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Press Release

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BRONX JURY FINDS TWO POLICE OFFICERS USED REASONABLE FORCE IN SUBDUING PLAINTIFF AFTER HIGH-SPEED CAR CHASE

JUDGE DISMISSES COMPLAINT AGAINST TWO OTHER OFFICERS

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New York, June 23, 2004 – A Bronx jury found late yesterday that two New York City police officers had used reasonable force to subdue a Bronx man whom they said struggled with them and tried to seize an officer's weapon. The man's arrest followed a high-speed chase that began with a radio call suggesting that guns might be in the fleeing auto. The man then sued the City in a personal injury case seeking damages.

Michael Bents, now 42, had sued the City of New York and Police Officers Sean Maloney, Timothy Beattie and two others for their actions on the Bruckner Expressway at 3 a.m. on October 16, 1994. Before sending the case to the jury, Justice Sallie Manzanet dismissed the complaint against the two other officers, Mark Conway and Edmund Murray. The two-week trial in Bronx Supreme Court ended with a unanimous verdict in favor of the City and officers Beattie and Maloney after 45 minutes of deliberations.

"We feel this verdict vindicates these officers, who clearly responded appropriately to a difficult situation that is indicative of the type of danger that officers face every day," noted Joseph Mohbat, an Assistant Corporation Counsel in the New York City Law Department and the City's lead attorney on the case. "The jury made the right decision."

The incident began, according to the officers' testimony, with a radio transmission of shots fired near an establishment several miles north of where the chase ended on the Bruckner at 149th Street. Beattie and Maloney spotted a car matching the description of the car identified in the radio call. The car was stopped on Gun Hill Road and was being approached by the two other officers. Suddenly, they said, the car took off on the Bronx River Parkway. Beattie and Maloney gave chase – as did a number of other units.

Bents was a passenger in the fleeing Ford Taurus. He testified that he had gone to Hunts Point to buy crack/cocaine and had asked a stranger for a ride home. Suddenly, he said, he noticed police lights flashing behind them, but the driver took off at speeds up to 75 m.p.h. Even though he had three vials of crack on his person (which could lead to his arrest), Bents still claimed that he kept asking the driver to stop.

The Taurus jumped the curb from the Bruckner Service Road to the Bruckner Expressway, pursued by officers Maloney and Beattie in one car and the two other officers in another. The car spun out of control and crashed against a construction barricade. The two other officers approached the driver's side, where they saw the driver, who weighed 300 pounds, struggling to exit through the window. They grappled with the man while Maloney and Beattie approached the passenger door and shouted at Bents to show his hands and get out of the car. All four officers, mindful of the possibility that guns were in the car, had their

weapons drawn or at the ready.

Bents claimed that he stepped right out of the car and raised his hands, whereupon the officers pulled his jacket over his head and struck him twice with a blunt object, knocking him out. However, Officers Maloney and Beattie testified that Bents ignored their commands, was making suspicious movements and refused to unlock the door. The two officers then smashed the passenger door window with their flashlights and pulled him out. (Although no guns were found in the car, the City argued that the officers had reason to believe that danger existed as they approached due to the initial radio call.)

The officers said Bents struggled violently as they tried to handcuff him, at one point grabbing the barrel of Maloney's 9-mm. automatic and causing it to discharge one round. Officer Maloney felt pain to his wrist and fell backward, saw that he had been grazed and resumed attempting to subdue Bents. Joined by a civilian, they finally handcuffed him and had him transported to the precinct. He was taken to Lincoln Hospital with a scalp wound and complaints of head injury.

The officers denied having struck Bents with any objects. The City argued that Bents's scalp wound was probably caused by the collision or by the smashing in of the window. Bents claimed loss of consciousness for five days, although ambulance and hospital records indicated otherwise. The plaintiff also claimed permanent brain damage and brought in a neurologist to testify to his symptoms of anxiety, depression, loss of memory, lack of concentration and loss of self esteem. However, acknowledging the plaintiff's crack habit of more than 10 years, the neurologist agreed that these symptoms were also typical of people who use crack/cocaine.

"We are grateful that the jury recognized that the officers conducted themselves professionally and took only the actions necessary to get their jobs done," Mohbat said. The plaintiff was represented by the law firm of Madeline L. Bryer.

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