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Irvington will settle 2 civil suits for \$50,000

Both cases charge police wrongdoing

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Star-Ledger Staff

Irvington has agreed to settle two civil suits against the police department for a total of \$50,000.

One case involves a Haitian man, Innocent Marcelin, who claims he spent two nights in jail while police refused to provide him medical attention for injuries he suffered in a street fight. The other case involves a couple who charged they were wrongfully arrested and unlawfully detained when police dragged them out of their parked vehicle.

The township council approved a recommendation Tuesday that both cases be settled out of court.

"The parties have agreed to see if there is any way in which the cases can be settled without litigation," said Junius Williams, township attorney. "This is standard operating procedure."

Williams said the proposed settlement is not an admission of guilt on the part of the police. He declined further comment.

Vincent James Sanzone Jr., the Elizabeth attorney, who represented Marcelin of Irvington, however, claimed victory for his client.

"This case sets a precedent in Irvington," he said. "Anyone who is injured must be immediately taken to the hospital. It is not sufficient to take them to an emergency technician."

Marcelin was arrested Aug. 19, 1997 about 11:30 p.m. after he was involved in a fight, said Sanzone. "He was bruised with a baseball bat and two of his teeth were knocked out."

Police arrested Marcelin and the man he accused of hitting him with the bat, Sanzone said. Both were charged with disorderly conduct, but the charge against Marcelin was later dropped, the attorney said.

"In spite of the obvious physical signs of injuries . . . as well as his groans of pain, these defendants (police officers) acted with deliberate indifference and ignored the plaintiff's injuries," according to Marcelin's lawsuit.

Initially, Marcelin, who did not speak English, was treated by emergency medical technicians. "They checked him out and put a bandage on his head."

In the meantime, Marcelin received no further medical attention, [Sanzone](#) said. When Marcelin was taken to the central processing center at the Essex County Jail in Newark two days later, he was still wearing the same bloodied shirt and was still in pain, the attorney said, adding that a sheriff's officer took him to the hospital.

Marcelin's case is to be settled for \$20,000, according to the township's resolution. The case of Isaac and Emily Arowosaye of Irvington will be settled for \$30,000.

In their complaint in Superior Court, the couple alleges that on Oct. 2, 1993 about 10 Irvington police officers closed in on them on Union Avenue, pulled them out of their vehicle, put guns to their heads, searched them with their faces to ground, and physically assaulted them. Mrs. Arowosaye was pregnant at the time, according to the couple's lawsuit.

The complaint further alleges that Mrs. Arowosaye was sexually assaulted by one of the officers when he patted her on her buttocks and breasts. "The defendants caused Isaac Arowosaye's pants to be dropped, thus publicly embarrassing and humiliating the plaintiff."

The couple claim that police gave them no explanation for their treatment. When the couple objected to they way they were being treated by police, Mr. Arowosaye was issued a ticket for overtime parking, the lawsuit said. The ticket was later dismissed. All of the township's parking meters have since been removed.

Councilman David Lyons said he would like to see disciplinary action taken against police officers when a case is settled.