

Five days after the Diallo verdict

New York plainclothes cop kills unarmed Bronx man

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3 March 2000

Only days after a jury in Albany, New York acquitted four plainclothes policemen in the February 1999 killing of West African immigrant Amadou Diallo, a plainclothes cop shot and killed a 23-year-old unarmed man in the Bronx.

The incident took place Wednesday night, only three blocks from where Diallo, also unarmed, was killed in a hail of 41 bullets. The victim, Malcolm Ferguson, was shot once in the head at about 6:30 p.m. and declared dead at the scene. Ferguson was one of two men in the neighborhood arrested February 25 for protesting the acquittal of the police officers in the Diallo case.

According to the police version of events, five officers in the anti-drug unit were on their way to a housing project in the area when they spotted what they interpreted to be suspicious behavior in the hallway of one of the buildings located at 1045 Boynton Avenue. As the officers approached the hallway, a man ran up the stairs.

Officer Louis Rivera ran after him. According to the police, there was a struggle and the officer discharged his firearm. That the gun was fired at close range is proven by the fact that there was blood on the officer's weapon. The police said they found six packets of heroin wrapped in cellophane on the deceased.

According to his relatives, Ferguson lived in the south Bronx with his mother and had been arrested nine times since 1994, six times on drug related charges. They said Ferguson's mother suffered a serious asthma attack after hearing of her son's death.

After the shooting, local residents organized a spontaneous demonstration to protest the killing. Many of the protesters charged that Ferguson was killed because he, like Diallo, was black. A police spokesman

said Officer Rivera is Hispanic. Of the other four officers, one is white, two are black, and one is Hispanic.

One of the eyewitnesses said he saw two men with hoods, referring to the officers, go into the building. He said they did not look like police to him.

The killing of Ferguson could be indicative of the response within the New York Police Department to the acquittal of the police who gunned down Diallo. Reports have surfaced of celebrations in New York City police precincts immediately after the verdict was announced. The feeling may very well be that if officers can get away with killing a man with no criminal record for simply standing in the vestibule of his own building, as in the Diallo case, there is even less to stop them from shooting a man who, like Ferguson, has a criminal record.

Yet another incident in the Bronx, unrelated to the Ferguson killing, is highly revealing. Two police officers, James Caputo and Damian Marcaida, were arraigned in the State Supreme Court in the Bronx, only hours before Ferguson was shot, on charges that they severely beat a woman who called 911 for police assistance during a dispute with her boyfriend. Instead of assisting the woman, they handcuffed her, took her to an isolated lot and beat her. The victim, Charae Williams, 38, suffered a broken nose and broken jaw and had to be hospitalized for four days.



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