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RUBEN BOLLING draws Buzz and Woody
on a killing spree, Cormac McCarthy style

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surveys the wreckage down at Coney Island

the village

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A case of alleged police brutality that you can really sink your teeth into

Reality Bites

Most allegations of police brutality involve the tools of the NYPD trade—guns, night sticks, flashlights, the occasional broom handle. But a “tool” that might lick your face under the right circumstances is at the center of a police brutality trial currently in Manhattan federal court.

City lawyers are defending three cops being sued for allegedly—and needlessly—sicking DJ, a Czech-born German shepherd, on two 16-year-olds in Brooklyn. Observers can recall only one other civil case in recent years of alleged brutality by an NYPD police dog. Now retired from the job, DJ is not being held responsible for his actions; his handlers are.

It was just after midnight on August 6, 2004, when William Bryant and Emmanuel Blake slipped into a maintenance garage at the Marcus Garvey Houses in Brownsville. Bryant testified last week in the civil case that he wanted to smoke cigarettes in a place where his aunt, with whom he lived, wouldn't be able to see him.

Police contend that the boys were burglarizing the place, and a 911 call summoned them. When the boys heard sirens, they tried to flee, but after running into cops outside, they retreated into the bowels of the building. Trekking through pools of sewage and rats, they found themselves trapped in a small room in the sub-basement, where they spotted an air vent about five feet off the ground. Blake boosted Bryant into it; then Bryant pulled his friend up. Crouching, they heard the approaching sounds of police radios and a barking dog.

Capping a 40-minute search, DJ finally led his handler, Officer Lawrence Zacaese, and two detectives, Bill Unger and Danny Sprague, to the room and began barking at the vent.

Bryant gave up when the cops threatened to hoist DJ into the vent. Bryant started to climb out feet first, but the detectives told him they wanted to see his hands. So he turned around and, as soon as he stuck his hands out, they yanked him to the ground.

Bryant testified that Unger and Sprague beat and kicked him while he was “scrimching” (covering up). The cops, he said, pinned him face-down and knelt on his back while holding his hands behind him. At that point, Bryant said, Zacaese ordered the dog, “Get him, get him.”

When DJ latched onto the back of his right knee, Bryant said, the pain was excruciating. “It felt like something was thrashing inside my leg,” he testified. Bryant had been covering for Blake, but when the dog tore into Bryant, he gave his partner up. Bryant spent a night in the hospital after doctors stitched up a four-inch gash.

Attorney Andrew Stoll, who is representing both Bryant and Blake in the civil case, claimed

that DJ also attacked Blake, biting him on the arm and face. Stoll's contention is that the beefy arresting detectives, who each outweighed the boys by a good 70 pounds, sicced DJ on them as payback for making them tromp through that stinkhole of a basement and then refusing to give up.

The K-9 officer bristled when Stoll accused him of using DJ—whom he'd named after a friend, and who is now his personal pet—to attack the boys, saying: “I ordered my dog to apprehend, not attack.” Zacaese testified that Bryant and Blake, though prone and face-down, “flailed their arms,” kicked their legs, and resisted arrest. “Basically, it was a melee,” said Zacaese.

But the boys' attorney has contended that the cops tried to cover up the incident by claiming there was a melee. As is normal, the arrest was handed off to the first regular officer on the scene, in this case to Peter Riviezzo. He said Zacaese didn't initially mention that the boys had allegedly resisted arrest, so Riviezzo filled out a police report charging Blake and Bryant only with burglary. Even Zacaese's own “canine utilization” report filled out after the incident made no mention of a supposed “melee.”

But six hours after the incident, Riviezzo testified, Zacaese called him and told him to make sure he charged the teens with resisting arrest. Riviezzo filled out a second police report with the additional charges.

Eventually, all the charges against both Blake and Bryant were dismissed.

Zacaese called Stoll's allegations of a cover-up “preposterous.” No criminal or departmental charges were brought against the cops in this case.

Police union officials and city attorneys could recall only one similar case. In May 2003, a stagehand/actor named Frederick Fahmie drove off after police stopped him for a traffic infraction near Prospect Park. A wild chase ensued, during which two cops shot at Fahmie. It ended with a patrol car crashing into Fahmie's vehicle. Fahmie claimed that the cops brutally beat him before handcuffing him and ordering a K-9 named Bandit to bite his right leg, causing a wound that required 16 stitches to close. The city settled that case in December 2005 by paying Fahmie \$63,000.

Stoll expects the current case to go to the jury sometime this week. SEAN GARDINER



Alvaro Diaz-Rubio