

## “Kegs and Eggs” Bystanders Are Not Guilty by Association

By Thomas J. Carr

With the Albany Police Department casting a wider net in its attempts to apprehend college students who engaged in criminal activity during last Saturday's "kegs and eggs" riot, many people present at the drunken melee on Hudson Street are likely wondering if they too could end up in hot water.

After already charging 40 people with crimes ranging from noise ordinance violations to felony first-degree riot charges, Albany police on Wednesday sought the public's help in identifying University at Albany students who were caught acting inappropriately in photographs and videos widely distributed on the Internet. Albany Police Chief Steven Krokoff vowed in a public statement

to show "a small group of individuals cannot escape their responsibility for tarnishing the name and reputation of the City of Albany."

As video of the riot shows, most students stood idly by while a select few smashed cars or engaged in other types of destructive behavior. As with other chaotic scenes, whether at a house party or a rock concert, there's a chance for bystanders to be wrongly implicated in criminal actions and arrested. However, this is not a matter of guilt by association; just standing there does not generally equate to criminal activity.

The police need probable cause to make an arrest, and the lack of such cause could result in a dismissal of criminal charges

and possibly false arrest or civil rights claims. Such civil claims may be difficult to prove, however these standards and remedies help to ensure that an appropriate balance is achieved between ensuring the public safety and respecting the rights of citizens.

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