

# Four years after Eric Garner's death, killer cop faces NYPD disciplinary hearing

By Leslie Murtagh  
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Last week, more than four years after New York City police officer Daniel Pantaleo killed unarmed Eric Garner on the streets of Staten Island with an illegal chokehold, Pantaleo faced the first hearing in a New York City Police Department (NYPD) disciplinary trial set to begin in May. Pantaleo's supervisor, Sgt. Kizzy Adonis, will also face a departmental trial.

If convicted, Pantaleo, who was placed on desk duty and had his salary increased to \$120,000 after the 2014 incident, could face penalties ranging from the loss of vacation days to the loss of his job. NYPD union officials, however, who say a chokehold never occurred, are holding out the possibility of no conviction taking place, which might put Pantaleo back on the streets of New York in uniform.

Garner, 43, was approached by police trying to apprehend him for allegedly selling cigarettes illegally. After Garner denied that he was selling anything, Pantaleo put him in a chokehold from behind, as three other NYPD officers piled on top of him and held his head down while Garner gasped, "I can't breathe," eleven times before going unconscious. Chokeholds, defined as "pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air," were banned from NYPD use in 1993.

This explicit scene of police brutality and subsequent murder was caught on film in its entirety by Garner's friend, sparking mass outrage by the millions who viewed it. Garner's case, along with other high-profile police killings in 2014 such as that of Michael Brown in Ferguson, Missouri, led to large-scale demonstrations by workers and students in New York City and across the US.

In addition to the clarity of the events as they were recorded on video, the New York City Medical Examiner's office classified Garner's death a

homicide resulting from "compression of neck, compression of chest and prone positioning during physical restraint by police." But in a miscarriage of justice orchestrated by Staten Island's then-District Attorney Daniel Donovan, a grand jury in 2014 decided not to indict Pantaleo, and he has never faced any criminal charges for his violent and illegal actions.

The Department of Justice (DOJ), responsible for monitoring local law enforcement conduct and pursuing civil rights offenses, never filed charges against Pantaleo under Obama, and has yet to do so under Trump. This, unfortunately, is not uncommon, with federal prosecutors failing to bring charges against police officers in 96 percent of civil rights cases in the past decade. The DOJ did tell the NYPD that it had no objection to an internal departmental trial.

This dragging out of the case over many years under both Democratic and Republican administrations shows the true interests of the ruling class seeking to protect their enforcers, while dissipating wide-spread anger with promises of possible action that end in yet further delays.

This federal tactic also facilitates the indefinite delay of any punitive measures by the NYPD, which has claimed that it is standard procedure to wait until the federal government resolves its own case on a matter before proceeding to an internal disciplinary trial. With the federal statute of limitations running out in July, the NYPD has finally begun Pantaleo's trial ahead of any decision by the Justice Department, charging him with reckless and intentional use of a chokehold.

After the brief initial hearing last week, a press conference took place outside the NYPD courtroom. In a bizarre statement, Pantaleo's lawyer, Stuart London, told reporters, "The problem is we need to educate both the media and the public that not only was there never a

chokehold, but officer Pantaleo was just making a simple arrest using a seat belt technique [hooking an arm underneath an individual's arm while wrapping the other around their torso].”

London said that a defense medical expert will confirm this information in trial, while the city's Medical Examiner's office refuted London's statements, standing by its original conclusion that Gardner died of chokehold injuries.

Patrick Lynch, the president of the Patrolmen's Benevolent Association, made a truthful though chilling statement: “We are going to bring forth evidence that Officer Pantaleo did exactly what he was trained to do.” This aligns with how Lynch described Pantaleo immediately following Garner's death in 2014, stating that the killer cop was “a model of what we want a police officer to be.”

Garner's mother, Gwen Carr, who attended the hearing, told reporters she had “mixed emotions” and “felt sort of numb being in the room with my son's murderer.”

The original internal police report, signed off on by Kizzy Adonis, omitted any mention of a chokehold. It would almost certainly have remained the official record if not for the video evidence. A vast amount of police violence goes unreported, and the possibility that a police officer will be tried for a murder, or even if he is tried, found guilty, is minuscule.

The very fact that Pantaleo has been free for years is a demonstration of the reactionary official political culture in the US that protects those armed forces the ruling elite rely on to police class lines and suppress growing opposition to unprecedented levels of social inequality.

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