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PHILADELPHIA

DAILY NEWS

THE PEOPLE PAPER

AN EDITION OF *The Philadelphia Inquirer*

TAINTED JUSTICE

AFTER SHE REPORTED
A DRUG COP'S INDECENT
ASSAULT — SO ROUGH IT
SENT HER TO THE HOSPITAL
— THE TERRIFYING,
ANONYMOUS PHONE
CALLS BEGAN



'NAOMI' IN FEAR

PAGE 3

3rd woman tells of raid assault

Recognizes same cop as in 2 prior cases

By **BARBARA LAKER**
& **WENDY RUDERMAN**
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THE BURLY narcotics officer yanked down the young woman's underwear as they stood in the doorway of her second-floor Frankford apartment, she said.

The officer — one of 10 who participated in a drug raid of the apartment downstairs — allegedly jammed his fingers into her vagina. When she tried to pull away, he grabbed her hard enough to rip her shirt, she said.

The penetration of his fingers was so forceful that she began to bleed. She said she thought he had scratched her — or worse, caused internal damage.

A few hours later, she ended up at Episcopal Hospital. Nurses ordered a rape kit and alerted the police Special Victims Unit.

That night, Oct. 16, 2008, the woman didn't know the name of the officer.

But the police Internal Affairs Bureau had a hunch:

Officer Thomas Tolstoy was immediately taken off the street.

"Despite the lack of photo identification at the scene, there was other information that caused us to narrow the scope," said Internal Affairs Chief Inspector Anthony DiLacqua. "We had evidence presented to us that gave us reason to look at [Tolstoy] more closely than other officers."

Women allege abuse

Tolstoy's alleged victim, "Naomi," is an intensely private 24-year-old woman.

She has never been charged with or convicted of a crime. The *Daily News*



Upon seeing a video of a narcotics raid (above) on a West Oak Lane store in September 2007, a third woman has said she was indecently assaulted by a cop whom she identified as Officer Thomas Tolstoy (foreground).

convinced her to talk about the night she says she wants to forget.

At her request, the newspaper agreed to use a false name — Naomi — to protect her privacy and because she's terrified of retaliation. She has had so many threatening phone calls — telling her not to talk — that she has repeatedly changed her phone number, she said.

She said she went to the hospital after the assault simply to "get checked out."

"I felt nasty after it," she said with a grimace. "I didn't know where his hands had been. I felt like with the force he used, like he scratched me."

Naomi is one of at least three women who say Tolstoy fondled, groped or sexually violated them during drug raids.

Lady Gonzalez, 29, of Kensington, and Dagma Rodriguez, 33, of West

Kensington, have alleged that Tolstoy stroked their breasts during raids. The *Daily News* reported their allegations on June 1. Videos of their accounts were posted on the *Daily News* Web site at philly.com.

None of the three women has a criminal record. The women don't know each other and spoke with the *Daily News* independently only after reporters tracked them down.

Tolstoy, 35, a 10-year-veteran of the force who has been with the Narcotics Field Unit since December 2002, is one focus of a growing FBI and police probe into allegations of police misconduct.

The alleged misconduct was first reported by the *Daily News* in February with complaints that Tolstoy's fellow

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Timeline of a cop-misconduct probe

Narcotics Officer Thomas Tolstoy is on desk duty and is a focus of a growing probe into allegations of police misconduct. The complaints filed and police administrative action against Tolstoy include:

Dec. 14, 2007

Lady Gonzalez, 29, tells relatives and friends that a narcotics officer fondled her breasts during a drug raid at her Kensington home. She does not file a complaint with police, fearing retaliation.

April 3, 2008

Dagma Rodriguez, 33, says she was groped by a narcotics officer during a raid at the West Kensington house where she lived. She files a complaint with police. She is unable to identify the narcotics officer after investigators show her about 80 photographs.

Oct. 16, 2008

"Naomi," then 23, whose name is being withheld by the *Daily News*, alleges that a narcotics officer touched her breasts and shoved his fingers into her vagina, ripping her shirt when she told him to stop. At Episcopal Hospital, nurses suspect a sexual assault and order a rape kit. Naomi tells investigators with the Special Victims Unit what happened. That night, Tolstoy is put on desk duty.

November 2008

Investigators tell Naomi and her mom that they have evidence linking an officer to her alleged sexual assault. They ask her to consider pressing criminal charges. She declines, according to Naomi.

Jan. 12, 2009

Tolstoy is put back on the street.

Feb. 27

Lady Gonzalez files a complaint with Internal Affairs, saying the officer who fondled her told her to call him "Tom." She fails to identify Tolstoy when shown about 80 photographs.

March 5

Lady Gonzalez files a civil lawsuit against the nine officers who participated in the raid. The suit, filed in federal court, seeks more than \$600,000 in damages and attorneys' fees.

March 30

The *Daily News* obtains a video showing officers, including Tolstoy, cutting wires to surveillance cameras during a raid of a bodega. The *Daily News* posts the video on its Web site at philly.com. Lady Gonzalez identifies Tolstoy as the officer who allegedly groped her.

April 2

Lady Gonzalez goes to the Special Victims Unit and Internal Affairs Bureau to name Tolstoy as her alleged attacker.

May 20

Tolstoy is put back on desk duty and has to relinquish his service weapon.



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DAVID MAIALETTI / Staff photographer

Dagma Rodriguez said she was groped in April 2008 by a narcotics cop during a raid at the West Kensington house where she lived. She filed a complaint with police.

NAOMI

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squad member, Officer Jeffrey Cujdik, sometimes lied on search-warrant applications to get into suspected drug homes.

In March, the *Daily News* reported that Cujdik, Tolstoy and other officers disabled surveillance cameras during raids of bodegas and smoke shops that sold tiny ziplock bags, which police consider drug paraphernalia. After the officers sliced or yanked the wires, thousands of dollars in cash and merchandise went missing, the merchants said.

Now the probe has grown to include allegations that Tolstoy abused women during raids.

Naomi said a detective from Internal Affairs called her on June 4 to ask if she “wanted to press charges and go to court.”

She told him no.

“I just want it to go away,” Naomi said. “Most days I wish I had never gone to the hospital.”

“The Police Department should take away his badge,” said Naomi’s boyfriend, Raheem, 23, who was at the Frankford apartment during the October raid. The *Daily News* is withholding Raheem’s last name to protect Naomi’s identity.

“They’re supposed to serve and protect. But this officer violated her as a woman. He touched on her and threatened her,” said Raheem, who wasn’t arrested during the raid.

“It wasn’t right.”

Through the police public-affairs department, Tolstoy declined a request for comment. Chief Deputy City Solicitor Craig Straw said he could not comment because of the ongoing investigation.

Naomi’s assault

The evening of Oct. 16 was unseasonably warm. Naomi and Raheem were preparing to go out. She had just stepped out of the bathtub when she heard a loud boom in the downstairs apartment. She quickly put on a blue jean miniskirt and a pink and white, spaghetti-strap shirt.

She headed downstairs from her second-floor apartment to see what was going on. She was met by a group of officers with the Narcotics Field Unit barreling up the steps.

The officers took her and her boyfriend downstairs. They handcuffed them with plastic restraints.

They questioned the couple about the alleged drug dealer in the downstairs apartment. Naomi repeatedly told them she didn’t have any drugs and was just renting the upstairs apartment.

Naomi said that Tolstoy turned to her and told her he wanted to talk with her upstairs. The nine other officers who participated in the raid remained downstairs.

“I kept telling him we weren’t doing anything wrong. We were half-way upstairs and he told me to be quiet. He just wanted to talk,” Naomi said.

Raheem said police kept him downstairs, where he lost sight of Naomi. No one was home in the downstairs apartment, where police found a gun and drugs, according to the search results listed in the warrant.

Once upstairs, alone with Naomi, Tolstoy removed her plastic handcuffs, she said. He asked her if she knew anyone who sold crack cocaine in the area. She told him she didn’t.

“He was frustrated,” she said. “Then he said, ‘OK. You’re going to get locked up.’”

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Store raids will be fully probed, Ramsey assures community

By **BARBARA LAKER**
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Prompted by reports that a group of narcotics officers took thousands in cash and merchandise from mom-and-pop stores during raids, Police Commissioner Charles Ramsey last night assured Dominican community leaders and merchants that he will stand tough against misconduct.

“Corruption of any kind will not be tolerated in this department, period,” Ramsey said. “And those who engage in it are going to face charges both from the department as well as criminal charges.”

Immediately, loud applause broke out in the crowd at the Hunting Park church.

“That’s the language the community needed to hear,” Danilo Burgos, president of the city’s 300-member Dominican Grocers Association, said after the meeting.

“I think it’s a step in the right direction to create justice in this city and rebuild confidence,” he said.

The *Daily News* uncovered allegations that a group of narcotics officers destroyed or cut the wires to surveil-

lance cameras during store raids. The officers said they were in search of drug paraphernalia, specifically little plastic bags. But after the cameras were disabled, wads of cash, cigarettes, sodas, candy, batteries and other merchandise went missing, merchants said.

The allegations are being investigated by federal authorities and a local task force.

“This group of police officers who came into my store were not police officers,” said Obdulio Martinez, whose store was raided in 2007. “They were thieves.”

Ramsey promised a thorough, objective investigation. He also said he would attempt to boost the number of Hispanic officers and encourage cops on the force to take a 10-week Spanish class.

“As troubling as this situation is . . . it gives us an opportunity to come together and build a better community and better Police Department,” he said.

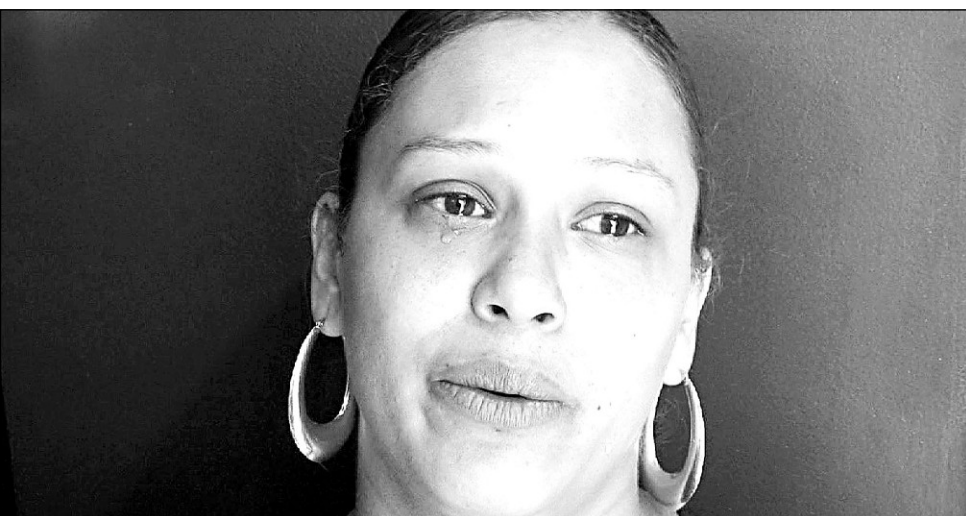
City Councilwoman Maria Quinones-Sanchez said a task force comprising community leaders and members of the Police Department would be established to ensure that all possible victims and witnesses are interviewed.

“We want to make sure everyone in the neighborhood is not treated as a criminal,” she said. ★



YONG KIM / Staff photographer

Police Commissioner Charles Ramsey (left) and Councilwoman Maria Quinones-Sanchez listen last night as Dominican Grocers Association president Danilo Burgos (right) translates testimony by a grocer.



SARAH J. GLOVER / Staff photographer

Lady Gonzalez sheds a tear while giving an account of an officer fondling her during a raid at her Kensington home in December 2007. Her case is being investigated.

NAOMI

Continued from Page 4

"Are you sure you have nothing in your room?" she said he asked. "I said, 'I have nothing, officer. I'm sure.'"

"He said, 'I have to see for myself.'"

She said she told him he could look at anything.

"I thought he was going to search all over the apartment. But he said he wanted to look inside my shirt."

"I told him I had no bra on. He said, 'That's OK.'"

"I lifted up my shirt. I was really scared. . . . I didn't want to ask too many questions."

"He went to grab my chest and lifted them [her breasts] up like a caress-type thing. He didn't say anything. I knew he wasn't supposed to be touching me like this.

"Then he said he needed to lift up my skirt and look in my underwear," she said.

She said she repeatedly asked him if he could call a female officer or take her to one.

"He said if he took me in, I would get locked up on drug charges," she said.

Naomi again told him that she didn't have any drugs, but Tolstoy threatened to jail her for the drugs found in the downstairs apartment, she said.

"He made me feel like a dummy, like I don't know better," she said. "I was so scared."

"I lifted up my skirt and he told me he'd have to see in my underwear. I pulled down my underwear slightly just so he could see I had nothing there," she said.

"He attempted to pull them down more and I told him I felt uncomfortable with that. He told me to be quiet," she said.

Then he thrust at least two fingers in her vagina, she said.

"I was trying not to look in his face," she said. "I thought that I wouldn't feel anything if I didn't look at his face."

But nothing could take away the pain. It felt like he had scratched or damaged her vaginal wall, she said.

"He told me if I could be quiet, he would release me and I could go."

She said she feared he wouldn't stop.

"I thought he was going to try to have sexual intercourse with me. I backed up," she said.

She said he pulled away from him and tried to cover herself, pulling up her underwear and pushing down her skirt. He threatened to put her back in handcuffs, she said.

"I told him I didn't want him to touch me like that," she said.

Tolstoy then moved towards her, she said.

"He went to grab me and I told him to stop," she said. "He broke the strap of my shirt when he grabbed me."

Tolstoy then looked rattled, according to Naomi.

"It was like he stopped because he would have to explain how he broke the strap," she said.

She said he told her what to say:

"If they ask you how your strap broke, you tell them you always tie it and it just came loose."

No arrests were made.

The hospital, the threats

"I went upstairs and saw that her strap was broken," Raheem said. "I asked her if she was all right and she said the cop was touching her. She looked nervous and frightened. She was real upset."

Naomi told him that she was bleeding.

"She said that [the officer] had his hand down there and it hurt," Raheem said.

They walked to nearby Frankford Hospital. She told the emergency room staff that she felt "uncomfortable — down there" and didn't want to give details.

"I was just too embarrassed to tell anybody," she said.

Yet nurses immediately suspected that she had been sexually assaulted, she said.

"I know there is something going on," she said the nurse told her.

The staff called uniformed cops, who took Naomi and Raheem to Episcopal Hospital, where the police Special Victims Unit is situated, Raheem said.

Nurses ordered a rape kit and alerted SVU investigators — standard hospital policy.

Investigators bagged her ripped shirt and underwear as evidence. They told her they'd run DNA tests.

Investigators took her back to her apartment, which was in shambles. The TV and her cell phone were smashed. The mattress was flipped over and dresser drawers were pulled out, both Naomi and Raheem said.

She was too afraid to stay there. She called a girlfriend and asked if she could spend the night, she said.

Two days later, Naomi said, she was walking near her apartment when two uniformed officers in a patrol car stopped her. They handcuffed her, threw her in the back of the cruiser and warned her to recant her account of what happened Oct. 16.

Then they let her go. One officer told her, "You'll be seeing me around," she said.

Terrified, she called her mom from a pay phone and together they went to the 15th Police District in the Northeast.

"But I didn't have a name. They told me they had thousands of police officers," she said.

She and her mother left, frustrated and angry. She moved from the apartment.

Then the phone calls started.

Too scared to complain

Naomi's phone rang at all hours from "restricted" or "unavailable" numbers.

She said the callers said things like, *Drop it. . . . Don't say nothing. . . . We know where you're at. . . . We'll find you.*

She and her mother changed their phone numbers several times, she said.

Still, the calls kept coming.

Naomi said she suspected the callers were police officers.

She became afraid to leave home.

Then sometime around Thanksgiving, two investigators came to her mom's South Jersey house. Naomi happened to be there. Her mother, through relatives, declined to be interviewed for this article.

The investigators sat the women down and told them they had some evidence linking an officer to the alleged assault, Naomi said.

They asked her to consider pressing criminal charges, she said.

She said she was too scared, not just of the officer who assaulted her, but of his friends.

She knew that filing criminal charges was no guarantee that he'd get locked up, she said.

"I didn't want to walk down the street and worry what would happen," she said.

Raheem said he understood her decision.

"They threatened her. . . . They were police officers and they had her cell-phone number and her address," Raheem said. "She had nowhere to escape to."

DiLacqua, of police Internal Affairs, said Naomi's case remains open.

"We continue to explore possible DNA evidence," he said.

"At this point in time we don't have a con-

firmed link. Some forensic testing is done and some is continuing," DiLacqua said. "There's a series of tests that have to be done. At this point in time, there's no confirmation or elimination."

"We haven't given up hope of finding a forensic link," he added. "We're still exploring it."

On Jan. 12 — three months after the alleged assault — police brass put Tolstoy back on the street.

"At that point, there was no further evidence that had been developed and we had difficulty in locating [Naomi]," DiLacqua said.

"She ceased to cooperate with us and went south on us," he said. "We had ID issues and we still had no DNA."

Asked about the threatening phone calls that Naomi said she received, DiLacqua replied: "I have no comment on that."

An Internal Affairs investigator and an FBI agent showed up at Naomi's apartment last week and asked questions about her assertion that two officers stopped her two days after the raid, threatening and handcuffing her, according to Naomi.

Tolstoy out of action

Last month, on May 20, police brass again put Tolstoy on desk duty and this time took his service weapon.

DiLacqua declined to give a specific reason.

"If other information looks bad, if it starts to look more serious, we have to ratchet up. . . ." he said. "That's what happened. Based on other information, we ratcheted up."

From Jan. 12 to May 20, Tolstoy participated in 30 drug raids, according to a *Daily News* review of search warrants.

During that time, Internal Affairs received no new complaints from women about Tolstoy, DiLacqua said.

Naomi, Lady Gonzalez and Dagma Rodriguez say they are sure that Tolstoy is the officer who groped or sexually assaulted them.

All three women immediately identified Tolstoy after watching a video of a grocery-store raid that included six officers. The women viewed the video separately and without suggestive prompting by reporters.

In the video, first posted on the *Daily News* Web site, at philly.com, on March 30, Tolstoy is among six officers seen and heard in a September 2007 raid of a West Oak Lane grocery store.

"I'm positive. I know that's the guy who did that to me," Naomi said, while watching the video.

Just seeing his face churned up renewed anger and shame, she said.

She has been in therapy the past five months. Her mom pays for the twice-weekly sessions.

Naomi said she's trying to work through "what triggered in my mind that night."

"You could call it rape, but it wasn't rape. But it did something to my personality."

"It just affected everything." ★