Dead Man's Brother Sues City

BY **Thomas MacMillan** | APR 11, 2013 3:26 PM
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ALLAN APPEL PHOTO

Widow Virginia Candelaria (center).

Nearly two years after Oscar "Primo" Santiago Rivera died following an encounter with cops, his family is bringing his story to court.

Rivera's brother and administrator of his estate, Doel Santiago, has filed a lawsuit against the city of New Haven, the chief of police, Officer Ray Curtis, and Sgt. Tony Zona.

The suit claims that the cops used excessive force when they arrested Rivera on the night of Aug. 20, 2011. Cops arrested Rivera that night after he was kicked out of Lou's Lodge in Fair Haven, where owner Anthony Ornato had phoned in a "disturbance."

After his arrest, cops had Rivera taken to Yale-New Haven Hospital "because of his level of

intoxication," according to a police report written by Officer Curtis.

Rivera died in the operating room. The cause of death: a ruptured spleen due to blunt force trauma.
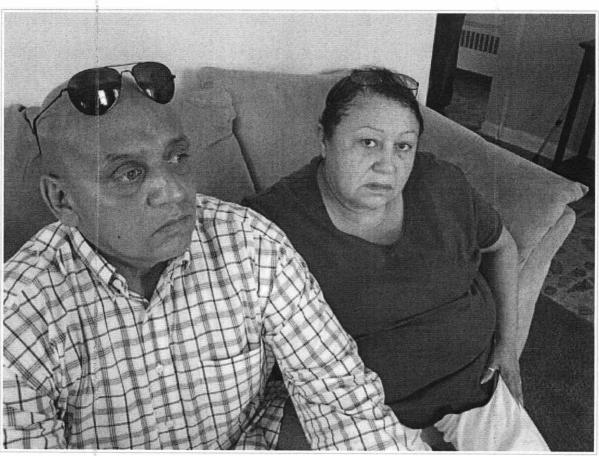
Santiago's lawsuit, filed in state court, contends that Rivera died as a result of an unwarranted assault by Curtis and Zona.

Police reported that Rivera had been involved in drunken brawling before they got there and that they needed to subdue him, but that they never used improper force. An internal department probe cleared them.

"There's not much of a mystery here," said A. Paul Spinella, Santiago's attorney. "He was killed without probable cause. There's no possible justification. He was a threat to no one."

The circumstances of Rivera's death sparked an outpouring of angry sentiment. Rivera's funeral in August 2011 turned into an anti-police-brutality march.

"This matter is the subject of ongoing litigation," said city Corporation Counsel Victor Bolden. "As a result, the city will be responding accordingly at the appropriate time, but otherwise will not be commenting on the substantive issues underlying this case."

ALLAN APPEL FILE PHOTO

Doel Santiago with Virginia Candelario, Oscar's widow.

The lawsuit includes six counts, including violation of civil rights, wrongful death, negligence by the city, and supervisory liability by Police Chief Dean Esserman. Click here to read the complaint.

According to Curtis's report, Ornato told police that Rivera had gotten into a fight at the Lou's Lodge, been kicked out, then returned with a knife, before leaving again.

Ornato later told the Independent that Rivera never got into a physical fight, and no knife was involved.

He said Rivera had been drunk and arguing with people in the bar. Ornato said he kicked Rivera out; Rivera tried to come back, was turned away, then came back and peered through the window. That's when Ornato called the cops.

When the cops showed up, they found Rivera a block away from the bar.

"I ordered Rivera to stop and show me his hands. He continued to walk toward me and reached into his right pocket," Curtis wrote in his report. "Rivera was subdued, put into the prone position, then handcuffed.

"I noticed blood on his head and shirt which was from his bar fight. There was a small amount on my ungloved hand."

Attorney Spinella said there is no evidence there was any kind of fight, let alone a knife fight, in Lou's Lodge.

Rivera suffered from cirrhosis of the liver. Spinella said any pre-existing health conditions had no role in Rivera's death. "Blunt force trauma is caused by only one thing."

An internal affairs (IA) investigation after Rivera's death found no evidence of wrongdoing.

Spinella said interviews from the IA report are contradictory and "inculpatory."

Spinella said Rivera had a large family. "And they're heartbroken."

Tags: Oscar Santiago Rivera, Doel Santiago, Officer Curtis Ray, Sgt. Tony Zona, Lou's Lodge.

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