

**Capital District Coalition
Against Apartheid
and Racism**

Box 3002 - Pine Hills Station
Albany, NY 12203

1/28/88

**CASES OF RACIAL VIOLENCE
IN NEW YORK STATE**

December 25, 1987
New York City, NY

Two black men were set upon and beaten by a local group of white youths as they were collecting cans in a Brooklyn neighborhood.

December 19, 1987
Binghamton, New York

Ms. Shirley Harris-Smith, a 32 two year old mother of 5 and five months pregnant, was arrested following a confrontation with another woman in front of a local bar at 1:44 am. Between 4-4:30 am, she was discovered dead - standing upright in her cell. No effort was made to save her child.

An organization called, Concerned Citizens for Equal Justice, prepared a report detailing many inconsistencies and contradictions by the local police department and City Hall. The group has asked Governor Cuomo to appoint a special prosecutor.

December 4, 1987
New York City

Ms. Yvonne Smallwood, a hospital worker, trade unionist and mother of four, was viciously attacked by two police officers on 231st and Broadway. She was left bleeding on the sidewalk for more than an hour. She later died for injuries sustained from the attack.

November 25-28, 1987
Wappingers Falls, NY

Tawana Brawley, a 15 year old high school student was found alive in a plastic bag on a roadside in Wappingers Falls. She had been kidnapped and held for 3 days by 6 white men who identified themselves as police officers (showing badges). She had been raped and sodomized. KKK and nigger had been written in excrement on her body.

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November 25, 1987
Bronx, New York

Kenroy Burke, a Jamaican born father of 5, was shot down in front of his home by a KKK cop named, Richard Holsgrove. This incident was witnessed by several onlookers. Kenroy Burke was unarmed. No charges have been brought against the police officer.

Transit Authority Arrests
New York City, New York

In a recent false arrest, Mr. Okhiria, a mirco-biologist, was arrested and ridiculed by a group of Transit Authority cops anxious for promotions. The TA cops could not spell Mr. Okhiria's place of birth, Nigeria. One officer suggested to other that he spell the word nigger and add i and a.

November 22, 1987
Goshen, New York

Nine Black and Latino men, inmates at the Orange County Jail, were hosed down with high pressure fire hoses, cursed at, and beaten with nightsticks by prison guards dressed in Klan-like garb as a result of asking for the sweltering heat to be turned down. Several inmates were injured; one was injured seriously enough to warrant medical attention. The injured inmate did not receive medical attention until some 15 days after the incident. These inmates now face criminal charges.

November 21, 1987
Peekskill, New York

A gang of white youths attacked Alfonso Smith, a young Black man, at a Peekskill gas station. Haywood Burns, Dean of the Law School at CUNY, happened upon the attack as he stopped for gas following a NAACP awards dinner that evening. He was able to rescue Alfonso Smith from further harm.

An article appeared in a Westchester County paper about this incident in which Alfonso Smith's name and address was printed. On Thanksgiving November 26th, Smith's home was set afire. Police do not believe the two events are related.

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December 13, 1986
Wallkill, New York

Jimmy Lee Bruce, Jr., a 20 year old Black man, died in a parking lot of a Wallkill movie theatre after an extended choke hold had been placed on him by an off-duty, plain clothes, police officer. An Orange County Grand Jury found this officer and others present to have acted justly in the strangling death of this young man.

December 1986
Howard Beach, NY

Michael Griffith was chased to his death on the Belt Parkway in Queens by a mob of white teenagers. The same youths also beat up Cedric Sandiford and Tim Grimes who had been with Michael when their car broke down in this neighborhood.

Albany, NY

Officer Von Dollen Burke was found liable in 1987 by a federal court judge for violating the civil rights of the McKeever family by conducting an illegal search of their home in Arbor Hill.

1985
New York City, NY

Ms. Eleanor Bumpers, an elderly black woman, was being evicted from her apartment by police officers for failing to pay her rent. The police felt she was going to lunge at them with the knife she is said to have had in her hand. The officers shot twice and she died as a result. A physician did report that the first shot would have been enough to disable Ms. Bumpers; and therefore, there was no need for the second shot. No indictments were made.

1984
New York City, NY

Michael Stewart was killed by Transit Authority police at Union Square.

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Summer 1984
Albany, NY

Jesse Davis, a thirty-five year old Black man, with some history of psychiatric hospitalizations, was shot and killed in his home by Albany police. Police apparently violated departmental rules in the handling of residents with a history of psychological difficulties. A law suit is pending.

Albany, NY

In 1984, Federal Judge Miner found Officer Von Dollen liable for assaulting, with a five cell flashlight, a 51 year old, 4'11" Black woman. The judge awarded \$ 5,000 against the officer to her victim, Mary Keyes. The judge state that the "physical force used was unprovoked, unnecessary, and clearly excessive. In fact, there was no need for the application of any force whatsoever..."

NOTES

Information compiled by Vickie Smith
and Jeff Jones

Avenue.

Witness calls fatal beating unprovoked

By John Caher

Staff writer

ALBANY — An eyewitness to the beating death of 27-year-old Brian Purcell of Albany testified that Purcell was the victim of an unprovoked attack with a baseball bat.

"He (Purcell) was just walking up the street, bothering nobody until the ... guy came up," 20-year-old Mark Solicito of Albany testified Thursday in the trial of Mark Gordon of Albany. Gordon is charged with second-degree murder and first-degree manslaughter in the June 25, 1987 incident that left Purcell dead.

Solicito, who said he witnessed the early morning attack on Partridge Street, contradicted defense claims that Purcell had threatened Gordon with a pistol.

Gordon claims he went outside his 625 Washington Ave. home to move his car and was confronted by Purcell, who the defense contends was drunk, threatening Gordon and using racial slurs. Defense attorney Joseph F. Donnelly told the jury in his opening statement Wednesday that Purcell was carrying a pistol and walking toward Gordon, despite warnings from his client.

A gun was found in the vicinity of the incident, but Assistant District Attorney Lawrence P. Wiest denies Purcell possessed the weapon or used a firearm to threaten Gordon.

Solicito said Purcell was not carrying or holding anything when he was whacked in the head with a bat. He said he saw a "black guy" go to trunk of his car, pick up a bat and strike a "white guy" on the head during an apparent argument. However, he was unable to identify Gordon, who is black, as the man with the bat.

Donnelly does not dispute that Gordon struck Purcell, but he says the attack was justified.

Also testifying Thursday in the trial before Albany County Judge John G.



MARK GORDON
... defendant

Turner Jr. was Albany Police Officer Michael Nardolillo, the first law enforcement official on the scene following the assault. Nardolillo said Purcell, of 94 Ontario St., was apparently disoriented from a blow to the head although it was not immediately clear if the victim had been injured or was intoxicated.

Nardolillo said witnesses led him to Gordon, who "seemed very excited (and) irritated" and admitted hitting Purcell, but claimed the victim offended him with a racial slur.

The officer also said he overheard a telephone conversation at the police station during which Gordon, possibly speaking to his mother, said he wished he had killed Purcell.

"I heard part of a conversation," Nardolillo testified, "that he wished he hit the kid harder and killed him."

Less than 24 hours later, Purcell died of a brain hemorrhage.

...ancy A. Kupiec, director of the

There are 12 buildings being reno-

criticism among low-income housing activists that the buildings haven't

Albany Community Developm. Agency to renovate 20 Elizabeth St.

Homeless man, 32, released from jail

By Carol DeMare

Staff writer

ALBANY — A homeless man whose claims that he was kicked by city police while handcuffed were substantiated last week by authorities was released from jail Tuesday on pretrial probation.

But 32-year-old Gregory Baity still faces charges that he assaulted two officers who were questioning him last August.

In releasing Baity, Albany County Judge Joseph Harris indicated that he would be brought to trial in the near future to face the assault charges.

The Albany chapter of the National Association for the Advancement of Colored People, Baity's public defender and Baity himself all expressed disappointment Tuesday that charges against him were not dismissed in light of the Police Department's investigation of his allegations.

District Attorney Sol Greenberg said an indictment alleging that Baity injured the two arresting officers last August and broke the jaw of one of them still stands and has nothing to do with brutality charges Baity has leveled against the police.

The police brutality claimed by Baity "allegedly occurred after his arrest," Greenberg said.

A letter sent to Baity at the Albany County Jail from Police Chief John F. Reid revealed that an investigation by the department's Internal Affairs Unit sustained a charge that Baity was kicked by an unnamed officer while sitting handcuffed on the curb after he was arrested Aug. 19.

Also substantiated was Baity's allegation that he was wrongly charged with unlawful possession of marijuana.

The department did not sustain Baity's allegation that he was wrongly arrested and beaten by arresting

Officers Angelo Siciliano and Richard Hendrick at about 1 a.m. on the corner of State and Dove streets.

On Tuesday, Baity was released on pretrial probation and ordered to make his whereabouts known to a probation officer and to Anne Pope, president of the Albany NAACP chapter, which prepared the complaint on Baity's behalf. Pope was in court with Baity.

Baity's attorney, Assistant Public Defender Joseph M. McCoy, said he received a call Monday from Harris indicating that the district attorney's office would move to dismiss the case.

On Tuesday, Greenberg personally appeared in court and refused to ask the judge to dismiss the charges.

Greenberg said he met with Harris about three weeks ago and was considering dismissing the case in the interest of justice, but "(Harris) denied



GREGORY BAITY
... charges stand

it." Greenberg said he then reviewed the grand jury records "and found they (police) presented legally sufficient facts to constitute probable cause a crime was committed and the defendant committed the crime."

2 white officers told to pay \$500 to 4 in civil rights case

By John Caher
Staff writer

ALBANY — Two white city police officers have been ordered to personally pay each of four former local college students — all minorities — \$500 for violating their civil rights during an arrest six years ago.

A federal jury deliberated for only about 15 minutes Tuesday afternoon before deciding on the punitive damages against officers James Turley and Peter Krasher. The punitive damages, designed to punish the officers involved in the altercation and deter similar actions, must be paid by Krasher and Turley personally.

However, the \$405,000 compensatory award agreed upon by the jury at the conclusion of a trial last week before U.S. District Judge Con G. Cholakis is to be paid by the city.

The jury found that the four former students — Jose Baez, Jesus Escorcía, Carlos Morales and Christopher Johnson — were battered and/or taunted with racial slurs by the two officers. Baez, Escorcía and Morales are Hispanic and Johnson is black.

Krasher and Turley were among several officers who

responded to a call about a noisy party at 17 West St. early on April 25, 1982. The officers claimed they met with resistance when they attempted to break up the party, requiring them to arrest several people.

However, the students said the police were physically and verbally abusive. Disorderly conduct charges against the four were dropped that same morning in Albany Police Court.

The jury ordered Turley to pay \$250 each to Baez and Morales and \$500 to Escorcía. Krasher was ordered to pay punitive damages of \$250 to Baez and Morales and \$500 to Johnson.

"I think it was a slap on the hand," said Morales, a graduate student on Long Island who was studying social work at the State University at Albany at the time of the incident.

Escorcía, a former Albany State graduate student who is now a social worker with the state Legal Aid Society, said the jury's verdict should be followed with departmental charges against the officers.

"Regardless of the amount of money, I think the jury

decided they should be punished for what they did," Escorcía said.

Turley and Krasher refused to comment.

Prior to the punitive damage award, the officers testified as to their assets and debts.

Krasher, who purchased a \$150,000 house Tuesday, said he had \$30,000 cash from the sale of another piece of real property late last month, an annual income of \$28,000, two motor vehicles worth about \$20,000, rental property which brings in \$330 monthly and savings of roughly \$6,000.

The officer, who said he supports a wife and two children, said he pays \$1,356 monthly on two mortgages, \$378 for a personal loan and had various other personal expenses.

Turley said he earns about \$28,000 from the police department and an additional \$10,000 from a part-time job and has about \$9,400 in a joint savings account with his wife. He listed major expenses of \$751 monthly for a home mortgage, \$120 weekly in child support and \$238 monthly for an automobile loan.

Assistant Corporation Counsel John Shea urged the jury to order minimal punitive damages, arguing that the officers

had suffered enough.

"They've learned from this experience already and I'm not sure there is more education, more punishment necessary," Shea told the jury. "It shouldn't be your mission to ruin two people."

Cholakis did not allow the jury to hear evidence that another former Albany State student had won a \$25,000 federal civil rights case against the city in a 1980 incident involving Krasher.

The jury last Friday awarded Baez, now a doctor, \$30,000; Johnson, a sergeant in the Marines who was attending Albany Business College in 1982, \$175,000; Morales \$125,000; and Escorcía \$75,000. City officials have said they are pondering an appeal.

"I think the jury was very offended by the conduct of the officers," said Lewis B. Oliver, an attorney who represented Johnson.

Attorney Mark Mishler, who represented Morales, Escorcía and Baez, said the jury was sending a message to police that "it is not tolerable for these things to happen."

At the scene

Surgeon loses

NEWSFRONT

SCORE ONE FOR CIVIL RIGHTS

IN A STUNNING VICTORY FRIDAY, four former area college students were awarded \$405,000 by a federal-court jury on their complaint that Albany police officers had physically and racially abused them. Three of the students, Jose Baez, Jesus Escorcía and Carlos Morales, are Latino. The fourth, Christopher Johnson, is black. The two police officers, James Turley and Peter Krasher, and the six members of the jury, are white. Albany attorney Mark Mishler said he could not remember a larger civil-rights award in the federal court's Northern District of New York.

During an off-campus party April 25, 1982, celebrating the culmination of SUNY's Latin Week, Albany police officers arrived around midnight in response to noise complaints from neighbors. According to Mishler, who represented the three Latin students, a request to turn down the music was complied with. About an hour later, however, officers Turley and Krasher arrived, ordered the music turned off and told everyone to leave. Soon more police arrived at the scene. Several students protested, and one asked, "What about our civil rights?" "Civil rights are suspended," they were told.

Johnson, a student at Albany Business College, testified that he was leaving the apartment when he was grabbed by police in an outside hallway. Johnson was forcibly led out of the building, pushed up against a police car and handcuffed.

Inside the apartment, someone protested the arrest of Johnson. Turley came through the door, grabbed the individual by the hair and dragged him out of the apartment. This person was not arrested, but the party broke up and people began to leave. Baez said that several officers were in the apartment, conducting a search without a warrant or the tenant's consent.

Escorcía was standing on a landing, holding a drink. An officer told him to get rid of the drink. "It's only coke," Escorcía said. "I don't give a shit," the officer replied, and knocked it out of his hand. When Escorcía said, "I'm surprised they're not wearing sheets," he was arrested by Turley.

Morales was on the front stoop. By this time, most guests had left. An officer ordered him to go back in the house or leave. "I don't think I have to," Morales said, and was arrested.

The four students said the officers called them "wiseass spics," and used flex cuffs, making them unnecessarily tight. At the Division 2 lockup, they were kicked and pushed around. One officer there used a large knife to cut off the plastic cuffs, but first used it to menace one of the students. Charges of disorderly conduct against the four were dropped the following morning.

The jury found that the civil rights of each student had been violated and that the conduct of the officers was racially motivated. They awarded \$30,000 to Baez, \$75,000 to Escorcía, \$125,000 to Morales and \$175,000 to Johnson in compensation. In addition, the jury ruled the four are entitled to punitive damages resulting from the "malicious, callous disregard" of their civil rights. These were to be determined at a hearing before presiding judge Con Cholakis Tuesday.

—Jeff Jones

LOCAL

★ THE TIMES UNION

Thursday,
May 5, 1988

B
SECTION

Police probe backs man's brutality charge

By Brad Kelly

Staff writer

ALBANY — The Police Department has substantiated abuse charges brought against it by a homeless man who said he was kicked by an officer while sitting handcuffed on a curb and then wrongfully charged with possession of marijuana.

"The appropriate charges are being prepared and a discipline outlined," police spokesman Sgt. Robert Wolfgang said Wednesday. He declined to identify the officers who will be disciplined as a result of the incident, which took place Aug. 19 at the corner of Dove and State streets.

The complaint was filed by Gregory Baity, a homeless man who said he was beaten that morning by police after trying to use a portable bathroom on State Street.

The incident generated strong criticism from the president of the Albany chapter of the National Association for the Advancement of Colored People, which prepared the complaint on Baity's behalf.

"I think it's time we send a message that they cannot brutalize people without something

Rights activists hail award against department

By Jay Jochnowitz

Staff writer

ALBANY — Attorneys and observers of a civil rights case involving what is believed to be the largest award against a Capital District police department are hailing a jury's decision as a statement that racial bias among police is intolerable and that it is up to the city to tackle the issue.

City officials, however, maintain that the case is the exception, not the rule, in police dealings with minorities.

"I think it's hard to pick a case that's 6 years old and say that it shows a pattern on the part of police that demonstrates any insensitivity," said Mayor Thomas M. Whalen III. "I don't see any patterns that would be disturbing to me or the leadership in the Police Department."

The city's immediate task is dealing with what Corporation Counsel

Vincent J. McArdle Jr. termed a "grossly excessive" award by a federal jury of \$405,000.

"I think the city's not hearing the right message from this verdict if they continue to fight," said Mark Mishler, one of two attorneys representing four minority plaintiffs who charged that they were abused by two white officers in a 1982 arrest.

The case involved four former students — Jose Baez, Jesus Escorcía and Carlos Morales, all Hispanic, and Christopher Johnson, a black — who claimed that they were battered or taunted with racial slurs by two officers, James Turley and Peter Krasher, during a police call about a noisy party at 17 West St. on April 25, 1982.

The officers, claiming that they met with resistance in attempting to break up the party, arrested several people, including Escorcía, Morales

See RIGHTS / B-4

happening to them," said chapter President Ann Pope. She said Baity was abused by police because he was a homeless black man.

"They thought no one would advocate for him and they were wrong," she said.

The case marks the first time that a police abuse complaint channeled through the city's police review board will result in charges against one or more police officers.

The board was established by Mayor Thomas

M. Whalen III two years ago to both review allegations of police abuse and improve relations between police and the public.

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POLICE

Continued from B-1

According to the complaint, police Officers Angelo Siciliano and Richard Hendrick were driving by the bathroom in the early morning hours of Aug. 19 when they saw Baity. The two, who are both white, stopped the squad car, jumped out and asked him to put his hands against a pole.

"I asked why," Baity said in his complaint, which was filed with the department by the city's Community-Police Relations Board. "One officer grabbed me by my (sweatshirt) hood and I responded, 'Hey, you don't have to snatch me.' He then grabbed me and I was hit on the eye by a flashlight."

Baity claims that he was handcuffed and beaten by the two officers. He said one of the officers stepped on his back, making it hard for him to breathe.

"I was then grabbed, pulled up ... and made to sit on the curb," according to the complaint. "Other police came. One kicked me while I sat on the curb."

Baity was taken to Memorial Hospital, where he was treated for a fractured shoulder blade and a frac-

tured rib. He also sustained cuts on both eyebrows.

His medical condition was verified in a letter written to the Albany NAACP by Dr. R. Bisserup, who works at the Whitney Young Jr. Health Center on Arbor Drive.

Siciliano and Hendrick claim that Baity assaulted them, according to police reports.

Baity was charged with criminal mischief, second-degree assault and unlawful possession of marijuana. He is still being held in Albany County Jail, according to jail officials.

An investigation by the department's Internal Affairs Unit substantiated Baity's allegation that he was kicked while handcuffed and that he was wrongfully charged with possession of marijuana, according to a letter dated April 11 and signed by Police Chief John Reid. A copy of the letter was sent to Baity.

Though police reports indicate that Siciliano filed the possession charges against Baity, officials would not say which officers would be charged in the incident.

Neither Hendrick nor Siciliano could be reached Wednesday for comment.

RIGHTS

Continued from B-1

and Johnson, although disorderly conduct charges were dropped that morning in Albany Police Court.

The substantial award, according to jury forewoman Christine Tate, was intended to both tell the officers that the jury believed that they lied and to "send out signals" to the city that it must train its officers better on discrimination.

Mishler and others said the verdict not only cited the city for its past methods of training officers and reviewing complaints of possible racial bias, but underscored shortcomings that continue despite changes over the last six years.

After a 4½-day trial and about an hour's deliberation, an all-white jury in U.S. District Court April 29 awarded the plaintiffs \$405,000 in compensatory damages. The city must pay that under a local regulation allowing it to indemnify officers against compensatory judgments. The officers must pay punitive awards, however, which the jury set at \$500 for each plaintiff.

Mishler said the city was offered a settlement Friday which would have involved less money than the compensatory award and would have canceled the need for a punitive damages hearing, but on Monday the city rejected it and returned with what he called an "insulting" counterproposal. The city, Whalen said, intends to ask

Judge Con G. Cholakis to reduce the compensatory award. If that move fails, it remains uncertain whether a settlement or appeal will follow.

To Mishler, who represented Morales, Escorcia and Baez, and Lewis B. Oliver, who represented Johnson, the case showed that the Police Department failed to review reports submitted in the incident, documents which they said showed contradictions and reasons to investigate further. McArdle disputed that, stating that he and the city's trial attorney, John Shea, believed that the evidence was not so clear-cut, although in retrospect, McArdle said, "we blew it."

Tate said the jury found that the officers had changed their stories too often.

To some degree, the process for reviewing bias-related incidents has changed, with the Police Department's Internal Affairs Unit actively investigating complaints, Mishler and others noted. Training also has been discussed to address perceptions of police insensitivity to minorities, and a program is in place for new recruits, according to Sgt. Robert Wolfgang, department spokesman. Another is being developed for veterans.

Whalen also established the city's Community-Police Relations Board in 1986 to monitor public complaints and help develop programs for police on minority issues. But the board's history has been marked by members' complaints of limited power and a refusal by police to discuss cases under investigation in more than general terms.

Member of Police Relations Board Says It Shrugged Off Brutality Case

By **BREAN NEARING**
Gazette Reporter

ALBANY — The first substantiated charges of police abuse stemming from a complaint initiated through the city Community-Police Relations Board happened despite the board, not because of it, said the member who helped prepare the complaint.

"The NAACP did whatever it could to push this case through; [the result] wasn't because of the board," said member Alice Green, who represents the Albany chapter of the NAACP. The board "had no interest in this case or in other cases of harassment of people by police," she said.

The police department has backed up a complaint taken to the board last August by Gregory Baity, a homeless man who claimed an officer kicked him while he was handcuffed and lodged a bogus marijuana possession charge against him. The incident took place Aug. 19 near Dove and State streets after officers Richard Hendrick, a 13-year veteran, and Angelo Siciliano, a 17-year veteran, saw Baity trying to use a portable toilet, according to the complaint.

Green has often clashed with the Rev. Robert Dixon, the board chairman, over the role of the board, with Green claiming the board is spending too much time on social ills like drug abuse and domestic violence.

Mayor Thomas M. Whalen III created the group about two years ago both to monitor civilian complaints against police and to improve relations between the public and police.

"That's just Alice talking," said Dixon.

"Maybe she just wants publicity or notoriety, I don't know." He said each complaint requires a majority vote by board members before Deputy Chief Wilbur Stott will answer questions about it. "So she can't do anything by herself ... the board has the final decision."

Stott, who heads the department's Internal Affairs Unit, declined yesterday to answer a reporter's questions about the Baity case, noting that formal charges have not yet been served on the officers involved. Such charges are being prepared for filing by Chief John Reid, he said, who will decide on appropriate discipline if the officers are found guilty.

He said once charges are filed, the officers will be able to respond and obtain counsel, either through the police union or at their own expense. The officers can plead guilty or innocent and request an arbitrator hear the case, said Stott.

James Tuffy, president of the officer's union, said "We'll always represent our people ... cops, like everyone else, are innocent until proven guilty. Let them have their chance in court."

In an April 11 letter to Baity, Reid said that an IAU investigation found that officers had kicked Baity while he was handcuffed on the curb and had unlawfully arrested him for marijuana possession, a charge that was later dropped in city Police Court. But Reid also said there was no evidence to back up a claim by Baity that he was unlawfully arrested for assault or that he was "beaten."

Baity is currently in the Albany County Jail on two counts of assaulting a police officer, said Green. He has been there since he was released from the hospital four days

after the incident. Green said Baity refused to plead guilty to the charges in return for being released. "He's sat in jail this long, we think there must be something to it," said Green.

Green said a review of Baity's medical records by the Whitney M. Young Health Center found that Baity suffered injuries "consistent with a severe beating," including a broken shoulder blade, a fractured rib, a cracked collarbone and cuts over both eyes.

Baity filed an abuse complaint with the aid of the NAACP on Aug. 29, Green said, but she said the board had no interest in following it.

"The board has lost touch with what its function really is," she said. Green said that the outcome of the Baity case was discussed behind closed doors at the April 25 board meeting over her objections. "I think people have a right to know these kinds of things," she said. However, the majority of the board voted that night to close the discussion.

She said Stott has "been cooperative behind closed doors" in answering questions about this and other cases, but she added "there is no way of knowing whether the department ever does a complete investigation. ... I have no basis for knowing either way."

Green said someone apparently witnessed the Baity incident, a fact that was instrumental in the abuse charges being substantiated by the department. "This was important. When we get complaints, people aren't sure what to look for ... a lot of this takes place out of the sight of other people."

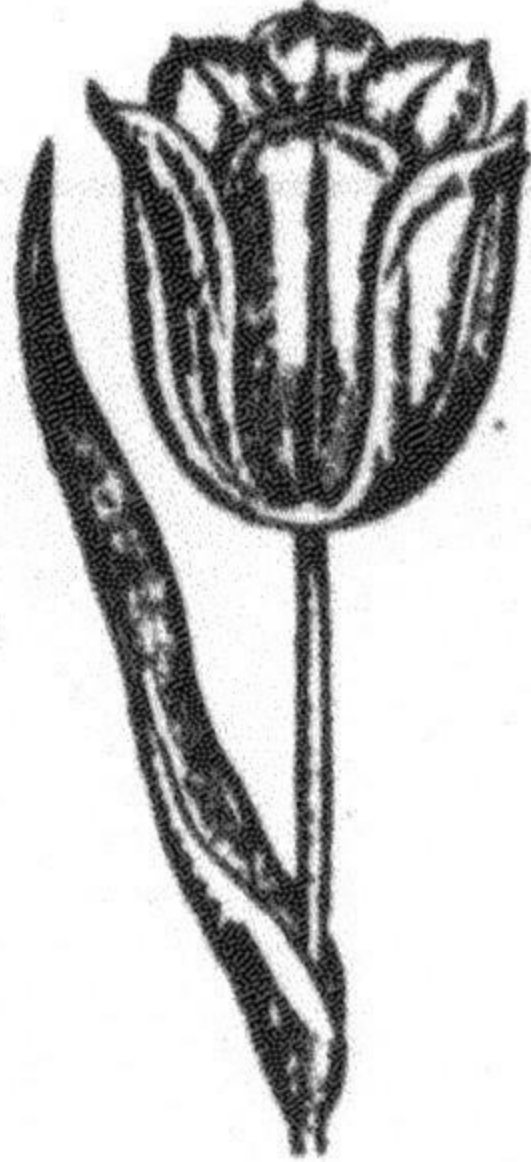
Albany's Dutch treat

Day after day we could not believe our eyes. The calendar told us it was spring, but the chill in the air made us think of October.

Winter's overcoats and galoshes were stored away for another year, but we kept the lining in our raincoats. We needed them, it seemed, every morning when the air was damp and the skies cloudy. More often than not, we needed them when we left work as well, when the skies were still cloudy, the air still chill.

There were signs of spring, to be sure. The crocus was one, green lawns another. But no one took much stock in the visual. "Will it ever warm up?" we asked one another, and no one seemed too certain that it would.

In Washington Park, there was no sign of life in the 48 tulip beds surrounding the statue of Moses. The red, yellow,



orange and white blooms were nowhere to be seen, only barren stems.

"I'm told we need two to four days of sunshine and warm weather," a worried Richard Barrett, Albany's commissioner of parks and recreation, said the other day. "If necessary, I'll bring a heat lamp out."

Perhaps someone at a higher level was listening.

At last the sun is shining — at least periodically — and the earth warming. That's just in time for today's unmistakable sign of spring — costumed young women who will take part in a ceremony that traces back to the city's rich Dutch heritage.

At noon, these women will begin to wash State Street and another Albany Tulip Festival will be under way.

It will continue for two days, with a children's fair, or Kinderkermis; a Pinksterfest of crafts, food and arts, and the crowning of the Tulip Queen on Saturday.

It's a weekend when every sign — from tulip bloom to queen's laurel — confirms that spring, at last, has arrived.

Police and minorities

"I think it's hard to pick a case that's six years old and say that it shows a pattern on the part of police that demonstrates any insensitivity. I don't see any patterns that would be disturbing to me or the leadership in the Police Department."

As Albany Mayor Thomas Whalen III was uttering those words Wednesday, events were proving how wrong he is.

The mayor was commenting on a federal jury's order that two white Albany police officers must personally pay each of four former local college students — all minorities — \$500 for violating their rights during an arrest six years ago. Earlier, the same jury ordered the city to pay the same four \$400,000 in compensatory damages.

Now another case of suspected police brutality has emerged. This time the city's Police Department has substantiated abuse charges brought by a black homeless man who says he was kicked last summer by an officer while sitting handcuffed on a curb. He also claims he was wrongfully charged with possession of marijuana.

The case is the first for the city's police review board. That board was created after Jessie Davis, a black man

with a history of mental problems, was shot to death in 1984 by white police officers who said the victim had lunged at them with a knife and fork.

Whether these cases constitute a pattern of police insensitivity isn't the issue, despite the mayor's statement. The issue is whether Albany police need better training in dealing with minorities. The evidence suggests they do.

While Mayor Whalen can claim credit for recently adding more minorities to the police ranks — and plans to add still more minority and women officers — that's only half the answer. The other half is to ensure all officers receive the best training available in discharging their duties. One of those duties is to abide by the law as well as enforce it.

Mark Mishler, the attorney who represented three of the four former students, puts matters in perspective by seeing the jury's award as a message to police that "it is not tolerable for these things to happen."

Mayor Whalen now has reason to go a step further. Instead of saying he sees no pattern, he should be saying it's not tolerable for such things to continue to happen here.

5/6/89

Editorial

fairly decent

City Told: Don't Oppose Civil Rights Judgment

By BRIAN NEARING
Gazette Reporter

ALBANY — City officials should "reconsider" their efforts to overturn a recent \$400,000 federal civil rights judgment against two police officers, the Community-Police Relations Board voted last night.

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An appeal by the city "sends the wrong message to certain members of the community," said Dr. Alice Green, board representative from the local branch of the NAACP. She was supported by five others on the board.

Three board members, including Chairman Robert Dixon, voted against the measure, while three other members abstained.

Lawyers from the city corporation counsel's office have filed a motion requesting federal Judge Con G. Cholakis to overturn a decision last month by a federal jury, which found that two officers violated the civil rights of four former college students during arrests at an early-morning house party six years ago.

The jury found that the arrests of Jesus Escorcia, Carlos Morales and Christopher Johnson were racially motivated, with officers Peter Krasher and James Turley repeatedly calling the men "spics" and deliberately putting plastic handcuffs on them too tightly.

The arrests took place at about 1:20 a.m. on April 25, 1982, at 17 West St. in an apartment occupied by Jose Baez, who along with Escorcia and Morales are Hispanic. Johnson is black.

In addition to awarding the four men \$400,000 in compensatory damages, the jury also ordered the two officers to personally pay \$500 each to the four in punitive damages.

In voting against asking the city to "reconsider" its request to Cholakis, Deputy Police Chief John Dale said it "is important to remember the city has a legal right to appeal. . . . There were some who were flabbergasted with the amount. Maybe the city is right, may it should be considered exorbitant."

The Rev. Kenneth Doyle, who represents the Albany Roman Catholic Diocese, unsuccessfully urged the board to withhold its action until after a city representative could

be called to appear and explain the rationale behind such an appeal.

In another matter, the board voted to ask police if a controversial policy of photographing political demonstrators is used to help outside agencies gather files on dissidents.

The board had been waiting months for a response from Chief John Reid on the department's policy on monitoring political demonstrations and when it was delivered last night, at least one member found it inadequate.

"This doesn't answer any of the questions I have with the taking of pictures," said Rabbi Martin Silverman, a representative from the city Human Rights Commission. "Have such pictures ever been sent to or used by outside police agencies? I think we should know that."

Silverman said that police routinely sent photographs of local demonstrators taken during the Vietnam War era on to the FBI, which in turned used the pictures to create files on people.

In his statement of department policy, Reid wrote that police have "taken both video and still photographs at demonstrations for more than 20 years. The taking of photographs is in no way intended to intimidate or harass either the demonstrators or the general public. The department learned in the late '60s that the taking of photographs and videos had become a necessary function of the department in order to protect itself and the city from claims of police overreaction and unfairness in dealing with demonstrators.

"The department also has used the video tapes of large demonstrations for training purposes to show young recruits that most demonstrators are peaceful and orderly and that most times there is nothing to fear," wrote Reid.

Photographs and video tapes are also used in cases where "criminal acts toward the demonstrators, the public or the police" are taking place, he wrote. "In this instance, the photographs can and have been used to identify violators for apprehension and prosecution."

Reid wrote that photos or video tape "will be used when deemed appropriate by the ranking officer in charge of policing the demonstration when the demonstration takes place in a public area."

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What improvements

Board urges Albany to halt appeal of rights award

By Jay Jochnowitz

Staff writer

ALBANY — The city's Community-Police Relations Board on Monday urged Albany to halt its appeal of a \$405,000 civil-rights verdict lodged against two officers found guilty of using racial epithets during a 1982 arrest of four minority students.

The city's efforts, eight of the 15 board members agreed, are giving the public a wrong impression of its attitude toward racial bias in the Police Department. Rabbi Martin Silverman, a representative on the board from the city's Human Rights Commission, proposed that the city reconsider the appeal "in order that it not give the wrong message to the citizens and community of Albany."

Also at the meeting, members agreed to study ways to increase promotion of the board's aims, including the filing of complaints against the Police Department from people afraid of retribution. In an unusual move, a board majority also voted down attempts by the chairman, the Rev. Robert Dixon, to quash a board member's request for details on a brutality case.

The U.S. District Court civil-rights case involved

five State University at Albany students, four Hispanic and one black, who were arrested in 1982 during a party. The students alleged that they were battered or taunted with racial slurs by two officers, James Turley and Peter Krasher.

Though an internal investigation in the Police Department resulted in no action against the officers, an all-white jury on April 29 found the officers guilty and ordered \$405,000 in compensatory damages, as well as \$500 in punitive damages for each plaintiff.

Arguing that the award is excessive, the city has filed a request to have the jury verdict overturned. Barring that, it is seeking to have the judgments reduced.

Not all members of the Community-Police Relations Board supported the resolution — three voted no and four abstained. Deputy Police Chief John Dale said that while "I believe in our legal system" and was not challenging the jury's verdict, the city has a right to appeal if it feels the award is exorbitant. The Rev. Kenneth Doyle of the Albany Roman Catholic Diocese said the board should have heard first the city's reasons for the appeal.

Silverman acknowledged that the city may not adopt the board's view on the case, but he felt that

the resolution was necessary to underscore the board's position against police bias. "A resolution is more for (public relations) value than anything," he stated.

In its efforts to increase awareness of its activities, the board created a subcommittee to study ways of doing more community outreach. Possible recommendations from the group may include an information program on the Police Department and the board and the formation of a special board committee designed to take citizen complaints directly. Board members and community activists maintain that people are often afraid to make complaints of police conduct for fear of police retribution.

Also, in an unusual move, Dixon found himself voted down as the board's two police representatives joined a small but often vocal board faction in opposing his attempt to stop a member's request to have a brutality complaint detailed. The case involved a homeless man, Gregory Baity, who said he was beaten by police Officers Angelo Siciliano and Richard Hendrick in September. A departmental investigation found that Baity was kicked while handcuffed and wrongfully charged with possession of marijuana.

Albany building

Rewards proposed for tips leading to drug convictions in city

By Brad Kelly

Staff writer

ALBANY — Mayor Thomas M. Whalen III Wednesday unveiled a plan that includes rewards for information leading to the arrest and conviction of drug dealers to combat the city's growing drug problem.

The program, known as "The Albany Plan," was presented to the Common Council during a special meeting in City Hall. It was the first time Whalen had addressed the 15-member council since 1983, the year he assumed office upon the death of Mayor Erastus Corning 2nd.

"When I became mayor of Albany, under tragic circumstances, almost five years to the day," Whalen said, "one of my very first acts was to come to this chamber and ask for help. Now it is my privilege and duty to seek your help once again."

Whalen called on the council to support his administration's efforts, more specifically, to

Whalen unveils 'The Albany Plan' in a rare council appearance

authorize creation of an "anti-drug reward program" that will allow for the payment of up to \$1,000 to an individual who provides information leading to the arrest and felony conviction of a drug pusher or drug user.

The program would be monitored by the city's Board of Estimate and Apportionment. A special telephone number, 438-7777, will be used, according to Whalen.

The mayor also repeated his promise to provide summer jobs to every youth old enough to obtain working papers.

He said full- and part-time jobs in the departments of Parks and Recreation, and Public Works, which pay between \$90 and \$200 a week, are available. Temporary employment offices will be set up in Arbor Hill and the South

End, two of the city's poorest neighborhoods, to help teenagers apply for summer work.

In addition, Whalen said, the city and the private sector will hold a job fair at the end of the summer in an attempt to find permanent employment for residents, particularly minority members.

"We are ready and able to provide jobs for up to 1,900 young people to keep them off the streets where they are targets for the drug dealers."

Several components of the battle plan have already been carried out.

For example, the police department has assigned additional officers to work with its Special Investigations Unit. Deputy Police Chief Wilbur Stott said four officers are

assigned to the unit during each shift.

The department also has assigned two officers to work with a drug task force comprised of federal Drug Enforcement Agency officials and state troopers. The task force was established to investigate suspected drug kingpins, Stott said.

"I can confidently stand here and say Albany's police are ready," Whalen said.

The mayor's plan also calls for:

• Construction of a 25-bed drug treatment center somewhere in Arbor Hill. The center would be funded through the state Division of Substance Abuse Services.

• A commitment from the Albany County District Attorney's office to assign additional assistant district attorneys to drug-related

cases.

• Neighborhood meetings and the appointment of an advisory committee representative of the entire city. Whalen did not say what he wants to the committee to do.

Arbor Hill Alderman Nicholas Brace applauded the plan, but said rewards should be given to people providing information leading to misdemeanor convictions as well. Brace said he will suggest that a city ordinance establishing the reward program be amended to include payment for information that leads to misdemeanor convictions.

Otherwise, Brace said, "I feel very optimistic about this. I think the plan will work."

Others, however, questioned how Whalen intends to educate children and their parents about drug awareness and drug prevention.

Jim Falumbo, director of a drug prevention program at the Arbor Hill Community Center, said specific educational programs are missing from the mayor's battle plan.

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James A. Constantino.

said the town in 1986 sought \$1,000,000 for the Fort Hunter project from the state Office of Parks, Recreation and Historic Preservation, but it was scuttled because of a lack of funding.

"The state told us then it was a solid grant application, but it was rejected because that state office couldn't accommodate all the incoming municipal requests. That's why we are taking a different route in seeking the bond act funding," Constantino said.

He said consultants from LA Partnership Inc., a Saratoga Springs firm, believe that Fort Hunter Park has a good opportunity to obtain funding.

"They said the park is located right in the middle of a residential area where there is virtually a total lack of recreational facilities for adults," Constantino said.

court and inside. These courts would they could be flooded for skating in the winter.

It also calls for two new tennis courts, a new volleyball court, a new pavilion and a new cross-country ski trail that could also be used as a nature trail.

"We also want to expand and landscape the children's playground area, including addition of a significant amount of new playground equipment for the kids," Constantino said.

He said the proposal also calls for switching one of the softball fields to the present parking lot and making the parking area into a new softball field.

"We want to move the parking area to the entrance of the park for safety reasons so vehicles won't have to

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