

Justice Department refuses to prosecute New York police killer of Ramarley Graham

By Steve Light
19 March 2016

Earlier this month, over four years after the murder of Ramarley Graham in his Bronx apartment, Preet Bharara, the United States attorney for the Southern District of New York, announced that he would not prosecute his killer, Officer Richard Haste, on civil rights charges. Bharara claimed there was “insufficient evidence to meet the high burden of proof required for a federal criminal civil rights prosecution.”

Graham, 18, was gunned down on February 2, 2012, in his second-floor bathroom by police who, without provocation, followed him from the street and broke into his home in the Wakefield section of the north Bronx.

The teenaged Graham’s killing resulted from the aggressive, and often illegal, police practices involved in “stop-and-frisk” on the street and of searches and intrusions into homes. Although the police altered their original version of what they claimed happened, neighborhood surveillance video cameras helped determine that narcotics unit officers on patrol chose to interpret Graham’s adjusting the front of his pants as he walked as an indication that he had a gun. They radioed other officers that he had a gun.

Graham is seen on video as walking, not running, at the front of his house and closing the door behind him. Two police officers shortly run up and fail to kick in the front door. One, Richard Haste, goes in the back door and up to the second floor, where he shot Graham, who was in the bathroom. Several minutes later a mob of police showed up. No gun was found. The police claimed they found a small amount of marijuana that Graham may have been trying to flush down the toilet. It is clear that police had time before confronting Graham in his home to re-think and assess what they were doing.

When Graham’s 58-year old grandmother, Patricia

Hartley, who was present in the apartment during the killing, cried, “Why did you shoot him?” Haste responded, according to a statement by Graham’s family, by yelling, “Get the f--k away before I have to shoot you, too,” and pushing her. Hartley says she was then interrogated for seven hours at the police station without an attorney.

It took until June 2012 for Haste to be charged with manslaughter, and only then did the New York Police Department (NYPD) file disciplinary charges against him. The indictment was subsequently dismissed by a judge on the technicality that the prosecution had given the grand jury flawed instructions. In 2013, a second grand jury refused to indict Haste.

The NYPD disciplinary investigation was postponed on the excuse that it was customary to “step back” while a federal civil rights investigation occurs. Yet the city settled for \$3.9 million in January 2015 after a suit by the family for civil rights violations by the NYPD.

The NYPD announced it would finally resume its departmental disciplinary case against Haste and two other officers. Dismissal from the NYPD is the most severe penalty option. The ultimate decision is up to Police Commissioner William Bratton.

Graham’s family has been steadfast in pursuing justice since his death on February 2, 2012. Last week, they rallied on the steps of City Hall to demand the firing of Haste, who has been placed on modified duty by the NYPD. Haste has received \$25,000 in raises over the past four years.

Graham’s mother, Constance Malcom, has accused Bratton of being a “bald-faced liar” for claiming that the NYPD had to postpone the Internal Affairs case regarding Haste because the Department of Justice (DOJ) had requested it. Malcom, Graham’s father Frank Graham and other supporters who met with

Bharara reported that the district attorney told them that no one from the DOJ told the NYPD to delay its investigation or to refrain from disciplining officers.

Malcom, said, “These officers should not be running around with a gun or badge. They’re reckless. They murdered my son in front of my 6-year old son and also his grandmother.”

The latest refusal by the Obama administration to prosecute a killer cop indicates that no serious effort will come from the capitalist state to regulate itself or to lessen the number of working class youth who are murdered by police around the United States. On the contrary, the decision by Bharara’s office is a signal to police departments across the country that their cops will be shielded from prosecution when they shoot unarmed youth.

According to a count maintained by the *Guardian*, at least 223 people have been killed by the police in the US this year, a rate of nearly three deaths every day.

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