



NEW YORK STATE SENATOR

Malcolm Smith

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MALCOLM A. SMITH November 27, 2006

The tragic death of Sean Bell, and the shooting of Trent Benefield and Joe Guzman, gives us pause to contemplate how fragile and precious human life is. Sean's death has taken a terrible toll on his family and friends, and we pray for his parents, fiancée and especially his two young children. I am also deeply concerned about the impact this tragedy has had on our community.

Many people in our city are justifiably angered by this tragedy. We all recognize, as the mayor has already noted, that firing 50 shots in this situation was excessive. It also appears that at least one police regulation, which prohibits firing at a moving vehicle, was broken the night Sean was killed. We also need to carefully review the policy that permits undercover police officers to drink while on duty, even if it's part of their undercover efforts.

Clearly, this tragedy highlights a serious problem, either with police procedures and policies or with the actions of the officers on duty that night. We do recognize that the highly-charged, frightening and emotional atmosphere of that night also played a role in the shooting. But it is absolutely imperative that our community is able to place our faith in the professionalism of our police force, and know that they will act according to their internal rules and the rule of law, even in stressful situations.

After meeting with Mayor Bloomberg, District Attorney Brown and Police Commissioner Kelly, I am confident that their investigations will be thorough and will uncover what went wrong, who is responsible and what will be done to prevent this from happening again.

However, until those investigations are complete, we should focus our energy on helping Sean's family as best we can and getting to the truth so that something positive might come from this terrible tragedy.

During a prayer service yesterday morning at the site of the shooting, I joined with Sean's fiancée Nicole Paultre, Sean Bell's parents, and Reverends Jesse Jackson and Al Sharpton and I asked that everyone who has been hurt and angered by Sean's killing remain patient until the District Attorney can deliver his findings.

Of course it is not always easy to remain calm and patient in the aftermath of such an emotional incident. All too often, it is young men of color, such as Sean, who find themselves the victims of police misconduct -- a frustrating and frightening reality the minority community faces every day.

However, I believe we will only hamper the investigation and negate the good that could come of it if we look at this solely as a racial incident. We must remind ourselves that the undercover officers were a racially mixed team and that this is more a matter of what's right or wrong with the system. This is about policy and procedures that have to be followed when you give authority to individuals, who we must trust and believe in so that we can create and manage a civil society.

In my meetings with Reverends Jackson and Sharpton, Congressmen Rangel and Meeks, City Council Speaker Quinn and Councilman Comrie, we are discussing the possibility of a

tri-level task force, comprised of elected officials from Federal, State and local levels that would carefully examine this tragedy and look for solutions that might help us avoid another senseless death.

In the meantime, I hope that all residents of our great city and great state will keep Sean's family in their prayers and do whatever possible to help them cope with their loss and sorrow. And rather than acting or judging in haste, I hope that we can all let the District Attorney to do his work.

Sean's legacy can be something more than a wasted life of great potential. His tragic death can help our society develop better policies and techniques that will assure a crisis of this nature does not happen again. We must and can do better.

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