

# Anger Grows on West 46th St. Between Police and 'Angels'

By SARAH LYALL

In the latest twist over the issue of public safety on Restaurant Row in Manhattan, the police yesterday asserted that the Guardian Angels now patrolling crime-ridden West 46th Street had no right to challenge suspected drug dealers unless they saw a crime being committed.

To underscore their position, the police arrested two members of the volunteer patrol group Sunday night, charging them with menacing and harassing a man on the sidewalk. The Angels, whose members are recognized by their red berets, asserted that the

man, a local resident who was also taken into custody, was a suspected drug dealer. But the police said that there was no reason to believe this and that he had no prior criminal record.

The arrest of the two Angels appeared to have angered some residents and restaurant owners who had invited the Angels onto the newly landscaped street five days ago and provided them with room and board to rid the street of drug dealers and panhandlers.

## Restaurateurs Criticize Police

The restaurant owners say that the police are unable to put a stop to crime, which is rampant in the neighborhood and scaring off customers. The police, stung by charges that they cannot keep the streets safe, argue that the Angels are of no real help in fighting crime and often use illegal tactics.

To police officials, criminologists and civil libertarians, the Guardian Angels' patrol is a telling illustration of both the problems that prompted the restaurant owners to recruit them and the pitfalls of such a response. [Page 14]

The confrontation between the Angels and the police, occurring one day after an Angel was stabbed while on patrol on Restaurant Row, goes far beyond the single block on 46th Street between Eighth and Ninth Avenues. It seems to crystallize the issue of police protection when widespread use of drugs like crack the cocaine alternative, has made many New Yorkers feel afraid.

Yesterday, people going to lunch on West 46th Street were met with the bizarre sight of Angels and policemen standing around in separate clusters under the gaze of television cameras. The police looked grim-faced while the

Continued on Page B2, Column 3

# Anger Grows Between Police and 'Angels' on Restaurant Row

TIMES 6-14-88  
Continued From Page A1

Angels held impromptu news conferences.

Curtis Shiwa, the head of the Guardian Angels, said the incident Sunday night, in which the man the Angels were quarrelling with was also charged with menacing, would not deter the group from patrolling in midtown Manhattan.

But Assistant Chief Thomas P. Walsh, commanding officer of Patrol Borough Manhattan South, said the Angels, like other civilians, were required to limit their crime-fighting to making citizen's arrests in cases of actual crimes. It is illegal for them to verbally harass people they suspect of being drug dealers, or to even ask them to leave, he said.

"Even the police have no right to tell someone to get off the block," he said.

Chief Walsh denied that the police were antagonistic toward the Guardian Angels. But he said the fact that the Angels had decided to institute patrols did not give them additional rights. "They're an organized group but in the eyes of the police they're no better or worse than anyone else," he said.

The police said they had deployed more officers to the Restaurant Row area, on the edge of the Theater District, as they always do in the summer.

Restaurant owners and residents yesterday criticized the police for arresting the two Angels, saying that the police presence had never been large enough and that conditions in the neighborhood had improved dramatically since the Angels moved in.

## 'Everyone's Going to Lose'

The Rev. Dale Hansen of St. Luke's Lutheran Church, who is chairman of the Restaurant Row Association, called the police response to the Angels "regrettable."

"If this is going to turn into a popularity contest or a power play, everyone's going to lose," he said. "We don't want to criticize the police except to say that there aren't enough of them. Before the Angels came, if you went out after midnight, you were taking your life into your hands."

Mayor Koch said last week that the restaurant owners should have written to him for help, but Mr. Hansen said repeated efforts to get police help through conventional avenues had failed. Five or six letters to the Mayor's office, Mr. Hansen said, were answered with the standard reply, which stated that the Police Commissioner would respond to the problem. That response, Mr. Hansen said, never happened. He also said that a meeting within the last six weeks with the Mayor's Midtown Task Force did not produce any results.

## Many Meetings With Police

Mr. Hansen said that since Jan. 1, the association, which includes landlords as well as restaurant owners, has had 10 meetings with the police from the Midtown North Precinct and that he has been in contact regularly with the narcotics unit from Midtown South. He also said that the association has met with the district manager of the local community board, William P. Ryan, and his assistants on about 10 occasions.

## The civilian patrols crystallize the issue of police protection.

Mr. Hansen said the block association planned to meet with city officials to discuss how to address the crime problem.

The Police Department stopped short of official stern criticism of the Angels. At a ceremony yesterday morning honoring civilians who had helped thwart crimes or save lives, Police Commissioner Benjamin Ward avoided attacking the Angels, but criticized them for what he said was "their reluctance to come under formal training."

"I'm sorry for the confrontation," he said. "They're trying to do the very best they can do. I believe that as long as they choose to do what they're doing, they can be sure that confrontations will occur."

## 'Go Where They're Asked'

But Mr. Ward said he did not "object" to the Guardian Angels. "The Guardian Angels go where they're asked and sometimes not where they're asked," he said. "They generally don't stay around very long."

The police and the Angels had widely diverging accounts of what happened in Sunday's incident, agreeing only that there was a confrontation between three Angels and a group of people they accused of being drug dealers on the corner of 46th Street and Eighth Avenue. It was the same spot where a Guardian Angel was stabbed and critically injured in a confrontation with a suspected drug dealer on Saturday night.

In the police account of Sunday's events, 12 Guardian Angels surrounded John Johnson, who lives at 300 West 46th Street, and told him to leave the area. When he refused, the police said, one of the Guardian Angels bumped into him and Mr. Johnson pulled out a small knife, holding it at his side for protection.

In the Angels' account, there were only three members of the group patrolling the area, and they confronted a number of people known to them as drug dealers. One of the men pulled out

a knife, the Angels said, but there was no physical confrontation.

According to both the Angels and the police, an Angel called 911 to report the dispute, and the responding police officers removed Mr. Johnson and two of the Angels, Loren Gonzalez, 21 years old, of Milwaukee, and David Baldwin, 18, of Newark, N.H., to the Midtown North Precinct station house.

## Cross-Complaints Filed

There, the Angels and Mr. Johnson filed cross-complaints against one another. All three were charged with menacing, a Class B misdemeanor, the two Angels were also charged with harassment, a violation. All three remained in police custody last night, Chief Walsh said.

In a news conference on Restaurant Row, as passing residents offered encouragement, Mr. Shiwa said, "when you arrest the Guardian Angels, you emasculate the public."

In the midtown operation, the Angels generally patrol in groups of three or more, looking for signs of drug or criminal activity. They then break up drug deals or try to destroy the dealers' drugs and drug paraphernalia, while warning the dealers to get out of the neighborhood, said Travis Stephens, the Angel in charge of the operation. If a large amount of drugs is involved, he said, the Angels make a civilian arrest, typically holding the dealer in an armlock against a wall until the police can arrive.

## 'Our Hands Are Tied'

But Chief Walsh said that any Angels who harassed people in the neighborhood or tampered with drugs were breaking the law. "That's illegal," he said. "You can't take somebody's property. You can't confiscate his drugs or break his crack pipe or grind his crack vial into the ground."

Several police officers from Midtown North who were posted on the corner of 46th Street and Eighth Avenue yesterday afternoon, said that if they treated criminals the way the Guardian Angels did they would be arrested themselves.

"What people don't understand is our hands are tied," said one officer, who declined to be identified. "We look at people, and we know they're drug dealers, but we're not allowed to go through their pockets or rough them up. We have to have probable cause."