

**THE STRUGGLE AGAINST POLICE ABUSE IN ALBANY**  
**Key dates and events: 1967-1988**

This is a somewhat subjective and certainly incomplete chronology of the ongoing struggle for community control of the police in Albany. Things have changed in twenty years, but there has been remarkably little change in regard to the level of real accountability within the APD and the City administration. The events of the past five years have placed us in position where we can have an impact on the incidence of abuse, brutality and racism on the part of the APD. Let's do it.

1967 the "Brothers" focus public attention on racism and brutality in the APD (petition drive, rallies, meeting with Police Chief)

1968 publication of Varieties of Police Behavior by sociologist James Q. Wilson which compared police departments in five cities and concluded that the APD was characterized by corruption, brutality and racism

1971 creation of Neighborhood Police Units - first effort by City to improve training and community accountability of APD

1971 Keith Ballou, an African-American teenager from Albany, killed by NYS Police / leads to petition campaign to establish a civilian review board in Albany

1981 Coalition Against Apartheid formed

1983 Mayor Corning dies after 41 years in office / Whalen becomes Mayor / conflict develops early between Whalen and the APD

1983 Coalition involved in anti-Klan activities

1983 Coalition and NAACP sponsor "Racism: A National Policy" conference

11/83 independent candidate Sandra Rose Temple defeats machine-backed incumbent Homer Perkins for county legislature seat representing Arbor Hill

4/84 first Jesse Jackson / Rainbow Coalition campaign

7/8/84 Jesse Davis killed by APD officers

7/84-12/84 unprecedented outpouring of community outrage and grief following death of Jesse Davis, including: community march through Arbor Hill; funeral service; formation of Coalition Against Police Abuse which initiates petition for police review board; public statements by groups of white and African-American clergy; pressure finally forces District Attorney to present case to grand jury; NAACP drafts proposed legislation to create civilian review board

aftermath of Jesse Davis killing also includes resignation of Chief Burke, revamping of Internal Affairs Unit and initiation of internal "management study" of the APD



12/84 Albany Coalition for a Civilian Review Board established / this group is focus of activity for 1½ years, first developing a concrete proposal, then engaging in a series of negotiation sessions with the City, eventually leading to agreement to create Community Police Relations Board

1984 APD Officer Valerie Von Dollen found liable in federal court for assaulting Ms. Keyes, a 51 year old, 4'11" tall, African-American woman in Arbor Hill

1985 grand jury issues report in Jesse Davis case: no officers are indicted / City does implement disciplinary procedures against three officers, but no officer was ever disciplined and no officer ever testified publicly about his role in killing Jesse Davis

7/85 memorial service held on 1st anniversary of Jesse Davis' death

5/86 Community Police Relations Board formed; includes Coalition Against Apartheid and Racism and NAACP; Board has no real power, but does manage to effect certain improvements in APD complaint process

12/86 Jimmie Lee Bruce Killed by off-duty Middletown police officer in Wallkill, NY / campaign begins to have special prosecutor appointed (still unsuccessful)

12/86 Howard Beach incident

2/87 1st McKeever trial - hung jury

3/87 Coalition sponsors forum on police abuse at Arbor Hill Community Center with Roger Green, Alice Green, Don McKeever and others

5/87 most members of Community Police Relations Board threaten to resign; Mayor averts resignations by agreeing to provide the Board with more detailed information regarding internal affairs investigations

6/87 2nd McKeever trial - Von Dollen found liable for illegal search and ordered to pay punitive damages

7/87 Coalition initiates campaign to have Von Dollen disciplined / @ 1000 signatures collected on petition / Community Police Relations Board refuses to take any action, including simply asking the Mayor to review the matter

11/87 Alonzo Smith attacked in Peekskill / Tawana Brawley case starts

12/87 Thomas O'Dell killed by APD officers

1/88 Coalition raises racist violence issue at annual MLK march

1/88 Sen. Patterson and Assemblyperson Green introduce package of bills addressing racist violence and police abuse

1988 second Jesse Jackson campaign

3/88 federal Judge Cholakis orders City to pay substantial attorney fee award in McKeever case



4/88 Coalition sponsors forum on racist violence and police abuse / speakers include Elombe Brath, Roger Green, Zoilo Torres

4/88 federal jury awards \$407,000 to four former Albany students (1 African-American and 3 Latinos) who were harassed and abused by APD officers Krasher (who had been found liable in another civil rights suit several years earlier) and Turley / jury explicitly concludes that officers' actions were racially motivated / damages later reduced by Judge Cholakis to \$237,000

6/88 City settles claim of Gregory Baity against APD for \$12,500 changing a previous policy of never settling police abuse cases

6/88 State-wide Lobby Day in Albany for anti-bias bills

7/88 City settles lawsuits brought by Coalition, Vera Michelson and Aaron Estis arising out of early morning raid on Vera's apartment prior to the Springbok rugby game for a total of \$47,000

/88 City loses police abuse lawsuit in NYS Supreme Court: \$35,000 jury award (?)

/88 City settles federal false arrest suit in mid-trial for \$35,000

1/89 Officer Turley arrested for assaulting an African-American woman in the Div. II cell-block



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Unseasonably mild weather Monday made for watering a treat. A big snow up the Hudson...  
in downtown Albany. Today's weather will continue to be mild, with a chance of wet snow or rain.

# Albany man says cops beat him, sues for \$7.13M

By Joe Mahoney *Times Union* 1-9-90

ALBANY — A city man who was arrested by city police detectives in May is seeking \$7.13 million in damages from the city of Albany and its Police Department, maintaining that he was severely beaten and kicked by officers and taunted with racial slurs.

In a lawsuit filed Monday in U.S. District Court in Albany, James F. Lunday, 34, maintained that police officers falsely arrested him and later engaged in a cover-up by concocting a "fictional account" of the events surrounding the arrest.

Sgt. Robert Wolfgang, the department's spokesman, declined to comment on the allegations, saying it is department policy to refrain from discussing matters in litigation. In response to questions, Wolfgang said Lunday has filed no complaints with the department's internal affairs unit.

According to the lawsuit filed on Lunday's behalf by Albany lawyer Terence L. Kindlon, Lunday and his 3-year-old son, James III, were waiting for his girlfriend, Barbara Brown, to emerge with a takeout

dinner from Big John's Restaurant near Delaware and Elizabeth streets when four plainclothes officers — three men and a woman — pulled up in an unmarked station wagon. The four were "dressed in tattered, disheveled and worn-out looking civilian clothing," the suit said.

The car's driver, Detective Kenneth Sutton, without identifying himself as a police officer, leaned out the window and told Lunday to identify himself, the legal claim said. Lunday said he perceived the driver of the car as "either a troublemaker or intoxicated" and asked him to identify himself, according to the lawsuit.

The suit said Sutton refused to identify himself and became "very agitated and rude," at which point Lunday cursed at him and told him to go away, the suit said.

Sutton then allegedly produced his badge, yelled, "I am a police officer," jumped out of the car and began beating Lunday, the suit said. The other officers then joined Sutton, handcuffed Lunday and thrust him into the car, the suit said. The suit maintained that the officers, all white, subjected

Lunday, who is black, to "vile, obscene and racist language," using a number of racial epithets.

The suit said "various officers" repeatedly kicked and punched him at police headquarters, adding that the beating made him "incontinent, causing him to defecate and urinate onto himself thereby causing him the most severe and distressing physical discomfort and extreme humiliation."

After Lunday was "pinioned face down on a table" and left there "for an extensive period of time," the officers charged Lunday with disorderly conduct, resisting arrest and second-degree assault, according to the suit.

All of the criminal charges were later dismissed in Albany City Court, the suit said.

Along with the city and the Police Department, Sutton is named as a defendant in the suit. The three officers who allegedly accompanied him were not identified, but were referred to as "John Doe," "Richard Roe," and "Jane Doe."

Lunday has been employed at Albany Medical Center Hospital for 16 years, according to Kindlon.

# Cohoes law would limit sick, vacation pay

By Laura Vecsey

Staff writer

COHOES — A newly drafted city ordinance caps at 120 the number of sick and vacation days Cohoes will pay employees and may protect the city from doling out chunks of money in the future, Corporation Counsel Walter Forman said Monday.

The proposed ordinance, a priority for new Mayor Robert Signoracci, says non-union employees can't be paid for more than 60 days of unused vacation and 60 days of unused sick time when they resign, retire or are laid off.

Forman said the Common Council will take the new policy under consideration at tonight's meeting.

"This does set a theoretical maximum and the council will have to decide whether it's too high or too low," Forman said.

The proposal comes just over a week after the city transferred funds to pay more than \$50,000 to four former employees for accrued leave without asking for proper documentation.

Many top-ranking city officials, past and present, acknowledge that Cohoes' current policy on paying for unused sick and vacation time has been poorly

many as 173 days of unused sick time, said the city needs to rewrite the local law and called for setting limits. He was unavailable for comment Monday.

Forman said that in addition to limiting the amount of unused time employees can accrue and be paid for, the proposed ordinance sets forth new record-keeping requirements to enhance management controls.

It directs all non-union city employees to submit a statement to Comptroller Edward Fennell of all the time they have accrued prior to Jan. 1. The 70 or so full- and part-time employees must present supporting documentation for the accrued time.

"The city needs to know its fiscal responsibility to these people," Forman said, adding that the action will benefit employees, too. "These people shouldn't have to wonder about how much they have coming to them."

Forman said that given the number of city employees who aren't covered by union contracts, the "potential fiscal liability of the city could be significant." According to the ordinance, the comp-

If employees aren't satisfied with the comptroller's determination, they can file a dispute with the mayor or the corporation counsel. The mayor "shall make the final determination" on disputed claims, according to the ordinance.

Signoracci made the city's policy of paying for unused leave a priority after former Julian and other former members of the Board of Estimate and Apportionment approved payment of about \$53,000.

The payments included \$16,985 to former Commissioner of Public Works Donald Senecal, who was forced to resign because of a federal probe into purchasing practices and who later admitted to accepting kickbacks from vendors; \$13,959 to city Treasurer Steve Niedbalec, the former comptroller who resigned to take a job in the private sector; and \$3,161 to former Treasurer Bill Messier.

Former administrative assistant Maureen McDonald was to be paid about \$17,300 for 173 days of unused sick time, as approved by Julian and other former members of the Board of Estimate and Apportionment.



### Debate comes down to splitting hairs

...her coat are said to be nasty. If you put your hand near them, they'd nip off your fingers and eat them.

"That's no excuse. Don't you ever think about how barbaric it is for someone who's supposed to be civilized to be wrapping themselves in the hides of defenseless creatures?"

Yes, I suppose you could say my wife is barbaric. But since I don't wear furs, I'm not.

"Yeah, but you approve of her doing it."

That's because I'm on record as being a strong advocate of feminist rights. I believe a woman can do as she chooses with her body, and if she wishes to wrap her body in furs, that is up to her.

"What about the animals? Don't you care about their rights?"

You know that I have always been an animal lover. I've even learned to tolerate cats, which hasn't been easy.

"Hey, anybody can say they love animals. But I haven't seen you come out four-square against fur coats. How would you like it if your foot was caught in a trap by some yahoo in Minnesota and he came along and skinned you?"

That's why I stay out of Minnesota. Besides, who are you to talk?

"Well, my wife don't have a fur coat."

That's because you're a cheapskate. But I know for a fact that you have hunted.

"Me hunt? You're crazy. I grew up watching Bambi and Donald Duck and Bugs Bunny at the movies. There was no way I could put Bambi in the cross hairs. Why, when I was a kid, my old man and Uncle Beer Belly Frank came home with a bunch of dead rabbits and threw them on the kitchen table. I snuck out to a pay phone and called the cops and told them that my old man and uncle bumped off Bugs Bunny and all his relatives and I'd testify. So don't say I ever went hunting. I'd enjoy hunting if they had open season on people who double-park, but the laws are too liberal to ever have that."

Your memory has grown dim. Have you forgotten when we used to hunt together in the alley?

"You mean when we used to get up on the garage roof with a pile of bricks and when the rats came out, we'd conk 'em?"

Yes, we spent many a sporting evening that way.

"But you can't say something like that was hunting."

Why not? And to our discredit, we

didn't even take them for food or their pelts for garments. It was nothing more than our primitive, bloodthirsty instincts. As I recall, with your keen eye and strong arm, you amassed an impressive furry body count.

"But they was only rats. And everybody knows that rats are no good. That's why when you're mad at somebody, you call him a dirty rat. You don't call him a dirty duck or a dirty bunny."

True, a rat is a rodent, but so is the rabbit, the beaver and many other creatures. All members of the rodentia family. So it is possible that you slew a 44th cousin of Mickey Mouse or even Bugs Bunny.

"Maybe so, but I'm not going to apologize for killing them, the dirty rats."

How heartless. Some of your victims may have been loving momma rats, or doing daddy rats.

"You're using the old media trick of mixing apples and oranges. I'm talking about fur coats."

I've admitted my wife wears a fur and, therefore, is barbaric. But what about you? I've seen your teeth tearing at a steak, a lamb chop, and a slab of ham.

"Geeza. I gave up red meats a couple of years ago, but you didn't."

### Anger spills out after phony story

WASHINGTON — I'm angry. The story out of Boston was wrenching enough as it was a pregnant woman shot dead and her husband wounded on their way home from a childbirth class; their baby, delivered eight weeks premature, losing a 17-day struggle for his life, the apparent senselessness of the whole affair.

But there was more. The gunman was a vicious black man whose only provocation was his own viciousness. It thus became not merely a heartrending story of the destruction of a young suburban family but also an evocation of racial hostility.

Except, damnit, it wasn't true.

The Boston police revealed last Wednesday morning that Charles Stuart, the 29-year-old husband, had become the chief suspect in his wife's murder. That afternoon, they pulled Stuart's body out of Boston Harbor. According to a note he left behind, he apparently had committed suicide because he couldn't stand the allegations against him.

But before his death, Stuart had triggered a manhunt for a black "killer." The police, anxious to close a case that was generating national headlines, resorted to stopping and searching black men more or less at random, particularly in the heavily black areas of Roxbury and Dorchester. They eventually came up with several suspects, and Stuart picked one of them (29-year-old William Bennett, who was being held on an unrelated robbery charge) out of a police lineup.

Last week a police spokesman, speaking of Stuart's story, said tersely, "It is not true." Bennett, he noted, was no longer a suspect.

But for a while every black man in Boston was. And in a nation increasingly buffeted by racially polarizing incidents, the universal suspicion made things immeasurably worse.

The revelation that the police no longer believe a black man was responsible for the double shooting was greeted with one part relief and 99 parts outrage. I'm still outraged that Stuart, whatever his desperate reasons, fingered a black man for the murderous deed. Black America is still angry, and our anger is not moderated — may even be intensified — by the fact that we aren't quite sure where to direct it.

Veronica Byrd, a staff reporter for *Money* magazine, expresses what a lot of us feel: not merely rage that a genuine tragedy was compounded with needless racial overtones but also embarrassment that we bought into it.

"It made some of us believers, too," she told me. "We found ourselves feeling sorry for this family and hoping that whatever low-life and sick person had done it would be caught."

William Raspberry is a nationally syndicated columnist.



WILLIAM RASPBERRY

this would soon be caught. The black community was forced to withstand abrupt and unnecessary suspicion and police searches, but some of us felt it was rightly so. We had brought this on ourselves.

"Now some of us feel the stinging sensation of having believed the hype. Racial attitudes are becoming so pervasive and persuasive that even we are beginning to believe too easily the accusations, doubts and headlines ourselves. ... As a result of incidents like this, we all suffer."

Veronica Byrd and the rest of Black America are angry — but at whom?

At Stuart, of course, but that is an empty passion. After all, he's dead, and at his own hand.

At white America for believing his lie? But we believed it too.

At the Boston police? Well, yes, we didn't like their stop-and-search tactics, but we would hardly have been less angry if they had gone looking for their black "suspect" with almost courtesy and professionalism.



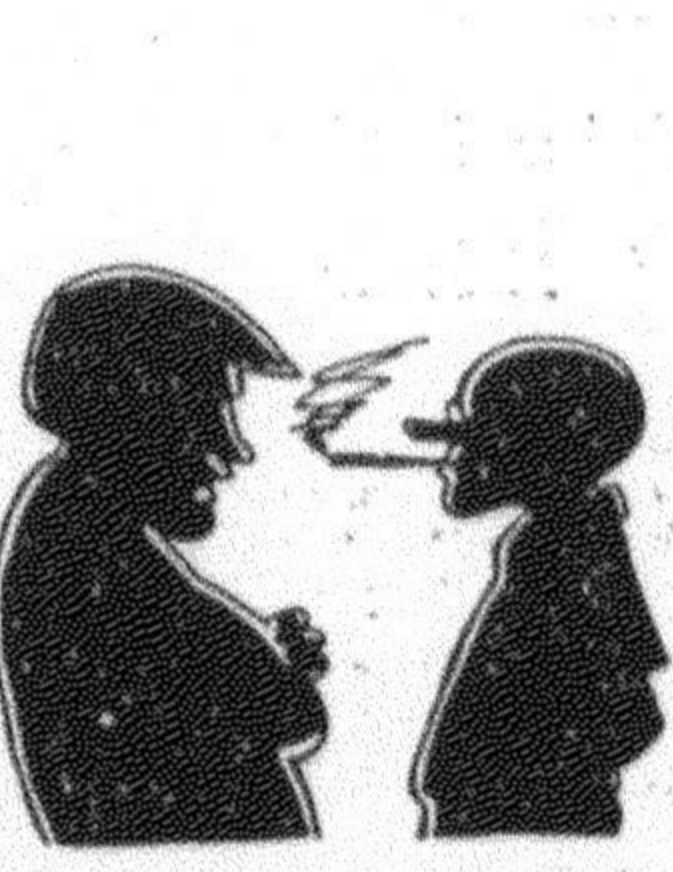
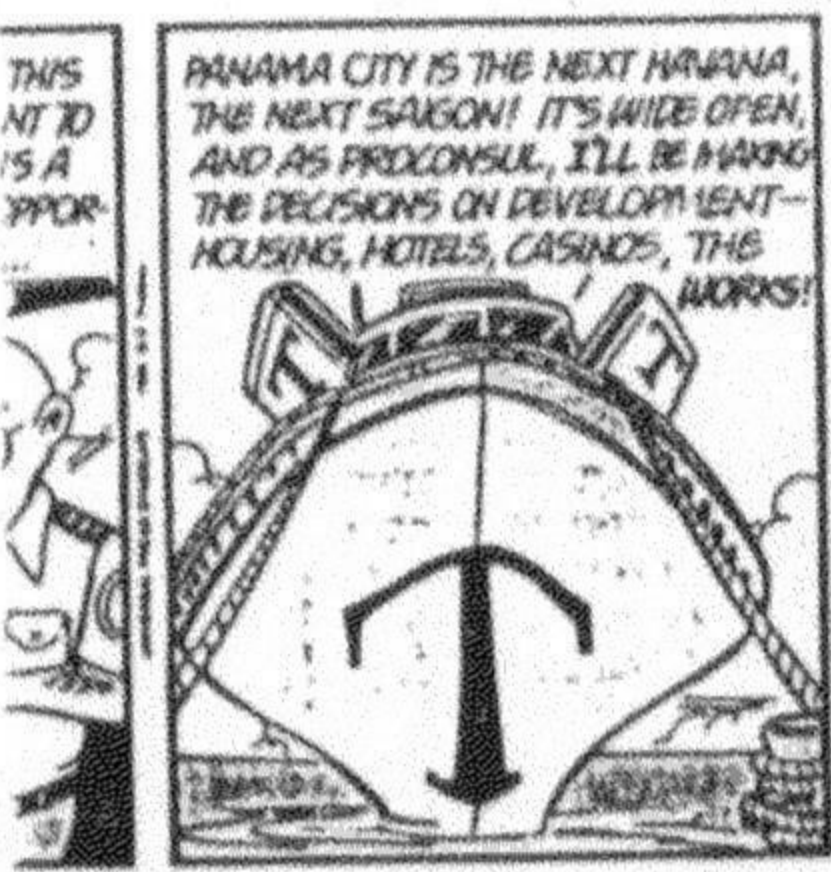
As a matter of too-quickly-overlooked fact, it was the Boston police who came to doubt Stuart's account and to elevate him to the role of chief suspect. Can't we give them credit for not being content to find a credible black scapegoat for the murder? Can't we muster a little gratitude for their refusal to fall for a carefully concocted tale that would have led them down an endless series of blind alleys?

Obviously much of our anger has nothing to do with what happened in Boston but a lot to do with what has happened elsewhere: the racial bombings in the South, the racial troubles on our college campuses, Forsyth County, Bensonhurst, the overturning by a New York appeals court of riot convictions against three white youths convicted in the Howard Beach affair.

But we're angry as well about Charles Stuart's damnable lie, even if we're not sure how, or by whom, our anger should be assuaged.

What we are feeling may have been what Aristotle had in mind when (in "Nicomachean Ethics") he said:

"It is easy to fly into a passion — anybody can do that. But to be angry with the right person to the right extent and at the right time and with the right object and in the right way — that is not easy, and it is not everyone who can do it."



### William Reilly: A man with many missions

...eam in n New apeake Reilly

mined much of the agency's credibility. Subsequently the situation improved, but when Reilly took over last year, following his unanimous confirmation by the Senate, the EPA was still in the lingering bowwows.

As the first administrator to come from a background of professional conservation, Reilly has brought two major assets to his beleaguered agency. He has the active support of his President, and he has mollified the most vocal of the environmental societies. Thus far he has lived up to his reputation as a consensus builder. Nobody is really furious at him yet.

Well, almost nobody. Reilly has managed mortally to offend Colorado's retiring Republican senator, William Armstrong, and in the Senate the senator is somebody indeed. Their dispute has to do with a proposed dam at Two Forks on the South Platte River near Denver. Armstrong wants it; Reilly doesn't.

Armstrong (and most of the power structure of Denver) regards the Two Forks reservoir as indispensable to the water needs of Denver and its suburbs. Reilly says that if Denver would engage in sensible water conservation, there wouldn't be much of a problem for many years to come. In any event, he finds it hard to justify inundation of

one of the top 10 trout fisheries in the West.

More significant conflicts lie ahead. Asked about the nation's mounting problems of trash disposal, Reilly gets deeply serious. "I rarely use the word 'crisis,'" he says, "but here we have a crisis coming." He remarked upon the decision just reached in Los Angeles to require mandatory trash separation and recycling. The time is close at hand when every city of much size will have to go the same route.

Under federal law, EPA has the responsibility for granting permits for major trash disposal. The country rapidly is running out of acceptable sites for landfill dumps. The only alternatives lie in recycling and incinerating. In order to get an EPA permit, a municipality must enforce tough regulations that can be expected to meet local resistance.

Reilly's immediate goal is to see that 25 percent of our trash is recycled by the end of 1992. (The current estimate is 7 percent.) The market for recycled paper is now glutted, but Reilly is convinced that much more can be done in this direction. President Bush is helping out by directing to federal agencies to join in the paper conservation program.

Asked about the Superfund for cleanup of toxic wastes, Reilly fairly

beams. The EPA, he says, now has "the best numbers ever." His agency has completed preliminary analysis of all 1,253 toxic sites; it has "delisted" 40 sites that were the nation's worst; and it expects to have the 25 remaining serious sites under control by the end of this year.

Reilly credits this promising picture to a new policy of limited negotiation with private companies. He is determined to make them take primary responsibility for cleaning up the toxic mess. The federal government can't afford to do the job, he says, and private enterprise can do it more efficiently anyhow. EPA will negotiate for 120 days, but if no agreement has been reached, he promises to go to court. The incentive for settlement, he acknowledges, is fear. "It works like a charm."

While all this is going on, Reilly has an immediate interest in trying to revive the sad fortunes of Chesapeake Bay, where oystermen have just recorded the lowest haul ever. Pollution and parasites have combined to wreak havoc on the bay, but Reilly is optimistic that money and energy will reverse the trend. The affected states and the EPA will provide the money; Reilly will contribute some of his unbounded energy. Things are happening within EPA. Good things.

**THE WEATHER REPORT** All maps, weather and data ©1990 Accu-Weather, Inc.

East Of Lake Ontario: Clouds and sunshine will be the rule today. Highs 42-46. Wind will be southwest at 10-20 mph. Tonight increasing to 38-42.

Western New York: Thursday will be mild with a mixture of clouds and sun. Highs 38-46. Low 28-32. Friday will be mostly fair.

**ACCU-WEATHER FORECAST**  
NOON TUESDAY, JANUARY 9

**ALMANAC**  
FULL JAN 10 LAST JAN 16 NEW JAN 25 FIRST FEB 2



## Police Embody Racism To My People

On Jan. 14, Sgt. Don Jackson, a black police officer on leave from the Hawthorne, Calif., police department, drove into Long Beach, Calif., followed by an unmarked KNBC-TV van. He was on a personal sting operation to investigate reports of police racism. He was stopped by white police officers from Long Beach, one of whom shoved his head through a window during the arrest.

By Don Jackson

**T**he talk of the country today is about how I, a black police sergeant, was picked up and attacked by white police officers in Long Beach, Calif. Some people wonder how I have the audacity to challenge the police. I have the audacity because I know who I am and I know what the police have represented to my people. It is the police that tracked us as we fled the plantation. It is the police that took Rosa Parks off the bus in Montgomery, Ala. It was police chief "Bull" Connor who set dogs and fire hoses on black men, women and children protesting for their civil rights in Birmingham, Ala.

Knowing the history of law enforcement, how could I do otherwise? I am well aware of the black criminal, and I will stand against his or her presence in any community. However, I recognize the fact that blacks are labeled criminal at birth — for some causing self-fulfilling prophecy, for others the lingering mistrust for what I call the criminal injustice system.

In this country, a black man will spend more time in jail for killing a white than he will for killing one of his own. We know that blacks are more likely to see the death penalty than whites for committing the same crimes. We will also spend more time in jail for the same criminal acts. We will receive longer probation and fewer paroles than whites.

In the past decade, I have watched from a fence post as the hopes and dreams of my people dwindled and declined in the back of America's priorities. The worst of our troubles, however, does not come in the form of social-economic disadvantage. The plight of the black American is made greatest by the removal of hope. The hope that we have lost is that the dream America offers to a world of immigrants is not available to its most faithful citizens.

Some may dare to ask, How is it that I call the black American more faithful than others? Well, it's like the woman married to an abusive husband. He keeps making promises that things will get better but the beating continues. She may stay with him but she knows he will never change his ways without accepting that he has a problem.

America certainly has a problem. Black Americans have picked cotton, scrubbed the floors, cooked the meals and laid the bricks in hopes that hard work would one day mean liberation and acceptance. We felt that somehow what is our birthright could be purchased by proving ourselves worthy. Yet, America demands more proof that we are worthy.



George Meeson

Since the signing of the Emancipation Proclamation, black Americans have awaited equal protection and opportunity.

Subject to rape, lynching and thievery in a land that we helped to build has been the impetus for widespread frustration and confusion for black

men. His purpose for being away from home. A black man accused of assaulting a white woman was subject to being tried and executed by the first group of angry whites he encountered.

A variety of stringent laws were enacted and enforced to stamp the imprint of inequality on the mind of the black American.

It has long been the role of the police to see that the plantation mentality is passed from one generation of blacks to another. No one has enforced these rules with more zeal than the police.

Operating free of constitutional limitations, the police have long been the greatest nemesis of blacks, irrespective of whether we are complying with the law or not. We have learned that there are cars we are not supposed to drive, streets we are not supposed to walk. We may still be stopped and asked "Where are you going, boy?" Whether we're in a Mercedes or a Volkswagen.

In the South, white plantation owners would often hire an overseer to work the slaves and keep discipline. Though in most cases the overseers were white, sometimes they were black. Surprisingly in many cases, blacks were no less brutal than their white counterparts.

They protected the owner's property as if it were their own, with little compassion for their own people. Today, the unconscious black policeman occupies this role, often becoming as distant from the concerns of his people as some whites.

With the law enforcement skills I have attained, the snake has been made to bite its own tail. My skills are

### A history of brutality, a black officer says.

Americans. The feeling that no matter how hard you worked you could always be reduced to the status of a "field nigger" haunts the lives of black Americans at every economic stratum.

Equality is evasive and intermittent. We may now sit at the lunch counter but we cannot order the food that is available. The laws that say "no blacks allowed" are no longer on the books, but the spirit of those laws still lives on unabated.

The black American finds that the most prominent reminder of his second-class citizenship are the police. In the history of this country, police powers were collectively shared among whites regarding black people. A slave wandering off the plantation could be stopped and detained by any white person who saw fit to ques-

tion now used on behalf of the disadvantaged, be they black, brown, yellow or white.

I choose to challenge the system when the system is wrong. For America to realize its dream it must first realize its promises to the least of its citizens. When the "niggers" are gone, someone will be required to take their place. They might be short people or people who wear glasses or people with red hair. My reaction to America's reaction is that you are seeing in Long Beach a reflection of yourself, and I am proud to be the one who handed you the mirror.

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## Police relations board

# Whalen, members differ on purpose

By Catherine Clabby

Staff writer

ALBANY — Mayor Thomas Whalen III wants the Community Police Relations Board to consider reorganizing itself, choosing at least some of its members from neighborhood representatives rather than "special-interest groups."

At least one member of the board is disappointed with the request, saying any changes within the panel should focus on expanding its powers to review the behavior of police officers accused of brutality.

In a recent letter to board members, Whalen notes the existing panel will function until only Feb. 28, when a new board will be commissioned. He asks that members before that date provide recommendations on whether they feel the board should be reorganized along the lines he outlined in a letter to the Rev. Robert Dixon, chairman of the board.

"I have never had the feeling that the board has lived up to its potential as a real and decisive force in forging good working relationships with the police department," Whalen wrote to Dixon, "and in assisting the city in resolving community disputes and community problems such as race relations and the drug threat."

Whalen is attending meetings in Washington, D.C., this week and could not be reached for comment. But Francis Alphonso, the board's staff member, said his impression is that the mayor is eager to see the board become more active in making presentations in the community focusing on police services and assisting in recruitment, particularly among minority members.

"That was what the board was

supposed to do, foster better relations," said Alphonso.

But board member Vicki Smith, a member of the Coalition Against Apartheid and Racism, said Wednesday such tasks seem to be public-relations efforts. She would prefer a civilian review board that could investigate complaints concerning police officers' behavior.

She pointed to recent filing of a federal lawsuit by James F. Lunday, a city man who alleges that he was severely beaten and kicked by officers and taunted with racial slurs when arrested last May, as proof of the need to investigate brutality.

The panel holds executive sessions closed to the public to review internal department problems into allegations of police misconduct, but does not direct them. Its next meeting is at 7 p.m. Monday at Trinity Institution on Trinity Place.

Alphonso said he expects such reviews would remain part of the board's duties.

The issue over how much involvement the board should have in reviewing allegations of police misconduct has been a concern of some board members since 1986, the year the panel was established. The 15-member panel was created after the 1985 shooting of Arbor Hill resident Jesse Davis.

Among the organizations represented on the board, with members appointed by the mayor are the Capital District Gay Council, the Human Rights Commission, the Alliance for the Mentally Ill, the local chapter of the National Association for the Advancement of Colored People and Centro-Civico Hispano Americano.



1/29/90 174

## Police board members consider size cut

By Jay Jochowitz

Staff writer

ALBANY — The city's Community-Police Relations Board could trim its ranks and alter its makeup to eliminate the organizations that have formed the group since its inception, members said Sunday.

The three representatives to the board from the city's Human Rights Commission tonight will call for cutting the panel from 15 to 11 members and installing six community leaders, rather than nine representatives from local organizations, according to James Albea, one of the commission representatives. Their proposal will call for the three commission members and two representatives of the Albany Police Department to stay on the board.

The measure would dramatically alter the board, whose members represent groups that have complained of problems with police in the past. Among the groups now represented on the board are the Albany chapter of the NAACP, the Capital District Lesbian and Gay Center and Centro Civico Hispano-Americano. The Council of Albany Neighborhood Associations also holds a seat.

The commission's proposal envisions the six community members being chosen geographically from throughout the city, according to Rabbi Martin Silverman, another commission representative to the board.

Reaction to the proposal was mixed. Vicki Smith, the representative from the Coalition Against Apartheid and Racism, said she considers the current board makeup representative of people in the community who have the strongest interest in the board, "the so-called special-interest groups representing the people who are most affected by brutality and abuse."

She voiced concern that the board could become a "public relations committee" for the Police Department, and said the measure detracts from efforts to gain power for the board to investigate police misconduct — authority Mayor Thomas M. Whalen III and the Police Department have resisted.

Whalen created the board in 1986 in response to community outrage over the fatal shooting of Jessie Davis, a mentally disturbed black man. Whalen's suggestion that the board reorganize comes as its members' terms are due to expire Feb. 28.

Alice Green, a former National Association for the Advancement of Colored People representative to the board now with the New York Civil Liberties Union, said the idea of drawing from neighborhoods — which would presumably include the city's white, middle-class areas where brutality complaints are infrequent — would dilute efforts to strengthen the board's authority in misconduct cases.

Keith St. John, an aide who represents the Capital District Lesbian and Gay Center on the board, said the proposal "may be a step in the right direction," but added that he hopes alternatives would be put forward. The board tonight is expected to appoint a committee to examine restructuring.

Whalen recently urged the board to reorganize, stating in a letter to its chairman, the Rev. Robert Dixon, that the group has not "lived up to its potential . . . in forging good working relationships with the Police Department." He suggested increased neighborhood representation.

Albea and Silverman acknowledged that their proposal comes in response to the mayor's overtures. "I think the mayor would be more pleased with that," Albea said.



## Grand jury refuses to indict police officer

By Gary Sheffer

Staff writer

ALBANY — A grand jury Tuesday declined to indict an Albany police officer accused of assault and the special prosecutor handling the case will move to have the charge dismissed.

Police Officer James E. Turley, 32, was charged last month with third-degree assault, a misdemeanor, for allegedly pushing Peggy Ruffin against a wall and dragging her into a cell by her hair on Oct. 9.

Turley, a nine-year veteran of the force, pleaded not guilty to the charge and a special grand jury investigated the case for 2½ days, according to special prosecutor Christopher Rutnik.

The grand jury issued a "no bill" Tuesday in a report handed up to state Supreme Court Justice Lawrence Kahn for misdemeanor charges of reckless and intentional assault and harassment, Rutnik said.

"They (the grand jurors) are saying they do not find in this case that there was assault, that there was harassment by Officer Turley," said Rutnik, who was appointed to the case after Albany County District Attorney Sol Greenberg disqualified his office because it had worked with Turley on other cases.

Rutnik said he would move immediately to have the assault charge dismissed against Turley in Albany City Court "in the the interest of justice," saying the charge was investigated by

the grand jury "fully and comprehensively."

"It think it is a proper result," Turley's attorney, John Clyne, said Tuesday.

Turley waived immunity and testified before the grand jury for about an hour on Monday, Clyne said.

Turley has been suspended without pay since the time of his arrest and also faces a departmental investigation of the incident. Clyne said he assumed Turley's status would not change pending outcome of that process.

Albany Police Department spokesman Sgt. Robert Wolfgang said Tuesday afternoon that he had not been informed of the grand jury's action and therefore could not comment.

Turley's arrest resulted from an investigation by the department's Internal Affairs Unit, which was sparked by a complaint by Ruffin, 28, of 6 Maguire Ave., who claimed that Turley dragged her by the hair while she was handcuffed, pushed her against a wall and knocked her to the floor in the Division 2 police station. Ruffin said in her complaint that she hurt her eye when it hit Turley's knee as she fell.

Ruffin's attorney, Thomas Keefe, said he was unhappy with the grand jury's decision. "I don't understand. Internal affairs arrested the police officer but they couldn't get a grand jury indictment against him."

Ruffin was one of six people arrested Oct. 9

See **POLICE** / B-14

### POLICE

B-14 THE TIMES UNION

Continued from B-1

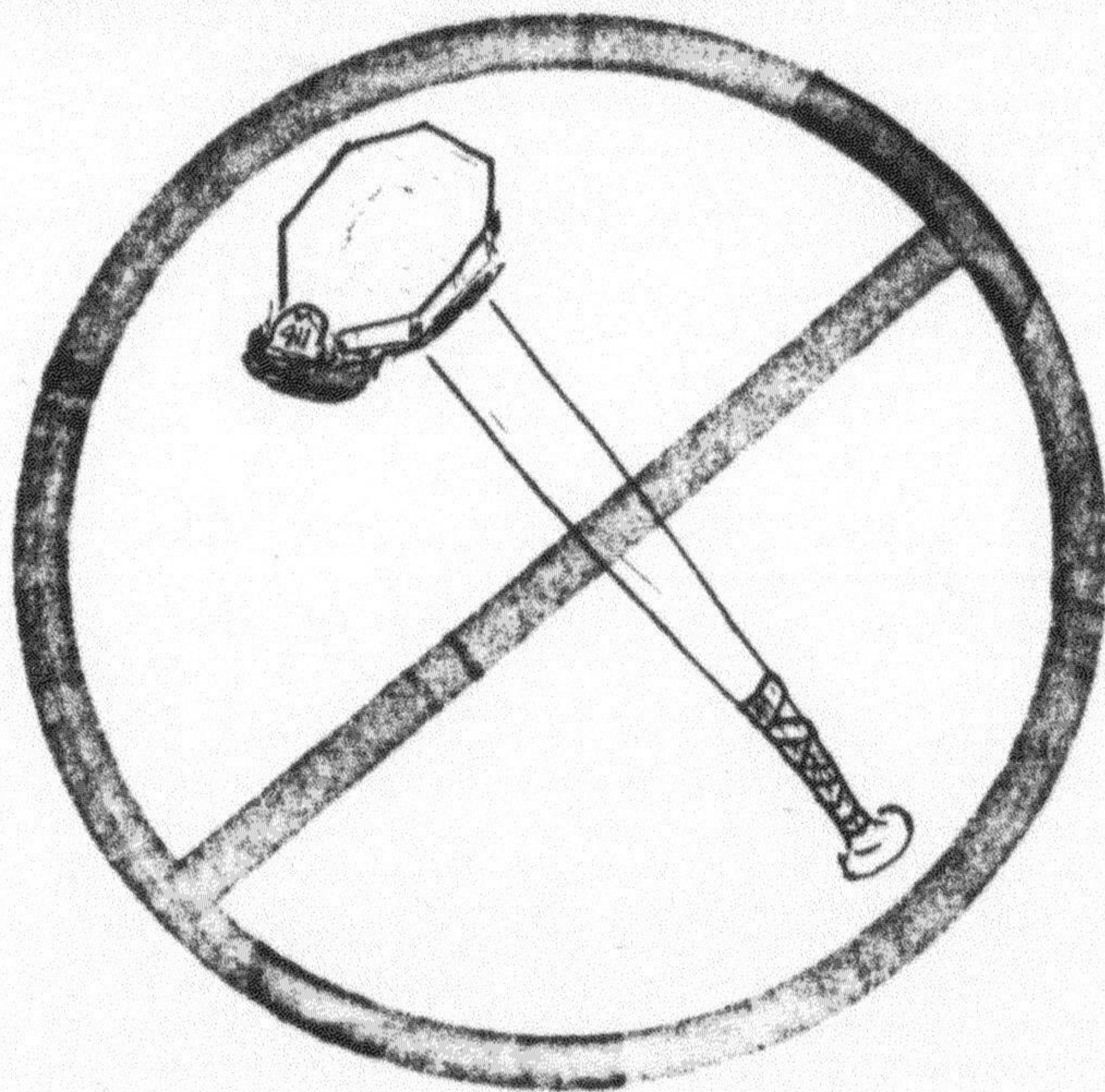
during a fight on Second Street after a group of whites allegedly chanted racial slurs, forced a car of blacks to stop and then assaulted them, according to Alice Green of the Albany chapter of the NAACP, who interviewed several blacks involved in the incident.

In addition to her police abuse complaint, Ruffin and three others claim that they were racially harassed and unlawfully arrested on disorderly conduct charges following the incident. All have begun false arrests lawsuits against the city.

Members of the department's Internal Affairs Unit have concluded that a second abuse complaint filed in connection with the incident was unfounded, Wolfgang said.



Have You Met Albany's own  
**BATMAN**



A Member of the Albany Police Force has allegedly been using a baseball bat to intimidate and interrogate 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"**



## STOP POLICE ABUSE



## REPORT POLICE CRIMES

If the continuing pattern of police abuse is to be stopped, the victims of police abuse will have to report incidents and be willing to document police wrong doing. The alleged wrong doing by the Albany police departments "Batman" is just the tip of the iceberg when it comes to the larger issue of the routine use of abuse and undue physical force by Albany police. Among the incidents that have been reported recently and chronicled by Rekha Basu of Metroland Newspaper and Joe Mahoney of the Times Union are the following:

- ☛ A man was beaten with a baseball bat and injured so badly that he had to be transported by ambulance from the police station to Albany Medical Center and forced to miss three weeks of work;
- ☛ A man filed a lawsuit against the city claiming that the police assaulted him by jumping on his chest and breaking 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;
- ☛ A man who was arrested by city police detectives is seeking \$7.13 million in damages from the City of Albany and its Police Department, maintaining that he was severely beaten and kicked by officers and taunted with racial slurs. The suit maintained that officers, all white, subjected the victim, who is Black, to "vile, obscene and racist language," using a number of racial epithets. The suit said "various officers" repeatedly kicked and punched the victim at police headquarters, adding that the beating made him "incontinent, causing him to defecate and urinate onto himself there by causing him most severe and distressing physical discomfort and extreme humiliation." All of the trumped up criminal charges against the victim were later dismissed in Albany Court.;
- ☛ A man claims he was put in ankle restraints and beaten mercilessly by four officers after he was disruptive in court;

As Vera Michaelson, co-chair of the Capital District Coalition Against Apartheid & Racism (CDCAAR) points out, there is "a conspiracy of silence" in the Police Department involving the Mayor, police officials and "certain members of the police force that see this kind of stuff and don't say anything." She also suggests that while police excesses are often written off as necessary tactics in the war on drugs, much of the police abuse against Blacks has nothing to do with fighting drugs.

In June 1988, for example, the city awarded \$12,500 to a homeless Black man who had filed a complaint with the Internal Affairs Unit, for allegedly being harassed by police, kicked, injured and then jailed for six months in an incident involving the use of a portable toilet in a city park.

According to Attorney Mark Mischler of the CDCAAR Steering Committee and Co-Chair of its Anti-Police Abuse Subcommittee, the city of Albany--and not just individual police officers --have been allowed a pattern of Abuse of African-Americans to exist without doing anything to stop it. As evidence, Mischler points to the fact that in four recent cases where officers were found guilty in civil court actions, they weren't disciplined by the police department.

The Capital District Coalition Against Apartheid & Racism is calling on Albany Residents to report incidents of police abuse and to join with the Anti-Police Abuse Subcommittee to fight police abuse in our community.

### THE COALITION MAKES THE FOLLOWING DEMANDS:

- ☛ The members of the Albany Police Department (APD) should immediately stop the practice of using excessive physical force and abusive treatment of Albany residents in the discharge of their responsibilities as police personnel.
- ☛ The APD should conduct an investigation into the allegations of excessive force used by the police officer the community refers to as "Batman", and proper disciplinary actions should be taken if wrong doing is discovered.
- ☛ An independent civilian review board should be established immediately to hear complaints of police misconduct.
- ☛ The Mayor, the Police Department, and the District Attorney's Office should immediately condemn the use of racial or ethnic "profiles" in police actions and investigations.
- ☛ The community should be permitted significant involvement in the development and implementation of a real plan to combat drugs.
- ☛ Medical treatment and substance-abuse treatment should be available to anyone who requests it.
- ☛ Parents should take responsibility for setting the proper example for their children and monitoring their children's behavior in relation to preventing and treating substance abuse.
- ☛ Citizens should work in cooperation with law enforcement authorities to jointly eradicate drugs from the community and build working relations between the police and the community.
- ☛ Minorities and women who are members of the community should be sought out in order to have a more representative police force





**RALLY**

TO

**PROTEST  
ILLEGAL  
POLICE  
ABUSE**

**Monday Feb. 19**

**1:00 pm**

**Albany City Hall**

*(corner of Washington & Eagle)*

*For more information Contact Merton Simpson 434-4037*



## Albany

# Rally speakers document police brutality & racism

Special to the PDW 2/22/90

Protesting continued reports of police brutality in the state capital, the Capital District Coalition Against Apartheid and Racism held a rally and press conference Monday on the steps of City Hall.

Among the speakers were Vickie Smith, who represents the coalition on the city's advisory board for police/community relations; Attorney Mark Mishler, a member of the coalition; and Ronald Grier, a victim of police brutality. They condemned a pattern of rising police violence, including complaints that one officer repeatedly has struck residents with a baseball bat and that there is a campaign of harassment against Black and Latino youth getting off incoming buses at the local bus station.

Next Monday the coalition will push for an independent civilian review board to be established, when they meet with John Dale, the new Chief of Police.

Alice Green, legislative representative for the New York Civil Liberties Union, said three incidents involving the officer with the baseball bat were reported to her within the last year. Through court orders or out-of-court settlements, the city has paid a total of some \$500,000 to eight different victims of police brutality incidents over the last

three years.

Mishler told the PDW that federal court civil rights rulings have been made against three officers on the police force for misconduct, but neither the police department nor city government has disciplined any of the officers. Federal courts have twice cited two of the officers for brutality.

The coalition is seeking a mandated reporting system that will give details of investigations and findings on allegations of police misconduct. Internal affairs reports from the Police Department currently give only the number of complaints registered each year and the decision — that is, sustained, dropped or exonerated.

Last year attorneys Terrence Kindlon and Joseph Donnelly released a report by a private investigator they hired to conduct a 10-day undercover study of racist police harassment at the Greyhound Bus Station. The report showed that virtually every Black or Latino male youth coming into Albany by bus was questioned and strip-searched. Many minority women were also harassed, while virtually no whites were bothered.

Recently new allegations of harassment at the bus station have arisen. The Police Department justifies the campaign as part of the war on drugs. Since Albany currently has a \$30 million budget surplus, the coalition is demanding funds for drug treatment on demand and an end to the infringement of civil rights under the so-called "drug war."



## Police Relations Board Asks Whalen for Increased Power

By LINDA BARNAS  
Gazette Reporter

ALBANY — The Community-Police Relations Board last night said no to a City Hall-backed proposal and yes to a stronger board with the power to investigate citizen complaints.

The board decided at what was intended to be its last meeting to recommend to Mayor Thomas M. Whalen III that he replace the body with one that has the authority to do more than look over the findings of the police department's Internal Affairs Division.

It was a very different recommendation from the proposal put forward by the three representatives of the city's Human Rights Commission. That proposal, similar to Whalen's suggestion, would have left the board's powers as they are but changed the composition. Instead of having representatives from nine community organizations, members would have been chosen from geographic areas at the suggestion of their aldermen.

The vote, by secret paper ballot, was six for the proposal made by Alderman Keith St. John, who sits on the board as the representative of the Capital District Lesbian and Gay Community Council, and five for the Human Rights Commission recommendation.

It will be up to Whalen, however, to decide whether to follow the board's recommendation, and he has been opposed to a civilian review board all along. The mayor has an unlisted telephone number and could not be reached for comment after the meeting.

In a second 6-5 vote, the board decided to send to the mayor only the victorious proposal, rather than sub-

mitting all the proposals. The mayor, however, will see the other proposals as part of the board's minutes.

St. John said, "I guess I was a bit surprised" at the vote. But he said he had been lobbying members over the weekend to gain their support.

However, the alderman said he would not accept reappointment to the board. He said he had some "long-range goals that I want to pursue" regarding police-community relations outside of the board. He described his plans as an expansion of the board's work but would give no further details.

St. John also said he might propose legislation to the Common Council strengthening the board. "It's one of a variety of remedies to the problem," he said.

Vickie Smith, representative of the Coalition Against Apartheid and Racism, said, "I think you can see where community support was important." She said if members of the public hadn't attended the meeting, the outcome probably would have been different. There were about 15 people in the audience.

Smith and Alice Green, a former board member, withdrew their proposals and backed St. John's, which varied only slightly from theirs. Similarly, the board's chairman, the Rev. Robert Dixon, took his proposal, which was like that of the Human Rights Commission, off the table.

The board has been bitterly divided throughout its 3½-year history, and the acrimony continued at the final meeting, particularly over the efforts of Dixon to shut off discussion.

Emily Grissom, from the Council of Albany Neighborhood Associations, told Dixon that she was "ashamed" of the way the meeting was conducted, and lawyer Mark

Mishler, a former member of the board, said, "Apparently democracy is breaking out anywhere but Albany."

St. John, in prepared remarks, said the board is impotent and lacks community trust because it cannot investigate complaints of police misconduct and cannot review, in public, cases of officer discipline.

Green, legislative director of the New York Civil Liberties Union, was more outspoken in her criticism of the board, calling it "a most prominent disgrace" that "has no credibility within the community."

St. John's proposal calls for retaining the board's current makeup, expanding its investigative powers, lengthening members' terms from one to three years and staggering the expiration dates to allow for smooth transitions, revising departmental policy to allow for easy access to disciplinary records, and replacing one of the two police representatives on the board with an officer specifically from the Community Services Unit.

The Human Rights Commission members had proposed reducing the size of the board to 11 and replacing the nine organizational representatives with six community leaders chosen from six different areas of the city.

That proposal, said community activist Donna DeMaria, would have weakened the board still further, turning it into a "mouthpiece for the police department."

Earlier, six representatives of the Capital District Coalition Against Apartheid and Racism met with Police Chief John Dale to discuss concerns about police abuse.

## State Legislature Asked to Put



FEB. 28, 1990

ALBANY B5

## Whalen Denies Police Board Power to Review Complaints

By LINDA BARNAS  
Gazette Reporter

ALBANY — Mayor Thomas M. Whalen III said he does not intend to disband the Community-Police Relations Board when its term expires today but won't give it the power to investigate complaints against police.

At its final meeting Monday night, the board voted 6-5 in favor of a recommendation to the mayor that the board's powers be strengthened. The members called for a board that would have the authority to compel testimony and the production of documents in police misconduct cases.

The board rejected a recommendation made by the three representatives of the Human Rights Commission to keep its powers as they are but change the composition, replacing the nine representatives of organizations like the National Association for the Advancement of Colored People with six neighborhood leaders recommended by the Common Council.

That proposal was in keeping with Whalen's suggestion that the board was too oriented to special interest groups and might be better served by having representatives of different neighborhoods.

Whalen said yesterday that he hadn't had the opportunity yet to review the board's recommendation and the other proposal with the head of the city's equal employment office, Francis Alphonso, who serves as the city's liaison to the board, and with the Rev. Robert Dixon, the board's chairman.

"I would say that Alice Green and Keith St. John [who put forward proposals for an independent review board] represent one avenue and that

the Rev. Dixon represents another end of the spectrum," the mayor said. It may be possible to work out something in between, he said.

But as to the possibility of a board with the power to investigate complaints against the police on its own — a job that is currently done by the police department's Internal Affairs Division — Whalen reiterated his opposition. "My current thinking is that that is not appropriate. We don't need it," he said.

Whalen had opposed efforts to create a review board when the Community-Police Relations Board was organized 3½ years ago after the police shooting of Jesse Davis, a mentally ill black man.

He also rejected the position of Green, a former board member who is legislative director of the New York Civil Liberties Union, that anything short of a review board is meaningless and the current board should be dissolved.

"Despite Alice Green's statement, I don't think that's a consensus viewpoint," he said, adding that he would not disband the board. "We'll take our time and see what we can structure."

The mayor had solicited the board's views on ways to improve what even members acknowledge to be an ineffective body.

In a letter to Dixon, he wrote: "The lack of meaningful activity may very well be caused by the composition of the board. It may very well be that you and your board members should rethink the composition of the board and see if the 'community' is really represented by various special interest groups or if it might not be better to have representatives from different geographical areas of the city that have a regular interaction with

the police department and police personnel."

The mayor's viewpoint was echoed by Police Chief John Dale, who said, "If they're asking for a review board, I'm certainly not in favor." He said the department is a quasi-military organization and the power to discipline must lie with the chief if he is to effectively command the force.

Dale said that he is concerned about building community confidence in the department and that one of the ways to do it is "when you have accusations of brutality, the chief has to see that it is investigated and something is done" if the complaint is valid. "That's exactly what's being done here," he said, adding he has already looked into many of the cases raised recently.

The chief met Monday morning with members of the Capital District Coalition Against Racism and Apartheid to discuss their concern about allegations of police abuse. Dale and spokesmen for the group said that the 90-minute session went well, paving the way for future dialogue.

They agreed on two changes, they said. The chief agreed to a change in the policy on surveillance of demonstrations, whereby he would approve personally the measures taken. Coalition members objected to police videotaping of last week's City Hall rally to protest police abuses, and Dale said he agreed that the videotaping was unnecessary.

He also agreed that an advocate would be permitted to accompany complainants when they go for questioning by Internal Affairs officers on their complaints about police behavior.

## Robbery Indictment of Two



## Tavern Owner Charges Police With Racism In 'Storm Trooper' Raid

By STEVE NELSON  
Gazette Reporter

ALBANY — The owner of a popular nightclub in Arbor Hill has filed a formal complaint of racism with the city over the actions of a team of police officers who raided his bar during a major drug sweep over the May 12 weekend.

The complaint, filed with the Internal Affairs Division by Albany lawyer Mark Mishler on behalf of William B. Gibson, was given to the Police-Community Relations Board last night at a special meeting attended by Detective Sergeant Thomas Fargione, head of the police department's Special Investigations Unit.

The unit spearheaded a sweep of suspected drug dealers that resulted in the arrests of more than 90 people on charges of drug dealing and other drug-related activities. The police officer attended the meeting to answer questions and field complaints about the police activities that weekend.

(Ironically, Alderman Peter Horan, chairman of the Common Council police committee, told the council last night that the committee had recently met with Police Chief John Dale for two hours to discuss community complaints and reaction to the May drug raids. Dale said that despite public complaints about the activities of police that weekend, not a single formal complaint had been filed with Internal Affairs.)

The complaint filed by Gibson, owner of Gibby's Paradise Lounge at 112 Ontario St., named Fargione as one of 20 to 30 officers who used "storm trooper" tactics when they raided the nightspot around 12:45 a.m. May 12.

"I believe certain of these officers acted inappropriately, unfairly and used 'storm trooper' tactics in an effort to intimidate, harass, and threaten me and my patrons. I do not believe the officers would have acted as they did if I was a white person and if the patrons of my bar were predominantly white," the bar owner claimed in a five-page affidavit accompanying the formal complaint form.

In the affidavit, Gibson said he learned of the raid in telephone call from an employee of the bar, who informed that Yana's Bar on Lexington Avenue in Arbor Hill had just been raided and Gibby's was next.

The nightclub owner said he greeted the officers led by Fargione at the door of his establishment and asked them what was the problem.

"Detective Fargione responded 'police investigation' and shoved me out of the way. He and the other officers then stormed into the bar," Gibson alleged in his complaint. "Some officers leaped over the bar knocking patrons to the floor and spilling drinks. When the patrons were told freeze and put their hands on top of their heads, Gibson said, he told the police they couldn't do that.

He said the police response was that they could arrest him, to which Gibson replied, "On what charges?" What followed, according to the complaint, was a running dialogue between Gibson and the police during which Gibson repeatedly asked them what right they had to do what they were doing and they repeatedly responded by threatening him with arrest.

"I have been threatened with arrest

send a report to the State Liquor Authority and "do everything he could to close me down."

Gibson complained that the police presence in his bar that night had since had a chilling effect on business.

"Since May 12, 1989, my business has been significantly decreased," the affidavit said. "I have been told that people are afraid to come to my place because they might be harassed by police. I believe that the police officers present . . . treated me and all of my patrons as sub-humans, worse than convicted criminals."

He further alleged that the department has continued its harassment of him, culminating in a visit by two detectives to the bar about a half-hour after Gibson spoke at a public forum at Trinity Institute. The police officers, he said, came into the bar and demanded to see his SLA permit.

"I'm sure they were disappointed to learn that all of my paperwork is in order," he said.

Last night, Fargione fielded questions about how his unit conducted drug investigations and heard complaints and comments about the behavior of police on the job.

The questioning began with the Rev. Robert Dixon, chairman of the Police Community Relations Board, who asked if the police department had utilized a "profile" in making searches and arrests of people, mostly black and Hispanic, at the Greyhound bus station. Fargione denied that his unit employed any "profile" based on color, creed or ethnicity to make arrests or searches at the bus station.

"That's not true," the police officer responded when asked why only blacks and Hispanics were stopped and searched at the bus station. "We stop any number of whites and any number of people," based solely on "indicators" of potential criminal behavior.

"To say that we targeted any particular group based on color, creed or any specific ethnic background is patently false," he said. "We do not use profiles. We use a number of indicators. Each case is taken on its own merit." Fargione was reluctant to be specific with what constituted an "indicator," fearing that what he revealed might come back to haunt the unit in future investigations.

Fargione fielded questions concerning all aspects of drug investigations and police behavior involving minority suspects. However, Fargione's responses and comments appeared to receive little support from some of the members of the board, not to mention those in the audience.

"Scores of people have complained that their rights were violated. Are they all lying?" questioned Alice Green, the director of the Albany Chapter of the American Civil Liberties Union.

In a formal statement, Green said that based on a controversial report from defense lawyers Joseph Donnelly and Terence Kindlon, who hired private investigators to observe police activities at the bus station for one week in March, the American Civil Liberties Union was exploring the possibility of filing a lawsuit against the city. (The report concluded that the police at the bus station almost without exception stop



# Group to computerize city police actions

<sup>Tu</sup>  
<sup>3/2/89</sup> Racism coalition will track misconduct, brutality cases

By Jay Jochowitz

Staff writer

ALBANY — An anti-racism group is compiling a computerized list and details of Albany police misconduct and brutality cases in an effort to track what it feels are patterns in the department and among specific officers.

The effort by the Capital District Coalition Against Apartheid and Racism, a group that has sued the city in the past over alleged police misconduct, is the first known study of its kind in the city outside the department. It goes a step beyond the role of the Albany Community Police Relations Board, an advisory group which monitors complaints against police but generally relies on the department for limited information.

Vicki Smith, a member of the coalition who also serves as the group's representative on the Community Police Relations Board, said the data base will include as much detail as the group can gather from records and individual accounts of cases dating back as far as possible.

Smith said the group has already begun documenting both recent cases and those before the 1984 police shooting of Jesse Davis, a mentally disturbed black man who was killed when he attacked officers trying to calm him. The Davis incident was a landmark in racial tensions between the police department and the black community, raising a public outcry and prompting Mayor Thomas M. Whalen III to create the Community Police Relations Board.

Smith said the study is not aimed at judging the validity of arrests or other such action by police, but "at whether the police did handle themselves properly."

The coalition has maintained that the Albany Police Department, despite such improvements as bias oriented training programs, minority recruitment and the appointment of a black deputy chief, still has problems in its ranks with racism and improper treatment of minorities. Both the department and Whalen said they do not believe such a pattern exists.

"I want to see that pattern," Smith said. "This data base will at least give us a sense of how large this problem is."

Police spokesman Sgt. Robert Wolfgang said Wednesday evening he had not been aware of the coalition's effort and had not talked about it with superiors, but stated that if the group wanted to compile such information, "That's their prerogative."

Smith said the coalition expects to share its information with the Commu-

nity Police Relations Board periodically in the form of reports.

The coalition, among other groups, has been disappointed with the access of the Community Police Relations Board to details on police cases. In a related move, the coalition plans to file a Freedom of Information request with the city on a police misconduct case that the board had intended to seek information on itself, but has not.

The case involved Gregory Baity, a 32-year-old homeless man arrested Aug. 19, 1987 on charges of resisting arrest, possession of marijuana, and two felony counts of second-degree assault. He had been accused of injuring two police officers who were

arresting him. Baity alleged he was kicked by two officers.

Police Chief John Reid last May said an internal investigation by the department affirmed Baity had been kicked and that disciplinary action would result, but the officer involved was not named and the action was not made public. The city paid Baity \$12,500 in exchange for a guilty plea on his part to the charge of resisting arrest, and an agreement that he not pursue a lawsuit against the city or police department.

The Community Police Relations Board in December voted to file a request to the city for details on the case, the first such action the board

has taken. The complaint has yet to be filed, however. The board's secretary, Marie Bennekin, said Tuesday she gave it to Francis Alphonso, equal employment opportunity director for the city who serves as the board's liaison to the mayor. But Alphonso, who would in turn submit the request to the city clerk, said he does not have it.

Impatient with the delay, Smith said the coalition will file the request itself. "I really want to know what happened, when, where, who was involved," she said. "For some reason, we're not able to get all that. I think the public has a right to know... particularly from a board that's supposed to be monitoring this."

Man shot



## Police and Public Trust

3/2/90 - Secretary *Byette*

This week saw some encouraging developments at a critical juncture for community-police relations in Albany. Now it's up to the mayor and police chief to ensure that the changes agreed upon will be more than cosmetic.

At issue are allegations by Albany's minority communities of police excesses — including charges of outright brutality — in the name of fighting drugs.

Of course police should be supported in their efforts to halt the distribution of illegal drugs. But if in the process they ignore people's constitutional rights or unfairly single out minorities as alleged, they risk losing their most important weapon: the support of the people.

The people's concerns are supposed to find a voice through the city's Community-Police Relations Board — a body flawed from the start by its lack of clout and its disproportionate number of members answerable to the city power structure. So when members Monday rejected a mayoral proposal that would have weakened the board and substantially altered its composition, it marked an important turning point.

The board voted instead to expand its own investigatory powers — powers that are sorely needed if it is to function as anything more than a rubber stamp for the city and Police Department. But Mayor Thomas Whalen could still reject the plan and impose his own.

Another victory for the community was scored earlier in the day when newly appointed Police Chief John Dale agreed to allow complainants alleging police misconduct to be accompanied through the process by an advocate. Dale also said he would impose stricter controls on police surveillance activities. The first measure should bring forward victims too intimidated by the process to go it alone. The second should curtail unwarranted picture-taking by undercover police, such as at a rally against police abuse last week.

Dale's spirit of conciliation suggests he'll take care to build bridges and earn the public's trust. This is Whalen's chance to do the same — and to show unequivocally that he does not care more about protecting those on the city payroll than about seeing people's rights respected and justice served.



## Police and Public Trust

*3/2/90 - Secretary Gygler*

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The board voted instead to expand its own investigatory powers — powers that are sorely needed if it is to function as anything more than a rubber stamp for the city and Police Department. But Mayor Thomas Whalen could still reject the plan and impose his own.

Another victory for the community was scored earlier in the day when newly appointed Police Chief John Dale agreed to allow complainants alleging police misconduct to be accompanied through the process by an advocate. Dale also said he would impose stricter controls on police surveillance activities. The first measure should bring forward victims too intimidated by the process to go it alone. The second should curtail unwarranted picture-taking by undercover police, such as at a rally against police abuse last week.

Dale's spirit of conciliation suggests he'll take care to build bridges and earn the public's trust. This is Whalen's chance to do the same — and to show unequivocally that he does not care more about protecting those on the city payroll than about seeing people's rights respected and justice served.



3/9/90 Albany County

### Police say beating racially motivated

ALBANY — A recent beating of a black man in a Central Avenue bar by a man linked by authorities to the Hells Angels motorcycle gang is being investigated by city police as a racially motivated attack, a police spokesman said Thursday.

Police have arrested a suspect in the attack, state prison parolee Thomas J. Alaxanian Jr., 38, of 1307 Jacob St. Troy, on charges of second-degree assault and aggravated harassment.

On Feb. 22, at the Colonial Inn on Central Avenue, police allege, Alaxanian called 23-year-old John Wakefield of Colonie a racially derogatory name and proceeded to break his lower left leg and leave him with a swollen left eye.

Alaxanian, who was arrested on the charges Feb. 28, has since been charged by state parole officials with violating the conditions of his parole.

In 1983, Alaxanian, described by law enforcement officials as a member of the Hells Angels motorcycle club, was sentenced in Rensselaer County Court to seven years in prison for his conviction on a charge of attempted murder. That charge arose from the 1978 shooting death of another Hells Angels member, Donald "Digger" Hanson.

Alaxanian is also on parole in connection with an earlier first-degree robbery conviction in Albany County Court that resulted in a sentence of 1½ to 25 years in state prison.

With the new charges in Albany, Alaxanian could be prosecuted as a predicate felon and could receive a substantial prison term if convicted, authorities said.

### Bethlehem postpones public hearings

REUTERS



## Board takes stand opposed by Whalen

# Police watchdog panel seeks new powers

By Catherine Clabby  
Staff writer

ALBANY — The city's embattled Community-Police Relations Board voted Monday to ask Mayor Thomas M. Whalen III to expand its powers to control internal police investigations and make public disciplinary action taken against police officers.

The secret ballot vote on the proposal, advanced by 2nd Ward Alderman Keith St. John, was close. While six members favored the request for more power, five supported a proposal by the city Human Rights Commission that advocates changing the board's membership but not its powers.



St. John

urging fellow members to ask for more from the mayor.

"Colleagues, we are at the 12th hour, with the best opportunity right before us to do the right thing, to do what we were supposed to have been doing all along: Make substantive policy recommendations to the mayor," he said.

A representative of the Capital District Lesbian and Gay Community Council on the panel, St. John announced that he will not seek to remain with the board. Instead, the insurgent Democrat and newcomer to the Common Council said he will continue efforts to expand the board's powers, possibly through local legislation.

Recently Whalen has expressed disappointment with the board's failure to forge a more positive relationship between city residents and the Police Department. He indicated that he wanted fewer "special interests" and more neighborhood representatives on the panel.

The Human Rights Commission proposal followed the mayor's lead, calling for a reduction in the board's size from 15 to 11 members and a

has suffered from poor leadership and direction and operated with no authority or power."

Also supportive of St. John's proposal is the Capital District Coalition Against Apartheid and Racism, said board member Vicki Smith, who represents that group on the panel.

At the outset of the meeting, Dixon said there would be no public explanation of the proposals under consideration, though he changed his mind after board members and members of the audience protested.

Attorney Mark Mishler said the Community-Police Relations Board is not adequate and the city needs a stronger, civilian complaint review panel.

At least once in recent years, the department revealed disciplinary action taken against officers. With the help of Mishler and another attorney, Anne Powhida obtained information on punishment doled out to two officers under the state Freedom of Information Law.

She filed complaints after one on-duty officer told her she had for sale without her permission. The officer was working as a part-time inspector for a real estate agent. The officer refused to take a statement from her, cutting off the contact of the moonlighting

Illate Division of state Supreme Court decision that the city was obliged to pay filing fees to Powhida after battle to police files.



## Minorities laud policy changes by Albany police

Improving ties: The often acrimonious relationship between Albany police and minorities may be improving.

By Jay Jochnowitz  
Staff writer

ALBANY - In two policy changes hailed by minority leaders and activists, Police Chief John Dale on Monday agreed to allow advocates to accompany people filing misconduct charges against police officers and to restrict his department's photographic surveillance of public demonstrations.

The changes resulted from a two-hour meeting between Dale and several leaders and activists in the

● Related story/B-2

minority community. Both sides emerged optimistic the session was a step toward better relations.

"I enjoy this type of meeting," said Dale, contrasting the gathering with the public — and often tense — sessions of the city's Community-Police Relations Board on which police, minorities and various other community representatives sit.

"They're a lot less formal. I have the opportunity to say what I want to say, and the citizens have a chance to voice their concern. I think it was more or less setting the groundwork for others," Dale said.

Albany County Legislator James Bouldin, whose 3rd District includes the predominantly black Arbor Hill neighborhood, also emerged cautiously upbeat. "I'm hopeful," said Bouldin, who was invited by the Capital District Coalition Against Apartheid and Racism to sit in on the session. "It was a first step."

Dale addressed one perceived problem with his department's internal-affairs investigations by agreeing to allow people making complaints against officers to be accompanied by someone else. The presence of a third party, he and others said, was aimed at providing support for people who would otherwise be afraid to report a complaint.

"It was very intimidating," Bouldin said of the previous procedure that barred third parties from being present while people were interviewed by internal-affairs detectives. "Some people came out of there kind of bewildered, intimidated, and that's not going to be the case."

Alice Green, head of the legislative office of the New York Civil Liberties Union and a vocal critic of the department's approach to brutality and misconduct cases, also praised the

See POLICE / B-5

### POLICE

Continued from B-1

decision, predicting that it would result in more complaints.

"Certainly it will encourage people to file complaints if they know someone can be with them at that critical time," she said.

Dale will also restrict police photographing of public demonstrations, stating that officers will be permitted to conduct such surveillance at gatherings only on his approval. Former Chief John Reid maintained that the department needed photos for surveillance and training purposes, and the decisions were made by detectives and commanders.

Activists and attorneys have argued for several years that the practice raises constitutional questions and threatens to have a chilling effect on public expression. The debate resurfaced last week when plainclothes police showed up to get snapshots of demonstrators at City Hall protesting allegations of police brutality. Most in Monday's meeting were among the crowd.

Demonstrators openly questioned why police needed to covertly photograph the peaceful demonstration, and Dale said Monday that "at that particular demonstration I don't feel it was warranted." He said the participants were well-known to police and posed no threat.

While activists have argued for a civilian review board empowered to investigate misconduct cases and recommend discipline, Dale remained firm on his and Mayor Thomas M. Whalen III's position that it is strictly a Police Department function.

### Builders



## Judge Finds Bias in Bus Terminal Search

By RONALD SULLIVAN

A Manhattan judge has thrown out crucial evidence in a drug-arrest case at the Port Authority Bus Terminal, charging that the authority's drug-enforcement efforts were aimed almost exclusively at racial minorities.

"Minorities did not fight their way from the back of the bus just to be routinely stopped and interrogated on their way through the terminal," Justice Carol Berkman of State Supreme Court ruled in the case of a black woman who was stopped and searched by the Port Authority police.

In an unusual decision peppered with what she described as "personal impressions" and "anecdotal information," Justice Berkman suppressed the evidence from a police search that discovered several ounces of cocaine in a bag the 19-year-old woman, Annette Evans, was carrying. The justice ruled that the search violated Ms. Evans's Fourth Amendment right against an illegal search and her constitutional right to equal protection of the law. The ruling, which was released yesterday, effectively threw out the case against the woman.

The justice based her ruling, she said, on the fact that all the drug defendants arrested by the Port Authority police and arraigned in her court were members of minorities.

### Legal Aid Society Applauds

Ivar Goldart, a top official of the Legal Aid Society, the nonprofit organization that represented the defendant, applauded the ruling and called the Port Authority's police procedures "an outrage and insensitive" to the civil rights of racial minorities.

Sterling Johnson Jr., New York City's special Assistant District Attorney for drug prosecutions, whose office prosecuted the case, said he was considering appealing Justice Berkman's ruling.



The New York Times/Keith Meyers  
Justice Carol Berkman of State Supreme Court in Manhattan.

"But I have conferred with Port Authority police officials on this case," he said. "If we find anything wrong with the way people are being arrested then we will correct it."

Port Authority officials said Ms. Evans's arrest was the result of a program based on "profiles" of likely drug suspects. But a spokeswoman, Lynn Tierney, said "race had nothing to do" with such profiles.

She also said the agency had no figures on the racial breakdown of the 200,000 or so passengers who commute through the bus terminal every day.

### All Suspects 'Black or Hispanic'

Justice Berkman, one of Manhattan's three State Supreme Court justices who arraign defendants in felony cases and assign them to trial, said she and the two other arraignment judges could not recall ever arraigning anyone arrested under the Port Authority's "drug interdiction" enforcement campaign who was "not either black or Hispanic."

One of the justices, George F. Roberts, was ill and unavailable for comment yesterday, and the other, Brenda S. Soloff, did not return telephone calls.

Justice Berkman also said most of the justices who tried cases resulting from the Port Authority's anti-drug program had ruled that searches in virtually every case were illegal.

Legal experts said the judge's personal observations and the reports from other judges were highly unusual grounds for a legal ruling. Such rulings, they said, are usually based on evidence and case or constitutional law.

The judge said the police offered "no credible evidence" to justify their ar-

rest of Ms. Evans on Dec. 7, 1989, just as she was boarding a bus for Wilmington, Delaware.

Excoriating the bi-state agency for its drug-enforcement program, Justice Berkman said, "The picture that emerges is one of discriminatory law enforcement, law enforcement which does incalculable damage to our civil liberties and which produces at best questionable results for the war on drugs."

According to the Port Authority police, 65 to 75 percent of the people stopped in its drug interdiction program are black or Hispanic.

The United States Supreme Court upheld the use of police profiles in drug-enforcement efforts last year, and civil liberties advocates contend that drug campaigns focusing on minorities have increased ever since.

### A Set of Characteristics

The profiles are a set of characteristics that might seem innocent by themselves but when taken together provide what the police say are strong clues to drug trafficking.

In Ms. Evans's case, the police said she fit the profile of a drug suspect because she was "fidgeting" and "constantly turning around."

"The operations of the Port Authority drug interdiction program," Justice Berkman said, "bear every trademark of being the pedestrian/bus traveler equivalent of a roving roadblock."

"The evidence reveals no real controls on the individual officers," she added. "Moreover, no records are required to be kept at stops, so that the Port Authority Police Department and the courts will never know with any certainty how many people are stopped, or by whom, or under what circumstances."

### No Search Had She Been White

Although the judge found that the police violated Ms. Evans's constitutional right against an illegal search on several grounds, she based her decision on the primary finding that Ms. Evans, who had no criminal record, probably never would have been stopped by the police had she been white.

The Port Authority police said the interdiction program resulted from intelligence that large amounts of drugs were moving through the bus terminal.

A major feature of the program, they said, was to observe unusual behavior. One police witness at the hearing denied the program used profiles and denied any knowledge of Federal drug profiles, which are used at airports nationwide.

A Port Authority police officer said that if a person were observed behaving unusually, two plainclothes officers would start talking with that person. "During that conversation you further enhance your own suspicion on whether or not they may or may not be carrying drugs," the officer testified.

Get The Living Section Wednesday.





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## Reviled, Respected, Detective Retires

By KATE GURNETT  
Gazette Reporter

ALBANY — Detective Kenneth W. Sutton, whose dedication and talent for narcotics investigations have earned him both respect and notoriety in a 20-year career with the city police force, is retiring this week.

Nicknamed "Batman" by civil rights activists for allegedly using a baseball bat during interrogations, the 44-year-old Sutton says his retirement is not related to the charges.

"I haven't stepped over my boundaries," Sutton said. "What they're claiming is assault. It's completely against what I believe in."

Detective Sgt. Thomas Fargione, who heads the city's narcotics unit, said such allegations did not diminish Sutton's ability to do his job.

"Certainly it hurt him to be accused of things out of hand, non-substantive allegations," Fargione said. "It's something we all accept as part of the job. People are allowed to make outrageous claims, [not back them up] and move on. So in that sense, it bothered him. That's one of the reasons these charges are levied. It's been that way since I've been in narcotics. It's the old red herring and it works very effectively."

"I'm not worried about any of it. It will all come out," Sutton said. "Years ago I was on the front pages three out of seven days for complaints that were never founded. But that goes with the territory."

In January, Sutton was named along with three other narcotics detectives in a \$7.13 million lawsuit against the city and the Albany Police Department. In the suit, 34-year-old James F. Lunday claims he was falsely arrested and severely beaten by the four plainclothes officers during a weekend city-wide narcotics crackdown last May.

The three other detectives are referred to as "John Doe," "Richard Doe," and "Jane Doe," pending a confirmation of their identity by the city, said Lunday's lawyer, Terence L. Kindlon. The suit is in federal court.

"My impression of Ken Sutton is that he thinks he's on a mission from God and that since he's on the mission, he can do whatever he wants, and if some pesky little impediment gets in the way he can quote Dirty Harry to himself, chuckle, and step right over it," Kindlon said.

Twenty years ago Sutton was a rookie from Ravena walking a beat on Northern Boulevard, after working two years with the Penn Central Railroad patrol. Back then, Sutton said, although he wasn't "a city person," he got to know all the bar owners and all the people, and he loved being on the street.

"My philosophy on life and the job is that your name is the main thing. Years ago there was respect back and forth. You could talk back and forth. I've had convicts call me from prison because they knew I was honest. Kids today have no respect for life."

Now when he's on the street, Sutton says, his name elicits a different response. He can hear people calling out, "That's Sutton, that's Sutton."

"But they don't know me," he said.

"I just wanted to show people that there's a problem," Sutton said. "It all got completely lost. I don't even want to go on a raid anymore. My heart goes with all of the guys and always will. I just don't have the heart for it anymore. And as bad as it is I don't have any answers for it."

"The problem is so enormous and it affects every single one of us. There's not enough room in the prisons, and we don't have the money. They don't realize how much money's involved. How can you fight something nickel and dime that's [worth] a million dollars?"

"I felt the people in Arbor Hill deserved a lot more than what they got and I still do. I've seen black guys with a small packet of cocaine get 3 years. I've seen middle class white kids with four ounces of coke get a slap on the wrist. But they're taking it out on the wrong person. It's not for the policeman on the streets to reason why, it's for him to do his job."

"We're at war, but we're not at war. All we're doing is talking out of the corners of [our] mouths. That's what is the most disgusting thing to the guys on the street."

In 1972, Sutton became a narcotics detective, dealing mostly with the heroin trade. He was a certified instructor for the Municipal Police Training Council and a guest speaker on narcotics identification. More recently, he was a sworn federal agent and group leader with the Capital District Regional Drug Enforcement Task Force.

"He believed in being on top of the most modern techniques he could learn. And within the boundaries of the law, he always felt that the only thing that could hold us back would be the limits of our imagination," said Fargione, who was Sutton's junior partner for many years.

Sutton's conviction rate was "well into the 90 percent range," Fargione said. "You don't train and replace someone like that overnight. Someone with his drive, and expertise and his ability to teach is not something that's readily replaced. He was an extremely dedicated narcotics detective. He set a standard of excellence."

"Over the years I've been singled out because of the job that I was doing," Sutton said. "What happens when you start to get a high percentage of conviction rates and you win your cases [is] the only way they can run you into the ground is to try to run your credibility down."

Last fall, Robert Butler of Albany complained to the department's internal affairs unit that Sutton had hit him with a baseball bat during questioning. An investigation found there was not enough evidence to prove or disprove Butler's allegations, said Alice Green of the New York Civil



DETECTIVE DEPARTS — Kenneth Sutton leaves the Albany Police Department this week after a career that has earned respect from fellow officers and criticism from some civil rights workers who say he is prone to violence.

Liberties Union. Butler has filed notice of a law suit in state Supreme Court.

The charge is "patently absurd," said Fargione. "He's properly aggressive, controlled aggressive. That's what we strive for and Ken has taught that to many of us. I've been around Ken Sutton for the last 15 years. I've spent more time with him than his family. I have never observed him to go beyond what would be considered good professional police work."

"I think he's as honest as the day is long," said Kindlon, the lawyer. "That's not the problem here. He just doesn't act with sufficient restraint."

"I enforce the laws of the state of New York," Sutton said. "I don't go out and do my own thing. I don't consider myself aggressive, but I never

would tolerate someone being aggressive to me. I would take control of the situation. That's just the basics of being a police officer."

Although he felt he was the best when it came to narcotics, Sutton said, he now feels that it's time to move on. Initially, he plans to work as a security guard when he retires.

"You know when it's time to go. The lawsuits — you can't change those people's minds. I'm tired of the allegations and the death threats to my family and me. I have a young son and daughter that are growing up and I want to spend time with my wife. I just want to relax for the rest of my life."

I thought about going to clown school and just helping the world for awhile," Sutton added. "I don't think there's enough laughter in the world."

### City Outlets of 'Citizens Bill of Rights'



Linda Quattlebaum was with a friend in Gibby's Paradise Lounge, a popular Arbor Hill hangout, early in the morning of Friday, May 12. The Albany police were beginning a series of raids that would soon be highly publicized. The raids lasted through the weekend, and before they were done, more than 80 people, most of them black, would be arrested.

"I was sitting at the bar having a drink when the police came busting into the bar," Quattlebaum recalls. They announced it was a raid. She was knocked to the floor by a cop who pushed her out of the way as he jumped over the bar to arrest the bartender. Police ordered the patrons to stand with their hands on the bar.

"I was fussing because they knocked me down," Quattlebaum says, "so another cop came over and apologized." That's when she realized that they all seemed to know her name. But because of her complaining, she says, a policeman called her a "bitch." At this point, the police were patting people down, arresting and handcuffing some, releasing others. "When they got to me,

they said, 'We have to strip search this one,' and they demanded that I take my clothes off," Quattlebaum says.

At first she protested, but then, in an expression of her growing frustration, she started to take off her shirt. The police stopped her and told her to go into the bathroom with a woman officer. The officer examined her clothing but did not conduct a body search. Nor did she look at the contents of Quattlebaum's purse. "I feel they stripped me just to bother me," Quattlebaum says.

At Gibby's over, Quattlebaum went to Otis', another Arbor Hill bar, arriving just in time to be caught up in another raid. She recognized some of the officers from Gibby's. It was there that she learned that her 22-year-old son, Mark "Sharkie" Johnson, had just been arrested, picked up on a sealed grand-jury indictment for two counts of third-degree criminal sale of a controlled substance. According to police, Johnson had sold cocaine in Albany on March 9 and 22.

Johnson recently gained notoriety when he was arrested with boxer Mike Tyson. The pair had been caught speeding down Central Avenue in separate vehicles.

When Quattlebaum heard that her son had been arrested she began to cry. A friend who was with her said the police had delivered the news in a sarcastic tone. "How does everyone know my name?" Quattlebaum asked, still miffed by her seeming notoriety among the police. She was told that they had been watching her. "So I asked why," she says, "if you've been watching me, then you know I'm clean." She says that the police officer in charge of the raid told her he agreed.

But down at the Division II lockup, "Sharkie" Johnson was having a rough time. "In the cell, they told my son that they had just fucked with me," Quattlebaum says. "They told him I was a whore." Johnson later told his mother that he had been beaten after his arrest and that the police officer had "taken hold of his balls" and squeezed them until he "cried." "I'm mad," Quattlebaum says. "I'm afraid that they might continue bothering

# BATTLE TACTICS

Are blacks' rights being trampled as Albany fights its drug war?

By Jeff Jones



Black youths are watched by police on Albany's Orange Street

me. But I don't use drugs or deal drugs. I drink occasionally. There is no reason for them to bother me."

Quattlebaum has decided to file a suit against the city of Albany, charging that her civil rights were violated by the strip-search at Gibby's.

James Haley stepped off the Greyhound bus at the Albany terminal and did what he always does when he comes to visit his mother. He went to the phone, called her to come and pick him up and stepped outside to wait. It was 7:15 PM on March 24. He was coming home for Easter. Snow was falling. There was nothing to do but hang out at the station.

Just then, Haley was approached by two plainclothes Albany police detectives. "They came up and started asking me questions," he recalls. "What are you here for? Who did you come to see?"

At first, Haley was surprised. What's going on? he thought. "They didn't pull out any badges until they had asked a few questions," he says. "They didn't identify themselves as police officers right away."

The two white male cops didn't seem threatening—just "odd," Haley says. He grew up in Schenectady and comes often to visit his mother, who now lives in Albany. The 29-year-old Haley operates a forklift and other heavy equipment for a company near his home in central New Jersey.

"They asked me, 'Did I have anything?'" Haley explains. He knew what they meant, and he answered yes. Haley had a roach in his pocket, less than one-half of a marijuana cigarette. He had never been in trouble with the law, but figured if he wanted to avoid a trip "downtown," he'd better come clean. The police patted him down, then told him to bring his bag and follow them into the terminal's men's room.

There, Haley emptied his pockets. His bag was thoroughly searched. "They didn't throw anything around, but they were looking pretty hard," he says.

"After they looked through the bag, they asked me to drop my pants. They just looked down into my pants and at the floor. They didn't do anything," Haley says.

While Haley had his pants down, a man entered the men's room, looked around and left. Neither Haley nor the police knew that

the man was a private investigator, hired by two Albany criminal-defense lawyers to check out reports that police were routinely stopping black and Hispanic males getting off buses at the Greyhound terminal.

"I was annoyed because I hadn't been doing anything," Haley says. "I was just picked out of the bunch. I felt upset and scared."

When the police were done with Haley, they flushed the roach down the toilet and told him to get dressed. "They didn't give me an apology," he complains.

Last Sunday night things were quiet at the Greyhound terminal. Buses arrived from New York City, Long Island and Glens Falls. People got off, met friends or grabbed cabs and were on their way. No one was stopped by the police and questioned.

But that's not the way it was during the last week in March, according to private investigators hired to monitor the activities of Albany's undercover narcotics police working the bus station.

This very unusual situation—after all, how often are private detectives hired to watch undercover police operations—resulted from the concern of two local criminal-defense lawyers, Terrence Kindlon and Joseph Donnelly. Both grew suspicious after hearing from clients the same repeated complaint, raising in the attorneys' minds the possibility that police were using a profile consisting only of one category—race or ethnicity—to stop and question people at the terminal.

According to the detective agency's report, released last week, the private detectives did not see one black or Hispanic male pass through the bus terminal without being questioned when the undercover police were in the station. The censored report—Kindlon covered over any reference that could have been used to identify the undercover police officers before releasing the document—lists a series of incidents between March 20 and 30.

Throughout the week, a rotating team of investigators was in the terminal for up to four hours a day. They saw the arrival of the 7:15 PM bus from New York City on Friday, March 24. "A number of white individuals, some of them rather shabby and suspicious-looking, got off the bus. One clean-cut black man got off the bus, they paid no attention to anyone but him," the report says. He was followed to a pay phone, where he called his mother. It was James Haley.

According to the report, three police officers approached and questioned Haley, then led him into the men's room. A female officer stood outside the door, but when her attention was diverted, one of the investigators went inside. He saw Haley standing in the middle of the room with his pants down around his shoes. His luggage had been opened and spread out on the counter. The police ordered the investigator to leave the room and he backed out.

By week's end, the police were aware of the countersurveillance. The investigators reported to Kindlon and Donnelly that activity of the type they observed during the first week had subsided in the terminal.



**BATTLE TACTICS ◀ 11**

"After several days, the activity at the bus station had dropped off to zero," Kindlon says.

But not before there was one incident between police and the investigators. In a second report that Kindlon showed *METROLAND* on Monday, the investigators claimed that on March 30, two of the undercover police officers sat down next to an investigator and engaged in a mock conversation, loudly saying that all private investigators were "homosexuals." At this point, the investigator left the terminal followed by three police officers. According to this new report, the investigator was "pursued" by the police when he left the area in his car.

"We don't want to embarrass the police force or the city of Albany," Kindlon says. He thinks that the private investigation forced a stop to the practice, which he considers a clear violation of the Constitution's Fourth Amendment protections against illegal search and seizure. "But then," says Kindlon, the police activity "started again." This led to the lawyers' decision to release the report to the press, and to their suggestion that Gov. Mario M. Cuomo consider appointing a special prosecutor to investigate the way the Albany police department is conducting its war on drugs.

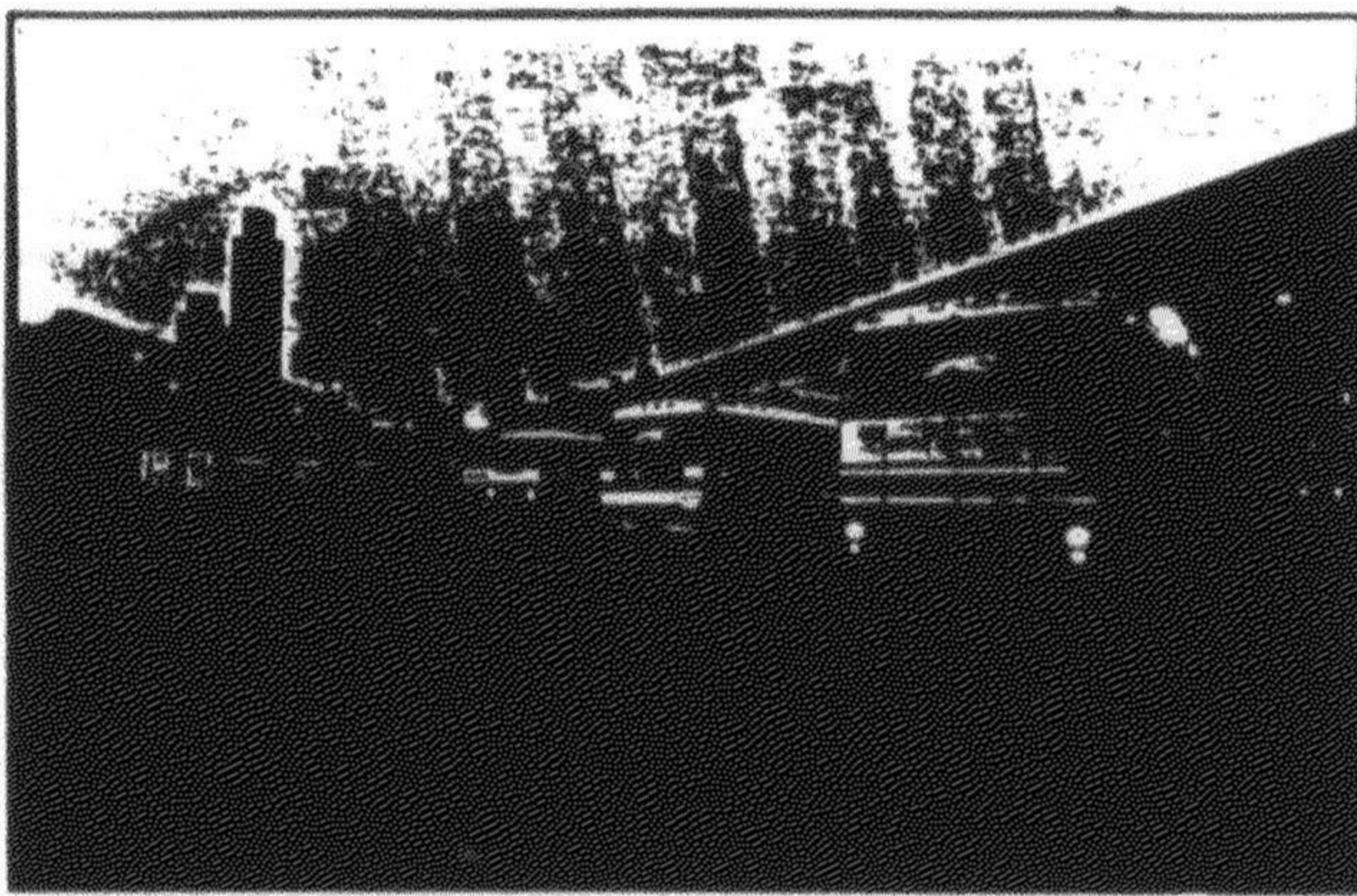
**N**o one interviewed for this story disputed that there is a drug crisis, or that the drug war has come to Albany. In a multipart series that has run this week, the *Times Union* has documented how deep the problem has embedded itself in the Capital Region. In Albany's black neighborhoods, notably Arbor Hill and the South End, a clear shift is perceptible, especially among teenagers and young adults, from the casual usage several years ago to small-time dealing today. But is the drug problem concentrated in the black community, as the police response seems to indicate?

Not everyone is satisfied with the way the Albany Police Department is conducting its war on drugs. In recent weeks, fueled by the drug sweeps and the bus-terminal report, there is an increasing fear that the target is not drugs, but Albany's young blacks. With summer vacation only a month away, anger and tension are rising. In numerous interviews, *METROLAND*, like attorneys Kindlon and Donnelly, heard repeated stories too similar to discount, indicating that police are engaging in generalized harassment of young blacks that could involve significant violations of constitutionally protected rights (see *Heroines and Heretics*, page 7).

Most of those interviewed refused to give their names or allow pictures to be taken, some out of fear of retaliation from drug dealers, but most from fear of police retaliation. There are reports of police using excessive violence, stealing money from suspects, making racial slurs. And there is evidence of the arbitrary use of police power, too. One black teenage student swept up in the raids was kept in the Albany County Jail for a week, simply because an officer said she had a "bad attitude." When she finally appeared before a judge, the charges against her were dropped.

Most alarming, perhaps, are the reports of police activity directed at children 12 and 13 years old.

It is now common knowledge that drug dealers are using young children as couriers, because they cannot be prosecuted as adults. But reports—like one called in to Alice Green of the New York Civil Liberties Union earlier this week by a mother whose 12-year-old son came home traumatized after he was stopped and questioned by police while running an



The Albany Greyhound terminal.

errand for her to the corner store—raise questions that must be answered by the officials in charge of Albany's war on drugs. Is police practice creating hostility and fear among the city's children? Are seeds being planted that will ripen into a crisis deeper than the one now faced?

"We don't feel we've overstepped our bounds," says Albany Police spokesman Sgt. Robert Wolfgang. "Whatever we've done, we feel that we're working within the guidelines set by law."

Wolfgang maintains that there were "a lot of problems" with the Kindlon-Donnelly report on police activities at the Greyhound terminal. As for the report's allegations, he says, "I don't know that they show any wrongdoing." He also defends the use of Albany police officers at the Amtrak station in Rensselaer as an example of cooperative relationships with other jurisdictions. "We are not limited to the City of Albany," he explains.

But many people, especially in Arbor Hill, remain convinced that something has gone wrong. A number of people contacted this week told of different community responses being planned.

Merton Simpson of the Capital District Coalition Against Apartheid and Racism says that his group is working to compile a list of complaints of police abuse of a racial or discriminatory nature. According to Simpson, the coalition wants to meet with the police officers identified as causing problems, as a way of increasing community dialogue. "We are not in a position to represent individuals who have complaints," Simpson says, "but to document concrete evidence which would

then be presented to the Community Police Relations Board and the Mayor." (Those who wish to contact the coalition should write to PO Box 3002, Pine Hills Station, Albany, NY 12203.)

Lenora Graham and Lois Willis are two women whose concern has led to action. They have recently formed Mothers Against Drugs and are among those planning for a communitywide meeting next Tuesday (May 30) at the Trinity Institution in Albany's South End. "We're trying to get the people involved citywide in what's going on," Graham says. "Now it's just being focused on one group of people." Graham said she was heartbroken by some of the stories she heard about the recent police drug raids. "I'm not saying all the police are bad," she says. "But the few that are cause people in the community to lose respect for the rest of them."

Graham believes there is a drug problem in Albany. "The drugs are there," she says. "We're just mothers, and we're trying to stay away from politics. The thing that hurts me, I see the young black youth being sacrificed." Graham says that some of those arrested in the raids were innocent children who were just in the wrong place at the wrong time.

Willis said the upcoming meeting would focus on the need for jobs for young people. This year, like last, Albany Mayor Thomas M. Whalen III has announced that the city will provide a summer job for any young person who wants one. "They want jobs," Willis says. "They don't want to be out there selling dope." But young people don't see an alternative, Willis continues. "They go looking for a job and they find the door

slammed in their face."

**M**artha isn't her real name. But like so many others, she's afraid. She's a professional, working in the legal field and raising two children in Arbor Hill. It's her 18-year-old son she worries about the most.

"He was stopped once, around the beginning of March, walking down Livingston Avenue with his sister and some friends," Martha says. "Two cops stopped him because there had been some trouble up the street." They friked him and let him go.

Another time he was stopped and asked his name and where he lived because, the police said, he looked like a robbery suspect. "He politely told them he was coming from choir rehearsal," Martha says. Her son is president of the Junior Choir at their church. "They didn't bother him any more. But I was petrified because you don't know what they are going to do."

Martha believes her son when he says he is not into drugs. He will graduate from Albany High School next month. He has a job, working with computers. Recently he was invited to perform a rap song he wrote in Atlanta, at the Martin Luther King Jr. Center for Nonviolence. But she worries, not about her son being into drugs, but about the police. "He is a healthy young black man," she explains. "He wears his hair in a gumby but he has no gold." Her fear is that sometime this summer, her son will be caught up in a police sweep. Maybe he'll get pushed around. Maybe he'll be called a "nigger." Maybe he'll fight back. Then anything might happen.

Whether her fear is groundless or not, it's real.

"I almost wish he was not in the area for the summer," she says. "Everyone is out of school. There is nothing to do. The Arbor Hill Community Center does not provide much recreation as the young people need and are interested in. My son has said, 'Mom, I don't want to go out of the house, because he doesn't want to be stopped.'"

"It's the innocent people like us that are getting a big portion of all this stuff," Martha says. "Why are they after the little people? They are not the suppliers. Some suppliers are white. I just don't think that Arbor Hill should be the focal point. We should not be condemned because we are black."

One last time, Martha is asked if she would allow her real name to be used. "We are not dumb," she says. "And we know that if the names get out, we will be harassed." She is worried about drugs being planted, especially on her son. "I really wish I didn't mind the name aspect of it. But I am so afraid. I am afraid for my child." ■



Alice Green of the New York Civil Liberties Union fields complaints of police harassment.

**Photographs  
By  
Michael  
Ackerman**



## 'Storm-trooper' drug raid tactics assailed

By Gary Sheffer

Staff writer

ALBANY — A city tavern owner filed a formal complaint Monday with the Community-Police Relations Board, saying police used "storm-trooper" tactics in a May 12 drug raid at his bar.

William B. Gibson, owner of Gibby's Paradise Lounge at 112 Ontario St., delivered the complaint at a meeting at Crenshaw Memorial to discuss alleged police abuse of the rights of minorities, particularly on a drug sweep in May in which more than 80 people were arrested.

Sgt. Thomas Fargione of the police department's Special Investigations Unit answered questions from board members and the public at the meeting, at which residents accused officers of singling out blacks and Hispanics as drug suspects and of police brutality.

Gibson's complaint states that the officers threatened and harassed black patrons while a white customer was ignored and that detectives threatened to have the state pull his license.

"I do not believe the officers would have acted as they did if I was a white person and if the patrons of

my bar were predominantly white," Gibson said in an affidavit attached to his complaint.

Three people were arrested in the bar during the raid, according to the affidavit.

Since the raid, Gibson said his business has suffered because of fear of police harassment. Gibson claims on May 30, about 30 minutes after he detailed his complaints at a community meeting, detectives came to his bar and asked to see his State Liquor Authority permit.

Fargione said at the meeting he differed with Gibson's account of events of that night but was cut off by Gibson and others.

Fargione denied that police use a "drug courier profile" based solely on race or ethnicity. Police do use "indicators" during surveillance based on individual situations to determine suspicious behavior, he said.

For instance, an indicator could be someone who is excessively nervous or who separates themselves from their luggage after getting off a bus, though he said he could not be more specific for fear of endangering the narcotics unit's operations.

"It's not about color of skin," Fargione said. "It's

about are they drug couriers or are they not drug couriers?"

But Fargione's responses did not satisfy the residents, including Vera Michaelson of the Capital District Coalition Against Racism and Apartheid.

"Your response that we don't have any bad apples (in the police department) is what is leading people in the community to say 'what is the point of filing a complaint?'" Michaelson said.

The Rev. Robert Dixon, pastor of the Mount Cavalry Baptist Church and chairman of the relations board, said the board would write a letter to the mayor reflecting the concerns expressed.

In a separate meeting at City Hall, Ninth Ward Alderman Peter Horan, who heads the Common Council police committee, told aldermen Monday night that he found no evidence of civil rights violations or abuse during the sweep.

Horan said his committee met with Deputy Police Chief John Dale, who explained the raid was the result of an ongoing investigation into drug trafficking in the city and that arrests were based on grand jury indictments.

Horan noted that no complaints had been filed then with the department's Internal Affairs Division.



## Another view

To the Editor:

Your recent editorial "Nursing home drain" was right on target concerning the spend-down process — that is, rules that require persons to exhaust their personal assets in order to qualify for Medicaid support to pay for long-term care.

All of us who are committed to meeting the needs of New York's elderly share Governor Cuomo's and your newspaper's concern that the elderly not be "reduced to poverty" by the spend-down requirements of Medicaid.

Revision of those guidelines to allow the spouse living at home to retain a higher level of assets is certainly an appropriate step to take. The state should find the resources to bring this to pass.

However, your editorial seriously misses the mark when it states that there is a danger that this change in the Medicaid eligibility requirements "will result in a wholesale 'warehousing' of people in nursing homes — even if their condition would allow them to live at home."

Given the state's strict certificate-of-need process, along with a severe personnel shortage being faced by the long-term-care industry (and not just hospitals), there is little danger of inappropriate placement in nursing homes.

Yet another safeguard which exists to make sure that families simply do not "condemn" their elderly relatives to nursing homes is the screening process involved in nursing home placement. Called a "patient review instrument," or PRI, the screening form assesses the patient's physical and mental abilities. This PRI leads to a reimbursement category for Medicaid payment (called RUGs — for resource utilization groups). The higher the RUG category, the more care the patient requires, and hence, the higher the reimbursement level the facility receives from Medicaid.

The average occupancy rate for nursing homes in New York state is well over 95 percent. In many areas of the state, people await nursing home placement for several months. We have been advised of some cases where patients waited for a bed to open for more than a year. It is simply not possible, given the state's strict regulations, that people who do not need what your editorial calls "the constant vigilance and care that only a nursing home can provide" will be "warehoused in nursing homes."

In fact, the opposite condition prevails, and given the changing demographics within the state's population, facilities cannot expand quickly enough to meet the ever-increasing demand for nursing home beds.

The state Department of Health keeps very close tabs on the nursing home industry. New York state is the most highly regulated state in the Union when it comes to nursing home care. The Department of Health properly makes finding community alterna-

Letters to the Editor  
The Times Union  
Box 15000  
Albany, N.Y. 12212

Brief letters will be edited least, although all letters are subject to editing for taste and accuracy. Include daytime phone number. Only letters written specifically to The Times Union will be used — and only if the writer's name can also be published.

## Investigator needed

To the Editor: *Times Union 6-22-79*

We all want a drug-free society and are deeply concerned about the proliferation of drugs in the city of Albany and the Capital District.

More, we all realize the difficulty of being a police officer in these times of automatic weapons. However, I am distressed over the accusations of police misconduct (racial slurs, excessive use of force, beatings) raised in the recent sweep of Arbor Hill and the South End and the purported selective arrests and harassment in the Greyhound bus terminal.

Although more than a month has passed, there is still widespread distrust and animosity directed toward the city police department in our community. No one wants a "long hot summer" where feelings are exacerbated and polarized. The individuals who seem in my own opinion to be in the most stressful situations are our minority police officers (they must live predominately in two worlds).

In order to bring this situation to rest we must have assurances that there are no cover-ups or clandestine agreements. Therefore, I support attorneys Terrence Kindlon and Joseph Donnelly and call for Mario Cuomo to appoint an investigator to review these allegations and present a final document to the community.

In addition, I support Alderman Brace's call for the Common Council's Police Committee to investigate the charges. I am not making accusations. I am only stating that there is widespread concern and that it needs to be addressed. The situation must not be allowed to fester but must be addressed quickly and impartially.

JAMES H. BOULDIN  
Albany

*Editor's note: The writer is an Albany County legislator representing the 3rd District.*

## Protecting environment

To the Editor:

Ward Stone, a wildlife pathologist at the Department of Environmental Conservation (DEC), has been making a good deal of news lately. Public outcry followed certain actions by Gov. Cuomo and DEC Commissioner Thomas Jorling regarding Mr. Stone's role and responsibilities at the department. In the past couple of days the commissioner has made some new announcements regarding the Stone matter and thereby hopefully put an end to the immediate controversy. Before the Ward Stone story slips into the past, however, we should reflect on its implications with respect to the enormous environmental crisis that confronts this state, the nation, and indeed the entire world.

First, we should recognize that without sufficient resources DEC cannot begin to fulfill its environmental protection responsibilities. The immediate battle over Ward Stone began with the governor's veto of an appropriation by the Legislature for the wildlife pathology unit Stone heads. Whatever the arguments for and against that decision, DEC badly needs significantly more personnel and financial resources than it currently has if it is going to be even modestly successful in combating the environmental problems we face.

Second, we should recognize that confronting serious environmental problems in New York state requires a strong DEC and that the department cannot be strong without a powerful and effective commissioner. To some extent the Ward Stone controversy has raised the question of whether the commissioner really controls the DEC bureaucracy. I would urge people to understand that if the commissioner does not have broad and flexible authority to direct that bureaucracy and to set its priorities, whoever holds that office will not be able to muster the resources and power necessary to deal successfully with the enormous environmental problems facing us.

Third, we should recognize that people need to be bluntly and repeatedly reminded that human activities are inflicting enormous havoc on the natural world, that our actions are generating a series of interlocking, multi-faceted environmental dangers and not just a series of random and unconnected problems, and that solutions to the environmental crisis will not come easily or cheaply. Throughout a notable career, Ward Stone has provided a clean, often loud, and sometimes strident voice about the seriousness and complexities of the environmental damage we are causing.

RICHARD S. BOOTH  
Associate Professor  
Cornell University  
Ithaca

## The color purple



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

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

Has drug traffic been stopped (or even slowed) in Albany?

No.

Have any major drug dealers been convicted for transporting large quantities of drugs into Albany?

No.

Has there been any significant expansion of treatment facilities and opportunities in Albany?

No.

Has the Albany Police used a "profile" of young African-American males as the basis of stopping and searching citizens?

Yes.<sup>1</sup>

Have the Albany Police swept up innocent citizens in drug raids merely because someone was in the wrong place at the wrong time?

Yes.<sup>2</sup>

Have citizens been strip-searched without any legal basis by the Albany Police?

Yes.<sup>3</sup>

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

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

What can we do about this situation?

The Capital District Coalition Against Apartheid & Racism proposes:

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

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

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

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

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



## Community police board challenged

By Gary Sheffer 6/28/99  
Staff writer

ALBANY — The chairman of the city's Community-Police Relations Board told residents Monday to take their case to Mayor Thomas M. Whalen III if they are dissatisfied with the board.

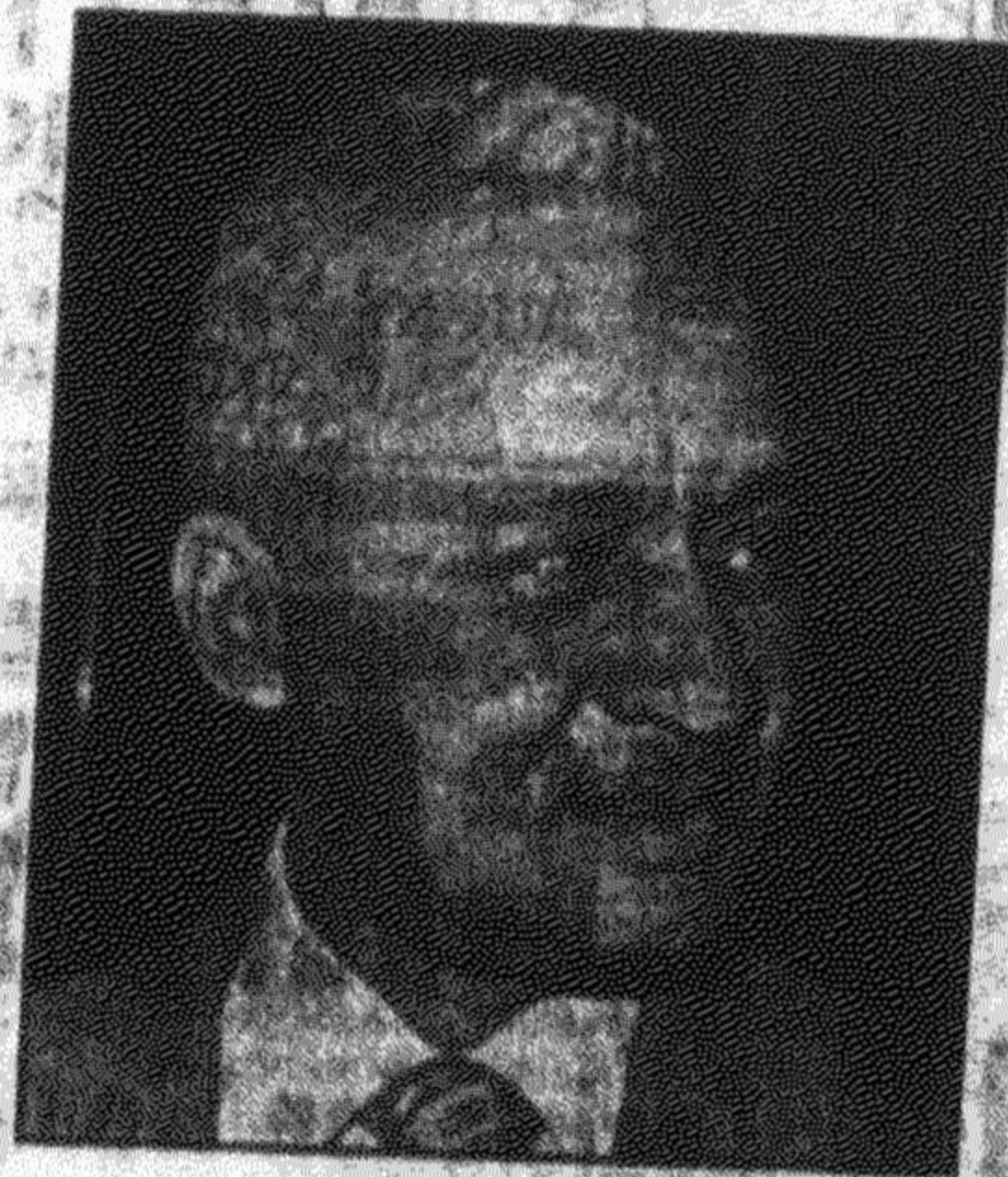
Three years after its creation, the board continues to wrestle with its basic powers and Monday its members were questioned by a handful of residents who say it has done little to watch over the police department.

Just eight of the board's 15 members attended the meeting at School 20, and as a result the board could not take official action on its agenda.

It did listen to about a half-dozen residents who questioned what effect the board could have without investigative powers.

The Rev. Robert Dixon, the board chairman, responded that under the board's current constraints, it can only do something if complaints are filed by citizens. He said the board's purpose under its charter is to work to create a better relationship between the community and police.

"Put the complaints in and see what we do," he said. "If we don't do anything, then you have a complaint."



Rev. Robert Dixon

... "See what we do"

Others, including Donna DeMaria, who think the city needs a full-fledged civilian review board, said some members of the board should stop defending Whalen's position, and begin fighting for more authority.

Others complained of a lack of public notification of board meetings, something that Dixon said the board is addressing.

Board member Vicki Smith of the Capital District Coalition against Apartheid and Racism agreed that the board has been ineffective at times, but said she believes it may evolve into a civilian review board in the future.

Dixon said the board needs community support if it is to grow and urged those in attendance to communicate their concerns to Whalen.



7/09/89

## Letters

### What Albany Community/Police Relations Board does

To the Editor:

I have been honored to have been chairman of the Albany Community/Police Relations Board since its inception over 3 1/2 years ago. A lot of misconceptions about the board and its responsibilities still remain. Some of it is the fault of the board and the rest is the misunderstanding of some of the citizens.

Let me state the purpose of the board as our charter states: "The Community/Police Relations Board is created for the purpose of developing and maintaining an atmosphere of mutual trust and respect between the community and its police; to provide a structure of continued communications between the community (i.e. Albany residents) and the Police Department and serve as an added assurance that the rights of citizens have been protected through the review process."

As you can see, it does not give the board any subpoena or investigative powers. The function of the board shall be as follows: "To accept complaints of citizens who allege misconduct of Police Department personnel and to forward them to the chief of police for investigation and a response or disposition and to monitor all complaints concerning Police Department personnel. The Police Department will provide the board with monthly reports, which shall include information regarding the number of citizen

complaints reported; type and nature of the citizen complaints; date citizen complaints were received by the Police Department; and determination of resolution of citizens complaints."

There are a few people in the city complaining, but very few take the time to process a formal complaint. We had one complaint during April. People say that it's no use to put in the complaints because the board cannot or will not do anything about it. I can only say to those people, "Try us and see before you say what we cannot or will not do. We cannot go on hearsay from a few people telling us how bad the police are, but yet, not making out one complaint."

I can assure all the citizens of Albany that in every profession there are a few bad apples when it comes to the citizens. Our responsibility is not to try to hang a policeman or try to make the citizens the scapegoat, but it is to try to bring the truth out by being impartial and fair to all parties. Our job is not to rally the citizens against the police or to get the police to take it out on any citizens.

We deplore police brutality, false arrest, harassment, misconduct and any other device that might be a tactic of the police. By the same token we deplore any accusations that are unfounded. "The proof of the pudding" is in the complaint forms processed.

We will admit that we have not made great progress in getting our message out to the citizens, but we are aware of that and we are striving to do something about it. We would like to see more of the citizens at our meetings on the fourth Monday of each month. We shall be advertising the place in the news media. The same handful of people find their way to our meetings and have the same gripes at every meeting without thinking that we are trying to do a good job if the citizens would support the board's objectives.

We are not a police civilian review board with subpoena or investigative powers. We are a board whose chief objective is to bring the Police Department and the citizens of Albany to the place where both will respect each other as human beings. A great start has been the Police Athletic League working with the younger children in the classroom and providing recreation so they both might learn how to live with one another.

No matter what some critics might say, since the inception of the board, the police are aware of our presence and it means something to them. As I have said so often, I would hate to live in a city where there was no police.

THE REV. ROBERT W. DIXON  
Albany

The writer is chairman of the Albany Community/Police Relations Board.



*Capital District Coalition Against Apartheid and Racism*  
Police Brutality Committee

"Bat man" Campaign and Community Organizing

- |    |   |                   |
|----|---|-------------------|
| 1. | Develop committee network/phone tree                          | tentative 1/10/90 |
|    | 1. _____ 2. _____ 3. _____                                    |                   |
| 2. | Establish press committee (draft releases)                    |                   |
| 3. | Prepare data/stats on abuse (not full database)               | 2/1/90            |
| 4. | Draft organization statement and seek community support _____ | 2/1/90            |
| 5. | Develop a police brutality and what to do brochure _____      | revised 2/1/90    |
| 6. | Develop the "bat man" flyer _____                             | draft 1/25/90     |
|    | a. distribute flyer door-to-door                              | 2/10/90 & 2/17/90 |

<u>Team 1</u>	<u>Team 2</u>	<u>Team 3</u>	
_____	_____	_____	(captain)
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	

TEAM 1 target: \_\_\_\_\_

TEAM 2 target: \_\_\_\_\_

TEAM 3 target: \_\_\_\_\_

MISC. \_\_\_\_\_

(certain stores, groups, churches, etc.)



*Campaign*  
*Page two*

- |    |   |  |
|----|---|--|
| 7. | Plan and prepare a community rally protesting police abuse and violence | 2/08/90                                    |
|    | a. set time and place   | 2/19/90                                    |
|    | b. institute phone tree   |  |
|    | c. posters/banners  |  |
|    | d. have available community organization support of statement           |  |
|    | e. prepare rally presentation, speakers and community demands           |  |
|    | f. send press release/announcements and follow up calls to press        |  |
|    | g. send mailing to various groups                                       |  |
|    | h. BE THERE !!  |  |
| 8. | Send letter to Chief John Dale requesting meeting _____                 | tentative for<br>2/23 or 2/26<br>@ 9:00 am |



Towards

call Valerie

Chad M. Johnson

Flies

→ Door to door →

- meeting with Dale Coalition →

Spacemart -

NAACP →

Church groups -

→ Contact mayor directly letter →

Ex General Policy to stop -  
respon

(A)

Jr. Lucy  
Boulder -

→ (check name) → Deer John -



Significance of N.A.

Albany Co

- 3% or 4% of pop is B.M. - but over 52% incarcerated  
Impact on children & mothers in jail  
Inability to visit - no buses -  
Come out no support systems  
90% of the people let out for rape - Black -  
25% of arrests killed in 60s - B+H  
very few white in prison now -  
Abandonment rehab as a goal

increase in reports on brutality - increase -  
using bars to beat -

1. Stop flow of prisoners - get rid of P. Board  
Civil Remedy
2. Accountability - rehabilitation in prison
3. prevention - Anti drug abuse report (state)  
JCS - housing - edna

US Supreme Court -  
ruler of class to disrupt / misdeedman

James Gandy - Big John - → into all <sup>young</sup>

Mass - 131m B.L. crime - domestic violence

community patrol - ? -



- Drugs - Gov policy initiative  
working with police  
make politicians accountable
- photo-poloroid camera
- - should be video confession

~~Red~~ Red Anderson  
439-8292

- Filled - T  
steph -  
436-1134



Train people

① Develop plan

Xuba funding exchange  
1800

Political pressure



Is Someone You Care About  
In Prison ?

Have You Recently Been  
Released From Prison ?

\*\*\* DO YOU NEED TO TALK TO SOMEONE

\*\*\* DO YOU NEED MORE INFORMATION  
ABOUT THE PRISON SYSTEM

\*\*\* IS YOUR FAMILY EXPERIENCING OTHER  
PROBLEMS DUE TO THE INCARCERATION  
OR RECENT RELEASE OF A LOVED ONE

HELP IS AVAILABLE! PRISON FAMILIES OF NEW YORK, INC.  
SPONSORS A WEEKLY SUPPORT GROUP FOR PRISONERS FAMILIES  
AND THEIR FRIENDS, EX-PRISONERS AND THEIR FAMILIES, AND  
INTERESTED COMMUNITY MEMBERS. YOU ARE WELCOME TO JOIN US!

UNITARIAN CHURCH OF ALBANY  
405 WASHINGTON AVENUE  
ALBANY, NEW YORK  
7:00 P.M. - 8:30 P.M.

*Monday*

**Prison Families of New York, Inc.**

OR MORE INFORMATION CALL - **[REDACTED]**  
- 518-465-9612



## BLACKS IN PRISON

### THE FACTS

Albany County Population:

I. <u>Total</u>	<u>Whites</u>	<u>Blacks</u>	<u>Spanish Origin</u>	<u>Amer. Indian</u>
285,909	263,067	18,803 (6.6%)	2,845	321

### II. Prison (New York State)

-Persons in New York State Prisons:

Total: 52,000.

Blacks and Hispanics= (43,000) or 82% of total.

Blacks= (27,000) or 50% of total.

- Blacks (from Albany County);

- Blacks and Hispanics are imprisoned at a rate twelve times that of whites.

- Nearly 52% of those sent to prison from Albany County are Black, while Black males make up only 3.0% of the County's population.

- Each year close to 10% of the Black male population is imprisoned, more than the number of Black males from the County who are in college.

### III. Jail (Albany County)

- Blacks are jailed at a rate ten times that of whites.

### IV. Arrests (Albany County)

- Blacks are arrested at a rate five times that of whites.

### V. IMPACT ON CHILDREN AND FAMILIES

- On any one day, the mothers of nearly 6,000 Black children are in jails and prisons in New York State.

- On any one day, ~~an~~ estimated one or both parents of *an estimated* 20,000 Black children are in jails and prisons in New York State.

(Our appreciation to James Murphy and Alice Green, Ph.D. Statistics are based on figures released by the New York State Department of Correctional Services, New York State Department of Criminal Justice Services, and the 1980 United States Census.)



THE STRUGGLE AGAINST POLICE ABUSE IN ALBANY  
Key dates and events: 1967-1988

This is a somewhat subjective and certainly incomplete chronology of the ongoing struggle for community control of the police in Albany. Things have changed in twenty years, but there has been remarkably little change in regard to the level of real accountability within the APD and the City administration. The events of the past five years have placed us in position where we can have an impact on the incidence of abuse, brutality and racism on the part of the APD. Let's do it.

1967 the "Brothers" focus public attention on racism and brutality in the APD (petition drive, rallies, meeting with Police Chief)

1968 publication of Varieties of Police Behavior by sociologist James Q. Wilson which compared police departments in five cities and concluded that the APD was characterized by corruption, brutality and racism

1971 creation of Neighborhood Police Units - first effort by City to improve training and community accountability of APD

1971 Keith Ballou, an African-American teenager from Albany, killed by NYS Police / leads to petition campaign to establish a civilian review board in Albany

1981 Coalition Against Apartheid formed

1983 Mayor Corning dies after 41 years in office / Whalen becomes Mayor / conflict develops early between Whalen and the APD

1983 Coalition involved in anti-Klan activities

1983 Coalition and NAACP sponsor "Racism: A National Policy" conference

11/83 independent candidate Sandra Rose Temple defeats machine-backed incumbent Homer Perkins for county legislature seat representing Arbor Hill

4/84 first Jesse Jackson / Rainbow Coalition campaign

7/8/84 Jesse Davis killed by APD officers

7/84-12/84 unprecedented outpouring of community outrage and grief following death of Jesse Davis, including: community march through Arbor Hill; funeral service; formation of Coalition Against Police Abuse which initiates petition for police review board; public statements by groups of white and African-American clergy; pressure finally forces District Attorney to present case to grand jury; NAACP drafts proposed legislation to create civilian review board

aftermath of Jesse Davis killing also includes resignation of Chief Burke, revamping of Internal Affairs Unit and initiation of internal "management study" of the APD



-2-

12/84 Albany Coalition for a Civilian Review Board established / this group is focus of activity for 1½ years, first developing a concrete proposal, then engaging in a series of negotiation sessions with the City, eventually leading to agreement to create Community Police Relations Board

1984 APD Officer Valerie Von Dollen found liable in federal court for assaulting Ms. Keyes, a 51 year old, 4'11" tall, African-American woman in Arbor Hill

1985 grand jury issues report in Jesse Davis case: no officers are indicted / City does implement disciplinary procedures against three officers, but no officer was ever disciplined and no officer ever testified publicly about his role in killing Jesse Davis

7/85 memorial service held on 1st anniversary of Jesse Davis' death

5/86 Community Police Relations Board formed; includes Coalition Against Apartheid and Racism and NAACP; Board has no real power, but does manage to effect certain improvements in APD complaint process

12/86 Jimmie Lee Bruce Killed by off-duty Middletown police officer in Wallkill, NY / campaign begins to have special prosecutor appointed (still unsuccessful)

12/86 Howard Beach incident

2/87 1st McKeever trial - hung jury

3/87 Coalition sponsors forum on police abuse at Arbor Hill Community Center with Roger Green, Alice Green, Don McKeever and others

5/87 most members of Community Police Relations Board threaten to resign; Mayor averts resignations by agreeing to provide the Board with more detailed information regarding internal affairs investigations

6/87 2nd McKeever trial - Von Dollen found liable for illegal search and ordered to pay punitive damages

7/87 Coalition initiates campaign to have Von Dollen disciplined / @ 1000 signatures collected on petition / Community Police Relations Board refuses to take any action, including simply asking the Mayor to review the matter

11/87 Alonzo Smith attacked in Peekskill / Tawana Brawley case starts

12/87 Thomas O'Dell killed by APD officers

1/88 Coalition raises racist violence issue at annual MLK march

1/88 Sen. Patterson and Assemblyperson Green introduce package of bills addressing racist violence and police abuse

1988 second Jesse Jackson campaign

3/88 federal Judge Cholakis orders City to pay substantial attorney fee award in McKeever case



4/88 Coalition sponsors forum on racist violence and police abuse / speakers include Elombe Brath, Roger Green, Zoilo Torres

4/88 federal jury awards \$407,000 to four former Albany students (1 African-American and 3 Latinos) who were harassed and abused by APD officers Krasher (who had been found liable in another civil rights suit several years earlier) and Turley / jury explicitly concludes that officers' actions were racially motivated / damages later reduced by Judge Cholakis to \$237,000

6/88 City settles claim of Gregory Baity against APD for \$12,500 changing a previous policy of never settling police abuse cases

6/88 State-wide Lobby Day in Albany for anti-bias bills

7/88 City settles lawsuits brought by Coalition, Vera Michelson and Aaron Estis arising out of early morning raid on Vera's apartment prior to the Springbok rugby game for a total of \$47,000

/88 City loses police abuse lawsuit in NYS Supreme Court: \$35,000 jury award (?)

/88 City settles federal false arrest suit in mid-trial for \$35,000

1/89 Officer Turley arrested for assaulting an African-American woman in the Div. II cell-block

Prepared by Mark S. Mishler, 1/8/89.



CAPITAL DISTRICT COALITION  
AGAINST APARTHEID & RACISM

Committee on Police Abuse & Racist Violence

9/28/89

This committee met three times during August and September and has begun to put together a campaign around the issue of police abuse in Albany. In the committee's discussions, the following framework emerged:

1. A campaign against police abuse will also have to address, to an extent, the drug problem. We can not as an organization focus all of our efforts on the question of drugs, but we also can not avoid it because the police and their apologists point to the "drug crisis" as justification for numerous abuses by the the police. We at least should be prepared to point to other approaches, such as treatment on request, rather than a quasi-military law enforcement solution.
2. We see police abuse as a sub-category of racist violence. It is the most dangerous category because the police are government officials and have legal authority, in some instances, to use force.
3. The demands of the campaign should include: creation of an independent civilian review board, establishment of treatment facilities for any Albany resident who has a drug abuse problem, hiring of more minority officers in the Police Department.
4. The campaign should make use of educational material such as the new pamphlet on police abuse and should aim for wide distribution of this material.
5. We will plan a forum, hopefully in conjunction with other groups such as Mothers Against Drugs and the Civil Liberties Union, for mid-November.
6. We will plan a demonstration in mid-January (to coincide with Martin Luther King's Birthday) In front of the police headquarters.

The next meeting of the committee is Tuesday<sup>nd</sup> October 10th at 7:00pm at 43 Myrtle Avenue, Albany (between Eagle and Phillips).



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

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

Has drug traffic been stopped (or even slowed) in Albany?

No.

Have any major drug dealers been convicted for transporting large quantities of drugs into Albany?

No.

Has there been any significant expansion of treatment facilities and opportunities in Albany?

No.

Has the Albany Police used a "profile" of young African-American males as the basis of stopping and searching citizens?

Yes.<sup>1</sup>

Have the Albany Police swept up innocent citizens in drug raids merely because someone was in the wrong place at the wrong time?

Yes.<sup>2</sup>

Have citizens been strip-searched without any legal basis by the Albany Police?

Yes.<sup>3</sup>

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

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

What can we do about this situation?

The Capital District Coalition Against Apartheid & Racism proposes:

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

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

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

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

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



# Ibany angles

**JERRY** — Gerald Jennings, the alderman from the 11th Ward, given up on the idea of challenging Thomas M. Whalen III for the job, but not of trying to oust Whalen from office.

Friends of Jerry Jennings Night, a gala fund-raising event for Jennings primary election battle, is scheduled for July 6 at Farmington Restaurant on Lark Street and 17th Street. Tickets for the event are going for a magical amount. Whalen has a record attendance at his last two political events — \$100. Clearly, Jennings has got friends with deep pockets. The Committee to Elect Jerry is the event's sponsor.

**WILLIE WONKA WAY** — True to his name, Albany Mayor Thomas M. Whalen III, the Albany City Council, has things in store for riders this year in Albany, including Thursday night through the available housing in the downtown area. Attendance for that event, but the second city to be filled to overflowing.

On June 22, the Albany City Council will meet at the city center in the downtown area. Attendance for that event, but the second city to be filled to overflowing.

**POT IN LOB** — A drug sniffing dog, Capital Police find some marijuana in the Albany County Legislative Office Building, but in no way connected with any of the lawmakers.

Office of General Services, get marijuana was being brought to work place, turned to the Albany Sheriff for help.

by the lockers of the utility workers of the Legislative Office. Capital Police talked with the men, they opened their lockers in re-arrangement. A fifth man opened his locker and was charged with possession of a weapon, Tubbs said. They were charged with marijuana violation.

**IS OF RUMORA** — The Democratic fight in the 6th Ward may be coming riding into the fray soon.

Tulip Festival chairman, Peter admits he is "testing the water," flag and a whole lot of other things to either the regular Democratic organization, which is offering us as its candidate in the Center of the party, which is backing Jerry. Why is he considering a race?

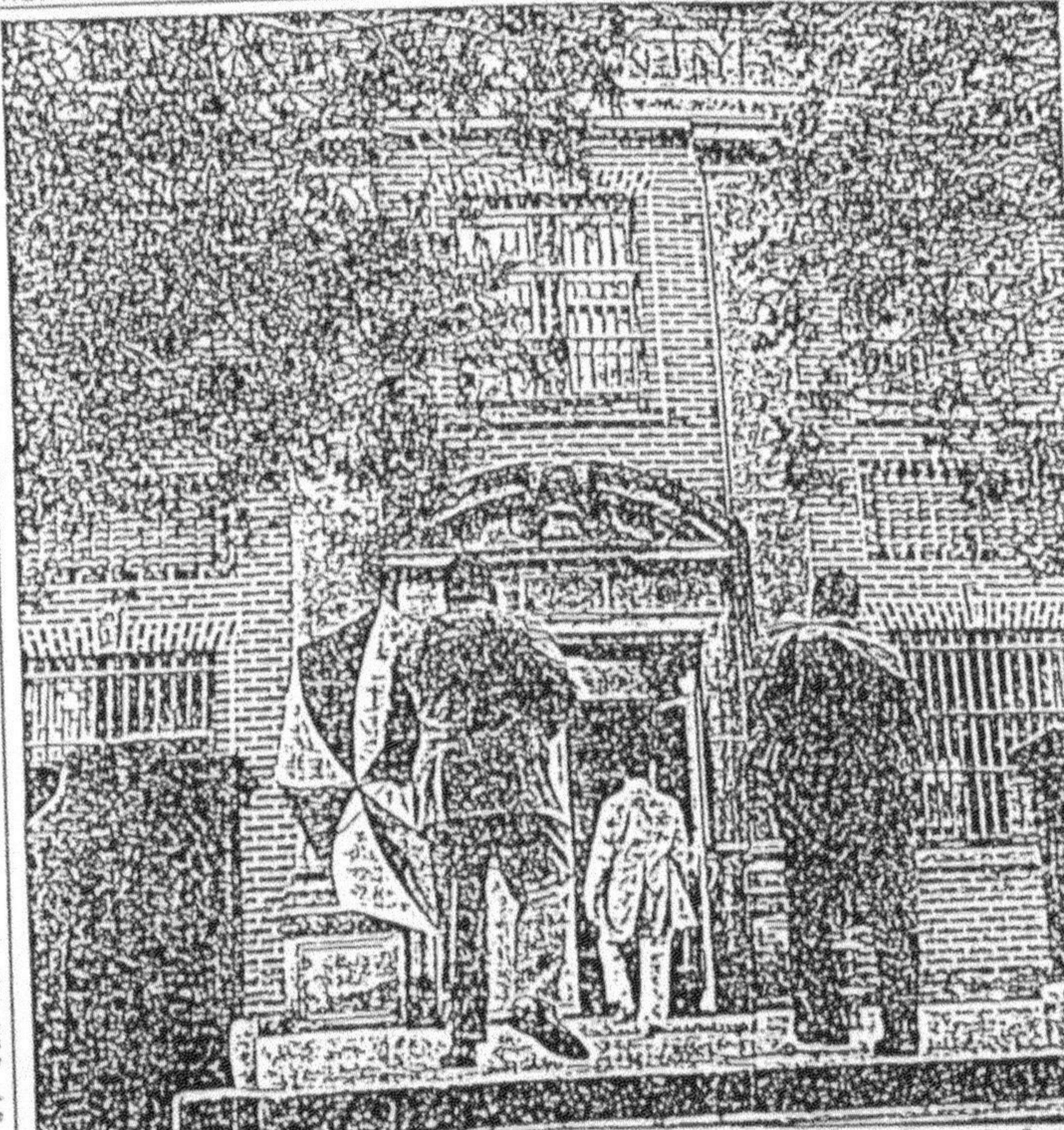
"I'm me," he says, coyly but probing the point than talk about participation, education and neighborhood. As for when he'll make his name — "If I file a petition by the line, you'll know I'm in. If I don't, who says Albany politics holds no secrets?"

**TO THE DOGS** — Several members of Albany Neighborhood Council are upset about what they lack of city response to dog control.

Clark Pam Alley, addressing last week, said the city has only one control officer and, realizing that job to field all the calls from the idling one more. But at least one member remained unconvinced.

he asked Alley, About \$10,000 a city clerk. "I thought maybe it is so low that it was no-show job," he says.

**TO NEWCASTLE** — The Guildford Board meeting was almost over when William Weiburn voiced a question over the grass recently planted in Town Park. Would it be possible to have workers water the seed to survive? A curious question, during a week marked by drought. Almost as one, the board turned to their eyes widening. After a silent



**JAIL TOUR** — County legislator James Bouldin, center, enters the Albany County Jail flanked by the Rev. Richard Headley of Bethany Baptist Church, holding an umbrella, and Merton Simpson of the Coalition Against Apartheid and Racism. The three toured the jail to see its overcrowded conditions.

## Alternatives to Jail Needed, Says Albany County Lawmaker Bouldin

By LINDA BARNAS  
Gazette Reporter

**ALBANY** — Most of the inmates of the Albany County Jail haven't been convicted of crimes but are there because they are poor and can't make bail, says county legislator James Bouldin, calling for alternatives to jailing.

Bouldin toured the jail Saturday for 90 minutes, joined by Merton Simpson and the Rev. Richard Headley, also leaders of the county's black community.

The lawmaker said he found the overcrowded jail to be a dreary, depressing place. "Contrary to what I've heard some people say, it's not a country club, far from that."

"I know that the idea is for penance, and I'm the first to say that there should be punishment to fit the crime," Bouldin said, "but if the penal system hasn't worked in a while."

He noted that Deputy Police Chief John Dale has said that of some 600 people arrested in Albany last year, 300 ended up back on the streets. "My question is, 'Is it indeed in the citizens' interest to be incarcerating these people in the first place?'"

The county legislator said he plans to look into other ways of handling those who would normally wind up at the jail — people awaiting trial or convicted of lesser offenses. One possibility, he said, would be to make church or other community leaders responsible for the individual. As a first step, he said, he will meet Tuesday with the county's director of probation to discuss the issue.

Bouldin said that he reports the emergency addition of beds to the jail this summer and a permanent expansion to add more cells and more modern facilities. But ultimately, such steps are not the answer, he said, citing Dale's call for education and rehabilitation.

"As we arrest more people, we need to be a little more expansive in our thinking about how to handle suspects," he said.

The jail's official capacity is 422 inmates, but there are more than 600 inmates there, and the county also has to house some of its prisoners with other counties. A modular dormitory is being put in now to house 48 inmates and another 48-bed dormitory is planned inside one of the jail courtyards. The permanent expansion will provide 218 more cells.

Bouldin said taking away recreational spaces for cells "was a mistake, especially because with the overcrowding, tempers flare and the inmates need a place to vent some of the energy they have." He said he would ask his fellow legislators to review the decision. "Even at the additional cost of sending more people to other counties, it would be worth it to keep some sort of recreational facility there."

The county Legislature has provided funding for 20 additional correctional officers to be hired, the Arbor Hill Democrat noted, but only 10 have been added so far. He urged that the additional 10 be hired quickly and that they reflect the jail population as much as possible.

Bouldin praised the jail's officers for

doing a good job in a "very, very negative environment." They have to cope daily with the overcrowding and understaffing that adds stress to a tough job, he said, adding, "We need to be more supportive."

With all that is happening at the jail, he said, the penal committee, which hasn't been meeting regularly, needs to meet more, at least until the expansion, for which lawmakers have authorized bonds of \$18 million, is complete.

And Bouldin said he would continue to look at the issues and hoped to present to the County Legislature at the next meeting some recommendations that would be helpful.

## Capital Area Hotbed

## Once 'Little Pittsburgh' Troy Tries to Regain As 'Little Silicon Valley'

By DAVID GERMAIN  
TROY (AP) — The land that spawned the detachable collar and the nation's steel industry is losing a leading drug research firm the same way it lost its bustling steel and textile plants.

Sterling Drug Inc. is pulling 1,200 jobs out of East Greenbush, five miles south of Troy, putting a crimp in Rensselaer County's plans to make the area once called "Little Pittsburgh" into "Little Silicon Valley."

Troy was more than "Little Pittsburgh," said Timothy Hulbert, president of the Rensselaer County Chamber of Commerce. "It was the first Pittsburgh, Pittsburgh was the second Troy."

In the 1800s, the town of Troy at the Hudson and Mohawk rivers — Troy, Waterford and Cohoes — was ideally situated to become a major industrial center. In mid-19th century America, Troy mills pioneered the Bessemer process of converting iron to steel, a method that quickly became adopted around the country.

Troy ironmaster Henry Burden built the world's biggest hydropower water wheel, and his mills churned out a horseshoe every second, shodding almost all the horses used by the North in the Civil War.

In 1876, Troy housewife Hannah Montague, tired of washing her husband's shirts when only the collars were dirty, invented the detachable collar. That sparked a new industry and earned Troy the nickname, "Collar City."

About 30 years ago, the mills and textile plants began a slow fade to the South that bottomed out in the mid-1970s, leaving the Troy area with the true grit of an industrial center but not the prosperity.

"This area was thriving and bustling with small industries that have disappeared from the face of the earth," said Bill Connolly, a lifelong Troy resident.

Local officials say they're disappointed at the decision by Sterling's owner, Eastman Kodak Co., to move the pharmaceutical research and production plants to the Philadelphia area. But they say there are many firms ready to take Sterling's place as Rensselaer County's biggest high-tech employer.

Sterling plans a gradual withdrawal over two years of its 950 research jobs and 250 production jobs. The research workers will have the chance to relocate in Pennsylvania. The production workers won't.

Technology companies are so eager to come to Rensselaer County "that if all Sterling's people were gone tomorrow, I could have that land filled up in a month," said County Executive John Buono.

Thanks to such institutions as Rensselaer Polytechnic Institute, the county's oldest engineering school, Troy and its environs have attracted pioneers in the major industries of tomorrow, officials say.

"This area has a rich tradition of innovation," said Michael Wacholder, director of RPI's Rensselaer Technology Park, which houses 35 companies dabbling in the world's most advanced technology.

The days of the Bessemer process and detachable collar are gone, but the Troy area is again at the leading edge of new ideas, he said.

"What we're seeing is just a repeat of what happened in Troy in the last century," he said. "Now we're just on to another era."

One firm at the technology park, U.S. Composites, is developing strong, lightweight composites that may replace steel in auto production. Wacholder said, U.S. Composites, in the vanguard of such research, may be the U.S. Steel of tomorrow, he said.

About 1,000 people work in the 8-year-old park, which was selected as one of the country's five top such facilities by the national Association of University Related Research Parks. Some of the business employs as many as 250 people, while others have only two or three.

But the pioneering research each of those companies is doing now could blossom into major industries, turning today's two-man shop into tomorrow's 2,000-man shop, Wacholder said.

Rensselaer County's jobless rate was 4.8 percent in April, compared with 3.8 percent statewide and 3.1 percent nationwide, according to the state Labor Department. The county's employment was 71,600 for April.

Like most parts of the country, Rensselaer County is seeing a rise in service sector jobs that generate more for less than the

## Police Wife In Car

**CATSKILL TWP.** — A woman was wounded in a "fam-ly" car crash in Catskill village as she was driving home from work. The officer had been on duty when the car crashed into a tree. The woman was driving a 1987 Buick Wildcat. The car was traveling south on Route 28 when it struck the tree. The driver, a 35-year-old woman, was wearing her seat belt. She was taken to a local hospital with injuries to her back and neck. The car was a total loss. The police department is investigating the cause of the crash.

## Wanted in Area, Man Nabbed in Orange County

**COLONIE** — A man wanted by Colton and Albany County authorities has been arrested in Orange County nearly 1½ years after he failed to show up in court, police reported yesterday.

Michael J. Lam, 37, of 1150 New London Road, Colton, was wanted on a bench warrant from Albany County Court for felony driving while intoxicated, and by the Colton Justice Court on a warrant for failure to appear on a count of possessing a hypodermic needle. The warrants were issued in January 1987.

Lam was arrested in November 1987 by Colton police who spotted him illegally falling in deep right on Sparrowhawk Road. When he was stopped, police said they also



**JAMES H. BOULDIN**  
ALBANY COUNTY LEGISLATOR 3rd DISTRICT

COMMITTEES:

Law  
County Improvements  
Civil Defense

To the Editor:

We all want a drug-free society and are deeply concerned about the proliferation of drugs in the City of Albany and the Capital District. More, we all realize the difficulty of being a police officer in these times of automatic weapons. However, I am distressed over the accusations of police misconduct (racial slurs, over-excessive use of force, beatings) raised in the recent sweep of Arbor Hill and the South End and the purported selective arrests and harrassment in the Greyhound bus terminal. Although more than a month has passed, there is still wide spread distrust and animosity directed toward the city police department in our community. No one wants a "long hot summer" where feelings are exacerbated and polarized. The individuals that seem in my own opinion to be in the most stressful situations are our minority police officers (they must live predominately in two worlds).

In order to bring this situation to rest we must have assurances that there are no cover-ups or clandestine agreements. Therefore, I support Attorneys Terrence Kindlon and Joseph Donnelly and call for Mario Cuomo to appoint an investigator to review these allegations and present a final document to the community. In addition, I support Alderman Brace's call for the Common Council's Police Committee to investigate the charges. I am not making accusations. I am only stating that there is wide spread concern and that it needs to be addressed. The situation must not be allowed to fester but must be addressed quickly and impartially.

*James H. Bouldin*



## Legislator, cleric to fight use of gym as inmates' dorm

By Jay Jochnowitz

Staff writer

ALBANY — A county legislator and a Baptist minister came away from a weekend tour of the Albany County Jail committed to fighting a decision to squeeze more prisoners into the facility.

Third District Legislator James Bouldin, who toured the jail Saturday with the Rev. Richard Headley of Bethany Baptist Church in Arbor Hill and Merton Simpson of the Capital District Coalition Against Apartheid and Racism, said he will press the Legislature to disallow plans to use the jail's indoor gym as a dormitory — a move slated for completion this week.

"In inclement weather, they've got to have the recreational space," said Bouldin. "You've got to let that tension out."

"Once they do that, there's going to be nothing for that population to do and in the wintertime that's going to be worse," said Headley. Simpson could not be reached for comment Sunday.

Sheriff George Infante said the gymnasium conversion is due to be completed today or Tuesday, and that if it does not come about, the state Commission of Correction could revoke the jail's current state variance allowing it to house additional prisoners, forcing the county to ship out dozens to other areas.

"If I don't put that in... somebody in Albany County will have to find space to put prisoners at \$70 or \$80 per day," said Infante.

The jail has an authorized permanent capacity of 462 inmates, but the Commission of Correction has granted the county variances allowing it to house up to 508 prisoners. The jail's population has been even higher in recent weeks, topping 600 during a city police drug sweep last month.

The gym conversion, which was earlier granted funding by the county legislature, was intended to relieve the overcrowding which has led the jail to use hallways, dayrooms and dormitories to house additional prisoners. The state variances will end Tuesday, the deadline the Commission of Correction set for the gym to be adapted to prisoners.

The gym conversion is considered a temporary measure, Infante noted. The county plans to install modular units for 64 prisoners later this summer. The gym plan would allow the jail for now to take some prisoners out of dormitories, which are crowded and present security problems.

Bouldin said his decision to oppose the gym conversion came after the tour, which he described as "very depressing and very humbling kind of experience." Bouldin's district includes

See JAIL / B-3

### JAIL

Continued from B-1  
Arbor Hill, one of the city's poorer, predominantly black neighborhoods and a target of police anti-drug efforts. He said his visit resulted partly from complaints from constituents who have spent time in the jail.

The tour, Bouldin said, convinced him the answer to overcrowding is not to build more jail cells but to look at some ways of reforming the jail and legal system.

Bouldin said, however, that he does

back the county's \$18 million plan to build 200 more permanent cells, which he sees as necessary modernization. He said he would not support another plan still in the discussion phase to add 200 more cells after that.

Some of the overcrowding, Bouldin said, might be relieved if making bail was possible for more defendants, particularly poorer ones. More than half the people at the jail, he said, are not convicted criminals but are awaiting trial. "That means to me there are probably a lot of people up there that are poor and can't make bail," he said.

While acknowledging some are like-

Headley voiced particular concern

ly to be convicted, Bouldin said "we have to assume they're innocent until proven guilty," and said he intends to talk with the county probation department and other agencies, officials and community leaders about alternatives to incarcerating suspects.

Headley said he shared Bouldin's concern, and said the county should at least attempt to reorganize the jail so that suspects and proven criminals are not in such close quarters. "There are people who are in jail and they are only accused of something," he said. "There's no way to separate them."

about teenage suspects sharing the overcrowded facilities with convicts. "You don't want to scar them forever," he said.

While both said they felt Infante and the jail staff are doing the best they can with an outdated, overcrowded facility, Headley shared Bouldin's characterization of the jail. "The jail is extremely dirty and gloomy," he said. "The tiers, the living spaces, are overcrowded, dirty and smelly."

Bouldin said he would also urge the legislature's penal committee to meet regularly, and said he plans to press the county to speed hiring for 10 open correction officers positions.



# 'Storm-trooper' drug raid tactics assailed

By Gary Sheffer

Staff writer

ALBANY — A city tavern owner filed a formal complaint Monday with the Community-Police Relations Board, saying police used "storm-trooper" tactics in a May 12 drug raid at his bar.

William B. Gibson, owner of Gibby's Paradise Lounge at 112 Ontario St., delivered the complaint at a meeting at Crenshaw Memorial to discuss alleged police abuse of the rights of minorities, particularly on a drug sweep in May in which more than 80 people were arrested.

Sgt. Thomas Fargione of the police department's Special Investigations Unit answered questions from board members and the public at the meeting, at which residents accused officers of singling out blacks and Hispanics as drug suspects and of police brutality.

Gibson's complaint states that the officers threatened and harassed black patrons while a white customer was ignored and that detectives threatened to have the state pull his license.

"I do not believe the officers would have acted as they did if I was a white person and if the patrons of

my bar were predominantly white," Gibson said in an affidavit attached to his complaint.

Three people were arrested in the bar during the raid, according to the affidavit.

Since the raid, Gibson said his business has suffered because of fear of police harassment. Gibson claims on May 30, about 30 minutes after he detailed his complaints at a community meeting, detectives came to his bar and asked to see his State Liquor Authority permit.

Fargione said at the meeting he differed with Gibson's account of events of that night but was cut off by Gibson and others.

Fargione denied that police use a "drug courier profile" based solely on race or ethnicity. Police do use "indicators" during surveillance based on individual situations to determine suspicious behavior, he said.

For instance, an indicator could be someone who is excessively nervous or who separates themselves from their luggage after getting off a bus, though he said he could not be more specific for fear of endangering the narcotics unit's operations.

"It's not about color of skin," Fargione said. "It's

about are they drug couriers or are they not drug couriers?"

But Fargione's responses did not satisfy the residents, including Vera Michaelson of the Capital District Coalition Against Racism and Apartheid.

"Your response that we don't have any bad apples (in the police department) is what is leading people in the community to say what is the point of filing a complaint?" Michaelson said.

The Rev. Robert Dixon, pastor of the Mount Cavalry Baptist Church and chairman of the relations board, said the board would write a letter to the mayor reflecting the concerns expressed.

In a separate meeting at City Hall, Ninth Ward Alderman Peter Horan, who heads the Common Council police committee, told aldermen Monday night that he found no evidence of civil rights violations or abuse during the sweep.

Horan said his committee met with Deputy Police Chief John Dale, who explained the raid was the result of an ongoing investigation into drug trafficking in the city and that arrests were based on grand jury indictments.

Horan noted that no complaints had been filed then with the department's Internal Affairs Division.



## Brace urges probe of Albany police

### Drug sweep tactics at issue

By Gary Sheffer  
Staff writer

ALBANY — Third Ward Alderman Nebraska Brace said Thursday he would like to see Gov. Mario M. Cuomo appoint an investigator to look into complaints against the Albany Police Department.

Brace joined 3rd District Albany County Legislator James H. Bouldin, who also represents the Arbor Hill neighborhood, in calling for Cuomo to enter the controversy over allegations of police misbehavior in a recent drug sweep.

Bouldin wrote a letter to *The Times Union* this week calling for the governor to appoint an investigator to review the allegations and "present a final document to the community."

Brace, a political ally of Bouldin, said he supports Bouldin's position "100 percent."

"We haven't had any success internally," said Brace. "I don't think it's asking too much to have an impartial evaluation."

Some residents of the South End and Arbor Hill have said that police have verbally and physically abused drug suspects in those neighborhoods in a May roundup of more than 80 drug suspects.

Two Albany attorneys, Terrence

Kindlon and Joseph Donnelly, hired a private investigator to watch police at the Greyhound bus terminal on Liberty Street where a number of drug arrests have been made. The report concluded that every black and Hispanic male that moved through the station during the weeklong surveillance was stopped by police.

Police have denied the allegations and Sgt. Thomas Fargione has appeared at two community meetings to reply the charges of racism and abuse.

Bouldin and Brace both said the frequency of the complaints has not subsided despite the police assurances that they do not employ a drug courier profile that is based on race or ethnicity.

"It doesn't do the community or the police department any good to have this continue on any longer," said Bouldin. "It needs to be resolved."

Mayor Thomas M. Whalen Thursday labeled the request inappropriate and said Bouldin should bring his concerns to Deputy Police Chief John Dale.

"If he is still unhappy then he should contact the Community Police Relations Board or the Human Rights Commission to determine if anyone's civil rights had been violated," Whalen said.

Whalen said he is not hearing the



Nebraska Brace  
...an impartial evaluation

same allegations. "And I usually do get those types of complaints," he said.

Brace also said it is time for the police department to step up its anti-drug efforts in Arbor Hill, such as putting the new mobile van on the street as soon as possible.

"It's time to stop the excuses and take some action, even if it's just foot patrolmen," Brace said. "The heat of the summer is upon us."

Brace said he plans to bring his concerns to Whalen.

If nothing is done, he said he may turn a planned August anti-drug march into a protest march to call for a stronger police presence in the community.

"It's not a threat," said Brace. "It's just that I'm feeling a lot of pressure from people to get something done."



ould take, stating it could  
n several weeks to several  
ecision, which formally  
ospital Group and Albany  
day afternoon, came as a  
ppoi ent, acknowledged  
Greg McGarry. "We were  
and obviously disappointed  
bout this development," he  
a setback for this.

y said, the parties hope to  
ull review by filing for an  
itive hearing with the Office  
Health, a procedure he said  
ar less time consuming than  
lysis of the project. "We hope  
is decision around," he said.  
re the psychiatric hospital is

fully private, the state is involved  
because it certifies the facility and the  
number of beds it operates with, Spoor  
said. A new review, he indicated, might  
find the original number inappropriate,  
although McGarry said no new  
psychiatric beds have been added to  
the area since the project was first  
proposed.

The initial approval came in 1984  
when Hospital Group planned to build  
the facility in Bethlehem, a move  
opposed by residents and ultimately  
defeated by the Town Board. In April,  
the parties and the city held a press  
conference to announce the selection of  
the Rapp Road site. Among the  
benefits of the project, Albany Med has  
said, is that the hospital will have 24  
beds for adolescents, making it the  
only inpatient psychiatric facility in  
northeastern New York to treat chil-  
dren with psychiatric disorders.

## aide's work for firm

commission considered two  
of the ethics law. The first  
er state employees from  
before their old agencies for  
after they leave public  
e second prevents employ-  
working any time in the  
ctor on an application they  
tly concerned with while in  
ment.

mission stated that Wiles  
brea first rule because  
board is not a part of the  
chamber. It also said Wiles  
rectly concerned with Inter-  
ile in the governor's office  
reclude his appearance or  
connection with the appli-

Dufty, a leader in the  
vement against Inter-Pow-  
thinks the Ethics Commis-  
ncorrectly interpreted the

law.

"The siting board to me is an  
extension of the governor's office,"  
said Dufty, a Schaghticoke resident.  
"He's representing a private utility  
that's walking through a process be-  
fore what is basically the governor's  
siting board. That leaves a bad taste in  
my mouth."

In a separate action, this spring  
several citizens asked the Ethics  
Commission whether Wiles or two  
other Inter-Power lawyers, Jeff Cohen  
and John Dax, violated ethics laws by  
working for Inter-Power. Cohen and  
Dax also specialized in energy and  
environmental law and left the govern-  
ment in 1980 and 1982, respectively.

Joseph M. Bress, executive director  
of the Ethics Commission, would not  
say when the commission would re-  
spond to the citizens' letters.

## ce criminal charges

igarette lighters — did not  
illegal drug paraphernalia.  
complained about the sei-  
e business records.

ntered that when an under-  
tigator went to the store, he  
"cocaine kit," and was sold  
ntaining cocaine-chopping  
g implements, along with a  
nnitol, a substance used to  
ut, cocaine.

ie business records, Neidl  
lent the guilty parties  
ers e store.

argued that state authori-  
d a criminal search war-  
stores as a "subterfuge."  
t they had "no intention" of

bringing criminal charges.

In an interview later, Neidl refused  
to discuss how the case has evolved  
from a civil proceeding to a potential  
criminal prosecution.

Deja Vu operates four stores in the  
Capital District, only two of which  
were raided.

Nancy Connell, a spokeswoman for  
Attorney General Robert Abrams,  
declined to comment when asked why  
no action has been taken against the  
other two stores, which stock the same  
kind of materials seized from the two  
shops. She said her office does not  
discuss ongoing criminal investiga-  
tions.

STATE ENVIRONMENTAL CONSERVATION DE-  
partment.

He said Tuesday that the project as  
proposed would affect the expansive  
wetlands in that part of town, which  
includes the Ann Lee Pond, where the  
permit is needed to build. Clarke said  
he is continuing his review of the plans.  
Clarke's concerns and the develop-

taken, C.I. Mate responded. "This  
detailed line of questioning at this  
point in time is not concurrent with the  
approval being sought by the develop-  
er."

The town Conservation Advisory  
Council is critical of the project and is  
fighting to keep the wetlands un-  
touched, members said Tuesday.

## State law violated

Times Union 6-21-89

# Police panel meets, doesn't tell public

By Gary Sheffer

Staff writer

ALBANY — The Common Council's  
Police Committee met earlier this  
month to discuss allegations about the  
Police Department without notifying  
the public as required by state law.

Committee Chairman Peter J. Horan  
Jr., who represents the 9th Ward,  
called the meeting with Deputy Police  
Chief John Dale to discuss public  
allegations that police are targeting  
blacks and Hispanics as drug suspects  
and violated civil rights during a May  
drug sweep.

Third Ward Alderman Nebraska  
Brace asked Horan at a June 5 council  
meeting to discuss the allegations with  
the Police Department and Horan  
pledged at the time to approach  
department officials.

Horan reported back to the council  
on Monday, saying the committee met  
with Dale on June 9 and he found no  
evidence of civil rights violations  
during the sweep, in which more than  
80 people were arrested.

Horan's report was the first public  
announcement that the committee had  
met and Horan said Tuesday that the  
public and news media were not  
notified.

Besides Horan, three of the four  
remaining committee members at-  
tended — only 8th Ward Alderman  
David Torncello III was not present.  
Other committee members listed on  
the 1989 Common Council calendar are  
Horan, 1st Ward Alderman Leonard R.  
Fox, 10th Ward Alderman Thomas J.  
Burch, and 12th Ward Alderman Philip  
T. DiPace.

Under the state Open Meetings Law,  
committees of governmental bodies  
are subject to the law, which requires  
public notice of meetings, according to  
Robert J. Freeman, executive director  
of the Committee on Open Govern-  
ment.

"If a majority of committee mem-  
bers were present, the meeting was  
subject to open meetings laws," said  
Freeman.

If the meeting is scheduled at least a



Nebraska Brace

... 'I wanted to be there'

week in advance, notice must be given  
to the public and news media not less  
than 72 hours prior to the meeting.  
Notice should be accomplished by  
posting in one or more designated  
public locations, according to the law.

If the meeting is scheduled less than  
a week in advance, as in this case,  
notice must be given to the public and  
news media "to the extent practica-  
ble."

Horan said that no posting or  
notification was possible because "I  
wanted to get the matter resolved  
right away."

Asked who was informed of the  
panel's gathering, Horan said, "I noti-  
fied my committee."

"My point of view is that to comply  
with the law, it is very easy to pick up  
the phone or to publicly post the  
meeting," said Freeman.

Brace said Tuesday that he was not  
informed of the meeting and was  
angered that he was not invited, even  
though he is not a member of the  
committee.

"I wanted to be there," said Brace.





(Gazette Photo - Sid Brown) showers and thunderstorms today. Skies will be mixed and 0 to 10 mph. Highs will be around 80 and lows tonight will Tomorrow's chance of rain increases to 60 percent.

# Tavern Owner Charges Police With Racism In 'Storm Trooper' Raid

By STEVE NELSON  
Gazette Reporter

ALBANY — The owner of a popular nightclub in Arbor Hill has filed a formal complaint of racism with the city over the actions of a team of police officers who raided his bar during a major drug sweep over the May 12 weekend.

The complaint, filed with the Internal Affairs Division by Albany lawyer Mark Mishkin on behalf of William B. Gibson, was given to the Police-Community Relations Board last night at a special meeting attended by Detective Sergeant Thomas Fargione, head of the police department's Special Investigations Unit.

The unit spearheaded a sweep of suspected drug dealers that resulted in the arrests of more than 30 people on charges of drug dealing and other drug-related activities. The police officer attended the meeting to answer questions and field complaints about the police activities that weekend.

(Ironically, Alderman Peter Horan, chairman of the Common Council police committee, told the council last night that the committee had recently met with Police Chief John Dale for two hours to discuss community complaints and reaction to the May drug raids. Dale said that despite public complaints about the activities of police that weekend, not a single formal complaint had been filed with Internal Affairs.)

The complaint filed by Gibson, owner of Gibby's Paradise Lounge at 112 Ontario St., named Fargione as one of 20 to 30 officers who used "storm trooper" tactics when they raided the nightclub around 12:45 a.m. May 12.

"I believe certain of these officers acted inappropriately, unfairly and used 'storm trooper' tactics in an effort to intimidate, harass, and threaten me and my patrons. I do not believe the officers would have acted as they did if I was a white person and if the patrons of my bar were predominantly white," the bar owner claimed in a five-page affidavit accompanying the formal complaint form.

In the affidavit, Gibson said he learned of the raid in telephone call from an employee of the bar, who informed that Yana's Bar on Lexington Avenue in Arbor Hill had just been raided and Gibby's was next.

The nightclub owner said he greeted the officers led by Fargione at the door of his establishment and asked them what was the problem.

"Detective Fargione responded 'police investigation' and shoved me out of the way. He and the other officers then stormed into the bar," Gibson alleged in his complaint. "Some officers leaped over the bar knocking patrons to the floor and spilling drinks. When the patrons were told freeze and put their hands on top of their heads, Gibson said, he told the police they couldn't do that.

He said the police response was that they could arrest him, to which Gibson replied, "On what charges?" What followed, according to the complaint, was a running dialogue between Gibson and the police during which Gibson repeatedly asked them what right they had to do what they were doing and they repeatedly responded by threatening him with arrest.

"I must have been threatened with arrest 10 times that night but never told on what charge. I must have been told to shut up about 20 times but I refused to shut up in my own place when I was in the right and they were abusing people's rights," Gibson testified in his affidavit.

The dialogue between Gibson and the police continued, he said, while other customers were searched, including a female customer who was strip-searched in the bathroom by a female officer. At one point,

send a report to the State Liquor Authority and "do everything he could to close me down."

Gibson complained that the police presence in his bar that night had since had a chilling effect on business.

"Since May 12, 1989, my business has been significantly decreased," the affidavit said. "I have been told that people are afraid to come to my place because they might be harassed by police. I believe that the police officers present... treated me and all of my patrons as sub-humans, worse than convicted criminals."

He further alleged that the department has continued its harassment of him, culminating in a visit by two detectives to the bar about a half-hour after Gibson spoke at a public forum at Trinity Institute. The police officers, he said, came into the bar and demanded to see his SLA permit.

"I'm sure they were disappointed to learn that all of my paperwork is in order," he said.

Last night, Fargione fielded questions about how his unit conducted drug investigations and heard complaints and comments about the behavior of police on the job.

The questioning began with the Rev. Robert Dixon, chairman of the Police-Community Relations Board, who asked if the police department had utilized a "profile" in making searches and arrests of people, mostly black and Hispanic, at the Greyhound bus station. Fargione denied that his unit employed any "profile" based on color, creed or ethnicity to make arrests or searches at the bus station.

"That's not true," the police officer responded when asked why only blacks and Hispanics were stopped and searched at the bus station. "We stop any number of whites and any number of people," based solely on "indicators" of potential criminal behavior.

"To say that we targeted any particular group based on color, creed or any specific ethnic background is patently false," he said. "We do not use profiles. We use a number of indicators. Each case is taken on its own merit." Fargione was reluctant to be specific with what constituted an "indicator," fearing that what he revealed might come back to haunt the unit in future investigations.

Fargione fielded questions concerning all aspects of drug investigations and police behavior involving minority suspects. However, Fargione's responses and comments appeared to receive little support from some of the members of the board, not to mention those in the audience.

"Scores of people have complained that their rights were violated. Are they all lying?" questioned Alice Green, the director of the Albany Chapter of the American Civil Liberties Union.

In a formal statement, Green said that based on a controversial report from defense lawyers Joseph Donnelly and Terence Kindlon, who hired private investigators to observe police activities at the bus station for one week in March, the American Civil Liberties Union was exploring the possibility of filing a lawsuit against the city. (The report concluded that the police at the bus station almost without exception stopped only blacks or Hispanics for further investigation.)

"We are willing to commence a class action suit in federal court against the city for conspiring to violate the civil rights of African-Americans and Hispanics. We will also seek an injunction to enjoin the police from the use of such illegal tactics in future," Green said in her statement. Green later said no legal papers had been filed by the ACLU in connection with alleged police be-

## tes sure

creation space for in available, Del- ussed by the coun- . but committee ufi said yesterday. [George] Infante on appears to me that srything exactly as

of the committee Any of the legisla- information they office, [County At- e," he said. "unless I miss my o getting together ep on this thing."

in the gym "is only we get the perma- said Garuli. i calls seeking his to erect a complex

## Chinese Studying At SUNY-Albany Phone Home Free

ALBANY — Chinese students at the State University here were able to telephone their families back home without worrying about the cost, thanks to a local mobile phone company.

Cellular One set up five mobile phones at the Fuller Road campus for students to use to reach their relatives in the tense country, said Steven Thomson, director of international student services. The phones were available to students from 3 p.m.-9:15 p.m. Friday and again yesterday from 8 a.m., with the last calls expected about 9 p.m.

Thomson estimated about 65 students took advantage of the offer to call China.

"For the most part, they were reassured that their families were safe," Thomson said. "Most got through with persistence, some quite easily," he said. The most difficulties came with students whose families lived in more remote parts of China.

"It was exciting to watch people's faces



CAPITAL DISTRICT COALITION  
AGAINST APARTHEID  
and RACISM

MEMBER GROUPS:

NAACP  
Capital District Labor Religious Coalition  
Student Coalition Against Apartheid and  
Racism, SUNYA  
Student Association of the State University  
National Lawyers Guild  
Universal Being  
Malcolm X Study Network  
Capital District Committee for Palestinian  
Rights  
Blacks in Government  
Albany County Central Federation of Labor  
Mount Calvary Baptist Church  
Delta Sigma Theta Sorority, Inc.  
Democratic Socialists of America  
NYPRIG  
Socialist Workers Party  
Black Woman's Association  
Central America Solidarity Alliance (CASA)  
Urban League  
A. Philip Randolph Institute  
Y.W.C.A.

STOP RACISM at HOME and ABROAD

FREE SOUTH AFRICA - FREE NAMIBIA

VICTORY TO THE A.N.C. - VICTORY TO SWAPO

The Coalition would like to thank Jabari Penda, Ann Frazier, Eileen Kowali, Nadia Lawson, Frank Lownes, Odell Winfield, and Marjorie Boncher for their work on the Forum.

A. Thayer  
**COMMUNITY FORUM**



ALBANY-HOWARD BEACH- SOUTH AFRICA



# RACISM & VIOLENCE

## FORUM GOALS:

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

The Capital District Coalition against Apartheid and Racism will meet Monday, April 6th at 7:30 P.M. at the Urban League corner of Livingston Ave. and Ten Broeck in Albany. The focus of the meeting will be a report back from the Community Forum on Racism and Violence and the development of plans for future work on these issues. All people who are interested in further organizing on the issues of racism and violence are invited. Please come.

## PANEL

**REP. ROGER GREEN**

NEW YORK STATE ASSEMBLYMAN

**DON McKEEVER**

COMMUNITY REPRESENTATIVE

**KIM RUSSELL**

COMMUNITY REPRESENTATIVE

**EL WISE**

FIVE PERCENT NATION OF ISLAM

**ALICE GREEN**

NAACP REPRESENTATIVE

ALBANY COMMUNITY POLICE RELATIONS BOARD

## DISCUSSION

**MODERATOR:  
ODELL WINFIELD**

CAPITAL DISTRICT COALITION  
AGAINST APARTHEID and RACISM



NEW YORK STATE JUDICIAL COMMISSION ON MINORITIES  
270 BROADWAY  
ROOM 1108  
NEW YORK, NEW YORK 10007

NEW YORK STATE  
JUDICIAL COMMISSION  
ON MINORITIES

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HON. NICHOLAS FIGUEROA  
JAMES C. GOODALE, Esq.  
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ANTHONY SUAREZ, Esq.  
HON. CYRUS VANCE  
HON. IVAN WARNER  
  
EDNA WELLS HANDY, Esq.  
EXECUTIVE DIRECTOR



NEW YORK STATE  
JUDICIAL COMMISSION  
ON MINORITIES

"We are concerned with a growing perception among lawyers, court employees and the public that minorities are not treated fairly in our courts . . . If a significant segment of society loses faith in the fairness of our system of justice, society will be in grave danger."

The Honorable Sol Wachtler  
Chief Judge of the  
State of New York



In an effort to address this perception of bias and to determine the reasons for it, Chief Judge Wachtler established the New York State Judicial Commission on Minorities.

We are an independent Commission, receiving the majority of our funds from sources other than the Court System. We are comprised of 16 members consisting of judges, lawyers, law professors, and court and other administrators, who were selected because of our familiarity with the courts and concern with the issues of racial bias.

#### Our Mandate

Simply stated, our mandate authorizes us to look into the treatment and representation of minorities within the courts and the legal profession of New York State and, if bias, or the perception of bias is found, to recommend ways to the Chief Judge which he could employ to eliminate it.

#### Our Research

The Commission has been gathering information through special public hearings and meetings, written communications and surveys. Through this process we have identified twenty (20) issues which we will review.

They include:

1. COURTROOM TREATMENT
2. JUDICIAL SELECTION
3. LEGAL REPRESENTATION
4. NON-JUDICIAL EMPLOYMENT
5. PERCEPTIONS
6. CIVIL OUTCOMES
7. TRANSLATION, INTERPRETATION, AND OTHER PUBLIC SERVICES AND INFORMATION
8. LEGAL EDUCATION
9. CRIMINAL PENALTIES
10. EEO IN LITIGATION ENTITIES
11. PRE-TRIAL PROCESSING
12. JUDICIAL WORKING CONDITIONS
13. NON-JUDICIAL WORK ENVIRONMENT
14. LAW FIRM EMPLOYMENT PRACTICES
15. JUVENILE CASES
16. BAR CERTIFICATION
17. UTILIZATION OF THE COURTS
18. JURY ISSUES
19. FIDUCIARY ASSIGNMENTS
20. CONTRACTORS

Once all the data have been compiled, the Commission will report its findings and recommendations to the Chief Judge early next year.

#### Our Activities to Date:

- conducted several public hearings around the state
- conducted many meetings with judges, court observer groups, civil rights organizations and concerned citizens
- initiated several major studies in progress, including surveys of judges, litigators and law schools and a proposed study of minorities in major law firms
- taken a leadership role in organizing a national effort to address the question of bias throughout the country.

#### What can you do to help?

- Individuals who have experienced racial or ethnic bias in the court system or legal profession are encouraged to share their experiences and recommendations with the Commission in writing.
- A series of Public Meetings are being held so that so that citizens can speak directly to the Commission about their concerns and thoughts for the future. Interested individuals are invited to participate.
- You may send a tax deductible contribution to financially assist the Commission in completing its work.

All confidential communications should be mailed to:

P.O. Box 3674  
Church Street Station  
New York, N.Y. 10007  
or messages left between  
6:00 P.M. and 6:00 A.M. at  
212-876-6278

Please send me more information about the New York State Judicial Commission on Minorities

Please send me instructions about attending a public meeting

Please send me instructions about filing a written statement with the New York State Judicial Commission on Minorities

I would like to show my support. Enclosed is a check/money order in the amount of \$ \_\_\_\_\_

Please make payable to:

The Phelps-Stokes Fund\*

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New York, New York 10128

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\*The Phelps-Stokes Fund is a (501) (c) (3) non-profit Foundation which is our Administering Agency.





BY DENNIS BRUTUS

## CRISIS IN SOUTH AFRICAN SPORT

**I**t is correct to speak of a crisis in South African sport as a result of the proposed tours to South Africa of rugby and cricket teams from Britain under the auspices of racist bodies in South Africa. The crisis in fact goes deeper than sport and raises questions about the challenge to the apartheid system of government and the pressures that can be used to end the system.

The first priority is to ensure the cancellation of the cricket tour in January, 1990. The way to do this is by demanding that England be excluded from the Commonwealth Games in Auckland, New Zealand in January, 1990. The way to achieve this would be by applying *both* political and sport pressures through the Commonwealth Games Federation and the Commonwealth Heads of Government meetings. The way to secure England's exclusion from the Auckland Games is by a threat of Commonwealth countries to boycott the Auckland Games if England participates. While 32 countries out of 58 withdrew from the last Commonwealth Games in Edinburgh, the target this time should be to mobilize 48 countries out of 58 to withdraw from the Auckland Games. The choice must be clear: either England or the majority from the Commonwealth. It would be a serious mistake to look on Sir Shridath Ramphal as an ally in this fight; he has already declared that he will oppose a boycott of the Commonwealth Games. Nor should we look to the Commonwealth Games Federation—the English affiliate of the Federation has already claimed that they do not deserve to be excluded and that they have conformed to the Gleneagles Agreement. But the

*The violations of the sanctions policy in sport must be seen in the larger context of sanctions against apartheid.*

African and non-African countries can exert strong pressure.

This fight can be won, but it will take clearly defined goals and determined action. Numerous bodies in South Africa have already declared their position, including SACOS (the South African Council on Sport), NSC (the National Sports Congress) and COSATU (the Congress of South African Trade Unions)—but it will also require a high level of protest in Britain from which most violations of the sports boycott have taken place, with the AAM (Anti-Apartheid Movement) and SAN-ROC (South African Non-Racial Olympic Committee) actively involved.

The violations of the sanctions policy in sport must be seen in the larger context of sanctions against apartheid. In the Commonwealth, there has been continuous

debate, and many countries are asking that sanctions be strengthened. But Britain under Maggie Thatcher has resolutely opposed sanctions, both for the sake of British investment in apartheid and for the sake of their apartheid allies in South Africa. Dissension on the sports issue can harm the impact of the anti-apartheid crusade by profoundly dividing the Commonwealth countries which are trying to apply unified pressure on the Thatcher government.

SAN-ROC has called for coordinated campaign against the cricket and rugby tours to secure their cancellation. A summit meeting of all the organizations opposed to racism in sport could be one way in which such coordination could be achieved.

It is ironic to note that ideas which were put forward in a position paper in Athens, and which were submitted to the South African Council On Sport (SACOS) have now been adopted by the National Sports Congress (NSC) according to press reports of its July meeting in Johannesburg. These ideas included application for membership, on a non-participating basis, in all international sports and a more flexible interpretation of some of the guidelines adopted, and full membership in the Supreme Council for Sport in Africa for the South African coordinating body. These ideas can give a fresh dynamic to the struggle against racist sport and a racist society.

The struggle against non-racial sport in which the South African Sports Association played an important part starting over 30 years ago, and in which SAN-ROC (South African Non-Racial Olympic Committee) has played an equally notable part, must continue. That there has been a failure in leadership in fighting the sports issue can be shown in many ways. To give one example: the U.N. Special Committee Against Apartheid reports that there have been more than 100 sports contacts with apartheid South Africa in the recent past. The two tours under discussion—in rugby and cricket—are other examples. Had there been vigorous campaigning and courageous leadership previously, these tours would have been unthinkable. The will to build non-racial sport in a non-racial society persists and we must pursue this goal relentlessly. □





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## Viewpoint

# Case for legalizing drugs

**By Nathan Riley**

This nation's futile attempt to prohibit drugs exacerbates serious problems, including uncontrollable government spending, gangsterism and its stepchild, a chaotic and dangerous black market.

Since President Reagan took office, the number of state and federal prisoners serving sentences of one year or more rose by a staggering 104 percent from 329,821 to 673,565 at the end of June 1989. Drug crimes and drug-related offenses accounted for most of this increase. Yet public safety in our large cities declined.

The deterioration is most serious in some black and Hispanic neighborhoods where arrest and conviction rates are the highest.

At the present rate of increase, the United States, the leader of the free world, will start the new century with 2.8 million of its fellow citizens locked up. The figure does not include juvenile detention, county correctional facilities and drug-treatment centers. Reducing the population of convicts is difficult: As a person accumulates a record, mandatory sentencing compels courts to impose long prison terms. With arrests at high levels, the pool of people affected by these provisions keeps growing.

The costs are disturbingly high; arrest and imprisonment is the "Harvard education" approach to solving the drug problem. Housing a prisoner costs \$20-25,000 a year, comparable to the cost of going to a prestige university. The war on drugs is a conservative reaction to the '60s' one of its cousins — the "read my lips, no new taxes" school of government. Rising criminal justice costs and limited new revenues add up to a government with more guns and less butter.

The lawless market has a horrifying effect on children. Tough laws encourage dealers to enlist younger and younger children into selling drugs to avoid the long prison terms imposed on adults. Violence from these teenage dealers

*The writer is starting an organization that will work for an effective drug policy in the Northeast*

spreads into our school, terrifying most students, teaching others to be violent.

Finally, the enormous profits entice youngsters of all races to become dealers, assuring that no matter how many are arrested, new recruits will replace them.

Not all illegal markets are violent. Gambling and gasoline sales occur without constant resort to force, but the drug market is a jungle. One study of homicides in New York City found 39.1 percent involved the black-market sale of drugs, particularly crack. The violence is tied to the distribution system. This contradicts the popular impression that crack makes people so crazed or desperate they kill for it; they kill because the market is an armed camp.

Gangsterism has significant national security implications. The billions of dollars funneled into the pockets of the drug barons buy weapons and training from military experts. The drug cartels control private armies, which challenge the authority of legitimate governments. Latin America is already receiving military advisers; we would find it difficult to refuse a request for troops. Our drug prohibition policies could result in a Vietnam-style war, with the peasants who grow cocoa opposing our troops.

Even if a person accepts the argument that any drug use is morally wrong and could lead to addiction, it is still possible to realize that law enforcement will not solve our problems. The regulated sale and distribution of drugs is more than a civil liberties measure, it is a crime-fighting proposal — a method for fighting gangsterism and curbing the black market.

Regulated sale would limit the age of purchasers, the hours of operation of a distribution facility, prohibit advertising and impose other limitations, but it would compete with black-market operators depriving them of customers and profits. Particularly, the heavy users or addicts would have an alternative supply under legalization, no matter how restrictive the plan. They form the core business for drug dealers and frequently pay for their habit by dealing, stealing or prostitution, something they would not have to do with a legal supply of drugs.



# Police racism alleged

Too little change, city activists say

By Christopher Ringwald

Staff writer

ALBANY — Civil-rights activists charged Saturday that neither increased recruitment and hiring of minorities nor department-sponsored sensitivity training has diminished racism among city police.

The war on drugs is being used, said Alice Green, executive director of the New York Civil Liberties Union, "as camouflage to keep up the destruction of black people."

Green spoke at a forum on police abuse and the high proportion of Albany minorities in state prisons. About 60 people attended the event, sponsored by the Capital District Coalition Against Apartheid and Racism and held at the Arbor Hill Community Center.

Green quickly reviewed institutional racism allegedly perpetrated by police, courts and prisons. She noted dramatic increases in incarceration among blacks after slavery was outlawed, saying that imprisonment and capital punishment were simply harassment and lynchings carried on by other means.

The majority of state prisoners — 82 percent — are minorities, according to statistics the coalition based on state Department of Correctional Services figures. Coalition figures indicate that blacks in Albany County are arrested at a rate five times that of whites.

Of the county's 285,909 residents counted in the 1980 U.S. census, 18,803 were black.

Green and other panelists — attorney Terence L. Kindlon and coalition Chairman Merton Simpson — maintained that minorities were simply more likely to be stopped by police. One reason, all said, was the controversial use by police of a profile of the typical drug offender, usually a young black man.

Though not a designated spokesman, Lt. Robert Grebert, an officer assigned to the city police detectives unit, wondered why no one from the department was invited. He cited dramatic increases in hiring of minorities — which panel members noted — and a program to help them take civil-service tests.

"I have a problem with many of the things said here," Grebert remarked afterward. Countering charges of a failure to discipline racially abusive officers, Grebert said, "A lot more than two officers have been disciplined."

Though he was working Saturday, Grebert said he attended the session

"because I read about it and was interested."

He and Kindlon, who investigated an alleged pattern of racially based arrests at the Greyhound bus station in downtown Albany, exchanged some barbs over the guilt of the suspects arrested and the mercenary instincts of attorneys.

Kindlon admitted that most had pleaded guilty, albeit to reduced charges, but maintained that racism still directed many police decisions on the streets.

"Avoiding the problem is not just a matter of avoiding drugs," Kindlon said. "The war on drugs is being used as an excuse for this sort of conduct."

Among steps to eliminate institutional racism, Green said, was replacing the existing Community-Police Rela-

tions Board, which she claimed "does nothing."

Hampering efforts of the board, said Vickie Smith, a member of the board as well as the coalition, was that few, if any, citizens attend meetings. "It's very frustrating," she said.

The 15-member board handles complaints about police behavior and policy, which are then investigated by the department's internal affairs unit.

Green also called for "serious prevention efforts" in fighting drug abuse.

"We have to take responsibility for our children and make it unacceptable to use these things," said Simpson. He also said the legacy of slavery and racism was a high level of domestic abuse among blacks and other self-destructive behavior.

One of the more immediate steps suggested was providing a camera in City Court for defense lawyers to photograph clients they suspect were beaten or abused while in police custody.

*James L. ...*  
12/31/89





## THE TIMES UNION

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*Chief Editorial Writer*

### Police, brutality and rules

What happens when a suspect in a crime claims he or she was beaten by arresting police? In many cases, the suspect has only one place to turn to file a complaint — with a public defender. While that may seem to be a satisfactory recourse, it isn't — not for the suspect, not for the attorney, and not for justice.

Public defenders have a job to do. They are expected to give defendants the best defense possible in the courtroom. They can't reasonably be expected to switch roles and file charges of police brutality, even if a defendant appears to have been beaten. That's the proper role of the district attorney's office. Public defenders are employees of the court system. To expect them to follow up on every complaint of police brutality would, in effect, require them to turn against the system they are sworn to serve.

What's to be done? One step would be to try to make it easier for criminal suspects to file complaints against law enforcement officers with a local police review board. That's just what took

place in Albany, when members of the Police-Community Relations Board found no reason why complaint forms couldn't be kept at courthouses, public defender's offices and the county jail.

That's far from a complete solution, however. Not every police review board can be expected to rigorously pursue an internal investigation based on a criminal suspect's complaint. Nor is an internal investigation always a satisfactory recourse when the evidence indicates a need for prosecution.

A comprehensive approach might be achieved if the state, public defenders, district attorneys, the bar association and local police review boards could agree on guidelines and procedures designed to protect the interests of all parties. The goal should be to let public defenders concentrate on the charges at hand, while guaranteeing defendants assurances that their complaints of brutality will be investigated. Albany's review board has given an encouraging sign that just such an approach can work.



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12/5/89

## APD under scrutiny

By Tom Marsh

The Arbor Hill community center was the sight of a panel discussion this past Saturday, which focused on the allegations that the Albany Police Department (APD) is conspiring to systematically harass Black and Hispanic people of the area by the use of racial profiles and physical abuse.

The forum, sponsored by the Coalition Against Apartheid and Racism (CAAR), consisted of Alice Green, Executive Director of the New York Civil Liberties Union, Terence L. Kindlon, an attorney who investigated the police drug sweeps at the Greyhound bus station, and Merton Simpson, the co-chair of the Coalition Against Apartheid and Racism.

William Payne, a private investigator and former Albany City Police Officer and William Benton, a clinical supervisor of alcoholism services at the Whitney M. Young Health Clinic, were also expected to participate in the panel, but failed to show.

Green, who has a Ph.D. in criminal justice, explained that the disproportionate number of Black and minority prisoners and incarcerations is the criminal justice system taking over where slavery left off in suppressing the Black community. Out of the 52,000 people in the state's prison system, Blacks and Hispanics comprise 43,000 of total prison population, 82 percent of the total. Blacks alone consist of 27,000 of the prison population, 50 percent of the total, according to CAAR statistics.

After the Civil War, 33 percent of the prisoners were Black, 10 years later Blacks comprised of 42 percent of the prison population and it has continued to rise ever since," Green said.

According to Green, the criminal justice system introduces Blacks and Hispanics into the legal system early, giving them a criminal record which makes it hard for them to get a job when they get out. This in turn leads to frustration and has a negative impact on the families involved, he said.

Green also noted that the New York State prison system economically supports many upstate towns where county jails are the main industry.

Green also pointed much of the blame toward a legal system which he said has abandoned rehabilitation in favor of warehousing of criminals.

Green said the police are using racial profiles that target Blacks and Hispanics as drug suspects.

"The war on drugs is a camouflage to harass Blacks and Hispanics," Green said. He said if a man is Black and walking down a street in Albany, chances are he will be stopped, taken into custody, and chances are if problems arise, he will be beaten and jailed.

Kindlon, who has observed the conduct of the police during the Greyhound drug sweeps said the police were "quite simply grabbing Black and Hispanics into the men's and women's room and subjecting them to strip searches."

Kindlon also retold a story of one of his clients, James Lunday, who was allegedly harassed and beaten by Albany Police undercover officers for the crime of "being Black and on the street."

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baseball bat on suspects," said Kindlon, who said he has heard the account from many different sources.

Simpson called for a new review board which would check, track and document cases of racial and physical abuse done by the APD.

"People can tell you horror stories, but they are so intimidated by police force that they will not speak up," Simpson said.

Simpson stated that he felt that there was a mind-set and subculture within the criminal justice industry, where "minorities keep them in business."

"Many times the police create the crime," Simpson said. "Resisting arrest, attempting to escape, these are all crimes committed after an individual has been stopped for no wrong doing."

When the discussion turned to the floor the talk ranged from the legalization of drugs to end police sweeps to the hiring of more Black police officers.

One Albany police lieutenant who was in the audience but not representing the APD said, "The APD has increased the hiring of minorities within the police force."

Mark Mishler, a former Student Association attorney who has tried many of the cases involving police brutality, said "People need to be sensitive to the fact that if they're victims of abuse they should not just let it go."

Mishler questioned the recent APD drug sweeps through the Arbor Hill and South End area.

Later during a phone conversation, the Assistant Chief of Police, Bill Murray, commented on many of the allegations made by the forum.



## APD

*Continued from page 17*

Murray, an Albany Police officer for nearly 25 years, five of them spent in the Dept. of Internal Affairs, said he had never seen any cases nor would the Department stand for racism on

the job. He admitted that from time to time they have investigated cases of brutality.

"We (APD) live within the guidelines of the law. We tell officers to recognize their prejudices and not let them interfere with the job," Murray said. "Everybody has them."

Murray commented that judging from the panel and his experiences with its members, most were people who had a negative view of law enforcement.

"I don't think that if we (APD) laid down in the middle of the road and died would they be satisfied," said Murray, wondering how those same people would fare "out in the trenches."

According to Murray, Greyhound bus station sweeps have been going on almost as long as he has been with the APD. "The only difference is that the drug problem is worse."

The allegation that the APD is using the drug war as a camouflage to profile and harass Blacks and Hispanics is not true, according to Murray.

"It is an unfortunate fact that the community most affected by the drug problem are Black and Hispanic people. It has nothing to do with being racist or targeting Black or Hispanic people," he said.

There is, according to Murray, a silent majority in that area, that is glad that the police are there taking drug pushers off the streets but they are afraid to speak out for fear of retribution from their peers.

Regarding the allegation that one of the Albany police officers used a bat on suspects for intimidation purposes, Murray said, "I could see a guy walking into a police department and seeing a bat that was confiscated from a previous arrest and making up the story to save his own skin. I mean if you were busted on seven counts of possession of a controlled substance, the best thing to do would be to say that the police had beat you or robbed you...what would you have to lose?"

Murray said a police officer is never left alone with a suspect.

"There is always a supervisor around to observe an officer's conduct."

"I don't think the APD is as good as are our P.R. says we are," commented Murray, "but I don't think we're as bad as the forum suggests we are either."



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### Police brutality 12/11/89

To the Editor:

As a founding member of the Albany Community/Police Relations Board, I believe it is clear that the "Relations Board" model — where the board has no power to investigate complaints — is a failure.

Albany needs an independent police review board because nothing else has achieved an adequate level of accountability in the Albany Police Department. Successful police brutality lawsuits in federal court, costing the city hundreds of thousands of dollars in the past several years, have not diminished the number of new and credible claims of brutality. The Relations Board, with no investigatory power and with little access to information, does not seem to have changed the conduct of those officers who feel free to act in a racist and brutal manner. Internal Affairs appears unable to substantiate patterns of brutality that people in the community know exist.

Let's try something new. The city should appoint an independent group of citizens as a review board, provide them with the resources to investigate claims of brutality and the authority to impose discipline. This would create a new level of trust between the police and the community, because the community would finally have a basis for believing that brutal officers would actually be held accountable for their action.

As an attorney, I am tired of hearing story after story of misconduct by Albany police officers. I believe that certain officers have been given the message that they can engage in whatever sadistic acts they wish — such as beating people with a baseball bat — and no one will be able to do anything. We, the citizens of Albany, must prove them wrong.

MARK S. MISHLER  
Albany

Whore way to sl

### Drug arrests not racism

To the Editor:

As a South End resident, I wish to express my thanks to the Albany Police Department and its detective unit for arresting drug traffickers whose activities endanger the safety of all city residents. We must not forget that the police are our primary protection against drug traffickers.

At a recent forum, Alice Green, executive director of the state Civil Liberties Union, implied that the Albany police were involved in the war on drugs as a racist "camouflage to keep up the destruction of black people."

The Albany police are not racists for arresting blacks, as well as whites, who carry illegal drugs for the purpose of selling. Most people realize that it is not racism or harassment when the police may have to question individuals who travel through or live in drug trafficking "hot spots" such as the bus terminal or Elizabeth Street to apprehend drug dealers.

What would Ms. Green have the police do? Would she have the police refrain from arresting black drug traffickers simply because they are black? Would she permit black drug dealers to continue victimizing blacks as well as whites in the South End and Arbor Hill?

Ms. Green's comments ignore the joint effort of both whites and blacks in these neighborhoods to protect their communities from all drug dealers, regardless of race.

Her comments perpetuate a false stereotype of the Albany police.

Ms. Green's comments are an aspersion on the integrity of Albany's black police chief, John Dale.

SANTO TRIOLD  
Albany



## Expert on drugs says community

By Joe Mahoney

Staff writer

ALBANY — Community activists fighting narcotics must build a "partnership" with police, and critics who claim the police department has singled out black and Hispanic drug suspects "do not represent our feelings about the issue," a drug treatment expert said Wednesday.

"Whoever talks fast and quick gets the headline," said Lloyd Simmons, director of alcoholism services for the Whitney M. Young Jr. Health Center.

Simmons, who is black, also offered a hearty endorsement to the Albany Police Department's aggressive efforts to intercept drugs at the Greyhound bus terminal in downtown Albany.

Several dozen people have been arrested for alleged drug possession at the bus station this year, and some defense

### Takes issue with critics who r

lawyers and civil rights activists have complained that detectives are unfairly concentrating their efforts on black and Hispanic suspects.

Simmons, speaking at a panel discussion entitled "Albany Youth and the Drug Culture," said: "If someone brings cocaine in at the bus station, and if you lock him up and throw away the key, I could care less, and it doesn't matter what color he is."

Also speaking at the forum, sponsored by the Albany Area Teen Consortium, was Detective Sgt. Thomas Fargnoli, who heads the Albany Police Special Investigations Unit, the squad that has been at the center of the bus station controversy.