

Police charges renew questions

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day to fight for the release of autopsy results. A Wayne County circuit judge will consider their request in two weeks.

"All I am trying to do is find out the basic facts that surround this individual's death. Was he turning? Was he trying to run? The community is entitled to know," said Larry Alcantar, an attorney with the Detroit Latino Agenda and Coalition.

The charges come as two other Detroit police officers are on trial on second-degree murder charges in the beating death of Malice Green. A third is charged with assault. Police said murder charges against officers are rare.

In the investigation, police initially thought Todd was solely responsible; Hardy said he had not fired, said police who spoke on the condition of anonymity. But ballistics tests showed that one bullet retrieved from Iturralde's body also matched Hardy's gun.

On Tuesday, both officers stood mute before Judge Willie Lipscomb Jr. in 36th District Court for their arraignments. Lipscomb freed both men on \$100,000 personal bond and set an Aug. 19 preliminary examination to determine if they should stand trial on the charges.

They were suspended with pay. Police Chief Stanley Knox will determine if they should be suspended without pay. He could not be reached for comment.

"Both Officer Todd and Officer Hardy are innocent of any wrongdoing," said Donald Stohberg, an attorney for the officers' union, the Detroit Police Officer's Association.

According to police reports filed with the court Tuesday, this is what happened:

Iturralde confronted the officers while they were investigating reports of gunshots and loiterers near West Vernor and Morell.

"Get your hands out of your pockets!" one of the officers told Iturralde. Iturralde refused and swore at the officers in English and Spanish.

"Didn't you hear him say get your hands out of your pockets?" a second officer demanded.

With one hand, Iturralde reached inside his coat. Hardy, apparently thinking Iturralde would pull a gun, fired once. Todd then fired several more rounds.

At the time of the shooting, Knox said "If the officer fears his life is in danger, he has a right to protect himself."

Hardy and Todd refused comment Tuesday.

Executive Deputy Police Chief James Bannon called false a published report that the officers had been exonerated by a police review board before they were charged.

"The review board has not completed its report, has not cleared anybody, has not finalized its findings whatsoever," Bannon said.

Hardy and Todd had been seen on the street in plainclothes the night of the Freedom Festival fireworks display. Their boss, Inspector Benny Napoleon, said he did not know what their duties were that night.

The shooting so enraged the Hispanic community that Leonor Espitia, a friend of Iturralde, and the Detroit Latino Agenda and Coalition are trying to find Iturralde's relatives in Havana.

Alcantar has threatened to represent them in a wrongful death lawsuit against the city.

"We must find the family so we can get legitimacy," he said. "When the city has to pay, they'll understand they have to respect the Hispanic community."

Espitia, with whose family Iturralde lived most of the time for the last few years in their southwest Detroit home, said "If he had his last dollar in his pocket, he'd give it to you."

But Iturralde, who supported himself by working odd jobs as a handyman, had another side, too.

Along with playing basketball, "picking up whores" was one of Iturralde's favorite things to do, said Shadow Wolfe, a friend of Iturralde.

"He had a problem with crack," Espitia said. "When he got out of hand, he'd leave so our kids wouldn't see him like that. But every time, he'd fall back on us because he had no other family."

Iturralde, a resident alien, came from Cuba to the United States in 1980 as part of the Mariel boatlift. During that time President Jimmy Carter granted political asylum to prisoners of Fidel Castro, in power in the Latin American island country.

A political prisoner, Iturralde fled his home city of Havana for Miami, leaving behind at least two children, said Espitia, whose fiancée came to the United States with Iturralde. Iturralde drifted between federal detention centers, Miami and Los Angeles before coming to Detroit in 1987.

He also was known under other names. One shelter reported Iturralde stayed under the name Jose Valdez. The night Iturralde was killed, officials found in his pocket a card identifying



Ira Todd, left, and Rico Hardy are arraigned Tuesday. They were released on bond.

him as Jesus Valladares, a 37-year-old white male.

His friends are wondering whether Iturralde's little knowledge of English and hyperactive, cheerful yet nervous disposition helped seal his fate that April night.

"He never stopped moving. ... I think that's what happened that night. He probably got nervous and jumpy," Espitia said.

The shooting has made many people in the Latino community skeptical and fearful of the Detroit Police Department — particularly among Cuban Americans.

"The Hispanics here, they're nothing," Espitia said. "If it would've been a black person or a white person, it would have come out quickly, like Malice Green."

A week after his death, Espitia's family buried Iturralde in a Taylor cemetery, the cheapest one they could find. They're still trying to come up with the money to buy him a tombstone.

Staff Writers Lori Mathews and Jacqueline Charles and Special Writer Jose Huerta contributed to this report.

The investigation went more slowly this time

BY JIM SCHAEFER

Free Press Staff Writer

Eleven days passed before two former Detroit police officers were charged with killing Malice Green.

Seventy-five days went by before two cops were charged with killing Jose Iturralde.

Why the difference?

One reason was expedition. Last November, when two white Detroit officers allegedly killed a black motorist, a riot had rocked Los Angeles just seven months before. That unrest followed acquittals of four white cops charged in the videotaped beating of a black man.

Although there was no evidence race was a factor in the Detroit beating of Green, protesters made it one during daily rallies. Detroit officials feared an explosion like the one in Los Angeles, where 53 people died.

So in 11 days — after homicide investigators and prosecutors worked around-the-clock interviewing witnesses and gathering evidence, and the mayor and police chief publicly denounced the beating — charges of second-degree murder were announced. Some said justice and the constitutional right to due process for the accused cops were sacrificed in the rush.

But there was no trouble on the streets.

Since Iturralde was killed in April, Hispanic leaders have criticized the police department and Wayne County Prosecutor's Office, saying the much longer investigation was an attempt to cover up the killing or that it was evidence that no one really cared about Iturralde because he was Cuban.

But the specter of citywide civil unrest did not exist with the Iturralde case, which mostly brought complaints from Hispanic groups. Slightly more than two percent of the city's population is Hispanic.

The prosecutor's office also hurried its review of the Green case, recommending warrants just five days after it received the investigative file from the police department.

It is not unusual for prosecutors to interview witnesses and dig for more evidence on their own, which happened in the Iturralde probe. Detroit police turned over their files on that case June 24 and charges came Monday, 18 days later.

There are other reasons why the Iturralde investigation was slower, including:

■ Investigators had to wait for a ballistics report on the officers' guns, which did not arrive until mid-June.

■ Three witnesses in the Iturralde case — a prisoner, a homeless person and a runaway — were hard to locate to interview.

■ A split-second decision to shoot a suspect is more difficult to prove wrong than a beating death.



Jose Iturralde

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