

The myth of the hero cop

By David Feige, Slate

Baltimore's state's attorney, Marilyn J. Mosby, moved quickly in securing indictments against six police officers in the death of Freddie Gray. But getting a grand jury to indict police officers is a lot easier than getting convictions at trial. That's because like any prosecutor trying to hold cops accountable, Mosby will be working on an uneven playing field. To prove her case, she won't just need sufficient evidence. She will also have to overcome a number of deep-seated structural impediments to convicting police officers of crimes—no matter how guilty they are.

It's hard to prosecute cops. There are two main reasons for this: The first is the special deference that jurors, judges, and prosecutors show officers thanks to the widespread perception that they are heroic public figures valiantly trying to protect us. The second is the bevy of special laws around the country that are designed to shield police officers from the very tactics the police regularly use on ordinary suspects. For example, in most states, law enforcement officers cannot be questioned until they have been given a few days to get their stories straight. And many states have passed laws—such as Section 50-a of New York's Civil Rights Law—that are specifically designed to make it almost impossible to obtain or use at trial records of a police officer's prior brutality or misconduct. These two factors can make convicting police officers extremely difficult, and it is no accident; it is the direct result of the sustained effort by police unions to protect officers from even the most deserved discipline or prosecution.

It is far safer to be a NYPD officer than an average black man in Baltimore.

While the rules that unfairly protect the police must be changed, it is also high time to re-examine the foundation of these policies: the public perception—lovingly curated by police unions—of the very nature of police work.

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