

The Chief

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Toss Excessive Force Case Against 2 COs

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An Office of Administrative Trials and Hearings judge has dismissed excessive use-of-force charges against two Correction Officers.

"The testimony of the [inmate] was so patently incredible and uncorroborated that the charges of the impermissible use of force could not be sustained," ruled Administrative Law Judge Donna R. Merris.

The Department of Correction sought to fire Correction Officers [redacted] and [redacted] for their involvement in the Oct. 21, 2001 incident.

Department's Case

The department argued that [redacted] unjustifiably beat an inmate who refused to provide identification when he tried to enter a different housing area at the Anna M. Kross Center at Rikers Island, while [redacted] stood by.

DOC also contended that the officers later made false and misleading statements to authorities regarding what occurred.

The officers' attorney, David McGruder of Koehler and Isaacs LLP, argued at the OATH proceeding that the charges were based

solely on the inmate's uncorroborated testimony.

A department Investigator who examined the incident concluded the use-of-force allegation could not be substantiated. The Investigator based the findings on the medical releases from the inmate, as well as a review of the reports from officers in the area.

Citing the Investigator's report, the OATH judge concluded, "Neither Officer

used any force against the inmate."

COBA: Had No Merit

Norman Seabrook, president of the Correction Officers' Benevolent Association, blasted the department for charging the officers despite the Investigator's findings.

"Clearly, this case was without merit from the beginning," he said, "Rather than falsely accusing these two officers of misconduct, the department should commend them for their continued dedication to guarding the city's most dangerous precincts."

The OATH recommendation was forwarded to DOC Commissioner Martin F. Horn, who has final disciplinary authority.