

New York: another fatal shooting of an unarmed man sparks outrage

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An off-duty cop's fatal shooting of an unarmed motorist has once again sparked outrage in one of New York City's working class neighborhoods.

Fermin Arzu, a Honduran immigrant worker, was shot to death late last Friday by Police Officer Raphael Lora after hitting a parked car near the cop's home in the Longwood section of the Bronx.

Witnesses said that Lora ran out of his house after hearing the car crash and confronted Arzu. When Arzu sought to drive away, Lora fired his weapon five times, hitting Arzu once in the back. The immigrant worker then lost control of the minivan he was driving, which careened into a parked car, jumped a curb and crashed into a church wall, bursting into flames. He was pronounced dead at the scene. While initially police suggested the death was caused by the car fire, the medical examiner confirmed that the cop's bullet pierced the man's heart.

Sharply conflicting stories have emerged about the precise nature of the confrontation.

Police sources have claimed that Lora had shown a police badge and asked Arzu for his driver's license and registration. Basing themselves on the cop's testimony, they assert that Arzu reached for something in his glove compartment, pushed the officer away with his door and sought to speed away.

No weapon was found in the car, however, and eyewitnesses have offered a different version of events.

Some said that they had no idea that Lora was a police officer. "We didn't know if he was a cop or a regular person," 16-year-old Geraldo Reyes told the *New York Times*.

"He looked like a thug with a gun, in plainclothes," a neighbor who witnessed the shooting told the *New York Post*.

And another witness to the shooting told the

television news channel NY1 that "Lora never said he was an officer before shooting."

Two witnesses also told the *Post* that the car was not speeding away from the scene, but moving slowly when Lora opened fire.

While Lora claimed that Arzu's speech was slurred, indicating that he was either drunk or had taken drugs, a friend who was with the Honduran immigrant just before the incident denied that he was intoxicated.

The shooting took place shortly after Arzu had brought his wife, Thomasa Sabeio, back from the hospital, where she undergone a mastectomy.

A 43-year-old father of three, Arzu had emigrated from Honduras 15 years ago and worked as a porter and maintenance worker in three Bronx buildings. He was well known and popular within New York's sizeable Garifuna community, made up of people of African and Amerindian descent from the Caribbean coast of Honduras. An accomplished musician, he played bass and other instruments in several bands.

The government of Honduras has expressed concern over the killing and demanded a "serious investigation." Javier Hernández, Honduran consul general in New York, told the press: "The police cannot shoot crazily or indiscriminately. Before, there was courtesy, now there is intimidation, and I think it should be the other way around."

While Lora has refused to comment directly on the incident, he told the *Daily News* Sunday, "I'm just doing my job."

Under police guidelines, officers are allowed to fire their weapons only if they believe that they themselves or others are threatened with deadly force. They are not permitted to use them merely to stop someone from fleeing. As there was no gun found in Arzu's car and the immigrant was shot in the back, the killing seems to

clearly be a case of criminal abuse of police power.

The tragic shooting in the Bronx has a great deal in common with the slaying of Sean Bell by undercover cops in Brooklyn, barely six months earlier. Two police officers have been charged with manslaughter and a third with reckless endangerment for the November 25 incident, in which Bell was killed and two of his friends seriously injured in a hail of 50 police bullets.

As in Arzu's case, Bell and his companions were unarmed, while the police were plainclothes detectives. And, as in this latest shooting, witnesses contradicted the cops' claims that they had clearly identified themselves as police officers when they confronted the men as they left a bachelor party for Bell, who was to be married the next day.

The cops in the Bell case claimed they believed someone in the car had a gun, but no weapon was found.

A group of minority officers within the police department has accused the NYPD's leadership of failing in the wake of the Bell killing to reaffirm the department's policy barring cops shooting at moving vehicles unless a driver or occupant is wielding a deadly weapon.

Arzu's widow said that the Honduran immigrant had been outraged by the police killing of Sean Bell. "He hated injustice, by police, by anybody," she said. "He was my friend, my husband, everything to me. I was happy having a life with him."

The Bronx District Attorney is investigating the shooting to determine whether criminal charges will be brought against Lora. The family's attorney called for the cop to be arrested. "Any other person would have already been arrested," said the attorney, Michael Hardy. "Why has another life been taken by the gun of an officer of the New York City police?" he added. "This has got to stop. Something is wrong."

Significantly, on Sunday, as the investigation into the fatal shooting of Fermin Arzu was just beginning, the *New York Times* ran a fawning feature story on the front page of its metro section dedicated to another New York City police officer, Kenneth Boss, and his struggle to recover, as the headline put it, "his name, and his gun."

Boss is still a member of the NYPD, but has not been allowed to carry a gun since 1999, when he and three other undercover cops killed an African immigrant,

Amadou Diallo, with a barrage of 41 bullets. Diallo, 22 and unarmed, was slain in the vestibule of his Bronx apartment building as he pulled out his wallet, which the cops said they mistook for a gun.

The cops were indicted for murder, but secured acquittal after getting a change in venue. They were tried in Albany after a court ruled that they could not get a fair trial anywhere in New York City. Attorneys for the cops in the Sean Bell case have indicated that they may seek to carry out a similar maneuver.

The *Times* refers to the department's refusal to give Boss his gun back as an "ordeal" that "capsized his personal life" and describes his situation as "a shadowy limbo that he has spent years fighting to escape."

Curiously, the article cites his stint in the Marine Corps in Iraq, while on military leave from the NYPD, and a medal for "combat operations" in which he killed several "insurgents" as evidence of why he should be put back on the streets of New York City with a gun.

No doubt under the rules of engagement governing US occupation troops in Iraq, the shootings of Diallo, Bell and now Arzu would never rise to the level of a disciplinary question, much less a legal one. Ordinary Iraqis are killed regularly for far less.

Implicit in the extraordinary sympathy shown by New York's "paper of record" towards Boss's complaint is the recognition that the nearly 40,000 police deployed on New York City's streets are carrying out something akin to an occupation themselves, conducting a vast number of stops and searches as well as acts of murderous violence concentrated in the city's poorest and most oppressed neighborhoods.

The main job of this army of police is to defend the wealth and privileges of the financial elite in a city that boasts one of the greatest concentrations of billionaires and multimillionaires, who live in close proximity to millions of poor people, and where the top 20 percent of households makes at least 20 times more than the impoverished bottom 20 percent.



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