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Merge buffalo shooting

Buffalo, N.Y. A dishwasher at a local restaurant that admitted to shooting two employees three years ago will not be tried for the crime and is instead headed to a state psychiatric hospital. A judge has ruled the man responsible for the shooting incompetent due to mental illness or defect. The shooting occurred inside the merge restaurant on Delaware Avenue in January 2010. Ricky Costner Jr. was killed and his father Ricky Costner Sr. was wounded. Aren't the drug kingpins replaced? First of a two-part news series: Arresting a street dealer removes a large fish, but the general problem persists By Dan Herbeck and Lou Michel BUFFALO NEWS STAFF REPORTERS Updated: April 05, 2010, 10:12 / Published: April 05, 2010, 7:09 Am The sun was just coming up on May 4, 2006, when police put the hammer down on Frank Fat Frank Battaglia, the drug kingpin in the Lovejoy section of Buffalo. About 20 heavily armed Buffalo police officers and federal agents stormed into his apartment on Willett Street. They arrested the corporal dealer in his bedroom - festooned with posters of Tony Montana, the murdered drug lord from the film Scarface. Battaglia, then 24, and 14 alleged associates were arrested. All but one were convicted of federal drug crimes. Six were given probation, and the others were sent to federal prison, where Battaglia still lives today, serving a sentence of seven years and three months. Nearly four years later, the police and many residents of the local community consider the drug bust a success. They say the investigation put Lovejoy's biggest pusher - a man whose drug trafficking hurt many families - out of business. I've been in this neighborhood all my life. Fat Frank was one of the heaviest drug dealers we've ever had here, said Art Robinson, 56, a Vietnam War veteran and community activist. All I know is Frank hurt a lot of families. He didn't care who he sold drugs to or how they got the money to buy it. But did the prosecution give any long-term benefit to Lovejoy? It's a difficult question. So much is clear: Lovejoy's drug problem didn't go away when Battaglia did. Drug abuse - and the criminal activities associated with it - remains a serious problem, according to those who live there. Not long after Battaglia was arrested, other pushers - smaller, less flashy operators - moved in to deliver crack, heroin and other drugs to people who still want them. A few weeks ago, police busted a drug house in the 1200 block of Seneca Street, near a community center where children play every day. Robinson said young people have taken drugs in a clubhouse on Milton Street playground. It's one thing to crush the negotiators, said Common Council Member Richard A. Fontana of lovejoy district, who is grateful that the police took down Battaglia. But if you don't give enough help to the drug users, they'll find someone else to buy from. The same scenario plays out in many other neighborhoods where small armies of police move move for a day, arrest drug dealers by dozens, only to have them replaced by new drug dealers. The continued demand for drugs and the willingness to a new crop of dealers eager to replace those who have gone to prison raise some serious questions: • How much do large drug investigations cost taxpayers? In the age of declining funds, is the investment worth it? • If such investments are not cost-effective, what would be the cost to society to allow drug dealers to run rampant? • Would better treatment programs dry up demand for pushers like Battaglia? • Is the drug war — which costs \$15.5 billion for the federal government alone — a nationwide practice of futility? It seems like we're on a treadmill, trying to chase [drug dealers] down. We're rotating around town. When you put one away, it seems like someone is ready to go in, it. Paul R. Delano of the Buffalo Police Department's Narcotics Squad. Source of frustration One thing I have realized for 23 years as a prosecutor is that the criminal justice system is only part of the solution to the drug problem, said U.S. Attorney William J. Hochul Jr. That's not the whole answer. Our public health system, the education system, families and faith communities all have roles to play. As for the residents of Lovejoy - a working-class neighborhood on the East Side with around 7,000 people - they are happy that the police are ridding them of Fat Frank and his crew. Many are grateful that a small army of 150-plus police showed the dealers that they do not own Lovejoy. But the fact that the drug problem still exists is a source of frustration for some, including Marcia Ciapa from East Lovejoy Street. Her son, Samuel, 23, was killed in 2002 because of his involvement with drugs. [Drug addiction] is an issue that seems like it's never going to go away, she said. When Fat Frank was gone, others went straight up to take his place. Drugs are still out of control in this neighborhood, ... but you have to keep trying. Police believe a dispute with drug dealers - not Battaglia - led to the murder of Samuel Ciapa, who was strangled, stabbed and dumped in a reservoir in Sloan in August 2002. Her son had problems with drugs for years and repeatedly tried to get out of them, his mother said. Frank and Sammy knew each other since they were children. ... Frank's own father was murdered by drug dealers, Ciapa said. I once asked Frank: How can you live with yourself, sell drugs to children? He just laughed at me. Investigators from the US Drug Enforcement Administration described Battaglia as a brazen pusher feared by many. Police said Battaglia acted as if he owned Lovejoy while cruising around in a large blue Lincoln Continental, using his mobile phone to bark out orders to the many small dealers working under him. The month before he was caught, cell phone records showed, he had done than 10,000 calls. The work phones paid off. Some days he and his crew would part of more than 50 drug deals. At one point, Battaglia sought more than a million dollars a year to sell drugs, prosecutors from the U.S. attorney's office estimated. They said he slept with a loaded shotgun next to his bed and had an electronic alarm system installed in his apartment. In May 2008, Battaglia - after losing 170 pounds in prison - took a plea deal. He admitted a crime accused of running a continued criminal conspiracy, he apologized to the judge, his family and the community. He's turned his life around, said Battaglia's attorney, Rodney O. Personius. Battaglia could be back on the streets less than two years from now, according to court officials. Going to jail is a risk most dealers are ready to take, according to Tommy, a former drug dealer and gang member. Tommy was a resident in his 20s who joined a gang and started stealing cars like 11-11s, and has been with drug dealers all his life. He spoke to The Buffalo News about the condition that his full name not be published. Some people are not afraid of prison. They don't care about going to jail, he said. I know dealers who are being arrested, getting out on bail, and still dealing drugs while they are on bail. In re-envisioned neighborhoods with little opportunity for honest work, some children look up to flashy drug gangsters as heroes, Tommy said. The guy with the biggest rims and the biggest chains has the money, Tommy said. The key for the police, he said, is to aim high if they have any hope of making a meaningful attack on drug trafficking. [The police] always seem to catch mid-level dealers and street hustlers at low levels. They don't catch the big guys, Tommy said. If you don't catch the big guy delivering it, what's the point? That's true, according to Peter Allen Weinmann, a Buffalo attorney who previously led the drug prosecution for the Erie County district attorney's office. Weinmann was not involved in the Battaglia case, but one thing about it caught his eye - six of the 14 defendants were sentenced to probation. With the aim of getting suppliers it raises some questions with me about how far up the food chain these people really were, Weinmann said. Sometimes I think there is a tendency to go after greater number of arrests to get more headlines and more funding. Weinmann said he understands why the authorities had to prosecute Battaglia and his best henchmen. But I would not be able to tell you if there was a successful investigation until I knew if the case led to the conviction of major providers, he said. Did the case lead to prosecution of large suppliers? We always try to go up the ladder, to get the vendors, said Charles H. Tomaszewski, resident agent in charge of the Buffalo office of the DEA. In just about every major survey, we get information that helps us in other cases, sometimes cases in other cities. We received useful information in this case. I'm not going to be any more, than that. Putting dealers in jail is not cheap, and goes up all the time. While declining to provide details, law enforcers estimated that a long-term drug investigation lasting six months or more could easily cost up to \$100,000 for personnel alone. The Battaglia case was less than many, which lasted about three months. A team of investigators can work on a case for months, with some conducting surveillance and interviews on the streets, while others spend endless hours listening to bugged conversations among the targets. Thousands of dollars more are often spent paying informants and making undercover drug purchases. On the day of the arrests, it is not uncommon for more than 100 police officers and federal agents to take part in the raids. Some officers get overtime for their participation. After that comes a wave of legal costs. Officers, prosecutors, judges and other judicial personnel must all be paid for the hundreds of hours they spend in court. In drug busts where 20 to 30 people are arrested, it is not uncommon for more than half of the defendants to receive court-appointed lawyers at taxpayers' expense. In federal court, the court-appointed lawyers now receive \$125 an hour. Costs versus benefits After that comes perhaps the most expensive part of all - the cost of prison. In New York, more than 9,700 people are serving prison sentences for drug crimes in New York. The state estimates the cost of housing a prisoner at \$44,567 a year. That means the state spends about \$434 million a year to house drug convicts, and that figure does not include those held in local jails and federal prisons. For Delano, the veteran street cop, it's money that needs to be spent. The payout is safer streets, hitting the bad guys where it hurts the most, takes their money and assets and sees residents trying to take back their neighborhoods, he said. He said Buffalo's drug police last year seized nearly \$1 million in drug money, made nearly 900 arrests and removed 150 guns from the streets. According to federal law enforcement agencies, anywhere from \$20 million to \$25 million is lost in connection with federal drug cases in Western New York each year. Quite often we seize more money and property from the dealers than we spent on the investigation, Tomaszewski said. Allowing drug trafficking to go unchecked would cost society even more, economically and otherwise, said Dick Gallagher, executive director of alcohol and drug addiction services. Aside from destroying individuals and families, Gallagher said, drug abuse is a major expense for the public health care and social services programs. When you can take some drugs off the street it helps, Gallagher said. A retired drug detective said it would be wrong to stop arresting drug dealers just because other dealers want to replace them. You can't stop arresting child molesters, he said, just because you know other child molesters will take their place. TUESDAY: Debate on legalizing drug dherbeck@buffnews.com; Imichel@buffnews.com Imichel@buffnews.com

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