

City of New York agrees to \$3 million settlement in police brutality case

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The City of New York has agreed to pay nearly \$3 million to settle a group of lawsuits brought by the family of Anthony Baez, a 29-year-old man who was killed by a brutal New York police officer outside his family's home in the Bronx in December 1994.

The settlement is a record amount in a case of wrongful death resulting from police brutality, but does not involve an admission of wrongdoing on the part of the city. The Giuliani administration has always maintained that the officer who caused Baez's death was a rogue cop for whom the city was not responsible. Nevertheless the record settlement focuses national and international attention on the role of the police, and will undoubtedly encourage other victims to file their own suits.

Baez, who lived in Florida and was visiting his family, was set upon by the police, apparently for the 'crime' of hitting a police car with a football during a late-night family football game right outside their home. Francis X. Livoti, a cop with a record of at least nine previous complaints of brutality against him, used a choke hold against Baez which resulted in his death.

In 1996 Livoti was acquitted on manslaughter charges in a nonjury trial in State Supreme Court. The judge who pronounced the not guilty verdict declared, 'I do not find the defendant innocent,' but said the prosecution had failed to prove its case. Confronted with nearly unanimous testimony from fellow police officers supporting Livoti, the judge said during the trial, 'There is a nest of perjury somewhere around here.' Following this acquittal, Livoti was tried and convicted earlier this year on federal civil rights charges. When he is sentenced next week he could receive up to 10 years in prison.

The New York City authorities apparently decided that \$3 million was a reasonable price to pay to avoid

an embarrassing civil trial in which the top police officials would have had to explain why they protected Livoti despite numerous charges of brutality. Corporation Counsel Michael Hess summed this up with a public comment: 'The city feels it is appropriate to put this unfortunate incident to rest.'

The dead man's family, however, including his parents Iris and Ramon Baez, said that the settlement was the beginning and not the end of their struggle. They said they would use their legal victory to aid other victims of police brutality.

The killing of Anthony Baez was one of the more tragic and prominent of the thousands of cases of police abuse directed at workers and youth, especially immigrants and minorities. Literally not a week goes by without at least one and sometimes more than one report of a police shooting or beating surfacing in the newspapers. Hundreds of lesser incidents of abuse and mistreatment are never reported. A wrongful death suit by the family of Nathaniel Levi Gaines Jr., a Navy veteran with no criminal record who was shot in the back by a transit police officer on July 4, 1996, is still pending. The most prominent of recent cases is that of Haitian immigrant Abner Louima, who was savagely beaten and sodomized in a Brooklyn station house in August 1997. The case against the cops charged in this attack is slowly making its way through the courts.



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