

# Remembering Kenneth Thompson



An Editorial by J. R. de Szigethy

The American Law Enforcement community was saddened this month by the sudden death of Brooklyn District Attorney Kenneth Thompson. Only 50 years young, Thompson died from colorectal cancer. He is survived by his parents, brother, sister, wife, son, and daughter.

Thompson was one of the most respected champions of Civil Rights in this country. Raised by his mother Clara, who became one of the first African-American female cops of the New York City Police Department in 1973, Thompson pursued a career that began with a stint in the U. S. Treasury Department and then later as an Assistant U. S. Attorney in Brooklyn in the mid-1990s. After work as a lawyer in private practice Thompson challenged and defeated Incumbent Charles Hynes in the race for Brooklyn District Attorney in 2013.

Once elected as Brooklyn District Attorney, Kenneth Thompson kept his campaign pledge to focus on identifying and overturning cases of wrongful convictions in Brooklyn State Court. To date, Thompson's Conviction Review Unit has freed 21 people falsely convicted in Brooklyn, some of whom spent over two decades in prison for murders they did not commit.

D. A. Thompson also followed the case of Hudson County, New Jersey Detective Joseph Walker, who was Indicted in 2013 on First Degree Murder charges after he and his wife and 3 children were driven off the road in the State of Maryland in a “road rage” altercation with a motorist who hurled a projectile from his vehicle that landed next to Walker's youngest daughter. The motorist also defamed Walker and his family as “Niggers!” Cornered by the motorist as the two vehicles came to a stop, both men in the

vehicle aggressively approached Detective Walker and his family. While Mrs. Walker was dialing 911 on her cell phone, Detective Walker exited his vehicle and properly advised the two men that he was a member of Law Enforcement and insisted that they retreat to their vehicle. Instead, the two men charged towards Walker and his family and Detective Walker was then forced to discharge his service weapon as a means of self-defense to protect his wife and kids.

Once notified of this case, the National Police Defense Foundation immediately devoted its resources to defend Detective Walker. The Jury in Walker's case quickly returned a Verdict of "Not Guilty!"

Kenneth Thompson expressed his support for Detective Walker at the Society of Professional Investigators Awards Dinner held in Brooklyn in 2014. Says Walker: "What really struck me was he asked how was my children and my wife and expressed concern about their well being in the aftermath. He was very genuine and caring and that meeting will stay with me forever."

The issue of the nationwide epidemic of wrongful convictions was first brought to the attention of the American people with the establishment of two non-profit organizations devoted to this cause over 2 decades ago; The Innocence Project, founded in 1992, and the National Police Defense Foundation, founded in 1995.

Kenneth Thompson was introduced to the issue of wrongful convictions in the aftermath of his role as a Prosecutor in the 1999 trial of 5 Police Officers accused of crimes committed against Brooklyn resident Abner Louima. This case began in the early morning hours of August 9, 1997, when cops responded to a disturbance outside a nightclub popular with the Haitian immigrant community. At one point, young Officer Justin Volpe was violently sucker-punched in the ear by a member of the crowd. In a case of mistaken identity, Louima was arrested and taken to the 70<sup>th</sup> Precinct. There, in the bathroom of that station, seeking revenge against the man he believed had knocked him to the ground without provocation, Volpe beat the handcuffed prisoner to the floor, and then rammed a broken-off mop handle into Louima's colon. Volpe has admitted that another Police Officer was in the bathroom during this assault.

The trial of the 5 accused cops was one of the most sensational in American criminal history. The Prosecution team faced controversy even before the trial began. Early on, the lead Prosecutor in the case resigned after some of the fellow Prosecutors complained about the way that Prosecutor interrogated the African-American fiancée of Justin Volpe during her appearance before the Grand Jury.

This reporter covered the trial once it finally got underway in 1999. I was very impressed with Kenneth Thompson's dignity and professionalism. In my quarter of a Century covering criminal trials, few Prosecutors I have observed equaled and none surpassed the skill and demeanor of Kenneth Thompson.

Justin Volpe's father Bob Volpe was also very impressed with Thompson. Mid-trial, Bob Volpe, a decorated retired NYPD Detective, convinced his son Justin to plead Guilty. For the rest of his life, Bob Volpe would tell his friends and acquaintances what Thompson did on the last day he saw him; Thompson approached Bob Volpe, hugged him, and offered kind words of sympathy.

That one act of kindness, respect, and compassion says it all about the character of Kenneth Thompson; a Prosecutor raised by a cop, consoling a cop, whose cop son had forfeited his freedom.

Controversy, however, still lay ahead for the conclusion of the trial of the remaining 4 cops whose Fate would be determined by a jury of their peers. One of the Police Officers, Charles Schwarz, was Convicted as the alleged accomplice of Volpe; the other 3 were Acquitted of the charges against them. At that point, the National Police Defense Foundation investigated Schwarz' conviction and determined that he had been wrongly convicted; not as a result of Prosecutorial MisConduct, but as a result of mistaken identity. While Abner Louima identified Justin Volpe as the man who assaulted him, he could not identify Schwarz as his accomplice.

Professionals of America's Law Enforcement community understand that the memories of and consequent testimony of eye-witnesses to an event are notoriously unreliable, especially under traumatic circumstances. As the years passed, more evidence emerged that indicated Schwarz was not the accomplice of Volpe. In February, 2002, the 2<sup>nd</sup> District U. S. Court of Appeals reversed Schwarz' conviction. Rather than executing a 4<sup>th</sup> trial against Schwarz later that year on a Perjury charge, the U. S. Attorney's Office negotiated the terms to settle the case.

The Police Foundation's support in this matter was not just seeking Justice for Charles Schwarz; the Foundation's efforts also sought Justice for Abner Louima. Louima deserves to know the Truth as to who committed the crimes against him. Many unanswered questions still remain on various issues in this case, and Louima deserves to learn the Truth about all of them.

Brooklyn-born investigative reporter Mike McAlary also sought Justice for Abner Louima. For his series of reports in the New York Daily News, in which he interviewed Justin Volpe, Abner Louima, and other principals in this case, McAlary was awarded the Pulitzer Prize in 1998, one year before the trial began. Prior to this case, McAlary made a name for himself as an accomplished investigative reporter on cases of false convictions, including the case of Joseph Occhipinti, and the trafficking of drugs in minority communities. McAlary also reported evidence regarding whether "roid rage," the consequences of the abuse of steroids, may have played a factor in the Abner Louima case, as has this reporter at AmericanMafia.com, who collaborated with McAlary on this case.

Mike McAlary died on Christmas Day of 1998 of the same disease that would later take the life of Kenneth Thompson. Mike was 41 years young.

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J. R. de Szigethy is a New York City-based crime reporter who can be reached at this address:  
writer10021@aol.com