

**It wasn't anyone's fault ... No, really.**

Monday, February 25, 2008

Union County Prosecutor Theodore Romankow was kind to Roselle Park police officer Harold Breuninger and others in the department when he cleared the cop of using excessive force while arresting an innocent woman half his size last June.

Arresting Monica Montoya, who just wanted to get to her child?

She had helped Breuninger with a Spanish-speaking accident victim. But, when Montoya insisted on leaving to get word to her 6-year-old child waiting in school in another town, he arrested her.

The prosecutor, in his one-page report on an eight-month investigation, did not use Breuninger's name. Romankow's statement was steeped in the grammatical tricks that blur accountability -- ambiguity, the passive voice, euphemism, and vagueness.

"I don't know why we didn't use his name," Romankow said in a later phone interview, adding he knew Breuninger's name would be used in any news story.

As if what happened was a big accident of circumstance for which no one was responsible. Except, perhaps, Montoya, the only person named in his report.

Montoya was the victim of violence, as anyone who saw her -- or pictures of her -- after the arrest knows. The bruises on her head, arms and legs lingered for weeks. To Romankow, the force that yielded those welts was, apparently, just the right amount.

"Clearly, the force used was not excessive," he said, as if a mathematical formula exists to measure the excessiveness of force, a Richter scale for violence. The truth is excessiveness is a subjective term. Romankow's opinion tilted to the cops, sad but unsurprising for a prosecutor who works with these people every day.

Montoya brought it all on herself by resisting arrest, he suggests. An "inappropriate" arrest, for sure, but an arrest nonetheless. It's a fine point of law, lost on many of us. Even illegal arrests, wrong arrests like this one, cannot be resisted.

"She should not have been arrested," admits Romankow. "But she should have submitted."

His report, like Breuninger's act against Montoya, is likely to stir other opinions, other subjective judgments. Women victims of violence know they often are blamed for bringing it on themselves. Didn't shut up when a man told them to shut up. Didn't stop when a man told them to stop. Didn't reveal their name when a man demanded it.

Breuninger arrested her after she refused to say her name. Even Romankow, using an unfortunate police term, concedes she need not "provide pedigree information."

So it was perfectly legal for her to walk away. To refuse to answer him. Yet, somehow, it also was perfectly legal for Breuninger to grab her from behind and bring her down to the ground in what Romankow euphemistically calls a "compliance hold."

Lots of euphemism here. When asked why she had to be "knocked to the ground," Romankow objected to the word. He liked the phrase "put down to the ground."

Odd. Romankow notes police on the scene knew her name. What happened was "exacerbated" by that, he says without explaining, using the happily convenient passive voice. If the cops knew her name, why did one arrest her for not giving it?

He says one officer on the scene -- inexplicably -- would not admit he knew her. Romankow won't say whether that was Breuninger or someone else. He said that unidentified officer and, maybe, others, may be subject to local administrative charges.

"I don't want to get into names," he says.

Except, of course, Monica Montoya's.

All this bad stuff happened, but no one did anything bad. No excessive force was used. No one is at fault. Let's forget it ever happened.

Too late. There is more -- much more -- in store for Breuninger and his colleagues that even a prosecutor's kind report can't make go away. Hours and days after Montoya was arrested, all she wanted was to forget the whole thing. She wanted to be home with her daughter and left alone. Left alone by cops, by lawyers and by reporters like me.

But, oh, no. Roselle Park, with the prosecutor's consent, kept the charges against her alive -- kept her afraid she might go to jail. Only four months later did Romankow finally drop charges, while insisting still she did resist arrest. Now, another four months later, he concludes it was just one of those crazy, uncaused things.

But now Montoya has a lawyer. A good one. He has filed a notice of claim. There will be a civil suit. Can't you just hear the scratch of checks being written?

Thanks to Romankow, Montoya has had plenty of time to think about the fear and the pain and the bruises. The patent unfairness. Given his statement, she has more reason now to seek justice from the courts. She didn't get it from him. It's payback time.

A jury -- with no police on it -- will look at color pictures of the bruises. They'll see how small and timid she is, how big Breuninger is. They'll watch the disturbing video of the incident and hear her pitifully wailing for her baby. A scared, young mother who just wanted to help and was repaid with (non-excessive) force. They will hear police who demanded her name call her by the very name they supposedly didn't know.

Jurors who read Romankow's report could be moved to compensate her generously because no one in authority cared about her pain or her fear.

It will cost plenty. In lawyers' fees. In the time Breuninger and other officers will spend giving depositions and appearing at trial. In judgments. In appeal costs.

The people of Roselle Park and Union County will pay a lot. Perhaps Romankow should have remembered to be as kind to them as he was to Harold Breuninger.

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