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P.D.'s War on Men of Color

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To the Editor:

The whole city deserves "enlightenment" about the NYPD exoneration of Officer Craig Yokemick, who fatally fractured Kenneth Banks's skull by throwing a police radio at his head in October 1998 (Feb. 23 editorial). Unfortunately, the department's failure to take even minimal disciplinary action against Yokemick in this case reflects the Giuliani administration's street-level war on young men of color.

As in the cases of Amadou Diallo (1999) and Patrick Dorismond (2000), Mr. Banks was a black man whose life was taken without justification by the NYPD. The 5'5"-tall Banks was unarmed and posed no threat to the 6'6" Yokemick. As with attempts to defuse criticism by assassinating the characters of Diallo and Dorismond, police sought to justify Bank's death by demonizing him as a drug dealer—an allegation disputed by civilian witnesses—with a criminal record. Indeed, rather than obtaining emergency medical attention for his severe injuries, police cuffed and jailed the unconscious Banks, whom they charged with misdemeanor drug possession.

As in the Diallo and Dorismond cases, New York City's criminal justice system has proved unwilling to punish the officer responsible for Banks's death. Every day, Legal Aid attorneys relearn the old maxim that prosecutors can indict even a ham sandwich. Here, however, the Manhattan District Attorney's Office endorsed the grand jury's decision not to indict Yokemick on the grounds that "the level of force was appropriate under the circumstances in order to apprehend Mr. Banks." Then-Police Commissioner Howard Safir would comment only that "the criminal justice system has spoken."

To top it off, the NYPD's Department Advocate was unable to obtain even a 10-day suspension in Yokemick's recent disciplinary hearing. It wasn't the first time the department had gone easy

on Yokemick; he was still on the force at the time of Banks's death despite previous findings of excessive force, assault, and discourtesy.

This pattern of abuse is the predictable consequence of the Street Crime Unit (Diallo), Operation Condor (Dorismond), and department-wide "quality of life" arrest quotas systematically aimed at young black and Latino men—usually for nonviolent and/or petty offenses. As a high-ranking NYPD narcotics commander recently explained, "[c]ops are flooding the system with minor stuff just for the overtime." (N.Y. Daily News, December 22, 2000). As a result, "Manhattan has more residents in state prison than any other county in the state . . . A whopping 105 out of every 10,000 Manhattan residents are in state prison" (N.Y. Post, Feb. 4, 2001).

These policies, in turn, feed the state's insatiable "war on drugs," whose Rockefeller Drug Laws have boosted the number of state prison inmates to 70,000—21,000 of them incarcerated for nonviolent drug offenses.

The Giuliani administration insulates police misconduct generated by these policies through staunch resistance to effective police oversight. According to both the NYCLU and the city Department of Investigation, the CCRB is, at best, ineffective. The Mayor has adamantly opposed Federal oversight of the NYPD, and recently defended his refusal to cooperate with Federal investigation of the Street Crime Unit on the grounds that "they (Federal prosecutors) have to stop harassing the Police Department."

By pursuing such search-and-destroy policies, the administration bears ultimate responsibility for taking the lives of people like Amadou Diallo, Patrick Dorismond and Kenneth Banks.

MICHAEL LETWIN

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