Beaten: Violent End to a Chase (Part II)

Aisha Al-Muslim
TURNER from A5

Brook’s emergency room, where he reported having a strained back, discomfort in his head and neck, and a cut on his right hand, according to medical records. The doctor gave Hamilton pain pills, told him to apply ice and heat as needed and to not work for two days.

A police spokesman said Hamilton and LaRosa are assigned to the Fifth Precinct, with Hamilton limited to desk duty.

Hamilton, LaRosa, Richardsen and the other officers named in this story all declined to be interviewed. Suffolk District Attorney Spota did not return calls for comment.

Turner’s family says that if Hamilton’s history of excessive-force complaints had been properly addressed, Turner might still be alive.

“It’s not the first time with this officer,” Daniels, Turner’s uncle, said of Hamilton. “It’s not an incident that just happened out of the heat of the moment. He has a history of this which is documented.”

‘He didn’t want to be dead’

Turner also had a history of getting in trouble.

State records show he was arrested seven times on charges that included drug possession, criminal mischief and larceny. Only two of the charges stuck — misdemeanor convictions for harassment and disorderly conduct.

Family and friends say Turner was wrestling with how to recover from the stumbles of his teen years to create a future.

Daniels said his nephew had aspirations of “being something.”

Scott said Turner sounded sad, because he did not like to disappoint his mother.

“I had an attitude on the phone when he called me,” Scott said. “I was like ‘You need visiting waiting for you and you didn’t go! And that was the last we heard from Kevin.’

Drugs in his blood

Turner called Bush several times that night after she’d arrived in Bridgeport. She remembers her phone cutting out and Turner asking why she had not waited for him. He told her he planned to catch the ferry the next day.

Just after midnight, Turner and a friend, Leon Mann, were in a black Kia SUV with Turner driving. Earlier in the evening, Turner had smoked marijuana, which can be laced with PCP. A sample of Turner’s blood how the drug, a hallucinogen that can cause irrational behavior, might have affected Turner, Goldberger said. Responses to the drug vary, and there is no reliable research linking PCP concentrations in blood with levels of impairment.

A blow to the head can cause behavior similar to PCP intoxication, Goldberger said.

“Someone who uses PCP can be disoriented,” he said. “But somebody who has a head injury separated in their attempt to escape the police.”

“Let’s not try to sugarcoat it. Did they smoke weed? Yes, they smoked weed,” Daniels said. “But the PCP, the small amounts that were in his system, did not cause him to be combative.”

Ken Auerbach and John Bennet, attorneys who represent the Turner family, said that regardless of Turner’s degree of hostility and impairment that night, if any, police are trained

“Striking the head and body”

Police reports obtained through discovery in the federal lawsuit show LaRosa and his
partner Richardsen — the same officer involved in the Jara case — saw Turner drive through a stop sign at the corner of Post and Patchogue avenues shortly after midnight. LaRosa said he turned on his lights and sirens, and Turner initially stopped, but took off as LaRosa approached the Kia on foot.

LaRosa reported he followed Turner for seven blocks, ultimately chasing him south on Bellport Avenue as the Kia hit speeds in excess of 60 mph in a 30-mph zone. Hamilton sped north up Bellport to join the pursuit. Hamilton reported that as Turner accelerated toward him, both drivers lost control of their vehicles. Hamilton’s struck a parked car, and he would later say that he strained his back in the accident. Turner struck another vehicle and escaped. Turner ran and did not report he wrote the day of the confrontation. Hamilton said he spotted Turner standing amid trees behind a 4-foot-high chain-link fence at the rear of the backyard and heard him “making loud growling noises and yelling incoherently.” Hamilton wrote that he recognized Turner, who was “known to be violent and who had previously stabbed someone in the past.”

(A written statement Mann Turner pulled a “silver knife with a blade approximately five inches in length” from his waistband, so he drew his gun and ordered Turner to drop his weapon. After repeated demands Turner complied, and Hamilton holstered his gun as LaRosa arrived from an adjacent yard.

Hamilton said as he went to see Turner.

### HAMILTON’S CAREER

Before the fatal beating of Kevin Turner, Suffolk County Police Officer Kenneth Hamilton’s tenure included several citizen complaints and two federal lawsuits involving allegations of excessive force. Hamilton, who is still employed by the department, is seeking a line-of-duty disability retirement for injuries he says he suffered while apprehending Turner.

**November 2002** Suffolk County Police Department hires Hamilton.

**November 2003** Citizen complaint filed against Hamilton for use of undue force. Department investigators find the complaint unfounded.

**January 2004** Unspecified citizen complaint filed against Hamilton. The case is closed.

**May 2004** Citizen complaint filed against Hamilton for excessive force. Department investigators find the complaint unfounded.

**October 2005** Ryan Kroeger files federal lawsuit against Hamilton and the Police Department that alleges unjustified assault and use of excessive force during an April 2005 encounter.

**November 2005** Citizen complaint filed against Hamilton for excessive force and false arrest. Department investigators exonerate Hamilton.

**August 2006** Citizen complaint filed against Hamilton for excessive force and false arrest. Department investigators exonerate Hamilton.

**September 2006** Department investigation into Hamilton for illegal search and seizure and unprofessional conduct. Those charges are ruled unfounded.

**June 2007** Suffolk County settles with Kroeger for $24,000.

**September 2008** Citizen complaint filed against Hamilton for excessive force. Department investigators exonerate Hamilton.

**August 2009** Edgar Jara files federal lawsuit against Hamilton, unnamed officers and the Police Department alleging false arrest and brutality during an August 2006 encounter.

**April 2010** Hamilton and another officer beat Kevin Turner during an April 6 arrest. Turner is admitted to the hospital with severe injuries. The following day a citizen complaint is lodged against Hamilton for excessive force and false arrest. It’s unclear if the complaint is related to the Turner case, and records indicate the charges remain unresolved.

**January 2011** Turner dies from injuries suffered during his encounter with police.

**May 2012** Department investigation into Hamilton for unspecified misconduct. Records indicate the investigation is unresolved.

**July 2012** Hamilton applies for a line-of-duty disability retirement due to injuries he said he suffered during the Turner arrest. No decision has been made on the application.

**September 2012** Suffolk County settles with Edgar Jara for $3,000.

### SOURCES:

- SUFFOLK COUNTY LIABILITY SETTLEMENT RECORDS
- FEDERAL COURT FILINGS
- SUFFOLK COUNTY POLICE DEPARTMENT OFFICER HISTORY FOR KENNETH HAMILTON

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**Watch video:** newsday.com/beaten

**VIDEO IMAGE COURTESY NEWS12**
arrest Turner, who was still on the other side of the fence. Turner punched him in the head. He said he grabbed Turner and pulled him over the fence.

The three men wound up on the ground, Hamilton said, and Turner repeatedly grabbed for the ground, Hamilton said, and he shouted to Hamilton, "He reached for his gun. He said he then pushed Turner over the fence, which caused Turner to roll over and fall to the ground after hauling Turner over the fence, which caused Turner to roll over and fall to the ground. It's the last mention of any kind when he arrived.

Instead of a fight on the ground after hauling Turner over the fence, LaRosa said Turner first squared off with Hamilton, who had drawn his gun, and heard him order Turner to drop his weapon. LaRosa did not report seeing Turner with a knife or with a weapon of any kind and did not say that Hamilton ever holstered his gun. He said he saw Turner attempt to punch Hamilton, so LaRosa went to assist by striking Turner in the legs with his baton.

Officer Michael Cassidy reported that his police dog, Bullet, found a knife in the wooded area where Turner had been found. Cassidy said he gave the knife to Sgt. John Durkin, a fellow K-9 officer. Durkin reported placing the knife on the opposite side of the fence, inside the yard of 530 Agamemnon, and alerting officers that it was there. It's the last mention of the knife that night in the reports from K-9 officers.

Six days later, Officer Frank Munsch, who was at the scene, wrote in a report: "I was handed the knife by an officer I believed was PO Hamilton and he stated 'This is the knife.'" Munsch wrote that he put the knife in his pocket and then drove LaRosa from 530 Agamemnon around the block to where the vehicle chase ended on Bellport Avenue. There, he wrote, he gave the knife to LaRosa's partner, Richardsen.

Hamilton charged Turner with opposing and assaulting an officer, according to records. K-9 Officer Michael Cassidy and K-9 Sgt. John Durkin reported on April 6 that they were asked to search the scene for a gun. According to police reports, Cassidy's dog found a knife, which Cassidy gave to Durkin, who placed it on the other side of the fence within the backyard.

Officer Frank Munsch reported a week after the beating that he was handed the knife at the scene by an officer he believed was Hamilton.

Two weeks after Turner's beating, investigators were asked to search the area for a gun. According to one report, the gun was found and lost is not included in the report he made no mention of being given a knife, or of losing one.

The lawsuit claims that "Richardsen participated in the conspiracy" with other officers and "failed to secure the alleged knife despite allegedly having custody of it." Richardsen told investigators that after arriving at the precinct, LaRosa called him the April 28 report, and there is no mention that other officers tried to find it. Richardsen's account to investigators of how the knife was found and lost is not included in the report he wrote three weeks earlier, on the day Turner was beaten. In that report, Richardsen makes no mention of getting a knife at all.

**John Doe**

Ambulance personnel found Turner handcuffed behind his back and seated on the ground. He had contusions on his head and was bleeding from his head and body with my fists in order to gain control.”

**‘This is the knife’**

Once Turner was in handcuffs, several other officers arrived. Hamilton and Unit 514, LaRosa and Richardsen's cruiser, requested that K-9 officers search the area for a gun, not a knife, according to records. K-9 Officer Michael Cassidy believed was PO Hamilton and he stated ‘This is the knife.’” Munsch wrote that he put the knife in his pocket and then drove LaRosa from 530 Agamemnon around the block to where the vehicle chase ended on Bellport Avenue. There, he wrote, he gave the knife to LaRosa’s partner, Richardsen.

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35-year-old John Doe.

Scott and other family members had started phoning local hospitals, including Brookhaven, when Turner couldn’t be reached on his cellphone. When they asked about a 19-year-old named Kevin Turner, they were told that nobody with that name had been admitted.

“He was Kevin Turner, and somebody turned him into a John Doe so I couldn’t find him,” Scott said.

Brookhaven did not have a surgeon available who was qualified to treat Turner’s injuries, according to the lawyers who filed the lawsuit over his death. Federal law requires that hospitals taking taxpayer money be adequately staffed for emergency care.

Dr. Robert Galler, who treated Turner at Stony Brook hours later, wrote in a report that Brookhaven had violated that law, and Turner “stayed in that hospital inordinately long without neurosurgical care.”

A spokesman for Brookhaven, which the family’s lawsuit charges with negligence, declined to comment, citing federal and state patient privacy laws.

With no neurosurgeon present at Brookhaven, Turner was taken around 4 a.m. to Stony Brook and rushed to surgery.

Records from Stony Brook noted that “multiple assailants” had beaten Turner and that he’d been “assaulted by Police.”

Doctors discovered that Turner’s head had been struck enough times, and with enough force, to create what’s known as a subdural hematoma. The condition, which is typical in cases of traumatic brain injury, occurs when veins between the brain and skull are torn, flooding the space with blood.

Galler wrote that after opening Turner’s skull, he found “an extremely large subdural hematoma.” He noted that it was acute and “under significant pressure,” which would have impacted the brain’s delicate tissue.

Doctors also removed Turner’s damaged spleen and half his pancreas, which had been torn.

Turner’s family said they finally learned of his whereabouts when a Suffolk homi-
detective called later in the day to say he was at Stony Brook.

When Scott saw Turner at the hospital for the first time, he was senseless and unable to communicate. Five months later when he emerged from the coma, Scott said that while he seemed awake, he did not comprehend where he was or why he was there.

Turner underwent several surgeries to treat an abscess in his abdomen and combat flesh-eating bacteria, but ultimately his injuries proved too severe. Respiratory and kidney failure, septic shock, pneumonia and necrosis contributed to his death on Jan. 2, 2011.

The autopsy report summed up the cause of death — “complications following blunt impact injuries of head and torso.”

The birthday party

Scott and Daniels met with detectives from the district attorney’s office within days of the beating. Daniels, who has friends in the Suffolk Police Department, spent months in regular contact with the detectives.

It’s unknown how diligently the department has investigated the incident. Bennett, a Huntington attorney representing the Turner family, has requested the department’s internal affairs investigation.

Bennett said he was told that the records can’t be provided because the investigation isn’t complete.

Merrick Bobb, a police oversight expert who monitors departments under federal scrutiny, wrote Newsday in an email that he could not comment on Turner’s case specifically but could “think of no credible justification for such an investigation to take so long unless there was an ongoing criminal proceeding related to the case.

The Suffolk Police Department said last week it would complete its investigation when it learned that the federal review had concluded. Robert Nardoza, a spokesman for the U.S. attorney’s office for the Eastern District, told Newsday on Thursday its review is over.

“Until we get additional information, evidence or witnesses, it will remain inactive,” Nardoza said.

A document filed by Bennett in the lawsuit states that “all parties were advised on or about April 2013 the U.S. attorney’s office is not prosecuting this matter at this time.”

Federal prosecutors pursue cases against police for abuses under a provision of the United States Code that the Supreme Court has construed narrowly. In cases like Turner’s, prosecutors must show not only that police used force beyond what was needed to do their jobs but that they intended to do so.

In the vast majority of such cases — 98 percent nationwide since 1986 — prosecutors don’t charge police despite investigators finding evidence of a possible crime, according to the Transactional Records Access Clearinghouse, a federal data analysis center at Syracuse University.

Scott and Daniels both say they don’t believe officers set out to kill Turner. And they don’t hold Turner blameless for running from the police. They just can’t understand how Turner wound up in a case instead of in jail.

“At what point do you decide you are going to get into fisticuffs with a kid and beat his brains in?” Daniels said. “Just doesn’t make logical sense to me.”

Turner’s family had a get-together this year on Aug. 31, Turner’s birthday. The day before, Scott took Turner’s son K’Dreese, now 5, to shop for hamburgers, hot dogs and buns. He asked why they were buying so much food.

Scott said she told him it was for his father’s birthday.

“He got so excited, ‘Oh, I am going to see my daddy!’ That broke me down. I had to walk away. Because how am I going to tell my grandson the people you are supposed to trust, the police, took him from us? How am I going to tell him that?”

Tawana Scott, Kevin’s Turner’s mother, and her grandson, K’Dreese, hold a father-son portrait.

= Watch a video interview with Tawana Scott: newsday.com/beaten

my fists in order to gain control

— Officer Jason LaRosa