

Fall of the "Dark Prince"

New York's top cop quits after brutality trial

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The resignation of the top-ranking officer in New York City's police department June 10 underscores the continuing crisis over acts of brutality and the systematic violation of democratic rights that have taken place under Mayor Rudolph Giuliani.

Known to his enemies as "the dark prince" of the NYPD, Chief of Department Louis R. Anemone in many ways personified the "zero tolerance" policies and "war on crime" mentality that gave rise to horrific incidents such as the August 1997 stationhouse torture of Haitian immigrant Abner Louima and the fatal firing squad-style shooting of Amadou Diallo by four Street Crime Unit cops in The Bronx in February.

The surprise announcement that he is quitting after 34 years came June 10, just two days after a US District Court jury in Brooklyn rendered its verdict in the trial of four cops charged in connection with the beating and sodomizing of Louima in a precinct bathroom.

One officer, Charles Schwarz, was found guilty of participating in the beating and helping a second cop, Justin Volpe, by holding Louima down as Volpe rammed a two and a half-foot stick up his rectum. In the face of overwhelming evidence, including the testimony of other cops that he bragged about his depraved assault, Volpe pleaded guilty a week before the trial closed. Both cops could face sentences of life in prison.

The other police officers, accused of beating Louima in a patrol car, arresting a second man on false charges and then covering up for both actions, were acquitted on all charges.

There was less direct evidence against the cops who were acquitted. But it is also true that their alleged crimes were the kind of "garden variety" brutality that takes place throughout the city's working class neighborhoods. Such forms of street justice by police

officers are rarely punished. When the proof of the attack is too substantial to ignore, it generally results in administrative penalties no greater than the loss of 30 days' pay, after which the guilty cop is put back on the street with his gun and club in hand.

Questioned about Anemone's resignation, Police Commissioner Howard Safir said that the 53-year-old chief had decided to leave the department in order to "take some time off and spend it with his family." Mayor Giuliani praised the chief for his "enormously productive career."

But there are strong indications that Anemone was pushed out as part of an attempt to introduce cosmetic changes to the city's police department in order to stave off possible federal intervention.

It is not only his uncompromising law-and-order reputation that is a problem—the chief is remembered for personally macing youth protesting a police shooting in Staten Island after cops on the scene hesitated in attacking them. He is also personally associated with one of the city's most notorious police killings.

He acted as both mentor and protector to Frances X. Livoti, the former police officer convicted last year of federal civil rights violations in connection with the December 1994 death of Anthony Baez. The cop became enraged after a football which Baez and his brothers were playing with struck his patrol car. When Baez failed to obey the cop's order to get out of the street, Livoti grabbed Baez in a chokehold, strangling him to death.

Three years before the fatal encounter, Livoti's commanding officer at the 46th Precinct in the Bronx recommended that Livoti get psychological counseling and be transferred to a desk job because of repeated acts of unprovoked violence. By that time, Livoti had

piled up a record of 12 complaints of excessive force before the city's Civilian Complaint Review Board.

Anemone, then a senior commander in the Bronx, countermanded the recommendation, saying it was "not practical," because Livoti was a delegate of the Patrolmen's Benevolent Association, the police union. As a result, he remained on patrol up until the night he killed Baez. Even in the immediate aftermath of that killing, Chief Anemone publicly defended Livoti as the kind of aggressive officer needed in high-crime areas.

Susan M. Karten, who represented the Baez family in a civil suit against the city, said she recently turned over to US Attorney for the Eastern District Zachary Carter depositions of Officer Livoti's former precinct commander, in which he gave a detailed account of Mr. Anemone's role in the affair.

In addition to prosecuting the Louima case, Carter, together with his counterpart in the Southern District, is conducting an investigation into whether such instances, together with the department's stop-and-frisk policies, which result in random searches of minority youth without any evidence of criminal activity, reveal a "pattern and practice" of violation of constitutional rights. He has the power to order the appointment of federal monitors to oversee the NYPD's operations. The Federal Civil Rights Commission and the state Attorney General are conducting similar probes.

The city settled the Baez civil suit for \$3 million just before she was to depose Chief Anemone, Ms. Karten said. "There were lot of questions and they were all whitewashed," she added. "But if Anemone had acted on that recommendation, we wouldn't have had an Anthony Baez incident."

Within the NYPD, Anemone earned more than a few enemies for his abrasive style and his relentless drive to bring about aggressive enforcement. His tenure as department chief is most associated with the introduction of COMPSTAT, short for computer comparison statistics, in which weekly crime statistics are made the subject of intense sessions in which precinct commanders are raked over the coals for failure to register sufficient "productivity."

Critics charge that this dressing down of senior officers is translated into the imposition of arrest and summons quotas for street cops, with the aim of getting the precinct's "numbers up." The result is the daily harassment, fining and arrest of people who have

committed no crime.

In the wake of the Louima verdict, Giuliani has praised his police department and credited the cops who testified with making the case. The trial, he said, demonstrated that the so-called "Blue Wall of Silence" is "a myth" and "hasn't existed for 25 or 30 years."

In reality, the officers who testified said nothing about the incident for at least a week. They came forward only after the stationhouse assault had become the subject of front-page headlines and they themselves had become subjects of an intense investigation that was driven in part by Giuliani's desire to settle the matter before the 1997 mayoral election. As the record of Chief Anemone demonstrates, the "Blue Wall of Silence" is not only alive and well, but is enforced from the top. Its purpose is to ward off any criticism of the repressive force used to defend wealth and property in a city where the chasm between the haves and have-nots has reached historically unprecedented dimensions.



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