

Notes on police violence

## Family sues over death of inmate in Fishkill, New York prison

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The family of Samuel Harrell, who died April 22 at the Fishkill Correctional Facility in New York state, has filed a federal suit in Manhattan. The family alleges that Harrell died after he was handcuffed, beaten, and punched, and thrown down a flight of stairs by a group of prison guards.

Prison authorities claimed that Harrell died of an overdose of synthetic marijuana, but an autopsy has shown that he had no chemical substances in his body at the time of his death. Harrell's death has been ruled a homicide by the medical examiner.

According to the suit, Harrell's death is a part a systematic pattern of violence by a group of prison guards that is condoned by both supervisors and union representatives. The group is known in the prison as the "Beat up Squad."

The killing of Harrell is emblematic of the savage treatment of inmates by authorities in correctional facilities across New York state. A federal suit has cited a "culture of violence" in the treatment of inmates by guards at New York City's Rikers Island. In the aftermath of the escape of Richard Matt and David Sweat in June from the maximum-security penitentiary at Dannemora, inmates were tortured with the collusion of New York governor Andrew Cuomo

### Former tennis star James Blake assaulted by undercover New York City police

Retired tennis star James Blake was thrown to the ground and handcuffed in front of the Midtown hotel where he was staying by undercover New York Police Department (NYPD) officers on September 9 when he was mistakenly identified as a suspect in a credit card scam. For the next 10 minutes, police did not identify themselves or the reasons for his detention. Blake was waiting for a car to take him to the US Open, which was going on at the time in Queens.

Blake, who is biracial, told the media, "In my mind there's probably a race factor involved, but no matter what, there's no reason for anybody to do that to anybody. You'd think they could say, 'Hey, we want to talk to you. We are looking into something.' I was just standing there. I wasn't running. It's not even close.... It's blatantly unnecessary."

While Mayor Bill de Blasio and Police Commissioner William Bratton have issued public apologies, violent assaults and officers' failure to identify themselves—a violation of any suspect's constitutional rights—are standard operating procedure for the NYPD. The officer who assaulted Blake, James Frascatore, is the subject of at least two lawsuits and four complaints to the city's Civilian Complaint Board.

Warren Diggs from the Bronx, one of the plaintiffs in a suit involving Frascatore, told the media that he was entering his house when Frascatore and other officers asked him for an ID. When he said that he didn't have one and produced a key to his house, Frascatore punched him in the head and continued beating him once he was on the ground.

Leroy Cline, another plaintiff, said that he was stopped while driving by Frascatore. When he asked why he had been pulled over, he alleges that Frascatore punched him three times in the mouth. Frascatore allegedly punched another man in the stomach while using a racial slur.

Blake has called for Frascatore to be fired. "I've gotten emails and texts from people that tell me, 'This happened to me. This happened to my friend, my father, my brother,' " he said. "None of them get public apologies. They deserve the same treatment I'm getting."

The concern of the political establishment over yet another public exposure of the violence of the NYPD was on view when the *New York Times* called for Frascatore, who is now on desk duty, to be fired, and questioning why he is not arrested for behavior that "causes people to distrust and hate" the NYPD.

As Blake himself indicates, it was only due to his celebrity

status that the brutality against him by an NYPD officer came to light. As de Blasio and Bratton know well, similar treatment and worse is meted out to hundreds of working class New Yorkers every day. For the Democratic Party-controlled city government, the response to the Blake episode is largely one of political backtracking, hypocrisy, and false promises of substantive change.

### **Rikers Island guards arrested in organizing beating of inmate**

Two prison guards at New York City's huge Rikers Island prison complex, Nakia Gales and Herman Jiminian, were arrested last week on charges of orchestrating the beating of an inmate by four other inmates in January 2014.

The inmate, Gilbert Bacallao, was allowed into an enclosed area where he could receive a package. Once inside, Gales admitted four other inmates who proceeded to beat Bacallo to settle what was apparently a personal score. The guards are accused of falsifying paperwork after the beating. Prosecutors allege that the two guards are members of the Bloods gang.

In recent months, a series of lawsuits and exposures have revealed Rikers to be a center for the savage mistreatment of inmates, including beatings and killings. In August 2014, the US Attorney's office released a report, the result of a two-year investigation, which described New York City Department of Corrections (DOC) guards' treatment of juvenile prisoners as "a deep-seated culture of violence."

### **MBTA Transit Police officer pulls gun while arresting a woman for shoplifting**

On September 18, an MBTA Transit Police officer beat a woman with his nightstick and then pulled his gun onboard a bus at Dudley Square in Boston's Roxbury neighborhood. The woman was accused of stealing from a vendor at the station.

Despite the installation of high-definition surveillance cameras on hundreds of MBTA buses in 2014, police had released no video of the alleged theft or the violent arrest as of Sunday night. Videos taken by passengers and posted to YouTube and Facebook made the incident public.

The viciousness with which the woman was beaten can be heard at the beginning of the video, and as passengers tried

to intervene, the cop pulled his gun to intimidate them and threaten the woman. He re-holsters his gun only when he realizes that he's being video-recorded. At the end of the video, three cops are seen taking the handcuffed woman to a police car that is surrounded by additional uniformed police.

The incident makes a mockery of the slogan repeated incessantly in MBTA announcements that "safety is our number one priority."

### **Heavily armed police "sweep" Boston subway train after bomb threat**

During rush hour on the morning of September 16, a passenger wearing a Guy Fawkes mask made a bomb threat on an outbound Orange Line train in Boston. News reports stated that the man, who was later arrested outside of the Tufts Medical Center station, was already "known to police" from previous incidents.

Nonetheless, police wearing body armor and carrying what look like submachine guns "swept" the train while the doors were kept shut for 20 minutes. A passenger video shows the frightening scene. A police K-9 unit was also called to the scene.

The heavily armed officers were identified as MBTA Transit Police, an agency that works hand in glove with the FBI, Immigration and Customs Enforcement, a Joint Terrorism Task Force, and the Commonwealth Fusion Center. It participated with federal and local forces in the military-style lockdown of Boston, Cambridge, and Watertown in the aftermath of the 2013 Boston Marathon bombings.



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