by Julia Vitullo-Martin
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Â POLICE COMMISSIONER'S 24-PAGE APOLOGIA

In a remarkable break from past practice, Police Commissioner Raymond Kelly has issued a 24-page official report assigning blame in the catastrophic May 16 New York Police Department raid on the apartment of a church-going, 57-year-old woman, Alberta Spruill. At a tense 3:00 p.m. press conference on May 29, Kelly said, "Deficiencies were found in procedures and practices of the overall warrant process. Mistakes were made. We all make mistakes. It's a terrible tragedy that Miss Spruill lost her life." (Excerpts on Kelly's comments, including his defense of warrants and his pledge for reform, can be heard on Newsday's web site .)

The raid could hardly have gone more wrong. With no evidence of wrong-doing beyond the word of a drug-using known criminal, the NYPD secured a no-knock warrant to invade Spruill's apartment. At 6:15 a.m. on May 16, they executed the warrant by breaking down Spruill's apartment door as she was dressing to go to her city job, which she had held for 29 years. Incorrectly anticipating both resistance and a pit bull, the police detonated a flash grenade -- also called a concussion grenade -- which is used to blind and stun. The police realized almost immediately after handcuffing Spruill that the tidy apartment did not fit the informant's description of a messy place divided by a dirty curtain. But the damage was done. Spruill went into cardiac arrest and was pronounced dead at 7:50 a.m. at Harlem Hospital. Her death was ruled a homicide by the medical examiner.

The snarl of police errors, arrogance, and incompetence recorded in Kelly's report is stunning. Almost every decision leading up to the raid seems to have been flawed, sometimes inexcusably. Commanding officers did not confer with one another or share crucial information. Supervisors for the Emergency Service Unit, which led the raid, didn't know that NYPD policy required that flash grenades be approved by a top boss. Although several officers had serious doubt about the reliability of the informant, they did not relay this information to others. No one watched or canvassed Spruill's apartment to see if it seemed a likely household to shelter drugs, guns, and attack dogs. The drug dealer whose cache of drugs and weapons was being sought in the raid had in fact been arrested four days earlier on an assault warrant -- but precinct officers kept this information to themselves.

The brass at police headquarters are ignorant of much of what goes on in the field. The NYPD lacks a central database on informants and their reliability, says Kelly, as well as any central way of assessing the success or failure of executed search warrants, even though several such warrants resulted in disastrous raids on innocent families during the Giuliani administration. Kelly promised he would establish a database to track search warrants to

uncover patterns of problematic searches.

"What we're doing," said the commissioner, "is seeing to it the best we can that something like this never happens again." Let's certainly hope so. Yet at a minimum this incident calls into question the reality of what journalist Michael Massing once called "The Blue Revolution," the idea that CompStat plus organizational innovations and changes in police culture had transformed the NYPD into an efficient crime-fighting machine.

90-DAY TRUCE ON CIVIL LIBERTIES OVER

As if to drive even conservative and/or police-friendly New Yorkers into the arms of the New York Civil Liberties Union on the issue of police spying, the NYPD has been asking political protestors such potent questions as "What kind of political sentiments do you hold?" and "What political organizations do you belong to?" as well as "Don't you think it was necessary for us to get involved in World War II?"

In hearings before federal judge Charles Haight in Manhattan, civil liberties groups are asking that the 3-month-old modification to the Handschu Agreement, which since 1985 had restricted police spying, be modified again to forbid such NYPD questioning. Judge Haight was unhappy with the police, saying, "I find this most recent activity troubling." The NYCLU is hopeful that the NYPD's overstepping will encourage Judge Haight to reconsider his February expansion of NYPD surveillance powers.

CROWN HEIGHTS AND NYC'S CYCLES OF CRIME

What are we to make of the Nelson Lemrick debacle? The familiar details remain chilling. On Aug. 19, 1991, a 7-year-old black child, Gavin Cato, was killed (and another child severely injured) in Crown Heights after being struck by a Jewish driver speeding through a red light. Several hours later and several blocks away, then 16-year-old Lemrick Nelson joined a mob of blacks shouting "There's a Jew! Let's get the Jew! Kill the Jew!" while pursuing a 29-year-old rabbinical student, Yankel Rosenbaum. Nelson stabbed Rosenbaum, who later died of internal bleeding in the Kings County Hospital emergency room, where doctors had failed to notice the deep wound. Before he died, Rosenbaum identified Nelson as the assailant who stabbed him.

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Yet the practical outcome of the latest of Nelson's three jury Trials -- two federal, one state, all held in Brooklyn -- is that Nelson will spend no more than an additional year in prison. His 1997 conviction on federal civil rights violations in his second trial had resulted in a prison sentence of 19-1/2 years. But a federal appeals court reversed the conviction after concluding that the trial judge had improperly balanced the number of Jews and blacks on the jury. The federal prosecution followed a state trial in 1992 in which Nelson was acquitted by a jury which concluded that he had been framed by a racist police force. Jurors later notoriously celebrated with Nelson and his lawyers.

You might think that by this time everything has been said, but it hasn't been. For one thing, the historical context of these terrible events has been missing. Rosenbaum's 1991 murder occurred at the very end of what had been a period of unusually violent crime in New York, what UCLA historian Erik Monkkonen has called "a rogue tidal wave of violence in the last quarter of the twentieth century." For most of its history, New York City had a far lower crime rate than the nation as a whole -- until 1958, when violent crime started heading up. What we commonly think of as New York's high crime rate is in fact a historical anomaly. Now that crime has been in a downward spiral for 11 years, New Yorkers need to keep it that way.

But Monkkonen argues that in past cycles, once some "lower level of violence had been achieved, the mechanisms for control and the value of peace get forgotten, and a slow rebirth of violence begins." As Lemrick Nelson begins serving his minimal sentence, will it happen that crime will start back up? In other words, just as his crime occurred at the end of a cycle of high violence, will his punishment signal the beginning of a new cycle of serious violence? Already, rape has been steadily rising for months, and murder has also been up.

Nelson himself is part of a disturbing historic trend, the large increase in killings by youngsters in New York. The proportion of killers younger than 18 quickly rose from about nine percent in 1976 to a peak of nearly 16 percent in 1993. When these killers are released, as Nelson will be after a short stint, they have decades of potential violence ahead of them. Thus an overly mild justice system can fuel an upward spiral of crime.

Despite admitting he had stabbed Rosenbaum, Nelson was found not guilty of any charges by the first state jury and not guilty of the most serious charge by the latest federal jury. This leniency, according to Monkkonen's 19th century data, is typical of the tendency of New York juries to give offenders the benefit of the doubt -- a tendency that has often led to justice but in this instance to grave injustice. "In a city filled with bars, rowdiness, and a good deal of

physical violence, the all-important coroner's juries often placed themselves in the offender's situation and found the deaths to be accidental," says Monkkonen.

Indeed, although about half of all 19th century murderers in New York were arrested, less than half of these were tried, and only about half of these were convicted. Of the 10.7 percent convicted, three-fourths were sentenced to fewer than 7 years in prison, and a large proportion of these were pardoned. Leniency was the "central element" of the criminal court system.

There is also a historical link between major riots and personal violence, according to Monkkonen's data. Most of the city's serious riots have occurred during times of high violence. He believes, though his data cannot prove, that while some rioters are rationally motivated, many violent individuals simply use the crowd as a mask, becoming more violent in riots. But the real lesson is that a violent culture produces far greater violence during rioting than a less violent culture does.

What this means for the city's future is that keeping violent crime down is the nonnegotiable base of the city's well-being. If violent crime heads up seriously, it will destroy New York. It almost did in our recent memories. And here is the latest bad news: the NYPD's crime statistics show that 215 people were murdered in the five boroughs between January 1 and May 25. This is up from 202 murders in the same period last year.

Julia Vitullo-Martin, a long-time editor and writer on urban affairs, is the former director of the Citizens Jury Project at the Vera Institute of Justice. She is now writing a book entitled The Conscience of the American Jury.