Police Brutality In Nyc Essay, Research Paper

Police Brutality Incidents in NYPD

New York state law and police department policy provide that officers may use only the minimum amount of force which is necessary to achieve a legitimate purpose (e.g. effect an arrest or prevent the commission of an offence) when other options are not available or have been exhausted. New York City Police Department guidelines set out the following five stages through which force can progress: (1) verbal persuasion; (2) unarmed physical force; (3) force using non-lethal weapons (e.g. pepper spray or mace); (4) force using impact weapons (e.g. police batons); and (5) deadly force, which may be used only when an officer or another person’s life is in direct danger. The guidelines also state that flashlights, radios and handguns are not designed as impact weapons and make clear that they should not be used as such in most circumstances. Police regulations also state that any officer at the scene of a police incident has an obligation to ensure that the law and regulations are complied with, and to intervene if the use of force against a subject becomes excessive. The guidelines note that failure to do so constitutes an offence under the law as well as departmental policy (Chevigny 66).

Although reports of police brutality are not new, the number of people bringing claims for police misconduct against the City of New York has increased substantially in recent years, from 977 in 1987 to more than 2,000 in 1994. The amount paid out by the city each year in settlements or judgments awarded to plaintiffs in police abuse cases has also risen, from $13.5 million in 1992 to more than $24m in 1994. However, there remains a problem of police brutality and excessive force in the department (Dudley 17).

There have been many allegations of excessive force which include people being repeatedly struck with fists, batons or other instruments, often after very minor disputes with officers on the street; deaths in police custody; and shootings in apparent violation of the NYPD’s own very stringent guidelines. The victims include men and women, juveniles and people from a variety of social, racial and ethnic backgrounds. However, the evidence suggests that the large majority of the victims of police abuses are racial minorities, particularly African-Americans and people of Latin American or Asian descent. While there has been an increase in prosecutions for police corruption in recent years, prosecutions for on-duty excessive force remain relatively rare and convictions even rarer. In most of the cases examined police officers were not disciplined or received only minor sanctions. The code of silence in which police officers refuse to testify against their colleagues appears to have contributed to impunity in many cases (Geller and Toch 2-10).

According to the 1990 census, the general population of New York City was 43.2% white; 28.7% black; 24.4% Latino (Hispanic); and 7.7% other , including Asian. However, the large majority of NYPD officers are white. A study conducted in 1992 found that New York ranked last in a 50-city survey of how well United States police departments reflected the racial makeup of their populations. In 1995 the racial distribution of the NYPD was 72.2% white; 15.2% Latino; 11.5% African-American and 1.1% other including Asian. Most NYPD officers live in the suburbs outside the city, and some critics of the department allege that this has contributed to a sense of alienation and tension between the police and inner city communities when they work (Collins uspo101.htm).

There is often a racial or ethnic component to police abuse cases in New York City, with many incidents also fueled by language barriers and miscommunication in the diverse city. In the CCRB’s January – June 1997 report, African-Americans and Latinos filed more than 78 percent of complaints against the police, while 67 percent of the subject officers were white.

Statistics published by the Civilian Complaint Review Board in its biannual reports also indicate that minorities are disproportionately the victims of police abuse compared to the overall racial composition of New York City. Three-quarters (75.9%) of the people who lodged complaints with the CCRB from January to June 1995 were African-American (50.3%) and Latino (25.6%), while the remainder were either white (21.2%) or other (2.8%), including Asian (Collins uspo1015.htm).

Although most major inquiries into the NYPD have involved corruption, police brutality has also been a recurrent concern. There were calls for an inquiry into police brutality in the mid 1980s, following a series of highly publicized cases in which black people died or were ill-treated in custody. Of these, included the cases of Michael Stewart, a young African American who died in September 1983. Thirteen days after being taken to hospital hog-tied, bruised and in a coma following his arrest by eleven officers from the New York City Transit Police Department because he was spraying graffiti in a Manhattan subway. Eleanor Bumpers, an elderly, mentally disturbed woman, was shot dead in October 1984 by armed police who had broke into her Bronx apartment to evict her after she had fallen behind with her rent. In both cases officers were acquitted of criminal wrongdoing after trials, although some officers’ tactics were later criticized by internal inquiries. In April 1985 officers from the 106th Precinct in Queens were accused of torturing three suspects with an electronic stun gun. They forced them to confess to having sold small quantities of marijuana. Two officers and a sergeant were subsequently convicted of assault and other charges and sentenced to prison terms ranging from 2 to 6 years, and several high ranking police commanders were dismissed.

On December 29, 1987, in Laurelton, Queens, Alfred Sanders, a thirty-nine year old black man, was killed in a barrage of bullets fired by white police officers. The grand jury looking into this matter under the direction of Queens District Attorney John Santucci produced no bill of indictment. At the end of the grand jury proceeding, Santucci remarked: The grand jury obviously concluded that the police officers acted reasonably in defense of their own lives. After these findings, the NAACP immediately started to conduct a corresponding investigation of the Sanders shooting. Mr. Santucci declined to release several reports and other evidence that had been bestowed to the grand jury; however, there was an open and frank discussion about the facts in the Sanders case. On December 29, 1987, Alfred Sanders tried to see his son at the home of Eleanor Watson, the mother of the boy. According to 911 tapes, Watson called the police at approximately 6:47 p.m. claiming that there was a man outside with a gun. She called a few moments later with a similar message, also stating, I have a protective order. At 7:04 p.m., an anti-crime unit picked up the call and responded to the scene in a marked vehicle. At 7:10 p.m., the marked unit called for back up, stating that there was an erratic male on the scene reaching into his pocket. Witnesses pointed out that Sanders complied with the officers and he withdrew a wallet and a piece of paper and threw it onto the hood of the police car. Police records verify that at approximately 7:13 p.m. the second unit at the scene called and demanded for a police sergeant to be sent to the scene and called for an Emergency Services Unit. However before these units arrived, Sanders had already been killed. The shooting occurred around 7:18 p.m., after Sanders had moved around and started yelling racial and taunting remarks at the officers. The officers indicated that he possessed a knife and allegedly pointed it and lunged at the officers. The officers had their guns drawn and a total of eleven bullets were fired by two of the officers. The other two officers declined to shoot. Sanders held ten bullets in the area of his abdomen, chest, left arm and left leg. His body fell to the middle of the street where he died. Six witnesses testified to the grand jury that they saw a knife; four others say there was no knife. (Dudley 27- 29)

Anthony Baez, a 29 year old man of Puerto Rican descent, died of injuries sustained during his arrest by officers

from the 46th Precinct in the Bronx, on December 22, 1994. He had been visiting his family from Florida and was throwing a football around with his brothers outside the family home when the ball accidentally hit two parked police patrol cars. According to family members who witnessed the incident, one officer, Francis X. Livoti, lost his composure and arrested Anthony Baez’s brother David, placing him in handcuffs. When Anthony Baez questioned the officer’s arrest and treatment of his younger brother, the officer reportedly grabbed him, placing him in a chokehold; he and other officers present then supposedly knelt on his back while handcuffing him behind his back as he lay face-down on the ground. Anthony Baez’s father and other family members reportedly warned the officers to be careful as he suffered from chronic asthma. According to the civil action filed by the family in the case, Anthony Baez was left face-down on the ground in a prone position for around 10-15 minutes before being dragged into a police car, with no attempt made to resuscitated him. He was taken face down in a police car to a hospital where he was pronounced dead about an hour later. The police stated that Baez had died of an asthmatic attack while resisting arrest. However, the Medical Examiner concluded that Baez’s death was caused by asphyxia due to compression of the neck and chest as well as acute asthma, and classified the death as a homicide . A pathologist hired by the family found bruises on the scalp, wrists, hands and neck, and evidence of internal bleeding around the eyes (another sign of asphyxia). The officer who had allegedly applied the chokehold was subsequently charged with criminally negligent homicide. According to the Baez family’s attorney, the same officer had 14 prior complaints of brutality filed against him, eight for excessive force and four for using a choke hold, nearly all of which had been ruled unsubstantiated by the former CCRB. The NYPD was nevertheless concerned enough to have placed him on the Force Monitoring Program for special surveillance and psychological counseling. However, he had been taken out of the Monitoring Program six months before Anthony Baez’s death. One prior complaint against the same officer, which had been pending since 1993, was substantiated by the present CCRB in 1995. This was a complaint of his having slapped and choked a 16-year-old boy in September 1993 (Collins uspo102.htm).

Federico Pereira, a 21-year-old Puerto Rican man died during a struggle with five white police officers in the early hours of February 5, 1991, as they dragged him from a stolen car in which he had been sleeping. The city Medical Examiner ruled the death a homicide and concluded from a number of signs, including a bruise to the neck near the hyoid bone, that Pereira had died from traumatic asphyxia associated with compression of the neck. The autopsy also noted multiple blunt force injuries, including a laceration above the eye, abrasions to his head and knees and contusions, all of which had occurred shortly before his death. Before the Medical Examiner’s report was released, a police internal inquiry had cleared the officers of blame, stating that Pereira had violently resisted arrest and that lacerations and marks to the face were caused by his banging his head against the pavement. The officers denied using a choke hold against Pereira as he lay face-down, handcuffed on the ground, as told by two civilian witnesses who came forward three days after the death. In March 1991 a Queens grand jury indicted all five police officers on charges of second-degree murder, manslaughter, assault and criminally negligent homicide. In announcing the decision, the District Attorney said that although only one officer was accused of having choked the victim, all had played a role in the death. However, a few months later a Supreme Court judge dismissed all charges against four of the officers at the request of a new District Attorney, and reduced the charges against the fifth officer to manslaughter and criminally negligent homicide. Between March 1991 and the officer’s trial in March 1992, several articles appeared in the press citing police experts who challenged both the medical evidence and the credibility of the civilian witnesses. A police defense lawyer, for example, is quoted as saying that there was little evidence in the autopsy report to back up accounts by the witnesses that the officer kicked and beat the victim. Another police defense lawyer is quoted as saying that There is an insignificant injury to the neck, a small abrasion on the side of the neck and that’s it. The injuries are just not there that are consistent with asphyxiation . At his trial before a non-jury court in March 1992, the officer denied that he or any other officer had beaten Pereira or choked him. The defense maintained that the cocaine found in Pereira’s body at the time of his arrest had caused his death. A medical expert testifying for the defense disagreed with the Medical Examiner’s finding of asphyxia. The officer was acquitted. In 1995 Pereira’s family received $175,000 damages in an out-of-court settlement of a wrongful death lawsuit (Dudley 34).

In the early morning hours of August 9, 1997, police officers arrested Abner Louima, a legal Haitian immigrant, outside a Brooklyn nightclub following altercations between police and people outside the club. During the trip to the station house, officers allegedly stopped twice to beat Louima, who was handcuffed. At the 70th Precinct station house, two officers, Justin Volpe and Charles Schwarz, allegedly shouted racial slurs and Volpe allegedly shoved a plunger stick into Louima’s rectum and mouth. Volpe reportedly borrowed gloves from another officer and walked through the station house with the plunger stick, which was covered with blood and excrement; the gloves were recovered, but the wooden stick was not found on the scene. Louima was placed in a holding cell, where other inmates complained that he was bleeding. An ambulance was eventually requested to take him to a hospital, but he was held for three hours in the cell bleeding following the alleged beating and torture. Once at the hospital, doctors confirmed Louima’s serious internal injuries were consistent with his allegations; internal organs were ruptured, and his front teeth had been broken. For the first three days of his two-month hospitalization, Louima was handcuffed to his bed. It appears that no officer at the station formally reported the alleged attack, and in the months following the incident, only two officers came forward to provide useful information. One of the officers who provided information was transferred out of the 70th Precinct and was supposedly provided with security in case of revenge by his fellow officers. According to reports, eleven NYPD members of various ranks were facing disciplinary sanctions for failing to provide information, or lying, to investigators. After the incident, the commanding and executive officers of the 70th Precinct were reassigned, and another fourteen officers reportedly were placed on modified assignment or suspended. According to the NYCLU, the fourteen officers who were either arrested, suspended, transferred or placed on desk duty in the week following the alleged torture of Louima had been accused, among them, of eleven prior unsubstantiated excessive force complaints and of another five misconduct complaints that had been ruled inconclusive or resolved through reparation (Collins uspo102.htm).

Volpe and another officer were charged in state court with aggravated sexual abuse and first-degree assault. Two other officers were charged with beating Louima during the ride to the police precinct, and racial bias charges were subsequently added against all four. In February 1998, federal prosecutors took over the case, indicting the four officers named in the state indictments and a sergeant accused of attempting to coverup the incident. The sergeant and Volpe were also indicted on charges relating to the alleged beating of another Haitian immigrant who was a bystander near the nightclub on the same night; the sergeant was accused of attempting to cover up the beating (Collins uspo102.htm).

On February 4, 1999, a 22-year-old Haitian immigrant, Amadou Diallo, was shot and killed by four NYPD officers. In all, the four white officers, two of whom stood just 10 feet away from Diallo when the shooting started, fired 41 bullets at him Feb. 4, police investigators said. Two emptied their 16-shot pistols; one fired five times, and the other squeezed off four rounds. In total Diallo got shot 19 times.

A police union lawyer said the officers opened fire because they thought Diallo was reaching for a gun. But the only things found on Diallo’s bullet-riddled body were a beeper, his wallet and door keys. Still unexplained is why the officers, dressed in jeans and sweatshirts, approached Diallo, a 22-year-old devout Muslim with no criminal record, with their guns drawn. New York’s police force has the look of an army of occupation. In a city whose residents are mostly black and Hispanic, it is 70 percent white.

Shortly after the shooting, someone placed a sign near the spot where Diallo died. Its message to police reads: “You were put here to protect us, but who protects us from you? (Wickham)

The vast majority of New York’s cops are honest and hard working. Nobody needs to be protected from them. Nearly two weeks after that deadly encounter, there was no evidence, not even a whispered suggestion, that he was guilty of anything more than getting caught in the cross hairs of four cops. And now on the heels of this unexplained shooting, Mayor Rudolph Giuliani wants to give his police even deadlier bullets. He wants police officers to now carry hollow point bullets, even deadlier than the bullets that the NYPD uses now. So with all the pressure the NYPD has been under with race relations and lack of Hispanic and African-American officers, they have begun to heavily recruit these kinds of officers and hope that that will end or reduce the use of excessive and deadly force.