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Statement by Queens District Attorney
Richard A. Brown

Our investigation into the death of Sean Bell and the wounding of Trent Benefield and Joseph Guzman on November 25, 2006 on Liverpool Street in South Jamaica was as thorough and complete as I've ever participated in.

We interviewed more than 100 witnesses; we reviewed over 500 separate exhibits. And then -- over the period of some 22 days of testimony -- we presented the evidence resulting from our investigation to the Grand Jury. During that time the police officers who are alleged to have fired their weapons were -- as required by law -- given the opportunity to testify and to produce witnesses on their behalf. And finally, we instructed the Grand Jury as to the applicable procedural and substantive law.

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The Grand Jury has now concluded its deliberations -- deliberations that took place over a three-day period -- and it has handed up an eight-count indictment charging three of the five police officers who are alleged to have fired their weapons last November 25 on Liverpool Street in South Jamaica.

Two of the officers charged -- Michael Oliver and Gescard Isnora -- have been charged with various counts of manslaughter 1° and 2°, assault 1° and 2° and reckless endangerment 2°. A third officer -- Marc Cooper -- has been charged with two counts of reckless endangerment 2°. The two remaining officers who allegedly fired their weapons have not been charged.

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More specifically:

- The first count of the indictment charges Detectives Michael Oliver (who is alleged to have fired his weapon 31 times) and Gescard Isnora (who is alleged to have fired his weapon 11 times) with the crime of Manslaughter 1° (a Class B Violent Felony) in that, acting in concert, each aiding the other, with intent to cause serious physical injury to Joseph Guzman, caused the death of Sean Bell by shooting him with a loaded pistol;

- The second count of the indictment charges Detectives Oliver and Isnora with the crime of Manslaughter 2° (a Class C Felony) in that, acting in concert, each aiding the other, recklessly caused the death of Sean Bell by shooting him with a loaded pistol;

- The third count of the indictment charges Detectives Oliver and Isnora with the crime of Assault 1° (a Class B Violent Felony)

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in that, acting in concert, each aiding the other, with intent to cause serious physical injury to Joseph Guzman, caused such injury to Joseph Guzman by means of a deadly weapon;

- The fourth count of the indictment charges Detective Oliver with the crime of Assault 1° (a Class B Violent Felony) in that with intent to cause serious physical injury to Trent Benefield, caused such injury to Trent Benefield by means of a deadly weapon;

- The fifth count of the indictment charges Detective Isnora with the crime of Assault 2° (a Class D Violent Felony) in that he recklessly caused serious physical injury to Trent Benefield by means of a deadly weapon;

- The sixth count of the indictment charges Detectives Oliver and Isnora, as well as Detective Marc Cooper (who is alleged to have fired his weapon four times) with the crime of Reckless Endangerment 2° (a Class A Misdemeanor) in that, they, acting in concert, each aiding the others, recklessly engaged in conduct which created a substantial risk of serious physical injury to another person by discharging pistols multiple times on Liverpool Street while other persons were present on said street.

- The seventh count of the indictment charges Detective Cooper with the crime of Reckless Endangerment 2° (a Class A Misdemeanor) in that he recklessly engaged in conduct which created a substantial risk of serious physical injury to another person by discharging a pistol, thereby causing a bullet to pass through a window of an occupied Air Train station.

- The eighth count of the indictment charges Detective Oliver with the crime of Reckless Endangerment 2° (a Class A Misdemeanor) in that he recklessly engaged in conduct which created a substantial risk of serious physical injury to another person by discharging a pistol multiple times, thereby causing a bullet to pass through the window of an occupied residence.

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Detectives Oliver and Isnora face sentences of up to 25 years in prison in the event of their conviction. Detective Cooper faces up to one year in prison, if convicted.

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The defendants surrendered this morning to detectives assigned to the Police Department's Internal Affairs Bureau. They will be arraigned later today before Justice Randall T. Eng here in the Supreme Court in Kew Gardens.

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I understand that you would want me to provide greater factual detail than I already have with respect to the allegations upon which the charges contained in the indictment are based -- as well as with regard to the legal principles relevant to this case -- and also to discuss with you the many important issues that are presented by this case involving current law enforcement practices and police-community relations. But that is something that I cannot do.

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Firstly, I am precluded in many respects from so doing by the statutory provisions regarding Grand Jury secrecy. And secondly, the interests of a fair -- and balanced -- prosecution prevent me from providing you with more information than I have already provided.

My responsibility at this time is to insure that nothing compromises or prejudices the prosecution of this case and to give you more than I have given you would be inconsistent with that responsibility.

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One further point -- it deserves repeating that a Grand Jury does not decide whether a person has been proven guilty. That is a trial jury's job. The Grand Jury decides whether or not a person should be formally charged with a crime -- whether there is legally sufficient evidence of a crime having been committed and whether there is reasonable cause to believe that the accused committed that crime.

The prosecution will now move forward and -- in the meanwhile -- I remind you that the defendants are presumed innocent until proven guilty beyond a reasonable doubt.

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Finally, I want to commend the prosecutors and investigators from my office who have worked on this case since its inception. They are to be commended for their dedication, their thoroughness, their impartiality -- and, most of all for their professionalism.

They are led by Charles Testagrossa -- the Chief of my Major Crimes Division -- and Peter Reese -- who heads our Homicide Investigations Bureau -- and Johnnette Traill, the Deputy Chief of our Appeals Bureau. It is they who have had the prime responsibility for presenting the volume of evidence in this case to the Grand Jury and instructing it as to the applicable provisions of law.

They have been assisted by Assistant District Attorneys Gary Fidel, John Castellano, Kristin Fraser, Travis Hunter and Michelle Cort-Hourie, and Detective Bernard Porter and Detective Sgt. Frank Torres, and Paralegals Janine Abel and Veronica Jiminez.

We have also had the cooperation and assistance throughout these proceedings of the Police Department's Internal Affairs Bureau and its Forensic Investigations Division, especially its Crime Scene Unit, among other.

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