

N.Y. / REGION

Man Is Slain by Officer After Brandishing a Gun

By DAVID M. HERSZENHORN SEPT. 19, 1996

A police officer searching for a man wanted on an arrest warrant shot and killed another young man who pulled a gun when the officer confronted him early yesterday, investigators said.

While residents of the neighborhood questioned whether the shooting was justified, police officials vigorously defended the officer's actions, commending his police work in the face of an armed attacker. They noted that the man who was shot had previously been arrested for assaulting an officer.

The shooting occurred about 12:40 A.M. outside 14 West 127th Street in Harlem, where three plainclothes police officers assigned to the Manhattan warrants squad were seeking to arrest a man on a weapons possession charge, the police said.

Police officials said yesterday that they were not sure whether the officer, Louis Dellapizzi, had confronted the man, Joseph Stevens, 20, because he resembled the suspect, or because he realized that Mr. Stevens had a gun.

But at a news conference yesterday afternoon, officials sought to dispel any controversy over the shooting, saying they were confident that Officer Dellapizzi's actions were justified. They also displayed the 9-millimeter semiautomatic handgun and ammunition that had been found with the dead man.

At the news conference, First Deputy Commissioner Tosano J. Simonetti said that Officer Dellapizzi and his partners, Sgt. Thomas Barrett and Police Officer

Anthony Falconite, had arrived at the location in an unmarked police vehicle dressed in civilian clothes, as is routine for officers in the warrant squad.

While his partners went inside to look for the suspect, Officer Dellapizzi remained outside the building, where he saw a man walking down the street with a bicycle, followed by two women and another man.

"The officer believed this person to be the possible person wanted in the arrest warrant," Mr. Simonetti said.

When Officer Dellapizzi confronted the man, there was a struggle, the police said. Officer Dellapizzi shouted for help and the man pulled out a semiautomatic pistol, Mr. Simonetti said. When the other two officers emerged from the building, they saw a gun in the man's right hand and heard their partner shouting: "Police! Police! Drop the gun!"

One shot rang out, Mr. Simonetti said, and the man, later identified as Mr. Stevens, fell to the ground, mortally wounded in his neck. After the shooting, Sergeant Barrett ordered Officer Falconite to handcuff the suspect until an ambulance arrived.

That order, which officials said was proper police procedure, may have led some people in the neighborhood to think that Mr. Stevens had been handcuffed before he was shot the police said.

"They didn't handcuff him until after they shot him," said a woman who gave her name only as Dee and who said she witnessed the incident. She also said of Mr. Stevens, "He didn't reach for any gun."

But at the news conference yesterday, Chief of Department Louis Anemone, the top uniformed police officer, dismissed such accusations.

The chief said that one witness who initially claimed that Mr. Stevens had been handcuffed first and then shot had since recanted that account. Mr. Anemone also praised Officer Dellapizzi, saying that he had confronted an armed man by himself in a neighborhood with a reputation for violent street crime.

"This person was found to be in possession of a loaded 12-round semiautomatic," the chief said. "These cops are out there at 1 o'clock in the

morning enforcing the laws. I take my hat off to cops like that. I wish I had more cops like that."

Mr. Simonetti said an intense investigation had led officials to conclude that the officers had acted properly. "Detectives did an extensive canvass of the area and they did get conflicting reports," he said. "But the most credible witnesses told us he was not handcuffed until after he was shot."

The gun found with Mr. Stevens was identified as a 9-millimeter semiautomatic Jennings pistol with the serial number scratched out. The police said there was one round of ammunition in the chamber, ready to be fired, and 11 more rounds in the clip, and that Mr. Stevens had an extra clip with 6 rounds in his pocket.

The police said that Mr. Stevens had been arrested at least twice this year, in June for assaulting a police officer and in August for trespassing. They also said that he bore a strong resemblance to Dwayne Washington, the man that the team from the warrant squad had come to arrest.

Mr. Washington has not been found and is still being sought in connection with a weapons possession charge, the police said.

Officer Dellapizzi was treated for trauma at Columbia-Presbyterian Medical Center. Commissioner Simonetti said Officer Dellapizzi would be on administrative assignment while the incident is investigated, usual procedure after a shooting.

Wayne Brison, a spokesman for the Manhattan District Attorney, Robert M. Morgenthau, said his office would conduct "a complete and thorough investigation" but would not comment on the shooting.

Mr. Brison said he could not comment on the request that Officer Dellapizzi not be questioned, or confirm such a request had been made.

A spokesman said the department had agreed to honor the request because police officials were confident of their information. Under other circumstances, the spokesman said, the police might refuse such a request. By contract, officers are permitted not to discuss such incidents with supervisors for two work days.

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