

# What Michael Slager's Mistrial Means (And Doesn't Mean)

Jamelle Bouie, a political correspondent at Slate, on Wednesday [claimed](#) this week's [mistrial](#) of a South Carolina police officer means cops can now kill "with impunity."

Here's a summary of the case, which Slate manages to get right:

*Two Aprils ago, Officer Michael Slager [shot and killed](#) Walter Scott, a 50-year-old resident of North Charleston, South Carolina. Slager is white; Scott was black. In the video footage, captured by a bystander on his cellphone camera, Scott can be seen running away from Slager following a brief scuffle. As Scott flees, Slager raises his gun and fires eight times, killing him.*

The story has all the ingredients of a Grisham novel: white cop, black victim, a fleeing suspect, a police force in the Deep South, national media.

Fortunately, video footage gives a pretty clear indication of how the incident began and how the shooting went down. Here is footage from [Slager's dash cam](#); below is footage of the actual shooting (2:35 mark), caught by the bystander.

As a former crime reporter, for me the case is a slam dunk. Slager shot a fleeing unarmed victim in the back, killing him. (He even managed to appear to do it casually, a fact that makes my stomach churn and my blood boil even as I type.) It doesn't matter if the victim had [alcohol and cocaine in his system](#) while driving (a fact you wouldn't get, incidentally, from Bouie's article). Guilty as charged.

As it happens, 11 of the 12 jurors agreed with me. [So did the South Carolina Law Enforcement Officers' Association](#). So did every person I spoke with and every talking head I watched on television.

Alas, the single juror who wrote a note to the judge stating he could not "in good conscience approve a guilty verdict" was enough to foil the prosecution's efforts. We don't know why the juror voted as he did; we may never know.

But if you read Bouie's article you'd think that is the end of things. Slager is off the hook; police officers can kill with impunity.

*We can't look at Slager in isolation, we also have to look at*

*what it means for everyone that the bar for prosecution is so high that an officer could kill a fleeing suspect and still escape legal sanction. It means any officer can kill any American for almost any infraction, and almost always escape punishment.*

Well, not quite. Slager was acquitted of nothing. The state has already announced they will retry Slager.

"We will try Michael Slager again," [said](#) prosecutor Scarlett Wilson.

Kind of an important fact, no?

Yet Slate somehow manages to leave this out of their article, either because Bouie didn't know or because it didn't fit the "cops can now kill with impunity" narrative. Even apart from Slager's case, the narrative is terribly weak; it's built on the supposition that a police officer (or anyone) can reliably predict what a jury will do.

Even the commenters at Slate were immediately onto the charade:

*Cmon. its a mistrial. we're not talking the OJ verdict here. you had 1 participant for jury nullification, not 12.*

And this:

*All of this hysterical nonsense because there was one holdout on the jury that refused to convict?*

Slate's report shows that journalists are not infallible. Guess what? Neither are juries; they are composed of human beings, after all. The system is going to give Slager another go-around with justice. Let's at least see how he fares in round two before we restart the calls to [scrap the jury system](#).

Finally, there's a lesson here. Bad things happen when journalists let a story with the perfect narrative get in the way of key facts.

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