), followed by Black/African American (21.0%), Latino/Hispanic (12.6%), Asian (5.9%), Middle Eastern (1.7%), and Other (0.8%).

Table 2 summarizes the survey responses. Most respondents were both familiar with the Eric Garner incident (84.9%) and had seen video footage (73.7%) prior to being interviewed. A quarter (25.2%) of respondents declined to watch the video during the interview and a small minority of respondents (1.7%) stopped before completion. The most common reason given for declining to watch the video was that people had already seen it, or were already familiar with the Garner incident. Women were 2.32 (94% CI: 1.17, 4.60) times more likely to be willing to be shown the video by interviewers than men.

Figure 2 displays respondents’ opinions of officer indictment in Garner’s case. Before viewing the video, the majority of respondents indicated that the officers should face trial (57.4%), a quarter of respondents indicated that they did not know what should happen (27.8%), a minority did not think the officers should face trial (13.0%), and a few declined to respond (1.7%). Of the 119 respondents, 86
(72.3%) agreed to watch the Eric Garner video and were asked again whether the officers should be indicted. Of the 86 respondents, 61 (70.9%) did not change their opinion after watching the video. Of the 25 (29.1%) respondents that changed their opinion after watching the video, the majority (72.0%) changed their responses from either ‘No’ or ‘Don’t Know,’ to ‘Yes,’ the officers should have faced trial, while only a handful changed their mind in another direction. Before watching the video, Black respondents were 1.35 (95% CI: 1.14, 1.59) times more likely state that officers in the Garner case should face trial than non-Black respondents. Before watching the video, White respondents were 0.59 (95% CI: 0.36, 0.99) times less likely to state that officers in the Eric Garner case should face trial than Black or other race respondents.

More than half of respondents agreed (57.1%) with the Governor’s proposed reform to appoint a special prosecutor in cases where a grand jury is delayed or fails to indict police officers involved in the deaths of unarmed civilians. Some stated that they disagreed with the reform and that the process should stay as is (i.e. there should be no special prosecutor, 11.8%) and several disagreed, stating that every case should go to trial (7.6%). No respondents agreed with the statement, “police should never be tried for deaths occurring on the job.” Other opinions were given by 24 of the respondents, in which the most common responses were that a special prosecutor should be assigned on a case-by-case basis (nine respondents), conducted by a third-party other than the State (eight respondents), or another response (seven respondents). When considering whether responses to this question called for stricter measures for police to face trials or for the status quo, we observe that over three-quarters of all respondents (75.6%) wanted some greater measure of accountability for the police force.

Qualitative Analysis

To gain a deeper insight into the reasons behind respondent answers, interviewers posed an open-ended question asking for the top reasons or the thought processes in considering whether or not the officers in Eric Garner’s case should face trial. The most common considerations in order of frequency stated were: 1) whether excessive force was used by police officers; 2) the degree to which the individual resisted arrest; 3) abuse of police power; and 4) racial dynamics. Other justifications mentioned included
not having enough evidence to make a conclusion based on the video alone and sympathy for the difficult working conditions of police officers.

For many respondents, the physical force police used on Eric Garner was the deciding factor. One respondent said: “The police escalated it and it was unnecessary. They were out to get him. The chokehold was absolutely terrible. They could have de-escalated the situation. He was backing off and was not being aggressive.” The level of appropriate police aggression was often associated with the severity of the suspected crime. For example, many respondents felt that the level of force was not appropriate given the relatively mild nature of the crime (selling “loosies” or loose cigarettes). Respondents also stated that the use of excessive force was indicative of the arresting officers’ lack of concern for the arrestee’s well-being.

Resisting arrest was the second most common factor respondents mentioned when considering whether the arresting officers should face trial or be charged. Of the respondents who stated that Eric Garner resisted arrest, responses were divided as to whether or not the degree of resistance warranted more aggressive action – or force. For example, one respondent said: “When law enforcement is confronting someone it is conceivable for them to use force if the person they are confronting is resisting them.” Respondents who stated that the police officers should not face trial most often stated that Garner was resisting arrest in the video.

The idea of police privilege – hiding actions behind the badge – influenced many respondents’ decisions. Several respondents felt that the police should be held accountable the same way civilians are in cases of abuse. For example, one respondent stated, “They killed a man. They choked him with their bare hands and get away with it. How? Aren't police supposed to be people too? Why aren't they on trial?”

The issue of Eric Garner’s race came up frequently when respondents discussed whether the police should go to trial or be charged. One woman said: “People of color bring out the worst in police officers and face things that me as a White woman would never have to deal with.” Another respondent shared: “…You know and it's even worse for people of color. And I think the media is slowly been picking
up on more and more of these cases, maybe it’s because they’re happening more, but I think it’s just because we’re more aware of it. And it makes sense that people are angry, you know?” People acknowledged the role racism could play in police interactions with civilians, with many placing the blame on the police.

Our analysis further explored the relationship between factors associated with changes in respondents’ opinions before and after watching the video. For those respondents who changed from “Don’t Know” to “Yes,” the police should face trial, the use of excessive force was frequently mentioned as an explanation. One respondent said, “What’s most important is looking to see if there was unnecessary force used... I think there should have been an investigation for that one officer who grabbed him around the neck.” Of note, this was the only category of respondents (those who changed from “Don’t Know” to “Yes”) that cited loss of life, abuse of power, and severity of crime as factors they considered when explaining their thoughts as to why arresting officers should face trial. One respondent commented, “It is a life, whether using force or not.” Another respondent said, “There’s a lot of training officers get that teaches them how to deal with situations like this. This is power abuse. It should go to trial, and I would say that even if the police officer were a family member.” Other factors the aforementioned respondents considered while watching the video included: lack of adherence to protocol, resisting arrest, negligence of officers, and self-defense.

**Discussion**

The topic of police violence has dominated the mainstream American conversation in recent years, as the proliferation of smart phones has afforded average citizens the ability to document police-civilian interactions. Although there is inconsistent data as to whether the frequency of police violence towards people of color has risen, the increased media attention has made it a focus of national debate. Understanding the impact of media and the increased availability of immediate and unfiltered visual images on Americans’ perceptions of police-civilian interactions is important for influencing political change and furthering social justice.

One aim of this study was to investigate whether video footage of police brutality would have an
effect on people’s opinions regarding the indictment of police officers. Prior to watching the film, 86 respondents were split as to whether or not the officers involved in Eric Garner’s death should face trial (51.2% in favor; 48.8 against, unsure, or declined to respond). After watching the film, 44.19% of respondents initially not in favor of indictment stated that police officers should face trial. Watching the clip of Eric Garner’s arrest increased the percentage of respondents who wanted indictment (73.3% post-video). A minority (16.3%) agreed with the position reached by the Staten Island grand jury (ruling: Officer Pantaleo cleared of charges).

We have already seen the significant impact of filming police violence/brutality in the news. In November 2015, video footage of White police officer Jason Van Dyke shooting African American teenager Laquan McDonald 16 times caused widespread protests. The video was a key tool in sentencing Van Dyke for first-degree murder, a very rare charge for an American police officer (Guarino, Lowery, & Berman, 2015). Additionally, evidence shows that individuals judge police brutality differently depending on their background, socioeconomic status (SES), race, and experiences, and a high degree of ambiguity around these events allows for personal interpretations. Video footage, however, provides sensitive and emotionally complicated details of events that are otherwise difficult to talk about in common discourse and may help people clarify their opinions (Rouse, 2013).

The results indicate there may be some utility for video in helping people form opinions; however, these findings are limited due to the widespread prior exposure of this footage in the population. Respondents who were already familiar with footage from the Eric Garner case were very unlikely to change their mind after seeing the video. It is possible that their previous exposure to the footage had already hardened their opinions, or that the video in fact had little to no effect on changing people’s minds on the issue. Another possibility is that respondents who were willing to be interviewed were those who already had strong opinions on the matter, and therefore were less likely to have their minds changed about whether the officers should be indicted, regardless of what was shown.

Another aim of this study was to gauge the views of NYS voters regarding Governor Cuomo’s decision to appoint a special prosecutor in cases of a civilian death at the hands of police. Only a minority
of respondents thought the prosecutorial process should remain as is, and none believed that police should never face trial for civilian deaths occurring on the job. There is support for the Governor’s reform among NYS voters, albeit with caveats. Several respondents expressed distrust in a state-appointed special prosecutor, preferring instead for an outside federal or civilian entity to hold responsibility. Given the support this measure holds, moving forward, Governor Cuomo and the NYS legislature should continue to consider ways to increase accountability and oversight of the police. New York City recently established an Inspector General’s office in 2013 with powers to identify issues, investigate policies, and make recommendations. However, there is still room to grow in the implementation of these recommendations, such as standardizing use-of-force policy and reporting, and expanding the influence of the NYC Civilian Complaint Review Board (Peters & Eure, 2015).

Several limitations should be noted in the interpretation of our results. Foremost, our small sample size reduces our ability to make statistically significant conclusions. The low response rate (9.06%), while similar to recent public opinion surveys in the United States (Kohut, Keeter, Doherty, Dimock, & Christian, 2012), is quite low and likely reflects self-selection bias in the respondents, as those with strong opinions were possibly more likely to agree to be interviewed. The demographic breakdown of our sample was compared to characteristics of NYS voters from the 2014 Census data, and publicly available voter registration data (NY Government, 2015), and differences may be reflected in our results. Our sample tended to be younger and with a male predominance than is representative of the population. This may skew the results towards greater support for indicting the officers, as other polls have shown that people under 30 years of age were more likely to believe that the Eric Garner grand jury reached the wrong decision. Likewise, the study results may more likely reflect the opinions of minorities (Black, Asian) and less of White voters, as the proportion of White voters was nearly 20% less than that of registered voters and may also skew towards indictment (Doherty, Motel, & Weisel, 2014). Voters in the NYC metropolitan area and those upstate were sampled proportionately to actual voter distribution. Gender bias may also be present, as female respondents were more than twice as likely to be willing to watch the Eric Garner video. While this bias in response was not evident in responses to whether officers
should have been indicted or not, women were more likely to support the Governor’s plans for reform than men (RR = 1.55, 95% CI: 1.01, 2.37).

Despite these limitations, this survey reveals two important points. First, there is difficulty in determining the direct effect videos of police violence have on public opinion due to widespread exposure through social media. Any future attempts to isolate this effect should concern themselves with how much time has passed since the incident in question. The role of video footage in shaping public opinion is still unknown for this study. Secondly, a majority of NYS voters are supportive of the appointment of a special prosecutor in cases of civilian deaths by the police, a point that has not been demonstrated by other public opinion polls to date.

**Conclusion**

There is enough evidence to support the commonly held belief that Black men are more often profiled and disproportionately harmed by police officers (Miller et al, 2016). In fact, the lack of complete and accurate datasets implies a significant underestimation (Rosenfeld, 2015). Increasingly obvious and injurious racial bias has polarized and reduced much of the United States population to either support pro-Black lives or pro-police. This study presents the opinions of a group of NYS voters who overwhelmingly believe that there is a need for reform of the judiciary system that tries and indicts police officers. Given our sampling methodology, it is unlikely that our study selected for voters that were more likely to be more pro-Black lives than pro-police. Future research into respondents’ own relationship with the police may give further insight. In fact, the qualitative analysis illustrates the complicated nature of voters’ opinions on this topic; a fact that is decidedly absent from the more reductionist mainstream conversations. These narratives typically characterize individuals who advocate for Black lives and therefore against police officers themselves, rather than recognize the complexity of institutionalized racism and the ways in which officers are complicit in upholding injustice. Additional studies would also be helpful in determining the impact of how video of these incidents affect public opinion. This research could inform future discussions regarding issues such as police body cameras and proposed system reforms. Given the polarized state of the nation surrounding what many characterize as state sanctioned
violence against marginalized populations, it is imperative that policy and lawmakers generate legislation
that is consistent with the opinions of their constituency, and recognize that a significant proportion want
to hold law enforcement officers accountable for their actions.
References


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<table>
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<tr>
<th>Variable</th>
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<th>NYS-Wide Registered Voters (%)</th>
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<td>Gender</td>
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<td></td>
</tr>
<tr>
<td>Male</td>
<td>64 (54.2)</td>
<td>45.5*</td>
</tr>
<tr>
<td>Female</td>
<td>54 (45.8)</td>
<td>54.5*</td>
</tr>
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<td></td>
</tr>
<tr>
<td>Age</td>
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<tr>
<td>18 – 24 years</td>
<td>3 (2.5)</td>
<td>9.1*</td>
</tr>
<tr>
<td>25 – 34 years</td>
<td>26 (22.0)</td>
<td>15.0*</td>
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<tr>
<td>35 – 44 years</td>
<td>32 (27.1)</td>
<td>14.8*</td>
</tr>
<tr>
<td>45 – 65 years</td>
<td>38 (32.2)</td>
<td>36.5*</td>
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<tr>
<td>&gt; 65 years</td>
<td>19 (16.1)</td>
<td>24.6*</td>
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<tr>
<td>Race</td>
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<td>25 (21.0)</td>
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<tr>
<td>White</td>
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<tr>
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<td>Asian</td>
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<td>Middle Eastern</td>
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<td>--</td>
</tr>
<tr>
<td>Other</td>
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<tr>
<td>NYC Metro Area</td>
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<tr>
<td>In Area</td>
<td>83 (69.8)</td>
<td>67.6**</td>
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<tr>
<td>Outside Area</td>
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<td>32.4**</td>
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<td>Time Living in Location</td>
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<td>0 – 5 years</td>
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<tr>
<td>6 – 10 years</td>
<td>16 (13.7)</td>
<td>--</td>
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<tr>
<td>11 – 15 years</td>
<td>13 (11.1)</td>
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<td>16 – 20 years</td>
<td>20 (17.1)</td>
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<tr>
<td>21 – 25 years</td>
<td>8 (6.8)</td>
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<tr>
<td>26 – 30 years</td>
<td>16 (13.7)</td>
<td>--</td>
</tr>
<tr>
<td>&gt; 30 years</td>
<td>14 (12.0)</td>
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*From 2014 Census Data of Registered Voters

**From 2015 Voter Registration Data from NYS Board of Elections
Table 2  
*Response Frequencies of Survey Questions*

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>Frequency</th>
<th>Percent</th>
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<tr>
<td>Heard of Eric Garner prior to interview?</td>
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<tr>
<td>Yes</td>
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<td>84.9</td>
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<td>No</td>
<td>17</td>
<td>14.3</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>1</td>
<td>0.8</td>
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<tr>
<td>Seen footage prior to interview?</td>
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<tr>
<td>Yes</td>
<td>87</td>
<td>73.7</td>
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<td>No</td>
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<td>24.6</td>
</tr>
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<td>Don’t know</td>
<td>2</td>
<td>1.7</td>
</tr>
<tr>
<td>Missing</td>
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<td></td>
</tr>
<tr>
<td>Should officers in Garner incident face trial?</td>
<td>115</td>
<td></td>
</tr>
<tr>
<td>(Before viewing video)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>66</td>
<td>57.4</td>
</tr>
<tr>
<td>No</td>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td>Don’t Know</td>
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</tr>
<tr>
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<td>1.7</td>
</tr>
<tr>
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<tr>
<td>Viewed Video</td>
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<tr>
<td>Yes (full)</td>
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<td>73.1</td>
</tr>
<tr>
<td>Yes (partial/stopped)</td>
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<td>1.7</td>
</tr>
<tr>
<td>No</td>
<td>30</td>
<td>25.2</td>
</tr>
<tr>
<td>Should officers in Garner incident face trial?</td>
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<td></td>
</tr>
<tr>
<td>(Post-viewing video)</td>
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<tr>
<td>Yes</td>
<td>74</td>
<td>71.2</td>
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<td>No</td>
<td>16</td>
<td>15.4</td>
</tr>
<tr>
<td>Don’t Know</td>
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<td>11.5</td>
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<td>Declined to Answer</td>
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<td>1.9</td>
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<tr>
<td>Missing</td>
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<tr>
<td>Change in Opinion after watching video</td>
<td>86</td>
<td></td>
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<tr>
<td>Yes</td>
<td>25</td>
<td>29.1</td>
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<tr>
<td>No</td>
<td>61</td>
<td>70.9</td>
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<tr>
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<td>33</td>
<td></td>
</tr>
<tr>
<td>Should the Governor’s reform be permanent?</td>
<td>119</td>
<td></td>
</tr>
<tr>
<td>Yes, I agree this reform should be permanent</td>
<td>68</td>
<td>57.1</td>
</tr>
<tr>
<td>No, it should stay as it is and there should</td>
<td>14</td>
<td>11.8</td>
</tr>
<tr>
<td>be no special prosecutor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No, every case should go to trial</td>
<td>9</td>
<td>7.6</td>
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No, police should never face trial for deaths occurring on the job 0 0

Other - Case by case basis 9 7.6
Other - Support special prosecutor, but distrust State 8 6.7
Other - Varies from aforementioned responses 7 5.9
Don’t Know 2 1.7
Declined to Answer 2 1.7

Agree Governor’s Proposal 119
Yes 68 57.1
No 51 42.9

Stricter measures for police to face trials in cases of deaths on the job 119
In favor 90 75.6
Opposed 29 24.4
Figure 1

Respondents’ opinions on officer indictment before and after viewing the Eric Garner arrest video
### Appendix 1

*The Aftermath of the Death of Eric Garner - A Compiled Timeline*

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 18th 2014</td>
<td>During a press conference alongside New York City Mayor Bill de Blasio, Staten Island District Attorney Daniel Donovan states that he will be doing a “complete and thorough investigation into the circumstances surrounding Mr. Garner’s death” (“Mayor hold press conference,” 2014).</td>
</tr>
<tr>
<td>July 19th 2014</td>
<td>Officer Pantaleo is stripped of his handgun and badge and Officer Justin Damico, the other undercover officer to originally confront Mr. Garner, is taken off of foot patrol. Both men continue to receive their salaries (“Timeline,” 2014).</td>
</tr>
<tr>
<td>July 21st 2014</td>
<td>New York news media reports that all EMS workers who responded to the call are suspended without pay after originally being put on modified duty (Siff, 2014).</td>
</tr>
<tr>
<td>July 22nd 2014</td>
<td>Commissioner Bratton announces that the entire NYPD will be re-trained in use of force “in the coming weeks, months, and years ahead” (Linton, 2015).</td>
</tr>
<tr>
<td>July 25th 2014</td>
<td>Eric Garner’s family announce that they are requesting that the federal government conduct a civil rights investigation (Solis, 2014).</td>
</tr>
<tr>
<td>August 1st 2014</td>
<td>The New York City Medical Examiner’s Office concludes that Garner died due to a chokehold complicated by obesity and asthma. His cause of death was ruled a homicide (“Timeline,” 2014).</td>
</tr>
<tr>
<td>August 13th 2014</td>
<td>A group of six New York City federal lawmakers echo calls for the Justice Department to open an investigation.</td>
</tr>
<tr>
<td>August 19th 2014</td>
<td>The District Attorney tells the media that Mr. Pantaleo will face a grand jury to determine whether there is sufficient evidence to bring the officer to trial.</td>
</tr>
<tr>
<td>September 29th 2014</td>
<td>The grand jury begins hearing evidence. Over the course of the proceedings sixty exhibits are submitted and testimony is heard from fifty witnesses including civilians, police officers, and medical personnel (Parascandola and Mchane, 2014).</td>
</tr>
<tr>
<td>October 7th 2014</td>
<td>The Garner family files a claim of intent to sue the city over the arrest and subsequent death of Eric Garner.</td>
</tr>
<tr>
<td>December 3rd 2014</td>
<td>The grand jury declines to indict Officer Pantaleo. All other personnel involved had been given immunity as part of the grand jury proceedings.</td>
</tr>
</tbody>
</table>
| December 4th 2014 | New York Governor Andrew Cuomo promises legislative action to address ...

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“the grand jury process.”
Per an application to the court by District Attorney Donovan, Judge Stephen Rooney authorizes the release of limited facts concerning the types of evidence the grand jury reviewed.

December 8th 2014 New York Attorney General Eric Schneiderman requests that the Governor empower him to investigate and prosecute cases of potential police wrongdoing which result in civilian deaths (New York State Executive Government, 2014).

December 10th 2014 A coalition including the New York Civil Liberties Union, Legal Aid Society, Public Advocate's office, New York Post and the National Association for the Advancement of Colored People, petitions for the release of redacted testimony, instructions given to the grand jury, a list of evidence presented and physical and documentary evidence (“Application for Disclosure of Transcripts,” 2014).

February 17th 2015 New York State Chief Judge Lippman calls for judges to oversee grand jury proceedings that involve police wrongdoing and civilians. Currently, the prosecutor runs the proceedings and is responsible for educating jurors on the law and presenting all incriminating and exculpatory evidence.

March 19th 2015 Supreme Court Judge William Garnett weighs the arguments presented by the petitioning coalition and refuses to release additional grand jury documents. District Attorney Donovan had asked that testimony and other documents remain sealed (Associated Press, 2015).

April 20th 2015 The state appeals court approves a motion to expedite the appeals process concerning the unsealing of grand jury documents (Hogan, 2015).

May 5th 2015 The coalition petitioning for the unsealing of grand jury documents formally launches an appeal (Rizzi, 2015).

Staten Island District Attorney Daniel Donovan wins a special election to take Michael Grimm’s seat in the US House of Representatives after Grimm resigns following a tax fraud conviction. Donovan easily carries New York’s 11th District (Staten Island and parts of Brooklyn) with 60% of the vote (Burns, 2015).

July 8th 2015 Governor Cuomo signs an Executive Order appointing Attorney General Schneiderman as special prosecutor in cases where law enforcement officers are involved in the deaths of civilians.

July 13th 2015 The City of New York agrees to settle the $75 million dollar lawsuit brought by the Garner family for $5.9 million.

July 26th 2015 A panel of NYS appellate judges upholds previous rulings on the sealed grand jury documents. The court finds that the petitioners failed to build a compelling case as to why the law, which requires that all grand jury proceedings be strictly secret, should be countermanded. Letitia Jones, the NYC Public Advocate, vows to lodge another appeal (Volokh, 2015).
January 8th 2016  Sergeant Kizzy Adonis is served four counts of “failure to supervise” by the NYPD regarding her role in the arrest of Eric Garner. She is stripped of her badge and gun, but will not face a departmental trial until the federal investigation is complete. As of writing she is the only officer to face any formal charge of wrongdoing (Baker, 2016).

February 10th 2016  A federal grand jury charged with determining whether there is enough evidence to issue a civil rights charge in the killing of Eric Garner begins hearing evidence. As of writing the jury is still in session (Feuer and Apuzzo, 2016).

July 6th 2016  Ramsey Orta, a friend of Eric Garner who filmed the arrest and submitted it to the Daily News, announces that he will plead guilty to weapons and drug charges. Orta alleges the charges are part of a campaign of harassment and retaliation carried out over the past two years by the NYPD for his role in documenting Garner’s death. He will likely serve four years in a prison in upstate New York (Jacobs, 2016).

References for Eric Garner Timeline

Application for the disclosure of transcripts of the grand jury proceedings relating to the death of Eric Garner. Supreme Court of the State of New York in Richmond County. New York Civil Liberties Union (December 10, 2014)


Appendix 2

New York Statewide Survey Questionnaire

The following set of questions are about your access to information regarding the Eric Garner incident.

As I had mentioned, in Staten Island, a man named Eric Garner was arrested by a team of officers last year. During the arrest, one of the officers used a maneuver that involved placing his arm around Eric Garner's neck. Eric Garner lost consciousness during the arrest and died.

B4. Prior to being contacted by our team for this interview, were you familiar with the Eric Garner incident?
   - 1. Yes
   - 2. No
   - 98. Declined to answer
   - 99. Don’t know

B1. Have you seen any video footage of the incident?
   - 1. Yes
   - 2. No
   - 98. Declined to answer
   - 99. Don’t know

B2. Based on what you have seen or heard, do you think any of the officers involved in this incident should have faced a trial?
   - 1. Yes
   - 2. No
   - 98. Declined to answer
   - 99. Don’t know

Now I am going to show you a video of the arrest, and then ask you a couple of questions afterwards. Just to remind you, this video does show violence and if you want me to stop the video, please say so.

[Show video. If video is stopped, record time _______________]
[Ask respondent if they would like to take a short break or if they are ready to continue]

B3a. After seeing this video, do you think any of the officers involved in this incident should have faced a trial?
   - 1. Yes
   - 2. No
   - 98. Declined to answer
   - 99. Don’t know

B3b. Please understand, I am asking everyone this next question no matter what they have said. Can you tell us in a few words, the things that are most important to you when considering whether the officers involved should go to trial or have charges brought against them? Feel free to share any experiences or values that influence your thinking.
B5. To give you a bit of background, a Grand Jury determines whether or not a case goes to trial, not whether or not a person is convicted. In situations where the Grand Jury is delayed or fails to bring the case to trial, the Special Prosecutor would independently review the case.

Because of the Eric Garner case last summer, Governor Cuomo signed an Executive Order temporarily appointing the New York State Attorney General as a Special Prosecutor in cases where Law Enforcement Officers are involved in deaths of civilians. This year Governor Cuomo asked the State Legislature “to pass a law making this reform permanent.” Based on what you know, do you agree with this proposal of the Governor?

[Read the following answers verbatim. Stop after #4.]

❏ 1. Yes, I agree that this reform should be permanent.
❏ 2. No, it should stay as it is and there should be no special prosecutor.
❏ 3. No, every case should go to trial.
❏ 4. No, police should never face trial for deaths occurring on the job.
❏ 98. [Do not read]. Declined to answer
❏ 99. [Do not read]. Don’t know
[B5a. If “Other: _____________________________________________________________________________]

B6. Do you have any further thoughts or remarks about this topic?