

THE DAILY GAZETTE 1/24/90

Logan Says Police Brutality Must Be Probed

By LINDA BARNAS
Gazette Reporter

ALBANY — Arbor Hill Alderman Sara E. Logan last night called for a thorough investigation into any allegation of police brutality, while pledging her support for the department.

At a community meeting following a reception for new Police Chief John Dale, the city's first black chief, Logan said questions about the use of excess force by officers against black defendants "is an issue of great concern in the community."

A \$7.1 million lawsuit has been filed in federal court against three officers by a 34-year-old man who alleges he was arrested without cause and beaten during last May's drug sweep of the South End. The charges against James F. Lunday were later dismissed in Police Court.

There also have been repeated contentions that blacks are singled out unfairly when drug suspects are stopped at the Greyhound bus station.

Members of the Arbor Hill "family" will work to see that incidents are investigated and "most importantly, do our utmost to keep our members out of the clutches of those who practice brutality" by addressing the drug and related crime problems, she said.

While not every officer is the same, she said, there are a number of police, starting with Dale, "who would enforce the law and do it properly." And Arbor Hill residents will continue to seek the department's protection and give it their support, she said.

Dale, in response, said the drug trade triggers a certain amount of violence, and "we have to try to keep you safe. If you have a problem with the way we're doing it, come talk to us."

The chief said that one of the "saddest statistics" he has seen "is the number of our black youth who've been arrested." Adding new prison cells is not the answer, he said, calling for more education and treatment opportunities and more money for rehabilitation within the prison system.

The drug problem, one way or another, was the focus of a number of the speakers at the forum sponsored by Logan. Guy Kuperman, director of the Edward F. Kennell Drug Treatment Center, said more preventive measures should be taken and more done to reach out to people "who have found their way to a living hell."

Other speakers including school board member ...ard DeWitt, city equal employment Director Frank Alphonso and Mike Hurt, director of the Orange Street business incubator project, emphasized the role of quality education and jobs in providing alternatives to drugs.

Also at the meeting, Logan outlined some of the steps she plans on taking to better inform her constituents, including a leadership committee to tackle community issues.

Capital District Coalition Against
Apartheid and Racism
Box 3002 - Pine Hills Station
Albany, New York 12203

February 1, 1990

Chief John Dale
City of Albany Police Department
Division Two - Morton Avenue
Albany, New York 12202

Dear Chief Dale:

I am writing on behalf of the Coalition Against Apartheid and Racism to request a meeting with you to discuss a number of allegations of brutality and misconduct by Albany City Police Officers reported this past year.

If your schedule permits, several representatives of the Coalition would like to meet with you at 9:00 am on either Friday, February 23, 1990 or Monday, February 26, 1990. Please let us know which date is most convenient for you.

We appreciate your willingness to meet as it is important to establish and maintain a dialogue toward change that will produce a safer and more peaceful community.

Sincerely,

Vickie A. Smith
On behalf of
the Coalition

This pamphlet is not a substitute for the advice of a lawyer.

If you are arrested or if you think you are about to be arrested, your first step should be to **obtain** the assistance of a lawyer. To get legal help, contact any of the following:

Albany County Public Defender
447-7150

Albany County Bar Association
(Lawyer Referral Service)
445-7691

NY State Defender Association
465-3524

To file a complaint about police abuse, contact:

**Capital District Coalition
Against Apartheid & Racism**
Box 3002 - Pine Hills Station
Albany, NY 12203

Community/Police Relations Board
Albany City Hall, Room 254M
Albany, NY 12207
518 434-5184

The Coalition Against Apartheid and Racism is collecting information about incidents of police abuse in Albany so that trends can be identified and proper action can be taken to discipline officers who mistreat citizens. The Coalition cannot provide individual legal representation, but we hope to help stop police abuse by gathering and presenting documented information about incidents of police abuse.

*a project of the Social Justice Center
Labor Donated*

POLICE ABUSE

What To Do

Your rights:

on the street
in a car
at home
if you are
arrested



Capital District Coalition Against
Apartheid & Racism
Box 3002, Pine Hill Station
Albany, New York 12203

**POLICE ABUSE
INCLUDES:**

*verbal racial/ethnic slurs and
derogatory comments*

*physical shoving, kicking,
beating, or any physical con-
tact that is not necessary in
order for the officer to do his
or her job*

*psychological intimidation -
threats of harm or violence,
threats of trumped-up charges*

**If you are a victim of police
abuse or witness abuse,** obtain
the following information:

- Name of officer(s)
- Badge number(s)
- Car number(s)
- Date/Time/Place
- Race, sex, height, weight,
hair, complexion & eye color
of officer(s)
- Name, phone & address of
witness(es)
- Name of victim(s)

If you witness an incident in Albany,
call the Police at **463-4141** and
explain what you observed. This call
will be taped and will document the
incident. Also, file a complaint. (See
back for agencies that will help)

**If the police stop you on the
street or in a car:**

Don't panic



Remain calm and alert. Give only your
name and address when asked (and
provide license, registration and
insurance card if driving a car).

You are not legally required to identify
yourself on the street, but in most
situations doing so could help prevent
unnecessary confrontation with the
police officer. **Pay attention to
everything** that is going on and who is
involved.

**If the police come to your
home:**



Ask to see a warrant

Check name, address & items listed.
Ask to see their badges and ID cards. If
the police do not have a warrant, tell
them politely that you do not want
them to enter your home and ask them
to please leave.

If the police attempt to search your
person, home or car, you do not have
to consent. **But if they persist, do not
resist.**

**If you are arrested, you have the
right:**

• to be informed of the charges against
you. **Ask** the officers what the charges
are.

• to remain silent. **Do not answer any
questions other than your name and
address.** Even if you are innocent,
something you say might be mistated
and used against you.

• to speak with a lawyer at the place
where you are being held. **Ask** for an
opportunity to make a telephone call.

• to have a lawyer appointed for you if
you cannot afford one. If you cannot
afford a lawyer, tell the police and **ask** to
be provided with a lawyer.

Note: If you are arrested, have a witness
contact a friend or family member
immediately. If injured, ask for medical
treatment. If you don't receive
treatment, obtain it immediately upon
release. Always record the doctor's name
and date and time of treatment.

Remember

**pay attention to everything
the officers do.**

This pamphlet is a product of the Legal Redress Committee of the Albany NAACP.

The purpose of this pamphlet is to inform you, in a general way, about the legal protections afforded you or others if stopped or approached by the police.

This pamphlet is not meant to be a substitute for the advice of a lawyer. If you are ever arrested or if you think you are about to be arrested, your first step should be to obtain the assistance of a lawyer.

Names and numbers of the agencies to contact to get legal help:

- Albany County Public Defenders: 447-7150
- Albany County Bar Association (Lawyer Referral Service): 445-7691
- New York State Defenders Association 465-3524

For information on membership, contact the—

Albany Branch NAACP
93 Livingston Avenue
Albany, New York 12207
(518) 462-1823

National Association for the Advancement of Colored People

What to do when stopped by the police?



Produced by:
Albany Branch NAACP
Legal Redress Committee, 1986
93 Livingston Avenue
Albany, New York 12207

If the police stop you on the street:

- Be polite—remain calm and alert
- Do identify yourself when asked
- Do not resist a frisk of your body
- Do not resist an arrest
- Do pay attention to everything that is going on and who is involved

If arrested; and taken into custody:

- **Do not** talk to anyone; do not answer any questions.
- **Do** request that an attorney be present for all questioning.
- **Do** request that an attorney be present to assist you before signing anything.
- **Do** pay attention to everything that is going on and who is involved.

If the police come to your home:

- Be polite—remain calm and alert.
- Ask to see their warrant.
- Ask to see their badges and I.D. cards.
- Be sure the search warrant is for search of your home—and signed by a judge.
- Be sure the arrest warrant is for you or someone in your home—and signed by a judge.
- If the police do not have a warrant but insist upon entering your home without your consent—do not resist.
- Do pay attention to everything that is going on and who is involved.

If the police stop you in your car:

- Be polite—remain calm and alert.
- Produce license and registration when asked.
- **Do not** argue with the officer.
- Consult an attorney if you believe a traffic ticket was not issued properly.
- Do pay attention to what is going on and who is involved.

Remember!

- **Always be polite.**
- **Always remain calm and alert.**
- **Do not resist the police.**
- **Do pay attention to what is going on and who is involved.**

Be aware of your rights:

1. You have the **right** to remain silent. You may remain completely silent or answer some questions and not others.
2. You have the **right** to speak with your lawyer at the place where you are being held.
3. You have the **right** to telephone your lawyer, a friend or your family to notify them of your arrest.
4. You have the **right** to have a lawyer appointed for you if you cannot afford one.
5. You have the **right** to have your lawyer present if you are placed in a police line-up.

**Do not forget—
The best way to protect your rights is to get the help of a lawyer.**

Names and numbers of the agencies to contact to get legal help:

- Albany County Public Defenders: 447-7150
 - Albany County Bar Association (Lawyer Referral Service): 445-7691
 - New York State Defenders Association: 465-3524
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THE DAILY GAZETTE

Owned and Published by The Daily Gazette Co.
332 State Street, Schenectady, N.Y. 12301

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Editorial Page Editor

Noted This Week

Quotes and Comments

Police Abuse

● "It doesn't mean the public servant is going to be nailed on a cross." — Keith St. John, a member of Albany's Community-Police Relations Board, on what would happen if the board were given real power.

From the time it was formed in 1986 in response to community outrage over the police shooting of Jessie Davis, Mayor Thomas Whalen has denied the board the authority it needs to effectively oversee police operations. While the board should not see itself as a replacement for either the police chief or the grand jury, it should be able to monitor police behavior and report when there are significant violations of procedures or law. But to do this, it needs detailed information from the department, and under the current arrangement, it doesn't get it.

Now, at a time of growing community concern about police abuse and racism, Whalen proposes changes that would further limit the board's clout. The mayor wants to reduce the size of the board, and change membership in a way that would make the board less representative of minority interests and more representative of white, middle-class, establishment interests.

The board shouldn't allow these changes, nor should it continue to accept its lack of power. If Whalen insists on continuing to erect political obstacles, the members should disband. No board at all is preferable to a paper one.

● "We are pleased with this decision by the court. We have always maintained that the president is a necessary witness." — Richard Beckler, counsel for John Poindexter, on the decision giving his client access to Ronald Reagan's personal diaries.

Judge Harold Greene's ruling will serve two important purposes. It will make a fair trial for Poindexter, who faces criminal charges for his role in the Iran-contra affair, more likely. And it will help the American people learn if Reagan told them the truth about his own role in the affair.

It was Poindexter who effectively killed any chance that Reagan would be implicated when he proclaimed to congressional investigating committees in July 1987 that the buck stopped with him, the national security adviser. Now Poindexter says that what he said before wasn't so, and that Reagan knew everything.

The judge has seen the diaries, and has concluded they contain information that is relevant to the case. Unfortunately, that doesn't guarantee Poindexter will get to use them. Reagan may invoke executive privilege to block access, and even if he loses, the attorney general could stop the trial, as he stopped another Iran-contra trial recently, by claiming national secrets would be revealed.

But justice and the importance of this case demand that the trial go on. The nation deserves an honest reckoning of the Iran-contra affair and everyone's part in it.

Counter-proposal rebuffs mayor, adds beef

By Richard Wexler

Staff writer

2/8/90

ALBANY — The Council of Albany Neighborhood Associations endorsed the concepts underlying a city alderman's proposal to beef up the Police-Community Relations Board, but stopped short of backing the specifics.

The decision is a rebuff to Mayor Thomas M. Whalen III, who wants to alter the membership of the board radically and shift its focus from attempting to investigate alleged police misconduct to creating a warmer relationship between the community and the police. The current board will go out of business at the end of the month unless the mayor renews it or creates a new one.

Whalen wants to reduce the board from 15 members to nine and choose community representatives from geographic areas rather than from what he called "special interest groups."

Emily Grissom, president of the Sheridan Hollow Neighborhood Association and CANA's delegate to the board, presented the mayor's

proposal and two others — one from the board chairman, Rev. Robert Dixon, which endorses the mayor's proposed change in focus and reduction in board size, and a very different proposal from Second Ward Alderman Keith St. John.

St. John wants to retain the current composition of the board and "expand its investigative powers and authority to include the power to compel testimony and the production of documents." St. John's plan also calls for "public disclosure of disciplinary action taken against police officers."

Grissom dismissed Dixon's plan as "next to nothing" and asked for an endorsement of St. John's proposal. "The people on the board are willing to turn this thing around," Grissom said. "If given a chance it will work. ... If we say nothing, we'll run into a brick wall."

She was supported by Jeanne Hennessy of the Neighborhood Resource Center. "City Hall is saying: Let these little people meet ... but they don't have the power to do anything," Hennessy said.

Several CANA delegates said they could not support all the details in St. John's plan, so the group passed a resolution endorsing the general principals that the board should retain its present size and it "should have the power it needs to do the job."

The resolution also called for replacing some of the city government representatives on the board with more community representatives. The vote was 15 in favor and two abstaining.

In other business, Roger Markovics of United Tenants of Albany urged CANA to back a proposal to spend \$3 million in city funds for affordable housing. "The city has done some good things (for affordable housing)," Markovics said, "but it's all been done with federal money ... The mayor is constantly lobbying Washington for more money, but he's got to put some local money in too."

At a minimum, Markovics said he hoped CANA would "send signals to the Common Council to continue negotiating" with his group and others for more city spending on affordable housing.

Have You Met Albany's own

BATMAN

???????????

A member of the Albany Police Department has allegedly been using a baseball bat to intimidate members of our community. We must stand together and oppose these racist attacks to preserve the safety of our homes and our persons.



STOP BATMAN BEFORE HE "STRIKES AGAIN"
JOIN THE CAPITAL DISTRICT COALITION AGAINST APARTHEID & RACISM'S

RALLY
AGAINST
POLICE ABUSE

Monday Feb. 19¹⁹⁹⁰ 1:00 pm

Albany City Hall

(corner of Washington & Eagle)

For more information Contact Merton Simpson 434-4037

If the continuing pattern of police abuse is to be stopped, the citizens of Albany must demand that the city take immediate steps to stop police violence. The alleged wrongdoing by the Albany Police Department's "Batman" is just the tip of the iceberg when it comes to the larger issue of routine abuse and use of undue physical force by Albany police, including kicking, shoving, verbal taunting and racial slurs. Among the incidents of alleged abuse of African-Americans by Albany police officers that have been reported recently in "Metroland" and the "Times Union" are the following:

In September, 1989, a man alleged that he was beaten by an officer with a baseball bat and injured so badly that he had to be transported by ambulance from the police station to Albany Medical Center;

In October 1988, a man alleged that he was assaulted by police officers, including one who jumped on his chest and broke his rib. The officers in this case were exonerated by the internal affairs unit of the police department on the grounds that the conduct "occurred but was lawful and proper" The criminal charges against this man were dismissed. He has filed a lawsuit against the city;

In May, 1989, a man was arrested by detectives and alleges that he was severely beaten and kicked by officers and taunted with racial slurs. The criminal charges against this man were later dismissed. He has filed a lawsuit against the city;

In August, 1989, a man alleges that he was put in ankle and wrist restraints in the police station and beaten by four officers after he had appeared in court;

In June 1988, the city awarded \$12,500 to a homeless man who had filed a complaint with the Internal Affairs Unit, for allegedly being harassed, kicked, and injured by police. He was tailed for six months in an incident involving the use of a portable toilet on a city street;

We believe there is a conspiracy of silence involving the Mayor and the Police Department. Certain members of the Police Department see abusive conduct by other officers and don't say anything. While police abuse is sometimes written off as "necessary tactics" in the "war on drugs", this is not an acceptable explanation. Also, many alleged incidents of police abuse against African-Americans has nothing to do with drugs.

The city of Albany--and not just individual police officers --have allowed a pattern of abuse of African-Americans and others to exist without doing anything to stop it. In four recent cases, for example police officers were found liable in federal court for violating civil rights, yet none were disciplined by the police department. The city has simply avoided and ignored this issue.

The Capital District Coalition Against Apartheid & Racism calls on Albany residents to report incidents of police abuse and to join with our efforts to stop police abuse in our community.

THE COALITION MAKES THE FOLLOWING DEMANDS:

- ↳ Members of the Albany Police Department (APD) must immediately stop the practice of using excessive physical force and abusive treatment of Albany residents;
- ↳ The APD must conduct an investigation into the allegations of excessive force used by the police officer the community refers to as "Batman", and proper disciplinary action must be taken if wrongdoing is discovered;
- ↳ An independent civilian review board must be established immediately to hear complaints of police misconduct;
- ↳ The Mayor, the Police Department, and the District Attorney's Office must immediately condemn the use of racial or ethnic "profiles" in police actions and investigations;
- ↳ The community must be permitted significant involvement in the development and implementation of a real plan to combat drugs;
- ↳ Medical treatment and substance-abuse treatment should be made available to anyone who requests it;
- ↳ Minorities and women must be sought out in order to have a more representative police force.

IN ADDITION THE COALITION DEMANDS OF OURSELVES AND OUR COMMUNITY:

- ↳ We must take responsibility for setting the proper example for our children and monitoring their behavior in relation to preventing and treating substance abuse;
- ↳ We must work in cooperation with law enforcement authorities to eradicate drugs from the community and build working relations between the police and the community.

For more information Contact:

The Capital District Coalition Against Apartheid & Racism (CDCAAR)
Box 3002 - Pine Hills Station; Albany, New York 12203

B 20 1990

Independent Police Review Board Needed in Albany, Say Protesters

By LINDA BARNAS
Gazette Reporter

ALBANY — Demonstrators at a City Hall rally yesterday called for creation of an independent police review board to combat what they said is repeated police abuse of black and Hispanic men.

"Anybody who practices criminal law in the city of Albany knows that their clients are beaten up and brutalized by members of the Albany Police Department," said lawyer Mark Mishler.

Some of the protesters at the sparsely attended rally, organized by the Capital District Coalition against Apartheid and Racism, described their own or their relatives' alleged mistreatment at the hands of police.

Ronald Greer, a client of Mishler who is suing the city, said he was arrested and injured after he questioned officers arresting some of his friends. When he persisted in asking why only blacks were being arrested, he was seized and beaten, he said, with one officer jumping on his chest and breaking his rib.

The criminal charges against Greer were dismissed, although the district attorney's office is seeking to reinstate them, Mishler said. An investigation by the department's internal affairs unit, which handles complaints of misconduct, found that the police action was justified.

Marjorie Sims, the mother of 23-year-old McKinley Branch, said her son was arrested and beaten by police who stopped him for no reason as he was driving her Mercedes on Swan Street.

"It hurts," she said, that she cannot let him drive her car for fear he'll be thought a drug dealer or that he'll be a suspect if he wears nice clothes. "White parents want to give their sons the best," she said. "Why can't I?"

The city has lost or settled out of court some suits alleging police brutality, including giving \$12,500 to a homeless man who was kicked by officers as he lay handcuffed on the curb. Other cases, including a \$7.13 million federal civil rights suit filed by Albany Medical Center Hospital employee James Lunday, are pending. Lunday alleges that he was wrongly arrested and beaten last May and that police covered up the incident.

Mishler said it was important to make people understand "that it does not have to be this way. It does not have to be that when you're arrested, you're brought down to a detective's office and beaten up. It does not have to be that if you're a young black man walking down the street in Albany that you're stopped for no reason. It does not have to be that if you're a young black man and you get off the Greyhound bus that you're stopped and strip-searched and brought into the bathroom in the most dehumanizing way."

He and former Community-Police Relations Board member Alice Green said police handling of complaints has been characterized by secrecy and unaccountability. Even when the courts have found wrongdoing, said Mishler, the officer is not disciplined.

Sgt. Robert Wolfgang, the department's spokesman, denied that the department covers up incidents. "We've made every effort to get the community to take advantage of the complaint procedure that is in place," he said. When a complaint is filed, he said, it is thoroughly investigated. In some cases there is insufficient evidence or officers are found to be performing within guidelines, he said, but when there are violations, the department takes the appropriate disciplinary action.

Wolfgang said the department would not favor giving the Community-Police Relations Board independent power to investigate complaints, as the protesters urged. The department has been involved with the board since its beginning but does not see the need for this, he said, adding, "We stand by the department's professionalism."

But Green and the others said many people are reluctant to make complaints for fear of further police harassment. An independent review board is the only way to build confidence in the force among the minority community, they said.

The term of the board expires at the end of the month. It has been ineffective according to most observers, and Mayor Thomas M. Whalen III has asked the board for recommendations on how to improve its performance. But his suggestions on changing the board to more neighborhood-based representation, rather than having representatives from different advocacy organizations, would only weaken the board, critics say.

TUESDAY, FEBRUARY 20, 1990



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CALL FOR JUSTICE — Alice Green, left, a leader of Albany's black community, gestures toward Ronald Greer, who is suing the city, claiming he was the victim of police brutality. They and Greer's attorney,

Mark Mishler, were part of a rally in front of City Hall yesterday called to protest alleged police abuse of minorities.

—(Gazette Photo — Sid Brown)

Demonstrators protest alleged

Coalition to meet with police chief next week

By Jay Jochowitz

Staff writer

ALBANY — Demonstrators gathered on the steps of City Hall Monday to protest alleged police brutality and announce a meeting with Chief John Dale next week.

The meeting between Dale and the Capital District Coalition Against Apartheid and Racism is considered to be the first time in recent memory that an activist group has arranged a face-to-face talk with an Albany police chief on such an issue. Dale is expected to be confronted with demands that the department end the alleged use of excessive force and racial profiles in targeting drug suspects.

The coalition said it will further press Dale to support an independent civilian review board which would have the power to investigate allegations of police brutality and misconduct and make recommendations on disciplinary action.

"We should be able to hold the police accountable for what they do," said coalition representative Vickie Smith, who also serves on the city's Police-Community Relations Board. About three-dozen people attended the rally.

The coalition also is expected to ask Dale to investigate one narcotics detective who has been dubbed "Batman" for his alleged use of a baseball bat during interrogations. The officer, identified as Kenneth Sutton of the department's Special Investigations Unit by Albany defense attorney Terrence Kindon, apparently earned the name from a complaint filed last year.

Sutton, Kindon said, was cited in an Internal Affairs complaint made by Robert Butler, a man stopped for questioning last September. Butler maintained in the complaint that Sutton hit him with a bat and he required medical attention.

Butler was later charged with striking police officers.

Police spokesman Sgt. Robert Wolfgang was unfamiliar with the allegations. "I don't know anyone who has been referred to as (Batman) nor do I know of anyone who's involved in that type of activity," he said.

Wolfgang also disputed the coalition's claim that the department cannot investigate its own. "It's our contention that we do thoroughly investigate any complaints that are brought to us and take appropriate action if any misconduct is uncovered," said Wolfgang.

At the rally, Smith and others repeated assertions that police, particularly in the department's detective and Special Investigations Unit, systematically have been targeting and abusing minorities.

Alice Green, head of the Albany office of the New York Civil Liberties Union, accused police of treating blacks "as animals" and cited routine searches and arrests of blacks and Hispanics at the Greyhound bus terminal downtown. "The sad thing is that the community has not become outraged" she said.

Several people gave accounts of incidents of abuse, among them Marjorie Simms, the mother of a black man who said her son was beaten during an arrest on drug charges that would later be dropped.

Simms' son, McKinley Branch Jr., 23, was arrested Nov. 10 on North Swan Street on drug charges after he allegedly gave a quantity of cocaine to a 14-year-old earlier in the day. Branch also allegedly flailed at narcotics officers and was charged with resisting arrest and obstruction of governmental administration.

But the charges were later reduced to a non-criminal count of disorderly conduct, said Branch's attorney, Mark Mishler.

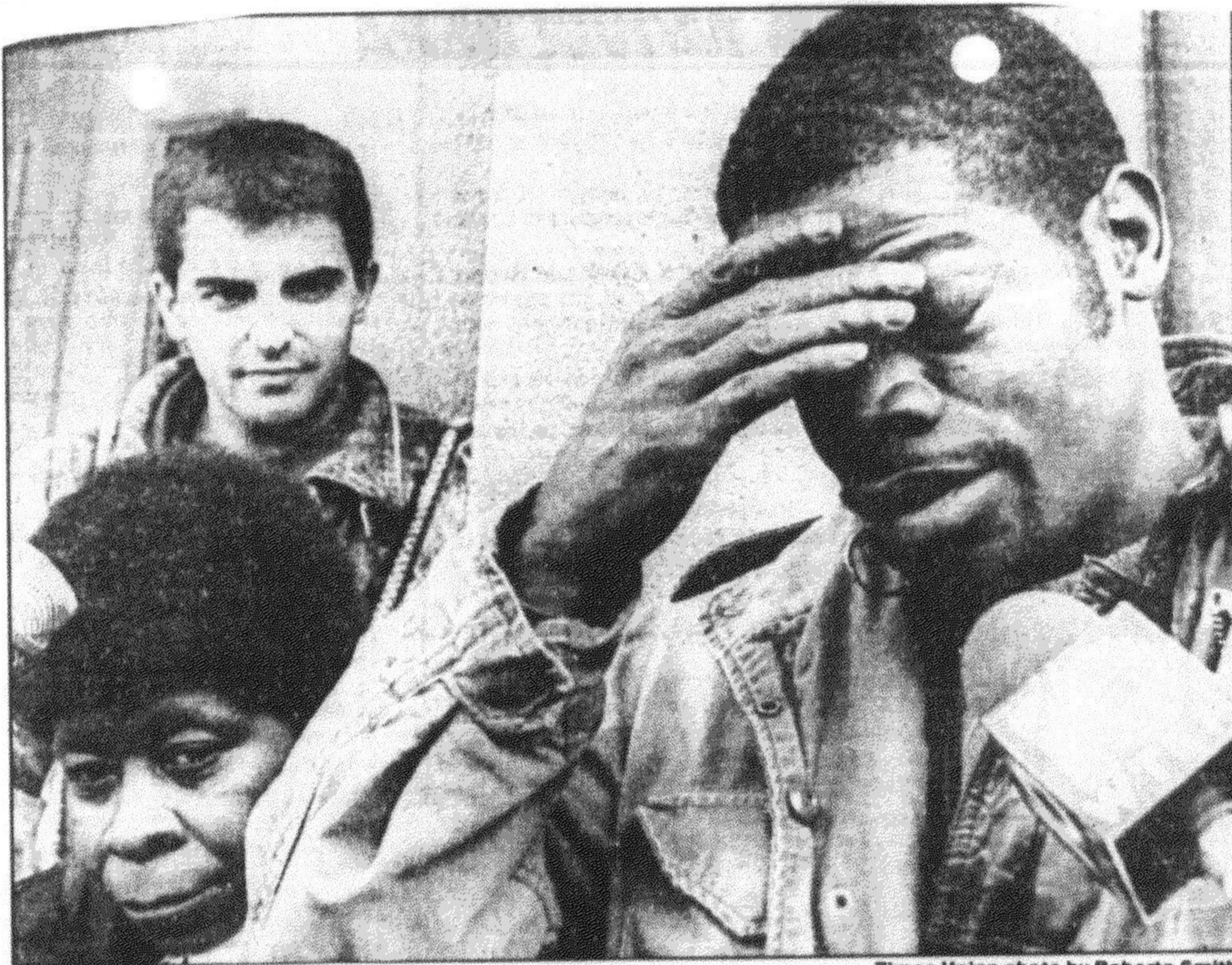
Police acknowledged Branch sustained a lump on top of his head during his apprehension, stating in their arrest report they used a "reasonable amount of force" to take him into custody. Mishler said Branch has filed a notice of claim signaling his intent to sue the city.

brutality by Albany police

THE TIMES UNION

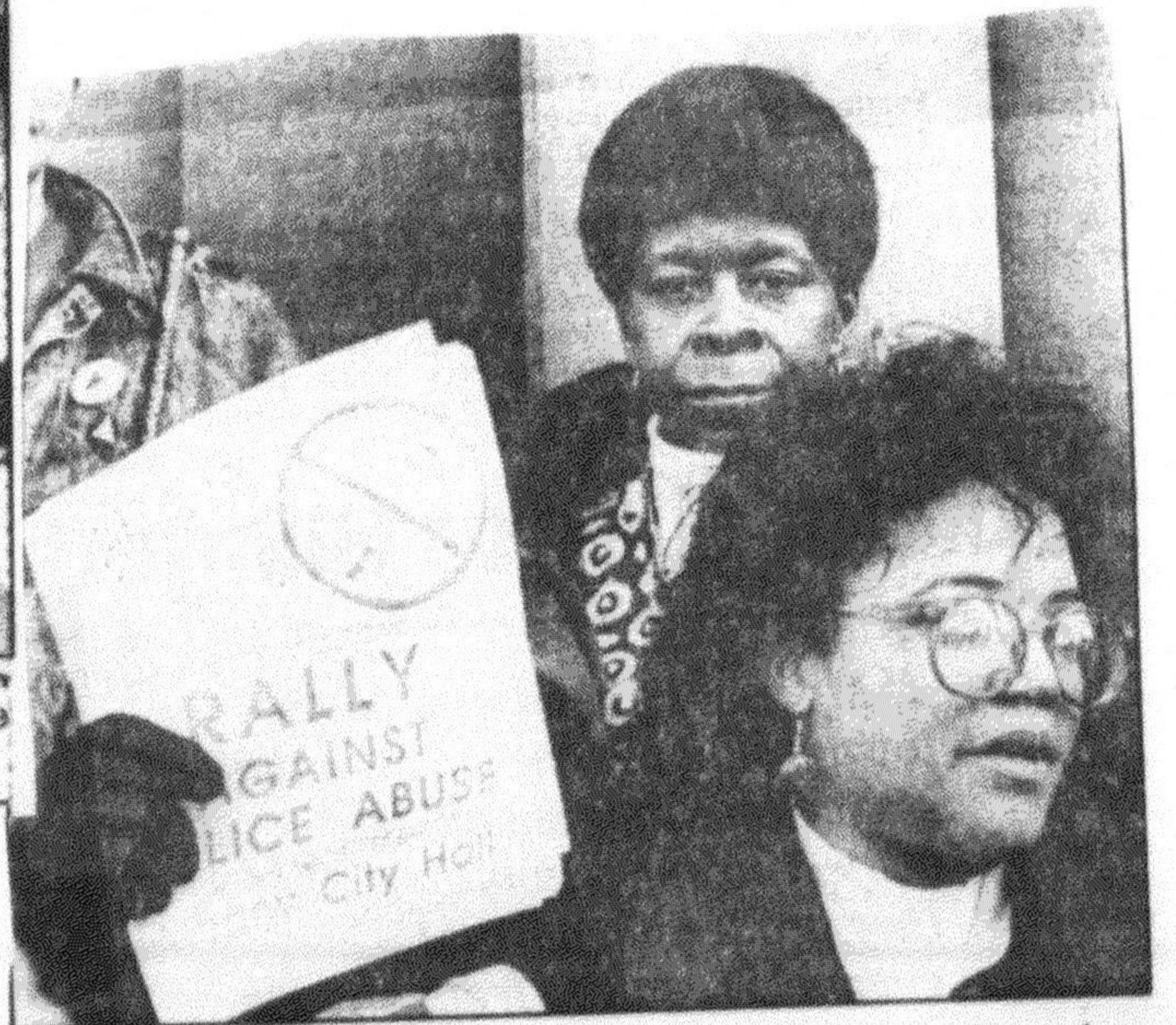
Albany, N.Y., Tuesday, Feb. 20, 1990

B-3



Times Union photo by Roberta Smith

BEATINGS ALLEGED — Ronald Greir, at right, speaks Monday in front of about 36 people assembled in front of Albany City Hall. Greir claimed to have been beaten by an Albany police officer.



Times Union photo by Roberta Smith

Voicing concern

Vickie Smith of the Coalition Against Apartheid and Racism talks Monday about alleged police brutality before a crowd of about 36 people on the steps of Albany City Hall. Behind her is Alice Green of the New York Civil Liberties Union. **Story on B-3.**

Dale opposes increasing public scrutiny of

Albany police



John Dale

Albany police chief

By Catherine Clabby

Staff writer

ALBANY — While concerned about the perception by some that his department needs more public scrutiny, Police Chief John Dale doesn't favor expanded investigative powers for the city's police-community relations board or disclosure of disciplinary action against officers.

The responsibility for ensuring that officers known to violate department policy are punished rests ultimately with him, said Dale, and he hopes citizens will trust he will pursue that. At the same time, he said, the department has the right to keep private records of such disciplinary action.

"I'm concerned about perception because perception to some is reality. But I'm not going to violate anyone's rights to satisfy perception," he said. "I have the utmost confidence in our internal affairs staff."

The 15-member police board will meet Monday to discuss how to best reorganize, a move prompted by Mayor Thomas M. Whalen III's stated disappointment with the panel over the past four years. Whalen wants fewer "special interest" groups on the board, greater neighborhood representation and increased efforts to improve race relations and stem drug abuse.

The Rev. Robert Dixon, chairman of the board, agrees with Whalen that the board has been too negative. He suggests the appointment of only nine members drawn from different religious faiths, black neighborhoods and the city Human Rights Commission, as well as Hispanics, homosexuals and police.

But 2nd Ward Alderman Keith St. John says the membership

of the board is fine. What's needed, he argues, is an expansion of the board's investigative powers so members can compel testimony and the production of documents.

Cities in New York state take differing approaches to how much citizens can know about investigations into allegations of police misconduct.

In Albany, board members in private session are informed of the details and outcome of internal investigations into citizens' complaints, though names of no one involved are revealed by police. Frequently members know names, however, since they often are notified of the complaints. The police department does not reveal what disciplinary action is taken against officers found guilty of violating department policy. If members feel a complaint wasn't handled adequately, they can appeal to the mayor.

New York City grants much wider power to citizens through its charter-sanctioned Civilian Complaint Review Board. Comprised for the past two years of six civilian police department employees appointed by the police commissioner and six citizens appointed by the mayor, the panel reviews internal police investigations. If members are not satisfied with their direction, they can order further work.

Rochester depends on a system in which two ranking police officers and two trained mediators affiliated with the non-profit Center for Dispute Settlement review all investigations into citizens' complaints of police misconduct. The four have the power to turn the investigation back to the department if they feel more should be done. When the probe is completed to their satisfaction, the mediators offer their opinions on whether

the complaint is legitimate.

The city's chief of police then reviews the investigation and the findings of the mediator and decides whether punishment is merited. While the specifics of any disciplinary action is not revealed, "we know if a case is sustained, something will happen," said Gail Spiess, director of community services for the dispute settlement center.

Syracuse and Buffalo do not have any form of civilian review of their police departments' internal investigations. In Syracuse, if a citizen files a complaint, the department informs that person whether the complaint was sustained and whether disciplinary action was taken without getting into specifics, said Deputy Chief Timothy Cowin. In Buffalo, those whose complaints are sustained are told of departmental penalties.

Detective James Tuffey, president of Albany's police union, said he also opposes the expansion of the police board's ability to direct probes into officers' conduct. "If you gave the names of police officers, those liberals would chastise them. . . . Why don't they become police officers if they know so much?" he said. "They should do away with the board. It's self-serving, self-interest groups."

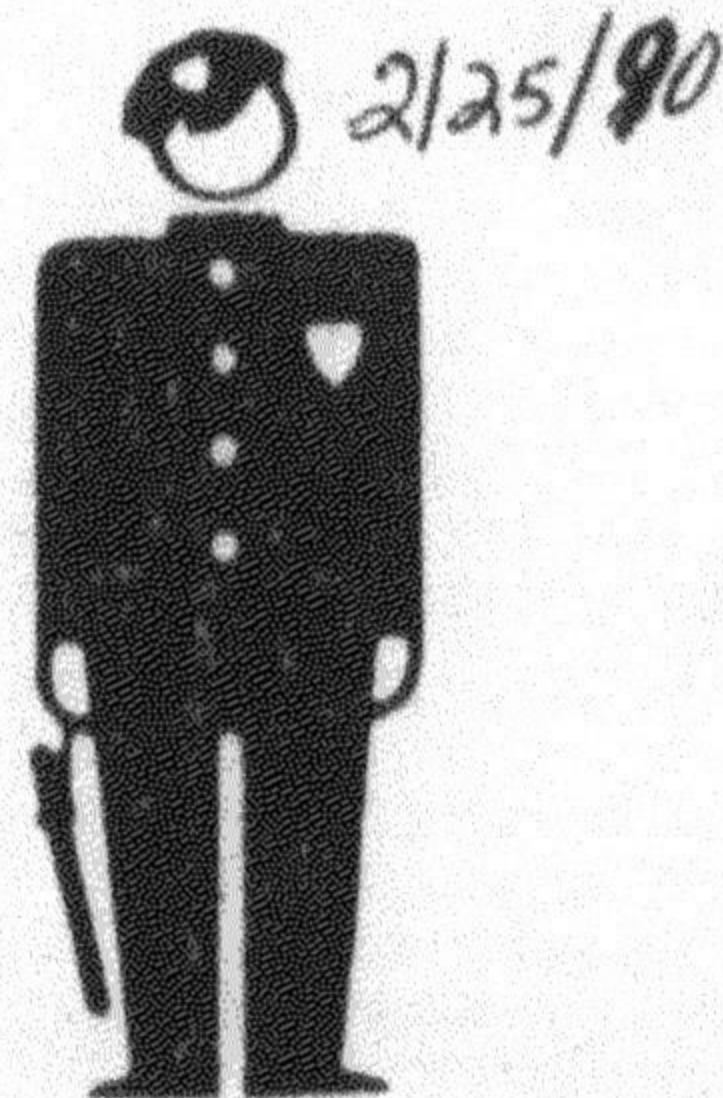
The Albany panel was created by Whalen in 1986 after a grand jury found "evidence of neglect" in the 1984 shooting of Jessie Davis, a mentally disturbed black man, by a white officer after the department's internal affairs unit cleared the officer of any wrongdoing. For three years its members have called for more investigatory powers.

2/25/90

Police, brutality and facts

Six years after a grand jury found "evidence of neglect" on the part of Albany police, allegations of police brutality continue. So does the frustrating search for facts to substantiate, or refute, the charges. It's time Mayor Whalen took decisive action to clear the air.

In 1984, when a mentally distraught black man, Jesse Davis, was gunned down by white police officers, the ugly issues of police brutality and racism caught the community's attention as never before. The police department's internal affairs unit cleared the officers



involved, and so did state arbitrators. A grand jury refused to indict the officers, although it did fault police for neglect.

Albany's Police-Community Relations Board was established to help prevent future abuses, but it has been wracked by dissent and disillusionment almost from the start. Meanwhile, the allegations continue. Last week, a group announced it would meet with the police chief to discuss several incidents, including one involving a narcotics detective who allegedly struck a suspect with a baseball bat.

Not surprisingly, some angry citizens are demanding an independent police board with real power to investigate complaints. Yet without evidence of brutality, the charges remain just that — charges — and the public remains uncertain whether any pattern of abuse exists.

To establish an independent review panel simply on the basis of complaints seems an overreaction. It implies the accusers are more credible than the accused. The status quo, however, is hardly preferable. It leaves too much unanswered.

Granted, it's difficult to find the

dividing line between justified police use of restraint and force, and brutality. Police work can be life-threatening, even under seemingly normal circumstances. For example, calls to quell domestic quarrels are considered the most hazardous of all. Police investigators understand this. An independent civilian review board might not be as sympathetic.

A better approach for now would be for the mayor to empower a special investigator, or a small investigatory panel, to look into recent complaints and report back to the public with facts. If there's sufficient evidence of abuse, the mayor could ask that a special grand jury be called to investigate complaints.

Who should be entrusted with such responsibility? Surely a person, or persons, with unquestioned competence and integrity. Whoever is selected must have credibility with the public, and the freedom to discuss allegations in public — and in detail. At stake is public confidence in governmental institutions.

It's disturbing to hear respected defense attorneys naming police officers who are the targets of allegations. It's just as disturbing to hear a chorus of charges but with no backlog of criminal or civil court cases to indicate a problem.

Why not? If a pattern of abuse exists, surely some attorneys and human rights groups would be willing to help the victims seek justice. Indeed, Albany juries seem willing to listen to such complaints. Last October, a jury acquitted an accused murderer partly on his claims that State Police had beaten and tortured him to obtain a confession.

One obvious answer to the lack of cases is that taking police to court isn't easy. Often there are no witnesses, leaving a judge or jury to choose between a suspect's word and that of an arresting officer. An investigator would help sort out the details and determine whether prosecution was warranted. Just as important, the public would know, at last, just how many complaints were being filed and how many were serious enough to warrant further review.

The longer Albany police remain under suspicion, the more the department's morale, and city's image, will suffer. The sooner the mayor acts to ascertain the facts, the better.

NEWSFRONT

LENS COP

A TWO-YEAR-OLD CONTROVERSY was reignited Monday when an Albany Police detective was spotted taking surveillance photographs during a demonstration sponsored by the Capital District Coalition Against Apartheid and Racism.

More than 45 coalition members and their supporters were protesting on the City Hall steps, calling for an end to what the groups says is excessive police force. According to coalition spokesman Merton Simpson, the group wants to encourage more people who feel they have been victimized by police brutality or verbal racial abuse to step forward and report the incidents.

But while the demonstration was in progress, with the media's attention focused on the speakers, a *METROLAND* reporter observed Albany Police Detective Alden Manion taking photographs of the gathering. Manion was seated in a black 1990 Jeep Cherokee leased from a Latham car-rental company. While holding a police radio in his left hand, Manion raised a camera from the car seat to the dashboard, then quickly pulled it back down to the seat when he saw someone walking past the vehicle.

Manion has been known to follow and observe area political activists. Last Friday, he was seen monitoring a vigil in Albany's Townsend Park sponsored by the Homeless Action Committee. In 1988, local activist Donna DeMaria, who had been followed on numerous occasions by Manion, asked the Police-Community Relations Board to help clarify the Police Department's surveillance policy. The board was informed by then-chief John F. Reid that photographs and video-camera surveillance were considered appropriate law-enforcement activities in some circumstances.

John Dale, the department's new chief, confirmed Tuesday that a similar policy was currently in effect. "Oh yes, we have filmed demonstrations," Dale said Tuesday. "This is something we do and will probably do in the future if we feel that we should."

Dale confirmed that Manion had been assigned to cover the Monday

demonstration by Sgt. Thomas Fargione, head of the Special Investigations Unit (SIU) and that his picture-taking had been approved. But the chief assured that since no criminal activity had taken place at the rally, "the film would not be developed."

The SIU includes the department's narcotics and vice squads, and, according to Dale, has the responsibility for keeping tabs on political demonstrations. Fargione's narcotics squad has been responsible for many of the controversial drug raids in the city's black community and has been criticized for using a race profile to stop, and sometimes search, black and Latin males passing through the Greyhound bus terminal.

"If the police department believes in all honesty that they have a right to do this, why didn't Manion just stand up there and take the pictures?" asked Anita Thayer, another attorney who was present at the protest. "I cannot understand any legitimate law-enforcement reason for taking surreptitious photographs."

Dale did not explain Manion's behavior with the camera, other than to say that Fargione had approved the photo surveillance. "It has a chilling effect on the exercise of First Amendment rights if people believe that every time they participate in a demonstration there will be an undercover police officer taking their photograph," complained Mark Mishler, an attorney who once represented the coalition on the Police-Community Relations Board.

Michael Ratner, a volunteer staff attorney with the New York City-based Center for Constitutional Rights, agreed with Mishler. Photographing protesters "arguably violates the First Amendment right to demonstrate," he said. Ratner was one of several lawyers involved in a lawsuit against the New York City Police Department's so-called "Red Squad" in the 1970s. "It smacks of what they had done for years in New York City to intimidate political demonstrators," Ratner commented. "It's something we would go completely nuts about in New York City."

"We've given it a lot of thought," Dale said when asked about the constitutional issue. "When the problem came up several years ago, we got legal opinions on that. If we felt it was illegal, we wouldn't be doing it. It's a precautionary measure."

Dale added that the department has a "responsibility" as a law-enforcement agency to "ensure the safety and well-being of the demonstrators and the citizens in general." While Dale acknowledged that no illegal activities have been anticipated at Monday's demonstration, he said there was always the concern of violence between groups of counter-demonstrators and that surveillance photographs had been "helpful" during previous violent incidents. The chief said he was not aware of the New York City case.

Meanwhile, Vicki Smith, the coalition's representative on the board, announced at the rally that chief Dale had agreed to meet with members of the group Monday to discuss the criticisms of police behavior.

—Jeff Jones

Police policy changes

Albany Police Chief John Dale announced two important changes in the way his department will henceforth conduct police affairs. First, he has agreed to permit advocates to accompany persons filing misconduct charges against police officers. Second, he promised to restrict the department's use of photography at public demonstrations.



The first change will quite simply help those who wish to file a complaint but might otherwise feel intimidated by the police station, the police personnel and so on. Some persons, it is necessary to say, are easily confused in such circumstances, easily put off, easily persuaded not to make a fuss — or convinced they really don't have a case.

Second, from now on, according to Mr. Dale, the photographing of public demonstrators will be restricted. Moreover,

officers will be permitted to conduct such surveillance at gatherings only with the chief's approval. The previous police chief had maintained that the department needed photos both for surveillance and training purposes. Moreover, the decisions for taking pictures were made by detectives and commanders.

The astounding thing is that such a practice had ever been adopted in the first place. Granted, there are instances when taking photos of people in a crowd might be advisable — in cases of rioting, for example, or when there is reason to believe an arsonist may be lurking in the crowd. But to employ such a tactic in other than these few limited cases is to resort to one the most offensive of police-state weapons. As everyone knows, photographing persons who are demonstrating is primarily intended to intimidate. The idea is to implicitly threaten that a dossier might be created or that demonstrators might be singled out for harassment, if not investigation. In this more civilized society of ours, the camera has replaced the club and the German shepherd.

Until this nation repeals the constitutional rights to assemble and speak freely, police departments everywhere must eschew behavior that effectively inhibits those rights. If one has the right to assemble, to seek a redress of grievances, then one has a right to do so without fear that that innocent behavior by itself will get you in trouble with the authorities.

5/90 pdw

Summary of key anti-bias legislation

The following bills sponsored by Sen. David Paterson (D-Manhattan) and Assemblyman Roger Green (D-Brooklyn) are currently in the Senate and Assembly Codes Committees:

* S.1199/A.7370 and S.1200/A.7369 would establish first- and second-degree criminal charges for bias-related violence that damages property or causes physical injury, including criminal sanctions against those who refuse to lease, rent, or sell property based on bias.

* S.1205/A.7366 would establish the crime of civil-rights murder, penalizing bias-related murder with second-degree murder charges carrying imprisonment from 25 years to life.

In addition, Senate Resolution #484 sponsored by Sen. Paterson urges Gov. Mario Cuomo to appoint a permanent Special State Prosecutor to investigate and prosecute incidents of bias-related violence.

Sen. Roy Goodman (R-Manhattan) is prime sponsor of S.4600-A, introduced at the request of the Governor and Attorney General Robert Abrams, to establish criminal sanctions for bias-related violence or intimidation that causes property damage, physical injury or murder. The sentence for either charge would be added to the regular penalty for the underlying crime.

A similar bill, also requested by Cuomo and Abrams, passed the Assembly Monday by an overwhelming margin. It was sponsored by Deputy Assembly speaker Arthur Eve (D-Buffalo). If the Senate bill passes, this will become law when Cuomo signs it.

What you can do:

Call, write or visit your own state senators at their district offices or the New York State Senate, Albany, N.Y. 12247, telephone (518) 455-2800, to demand support for the anti-bias legislation described above.

Let Sens. Goodman and Paterson know you support their work.

Urge the following key Senate leaders to act on these bills during this legislative session: Republican Senate Majority Leader Ralph J. Marino-Oyster Bay; Christopher Mega (R-Brooklyn), Chair, Crime and Corrections Committee; Dale Volker (R-DePew), Chair, Codes Committee.

Contact senators who sponsor or who have agreed to vote for S.4600-A: Mary Goodhue (R-Westchester County); Eugene Levy (R-Rockland County); James Seward (R-Oneonta); Guy J. Vellella (R-Bronx); John J. Marchi (R-Stat-en Island).

Ask Gov. Mario Cuomo to appoint a special state prosecutor for bias-related crimes. Write him at Executive Chambers, Albany, N.Y. 12224, or call (518) 474-8390.

7/90

Few witnesses

Three people say Albany police overreacted in subduing couple

By Richard Wexler
Staff writer

ALBANY — Three people who say they saw police use excessive force to subdue an Albany couple turned out at a news conference in front of police headquarters Tuesday to support political activist Donna DeMaria, who was arrested when she tried to intervene.

The witnesses, the Rev. Henry Alexander, a baptist minister, his wife Jeanne, and a woman who declined to give her full name all supported the account of the couple and of DeMaria. Their account differs with that of police who describe the couple as "violent" and charged DeMaria with resisting arrest and obstructing governmental administration. She is due in City Court to face those charges Aug. 3.

The incident took place on July 16 at 3 Myrtle Ave. According to DeMaria, the witnesses, and the

couple, who gave their names as Christina Smith and her boyfriend Michael (he declined to give a last name), the incident began when Michael, contemplating suicide, called a mental health worker. Smith called DeMaria. But the first people to arrive were the police.

The speakers at the news conference said the police surrounded Michael, terrifying him. When he picked up a brick a policeman knocked it from his hands with a billy club and put the club to Michael's throat for about two minutes. He was wrestled to the ground and handcuffed.

He was separated from Smith who allegedly was "jumped on" by three police officers who sat on her to keep her from moving.

When DeMaria arrived she says police would not allow her near Michael and Smith. When she tried to approach Smith to calm her down, she says she was arrested, pushed and kicked.

According to police Lt. Robert Wolfgang, both

Michael and Smith were "violent." He said Michael picked up a brick and was "menacing." He did not know the specifics of any violent actions on Smith's part.

Wolfgang said the police used the force needed to restrain Michael and Smith until they could be taken to the Capital District Psychiatric Center for examination. He said everything had been calmed down when DeMaria arrived, and her presence stirred things up again.

Wolfgang said DeMaria was arrested after she pushed past the police to get to Smith. She was charged with resisting arrest when she allegedly tried to avoid being handcuffed, a charge both she and the witnesses denied.

Wolfgang said that if anyone involved in the incident feels aggrieved, they should file complaints with the department's Internal Affairs Unit. DeMaria said all those involved plan to do so.

Sept 190

Lawyer angry with police probe of tasteless 'memo'

By Jay Jochowitz
Staff writer

ALBANY — A "memo" on Albany Police Department stationery attacking police officers, ethnic groups, homosexuals and attorneys has drawn the ire of one Albany lawyer dissatisfied that an internal investigation failed to unearth the writer.

Mark Mishler, an activist, lawyer and frequent critic of the department's internal procedures said the memo demonstrated an attitude incompatible with a police officer's job because of the intolerance and insensitivity it showed.

In the course of the one-page, single-spaced memo, the writer characterized criminal and special investigations officers as being too busy cashing overtime checks and watching races at Off-Track Betting parlors. Derogatory references are made to Italians, Armenians, homosexuals and "alien-looking filth."

Some officers are were depicted as "brain damaged" in the memo, which purported to be an officer's acknowledgement of being recommended for a commendation.

After more than three months of corresponding with Police Chief John Dale about the memo, Mishler said the department's failure to determine who wrote the memo "strains credibility" and is evidence of "a blue wall of silence."

"I'm not willing to accept that they can't figure out who did it," Mishler said Wednesday after supplying to *The Times Union* the memo and letters stemming from it.

Dale was on vacation and unavailable for comment, but in a letter to Mishler said he was "greatly concerned" about the memo and "repulsed by the dehumanizing tone of the material."

Deputy Chief William Murray characterized the memo as "some obvious piece of junk joke" and fired

back at Mishler. "Anyone with common sense, which I never accused Mr. Mishler of having, would see that that's what this is," Murray said. Murray added that he initially wanted Mishler charged with theft for taking the document from the city's Public Safety Building, but Dale rejected the idea.

Murray said he has taken joke memos off the walls before and "I think it happens in every office in the world," but acknowledged police are held to a "higher standard." He said the memo, if done by a police officer, violated police conduct rules and was investigated by the Internal Affairs division.

"I do know that the chief was very serious about it, and if he did find the officer, he would probably have

brought them up on charges," Murray said.

The memo, Mishler said, was posted on a bulletin board over a coffee pot in the clerk's office at city court's criminal part in the Public Safety Building. He said he obtained it from the clerk after she removed it at his request.

The memo also cited "ambulance chasing burr-headed commie-left-wing work boot/crumpled suit" lawyers. Mishler — who sports long tightly curled hair, often wears work boots and characterizes himself as "a leftist," said the depiction was undoubtedly aimed at him and he was offended by the "ambulance chasing" part, which he termed in one letter to Dale and Whalen "actionable defamation."

Watervliet plans revamp of law on noise control

Cops deny Albany groups are involved with drugs

By YUSEF A-SALAAM
Special to the AmNews
ALBANY - A public controversy has tainted a recent state-wide study of juvenile gangs. The study, by a special task-force, reports that a popular youth organization in Arbor Hill, the African-American section of Albany, is involved in illegal activity.

The report, researched by more than two dozen experts, including educators, social workers, and law-enforcement officials, concluded that the Five Per Cent Nation in Albany is criminally-oriented. It states that in Albany, "A large concentration of youth aligned with the Five Per Cent Nation-Muslim sect has been observed. Juvenile members of this organization are increasingly involved in the organized sale of narcotics..."

Sergeant David Cona, from Rochester, N.Y., was responsible for compiling data on gang activity, including skinheads, in Albany, Rochester, and Utica. His findings were submitted to a full task-force in New York City. Two other police officers in other area in New York State also submitted their findings. Sgt. Cona said that he received the information in his Albany report from the Albany police department. But Albany police officials deny ever speaking to him and disagree with his data that depict the Five Per Centers as criminals involved in selling drugs.

"I was referred to an individual in the department," Sgt. Cona declared to critics of his report. But he couldn't

remember who that person was. Assistant chief of Police in Albany, William Murray, suggested that Sgt. Cona wrote more from his own point of view and did not use scientific methodology and scholarly research.

"Our perception of the problem and the way that thing is written are two entirely different things," Asst. Chief Murray emphasized. He stressed that Sgt. Cona's report gives an ominous impression of the Five Per Centers in general, not just specific members of the group who may be involved with drugs. He argued that to blame all of the Five Per Centers for the actions of a few would be like blaming all of Albany's Catholics for the illegal actions of some Catholics.

The Asst. chief also rejected Sgt. Cona's general depiction of Albany skinheads as racists, vandals, and arsonists. He said that there are organized skinheads who are anti-racist, anti-facist, and that he had no knowledge of skinheads involved in vandalism or arson. He noted that a swastika was painted on the exterior of a Temple Israel last year, "but we don't even know who did that...Just because someone shaves their head and wears combat boots doesn't mean they're a fascist."

The Five Per Cent Nation is a non-Muslim and non-Islamic youth organization which has its beginning and largest following in Harlem. There is also a large concentration in the South Bronx, Brooklyn, Queens, and Long Island. There are also

units in other inner-city communities on the East Coast. There is no significant single leader of the scattered groups, nor is there any centralized inter-county, inter-borough, or inter-state unity. Made up of predominately African and non-white Hispanic youths, the male members can be identified by their practice of calling themselves and each other, "God";

(Continued on Page 40)

N.Y. AMSTE

Cops deny drug charge

(Continued from Page 36)

the female members are called, "Earth." They usually wear an emblem around their necks that depict the number "7" with a star and crescent in the background. They display a strong ethnic identity and are known for their glib recitation of "lessons" that they memorize, literature that contain their beliefs. Many of the popular rap poets such as KRS-One and Public Enemy have been influenced by the Five Per Cent Nation.

The group was founded by Clarence 13 X, of Harlem, after he was expelled from the Elijah Muhammad-led Nation of Islam by Minister Malcolm X and Captain Yusuf Shah of the then-Muhammad Temple of Islam Number 7 in Harlem. Also known as "Pudding," but whom Five Per Centers call "Allah," he was shot to death on June 13, 1969.

Asst. Chief Murray said that even for someone to insinuate that the Five Per Centers in Albany are involved in gang activity is unfair. "Our officers will use the term 'Five Per Center' as a way of identifying someone suspected of criminal activity, if it is known that the individual considers himself a part of the group; the identification is only used as an aid to an investigation." Murray praised the Five Per Centers for their helpful assistance in encouraging youths to stay off drugs and to remain in school.

Joe El-Wise, of Albany, says that the Five Per Centers got their name from one of their lessons which teaches that 85% of the masses of people are deaf, dumb and blind. The wealthy and wicked 10% rule over the 85%. The remaining 5% has a duty to teach the 85%, wake them up to the evil atrocities of the 10% and lead them to check the 10%'s rule. El-Wise said that the Five Per Centers provide a support system for inner-city youths to deal with the urban environment.

"The drugs are accepted by some people who think they're the Five Per Cent. They are bloodsuckers of the poor who use the Five Per Cent for their

best interests. There are a..holes in every organization."

Note: Yusef A-Salaam writes on Albany and other upstate areas for the Amsterdam News. Please write or send newsclips concerning significant news in your area to the AmNews, c/o Yusef A-Salaam.

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INTERNATIONAL AI

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An Affirmative Action/Equ

Generation of black men threatened by jail, crime

By Tim Beidel

Staff writer

ALBANY — Drugs, crime and imprisonment threaten the very existence of an entire generation of black men, said Alice Green, a longtime community activist who called on African-American community leaders to lead the search for solutions.

Green assembled a who's who of black community leaders at the Albany County courthouse Wednesday — including Alderman Keith St. John, school board members Ward DeWitt and Barbara Allen and Police Chief John Dale — to say they were ready to get involved.

"It's not a small problem, and it's not only local," Green said. "It's a huge problem, but we feel we have to do something."

That will include monitoring of criminal justice agencies by Green's center for Law & Justice and sponsorship of community symposiums and forums "to explore ways to try to deal with these issues locally."

Green said that while black men make up just 4 percent of Albany County's population, they comprise 50 percent of Albany County jail inmates and 52 percent of the Albany County convicts sent to state prisons.

By contrast, she said a Rand Corp. study showed 75 percent of drug

users are white, and that white felony probationers outnumber black felony probationers in Albany County by 4-to-1.

"We don't get into the alternative programs either, so prison is reserved for us," she said. "We conclude from that that there's selective enforcement and prosecution of the drug laws that are based primarily on race."

Dale said he did not agree with Green on that point.

"I disagree with her that blacks are targeted or what have you," he said. "We as police officers arrest people because they commit crimes. The black community itself demands our protection more so than any other community, and second, that's where most of the violence connected with the drugs is — in the black community."

Dale said the entire community needs to work on solutions. He said the statistics that most alarm him are that one in 10 black men between the ages of 16 and 25 will die a violent death, and one in four are either in prison or in the criminal justice system. The violence statistics show that there is a high crime rate in the black community, he said, and the two statistics together mean there will be a lot of black families without fathers.

y 27 1990



Photo for The Times Union by David Mathis

KLAN MARCHES — Despite the inscription on a marcher's sign, the Ku Klux Klan was visible Saturday in Schuylerville.

Klan's march a non-event to residents

By Karen Nelis
Staff writer

SCHUYLERVILLE — The long-threatened Ku Klux Klan march has come and gone in this quiet village, but residents and civil rights leaders said Sunday that it should not be forgotten.

"We have to be ever aware that there is a resurgence of racism," said Anne Pope, president of the Albany chapter of the National Association for the Advancement of Colored People.

By marching through Schuylerville Saturday, the Klan has made a statement that it is present in this community, Pope said. Those who oppose the Klan must be visible as well, and tell the Klan that it is not welcome, she said.

"I certainly respect their right to demonstrate," said Alice Green, president of the Center for Law and Justice in Albany. "It just confirms what many of us have said right along — that the Ku Klux Klan exists in upstate New York. People now know what we're dealing with."

About two dozen Klan members

dressed in white hooded robes marched from Schuylerville High School down Pearl Street to the Revolutionary War monument at Burgoyne Street.

William Hoff, 55, who claims to be the KKK's leader in New York state, said the white supremacist group wanted to celebrate the deeds of "white Christians" in winning the American Revolution.

The group also was demonstrating against the court-ordered removal from the high school of a painting depicting the Crucifixion, Hoff said.

The painting, created by a student and donated to the school in 1965, was the subject of a lawsuit filed by two parents who believed that keeping the painting in the school violated the principle of the separation of church and state. The school district lost the suit, and the painting will be moved today to the village Knights of Columbus Hall.

Hoff, who lives in Queens, said it was a coincidence that the march fell on Yom Kippur, one of the holiest Jewish holidays of the year.

Pope and some Schuylerville residents said they believe that the religious painting was just an excuse the Klan was using to gain attention and start a membership drive in the Capital District. Hoff would not specify where the Klan is focusing its recruitment, stating only, "We'll be all over the state."

"They're racists and this isn't a racist community," said Raymond Rogers, who lives just outside the village in Easton. "It has nothing to do with a mural on a wall. They're just looking for publicity."

"They're always on their own agenda," said Stanley Barber, president of the school board. "It certainly isn't publicity we need. We're trying to go about the business of education."

The Rev. Carter Adriance, pastor of Schuylerville United Methodist Church, said he is puzzled that the Klan has used the village and the Crucifixion-scene painting as a rallying point.

"They are looking to get a foothold in the community," Adriance said. "But I have not heard of any real support from anybody in the community."

Adriance was one of the organizers of a demonstration against the Klan on June 30. The Klan had announced plans to march that day, but never showed up. Instead, 500 counterdemonstrators lined village streets.

Glenn Decker, who watched Saturday's march, said he believes that all the marchers were out-of-towners, not Schuylerville residents. "I've lived here 40 years and I don't believe any of them were," he said. Decker added that most of the marchers did not cover their faces.

"We'd just as soon they'd stay away," said Betsy Brooks. Her husband, Al, added that if the Klan comes back, "they will get run out of town." The Brookses, who are white, have an adopted 2-year-old black daughter.

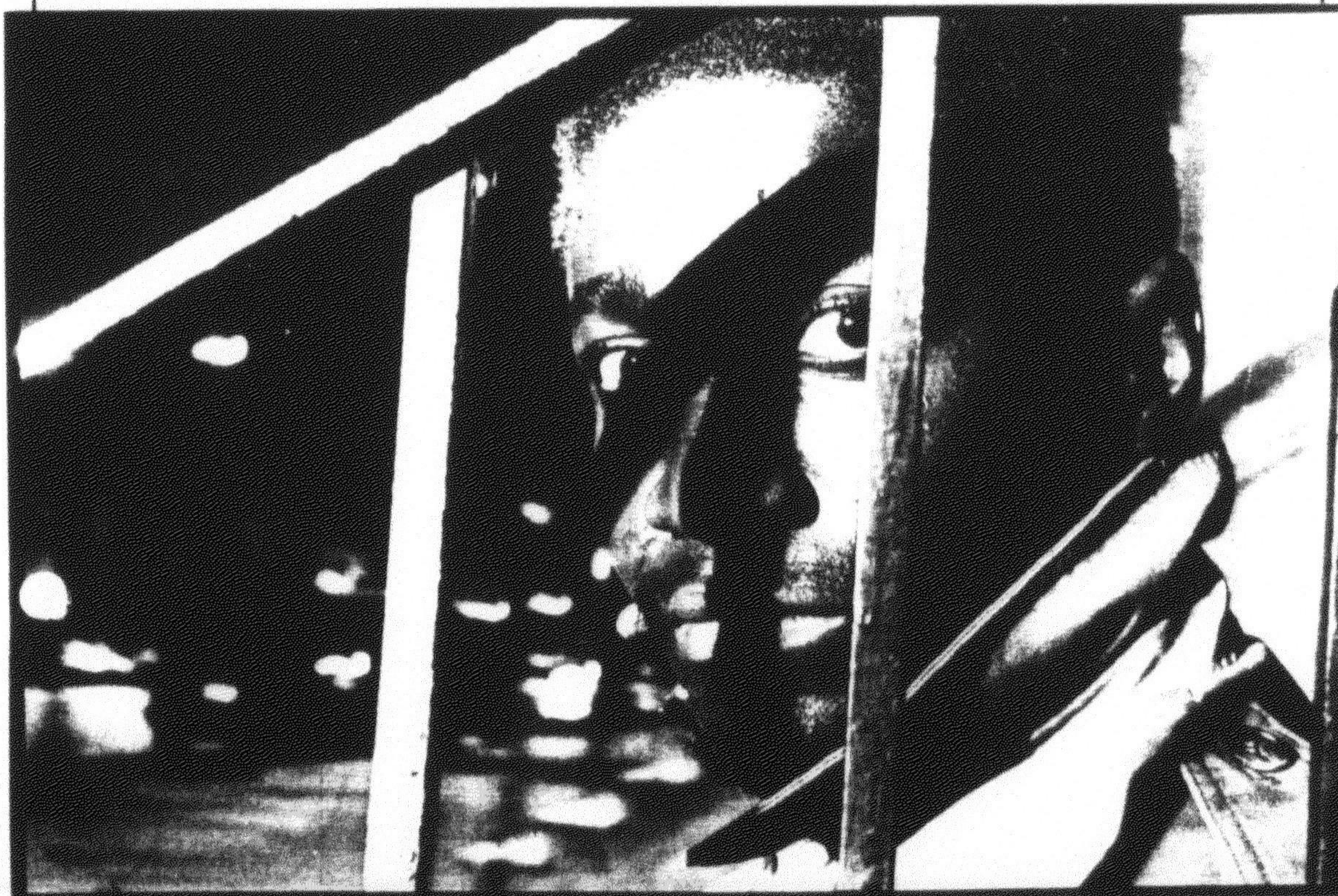
A few residents said they were not concerned about the march because it was peaceful.

"They expressed themselves," said David Mathis, a longtime village resident. "It's a free country. The local people said, 'So what?'"

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METROLAND

THE NEWS AND ARTS WEEKLY OF THE CAPITAL REGION



CAPTIVE SONS

**Albany's African-American community
reflects on the specter of imprisonment
hanging over young black males**

By Stephen Leon • Page 10

**Albany: plagues who killed Laura Palmer • Newsfront: charity case • Special section: Autofocus
Has David Lynch peaked? • Theater: birthday kisses • Music: Lonesome Val • Rollerblading**

Middle School from 1987 until 1989, when she was promoted

As you read this, new prison cells are under construction at the Albany County Jail. Due in large part to a stepped-up effort to sweep the area's streets clean of drug dealing, the prison has become overburdened with inmates; you might say, then, that the new cells are being built in response to the rising tide of drug crime on the streets and the corresponding intensification of law-enforcement efforts.

Or you might say that the new cells are being built as a sort of housing project for young black and Latino men. Because that, for the most part, is who will occupy them.

New York's prisons today are a brooding omnipresence hanging over poor African-American and Latino communities in large urban centers of the state. As college has represented hope and opportunity for the white middle and working classes, so the fact that most of its young men will eventually be locked up has concretely represented and reinforced the profound bleakness pervading many minority neighborhoods.

So begins "Imprisoned Generation: Young Men Under Criminal Justice Custody in New York State," a report released today (Thursday) by the Correctional Association of New York and the New York State Coalition for Criminal Justice. Following up on a similar national report issued last February by The Sentencing Project,

"Imprisoned Generation" reports that on any given day, nearly a quarter of all young black men in the state are under the control of the criminal-justice system—two times the number of all blacks in the state enrolled in college full-time. Hispanics fare somewhat better: 12 percent are under custody at any given time. In contrast, the criminal-justice system has under its control a mere 2.7 percent of all whites in the state. What makes the situation particularly unfair, notes the report, is that national studies have found the majority of drug dealers and users to be white.

Among the study's other findings:

- Young black men are more than 23 times more likely to be locked up in New York state than young white men.
- Since 1973, the state's prison population has increased from 12,500 to 54,000, and 82 percent of these inmates are black or Latino.
- 48 percent of young minority male offenders are in prison and 16 percent are on misdemeanor probation, while 48 percent of young white offenders are on misdemeanor probation and only 18 percent are imprisoned.

"Until we reverse these trends," the report concludes, "until we develop different approaches in our fight against drug abuse, crime and social injustice will remain the most serious domestic problems confronting us. And we will continue to fill our jails and prisons with African-American and Latino young men."

What follows are excerpts from recent interviews with members of the local African-American community on the subject of drugs, prison and the young black male. While those interviewed offered occasional glimmers of hope and partial solutions, they unanimously agreed that the crisis in the black urban community is every bit as serious as the media have characterized it. And in each interview there was an undercurrent of frustration and despair, a feeling that nothing much will change anytime soon. Here are their stories.

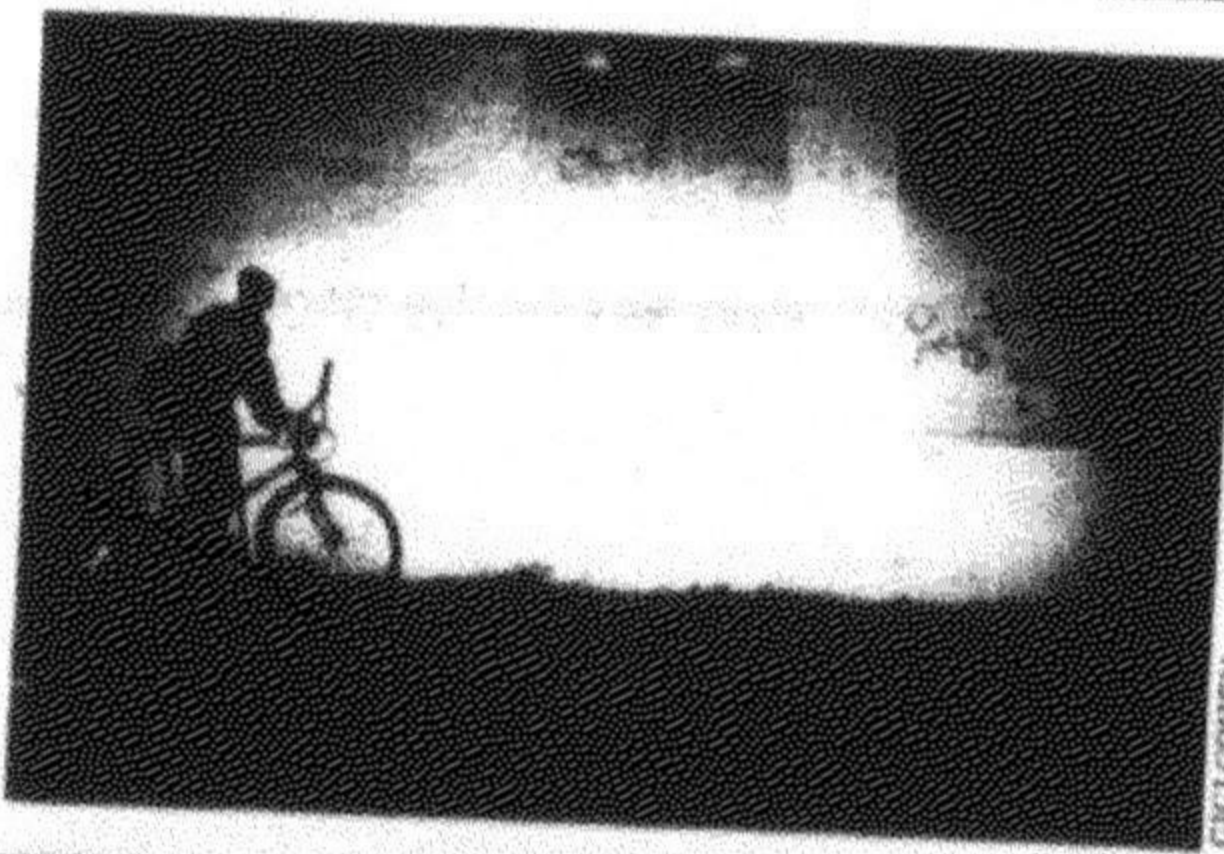
JAMES H. BOULDIN

THE ALBANY COUNTY JAIL HAS A CAPACITY OF about 665 inmates in 492 cells. Last June, when the Albany County Legislature took up a \$30 million bond issue to add 300 new cells, it was held up by 3rd District Legislator James Bouldin, who argued that the money would be better spent on education and jobs programs that might get young black men off the path leading to prison. But in July, the measure passed.

Born in Halifax, Va., in a shack with no plumbing or electricity, James Bouldin came to the Capital Region at age 7. Now 43, Bouldin is in his third year on the county Legislature.

ONE OF THE THINGS THAT HAPPENED TO THIS society over the last 25 years that affected us—African-Americans—tremendously was technological change. In 1965 when I got out of high school I got a job at GE, in a factory making \$300 or \$400 a week. Now I was unskilled—no training, no experience. Later I went to college on the GI Bill. But those same type of entry-level opportunities aren't available to black men coming out of high school now. In fact, I got a resume of a gentleman coming out of Bishop Maginn—he graduated four years ago, and he's looking for employment, and the employment he's had won't lead to anything. The manufacturing jobs are gone. The jobs in the factories are gone.

The people who are most affected by change are the people that have the least flexibility to begin with. And



THE BEATEN GENERATION

On any given day in New York state, there are more than twice as many young black men in jail as in college. Members of Albany's African-American community talk candidly about the crisis.

By Stephen Leon

those are the people with the least education and the least training. So that has hit us terribly bad. [H. Patrick] Swygert, the new president of the university [SUNYA], said it left us with two choices—the drug trade or no trade.

There's a sense of hopelessness. The fear of being hurt physically, the fear of going to jail... because black folks go to jail. People have worked at these menial jobs; they see their grandparents and parents working and not getting anything, still struggling to pay the rent every month. And there has been nothing to work on that problem as far as education and training. We keep building prison cells—the state spent \$2 billion on prison cells last year. Albany County is building a new prison. And people are coming out faster now than they went in. You can't



James H. Bouldin

keep them in there because the cells aren't there. So we got the six months of boot camp, you come back and people hit the streets in worse shape than they were before, because now besides having no training and experience, they also have a prison record.

The black male is really removed from society. In Atlanta last week trying to get my daughter housing, she's attending Atlanta University. I had a problem housing for her; I couldn't get any on campus. But the men attending the college aren't having any problem housing. Because there's not that many of them.

That hit me close to home. You look around here and you see all of the wasted energy, and the wasted lives—we're developing a large, large, large underclass. It's getting larger all the time. I for one know what needs to be done. We need to put money in job programs and education programs. The money's being spent anyway. The money's being spent in the courts, the money's being spent in police departments, the money's being spent building new prison cells. I think it needs to be rediverted. That one of the things I tried to say in front of the Legislature when the proposals to build the additional cells at Albany County were put on the floor. I wasn't successful, but I'm trying to raise people's consciousness about the severe problems that we're having.

When I look around this community, we're just losing it. And if something happens similar to the '60s, it'll be worse because now we've got automatic weapons. I was a study showing black men are killing other black men—people don't look upon it as a problem, but when guns start pointing in another direction, then it'll become a problem. And quite frankly, our people are mean, they're angry, they're upset. I see their frustration and anger.

There's just so much disillusionment, so much disenchantment with overall society. I don't condone violence. I especially don't condone drug use or sale. But at the same time, I understand why people do it. You've got to give people options.

The kids out there, they don't have any inferiority complexes. They don't think anyone is better than they are. They're just mad, because they don't have the things they think they should have. I see that bitterness. As this group of people we're talking about gets larger and larger—and that's what seems to be happening, that's what all the studies say—what do you do? You can keep denying the problem, and that's what appears to be happening, we're in a semi-denial stage.

You have to work harder to prevent people from going to prisons. I mean, are we going to spend our money building jail cells? Maybe we do something else to get at some of the root problems that cause people to go. And poverty is one of them—poverty and some of the things it causes. Hopelessness.

I talked to a young man yesterday who's looking for employment, and he's having a hard time finding something. And each time I talk to him he looks worse and worse. He came out of a difficult situation that was drug-related, and hopefully he won't go back.

I know a very young man, a teenager, I'd seen him driving around—he had a new Jeep and so forth, and I was concerned about how he was paying for it. I saw him at Macy's—I saw him walking through the shopping center, and he had on work clothes, with paint on them. And I felt so good, that if indeed he had been doing something on the street, and now he had a job, it made me feel so good I started smiling. So I walked up to him, and I said "Hey, how you doin'?" and I could see he didn't understand why I had the big smile and why I was so affable to him. And I realized as I walked away, I was just so happy that he had a job, and I thought, this is one person who wouldn't go to jail.

But as I walked on, I got thinking to myself, this is what I'm relegated to—one person wouldn't go to jail. I didn't address the fact that maybe he should be doing other things—going to college or doing this and so forth. I was just happy one person had a job and wasn't going to Albany County Jail. ■

DORINDA DAVIS

MORE THAN ONCE IN OUR INTERVIEW, DORINDA Davis emphasizes how bright her students are and what high hopes they have for success and the American Dream. But too often, she says, her voice sometimes dropping to a hush, they get sucked in to another world as they hit their teens: a world of drugs and crime, of despair and a realization that it's not going to be easy to get their share of the dream.

Davis herself grew up in a housing project in Brooklyn, but went to college and studied to be an educator. Now 37, she taught at the Adult Learning Center from 1977 to 1978, at the Street Academy from 1978 to 1987 and at the Livingston Middle School from 1987 until 1989, when she was promoted

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going to do something about it. Rather than somebody pushing me, and I'm being pushed around like life is pushing people around out there.

There's a solution to a lot of things around here. And that makes people feel good.

Two years ago I came up with a coat system where people come into the building and coats and hats are mandatorily hung up. A lot of people didn't like that. But what it did, it kept drugs out of the building, it kept guns out of the building, it kept liquor bottles and things like that out of the building.

They didn't like the system, but they grew to respect it. And now they come in here and take their coats off, hats off . . . and those who are all packed, they won't come through the door.

We are not a tough community center. We are very organized—if you just go by the rules and regulations, you can walk through here every single day and never have a problem. When you start doing things where we're gonna say "Hey, you got to leave today," that means you must be kickin' through the wall, you must be spittin' on the gym floor, you must be cursin', you must be pushin' a girl around . . . that person that we always have to constantly remind of rules, that's the person that needed some programming, because this person doesn't have any rules out in the street. You can do anything you want, if you don't get caught, who cares, nobody's going to say anything to you.

Next-door neighbors don't say anything any more. Where I think back a long time ago, your next-door neighbor would beat your behind if they saw you stealing out of the grocery store. Or tell your mama. People stay out of people's business now. I think that hurt the community. The kids have taken over the streets. When I was growing up there was always an adult on the streets. You respected adults. Everybody knew mom and dad. The community knew, and the community shared, and the community helped support one another.

We have to keep this place organized and smooth. Because here people get unity. If not outside, if not at home, they can come here and somebody's going to look up. Somebody's going to pat them on the back. Somebody's going to talk to them. And here, everybody is the same. I don't care if you got the cleanest clothes on or the bummiest, dirtiest shirt—you all obey the same laws of this building. We get unity here.

We get guys coming in here that you could probably imagine them selling drugs. They're going to come in here, they're going to sign in, they're going to have to pay their dollar too. You could have a person here with \$500 in their pocket. We don't care who you are. We don't care if you have a Mercedes-Benz out there. You're gonna sign in, you're gonna pay a dollar, and you're gonna walk through this building just as quiet as everybody else.

Everybody deserves a chance. We want to show people that although they are inconsistent, we are willing to work with you. We're not going to give up on you. The thing is, people give up on people.

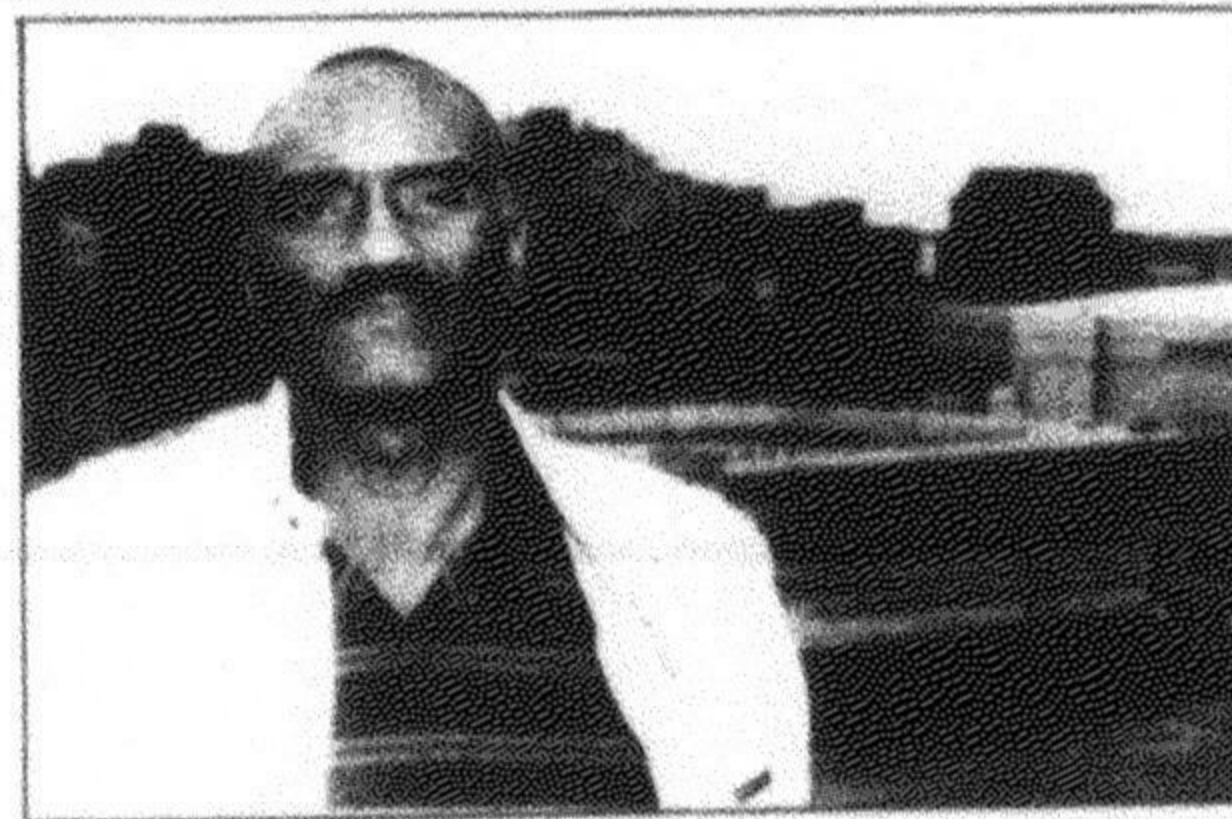
In here, we don't worry about what's happening out on the street too often. So the kid that's out there doing whatever out there on the street—we talk to them through our program. As long as they can come in here and be able to be respectable, and utilize the program, and work out, and keep themselves busy—number one, they're not out on that street. He's not pumping drugs right now. That young boy is not out there trying it. He's not being arrested, he's not being sent to jail today. 'Cause he's with us. ■

GEORGE MITCHELL

ONE OF NINE CHILDREN GROWING UP IN A South End family in the '60s, George Mitchell began doing drugs and getting into scrapes with the law as a means of social acceptance and rebelling against his authoritarian parents. His drug use eventually became addiction, and today, in recovery, he considers himself lucky to be alive. Now 41, Mitchell lives in Menands and has worked for the state Office of General Services for 15 years, hiding his drug problem for much of that time.

I GOT INTO RECOVERY ABOUT THREE YEARS ago. I took a look around, and I saw people dying and going off to jail and getting sick. And I was fearful of the AIDS epidemic. I had a sense of impending doom. So with the help of some good people I was able to get into rehab out in Chicago. The job just wasn't aware of what the hell was going on—I never told them.

I'm doin' OK.
I certainly don't think I would have survived had crack been around 20 years ago.



George Mitchell

When I got involved in it I discovered that it gave me all the things that I thought I was lacking without it. I'm a shy kind of person, and I discovered that when I did these drugs, the shyness went away. I was able to deal with these people socially. It covered up a lot of the hurt and the pain and the inadequacies I felt. And what happened was one day I woke up and I found that I couldn't stop taking it. It was a nightmare for an awful long time. I was very lucky. I mean it was almost a miracle to have gotten out of it with as little damage as I've sustained over the years.

I thank God that I was able to wake up to what was happening. I go to an awful lot of meetings, and I come in contact with a lot of kids trying to get into recovery. That's my way of giving something back.

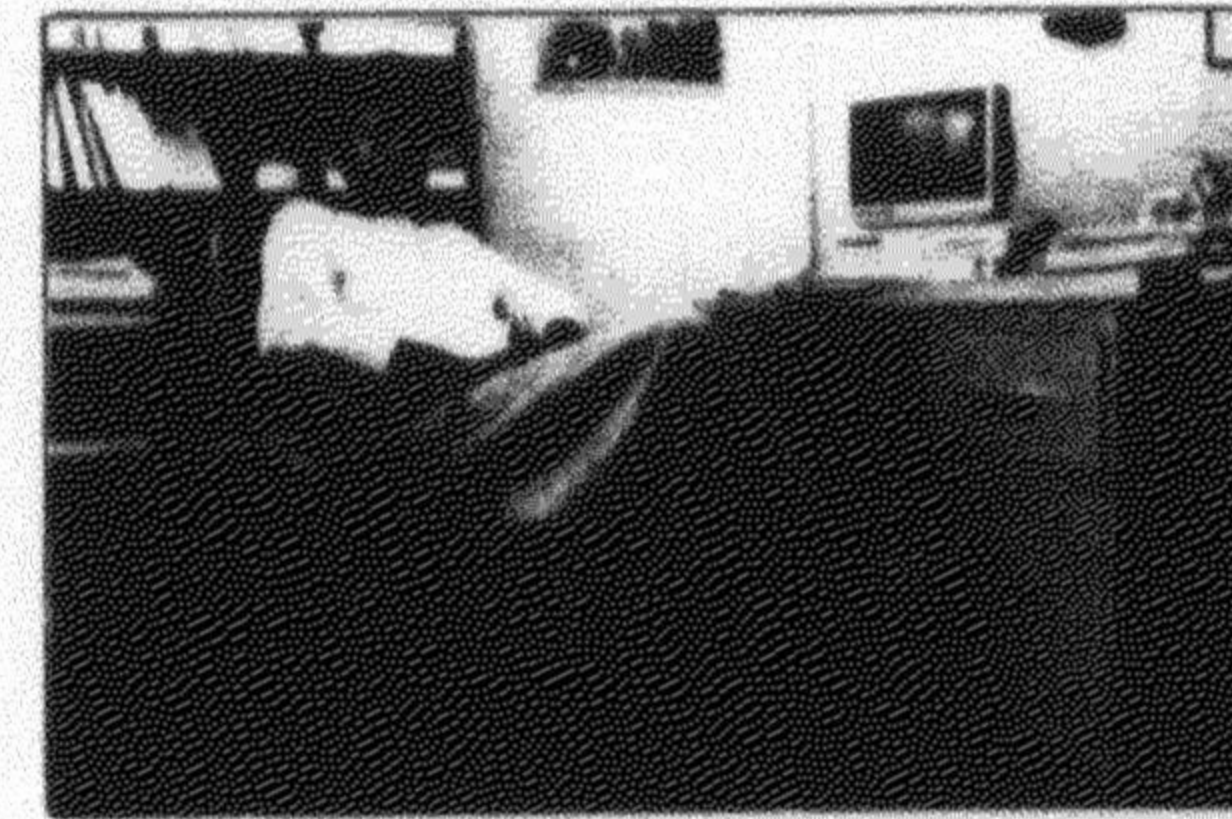
What I've tried to remember is my attitude when I was in the thick of it, and why it took me so long to get out of it, so that it would sort of give me an idea of what these kids are thinking. And the best I can come up with was that I used to tell myself that it won't happen to me. I won't die, and I won't get busted, I won't get sick . . . and of course [some of] those things happened to me. I was lucky that I didn't go to prison, but I had my share of arrests, I had my share of hospital stays as a direct result of my drinking and drugs. You tell yourself that I can do it better than the next guy. I'm a little smarter than the cop on the corner. In your distorted thinking, these are the things that you tell yourself—until something happens.

The black community is one of the easiest communities to make arrests without any repercussions. How often do you see 'em out in Loudonville kicking doors down? I read in the newspaper a while back where most of the drugs in this country are consumed and sold by whites. But I think 75 percent of your prison populations are black. Blacks for the most part are poor and powerless, and standing on the corner pushing drugs, it's kind of easy to arrest these people and lock 'em away, and be able to stand up and tell the press and tell the community "Well, we as police are doing our jobs." And they are.

It's one thing to point the finger and say that blacks are being treated unfairly, but the fact remains that if you weren't standing on the corner selling drugs you wouldn't get arrested. When you go into drugs you can expect to get arrested. That's part of the price that you pay. I have no sympathy for anyone that's selling drugs. And had they caught me when I was involved in it, I would have felt the same way.

I think that if a lot of these youths really had a chance at a decent-paying job, that there would be a lot less of them involved with drugs.

I do know that because I was able to hold onto a job for 15 years, that played an awful big part in keeping me out of prison. There weren't the robberies, and the muggings, and the purse-snatchings, and the cashing of forged checks—that never played a part in my life. I've always worked. I came from a family where I had a father and I had a mother, and I saw him go off to work every day of his



Dr. Alice P. Green

life. He instilled a work ethic in me. My involvement with drugs wasn't for economic reasons, it was probably more as a coping mechanism.

I ride through the inner-city neighborhoods. I see the brand-new jeeps, and the gold, and the clothes. That's tempting to a poor kid who's not working. How do you not be tempted to get into it? But on the other hand, when Mayor Whalen started his PRIDE program, and I would ride down Clinton Avenue, I would see kids by the score out there working. Cleaning the streets, moving garbage. And that's a sign of hope, that everybody's not into drugs. That there are kids out there that want to work.

I was brought up by a father and mother who taught me that you can't let prejudice stand in your way. You can't sit down and say Poor Me and blame all your ills on the establishment or white people. You can't sit at home and not work because you say to yourself "I can't get a job because I'm black"—you've gotta get out there, and you've gotta keep knockin' on doors. You can't let that hold you back.

And that's the message I try to get across. I do hear kids saying that they can't find a job, and I see McDonald's and the fast-food places are crying for help. And they look at you like you're crazy—"I can't work in McDonald's."

Why not? What is it about McDonald's that you can't work there? What are you, too cool to turn hamburgers? And that's what it is. And to those people I say "Well, if you stay into what you're into, there's a place for you. They're building more prisons—big expansion at the Albany County Jail. They're making room for you guys." ■

DR. ALICE P. GREEN

ONE LOCAL ORGANIZATION MONITORING THE criminal-justice system and trying to put pressure on state and local governments to make the system more fair is the Center for Law and Justice. Dr. Alice P. Green, formerly the legislative director of the New York Civil Liberties Union, is founder and president of the center and has been studying the problem of high levels of incarceration of black men for several years now.

THE INCARCERATION LEVEL IS SO HIGH THAT "black" has become almost synonymous with "crime." And that has a very deep impact on everybody in the community. I don't escape—people will think of me as criminal as well. I experience walking through a supermarket and having people, and women especially, clutch their bags because they see a black person near them. We all feel it in some way.

I'm very concerned about my son being on the street, because chances are pretty good that he's going to be stopped at some point by law enforcement, simply because he's black. Mothers are absolutely frightened by this whole atmosphere. I've had mothers express to me their fear of allowing their son to drive their new car. Because they've gotten the message that police routinely stop young black males, especially if the car's expensive.

What's happening is we're selectively enforcing the drug laws. All reports coming out, even Bush said himself that 80 percent of the drug use is in the white community. The Rand Corporation study said the same thing. But I've had the police chief and the district attorney tell us that one of the reasons why we focus our law enforcement on the black community is because it's easier. And that's probably true—because people are on the street.

However, the message you're giving to the African-American community is that the system is biased, it can't be trusted. You lose respect for the law, because if it's on going to be applied in the black community, then what does that say for the rest of the system? We're not making inroads into it because we're completely leaving out the white community in terms of law enforcement.

If by chance tomorrow we changed our policy, and we're actually applying the law in equitable fashion, and more white, middle-class people were arrested and charged with drug possession and drug sale, I think we'd see a big change when mothers and fathers in those communities started seeing their sons and daughters being jailed for long periods of time the way they are doing it in the black community.

When you're putting so many people in jail, that means they're not being educated, they're not being trained, they're not developing careers, they're not being part of the family. If 25 percent of the white males in this country were under the control of the criminal-justice system, we declare a national emergency. We'd have all kinds of plans and all kinds of resources devoted to this problem.

But because we tend to focus in on the African-American community, and basically define black people as criminal all we will get will be growing numbers of African-Americans in prison. ■

single cent. It's hard to get away from that. It's lovely, until you get caught.

The state and the cities are actually making money off of drug dealers. See, a lot of the money taken away from you is not accounted for. When I got arrested, I had like \$300 on me. They took my money, they photocopied it, they never returned it to me. I asked about it, and they said, "What money?"

We have a saying: If you're gonna be in it, be in it to win it. Don't just do it half-assed. You're in it to make money, you make money and you get out. You get to a certain point, you stop. But it's hard to get out of it—it's like an everyday part of your life. You wake up every day, jump in the shower, call the boys. Let's go eat, we all get together, talk about what's goin' on. We go out to wherever we want to eat, we order up everything on the menu, we always pay in cash. The feeling of always having hundred dollar bills really boosts you up. ■

VANESSA CARVER

VANESSA CARVER HAS NO TELEPHONE. To schedule the interview I phone her neighbor, who cheerfully agrees to go next door and tell her she has a call. In this housing project in North Albany, where many of the residents are single mothers, neighbors help each other out as best they can. Carver is 36 years old and has two sons, ages 14 and 7, at home (a third child is 18 and married). Her husband was picked up five months ago on a two-year-old warrant for petty larceny and is in Albany County Jail awaiting trial. Vanessa could not afford the \$10,000 bail. Before his arrest her husband had steady work with an Albany temporary agency, but she isn't sure they'll take him back when he gets out in four weeks. She has been supporting the family on her salary as a nurse's aide, and trying to keep her sons out of trouble.

I CAN'T AFFORD TO GO UP TO THE ALBANY County Jail some visiting days, because I have to work. So when I do get up there, I like to get a lot of the business taken care of. He is supposed to appear in court on Thursday. I was up there Sunday, I took court clothes for him to wear, because he's been going to court in his uniform. It's their policy that you cannot bring street clothes into the jail unless it's the day before their court appearance. Their visiting hours are so messed up that if I go up there on Wednesday, and I have to take a bus, I will not get to work on time. I lost a job because of time lost running back and forth.

When I said, "What's he supposed to do for clothes for court, if I can't make it up here Wednesday?" The guard said, "This is not a hotel, Ma'am. They've got prison uniforms to wear."

That's kind of degrading. I've sat there in court and watched them bring him out with a green uniform on with Albany County Jail written across it. I mean, he looks like he's a convict.

When you don't go—I keep explaining to him, "I got things I gotta do, Honey, I can't come up here, I just can't afford it." Then he thinks that the family support is going. They're making it impossible for me and him to keep the communication going. It's like not only is he in prison, but so am I.

I have a 14-year-old son who's beginning to take advantage of the opportunity, that his father's not here. He's gettin' really tough—I'm scared he's gonna start selling drugs, I'm scared he's gonna take drugs. He's at the age now where he needs both parents. I can't be here to watch him 24 hours a day.

This kid had never been in trouble before. Since his father's been in prison, I've had to call the police on him. I've had to take him to family court. He skips school, he's in a store stealing...

I'm not in a position to give my son an allowance every week. I can't even give him \$5 to put in his pocket, because every cent I get goes on food or rent. I'm scared that he's gonna take the job as a drug dealer because he's got friends who have chains that cost more than the clothes he has on. And it's kind of hard to tell him if you work hard, if you get good grades in school, this is what you're gonna get, when he's seeing kids walk around with knots of money like this.

I don't want all the material things to sway my son, so I'm having a battle with him right now. And my husband is like, just hold on, I've only got four weeks. Just hold it together till I get there.

Every woman in this complex has had to deal with having a man or a husband that's incarcerated. I stand that if you do make the wrong choice you have to pay. But the way they do it—it's like they're convicted before you even have a trial.



Vanessa Carver

That's what starts a black man at a very early age. If you institutionalize them at a young age, they stay institutionalized. We have black men in our society right now who can't function out here. They do things just to go back to jail because that's where they feel secure. I don't want that for my son.

I've seen people who just cannot make it with the little money that they're getting, who have gone and bought drugs to make their money. It's because black men don't have a place in society. They don't give them adequate jobs where they have self-esteem. They don't pay them enough money to keep their families together. Do you know that it's more profitable for a black man to leave his family than to stay with them and try to help? A lot of them do it. And don't really want to, but they're forced to. Because if they leave, that means their kid's gonna eat, it means that they're gonna train his wife or his girlfriend.

The have given me and my husband more problems with applying for food stamps, Medicaid, anything that would help us out. Because there's two of us. I'm not asking them to give me any money, but food stamps, Medicaid, because I have no insurance until my three-month probation period is up. I'm trying to help myself. Does that seem logical?

I'm very angry at the way they run the Social Services offices. They make people so dependent, it's like a drug all itself. And once you're addicted, it's kind of hard to just cold turkey. And that's what they do. They give it to you, then they snatch it away.

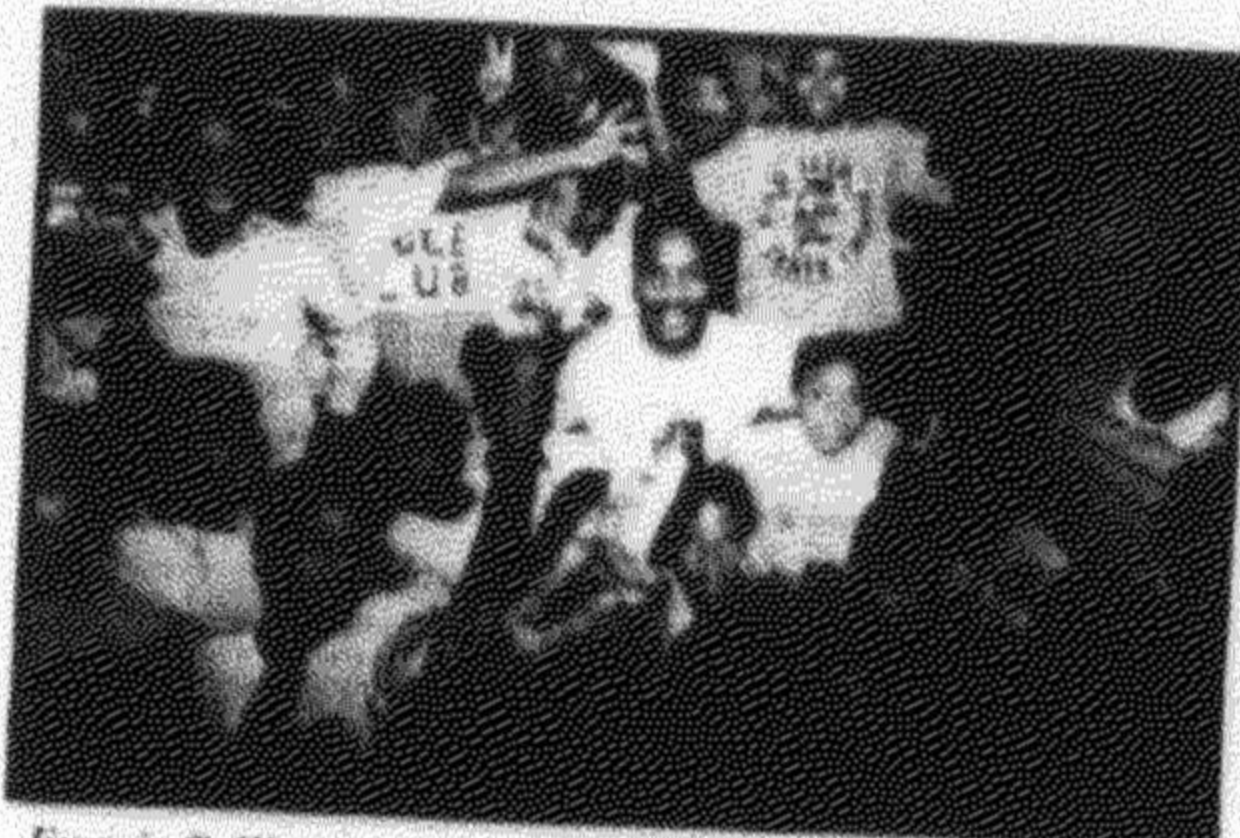
I wound up getting the nurse's aide job, which pays a little bit of money, \$5 an hour when I started. It was like, OK, you're fine now, now you can do it on your own. Living in Albany housing, Social Services was paying my rent. All of this stuff was stopped.

It would seem to me that they would help the mothers, or any man who's trying to help themselves. Help them until they get up on their feet. Then say, OK, you're ready. We got you up, you took a couple of steps, now you can walk. Not get you up and let you go. It's just like a baby. You stand up, you're scared to take that first step. And they go to step and fall.

How can you fault somebody when they go out looking for a job and they don't get hired? What is the man supposed to do? You've been out all month long, looking for a job, you're gettin' money from your lady, and you can't find a job. Now the food is running short. But you're the man of the house. What other choice does he have, but to maybe go out there and steal food, or to find a way to get money to get food in the house? You tell me, who do you fault for that?

I've seen it happen over and over again. I've seen good men, men who've never been in trouble before, be pushed to the point where they have to break the law.

I sit down and I talk to my son often. I read the papers with him, of the drug arrests, and how silly some of them sound. Just keeping him aware, keeping him interested. Using examples of people's lives, people that he knows who have gotten in trouble.



Jimmie Collins

It's been hard, because now he's at an age where he's rebellious. Everything that I'm saying to him, he's saying differently, because his friend's got Bally shoes, gold chains, Nintendo, a closet full of sneakers... so it's hard to stand and tell your son his reward is coming.

He doesn't believe me. Kids nowadays are growing up believing it's a joke. You know what they believe? You have to go get what's yours, now, or you're not going to get it. Because once you become 16 years old, and if you caught doing anything wrong, you can be prosecuted as an adult. So they're trying to get it now, before they're 16.

At 14 years old I should not have to be worried about my son going out there selling drugs. They're recruiting younger. You can come around here any night and have a kid walk up to you and ask you if you want to buy some cocaine. I've seen kids as young as 11 years old. A kid 11 years old asking me, "Do you want to buy cocaine? Couldn't believe it. I said, "Does your mother know you sellin' drugs out here?" I bugged. Kid ran off the corner just completely went off.

It's hard. And it doesn't seem like it's gonna end. The only support I have is my husband. With him here, at least I can keep mine pretty straight. At least they respect him enough to know if they're told to be in here at a certain hour, they better be in here. Right now, they look at me and laugh like it's a joke. Yeah, OK Mom.

I can't watch them 24 hours. At least with my husband here, we can do it together. ■

JIMMIE COLLINS

THE ARBOR HILL COMMUNITY CENTER IS A success story in the midst of a troubled Albany neighborhood. On a late Friday afternoon it is bustling with activity as I arrive to interview its 29-year-old program director, Jimmie Collins. Broad-shouldered and fit-looking, talkative and enthusiastic, Collins, a SUNYA graduate, has been with the center for almost five years and speaks proudly of its progress in that time.

THE DRUG ISSUE WASN'T AS BIG FIVE YEARS ago as it is today. We didn't have substance-abuse prevention in the community centers and the boys clubs and the schools. We didn't have too much AIDS education back then. Now we have that. It was in demand that we have these things because of the streets now, because of the drug market.

We're looking at prevention here at the Arbor Hill Community Center. We see 150 kids a day between the ages of 5 and 14. And sometimes it's almost too late.

What we're trying to do is provide lots of programs here: AIDS education, child and family services, arts and crafts, tutorial computer, a huge gym, a recreation center. When I first started here, we were averaging 35 kids a day. In four years, our enrollment increased—last year we had 450 new members. We have 2,400 people registered here.

We're trying to establish a situation where kids are under adult supervision, rather than out in the street throwin' bottles. If we can program from the school to here to the home, you keep kids off the street. You give them more of a variety of things to do. We get kids who can dance and sing, so we utilize that drama with them. Kids who can draw. Kids who love computers. Kids who love the library. We see 45, 50 kids in the library each day.

That's a way, I think, of prevention. We get the kid 5 years old. I've been here five years, now the kid is nine. My staff, I haven't hired in two years. So we go five years deep here. That holds on, because they see the same people every day. We're being able to program for these kids. Having award ceremonies for them. Dinners for them. Fashion shows, talent shows.

You can't solve the problem 100 percent. But everything is worth a try.

You can almost see the kid that's gonna end up out on the street. It doesn't shock you as much. That's the same guy who's really inconsistent in the program. That's the kid that's always foolin' around in the gym.

When I first started working here, and I had to start developing programs, it started from the door. What will I do when the kid hits that door? And all 150 kids know that when they come through that door, they got a membership card around their neck. There's an application that must be filled out. Every kid must be registered. When they come through that door they must present their membership card, sign a sheet of paper, and continue their route. Everything here is structured. When there's an environment where laws are, it makes people feel more comfortable about employing themselves into the situation, they feel more protected. It feels good when if somebody pushes me, I can go tell somebody, and they're

to assistant to the principal. She proudly shows me a book of poetry—The Living Poets Society—produced by Livingston students. She reads from several of the poems, including "Danger Zone" by Darnell Young:

Drug dealers
with loud jeeps
ride all night long.
You turn around and
your wallet's gone.
Walk the streets with me my honey
You'll see
That people will
do anything for
Money. Drug dealers
with loud jeeps
ride all night long.
When cars have wireless telephones you know
you've entered the ...
Danger Zone

THERE'S ONE IN HERE THAT MAKES ME THINK of Langston Hughes, my favorite poet. These kids are thinking about their lives all of the time. This is reality. These aren't dumb kids. That "Danger Zone," it just ... it's sad. And what's even sadder is, there's nowhere to run. You said, "What are their dreams?" They're the same as anyone else's. I think it's sad that for one reason or another, the American Dream isn't working. It's just not coming true. And they come to middle school with high hopes. Somewhere along the line it becomes evident to them that they're not going to get that piece of the pie, that it's going to be more difficult for them, somehow, because of who they are, where they're from.

Unfortunately, the role models—we don't have enough. The role models that these kids see are people with the big cars. And unfortunately we are in a materialistic world. It might be really nice if we got beyond that, but we all want, you know, a car, maybe a big TV, a big box, whatever. And the fastest way to get it is to go into drugs. More money passes hands in one day than I'll probably make in a lifetime. Sometimes they can't even help but be pulled in. Sometimes they don't see another choice. And that's unfortunate.

I'm the product of a Brooklyn ghetto. I speak from experience. As a child I had the same aspirations. I was lucky in that I had a very, very strong parent. My mother was extremely authoritarian, and very strong. There was no "I" in my household. As there is in these children's households, don't get me wrong. But there was no doubt in my mind that after 12th grade, there was 13th grade, and 14th grade—I guess that was another era.

When I was a kid, I didn't think it was unattainable. I guess I didn't realize how much college costs—it didn't cost half as much then as it does now. But look at all the programs they've cut. Look at how difficult it is even for middle-class families to send their children to school today. And I don't for one moment think it's an isolated problem. Teenage pregnancies, children raising children, all of these things go into the melting pot to make this problem. And you've got to make the ends meet. It's very sad.

I had a child say to me the other day that if they died tomorrow it wouldn't make a difference. These are 12-, 13- and 14-year-olds who are talking that way, who feel that they've done all the living that they have to do. That's sad. When I was [teaching] in a classroom, we wrote journals. And a lot of what they wrote about was the crime, and how they were afraid even to walk the streets sometimes at night. And that plays on a child's psyche. That can't be healthy. I read in the paper the other day about the kids in New York City all decked out in bulletproof clothing. How could those kids grow up healthy?

I don't know what the answer is. Because I know that if you play by the rules in trying to fight crime, especially drugs, you're never going to get anywhere. I strongly believe that, and I believe that's why we haven't won at this point. But if you play by your own rules, then, how dangerous that can get. Because the people that you're playing against—the criminals—aren't playing by the rules. You know, these people recruit young kids, because they think they won't have to go to jail. I had a student last year. He was young. A very bright kid.

He's in a facility now. So he's off the streets. But he was a lovable kid. A bright kid. To make people wait so long for their reward ... You turn on the TV and you watch, and now there's somebody like you on the screen, but that somebody like you really isn't so much like you, 'cause that person has everything. Money, a lawyer, and pop is a doctor, and they've got everything. There are no money problems. Patience is a virtue, but not when the competition's out there: you've got to have the best sneakers, you've got to have the bomber jackets, and look at what they cost.

It's very difficult. I used to go to jail to visit kids. And it makes you want to cry. It just strips away all of your dignity, just to be a visitor ... someone on the outside. So I can imagine what it's like to be on the inside.

I still get calls from former students at my home. Collect calls [from jail]. And it's gotten to the point now where I have to say, "Look, this has to stop." It eats away at you. Because you know another side of that person. You know that things could have been different.

From Brooklyn I always wanted to own my own home. I finally have achieved that. But they've arrested kids for selling ice in the schools where my children go. So you can't run from it.

We have a couple at this level who are already sucked into it. Nobody wants that.

I'll tell you what the kids think: Don't tell me anything. You live it. Talk is cheap. And they see people in high places falling prey to drugs. They see basketball players—I mean, any sport you name. So don't talk to me about common sense. Because surely these people have common sense. They're making goo-gobs of money.

One of the things I try to do is just be a model. I try to watch everything I do and everything I say, because I know that what I do means infinitely more than what I say. So you won't find me yelling at the kids. Whatever it is that you want them to do is what you must model. For every person you have going on TV saying "Just say no," you have about four or five getting arrested or making a headline in the same field.



Dorinda Davis

We have to make it happen. They're taking the dollars away, or they put dollars in for a short period of time and say, "See, it doesn't work, so let's pull the dollars out." You've got to make it happen—you have to stick to it. Because the same thing you want the kids to do—stick to it. Because change didn't happen overnight. And it's not going to change back overnight.

We've had kids that are homeless come to this school. We used to have a child at the Street Academy who came to school with his blankets. He was 16 or 17. He calls every now and then. He's doing good right now, I think. But his dream hasn't happened. His piece of the pie, he hasn't tasted it yet. He's got a home. And so you and I would think, wow, that's wonderful. It's not what he wants. He wants more than a home. He wants some of the things he sees on TV. ■

"TIMMY"

"SOMETIMES WHEN THINGS GET A LITTLE TIGHT I might go back and do certain things," says 24-year-old Timmy (not his real name), who spent a year in Albany County Jail a couple of years ago on a drug charge. "The majority of my life is pretty much straight now. I try really hard to keep drugs out of my life to the best that I can. But it's hard, because there are always people that have known you to be a certain way at one time, who still try to influence you to sell drugs."

Timmy was raised by his grandmother in Troy, in an atmosphere he describes as "middle-class." He was kicked out of high school—unfairly, he says—and eventually went to culinary arts school. Today, he has a construction job. From time to time, Timmy says that he was lucky to come from a strong, supportive family. But when asked how he got started selling drugs, he pauses, and says with some apparent pain, "family."

WHEN YOU GROW UP IN THE ATMOSPHERE that I did, it's hard for you not to get involved in it, especially if the older people in your family are doing certain things. With family, nine times out of 10 you don't ever question it, you just get right into it.

I'd rather be working with children than selling drugs. ■

And that's what my goal is in life, to go back to school, and try to get my Ph.D. in child psychiatry, and work with handicapped children. Because I love kids.

It took me going to jail to actually straighten me out. I probably wouldn't be alive right now, with the way I was going, with having pistols, and doing things to people that owed you money, and stuff like that. I'm not a violent person, but I'm very good at what I do.

It's not all violence, you're not always shootin' at people, but if you betray a group ... I mean I'm not gonna take it out on his family for something he's done. I've busted people's legs and stuff like that. I've shot at people, but I would never just shoot someone over \$100.

Everybody has guns. And if you don't have 'em you can get access to them.

I went to jail for a friend of mine. It was said that I had made a sale of cocaine to someone, but I know for a fact that night that I didn't. Because I didn't have any. I was naive. When they arrest you they say, "Well, we have all these witnesses," and they scare you into actually pleading to something that you didn't do.

In the lifestyle, you cannot dime, you cannot rat on your friends—it just doesn't happen. People die for that. Cocaine and crack, that's major business. It's not like selling a nickel of pot. People will kill you. I've threatened people myself. I've robbed people, or robbed their houses—like other drug dealers that will come and try to take over places that we have. Everybody's got their territory.

There are people that rat, but when they get out, they either have to move, or they get messed up.

I did get a bum deal. They tried to hurt me, too. When you get into interrogation, they beat you down. They strip-search you, and they ask you, "Do you know this person? Do you know that person?" And if you say, "I don't know what you're talking about," you get a nice little shot to the ribs, a nice little shot to the head.

I took going to jail as a lesson in life. It took me a while to say to myself, Timmy, you really did need this. Even though I hated being there, you really do stop and look at yourself a lot. Some people it helps, some people it doesn't.

The drug addicts, they would say they'd get healthy from being in jail and eating and gaining all their weight back, and they'd get out and say, "No, I'm not gonna mess with it." And then they'd go ahead and mess with it anyway. About a week later, once their life starts gettin' back, because when you leave jail you're going right back to the same atmosphere that you left.

The people on the street that sell to children, they don't care who it is. It's different from the way I've done it. Anybody that's ever gotten anything from me, I've known how much they've done, and if I've ever seen them hurt themselves, I wouldn't give it to them.

I've seen kids as young as 10, 11 [buying drugs]. I've had kids ask me for money, and I wouldn't give it to them. I get really upset about it. And that's all the more why I wanted to get out of it. I can't see myself contributing to somebody—some little kid—it'll damage the kid's life. He's gotta have a chance.

We are what makes the changes in society for ourselves. Any black individual, just like any white individual, makes their own decisions to do whatever they choose to do in their lives. What happens is, because the majority of minorities will fall into that category, to be dealing drugs, that's why they go to jail. It's not that they're just targeted.

If you didn't do the crime, then you won't be in jail. And I honestly say that for myself. Even with my upbringing and my background and everything, I went to jail because I was stupid. We all make our own decisions.

Everybody thinks that they have a bad rap in jail. Everybody always denies their crime. But they'll say, "I'm gettin' larger next time." Which means, "I'm going to make so much money where they're not going to be able to touch me." And if I was to say anything to them, it would be, "Hey, I hope that you learned your lesson. What you did was wrong. I don't care who you're trying to kid, you're not kidding anybody but yourself if you think you're not going to get caught the next time." Any person that feels that they're invincible will always go to jail.

If you get greedy you get caught. And that's why a lot of them get caught. They want everything so quick, and they're out there all the time.

They're very materialistic people. You may not have anything in your refrigerator, but you will always look good. Some of the young kids will do that just to have nice things—it's like a minority fashion show. Like myself, I have 13 pairs of Nike sneakers. I like to look good, but I can afford to work and get it. I make good money, about \$100 a day. And I'm happy with that.

I could pick up my phone and within 20 minutes have three or four hundred dollars. Without even spending a

\$7M suit alleges police beating

By LAURA SUCHOWOLEC
Gazette Reporter

ALBANY — A \$7.1 million federal police brutality lawsuit was filed against the city yesterday by a man who claims he was brutally beaten by police when he was arrested at the Greyhound Bus Station.

Daniel Amlaw of Peabody, Mass., alleges his civil rights were violated by a beating he says he received from two detectives working at the bus station. Amlaw was charged with disorderly conduct.

The suit is the fourth in the past year filed by people who claimed they were beaten by city police officers. A \$7.3 million lawsuit by Robert Butler, 31, of 77 Dana Ave., Albany, was filed last month. James F. Lunday sued for \$7.1 million and Ronald

Grier filed a \$1 million complaint.

Police spokesman Lt. Robert Wolfgang said, "I can't comment on a case in litigation."

Amlaw's problems started when he arrived in Albany on a bus from Boston on Oct. 18, 1989.

He quickly gathered his suitcases and went into the terminal where he saw two police officers, Joseph Hughes and Ronald McLaughlin, questioning a young Jamaican woman and searching her purse, court papers said.

A cab driver, hired by the woman before police began questioning her, waited as the police officers interrogated the her, the complaint said. When Aman walked by the cabbie, the driver asked if he needed a ride. He did.

Aman and the driver walked to the

front of the bus station and put Aman's two suitcases into the cab. The cab driver waited inside the terminal for his other fare.

After about five minutes, Aman went looking for the cab driver, who was still waiting for the Jamaican woman. Aman said: "Come on, let's go," to the driver, the lawsuit alleges.

Court papers said Officer Hughes decided to check on Aman because he was "in so big a rush." Hughes and McLaughlin released the woman and followed Aman out of the station.

The two police officers allegedly demanded to see identification, confiscated Aman's luggage, searched it without cause then punched him, the papers state.

The lawsuit alleges the police officers "worked over" Aman, with one

holding the plaintiff's arms while the other punched him. Aman was arrested and thrown into the police car with his suitcase on top of him, court papers said.

At the police station, Aman was beaten again by the two police officers and others whose names are unknown, according to the lawsuit. He was arrested on a charge of disorderly conduct but was not given the chance to consult a lawyer, court papers said.

The lawsuit alleges assault, battery, libel, slander, false arrest, false imprisonment, malicious prosecution and unlawful search and seizure. The suit also accuses police officers of conspiring to cover up the facts and inventing a fictional account of the happenings so they could avoid civil and criminal liability.

10/90

Sharpton an agitator

To the Editor:

Racism and prejudice are an unfortunate part of each human being and every society. As recession deepens and people's economic security is threatened: frustration, fear and the anger reaction will set in. People turn on those close to them or around them.

Enter Al Sharpton: We are convinced that this man cares little for truth. During the Tawana Brawley fiasco he as much as said that he cared less for legal truth than the political gain. His aim was to "bring down a racist judicial system." Parts of our judicial system are no doubt racially biased; but that is best corrected with truth, and not with lies and street theater.

In Albany the Rev. Sharpton's use of exaggeration and paranoia to set fires of discontent were evident.

In Schuylerville, he blew in, blew through, and blew out without talking to one local leader, white or black or setting up a group to monitor Klan activity.

We are more and more convinced that Mr. Sharpton's ultimate goal is destruction of American society by means of increased racial hatred and increased Klan activity. He not only thrives on legitimate social discontent, but his methods and persona actually create strife. And guess what? Next year he'll return to upstate extolling his own prophetic insight: racial tensions and perhaps Klan activity will have increased.

Uncritically the media plays along reporting on his "need" for secret Albany lodging, labeling him a civil rights worker and highlighting his Schuylerville activity as an anti-Klan rally. Perhaps the media needs to begin to be a bit more critical of the noble labels it uses on Mr. Sharpton, or better yet, "Just say no" to his theater of the absurd.

REV. JAY EKMAN
JOHN C. EKMAN
Saratoga Springs

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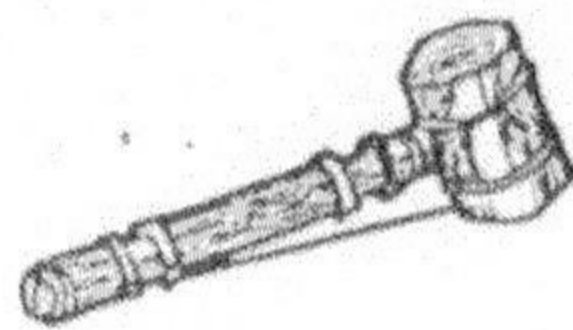
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WHAT OTHERS HAVE SAID ABOUT GRAND JURIES

*File under
Police #13*

- "The grand jury no longer serves the purpose for which it was designed."
-Chief Judge Sol Wachtler
- "The district attorney goes to the grand jury to obtain an indictment. The stamp of approval will be sought. The same witnesses, already interviewed, and the same evidence, already gathered will now be presented to the grand jury. The legal adviser to the grand jury will decide what they hear. The defense has no right to present its case, or cross-examine, or have counsel present. It is by design, a one-sided affair. Is it any wonder that nearly everyone experienced with the criminal law readily concedes that the grand jury almost invariably does what the prosecutor wants?"
-Chief Judge Sol Wachtler
- The grand jury system is coming under rising attack from both law-and-order advocates and civil libertarians, who say it has instead become an inefficient captive of often overzealous prosecutors. Legal experts, court opinions and people who have served on grand juries argue that the panels' vaunted independence has been turned on its head.
- "Any district attorney will tell you in confidence that the grand jury will do what he or she wants it to do."
-Chief Judge Sol Wachtler
- District attorney's often use the panels to avoid responsibility for unpopular decisions not to bring charges in controversial cases.
- In NYC, prosecutors win indictments in 94% of the cases they present to grand juries.
- Panel members must be convinced there is "reasonable cause to believe" that the defendant committed the crime. That is much less than a prosecutor must do at trial, where a case must be proved "beyond a reasonable doubt".
- Grand jurors say they make very few decisions. "I felt that we rubber stamped," due to only hearing one side of the story.
-Grand juror
- A grand juror said prosecutors discouraged questions from the panel members and rarely gave jurors any indication of what a defense might be. When they did answer questions they often told jurors that the issues they were concerned about were for the prosecutors, not the jurors, to decide.
- "There's a tendency to say, if that guy (the DA) is up there, he knows."
-Grand juror
- When one juror had some doubts about one case, other jurors told him they did not want to take the responsibility of turning down the prosecutor's request.
- "We indicted every case except one, and that was because the district attorney who was prosecuting literally led us into turning him loose."
-Grand juror
- "The system is not set up so that it's intrinsically fair, and it ought to be."
-Grand juror

Sources: Fund for Modern Courts
New York Times article "Plans are Pressed for Abandoning Grand Jury System" 2/20/9



WHAT IS THE GRAND JURY SYSTEM ALL ABOUT?



There has been a movement in this country for some time to abolish or reform the grand jury system. Law-and-order advocates and civil libertarians feel that the grand jury is a rubber stamp for prosecutors. Thus it is next to impossible for the jury not to indict someone. As Chief Judge Sol Wachtler has said, "A grand jury would indict a ham sandwich if a prosecutor wanted it to." Inside grand jury rooms, where prosecutors present their cases in secret, defense lawyers are not permitted to speak, defendants are at the mercy of prosecutors, and prosecutors are immune from challenge.

WHAT IS A GRAND JURY?

A grand jury is a body consisting of not less than 16 nor more than 23 persons, to hear and examine evidence concerning offenses. A quorum of 16 is required and any decision requires the concurrence of at least 12 members.

Grand jury proceedings are secret. Only the district attorney can be present during proceedings, other than witnesses and attorneys for witnesses. Such attorney can only advise the witness and may not otherwise take part in the proceeding. The defendant, or his/her attorney, may not be present during any of the proceedings other than during the defendant's testimony. The defense has no right to know who testified against the defendant, nor what was said and can receive a transcript of the testimony only after each witness has testified at an actual trial.

The grand jury is the exclusive judge of the facts. The legal advisors of the grand jury are the court and the district attorney.

A defendant has a right to testify before the grand jury and must sign a waiver of immunity. The defendant makes a narrative statement and is then cross examined by the district attorney. His/her attorney may not ask any questions. A defendant may request the grand jury to cause a person designated by him/her to be called as a witness. It is up to the grand jury's discretion as to whether such witness will be called.

A grand jury may indict a person for an offense, dismiss the charge, or direct the district attorney to file a non-felony charge with a local criminal court. A grand jury may indict a person for an offense when (a) the evidence before it is legally sufficient to establish that such person committed such offense, provided, however, such evidence is not legally sufficient when corroboration that would be required as a matter of law, to sustain a conviction for such offense is absent, and (b) competent and admissible evidence before it provides reasonable cause to believe that such person committed such an offense.

WHAT IS AN INDICTMENT?

An indictment is a written accusation by a grand jury, filed with a superior court, charging a person, with the commission of a crime. It is very rare for a grand jury not to indict someone the district attorney has brought before them. An indictment is really the way to officially charge someone with a felony. The next step after this is arraignment of the defendant in county court and then the case proceeds to a regular trial by jury.

WHAT HAPPENED TO THE PRELIMINARY HEARING?

For felonies, the defendant has a right to a prompt hearing upon the issue of whether there is sufficient evidence to warrant the court in holding him/her for the action of a grand jury. In Albany County, judges have interpreted this to mean only defendants held in jail get hearings. The judge granted the hearing in Donna's case but the DA has the right at any time to present the case to a grand jury and in this case decided to do so before the hearing. If Donna's lawyer had pushed for the hearing the DA would have gone to the grand jury the day before the hearing was scheduled. Why would the district attorney want to present his case in public and subject his witnesses to cross-examination when he can do it all in secret? No one will ever know who his witnesses were, what they said, and how strong or weak of a case he had. He can totally manipulate the case behind closed doors if he wants.

They're watching

Shutterbug bugs Albany activist

By Jay Jochnowitz
Staff writer

ALBANY — Three years after Albany police destroyed photographs of a political activist, admitting that they were taken in violation of policy, the department is again facing complaints about covert surveillance.

The city police chief denies that any of his officers are taking the photos.

Capital Police have monitored the protests involved in the complaints and a state spokesman would not comment on whether a car used by a photographer in question belonged to the Capital Police.

Activist Donna DeMaria, the target of police camera lenses in 1987, said a mysterious photographer has photographed her and other demonstrators on at least two occasions, an Aug. 21 demonstration on her behalf outside Albany City Court and an Oct. 23 demonstration at the New Scotland Avenue Armory by the AIDS Coalition to Unleash Power, a militant advocacy group for acquired immune deficiency syndrome victims.

Attempts by *The Times Union* to trace the photographer's license plate revealed that it does not exist in state Department of Motor Vehicles files, suggesting that it is on a police car, although most police agencies throughout the Capital District deny taking the photos.

DeMaria said an Albany detective, Alden Manion, has also been spotted at six demonstrations from August through October, watching from a rooftop and in cars, including the vehicle of the unknown photographer.

Once, she said, Manion was sporting a Groucho Marx-type disguise. Another time, he sped off in reverse down a one-way street when demonstrators approached.



Donna DeMaria

... surveillance complaints

DeMaria and two dozen other activists voiced complaints in a four-page letter to Albany Police Chief John Dale, who has agreed to a meeting Friday. They want photos destroyed and only uniformed officers at demonstrations, arguing that plainclothes surveillance has a "chilling effect" on their free speech.

"Certainly, detectives watching us, taking pictures, hiding on side streets, circling around the demonstration and speeding off when approached serves no useful purpose and is clearly designed to intimidate, harass, or possibly build files on people," they wrote in the letter.

One demonstrator, DeMaria said, snapped a picture of the photographer at an Oct. 23 demonstration and the photo will be presented to Dale.

Dale said the plainclothes presence is authorized, but he unequivocally denied that the department is photographing demonstrators. After DeMaria took police to task for taking pictures of her three years ago, Dale has ordered that no photos

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of demonstrators be taken without his authorization. "We have not violated that policy," said Dale. "We did not take photographs."

He said the car in which demonstrators spotted the photographer is not an Albany police car, and the man demonstrators saw is not an Albany officer. Dale declined to elaborate, and, asked whether he knows whose car it is, he responded, "I'm not going to answer that."

The plate could not be traced on the DMV computer, and a DMV spokesman said there are generally three reasons for that — the plate was stolen before it was issued, the plate was a fake, or it is on a "concealed investigation car" from a law enforcement agency. Although the spokesman said he could not say whether the plate is on a police car, he did say the plate number was neither a fake nor was the plate known to be stolen.

Albany County Sheriff Jim Campbell said his department was not involved in the picture taking, and both the FBI and State Police said the car isn't theirs.

Thomas Tubbs, spokesman for the state Office of General Services, said Capital Police monitored the Aug. 21 and Oct. 23 demonstrations, but did not take photos. He refused to say whether the car in which the photographer sat belongs to the agency.

Dale defended the presence of detectives at demonstrations, and said the department doesn't plan to change the practice. Manion and other detectives, he said, are trained to defuse confrontations, such as those that might occur with counter-demonstrators, before they occur. As for allegations about Manion's behavior, Dale said he was unaware of the problem would listen to DeMaria's complaints.

But he insisted that there was nothing covert about the detectives' presence. "Those people are not incognito, they're not undercover, they're not hiding," he said. "We're not trying to intimidate anyone."

Whalen said forming police-community panel

By Catherine Clabby

Staff writer

ALBANY — Nine months after the city's community-police relations board was disbanded, Mayor Thomas M. Whalen III is preparing to announce a restructured panel, according to a City Hall source.

The mayor has appointed nine people to the new panel, which eventually will have 11 members, and expects them to meet by the end of the month, the source said.

Among the members is the Rev. Robert Dixon, former chairman of the panel; three members of the city's Human Rights Commission; and Marilyn Hammond and Gail Elliot, who will represent Arbor Hill and the South End respectively, according to the source. Members of the human-rights panel include Rabbi Martin Silverman, James Albee and the Rev. Berseford Bailey.

Still to be appointed is a student from the State University at Albany, to be named by SUNYA President H. Patrick Swygert, and one other individual.

The former board featured 15 members, including representatives of groups that frequently were critical of the Police Department, including the Capital District Gay Community Council and the Capital District Coalition Against Racism and Apartheid.

Last fall, Whalen asked board members to consider reshaping the panel to include fewer special interest groups and more representatives from neighborhoods with frequent contact with police.

At that time he said he was disappointed with the board's failure

The former board featured 15 members, including representatives of groups that frequently were critical of the Police Department . . .

to adequately address disputes, race relations and the threat posed by the city's illegal drug trade.

In February, members of the previous board in a secret ballot voted narrowly to favor a reorganization that would grant the panel the ability to take control of internal police investigations and reveal disciplinary action taken against officers. Two members not present for the vote subsequently wrote to the mayor and endorsed a plan more in line with what the mayor has followed.

Second Ward Alderman Keith St. John, a former board member representing the Gay Community Council, advocated the expanded powers. On Wednesday he said he thinks the new scheme "falls short" of an effective organization that would increase citizens' confidence in the department.

Police Chief John Dale was among those opposed to the expanded powers for the civilian board, saying he believes confidentiality in internal police probes encourages department members to cooperate.

Lawsuit says police violate civil rights

Alleges official indifference

By John Caher
Staff writer

ALBANY — A \$4 million federal civil rights lawsuit filed Friday accuses Albany police of systematically and blatantly violating the rights of minorities while city officials react with indifference.

Albany attorney Mark S. Mishler contends the city's refusal to discipline white police officers who abuse minorities has "resulted in the belief by police officers of the city of Albany that they could violate the rights of (minorities) with impunity."

Mishler documents four instances since 1984 when federal juries had found white police officers violated the rights of minorities. None of the officers was disciplined, a fact that Mishler said illustrates a "deliberate indifference on the part of the city and the mayor as to whether the constitutional rights of African-Americans would be violated."

The lawsuit was started on behalf of McKinley Branch Jr., a black Albany man who was suspected of dealing drugs to a 14-year-old. Named in the action are the city, Mayor Thomas M. Whalen III and Detectives Kenneth Sutton, who has retired since the Nov. 10, 1989, incident, John Tanchak and Thomas Schillinger. All of the individual defendants are white.

Branch contends that he was driving on North Swan Street when he pulled over for the three police officers, who were in an unmarked vehicle. He claims Tanchak choked him, dragged him from the car, struck him on the head with a flashlight and stomped on his back.

At the Division 2 station, Branch contends Sutton hit him in the face

and pushed him into a trash can. Branch claims he was kicked and hit by both Sutton and Tanchak following a strip search.

In a police report, the detectives contended Branch flailed at them and noted that they had to use a "reasonable amount of force" to effect the arrest.

Schillinger, according to court records, charged Branch with a felony count of third-degree criminal sale of a controlled substance and misdemeanors of resisting arrest, obstructing governmental administration, criminal use of drug paraphernalia and endangering the welfare of a child. Branch pleaded guilty to disorderly conduct and was given a conditional discharge in City Court.

The action pending before Senior U.S. District Judge Howard Munson is at least the fourth civil rights action filed in the past year by black men who claimed they were beaten by Albany police. Three of the suits, including Branch's, name Sutton.

Sutton, a narcotics detective, has been dubbed "Batman" by civil rights activists who allege that he used a baseball bat while interrogating prisoners. Police officials have denied the allegations.

Other black Albany men with pending civil rights claims involving city police are Robert Butler, James Lunday and Ronald Grier. Butler and Lunday, who are represented by Albany attorney Terence L. Kindlon, specifically accuse Sutton of brutality. Grier is represented by Mishler.

Police spokesman Lt. Robert Wolfgang declined to comment and Chief John Dale could not be reached. Whalen also was unavailable for comment.

Capital Police admit watching protests

By Catherine Clabby

Staff writer

ALBANY — Capital Police monitor political demonstrations and sometimes photograph participants on and off state property, according to Thomas Tubbs, a spokesman for the state Office of General Services.

And at least one plainclothes investigator with the department has fled demonstrations when approached by a local political activist who has been known to photograph undercover investigators, said Tubbs. Investigators, he said, don't want their identities publicized.

Donna DeMaria, the local activist, has been attempting this week to determine which police agency has been monitoring local demonstrations and sometimes taking photographs. For years she has argued such police surveillance raises constitutional questions and has an effect on public expression.

In the wake of residents' complaints, Police Chief John Dale this year restricted members of the department from photographing public demonstrations. Dale met with DeMaria and others on Friday to assure them members of his department have not been photographing local protests.

"The First Amendment is very important to me," said Dale. "I'm not going to violate it."

Tubbs said Capital Police monitored two demonstrations DeMaria has inquired about, including an Aug. 21 gathering on her behalf outside Albany City Court and one on Oct. 23 at the New Scotland Armory by the AIDS Coalition to Unleash Power, a militant AIDS advocacy group.

"We monitor all demonstrations in the area," said Tubbs.

Photographs were taken at the October session because ACT-UP has staged disruptive gatherings at the

state Capitol, with members at one action being arrested, said Tubbs.

Photographs are taken of groups which are known to stage protests on state property, said Tubbs. Files are kept on groups — such as ACT-UP and the environmental group Greenpeace, for instance — but not on individuals, he said.

"We have to enjoy the ability to recognize members of organizations," he said.

The August demonstration was staged to protest DeMaria's arrest on charges of coercion and aggravated harassment. A City Court judge and DeMaria's attorney have said they understand those charges would be dropped, but District Attorney Sol Greenberg has said he would pursue them.

DeMaria has been attempting to find out the ownership of a car that carries a man who has photographed demonstrations she participated in. When approached, the car has sped away, she said. Tubbs said he could not comment on whether the car belongs to the Capital Police.

He said police investigators or inspectors who monitor or photograph demonstrations do not do so covertly. But because they fear their identities could be publicized by activists, something that would endanger other investigative work, at least one investigator has fled as DeMaria has approached him, he said.

DeMaria on Friday said she intends to file inquiries under the state's Freedom of Information law with several local law enforcement agencies in an effort to pinpoint who owns the vehicle. She said she and others also would try to arrange a meeting with commanders of Capital Police and write a letter to Gov. Mario Cuomo about her concerns over police surveillance. She said many people who attend demonstrations would not necessarily be willing to engage in civil disobedience.

NOV 21 1990

Turner upholds search of drug suspects at bus station

By John Caher
Staff writer

ALBANY — Albany County Judge John G. Turner Jr., who last month ruled that police illegally searched two alleged drug couriers at the Greyhound Bus Terminal, on Tuesday upheld a similar narcotics investigation in which city police arrested two suspects.

Turner said detectives with the department's special investigation unit acted properly on Sept. 7, 1989, when they questioned and searched Cecilio Brewster, 37, and his companion, Marilyn Harris, 32, both of Saratoga Springs. Last month, Turner said police had no right to search two Buffalo men and ruled that \$8,000 worth of cocaine could not be used as evidence against them.

The difference in the cases hinged on a fine-line determination as to whether police had reason to suspect criminal activity and whether the defendants were free to ignore the inquiry and walk away.

City narcotics officers, in a "drug interdiction" effort, have conducted a lengthy undercover investigation at the Greyhound Bus Terminal on Hamilton Street, which Turner referred to as a "hotbed of drug activity."

Court documents reveal the investigation works like this: Police approach people who look suspicious and ask if they are carrying any illegal drugs. If the target denies possessing drugs, a detective says something to the effect of: "If you are not carrying any drugs, then you don't have anything to hide and you won't mind if we look through your personal belongings." Unless the suspect objects, he or she would be escorted to a bus station restroom and searched, according to court records.

The same "ruse" — as Turner referred to the questioning that often precedes a search — was used in the Brewster/Harris case and the matter of Jorge Luis Mercado Soto, 24, and Juan E. Pagan, 29. But while Brewster and Harris were not forcibly detained, Soto was, Turner said.

Top state and federal courts have held that police can base a brief detention on something less than the "probable cause" required for an arrest, but must have more than a mere hunch that criminal activity is afoot.

The Supreme Court, in the 1968 case of *Terry vs. Ohio*, required an "articulable suspicion." New York's highest

court, the Court of Appeals, set forth four levels of permissible police intrusion in its 1976 decision in *People vs. DeBour*, and established the criteria required for each.

Turner found police had a reason to question Brewster that satisfied the provisions established in the *DeBour* decision. He said Brewster was "an extremely nervous person, who became agitated as the interview continued, whose hands shook."

Defense attorneys have argued strenuously that the bus station surveillance effort violated the safeguards of the *Terry* and *DeBour* rulings and have complained that police were targeting blacks and Hispanics in clear violation of state and federal law.

Detective Lt. David Epting denied in court that authorities were gearing their efforts toward minorities, but "did indicate black folk had been statistically arrested in greater numbers than had white persons," according to Turner's decision in the Brewster case.

City records show only four of the 91 drug suspects arrested at the bus terminal in 1989 were white.

Soto, who was allegedly carrying cocaine, and Pagan — both Hispanic — spent 19 months in jail awaiting trial before Turner suppressed the evidence. They subsequently pleaded guilty to a loitering charge, were sentenced to time-served and released.

Harris was sentenced to three years on probation after pleading guilty in December to criminal use of drug paraphernalia. Brewster remains in jail awaiting trial on charges of third-degree criminal possession of a controlled substance and seventh-degree criminal possession of a controlled substance. Brewster and Harris are black.

Raymond A. Kelly Jr., an assistant county public defender representing Brewster, argued in court papers that the "drug interdiction ruse ... was nothing more than an arbitrary and capricious intrusion upon the right to be free from unreasonable police interference."

"If the courts and defense counsel are not ever vigilant, the greatest casualty of the war on drugs will be our Bill of Rights," Kelly argued.

Assistant District Attorney Paul A. Clyne maintained the search of Brewster was legal and proper.

DeBour says he's

ALBANY COUNTY



Times Union photo by Paul D. Kniskern Sr. Albany, commemorates Jan Kostrobala, an AIDS victim.

After brawl, Arbor Hill family accuses police

By Jay Jochnowitz
Staff writer

ALBANY — An Arbor Hill brawl among police, two burglary suspects and their friends and relatives last week has prompted some leaders of the black community to call for a closer look at the incident and police treatment of minorities.

Leaders in the black community stressed Tuesday that they were still trying to sort out the Friday night incident and weren't ready to label it a case of police brutality. But they acknowledged that in the wake of the fight and arrests that followed, complaints about poor police-minority relations may be headed for a renewed public airing.

"Police brutality, especially directed against minority groups and African-Americans, has historically been a problem in this town," said Albany County Legislator James Bouldin. "I am not saying that's what happened in this case, but we need to investigate it and bring it to a closure."

Third Ward Alderwoman Sara Logan agreed, stating that she wanted to "see if we can really iron out some of these rumors."

A demonstration is planned at City Hall today by family members of the people arrested. Organizers, who planned to have circulated 4,500 fliers on the protest by today, are calling on Mayor Thomas M. Whalen III and Police Chief John Dale to discuss the incident and the issue of police-minority relations.

On Friday night, police were called to Arbor Hill in response to a reported burglary at 94 Northern Blvd. Police spokesman Lt. Robert Wolfgang said Mary Coleman told police that her daughter was arguing with some people outside and brought her back into the house.

Police say two men — Granville Cancer, 24, of 225 Clinton Ave. and Willie Vaughn, 28, of 60 Judson St. demanded that the daughter come outside, and when she did not, they broke down the door. Police said they argued with the occupants and then left.

At 7:30 p.m., about 20 minutes after the incident, police found Cancer and Vaughn in front of 388 Clinton Avenue. Attempting to arrest them, police say they ended up fighting with Cancer and Vaughn, along with Maria Cancer, 17, of 19 Quail St.; Eric Cancer, 18; and Markeem Ryan, both listed at 383 Livingston Ave.

Police charged Granville Cancer and Vaughn with second-degree burglary and resisting arrest. Granville Cancer was also charged with second-degree assault. Maria Cancer was charged with resisting arrest and assault, while Eric Cancer and Ryan face obstruction of governmental administration charges in addition to counts of assault and resisting. They all were arraigned Saturday in City Court. Eric and Maria Cancer were released Tuesday on \$350 bail each. The rest remain in jail.

Wolfgang said four officers — James Brooks, Francine Wilkinson, Kevin Breen and James Lyman — were hurt in the arrests, sustaining injuries ranging from scrapes to a bite on the thumb in Lyman's case. Brooks and Wilkinson, he said, were treated at Albany Memorial Hospital.

Also injured in the fight and still hospitalized Tuesday night was Sally Cancer, 41, Eric and Granville Cancer's mother. In a phone interview from Albany Medical Center Hospital, she said she was going to a bingo game at the Joseph Zaloga American Legion Post at 388 Clinton Ave. with Eric Cancer when her son Granville and Vaughn pulled up in a Jeep, followed by a city police car that pulled alongside them. The officers approached with their guns drawn, she said, and ordered her to move on.

She said she refused to leave and her son Eric told police, "You better not shoot my brother," accusing them of looking for an excuse to shoot. Police, she said, then grabbed Eric and began beating him.

Cancer said that during the incident she put her hands on her son's chest and told him not to fight back, and then Ryan, a friend of the family, approached and told police to stop, warning them that Sally Cancer had a heart condition. At that point, Sally Cancer said, one of the officers said "So what?" and hit her in the chest with his nightstick. Cancer said she was hospitalized for a subsequent angina attack.

She said the incident followed two years of police harassment against her family since another son, John, filed suit against the city after a city-owned truck struck his 6-year-old daughter.

Wolfgang said a formal complaint has yet to be filed.

Stunned with emotion

... You see all
her individual

— Mark Niezgoda

you don't look so closely."

to is prepared in
local n. women and
have died from AIDS.
Albany are leaving mes-
at the gallery for each
se they've lost. Penned
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e messages are angry.

Others are mournful. All are loving.

"Rage, rage, rage against the dying of the light," proclaimed one writer. "All people with AIDS are innocent," insisted another. And there was a question directed at a dead friend: "There is so much love in this quilt. Can you feel it wrapped around you?"

On Tuesday, Winston Lindsey, the minority outreach coordinator for the local AIDS council, was in the gallery, focused on the living. Stationed in front of eight panels, he was telling whoever would listen that no one can assume that they are immune to the virus.

"If I can reach one person, save one life," he said, "we will not have to add another panel to this quilt."

After brawl, Arbor Hill family accuses police

By Jay Jochowitz

Staff writer

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In police fracas Dale says investigation needs formal complaint

By Tim Beidel

Staff writer

ALBANY — With public protests but no formal complaint about police conduct during a burglary arrest and fracas last week in Arbor Hill, an investigation of the incident is on hold, police Chief John Dale said Friday.

"In order to investigate it, we have to find out what happened," Dale said. "We can't judge our investigations by what we read in the paper."

At a rally Wednesday outside City Hall, neighborhood residents complained about police use of force and police officers removing their badges during a brawl that started after a burglary arrest.

After confronting two men who allegedly broke down a door at 94 Northern Boulevard Friday evening — Granville Cancer, 24, of 225 Clinton Ave., and Willie Vaughn, 28, of 60 Judson St. — a brawl developed between officers and onlookers in front of 388 Clinton Avenue.

It ended with Cancer and Vaughn and three others charged with as-

sault and resisting arrest and four police officers injured. Cancer's mother, Sally, was hospitalized with an angina attack after the brawl.

Dale said he informally has discussed the allegations against police with family members, and that he "encouraged" them to go on record by filing a complaint. Without it, he said, an investigation would be pointless.

"Obviously, for us to conduct an investigation now, the only thing we'd have would be what the officers said," Dale said. "You can't do an investigation until you hear both sides."

John Cancer, a spokesman for the family, said there is "no doubt at all" that a formal complaint would be filed, but said family members wanted to discuss the situation with their attorney, Terence L. Kindlon, before proceeding.

Cancer also said he was forming a committee "to sit down and talk with the mayor and police administration to try and stop this kind of activity in our community."

departments and the State Police worked to,

1989 was a record year

Albany drug arrests decline in '90

By Joe Mahoney

Staff writer

ALBANY — The number of drug arrests by Albany Police has dipped significantly this year following last year's record-shattering performance.

Albany officers made 201 felony drug arrests and 148 misdemeanor drug arrests in the first nine months of 1990, compared to 336 felony arrests and 239 misdemeanor arrests in the same period of 1989, according to state Division of Criminal Justice Services statistics.

Albany Police recorded a record 709 drug arrests in all of 1989 — 407 felonies and 302 misdemeanors.

The bumper crop of arrests last year resulted in part from a lengthy investigation involving undercover informants. It culminated in May 1989 with the arrests of some 85 persons, most of them residents of the Arbor Hill and South End neighborhoods, on a variety of drug charges.

Also driving up the 1989 total were police efforts to interdict narcotics at the Greyhound bus terminal in downtown Albany. That surveillance resulted in approximately 100 arrests.

Asked about the decline in drug arrests, Chief John Dale said Monday: "We still have a problem with drugs out there, but our officers have been able to impact on some of the open-air drug markets with aggressive enforcement. We're going to keep at it."

Richard Ross, a spokesman for Division of Criminal Justice Services, said drug arrests climbed steadily throughout much of the 1980s across the state, peaking last year.

“We still have a problem with drugs out there, but our officers have been able to impact on some of the open-air drug markets with aggressive enforcement. We're going to keep at it.”

— Police Chief John Dale

Arrest statistics obtained by *The Times Union* also show that the number of drug arrests this year by Troy and Colonie Police is below last year's arrest totals. Schenectady Police appear to be holding about even.

Colonie police racked up 16 felony drug arrests and 30 misdemeanor arrests in the first nine months of 1990, compared to 23 felonies and 42 misdemeanors for the same period in 1989, according to the Department of Criminal Justice Services data.

Troy Police had 39 felony arrests and 26 misdemeanor arrests from January 1 through Sept. 30 this year. For the same period in 1989, Troy police recorded 41 felony drug arrests and 56 misdemeanor arrests.

Schenectady Police made 121 felony and 88 misdemeanor drug arrests the first nine months this year, compared to 129 felony and 85 misdemeanor for the same period last year.

Protesters charge harassment and police brutality

By KATE GURNETT
Gazette Reporter

ALBANY — Chanting "Stop the violence," about 25 people marched in front of City Hall yesterday to protest police actions in Arbor Hill last Friday that they say amounted to racial harassment and police brutality.

"We understand the police must make their arrests, but unnecessary beating of young black men is unacceptable," Dorothea Brace said yesterday.

Police arrested five people outside the Joseph Zaloga American Legion Post at 388 Clinton Ave. at 7:30 p.m. Friday after a brawl involving police officers, two burglary suspects and their friends and family.

Protesters yesterday called for punishment of the five officers in-

involved in the initial scuffle and asked that Mayor Thomas M. Whalen III and Police Chief John Dale go to Arbor Hill to discuss problems of racial disrespect and disharmony. Group members said they plan to file complaints against the officers with the Police Department's Internal Affairs division.

Meanwhile, they said, the officers involved in Friday's incident are "no longer welcome to patrol in Arbor Hill."

Mayor Whalen said he would meet with the group after it meets with Chief Dale and "if they give me an indication of what it is they have to discuss."

Friday's events began with a burglary call to 94 Northern Blvd. where Mary Coleman told police that two men had broken her door down after an argument with her daughter. A

short time later, police said they found Granville Cancer, 24, of Clinton Avenue and Willie E. Vaughn, 28, of Judson Street in front of the Zaloga Post, where they were identified by Coleman.

As police began to arrest the pair, a fight broke out between them and Cancer's 16-year-old brother, Eric T. Cancer, his mother, Sally Cancer, and others. Police charged Granville Cancer and Willie Vaughn with burglary and resisting arrest. Eric Cancer, Maria Cancer, 17, and Markeem Ryan, 16, were charged with assault and resisting arrest after they allegedly jumped Officer Kevin Breen.

Sally Cancer said yesterday that Breen and the police beat her son Eric and that Breen knocked her to the ground when she tried to intervene. Protesters also accused some

of the officers with trying to remove their badges during the fracas.

"It is not acceptable for them to come into our community and beat up on people on just routine calls," said Anne Pope, president of the Albany chapter of the National Association for the Advancement of Colored People.

Sally Cancer was hospitalized after the fight. Police said Breen and three other officers — James Lyman, Francine Wilkinson and James Brooks — suffered cuts and other minor injuries.

The officers "went to make an arrest and they were piled on by the family," Chief Dale said. Dale also said he was willing to meet with the group and advised them to file a complaint with the department's Internal Affairs division.

ALBANY COUNTY

Arbor Hill residents give Albany officials

By Catherine Clabby

Staff writer

ALBANY — City officials got an earful Tuesday at an Arbor Hill town meeting where residents spoke out in frustration over perceived police brutality, opposition to a proposed homeless shelter and many other issues.

Dorothea Brace repeated claims she made last week at a City Hall protest when she said she witnessed officers remove their badges to hide their identities during a Clinton Avenue brawl on Nov. 30. Brace and other neighborhood residents allege police beat a burglary suspect and his pregnant sister during the melee, which broke out when police were attempting to arrest two individuals on attempted burglary charges.

"We're tired of police officers coming here

(mistreating us ... They are not welcome here," said Brace, calling on Police Chief John Dale to assign officers familiar with the city's black community to its black neighborhoods.

Dale said he has found no evidence officers removed their badges during the incident, but said some responding to an emergency call left their patrol cars without jackets that held their badges.

Dale, who is black, said he is vitally interested in ensuring good relations between his officers and the city's black community. He said he is trying to gather facts on the incident but is still waiting to meet with some of those involved.

Members of the Cancer family said later that one family member is waiting until his lawyer can accompany him to the meeting.

The brawl began while police were arresting Granville Cancer and Willie Vaughn on Clinton Avenue on an attempted burglary charge. The fight initially involved at least four police officers, four members of the Cancer family, Vaughn and another man, Markesin Ryan.

Also at the town meeting, organized by 3rd Ward Alderwoman Sara Lagan at the Arbor Hill Community Center, Mayor Thomas M. Whalen III revealed that he has asked the city's planning director to see whether an alternative site can be found for a 100-bed homeless shelter proposed by the Capital City Rescue Mission.

Elizabeth Fiorini of 103 Conate St. told the more than 40 people gathered at the community center that she is circulating petitions opposing the shelter because she

Cohoes board to view