

CD-CAAR

Comm. on Police + Racial Violence

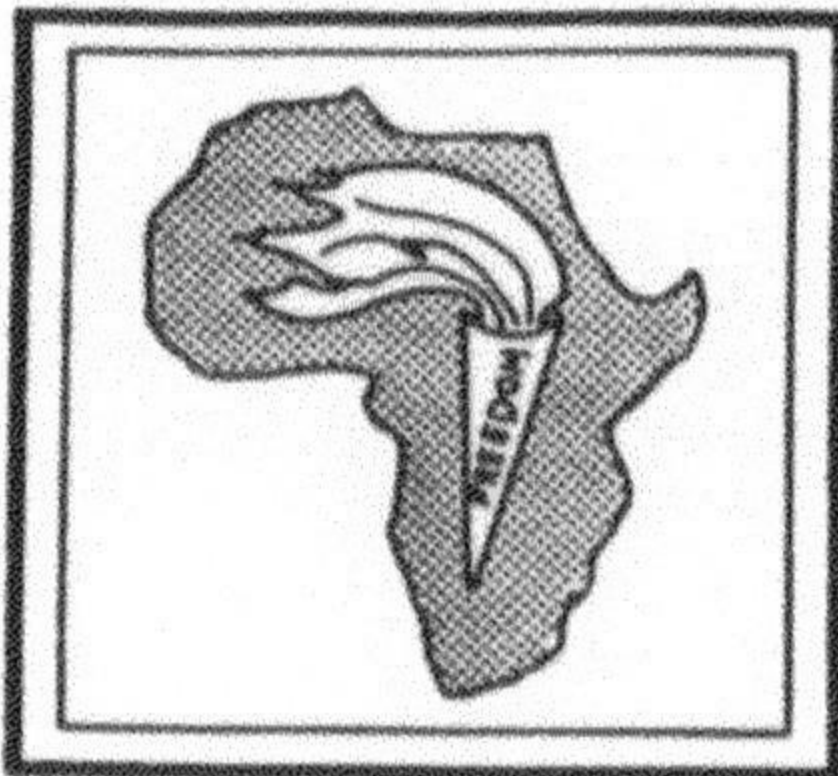
These are very limited papers  
for a short period when I  
worked actively on this committee.

There were other people  
and various formations which  
continued this work after 1987

Vicki Smith  
Mark Mishler  
Merton Simpson  
all played key roles

Ellen Kessler





**Capital District Coalition  
Against Apartheid  
and Racism**

Box 3002 - Pine Hills Station  
Albany, NY 12203

May 22, 1987

Dear Brothers and Sisters,

We are writing to you because you have expressed an interest in the work of the Capital District Coalition Against Apartheid and Racism on the issue of police and racial violence in Albany. (Our immediate concern at this time is the McKeever case - see enclosed flier.) In this letter we will summarize our work to date, layout our analysis and goals for this period and present our plans for the future.

On Tuesday, March 24, 1987, the Coalition held a forum on racism and violence which over 150 people attended. The goals of the forum were:

1. to provide information to the community about police and racial violence in Albany and the United States.
2. to draw the linkage between racism in South Africa and the United States
3. to create an atmosphere where concerns and issues about police and racial violence can be raised, and
4. to work toward police accountability to the community.

New York State Assemblyman Roger Green and NAACP Representative Alice Green presented historical and current information about police and racial violence and drew the linkages. Community representatives, Don McKeever, Kim Russell and El Wise challenged the atmosphere of repression and fear under which citizens of Albany's minority communities live. They told of the police and racial violence inflicted on their families. They named the names of police officers involved. They asked the community to never again let an individual, a family, suffer from and then stand alone against illegal police activities. Overall, the forum moved us forward in creating an atmosphere where concerns and issues about police and racial violence can be raised, but there is still much to do.

In order to be able to hold the Albany police accountable to the community, we must develop a strong community united and organized against police and racial violence. In order to develop a united and organized community, we must continue to create an atmosphere where people are safe and supported in speaking out against this violence. We see the creating of this atmosphere as the key step at this phase of developing our community movement against police and racial violence and are therefore directing our present efforts toward that goal.

On Tuesday, May 26, 1987, Don And Barbara McKeever will take their law suit against the Albany Police Department back to court. We are organizing around the case to offer support to the McKeever family, to take a stand against police and racial violence, and to let members of the community know that they can take action and they will be supported. We plan to involve organizations and individuals in these efforts.

(over)



During the summer, we also plan to do educational work with the Legal Redress Committee of the NAACP on what to do if arrested or stopped by the police. We will continue to press for a viable Community Police Relations Board. As well, there may be additional support work around other police abuse cases.

At present, there are many areas of work in which you can participate. The committee needs your help planning and co-ordinating support work for the McKeever case. If your time is limited, there are always specific short term tasks which you can do such as phoning people to inform them of the trial, postering or handing out flyers or attending the trial for an afternoon.

Your help is crucial, not only in the immediate work around the McKeever case, but, overall, to bring an end to police and racial violence. The next Coalition meeting is Thursday, May 28, 1987 at 7:30 p.m. at the Urban League, Livingston and Ten Broeck in Albany. If you are not able to attend but can work with the committee or would like more information, please feel free to contact us at 463-4654 or 438-0309.

Sincerely

*Odell Winfield*  
*Eileen Kawola*

Odell Winfield  
Eileen Kawola  
Co-chairs, Committee on  
Police and Racial Violence





**Capital District Coalition  
Against Apartheid  
and Racism**

Box 3002 - Pine Hills Station  
Albany, NY 12203

June 7, 1987

Dear Brothers and Sisters,

We are writing to remind you that the lawsuit of Don and Barbara McKeever against the Albany Police Department is now in court. We are organizing around the case to offer support to the McKeever family. (See attached flier for details of the case)

One of the outcomes of the Forum on Racism and Violence, which was sponsored by the Coalition in March of this year, was the decision to take a stand against police and racial violence. One of the most immediate and clearest ways we can do this is to rally community support for those who take a stand when their rights have been violated. A strong, united community is needed if we are to create an atmosphere in Albany where people are safe and supported in speaking out against injustice. A strong, united community is needed if we are to hold the Albany Police Department accountable to the people.

The McKeever lawsuit is being heard in Federal Court. This court is located in the downtown Albany Post Office building (Broadway, Albany) on the fourth floor in Courtroom #1. Normally the proceedings run from 9:30 a.m. to 4:30 p.m. Monday through Thursday. To check to make sure of days and times, call the McKeever's lawyer at 462-6753.

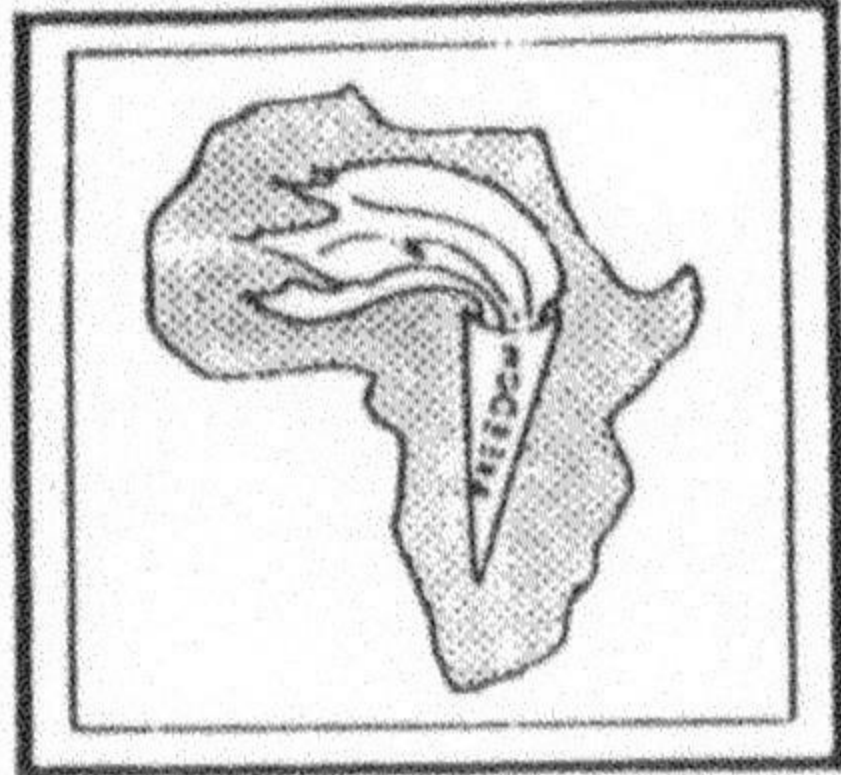
We are asking you to come to court and to encourage the members of your organization to come to court. Since the trial began on May 26, 1987, there have been five to fifteen people in court as observers and in support of the McKevers. Your attendance is strongly urged - now, and when summations are given (probably in another week). We should never again let an individual or a family suffer from, and then stand alone, against illegal police activities.

Sincerely,

*Odell Winfield*  
*Eileen Kawola*

Odell Winfield  
Eileen Kawola  
Co-chairs, Committee on  
Police and Racial Violence





## Capital District Coalition Against Apartheid and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

A Project of the Social Justice Center

August 14, 1987

Committee on Police and Racial Violence

### Basic goals:

1. provide information to the community about police and racial violence in Albany and the United States
2. create an atmosphere where concerns and issues about police and racial violence can be raised
3. work toward police accountability to the community
4. draw linkage between racism in South Africa and the U.S.

Dear Brothers and Sisters,

- At our last meeting on July 23rd we discussed the following issues:
1. Proposal by Naomi Jaffe for a statewide campaign making demands that New York State be made a sanctuary state for refugees from Central America and a call for a standing special prosecutor for cases of racist violence. We discussed the links between racism in the U.S. and Central America and the ways in which the racism leads to policies of violence. Further discussion on our potential involvement in this campaign is planned
  2. Demand for discipline of Officer Von Dollen Burke as a result of the McKeever case outcome. Mark Mishler will officially present this demand at the next meeting of the Albany Community Police Relations Board in September. Follow up discussion needed to address other ways our committee will deal with this issue.
  3. Brainstorming ideas about ways the community could develop a mechanism for helping people who have trouble with the police. Odell to send out letter to several community groups and individuals who might be willing to work on this project. Report due at next meeting.

All of the above issues need to be discussed at the next meeting scheduled for TUESDAY, AUGUST 25th, 1987 at 7:00 pm at the ALBANY URBAN LEAGUE, LIVINGSTON AND TEN BROECK

This will be an important Fall planning meeting, please try to be there.

In struggle,

Odell Winfield  
Eileen Kawola





**Capital District Coalition  
Against Apartheid  
and Racism**

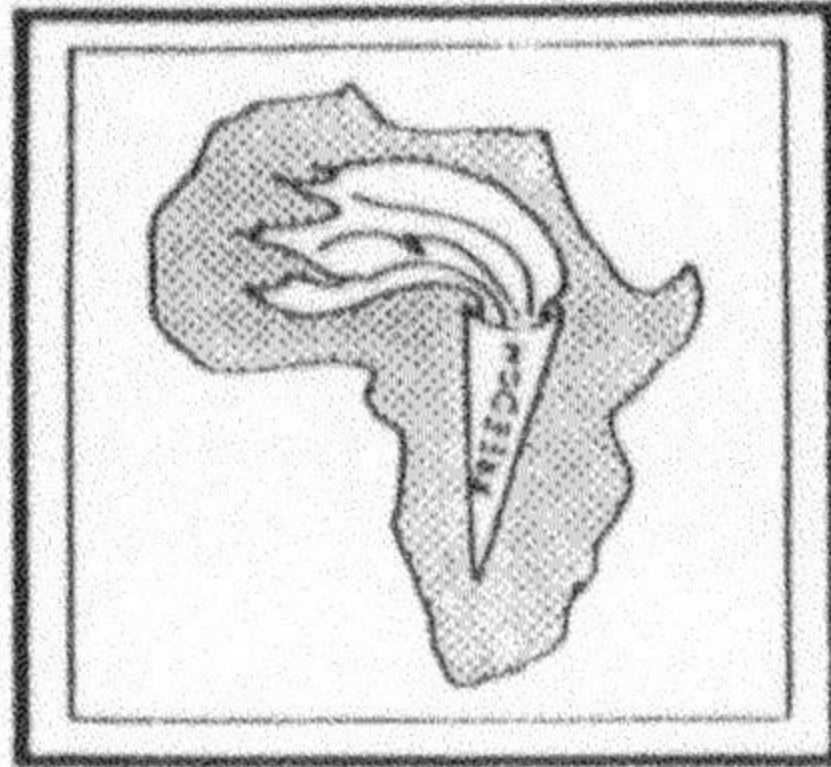
Box 3002 - Pine Hills Station  
Albany, NY 12203

A Project of the Social Justice Center

COMMITTEE ON POLICE AND RACIAL VIOLENCE

Odell Winfield, Apt. C-4, Livingston Village, Albany, New York 12207  
463-4654  
Phyllis Blackwell, 385 Morrisset St., Apt. 34, Albany, New York 12208  
465-3449  
Yvette Scarlett, 80 Clinton Avenue, Albany, New York 12210  
462-0988  
Pat Malone, 205 Lancaster Street, Albany, New York 12210  
436-8219  
Mark Mishler, 58 S. Manning Boulevard, Albany, New York 12203  
438-2845  
Elita Darq, 315 Clinton Avenue, Albany, New York 12210  
463-7649  
Carlotta Brantley, 521 Washington Avenue, Albany, New York 12206  
436-7507  
Cindy Moorcroft, 51 Alexander Street, Albany, New York 12202  
436-7492  
JaBARI Penda, 334 Livingston Avenue, Albany, New York 12206  
463-6003  
Robert L. Temple, 35 Slingerland Street, Albany, New York 12202  
449-3026  
Merton Simpson, 439 Livingston Avenue, Albany, New York 12206  
457-4145 (w)  
Ishmael Muhammed, 56 West Street, Albany, New York 12206  
462-4685  
Barbara Winters, Urban League, Cor. Livingston and Ten Broeck, Albany, N.Y.  
463-3121  
DeWayne Briggs, 259 Clinton Avenue, Albany, New York 12210  
436-8536  
Alex Hanson, 89 Russell Road, Albany, New York 12203  
489-6528  
Mary Boncher, 89 Clinton Avenue, Albany, New York 12210  
436-5425  
Frank Lownes, 1 Providence Place, Albany, New York  
436-0974  
Eileen Kawola, 39 Academy Road, Albany, New York 12208  
438-0309  
Ann Frazier, Columbia Estates, Columbia Turnpike, East Greenbush, N.Y. 12061  
479-3202





**Capital District Coalition  
Against Apartheid  
and Racism**

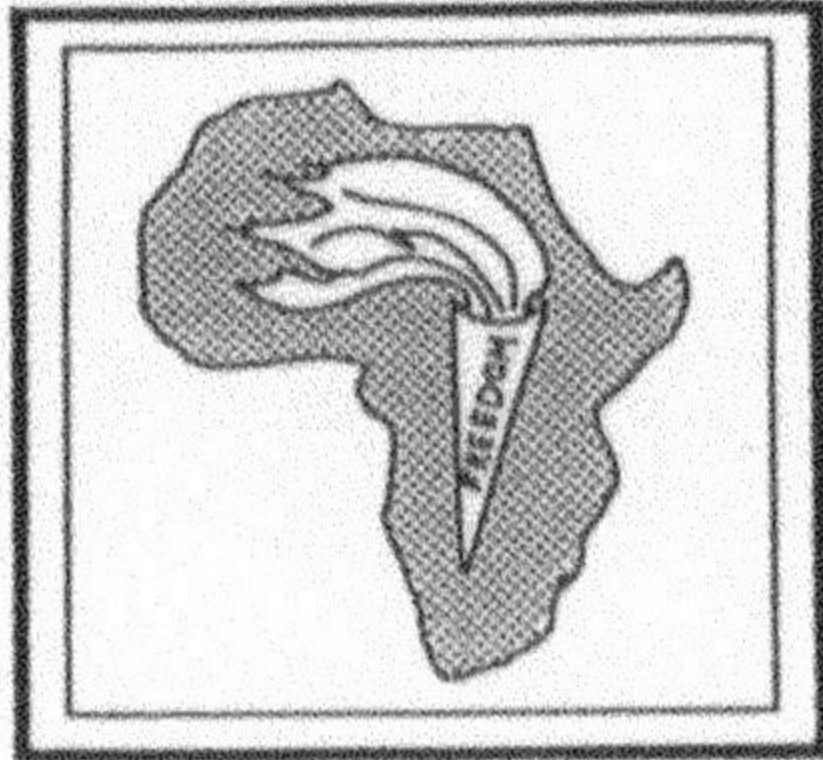
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**A Project of the Social Justice Center**

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Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 4, 1987

The Honorable Roger Green  
New York State Assembly  
New York State Legislature  
Albany, New York 12223

Dear Assemblyman Green:

Thank you for agreeing to participate in our community forum, "Racism and Violence," as a panelist. We are requesting that you present an overview of the escalation of police and racial violence nationally, and particularly in New York State; the struggle to obtain a special prosecutor for the Howard Beach case; the organizing efforts in response to police and racial violence; proposed legislation relevant to these issues; and the linkage between racism here and in South Africa.

The overall goal of this forum is to create an atmosphere where information about racism and violence can be presented to the community.

The format of the program includes your presentation and short presentations by members of the local community who are also serving on the panel, followed by a question and answer period. The forum will begin at 7:00 p.m. at the Arbor Hill Community Center, 50 N. Lark St., Albany on March 24, 1987.

In order to help us build for and promote the event, we would appreciate a biographical sketch and additional information about your involvement in Howard Beach and related incidents. The contact person to arrange for pick up of this information is Odell Winfield at (518) 474-3703.

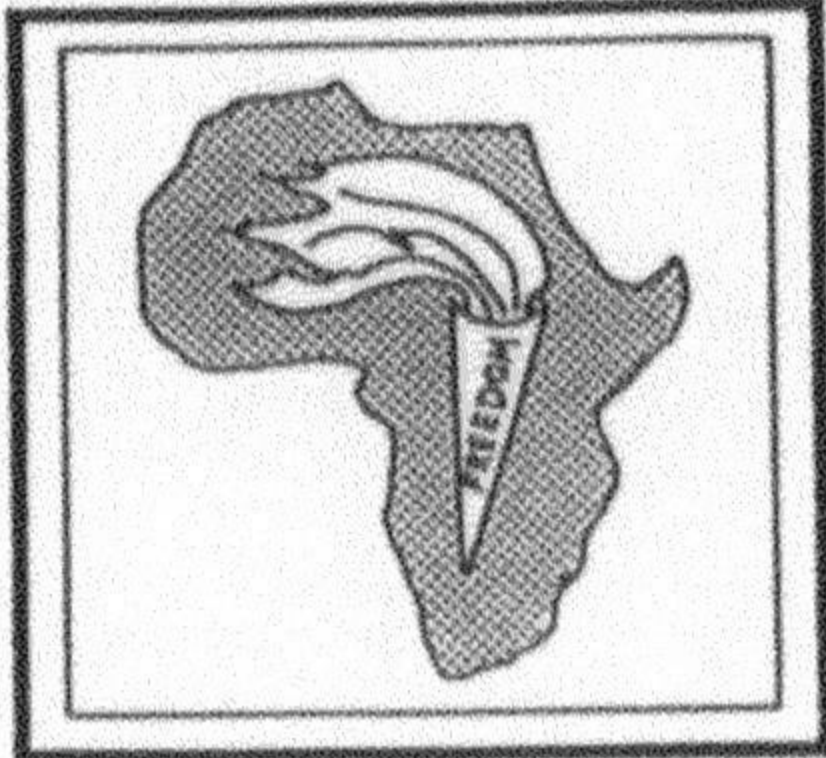
Your assistance in this endeavor is vital to the success of the program.

Sincerely,

*Odell Winfield*  
*Frank Lownes*

Odell Winfield  
Frank Lownes *et*  
Co-Chairs of the Community Forum  
Committee of the Capital District  
Coalition Against Apartheid and  
Racism





**Capital District Coalition  
Against Apartheid  
and Racism**

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 4, 1987

El Wise Noisette  
72 Herkimer Street  
Albany, New York

Dear El Wise:

Thank you for agreeing to participate in "Racism and Violence," a community forum. As a panelist, you will be provided an opportunity to share information about the relationship between the police and the young people of Albany.

The overall goals of this forum are:

1. to provide information to the community about police and racial violence in Albany and the United States,
2. to draw the linkage between racism in South Africa and in the United States,
3. to create an atmosphere where concerns and issues can be raised, and
4. to work toward police accountability to the community.

The format of the program includes short presentations by the panelists followed by a question and answer period. The forum will begin at 7:00 p.m. at the Arbor Hill Community Center on March 24, 1987.

We appreciate your participation.

Sincerely,

*Odell Winfield*  
*Frank Lownes*

Odell Winfield  
Frank Lownes  
Co-chairs of the Community Forum  
Committee of the Capital District  
Coalition Against Apartheid and  
Racism





Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 4, 1987

To Ms. Kim Russell:

Thank you for agreeing to participate in "Racism and Violence," a community forum. As a panelist, you will be provided an opportunity to share your experiences regarding racial violence and the police.

The overall goals of this forum are:

1. to provide information to the community about the police and racial violence in Albany and the United States,
2. to draw the linkage between racism in South Africa and the United States,
3. to create an atmosphere where concerns and issues can be raised, and
4. to work toward police accountability to the community.

The format of the program includes short presentations by the panelists followed by a question and answer period. The forum will begin at 7:00 p.m. at the Arbor Hill Community Center on March 24, 1987.

We appreciate your participation.

Sincerely,

*Odell Winfield*

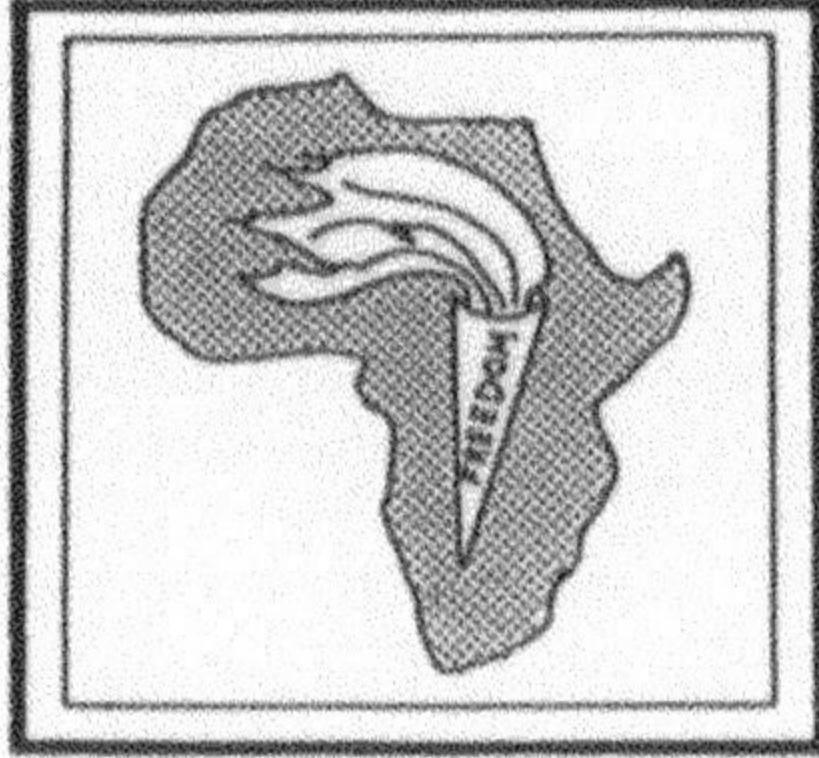
*Frank Lownes*

Odell Winfield

Frank Lownes

Co-chairs of the Community Forum  
Committee of the Capital District  
Coalition Against Apartheid and  
Racism





Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 4, 1987

Ms. Alice Green  
53 Ramsey Place  
Albany, New York 12208

Dear Ms. Green:

Thank you for agreeing to participate in "Racism and Violence," a community forum, as a panelist. We would like you to address the issues of racial violence, police misconduct in Albany and the role of the Community Police Relations Board.

The overall goals of this forum are:

1. to provide information to the community about police and racial violence in Albany and the United States,
2. to draw the linkage between racism in South Africa and in the United States,
3. to create an atmosphere where concerns and issues can be raised, and
4. to work toward police accountability in the community.

The format of the program includes short presentations by the panelists followed by a question and answer period. The forum will begin at 7:00 p.m. at the Arbor Hill Community Center on March 24, 1987.

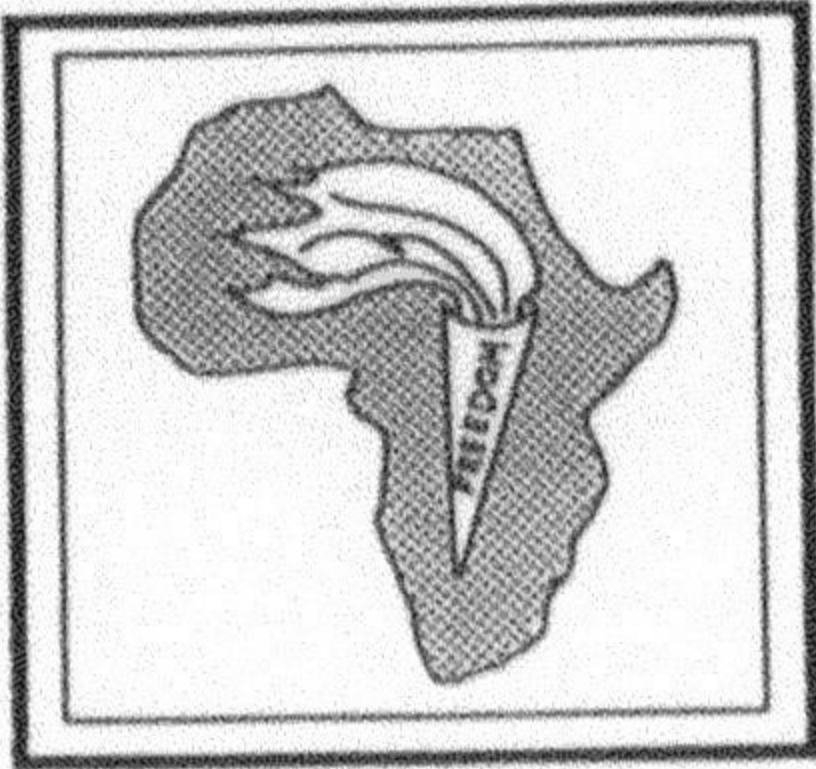
Your assistance in this endeavor is vital to the success of the program.

Sincerely,

*Odell Winfield*  
*Frank Lownes*

Odell Winfield  
Frank Lownes *dk*  
Co-chairs of the Community Forum  
Committee of the Capital District  
Coalition Against Apartheid and  
Racism





Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 4, 1987

Mr. Don McKeever  
123 Livingston Avenue  
Albany, New York 12207

Dear Mr. McKeever:

Thank you for agreeing to participate in "Racism and Violence, a community forum. As a panelist, you will be provided an opportunity to share your experiences regarding racial violence and the police.

The overall goals of this forum are:

1. to provide information to the community about police and racial violence in Albany and the United States,
2. to draw the linkage between racism in South Africa and in the United States,
3. to create an atmosphere where concerns and issues can be raised, and
4. to work toward police accountability to the community.

The format of the program includes short presentations by the panelists followed by a question and answer period. The forum will begin at 7:00 p.m. at the Arbor Hill Community Center on March 24, 1987.

We appreciate your participation.

Sincerely,

A handwritten signature in cursive script that reads "Odell Winfield".

Odell Winfield  
Frank Lownes  
Co-chairs of the Community  
Forum Committee of the Capital  
District Coalition Against  
Apartheid and Racism



PETITION

TO: THOMAS M. WHALEN, III, MAYOR

COMMON COUNCIL, CITY OF ALBANY

WE THE PEOPLE, living and working in the City of Albany, demand that Albany Police Officer Valerie Von Dollen Burke be disciplined.

Officer Von Dollen Burke has twice been found liable in federal court for violating the civil rights of Black citizens of Albany and has twice subjected the City to financial liability for her improper conduct.

In 1984, Federal Judge Roger Miner found Von Dollen Burke liable for assaulting, with a five-cell flashlight, a 51 year old, 4' 11" tall Black woman. Judge Miner awarded \$5,000 against Von Dollen Burke and stated that the physical force used was "unprovoked, unnecessary and clearly excessive. In fact, there was no need for the application of any force whatsoever...."

In 1987, Von Dollen Burke was found liable by a federal court jury for violating the civil rights of the McKeever family by conducting an illegal search of their home in Arbor Hill. Once again, a cash award against her was made.

Twice, Officer Von Dollen Burke has been found to have hurt Black citizens. Twice, the City of Albany has spent taxpayers' money to compensate citizens for the wrongful acts of this officer. And twice, the Police Department has failed to impose discipline on her. In the McKeever case, the Internal Affairs Unit of the Police Department conducted an investigation within a year after the incident, yet did not find any improper conduct on the part of Von Dollen Burke. In fact, the Police Department promoted her.

The Albany Police Department has failed to take disciplinary action against Von Dollen Burke, so it is up to you, the elected officials of Albany, to take action. We, people living and working in Albany, are concerned for our safety and well-being. We are concerned that the failure to discipline Von Dollen Burke will be seen as encouraging similar conduct by other officers.

WE DEMAND THAT ACTION BE TAKEN  
TO DISCIPLINE VON DOLLEN BURKE AND TO PROTECT OUR SAFETY

<u>Name</u>	<u>Address</u>
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
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10.	_____
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12.	_____
13.	_____
14.	_____
15.	_____

PLEASE RETURN PETITIONS BY JANUARY 1, 1988 TO:  
Capital District Coalition Against Apartheid and Racism  
Box 3002 - Pine Hills Station, Albany, NY 12203



Summary - meeting 8/25/87 *B. Winter*  
Police Violence Committee  
Capital District Coalition Against Apartheid

1. We reviewed letter to the Police Community Relations Board requesting action against Valarie Von Dollen Burke, police Officer. We recommend sending a copy to the Mayor with a cover letter requesting his action.
2. We discussed the status of the Police Community Relations Board. It seems that the Mayor has made certain concessions which have renewed the individual commitment to the task. The committee noted that more public relations is needed so that citizens know where and how complaints can be registered. We discussed neighborhood (Arbor Hill) police beats, recent drug busts, and the police department's own public relations which have been most positive in the past several months. One committee member expressed concern over the slow or lack of response to calls for help and the fact that sometimes, reports on complaints are not filed. She talked about the police statistics and the true incidence of crime. Another committee member noted that the community needs both programs and role models, adult males, for its children. Educational thrusts should include not only what to do if arrested, but also civil rights. He said that we should have a pool of lawyers to provide assistance.
3. The need for consistent strategy meetings was cited.
4. We discussed 24 hour, 7 day coverage of a phone line which could be used by citizens. One person noted the time involved for those non profit organizations which already involve themselves in police matters and the fact that most non profits can not keep their doors open 24 hours.
5. Much time was spent on the idea of conducting another forum, to be more public, to get more people involved. Some of the points of the discussion included the fact that we have not fully responded to the tasks outlined out of the forum presented earlier, that we have not fully utilized the volunteers from the last effort, and that perhaps we need to get people to the regular meetings of the police community relations board (third Monday of each month at the Public Library).
6. There will be a unity rally in front of the Street Academy on September 16 at 6:30 on the issue of the school to be sponsored by the Friends of the Street Academy, the Black Power Network, the 5%ers, and the Martin Luther King Study Network. There will also be a fundraiser at Van's on October 3.

We summarized the items to be undertaken now as:

1. beginning work by Barbara and Eileen on the educational piece;
  2. letter to Mayor on Von Dollen Burke with copy;
  3. investigate the possibility of another forum or rally around the results of the McKeever trial; and
  4. publicize our cause at Black Family Day and the McKeever/Bouldin debate.
- We confirmed the next meeting for October 13, at the Urban League at 7 p.m.



1987

# COMMUNITY FORUM RACISM & VIOLENCE

ALBANY-HOWARD BEACH- SOUTH AFRICA



FREE

## PANEL

**REP. ROGER GREEN**

NEW YORK STATE ASSEMBLYMAN

**DON McKEEVER**

COMMUNITY REPRESENTATIVE

**KIM RUSSELL**

COMMUNITY REPRESENTATIVE

**EL WISE**

FIVE PERCENT NATION OF ISLAM

**ALICE GREEN**

NAACP REPRESENTATIVE

ALBANY COMMUNITY POLICE RELATIONS BOARD

**TUESDAY**

**MARCH 24th**

**7:00 P.M.**

**ARBOR HILL COMMUNITY CENTER 50 NORTH LARK ST, ALBANY**

Sponsored By: Capital District Coalition Against Apartheid + Racism

LABOR DONATED





Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

1987

**\*\* PRESS RELEASE \*\***

FOR RELEASE TWICE DAILY  
WEEK OF MARCH 15 TO 24

CONTACT: Eileen Kawola  
462-7197/9am - 2pm

Ode11 Winfield  
463-4654/7pm - 9pm

COMMUNITY FORUM

TOPIC: RACISM AND VIOLENCE: ALBANY-HOWARD BEACH-SOUTH AFRICA

A forum sponsored by the Capital District Coalition Against Apartheid and Racism.

Panelist: NYS Assemblyman Roger Green, Don McKeever, Kim

Russell, El-Wise, 5 Percent Nation, and Dr. Alice

Green, Albany Community-Police Relations Board.

Tuesday, March 24, 1987, 7pm at the Arbor Hill Community  
Center, Lark and Third Street, Albany.

Free and open to the public.





Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

\*\* PRESS RELEASE \*\*

\*\* PRESS RELEASE \*\*

FOR RELEASE WEEK OF  
MARCH 15 WITH REMINDER  
NOTICE MARCH 24

CONTACT: Eileen Kawola  
462-7197/9am-2pm

Ode11 Winfield  
463-4654/7pm-9pm

Albany (March 1, 1987) On Tuesday, March 24, 7p.m., at the Arbor Hill Community Center, Lark and Third Street, Albany, a community forum will be held to discuss RACISM AND VIOLENCE: ALBANY-HOWARD BEACH-SOUTH AFRICA.

Its three-fold purpose revolves around (1) the need to educate people about racism here in America and the climate that supports apartheid violence in South Africa, (2) the need to create an atmosphere where concerns and complaints can be brought forth and (3) the need to present an opportunity for further organizing around the issue of racially-biased violence.

Panelists include NYS Assemblyman Roger Green, Don McKeever, Kim Russell, El-Wise (5 Percent Nation), and Dr. Alice Green, Albany Community Police Relations Board.

The meeting is free and open to the public.

The forum is sponsored by the Capital District Coalition Against Apartheid and Racism.



# **MCKEVER FAMILY IS BACK IN COURT**



**BE IN COURT**

**COME OUT  
AND SHOW  
THEM YOUR  
SUPPORT**

THE NEW TRIAL BEGINS TUESDAY, MAY 26 1987 AT 9:30 A.M.  
FEDERAL COURT, POST OFFICE BUILDING, BROADWAY, ALBANY, N.Y.

(OVER)



#### WHAT HAPPENED?

On September 21, 1982, Law Enforcement Officer and Arbor Hill resident, Don McKeever, was disciplining his thirteen year old son for stealing candy earlier in the day. Several police officers soon arrived at the McKeever home to investigate a complaint of a man beating a woman. McKeever answered the door with his wife, Barbara, who was obviously not being harmed and they both explained to the police what was going on.

The police then, not finding a problem, began to provoke one. Chaos followed as the police became abusive, calling out racial slurs and searching the house without a warrant. McKeever and his wife were eventually charged with assault on a police officer, resisting arrest and child abuse. The charges were groundless and subsequently dropped.

#### DON AND BARBARA TAKE IT FORWARD

As a result, the McKevers have filed a five million dollar lawsuit against the Albany Police Department, the city of Albany, and the individual officers who were involved. The six officers who were involved in the fracas were: Valerie Van Dollen-Burker, LeRoy Layman, Kenneth Kennedy, William Murphy, Peter Manns and Sargeant Arsenault.

The initial suit proceeding in federal court resulted in a hung jury.

The McKevers are back in federal court as of Tuesday, May 26, 1987 with another lawsuit filed against the same parties. They need your support.

#### WHY IS THIS CASE SO IMPORTANT?

In 1984, Jesse Davis, a Black man, was murdered by the Albany police. The community was outraged. Jesse did not live to tell his story.

In this lawsuit the McKevers are making a statement to the Albany Police Department and City Hall that instances of police abuse will not be tolerated in this community. Whatever the outcome, the victory has already been won... the statement is being made.

#### WHY COME TO COURT?

One of the outcomes of the Community Forum on Racial Violence, which was sponsored by the Capital District Coalition Against Apartheid and Racism in March, 1987, was a call to support the McKevers in their courageous step forward. The McKevers are respectable members of the community. They are active in community and church affairs. If it happened to them, it can happen to anyone.

The Coalition urges you to set aside time, take time off from work to sit in the courtroom during the proceedings as evidence of your support for Don and his family.

#### TRIAL DETAILS

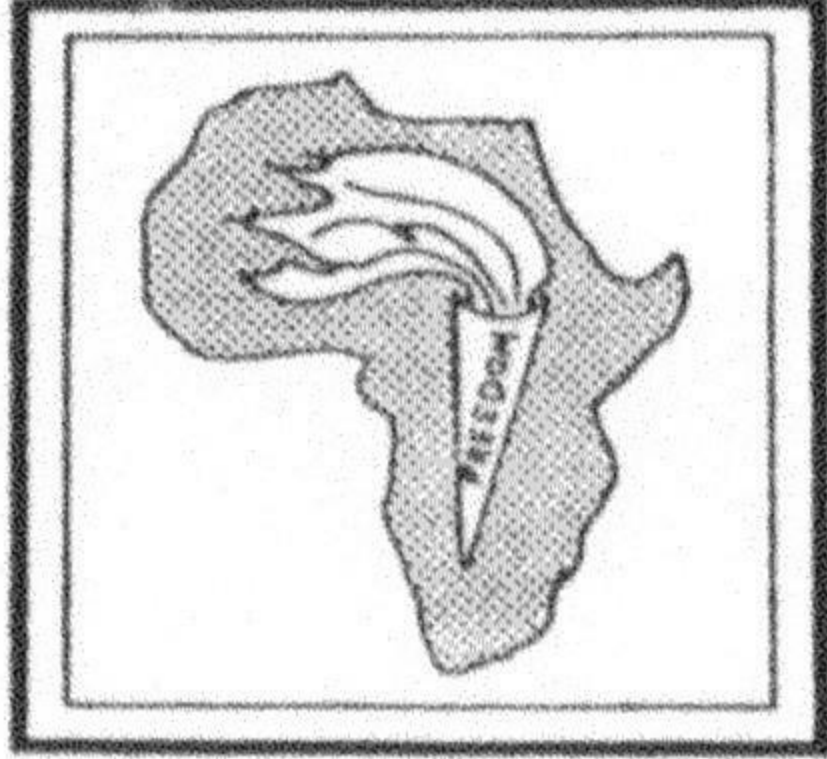
This new trial is scheduled to begin at 9:30 p.m. on Tuesday, May 26, 1987 at Federal Court. The Federal Court is located in the Post Office building on Broadway in downtown Albany. The trial will most likely last several days (the last trial lasted 5 weeks). For trial dates and times, call Don's attorney at 462-6753. Also watch the local media for updates.

**SUPPORT THE MCKEVER FAMILY  
COME TO COURT**

The Committee on Police and Racial Violence

CAPITAL DISTRICT COALITION AGAINST APARTHEID AND RACISM, ALBANY, NEW YORK





Capital District Coalition  
Against Apartheid  
and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

July 20, 1987

Albany Community / Police Relations Board  
Room 254-M City Hall  
Albany, NY 12207

Dear Board Members:

Along with other individuals and organizations, the Capital District Coalition Against Apartheid and Racism paid close attention to the recently completed McKeever trial in federal court. Our understanding is that the Albany Police Department has not imposed discipline upon Officer Valerie Von Dollen Burke, despite the fact that the federal court jury found her liable for violating the constitutional rights of the McKeever family. We are writing to ask the Community / Police Relations Board to take action in regard to the failure of the Police Department to respond adequately and appropriately to the outcome of this trial. Some background is provided below for your information.

Proper functioning of a police department can only occur if officers are disciplined when they have committed a wrongful or illegal act. The Albany Police Department conducts its own internal reviews of complaints of misconduct and comes to its own conclusions based on these investigations. However, the existence of internal investigations does not provide a basis for ignoring the existence of other procedures. One such alternative procedure is the commencement of civil suits by aggrieved citizens. The Police Department should regard court decisions against police officers as conclusive proof of the officer's wrongdoing even if the prior internal investigation had come out with a different result.

Officer Valerie Von Dollen Burke has, to our knowledge, twice been found liable in federal court for violating the civil rights of Albany residents. Yet, to our knowledge, she has never been disciplined by the Albany Police Department for her conduct. In September, 1984, then federal district court judge Roger Miner found Officer Von Dollen Burke liable for assaulting a 51 year old, 4'11" tall, Black woman with a five cell flashlight. (Keyes v. City of Albany, 594 F. Supp. 1147 [1984]). Judge Miner awarded \$5,000. against Von Dollen Burke and stated that, "the force applied to Mary Keyes by Officer Von Dollen was unprovoked, unnecessary and clearly excessive. In fact, there was no need for the application of any force whatsoever . . ." (594 F. Supp., at 1154.) In the McKeever case, Von Dollen Burke was found liable for violating the Fourth Amendment rights of the McKeever family.



Community / Police Relations Board  
July 20, 1987  
-2-

There are several disturbing similarities between the Keyes and McKeever cases. Both cases involved violations of the civil rights of Black residents of Albany by a white officer. Both cases resulted in verdicts against Von Dollen Burke but not against other officers sued, indicating that these verdicts are not the result of "anti-police" judges and juries. Both cases resulted in the City of Albany spending money to compensate citizens for the wrongful acts of Von Dollen Burke. And, in what can only be described as a bizarre commonality, neither case resulted in disciplinary action being taken against Von Dollen Burke.

We are troubled by the similarities mentioned above, as we are also troubled by the fact that an Albany Police officer has twice been found liable for violating the rights of Albany citizens. We do not understand why Von Dollen Burke is still permitted to patrol the streets of this City when it is possible that she will injure other citizens and cost the City more money. We also do not understand how the Police Department could announce immediately after the McKeever verdict that there would be no further investigation and no disciplinary action taken. Doesn't the Police Department take federal court verdicts seriously? Isn't the Department concerned about potential future violations of the rights of citizens by this officer? Isn't the Department worried about the potential cost involved in allowing Von Dollen Burke to continue to patrol our streets?

→ We ask the Community / Police Relations Board to demand that action be taken by the Police Department to protect the safety of our citizens and the integrity of the City's budget by disciplining Von Dollen Burke and taking steps to keep her off of the streets. How can the community have confidence or trust in the Police Department if the Department refuses to deal with proven 'bad apples'?

We thank the Community / Police Relations Board for your attention to this important matter. We have asked our representative on the Board to pursue this issue through introduction of an appropriate resolution.

Very truly yours,

Vera Michelson, Co-Chairperson

Merton Simpson, Co-Chairperson

*release to press*

*when refused then*

*Ask for*

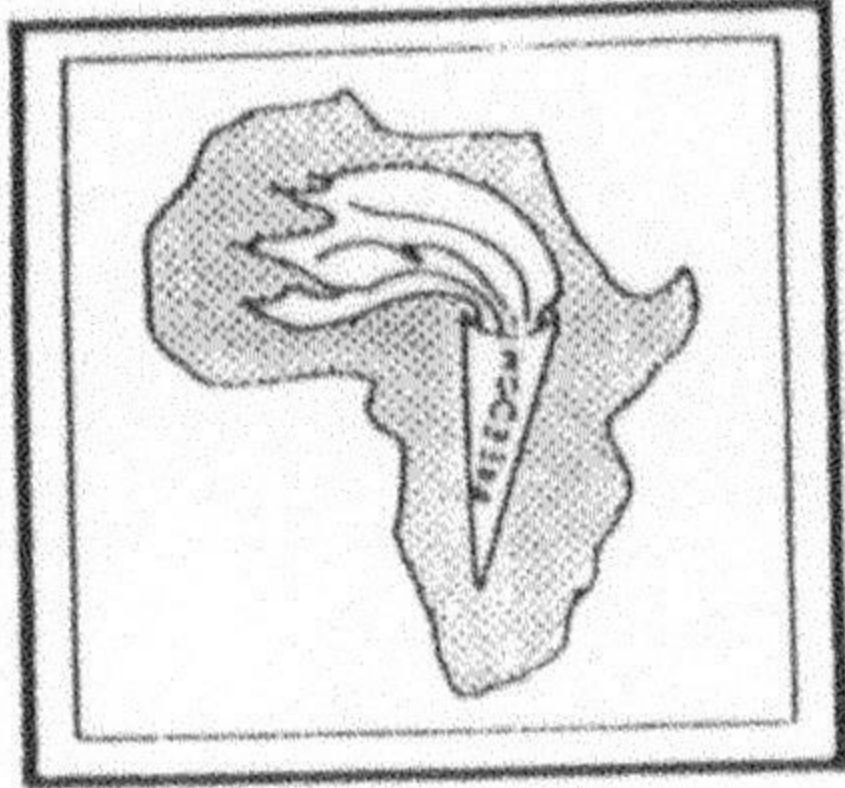
*Investigation of refusal to take action*

*Coalition can ask mayor/council*

*Civil Rights  
Division of Justice  
Dept*

*Mayor*





**Capital District Coalition  
Against Apartheid  
and Racism**

Box 3002 - Pine Hills Station  
Albany, NY 12203

A Project of the Social Justice Center

August 14, 1987

Committee on Police and Racial Violence

Basic goals:

1. provide information to the community about police and racial violence in Albany and the United States
2. create an atmosphere where concerns and issues about police and racial violence can be raised
3. work toward police accountability to the community
4. draw linkage between racism in South Africa and the U.S.

Dear Brothers and Sisters,

- At our last meeting on July 23rd we discussed the following issues:
1. Proposal by Naomi Jaffe for a statewide campaign making demands that New York State be made a sanctuary state for refugees from Central America and a call for a standing special prosecutor for cases of racist violence. We discussed the links between racism in the U.S. and Central America and the ways in which the racism leads to policies of violence. Further discussion on our potential involvement in this campaign is planned
  2. Demand for discipline of Officer Von Dollen Burke as a result of the McKeever case outcome. Mark Mishler will officially present this demand at the next meeting of the Albany Community Police Relations Board in September. Follow up discussion needed to address other ways our committee will deal with this issue.
  3. Brainstorming ideas about ways the community could develop a mechanism for helping people who have trouble with the police. Odell to send out letter to several community groups and individuals who might be willing to work on this project. Report due at next meeting.

All of the above issues need to be discussed at the next meeting scheduled for TUESDAY, AUGUST 25th, 1987 at 7:00 pm at the ALBANY URBAN LEAGUE, LIVINGSTON AND TEN BROECK

This will be an important Fall planning meeting, please try to be there.

In struggle,

Odell Winfield  
Eileen Kawola



Dear Odell

Aug 14<sup>th</sup>

I have been trying to track you down for the last week and a half but finally figured you must have gone on vacation.

Enclosed is the letter I sent out announcing the next meeting of the committee and a list of addresses and phone numbers of everyone who has worked on the committee or attended meetings. I set the date when I couldn't get in touch with you - I hope it is ok. Mark Mishler can be there on that date and we agreed <sup>(you + I)</sup> we needed him at the next meeting.

The letter went to everyone on the list. (SOMEONE WILL HAVE TO P.U. KEY AT URBAN LEAGUE BEFORE 5:00 ON THAT DAY - YOU CAN TALK TO BARBARA)

I am going on vacation this week - I had hoped to talk to



You before I left but I'll get to  
when I get back - I have  
made a decision that I can no  
longer work on this committee -  
I just don't physically have enough  
time and I don't like to do  
anything that I can't give justice to.  
As you know I'll have a double  
load at S.A. with Dounida gone  
and I'll have to spend much more  
time on school work and I still  
have my commitment to the newsletter.

I will still try to hook up the  
education work with Barbara Winter.

I know you are very committed  
to this committee and I know  
it will succeed with you chairing  
it - I just can't manage the time.  
Will talk to you soon.

In struggle +  
in friendship  
Gwen



The "Albany" Plan: Effective Law Enforcement or  
Public Relations Boondoggle?

One year after Mayor Whalen announced, with much fanfare, the "Albany" Plan we must ask what has been accomplished.

Has drug traffic been stopped (or even slowed) in Albany?  
No.

Have any major drug dealers been convicted for transporting large quantities of drugs into Albany?  
No.

Has there been any significant expansion of treatment facilities and opportunities in Albany?  
No.

Has the Albany Police used a "profile" of young African-American males as the basis of stopping and searching citizens?  
Yes.<sup>1</sup>

Have the Albany Police swept up innocent citizens in drug raids merely because someone was in the wrong place at the wrong time?  
Yes.<sup>2</sup>

Have citizens been strip-searched without any legal basis by the Albany Police?  
Yes.<sup>3</sup>

Have the Albany Police adopted a policy of making "minor intrusions into what would otherwise be considered constitutionally protected rights" as proposed by an Albany County Assistant District Attorney?<sup>4</sup>

The information and evidence available suggests, that the answer is "yes".

What can we do about this situation?

The Capital District Coalition Against Apartheid & Racism proposes:

1. Medical treatment and substance-abuse treatment should be available to anyone who requests it. (Perhaps some of Albany's approx. \$30 million surplus can be used to accomplish this goal.)
2. An independent civilian review board should be established immediately to hear complaints of police misconduct.
3. The Mayor, the Police Department and the District Attorney's Office should immediately condemn the use of racial or ethnic "profiles" in police actions and investigations.
4. The community should be permitted significant involvement in the development and implementation of a real plan to combat drugs.

<sup>1</sup>Based on reports prepared by a private investigator whose firm spent more than one week observing Albany Police at the Greyhound station.

<sup>2</sup>Based on statements made by witnesses to arrests.

<sup>3</sup>Metroland, 5/25/89. p.11.

<sup>4</sup>Ass't. D.A. James Banagan, a quoted in the 5/15/89 Schenectady Gazette.





SIGN THE PETITION  
SIGN THE PETITION  
SIGN THE PETITION  
FOR  
POLICE ACCOUNTABILITY

The Albany Police Department exists to serve the public, yet in the case of Detective Valerie Von Dollen-Burke, it has acted only to provide excuses and a bureaucratic hiding place for this officer who has violated the public trust.

The Police Department and the City must be made to understand that they are accountable to the people. We do not want a proven "bad apple" patrolling our streets. We do not want other police officers to think that they, too, can violate citizens' rights without fear of being disciplined or penalized!

WHY SHOULD DETECTIVE VALERIE VON DOLLEN-BURKE BE DISCIPLINED?

Officer Von Dollen-Burke has twice been found liable in federal court for violating the civil rights of Black citizens of Albany and has twice subjected the City to financial liability for her improper conduct. She has never been disciplined for her improper conduct. In fact, she was recently promoted.

In 1984, Von Dollen-Burke was found liable for assaulting, with a five-cell flashlight, a 51 year old, 4' 11" tall Black woman. The Judge stated that the physical force used by Von Dollen-Burke was "unprovoked, unnecessary and clearly excessive."

In 1987, Von Dollen-Burke was found liable by a federal court jury for violating the civil rights of the McKeever family by conducting an illegal search of their home in Arbor Hill. Once again, a cash award against her was made.

We think it is shocking that an officer twice found responsible in court for misconduct of a serious nature could escape discipline.

ISNT DETECTIVE VON DOLLEN-BURKE ENTITLED TO DUE PROCESS?

Yes. We are not in favor of any person being subjected to arbitrary discipline by an employer.

However, Detective Von Dollen-Burke has already had her day in court. She has lost two federal court cases. In each case, she had an experienced lawyer. In each case, she was the only one found responsible out of a group of officers who were sued. This shows that the outcomes in these two cases did not result from anti-police sentiment on the part of the judge and jury.



## What does the police department say?

The Police Department explains their refusal to discipline Von Dollen-Burke by hiding behind the labor contract between the City and the police officers union which requires that discipline be imposed within one year of the underlying incident. The federal court verdicts occurred many years later, so the argument goes, so discipline can't be imposed.

This explanation does not make sense. The City was informed of the nature of the victims' claims in each of these cases within ninety days of the underlying incidents. In the McKeever case, the Internal Affairs Unit of the Police Department even started an investigation within two weeks of the incident. The Police Department can't avoid imposing discipline by refusing to conduct timely and thorough investigations.

In addition, the one year time limit does not even apply to these cases. An officer can be disciplined at any time for an act which constitutes a crime. In the 1984 case, she was held liable for an assault, and in the 1987 case, she was held liable for an act which is probably equivalent to a criminal trespass. The question remains unanswered. Why isn't the Albany Police Department imposing discipline on the officer who has twice violated citizens' rights and twice cost the City money due to her wrongful acts?

### WHY IS THE COALITION AGAINST APARTHEID AND RACISM SPONSORING THIS PETITION CAMPAIGN?

The Capital District Coalition Against Apartheid and Racism was formed in 1981 to organize opposition to the appearance in Albany of the South African Springbok rugby team. Since 1981, the Coalition has continued to work in the Capital District against apartheid and to end US complicity in the apartheid system. We have also been active concerning issues of racism in this country. For example, we have worked since the police shooting of Jesse Davis in 1984 to create a civilian police review board in Albany. We still believe a review board is necessary. We have participated in the Community/Police Relations Board since 1986 even though this Board has extremely limited power.

We believe that it is necessary to fight against racism at home and against apartheid in South Africa. We believe that the struggle here is closely linked to the struggle in South Africa and that it is necessary to speak out against racism everywhere - Albany, Wappingers Falls, Peekskill, and South Africa!

-----  
I want to help in this petition campaign to have Police Officer Von Dollen-Burke disciplined.

Name:

Address:

Telephone:

Please return to:



**Capital District Coalition  
Against Apartheid  
and Racism**

Box 3002 - Pine Hills Station  
Albany, NY 12203

A Project of the Social Justice Center



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---

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Address:

Telephone:

Please return to:  
Capital District Coalition Against Apartheid and Racism  
Box 3002 - Pine Hills Station, Albany, NY 12203



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FOR POLICE ACCOUNTABILITY!**

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## Capital District Coalition Against Apartheid and Racism

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 7, 1989

To the Board of Directors, Albany NAACP:

This letter is written out of a deep sense of solidarity with the NAACP, a solidarity arising from the origin of our organization in 1981 during the struggle against the South African rugby team. The NAACP played a formative and leading role in that struggle. The memberships of the NAACP and the Coalition overlap to a large extent. We have worked together on numerous projects since 1981 and the Coalition is proud to count the NAACP as among its member organizations.

The long and close relationship between the Coalition and the NAACP makes this a difficult, but necessary, letter. It is offered in the spirit of friendly, yet serious, criticism.

We were dismayed to learn that the NAACP sent names of three nominees to Mayor Whalen from which he will select the NAACP representative to the Community / Police Relations Board. Our dismay is most probably matched only by the glee with which the NAACP's letter was likely received by the Mayor. Based on the leadership role Alice Green has played in the fight against police misconduct in Albany, including her diligent work on the Community / Police Relations Board since its creation, we believe the NAACP gave the Mayor an opportunity to cripple the already weak Relations Board.

Many organizations, including the NAACP in previous years, simply refused to play into the Mayor's game of purposefully creating an ineffective Relations Board. The Mayor's strategy is to attempt to usurp the independence of the organizations participating on the Relations Board. The primary tactic in this regard is his bizarre concept that he has the right to choose who represents a community organization. Unfortunately, the NAACP's action assists the Mayor by permitting him to diminish the independence of the NAACP and to exploit potential divisions within its ranks.

We believe the primary obstacle to increased accountability for the Albany Police Department is Mayor Whalen. His administration was forced by community pressure - including from the NAACP - into creating some sort of forum for discussion of concerns about the Police Department. But, the Relations Board, the result of that pressure, was designed to be ineffective. It is not a review board. It has few powers and virtually no access to information. Fortunately, due to the relentless



and articulate advocacy of Alice Green, the Relations Board has succeeded in at least being a public forum for presentation and discussion of issues relating to police misconduct. Alice, along with several other Relations Board members, has snatched a certain measure of victory out of the jaws of planned defeat. Certainly the Board can not be considered a success. But, at least there has been attention focused on key issues.

We believe that progress results from the broadest possible unity and a refusal to accept the status quo as unchangeable. We plan to continue to be part of building unified action in Albany to effect a decrease in racism, brutality and arrogance in the Police Department. We have been proud to work together with the NAACP in the past in this regard and hope that the NAACP will continue to articulate the strong positions that have been articulated by Dr. Green up to this time.

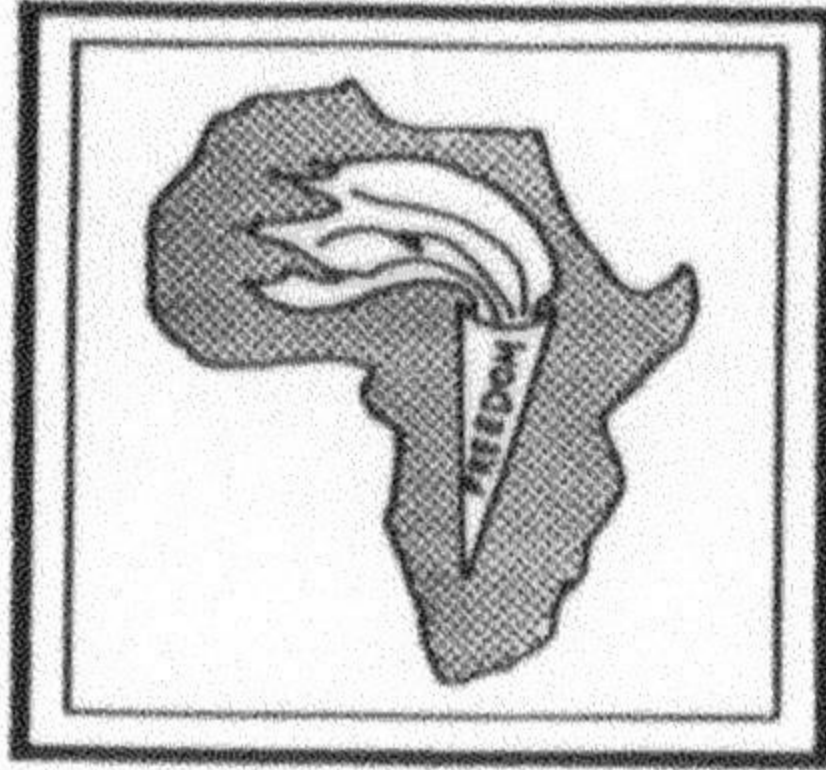
Yours, for unity in the struggle to end police violence,

Steering Committee,  
Capital District Coalition Against Apartheid and Racism

<i>Merton Simpson</i>	Merton Simpson
<i>Vickie Smith</i>	Vickie Smith
<i>Mark S. Mishler</i>	Mark S. Mishler
<i>Vera Michelson</i>	Vera Michelson
<i>Eileen C. Kawola</i>	Eileen C. Kawola
<i>Shobhna Gopal</i>	Shobhna Gopal
<i>Anita Thayer</i>	Anita Thayer
<i>William S. Ritchie</i>	William S. Ritchie

Enclosed: Copy of letter to the Times-Union





**Capital District Coalition  
Against Apartheid  
and Racism**

Box 3002 - Pine Hills Station  
Albany, NY 12203

March 7, 1989

Editor, Times-Union

To the Editor:

The people of Albany will suffer a great loss due to the fact that Alice Green will no longer serve on the Community / Police Relations Board. Dr. Green has been the most articulate and consistent advocate of increased accountability for the Albany Police Department. She has worked diligently, and against great odds, to give substance to the intentionally vague mission of the Community / Police Relations Board. In contrast with the prevailing attitude of "see no evil, hear no evil, speak no evil", Dr. Green has sought to open up the complaint process and give greater voice to the victims of police misconduct. The Capital District Coalition Against Apartheid and Racism is proud to have worked with Dr. Green - on the Relations Board and elsewhere - in the ongoing effort to decrease racism and brutality in the Police Department. We will continue to look to Dr. Green to provide leadership and clarity in the struggle to end police abuse. Her presence on the Community / Police Relations Board will be sorely missed.

*Merton Simpson*  
Merton Simpson, Co-Chairperson  
Capital District Coalition Against Apartheid and Racism



Sponsored by The Capital District Coalition Against Apartheid and Racism

## "Stop Police Abuse: Do the Right Thing"

*... a community forum to address the over representation of Blacks and other minorities from Albany County in the state prison system and the ongoing problem of police abuse as a factor .*

### Do you know that:

10 % of the Black male population in Albany County is in the state prison system; and yet Blacks represent only 4% of the entire county.

The rate of incarceration is 12 times higher for Blacks than Whites in Albany County.

South Africa has the highest rate of incarceration of Blacks among all nations - and Albany County's rate is 4 times higher than that of South Africa.

### Speakers:

**Alice Green**  
Executive Director, NY  
Civil Liberties Union

**Terence L. Kindlon**  
Attorney, investigated the police  
drug sweeps at the Greyhound  
bus station

**William Payne**  
Private Investigator and former  
Albany police officer

**William Benton**  
Clinical Supervisor/Alcoholism  
Services, Whitney M. Young  
Health Clinic

---

**Saturday, December 2, 1989**  
**Arbor Hill Community Center**  
**50 Lark Street, Albany**  
**from 1:30 pm to 3:30 pm**

*(doors open at 1:00 pm)*

*light refreshments and beverages will be provided*



**Call 434-4037 for more information**

*a project of the Social Justice Center  
labor donated*



1/21/90 Agenda:

1. Boesak visit
- 2.
3. Follow up <sup>2.</sup> prep. for Mandela's release  
Sanctions Campaign

Senator Adair

Mandela Release Committee

Reception

Jan 8 Alfred Nzo - call to form Int'l ~~Release~~ Mandela Committee  
names of Statesmen, Heads of State - patrons - establish Nat'l comm's -

Local comm's - N.Y. District 65 -

• Celebration - ~~counteract~~ attempt



## Jury gets Albany rights case

By John Caher  
The Knickerbocker News

A civil trial in which a black Arbor Hill couple accuses six white Albany police officers of physical and verbal abuse was expected to go to a federal court jury today, said John Shea, assistant city corporation counsel.

Shea is representing the city and Officers Valerie Von Dollen Burke, Charles Arsenault, Kenneth C. Kennedy, Peter E. Manns, William F. Murphy and Leroy A. Layman in a \$5 million suit.

Donald and Barbara McKeever of Ten Broeck Manor apartments allege racial discrimination, false arrest, assault and abuse of process in a lawsuit stemming from a September 1982 incident.

The McKeever's claim they were abused by police officers investigating a "family trouble" call. The city maintains the police officers responded properly after they were attacked by the McKeever's.

Testifying Tuesday in the trial before U.S. District Judge Con G. Chalkias, Burke admitted she pushed Barbara McKeever, but claimed she was shoved and struck by the woman and struck by her husband. Last week, Barbara McKeever claimed she was shoved by Burke, but denied every pushing or striking the police officer.

The altercation occurred after police responded to a call that someone in the apartment was screaming. Testimony indicated that Donald McKeever's then 13-year-old stepson, Perry Hamilton, had cried out after he was spanked with a belt for stealing.

Burke, now 31, said she followed several other officers into the McKeever's apartment, even though Barbara McKeever told her to stay outside. The officer said she began searching the master bedroom after she was shown welts and red marks on Hamilton's back and upper legs. Burke said she was trying to determine if there were other children in the apartment and, if so, whether they also had been spanked.

Barbara McKeever confronted Burke in the bedroom, ordered her to leave and then pushed the officer, Burke testified. Burke said she pushed McKeever back and was struck in the face.

Donald McKeever then came into the bedroom and struck Burke in the shoulder, Burke said.

Earlier Tuesday, Officer Layman said he injured his hand while struggling with Donald McKeever in the bedroom.

McKeever, a jail inspector with the state Commission of Correction, was charged with a misdemeanor assault count for spanking his stepson. In addition, Donald and Barbara McKeever were charged with felonies for assaulting the police officers and misdemeanors for resisting arrest.

At the request of Albany County Assistant District Attorney Joseph Muia, the case was adjourned in Albany Police Court in contemplation of dismissal, Muia testified Tuesday. All the charges were subsequently dismissed. In addition, the McKeever's were cleared of child abuse allegations following a hearing by the Albany County Department of Social Services.

The McKeever's are represented by Albany attorney Lanny E. Walter.



## Jury Ponders Civil-Rights Suit Against Albany Officers

By STEVE NELSON  
Gazette Reporter

ALBANY — The jury in a \$5 million civil rights lawsuit filed by a black couple against six white Albany police officers will resume deliberations today after failing to reach a verdict yesterday afternoon.

\* \* \*

U.S. District Court Judge Con G. Cholakis dismissed the jury for the evening at 5:32 p.m. after more than four hours of deliberation. The three-man, three-woman jury is considering a lawsuit filed in 1983 by Donald McKeever, 42, and his wife, Barbara, 31.

The black couple, residents in Ten Broeck Manor Apartments in Arbor Hill, claimed they were subjected to racial discrimination, assault and battery and abuse of due process of law by police officers responding to a "family trouble" call at their home on Sept. 21, 1982.

Sgt. Charles Arsenault, Det. Kenneth Kennedy, and officers Valerie VonDollen (now Burke), Peter Manns, Leroy Layman and William Murphy all were accused of mentally and physically abusing the couple before and after arresting the McKevers for assault on police officers and resisting arrest.

Donald McKeever further was charged with assaulting his son, Perry, with a leather

belt that the man said he had used to discipline the child for stealing candy and other items from a local supermarket. It was the child's screams and cries that originally brought the police to the McKeever home.

The jury received the case just before lunch after summations by Lanny Walter, attorney for McKeever, and John Shea, the assistant corporation counsel charged with defending the police officers.

\* \* \*

In his summation, Shea focused in part on the altercation between officer VonDollen and Mrs. McKeever in the McKeever master bedroom that led to the handcuffing and arrest of the black woman. She testified that Mrs. McKeever punched her in the face. Later, Mr. McKeever punched her in the shoulder, she told the jury Tuesday.

"Valerie VonDollen stated that she was struck twice by the McKevers. She didn't break her nose, she didn't have a dislocated shoulder, she didn't have surgery, but she was assaulted," the attorney said. "We don't have these people out in the streets to be punching bags. They have a job to do."

He said there was sufficient testimony Mr. McKeever was "very violent" after police entered the apartment to examine the son who was punished and check the welfare of McKeever's other two children, Shea said. He defended the three officers who subdued

and arrested McKeever, saying it was more difficult to handcuff a person resisting such efforts.

"It is not easy to handcuff someone who doesn't want to be handcuffed," the attorney said. He further defended the resisting arrest charges against the McKevers, claiming "you don't have to be flailing at someone to be charged with resisting arrest."

He scoffed at McKeever's claims of injury as a result of beating suffered at the hands of police. "I would submit to you, ladies and gentlemen, if he was subjected to such a severe beating, he wouldn't have looked the way he did the next day and he couldn't have possibly waited two days to seek medical treatment," Shea said.

Shea said he did not recall any testimony from anyone except McKeever himself concerning racial slurs directed at the man, who is employed as a state jail inspector. He called the arrest of the McKevers a "legitimate probable cause arrest." "To justify the arrests it is not necessary to justify each charge for each defendant," he said, adding that civil rights violations were possible only if the arrests "were not justified."

\* \* \*

"The question I'm going to ask you is a very tough question," he concluded. "I'm going to ask you to say 'no' to the McKevers."

Walter attacked the police officers' assertions that McKevers were the type of people to fight with police officers they had invited into their home to discuss the punishment of their child.

"This is the Cosby family. This is middle-class America. They just happen to be black people," he said. He dismissed VonDollen's claim that Mrs. McKeever initiated the contact between the two. Instead, he told the jury, VonDollen acted aggressively toward Mrs. McKeever only after the woman found the officer doing something she shouldn't be doing in the master bedroom.

"Mrs. McKeever had caught Officer VonDollen doing something that she shouldn't have been doing," Walter said.

The attorney compared the testimony of the six officers during the trial with the testimony they gave in deposition given in Walter's office in 1984. There were significant enough discrepancies for the jury to conclude the officers collaborated on a story that would protect VonDollen from the mistake she made in entering the McKeever bedroom in the first place.

"Their story falls apart under analysis," Walter said. He scoffed at the assertion by police that the McKevers were aggressive and violent, initiating the physical contact with police officers. After all, the McKevers invited the police into their home and why

would they want to fight with them? he asked.

"It doesn't make sense. It's not logical," Walter said. Again, the officers conspired to portray the McKevers as bleakly and blackly as possible in an effort to protect VonDollen.

He accused VonDollen of "making up" the story of a physical attack "to make Mrs. McKeever look hostile." He, too, scoffed at the injuries claimed by VonDollen, and Layman, who had struggled with Mr. McKeever. The medical records from Memorial Hospital for both officers showed no damage; no medication or further treatment was prescribed.

"Again, this is a tale told to cover a mistake, the illegal conduct of Officer VonDollen," Walter told the jury. "What was malicious was they (the officers) just didn't care. Just another couple of black folk — they'll go to jail like everyone else, who cares? — They (the officers) had to see it through — criminal charges, child abuse charges, everything was thrown out (of court) — but they had to see it out," Walter concluded.

The summations followed five days of testimony from the McKevers, two of their children and all six police officers. Ten Broeck Manor security guards, a McKeever friend, Louis DeBour, and neighbors testified as well.



## City fails to avert retrial of \$5M civil rights suit via settlement

Shirley Armstrong

Effort to avert a retrial of an Albany family's \$5 million lawsuit against the city of Albany and five police officers failed Wednesday when a settlement could not be reached in the false arrest and civil rights violation action.

Judge Carl G. Cholakis said he met for about 40 minutes with attorney Larry Walter, representing Donald and Barbara McKeever of Arbor Hill, and Assistant Corporation Counsel John Shea.

He said the parties appeared to be "further apart than ever" and the case, tried last month before a jury that was

unable to reach a verdict, likely will be retried after the jury panel has completed its service at the end of April.

Shea agreed "the chances for settlement are probably pretty slim," but Walter said he had not given up hope and waits for a counteroffer from the city later this week.

Shea said the city had increased its earlier offer of \$5,000, though he declined to give the specific sum. But he said he understood the McKevers, who previously proposed a \$50,000 settlement, have now upped that sum by \$20,000, to cover attorney fees.

"We expected them to go a bit lower and we'd go a bit higher (than the earlier proposals), but they're moving in the opposite direction," Shea said.

Walter declined to disclose the McKevers' proposal and said "we don't know what the city's number is." He said Cholakis talked to the two attorneys separately, and Shea had agreed to advise him of a counterproposal by the end of this week.

Shea said he will call Walter this week and "tell him what we have, but I don't think we'll go with it."

The McKevers, who are black, claim they were mistreated by white officers who went to their Livingston Avenue home on Jan. 21, 1982, in response to a family problem call after McKeever had disciplined his 13-year-old stepson with a belt.

There was conflicting trial evidence on whether the McKevers struck or were struck by police in a scuffle, which led to the couple's arrest on assault and resisting arrest charges. Those charges eventually were dismissed.

McKeever, a jail inspector for the state Commission of Correction, and his wife, who works for the city of Albany as a school crossing guard, claim false arrest and imprisonment, assault and battery, violation of civil rights and racial discrimination.

The five officers testified at the trial, contending they used a necessary amount of force and properly performed their duties.



## Victims of police told to speak up

By Jill Murman

Staff writer

Victims of police brutality should speak out for their rights and demand accountability from the city police department, Donald McKeever said Tuesday night.

McKeever, whose court case against the Albany Police Department ended in a mistrial, spoke before members of the Capital District Coalition Against Apartheid and Racism. The program included updates South Africa and Howard Beach, which coalition members said are both connected with the issue of police brutality in Albany.

McKeever charged six members of the Albany police force with false arrest and with violating his civil rights when they arrested him at his Livingston Avenue apartment in 1982. He talked about his recent case in U.S. District Court and of his feelings on police-minority relations in Albany.

McKeever was asked if he thought his treatment by the police amounted to harassment.

"I would call it harassment," he said. "But to prove it is hard."

The city is negotiating with McKeever's attorney for a possible out-of-court settlement. But McKeever said he hopes the publicity his case has generated will help others facing similar circumstances.

"It's too bad brother Jessie didn't get to do what I'm doing," he said, referring to Jessie Davis, a mentally disturbed black man who was shot and killed by two white police officers in 1984 in his Arthur Hill apartment. "The brother lost his life. But me and my family were abused," McKeever said.

McKeever said the police department must be kept accountable for its actions. "Keep an eye on 'em," he said. "And be very, very vocal about how the department is run."

In addition, McKeever said he'd like to see more minority police officers in Albany and better training for the entire force.

He also said police officers who lose court cases should be disciplined, with appropriate comments included in their personnel files.

## Rights case is topic of coalition meeting

A black man who says white city police unjustly arrested him and violated his civil rights will take his case to the public tonight in Albany.

Donald McKeever, whose police brutality case ended in a mistrial recently, will take the unusual step of telling his side of the story during a meeting of the Capital District Coalition Against Apartheid and Racism. The meeting, which will start about 7 p.m., will be held at the Urban League offices at 95 Lexington Ave., Albany.

The meeting will kick off plans for a forum on racial violence the coalition is planning for late in March. The idea, according to group co-chairwoman Vera Michelson, is to talk about racial tension in an effort to prevent it.

"The McKeever case, we feel, is a very major case in the city of Albany," Michelson said. "We feel that his rights were violated and we want the people to hear directly from him what happened."

McKeever charged six members of the Albany police force with false arrest and violating his civil rights when they arrested him at his Livingston Avenue apartment on Sept. 21, 1982.

On Jan. 26, however, a U.S. District Court jury in Albany could not reach a verdict on McKeever's charges, prompting U.S. District Judge Con J. Cholakis to declare a mistrial. The city and McKeever's attorneys are attempting to settle the matter out of court.

The coalition also plans a forum on racial violence in late March. It may include a speaker who was involved in the recent attack on a black man by whites in the Howard Beach section of Queens.

"The idea of this panel is to reach to a broad spectrum of this community because we feel racial violence is everybody's concern," Michelson said.

She mentioned the Jessie Davis case. In that case, three white Albany police officers shot and killed a black man gone berserk named Jessie Davis. After investigating the incident, a grand jury found no cause to charge the officers involved with wrongdoing.

"We want to eliminate the possibility of this happening again," Michelson added. "We don't want to be in a situation where we're reacting locally."

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## Woman Officer Testifies She Was Punched

By STEVE NELSON  
Gazette Reporter

ALBANY — Four more police officers took the witness stand yesterday in the McKeever civil-rights trial to give their accounts of the events on the evening of Sept. 21, 1982 — events that led to the arrests of the McKevers, a black couple, for assault.

Donald McKeever, a 42-year-old state jail inspector and his wife, Barbara, 37, of Ten Broeck Manor apartments, sued six white police officers in June 1983, charging racial discrimination and other civil rights violations. They filed the suit in U.S. District Court, seeking \$5 million in compensatory and punitive damages.

The officers who testified yesterday were Leroy Layman, Valerie VonDollen (now Burke), William Murphy and Detective Kenneth Kennedy. Others who testified included Joseph Muia, the assistant district attorney who disposed of the McKeever case when it came to city Police Court, and Louis DuBour, a 46-year-old director of special projects for the state Department of Social Services and a long-time friend of Donald McKeever who was in the McKeever apartment the night the police arrived to investigate a "family trouble-woman screaming" call.

The "woman" turned out to be the McKevers' son, Perry, 13 at the time, who had been spanked with a belt after his father learned he had stolen candy and other items from a local supermarket.

All the officers but VonDollen, along with Sgt. Charles Arsenault and Officer Peter Manns, who both testified previously, were members of the now defunct Arbor Hill Neighborhood Police Unit. VonDollen was

assigned to Division Two in the South End when the incident occurred.

The morning's testimony featured Layman, who McKeever previously had testified physically abused him and subjected him to racial slurs after arresting him, and VonDollen, who Mrs. McKeever had said attacked her and called her a "bitch" after she confronted the officer in the couple's bedroom that night.

VonDollen admitted she called Mrs. McKeever a "bitch" but only after the woman had punched her in the face.

"Did you ever refer to the McKevers in an insulting or derogatory manner?" asked John Shea, the assistant corporation counsel representing the officers in behalf of the city.

"I called Mrs. McKeever a bitch after she punched me in the face," VonDollen responded. The punch came after Mrs. McKeever confronted VonDollen in the master bedroom, shoved her with both hands and told her "get out of my house, white bitch or something like that," the officer testified. VonDollen said she went into the bedroom under orders from the commanding officer at the scene, Sgt. Charles Arsenault, who wanted to know if there were other children in the apartment besides Perry.

The punch was thrown, VonDollen said, during a brief shoving match between the two women. VonDollen said she intended to arrest Mrs. McKeever when she was struck a second time in the shoulder by Mr. McKeever, who had thrown a punch at her over the back of another police officer, William Murphy.

"After she struck me, I was going to take her and put her under arrest," said VonDollen.

VonDollen testified Murphy and Sgt. Arsenault struggled with Mrs. McKeever before handcuffing her and taking her to a waiting patrol car for transportation to the Arbor Hill unit station. The only conversation VonDollen said she had with Mrs. McKeever on the way to the station was when Mrs. McKeever, seeing the officer rubbing her nose said "don't worry about it, your nose isn't broken. I work with that stuff every day." Mrs. McKeever was employed as admittance officer in the emergency room at St. Peter's Hospital at that time. Shea produced a certified record of VonDollen being treated with X-rays at Memorial Hospital hours after the arrest of the McKevers.

Mrs. McKeever previously had testified that she asked the officers not to handcuff her in front of her children. Officer Murphy, who said he was the first officer to grab the woman after she "belted" VonDollen, said he did recall Mrs. McKeever asking the officers not to handcuff her.

Layman's testimony mirrored that given by his fellow officers. McKeever, he said, yelled at the officers throughout the incident. Layman said he came in physical contact with McKeever after he lunged at VonDollen, holding him from behind while they struggled. Detective Kennedy and Officer Manns soon became involved in the struggle. Together the trio of police officers handcuffed McKeever and carried him out of the apartment, Layman said.

McKeever, he said, was "very, very agitated" throughout the incident, "screaming" about his rights and threatening to sue and have the officers' badges. His rights were recited to him more than once, Layman said. He denied uttering any racial slurs or

as McKeever had testified, punching, kicking or otherwise physically abusing the man.

On cross-examination, McKeever's attorney, Lanny Walter, again focused on apparent inconsistencies between testimony given by officers at the trial and depositions they each gave in the case in Walter's office in 1984.

Muia testified regarding the circumstances under which it was decided to adjourn the charges against both McKevers in contemplation of dismissal. Police had charged Donald McKeever with assaulting a police officer, Leroy Layman, a class D felony; assaulting his son, Perry, and resisting arrest. Mrs. McKeever was charged with assaulting VonDollen and resisting arrest.

"After reviewing the facts and circumstances and the defendant's history and various other things I review, I made a recommendation to the judge (John J. Clyne), that it be adjourned in contemplation of dismissal," the assistant district attorney said. He described adjournment in contemplation of dismissal as "sort of unsupervised probation" in which criminal charges are dismissed after six months if the defendant has avoided further contact with the courts.

"It is not considered a disposition in favor of the defendant," he said. However, under cross-examination by Walter, Muia admitted the decision was "a favorable disposition" for a defendant charged with assaulting a police officer.

Asked if the disposition was unusual in cases involving assaults of police officers, Muia hedged at first, but then said "I would have to say, yes, it is unusual."



## Lack of civilian review board blamed for Albany police suit

By John Caher  
The Knickerbocker News

The federal trial of six Albany police officers accused of assaulting an Arbor Hill man could have been avoided if the city had a civilian complaint review board, an attorney says.

Albany attorney Lanny E. Walter said his clients, Donald and Barbara McKeever of Ten Broeck Manor Apartments, had no option but to take their \$5 million suit against the police and the city to court. Walter said the city did not have a civilian review board with court-like powers.

The McKevers, suing on their own behalf as well as that of their three children, charge police investigating a complaint of child abuse "barged away into their house, falsely accused the McKevers of assault, arrested the McKevers without cause and physically abused Mr. McKeever," Walter said.

In 1982, police were called to the McKeever household to investigate a complaint someone was being beaten. McKeever, now 41, was charged with assaulting his son. In addition, Donald and Barbara McKeever were charged with assaulting police.

All the criminal charges subsequently were dropped and an Albany County Social Services Department hearing cleared the McKevers of child-abuse accusations.

McKeever, a jail inspector with the state Commission of Correction, admitted he had spanked his son for stealing candy and other items from a store. The child yelled and someone in the apartment complex apparently called police, Walter said.

McKeever claimed police mistreated him because he was black and lived in the largely black, largely poor Arbor Hill section.

"It is our belief that they never would have treated a white family this way," Walter said. "The McKevers did nothing to bring this about."

They are suing in a trial scheduled to open today before U.S. District Judge Con G. Cholakis in Albany.

Named in the suit are officers Kenneth C. Kennedy, Valerie VonDollen, Charles Arsensault, Peter E. Manna, William F. Murphy and Leroy Layman.

In the last two years, the city has been ordered to pay nearly \$30,000 to residents who said they had been abused or had their rights violated by Officer Van Dollen and Detective Kennedy.

A federal court in October awarded an Arbor Hill woman and her daughter \$10,000 each after finding Kennedy and two other officers guilty of violating their civil rights.

Kim Russell and her daughter, Laneka Moore, had sought \$1 million after police burst into their Clinton Avenue apartment and briefly held them at gunpoint until realizing they had raided the wrong apartment. Kennedy and the other officers, searching for an armed fugitive, accidentally raided 394 Clinton Ave. instead of 396 Clinton Ave.

In late 1984, the city paid \$9,700 after Von Dollen struck Mary Keyes of Third Street in the head with a large flashlight in 1980 while police were scuffling with the Keyes' son.

Walter said many civil suits against the city and the Police Department could be avoided if the city had a powerful civilian review board. He said there was a citizens advisory committee, but "it has no power to compel anybody to come before it and testify under oath."

Assistant Corporation Counsel John Shea, who is representing the city and police, was not available immediately for comment.



## Federal jury deliberating in Albany rights case

By John Caher  
The Knickerbocker News

A U.S. District Court jury resumed deliberations this morning in the trial of an Albany couple's claim against the city and five police officers.

The jurors received the case Wednesday and deliberated until about 5:30 p.m. when they were dismissed for the night.

The \$5 million suit involves a September 1982 incident in which police said Donald McKeever of Ten Breck Manor apartments spanked his then-13-year-

old stepson with a belt for stealing. According to reports, Perry Hamilton, the stepson, screamed and a neighbor called the police.

Trial testimony revealed that six Albany police officers — Valerie VonDollen Burke, Kenneth C. Kennedy, Charles Arsenault, Peter E. Manns, William F. Murphy and LeRoy Layman — went to the McKeever apartment.

Barbara McKeever, Donald's wife, confronted VonDollen Burke in the master bedroom and ordered her to leave. The police officer then either assaulted or was assaulted by McKeever, according to

conflicting testimony.

The McKevers were arrested and charged with assaulting police officers and resisting arrest. Donald McKeever was additionally charged with assaulting his stepson. All the charges were dismissed and a county Department of Social Services hearing cleared the McKevers of child abuse.

The suit, filed on behalf of Donald and Barbara McKeever and three of their children, alleged the McKevers were subjected to physical abuse and verbal slurs by police.



**\$5M action against 6 officers, city**

## Albany police case ends in mistrial

By Shirley Armstrong

Staff writer

A \$5 million civil action against six Albany police officers was declared a mistrial in U.S. District Court late Monday after the jury reported itself deadlocked three times, court officials reported.

Shortly after 10 p.m., Judge Con G. Cholakis called the jury back and asked if they'd made any progress in considering the case of an Arbor Hill couple who accused police of false arrest, use of unreasonable force and violation of their civil rights.

The jury reported it had not, prompting Lanny Walter, attorney for the plaintiffs, to move for a mistrial, a request joined by Assistant Corporation Counsel John Shea. No date has been set for the retrial, court officials said.

Earlier in the day, responses by foreman Lionel Collins to queries by Cholakis indicated the jury may have found in favor of Barbara McKeever on one and possibly two claims, while failing to reach agreement on similar claims by her husband, Donald.

The McKevers ask \$5 million in their civil action against the city of Albany and the six officers as the result of a Sept. 21, 1982, incident at their 123 Livingston Ave. apartment in the predominantly black residential area. The episode led to the arrest of the McKevers on assault and resisting arrest charges, which were subsequently dropped.

According to trial testimony, police responded to a report of a woman screaming, and were advised that Donald McKeever had disciplined his 13-year-old son with a belt. Police said McKeever became loud and abusive and it was necessary to remove him forcibly. They said Barbara McKeever was taken into custody and handcuffed after she struck Officer Valerie VonDollen Burke.

The McKevers contend an unwarranted number of officers entered the apartment, that they voiced racial slurs, illegally searched the premises and used unreasonable physical force. They contend it was Burke who struck Barbara McKeever.

In the second day of deliberations Thursday, the jury reported itself deadlocked and, due to the heavy snowfall, Cholakis adjourned the deliberations until Monday, when he

reread instructions dealing with civil rights.

In mid-afternoon Monday, a note from Collins advised the jury still was deadlocked, but Cholakis ordered continued deliberations, reminding the jurors "this is an important case" that has been "expensive in time, effort and money to both plaintiff and defense."

Pointing out that a mistrial would require a retrial, the judge said there was "no reason to believe that six more impartial, competent jurors" could be selected or that "more or clearer evidence could be produced."

Referring to a questionnaire, provided to the jurors as an aid in reaching various required determinations, Cholakis asked if the jurors had agreed upon various answers.

Collins said the jurors had discussed the situation for "the last half-hour or 45 minutes" and "no key testimony and nothing in your charge could cause us to change our minds."

He added that "we are not hung up on the testimony."

The questionnaire contains 12 questions. Collins said the jurors had not agreed on Question 1, which asks whether Donald McKeever proved, by a fair preponderance of credible evidence, that he was falsely arrested and imprisoned by Officers LeRoy Layman and Peter Manns and Detective Investigator Kenneth Kennedy. He said they had also failed to agree on Question 2, asking if there had been proof of substantial force against McKeever by either of those three officers.

However, Collins said, there had been agreement on Questions 3 and 4, relating to whether Barbara McKeever was falsely arrested and imprisoned and subjected to unreasonable force by Burke, Officer William Murphy and Sgt. Charles C. Arsenault.

Collins said the question on racism had been only partially answered.

Shea said he was not convinced the partial answer reflected an earlier finding in favor of Barbara McKeever.

Defendants and plaintiffs clearly were disappointed with the jury's failure to reach a verdict. Faces of the officers — who have been subjected to exceptionally long work days, with court appearances followed by full or overlapping duty shifts — were lined with tension and fatigue.



press conference 2/20/89

# Group protests move to dismiss police-bias case

By Brad Kelly 2/21/89  
Staff writer T.U.

ALBANY — The Capital District Coalition Against Apartheid and Racism on Monday criticized special prosecutor Christopher Rutnik for moving to have an assault charge against suspended police officer James Turley dismissed.

Turley, a nine-year veteran of the force, was arrested and charged last month with third-degree assault for allegedly pushing Peggy Ruffin, of 8 Maguire Ave., against a wall and dragging her into a holding cell at the Division Two police station by her hair on Oct. 8.

A grand jury investigating the case last week declined to indict Turley and Rutnik moved to have the criminal charge dismissed. Turley remains under suspension until departmental charges against him are resolved.

"The haste with which the special prosecutor is seeking to dismiss charges in the Turley case ... is another step intended to protect the police from being found guilty of wrongdoing," Merton Simpson, co-

Simpson said the decision by Rutnik to convene a grand jury in the case prevented the public from "knowing how the evidence was actually evaluated."

"This is but another mechanism by which bias-related violence perpetrated by the police is whitewashed," he added.

Rutnik was not available for comment Monday.

Ruffin is one of four black people who claim they were racially harassed and unlawfully arrested on disorderly conduct and resisting arrest charges after a fight in Arbor Hill. All four have begun false-arrest lawsuits against the city.

The coalition called on Mayor Thomas M. Whalen III to provide the Community Police Relations Board with "additional resources" so that the panel can identify patterns of police abuse and bias-related violence.

Also attending the press conference were Vicki Smith, the coalition's representative on the police review board; Alice Green, head of the Albany office

# Anti-Racism Coalition Wants Probe Continued

By CATHY WOODRUFF 2/21/89  
Gazette Reporter

ALBANY — Representatives of the Capital District Coalition Against Apartheid and Racism are calling on local authorities to continue pursuing departmental and misdemeanor charges against a police officer accused of beating a woman in the city lockup, despite the refusal of a grand jury to indict him on felony assault charges.

Representatives of the coalition gathered outside City Hall yesterday to urge city and police officials not to let their investigation of accusations against Officer James E. Turley drop with last week's conclusion of a grand jury investigation.

"We want them to know people are watching who are concerned about the outcome," said Merton Simpson, co-chairman of the coalition. He and other members of the group also said they will push for more public disclosure of the circumstances surrounding the case.

Turley, 32, remains on suspension without pay. Sgt. Robert Wolfgang, police department spokesman, said yesterday. "As far as our departmental charges, they're still in effect," he said.

Turley was suspended by the department on Jan. 6 after he was arraigned in Police Court on a misdemeanor reckless assault charge. His arrest followed an investigation by the department's Internal Affairs Unit, responding to a formal complaint made by 35-year-old Peggy Ruffin of McGuire Avenue.

Turley allegedly dragged Ruffin by her hair while she was handcuffed, pushed her against a wall and knoched her to the floor of the Division II lockup. Ruffin's eye was hurt when she allegedly fell against Turley's knee during the incident.

Ruffin was among five people arrested Oct. 8 during a fracas on Second Street

"By processing this case through a grand jury, the public and the victims and their attorneys, as well, are prevented from knowing how the evidence was actually evaluated," Simpson said. "This is but another mechanism by which bias-related violence perpetrated by the police is whitewashed."

Simpson also criticized the "haste" with which Rutnik decided to seek the dismissal of the previous assault charge.

Mark Mishler, a lawyer and member of the coalition, even suggested that his group also could reach the conclusion that the charges against Turley are unfounded if the misdemeanor charges were to go to trial in Police Court. But because of the required secrecy surrounding a grand jury, he noted, the testimony of witnesses in the case is not public.

Alice Green of the New York Civil Liberties Union, who also attended the news conference, compared the case in some ways to the case of Jessie Davis, a 35-year-old former mental patient shot in his Arbor Hill apartment in July 1984 after allegedly twice lunging at police with a knife and serving fork.

Police ultimately were cleared of blame in the Davis shooting, but a grand jury did issue a report recommending changes in police procedure and training.

In the Turley case, Green said, "there are some of the same kinds of suspicions that were raised in Jessie Davis because the community never knows what happened."

Rutnik could not be reached for comment on the case, but previously has asserted the need for a grand jury investigation in the Turley case, saying there were several "questions of fact" surrounding accounts of the incident.

Simpson also called for increased support of Albany's Police-Community Relations Board by Mayor Thomas M. Whalen III "so that patterns of police abuse and bias-related