

POLICE DISPUTE BEATING CLAIM / CITE WITNESS ACCOUNTS, RADIO TRANSMISSIONS

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Quotes:

One week since a man claimed a Suffolk officer beat him with a flashlight in Wyandanch, police released radio transmissions and eyewitness accounts that contradict the allegations.

However, attorneys for Jason White, the 21-year-old Wyandanch man who has filed a notice to sue Suffolk County and the police department for \$10 million, are sticking to their client's version of the June 4 incident.

Robert Macedonio and Michael Brown maintain that White, who was not charged with anything, was stopped for no reason as he rode his bicycle on South 19th Street, beaten in the road, detained by up to seven officers, and urged not to tell what happened.

However, taped police radio transmissions and internal affairs investigators suggest that two officers tried to stop White, but that he fled, jumped over a 6-foot fence, and fell into a construction yard before he was caught. White, who is black, cannot be heard on the tape.

Insp. Philip Robilotto, commander of the Internal Affairs Bureau, said his probe is yielding no evidence that the officers, who were on an anti-drug patrol, had beaten White.

He said that the two white officers, Donal Hughes, 32, and Sean McQuaid, 32, have told their supervisors they spotted White in a hand-to-hand drug exchange with an unidentified woman.

"We don't believe that anything untoward happened," he said, adding that White could have been injured falling from the fence into the debris-littered yard.

But Macedonio, a Hauppauge lawyer who is representing White, said the officers likely mistook White for a drug dealer and released him when they realized their mistake. "There were no drugs found on him and no money found that they alleged could be from a drug sale," Macedonio said.

White has produced emergency-room documents and photos of wounds he said he received.

Both officers deny striking White, Robilotto said. White claims the incident happened around 8:30 p.m. Radio transmissions document a pursuit at 9:29 p.m.

Robilotto said the officers may face disciplinary action because they failed to file a field report on the incident, an apparent departure from procedure. They only documented the encounter with White in their police diaries.

A resident on South 19th Street told Newsday he was driving to a friend's house after 8 p.m. when an officer jumped out of a car and chased a cyclist. He said he saw nothing else.

Two other witnesses, interviewed by internal affairs investigators, said they saw White being placed into a police car - after he says he was beaten - and that he was not abused verbally or physically.

White said he did not know the officers but Robilotto said White was "known" to police.

He was arrested and charged last August with drug possession. The case is pending.

Hughes and McQuaid have been accused of using excessive force before, but their commander, Insp. Edward Vitale of the First Precinct, said the officers are "professional."

McQuaid was accused in 1998, but an investigation deemed the use of force appropriate.

Hughes was accused four other times, twice in 1995 and once in 1996 and 1997. Two incidents could not be proved or disproved. In one case, he was exonerated. In another, investigators found the allegation untrue.