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Beaten: Violent End to a Chase (Part I)

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Available at: https://works.bepress.com/aisha_al_muslim/52/
Three years ago, this 19-year-old ran from Suffolk police. It cost him his life.

BEATEN
Kevin Turner

Turner, 19, suffered serious injuries in confrontation with two officers after a chase in Bellport.

Officer Kenneth Hamilton

Hamilton was the first officer to find Turner in woods near a backyard after he fled.

Officer Jason LaRosa

LaRosa came upon the scene and joined Hamilton in trying to apprehend Turner.

Go to newsday.com to read previously confidential police documents related to the Turner case.

A Suffolk police cruiser and the SUV driven by Turner sit on Bellport Avenue after a car chase in April 2010. The subsequent foot chase turned violent.
3 years later, many questions remain unanswered in the death of Kevin Turner after a clash with Suffolk police

BY WILL VAN SANT AND AISHA AL-MUSLIM
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Kevin Turner fled into the backyard of a Bellport home in April 2010 with marijuana and PCP in his bloodstream and two Suffolk County police officers in pursuit.

The officers caught Turner by a chain-link fence and, in what they later reported was an effort to subdue a combative subject, severely beat the unarmed 19-year-old. Their blows damaged Turner’s brain and ruptured organs that doctors would have to remove.

Photos taken after the midnight confrontation show the two officers — Kenneth Hamilton and Jason LaRosa — with no visible injuries. The only sign of a struggle is a rip in Hamilton’s pant leg.

The same can’t be said for the 5-foot-9, 160-pound Turner.

The beating put him into a coma. He woke up five months later in a nursing home, unable to form sentences and needing a ventilator to breathe. He had seizures and developed a blood infection that led to septic shock. He died in January 2011.

The Suffolk medical examiner’s office ruled Turner’s death a homicide. In medical death investigations, a homicide is simply the killing of one human being by another and is not necessarily criminal. The legal system decides whether a homicide is a crime.

See TURNER on A4
Newsday reviewed medical records, previously confidential police documents and portions of the department’s own investigation of the Turner case. The review found inconsistent accounts of Turner’s beating by officers, including one who had accumulated multiple excessive-force complaints from citizens. There were also puzzling reports of a knife Turner allegedly brandished but dropped before the beating began. An officer said he lost the knife after forgetting it on the hood of his cruiser.

A police spokesman wrote Newsday that the department suspended its investigation in June 2010 when it and Suffolk District Attorney Thomas Spota asked the U.S. Justice Department to review the matter. When the federal investigation ends, the department’s internal affairs case “will be completed shortly thereafter,” the spokesman wrote.

However, a spokesman for the U.S. attorney’s office for the Eastern District said its investigation is not active.

Turner’s mother, Tawana Scott, is dismayed by what she says is a failure to vigorously investigate her son’s death at the hands of two officers who remain on the force. She filed a federal lawsuit last year against Hamilton, LaRosa and nine other officers involved in the incident. The suit alleges the officers showed gross negligence and “fabricated the possession and use of a knife” to justify the level of violence visited on Turner.

“Nothing adds up,” Scott said in a recent interview. “How are there not answers yet?”

‘Someone beat the hell out of him’

Turner was unconscious after emergency surgery when Scott first arrived at her son’s Stony Brook University Hospital room late on the evening of April 6, 2010. She barely recognized the person in the bed.

“His face was really swollen,” said Scott, a school bus driver. “His head was swollen, like double the size. It just didn’t look like Kevin. If I didn’t see his thick eyebrows, I wouldn’t have believed it was him.”

Devon Daniels, Turner’s uncle and a pastor who runs the Boys & Girls Clubs of Suffolk, said the doctor who operated on Turner said he would have needed to hit a brick wall in a car going 100 mph to account for his injuries.

“He said, and I quote, ‘Someone beat the hell out of him,’” Daniels said.

Although both Hamilton and LaRosa acknowledged striking Turner, Turner’s family has focused on the documented history of excessive force complaints against Hamilton, a 39-year-old U.S. Army veteran who was briefly deployed to Kuwait before joining the department in 2002.

Police records used to judge officer performance are confidential under New York’s 50-a law, which agencies routinely cite to withhold from the public the results of internal affairs investigations.

But Newsday obtained an officer history log for Hamilton, a summary that shows Suffolk’s Police Department has received at least seven civilian complaints against the officer since 2002. Six complaints involved excessive force, including one lodged the day after Turner’s beating. He has also been accused of an illegal search and seizure and making false arrests.

Newsday has not seen any personnel documents for LaRosa, who is 35, so it’s unclear whether his career includes al-
Turner breathes with the aid of a ventilator after being injured in a clash with Suffolk police.

Explore the story at newsday.com/beaten to watch video interviews, get access to key documents and review the injuries Turner sustained.

legations of misconduct.

The officer history on Hamilton shows the department investigated him in 2006 for “improper police action” and exhibiting “unprofessional language/attitude.” The department again investigated Hamilton in May 2012 for unspecified misconduct, the history states.

The document does not identify who lodged the complaints. It does indicate that investigators cleared Hamilton in each case, except for the most recent civilian complaint of excessive force and the department investigation that began last year, both of which appear to be unresolved. It’s unknown if the latest complaint and investigation relate to Turner’s death.

While the history is short on specifics, two instances of Hamilton’s alleged misconduct are detailed more fully in federal civil rights lawsuits that led to settlements being paid.

One plaintiff, Edgar Jara, said he was unable to work after Hamilton and other Suffolk officers pummeled him in August 2006.

Jara said that as he walked out his front door, Richardsen stepped forward and punched him in the face. He saw stars and blood poured from his nose. Jara said Richardsen then gave an order to arrest him.

Several officers started beating him, with Hamilton delivering blow after blow to his face while he was on the ground, Jara said. He suffered a concussion and said he lost some vision and full use of his hands for weeks.

Jara, who has no known criminal record, said police accused him of grabbing at an officer’s gun belt. They charged Jara with resisting arrest.

Jara and his wife filed a federal lawsuit against Hamilton, other unnamed officers and the Police Department in 2009 alleging misconduct that included false arrest and brutality. Prosecutors offered to dismiss the charges if the family abandoned its lawsuit. The Jaras settled for $13,000 last year, and the charges were dropped.

In the other federal lawsuit against Hamilton, which also named the Police Department, the county paid Ryan Kroeger a $24,000 settlement in 2007. Charges of resisting arrest were dropped in that case.

Kroeger said. “I would never get into a fight with a law-enforcement officer. I never laid a finger on him.”

State records show that Hamilton, whose 2012 compensation was $33,000, is seeking a disability retirement due to injuries he says he suffered the day of Turner’s beating. Hamilton applied for the disability retirement in July 2012, more than two years after the confrontation with Turner and six weeks after the department opened a new investigation into his actions. State officials redacted from the application the specific injuries Hamilton claimed.

After the encounter with Turner, Hamilton and LaRosa both said they had suffered injuries but declined immediate medical attention. Hamilton was later put on a backboard and taken by ambulance to Stony Brook University Medical Center.
TOP STORIES

A VOICE AGAINST VIOLENCE

Battling cancer, Carolyn McCarthy commemorates the loss she and others suffered in LIRR massacre

BY AISHA AL-MUSLIM
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Rep. Carolyn McCarthy, who has been on leave from Congress battling lung cancer, joined a ceremony yesterday marking the anniversary of the 1993 Long Island Rail Road massacre in which her husband and five other people were killed.

It was the first time McCarthy, 69, a Mineola Democrat, has appeared before the news media since she disclosed her illness in June.

“She just finished treatment and is recovering now,” said Georgette Sierra, McCarthy’s chief of staff. The congresswoman is waiting for her doctors at Memorial Sloan-Kettering Cancer Center in Manhattan to determine when she can return to work, Sierra added.

McCarthy used a black cane and had a sling on her right arm. She was accompanied to the annual ceremony by gun control advocate Joyce Gorycki, who also lost her husband 20 years ago in Long Island’s deadliest mass shooting.

They brought a holiday wreath to the eastbound platform of the Merillon Avenue train station in Garden City and hung ornaments and a bouquet of flowers on a station sign.

“We want to remind people what happened here,” said McCarthy, who became a poignant voice for gun control and won a seat in Congress after her husband, Dennis McCarthy, was killed and their son Kevin McCarthy severely wounded in the shooting. “I know that people say that after 20 years people should get on with their lives. We have all gotten on with our lives, but there is never any closure.”

On Dec. 7, 1993, Colin Ferguson, who lived in Brooklyn, represented himself at trial and in 1995 was convicted of murder and sentenced to 315 years and 8 months to life. Now 55, he is in a prison in upstate Malone.

Gorycki, whose husband, James, was killed, and her daughter Karen, 30, expressed frustration at the failure of Congress to enact tougher gun legislation.

“I don’t understand why more Americans are not saying: ‘Hey, this is it. This is enough,’” said Gorycki, a Mineola resident who is also the Long Island chairwoman of New Yorkers Against Gun Violence. “We have to worry about getting on a train, a movie house, our children are getting killed in school. This doesn’t worry every American in this country? I can’t understand it.”

Surviving victims and their families attended an afternoon showing of the documentary “Long Island Railroad Massacre” at the Cinema Arts Centre in Huntington. Then they gathered for dinner at Elinor Rigby’s in Mineola.

Featured in the film was John Forni, 55, now of Chappaqua in Westchester County, who had been sitting in front of Ferguson and was shot five times: in his finger, forearm, shoulder, chest and face.

Before the documentary appeared in theaters last month, he finally told his 8-year-old and 13-year-old daughters what happened to him on that train.

“I just keep reminding myself that I am here and other people aren’t,” said Forni, who lived in Garden City at the time of the shooting. “I am pretty fortunate.”

A quick comeback after Trader Joe’s crash

BY MACKENZIE ISSLER
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Business was bustling at the Trader Joe’s in Oceanside yesterday morning, less than a day after a woman drove through the front window, injuring 11 people.

The window was quickly replaced and, inside, there were no reminders of the Friday afternoon accident that terrified shoppers and sent merchandise flying.

Nassau police said the woman, driving a Buick Verano, rear-ended several cars in the Long Beach Road parking lot, then jumped a curb and plowed about 20 feet into the right side of the supermarket.

Carolyn Tyson, 59, of East Rockaway, said she was surprised to see the store back in business so quickly.

“I was looking for where the damage was,” the customer said.

Fire officials said it was a “miracle” there were no fatalities, since the Buick smashed through checkout lines. About 40 people were in the store at the time.

Two serious injuries were reported. One man was run over by the car and another was pinned against a wall, Oceanside Fire Chief Kevin Klein said Friday.

Yesterday, one of the victims remained at Nassau University Medical Center in East Meadow in stable condition, a hospital spokeswoman said. Further details were not available.

Police ruled the crash an accident and haven’t named the driver, who fire officials said was about 80 years old.

“The driver, who wasn’t injured, was “extremely disoriented” after and possibly before the accident, Klein said.