

CHICAGO COP GUILTY OF MURDER

Jury finds killing of black teen in '14 was in 2nd degree

The Associated Press

CHICAGO — A white Chicago police officer was convicted of second-degree murder Friday in the 2014 shooting of a black teenager that was captured on shocking dashcam video that showed him crumpling to the ground in a hail of 16 bullets as he walked away from officers.



Police Officer Jason Van Dyke

The video, some of the most graphic police footage to

emerge in years, stoked outrage nationwide, and the high-stakes trial gripped the nation's third-largest city for nearly three years. The shooting also led to a federal government inquiry and calls to reform the Chicago Police Department.

Jason Van Dyke, 40, was the first Chicago officer to be charged with murder for an on-duty shooting in about 50 years.

The second-degree verdict reflects the jury's finding that Van Dyke believed his life was in danger but that the belief was unreasonable.

Second-degree murder usually carries a sentence of less

than 20 years, especially for someone with no criminal history. Probation is also an option.

Van Dyke was also convicted of aggravated battery and acquitted of official misconduct.

The teen, Laquan McDonald, was carrying a knife when Van Dyke fired at him on a dimly lit street where he was surrounded by other officers.

Defense attorney Dan Herbert called Van Dyke "a sacrificial lamb" offered by political and community leaders "to save themselves." He said it was a "sad day for law enforcement" because the verdict tells offi-

cers they cannot do their jobs. "Police officers are going to become security guards," he said.

The verdict was the latest chapter in a story that has made headlines since a judge ordered the release of the video in November 2015. The case put the city at the center of the national conversation about police misconduct and excessive force.

The 12-person jury included just one African-American member, although blacks make up one-third of Chicago's population. The jury also had seven whites, three Hispanics and one Asian-American.

LIPA lawyer hits PSEG over rate class changes

BY MARK HARRINGTON
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A top LIPA lawyer says PSEG Long Island should not "act like Big Brother and tell customers what's best for them" by switching them to potentially cheaper rate classifications.

LIPA was responding to a Newsday report last month that found numerous changes between the first draft and the final version of a management audit of the utility by an outside consulting firm. The audit was sanctioned by the state Department of Public Service.

Among changes from a draft to a final version of the report was that PSEG, which took over the Long Island power system in 2014, "does not have sufficient processes to assure customers that they are assigned to the correct rate." This statement was replaced in the final version with a shorter line that said the utility complies with PSEG legal findings.

LIPA deputy general counsel James Miskiewicz at a trustees meeting Sept. 27 said PSEG should not proactively shift customers to different rate classifications, even if doing so could save the customers money. Miskiewicz said the utility relied on a previous case before the Public Service Commission to make that determination. LIPA is not subject to PSC juris-

diction.

"The Public Service Commission looked at that in 2010 and decided, no, you don't act like Big Brother and tell customers what's best for them," Miskiewicz said. "You give the customer as much information as possible and you let them make a decision as to which rate class they should be in."

NorthStar Consulting Group, which conducted the audit, recommended that PSEG examine users' past 12 months usage to determine which rate class is best to assign them to the proper rate. The utility also does that if it finds certain customers are using larger amounts of power that warrant shifting them to a more expensive rate class.

Business and residential customers are generally assigned a rate class when they sign up for service. The rate class determines how they will be billed for electricity. In 2015, PSEG found that some 600 customers, primarily businesses, were misclassified in a way that could save them thousands of dollars by switching to a new rate. The utility sent letters to customers and even pushed for changes in LIPA rules to facilitate the switch.

The early draft report said PSEG "views it as the customers' responsibility to ensure they are on the correct

rate," a finding altered from the final report.

Miskiewicz asserted that NorthStar's recommendation was "that we as a governmental agency should take that discretion away from private citizens and just do it because we're the government and we know better." The original draft makes no such recommendation. LIPA requested alterations in the final report, Miskiewicz said, to reflect its interpretation of the law.

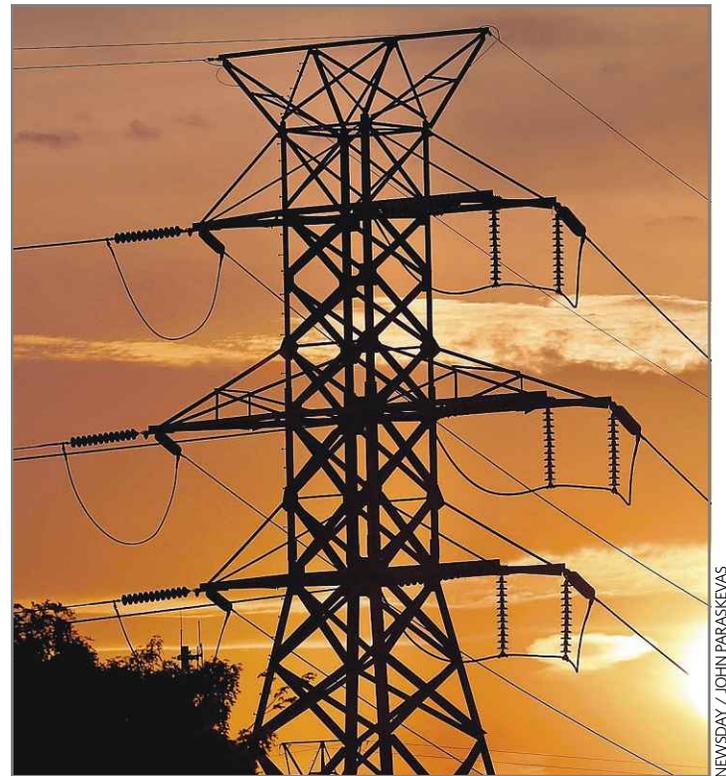
LIPA chief Tom Falcone noted the rate change generally applies to businesses, not residential customers. "We're talking about pretty big users of energy," he said.

PSEG officials declined to comment.

Two state lawmakers, Assemb. Fred Thiele (I-Sag Harbor) and State Sen. Kenneth LaValle (R-Port Jefferson), have called for hearings before the legislature to investigate alterations in the management audit.

Miskiewicz took issue with other sections of the draft report and the Newsday story.

A line in the original report noting there was "no voice of the people" in LIPA management decisions was removed after LIPA argued that the utility makes "vigorous efforts" to ensure that "we hear what the public, what customers want." He noted the draft report was



Towers carrying PSEG Long Island transmission lines in Centereach in 2016. PSEG took over the Long Island power system in 2014.

mistaken in saying customers were not able to comment on board consent agenda items.

Nor did Miskiewicz address elimination of a line saying the LIPA board "does not have sufficient relevant functional expertise for an organization of its size, complexity and revenue," while the board's activity level is "relatively low," among other excluded findings.

LIPA trustee Elkan Abramowitz, who has served as criminal attorney for the office of Gov. Andrew M. Cuomo,

who appointed him to the LIPA board, called the Newsday story "fake news."

"I read the Newsday article as an attempt by LIPA and PSEG to affect the independence of an audit, not illegally but improperly," Abramowitz said. "That's the import of the article, and I think that was outrageously unfair."

The story noted that PSEG and LIPA never saw the January report, and no references were made to how the changes were made or improprieties.