

Shopkeeper claims off-duty cop seemed drunk

By JUDY PEET

A Korean store owner who was shot four times last October by an off-duty Newark police officer yesterday testified that the cop appeared drunk before starting an argument which led to the shooting.

"He looked like he was on drugs and drunk," said store owner Sung-Yul Kim, referring to Officer Terrez Toldens, 33, who is charged with aggravated assault in connection with the Oct. 31 incident.

Kim testified through an interpreter in the second day of a nonjury trial before Superior Court Judge John Dios in Newark. Kim said Toldens was first verbally, then physically abusive to both him and his wife, Bok-Soon, before the officer drew his weapon and shot six rounds, four of which struck Kim in the face and arms.

The 50-year-old store owner, who is a black belt in karate and a veteran of the Korean Army, said he did not

Korean testifies on dispute, fight before Newark officer shot him

pull his own, unloaded weapon until after he heard "a click" of the safety being released on Toldens' weapon.

When asked why he pulled an unloaded weapon, Kim said: "All I thought was his gun was smaller than mine. I thought I could make him give up and leave the store."

Defense Attorney Anthony Fusco hammered away at small inconsistencies in Kim's testimony, repeatedly asking the shooting victim, for example, why he failed to tell investigators that he saw the change in dispute—54 cents—lying on the cash register.

"They didn't ask," Kim responded. "I didn't think it was important."

The incident began around 3 a.m., Kim said, when Toldens, a 13-year vet-

eran of the Newark Police Department came into the Clinton Avenue store and purchased \$2.46 worth of sharp cheese.

The argument began over whether or not the policeman paid \$3, as the Kims insisted, of \$5 for his purchase. When the store owner refused to give back the extra two dollars he demanded, Kim said Toldens "started swearing at my wife."

The dispute escalated for about a half-hour when Kim called the police. During the call, his wife testified yesterday, Toldens said he was a police officer, but Kim maintained that he was on the telephone and did not hear the identification.

The fight continued with Toldens and Kim exchanging blows and the po-

liceman hitting and kicking his wife, Kim testified. The officer—who was not in uniform—had just hit Kim's wife, he testified, when he heard and saw Toldens' gun and pulled his own in response.

Kim repeatedly denied Fusco's assertion that he drew his gun first. He insisted he pointed his weapon at the ceiling, then fled to the kitchen after being shot.

An Essex County Grand Jury originally heard complaints against both Kim and Toldens in connection with the assault. The grand jury dropped the charges against Kim, but indicted the police officer.

Charges were also brought against Toldens in another incident earlier in October, during which he shot a 17-year-old Newark robbery suspect in the back. Essex County Prosecutor Herbert Tate Jr. said the policeman was cleared of all charges in that case after an investigation showed he acted in self defense.

Orange policeman accuses mayor of 'tokenism'

By KEVIN DILWORTH

The head of the Orange Police Department's black officers union yesterday accused Mayor Paul Monacelli of supporting "tokenism" instead of affirmative action gains.

The mayor denied the charge and maintained that Lt. Charles Cobbett has not offered to help secure the status of a black police officer promoted to sergeant in December.

"We don't believe he's for affirmative action," declared Cobbett, head of the 16-member Orange Kinsmen. "We believe he's for tokenism."

Cobbett referred to a controversy surrounding Monacelli's appointment of Officer Charles Whittle, a black, to the rank of sergeant Dec. 29. Someone in the police department complained to both the state Personnel Department in Newark and the Essex County Prosecutor's Office about the appointment.

State and county officials are reviewing the legality of the matter because Whittle's appointment was made on the same day the promotion list expired. Whittle scored highest on the promotion exam.

Monacelli contended that whoever complained about Whittle's appointment wanted to hamper affirmative action efforts in the 93-member department.

"We'd rather have him (the mayor) be for fairness that would solve the whole problem of discrimination in the department, and address how to resolve the disproportionate number of black police officers (18 out of 93) in a city that predominately is black," Cobbett said.

Monacelli responded, "I don't understand Lt. Cobbett's comments. He came to me, with Whittle, last year and said the fair thing would be to not let the sergeant's test list expire and to do whatever is necessary to promote Whittle."

The complaint resulted in the state

Sensitivity seminars for police

By KEVIN DILWORTH

Federal and state law enforcement officials, along with South Orange and Maplewood civic and religious leaders, will address two sensitivity training seminars for police officers tonight and tomorrow.

"The sessions are designed to provide police with more personal understanding and concern they might have lacked when investigating the approximately 60 acts of racial vandalism and harassment targeted against mainly black families in those two communities between 1983 and 1985," said South Orange Police Chief Frederick Gayder.

The 2½-hour sessions, which will start at 7 p.m., will be held in the student center lounge at Seton Hall University, said Gayder, who has worked since October to develop the seminars.

Members of the Jersey City, Maplewood, Roseland, Sayreville and South Orange police departments are among those expected to attend, he said.

Timothy Jackson, a conciliator with the U.S. Department of Justice's community relations division in New York, a representative of the state Department of Criminal Justice's training commission, and local civic leaders like Len Tindall and Alvin S. Johnson are among the scheduled guest speakers.

"One training session," Gayder said, "will delve into police and community relations, a police officer's role regarding crime prevention, cultural awareness police officers should have when using a gun, discretion police should exercise in their jobs and liability issues regarding law enforcement personnel."

Tomorrow night's session "will have the community leaders help law enforcement officials develop specific recommendations on how police and residents of a municipality can better interact and understand each other's needs," he added.

There have been no major racial incidents in either Maplewood or South Orange since November 1985, when racial slurs and threats were spray-painted on five homes.

rescinding Whittle's appointment. Monacelli, as mayor and police director, appealed the decision May 12.

"I will continue to fight vigorously to see that his promotion is reinstated. It would seem to me that Whittle's cause would be better served if Lt. Cobbett would join with me in pursuing affirmative action in the police department, instead of to criticize things."

Last year, the federal government credited Orange officials with having

made gains in meeting affirmative action goals ordered in 1981.

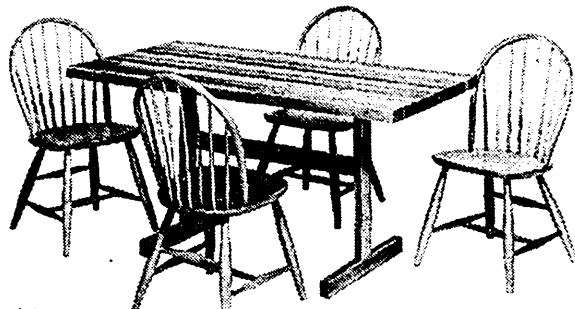
"A review of the current (affirmative action) report, as well as previous reports submitted, shows the city has made substantial progress in meeting its goals under the affirmative action plan," Helen E. Walsh, civil rights division manager in the U.S. Treasury Department's Office of Revenue Sharing, wrote Monacelli.

The mayor also said he has ap-

pointed or reappointed blacks like Municipal Court Judge Freddie Polhill; former city attorney Cecil Banks; tax assessor Douglas Stewart; former finance director Eleanor Hayes; planning board chairman Lou Hassell; and board of education members Waverly Baskerville, Calvin West and John Rose.

Cobbett said neither he nor any of the police department's black police officers filed the written complaint about Whittle's appointment.

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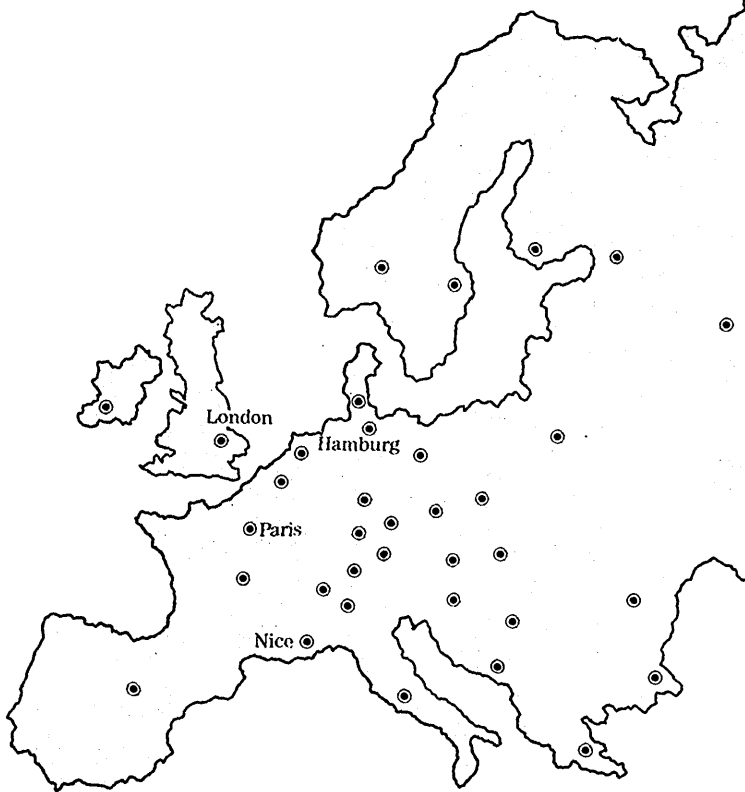
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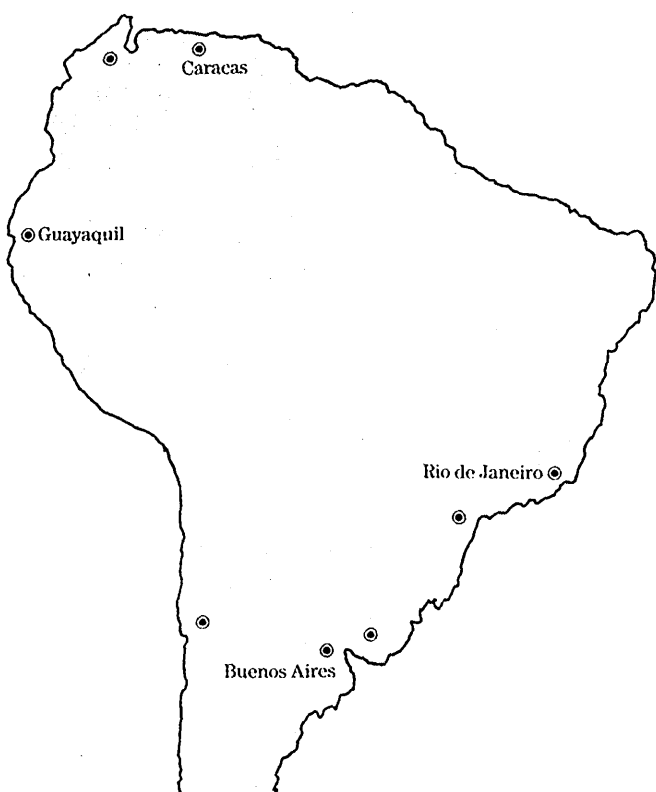
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