Murder conviction, coerced by New York City police, overturned after 25 years

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After spending a quarter century in jail for supposed participation in the 1990 murder of a tourist on a New York City subway platform, a judge has ruled that newly revealed evidence is sufficient to overturn the conviction of then-18-year-old Juan Carlos "Johnny" Hincapie. The killing occurred as a group of six to eight individuals, allegedly including Hincapie, were attempting to rob a family visiting the city from Utah. The victim, 22-year-old Brian Watkins, was stabbed and subsequently died.

That murder occurred in a period of elevated violent crimes in the city in the late 1980s and early 1990s, during an economic recession and the so-called crack epidemic. The Watkins homicide came the year after the highly publicized "Central Park Jogger" rape case. These were used by the police and news media to whip up a frenzy against minority youth and thereby justify intensified police activity, including the implementation of the notorious "broken windows" and "stop-and-frisk" policies.

Following the Watkins murder, news media were filled with screaming headlines such as "It's Time to Take Off the White Gloves," in a column by former mayor Ed Koch, "We Are Captives in Our Own Homes," and "New York's Streets Are Awash in Blood." The *New York Times* alleged, "Tourist-Slaying Suspects Are Tied to a Gang of Ritualistic Muggers."

Terms such as "wolf pack" and "wilding" were used to characterize working class youth as animals who had to be subdued. This was employed to promote a panicked atmosphere under which police felt emboldened to employ the most extreme measures to extract confessions, with little regard to the facts of the case. The aggressive and brutal tactics of the police led to numerous false convictions, only a few of which have subsequently been exposed and overturned.

The original trial judge was known for cultivating a "tough on crime" reputation and repeatedly ruled against the defense, thus biasing the trial.

Mr. Hincapie's conviction was thrown out following a decades-long effort to win a new trial. The reversal was based on the statements by several witnesses who had not testified at the original trial that he was not among the group undertaking the robbery. Under New York law, Hincapie was convicted of murder as part of the group, even though he was not charged with having committed the act.

At the time, none of the surviving Watkins family members could positively identify him in a lineup, nor was he named as a participant by the other attackers. The original arresting officer told Hincapie's mother that he did not need a lawyer because he was 18 years old. Furthermore, Hincapie stated that his confession had been coerced by the police following a severe beating. Other defendants also reported being beaten by police.

The current judge's ruling was not a complete exoneration, but indicated that the new evidence was sufficient to raise doubt regarding the previous conviction. Prosecutors are considering whether to retry the case.

Among other notorious cases of the time was the conviction of five black and Hispanic youth in the 1989 Central Park Jogger incident, in which a woman was raped and beaten nearly to death. The five accused were held by police for more than 24 hours after their arrest and bullied into making incriminating statements. They were convicted despite the lack of physical evidence and the fact that the various "confessions" contradicted each other on key points. The five were subsequently released after another individual, a convicted rapist, was identified based on DNA evidence and found to

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have been solely responsible for the assault. The story was made into a movie, *The Central Park Five*, by Ken Burns (see “The Central Park Five: A story of injustice ”). The defendants were subsequently awarded a $40 million compensatory settlement from the city.

These incidents were used as justification to dramatically increase police activity in the city. Following the Watkins murder, the then-mayor, Democrat David Dinkins, hired 6,000 new policemen.

Current New York City police commissioner William Bratton, who has built a reputation for aggressive policing, had assumed command of the transit police, then separate from the city’s main police force, five months before the killing of Watkins. Bratton has dismissed the reassessment of Hincapie’s conviction and denied the possibility of any wrongdoing by police.

Bratton was later appointed police commissioner under Republican mayor Rudy Giuliani, serving from 1994 to 1996. During that time, Bratton instituted the “broken windows” policy under which the police employ aggressive enforcement tactics, including the hated “stop-and- frisk,” for minor offenses in order to intimidate workers and youth. He has stated that the Watkins murder was a “tipping point” that helped make New York City safer. Research, however, shows that the reduction in crime during the 1990s was correlated with a notable drop in unemployment.

He was reappointed as commissioner in 2014 by Democrat Bill de Blasio following a period in the private security business and as chief of the Los Angeles Police Department. It was under his broken windows policy that Staten Island resident Eric Garner was harassed and ultimately murdered by police for allegedly selling loose cigarettes.

Under the self-styled “progressive” de Blasio, Bratton has continued the buildup of the city’s police force, recently announcing the addition of another 1,300 members, and a continuation of the broken windows policy, newly rechristened “community policing.” De Blasio has come to the defense of police violence, even when they lead to citizens’ deaths.

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