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Officers Face Department Charges in Bell Killing

By AL BAKER Published: May 21, 2008

Seven New York City police officers involved in the fatal shooting of Sean Bell, including three detectives who were acquitted in a criminal trial, were formally accused on Tuesday of breaking Police Department rules in the case.



The department said that the officers violated the internal policy manual in a variety of ways, including improperly firing their guns and failing to process the crime scene after Mr. Bell was killed and his two friends injured in a storm of 50 bullets.



Four of the men facing new charges are, clockwise from top left, Giscard F. Isnora, Michael Oliver, Marc Cooper, all detectives who stood trial in the Sean Bell case, and Lt. Gary Napoli, a supervisor.

The three detectives who stood trial in the case — Detectives Giscard F. Isnora, Michael Oliver and Marc Cooper — were charged with “discharging their firearms outside of department guidelines,” said Paul J. Browne, the Police Department’s chief spokesman. Detective Isnora was also charged with taking enforcement action while working as an undercover officer instead of letting officers who were present, and not working undercover, take control.

Lt. Gary Napoli, the ranking officer at the scene, faces internal charges of failing to supervise the operation, Mr. Browne said. Sergeant Hugh McNeil and Detective Robert Knapp, of the Crime Scene Unit, were also charged: the detective with failing to thoroughly process the crime scene and the sergeant with failing to ensure a thorough

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processing was done.

Police Officer Michael Carey, was charged with discharging his firearm outside of department guidelines. Another officer involved in the shooting, Detective Paul Headley, was not charged because a review of the evidence currently available did not support charges, officials said.

If the charges, known as administrative charges, are upheld, the officers could face

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discipline ranging from loss of pay to retraining to firing. But the internal investigation has been suspended as federal prosecutors weigh civil rights charges in the case.

The department filed the internal charges Tuesday to beat a Sunday deadline. Under personnel rules, it had 18 months from the date of the shooting, Nov. 25, 2006, to charge the officers.

The Rev. [Al Sharpton](#), who has been a spokesman for the Bell family and has protested the acquittals, called the charges “a step in the right direction.” But he drew a parallel between the Bell shooting and the recent beatings of three suspects by the police in Philadelphia, which was caught on videotape.

He urged Mayor [Michael R. Bloomberg](#) and Police Commissioner [Raymond W. Kelly](#) “to follow the lead of Philadelphia Mayor Michael Nutter and Police Commissioner Charles Ramsey, who fired four police yesterday, demoted one sergeant, and disciplined others, without going through a long internal procedure.”

Michael J. Palladino, president of the Detectives’ Endowment Association, shot back that the “Rev. Al needs to be reminded that all of the detectives were found not guilty in a court of law.” He said the union would “vigorously represent our detectives in the department’s trial room.”

Lawyers for some of the officers also criticized the decision to lodge internal charges against the men.

Though neither Mr. Bell nor his friends had a firearm, defense lawyers argued at trial the three detectives believed someone in Mr. Bell’s car had a gun because of comments they overheard outside the nightclub. Additionally, the evidence suggested the shooting began only after Mr. Bell had twice rammed his car into an unmarked police van. Detectives Isnora and Oliver were charged with manslaughter and Detective Cooper with reckless endangerment, but Justice [Arthur J. Cooperman](#) of State Supreme Court in Queens acquitted them, saying the prosecution had not proved that the shooting was unjustified.

But the judge seemed to criticize the operation when he wrote in his verdict, “Questions of carelessness and incompetence must be left to other forums.”

The chaotic moments surrounding the shooting were examined in depth at trial, with testimony showing that no bubble lights were in place on the roofs of the police vehicles during the attempted arrest of Mr. Bell, and that while officers said they were wearing their shields, some were not wearing police raid jackets. Elements of the crime scene investigation were disorganized, with accusations of contamination of evidence and inaccurate markings of physical evidence, such as shell casings.

Shortly after Detectives Isnora, Oliver and Cooper were indicted, they were served with administrative charges in April 2007 that “basically mirrored the criminal charges they faced,” Mr. Browne said. The new internal charges accuse them specifically of breaking departmental rules — though both could result in their being fired.

The officers can contest the charges before a departmental judge, but it is ultimately up to the commissioner to accept or reject the judge’s recommendation.

The department does not always file internal charges in such cases. In 1999, after four officers in the Bronx fired 41 bullets at [Amadou Diallo](#), killing him, the officers were indicted and acquitted, and no departmental charges were filed against them.

The internal charges were determined by what is already in the public record, Mr.



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Browne said. That includes court testimony in the criminal case and a preliminary departmental report on the shooting. The department did not specify the basis for the charges, that is, why it believed the detectives had violated the rules on shooting, and it did not elaborate on the lapses in handling the crime scene.

Philip E. Karasyk, a lawyer for Detective Isnora, said the department rushed to file charges that he said "are often dismissed or amended." He added: "The charges that have been served today have been drawn up without the benefit of hearing what the officers have to say."

Patrick J. Lynch, president of the [Patrolmen's Benevolent Association](#), defended Officer Carey, saying the department would find that he "acted fully within the scope of his duty and the guidelines of the department."

Howard Tanner, a lawyer for Lieutenant Napoli, said he "has an excellent prior record."

Paul P. Martin, the lawyer for Detective Cooper, said he was taking the departmental charges "very seriously," but was more concerned about the possibility of federal charges.

James J. Culleton, the lawyer for Detective Oliver, did not respond to messages. Sergeant McNeil and Detective Knapp could not be reached for comment, and their lawyers were not known.

Kirk Semple contributed reporting.

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