

# NYPD disciplinary trial of cop who killed Eric Garner concludes

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The New York Police Department's disciplinary trial of Officer Daniel Pantaleo for his chokehold killing of Staten Island resident Eric Garner on July 14, 2014, has concluded. The prosecution—the city's Civilian Complaint Review Board (CCRB)—and the defense had until June 14 to submit closing statements.

The trial is being conducted by NYPD Commissioner of Trials Rosemarie Maldonado, who will make a recommendation for Pantaleo's punishment, if any, that might range from the loss of vacation days to his firing from the NYPD. The final decision will be made by Police Commissioner James O'Neill.

The death of Garner occurred after police arrived at a street corner near Staten Island's eastern shore and attempted to arrest Garner for selling cigarettes illegally. Garner, who felt he was being harassed, objected. Pantaleo wrestled him to the ground and applied a chokehold to Garner, who cried out 11 times, "I can't breathe!"

Garner, who received no medical attention at the site of the killing, was pronounced dead at a hospital. Chokeholds, defined as "pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air," were banned from NYPD use in 1993.

A bystander, Ramsey Orta, video-recorded the incident on his cell phone. It became a mass political phenomenon on YouTube and other media sites. It generated outrage around the world and particularly in New York City's working class, which has had direct and frequent experience with NYPD killings and the hated stop-and-frisk policy.

Although the city's coroner pronounced his death a homicide, a Staten Island grand jury empaneled by then-District Attorney Daniel Donovan refused to charge Pantaleo with a crime. He has never faced any criminal

charges for his violent and illegal actions.

Garner's case, along with other high-profile police killings in 2014, such as that of Michael Brown in Ferguson, Missouri, led to large-scale demonstrations by workers and students across the US. New York City saw some of the biggest demonstrations since the anti-war protests of 2003–2005.

For the last five years, Pantaleo has been on modified desk-duty in the department and has logged more overtime pay than he did as a patrol officer.

The conduct of this month's police trial was thoroughly undemocratic. It was held at the fortress-like One Police Plaza NYPD headquarters in lower Manhattan. The exact charges leveled against Pantaleo have not been made public. Seating for the public is limited, and no images of any kind may be made, including sketches by professional court artists.

Christopher Dunn, a lawyer for the New York Civil Liberties Union, told the media: "There is already a concern that the process is not an objective process, that it's controlled entirely by the police department, that the judge is actually just a puppet. When the court proceedings take place inside the Police Department, that just adds to the perception."

The NYPD is under no obligation to announce the results of the trial and the media may only be able to discover if Pantaleo is disciplined at all by accessing public records. The fact that Pantaleo is being prosecuted by the CCRB only adds to the farcical character of the trial. The CCRB, an independent agency of the city government and not a part of the NYPD, could prosecute Pantaleo only by the consent of the NYPD. The CCRB has no power to punish officers and can only make recommendations.

Nevertheless, the trial proceedings, at which Pantaleo himself refused to testify, have revealed the brutality

and thuggery of the NYPD and its utter disregard for the lives of the poor and the working class in the most populous American city.

- The very first reaction of the NYPD to Garner's death was revealed by an exchange between Sgt. Dhanan Saminath, who texted to his superior, Lt. Christopher Bannon: "He's most likely DOA [Dead on Arrival]. He has no pulse." Bannon texted back, "Not a big deal." These four words summed up the attitude of the NYPD, and, indeed, of the Democratic-run city government, toward the death of Eric Garner.

- Bannon later testified that Pantaleo was one of the "best officers I've supervised." It was left to Garner's mother, Gwen Carr, to remind the media that Pantaleo had several complaints filed against him.

- In 2015, an NYPD internal review ordered disciplinary charges. None were filed until 2018.

- Despite the denials of Pantaleo's lawyer, the commander of the NYPD Police Academy, Deputy Inspector Richard Dee, testified that Pantaleo had indeed applied the illegal chokehold.

- Floriana Persechino, the coroner who examined Garner and pronounced his death a homicide, with photographs of the autopsy revealed in detail the hemorrhaging to four layers of Garner's tissue, reiterating that Pantaleo asphyxiated him, triggering a process in Garner's body that led to his death.

The Justice Department has made no civil rights violation charges against Pantaleo. An attorney for the DOJ was seen leaving the trial after it was revealed that Pantaleo would not testify. The DOJ has until July 18 to file such charges, which could carry in a prison sentence.

Leading Democratic Party politicians have accepted the legitimacy of the police trial and made no calls for federal civil rights prosecution.

On "The Brian Lehrer Show" earlier this month, Mayor Bill de Blasio, now a presidential candidate, was questioned on his views on the trial. He said: "I'm not going to in any way shape or form be disrespectful to that process," and said the ultimate decision on Pantaleo would be made by the police commissioner, who would be "very, very mindful" and think "in terms of fairness and justice."

Congresswoman Alexandria Ocasio-Cortez, who represents a district in Queens, has only tweeted that "Garner's death should be treated with the gravity that

human life deserves. His life was not disposable." This member of the Democratic Socialists of America, who recently dropped her call to abolish Immigration and Customs Enforcement, made no condemnation of the NYPD, of police violence or called for the federal prosecution of Pantaleo on civil rights violations.

Judge Maldonado now has 90 days to recommend disciplinary action against Pantaleo.



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