

# Three New York City cops indicted in last year's killing of unarmed Queens man

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Three New York City police detectives were indicted on March 16 in the killing of 23-year-old Sean Bell and the wounding of two others last year. The unarmed men were hit when the cops, along with two others who were not indicted, opened fire, unloading 50 shots into their car in the early morning hours of November 25.

Bell, who was to be married later that day, was leaving Club Kalua in the Jamaica section of Queens after a bachelor party. The other victims, who were seriously injured but recovered, were Trent Benefield, 23, and Joseph Guzman, 31.

The November 25 incident provoked outrage throughout the city, and especially in the Jamaica neighborhood. New York Mayor Michael Bloomberg took note of and attempted to defuse the anger, calling the shooting “inexplicable” and “unacceptable.” At the same time the police worked overtime to come up with some plausible reason for the execution-style slaying, suggesting that someone with a gun was reportedly present. No such evidence ever materialized.

The case was presented to a Queens grand jury in January. After taking evidence for nearly two months, including testimony from all five of the detectives involved in the incident, and then deliberating for three days, the jury reached its decision late last Friday. While the indictments were not officially unsealed until March 19, defense attorneys for three of the police officers told the media on Friday that their clients had been charged, two with second degree manslaughter and one on a charge of reckless endangerment.

One of those indicted, Gescard Isnora, was the cop who fired the first shot. The other detective facing manslaughter charges, Michael Oliver, fired 31 shots, more than all the others combined. Oliver took time to reload his weapon. The manslaughter charges mean that the police are not charged with intentionally harming

the victims—lawyers for the police claim the incident was only a tragic accident—but rather with the equivalent of driving while drunk. These charges carry a maximum penalty of 5 to 15 years in prison. The third officer, who fired four shots, faces the lesser charge of reckless endangerment, and the other two detectives, who fired once and three times respectively, were not indicted.

All of the indicted detectives now face 30-day suspensions without pay, after which they will be put on desk jobs, without the right to their weapons, pending the outcome of the charges.

The shooting last November, the latest in a long series of police killings over the years, evoked comparison with one of the most notorious of such acts of brutality, the murder of Amadou Diallo on the doorstep of his home in the Bronx in early 1999, in a hail of 41 police bullets. Police and media sources suggested after the killing of Sean Bell, however, that this killing was somehow less outrageous because there was more reason for the detectives in this case, who had been staking out the club on reports of prostitution and drug sales, to suspect the presence of a weapon. They also pointed to the fact that three of the five detectives involved, and two of those indicted, were black.

These claims did nothing to appease the anger of many, especially those in the Jamaica neighborhood and in the Baisley Park housing project where many of Bell's friends live. Press reports this weekend indicated a certain grim satisfaction in the neighborhood that at least some of the police will be facing trial in Sean Bell's death.

There will be additional hurdles to pass before conviction of anyone in this case, however. If indictments of police involved in such shootings are

rare, guilty verdicts are even more unusual. The cops charged in the Amadou Diallo slaying obtained a change of venue and were acquitted by an upstate Albany jury. Other cases have resulted in hung juries, suspended sentences, or acquittals by judges after the accused cops conclude that they face better odds if they do not place their fate in the hands of a jury. One of the very rare cases of conviction and long prison terms was that of the police found guilty of the stationhouse torture of Haitian immigrant Abner Louima in Brooklyn 10 years ago.

Police sources immediately criticized the grand jury action. According to Michael Palladino, president of the Detectives Endowment Association, the manslaughter charges will have a chilling effect on the police. "The message that's being sent now is that even though you're acting in good faith, in pursuit of your lawful duties, there is no room, no margin for error," Palladino said.

Bloomberg, who feigned sympathy and distress at the time of the shooting last fall, this past week spoke far more dismissively about community anger. "I'm sure there will be some hotheads no matter what happens," the mayor said several days before the grand jury announced its decision. Sounding as though he knew the outcome beforehand, Bloomberg said there will be those who say there were not enough indictments and those who will say there were too many.

He added, in an unmistakable warning, "We are not going to have any unrest. We'll make sure that everybody is protected. You will be as safe going out on the street after a decision as you were before the decision." The irony of this statement in the aftermath of the gunning down of another innocent victim of the police was apparently lost on the mayor, who has lately been stressing his "toughness," perhaps in preparation for a presidential campaign.

Whatever the final outcome of this case, and whether or not the police involved pay any penalty for their actions, the killing of Sean Bell was the product of definite economic, social and political conditions that are upheld by Bloomberg and every single other elected official, Democrat and Republican alike. As long as poverty festers, inequality persists and grows, and the police, whether black or white, are charged with defending this status quo, "accidents" like the killing of Sean Bell will continue to take place.



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