

Case No. S200872

OCT 22 2012

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Frank A. McGuire Clerk

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LONG BEACH POLICE OFFICERS ASSOCIATION AND ~~DO~~ Deputy  
OFFICERS 1-150,  
Plaintiffs and Appellants,

vs.

CITY OF LONG BEACH, a municipal corporation, LONG BEACH  
POLICE DEPARTMENT, JAMES MCDONNELL, Chief of Police,  
Defendants and Appellants.

LOS ANGELES TIMES COMMUNICATIONS LLC,  
Real Party In Interest and Respondent.

---

Court of Appeal of the State of California  
Second Appellate District, Division Three  
Case No. B231245

Superior Court of the County of Los Angeles  
Hon. Patrick T. Madden, Judge  
Case No. NC055491

---

**REAL PARTY IN INTEREST AND RESPONDENT  
LOS ANGELES TIMES COMMUNICATIONS LLC'S  
REQUEST FOR JUDICIAL NOTICE; MEMORANDUM OF  
POINTS AND AUTHORITIES; [PROPOSED] ORDER**

---

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RECEIVED

OCT 22 2012

Case No. S200872

CLERK SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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OFFICERS 1-150,  
Plaintiffs and Appellants,

vs.

CITY OF LONG BEACH, a municipal corporation, LONG BEACH  
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**REAL PARTY IN INTEREST AND RESPONDENT  
LOS ANGELES TIMES COMMUNICATIONS LLC'S  
ADDENDUM TO REQUEST FOR JUDICIAL NOTICE**

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**TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF  
JUSTICE OF THE STATE OF CALIFORNIA, AND TO THE  
HONORABLE ASSOCIATE JUSTICES OF THE CALIFORNIA  
SUPREME COURT:**

Real Party in Interest and Respondent LOS ANGELES TIMES COMMUNICATIONS LLC (“The Times”) respectfully submits this Addendum to the Request for Judicial Notice submitted to the Court on October 17, 2012, in conjunction with The Times’ Combined Answer To Four Amicus Briefs Submitted By Police Associations. Pursuant to California Rule of Court 8.252(a), The Times states as follows:

1. The matters about which The Times is requesting the Court to take judicial notice were not presented to the trial court. The Amici Briefs filed in this Court in support of Appellants introduced a large amount of new information in this case, including broad claims regarding the alleged risk to peace officers if they are identified following an officer-involved shooting. The information submitted with The Times’ Request For Judicial Notice responds to the arguments and materials submitted by Amici, which had not been presented below.
2. The matters about which The Times is requesting the Court to take judicial notice relate to proceedings occurring after the order or judgment that is the subject of the appeal, in two respects:

First, as set forth above, The Times' Request For Judicial Notice addresses new arguments and accompanying materials submitted by Amici to this Court, which was not presented to the trial court. Second, many of the documents submitted in The Times' Request For Judicial Notice post-date the order on appeal in this matter, and therefore could not have been submitted in the trial court.

The Times respectfully requests that the Court accept this Addendum in support of its Request for Judicial Notice, and that the Court grant the Request for Judicial Notice in its entirety.

Respectfully submitted,

Dated: October 17, 2012

DAVIS WRIGHT TREMAINE LLP  
KELLI L. SAGER  
ROCHELLE L. WILCOX  
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KARLENE W. GOLLER  
LOS ANGELES TIMES  
COMMUNICATIONS LLC

By: Rochelle L. Wilcox IDL  
Rochelle L. Wilcox

Attorneys for Real Party in Interest and  
Respondent LOS ANGELES TIMES  
COMMUNICATIONS LLC

## Proof of Service

I, Ellen Duncan, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of Los Angeles, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of DAVIS WRIGHT TREMAINE LLP, and my business address is 865 South Figueroa Street, Suite 2400, Los Angeles, CA 90017-2566. I caused to be served the following document:

**REAL PARTY IN INTEREST AND RESPONDENT  
LOS ANGELES TIMES COMMUNICATIONS LLC'S  
ADDENDUM TO REQUEST FOR JUDICIAL NOTICE**

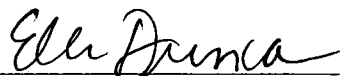
I caused the above document to be served on each person on the attached list by the following means:

- I enclosed a true and correct copy of said document in an envelope and placed it for collection and mailing with the United States Post Office on **October 19, 2012**, following the ordinary business practice. (*Indicated on the attached address list by an [M] next to the address.*)
- I enclosed a true and correct copy of said document in an envelope, and placed it for collection and mailing via Federal Express on **October 19, 2012** for guaranteed delivery on **October 22, 2012**, following the ordinary business practice. (*Indicated on the attached address list by an [FD] next to the address.*)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business.

Executed on **October 19, 2012**, at Los Angeles, California.



\_\_\_\_\_  
Ellen Duncan

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- [FD] Court of Appeal, State of California  
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Supreme Court Case No. S200872

Court of Appeal Case No. B231245

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McClatchy Company; National Press  
Photographers Association; National  
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Media LLC; Newspaper Association  
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Freedom of the Press

Amicus curiae: Los Angeles Police  
Protective League; Riverside Sheriffs'  
Association, Legal Defense Trust

Amicus curiae: California Affiliates of  
the American Civil Liberties Union

Case No. S200872

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## REQUEST FOR JUDICIAL NOTICE

Pursuant to California Evidence Code §§ 452, 459 and California Rule of Court 8.252(a), Real Party in Interest and Respondent Los Angeles Times Communications LLC (“The Times”) hereby requests that this Court take judicial notice of the following news articles, press releases and similar documents:

1. The following Los Angeles Police Department News Releases, true and correct copies of which collectively are attached as Exhibit A:
  - a. Officer-Involved Shooting in 77th Division (Sept. 17, 2012) (updated Sept. 20, 2012), available at <http://www.lapdonline.org/newsroom>;
  - b. Officer-Involved Shooting in West Valley (July 22, 2012), available at <http://www.lapdonline.org/newsroom>;
  - c. Officer-Involved Shooting With No Hits in West Los Angeles (June 13, 2012) (updated June 29, 2012), available at <http://www.lapdonline.org/newsroom>;
  - d. Heavily Armed Suspect Points Gun at Police Officer Involved Shooting Occurred (June 6, 2012), available at <http://www.lapdonline.org/newsroom>;

2. The following Redding Police Department Press Releases, true and correct copies of which collectively are attached as Exhibit

B:

a. July 3, 2012, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

b. Nov. 3, 2011, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

c. Nov. 3, 2011, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

d. March 9, 2011, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

3. The following News Releases from the Los Angeles Sheriff's Department, true and correct copies of which collectively are attached as Exhibit C:

a. Sheriff Lee Baca to Preside at Annual Valor Awards

Ceremony (Sept. 18, 2012), available at

<http://local.nixle.com/alert/4888277>;

- b. Sheriff Lee Baca Officiates at Graduation Ceremony of Peace Officer Academy Class (Aug. 31, 2012), available at <http://local.nixle.com/alert/4879914/>;
  - c. Meritorious Conduct Medal (2008), available at <http://www.lasdhq.org/sites/YIR/2008/visuals/3447.pdf>;
4. Press Release, Inglewood Police Department (Sept. 5, 2008), available at [http://www.inglewoodpd.org/Press\\_Releases.aspx](http://www.inglewoodpd.org/Press_Releases.aspx), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit D.
5. Officer Involved Shooting Incidents, Oakland Police Department, available at <http://www2.oaklandnet.com/Government/o/OPD/a/PublicReports/OIS/index.htm> (last visited Oct. 16, 2012), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit E.
6. The following articles, true and correct copies of which are collectively attached as Exhibit F:
  - a. Robert Faturechi, Drivers Have No Beef With Him, L.A. TIMES, Sept. 10, 2012, at A1;
  - b. Robert Faturechi, Official Possibly Hindered Probe of Jails, L.A. TIMES, Aug. 5, 2012, at A29;

- c. Jack Leonard & Robert Faturechi, Sheriff's Department Used Jail Duty to Punish Deputies, L.A. TIMES, Nov. 12, 2011, at A1;
- d. Robert Faturechi, Tattoo Testifies to a Murderer's Crime, L.A. TIMES, April 22, 2011, at A1;
- e. Jack Leonard & Victoria Kim, A Times Investigation: Inglewood Has a History of Deadly Force by Police, L.A. TIMES, Dec. 28, 2008, at A1;
- f. Matt Lait, Convicted Cop Hired as Police Chief, L.A. TIMES, Feb. 2, 2008, at B1;
- g. Jack Leonard & Ari B. Bloomekatz, Inglewood Officers Identified; Eight Are Named in the Fatal Shooting of a Homeless Man, L.A. TIMES, Sept. 6, 2008, at B3;
- h. Matt Lait, An Honor Overdue, L.A. TIMES, Mar. 8, 2007, at B1;
- i. Matt Lait, Supervisors, Sheriff Baca urge reopening disciplinary hearings, L.A. TIMES, Feb. 8, 2007, at B4;
- j. Matt Lait & Steve Hyman, Ruling in Teen's Killing Spurs Outcry, L.A. TIMES, Jan. 11, 2007, at B1;
- k. Scott Glover & Matt Lait, Officer Who Killed Boy, 13, is Cleared, L.A. TIMES, Jan. 10, 2007, at A1;

- l. Scott Glover & Matt Lait, Accidental Gunshots Vex LAPD, L.A. TIMES, Aug. 17, 2006, at B1;
- m. Scott Glover & Matt Lait, Shooting Accounts at Odds in Report, L.A. TIMES, March 15, 2006, at B1;
- n. Scott Glover & Matt Lait & Doug Smith, Shooting of Dogs by Police Not Unusual, L.A. TIMES, March 12, 2005, at B1;
- o. Matt Lait, Panel Finds '04 Shooting Broke Rules, L.A. TIMES, Feb. 11, 2005, at B1;
- p. Scott Glover & Matt Lait, Councilman Seeks Probe of Reports on Officer Shootings, L.A. TIMES, Oct. 27, 2004, at B4;
- q. Scott Glover, Matt Lait & Doug Smith, Frequent Fire, L.A. TIMES, Oct. 18, 2004, at A1;
- r. Scott Glover & Matt Lait, Investigating Their Own, L.A. TIMES, Oct. 17, 2004, at A1;
- s. Scott Glover & Matt Lait, A Second Look at an 'Ambush', L.A. TIMES, Oct. 17, 2004, at A26;
- t. Scott Glover & Matt Lait, Bratton Critical of Firing at Cars, L.A. TIMES, Feb. 29, 2004, at A1;
- u. Scott Glover & Matt Lait, LAPD Probe Fades Into Oblivion, L.A. TIMES, Aug. 11, 2003, at Part 1-1;

- v. Scott Glover & Matt Lait, LAPD Prevails Over Civilian Overseers, L.A. TIMES, June 22, 2003, at Part 1-1;
  - w. Scott Glover & Matt Lait, Inglewood Police Accused of Abuse in Other Cases, L.A. TIMES, July 15, 2002, at A1;
  - x. Scott Glover & Matt Lait, LAPD Officer Had 5 Felony Arrests, L.A. TIMES, Jan. 22, 2002, at Part 2-1;
  - y. Scott Glover & Matt Lait, Police Panel Wasn't Given Full Facts in Gunfire Case, L.A. TIMES, Aug. 7, 2001, at A1;
  - z. Scott Glover & Matt Lait, Year Brings Little Progress in 2 LAPD Shooting Probes, L.A. TIMES, March 24, 2001 at A1;
  - aa. Scott Glover & Matt Lait, Police Cases Sent to D.A. Drop Sharply, L.A. TIMES, Oct. 23, 2000, at A1;
  - bb. Scott Glover & Matt Lait, LAPD Misconduct Cases Rarely Resulted in Charges, L.A. TIMES, Oct. 22, 2000, at A1;
  - cc. Matt Lait, Mayor, Police Chief Back Bill to Open Records, L.A. TIMES, Mar. 28, 2007 at B4;
7. PBS Frontline, Rampart Scandal, Cover Up?, available at <http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/coverup.html>, a true and correct copy of which is attached to the Wilcox Decl. as Exhibit G.

8. Demian Bulwa, Net Sharpens Divide Over Cop Shootings, S.F. CHRON., Oct. 14, 2012, a true and correct copy of which is attached to the Wilcox Decl. as Exhibit H.
9. Excerpts from Proby, et al., “Training the 21st Century Police Officer; Redefining Police Professionalism for the Los Angeles Police Department” (Rand Publ’g 2003), at 100, available at [http://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1745/MR1745.ch4.pdf](http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1745/MR1745.ch4.pdf), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit I.
10. LAPD Online, Community Policing Opportunities, available at [http://www.lapdonline.org/support\\_lapd/content\\_basic\\_view/731](http://www.lapdonline.org/support_lapd/content_basic_view/731), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit J.
11. Portions of the Dec. 9, 2011 filing in Longmire v. City of Oakland, Case No. C 10-01465 JSW, in the United States District Court in the Northern District of California, available at <http://www.chaunceybaileyproject.org/pdf/LongmireReport.pdf>, a true and correct copy of which is attached to the Wilcox Decl. as Exhibit K.
12. Notice of Ruling, Pasadena Police Officers Ass’n v. City of Pasadena, No. BC410724 (Cal. Super. Ct. dismissed Sept. 28,

2010), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit L.

13. Letter from Peter Siggins, Legal Affairs Secretary, Office of the Governor of the State of California, to Peter Scheer et al. (Dec. 22, 2004), available at [http://www.firstamendmentcoalition.org/wp-content/uploads/2011/02/Gov\\_Calendar\\_Cover\\_Letter.pdf](http://www.firstamendmentcoalition.org/wp-content/uploads/2011/02/Gov_Calendar_Cover_Letter.pdf), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit M.

14. Unclassified Transcript of Combatant Status Review Tribunal Hearing for ISN 10024 (2007), available at [http://www.defense.gov/news/transcript\\_ISN10024.pdf](http://www.defense.gov/news/transcript_ISN10024.pdf), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit N.

This Request for Judicial Notice is based upon this Request, the Memorandum of Points and Authorities, the attached Declaration of Rochelle L. Wilcox with Exhibits A through N, all documents on record

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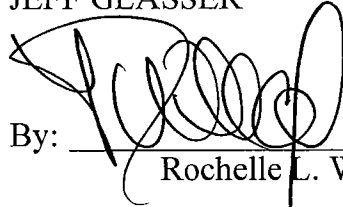


and filed in these proceedings, and on such argument as may be presented to the Court during the oral argument in this matter.

Dated: October 17, 2012

LOS ANGELES TIMES  
COMMUNICATIONS LLC  
KARLENE W. GOLLER

DAVIS WRIGHT TREMAINE LLP  
KELLI L. SAGER  
ROCHELLE L. WILCOX  
JEFF GLASSER

By: 

Rochelle L. Wilcox

Attorneys for Real Party in Interest  
and Respondent  
LOS ANGELES TIMES  
COMMUNICATIONS LLC

## MEMORANDUM OF POINTS AND AUTHORITIES

### 1. SUMMARY OF ARGUMENT

The Times respectfully requests that this Court take judicial notice of the attached documents, consisting of a variety of press releases issued by police agencies throughout California, newspaper articles reflecting reporting by The Times and other news organizations on issues relevant to the parties' claims in this action, two judicial documents and one executive document. (Declaration of Rochelle L. Wilcox ("Wilcox Decl."), Exhibits A-N.)

As set forth in The Times' Answer to the Amicus Briefs submitted in this matter, Amici broadly claim that peace officers are put at risk if they are publicly identified as having shot or killed a citizen. These assertions are belied by police press releases demonstrating that many California law enforcement agencies – including the Los Angeles Police Department – routinely identify officers involved in shootings, without incident.

Moreover, as evidenced by the articles submitted by The Times, the public is benefited in many ways when public agencies release the identities of officers who shoot citizens. Among other things, news organizations can use that information to evaluate trends and potential problems in police agencies. In addition, journalists like The Times are able to provide deeper analyses and more insightful coverage of police

conduct when they can identify officers involved. These and other interests – as demonstrated by the attached exhibits – strongly support the trial court and Court of Appeal orders in this case.

**2.**

**THE COURT SHOULD JUDICIALLY NOTICE THE PRESS  
RELEASES AND OTHER EXECUTIVE DOCUMENTS.**

The Times respectfully requests that the Court judicially notice the attached Press Releases and similar documents issued by California police agencies (Exhs. A-E), a statement on the LAPD’s website regarding its Community Policing philosophy (Exh. J) and a letter from former Governor Arnold Schwarzenegger stating his intent to begin releasing his daily calendars (Exh. M). Reviewing courts may take judicial notice “of any matter specified in Section 452.” Evid. Code § 459(a). Evidence Code § 452 in turn, authorizes this Court to take judicial notice of “[r]egulations and legislative enactments issued by or under the authority of ... any public entity in the United States” (*id.* § 452(b)) and “[o]fficial acts” of legislative, executive, or judicial departments of any state or local government” (*id.* § 452(c)).

Under these provisions, courts consistently have taken judicial notice of official government publications – including press releases, manuals and correspondence. *See, e.g., Thrifty Oil Co. v. Superior Court*, 91 Cal. App. 4th 1070, 1076 n. 5 (2001) (taking judicial notice of a news release distributed by sponsor of Senate bill); *Mounger v. Gates*, 193 Cal. App. 3d

1248, 1257 (1987) (taking judicial notice under Section 452(b) of memorandum written by Los Angeles Police Department Chief concerning the adoption of police procedures); Post v. Prati, 90 Cal. App. 3d 626, 633 (1979) (finding no error in judicial notice taken under Section 452(c) of letters sent to Governor's office from a legislative analyst, an agency and a legislator).

Furthermore, Evidence Code § 452(h) authorizes the Court to take judicial notice of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” Cal. Evid. Code § 452(h). Materials published and available on the internet are subject to judicial notice under this provision of the California Evidence Code. See, e.g., Gentry v. Ebay, Inc., 99 Cal. App. 4th 816, 821 n.1 (2002) (taking judicial notice of eBay website); Walt Rankin & Associates, Inc. v. City of Murrieta, 84 Cal. App. 4th 605, 624 n.12 (2000) (taking judicial notice of website)), and under the comparable federal evidentiary provision (see, e.g., Pollstar v. Gigmania Ltd., 170 F. Supp. 2d 974, 978 (E.D. Cal. 2000) (judicially noticing printout from plaintiff's website)).

This court may judicially notice the cited press releases and executive materials because they are official government documents published on official agency websites. The fact that the documents are publicly available ensures that they are “not reasonably subject to dispute

and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” Cal. Evid. Code § 452(h).

Moreover, the fact that these documents are publicly available is highly relevant to the issues raised by the Amici briefs. The press releases demonstrate that law enforcement agencies around the state routinely choose to identify their officers by name in the wake of an officer-involved shooting. Those agencies – which include departments as diverse as the LAPD and the Redding PD – have considered the need for public oversight, as well as the roles of law enforcement agencies in their communities, and have chosen to provide this vital information to the people they serve.

In addition, the decision by former Governor Schwarzenegger to make his official calendars available to the public demonstrates that the safety concerns his predecessor had raised, which were accepted by this Court in Times Mirror Co. v. Superior Court, 53 Cal. 3d 1325 (1991), proved to be unfounded. In that case, based in part on evidence submitted by former Governor Deukmejian’s Security Director, the Court held that release of the Governor’s daily calendars would pose an unacceptable security risk. Consequently, this Court held that the Governor’s daily calendars were exempt from disclosure under the California Public Records Act’s “catchall” exemption, Gov’t Code § 6255. Governor Schwarzenegger’s release of his calendars without incident demonstrates that the safety concerns raised by Governor Deukmejian, which were

significant to this Court's decision in Times Mirror, proved to be unwarranted.

3.

**THIS COURT SHOULD JUDICIALLY NOTICE THE NEWS ARTICLES SUBMITTED BY THE TIMES.**

Under Evidence Code § 452(h), courts may take judicial notice of “[f]acts ... that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” California law is clear that under this provision, courts may take judicial notice of news articles for the undisputed fact that the newspapers have published certain information (but not for the truth of the facts stated in them). Seelig v. Infinity Broadcasting Corp., 97 Cal. App. 4th 798, 807 n.5 (2002) (taking judicial notice of newspaper articles to establish that topic generated public debate); McKelvey v. Boeing North American, Inc., 74 Cal. App. 4th 151, 162 (1999) (taking judicial notice of newspaper articles to establish “widespread publicity” of incident); Hofmann Co. v. E.I. Du Pont de Nemours & Co., 202 Cal. App. 3d 390, 395 n.3 (1988) (judicially noticing newspaper article in which allegedly defamatory statements appeared).

Accordingly, this Court may take judicial notice of the newspaper articles and similar publications attached as Exhibits F-H to establish that The Times and other news organizations routinely identify officers involved in shootings. The Court also can take judicial notice of these

articles to help the Court understand the type of reporting that is possible when journalists are able to investigate using the names of specific officers involved in newsworthy incidents. These articles demonstrate that releasing officer names helps news organizations like The Times keep the public informed regarding the conduct of the police department that serves it. In addition, the articles demonstrate that disclosing the identities of officers involved in incidents such as shootings enables The Times to investigate and identify patterns and possible problems in police agencies, furthering its public oversight function.

In addition, the Court should take judicial notice of the attached excerpts from a book published by the Rand Corporation (Exh. I), which discusses the importance of transparency in police agencies. This book highlights the importance to police agencies of being able to disclose the identities of officers who shoot citizens, in order to maintain a relationship of trust between the agency and the public it serves.

**4.**

**THE COURT SHOULD JUDICIALLY NOTICE  
THE ATTACHED COURT RECORDS.**

Section 451(a) requires the Court to take judicial notice of “[t]he decisional ... law of this state[.]” Under this authority, this Court should take judicial notice of the September 28, 2010 Notice of Ruling in Pasadena Police Officers Ass’n v. City of Pasadena, Los Angeles Superior Court Case No. BC410724, dismissing that lawsuit as moot. See Cuccia v.

Superior Court, 153 Cal. App. 4th 347, 350 n.2 (2007) (taking judicial notice of unpublished opinion). This ruling is relevant because it demonstrates that, despite union-led efforts to hide officers who fire their weapons, they often are publicly named in the course of civil rights lawsuits filed after the shooting.

California Evidence Code § 452(d) authorizes a court to take judicial notice of “[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.” Under Section 452(d), courts regularly take judicial notice of judicial records. People v. Maxwell, 78 Cal. App. 3d 124, 130 (1978). A court may take judicial notice of the existence of each document in a court file, including a transcript of a proceeding. Biggs v. Terhune, 334 F.3d 910, 915 n. 3 (taking judicial notice under comparable federal rule of a transcript of a hearing before the Board of Prison Terms), overruled on other grounds, Hayward v. Marshall, 603 F.3d 546, 555 (9th Cir. 2010).

Under this authority, the Court should take judicial notice of the Unclassified Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024, the proceeding held to determine the status of Khalid Sheikh Muhammed (Exh. N). The transcript contains his confession to the murder of Daniel Pearl, a Wall Street Journal journalist abducted while reporting in Pakistan in the wake of the 9/11 attacks. In addition, the Court should take judicial notice of an Internal Affairs report discussing the



murder of Chauncey Bailey (Exh. K). Mr. Bailey was the Editor of the Oakland Post, who was murdered as a result of his reporting. These documents are relevant to this matter because they demonstrate that many professionals, including journalists like those pressing for transparency here, perform their jobs in full view of the public, even at the risk of grave danger.

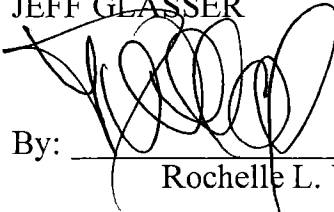
**5.  
CONCLUSION**

For the reasons set forth above, The Times respectfully asks this Court to take judicial notice of these press releases, news articles, judicial documents and executive correspondence.

Dated: October 17, 2012

LOS ANGELES TIMES  
COMMUNICATIONS LLC  
KARLENE W. GOLLER

DAVIS WRIGHT TREMAINE LLP  
KELLI L. SAGER  
ROCHELLE L. WILCOX  
JEFF GLASSER

By:   
\_\_\_\_\_  
Rochelle L. Wilcox

Attorneys for Real Party in Interest  
and Respondent  
LOS ANGELES TIMES  
COMMUNICATIONS LLC

DWT 20523352v3 0085000-002314

## PROPOSED ORDER

This Court, having considered the Request of Real Party in Interest Los Angeles Times Communications LLC to take judicial notice of certain news articles, press releases, judicial documents and executive correspondence, and good cause having been shown therefore,

IT IS ORDERED that the Court hereby takes judicial notice of:

1. The following Los Angeles Police Department News Releases, true and correct copies of which collectively are attached as Exhibit A:
  - a. Officer-Involved Shooting in 77th Division (Sept. 17, 2012) (updated Sept. 20, 2012), available at <http://www.lapdonline.org/newsroom>;
  - b. Officer-Involved Shooting in West Valley (July 22, 2012), available at <http://www.lapdonline.org/newsroom>;
  - c. Officer-Involved Shooting With No Hits in West Los Angeles (June 13, 2012) (updated June 29, 2012), available at <http://www.lapdonline.org/newsroom>;
  - d. Heavily Armed Suspect Points Gun at Police Officer Involved Shooting Occurred (June 6, 2012), available at <http://www.lapdonline.org/newsroom>;

2. The following Redding Police Department Press Releases, true and correct copies of which collectively are attached as Exhibit

B:

a. July 3, 2012, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

b. Nov. 3, 2011, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

c. Nov. 3, 2011, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

d. March 9, 2011, available at

<http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

3. The following News Releases from the Los Angeles Sheriff's Department, true and correct copies of which collectively are attached as Exhibit C:

a. Sheriff Lee Baca to Preside at Annual Valor Awards

Ceremony (Sept. 18, 2012), available at

<http://local.nixle.com/alert/4888277>;

- b. Sheriff Lee Baca Officiates at Graduation Ceremony of Peace Officer Academy Class (Aug. 31, 2012), available at <http://local.nixle.com/alert/4879914/>;
  - c. Meritorious Conduct Medal (2008), available at <http://www.lasdhq.org/sites/YIR/2008/visuals/3447.pdf> ;
4. Press Release, Inglewood Police Department (Sept. 5, 2008), available at [http://www.inglewoodpd.org/Press\\_Releases.aspx](http://www.inglewoodpd.org/Press_Releases.aspx), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit D.
5. Officer Involved Shooting Incidents, Oakland Police Department, available at <http://www2.oaklandnet.com/Government/o/OPD/a/PublicReports/OIS/index.htm> (last visited Oct. 16, 2012), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit E.
6. The following articles, true and correct copies of which are collectively attached as Exhibit F:
  - a. Robert Faturechi, Drivers Have No Beef With Him, L.A. TIMES, Sept. 10, 2012, at A1;
  - b. Robert Faturechi, Official Possibly Hindered Probe of Jails, L.A. TIMES, Aug. 5, 2012, at A29;

- c. Jack Leonard & Robert Faturechi, Sheriff's Department Used Jail Duty to Punish Deputies, L.A. TIMES, Nov. 12, 2011, at A1;
- d. Robert Faturechi, Tattoo Testifies to a Murderer's Crime, L.A. TIMES, April 22, 2011, at A1;
- e. Jack Leonard & Victoria Kim, A Times Investigation: Inglewood Has a History of Deadly Force by Police, L.A. TIMES, Dec. 28, 2008, at A1;
- f. Matt Lait, Convicted Cop Hired as Police Chief, L.A. TIMES, Feb. 2, 2008, at B1;
- g. Jack Leonard & Ari B. Bloomekatz, Inglewood Officers Identified; Eight Are Named in the Fatal Shooting of a Homeless Man, L.A. TIMES, Sept. 6, 2008, at B3;
- h. Matt Lait, An Honor Overdue, L.A. TIMES, Mar. 8, 2007, at B1;
- i. Matt Lait, Supervisors, Sheriff Baca urge reopening disciplinary hearings, L.A. TIMES, Feb. 8, 2007, at B4;
- j. Matt Lait & Steve Hyman, Ruling in Teen's Killing Spurs Outcry, L.A. TIMES, Jan. 11, 2007, at B1;
- k. Scott Glover & Matt Lait, Officer Who Killed Boy, 13, is Cleared, L.A. TIMES, Jan. 10, 2007, at A1;

- l. Scott Glover & Matt Lait, Accidental Gunshots Vex LAPD, L.A. TIMES, Aug. 17, 2006, at B1;
- m. Scott Glover & Matt Lait, Shooting Accounts at Odds in Report, L.A. TIMES, March 15, 2006, at B1;
- n. Scott Glover & Matt Lait & Doug Smith, Shooting of Dogs by Police Not Unusual, L.A. TIMES, March 12, 2005, at B1;
- o. Matt Lait, Panel Finds '04 Shooting Broke Rules, L.A. TIMES, Feb. 11, 2005, at B1;
- p. Scott Glover & Matt Lait, Councilman Seeks Probe of Reports on Officer Shootings, L.A. TIMES, Oct. 27, 2004, at B4;
- q. Scott Glover, Matt Lait & Doug Smith, Frequent Fire, L.A. TIMES, Oct. 18, 2004, at A1;
- r. Scott Glover & Matt Lait, Investigating Their Own, L.A. TIMES, Oct. 17, 2004, at A1;
- s. Scott Glover & Matt Lait, A Second Look at an 'Ambush', L.A. TIMES, Oct. 17, 2004, at A26;
- t. Scott Glover & Matt Lait, Bratton Critical of Firing at Cars, L.A. TIMES, Feb. 29, 2004, at A1;
- u. Scott Glover & Matt Lait, LAPD Probe Fades Into Oblivion, L.A. TIMES, Aug. 11, 2003, at Part 1-1;

- v. Scott Glover & Matt Lait, LAPD Prevails Over Civilian Overseers, L.A. TIMES, June 22, 2003, at Part 1-1;
  - w. Scott Glover & Matt Lait, Inglewood Police Accused of Abuse in Other Cases, L.A. TIMES, July 15, 2002, at A1;
  - x. Scott Glover & Matt Lait, LAPD Officer Had 5 Felony Arrests, L.A. TIMES, Jan. 22, 2002, at Part 2-1;
  - y. Scott Glover & Matt Lait, Police Panel Wasn't Given Full Facts in Gunfire Case, L.A. TIMES, Aug. 7, 2001, at A1;
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  - aa. Scott Glover & Matt Lait, Police Cases Sent to D.A. Drop Sharply, L.A. TIMES, Oct. 23, 2000, at A1;
  - bb. Scott Glover & Matt Lait, LAPD Misconduct Cases Rarely Resulted in Charges, L.A. TIMES, Oct. 22, 2000, at A1;
  - cc. Matt Lait, Mayor, Police Chief Back Bill to Open Records, L.A. TIMES, Mar. 28, 2007 at B4;
7. PBS Frontline, Rampart Scandal, Cover Up?, available at <http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/coverup.html>, a true and correct copy of which is attached to the Wilcox Decl. as Exhibit G.

8. Demian Bulwa, Net Sharpens Divide Over Cop Shootings, S.F. CHRON., Oct. 14, 2012, a true and correct copy of which is attached to the Wilcox Decl. as Exhibit H.
9. Excerpts from Proby, et al., “Training the 21st Century Police Officer; Redefining Police Professionalism for the Los Angeles Police Department” (Rand Publ’g 2003), at 100, available at [http://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1745/MR1745.ch4.pdf](http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1745/MR1745.ch4.pdf), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit I.
10. LAPD Online, Community Policing Opportunities, available at [http://www.lapdonline.org/support\\_lapd/content\\_basic\\_view/731](http://www.lapdonline.org/support_lapd/content_basic_view/731), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit J.
11. Portions of the Dec. 9, 2011 filing in Longmire v. City of Oakland, Case No. C 10-01465 JSW, in the United States District Court in the Northern District of California, available at <http://www.chaunceybaileyproject.org/pdf/LongmireReport.pdf>, a true and correct copy of which is attached to the Wilcox Decl. as Exhibit K.
12. Notice of Ruling, Pasadena Police Officers Ass’n v. City of Pasadena, No. BC410724 (Cal. Super. Ct. dismissed Sept. 28,



2010), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit L.

13. Letter from Peter Siggins, Legal Affairs Secretary, Office of the Governor of the State of California, to Peter Scheer et al. (Dec. 22, 2004), available at [http://www.firstamendmentcoalition.org/wp-content/uploads/2011/02/Gov\\_Calendar\\_Cover\\_Letter.pdf](http://www.firstamendmentcoalition.org/wp-content/uploads/2011/02/Gov_Calendar_Cover_Letter.pdf), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit M.

14. Unclassified Transcript of Combatant Status Review Tribunal Hearing for ISN 10024 (2007), available at [http://www.defense.gov/news/transcript\\_ISN10024.pdf](http://www.defense.gov/news/transcript_ISN10024.pdf), a true and correct copy of which is attached to the Wilcox Decl. as Exhibit N.

Dated: October \_\_\_\_\_, 2012

---

Honorable Tani Cantil-Sakauye  
Chief Justice of the State of California

**DECLARATION OF ROCHELLE L. WILCOX**

I, Rochelle L. Wilcox, declare as follows:

1. I am an attorney admitted to practice before all courts in the State of California, including this Court. I am a partner at Davis Wright Tremaine LLP and one of the attorneys responsible for representing Real Party in Interest and Respondent Los Angeles Times Communications LLC (“The Times”) in this action. The matters stated below are true of my own personal knowledge, except for those matters stated on information and belief, which I believe to be true.

2. Attached collectively as Exhibit A are true and correct copies of the following Los Angeles Police Department News Releases:

- a. Officer-Involved Shooting in 77th Division (Sept. 17, 2012) (updated Sept. 20, 2012), available at <http://www.lapdonline.org/newsroom>;
- b. Officer-Involved Shooting in West Valley (July 22, 2012), available at <http://www.lapdonline.org/newsroom>;
- c. Officer-Involved Shooting With No Hits in West Los Angeles (June 13, 2012) (updated June 29, 2012), available at <http://www.lapdonline.org/newsroom>;

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- d. March 9, 2011, available at <http://reddingpolice.org/PressReleases/PressReleaseIndex.html>;

4. Attached collectively as Exhibit C are true and correct copies of the following News Releases from the Los Angeles Sheriff's Department:

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- c. Meritorious Conduct Medal (2008), available at <http://www.lasdhq.org/sites/YIR/2008/visuals/3447.pdf>;

5. Attached as Exhibit D is a true and correct copy of a Press Release issued by the Inglewood Police Department (Sept. 5, 2008), available at [http://www.inglewoodpd.org/Press\\_Releases.aspx](http://www.inglewoodpd.org/Press_Releases.aspx).

6. Attached as Exhibit E is a true and correct copy of a document entitled Officer Involved Shooting Incidents, Oakland Police Department, available at <http://www2.oaklandnet.com/Government/o/OPD/a/PublicReports/OIS/index.htm> (last visited Oct. 16, 2012).

7. Attached collectively as Exhibit F are true and correct copies of the following articles published by The Times:

- a. Robert Faturechi, Drivers Have No Beef With Him, L.A. TIMES, Sept. 10, 2012, at A1;

- b. Robert Faturechi, Official Possibly Hindered Probe of Jails, L.A. TIMES, Aug. 5, 2012, at A29;
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- f. Matt Lait, Convicted Cop Hired as Police Chief, L.A. TIMES, Feb. 2, 2008, at B1;
- g. Jack Leonard & Ari B. Bloomekatz, Inglewood Officers Identified; Eight Are Named in the Fatal Shooting of a Homeless Man, L.A. TIMES, Sept. 6, 2008, at B3;
- h. Matt Lait, An Honor Overdue, L.A. TIMES, Mar. 8, 2007, at B1;
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- j. Matt Lait & Steve Hyman, Ruling in Teen's Killing Spurs Outcry, L.A. TIMES, Jan. 11, 2007, at B1;

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- p. Scott Glover & Matt Lait, Councilman Seeks Probe of Reports on Officer Shootings, L.A. TIMES, Oct. 27, 2004, at B4;
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- aa. Scott Glover & Matt Lait, Police Cases Sent to D.A. Drop Sharply, L.A. TIMES, Oct. 23, 2000, at A1;
- bb. Scott Glover & Matt Lait, LAPD Misconduct Cases Rarely Resulted in Charges, L.A. TIMES, Oct. 22, 2000, at A1;
- cc. Matt Lait, Mayor, Police Chief Back Bill to Open Records, L.A. TIMES, Mar. 28, 2007 at B4;

8. Attached as Exhibit G is a true and correct copy of an article entitled PBS Frontline, Rampart Scandal, Cover Up?, available at <http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/coverup.html>.

9. Attached as Exhibit H is a true and correct copy of an article entitled Demian Bulwa, Net Sharpens Divide Over Cop Shootings, S.F. CHRON., Oct. 14, 2012.

10. Attached as Exhibit I is a true and correct copy of excerpts from Proby, et al., "Training the 21st Century Police Officer; Redefining Police Professionalism for the Los Angeles Police Department" (Rand Publ'g 2003), at 100, available at [http://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1745/MR1745.ch4.pdf](http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1745/MR1745.ch4.pdf).

11. Attached as Exhibit J is a true and correct copy of LAPD Online, Community Policing Opportunities, available at [http://www.lapdonline.org/support\\_lapd/content\\_basic\\_view/731](http://www.lapdonline.org/support_lapd/content_basic_view/731).

12. Attached as Exhibit K is a true and correct copy of portions of the Dec. 9, 2011 filing in Longmire v. City of Oakland, Case No. C 10-01465 JSW, in the United States District Court in the Northern District of California, available at <http://www.chaunceybaileyproject.org/pdf/LongmireReport.pdf>.



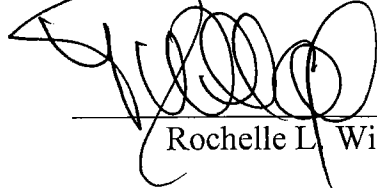
13. Attached as Exhibit L is a true and correct copy of a document entitled "Notice of Ruling," filed in Pasadena Police Officers Ass'n v. City of Pasadena, No. BC410724 (Cal. Super. Ct. dismissed Sept. 28, 2010).

14. Attached as Exhibit M is a true and correct copy of a letter from Peter Siggins, Legal Affairs Secretary, Office of the Governor of the State of California, to Peter Scheer et al. (Dec. 22, 2004), available at [http://www.firstamendmentcoalition.org/wp-content/uploads/2011/02/Gov\\_Calendar\\_Cover\\_Letter.pdf](http://www.firstamendmentcoalition.org/wp-content/uploads/2011/02/Gov_Calendar_Cover_Letter.pdf).

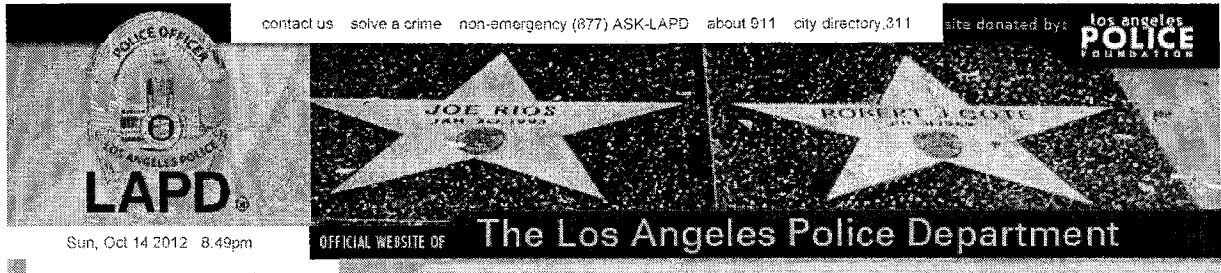
15. Attached as Exhibit N is a true and correct copy of a document entitled "Unclassified Transcript of Combatant Status Review Tribunal Hearing for ISN 10024 (2007)," available at [http://www.defense.gov/news/transcript\\_ISN10024.pdf](http://www.defense.gov/news/transcript_ISN10024.pdf).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of October, 2012 at Los Angeles, California.

  
\_\_\_\_\_  
Rochelle L. Wilcox





Sun, Oct 14 2012 8:49pm

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Los Angeles Police Department  
**News Release**  
 Monday, September 17, 2012



NEWS CONFERENCES

NEWS ARCHIVES

**Officer-Involved Shooting Occurs at the End of a Pursuit NR124334ne**  
 September 20, 2012

- 2012
- 2011
- 2010
- 2009
- 2008
- 2007
- 2006
- 2005
- 2004
- 2003
- 2002
- 2001
- 2000
- 1999
- 1998

**UPDATED RELEASE**

*Updated: The officers involved in the officer-involved-shooting have been identified as:*  
**Police Officer II Ryan Nguyen, Rampart Area**  
**Police Officer III Clinton Perez, Rampart Area**  
**Police Officer II Joseph Arevalo, Rampart Area**  
**Police Officer II Mark Austin, Rampart Area**  
**Police Officer II Brad Gorby, Rampart Area**  
**Police Officer II Juan Garcia, Rampart Area**  
**Police Officer II David Blake, Rampart Area**  
**Police Officer III Joseph Broussard, Olympic Area**  
**Police Officer III Hans Almaraz, Metropolitan Area**

**Los Angeles:** On September 11, 2012, at around 6:30 p.m., Rampart Patrol Division officers were in pursuit of a stolen white two door 2003 Honda Civic. The Honda had been taken in a carjacking earlier in the afternoon from the North Hollywood area, at around 5:30 p.m.

Patrol officers remained in pursuit of the Honda in the Rampart Area. Communications Division updated the involved units with the suspect's description and that he was armed. As the suspect was driving west on 7th Street crossing Bixel Street, he drove through a mid-phase red signal and collided with a white four door Nissan Altima being driven north on Bixel Street, disabling the Honda. The suspect (later identified) Jan Schlesinger exited the Honda with a rifle and concealed himself behind the Honda and Nissan, as responding patrol units and K-9 units stopped their police vehicles east and south of the Honda and Nissan. As the officers exited their vehicles, the suspect began shooting at the officers at which time an officer-involved shooting (OIS) occurred. The suspect Schlesinger was wounded and subsequently taken into custody by officers.

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- Entertainment Trademark Unit
- OP ED S
- OP-ED PIECE BY LAPD CHIEF CHARLIE BECK
- OpEd Join Us in Securing Safe Neighborhoods for Every Angeleno By Mayor Antonio R. Villaraigosa an
- Chief Bratton's Comments on Immigration

Los Angeles Fire Department personnel arrived and transported the suspect to a local hospital where he was treated for his injuries and listed in stable condition. The suspects' rifle and a pistol were recovered at the scene.

LAPD's Force Investigation Division (FID) responded and will be handling the investigation of the officer-involved shooting.

The investigation will ultimately be reviewed by the Chief of Police, the Office of the Inspector General and The Board of Police Commissioners for compliance with the Department's use-of-force policy which states that an officer's use-of-force actions must be objectively reasonable. Additionally, the Los Angeles County District Attorney's Justice System Integrity Division will

- [LAPD General Fund Contracts](#)
- [LAPD Adult Missing Persons Unit](#)
- [Most Wanted](#)
- [Read the Beat Magazine](#)
- [Sworn and Civilian Report](#)
- [Trademark](#)
- [Year in Review](#)
- [Youth Programs](#)

conduct a comprehensive review of the facts of the officer-involved shooting.



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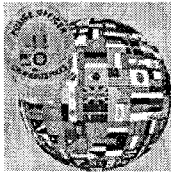


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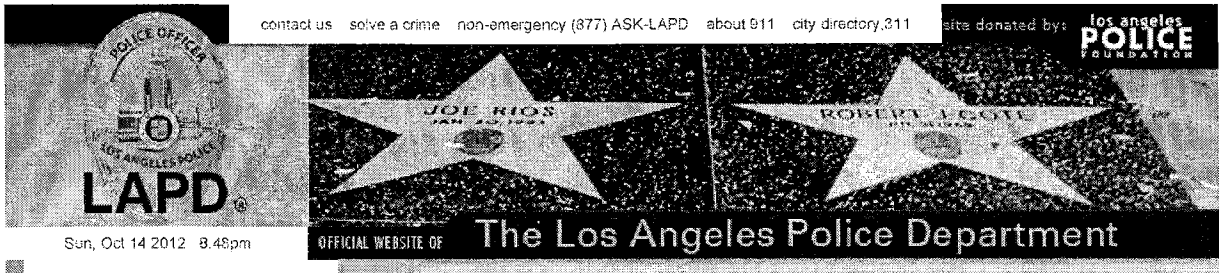
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## Los Angeles Police Department

### News Release

Sunday, July 22, 2012



NEWS CONFERENCES

NEWS ARCHIVES

#### Officer-Involved Shooting in West Valley NR12343ne

##### Update

**The officer involved in the following officer involved shooting has been identified as Police Officer III Bruce Oakley, West Valley patrol.**

**Los Angeles:** Los Angeles Police Department West Valley Patrol officers responding to a "Battery Investigation" were involved in an officer-involved shooting when a suspect produced a handgun and turned toward officers.

On July 19, 2012 around 4:45 a.m., West Valley officers were responding to a "Battery Investigation" in the 19300 block of Welby Way. As officers arrived, they met with the person reporting the crime, who directed them to the suspect's location in a locked bedroom inside the residence. The officers made contact with the suspect, who opened the bedroom door, but quickly closed the door on the officers. The officers forced entry into the bedroom. The suspect produced a handgun and turned toward the officers and an officer-involved shooting occurred.

The suspect, identified as 49-year-old Donald Warner, was struck by the gunfire. Warner was taken in to custody and transported by Los Angeles Fire Department Paramedics to a local hospital for treatment. No officers were injured.

A revolver was recovered at the scene.

LAPD's Force Investigation Division (FID) Detectives responded and are investigating the officer-involved shooting. The Criminal Apprehension Team is investigating the crime against the officer.

The investigation will ultimately be reviewed by the Chief of Police, the Office of the Inspector General and Board of Police Commissioners for compliance with the Department's use-of-force policy which states that an officer's use-of-force actions must be objectively reasonable. Additionally, the Los Angeles County District Attorney's Justice System Integrity Division will conduct a comprehensive review of the facts of the officer-involved shooting.

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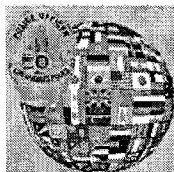
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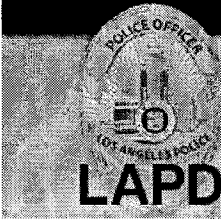
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## Los Angeles Police Department

### News Release

Wednesday, June 13, 2012



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#### Officer Involved Shooting with no Hits in West Los Angeles NR12272cj

*June 29, 2012*

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*Updated:*  
**The officer involved in the following officer involved shooting has been identified as Police Officer II Christopher Cox, West LA patrol.**

**Los Angeles:** On June 11, 2012, around 8:41 p.m., West LA Patrol officers responded to a call of a man threatening to shoot himself in the 11400 Rochester Avenue. When the officers arrived, they saw a man on the 3rd floor of the building and gave commands for the man to comply, but he refused.

At around 9:50 p.m. the man stepped out onto the 3rd story balcony and fired a handgun at an LAPD helicopter, flying over the location, and an officer involved shooting ensued. The suspect walked from the balcony into the apartment and then barricaded himself.

LAPD Metropolitan Division deployed tear gas and took the suspect into custody. The suspect was identified as Sean Edward Tarrabe. He was treated by medical personnel for an abrasion to his left leg and cleared and booked for Attempt Murder. No officers were injured.

A search warrant was served at suspect Tarrabe's apartment where investigators recovered two .40 caliber pistols and live ammunition.

Force Investigation Division (FID) personnel responded and will conduct a thorough investigation of the officer involved shooting. The investigation is ongoing.

The investigation will ultimately be reviewed by the Chief of Police, the Office of the Inspector General and Board of Police Commissioners for compliance with the Department's use-of-force policy which states that an officer's use-of-force actions must be objectively reasonable. Additionally, the Los Angeles County District Attorney's Justice System Integrity Division will conduct a comprehensive review of the facts of the officer-involved shooting.

Anyone with information about this incident is urged to call Force Investigation Division at 213-486-5230. During non-business hours or on weekends, calls should be directed to 1-877-LAPD-24-7 (877-527-3247). Anyone wishing to remain anonymous should call Crime Stoppers at 1-800-222-TIPS (800-222-8477). Tipsters may also contact Crime Stoppers by texting to phone number 274637 (C-R-I-M-E-S on most keypads) with a cell phone. All text messages should begin with the letters "LAPD."

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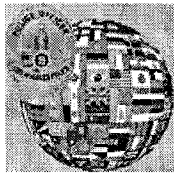
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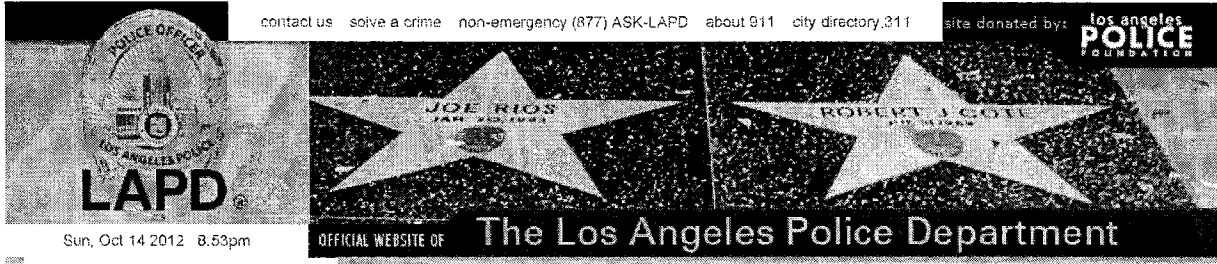
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# Los Angeles Police Department

## News Release

Wednesday, June 6, 2012



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### Heavily Armed Suspect Points Gun at Police Officer Involved Shooting Occurred NR122450kr

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**Los Angeles:** A 35-year-old man armed with a revolver and a semi-automatic rifle pointed the revolver at approaching officers and an officer involved shooting (OIS) occurred. A second OIS occurred when the suspect again pointed the revolver at officers.

On June 1, 2012, around 5:50 a.m., Hollenbeck Patrol Officers were called to the 2500 block of Houston Street to investigate reports of "Shots Fired".

As the officers, Police Officer James Eldridge Police (22 years 6 months with the Department), Officer Jonathan Maldonado (7 years 4 months with the Department), and Sergeant Heriberto Arangure (17 years 1 month with the Department), were walking towards the location, they heard a gunshot. Citizens in the area directed the officers to the suspect, Herman Ruvalcaba, inside a converted garage to the rear of the residence. At one point Ruvalcaba opened the front door of the converted garage and pointed a revolver at the officers and an OIS occurred. As the officers continued to tactically move towards Ruvalcaba lying prone and motionless on the ground, he suddenly extended the revolver toward the officers and a second OIS occurred.

Officers took him into custody without further incident and immediately called for medical assistance for Ruvalcaba who was shot during the OIS. The Los Angeles City Fire Department paramedics responded and pronounced Ruvalcaba dead at scene. No officers were injured during this incident.

A Smith & Wesson .357 revolver and an AK-47 semi-automatic rifle loaded with a 30-round magazine were recovered lying on the ground next to Ruvalcaba, who was on probation for possession of an assault rifle. Force Investigation Division detectives responded and are investigating the OIS.

The investigation will ultimately be reviewed by the Chief of Police, the Office of the Inspector General and Board of Police Commissioners for compliance with the Department's use-of-force policy which states that an officer's use-of-force actions must be objectively reasonable.

Anyone with information about this incident is urged to call the FID at 213-486-5230. During non-business hours or on weekends, calls should be directed to 1-877-LAPD-24-7 (877-527-3247). Anyone wishing to remain anonymous should call Crime Stoppers at 1-800-222-TIPS (800-222-8477). Tipsters may also contact Crime Stoppers by texting to phone number 274637 (C-R-I-M-E-S on most keypads) with a cell phone. All text messages should begin with the letters "LAPD." Tipsters may also go to LAPDOnline.org, click on "webtips" and follow the prompts.

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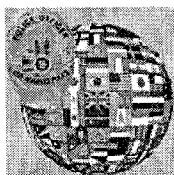


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# CITY OF REDDING



ROBERT F. PAOLETTI, CHIEF OF POLICE  
POLICE DEPARTMENT  
1313 California Street, Redding, CA 96001-3398  
530.225.4200 FAX 530.225.4553

## PRESS RELEASE

DATE: July 3, 2012      TIME: 1:45 p.m.

SCSO CASE#12-19710      RPD CASE#12-42895

The Redding Police Department is releasing the names of the three Redding Police Officers involved in the fatal Officer Involved Shooting of Scott Deen on June 22, 2012.

Corporal Jon Poletski was the only officer who fired his weapon during this incident. Corporal Poletski has been with the Redding Police Department for 7 years and has 5 ½ years of prior experience with the Eureka Police Department.

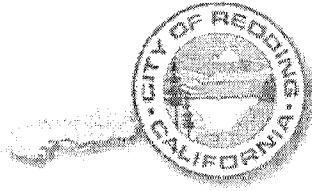
Officer Jared Hebert has been with the Redding Police Department for 9 months and has 5 ½ years of prior experience with the Los Angeles Police Department.

Officer Robert Garnero has been with the Redding Police Department for 4 years and has 2 ½ years of prior experience with the California Highway Patrol.

All three Officers were initially placed on paid Administrative Leave after the incident but have since returned to full duty. The Shasta County Sheriff's Office is the lead investigating agency in this incident. All questions about the investigation should be directed to SCSO Detective Sergeant Steve Grashoff at (530) 245-6172.

**Contact:      Lieutenant Jeff Wallace**  
**ID# 608**  
**Redding Police Department**  
**530-225-4214**

**Approved:    Captain Moore**  
**ID#602**



## CITY OF REDDING

PETER L. HANSEN, CHIEF OF POLICE

REDDING POLICE DEPARTMENT  
1212 California Street, Redding, CA 96001-0396  
530.225.4200 FAX 530.225.4858

### UPDATED PRESS RELEASE

November 3, 2011 4:00 PM

CASE #11-68835

The California Highway Patrol (CHP) has authorized the release of the identities of the officers involved in the shooting incident that occurred on Thursday, October 27, 2011 on Interstate 5 near Castella, California. The following are the names of the officers involved, years of service with the CHP, and the current office assignment.

Lieutenant Joseph Micheletti, 24 years experience, Mt. Shasta Office.

Sergeant Anthony Gummert, 19 years experience, Mt. Shasta Office.

Officer Brian Hoskins, 13 years experience, Mt. Shasta Office.

Officer Michael Barham, 15 years experience, Mt. Shasta Office.

Officer Eric Degraffenreid, 15 years experience, Mt. Shasta Office.

Officer Eric Mallory, 5 years experience, Yreka Office.

The Shasta County Sheriff's Office has also authorized the release of the identity of the deputy involved.

Deputy David Eoff, 7 years experience.

Suspect Albert Anthony Smith was booked into the Shasta County Jail on November 2, 2011. Smith's bail was set at \$500,000 when he was booked into the jail. Redding Police Investigators sought a bail enhancement for Smith because he was deemed a flight risk. The bail enhancement was granted and he is currently being held without bail.

**Contact: Sergeant Brian Barner**  
**Redding Police Department**  
**530-225-4214**

**Approved: Sergeant Al Mellon**

# CITY OF REDDING



PETER L. HANSEN, CHIEF OF POLICE

REDDING POLICE DEPARTMENT  
1311 K. of Peace Street, Redding, CA 96001-7506  
530.225.4209 FAX 530.225.4952

## PRESS RELEASE

November 3, 2011 4:00 pm

RPD 11-68517  
SO 11-34804

The Shasta County Sheriff's Department authorized the release of the identities of the deputies involved in the shooting incident that occurred on Tuesday, October 25<sup>th</sup>, 2011, on Interstate 5 at the Oasis Road interchange. The deputy injured in the violent struggle with James Thomas Jobe was Deputy Dustin Reynolds. The second deputy was identified as Sergeant Troy Clegg.

Both Deputies have five years of experience with the Sheriff's Department as well as prior law enforcement experience. Reynolds sustained multiple head lacerations during the struggle that required 26 staples to close. Both deputies were placed on paid administrative leave after the shooting per Shasta County Sheriff's Department policy.

**Contact:** Sgt. Al Mellon  
#309  
Redding Police Department  
530-225-4214

**Approved:** Lt. Jeff Wallace

# CITY OF REDDING



PETER L. HANSEN, CHIEF OF POLICE

REDDING POLICE DEPARTMENT  
1312 California Street, Redding, CA 96001-3300  
530/225-4200 FAX 530/225-4252

## PRESS RELEASE

### Update Officer Involved Shooting

March 9, 2011 10:15 am

11-14128

The Redding Police Department is releasing the names of the officers involved in the shooting incident that occurred on March 7, 2011, at the intersection of South Market Street and Elmwood Street. The injured officer is Officer Russell Veilleaux, an eight-year veteran with Redding Police Department. He is a veteran of the United States Marine Corps and has prior law enforcement experience with the La Mesa Police Department in San Diego County. Officer Veilleaux was released from the hospital and is on paid industrial injury leave while he is recuperating from his injuries.

The shooting officer was Officer Rebecca (Becky) Zufall, an eleven-year veteran with Redding Police Department. Officer Zufall is a Field Training Officer and has prior law enforcement experience with the Los Angeles Police Department. Officer Zufall is currently on paid administrative leave, as is standard protocol while the incident is being investigated.

The Shasta County Sheriff's Department is the lead investigating agency for this incident. All questions about the investigation should be directed to the Sheriff's Office at (530)245-6135.

**Contact: Captain Scott Mayberry**  
**ID# 603**  
**Redding Police Department**  
**530-225-4214**

**Approved: Sergeant Al Mellon/ID#309**



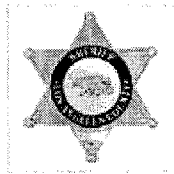


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Tuesday September 18th, 2012 :: 03:26 p.m. PDT

WireWords

**SHERIFF LEE BACA TO PRESIDE AT ANNUAL VALOR AWARDS CEREMONY**

Who: Sheriff Lee Baca and CBS 2 / KCAL 9 News Reporter Suraya Fadel, who will narrate the awards ceremony.

What: Sheriff Baca will present 26 members of the Los Angeles County Sheriff's Department with Valor Awards for their acts of heroism:

Medal of Valor

Deputy Daniel Reyes Deputy Hie Frazier

Deputy Robert Gaines

Meritorious Conduct Gold

Deputy Enrique Gin

Deputy Salvador Rios Deputy Geoffrey Lidman

Deputy Gregory Maxwell

Meritorious Conduct Silver

013

Deputy Barry Poltorak  
Sergeant Michael Austin Deputy Deborah Romero  
Sergeant Froilan Dinco Deputy Marcelo Ruiz  
Sergeant Douglas Shive Deputy Louis Suazo  
Deputy David Aldana Deputy Gary Winfield  
Deputy Guadalupe Arreola  
Deputy David Cary

Purple Heart

Deputy Andreas Chamorro Deputy Mohamed Ahmed  
Deputy April Davidson Deputy Angel Dominguez  
Deputy Jay De Boom (Retired) Deputy Raymond Mades (Retired)  
Deputy Douglas Du Vall Deputy Michael Schaap

When: Wednesday, September 19, 2012, at 12 p.m.

Where: Quiet Cannon  
901 Via San Clemente  
Montebello, California 90640

For further information, contact the Sheriff's Headquarters Bureau at (323) 267-4800.

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**LASD-Newsroom(SHB)**

Friday August 31st, 2012 :: 02:51 p.m. PDT

WireWords

**SHERIFF LEE BACA OFFICIATES AT GRADUATION  
CEREMONY OF PEACE OFFICER ACADEMY CLASS**

SHERIFF LEE BACA OFFICIATES AT  
GRADUATION CEREMONY OF ACADEMY CLASS #389

Fourteen female and sixty-one male Deputy Sheriffs, as well as one female and one male Police Officers from the California Department of Insurance, graduated from the Los Angeles County Sheriff's Department's Training Academy in Whittier during ceremonies held on Friday, August 31, 2012, at the College of the Canyons Performing Arts Center. Santa Clarita Mayor Frank Ferry delivered inspirational remarks to the graduates and their guests.

As part of the graduation, a badge-pinning ceremony was conducted, with the new Deputies and Officers receiving their badges from a family member or loved one. After receiving their graduation certificates, the graduates were officially sworn in as peace officers by Sheriff Lee Baca.

In a special segment of the ceremony, Shane Wolf of the Los Angeles County Sheriff's Department, a resident of Lancaster, was named the Honor Recruit for Class #389. This

015

award is given to the recruit who achieves the highest numerical average based upon leadership qualities, academics, marksmanship and physical performance throughout the training period. Deputy Wolf was also named the Academic Recruit for graduating with the highest academic scores.

Forwarded by:

Kim Manatt, Deputy

Sheriff's Headquarters Bureau - Newsroom

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Leroy D. Baca, Sheriff

Los Angeles County Sheriff's Department

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<http://lacrimestoppers.org>

To receive more detailed, up-to-date information directly from the Los Angeles County Sheriff's Department (LASD) via e-mail, register for "Nixle" alerts at [www.Nixle.com](http://www.Nixle.com) or more directly at <https://local.nixle.com/register/> and register for "LASD – Headquarters Newsroom (SHB), Los Angeles County Sheriff" and your local LASD station area. Or, text your zip code to 888777 to receive text alerts only. Standard text messaging rates may apply depending on your calling plan.

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**Address/Location**

LASD-Newsroom(SHB)  
4700 W Ramona Blvd  
Monterey Park, CA 91754

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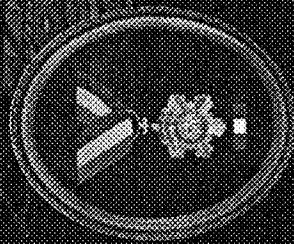
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# Medal of Valor and Meritorious Conduct Medal



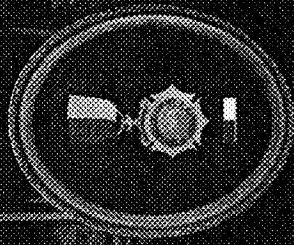
**MEDAL OF VALOR**

The Medal of Valor award is the highest honor of members of the Los Angeles County Sheriff's Department. It is bestowed to persons who display great courage above and beyond the call of duty in the face of an immediate life-threatening peril, and with full knowledge of the risk involved.



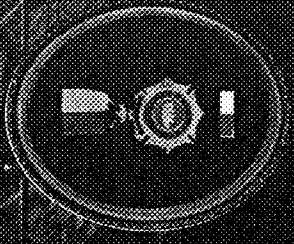
**MERITORIOUS CONDUCT GOLD MEDAL**

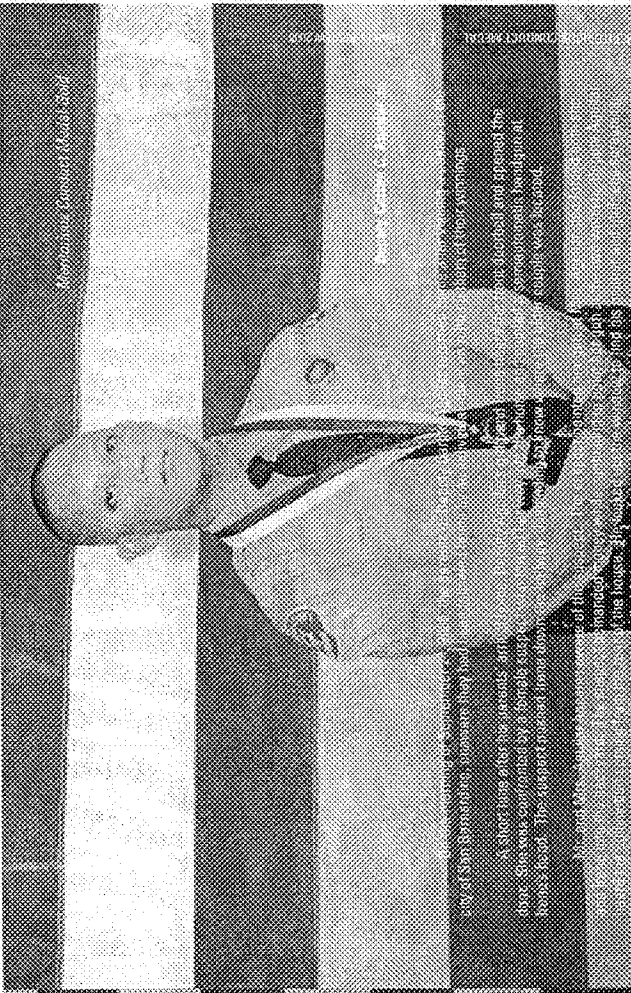
Bestowed to the second highest award, the Meritorious Conduct Gold Medal is bestowed to persons who place themselves in hazardous peril and perform an act of heroism and/or save the life of another person.



**MERITORIOUS CONDUCT SILVER MEDAL**

The medal is awarded to persons who, when confronted by circumstances beyond the normal course of their duties, place themselves in potential peril while performing an act of heroism or while saving or attempting to save the life of another.



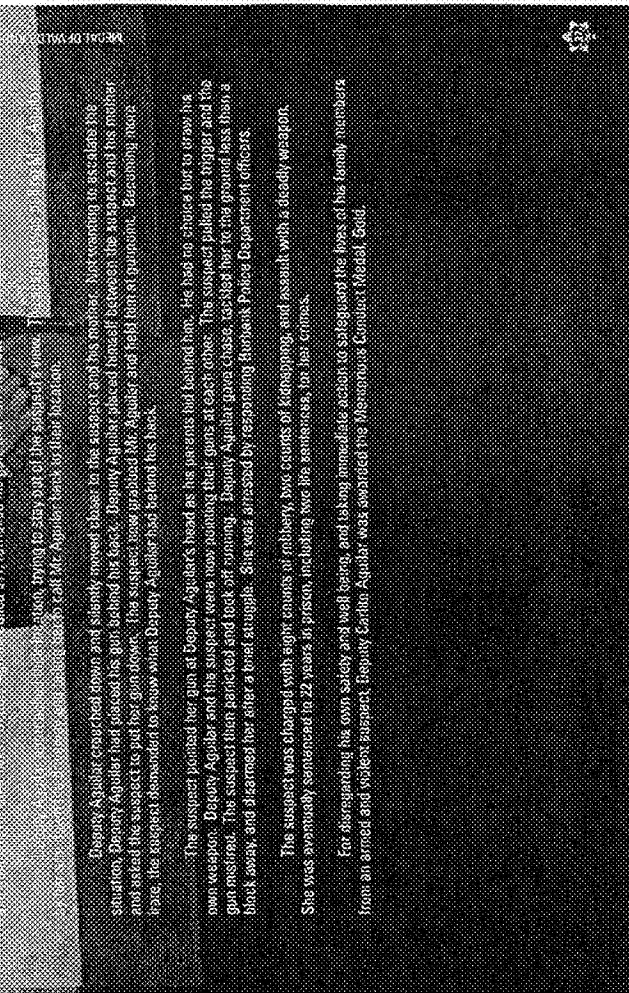


Sergeant Robert J. Brennan

On January 21, 1978, former Firefighter Robert J. Brennan was on duty during a severely quiet and uneventful early morning shift. As the day progressed, a heavy smoke billowing from the rear of a residence on Conquistador Avenue in the home may be in jeopardy. Deputy Brennan immediately requested the assistance of the fire department.

While Deputy Brennan was requesting assistance, Deputy Firefighter Robert J. Brennan was on duty during a severely quiet and uneventful early morning shift. As the day progressed, a heavy smoke billowing from the rear of a residence on Conquistador Avenue in the home may be in jeopardy. Deputy Brennan immediately requested the assistance of the fire department.

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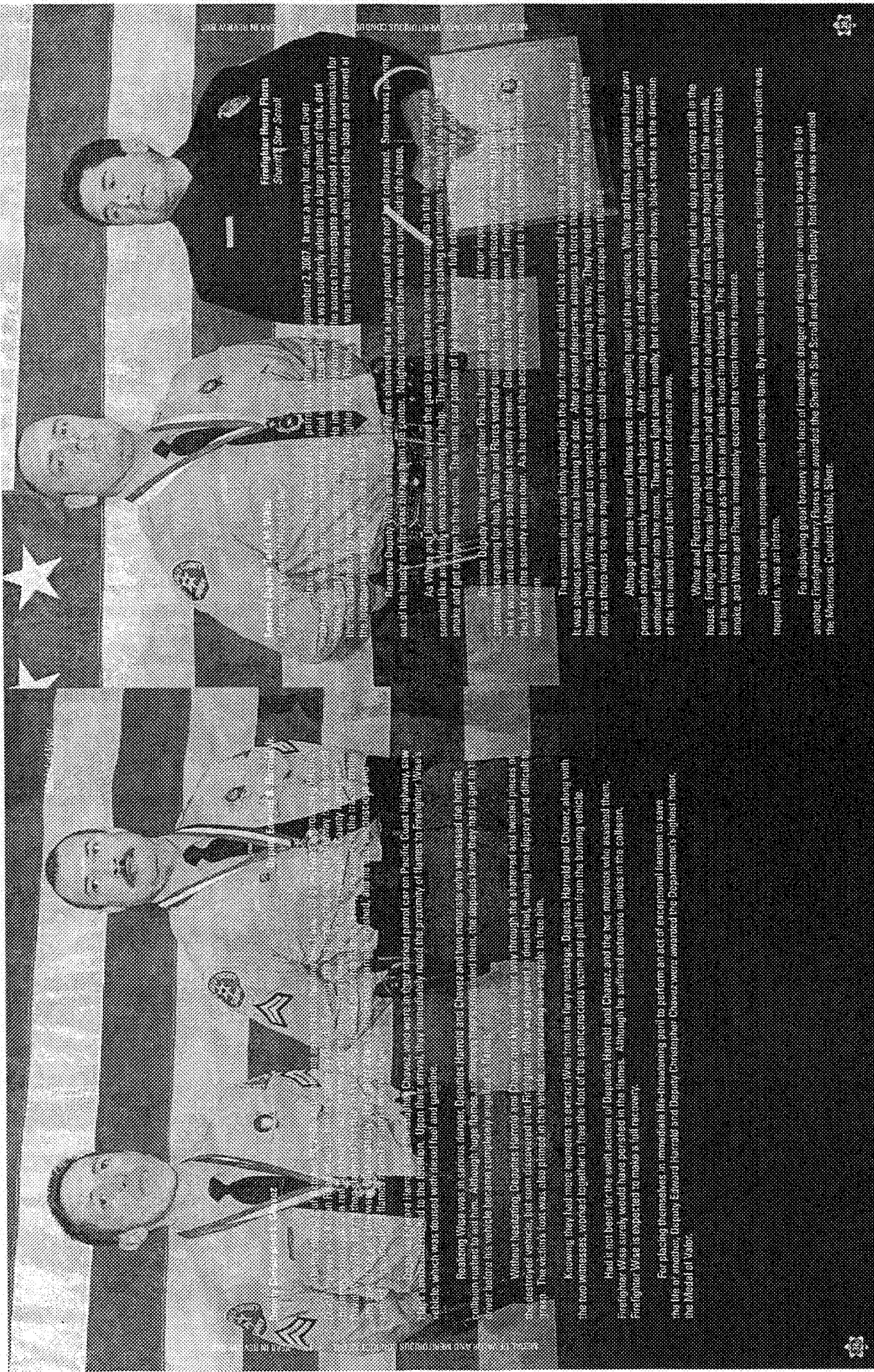


Deputy Captain Michael E. Fisher

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**Firefighter Henry Flores**  
*Sheriff Star Scroll*

On December 2, 2007, it was a very hot day, well over 100 degrees. A fire was suddenly alerted to a large plume of thick, dark smoke rising from the source to investigate and issued a radio transmission for a fire engine and a fire truck. The fire engine and fire truck arrived in the same area, also noticed the smoke and arrived at the residence.

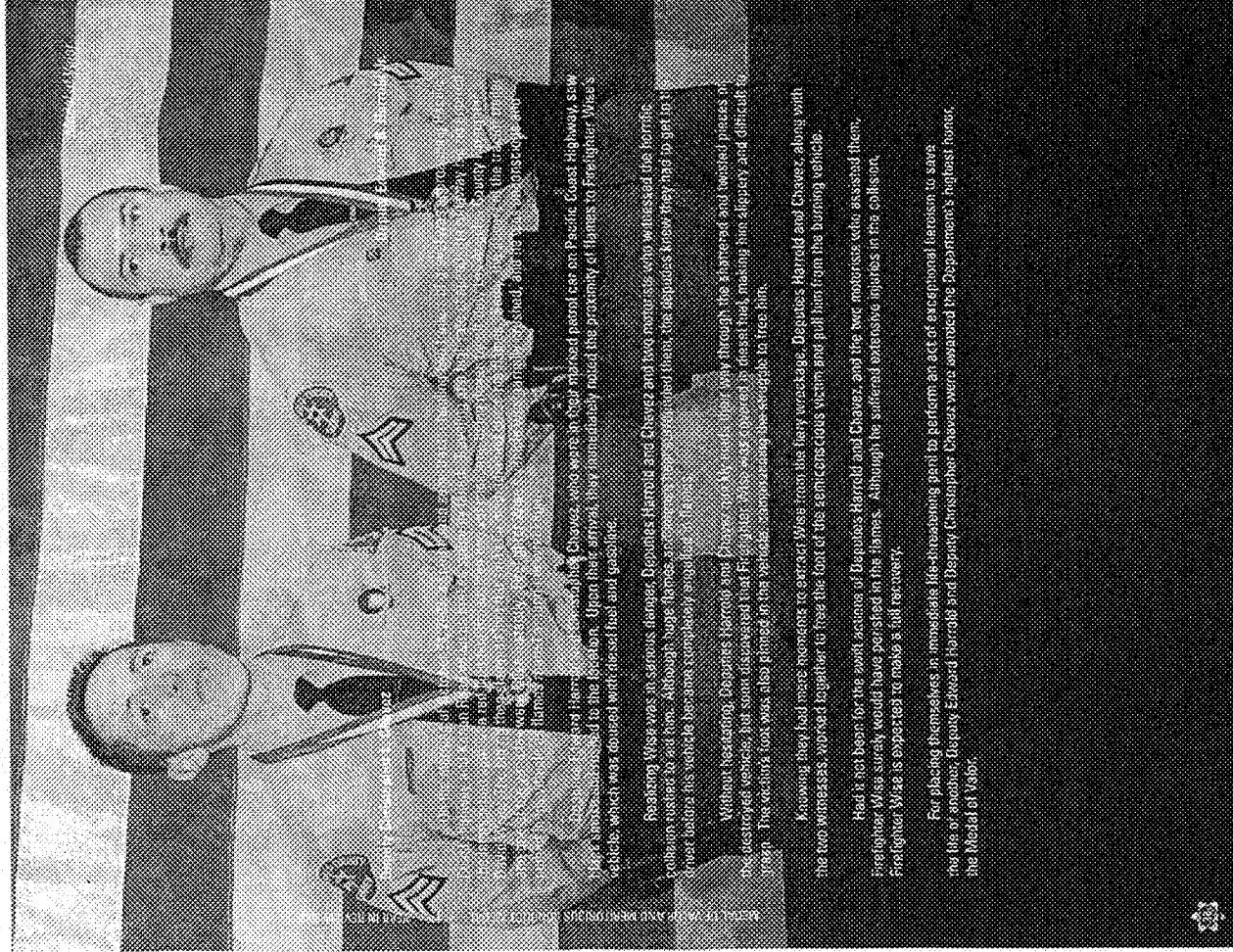
Reserve Deputy White and Firefighter Flores observed near a large portion of the roof of collapse. Smoke was pouring out of the house and fire was being seen in the yard. Neighbors reported there was no one inside the house. As White and Flores approached and tried to enter the house to see if anyone was inside, White and Flores were met with a large amount of smoke and fire. They immediately began breaking out windows to clear the smoke and get to the victim. The entire rear portion of the house was now fully engulfed in flames.

Reserve Deputy White and Firefighter Flores found the victim in the front of the house. The victim was lying on the ground, not breathing and had a head injury. White and Flores quickly moved the victim to the front of the house and began CPR. Firefighter Flores had a window door with a metal security screen. The person who had called the fire department had a window door with a metal security screen. As he opened the security screen, they advanced to the front of the house from the back of the house.

The window door was firmly wedged in the door frame and could not be opened by White and Flores. It was obvious something was blocking the door. After several desperate attempts to force the door open, White and Flores saw that the door was so very warped on the inside could have opened the door to escape from the house. Although intense heat and flames were now engulfing most of the residence, White and Flores disregarded their own personal safety and quickly entered the structure. After passing door's and other obstacles blocking their path, the rescuers continued deeper into the house. There was light smoke initially, but it quickly turned into heavy, black smoke as the direction of the fire moved toward them from a short distance away.

White and Flores managed to find the woman, who was hysterical and yelling that her dog and cat were still in the house. Firefighter Flores knelt on his stomach and attempted to advance further into the house hoping to find the animals, but he was forced to retreat as the heat and smoke threatened him backward. The woman suddenly felt that there were fire-fighters nearby and White and Flores immediately escorted the victim from the residence. Several engine companies arrived moments later. By this time the entire residence, including the room the victim was trapped in, was an inferno.

For displaying great bravery in the face of immediate danger and risking their own lives to save the life of another, Firefighter Henry Flores was awarded the Sheriff's Star Scroll and Reserve Deputy White was awarded the Meritorious Conduct Medal, Silver.



**Deputy Harrold**  
**Deputy Chavez**  
**Deputy Wiese**

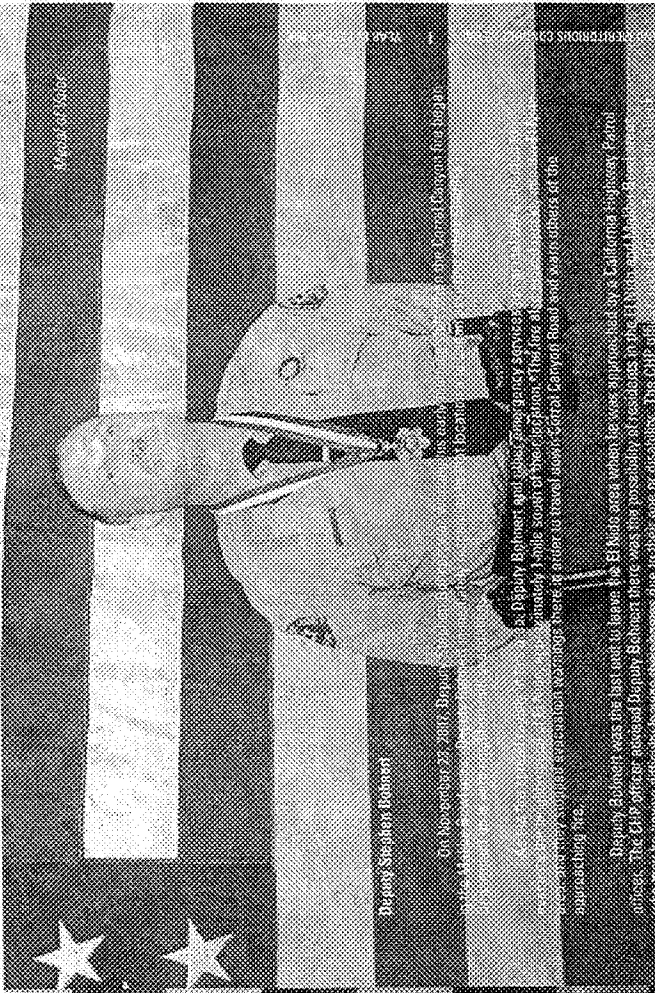
Rescue was very treacherous. Harrold and Chavez and two men who witnessed the horrific collision rushed to aid him. Although large flames, screaming and screaming were heard from the house, they knew they had to get to the victim. They immediately entered the house and found the victim lying on the ground. They immediately began CPR and tried to get the victim to the hospital. They immediately began CPR and tried to get the victim to the hospital.

Without hesitation, Deputy Harrold saw Deputy Chavez and Deputy Wiese through the shattered and twisted pieces of the destroyed vehicle, but soon discovered that Deputy Wiese was trapped in the front of the vehicle. Deputy Harrold and Deputy Chavez immediately began CPR and tried to get the victim to the hospital. They immediately began CPR and tried to get the victim to the hospital.

Knowing they had more people to extract Wiese from the fiery wreckage, Deputies Harrold and Chavez, along with the two witnesses, rushed together to face the front of the semi-conscious victim and pull him from the burning vehicle. Had it not been for the alert actions of Deputies Harrold and Chavez, and the two witnesses who assisted them, Firefighter Wiese surely would have perished in the flames. Although he suffered extensive injuries in the collision, Firefighter Wiese is expected to make a full recovery.

For placing themselves in immediate life-threatening peril to perform an act of exceptional heroism to save the life of another, Deputy Edward Harrold and Deputy Christopher Chavez were awarded the Department's highest honor, the Medal of Valor.





Deputy Stephen Bohner

On November 27, 2007, Deputy Bohner was assigned to the El Nido neighborhood in the El Nido neighborhood, his visibility was severely diminished by smoke and fire. The CHP officer observed Deputy Bohner there was the possibility of a vehicle fire. The CHP officer observed Deputy Bohner there was the possibility of a vehicle fire. The CHP officer observed Deputy Bohner there was the possibility of a vehicle fire.

As the heat, smoke, and fire continued to build, Deputy Bohner knew there was no time to spare. He ran down the steps to the threshold of the doorway and observed the elderly man alone in a wheelchair and the caretaker struggling to push him forward. By this time the house and Shubbbery surrounding the house had already caught fire.

Deputy Bohner quickly took control of the wheelchair and rolled the elderly man outside. Realizing there was no doorway or ramp to roll the man toward the street, Deputy Bohner hoisted the man out of the wheelchair and onto his shoulder, carried him up the stairs, and threw him onto the front seat of his patrol car. Deputy Bohner then drove the elderly man followed by the caretaker to safety. He then resumed his duties at the fire.

The elderly man's torso eventually burned and collapsed from the blizzards. Days later, the charred remains of his abandoned wheelchair still remained in the same location where Deputy Bohner had left it.

In the wake of Malibu's major tragic wildfire of 2007, both the caretaker and elderly man were extremely grateful that Deputy Bohner miraculously appeared through the smoke and flames of the fire to rescue them.

For displaying great courage and placing himself in an immediate life-threatening situation to save the lives of two residents who surely would have perished had it not been for the heroic actions, Deputy Stephen Bohner was awarded the Department's highest honor, the Medal of Valor.



Deputy Vincent Durante

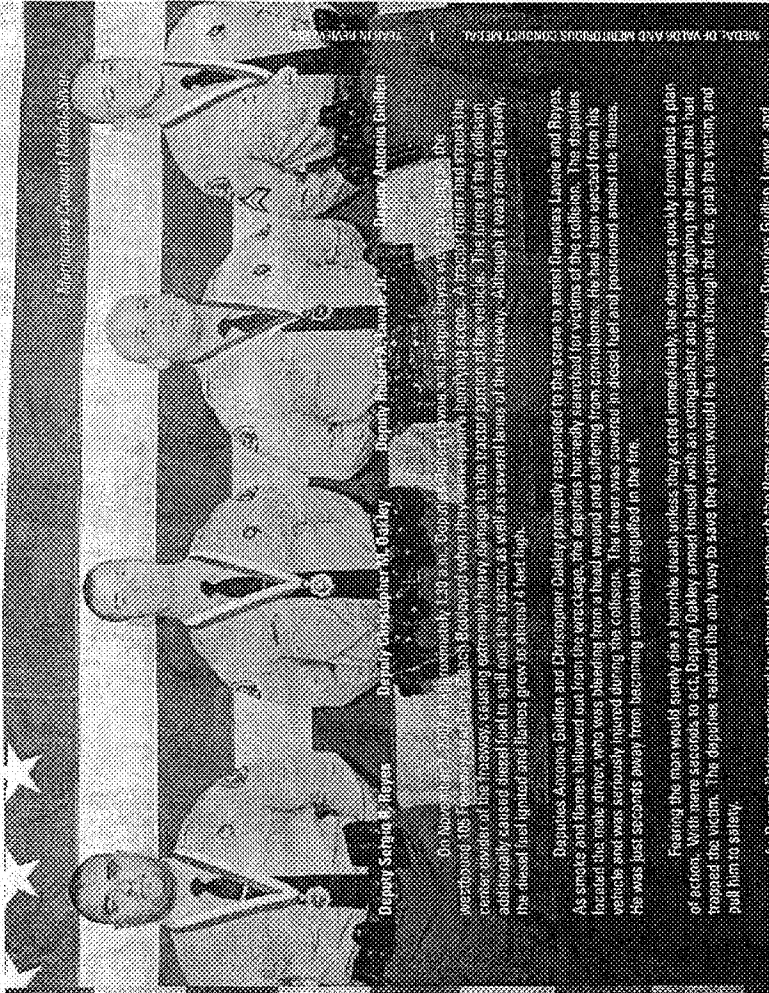
The male suspect advanced on Deputy Durante and began firing his weapon at him, striking the police car. Realizing his suspect was attempting to shoot and kill him, Deputy Durante took concealment by lying across the passenger seat as rounds either penetrated or stopped in the patrol car. Fearing his life was at risk, Deputy Durante sat still, retrieved his duty weapon, and fired one round through his windshield toward the suspect. Two deputy's counterattacks did not deter the suspect's aggression; as he continued his advancement while still firing his weapon, Deputy Durante attempted to return fire, however, his weapon jammed.

As the suspect moved the left from side of the police car, he held his weapon with both hands and continued to pull the trigger of his weapon. The suspect was about 8 feet away when Deputy Durante noticed the suspect was still pulling the trigger, yet the weapon was not firing. Deputy Durante seized this opportunity to successfully clear his weapon.

Upon realizing his weapon was not firing, the suspect ran past Deputy Durante's open driver's door. Durante quickly exited his patrol car and engaged the suspect to stop. The suspect turned toward him and raised his weapon. Deputy Durante, hearing for his life and the lives of the residents in the surrounding area, fired at the suspect, striking him in the abdomen and sending him to his ground. Deputy Durante held the suspect at gunpoint until the arrival of assisting deputies.

The suspect eventually pled guilty to two counts of assault with a deadly weapon in a peace officer and was sentenced to 27 years in state prison.

For displaying great bravery above and beyond the call of duty, in the face of immediate life-threatening peril, with full knowledge of the risk involved, Deputy Vincent Durante was awarded the Department's highest honor, the Medal of Valor.



Deputy Robert Lavoie

Deputy Christopher M. Oakley

Deputy Robert Lavoie

Deputy Christopher M. Oakley

Deputy Robert Lavoie

In the early 1970s, Deputy Robert Lavoie was sent to the scene of a major fire in the city of Los Angeles. The fire was caused by a gas leak in a residential area. Deputy Lavoie was one of the first to arrive at the scene. He immediately began to search for victims of the fire. He found several victims who were still alive. He quickly took them to the hospital. Deputy Lavoie was praised for his bravery and quick action.

Deputies Antonio Guillen and Christopher Oakley promptly responded to the scene to assist Thomas Lavoie and Reyes. As smoke and flames billowed out from the wreckage, the deputies hurriedly searched for victims of the collision. The deputies located the male driver, who was bleeding from a head wound and suffering from convulsions. He had been ejected from his vehicle and was seriously injured during the collision. The driver was covered in diesel fuel and positioned amidst the flames. He was lost seconds away from becoming completely engulfed in the fire.

Fearing the man would surely die a horrible death unless they acted immediately, the deputies quickly formulated a plan of action. With mere seconds to act, Deputy Oakley armed himself with an extinguisher and began fighting the flames that had trapped the victim. The deputies realized the only way to save the victim would be to move through the fire, grab the victim, and pull him to safety.

As Deputy Oakley continued to attempt to extinguish the flames surrounding the driver, Deputies Guillen, Lavoie, and Reyes, without hesitating, plunged into the fray and quickly pulled the semi-conscious victim away from the flames. They then began following engine and fire arrival at emergency medical personnel.

Amazingly, their heroism did not end there. The deputies noticed an immediate threat to any trains traveling in a westward direction near the freeway lanes. They quickly communicated the hazard, protecting the railway and averting what could have been another disaster.

For their regarding their own well-being and placing themselves in immediate danger to save the life of another, Deputy Antonio Guillen, Deputy Robert Lavoie, Deputy Christopher Oakley, and Deputy Sergio Reyes were awarded the Meritorious Conduct Medal.



Deputy Richard Sumblich

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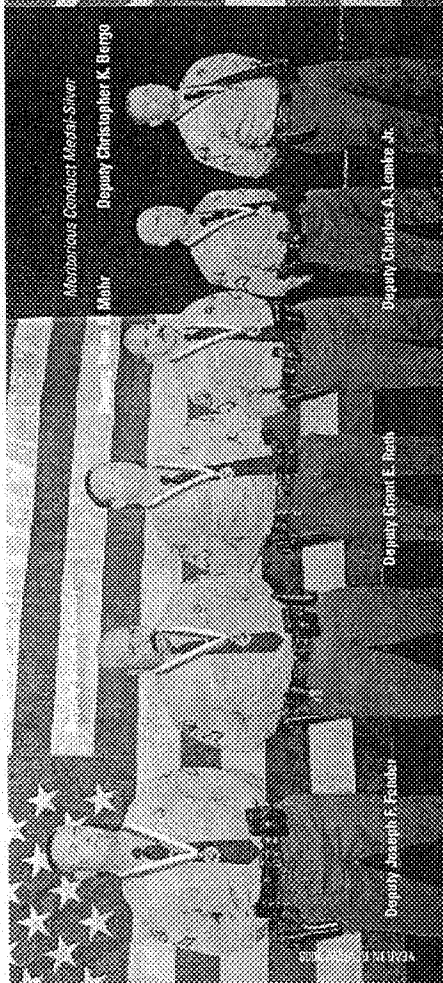
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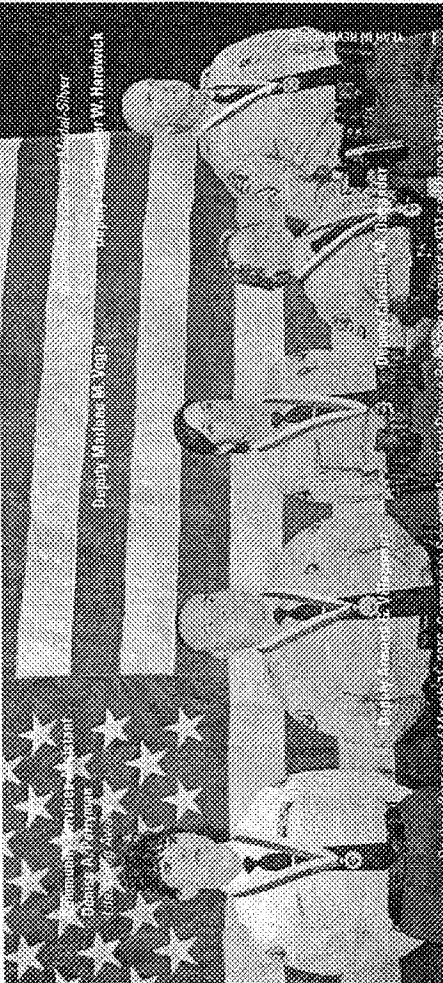
Major Matthew K. Voss  
Deputy Christopher K. Berge  
Deputy Charles A. Lemke, Jr.  
Deputy Brian E. Roth  
Deputy Joseph F. Foubler

In the early morning hours of October 26, 2006, at approximately 0600 hours, numerous officers were dispatched to the scene of a residential fire at 10000 S. 10th Avenue, Aurora, Colorado. Upon arrival, the fire was contained to the living area of the residence. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence.

Deputies Christopher Berge, Charles Lemke, Brian Roth, Joseph Foubler, and Joseph Lemke were dispatched to the scene of the fire. They arrived at the scene at approximately 0600 hours. They found the fire contained to the living area of the residence. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence.

As the incident progressed, one of the suspect's friends struck Deputy Foubler in the chest and he fell to the ground. Fortunately, Deputy Foubler was wearing the subject's vest. Deputy Lemke was the only officer who was not injured. Deputy Lemke placed himself in the suspect's line of fire and removed Deputy Foubler from danger. The other deputies returned fire, killing the suspect.

It was later learned the suspect had made several attempts to enter the barricaded room, striking the door several times, in an attempt to kill the woman and her children. For discharging great brasses when confronted by circumstances beyond their control, and placing themselves in peril to save the lives of a mother and her children, Deputy Christopher Berge, Deputy Charles Lemke, Deputy Brian Roth, Deputy Joseph Foubler, and Deputy Charles Lemke were awarded the Distinguished Conduct Medal, Silver.



Major Matthew K. Voss  
Deputy Christopher K. Berge  
Deputy Charles A. Lemke, Jr.  
Deputy Brian E. Roth  
Deputy Joseph F. Foubler

By the afternoon of March 14, 2006, Community Services Center was closed. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence.

Deputies Medicine Vega, Christine Estrader, Christopher Hardwick, and Armand Villagomez arrived at the location of the fire. They found the fire contained to the living area of the residence. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence.

The deputies pointed on the front door of the room but received no response. Deputies Vega and Hardwick then proceeded toward the rear of the property where they noticed smoke billowing out of a northeast window. They immediately summoned the Fire Department and paramedics for assistance.

Believing people may be trapped inside the home, Deputy Hardwick returned to the front door and knocked down the door. All four deputies then entered the home. The fire was caused by a gas furnace. The fire was extinguished by the fire department. The fire caused significant damage to the residence.

Aware the lives of small children were in the balance, the deputies acted quickly. Systematically clearing the house room by room, they encountered a fire and a kitchen door that had a large amount of smoke coming from under the door. Unable to open the kitchen door, Deputy Villagomez tripped over the door of the kitchen. The deputies were immediately met by a wall of antiseptic black smoke. Although the deputies were well-trained and skilled in their duties, they became very disoriented. Deputy Vega, who was the only one of the deputies who was not injured, immediately grabbed the children and passed them to Deputy Vega. Deputy Vega then passed them to Deputy Estrader, who passed them to safety outside the residence. The mother, who became extremely uncooperative, failed to be brought from the room and outside the residence.

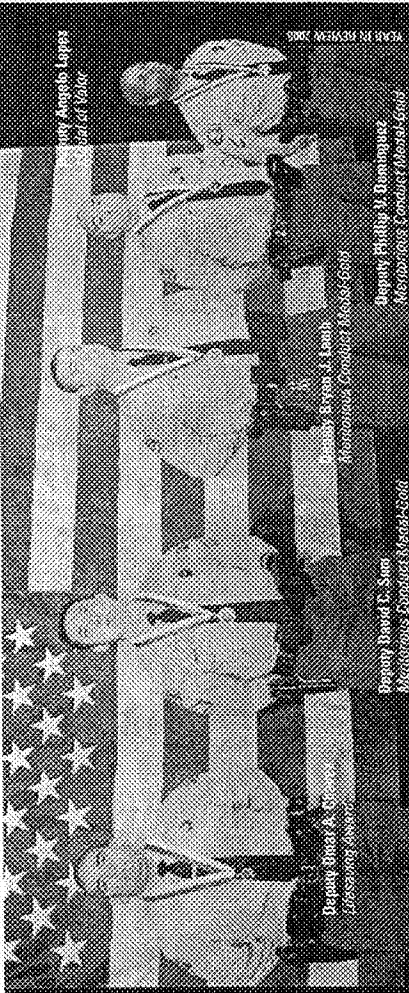
Deputy Vega continued to search for additional victims; however, the room was now obscured with thick black smoke from the fire to the ceiling, making it almost impossible to see a person's face inside. She eventually saw James beyond the rear of the room but could not tell what was burning. Deputy Hardwick then entered the hallway and attempted to extinguish the fire with a garden hose. The Department personnel eventually arrived and extinguished the fire.

Subsequent investigation revealed that the mother was suffering from depression and had attempted to kill herself and both her children by setting the interior of the house on fire.

For quickly assessing the urgency of the original 911 call and immediately dispatching emergency units to the location, undoubtedly saving precious time and allowing the deputies to arrive in time to save the family, Community Services Assistant Denise Peterson was awarded the Department's Utz Award.

For displaying great courage and placing the mother in jeopardy, well to save the lives of two small children and their mother, while ignoring the threat to their own personal safety, Deputy Christopher Hardwick, Deputy Christine Estrader, Deputy Medicine Vega, and Deputy Armand Villagomez were awarded the Meritorious Conduct Medal, Silver.





**Deputy David C. Sum**  
*Mentorship Award*

**Deputy David A. Gomez**  
*Lifesaving Award*

**Deputy Phillip T. Dominguez**  
*Mentorship Award*

**Deputy Mark H. Stone**  
*Lifesaving Award*

**Deputy Hank S. Ayala**  
*Lifesaving Award*

On the morning of December 27, 2007, Lanius Stinger received a call from a man who said he was looking for a male child near his home and was attempting to kill himself and their small children by lighting them on fire. Deputies Angela Lopez, Philip Dominguez, Bryan Lamb, Devon Edlinson, David Sun, Hans Ayala, Don Chavez, and Mark Stone immediately responded to the residence.

When the deputies arrived at the residence, they observed thick black smoke coming from the roof. The deputies sought to keep children inside screaming and crying. The front door of the residence had a locked metal security screen door and bare in all the windows.

Deputies Lamb, Dominguez, and Ayala quickly removed the metal screen door by force from the structure without using their force tools. As the window was about 5 feet from the ground, Deputy Ayala placed a kneeling fire blanket on the ground. When heavy smoke snake and red vehicle inside the house, Deputy Lamb climbed through the opening to locate the victims.

Extremely concerned for Deputy Lopez's safety, Deputies Gomez, Chavez, and Stone quickly removed the front security screen door after which Deputy Gomez used a ground device to assist Deputy Lopez in removing the front window door and put a locked metal security screen door open.

Deputies Lopez, Dominguez, Lamb, Sun, Dominguez, and Edlinson entered the home. Once inside, they located a female adult and the children lying on the floor near the kitchen. The female appeared to have a head protruding from her lower abdomen.

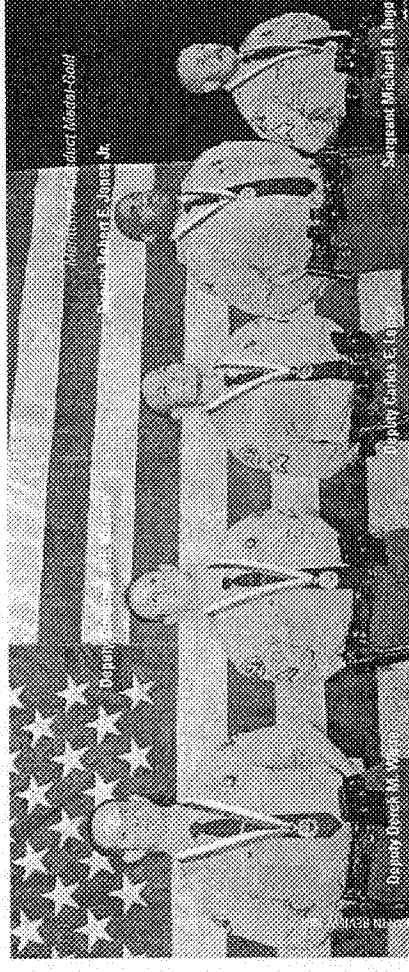
The deputies carried the children to safety. Deputies Gomez and Edlinson then carried the female out of the house. Fire Department personnel and paramedics immediately began rendering first aid to all of the victims.

A subsequent investigation revealed the blaze was caused by two propane gas tanks. It was determined that in another two to five minutes the house would have become completely engulfed in flames.

For taking immediate action and protecting the lives of others during circumstances beyond the normal course of their duties, Deputy Hans Ayala, Deputy Don Chavez, and Deputy Mark Stone were awarded the Department's Lifesaving Award.

For placing themselves in immediate peril to perform an act of great bravery, with full knowledge of the risk involved, Deputy Phillip Dominguez, Deputy Bryan Lamb, Deputy Danny Gillman, and Deputy David Sun were awarded the Meritorious Conduct Medal.

For displaying great courage above and beyond the call of duty under immediate life-threatening peril, with full knowledge of the risk involved, Deputy Angela Lopez was awarded the Department's highest honor, the Medal of Valor.



**Sergeant Michael E. Lopez**  
*Mentorship Award*

**Deputy Daniel M. Williams**  
*Mentorship Award*

**Deputy Carlos E. Lopez**  
*Mentorship Award*

**Deputy Michael Lopez**  
*Mentorship Award*

**Sergeant Michael Lopez**  
*Mentorship Award*

On approximately 1:30 a.m. on August 3, 2007, Sergeant Michael Lopez and Deputies Robert Lopez, Carlos Lopez, Christopher Maurizi, and Derek White were on duty in the city of Los Angeles. The responding deputies were familiar with the location, a high crime residential area where there had been recent gang shootings.

As the deputies approached the residence, one male suspect ran toward the rear of the property. Deputies positioned at the rear of the location heard someone jump a fence on the south side of the property. The deputies observed the suspect run into a neighbor's backyard and attempt to gain entry through security gate at the rear of the residence. As the suspect attempted to force the gate, he was met at the door by a young child. The suspect demanded that the child bring the door and confirmed his efforts to force the way inside the house. From Deputy White's position on the ground, he could not observe the suspect without risking the safety of the child.

The suspect was eventually able to force his way into the residence. As that time, Deputy White faced the child and the suspect who had a gun in his hand. Upon hearing this, he immediately established a containment and began coordinating a rescue operation.

Communication was established with a female adult inside the residence. However, the suspect had entered her home and was reluctant to exit. Deputies quickly realized the serious nature of the situation and responded that they and all of the occupants immediately exit to ensure their safety. The female, another adult, and two small children then evacuated the location. Once outside, the female advised that her 33-year-old mother, who was disabled and unable to move, was still inside the residence.

Following an armed suspect was now inside of the location with an elderly female resident, the deputies made several attempts for the suspect to exit without success. Acting swiftly, the deputies formulated a plan to enter the location. Knowing there was a high probability of becoming involved in a shootout with the armed suspect, Sergeant Lopez and Deputies Lopez, Maurizi, Jones, and White entered the location. Their primary objective was to prevent the loss of anyone in the house and neutralize the threat of the armed suspect.

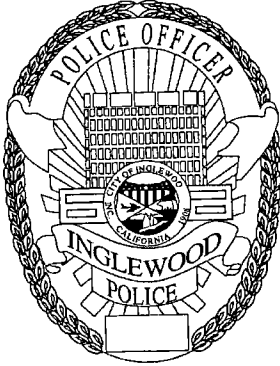
The entry team immediately conducted a proactive sweep of the location and discovered the suspect hiding in a bedroom closet. The suspect was still armed, and the deputies ordered him to get out of the closet with his hands up. As the suspect rose to his feet, a black commemorative metal fell to the floor. The suspect was then taken into custody, and the elderly female was reassured by her family.

Had it not been for the entry team's selfless bravery, immediate tactical planning, and fearless execution in the arrest of the suspect, the lives of all of the residents would have been in grave danger.

For exhibiting unparalleled job performance while placing themselves in immediate peril to perform an act of exceptional heroism, Sergeant Michael Lopez, Deputy Robert Lopez, Deputy Carlos Lopez, Deputy Christopher Maurizi, and Deputy Derek White were awarded the Meritorious Conduct Medal.

For displaying great courage above and beyond the call of duty under immediate life-threatening peril, with full knowledge of the risk involved, Deputy Angela Lopez was awarded the Department's highest honor, the Medal of Valor.





# INGLEWOOD POLICE DEPARTMENT

## **NEWS RELEASE**

**CITY OF INGLEWOOD, CALIFORNIA**

ONE MANCHESTER BOULEVARD / P.O. BOX 6500 INGLEWOOD CALIFORNIA 90301

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**September 5, 2008**

The Inglewood Police Department is responding aggressively to directives issued by the City Council calling for enhanced training for officers department wide, and will seek to expedite ongoing internal and independent reviews of Department policies, procedures and tactics, in the wake of recent officer-involved shootings.

In addition, seven officers and a field sergeant involved in a fatal confrontation Aug. 31 with a homeless man on South Market Street, will not be returned to patrol duties until they receive further supplemental training and are evaluated to the satisfaction of the Department and City Council. In the tragic incident, Eddie Felix Franco, 56, was stopped by police officers after reports from a local merchant that he had been seen with a chrome pistol tucked into his waistband. Based on preliminary investigation findings, Franco was ordered to place his hands above his head. However, Franco ultimately dropped his hands and appeared to officers to be reaching toward the weapon at his waist, resulting in officers firing as many as 47 shots.

A second person, a motorist driving by the scene, was grazed in the head by a bullet fired by police. The male adult received stitches, and was treated and released at a local hospital.

Officers involved in the Aug. 31 shooting and presently on administrative leave pending full reviews and supplemental training are:

- Officer Max Koffman, 17 years of experience
- Officer Loren Robinson, 10½ years of experience
- Officer John Baca, 8 years of experience
- Officer Caroline Amezcua, 5 years of experience
- Officer Christopher Anderson, 1 year of experience
- Officer Ryan Green, 1 year of experience
- Officer Zerai Massey, 5½ years of experience
- Sergeant Matt Hart, 20 years of experience

Page 1 of 3

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Inglewood Police Department  
Press Information Officer (888) 941-1447  
Released by Lt. Mike McBride

JACQUELINE SEABROOKS  
Chief of Police

025

None of the officers involved in the Aug. 31 incident were involved in the three earlier officer-involved shootings.

The Inglewood Police Department is mindful of and shares the community's concern over these shootings, events that have set in motion a series of cumulative reviews to make sure officers in the field are utilizing the best possible tactics and fully understand Department use-of-force policies. Parallel to this, we continue to review all aspects of the Aug. 31 shooting, focusing on how IPD officers were deployed after responding to the scene and what circumstances occurred after the officers encountered Franco and a second man in the 400 block of South Market Street.

While our investigation is in its preliminary stages at this time the following specific details have emerged to date:

Officers were dispatched to the area about 1:47 p.m. after receiving reports about a man with a gun. Officers encountered the homeless man, later identified as Franco, as well as the second man, both of whom were found standing near large carts filled with unknown materials. One cart had a pit bull tied to it.

In response to commands from police, the second man put his hands on his head, walked backwards toward the officers on scene and was detained without incident. For reasons that remain unclear, Franco failed to comply with the officers' orders to do likewise. After several minutes, and as officers deployed less lethal force to obtain his compliance, Franco abruptly dropped his hands, apparently reaching for what officers had reason to believe was a chrome handgun in his waistband. At this point, officers opened fire. The subsequent investigation revealed that the gun officers believed to be real was later determined to be a chrome-colored replica.

Franco was transported by ambulance to UCLA Medical Center in Westwood where he was pronounced dead. The pit bull terrier owned by the second man was wounded in the shooting and was taken to a local animal hospital where the dog was treated and survived.

At this time, there are four parallel but independent investigations underway:

- An internal IPD investigation is reviewing the circumstances surrounding the Aug. 31 officer-involved shooting.
- An internal administrative investigation is assessing the officers' actions in terms of department policies and procedures. That process precedes and must be completed before any formal determination on the officers' conduct can be made. This probe also makes recommendations regarding training and equipment needs as well as tactics used.
- The Los Angeles District Attorney's Office is independently reviewing the circumstances of the shooting to determine whether any criminal culpability may exist regarding the officers' actions.

- And finally, a separate review by the Los Angeles County Office of Independent Review (OIR) is continuing. The cumulative review by OIR, which was requested by Chief Jacqueline Seabrooks and approved by the City Council in July, is assessing Police Department policies, procedures, investigatory response and training. OIR representatives responded to the Aug. 31 scene and are consulting with both the administrative and criminal investigators as well as investigators from the District Attorney's Office.

In the past 11 months, this Department has implemented reforms and reorganized to boost accountability, reduce overall crime and best preserve public safety among the residents that officers are sworn to protect. These immediate and affirmative steps are required and ongoing so the larger community and Inglewood residents can maintain their faith, confidence and support of the Police Department.

It is critical for our Department, and for all of those involved in this incident and other recent officer-involved shootings, that we let the investigations run their course before passing judgment or drawing any conclusions about the IPD or its dedicated men and women.

*Note: Four photographs depicting the replica handgun are available to the media in conjunction with the release of this News Release.*

# # #

Page 3 of 3



Pictures Intentionally Omitted



## Officer Involved Shooting Incidents

I am cognizant of my duty to provide public safety through a focus and dedication by means of crime prevention and crime response. Paramount to my duty, I place my personal values of honesty, integrity, courage and respect. These values are required by me, my profession, and the oath I took to serve. Through my 24 years of service to the City of Oakland, I have demonstrated these values in my relationships with, and service to, my community. It is important to me that my values, which have now become the values of the Department I lead, are equally exhibited in moments of routine as well as in moments of critical incident.

Officer-involved shootings may undoubtedly impact and affect police and community relations more so than any other incident or event. And deservedly so. These incidents represent moments of police authority and uses of lethal force – authority provided to us by law and derived from public consent - that result in the most contentious and adversarial of all outcomes.

These possible consequences exist during the course of each and every patrol officer's shift when I ask them to go out and intelligently and lawfully use their training to intervene in potentially criminal behavior or to react to crime and exigent circumstances as they occur. Each of these requests requires trust in my officers, and trust in my leadership, to act professionally, ethically, and under the knowledge and weight of accountability for our actions.

Pursuant to their request under the California Public Records Request Act, the below documents were released October 2nd to the attorney representing the family of a young man named Alan Blueford who was shot and killed during an officer-involved shooting shortly after midnight on May 6, 2012.\* Although the District Attorney's Office has not yet released their independent report regarding the filing of criminal charges, and my Internal Affairs Division has yet to present its findings to the Department's Executive Force Review Board, I have authorized this release to the public. I am hopeful that these documents will help serve to provide clarification and understanding.

This release is not intended to address all questions and criticisms that exist; however, critical issues regarding the investigation, the providing of medical care and aid, summary witness statements, lab results, the Coroner's report, and independently corroborated facts and circumstances as they existed on the scene are addressed through this release. I also request the public's understanding that, at this point in time, I am unable to comment on the specific issues of training, policy, or law that are relevant to the investigation. The purpose of the Executive Force Review Board is to assess, in full, the actions of all involved officers and to determine whether the force used was in compliance with Departmental policies and procedures, and to assess whether or not changes to policies or procedures are needed.

– Chief Howard A. Jordan

### Alan Dwayne Blueford

#### Blueford Report

[\(/Government/o/OPD/a/PublicReports/OIS/OAK037957\)](/Government/o/OPD/a/PublicReports/OIS/OAK037957)

#### Crime Scene Report

[\(/Government/o/OPD/a/PublicReports/OIS/OAK037953\)](/Government/o/OPD/a/PublicReports/OIS/OAK037953)

#### Lab Report

[\(/Government/o/OPD/a/PublicReports/OIS/OAK037955\)](/Government/o/OPD/a/PublicReports/OIS/OAK037955)

#### Press Release

[\(/oakca1/groups/police/documents/pressrelease/oak034790.pdf\)](/oakca1/groups/police/documents/pressrelease/oak034790.pdf)

#### Incident Recall (Radio Transcript)

[\(/Government/o/OPD/a/PublicReports/OIS/OAK037954\)](/Government/o/OPD/a/PublicReports/OIS/OAK037954)

#### Coroner's Report

[\(/Government/o/OPD/a/PublicReports/OIS/OAK037952\)](/Government/o/OPD/a/PublicReports/OIS/OAK037952)

#### May 6 and May 7, 2012 Nixle Alerts

[\(/Government/o/OPD/a/PublicReports/OIS/OAK037956\)](/Government/o/OPD/a/PublicReports/OIS/OAK037956)

\* Witness names and personal information of witnesses have been redacted to protect their confidentiality given valid and articulable safety concerns, pursuant to Government Code 6255. Certain internal information regarding police procedure

jeopardize safe and efficient operations.



# Oakland Police Department

455 - 7th Street  
Oakland, CA 94607

Supplemental

## Crime Report

OCURRED	DATE	TIME	DAY	PREMISE TYPE	CAD INCIDENT	RD #	
ON OR FROM	06 MAY 12	0003	Sunday	Highway/Road/Alley/Street/Sidewalk	LOP120506000009	12-021875	
REPORTED	06 MAY 12	0505	Sunday	ADDRESS / LOCATION	AREA	BEAT	
				90T 90T H AV&OLIVE ST ST, Oakland, CA	2	34X	
<input type="checkbox"/> PHOTOS TAKEN <input type="checkbox"/> PRINTS OBTAINED <input type="checkbox"/> TECHNICIAN							
LOCATION TYPE:				<input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> SENIOR INVOLVED <input type="checkbox"/> GANG RELATED <input type="checkbox"/> DRUGS INVOLVED			
OUTSIDE REPORTING AGENCY				SOLVABILITY FACTORS <input type="checkbox"/> SERIOUS INJURY <input type="checkbox"/> IDENTIFIABLE SUSPECT <input type="checkbox"/> EVIDENCE <input type="checkbox"/> R/O REQUESTS INVEST. <input type="checkbox"/> SUSPECT IN CUSTODY <input type="checkbox"/> SURVEILLANCE PHOTO <input type="checkbox"/> NAMED SUSPECT			
Weapon Used				Handgun			
DGO/K Force Reported				No			
Injury Type							
Burglary Type							
Method of Entry							
Location of P.O.E.							
Point of Entry							
Location				Highway/Road/Alley/Street/Sidewalk			
OFFICER 1	OFFICER NAME   SERIAL NO.				ROLE	BEAT	AREA
	Sergeant Ross Tisdell 8039				RO	DST4	2
OFFICER 2	OFFICER NAME   SERIAL NO.				ROLE	BEAT	AREA
	Lieutenant Kirk Coleman 7979				ROSUP	BFO2	2
OFFICER 3	OFFICER NAME   SERIAL NO.				ROLE	BEAT	AREA
	SGT Todd Mork 8173				REV	NET	2
<b>Narrative</b> On 6 May 12, at about 0003hrs., I was working 2L74. I was driving fully marked OPD Vehicle #1441. I was wearing a full OPD Uniform. I was assigned to Patrol. I was working as the District 4 supervisor.  I responded to Highland Hospital on the report of an OPD Officer who had been involved in an officer involved shooting and had been shot. When I arrived at Highland Hospital I advised hospital staff that an officer was being transported to Highland Hospital with [REDACTED]. Approximately five minutes later I observed a fully marked OPD vehicle drive into the emergency parking lot. [REDACTED] It appeared Officer Masso sustained a [REDACTED].  While medical staff was treating Officer Masso I took a public safety statement from him. I asked Officer Masso if he remembered how many shots he fired from his firearm and location. Officer Masso stated he shot three rounds from his firearm at 92nd Ave. and Birch St. in an easterly direction. I called Sgt. T. Mork and advised him who was at the scene of the shooting.  I directed Officer R. Brown and Officer R. Curtin to stay with Officer Masso while he was being treated inside of the hospital.  I provided scene security at Highland Hospital until relieved by Sgt. Mork.  I did not use any force or observe any officer use force.  I did not contact any witnesses.  I did not activate my PDRD.							
REPORTED BY	SERIAL	BEAT	AREA	SUPERVISOR	SERIAL	REVIEWER	SERIAL
Sergeant Ross Tisdell	8039	DST4	2	Lieutenant Kirk Coleman	7979	SGT Todd Mork	8173

ORI 00109



# Oakland Police Department

455 - 7th Street  
Oakland, CA 94607

Supplemental

## Crime Report

OCURRED	DATE	TIME	DAY	PREMISE TYPE	CAD INCIDENT	RD #	
ON OR FROM	06 MAY 12	0003	Sunday	Highway/Road/Alley/Street/Sidewalk	LOP12050600009	12-021875	
REPORTED	06 MAY 12	0003	Sunday	ADDRESS / LOCATION		AREA	
				90T 9200 Blk Of Birch St ST, Oakland, CA 94605 (At: Supplemental Report, Off. R. Curtln 8973P)		2	
<input type="checkbox"/> PHOTOS TAKEN <input type="checkbox"/> PRINTS OBTAINED <input type="checkbox"/> TECHNICIAN							
LOCATION TYPE:				<input type="checkbox"/> DOMESTIC VIOLENCE	<input type="checkbox"/> SENIOR INVOLVED	<input type="checkbox"/> GANG RELATED	<input type="checkbox"/> DRUGS INVOLVED
OUTSIDE REPORTING AGENCY				SOLVABILITY FACTORS	<input type="checkbox"/> SERIOUS INJURY	<input type="checkbox"/> IDENTIFIABLE SUSPECT	<input type="checkbox"/> EVIDENCE
					<input type="checkbox"/> SUSPECT IN CUSTODY	<input type="checkbox"/> SURVEILLANCE PHOTO	<input type="checkbox"/> NAMED SUSPECT
Weapon Used							
DGO/K-4 Force Reported							
Threat Type							
Burglary Type							
Method of Entry							
Location of P.O.F.							
Point of Entry							
Location Highway/Road/Alley/Street/Sidewalk							
OFFICER 1	OFFICER NAME   SERIAL NO. Officer R Curtln 8973				ROLE RO	BEAT 30X	AREA 2
OFFICER 2	OFFICER NAME   SERIAL NO. Sergeant J Encinas 7615				ROLE ROSUP	BEAT 3L75	AREA 2
OFFICER 3	OFFICER NAME   SERIAL NO. SGT Jack Doolittle 8007				ROLE REV	BEAT 5A1	AREA 2
OFFICER 4	OFFICER NAME   SERIAL NO. Officer R Brown 8967				ROLE ADD	BEAT 30X	AREA 2
<b>Narrative</b>							
Supplemental:							
<p>On 06May12 at approx 0003Hrs I was working with Off. R. Brown 8967P. We were working as OPD patrol unit 3A30, wearing full police uniform and driving marked patrol vehicle #1819. We responded to the 9200 Blk of Birch St to assist Off. M. Masso 9059P who advised over the radio that he was involved in a shooting and signaled a [REDACTED]</p> <p>We responded to the scene and I did not know if Off. M. Masso was still actively engaging the suspect in a gun fight. For this reason, I elected to deploy my service rifle in a slung position, in front of my body. I walked towards Off. M. Masso and observed him with his service pistol standing in a MB, laying on his back. I did not see the MB moving.</p> <p>Off. M. Masso appeared to be in pain and [REDACTED] input Off. M. Masso's left arm around my shoulder and [REDACTED]</p> <p>[REDACTED]</p> <p>I know from training and personal experience that [REDACTED]. Concerned for Off. M. Masso's life [REDACTED] My partner, Off. R. Brown 8967P and applied basic medical treatment.</p> <p>[REDACTED] Upon arrival to the hospital, medical staff were waiting outside the [REDACTED] entrance. I assisted in removing [REDACTED] Off. M. Masso [REDACTED] doctors for medical assistance.</p> <p>Once in the hospital, I stayed with Off. M. Masso until he was medically cleared.</p> <p>At approx 0115 hrs, I contacted Sgt. J. Doolittle 8007P and advised him of a use of force that Off. R. Brown had. This was the earliest time that we could advise of the use of force because of the fact that we were helping an injured officer. See Off. Brown's supplemental</p>							
REPORTED BY	SERIAL	BEAT	AREA	SUPERVISOR	SERIAL	REVIEWER	SERIAL
Officer R Curtln	8973	30X	2	Sergeant J Encinas	7615	SGT Jack Doolittle	8007

ORI 00109

30B





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Los Angeles Times

September 10, 2012 Monday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 1

**LENGTH:** 1114 words

**HEADLINE:** COLUMN ONE;

Drivers have no beef with him;

A traffic cop's bosses were surprised by what they didn't find when running a check of complaints from motorists.

**BYLINE:** Robert Faturechi

**BODY:**

Along with meter maids and IRS auditors, traffic cops may be the public servants most reviled just for doing their jobs. So perhaps it's inevitable that even the best will get a few citizen complaints filed against them from time to time.

But when Los Angeles County sheriff's supervisors recently checked the numbers over the last 20 years for one of their veteran traffic cops, what they found shocked them. The number of complaints?

Zero. None. Nada.

Deputy Elton Simmons' bosses say such a record is near-impossible, that even good cops can get a few a year.

The hulking, black-booted Simmons attributes his lack of complaints to showing simple respect. "Just treat people right, give a smile," Simmons says. "It's never 'Do you know why I stopped you?' It's 'Hey, how are you doing today?'"

Simmons originally came to California as a young man to work for Hughes Aircraft, but cop shows like "CHiPs" stoked his interest in becoming a motor deputy. "You'd see it on TV and I was like 'I want to do that.'"

Now 53, his mustache graying, he's one of the department's most seasoned motor cops. For years, he's patrolled the streets of La Mirada, cracking down on bad drivers -- always careful, he says, to try to make doling out the costly moving violations as pleasant as possible.

His easygoing manner was cultivated by an uncle back home in Louisiana, a pastor who instilled in Simmons the motto "Do good, be good, treat people good."

Simmons says he thinks about that mantra every time he's parked in one of his hiding spots, waiting for the next violator. "I tell the rookies, just do the right thing and you don't have to worry

about too many things," he explains.

Simmons' approach, his bosses say, can keep what could be ugly moments under control. The motor cop described recently pulling over a particularly frazzled young man for speeding. "He was shaking like a leaf," Simmons recalled.



He gave the youth some time alone, meanwhile scanning his driver's license looking for small talk fodder. When Simmons returned to the car window, he changed the subject: "Your license says you're 280," he told the driver, referring to his weight. "You're not 280."

Almost immediately, the man about to be hit with a ticket was proudly telling how he'd lost 100 pounds through a strict regimen of swimming and healthy eating.

"All of a sudden the shaking is gone," Simmons said at the station the next day.

"He still got his ticket though, right?" his sergeant interrupted.

"He still got his ticket," Simmons said.

Civil, he says of his style, but never soft.

Still, even his patience is sometimes tested.

One motorist he stopped for talking on a cellphone said he had one wish for the deputy: Get hit by a car. A lot of cops, one of Simmons' bosses admitted, would have taken that remark as an invitation to tack on an extra infraction or two. Simmons chose to keep cool.

"I said, 'Well, if you're gonna make a wish, it's not gonna come true.' He's a human, I'm a human," he said.

On a recent summer day, Simmons was hiding from the sun -- and passing motorists -- under a shade tree along a sprawling stretch of road in La Mirada. His black boots were planted firmly on the asphalt, a sheriff's black-and-white bike steadied in between. (One fact is evident: Motor cops have to be tall or else it's hard to keep their bikes balanced while idling.)

Several motorists sped by, but Simmons waited for an especially deserving one before pulling out. It was a very nervous 19-year-old named Ismael Natera.

"I want you to slow down, OK?" Simmons warned in a fatherly way.

Maybe it was because Natera was a teenager sweaty with nerves, or maybe it was because he was late for work, but the youth got off with a warning. "I'll let you on your way," Simmons drawled.

"He cut me some slack," Natera said afterward, growing even later to work but nevertheless willing to sing Simmons' praises. "I've been pulled over before and some cops have ... different attitudes."

Simmons' next target was a woman behind the wheel of a shiny Lexus SUV.

Legs spread like stilts, leaning casually into her window, Simmons was not so forgiving this time, tagging her with a ticket that would carry a hefty fine. This driver was less inclined to praise Simmons afterward.

Capt. Patrick Maxwell said the deputy has long had a reputation at the Norwalk station as a squeaky clean mentor. But even with that, Maxwell said, he was shocked after reviewing Simmons' personnel file recently.

Maxwell confronted him: "When's the last time you had a complaint?"

"I really don't know," Simmons responded.

As it turned out, it was in 1992.

The streak without a complaint is particularly surprising because grievances arise from any number of perceived affronts, including rudeness, racism or simply on policy criticisms. And these days, complaints don't have to be made in person. They can be shot off online, making Simmons' record all the more remarkable.

His record aside, Simmons insists he is far from a pushover. He believes tickets save lives.

One woman he cited for driving without a seat belt ran into him years later. Simmons says she shook his hand and thanked him because she had been in a wreck some time later and that time had her seat belt on.

Simmons acknowledges sparing drivers who seem to be in a genuinely bad place -- that teenager late to work or a frazzled woman recently who was on her cellphone because she was talking to her divorce attorney.

But for drivers who offer up phony excuses, the deputy says he's unforgiving.

Some common pleas he hears: I'm not from the area ("which doesn't mean anything"), Some car cut me off ("A lot of times drivers don't realize I've been watching; there wasn't another car") and I need to go to the bathroom ("So?").

A word to the wise, Simmons adds: Slamming on your brakes when you drive by a motor cop with a speed gun also doesn't work. The devices detect speeds from more than a football field away.

His favorite response when drivers argue is to explain that they'll have their chance to plead their case in court. This isn't meant to be snarky, he says -- sometimes he's wrong.

He recently pulled over a driver talking on an unusually fat phone. Though the motorist didn't argue during the stop, he did show up in court, where he explained to the judge that he had actually been talking on a Dictaphone.

When the judge asked Simmons if he was sure the device was a cellphone, the deputy admitted he wasn't. "It did look kind of thick to me," Simmons acknowledged.

The driver explained that he hadn't protested at the time because Simmons had pulled him over once before.

The cop had been so courteous, the man said, that he didn't want to cause him any trouble.

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robert.faturechi@latimes.com

**GRAPHIC: PHOTO: SHERIFF'S DEPUTY** Elton Simmons aims his laser at a speeding motorist in La Mirada. His advice: Don't think slamming on your brakes when you see a traffic cop will work; you're too late: The devices detect speeds from more than a football field away. **PHOTOGRAPHER:**Brian van der Brug Los Angeles Times **PHOTO: ELTON SIMMONS** always has a friendly greeting for the drivers he stops for violations. **PHOTOGRAPHER:**Brian van der Brug L.A. Times

**LOAD-DATE:** September 10, 2012



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August 5, 2012 Sunday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 29

**LENGTH:** 1115 words

**HEADLINE:** CALIFORNIA;  
Official possibly hindered probe of jails;  
A deputy may have been told about an informant's allegations that he was working with skinheads.

**BYLINE:** Robert Faturechi

**BODY:**

As part of an elite intelligence team, Los Angeles County sheriff's deputies Michael Rathbun and James Sexton turn inmates into informants, looking for tips on crimes and gang activity inside the nation's largest jail system.

Earlier this year, one of their informants offered up a bombshell: A fellow jail deputy was working as an operative for drug-smuggling, skinhead gangsters.

Following protocol, the partners detailed the allegations in a direct memo to their boss, Lt. Greg Thompson, the head of jailhouse intelligence.

But what happened next stunned them. Thompson told the deputy suspected of working with the skinheads about the memo and revealed to him the names of the confidential informant as well as those of Rathbun and Sexton, according to sources close to the case.

The informant's allegations echoed those against at least five jailers who have been convicted or fired in recent years over ties to a thriving drug trade behind bars. But the way this confidential information was handled was also part of a pattern. The Sheriff's Department has been accused in recent months of weak investigations of deputy misconduct and a corrosive code of silence that hamstring those investigations from the start.

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**Lack of discretion**

Even more than most tips, this one should have been handled discreetly, experts say. In the wrong hands, the information was dangerous. Inmates who cooperate with police are violently targeted by fellow inmates. Deputies who report colleagues for misconduct can be ostracized. And, if the deputy suspected of smuggling contraband got wind of the tip, catching him in the act would become nearly impossible.

The Times has found that days after the informant's cover was allegedly blown, he was moved out of protective custody and sent for at least several hours into general population housing, where he was more vulnerable to retaliation, according to internal custody records. Sheriff's officials were unable to explain why he had been moved.

The inmate was brought back into protective custody at the urgent pleading of Rathbun and Sexton, according to Rathbun's father, David -- a retired sheriff's official. A short time later, Sexton was confronted late one night in the employee parking lot by another jailhouse intelligence deputy who warned that Sexton and his partner had better keep their mouths shut, David Rathbun said.

David Rathbun, who served in the department for 35 years before retiring and is now a reserve deputy, said that even he felt intimidated. On three occasions since his son was revealed as a "snitch," he said, white supremacist pamphlets have been left outside his home.

Sexton and Michael Rathbun have declined to comment.

Sheriff Lee Baca also declined to discuss the situation, citing an ongoing probe. His spokesman, Steve Whitmore, refused to discuss specifics but said the department would take appropriate action.

Thompson is now the subject of an internal sheriff's investigation as a result of his alleged conduct. He declined to comment for this story.

According to the Feb. 9 memo written by Michael Rathbun and Sexton, a copy of which was obtained by The Times, the partners said they were alerted by the informant that a jail deputy at Men's Central Jail had developed a close relationship with a prisoner named Charles Reimer. The informant had given the deputies reliable information in the past and was deemed credible by the pair.

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Skinhead gang

Reimer, who went by the moniker "Fritz," was affiliated with the San Fernando Valley Peckerwoods, a skinhead gang. He wielded considerable influence over white inmates, according to the memo, such that he had "ordered physical discipline" against other inmates from his cell.

Nevertheless, the deputy allegedly bonded with Reimer over tattoo work, with the inmate offering to "hook him up" with free tattoos at a local parlor, one that also served as a hub for heroin sales, the memo states.

According to the memo, Reimer gave the deputy the phone number of a friend on the outside, a white supremacist gang member known as "Pest." Reimer told the deputy that "Pest" would get him tattooed for free. However, the informant, according to the memo, said "Pest" was more than just a tattoo enthusiast: He was a drug dealer who smuggled dope behind bars through "individuals turning themselves in for sentences or parole violations."

"These smuggled narcotics are then sold, with Reimer profiting," the memo states.

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Go-between

Over time, the informant alleged, the deputy became a go-between, passing messages between Reimer and "Pest," the memo states. On one occasion, the informant said he witnessed the deputy passing a small package, wrapped in brown paper, to Reimer.

The informant admitted he wasn't sure what was inside the package but said he would testify in court that he witnessed a hand-off, the memo states.

According to sources, Rathbun and Sexton delivered their memo to Thompson. Allegations of serious criminal activity by deputies are expected to be forwarded directly to the sheriff's internal criminal division, which specializes in investigating deputies suspected of crimes. Those investigators will often use surprise sting operations to ensnare dirty cops. One deputy, for example, was recently caught in an undercover sting trying to smuggle a heroin-stuffed burrito behind bars.

Thompson allegedly revealed the contents of the memo to the accused deputy and asked him if the allegations were true, according to sources who described the allegations against Thompson and asked for anonymity because they were not authorized to discuss an ongoing probe.

--

Transferred

Thompson was recently transferred to the narcotics division, which also handles sensitive informant information. He has since been moved again, to the sheriff's Temple Station.

The inmate informant could not be reached. The Times is withholding his name out of concern for his safety.

An employee at the tattoo shop said that "Pest" used to work there but was recently arrested and jailed.

The deputy accused of working with the skinheads has been relieved of duty pending the ongoing probe.

Michael Rathbun also has been placed on leave in connection with an off-duty DUI incident.

David Rathbun said the way the case was handled would make it difficult to determine whether the accused deputy was guilty and would probably leave his son and Sexton ostracized within the department.

"You'll be labeled as a snitch for the rest of your career. You become a bit of a pariah," he said. "If you want people to cooperate, what you have to do is protect them. But the department doesn't help them once they do the right thing. They leave them out there to the wolves."

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**LOAD-DATE:** August 5, 2012



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Los Angeles Times

November 13, 2011 Sunday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 1

**LENGTH:** 1353 words

**HEADLINE:** Baca used jail duty to punish deputies;  
Accused of misdeeds, they were transferred to keep them from the public, records show.

**BYLINE:** Jack Leonard, Robert Faturechi

**BODY:**

Enrique Munoz's record included allegations of fraud, loan sharking and threatening to kill somebody when he was sent to Los Angeles County Jail for three years.

But he wasn't there as an inmate. He was assigned to work there as a jail deputy, part of his Sheriff's Department-sanctioned punishment for assorted misconduct.

For years, the department transferred problem deputies to the system's lockups as a way of keeping them from the public. Other deputies were allowed to remain working in the jails after being convicted of crimes or found guilty of serious misconduct, according to confidential documents obtained by The Times.

Among them was a deputy who beat a firefighter bloody and unconscious during an off-duty incident, and another who authorities said threatened to stab a bar bouncer.

The backgrounds and conduct of deputies working in the jails have come under increased scrutiny in recent weeks amid revelations that some employees have beaten inmates, smuggled in contraband and falsified reports.

Although The Times found no evidence that the punished deputies took part in such misconduct, the cases offer a window into how the Sheriff's Department has managed its jails. They also offer more ammunition to critics who have called on Sheriff Lee Baca to use more experienced, better qualified deputies in the jails.

"This is shocking and a total aberration for the profession," said David Bennett, a criminal justice consultant who has been hired by jails around the country. "What we have aspired to do is make corrections a profession in and of itself -- not a dumping ground.... It's an insult to the profession."

After The Times recently began inquiring about the transfers, the Sheriff's Department drafted a policy to ban moving deputies into the jails as a form of punishment.

The department's watchdog, Michael Gennaco, first raised the issue two years ago, criticizing "disciplinary transfers" in a report that said it allowed problem deputies to influence younger deputies, who start their careers in the jails. Gennaco said he believes that the department heeded his advice but did not begin to adopt a formal policy against the practice until now.

In an interview, Baca acknowledged that the department moved disciplined deputies to the jail to keep them from the public and assign them less challenging jobs than patrol. He said he ordered an end to the transfers, telling captains to take responsibility for their own problem employees.

Baca blamed the county's Civil Service Commission in some cases for reinstating deputies the department tried to fire. Other employees were given second chances, he said, particularly for off-duty misconduct.

"Some of these people have rather good records of on-duty behavior," Baca said.

It is unclear how many deputies are working in the jails after having committed serious misconduct or crimes. Disciplinary records for law enforcement officers are confidential under state law. The Times learned the details of several cases in criminal court files and confidential internal documents.

Richard A. Shinee, general counsel for the deputies' union, said such transfers were rare but sometimes appropriate because deputies receive more intense supervision in jail than on patrol. "A single incident ought not to define an employee's career," he said. He declined to comment on individual deputies' cases.

Brian Richards and Joshua Titel were custody deputies in June 2007 when they beat another man while off-duty, according to confidential disciplinary records.

The men had been drinking at the homes of two sheriff's supervisors one Saturday when they headed to the San Dimas residence of Titel's girlfriend, records show. When the deputies arrived, they discovered another man, Stephen Paige, who had dated Titel's girlfriend and was the father of her daughter.

Paige told a sheriff's investigator that the deputies ran at him and slammed his head so hard against his truck that it made a dent in the vehicle. He was repeatedly struck and kicked while lying motionless until he lost consciousness, the disciplinary report said.

An emergency room doctor told the grand jury that heard the case that Paige was covered in blood with injuries to his face, knees and chest. The attack forced Paige, a La Verne firefighter, to miss about six weeks of work, the report stated.

The deputies initially alleged that Paige threw the first punch, but Titel later admitted that he lied about acting in self-defense, the report stated.

The grand jury indicted Richards and Titel, both 34, on a felony charge of assault. In April 2009, the two men pleaded guilty to misdemeanor charges -- Richards to battery and Titel to assault. They were placed on three years' probation.

The Sheriff's Department tried to fire both but eventually agreed to a settlement. Richards was suspended for 30 days and kept his job; Titel was demoted to custody assistant but will have the chance to reapply to become a deputy. Richards is working in patrol.

The department dealt in a similar fashion with another deputy, David Ortega, after he was charged with assaulting a bar security guard. In 2008, Ortega was at the Slidebar in Fullerton when the bouncer told him and another off-duty deputy that the bar was closing.

Ortega yelled profanities, grabbed the bouncer's shirt and spat in his face, according to the Orange County district attorney's office. Ortega then threatened to stab the bouncer.

Ortega was charged with misdemeanor counts of assault, battery, attempting to make a criminal threat and disturbing the peace. In April 2009, he pleaded no contest to disturbing the peace by fighting and was placed on probation.

Ortega, 29, was demoted to custody assistant.

In Munoz's case, the department had tried to fire him on three occasions for misconduct. Each time, he successfully appealed his termination. At least two of those times, the department resorted to transferring him to jail duty as part of his punishment, records show.

In one case, Munoz was caught using a confidential law enforcement database to check the status of his cousin's car, which had been impounded by another deputy. Munoz then signed a fake name to get the car released. In that case, he was moved to Men's Central Jail, according to records.

Years later, he was accused of making death threats against an aspiring singer who refused to repay a loan. The woman alleged that he wanted \$12,000 interest on a \$10,000 loan. When she refused, she said, Munoz offered to forgive the interest in exchange for sex, according to a police report.

After she refused, she told police that Munoz warned her, "Watch your back, I'm going to kill you unless you pay." The investigation into her allegations, however, fell through when she stopped cooperating and he was never charged.

In another case, sheriff's officials suspected that Munoz, who was home with a shoulder injury, was committing workers' compensation fraud. They put him under surveillance and discovered he was operating a mobile tamale-selling business -- Enrique's Tamales. Munoz, who said he was too injured to work a desk job, was seen carrying a large tub of hot, foil-wrapped tamales into a local beauty salon while he was supposed to be at home recuperating.

After he was caught, Munoz allegedly told another deputy to spread a rumor that Munoz had "dirt" on sheriff's executives, in hopes that they would drop his case.

The department moved to fire Munoz for insubordination but he again was able to successfully appeal. He was suspended instead, and assigned three years of jail duty, according to records.

Reached by The Times, Munoz called the department's practice of sending problem deputies to the jail "fair" and a good way to help deputies who have strayed. He denied making death threats, offering predatory loans or trying to blackmail his bosses.

Even after his mandated three years on jail duty, Munoz said, he chose to stay in custody work. He said he's become a mentor to rookie deputies, who call him the "O.G. deputy," short for "Original Gangster."

"I've been a very good influence," he said.

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**GRAPHIC: PHOTO: MEN'S CENTRAL:** The backgrounds and conduct of deputies working in the L.A. County jail system have come under increased scrutiny in recent weeks. **PHOTOGRAPHER:**Jay L. Clendenin Los Angeles Times

**LOAD-DATE:** November 13, 2011





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Los Angeles Times

April 22, 2011 Friday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 1

**LENGTH:** 681 words

**HEADLINE:** Tattoo testifies to a murderer's crime

**BYLINE:** Robert Faturechi

**BODY:**

The process was routine. L.A. County Sheriff's homicide investigator Kevin Lloyd was flipping through snapshots of tattooed gang members.

Then one caught his attention.

Inked on the pudgy chest of a young Pico Rivera gangster who had been picked up and released on a minor offense was the scene of a 2004 liquor store slaying that had stumped Lloyd for more than four years.

Each key detail was right there: the Christmas lights that lined the roof of the liquor store where 23-year-old John Juarez was gunned down, the direction his body fell, the bowed street lamp across the way and the street sign -- all under the chilling banner of RIVERA KILLS, a reference to the gang Rivera-13.

As if to seal the deal, below the collarbone of the gang member known by the alias "Chopper" was a miniature helicopter raining down bullets on the scene.

Lloyd's discovery of the tattoo in 2008 launched a bizarre investigation that soon led to Anthony Garcia's arrest for the shooting. Then sheriff's detectives, posing as gang members, began talking to Garcia, 25, in his holding cell. They got a confession that this week led to a first-degree murder conviction in a killing investigators had once all but given up hope of solving.

For Lloyd, the image on the chest of the delicate, doe-eyed gang member brought back a rush of memories.

The snapshot was taken inside the sheriff's Pico Rivera station after Garcia was arrested in a routine traffic stop and booked on suspicion of driving with a suspended license.

Before they are released, suspected gang members typically are asked to remove their shirts and have their tattoos photographed by graffiti team deputies. Taggers often mark their own bodies with the same signatures they spray on buses and storefronts -- and eyewitnesses to crimes sometimes help close cases by recalling distinctive tattoos.

Homicide Lt. Dave Dolson said gang members frequently get symbolic tattoos to bolster their street cred: three dots on the hand to signify "mi vida loca" ("my crazy life"), sketches of prisons where they've done time, gang insignia prominently stenciled on their heads and torsos.

But a tattoo laying out a detailed picture of a crime scene is something far outside the norm. "I haven't seen it before, and I haven't heard of anything like it either," Dolson said.

Garcia's tattoo shows a man with the body of a peanut being hit by bullets and falling back toward the liquor store. In gang slang, the word "peanut" is used to derisively describe a rival gang member.

Lloyd had been at the scene of the Pico Rivera killing as a station sergeant. After he recognized it in the tattoo, the 30-year veteran called up the cold case file. He pored over the crime scene photographs alongside the photos of Garcia's chest. He also drove to the site of the slaying.

"I worked Pico Rivera a lot of years, so I'm pretty familiar with that area," he said. "It was incredible."

With the help of major crimes investigators, deputies found Garcia living with relatives in La Habra. They arrested him and began setting up a ruse to secure his conviction.

A detective posing as a Los Angeles gang member who'd been arrested on attempted murder charges was placed in Garcia's Norwalk station jail cell. He soon got Garcia talking, sheriff's investigators said. Garcia was proud, and he bragged about the shooting. He didn't know the conversation was being recorded and that it would soon be played for a jury.

But perhaps it was all bound to end up this way, said Capt. Mike Parker.

"Think about it. He tattooed his confession on his chest. You have a degree of fate with this," Parker said. "The detective who spotted it had been a Pico sergeant who went on to become a homicide sergeant. I never worked Pico station. I never would have recognized that Pico liquor store."

Investigators don't believe Garcia's elaborate tattoo was a rash decision. Photos from several bookings over the years show the mural on his chest evolving as he added details to the tattooed murder scene -- until one day Lloyd saw them as a whole and something clicked.

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**GRAPHIC: PHOTO: INCRIMINATING:** This tattoo of a liquor store slaying on the chest of gang member Anthony Garcia caught the attention of a homicide investigator. **PHOTOGRAPHER:** Los Angeles County Sheriff's Department  
**PHOTO: SITE:** John Juarez, 23, was gunned down at this Pico Rivera liquor store in 2004. A tattoo giving a detailed picture of a crime scene is unusual, an investigator said. **PHOTOGRAPHER:** Los Angeles County Sheriff's Department

**LOAD-DATE:** April 22, 2011



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Los Angeles Times

December 28, 2008 Sunday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 1

**LENGTH:** 2308 words

**HEADLINE:** A TIMES INVESTIGATION;  
Inglewood has a history of deadly force by police;  
Officers killed several unarmed suspects this decade, and training and review policies have raised eyebrows.

**BYLINE:** Jack Leonard and Victoria Kim

**BODY:**

One summer evening in 2005, an Inglewood police officer stood with his gun aimed at a schizophrenic man who had been stopped for drinking beer in public.

The officer ordered Jule Dexter to put his hands on the hood of the police car, but Dexter's baggy pants started slipping.

"Please let me pull my pants up," Dexter pleaded, according to a witness' sworn testimony.

"Don't move!" the officer yelled.

But Dexter, 27, reached to pull up his pants, witnesses said. The officer fired four shots into Dexter's back and head, killing him.

Over the last six years, Inglewood police officers have repeatedly resorted to physical or deadly force against suspects who were unarmed or accused of minor offenses, a Times investigation found.

In the span of four months this year, Inglewood officers shot and killed four people, three of them unarmed. The Times' review of court documents, law enforcement records and interviews shows that the problem is not new.

\* Five of the 11 people shot and killed by Inglewood police since 2003 were unarmed. They include a man who fled when officers tried to stop him for riding his bicycle on a sidewalk. An officer said he fired when the man reached for a bulge near his waist, which turned out to be a rolled-up T-shirt.

\* Several officers -- including a training sergeant -- have complained about the department's policy on when to shoot and about a lack of training.

\* To investigate shootings by police, the department has assigned the vice president of the Inglewood police officers' union, which advocates for officers accused of wrongdoing, and a detective accused by a prosecutor of lying about his own off-duty shooting.

\* Two Inglewood officers were involved in using electric Taser guns on unarmed suspects four times in five weeks -- including on one man's genitals -- prompting defense attorneys to call them the "Taser Twins."

Earlier this year, the city hired consultants to review the department's training, policies and procedures and initiated a training program to improve officers' tactics.

Inglewood Police Chief Jacqueline Seabrooks said it was unfair to portray her officers as quick to pull the trigger or excessive in using force.

In some cases, she said, police opened fire only after suspects stabbed officers, shot at them or pointed guns in their direction. The 195-member department responds to more than 130,000 calls each year, she said, usually without problems or headlines.

"We interact with people who are exceedingly violent and resistive to the lesser levels of force, and we don't always shoot them," said Seabrooks, who became chief last year.

Inglewood officers have shot unarmed people they mistakenly believed posed a threat on six occasions, or a quarter of all shootings by police since 2003. Two of those people were carrying toy weapons. Five died and one was wounded.

On four other occasions, officers opened fire at moving cars, a practice strongly discouraged by many police agencies, including Inglewood.

"That's a lot of shootings in a smaller department," said Geoffrey Alpert, a professor at the University of South Carolina who has helped police agencies draft policies on the use of deadly force. "It raises a red flag."

Comparing officer shootings at different agencies is difficult because of varying crime rates, demographics and force size. Few agencies keep readily available data on the circumstances surrounding such shootings. Nevertheless, statistics from nearby agencies suggest that Inglewood's numbers are high.

Officers in the neighboring city of Hawthorne, for example, have shot and killed one unarmed suspect since 2003. Hawthorne, which has a crime rate similar to Inglewood's, has half as many police officers and four-fifths the population of Inglewood.

A report by the Los Angeles County Sheriff's Department -- which patrols an area with a population more than 20 times larger than Inglewood's -- shows that deputies have killed fewer unarmed people than have Inglewood police since 2005.

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'He was real gentle, real kind'

Jule Dexter battled his share of problems. He struggled with a drug addiction, and in 2004 his mother sought a restraining order against him, accusing him of pushing her and stealing from her garage.

But when sober, Dexter was a joy to be around, said his aunt Patricia Hayes. "He was a big kid, but he was real gentle, real kind," she said.

A month before his death, Hayes said, Dexter completed a drug rehabilitation program and told her he was determined to provide for his 3-year-old son, whose name was tattooed on Dexter's right arm.

But by the night of June 6, 2005, Dexter was using cocaine once again, according to toxicology tests by coroner's officials.

Just after 6 p.m. he was standing outside an Inglewood liquor store with some friends when an unmarked police car pulled up. Officer Jose Estrada and Det. Louie Johnson of the city's gang detail approached Dexter's group.

What happened next is in dispute. Estrada told investigators that Dexter was slow to take his hands out of his pockets and seemed to fumble with what Estrada feared was a weapon.

But witnesses told authorities that Dexter moved his hand to pull up his pants. In a wrongful-death lawsuit brought by Dexter's family, Earnestine Baldwin, a bystander, testified that she heard Dexter repeatedly beg the officer to let him pull up his pants.

The city paid \$725,000 to settle the lawsuit.

"I realize they can be afraid. But they're supposed to be the skilled ones," said Hayes, a bank vice president. "What gave them the right to kill my nephew? Where is the justice?"

The district attorney's office decided not to file criminal charges against Estrada, concluding that he reasonably believed that Dexter was preparing to pull a gun and shoot him.

A panel of three Inglewood police captains decided 2 to 1 that Estrada had not violated the department's deadly-force policies. But then-Chief Julius I. Davis disagreed and suspended Estrada for 16 days.

Estrada appealed, complaining that he was not trained properly. He has asked a Los Angeles court to throw out the department's deadly-force policy because it is confusing.

Kenton Ferrin, then Estrada's training sergeant, testified during Estrada's disciplinary appeal that the policy is confusing to officers.

The department never ordered additional training for Estrada after the shooting, according to legal documents filed by his attorney.

Seabrooks said she believed the policy was clear, but added that it was being updated to make it more precise.

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Investigating their own officers

Like many police agencies, Inglewood entrusts the job of investigating officer-involved shootings to its own homicide detectives. Their work is reviewed by the district attorney's office.

In recent years, the detectives assigned to such shootings have included Loyd Waters, vice president and former president of the Inglewood Police Assn.

Seabrooks, a former Santa Monica police captain, said she saw nothing wrong with a union official investigating officer-involved shootings, saying it is not unusual in smaller police departments.

But Bill Geller, an Illinois-based public safety consultant and nationally recognized expert in police shootings, described it as a conflict of interest. Police union officials, he said, advocate for their members, but investigators must objectively review the facts of a shooting even if an officer is at fault.

"That seems to me really foolish," Geller said. "The department is needlessly risking its reputation for integrity and objectivity by doing this."

Another detective assigned to probe recent officer-involved shootings is Willard Salmon Jr., a 12-year department veteran.

In 2002, Los Angeles police were called to the parking lot of Dodger Stadium after Salmon, while off duty, shot and wounded a paroled carjacker after a game. Salmon told police that he fired in self-defense after the man attacked him with a beer bottle.

But Deputy Dist. Atty. Max Huntsman concluded that Salmon's account was "not credible." Two groups of independent witnesses, he wrote in a memo, told police that Salmon wasn't attacked and that he and his girlfriend hunted for the shell casing and removed it before Los Angeles Police Department officers arrived.

"This behavior supports the conclusion that Salmon felt he had acted improperly and removed the evidence in the brief hope that he might be able to keep himself from being identified," Huntsman wrote.

The prosecutor also faulted the Inglewood police internal affairs investigators for failing to give Salmon an alcohol breath test until eight hours after the shooting.

Huntsman opted not to file charges against Salmon, deciding that a jury would not be likely to convict him given his claim of self-defense.

Seabrooks said the department's internal investigation cleared Salmon of wrongdoing and that the agency has received no complaints about his work as a detective.

Salmon said he was assigned to the homicide unit about 18 months ago.

"I don't think, if they had issues with the shooting or questions about the shooting, they would have put me in the position to investigate officer-involved shootings," Salmon said in a brief interview.

Last year Salmon was the lead detective investigating the police shooting of an unarmed man, Richard Ray Tyson, according to coroner's records.

Tyson, 20, was riding his bicycle on the sidewalk when two officers recognized him as an alleged gang member and tried to stop him. Tyson fled, leading the officers on a foot chase until he was cornered in a residential backyard.

Officer Zerai Massey told investigators that Tyson ignored orders to show his hands and moved them toward his waistband. Massey fired six rounds, hitting Tyson's back and torso. The officer told investigators that he believed Tyson was armed with a gun. No weapon was found on Tyson. Instead, officers discovered a rolled-up T-shirt stuffed in his sweatshirt's front pocket.

The district attorney's office found that the officer had acted "in lawful self-defense." Tyson's family has filed a wrongful-death lawsuit against the city, alleging that the shooting was unjustified and the investigation inadequate.

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As fallout faded, more use of force

In 2002, Inglewood found itself in the national spotlight when a white officer was caught on videotape punching a black teenager and slamming him onto the trunk of a police car. The city installed video cameras in patrol cars, required sensitivity training for officers and set up a panel of citizens to review complaints against the police.

But as the fallout from that episode faded, Inglewood officers have continued to resort to force, including Tasers, on unarmed or handcuffed suspects.

The city settled two lawsuits this year with residents who claimed officers shocked them with Tasers as a punishment rather than to subdue them.

One woman alleged that officers shot her with a Taser twice after she kicked out a patrol car's rear window while handcuffed and hyperventilating in the back seat. After shocking her, she claimed, the officers asked, "Did you like that?" She collected \$95,000. A man who claimed a sergeant stunned him with a Taser at the police station and said it was for biting an officer was paid \$55,000.

"It seems there is very little discipline there," said his attorney, Gary Casselman.

Just how often Inglewood officers deploy their Tasers is unknown. A police spokesman said the department does not keep track of Taser incidents.

But in 2005, deputy public defenders noticed a pattern of complaints by clients who said they were shot with Tasers by Inglewood cops. Two officers stood out.

During one five-week period that year, four people complained that they had been shocked by Officers Eduardo Sanchez and Rafael Rodriguez. Defense attorneys gave them the nickname "Taser Twins."

"They seemed to be immature and poorly trained officers," said John Raphling, a former deputy public defender now in private practice. "They seemed to be operating with very little supervision."

Among those shocked by the pair was Clarence Williams, whom the officers arrested on suspicion of public drunkenness.

At the city jail, Rodriguez and Sanchez, along with a third officer, took Williams to a room to be strip-searched. Sanchez wrote in a report that Williams became belligerent as he got undressed.

Sanchez wrote that Williams, 5 feet 7 and about 160 pounds, took a step toward Rodriguez with his fists clenched. Sanchez said he shot Williams with the Taser, striking him in the genitals and stomach. He said he used the electric current three times before Williams calmed down.

The department's policy prohibits officers from firing Tasers at a suspect's genitals.

Williams, 42, told The Times that the officers attacked him without provocation while he was naked and starting to pull his pants up.

Lt. Mike McBride said supervisors concluded that Williams was struck unintentionally in the genitals and that officers otherwise used appropriate force.

He said Sanchez resigned last year during an unrelated internal affairs investigation into alleged misconduct, including making false statements. Rodriguez was fired around the same time. McBride declined to detail why, citing Rodriguez's pending disciplinary appeal.

The officers could not be reached for comment.

Williams said of the Taser: "It was like pure electricity going through my entire body." Getting shot in the genitals, he said, caused "excruciating pain."

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Unarmed suspects fatally shot by police

Inglewood police officers have shot and killed five unarmed suspects since 2003. One suspect, Eddie Felix Franco, was carrying a realistic-looking toy gun.

JULE DEXTER III

Shooting: June 6, 2005

Age: 27

RICHARD RAY TYSON

Shooting: May 9, 2007

Age: 20

MICHAEL BYOUNE

Shooting: May 11, 2008

Age: 19

RUBEN ORTEGA

Shooting: July 1, 2008

Age: 23

EDDIE FELIX FRANCO

Shooting: Aug. 31, 2008

Age: 56

**GRAPHIC:** PHOTO: SHOOTING: Investigators in August examine the scene where Inglewood police killed a homeless man after a witness reported seeing him with a gun. It turned out to be a toy. PHOTOGRAPHER: Anne Cusack Los Angeles Times PHOTO: FUNERAL: Friends and family grieve Michael Byoune, 19, who was killed in May by police who fired at the car he was in. He was unarmed. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: PAINFUL SOUND: Mercedes Elzy and her son, John Benoit Jr., listen to a 911 tape at an Inglewood Police Department news conference detailing the fatal shooting of her cousin, Michael Byoune. PHOTOGRAPHER: Gary Friedman Los Angeles Times PHOTO: (Bulldog Edition) UPSET: In the wake of three fatal shootings, protesters in July march in Inglewood, calling for an outside probe into allegations of misconduct by the Police Department. PHOTOGRAPHER: Jay L. Clendenin Los Angeles Times PHOTO: (no caption) PHOTOGRAPHER: PHOTO: (no caption) PHOTOGRAPHER: PHOTO: (no caption) PHOTOGRAPHER: PHOTO: (no caption) PHOTOGRAPHER: PHOTO: (no caption) PHOTOGRAPHER:

**LOAD-DATE:** December 28, 2008



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Los Angeles Times

September 6, 2008 Saturday  
Home Edition

**SECTION:** CALIFORNIA; Metro Desk; Part B; Pg. 3

**LENGTH:** 735 words

**HEADLINE:** Inglewood officers identified;  
Eight are named in the fatal shooting of a homeless man.

**BYLINE:** Jack Leonard and Ari Bloomekatz, Times Staff Writers

**BODY:**

After days of delay, Inglewood police officials on Friday identified the eight officers involved in last weekend's fatal shooting of a homeless man who had a toy gun in his waistband.

All of the officers have been placed on administrative leave pending the results of an internal investigation into the shooting, police officials said. They will also be required to undergo "supplemental training" before being allowed back into field assignments.

Those identified were: Officers Max Koffman, a 17-year police veteran; Loren Robinson, a 10 1/2-year veteran; John Baca, an eight-year veteran; Caroline Amezcua, a five-year veteran; Christopher Anderson, a one-year veteran; Ryan Green, a one-year veteran; Zerai Massey, a 5 1/2-year veteran; and Sgt. Matt Hart, a 20-year veteran.

The officers fired as many as 47 rounds at Eddie Felix Franco on Sunday after he appeared to go for a gun in his waistband, police said. The object turned out to be a realistic-looking toy gun, police said.

Franco's death was the fourth fatal shooting by Inglewood police in as many months. Three of the four killed were unarmed, police said.

Chief Jacqueline Seabrooks drew criticism this week for failing to publicly address the shooting or to release details quickly. When she spoke out Thursday, four days after the shooting, she said she withheld the officers' names so that investigators could make certain they knew which officers at the scene had fired their weapons.

Among the department's recent critics, Donald Nicholson, vice chairman of the city's citizen police oversight commission, said that releasing the officers' names was "a step in the right direction."

"Change starts from the bottom up and not the top down," Nicholson said. "I think our city government, our city administrators are reacting to the community asking for information."

Police said that none of the officers involved in Franco's shooting participated in the three other shootings, the first of which occurred in May.

Two of the officers, however, were involved in other fatal shootings in recent years, according to law enforcement records reviewed by The Times.

In May 2007, Massey shot and killed an unarmed man, Richard Tyson, records show.



According to a memo by the Los Angeles County district attorney's office, Massey and another officer had seen Tyson riding a bicycle on the sidewalk and ordered him to stop.

The officers recognized Tyson as a gang member, the memo said, and later told investigators they saw him reach for a bulge in his waistband and believed they saw a gun.

After a chase, Massey found him hiding behind a bush. The officer said he shouted at Tyson to stay on the ground and show his hands, but Tyson advanced toward him and moved his hands toward his waistband and started to tuck them into his sweat shirt. Massey fired six shots, hitting him in several places, including his back and torso.

No weapon was found on Tyson. Instead, officers discovered a packaged T-shirt in the front center pocket of his sweat shirt.

Tyson's family has filed a wrongful death lawsuit against Massey and the Inglewood Police Department, alleging that the shooting was unprovoked.

In April, prosecutors declined to file criminal charges against Massey, concluding that Tyson's actions were "consistent with a person who was armed and dangerous" and that the officer's "response with deadly force was reasonable under the circumstances."

In a January 2004 shooting, Koffman was among nine officers who gunned down Robert Michael Robbins in the parking lot of a motel.

District attorney's records show that Robbins was wanted in a double slaying in Ventura County that occurred a year earlier. Sheriff's homicide detectives there sought the help of Inglewood police to arrest Robbins and warned officers that he was probably armed.

The officers attempted to arrest Robbins as he left the motel and climbed into his GMC Yukon. They opened fire when Robbins reversed the vehicle toward officers. After one volley of shots, an officer repeatedly said, "He's still moving!" and officers opened fire again. Robbins was struck three times in the head.

A district attorney memo makes no mention of a weapon being found on Robbins. But prosecutors concluded Koffman and other officers "fired their weapons in self-defense and the defense of each other."

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Times staff writer Victoria Kim contributed to this report.

**LOAD-DATE:** September 6, 2008



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Los Angeles Times

February 2, 2008 Saturday  
Home Edition

**SECTION:** CALIFORNIA; Metro Desk; Part B; Pg. 1

**LENGTH:** 670 words

**HEADLINE:** Convicted cop hired as police chief;  
Maywood hires the ex-LAPD officer over opposition from the rank and file and the city's attorney.

**BYLINE:** Matt Lait, Times Staff Writer

**BODY:**

A man who was convicted of theft and resigned from the Los Angeles Police Department was hired Friday night as the interim chief of the Maywood Police Department, an agency that has a reputation as a haven for misfit and criminal cops.

Despite fierce opposition from some rank-and-file officers and the city's own attorney, Al Hutchings was selected for the position by the Maywood City Council in a 3-2 vote at a special meeting.

Hutchings' unlikely ascension to the job comes amid ongoing investigations by state and local authorities into allegations of police corruption and brutality in Maywood.

The move stunned many city residents who viewed his consideration as another setback for the troubled Police Department, which patrols a gritty square-mile city south of downtown Los Angeles.

Last year, a Times investigation into Maywood found that at least a third of the officers on the force had either left other police jobs under a cloud or had brushes with the law while working for Maywood. Several officers in recent years left Maywood after being convicted of crimes.

Hutchings was one officer who was hired at Maywood in 2006 despite a checkered past.

Court records show that he had pleaded no contest to bilking the LAPD for bogus overtime pay while he was an officer. He has since received a court order expunging his record.

In an interview, Hutchings said that all of the overtime he worked was approved by a supervisor but that he entered the plea so as to quickly dispose of the case, which he said was filed in retaliation for reporting misconduct against a high ranking-LAPD official. Hutchings was also fired from Los Angeles Valley College in 2005, where he worked as a professor and was terminated for acts of dishonesty.

When Hutchings joined the Maywood Police Department, he said he found that many of his fellow officers were brutal, racist and corrupt. He cast himself as a whistle-blower, working to expose problems at the department.

Before his probationary year was finished, however, Hutchings was accused of misconduct of his own. Police and city officials said he agreed to resign from the Police Department after he was allegedly videotaped having an on-duty liaison with the female owner of a doughnut shop.

Hutchings, 45, has said the allegation was fabricated "to blackmail me into stopping the work that I was doing." He said he voluntarily left the department last summer.

In an interview hours before he was hired, Hutchings said Maywood Police Department was a dysfunctional agency with incompetent officers and that he hoped to "shut the place down and bring in the Sheriff's Department."

He said he would donate his salary to the Catholic church and to people who had been victimized by Maywood officers.

Hutchings replaces another interim chief who was convicted of beating his girlfriend and resigned from the El Monte Police Department before being hired at Maywood. That chief's conviction was overturned on appeal, and he was ultimately convicted of a lesser charge of making a verbal threat.

Known among law enforcement circles as a department of "second chances," Maywood Police Department is one of nearly 50 independent police agencies in Los Angeles County. The department, whose officers are mainly white and Latino, serves a densely populated city of roughly 30,000 that is 96% Latino.

Hutchings' return to the force, for a three-month period pending a search for a permanent chief, has outraged other Maywood officers.

In a letter to city leaders, the president of the Maywood Police Officer Assn. said Hutchings had "displayed a total lack of integrity and honesty in his career as a police officer."

Some city residents questioned why City Council members would take on an interim chief with baggage.

Mayor Felipe Aguirre, prior to Friday's vote, said he supported Hutchings because he believed he was an honest man who would reform the department.

"Nobody has the courage to clean this place up," he said. "We need to hire someone who can right this department."

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March 8, 2007 Thursday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 1

**LENGTH:** 1316 words

**HEADLINE:** An honor overdue;  
Officer Walter Kesterson was shot and killed while on duty in 1946. Sixty-one years later, he's up for the LAPD's highest award, the Medal of Valor.

**BYLINE:** Matt Lait, Times Staff Writer

**BODY:**

At a movie theater that no longer exists, on a street since renamed, several gun-toting bandits robbed a teenage cashier of \$90. Although the crime was nothing spectacular, the outcome tragically was.

It was Feb. 4, 1946, shortly after 9 p.m., when LAPD Officer Walter Kesterson's car radio squawked with news of the stickup. He and his partner, dressed in plain clothes, were working a crime suppression detail around the Los Angeles Coliseum, near the heist. As they cruised the neighborhood, they saw two men matching the suspects' descriptions at the corner of 43rd Place and Avalon Boulevard. Suspicious, they quickly brought the unmarked patrol car to a stop and Kesterson jumped out.

He barely had a chance to call out that he was a cop when one suspect pulled a .38-caliber handgun from his jacket and shot the 51-year-old officer squarely in the chest. Kesterson returned fire, killing his assailant and the other armed bandit, who, detectives later learned, had slain a Vernon police officer two weeks earlier.

"Things happened so fast that by the time I was out of the car, all three men were on the ground," Officer E.W. Patrick told reporters the night of the shooting. One news account said Kesterson managed to stumble back to the squad car, where he collapsed across the front seat and died.

Kesterson's courage under fire soon became legendary in the annals of the Los Angeles Police Department. He was the first officer from the heralded Metropolitan Division to be killed in the line of duty. His picture hangs on a wall of division headquarters and an award for bravery is named in his honor.

But the department didn't award him its highest honor, the Medal of Valor. Records show no such medals were given to any officer between 1936 and 1952. The reason is a mystery, LAPD historians say.

This spring, department officials hope to remedy the oversight and award Kesterson the Medal of Valor, 61 years after his death. The Los Angeles Police Commission still must vote on the commendation, which it is expected to do within the next couple of weeks. If it is approved, Kesterson's 78-year-old nephew will fly in from Colorado to accept the award.

"There's no statute of limitation on heroism," said Scott Kroeber, a Metro Division captain who initiated the effort to honor Kesterson two years ago when he read a Los Angeles Police Historical Society article, which noted that Kesterson

did not receive the commendation. "He's part of the legend and lore of Metro. We don't glorify violence, but we do honor courage."

A review of police records and news accounts from the time provide a snapshot of post-World War II Los Angeles and its police force. It was an era of supposed police reform marred by a vice scandal in which officers took protection money from prostitutes. Minority residents often were randomly -- and with little cause -- swept up and taken to the station for interrogation.

In those days, reporters and police worked hand in glove. Just a couple of years earlier, news scribes carried "press badges" that were nearly indistinguishable from the officers' shields. Their cars often looked like police cruisers.

On the night of Kesterson's shooting, reporters walked the crime scene with the cops. They were with officers when Kesterson's wife received the horrible news about her husband. A photographer from the old Los Angeles Daily News captured her reaction on film. They were also there when she pulled back the sheet and identified her husband's body.

"Oh, Walter," she reportedly cried.

The day after the shooting, Police Chief Clemence B. Horrall told reporters that the city had been "invaded by a lot of dangerous characters." He ordered his officers to "use every means necessary to safeguard [their] lives while investigating suspicious persons."

The Los Angeles Times published an editorial supporting the chief's tough talk and railing against the "champions of civil liberties" who wanted officers to confront the dangers of the streets with their guns holstered.

Those who knew Kesterson praised his 18-year commitment to police work.

In the Historical Society article that Kroeber read, the author -- former Officer John "Two Gun" Powers -- called Kesterson "a quiet and competent officer who knew how to get along with everyone, not only his brother officers but also the people he put in jail."

Powers, who died in 2002, said Kesterson trained him when he was first assigned to Metropolitan Division, which was also known as the Reserve Unit because its officers would move from area to area to fight crime throughout the city.

Frequently, Powers said, that meant working on skid row with its "cheap hotels, flophouses, missions, all-night movies, pawn shops, liquor stores, cheap restaurants and cheaper bars."

The denizens of skid row, Powers wrote, were "winos, thieves, hustlers, drunk rollers, strong-arm robbers and ex-convicts, as well as ... working men between jobs or down on their luck."

Kesterson, he said, knew how to handle them all.

"Some officers made a lot of arrests but had an equal number of altercations. Kesterson made as many arrests as anyone but never had any trouble," Powers wrote. "He looked like he was carved out of granite. He was all business, didn't raise his voice and didn't use any derogatory expressions. I was fortunate to be assigned with him."

According to police records, the two men whom Kesterson killed -- Nathaniel Cooper, 22, and Gus Boyd, 20 -- were linked to at least 25 strong-arm robberies in addition to the Jan. 24, 1946, death of Vernon Police Officer Richard Pennington.

In the Pennington case, the motorcycle officer pulled the two men over after the driver failed to stop at a signal. Suspecting the driver and his passenger were drunk, the officer directed them to drive to the Vernon police station, where he was going to arrest them. When they arrived, Boyd got out of the car and fatally shot Pennington in the chest and head.

In the ensuing manhunt for the killer, records show, police rounded up numerous African American suspects for questioning. Boyd and Cooper, however, eluded the dragnet. Their "reign of terror," as a Los Angeles Times article described it, ended shortly after the holdup of the Allena Theatre on Santa Barbara Avenue, now Martin Luther King Jr. Boulevard.

In the confrontation with Kesterson, Cooper was the one who shot the officer "without warning," Patrick, the partner, told reporters on the night of the shooting.

"Before I could get to Kesterson's aid, I saw both Cooper and Boyd pitch forward on their face," Patrick said. "Kesterson staggered to the side of the police car, opened the front door and fell across the seat."

News accounts and police records differ on whether Boyd had a chance to arm himself before Kesterson shot him. Some say he was reaching for, or holding onto, his weapon when he was mortally injured. One article, however, quoted Patrick as saying Boyd "was caught in the crossfire" and "never had a chance to pull his revolver."

After the shooting, an LAPD ballistics expert identified Boyd's .38-caliber handgun as the one used to kill Pennington. The movie theater cashier identified Boyd and Cooper as two of the three men who robbed her at the theater.

Norman Tomlinson was 17 when his uncle died in the line of duty. Living in Colorado, Tomlinson said he rarely saw Kesterson. But he remembered his towering presence when he visited five years before his death.

"He was a big man, a tough-looking guy who really impressed me," said Tomlinson, whose mother gave him the middle name Walter in honor of her brother. "I remember he and my dad were out at a picnic table in the backyard and I just sat there and watched and listened."

Because Kesterson and his wife had no children, Tomlinson is the relative who will accept the Medal of Valor, should it be awarded.

"This is a fantastic thing," he said. "I'm really just overwhelmed."

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**GRAPHIC:** PHOTO: WITNESS: Carmen McMahon, left, later identified the two assailants killed by Kesterson as the men who held up the Allena Theatre, where she worked as a cashier. PHOTO: FAMILY: Reporters were on hand when Kesterson's wife, Peggy, left, identified his body after the shooting. "Oh, Walter," she reportedly cried. The Kestersons had no children. PHOTO: SHOOTING SCENE: Kesterson had stopped two men matching the description of robbery suspects. One of them fired at him. He returned fire, killing both. PHOTOGRAPHER: Los Angeles Police Department PHOTO: LEGEND: Kesterson, center, is famous in the department for his courage under fire. An award for bravery is named in his honor, but he never won the Medal of Valor. PHOTOGRAPHER: Los Angeles Police Department PHOTO: BROTHER OFFICERS: LAPD Metro Division Capt. Scott Kroeber, left, read an account of the heroism of Officer Walter Kesterson in 2005 and began the effort to honor him. Kesterson was the first officer in Metro Division to die in the line of duty. PHOTOGRAPHER: Wally Skalij Los Angeles Times

**LOAD-DATE:** March 8, 2007



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February 8, 2007 Thursday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 4

**LENGTH:** 658 words

**HEADLINE:** Supervisors, Sheriff Baca urge reopening disciplinary hearings

**BYLINE:** Matt Lait, Times Staff Writer

**BODY:**

In response to growing secrecy surrounding police misconduct, the Los Angeles County Board of Supervisors on Wednesday urged the Civil Service Commission to stop excluding the sheriff's civilian watchdog from deputy disciplinary hearings.

The commission in November barred attorneys from the Office of Independent Review -- and all other members of the public -- from attending the previously open hearings, citing a state Supreme Court ruling last summer that restricted access to law enforcement personnel records.

Michael Gennaco, the head of the Office of Independent Review for the Sheriff's Department, protested the commission's decision, saying it undermined his ability to keep tabs on discipline and deprived the public of crucial information about police accountability.

In a letter to the commission Wednesday, the county's top lawyer said supervisors and Sheriff Lee Baca supported Gennaco's inclusion in the process.

County Counsel Raymond G. Fortner Jr. said the California Supreme Court's ruling in Copley Press Inc. vs. Superior Court of San Diego County does not require the closure of commission hearings. He argued that attorneys from Gennaco's office already had "full and complete access" to Sheriff's Department personnel records and were professionally bound to keep such information confidential.

"There is, I respectfully submit, no basis for the exclusion of any attorneys for the county, whose duties and responsibilities involve them in the center of these proceedings," Fortner wrote.

In a separate letter to the commission last month, Baca also requested that Gennaco and his staff be allowed to sit in on the hearings. Gennaco's office "plays an essential role in ensuring that those investigations are thorough and fair and that the investigative outcomes are principled," Baca wrote.

An attorney for the deputies' union has objected to the civilian watchdog's presence at the hearings, saying such independent observers have no standing in the proceedings.

The ruling in the Copley case has had ramifications throughout law enforcement. For example, the Los Angeles Police Department recently closed its disciplinary hearings to the public. Last month, after the disciplinary panel secretly cleared an officer of misconduct in the controversial shooting of a 13-year-old boy, the Police Commission, Chief William J. Bratton and Mayor Antonio Villaraigosa called for new legislation that would reopen hearings. State Sen. Gloria Romero (D-Los Angeles) has agreed to sponsor such legislation.

Gennaco's conflict with the Civil Service Commission arose last year when an attorney from his office tried to attend the disciplinary hearing of Deputy Frank Rothe, who received a 25-day suspension for participating in an off-duty bar fight in which he was accused of striking another patron, lying to investigators and trying to interfere with a witness. Rothe appealed. After the recent Supreme Court ruling, the commission sealed all documents in connection with appeals by sheriff's deputies. Rothe's attorney also successfully argued that Gennaco and his staff should be excluded from the hearings.

Civil service commissioners are responsible for hearing the appeals of deputies who believe they were improperly disciplined by the department. The commission hired an attorney last year to advise it on the matter and was told that Gennaco's office should be included in the closed-door meetings only if it served an "official" or "essential" role in the process.

Z. Greg Kahwajian, president of the Civil Service Commission, said the panel would review the requests from the Board of Supervisors and the sheriff and revisit the matter at its meeting next week. Kahwajian, however, seemed perturbed that neither the sheriff, county counsel nor the board had raised their concerns when the commission debated the issue in November. He said those parties had ample time to weigh in back then, but remained silent.

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**GRAPHIC: PHOTO: SHERIFF: Lee Baca backs allowing a civilian overseer to attend disciplinary hearings. PHOTOGRAPHER: Myung J. Chun Los Angeles Times**

**LOAD-DATE: February 8, 2007**





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January 11, 2007 Thursday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 1

**LENGTH:** 1182 words

**HEADLINE:** Ruling in teen's killing spurs outcry;  
LAPD panel's secret decision to exonerate the officer who shot Devin Brown brings calls for public access to disciplinary hearings.

**BYLINE:** Matt Lait and Steve Hymon, Times Staff Writers

**BODY:**

Angered by an administrative panel's secret decision not to punish the Los Angeles Police Department officer who fatally shot a 13-year-old boy, City Council members and community leaders called Wednesday for increasing civilian oversight of misconduct cases and reopening them to public scrutiny.

"People are always going to have different views on how cops should be punished for shootings, but all the facts should be out in the open and there ought to be accountability for the ultimate decision-makers," said Councilman Jack Weiss, head of the city's Public Safety Committee.

Weiss said he would hold a joint hearing with the Police Commission in upcoming weeks to discuss ways to make LAPD discipline "more transparent."

Other city officials, including Mayor Antonio Villaraigosa, also said they were disappointed to learn that an internal LAPD disciplinary panel meeting held behind closed doors this week rejected the civilian Police Commission's findings that Officer Steven Garcia should be punished for the Feb. 6, 2005, shooting of Devin Brown.

"I supported the Police Commission decision in this matter," Villaraigosa said. "That should tell you my feelings about this."

Some city leaders were even more outraged that the decision was shrouded in secrecy.

"This lack of public disclosure deepens suspicion in the African American community that the LAPD is more interested in protecting officers than in curbing police abuse," said Earl Ofari Hutchinson, president of the Los Angeles Urban Policy Roundtable.

Councilman Bernard C. Parks, who led the LAPD from 1997 to 2002, said holding disciplinary hearings in private undermines confidence in the Police Department.

"After 30 years of progressive efforts to make the public aware, we've had a complete reversal," Parks said. "This is unraveling decades of hard-fought battles."

Although disciplinary hearings have historically been open to the public, police officials changed department policy late last year in response to a state Supreme Court ruling that restricted access to law enforcement personnel records in a San Diego case.

Parks said the LAPD is going beyond what the court decided in that case -- Copley vs. Superior Court -- noting that the ruling "specifically says it does not address meetings."

Police Chief William J. Bratton and Police Commission President John Mack said they support greater public openness, but were compelled to close hearings because of legal advice from City Atty. Rocky Delgadillo, who has interpreted the court's ruling as giving officers broad privacy protections. A spokesman for Delgadillo's office declined to discuss the advice, saying such matters were confidential.

Even though Bratton and commission officials touted their desire to provide greater public access, in many ways they have been more secretive about police conduct than past LAPD leaders.

Last year, for example, the Police Commission changed a decades-old policy and began issuing public reports without the names of officers involved in shootings. At that time, state Sen. Gloria Romero (D-Los Angeles) offered to sponsor legislation to ensure that names would not be struck from public police records if commission members had concerns about potential court restrictions.

On Wednesday, Romero said she had not heard from commission officials since the court decision.

"My offer still stands," Romero said. "If the city of Los Angeles, from the mayor to the City Council to the commission, want help, I can carry the legislation.... It's a sad day for those of us who believe that policing should be done in the public."

Romero said the developments in the Brown case also show that the commission needs greater power over officer discipline. Under the City Charter, the commission has the authority to set broad policy, but cannot independently impose discipline.

"On paper, there is civilian oversight, but this illustrates that the commission has no teeth. Its teeth got kicked out inside a closet."

Several council members said they would support any legislative remedy to reopen boards to the public, whether by state legislative action or a change in the City Charter.

"Boards," Parks said, "should always be open."

Councilman Greig Smith, a reserve LAPD officer, was one elected official who believed that the disciplinary panel was right to exonerate Garcia.

"The Police Commission is the one that erred," Smith said.

Smith also supported closed discipline hearings, saying it protects the rights of the innocent.

"I understand their concerns," Smith said after hearing Hutchinson's comments. "But these are the same people who have been criticizing the Police Department for as long as I can remember, and no matter what we do they will not be satisfied."

Two years ago, when the Brown shooting occurred, community activists accused Garcia of using excessive force.

The officer mortally wounded Brown near 83rd Street and Western Avenue in South Los Angeles as the boy backed a stolen Toyota Camry toward a police car after a brief car chase. Police said Brown was driving erratically and that they suspected him of drunk driving.

Garcia, who was unaware at the time that the vehicle was stolen, fired 10 shots, hitting the youth seven times. The Police Commission, in a 4-1 vote, determined that the shooting violated department rules, saying that evidence showed Garcia was outside the path of the vehicle and in no danger at the time he opened fire. Commissioners said they expected Garcia to be punished. The city also agreed to pay \$1.5 million to settle a wrongful-death lawsuit brought by Brown's family.

Although police sources confirmed to The Times that the LAPD administrative panel found that Garcia's actions were justified, the rationale for the decision remains secret.

On Wednesday, as elected officials voiced concern over the panel's vindication of Garcia, residents in South Los Angeles expressed disappointment but were less surprised.

"This is so unfair," said Mollie Bell, a local activist. "In this profession, they never mess up. They never make a mistake. Every day you hear about lawyers or politicians. They make mistakes on the job. They screw up. Doctors get fired for malpractice. Everybody gets punished except the police. They always come out on top."

Ed Brimmer, a 69-year-old retired LAPD detective who was awarded the department's Medal of Valor in 1971, saw the incident through the eyes of a veteran police officer.

"It's sad, it's very tragic," said Brimmer of the shooting. "But I don't think the officer got up that day and said, 'I'm going to go kill a black child.' Police officers are afraid too. They have to protect themselves too."

Rod Wright, a former assemblyman, said he's seen cases like this before.

"In this case everybody loses," he said. "The Police Commission said the shooting was out of policy, the council approved a settlement, the police chief said it was justified and now there's no punishment. Who's in charge?"

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Times staff writers Tony Barboza, Duke Helfand, Patrick McGreevy, John Mitchell and Jim Newton contributed to this report.

**GRAPHIC: PHOTO: (OC)REACTION:** Eddie Ford, a barber at Tolliver's Barber Shop in Los Angeles, where one customer, retired Det. Ed Brimmer, said of the Devin Brown case: "It's sad, it's very tragic.... Police officers are afraid too. They have to protect themselves too." **PHOTOGRAPHER:** Rick Loomis Los Angeles Times

**LOAD-DATE:** January 11, 2007



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Copyright 2007 Los Angeles Times  
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Los Angeles Times

January 10, 2007 Wednesday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 1

**LENGTH:** 1368 words

**HEADLINE:** The State;  
OFFICER WHO KILLED BOY, 13, IS CLEARED;  
LAPD board rejects a civilian panel's ruling in the Devin Brown case.;  
DECISION MADE IN SECRET

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

A Los Angeles Police Department disciplinary board has secretly decided not to punish the officer who fatally shot 13-year-old Devin Brown two years ago, rejecting an earlier ruling by the civilian Police Commission that the act violated department policy, sources confirmed Tuesday.

Members of an LAPD board of rights, meeting behind closed doors Monday, determined that Officer Steven Garcia was justified in shooting Brown as the youth allegedly tried to back a stolen car into the officer after a brief pursuit.

The shooting sparked outrage in South Los Angeles, with citizens and activists alleging that Garcia overreacted and used excessive force. Last year the city paid \$1.5 million to settle a wrongful-death lawsuit filed by Brown's family.

Monday's decision, reached by two high-ranking LAPD officials and a civilian representative, effectively dismisses the earlier finding by the Police Commission that the shooting was "out of policy" and that Garcia should be punished.

It also reflects a dramatic change in the way the LAPD metes out discipline. For decades, the LAPD had heard evidence publicly when serious misconduct was alleged. Last summer, however, the California Supreme Court ruled that police officer personnel documents were not public records. Responding to that ruling -- and over the objections of news organizations and civil libertarians -- the LAPD moved to close its disciplinary hearings.

As a result, the charges against Garcia were heard in secret, and the rationale for the board's decision is similarly being withheld.

The Police Commission acts as the civilian oversight body for the LAPD and has the authority to shape policy, but it cannot discipline officers. Its finding in the Brown case -- which ran contrary to the recommendation of Police Chief William J. Bratton -- was initially hailed by both African American leaders and Mayor Antonio Villaraigosa as a sign that the LAPD, with its long history of officer misconduct cases, now had firm civilian oversight.

John Mack, president of the Police Commission, said Tuesday that he felt as if he and his colleagues on the commission had been undermined.

"I'm very, very disappointed in that finding," said Mack, who was unaware of the ruling before being informed by a reporter. "Our commission felt the facts were clear. It was my expectation that the board of rights would see the facts as we saw them and take disciplinary action."

Bratton said he supported the disciplinary panel's conclusion.

"I think that's an appropriate finding," he said. "I'm very comfortable with that."

Asked if the decision undermined his civilian bosses, Bratton replied: "Not at all."

Members of the internal LAPD panel would not explain their rationale for finding in Garcia's favor, citing the Supreme Court ruling that city lawyers have interpreted as giving broad privacy rights to officers involved in disciplinary proceedings.

"I can tell you the board's decision was unanimous and the evidence and testimony to support our finding was compelling," said Capt. Nancy Lauer, a member of the panel. "That is all I feel is prudent to share based on the legal constraints in which we find ourselves."

Capt. Bruce Crosley, who retired from the department in July but continued to serve as chairman of the disciplinary board, also declined to discuss the case. Ann Reiss Lane, a former police commissioner who served as the civilian member of the LAPD panel, could not be reached for comment.

Bob Baker, president of the Los Angeles Police Protective League, said he had expected Garcia to be exonerated.

"We agree with the board, who relied on law enforcement expertise and the applicable department standards in deciding that Officer Garcia's actions were in policy on that tragic night," Baker said.

In November, LAPD officials barred two Times reporters from attending Garcia's disciplinary hearing because of the state Supreme Court ruling, which restricted access to law enforcement discipline records in a San Diego case.

However, that ruling -- in *Copley Press Inc. vs. Superior Court of San Diego* -- did not address whether hearings should be closed.

The LAPD also stopped releasing information about officer discipline that historically had been public. Last year, the Police Commission voted to withhold the names of officers involved in shootings and other uses of force, such as baton-strikes, kicks, punches and the use of stun guns. The first case in which the commission invoked that policy involved Garcia's shooting.

Even though Garcia's case has been cloaked in secrecy, both Bratton and Mack said they wished they could be more open with the public about police conduct and discipline. Both said they feel bound by legal advice given by City Atty. Rocky Delgadillo.

"I like transparency," Bratton said. "In my previous department [in New York City], all reprimands were written and published throughout the department. I'm not in favor of all the limitations that we operate under here, but it is what it is."

The events leading to the shooting of Devin Brown began about 4 a.m. Feb. 6, 2005. According to police, Garcia and his partner were on patrol when they noticed a red Toyota Camry being driven erratically. When the driver of the Toyota ran a red light and got on the Harbor Freeway, the officers followed.

Suspecting the driver was under the influence of drugs or alcohol, the officers turned on their emergency lights and siren. But the driver, later identified as Brown, did not stop.

Brown pulled off the freeway and led police on a seven-minute chase on city streets. He lost control of the car at 83rd Street and Western Avenue, where the car jumped a curb and slammed into a wrought-iron fence.

Garcia and his partner pulled up, drew their weapons and took cover behind their open patrol car doors. As they did this, Brown's 14-year-old passenger fled. Brown, meanwhile, put the car in reverse and began backing up toward police. The Toyota struck the right front fender of the patrol car and continued backing alongside in the direction of Garcia.

The officer fired 10 shots into the Camry. Seven struck Brown, who died at the scene. Officers later learned that the Camry had been reported stolen.

During the department's internal investigation, a reenactment suggested that Garcia was not in the path of the vehicle when he opened fire. Shooting investigators speculated that he was in the car's path when he drew his weapon, but had stepped to the side before he began pulling the trigger.

After reviewing that investigation, the Los Angeles County district attorney declined to file charges against Garcia, citing insufficient evidence.

Bratton, finding that Garcia was legitimately in fear for his life, recommended that his actions be deemed appropriate under the circumstances.

The Police Commission, in a 4-1 vote, disagreed. The majority found evidence that the Camry was moving no faster than 2 mph when the shooting occurred and that Garcia was not in the path of the vehicle.

The officer's belief that his life was in danger "was not objectively reasonable," the board concluded.

\*

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Devin Brown timeline

Feb. 6, 2005: Driving a stolen car, Devin Brown, 13, leads police on a brief chase. LAPD Officer Steven Garcia fatally shoots Brown after the youth allegedly backs the car toward the officer. Garcia fires 10 shots; seven hit Brown.

Dec. 5, 2005: Prosecutors in the district attorney's office decline to file charges against Garcia, basing their decision in part on a witness who largely supports the officer's version of events. They also say the LAPD's scientific analysis of the incident was inconclusive about where Garcia was standing when he fired.

Jan. 31, 2006: The civilian Los Angeles Police Commission rejects 4 to 1 a recommendation from Chief William J. Bratton and finds that the shooting violated department rules and warrants discipline.

June 7, 2006: The Los Angeles City Council votes to settle a wrongful-death lawsuit filed by Brown's family for \$1.5 million.

Jan. 8, 2007: An LAPD disciplinary panel rejects the Police Commission finding and decides that Garcia's shooting of Brown was justified and that he should not be punished.

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Source: Times reporting

**LOAD-DATE:** January 10, 2007



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August 17, 2006 Thursday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 1

**LENGTH:** 1436 words

**HEADLINE:** Accidental Gunshots Vex LAPD;  
In 350 incidents since 1985, officers shot selves or one another nearly as often as they were hit by suspects, records show.

**BYLINE:** Scott Glover and Matt Lait, Times Staff Writers

**BODY:**

The iconic confrontation in American policing, in which brave officers shoot it out with armed thugs, has occurred time and again in the annals of the Los Angeles Police Department.

Only days ago, what seemed like a routine traffic stop turned into a gun battle when officers pulled over a car only to see a passenger emerge with an AK-47 assault rifle. The gunman sprayed the squad car with about 20 high-velocity rounds, one of which nearly severed an officer's wrist.

As unsettling -- and unpredictable -- as such incidents are, a Times analysis of two decades of police records highlights another danger to officers, one little appreciated even by officials who oversee the department: Officers over those years shot themselves or one another nearly as often as they were shot by suspects.

Since 1985, there have been more than 350 accidental discharges by LAPD officers. There also have been more than a dozen so-called friendly fire incidents.

Though the resulting wounds tended to be less serious than in gun battles with suspects, scores of officers and more than two dozen suspects and bystanders have been injured in incidents that department officials blame on careless handling of firearms.

"Any officer being shot for any reason is an unacceptable number," said Police Commission Vice President Alan Skobin, who is one of two commissioners assigned to review accidental discharges of guns. "Unfortunately, when you have a large number of people who frequently handle weapons, there will be accidents. You just hope that there aren't serious consequences."

Last month offered up a sad example: The 3-year-old son of an LAPD officer got hold of his father's 9-millimeter service handgun as they sat in a pickup truck at a traffic light in Anaheim. When the child pulled the trigger, a bullet passed through the officer and left him paralyzed from the waist down.

Officials say that kind of tragedy is rare, but department records don't track accidental shootings not committed by an officer.

The vast majority of accidental shootings the department does monitor are avoidable and generally the result of careless or reckless conduct.

Over the last five years, the number of accidents has declined -- as have all types of officer-involved shootings -- but such incidents still accounted for about a third of all gunshot injuries sustained by officers.

Some officers have been involved in more than one accidental shooting. However, because the Police Commission this year started withholding the names of officers involved in shootings, it is no longer possible to determine from its public reports whether an officer has a history of negligently handling firearms.

Mishaps commonly occur as officers chase suspects or clean their guns. However, over the years, some accidental gunshots have been highly unusual.

One off-duty officer shot himself in a leg as he sat behind his desk and, according to department records, contemplated "a complex mathematical problem." Another officer inadvertently pulled the trigger when his African gray parrot flew into his face.

One officer accidentally shot his girlfriend in a leg while trying to retrieve a cartridge from his handgun as a "memento" of their date. Yet another officer admitted that he accidentally fired his gun because he was startled by a woman holding a teddy bear. Two officers accidentally discharged their weapons as they handled them at home while watching themselves in mirrors.

Even officers from the department's elite SWAT unit have accidentally fired guns while on duty.

In one case, officers had just completed a highly dangerous operation in which they entered the home of a barricaded suspect. Though they emerged from the house unscathed, one of them errantly fired his shotgun while unloading ammunition from another weapon. Shotgun pellets struck the ground between his feet, with metal fragments ricocheting into his partner's upper leg.

In another case, an officer from the division that studies police behavior and attempts to reduce risk was off duty when he decided to give his fiancée a lesson on the safe handling of guns, according to a department report.

The officer thought he had removed all of the rounds from the cylinder of his .38-caliber weapon when he pointed it at a wall and began to explain "trigger pull pressure." As he pulled the trigger, a round that had been left in the chamber discharged into the wall.

Accidental shootings are not unique to LAPD officers. Statistics from the Los Angeles County Sheriff's Department show that deputies over the last five years accidentally discharged their weapons at roughly the same rate.

"I don't see it as a problem any more significant than other agencies might have, and maybe, in fact, less significant," LAPD Chief William J. Bratton said.

Police Department records show that 161 officers were injured by gunfire from 1985 to 2005, the last year for which statistics are available.

Ninety officers were shot by suspects, compared to 68 officers who either shot themselves or were shot by other officers. (In three cases it was unknown whether the officer was wounded by a suspect's gun or by friendly fire.)

At the LAPD, accidental gunshots can mean administrative headaches and embarrassment for those involved. Officers are required to report immediately any discharge of a weapon whether it is intentional or not, on duty or off.

All gun discharges are investigated by detectives and then reviewed by the chief and the civilian Police Commission, which makes the final determination on whether a shooting is within departmental guidelines.

Nearly every accidental gunshot results in an "out of policy" finding by the commission and can result in an officer being disciplined. Often, however, they receive minor punishments such as reprimands.

Because of administrative repercussions, police experts suspect that many accidental shootings go unreported, especially if they occur while the officer is off duty, which according to LAPD records is when more than 20% of the accidents happen.

Former LAPD training Officer Hank Cousine admitted that he did not report an accidental discharge by a probationary officer under his supervision because he didn't want to hurt the young officer's career.

Cousine, a 15-year veteran who was fired for participating in an illegal pyramid scheme in 1998, said he believes that many accidental discharges go unnoticed by the department.



"If there's no one around, you're not going to say anything about it," Cousine said. "Why would you lay yourself out? Why would you want to give up money, get yourself in trouble, and take days off and get ridiculed? Why would you do that?"

Over the years, alcohol appeared to play a role in some accidental discharges.

Officer Timothy J. McLaughlin accidentally fired a .38-caliber bullet through his apartment wall and into a neighbor's home after drinking six beers in 1999. He reported the discharge a day later, only after learning that the neighbor took a photo of the bullet hole and talked to his landlord about hiring an attorney.

"A firearm must be handled with extreme care at all times; no one should be more aware of this than a police officer," said Capt. Joseph Curreri, who recommended that McLaughlin be suspended for 15 days. "Only but for the grace of God was no one injured as a result of the accidental discharge."

While drinking for several hours at a bar in Hermosa Beach in 1998, records show, officers Erik Cortes and Jeffrey Ingalls got to talking about guns and police tactics.

At one point, they went to the restroom together. As Ingalls washed his hands at a sink, Cortes saw Ingalls' gun and removed it from its holster, accidentally shooting his friend's hand. As the bullet shattered on the bathroom floor, a fragment ricocheted into Ingalls' neck.

In a 1992 case, Officer John Duran had a blood alcohol level of 0.232 -- nearly three times the legal driving limit -- when he accidentally fired his gun, setting off a chain reaction of injuries.

According to police reports, Duran was a passenger in the backseat of a pickup truck when his gun fell out of his waistband. As he picked it up, one of his buddies started play-fighting, slapping the off-duty officer.

The gun went off and the bullet hit the driver in an arm, causing him to lose control and crash into a telephone pole. The collision broke Duran's neck and fractured a leg of another passenger -- also an off-duty LAPD officer -- in five places.

"People make mistakes," Commissioner Skobin said. "They are human beings. You wish it would never happen, but unfortunately it does."

\*

Times staff writer Doug Smith contributed to this report.

**LOAD-DATE:** August 17, 2006



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March 15, 2006 Wednesday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 1

**LENGTH:** 1252 words

**HEADLINE:** Shooting Accounts at Odds in Report;  
Deputy's story of Chino incident changed after he saw video, inquiry statements reveal.

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

Minutes after shooting an unarmed man at the end of a high-speed chase, a San Bernardino County sheriff's deputy told a sergeant who arrived at the scene that he opened fire because the 21-year-old suspect had "charged him," according to a confidential sheriff's report.

But by the time he agreed to be interviewed by detectives investigating the shooting, the deputy had seen a videotape of the incident and said he used deadly force because he believed the man was going for a gun.

The statements that Deputy Ivory John Webb Jr. made to the sergeant conflict with the videotape of the Jan. 29 shooting in which Air Force policeman Elio Carrion was shot and wounded. The tape, which has been repeatedly broadcast on television and received national attention, shows Carrion kneeling and then getting shot as he follows an apparent order by Webb to stand.

Webb, 45, was charged with attempted voluntary manslaughter last week and pleaded not guilty.

The sergeant who spoke to Webb shortly after the incident said the deputy had told him that Carrion "tried to get up and lunge" at him. A Chino police officer who also arrived at the scene moments after the shooting said Webb had told him that Carrion "tried to attack" him.

When detectives tried to interview Webb hours after the shooting, he declined, saying he wanted to retain an attorney. When he finally agreed to be questioned, four days had passed and he had seen the tape of the shooting on television, according to the nearly 400-page shooting report, a copy of which was obtained by The Times.

During a tearful 2 1/2-hour interview with sheriff's investigators, Webb said he "saw what appeared to be [Carrion's] hand inside his jacket," which led him to believe that Carrion was going for a gun. He said Carrion then turned toward him and said he thought, "I'm dead."

At that instant, Webb said, he was thinking, "I'm not going to see my baby, I'm not going to see my wife. I'm not going to see my dad."

Attorney Luis Carrillo, who represents the wounded Carrion, said he believed Webb changed his story because he knew his initial statements didn't jibe with the tape.

"He falls back on a classic false version of events that police have used over and over again to justify bad shootings," Carrillo said. "When they shoot an unarmed person, they claim that they saw them reach for their waistband or reach inside their jacket, causing them to fear for their lives. Thank God for the videotape. It totally destroys his false stories."

The videotape is expected to play a crucial role in Webb's criminal case. Though the tape is grainy and the audio is at times difficult to hear, it shows Webb shooting Carrion as he appears to be complying with the deputy's order to "get up."

The tape does not show Carrion lunging or charging at Webb. In fact, just before getting shot, Carrion can be heard telling the deputy that he was in the military and "on your side" and meant him "no harm."

The shooting report said investigators had the videotape enhanced and analyzed, but the results of that analysis were not contained in the report copy obtained by The Times.

Michael D. Schwartz, an attorney representing Webb, did not return calls seeking comment.

Deputy Dist. Atty. Lewis Cope, who is prosecuting Webb, declined to comment about the deputy's statements or any other aspect of the case.

The report contains the most detailed account to date of the incident from Webb's perspective. It is unclear, however, whether detectives challenged Webb on the contradictions in his statements about what prompted him to use deadly force.

According to the report, Webb told detectives that on the night of the shooting, he was three hours from finishing his last shift before going on vacation. He recalled chatting on a cellphone with his wife or a friend when he heard a radio transmission from another deputy saying he was in pursuit of a dark blue Corvette. The car, the deputy added, was traveling at about 120 mph.

Webb ended his call and drove in the direction he thought the pursuit was headed so he could help.

Moments later, Webb told investigators, he heard a siren and the roar of an engine that "sounded like a rocket."

The Corvette was headed straight for him, Webb said, forcing him to turn his patrol car to get out of the way. He then joined the pursuit, watching as the Corvette careened off a curb and went through a red light.

"What are these guys running for? Oh my God," Webb recalled thinking at the time. "I got to catch up before they kill someone."

The chase continued through a neighborhood in Chino, and the Corvette struck a fence and came to a stop. As the deputy approached the car, it began to rock back and forth as the occupants tried to open the doors, Webb told investigators.

When the passenger, later identified as Carrion, began to emerge, Webb drew his gun and ordered him to lie down on the ground. He told investigators that Carrion's eyes darted back and forth "as if he were trying to find an avenue of escape."

Meanwhile, Webb noticed movement in the car and shouted at the driver, "Let me see your hands!" He said he saw the driver reach under the seat and into the console. As Webb struggled to watch both suspects, "he believed they were working in conjunction to try and divert his attention to either flee or attack him," according to a summary of his statement.

Webb told investigators that at that point Carrion said, "I'm going to get up" and began to rise. Webb recalled emphatically telling him not to.

Webb said that after briefly diverting his attention to the driver, he looked back at Carrion and saw that he had tucked one of his hands under his jacket.

It was then, Webb said, that he began thinking of never seeing his loved ones again. His survival instinct and police training took over, he said. He fired three shots into the area where he thought the gun would be.

Looking back, Webb told the investigators, he felt "as if he was in a whirlwind and it was spinning out of control." He said he was "scared to death."

Moments after the shooting, Chino Police Officer Brian Cauble arrived. With his gun drawn, Cauble said, he approached the Corvette to help Webb out.

"The deputy informed me that the passenger had just tried to attack him," Cauble wrote.

San Bernardino Sheriff's Sgt. Richard Swigart, who had monitored the pursuit over the radio, said he arrived just minutes after the shooting. When Swigart asked what happened, "Webb told him he had fired his weapon three times because the subject charged him," according to a summary of Swigart's statement to investigators.

Webb told Swigart he ordered Carrion to stay on the ground but Carrion refused to comply and "tried to get up and lunge" at him, records state.

About three hours after the shooting, as sheriff's investigators gathered evidence and interviewed witnesses, Jose Luis Valdes, one of the neighborhood residents, approached Det. Robert Casas, according to the report.

"How is the guy doing?" Valdes asked the detective, referring to Carrion. Casas replied that he was going to be OK. Valdes then told the detective he had videotaped the incident and invited him into his home to watch it. Casas asked if other investigators could view the tape as well. "Bring them in," Valdes said.

As Casas and five other deputies watched the tape, nobody said a word.

Then, "after the recording stopped there was total silence in the den," according to one detective's report.

Valdes removed the tape from the camcorder and handed it to a sergeant. "Do the right thing," he said.

**GRAPHIC: PHOTO:** Deputy Ivory John Webb Jr. has pleaded not guilty. **PHOTOGRAPHER:** Los Angeles Times

**LOAD-DATE:** March 15, 2006



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March 12, 2005 Saturday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 1

**LENGTH:** 1505 words

**HEADLINE:** Shootings of Dogs by Police Not Unusual

**BYLINE:** Matt Lait, Scott Glover and Doug Smith, Times Staff Writers

**BODY:**

One out of every four times Los Angeles police officers intentionally fired their guns during the last 20 years, the target was not a man; it was man's best friend.

Though the killing of a pit bull by an officer three weeks ago sparked anger among animal rights activists, LAPD data show that shooting incidents involving dogs are commonplace.

Since 1985, police have shot at more than 465 dogs, killing at least 200 and wounding at least 140, according to incident reports.

The standard an officer must follow when shooting a dog is the same as for shooting a person: as a last resort to avoid death or serious injury. When dogs are involved, officers often believe they are going to be bitten, which is why many of the animals shot by police were pit bull terriers, Rottweilers and other breeds that have reputations for being vicious.

Police said that was the case Feb. 16, when LAPD Officer Gina Iglesias shot and killed Teri, a pit bull in downtown Los Angeles. Teri was the pride of animal lovers who find homes for stray dogs, and had been featured in a calendar put out by the organization Downtown Dog Rescue.

According to police, Teri bared her teeth and seemed on the verge of attacking Iglesias and other officers who were on bike patrol and riding in an alley off 7th Place. Local volunteers who rescue dogs and workers in the industrial neighborhood on the eastern edge of downtown condemned the shooting as unnecessary.

Comparing the rate of dog shootings with those of other police agencies is difficult because there are no nationwide statistics. In New York, with a population more than twice as large as Los Angeles' and a police force nearly four times as big as the LAPD, officers have shot at 803 dogs since 1990.

The Los Angeles Sheriff's Department, though smaller than the Los Angeles Police Department, has shot at more animals over the last decade. Though LAPD officers have shot at an average of about 26 dogs a year in that period, sheriff's deputies have fired at an average of 36 animals a year, almost all of them dogs.

Randall Lockwood, a psychologist and animal behaviorist with the Humane Society of the United States who has worked with police agencies on issues relating to dogs, said most officers are not adequately trained to handle confrontations with aggressive dogs. Lockwood said he thought the number of dogs shot at by LAPD officers was "surprisingly high."

"Police departments throughout the country need to develop better training so officers can more accurately assess which dogs are life-threatening and dangerous and which ones are not," Lockwood said.

"Our opinion is that often, lethal use of force is not required or justified," he said. "In many cases, a shooting is a knee-jerk reaction by an officer not familiar with dogs. We have to acknowledge that there are situations where they have to shoot a dog, but we feel that's relatively rare."

Growling dogs baring sharp teeth can present frightening situations for police officers, officials said. And if dogs charge at officers, sometimes there is little they can do but shoot to protect themselves, they said.

"Look at what our officers face," said Assistant Chief Jim McDonnell, who oversees the department's review of all officer-involved shootings. "There are areas of the city where packs of dogs are running around loose, with no leash and no license. Often, vicious dogs are owned by people in the most high-crime areas that the officers are being called to."

McDonnell, who was not surprised by the number of canine shootings over the years, said officers are trained to shoot dogs only as a last resort.

Police agencies throughout the country have grappled with controversial dog shootings, some of which have resulted in more public outcry than shootings of people.

Such was the case with the New Year's Day 2003 killing of Patton, a terrier-bulldog, during a traffic stop on Interstate 40 in Tennessee.

Patton's owners were pulled over in the mistaken belief that they had committed a robbery. As the dog's owners were held at gunpoint, Patton climbed out of the car and, according to the Cookeville, Tenn., police officer who shot him, "charged toward me growling and in an aggressive manner."

Patton's owners, however, told the Tennessean newspaper in Nashville that the dog was "as harmless as Scooby-Doo" and was wagging his tail when he was shot.

The shooting resulted in widespread criticism of the police, and the city paid \$77,000 to settle a lawsuit filed by the dog's owners. The department also started a training program to enable officers to better deal with potentially dangerous dogs.

In Los Angeles, no easily discernible trends emerge from an analysis of LAPD shooting data maintained by the Los Angeles Times.

Through most of the early 1990s, dog shootings hovered around 20 a year -- roughly one for every four times that officers fired on suspects. But in 1998 and 1999, officers shot at dogs more often than at people, with 42 dog shootings in 1998 and 43 in 1999. In recent years, dog shootings dropped to lower levels. Last year, for example, there were 20.

In shootings involving canines, two dozen officers have been bitten. Seven officers accidentally shot their partners or bystanders while fending off aggressive dogs.

The data show that officers hit dogs with gunfire in about three-quarters of all shooting incidents involving the animals, an accuracy rate about 10 percentage points higher than that for shootings involving people. Police killed more than 40% of the dogs they fired on, which was considerably higher than the death rate for people, who were killed in about a quarter of police shootings.

The data also show that police officials found 13% of shootings involving people "out of policy," compared with 3% for shootings involving canines.

Most of the LAPD's dog shootings since 1985 have occurred in the LAPD's 77th Division in South Los Angeles.

The Foothill Division in the San Fernando Valley had the second-highest total from 1985 to 2003, the most recent year for which complete records are available.

Dog experts and even several high-ranking LAPD officials said they thought that in some cases, officers resorted to deadly force too quickly.

It was a concern that then-Chief Daryl F. Gates expressed in 1986, encouraging officers to seek alternative ways to defuse encounters with dogs.

Former Chief Bernard C. Parks also was troubled by the number of dog shootings, and he developed a training regimen aimed at reducing them. However, implementation of that program was postponed because department officials said reforms mandated by a federal consent decree after the Rampart corruption scandal were more important.

McDonnell said recruits at the Police Academy receive instruction on how to deal with vicious dogs. They are told to shout at them and use fire extinguishers, batons or pepper spray to scare them off. Officers also get training updates through department bulletins and are shown training videos once every year during roll call meetings, he said.

Joseph Pentangelo, a retired New York City police detective who works as an investigator for the American Society for Prevention of Cruelty to Animals, said informing officers about nonlethal alternatives is essential.

"If, as a police officer, you see a dog barking and your first instinct is to reach for a firearm -- that is not the thing to do," Pentangelo said. "This should be the last resort."

A review of dog shootings by The Times found that some confrontations probably could have been avoided, particularly in cases in which officers failed to notice "Beware of Dog" signs posted on residential properties.

Some dog owners who saw police shoot their pets said officers had panicked and overreacted to the alleged threat.

Edgar Javier, 20, saw police shoot his neighbor's 10-year-old German shepherd, Lady, on June 27, 2000.

He said Lady barked at the officer but did not advance out an open gate in the frontyard. Javier said the officer could have pulled the gate shut if he thought Lady was a threat.

"Did he have a right to shoot her? No," Javier said.

Nearly two dozen LAPD officers have found themselves in situations in which they shot a dog more than once over their careers, including one who shot three in the span of two years.

Several experts said that suggests an officer who may be poorly trained, overly fearful of dogs or cavalier about killing someone's pet.

"There may be some officers who liked using dogs as target practice," said Lockwood, who reached the same conclusion about the use of pepper spray by some postal workers during a study several years ago.

Some LAPD officials attribute the number of dog shootings to a proliferation of people owning aggressive breeds such as pit bulls.

If it were up to Daniel Koenig, a former LAPD commander who has studied dog shootings for the department, pit bulls would be outlawed.

"I think pit bulls are just like assault weapons," said Koenig, who resigned last year as executive director of the Los Angeles Police Commission. "There's no place for them in society."

**GRAPHIC:** GRAPHIC: Dog shootings CREDIT: Los Angeles Times PHOTO: THREAT? Teri the pit bull is shown at home in downtown L.A. sometime before she was killed by police on bike patrol who said they felt threatened. Critics condemned the shooting as unnecessary. PHOTOGRAPHER: Genaro Molina Los Angeles Times

**LOAD-DATE:** March 12, 2005



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February 11, 2005 Friday  
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**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 1

**LENGTH:** 966 words

**HEADLINE:** CALIFORNIA;  
Panel Finds '04 Shooting Broke Rules ;  
Police Commission will be told that televised killing in an incident resembling Devin Brown's death was out of policy, sources say.

**BYLINE:** Matt Lait, Times Staff Writer

**BODY:**

High-ranking Los Angeles police officials, meeting behind closed doors the day after 13-year-old Devin Brown was shot, debated the department's previous controversial killing of a motorist and did something they don't often do: They ruled the shooting "out of policy."

The finding, described by sources familiar with the investigation, will come before the Police Commission for its decision Tuesday. The case involved the shooting of a 23-year-old man after a wild chase that ended in Santa Monica on Feb. 23, 2004.

That case differs from Devin's shooting in several respects -- most notably, in the Santa Monica case, television news crews recorded the entire incident.

But the two cases share key aspects. Both involved a chase, a car backing up toward a police officer and a deadly shooting. And in both cases, reviewing officers face the same question: Was it reasonable for the police officer to believe the suspect posed a deadly threat?

Because of those similarities, the Santa Monica case illustrates the issues that Los Angeles police officials will grapple with in judging whether Officer Steve Garcia acted appropriately in shooting Devin.

One other fact relevant to all shootings: If they are found out of policy, an officer faces discipline. Typically, punishments for violating the department's shooting policy -- even in cases that resulted in a suspect's death -- have ranged from official reprimands to suspensions of five days.

Rarely has an officer been fired for an out-of-policy shooting or criminally prosecuted.

The Feb. 23 shooting was the case that caused Los Angeles Police Chief William J. Bratton to determine that the department's policy on firing into vehicles required changes.

The incident started just before dawn as police saw a vehicle being driven by Nicholas Hans Killinger, who was suspected of being armed with a knife and of robbing an Agoura Hills gas station of \$180 that morning.



Police chased him for 90 minutes, ending near Santa Monica High School when Killinger failed to complete a U-turn at an intersection and drove onto a sidewalk.

As he started to slowly back up, and television cameras continued rolling, Officers Manuel Solis, Carlos Ocequeda and Arturo Ramirez stood alongside their patrol cars and fired about 11 rounds into Killinger's rear window.

Killinger's car bumped the front of one patrol car and Killinger's driver's side door opened. Bullets could be seen hitting the car near the opening. The young man fell out the door, face down.

The case has been under investigation within the LAPD ever since. On Monday, after viewing the videotape and considering reams of investigative documents, top LAPD officials on the Use of Force Review Board determined that Killinger had not posed a "deadly threat" to officers, according to sources close to the case.

The board's full reasons for its decision have not been revealed. Assistant Chief James P. McDonnell, who headed the meeting, declined to discuss the panel's findings.

"These cases are difficult and involve tough decisions," he said. "You have to look at them with a critical eye. We look at each case on its own merits."

Danilo J. Becerra, an attorney for Killinger's family, said the development in the case "will bring the family some comfort."

"The family is trying to see that there is a change in policy," said Becerra, who is suing the city on behalf of Killinger's relatives. "They understand that people have to be punished if they do something wrong, but it doesn't have to be the death penalty. There's finally some acknowledgment of what the family has been saying."

The officers involved could not be reached for comment Thursday.

The board's recommendation has been given to Bratton, who must make his own recommendation to the civilian Police Commission.

For decades, LAPD officials have tried to discourage officers from shooting at moving vehicles. Most experts say that officers should try to get out of the way of an oncoming car. Wounding or killing the driver, they say, may cause the vehicle to veer, increasing the danger. And missing the target, they say, jeopardizes bystanders.

Bratton acknowledged this week after Devin's shooting that five of Garcia's shots hit his patrol car and created a dangerous crossfire.

The LAPD says shooting at vehicles is generally prohibited and should occur only as a last resort. The police manual states that shooting at a vehicle is "rarely effective and is extremely hazardous to innocent persons."

Despite those caveats, officers have continued to fire at motorists an average of half a dozen times a year, according to a Times review of shootings from 1985 to 2002.

Even Bratton, who wants to curtail such shootings, has found some cases justified.

In 90% of the more than 100 cases reviewed by The Times, officers were reprimanded or ordered to undergo re-training because they erred in actions leading up to the shootings.

In about 60% of the cases, police officials ruled that officers had been justified in using deadly force.

Overall, in shootings that were ruled out of policy, punishments varied widely -- and often defy easy explanation.

For example, an officer who killed an unarmed man in an out-of-policy shooting in 2000 received a two-day suspension. An officer who killed a bulldog several months later in an out-of-policy shooting was given a three-day suspension.

Attorney Stephen Yagman, a longtime critic of the LAPD, said the department's apparent willingness to find the Feb. 23 shooting out of policy is surprising.

"It's very unusual and seems to signal a sea change," Yagman said.

He said he would expect a similar result in Devin's shooting.

"It's good for the department and it's good for the city," he added. "I have some renewed faith in the LAPD and Chief Bratton. No question, this is the way it's supposed to be done."

**GRAPHIC: PHOTO: FATAL CONCLUSION:** Police officers fire at a car backing toward them at the end of a 90-minute chase in 2004. **PHOTOGRAPHER:** KTLA-TV

**LOAD-DATE:** February 11, 2005



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October 27, 2004 Wednesday  
Home Edition

**SECTION:** CALIFORNIA; Metro; Metro Desk; Part B; Pg. 4

**LENGTH:** 619 words

**HEADLINE:** Councilman Seeks Probe of Reports on Officer Shootings;  
Weiss wants explanation for why key evidence is not always given to the L.A. Police Commission.

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

Concerned that the Los Angeles Police Commission receives sanitized accounts of police shootings, City Councilman Jack Weiss on Tuesday called for an investigation explaining why key evidence undermining an officer's version of events has often been omitted from commission reports.

Weiss' call for a joint probe by the city attorney and the Police Commission came in response to recent findings by The Times that the civilian police panel has routinely found shootings "in policy" without knowing about physical evidence and witness accounts that strongly contradicted the police versions. In many cases, that information surfaced during civil litigation with costly consequences for city taxpayers.

"It is imperative that the council determine why this happened in the past and institute any necessary reforms to ensure that it does not happen again," Weiss said in a motion to his colleagues.

The motion, seconded by Councilman Martin Ludlow, now goes before the council's Public Safety Committee for discussion. If the committee approves the request, it will go to the full council for a vote.

Weiss also asked the LAPD and the city attorney to consider preparing "post-litigation" reports that would fully examine police abuse cases that result in city payouts of \$50,000 or more.

Among the issues Weiss wants addressed in those reports are: whether material information emerged during litigation that wasn't presented to the Police Commission; whether the case reflected a need to reassess training or policies; and whether discipline was imposed on any officers involved in the incident, and if not, why not.

Weiss' proposal for comprehensive litigation reports echoes recommendations called for by the Christopher Commission after the 1991 beating of Rodney G. King and by the Police Commission's first inspector general in 1997. City leaders have long complained that the LAPD learns little from successful litigation against its officers.

The Times, as part of an investigation into LAPD shootings since 1985, found numerous examples in which crucial information was not presented to the Police Commission -- only to emerge during civil litigation. For example, in one case highlighted by The Times, evidence that officers had mistakenly shot and killed an unarmed man in 1999 was left out of the investigative summary presented to the commission. Confronted with the full evidence, the city agreed to pay the man's family \$2.6 million.

"City agencies need to learn from past mistakes, and we need to institutionalize that process," Weiss said in an interview. "We can't just have bad facts getting swept under the rug."

Weiss said he did not expect his motion to face much opposition by his council colleagues.

"I don't see why anyone would be opposed to learning from the past or to trying to implement reforms that ensure that these sorts of failures don't happen again," Weiss said.

Katie Buckland, a spokeswoman for City Atty. Rocky Delgadillo, said city lawyers currently generate reports for the council on litigation, but not in the sort of detail that Weiss has proposed.

"It sounds like an interesting idea and something we'll take a look at," she said.

Councilman Dennis P. Zine, who also serves on the Public Safety Committee, said he was in favor of Weiss' motion.

"I've always questioned why we make these settlements when everything is supposed to be in order," said Zine, a former LAPD sergeant. "If [a shooting] is in policy, then we need to stand behind it and defend the action. If it's not, we've got to admit there's a problem."

As it stands, Zine said, the council is spending taxpayer dollars without really knowing whether a case merits it.

"We're just writing checks," he said. "It's ridiculous."

**LOAD-DATE:** October 27, 2004



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October 18, 2004 Monday  
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**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 1

**LENGTH:** 3494 words

**HEADLINE:** THE STATE;

Frequent Fire;

The LAPD knows little about why a tiny number of officers have used deadly force much more often than their colleagues

**BYLINE:** Scott Glover, Matt Lait and Doug Smith, Times Staff Writers

**BODY:**

Most Los Angeles police officers go through their entire careers without ever firing a shot in the line of duty.

Not Bill Rhetts.

He shot and killed a gang member who was firing a handgun at him. He shot and paralyzed a man wielding a pistol. He wounded a teenager brandishing what turned out to be a BB gun. After leaving the LAPD for the Riverside Police Department, he shot an unarmed suspect hiding in a doghouse.

After the last incident, a psychiatrist declared him unfit for duty. Rhetts said he was angry -- until he reflected on how his years in uniform had changed him.

"I became very desensitized. You know, callous, angry, hateful," said Rhetts, 45, now a police chaplain. "I didn't see it then, but I see it now. I became more aggressive in defending my life."

Officers such as Rhetts represent a mystery and a challenge for police administrators. In the Los Angeles Police Department, they make up a tiny fraternity who have used deadly force much more often than their colleagues, a Times investigation found.

Officers who have shot at suspects three or more times represent less than 1% of the force. But they were involved in 20% of all LAPD shootings since 1985.

Little is known about why they pull the trigger so often. Few researchers have paid attention to the phenomenon. The LAPD does not track frequent shooters. It does not even know who they are.

The Times discovered the cadre of repeat shooters through a computer analysis of 1,437 officer-involved shootings from 1985 through mid-2004.

Of an estimated 16,000 officers who worked field assignments during that time, only 103 fired at suspects on three or more occasions, the analysis revealed. Among 9,100 active officers, just 69 have three or more shootings.

Some of these officers serve in SWAT teams, narcotics squads or other high-risk units. But that does not explain their propensity to fire. In their use of deadly force, they stand out even when compared with officers in identical assignments in the same parts of the city.

Moreover, many continued to fire frequently even as the overall number of officer-involved shootings declined over the last decade.

Experts in police behavior say departments should monitor repeat shooters closely.

"The simple fact that an officer is involved in a disproportionate number of shootings raises a red flag," said Geoffrey Alpert, a professor of criminology at the University of South Carolina. "The department needs to start taking more notice of these shootings and look for patterns or trends."

The 103 frequent shooters identified by The Times are not easily categorized. Some have won the department's Medal of Valor. Others committed notorious acts of misconduct: Former Officer David Mack robbed a bank. Edward Ruiz framed a man on a gun charge.

Five of the repeat shooters were implicated in planting evidence, beating suspects or covering up shootings in the Rampart scandal.

Only three of the 103 are women.

Frequent shooters have sparked controversy this year.

In February, Officer Manuel Solis was captured on live news broadcasts firing repeatedly into a car whose driver had led police on a high-speed chase.

The motorist, Nicholas Hans Killinger, 23, was suspected of holding up an Agoura Hills gas station. The 90-minute police pursuit ended in front of Santa Monica High School, where Killinger hit a curb while trying to make a U-turn. He then put his Ford Tempo in reverse and backed up slowly toward two patrol cars.

Solis and two other officers fired a total of 22 rounds, killing Killinger. LAPD officials said Solis believed Killinger was trying to run him over. The shooting -- Solis' third -- remains under investigation.

Officer Charles Wunder is another three-time shooter. In July, he and a fellow officer shot and killed a man who had been behaving erratically at a downtown bus station.

The man was crawling through an opening in a ticket counter, clutching a 6-inch metal stake. Wunder and the other officer opened fire while a third officer was still trying to subdue the man with a nonlethal stun gun.

Police Chief William J. Bratton expressed "significant concerns" about the shooting, which is also under investigation.

Wunder and Solis both declined to be interviewed.

The sparse scholarly research on repeat shooters offers some tentative explanations for their behavior.

Social scientists believe that some of them are innately aggressive or anxious. Others may have family problems. Still others appear to place themselves in danger through carelessness or poor judgment, leaving no recourse but to shoot.

The Times analysis and interviews with frequent shooters suggest another possible factor: that the experience of firing at a suspect for the first time leaves a profound psychological mark, lowering an officer's threshold for shooting.

Nearly 90% of the officers who have worked field assignments since 1985 never fired their weapons in the line of duty. But after a first shooting, an officer's likelihood of shooting again rose sharply -- from 1 in 10 to 1 in 5. Those with two shootings had a nearly 1-in-3 probability of becoming involved in a third.

"It definitely is easier to pull the trigger a second time," said former Officer Hank Cousine, who was involved in three shootings during a 15-year career with the LAPD. "You kill a lot of paper targets, but shooting a human being is different."

Police are required to visit a department psychologist after a shooting to determine whether they need counseling or a break from street duty. But officers who have been through the 45-minute consultation describe it as perfunctory.

"Pretty much all they do is say, 'Gee, Dale, how do you feel?'" recalled Dale Suzuki, who had five shootings in 10 years with the LAPD. He left the force in 2000 to become a wilderness guide in Alaska.

"It's pretty brutal," Suzuki said of the emotional aftermath of a shooting. "That's what a lot of people from the outside don't see. You know ... did I do the right thing? Maybe I should have waited a second longer."

### 'Bare-Bones' Data

The department's failure to identify and monitor repeat shooters is remarkable given the city's history of explosive controversies over police use of force.

The 1991 Christopher Commission, established after the Rodney King beating, called on the LAPD to make statistics on officers' shootings and other uses of force "readily accessible" so that supervisors could detect signs of trouble.

In response, the department developed a database called the Training Evaluation and Management System, or TEAMS. But a 1996 report said the system provided only "bare-bones" information and was a "far cry" from what the Christopher Commission had proposed.

In a 2000 consent decree with the U.S. Justice Department, police officials promised to do better. They said they would create a comprehensive "early warning" system, dubbed TEAMS II, to track use of force, citizen complaints and other data on all officers.

The department is still struggling to get the system running. LAPD officials now say they expect it to be operational by July.

Samuel Walker, a criminal justice professor at the University of Nebraska at Omaha and an expert on police oversight, said there was "no excuse" for the delay.

"It has now been 13 years" since the Christopher Commission report, he said. "The one thing we have learned is that these problems are manageable."

The Police Commission, the five-member civilian panel that oversees the LAPD, reviews all shootings to determine whether officers obeyed department policy on the use of deadly force.

But in judging a case, the commission deliberately does not consider any previous shootings by the officer involved, lest that information prejudice its decision.

Commission members say, however, that after they make a ruling, they examine the officer's use-of-force history to determine whether intervention is called for.

Bratton said repeat shooters should be monitored, but not shackled with restrictions. Many of them are exceptional officers, he said.

"They make some phenomenal arrests because they've got that sixth instinct," he said. "They're more inquisitive. They're not going to drive by something that somebody else might not even notice."

Bratton said it would be unfair to restrict such officers to desk duty simply because they were involved in numerous shootings. "The reality is a lot of these cops prefer to work in [dangerous assignments] and they are good at what they do, and that is the balancing act."

Among LAPD officers, a history of shootings generally is no cause for embarrassment. Repeat shooters are often viewed as tough and fearless.

Keith Lewis shot at suspects seven times in an eight-year span while working in the Narcotics Division. In an eighth incident, he accidentally wounded a fellow officer while shooting a snarling dog.

Four of Lewis' shootings were deemed unjustified by the Police Commission. In one of those cases, Lewis shot and wounded a suspect who he believed -- mistakenly -- had a gun in his hand.

In another incident, the commission found that Lewis fired "indiscriminately" into a car after one of the occupants allegedly pointed a gun at him. Two unarmed women were wounded along with the alleged gunman.

Yet among Lewis' friends on the force, his shooting record was hardly taboo. When they organized a retirement party for him last year, his buddies had an artist draw a caricature that made light of his propensity to fire.

The caricature, published in the Thin Blue Line, the police union's monthly newspaper, depicts Lewis in plaid golf pants, hunched over a putter -- with a pistol hanging from his waist.

A dialogue balloon has the grinning Lewis saying: "When in doubt, shoot it out."

Lewis, 45, did not respond to a request for comment.

Another prolific shooter is Bob Crupi, a 30-year veteran. He has fired at suspects three times since 1985. LAPD records list eight earlier shootings, but provide no details.

In a brief interview, Crupi recalled a shooting from 1988. A suspected hit-and-run driver, fleeing police on foot, climbed a chain-link fence. Crupi tried to pull the man down, but backed off when he waved a sharpened screwdriver, police reports say. Crupi then shot the suspect, wounding him in the back.

He said his captain later criticized him for being too quick to fire.

"I was told I should have retreated and reassessed," said Crupi, now a motorcycle officer in the San Fernando Valley. "I told him 'retreat' wasn't in my vocabulary."

'A Lot of Shootings'

Officer Jamie McBride has what police call "good obs."

He notices things others might miss: a slyly executed street corner drug deal, the evasive body language of somebody trying to hide something.

Spotting concealed guns is one of McBride's specialties. He's taken scores of them off the streets of South Los Angeles, repeatedly winning praise from superiors.

"McBride has established himself as one of the most industrious, productive, hard-charging officers in the Division," reads a performance review from 1995. "McBride has consistently led not only his watch, but also the Division in the recovery of and arrest for possession of concealed firearms."

The review made no mention of another statistic in which McBride led his division that year: He was involved in four shootings in five months.

"That's a lot of shootings," McBride, a 14-year LAPD veteran, said in an interview. "That's a lot of shootings in a career, let alone a year."

The first of those shootings stemmed from a jaywalking stop. Jermaine Stewart, then 20, and a friend were crossing the street when McBride and his partner pulled up in a patrol car. Stewart said an officer's voice boomed over the loudspeaker: "Come here, fat boy."

Stewart, who had a .380-caliber pistol in his waistband, took off running, police reports say. At one point, he pulled the gun and allegedly pointed it at the officers. McBride, behind the wheel of the patrol car, fired at Stewart through the open window, hitting him in the leg and arm.

A departmental review found that McBride was justified in shooting Stewart, but faulted him for "driving, issuing verbal commands and ... defending himself and his partner in an armed confrontation" all at the same time.

McBride has been involved in a total of six shootings, the most recent in 2001.

The LAPD has repeatedly criticized him for putting himself and fellow officers at risk with careless tactics. Records show that he has been chastised for failing to take cover, to call for backup or to make fellow officers aware of his whereabouts during shootings.

McBride said he has no regrets.

"I honestly believe that when I take a firearm off the street -- as corny as it sounds -- I actually prevented a crime from occurring," he said. "Of all the guns I've gotten over the years, I know I've prevented at least a few homicides."

Two years ago, McBride was transferred to the relatively sleepy Devonshire Division. He has not been involved in any shootings since then and was recently named the division's officer of the year. Now 35, he said he had no interest in returning to the city's south end.

"I don't have time for that ghetto gun-fighting anymore," he said. "I'm getting too old for that. That's not what I'm about."

Exercising Restraint

Hank Cousine makes no apologies for his three shootings. In fact, he says, there are people all over Los Angeles who should count themselves lucky he didn't shoot them.



This is a common refrain among repeat shooters -- that statistics don't reflect the restraint they exercised in the face of danger.

"I could have legally killed a hundred people on any given week. Without a doubt," said Cousine, 44, a former Army Ranger.

He said he was able to escape such situations without firing because he used superior tactics, such as taking cover behind his patrol car or a building. This allowed him to negotiate with suspects to drop their weapons and surrender.

In some cases, he said, he held his fire even when in danger because he didn't want to pile up too many shootings.

Once, he said, he refrained from shooting a man who was threatening him with a butcher knife because he was working an off-duty security job without department approval.

"If I had filed my work permit, bang, bang, he's going," Cousine said.

Cousine has always been one to speak his mind. After the Rodney King beating, he publicly criticized the officers involved for swinging their batons like "little girls."

He was one of 44 "problem officers" identified by the Christopher Commission on the basis of citizen complaints, shootings and other criteria. Assigned to desk duty, he complained that he was "a soldier ... doing a secretary's job."

Cousine was fired in 1998 for participating in an illegal pyramid scheme. He sold real estate for a time and now sells his own line of motocross gear.

In 1988, Cousine shot a man who pointed what appeared to be a handgun at him, police records show. The weapon turned out to be a toy.

"Why me?" he recalled thinking. "I don't want to take out a nut. I want to take out a bad guy."

His next shooting, in 1989, occurred while he was off duty and driving his Corvette on Eastern Boulevard in Bell Gardens. Seeing a woman he knew, he pulled over and struck up a conversation. Then a car pulled up behind him. The woman said the men in the car had been following her and making sexual comments.

Cousine stepped out of his car and told the men to leave. The driver gunned his engine and drove straight for him, Cousine said. The driver sideswiped Cousine's Corvette and sped away. A passenger in the car pointed a gun at Cousine, who pulled out his own weapon.

"They're going down the road and I'm 'boom, boom, boom, boom, boom,'" he said.

His last shooting, in 1989, stemmed from a domestic disturbance. When Cousine tried to arrest an abusive husband, the man lunged at him with a razor blade. Cousine shot the man in the leg.

"I didn't want to blow this guy's head off in front of his kids," he said. "There's certain things you don't do in front of the kids unless you really have to."

'One Squeeze -- Boom!'

On Nov. 14, 1991, Bill Rhetts, then an LAPD vice officer, and his partner were sitting in an unmarked car watching a hooker stroll down Figueroa Street. Suddenly, a gang member walked toward the car, pulled out a handgun and started shooting.

Rhetts said he was slow to return fire. Then his academy training took over: "I put the front sights right on his head and with one squeeze -- boom! -- he was down on the ground. He was dead."

The shooting made a deep impression on him, Rhetts said. "I'm not going to allow the suspect to shoot at me first the next time," he recalled thinking, "because this time he almost killed me."

In 1996, Rhetts shot and paralyzed a man who he said pointed a gun at him. His partner, who also had his gun drawn, did not fire.

Four months later, Rhetts and another partner responded to a call about a "man with a gun" near a market on Huntington Drive in East Los Angeles.

"I did not want to be in another shooting," Rhetts recalled. So he and his partner agreed that if it became necessary to shoot, the partner would do it.

At the scene, the officers confronted a 16-year-old boy with a handgun in his waistband. They trained their guns on the suspect and shouted at him to raise his hands. Instead, Rhettts said, the youth drew his weapon and raised it in their direction.

Rhettts waited for his partner to fire. Suddenly, the partner appeared to jerk backward, as if he had just fired his shotgun, Rhettts said. But there was no sound. Rhettts guessed the weapon had malfunctioned. Then he took matters into his own hands.

"I gave him two rounds and he went down," Rhettts said.

The boy suffered a leg wound. Rhettts said he was devastated to learn that the weapon was a BB gun.

"I cradled him like a baby," Rhettts said. "I remember he was apologizing to me and I was apologizing to him."

An LAPD report on the incident makes no mention that Rhettts' partner tried to fire at the suspect. The officer declined to comment.

Rhettts resigned from the LAPD soon after and took a job with the Riverside Police Department.

On Feb. 11, 2000, he shot a parole violator who had run from police and was hiding in a doghouse, according to court documents and interviews with lawyers involved in the case. The man had been described as armed and dangerous, but in fact was unarmed. The shooting injured his leg so badly it had to be amputated.

Afterward, Rhettts' superiors ordered him to see a psychiatrist, who found him unfit to serve. Looking back on his career, Rhettts said he came to realize that the psychiatrist may have been right.

He recalled shooting steroids and pumping iron during his days as a street cop in the Northeast Division. He remembered getting drunk on bourbon while driving home to cope with the stress of the job.

He said he also thought about the four shootings -- and wondered whether any of them could have been avoided.

"To be honest with you," Rhettts said, "I can look back and think, 'Should I have been a cop?'"

Times researcher Offer Egozy contributed to this report.

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Pulling the trigger

Police shootings are concentrated in a small percentage of officers. Nine out of 10 LAPD officers who held field assignments between 1985 and mid-2004 never fired at a suspect.

Total number of officers: 16,000

Nearly 90% of officers had no shootings

One shooting: 1,316 (8.2%)

Two shootings: 229 (1.4%)

Three or more shootings: 103 (0.6%)

Probability of shooting

For the same pool of LAPD personnel, the likelihood that an officer would fire his weapon increased markedly after his first shooting -- and continued to rise after each subsequent shooting. The reasons are unclear, but some officers say the trauma associated with a shooting made them quicker to pull the trigger thereafter.

All officers: 10% probability of shooting

Officers with:

One shooting 20%

Two shootings 31%

Three shootings 32%

Four shootings 36%

Five shootings 50%

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Source: Times analysis of LAPD statistics. Graphics reporting by Doug Smith

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#### About the Numbers

This report is based on a computer analysis of Los Angeles Police Department data on officer-involved shootings.

The analysis focused on 1,437 incidents from 1985 through mid-2004 in which police officers shot at suspects. Excluded were accidental shootings, shootings of dogs or other animals, and "tactical shootings," such as when officers fired at the tires of fleeing vehicles.

For each shooting at a suspect, The Times gleaned information -- including the date and location and the identities of the officers involved -- from LAPD reports and Police Commission records.

Because many shootings involve more than one officer, the number of officers who fired their weapons at suspects -- 1,648 -- exceeds the number of incidents.

Aspects of The Times' analysis were based on an estimate of the total number of LAPD officers who have served in field assignments since 1985. That estimate -- 16,000 -- was calculated using figures on officer deployments and separations from the force, published annually in the department's Statistical Digest.

**GRAPHIC: PHOTO: NEW JOB:** Former LAPD Officer Bill Rhetts, speaking to a Christian group, describes a 1991 shootout in which he says a person in his line of fire made a shape like that of a cross. After a shooting in 2000, while he was with the Riverside Police Department, a psychiatrist declared him unfit to serve. He is now a police chaplain. **PHOTOGRAPHER:** Luis Sinco Los Angeles Times **PHOTO: 'HARD-CHARGING':** Officer Jamie McBride confiscated scores of guns. He also was involved in four shootings in five months. "That's a lot of shootings in a career, let alone a year," he said. **PHOTO: HOLDING FIRE:** Hank Cousine chats with a motocross fan in Devore. The ex-Army Ranger makes no apologies for his three shootings while he was with the LAPD. "I could have legally killed a hundred people on any given week," he said. **PHOTOGRAPHER:** Luis Sinco Los Angeles Times **PHOTO: TRAINING:** An officer takes a firearms proficiency test at the LAPD gun range in Elysian Park. Some of the department's frequent shooters are members of SWAT teams, narcotics squads or other high-risk units. But that does not explain their propensity to fire. Their use of deadly force is notable even when compared with officers who have identical assignments and serve in the same neighborhoods. **PHOTOGRAPHER:** Luis Sinco Los Angeles Times **PHOTO: MARK OF THE PAST:** Bill Rhetts displays a tattoo he got as an LAPD officer. **PHOTOGRAPHER:** Luis Sinco Los Angeles Times

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The LAPD has often led its civilian overseers astray about key facts on officers' use of deadly force

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

Officer Jeff Nolte was leading a drug raid on a motel in Gardena when a suspected cocaine dealer pointed a shotgun at him. Nolte fired two shots "in immediate defense of his life," hitting the suspect, Leonard Robinson, in the hands and disarming him.

At least that was the story told by the Los Angeles Police Department. Seeing no reason to doubt it, the Police Commission ruled the shooting "in policy." Nolte was officially in the clear.

Four years later, Robinson's civil rights lawsuit went to trial, and a very different picture emerged.

Evidence not seen by the commission showed that Robinson had his hands in the air when Nolte opened fire. Robinson wasn't aiming a weapon at the officer, the jury found. He was trying to surrender. Robinson collected \$2 million in damages this year.

"I do not believe that any officer could reasonably have believed that this shooting was justified," said U.S. District Court Judge Nora Manella, who presided at the trial.

It was not the first time the Police Commission had been led astray by the department it supervises. Time and again, the LAPD has given its civilian overseers an incomplete, often distorted picture of police shootings, a Times investigation found.

The five-member commission -- made up of lawyers, business people and civic leaders appointed by the mayor -- is supposed to serve as the public's sentinel at police headquarters.

Scrutinizing shootings is one of its most important responsibilities, a way to ensure that police who use excessive force do not go undetected or unpunished.

Yet as a watchdog, the commission operates with a serious handicap: It has frequently been kept in the dark about important aspects of LAPD shootings.

The department's shooting reports routinely omit information that might cause the commission to question whether officers acted properly. Witnesses who told investigators that police fired without provocation have gone unmentioned. Physical evidence that contradicts an officer's claim of self-defense has been left out.

The Times studied dozens of shootings, comparing the information presented to the Police Commission with confidential Police Department files, court records and other documents.

In at least 28 shootings, 15 of them fatal, the commission ruled that the use of force was "in policy" -- that is, reasonable and justified -- without knowing about evidence that pointed to the opposite conclusion.

A few examples:

\* In 1999, police searching for the source of New Year's Eve gunfire shot and killed a man they said had pointed a shotgun at them. Evidence that the officers mistakenly shot an unarmed man was left out of the investigative summary presented to the commission.

City lawyers, confronted later with the full evidence, agreed to pay the man's family \$2.6 million.

\* In 1997, a drug-addled motorist slammed his car door on a police officer's arm and tried to flee, pulling the officer along. Another officer then shot and killed the driver. The LAPD said it was the only way to save the trapped policeman.

However, four bystanders -- not mentioned in the LAPD summary -- told detectives that the policeman had gotten free of the car and was out of danger when his colleague shot the motorist to death.

\* In 1996, officers shot and wounded two men they said had opened fire on them from the balcony of an apartment building. The LAPD summary depicted it as an open-and-shut case of self-defense.

Unknown to the commission, police investigators had found no evidence to support the officers' account, and an internal LAPD panel had concluded that they did not come under fire. (See article, Page A26.)

Bernard C. Parks, police chief from 1997 to 2002 and now a City Council member and candidate for mayor, declined to be interviewed for this article.

His successor, William J. Bratton, said changes set in motion by the 1999 Rampart scandal had resulted in better shooting investigations and more forthright reports to the commission. But he said he was not satisfied.

In August, Bratton reorganized the unit that investigates officer-involved shootings -- the second such overhaul in the last four years. In an interview, he said he was determined to "go where the truth takes us" in investigating shootings.

"We're always going to be on a journey," Bratton said. "We're never going to get to the destination."

David S. Cunningham III, a lawyer who is president of the Police Commission, said members of the panel recognize the need to view LAPD accounts skeptically and are scrutinizing shootings more vigorously than ever.

"You've got cops investigating cops," he said. "There is always going to be a bias. Does that bias lead to unreliable conclusions? Sometimes."

Gerald L. Chaleff, a former commission president who is now a top advisor to Bratton, said the pattern of omissions in the LAPD summaries suggested a breakdown in civilian oversight of the department.

"If we were in fact being misled or relying on incomplete information, then we weren't able to perform our jobs and the system isn't working at all," Chaleff said. "Obviously, I am not pleased."

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#### Something Was Missing

Police had no choice but to shoot Terry Taylor. When officers shouted "Police!" and ordered him to drop his shotgun, he did not obey. Instead, he pointed the weapon at them.

This was the account provided by the LAPD, based on statements from the officers.

But there was something missing. Witness statements and physical evidence indicated that Taylor did not have a shotgun in his hands. The weight of the facts -- the full facts -- was that the police made a tragic mistake.

It happened just after midnight on Jan. 1, 1999. Taylor and a crowd of friends and relatives were celebrating the new year at his house in South Los Angeles.

Unknown to the revelers, a group of 77th Street Division officers was approaching the bungalow with guns drawn. They were on a "gunfire reduction detail" and had heard celebratory gunshots in the neighborhood. They were trying to find the source.

Officers Andrew Luong and Michael Menegio saw Taylor and two other men standing on a patio at the rear of the house. According to the LAPD summary, Taylor, 35, was holding a shotgun. Luong and Menegio said they opened fire when he disregarded their warning and aimed the weapon at them.

Taylor fell across the threshold of the back doorway. A round from Luong's 9-millimeter pistol had pierced his heart.

Taylor, a father of five, had been a printer before a bad back put him on disability. His wife, Reda, went to work for the Postal Service, and he became a stay-at-home father. His children called him "Mr. Mom." Now, they looked on as he bled to death on the living room floor.

When the case went before the commission 11 months later, the LAPD offered no hint that there might be questions about the shooting.

A summary of the department's investigation, signed by then-Chief Parks, said that "the officers reasonably believed the suspect presented an immediate threat of serious bodily injury or death."

Commission members ruled the shooting "in policy."

In the meantime, Taylor's family had filed a civil rights suit. In the LAPD's files, lawyer Samuel Paz found evidence that cast the shooting in an entirely different light.

The victim's half-brother, Charles Anderson, had told police investigators that he -- not Taylor -- was holding the shotgun. Anderson said it was unloaded, cracked open at the chamber and inoperable by the time police arrived.

Detectives challenged him vigorously, interview transcripts show. They pushed him to admit that he was lying and that Taylor had been holding the weapon. They pointed out that as a paroled robber, he could be sent back to prison for possessing a firearm.

Anderson stuck to his story, and the evidence bore him out.

Officer Menegio had told detectives that the gunman standing on the patio had a white T-shirt on. Witnesses said Anderson was wearing such a shirt that night.

As for Taylor, a coroner's photograph showed him in a dark green, long-sleeve shirt -- a Christmas present from his wife.

The police version of events clashed with another key piece of evidence: blood that sprayed from Taylor's body as the bullet exited below his right armpit. Droplets landed on the stock of the shotgun.

The LAPD summary said the department's analysis of the spattered blood confirmed that Taylor was holding the weapon -- and pointing the barrel at the officers -- when he was shot.

Yet as the civil rights suit unfolded, experts for both the city and the Taylor family said it could not have happened that way.

Richard H. Fox, an evidence expert for the plaintiffs, said in a report that the pattern of blood droplets showed that the gun was 12 to 18 inches from Taylor's body -- and was pointed away from the officers.

This was consistent with Anderson's statement that he was holding the gun, standing beside Taylor as the two walked toward the back door.

Ronald Raquel, an LAPD criminalist, said during a deposition that the weapon had to have been 6 to 12 inches from Taylor's side.

Paz, the family's lawyer, then asked Raquel about an LAPD photo reenactment of the incident that showed a man holding a shotgun close to his side, in a classic firing pose. Paz showed the nine pictures to Raquel one by one and asked whether Taylor could have been holding the gun as depicted when he was shot.

Nine times, Raquel replied: "No."

When Paz previewed his case for city lawyers, they decided not to risk a jury trial. The city settled the lawsuit for \$2.6 million.

Luong, now with the Buena Park Police Department, defended his actions.

"I believe in my heart I did the right thing," he said in an interview. "I did what I felt I had to do to keep me and my partner alive."

Menegio declined to comment.

Years earlier, Paz had secured a \$5.5-million settlement for a Los Angeles Coliseum groundskeeper who was shot by a police officer and left paralyzed from the waist down.

That shooting, like Taylor's, had been ruled "in policy." In both cases, Paz said, he relied on evidence collected by the LAPD to show that its officers fired without justification.

"If there's a message in this," he said, "it's 'If I can do this, why can't they?'"

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#### Accountable Only to Itself

The practice of sanitizing shooting reports has persisted under successive mayors and police chiefs. It reflects an entrenched resistance to civilian oversight at the LAPD that dates back decades.

For much of its history, the department was accountable only to itself when it came to officers' use of force. After a shooting, police investigated their own, in strict secrecy. Rarely were the findings made public.

The Police Commission, established in the 1920s to set policy for the department and supervise the chief, played little if any role in shooting investigations.

That changed after the killing of Eulia Mae Love in 1979. Love, 39, a widow from South Los Angeles, had flown into a rage when a gas company employee threatened to shut off her service unless she paid \$22 on an overdue bill. She chased the man away with a shovel. Utility workers returned later that day with police backup.

After a brief standoff, Love threw a kitchen knife at the two officers. They emptied their revolvers, killing her instantly. Police Chief Daryl F. Gates pronounced the officers blameless, saying they had fired in self-defense. Protesters marched on Parker Center, the LAPD headquarters.

The commission launched an investigation and concluded that police had killed Love unnecessarily. The panel found, among other things, that they fired at least one round at Love as she lay wounded on the ground.

Ever since, the commission has reviewed all police shootings to determine whether the use of force was justified. If not, officers can be reprimanded, suspended and in rare instances fired.

The LAPD manual states that police should fire only "when it reasonably appears necessary" to protect themselves or others from death or serious injury. In deciding whether a shooting is consistent with that policy, the commission relies on the department's own investigation.

Particularly important are the investigative summaries, known as "15-2s." These reports, typically four to eight pages long, are supposed to lay out the salient facts, the chief's recommendation to the commission and his reasoning.

In more than 80% of shootings since 1985, the earliest year for which records were available, the commission found officers' actions "in policy," as recommended by the chief.

One sign that the commission does not always get the whole story is that many shootings it judges "in policy" later result in sizable civil jury verdicts against the LAPD for excessive force -- or in generous legal settlements with shooting victims or their family members.

The Times found that 101 officer-involved shootings have resulted in jury awards or settlements since 1985. The total cost to taxpayers: \$68.5 million.

Seventy-seven of those shootings -- more than three-fourths -- were ruled "in policy."

To understand why, reporters examined court records and confidential police files on 17 shootings that led to legal payments of \$500,000 or more.

In 15 of the cases, evidence in conflict with the officers' accounts was not included in the summary given to the commission. The shootings occurred as recently as 2002 and as long ago as 1986.

Looking at other "in policy" shootings, reporters discovered an additional 13 cases -- resulting in smaller or no legal payments -- in which significant information was left out of the summary.

Since 1999, commission members have received copies of the LAPD's complete investigative files on shootings, as well as the summaries. But the full files are so voluminous and arcane that they are of little use to the commissioners, who rarely delve into them. They can run to dozens or even hundreds of pages for a single shooting, much of it highly technical material -- autopsy findings, ballistics analysis, toxicology reports.

"I could read [an investigative file] 30 times and I wouldn't pick up on something that someone who has been in this business for 20 years would," said commission member Rick J. Caruso, a real estate developer. "That's what the executive summaries are for."

The LAPD inspector general's office, created in 1996 in response to the Rodney King beating, is supposed to help the commission evaluate shootings. But with a host of other duties, the office has had little time to deconstruct the summaries or search the investigative files for hidden information.

Often, the full facts about a shooting come to light years after commission action, when a private attorney, poring over LAPD files for a lawsuit, discovers evidence that was not known to commission members.

Even when such cases result in expensive jury verdicts or settlements, the commission does not revisit its earlier "in policy" rulings -- or try to determine why the LAPD left the information out of the summaries.

Rabbi Gary Greenebaum, a former commission president, said he was always uncomfortable relying on the summaries but saw no alternative.

"It was the most frustrating part of the job for me," he said. "I never felt we received 100% of the story."

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#### A Very Different Story

Certainly they did not in the case of Leonard Robinson, the drug suspect who was shot in the hands -- evidently while holding them in the air.

Robinson, a disabled ironworker from Louisiana, was in Room 312 of the Executive Inn in Gardena when LAPD narcotics officers battered down the door on June 18, 1997.

An informant had told police that Robinson was dealing cocaine from the room. Robinson, then 51, worked security at the motel in return for a break on his rent and was armed, the informant added.

Officer Nolte, clad in a helmet and body armor, dashed down a hallway and confronted the suspect. According to the LAPD summary, Robinson was holding a shotgun and raised the barrel, pointing it at the officer.

Nolte fired two shots from his own 12-gauge shotgun. The rounds struck Robinson in the hands, "causing him to relinquish his grip" on his weapon, the summary said.

Robinson told a very different story in court.

Under questioning by his lawyer, Jim Epstein, Robinson testified that he was in bed when he heard a commotion outside his door. He said he grabbed his shotgun, thinking that someone was breaking in, but dropped the weapon in his lap when he heard shouts of "Police!"

"I laid back and raised my hands up," Robinson said.

He described how the first blast from Nolte's shotgun tore into his right hand. "Then," Robinson said, "he took another direct aim at me" and fired again.

Robinson's right palm was peppered with buckshot. His ring finger was torn up. His index finger was blown off.

A doctor testified that Robinson must have bled profusely. Yet no tissue and only a few minute specks of blood were found on the shotgun he supposedly was holding. Nor was the gun damaged in the slightest by the two blasts from Nolte's weapon.



The U.S. District Court jury that heard the civil rights suit in 2001 awarded Robinson \$1 million in damages. When city lawyers appealed the verdict, judges from the U.S. 9th Circuit Court of Appeals said Nolte's claim of self-defense simply was not believable.

"How did he shoot the gun out of the guy's hands without any damage to the gun and without any tissue or blood on the gun -- even though [Robinson's] hands were all chopped up?" one judge asked during a hearing last year.

He challenged the city's lawyer, Amy Jo Field, to reconcile Nolte's account with the evidence.

"I don't think you can, your honor," she said.

The city later agreed to pay Robinson a total of \$2 million for the jury verdict and to settle a separate claim of false arrest.

Nolte, who remains on the force, declined to be interviewed.

Dean Hansell, an attorney who was on the Police Commission when it approved Nolte's actions, said he was unaware there was evidence contradicting the officer's account.

"If there is something that may tend to undercut what the officer said, that is information that the commission expects to have," he said. "Clearly, it would have been highly significant to us."

Asked to explain the omissions in the LAPD summary, Assistant Police Chief George Gascon said: "There are multiple possible explanations, and they go all the way from very evil people at the department hiding facts to very poor or incompetent people...."

"The truth is probably somewhere in the middle."

\*

#### Disregarding Witnesses

By the LAPD's account, Officer Bruce Nelson had no choice but to shoot. A motorist had trapped a fellow officer in his car door and was dragging him along the pavement. Nelson shot and killed the driver, Jonathan Horst, in order to save a colleague's life.

Had they known all the facts, commission members would have been obliged to consider an alternative scenario: that an enraged Nelson executed Horst, and police came up with a rationale after the fact.

On the night of March 28, 1997, Horst, 33, blew through a traffic light in South Los Angeles and led police on a 20-minute chase. Police finally cornered his Subaru Justy on a pier in San Pedro.

As Sgt. Dennis Sebenick tried to pull him from the car, Horst slammed the door on the officer's arm and punched the gas pedal. Sebenick was pulled about 30 feet until the Subaru plowed into a parked patrol car.

Nelson ran over and fired a shot at Horst. By the LAPD account, Horst kept driving, so Nelson took aim and fired two more rounds. Only then, according to the summary, did Horst release the car door, freeing Sebenick.

Horst, a onetime chef and aspiring artist who had developed a stubborn drug habit, died moments later of gunshot wounds to the upper body. Blood tests indicated he was on methamphetamine.

Sebenick suffered a bruised right arm.

"Officer Nelson reasonably believed the suspect presented an immediate threat of serious bodily injury or death to Sgt. Sebenick," said the summary submitted by Parks.

The commission ruled the shooting "in policy."

Unmentioned in the summary, however, were four witnesses who told detectives that Sebenick was out of harm's way by the time Nelson opened fire.

The witnesses were dockworkers who were unloading a ship that night. Times reporters listened to tape recordings and reviewed transcripts of detectives' interviews with the witnesses. They said they had a good view of the incident, aided by a spotlight shining down from an LAPD helicopter.

None of the dockworkers was critical of the officers' conduct, and all seemed sympathetic to the dangers police had faced in dealing with Horst. Yet all four said matter-of-factly that Horst was killed after he had ceased to pose a threat to Sebenick.

Dockworker Ted Lucich said Sebenick was off to the side of Horst's car, being tended to by fellow officers, before Nelson fired.

"This was before the shots were fired?" a detective asked.

"Yes," Lucich replied.

Joel Vitalich said he saw Sebenick approach Horst's car and become entangled in the door.

Horst "traveled about 10 to 15 feet with the officer trapped," he said. "When they stopped, two police officers ran to the sergeant and pulled him out.... Then I heard a boom, a pause and boom-boom-boom."

A third witness, Edward Loy, said he saw officers rush to Sebenick's aid before Nelson shot the motorist.

"Once they got him cleared is when I heard those shots go off," Loy said.

Sean Dover told detectives: "The officer that was hanging on [to Horst's car] either fell off or let go..... Then I heard two or three pops."

Detectives did not press the witnesses for more information about the timing of Nelson's gunshots, the tape recordings show. In fact, one investigator appeared to offer a justification for the shooting.

"It's something [the officers] had to do, unfortunately, because they saw a brother officer getting hurt," Det. Matthew Kuckowicz said to one of the dockworkers. "You know, we are going to get second-guessed on this by the news media and different groups and everything else and you guys are going to be the ones that, uh, you know."

Kuckowicz did not respond to a request for comment. Nelson, who remains on the force, also declined to be interviewed.

Paul Mills, who filed a federal civil rights suit against the LAPD on behalf of Horst's parents, said he was not surprised that the dockworkers' observations were absent from the summary.

"It's the classic LAPD procedure of ....disregarding the non-police witnesses to the extent that they say anything non-favorable to the officers," he said.

The city settled the lawsuit for \$99,999.99. That is one penny below the sum that would have required City Council approval -- and subjected the shooting to additional scrutiny.

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#### A Flurry of Changes

In the last few years, the LAPD has come under renewed pressure to investigate shootings more rigorously and disclose the results more fully. The death of Margaret Mitchell provided part of the stimulus for change.

Mitchell, 55, a mentally ill homeless woman, was pushing a shopping cart near 4th Street and La Brea Avenue on May 21, 1999, when Officer Edward Larrigan stopped her to find out whether the cart was stolen. Larrigan said he shot the 5-foot-1 Mitchell in self-defense when she lunged at him with a screwdriver.

When an outcry ensued, the commission took the unusual step of reviewing transcripts of detectives' tape-recorded interviews with witnesses. LAPD officials had said that bystanders corroborated Larrigan's statement. Yet the transcripts showed that some of those witnesses said Mitchell had not lunged at the officer. The commissioners declared the shooting "out of policy."

The Rampart scandal, marked by revelations that anti-gang officers had routinely framed suspects and covered up unjustified shootings, added to the pressure for reform.

A flurry of changes resulted, some embodied in a 2000 consent decree between the city and the U.S. Justice Department. The LAPD was required to give the commission more information about shootings, including transcripts of all witness statements. In drafting summaries, the department was to include evidence that cast doubt on officers' accounts.

Though impressive on paper, the changes have not ensured that commission members receive the full, unvarnished facts.

That much is evident from the case of Jason Mitchell.

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'No Reason to Shoot'

On the morning of June 11, 2002, two patrolmen pulled Mitchell over on West 65th Place in South Los Angeles. They said he had cut off oncoming traffic when he made a hasty left turn from Western Avenue.

Officer Anthony Perez ran a computer check and learned that Mitchell's driver's license had been suspended. Perez told him that by law, he would have to impound his black Ford F150 pickup.

Mitchell, 33, a hairdresser, replied that he'd gone to court and cleared up the questions about his license.

"All that information is at my house," he said, according to an audiotape made by a recorder in Perez's shirt pocket. "I'm two blocks down."

Perez said it made no difference.

"So what do you want me to do?" Mitchell asked.

"Nothing," Perez said. "There's nothing you can do right now."

Moments later, apparently worried that Mitchell might flee, Perez stepped onto the running board of the pickup truck, reached through the open driver's side door and tried to turn off the ignition.

Mitchell protested, then put the truck in gear and pulled away, with Perez holding on to the door frame. Mitchell veered across the street and sideswiped a parked car. Then the pickup jumped a curb and rolled toward a house.

Perez, still on the running board, feared that Mitchell intended to crush him against the house, according to the LAPD. He drew his .45-caliber pistol and shot Mitchell twice, killing him.

The department later admonished Perez for tactical mistakes and said he should never have stepped on the running board in the first place. Nevertheless, police officials said, he was justified in firing, because his life was in danger.

Two witnesses told a different story. Auto mechanics Dudley Latham and Errol Banket were standing outside their repair shop. They said Perez shot Mitchell after the truck had plowed into a carport and come to a stop. Both said Perez was not in any danger when he fired.

"After it hit the building, the officer backed up and pulled the weapon and shot," Latham told LAPD Det. Brian Carr.

"There was no reason to shoot," Banket told the same detective in a separate interview.

To sort out the conflicting accounts, the LAPD hired a consulting firm, Biodynamics Engineering Inc. of Pacific Palisades, to reconstruct the incident using Perez's audiotape and other evidence. The firm produced a 13-page report and a computer-generated video, both indicating that Perez's story was consistent with the evidence.

The summary that Chief Bratton submitted to the commission in May 2003 stated that the reconstruction "refuted the witnesses' perceptions that Officer Perez stepped off the truck after it came to a stop and then fired his rounds."

That was further than Biodynamics was prepared to go. On the first page of its report, the firm said the findings were "not intended to prove or disprove" Perez's account. The authors also acknowledged that they could not determine from listening to the tape exactly when Perez fired -- before or after the truck had stopped.

Parris Ward, one of the authors, said in an interview that the evidence could be interpreted as showing that Perez shot Mitchell after the pickup had crashed, just as the two witnesses said.

There was another problem with the summary. Despite the post-Rampart promises, it did not tell the whole story.

The report said Mitchell suffered two gunshot wounds -- one to the head and one to the neck. Looking through the LAPD's full investigative file, Carl Douglas, a lawyer for Mitchell's parents, found a coroner's document that described a third gunshot wound -- to Mitchell's left middle finger.

Douglas told city lawyers that if the case went to trial, he would argue that Mitchell was shot while raising his hands in a gesture of surrender. In June, the city paid \$1.25 million to settle the case.

A month later, Times reporters asked the LAPD why the summary made no mention of the finger wound. Police officials said they had not realized it was from a gunshot. They then reopened their investigation, contacted the coroner and confirmed that the injury was from a gunshot.

But in the end, LAPD officials decided to stick to their original view that the shooting was justified. They did so without presenting the new information to the Police Commission, which had long since ruled the shooting "in policy."

Mitchell's father, Don Matthews, is a retired Los Angeles County sheriff's lieutenant. He said that at first, he and his wife, Judy, trusted police to conduct an objective investigation.

Not anymore.

"They let a routine traffic stop escalate to the point of someone dying," he said. "The whole LAPD investigation was designed to justify the officers' actions, not to find all the facts."

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Layers of scrutiny

Officer-involved shootings are supposed to be the most closely scrutinized of all police actions.

LAPD procedures:

Step 1: Specially trained detectives go to the scene, collect evidence and interview police officers and witnesses. Later, they write a detailed report.

Step 2: The Use of Force Review Board, a panel of high-ranking LAPD officials, examines the case and decides whether officers acted "in policy." If not, the board can call for retraining or disciplinary action.

Step 3: The police chief modifies or accepts the board's findings.

Step 4: Staff officers write a four- to eight-page summary of the incident, with the chief's recommendations.

Step 5: The Police Commission deliberates behind closed doors and makes the final decision.

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Source: LAPD

\*

Police Commission at a glance

Five members, all civilians, set policy for the Police Department and supervise the chief. They are appointed by the mayor, with consent of the City Council, and serve a maximum of two five-year terms, without pay.

David S. Cunningham III, president; lawyer specializing in land use

Alan J. Skobin, vice president; general counsel, Galpin Motors Inc.

Rick J. Caruso, real estate developer

Rose Ochi, lawyer, former assistant U.S. attorney general

Corina Alarcon, political activist, heads a nonprofit that aids battered women

Staff: 90 employees, including executive director, inspector-general, detectives and management analysts.

\*

When information is omitted

Victims of LAPD shootings sometimes win large legal settlements or jury verdicts against the city -- even when the Police Commission has ruled that the officers acted properly. One reason: The commission often does not have all the facts. Here are 15 shootings the panel found "in policy" that later resulted in legal payments of \$500,000 or more. In each case, the commission based its ruling on an investigative summary from the LAPD that omitted key information.

Jan. 22, 1986

Victim: Javier Perez, 28, shot and killed in the parking lot of a Van Nuys condominium complex.

Police account: Perez, suspected in a hit-and-run accident, swung a baseball bat at an off-duty officer.

Plaintiff's account: The officer beat the unarmed Perez with the butt of his gun, then shot him repeatedly while the suspect was on his knees.

Missing from LAPD summary: The angle at which bullets entered Perez's body contradicted the officer's account.

Commission ruling: In policy.

Legal payout: \$630,000.

\*

Nov. 6, 1987

Victim: Adelaido Altamirano, 41, a Los Angeles Coliseum groundskeeper, shot and paralyzed from the waist down.

Police account: Altamirano pointed a gun at an off-duty officer.

Plaintiff's account: Altamirano brandished a gun to fend off a mugger. The officer shot without warning.

Missing from LAPD summary: The path of the bullet through Altamirano's body showed he was not pointing his gun at the officer when he was shot.

Commission ruling: In policy.

Legal payout: \$5.5 million.

\*

March 23, 1988

Victim: Jaime Cardona, 24, shot and paralyzed from the waist down outside a San Fernando Valley apartment building.

Police account: Two officers tried to arrest Cardona for allegedly brandishing a gun. One officer shot Cardona when he tried to grab her partner's weapon.

Plaintiff's account: Cardona was unarmed and never made a move for the officer's weapon.

Missing from LAPD summary: Civilian witnesses said Cardona did not grab the officer's gun.

Commission ruling: In policy.

Legal payout: \$675,000.

\*

Jan. 13, 1993

Victim: Clarence Watson, 26, shot and paralyzed from the waist down after a traffic stop in South Los Angeles.

Police account: Watson pointed a gun at the officer.

Plaintiff's account: Watson was unarmed.

Missing from LAPD summary: Gunshot wounds to Watson's right palm indicate he was not holding a gun.

Commission ruling: In policy.

Legal payout: \$3.5 million.

\*

April 25, 1993

Victim: Justice Hasan Netherly, 43, shot to death on the porch of his South Los Angeles home after he called 911 to report a disturbance.

Police account: Netherly threatened an officer with a weapon that appeared to be an ax. It turned out to be a large stick.

Plaintiff's account: Netherly called police after getting into an argument with his brother. By the time police arrived, his brother had left. The officer shot Netherly without cause.

Missing from LAPD summary: A neighbor who witnessed the incident said Netherly did nothing to provoke the shooting.

Commission ruling: In policy.

Legal payout: \$600,000.

\*

June 27, 1993

Victim: Joseph Flores, 27, shot and wounded outside a South Los Angeles apartment building.

Police account: Flores lunged at an officer summoned to quell a domestic dispute. The officer, mistakenly believing Flores had a knife, shot him. Flores was suicidal and deliberately instigated the shooting, hoping to be killed.

Plaintiff's account: Flores was unarmed and did not lunge at the officer.

Missing from LAPD summary: Flores told an investigator that he did not lunge but, rather, stumbled down stairs while trying to surrender to the officer.

Commission ruling: In policy.

Legal payout: \$570,000.

\*

Dec. 16, 1993

Victim: Sonji Taylor, 27, shot repeatedly, including seven times in the back, and killed after threatening her 3-year-old son with a knife.

Police account: After police rescued her son, Taylor lunged at officers with a butcher knife.

Plaintiff's account: Taylor did not lunge at officers.

Missing from LAPD summary: A security guard said Taylor was not close enough to harm the officers when they opened fire.

Commission ruling: In policy.

Legal payout: \$2.45 million.

\*

Oct. 8, 1994

Victim: Larry Friedman, 24, shot and paralyzed from the chest down after officers responded to a disturbance at a group home in Northridge.

Police account: Friedman lunged at police with a kitchen knife.

Plaintiff's account: Friedman made no aggressive move toward police.

Missing from LAPD summary: Two civilian witnesses said Friedman did not threaten the officer.

Commission ruling: In policy.

Legal payout: \$3.25 million.

\*

March 11, 1996

Victim: Eduardo Hurtado, 29, shot and killed after police pulled over a car to question occupants.

Police account: Officers suspected the occupants were gang members in a stolen car. Hurtado tried to pull away while an officer was leaning into the vehicle.

Plaintiff's account: Officers fired without provocation.

Missing from LAPD summary: A passenger's account suggested that officers chased the car not because they suspected it was stolen, but because one of the occupants made an obscene gesture at them.

Commission ruling: In policy.

Legal payout: \$900,000.

\*

July 20, 1996

Victims: Juan Saldana, 19, killed, and Oscar Peralta, 19, injured, in a Mid-City apartment building.

Police account: Saldana and Peralta pointed guns at police officers.

Plaintiff's account: The two men were unarmed. The officers planted guns on them.

Missing from LAPD summary: Witness statements that contradicted the officers' account.

Commission ruling: In policy.

Legal payout: \$710,000.

\*

April 17, 1997

Victim: Peter Williams, 40, shot in the stomach outside a Van Nuys tattoo parlor.

Police account: Williams threatened a detective with a hammer.

Plaintiff's account: Williams picked up the hammer to defend his boss, who was in a fistfight with a customer.

Missing from LAPD summary: Witness accounts did not support the detective's claim that Williams threatened him.

Commission ruling: In policy.

Legal payout: \$950,000.

\*

June 18, 1997

Victim: Leonard Robinson, 51, shot and wounded during a narcotics raid.

Police account: Robinson pointed a shotgun at an officer.

Plaintiff's account: Robinson had dropped the shotgun and was trying to surrender.

Missing from LAPD summary: Wounds to Robinson's right palm and index finger indicated that he had his hands in the air.

Commission ruling: In policy.

Legal payout: \$2 million.

\*

Jan. 1, 1999

Victim: Terry Taylor, 35, shot and killed in the backyard of his South Los Angeles home during a New Year's Eve celebration.

Police account: Taylor pointed a shotgun at police.

Plaintiff's account: Taylor was unarmed. Another man was holding the shotgun, which was unloaded and inoperable.

Missing from LAPD summary: A relative of Taylor's told investigators that he -- not Taylor -- was holding the gun. Blood and ballistics evidence also contradicted the police account.

Commission ruling: In policy.

Legal payout: \$2.6 million.

\*

Feb. 8, 1999

Victim: Frank Harris, 14, shot at by police investigating alleged drug activity in a South Los Angeles home.

Police account: Harris pointed a gun at an officer.

Plaintiff's account: An officer masquerading as a gang member shot without cause and planted a gun to justify his actions.

Missing from LAPD summary: The district attorney's office was investigating the officer for possible criminal conduct in the shooting. An earlier search of his locker found a fake gun, which investigators believed he intended to plant.

Commission ruling: In policy.

Legal payout: \$1.7 million to Harris and co-plaintiffs.

\*

June 11, 2002

Victim: Jason Mitchell, 33, shot to death after a traffic stop in South Los Angeles.

Police account: Mitchell drove away with a police officer standing on the running board of his truck, then rammed parked cars in an attempt to harm the officer.

Plaintiff's account: The officer shot Mitchell after the truck had come to a stop and he was no longer in danger. Mitchell had his hands raised in surrender.

Missing from LAPD summary: An unexplained gunshot wound to Mitchell's hand.

Commission ruling: In policy.

Legal payout: \$1.25 million.

\*

SOURCE: LAPD, city attorney's office, court records

**GRAPHIC:** GRAPHIC: Adhering to policy CREDIT: Los Angeles Times PHOTO: KEEPING A DISTANCE: Police investigators shoo a news photographer away from the scene of an officer-involved shooting in West Los Angeles. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: PROTEST: A demonstrator holds a sign bearing a photo of Terry Taylor, lower right, who was shot by police in 1999. The Police Commission ruled the shooting "in policy," based on partial information. Confronted with the full facts, the city later decided to pay Taylor's family \$2.6 million to settle a lawsuit. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: GRIEVING: Richard Mitchell and his wife, Brenda Haag, visit the spot where his mother, Margaret, was killed. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: DETERMINED: Los Angeles Police Chief William J. Bratton, here answering questions at a news conference, recently reorganized the unit that investigates officer-involved shootings -- the second such overhaul in the last four years. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: OVERSEERS: Police Commission members David S. Cunningham III, left, and Rick J. Caruso listen to a woman during a meeting at Parker Center. "You've got cops investigating cops," Cunningham said. "There is always going to be a bias." PHOTOGRAPHER: Ken Hively Los Angeles Times PHOTO: REMEMBERING: The family of Jason Mitchell visits his crypt at Inglewood Park Cemetery. Mitchell was fatally shot by Officer Anthony Perez after a traffic stop in South Los Angeles in 2002. The Police Department called



the shooting justified, but the city paid the family \$1.25 million after new evidence emerged. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: 'I LAID BACK AND RAISED MY HANDS UP': Leonard Robinson takes a walk near his home in Kaplan, La. Evidence not seen by the Police Commission showed that Robinson had his hands in the air when LAPD Officer Jeff Nolte opened fire during a drug raid on a Gardena motel. Robinson wasn't aiming a weapon at Nolte, the jury hearing his civil rights lawsuit found; he was trying to surrender. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: VINDICATED: Leonard Robinson relaxes at his home in Kaplan, La. Robinson's right hand was mangled in an LAPD shooting. Based on incomplete information, the Police Commission ruled the shooting justified. Robinson later collected \$2 million in damages. PHOTOGRAPHER: Luis Sinco Los Angeles Times PHOTO: Police Commission at a glance: Corina Alarcon, political activist, heads a nonprofit that aids battered women PHOTO: Police Commission at a glance: Rose Ochi, lawyer, former assistant U.S. attorney general PHOTO: Police Commission at a glance: Rick J. Caruso, real estate developer PHOTO: Police Commission at a glance: Alan J. Skobin, vice president; general counsel, Galpin Motors Inc. PHOTO: Police Commission at a glance: David S. Cunningham III, president; lawyer specializing in land use PHOTO: Leonard Robinson PHOTO: Terry Taylor PHOTO: Jason Mitchell PHOTO: Sonji Taylor PHOTO: Juan Saldana

**LOAD-DATE:** October 19, 2004



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October 17, 2004 Sunday  
Home Edition

**SECTION:** MAIN NEWS; Metro Desk; Part A; Pg. 26

**LENGTH:** 613 words

**HEADLINE:** A Second Look at an 'Ambush'

**BYLINE:** Scott Glover and Matt Lait, Times Staff Writers

**BODY:**

The three LAPD officers described it as an ambush. Suspects fired at them from the balcony of an apartment building, they said, forcing them to run for cover. The officers then shot back, wounding two of the assailants.

Long before Officer Involved Shooting No. 1-96 came under scrutiny in the Rampart scandal, high-ranking police officials knew there was no evidence to support the officers' claim of self-defense.

But the brass did not share that knowledge with the Police Commission. Instead, they let the officers' story stand unchallenged. The commission ruled the shooting "in policy."

The incident occurred just after midnight on Jan. 1, 1996. Rampart Division officers Brian Hewitt, John Collard and Daniel Lujan said they were searching for New Year's Eve revelers firing guns into the air when, suddenly, they came under attack.

Without provocation, gunmen unleashed a barrage from the second-floor balcony of an apartment building west of downtown, the officers said. They said they ducked behind a parked car and a pillar as the suspects blazed away at them. Three men were later arrested.

When the facts were presented to the Use of Force Review Board -- a panel of high-ranking LAPD officers -- board members were troubled to learn that investigators had not found any bullet marks on the parked car or the pillar.

The evidence does "not support officers' belief they were under attack," according to handwritten notes taken by staff officers during the review board's secret deliberations. "We now know suspects were not shooting at officers."

Statements taken from the suspects that night also cast doubt on the officers' story.

Demetrio Delgado, 18, and his brother, Vicente Roman, 28, both Mexican citizens, said they had fired not at the officers but into the sky to celebrate the new year. Their father, Sebastian Delgado, 51, said he had not fired a weapon at all.

None of the men had criminal records. Three relatives who were in the apartment supported their accounts.

In the summer of 1996, the case went before the Police Commission. In finding the officers' actions "in policy," the commission relied on an LAPD summary that made no mention of the suspects' statements, the review board's concerns or the absence of bullet marks.

## A Second Look at an 'Ambush' Los Angeles Times October 17, 2004 Sunday

Demetrio Delgado and Roman pleaded no contest to negligently discharging a weapon. They were sentenced to probation. A judge dismissed the charges against Sebastian Delgado.

That probably would have been the end of the matter. But in 1999, Rafael Perez, the corrupt anti-gang officer at the heart of the Rampart scandal, told investigators that it was the Mexicans, not the police, who had been ambushed.

Perez, who arrived at the scene moments after the shooting, said his fellow Rampart officers told him they had watched the Mexicans fire into the air, waited for them to stop, and then opened fire on them.

The department was now obliged to take a second look at the case. Bernard C. Parks, the police chief at the time, had served on the review board that examined the shooting. So had LAPD Cmdr. Daniel Schatz.

Parks named Schatz to lead an investigation into Perez's numerous allegations of police misconduct, including the New Year's shooting.

But the investigation languished. Police did not submit their findings to the district attorney's office until June 2003. This past August, prosecutors said they had decided not to file charges against the officers because of insufficient evidence.

Schatz, now the police chief in Prescott, Ariz., said he remembered little about the case. Parks, now a city councilman and mayoral candidate, declined to comment.

None of the three officers was ever disciplined for his actions that night.

**LOAD-DATE:** October 17, 2004



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Los Angeles Times

February 29, 2004 Sunday  
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**HEADLINE:** The State;  
Bratton Critical of Firing at Cars;  
A Times analysis finds that LAPD officers have shot at motorists more than 100 times since 1985, killing 25. The chief weighs changes.

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

Los Angeles police officers have opened fire on motorists more than 100 times since 1985, killing 25 people and injuring at least 30 others, despite a policy that strongly discourages such shootings, according to a Times analysis.

The practice came under scrutiny last week after a dramatic police pursuit captured on live television ended when three officers fatally shot a robbery suspect as his car rolled slowly toward them in reverse.

Since the Santa Monica shooting, which remains under investigation, Chief William J. Bratton has said that he was already considering a ban on shooting at moving vehicles.

Police departments in Boston, Cincinnati, Detroit and other cities have adopted such restrictions in recent years, in some cases after high-profile incidents in which officers shot and killed motorists.

"Clearly we have issues that need to be addressed," Bratton said in an interview last week.

Experts on the use of force said that, instead of shooting at an oncoming car, officers should try to get out of the way. Wounding or killing the driver, they said, may cause the vehicle to veer down the road, increasing the threat. And, missing the target, they said, puts innocent bystanders in jeopardy.

"Except as the last resort, shootings at vehicles should be banned," said Geoffrey Alpert, a professor at the University of South Carolina, who has helped police agencies draft policies on the use of deadly force. "It has to be a pretty extreme situation to shoot at a car."

Bratton and a number of his recent predecessors at the LAPD have criticized officers for shooting at people in cars when such situations could have been avoided. But they have concluded, more often than not, that officers were justified in pulling the trigger.

LAPD officers are entitled to use deadly force to protect themselves or others from the immediate threat of death or serious bodily injury. They also are permitted to shoot at fleeing felons, but only in cases in which the person is suspected of having seriously hurt or killed someone -- or attempted to -- and there is a "substantial risk" that the suspect will do so again, if not apprehended.

According to the department policy manual, "firing at or from moving vehicles is generally prohibited. Experience shows such action is rarely effective and is extremely hazardous to innocent persons. Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impracticable."

Over the years, vehicle shootings have damaged or ruined officers' careers and cost taxpayers millions of dollars in civil settlements and jury verdicts. The practice of shooting at vehicles has brought more sanctions in civil courts than in the LAPD's internal disciplinary structure.

Yet the practice has continued at a fairly steady rate since 1985, with LAPD officers firing at motorists an average of half a dozen times a year since then, the police data show.

In 90% of the more than 100 cases reviewed by The Times, officers were reprimanded or ordered to undergo re-training because they had erred in actions leading up to the shootings. But in about 60% of the cases, police officials concluded that officers had been justified in opening fire.

The Times review is based on police records from 1985 through 2002, obtained through the state Public Records Act. It covers more than 1,300 cases in which LAPD officers fired at suspects. The review also includes several cases from 2003 and 2004 that remain under investigation by the department.

The cases analyzed fell into two categories: those in which a vehicle was the only weapon suspects allegedly were using against police at the time officers opened fire; and those in which suspects were attempting to drive away from police. Cases in which a suspect was shot at while pointing a gun at officers from a moving vehicle were not included. The records did not indicate that any bystanders had been shot in the car shootings. The Times database does not indicate whether vehicles had veered out of control during those incidents and injured other motorists.

In about 40 cases, police officials concluded that the officers' decision to use deadly force had been so faulty that the shootings had been "out of policy" and should not have occurred.

In some of those cases, records show, officers unreasonably believed unarmed suspects were trying to run them down. In others, officers shot at fleeing suspects in situations that were unwarranted under LAPD policy.

Jeffrey Eglash, the Police Commission's former inspector general who has expressed concerns over car shootings in the past, said officers are told as recruits at the academy that moving vehicles can pose deadly threats. But some officers, he said, misconstrue that warning.

"It's like, oncoming car equals deadly threat equals shoot," Eglash said, explaining that officers sometimes fail to consider alternatives, such as simply getting out of the way. "If a car is being driven slowly in the general vicinity of an officer, and the officer is not in danger or can easily get out of the way, it would seem that the use of deadly force was not a last resort, as department policy requires."

Shooting at moving vehicles is not a problem confined to the LAPD. At the Los Angeles County Sheriff's Department, officials report that a significant portion of deputies' shootings occur when a vehicle is perceived to be a deadly threat. Like the LAPD, the Sheriff's Department does not specifically keep track of shootings at vehicles.

Michael Gennaco, who heads the sheriff's Office of Independent Review, said he believed there had been far too many such shootings by the Sheriff's Department. He added that he and his staff were reviewing the department's policy on deadly force with regard to shooting at moving vehicles and planned to recommend changes.

In last week's LAPD shooting, three officers shot and killed Nicholas Hans Killinger, 23, of Malibu after a 90-minute car chase before dawn. Monday's chase began after Killinger, armed with a knife, allegedly robbed an Agoura Hills gas station of \$180 and tied up an attendant, police said.

A videotape of the shooting, which took place in front of Santa Monica High School, shows Killinger failing to complete a U-turn at an intersection and driving onto a sidewalk. As Killinger started to back up slowly, the officers -- who were standing behind the doors of their parked squad cars -- fired a barrage of bullets, striking him numerous times. The officers said they feared for their lives.

Video of the shooting has been aired repeatedly in Los Angeles and across the country.

Attorney Stephen Yagman, who has been hired by Killinger's family, said he believed the officers had clearly overreacted.

"That car rolling slowly backward couldn't possibly have been perceived by any reasonable police officer as a deadly threat," said Yagman, who has frequently sued the LAPD. "It was a cold-blooded, unjustified killing, which in my book is murder."

Chief Bratton warned against jumping to conclusions.

"Was it in policy or out of policy? At this stage it's too early to tell," he said. "There's very significant video coverage of the events that will be helpful in making those determinations. But, as we've seen in the past, video doesn't always tell the story."

The Times review of car shootings shows that police officials have often found errors in judgment, including serious ones that precipitated the need to use deadly force. But in many cases, even when police officials concluded that the officers' actions leading up to the shooting had violated department policy, the shooting itself had been found to be justified.

Such was the case with the June 11, 2002, police shooting of Jason Mitchell. Officers Anthony Perez and Michael Estrada pulled Mitchell over after they watched him make an unsafe turn onto 65th Place in the LAPD's 77th Street Division.

Mitchell got out of his truck and gave his driver's license to Officer Perez. As Mitchell waited on the sidewalk nearby, Perez did a routine check of the license and discovered that it had been suspended.

The officer then told Mitchell that he was going to impound the truck. Mitchell told the officers he was going to retrieve documentation from his nearby home to prove that the suspension had been lifted and got into the vehicle, which was still running.

As Officer Perez climbed onto the truck's running board and reached through the driver's side window in an attempt to turn off the ignition, police said, Mitchell began to drive away. According to police, he veered across the roadway and began running into parked cars, "attempting to dislodge" the officer.

Perez drew his .45-caliber pistol and fired two quick rounds, striking Mitchell in the head and neck. The 33-year-old died a short time later.

Bratton faulted both officers for leaving the truck running and for allowing Mitchell to return to the vehicle; both lapses were said to have facilitated the attempt to leave the scene. In addition, the chief criticized Perez for mounting the truck's running board and for reaching into the window to turn the vehicle off.

"This placed Officer Perez in a tactically disadvantaged and dangerous position," the chief wrote.

Nonetheless, Bratton recommended to the Police Commission that the shooting be found "in policy" because Perez had been in fear for his life when he pulled the trigger. The civilian Police Commission, which has the final say on whether a shooting is within department rules, agreed.

Mitchell's family has filed a wrongful death lawsuit against the city, which is pending in Superior Court.

Another case in which department officials recently criticized the officers' tactics but found a shooting "in policy" involved a young Marine and his friends who were suspected of breaking into a car.

The incident began in the city's south end, when Newton Division Officers Tommy Thompson and Lyman Doster heard a car alarm going off and looked over to see two young men run away from the vehicle. Suspecting that the two had been attempting to break into the car, the officers gave chase, Doster in the patrol car and Thompson on foot.

Moments later, Doster believed he saw the burglary suspects in a car, its lights off, going down an alley, police said. He radioed Thompson that the car was headed in Thompson's direction. Within seconds the car emerged from the alley, spun out and ran into a curb on 52nd Place, police said.

Thompson drew his gun, pointed it at the car along with his flashlight and yelled "Stop! Police!" he later told investigators. As the officer walked toward the vehicle, the driver "suddenly accelerated toward him at high rate of speed," police said. Thompson said that he had again shouted "Stop!" but that the car had just kept coming.

At that point -- for the third time in his six years with the LAPD -- Thompson started shooting. He fired five shots at the Lexus.

The driver, 19-year-old Miguel Lopez, lost control of the car and plowed into a tree. Two of his four teenage passengers were wounded by gunfire; the other two were killed in the crash.

Police later conceded that there had been no evidence linking any of the suspects in the car with the auto burglary that the officers had been investigating.

Chief Bratton criticized both officers on several fronts, including Thompson's decision to position himself "in the direct path of the suspect's vehicle."

The only available bullet evidence in the case suggested that Thompson had shot at the car after it had passed him and no longer was a threat. Experts hired by the LAPD explained that that could have been the result of the "physical lag time" between assessing a threat and reacting to it.

"A shooter who is facing an automobile coming at him, therefore, is likely to have some of his shots actually strike the car as it is passing him -- or even after it passed him," Bratton wrote in a report to commissioners, in which he recommended that Thompson's shooting be found "in policy." The commission agreed.

Lopez, the driver of the car, was charged with assault with a deadly weapon for allegedly attempting to run down the officer and with two counts of manslaughter in the deaths of the passengers. He is awaiting trial.

Attorney Luis Carrillo, who represented Lopez at his preliminary hearing, said his client had never seen Officer Thompson standing in the street or heard the officer yell "Stop!" He said Lopez had merely been trying to pull his car away from the curb and out into the street -- where Thompson was standing -- when the officer opened fire without warning.

Carrillo said that Lopez, a corporal in the Marines, had little motive to flee from a police officer, much less to attempt to run one over. "This officer overacted," Carrillo said. "He panicked."

Officers haven't always escaped punishment for shooting at motorists. In fact, two of the three cases in the LAPD's recent history in which officers have been charged with crimes after on-duty shootings involved police who had fired at motorists.

In 1992, Officer Douglas Iversen was charged with murder after fatally shooting a tow truck driver, John L. Daniels, as he drove away from a South Central Los Angeles gas station.

Iversen knew the driver's truck had previously been impounded and wanted to question him about the status of his license. He said he had opened fire because he believed the driver represented a threat to nearby pedestrians.

Iversen was tried twice, but neither jury was able to reach a unanimous verdict. The charges against him were ultimately dropped. The city later paid \$1.2 million to settle a lawsuit filed by the tow truck driver's wife.

In the summer of 2000, Officer Ronald Orosco opened fire on a 66-year-old retiree who had been complaining about a traffic citation he had just received from the officer and his partner.

Orosco initially argued through his attorney that he had shot Charles Beatty because, after he had leaned into the suspect's car, Beatty had punched the gas pedal, leading the officer to believe the man was attempting to drag him into traffic and kill him. Orosco fired four times, striking Beatty once in the back.

Prosecutors, concluding that the evidence in the case did not support Orosco's account, charged the officer with assault with a deadly weapon, arguing that he had shot Beatty, not out of fear for his life, but out of anger.

The officer ultimately pleaded no contest to a lesser charge of firing into an occupied vehicle, and was sentenced to five years in state prison. A civil court jury subsequently awarded Beatty more than \$2 million.

Chief Bratton said that, although several recent car shootings captured on video had concerned him, he and his staff had been considering greater restrictions since last summer. "We are not approaching this with a knee-jerk reaction," he said.

\*

Shooting ar cars

Despite a Los Angeles Police Department policy that says shooting at moving vehicles is generally "prohibited" and "extremely hazardous to innocent persons," officers have fired at motorists with regularity since 1985, killing 25 and injuring 30.

Times staff writers Doug Smith and Andrew Blankstein contributed to this report.

**GRAPHIC:** GRAPHIC: Shooting at cars (Note: graphic not archived) **CREDIT:** Los Angeles Times **PHOTO:** DEADLY ENDING: Los Angeles police officers fire on a car backing up toward them after a chase that ended in Santa Monica. The shooting, in which a robbery suspect was killed, aired on television. **PHOTOGRAPHER:** KTLA

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**HEADLINE:** THE RAMPART SCANDAL;  
LAPD Probe Fades Into Oblivion;  
The investigation that gripped the city is all but over, though far from done.

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

Nearly four years after Rafael Perez told investigators that corruption and brutality had become commonplace at the LAPD's Rampart Division, authorities acknowledge that they did not get to the bottom of his allegations and that officers suspected of committing crimes remain on the job.

Feuding among top officials, cursory investigations by some detectives and a pervasive police "code of silence" all helped to undermine the Rampart probe, a Times investigation found.

Asked if he was satisfied that the LAPD had thoroughly investigated the scandal, Police Commissioner Rick Caruso, until recently president of the commission, responded: "No -- quite the opposite."

Bill Hodgman, a top prosecutor on the D.A.'s task force, said his "greatest frustration is that I don't feel like we got to the bottom of it."

Newly obtained confidential law enforcement documents, internal correspondence from the Los Angeles Police Department and the district attorney's office and interviews with more than a dozen prosecutors and detectives have shed new light on the efforts to unravel the Rampart scandal and on the reasons why those efforts fell short.

They reveal that:

\* Police and prosecutors, who were supposed to be working together, instead fought almost from the start. More than a year into the investigation, relations had deteriorated to the point that prosecutors called LAPD detectives before a grand jury to determine whether they or their superiors were intentionally hindering the prosecution of fellow officers. No indictments were ever issued.

\* Over the objections of prosecutors, LAPD detectives routinely forced officers suspected of committing crimes to cooperate with administrative investigations. The practice made criminal prosecution of those officers all but impossible because statements they made in departmental proceedings could not be used against them in court.

\* At the request of prosecutors, judges overturned the convictions of more than 100 defendants because of alleged criminal conduct by police. But the officers responsible were charged in only a handful of those cases and, in more than 30, prosecutors dropped the cases without any public explanation.

\* Last year, Dist. Atty. Steve Cooley disbanded his Rampart task force with a report that minimized the extent of the scandal and failed to address many of Perez's allegations. Cooley, for example, made no mention of eight out of 10 shootings by police that Perez alleged had been unjustified and had been covered up.

The Rampart scandal began in September 1999 when Perez pleaded guilty to charges that he had stolen three kilos of cocaine from LAPD evidence facilities. In exchange for a five-year sentence, Perez promised to tell authorities about an unarmed man whom he and another officer had shot and subsequently framed. He also promised to identify corrupt officers.

Since then, Perez and seven other officers from the Rampart Division's so-called CRASH anti-gang unit have been convicted of corruption-related offenses as a result of information he brought to light. Three of those convictions were overturned by a judge on procedural grounds in a case that remains on appeal.

More than a dozen officers who were under investigation either resigned or were fired. The city has paid \$42 million in civil settlements to defendants allegedly victimized by police misconduct and expects to pay tens of millions more.

As the scandal unfolded, officials from the Police Department and the district attorney's office vowed, not only to investigate Perez's claims, but also to provide a full public accounting.

The LAPD has never produced such a report, despite repeated requests from the Police Commission, the civilian panel that oversees the Police Department.

As a result, the commission and Chief William J. Bratton recently agreed to have a panel of outsiders, headed by civil rights lawyer Connie Rice, review the LAPD's handling of the Rampart investigation.

Cooley, who inherited the scandal when he took office in December 2000, sought last November to fulfill his pledge to account for his office's role in the investigation. He released memos by prosecutors that analyzed the evidence in 82 Rampart-related cases and explained why criminal charges had not been filed against police officers.

Press releases accompanying Cooley's report seemed to cast doubt on Perez, referring to the "so-called Rampart scandal" in which the ex-officer had "told tales of evidence-planting, false police reports and, in some cases, assaults and shootings of gang members."

A Times review, however, found that the district attorney's report had addressed only a fraction of the cases in which Perez claimed to have witnessed criminal acts by fellow officers.

\*

Three months after the scandal came to light, the investigation was fraying. Richard Rosenthal, a deputy district attorney who had prosecuted Perez in the cocaine theft case and had been present when Perez accused officers of crimes, said he believed LAPD officials had been eager to close the case quickly.

Investigators who once returned his phone calls suddenly were unavailable, Rosenthal said. Reports he requested were not provided. Delays became common.

"It was abundantly clear to me that they wanted this scandal over and they would do anything they could to make it end," said Rosenthal, who resigned from the district attorney's office two years ago.

Despite public pledges of cooperation, then-Dist. Atty. Gil Garcetti and then-Chief Bernard C. Parks feuded. Garcetti accused Parks of withholding reports on police shootings and other documents from his prosecutors.

For his part, Parks expressed frustration at the pace of the district attorney's probe and pressed for departmental action against officers who had committed misconduct.

According to newly obtained documents, prosecutors complained that the LAPD was hampering the probe by ordering officers implicated in crimes to give statements about the incidents or face termination.

While police can use such "compelled" statements against officers in internal disciplinary cases, prosecutors are barred from using the statements, or anything learned from them, against the officers in criminal proceedings.

Prosecutors wanted the LAPD to grant administrative immunity to minor players in the scandal, so they could cooperate without fear of being fired. According to Deputy Chief James McMurray, who then ran LAPD internal affairs, Parks rejected the proposal.

"I was told, 'Not now,' " McMurray said.

Prosecutors were also troubled by a reduction, from about 30 to 15, in the number of detectives assigned to probe alleged crimes by Rampart officers.

"We continue to be concerned that the number of detectives on the 'criminal' side of the task force remains depleted at a time when our investigative needs are increasing," wrote then-Head Deputy R. Dan Murphy in April 2000. "I cannot stress strongly enough our desire to see the task force returned to full force, with at least 30 detectives assigned as soon as possible."

Parks, now a member of the City Council, declined comment for this article.

Some of the obstacles faced by police and prosecutors were beyond their control. For example, deadlines for filing charges passed for many of the alleged crimes, which dated to the mid-1990s.

Another stumbling block was the inability or unwillingness of officers to recall suspects they had encountered, arrests they had made or reports they had written. At least seven officers refused to cooperate before a grand jury, documents show.

"It's almost like that invisible barrier," said Hodgman, of the D.A.'s office. "Yes, there is a code of silence."

At several points during the investigation, prosecutors believed that some LAPD officers or supervisors were intentionally sabotaging the probe. When investigators for the district attorney served search warrants on Rampart officers, at least one of the officers had been tipped off by an LAPD official, according to prosecutors' internal memos.

And in the fall of 2000, in the days preceding the trial of the first four Rampart Division officers charged in the scandal, prosecutors discovered that police had failed to turn important documents over to defense attorneys. The result was that the judge excluded several key prosecution witnesses in a case against one officer. That officer was acquitted.

The detectives' failure to turn over documents on time, among other things, prompted prosecutors to take the extraordinary step of launching a grand jury probe to determine whether the detectives -- or their superiors -- were attempting to hinder the prosecution of fellow cops. Prosecutors and police officials declined to discuss details of the probe, citing grand jury secrecy rules.

"We cannot prove that their withholding of any of this information was intentional, but it is suspicious," Ellen Aragon, then a top prosecutor on the D.A.'s Rampart task force, wrote in a Dec. 28, 2000 memo to Cooley. "Either there is nothing wrong, beyond a certain level of incompetence, or there is a code of silence. We may never know."

\*

As the criminal investigation of the Rampart officers continued, internal affairs detectives developed cases against officers to be handled within the LAPD.

In the spring and summer of 2000, internal panels known as boards of rights found three CRASH officers guilty of misconduct brought to light by Perez. All three officers were reinstated after arguing in court that there had been technical problems with their firings.

Most of the officers accused in disciplinary hearings were found not guilty. Perez, fearing that federal authorities planned to prosecute him for a shooting that they did not believe was covered by his plea deal, began refusing to testify.

Meanwhile, accused officers' attorneys summoned county jail inmates who testified that Perez, while incarcerated, had boasted about making false allegations against former colleagues.

While such "jailhouse snitches" are generally afforded very little credibility, those testifying against Perez were different. According to transcripts, board members at several hearings said they had found the informants credible.

McMurray, the internal affairs commander, said he was disappointed that some of the officers accused by Perez had been exonerated.

In some instances, McMurray said, he believed board members had thought the department was being overzealous and had taken it upon themselves to "rectify that a little bit."

Missed deadlines, McMurray added, allowed some officers guilty of serious misconduct to walk away with slaps on the wrist.

Among them was Officer Michael Buchanan, who was found guilty by a departmental panel of planting a gun on a suspect, filing a false report and providing false testimony about the 1997 arrest of a gang member. Buchanan's partner, Officer Daniel Lujan, was found guilty of filing a false report, testifying falsely and failing to report Buchanan for planting the weapon.

Both officers faced termination until their lawyers successfully argued that the charges against them had been filed after the legal deadline. They remain on the job.

\*

When Cooley campaigned to replace Garcetti as district attorney, he repeatedly criticized his opponent's handling of the "worst police scandal in the city's history." He said Garcetti had failed to see warning signs that could have prevented corruption from flourishing at Rampart and he accused the incumbent of dragging his feet in prosecuting dirty cops.

"L.A. Confidential was a movie," Cooley said on several occasions, "Rampart is real."

But Rosenthal and two other lawyers on the district attorney's corruption task force, who spoke on the condition of anonymity for fear of retaliation, said Cooley, once elected, seemed to have little interest in getting to the bottom of Rampart. "It was clear that he felt ... Rampart was Garcetti's problem and it wasn't going to be his," said Rosenthal, now a civilian monitor for the Portland Police Department.

Days after being sworn into office, Cooley assigned two new prosecutors -- Hodgman and Peter Cagney -- to take over the Rampart investigation. Valuable time passed as they acquainted themselves with the case. Some holdovers from the Garcetti administration said Cooley's team excluded them from the investigation.

"We had prosecutors playing cards, doing puzzles and shopping online," Rosenthal said. "The perception was that Cooley felt that everyone assigned to Rampart was a Garcetti loyalist who could not be trusted."

Cooley was openly dismissive of Perez, whom he referred to in interviews as a lying drug thief. He announced that he would examine Perez's plea deal and see if it could be revoked. Though they never interviewed Perez face-to-face, Cagney and Hodgman also started to doubt Perez's value, referring to him as "the devil."

In the end, Cooley's team of prosecutors filed charges against three officers in the beating of a gang member -- a case developed under Garcetti.

In November 2001, Cooley announced that he was "closing the book" on the Rampart investigation. Officials in his office promised to release a final report, explaining why Perez's allegations had not resulted in prosecutions. It was another year before that report was released. And when it was made public, the prosecutors' memos explaining why they had declined to file charges addressed only a fraction of Perez's allegations.

Prosecutors did not mention cases such as the Nov. 24, 1997, arrest of Julian Lopez Hernandez on charges of heroin possession. Perez told investigators that he and Officer Randy Canister had lied in their police report about the circumstances surrounding the arrest.

"A thorough investigation by detectives from LAPD's Robbery-Homicide Task Force substantiated these allegations," wrote Deputy Dist. Atty. Laura Laesecke in court documents filed in February 2000, seeking to have Hernandez's conviction overturned.

Also omitted was a 1995 case referred to as the "ketchup shooting."

In that case, Perez told investigators, a sergeant in the CRASH unit had bragged that he and others had covered up a questionable shooting by a rookie officer to save the young man's career.

The shooting occurred in an apartment. The officer allegedly fired prematurely at a suspect who emerged from a bedroom and startled him.

Perez, who was not present, said he had been told that officers contrived a scenario to justify the rookie's actions. Among other things, they allegedly smeared ketchup on a wall of the apartment so the rookie officer could tell investigators that he had thought the ketchup was blood and had pulled his gun in fear for his safety.

The LAPD did virtually no investigation on the case for nearly three years, and then only after articles about it appeared in The Times. Since then, on the orders of current Chief Bratton, investigators have given the case a fresh look.

Deputy Chief McMurray, who was in charge of internal affairs while the case languished and when it was reinvestigated, said he had become convinced that officers had concocted a cover story to justify the shooting, as Perez alleged.

"I'll go to the grave believing that was an accidental discharge," McMurray said in a recent interview. "Need I say more?"

In May, the LAPD referred the case to the district attorney for review, even though the statutory deadline for prosecution had expired.

The list of cases that Cooley did not account for includes dozens in which prosecutors had asked judges to dismiss charges against defendants -- in some cases, even to let them out of jail -- because of possible police misconduct or perjury.

In at least 30 cases, charges were dropped against defendants but no action was taken against the officers involved.

One 1996 case involved "virtually the entire Rampart CRASH unit," according to confidential district attorney's documents.

In that case, officers recovered weapons at a gang party. Perez said that Officer Brian Hewitt had arbitrarily assigned the weapons to gang members, none of whom had actually been seen with a gun.

According to the district attorney's files, gang members had corroborated Perez's claim and prosecutors under Garcetti had planned to question officers before the grand jury.

LAPD officials said they had referred numerous cases to prosecutors under Garcetti, but Cooley had demanded that they resubmit the cases to his team. In many cases, they did not.

Hodgman said he and other prosecutors had unsuccessfully "pushed the LAPD to make these presentations." It got to the point, he said, where maintaining the task force "was just not worth it." Looking back, Caruso, president of the city's Police Commission during much of the Rampart investigation, took a dark view of the outcome.

The LAPD, he said, had been more concerned about limiting the fallout from the scandal than about ridding itself of corrupt officers.

"I suspect a lot of it was to sort of circle the wagons and protect the fort," he said. "What people forgot about is what the fort is there for. The fort's there to serve the public. The big lesson we have to learn from Rampart is that it's not about protecting the fort; it's about protecting the city."

**GRAPHIC:** TARGETS: Samuel Martin, left, David Mack and Rafael Perez, friends and one-time officers, were scrutinized in the investigation.

**CANDIDATE'S CRITIQUE:** challenger Steve Cooley assails then-Dist. Atty. Gil Garcetti's handling of the probe in February 2000. Dist. Atty. Cooley disbanded his Rampart task force last year with a report that didn't address many of Perez's allegation. **PHOTOGRAPHER:** LUIS SINCO Los Angeles Times

**A BIG DEAL IN 2000:** Then-LAPD Chief Bernard C. Parks is projected on large screens as he reports to the City Council in February 2000 on the Rampart investigation. **PHOTOGRAPHER:** KEN LUBAS Los Angeles Times

**BAD COP:** Ex-officer Rafael Perez's claims ignited the scandal. **PHOTOGRAPHER:** Associated Press

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**HEADLINE:** The Nation;  
LAPD Prevails Over Civilian Overseers;  
Police boards overruled commission's findings that four shootings were improper. Panels have a history of meting out uneven penalties.

**SERIES:** First in a series of occasional stories about police shootings.

**BYLINE:** Matt Lait and Scott Glover, Times Staff Writers

**BODY:**

LAPD disciplinary boards have overturned the city's Police Commission at least four times in recent years, allowing officers to escape punishment for shootings that the department's civilian bosses ruled improper, a Times investigation has found.

Even in shooting cases in which there was no dispute between the police boards and the commission, penalties were often no more severe than might be imposed when an officer lost a piece of equipment, failed to show up in court or got into a traffic accident. Moreover, the LAPD has struggled for years to develop specific punishment guidelines and has meted out inconsistent penalties in shooting cases.

In a pair of shootings that occurred just months apart in 2000, for instance, one officer violated department policy when he shot and killed an unarmed man. A few months later, another broke the same rules when he shot a dog. The officer who shot the dog was given the heavier penalty.

Los Angeles' mayor, the former inspector general of the LAPD and members of the Police Commission are among those questioning a system that some view as dangerously capricious. In addition, Police Chief William J. Bratton and Police Commission President Rick Caruso contend that police disciplinary panels, known as boards of rights, have undermined civilian oversight of the LAPD and limited the chief's authority to manage the institution.

"The system makes no sense," Caruso said last week. "I think it should be disbanded and a new one put in place."

The department's disciplinary system received new scrutiny last week after the disclosure that the officer who fatally shot a homeless woman, Margaret Mitchell, in 1999 had not been punished, although the civilian Police Commission had determined that he should have been.

The Times, as part of an investigation of LAPD shootings, has identified three other recent shootings that, like the Mitchell case, were found "out of policy" by the Police Commission but in which the commission's findings were then effectively overturned by members of internal disciplinary panels, with the result that the officers involved were not punished.

In a fifth case, which the city paid \$1.1 million to settle, the officer was given an "official reprimand" as punishment, but that was later rescinded by the chief of police. All but one of the officers involved in the shootings remain on the force.

At the LAPD, a police shooting is investigated by a special team of detectives. Those investigators interview witnesses, collect evidence and compile a report, which is forwarded to a shooting review board. That board analyzes the incident to assess the officer's tactics leading up to the shooting and the decision to fire the gun. The police chief determines, on the basis of their work, whether the officer's tactics were sound and whether the shooting complied with department rules.

The Police Commission then considers the chief's analysis and makes the final determination on the propriety of the shooting. If the commission rules that a shooting violated policy, its members say, they expect discipline to be imposed. Such instances are referred from the commission back to the police chief. If the chief is seeking a long suspension or dismissal, he refers the case to a board of rights, made up of two LAPD command officers and one civilian. Any officer can also request a hearing before a board of rights. Although it comes after the commission's consideration of the case, the board of rights hearing is the first step in the process in which an accused officer is given the opportunity to mount a defense and to cross-examine any witnesses testifying against him. The chief, under LAPD rules, may reduce the punishment imposed by a board but may not increase it.

In most cases, boards accept the judgment of the commission and impose some form of punishment. But in some, such as the Mitchell case, board members have defied the commission, the chief, or both.

In 1999, for instance, Officer Wayne Cespedes and a partner were responding to a radio call about a man who was believed to be either mentally ill or under the influence of drugs or alcohol. When Cespedes saw what he thought was a knife in the suspect's hand, the officer drew his gun and took cover behind the door of his police car, according to police documents. The suspect then stepped toward Cespedes, coming within about 22 feet of where the officer was standing, documents state. Fearing that he or his partner -- who was trying to retrieve a beanbag shotgun from the trunk of the police car -- was about to be stabbed, Cespedes fired twice. The suspect, later identified as 56-year-old Gus Woods, died from a shot to the chest. Investigators later discovered that he had been holding an 8 1/2-inch metal rod.

Then-Chief Bernard C. Parks, noting that Cespedes had cover and that Woods had been more than 20 feet away and appeared to have been intoxicated, concluded that "the suspect did not present an immediate threat of death or serious bodily injury." Parks recommended that the shooting be found "out of policy." The Police Commission agreed.

The LAPD disciplinary board that considered the case saw it differently. The board, led by Cmdr. George Gascon, found Cespedes not guilty.

The board based its decision, in part, on a video Cespedes had been shown while he was a patrol officer. A sergeant who is a use-of-force expert at the Police Academy testified that several officers who had been shown the video at training sessions in the early 1990s walked away from it with the impression that any suspect who was armed with an edged weapon, such as a knife, and who came within 21 feet represented a threat justifying the use of deadly force. The sergeant told board members that he was so concerned about the officers' misinterpretation of the tape that he went to a supervisor and had it removed from the department's training program.

Gascon, who has since been promoted to assistant chief in charge of LAPD training, said it would have been unfair to punish the officer for doing something that he thought he had been trained to do, even if that training turned out to be misguided.

In another case, 77th Street Division Officer Luis Navarrete was responding to a burglary call May 31, 2000, when he said a man came at him with what he thought was a half-gallon glass bottle raised above the man's head, according to the Police Commission's summary of the incident.

"Believing that the suspect was about to strike him on the head," the summary states, "Navarrete fired one round." The bullet missed. The suspect was arrested and booked on suspicion of assault with a deadly weapon.

But shooting investigators became suspicious of Navarrete's account after interviewing the suspect and the only other known civilian witness to the shooting, the man who had called police to report a possible burglary in the first place. That witness said it had appeared to him that the suspect, whose bottle turned out to be plastic, had been a bystander and that Navarrete had fired at him by accident.

Chief Parks concluded that Navarrete might not have been truthful and, in an analysis of the shooting, wrote, "I believe that Officer Navarrete may have become startled and accidentally fired one round." He recommended to the Police Commission that the shooting be found "out of policy." Commissioners agreed.

Once again, however, the LAPD disciplinary panel that heard the case did not. Navarrete was found not guilty and, as a result, received no punishment.

Navarrete, who is back on patrol in the 77th Street Division, said in a brief interview with The Times that he had been relieved by the board's decision. "I was telling the truth from the very beginning," he said. "I was right and everyone else was wrong."

Although boards have on several occasions overturned the commission, delays in the department's investigative process also have at times rendered the commission's work irrelevant. In 2000, for instance, the Police Commission concluded that Officer Karen Thiffault had improperly shot and killed a 16-year-old boy who was naked and under the influence of drugs when the officer said he tried to take her pistol.

More than a year passed between the incident and the completion of the LAPD investigation into it. That exceeded the statute of limitations for police discipline, so Thiffault was given only a reprimand for the fatal shooting, even though the commission found that it had violated LAPD rules. Interim Chief Martin Pomeroy rescinded the reprimand, cleaning the officer's record of the offense.

The boy's family sued, and the city attorney's office settled the case for \$1.1 million.

Punishing officers in shooting cases, LAPD officials said, is a difficult task. They want to send a message that shooting mistakes are serious infractions with grave consequences, but at the same time not be overly harsh with officers who have made poor, split-second decisions while being thrust into life-or-death confrontations.

From 1985 to 2001 -- the last year for which complete statistics are available -- police commissioners concluded that officers violated department rules on the use of deadly force more than 500 times, about one of every five times an officer fired a gun. More than half of those shootings were accidents, which almost always are ruled improper. When officers intentionally fired at suspects, they unjustifiably used deadly force one time out of every 12, records show.

"An out-of-policy shooting that results in the death of a human being should be taken very seriously," Mayor James K. Hahn said in an interview. "I think the people expect that there ought to be some consequence for doing something wrong that causes injury or death to somebody else."

When LAPD commanders agree that discipline should be imposed in shooting cases, the punishments are often uneven.

For example, in 2000 off-duty Officer Jose Cortez-Amaya shot and killed an unarmed man trying to sell him a stolen ring at a hamburger stand. His punishment: a two-day suspension.

Months later, Officer Paul Mosley shot and killed a bulldog that was fighting with another dog. That shooting, the department concluded, warranted a three-day suspension.

When Officer Jamie Bennett shot at, and missed, a 14-year-boy who shone a red laser light at him in 2000, supervisors concluded that the shooting was out of policy and he was suspended for two days.

Officer Ernest Berry shot at, and missed, a fellow officer that he mistook for a suspect in 1999. His actions also were ruled improper, but he received a 15-day suspension.

Department officials and others said that is, in part, because there is little guidance for LAPD commanders who are responsible for recommending an officer's punishment to the chief.

In 2001, when a departmentwide disciplinary guideline was established to help standardize penalties for officer misconduct, the recommended punishments for shooting offenses ranged from an admonishment to termination, the entire scope of available discipline. Penalties for accidental discharges were more limited, with the recommended punishment for a first offense starting at an admonishment and going up to a four-day suspension if there are no injuries. The punishment could rise to nine days if there were injuries.

At the Los Angeles County Sheriff's Department, by contrast, the guidelines are far narrower. They propose a five- to 10-day suspension for officers guilty of "unreasonable force" if the offense is the officer's first. If an officer is found



guilty of using "significant unreasonable force," the penalty ranges from a 10-day suspension to termination, records show.

LAPD officials said some factors can significantly increase an officer's penalty for a shooting offense. They include lying during the investigation, alcohol-related violations and repeated unreasonable use of force or other misconduct.

Yet, a review of specific cases in recent years suggested that, even under those circumstances, it is rare for an officer to be fired. Over the years, officers who have faked their own suicides, mistakenly shot relatives, accidentally killed unarmed suspects and covered up accidental off-duty shootings have kept their jobs.

Det. Charles Choe, for instance, had two out-of-policy, off-duty shootings, both of which involved drinking. In 1988, he randomly fired his gun into the air as he walked home from a dinner party where he had consumed at least eight beers and five straight shots of cognac.

Local police detained Choe, and the LAPD suspended him for 10 days. Seven years later, Choe was drunk again when he shot out the window of a car belonging to the girlfriend of a friend with whom he was drinking. When police attempted to take Choe into custody, he allegedly reached for his backup weapon, which was strapped to his ankle. He was suspended for 129 days but kept his job.

In an interview, Choe said there had been no excuse for his misconduct.

"I had to look at myself and realize that I have a problem. I'm not ashamed to say I'm an alcoholic," said the detective, who is now assigned to the Wilshire Division, where he has not had any other shootings. "I took steps to correct my problem." He added: "Other people might not see it this way, but I did my time. I corrected my problem. And I think I'm a better man."

Geoffrey Alpert, a professor of criminal justice at the University of South Carolina who specializes in police use of deadly force, said discrepancies in penalties undermine the credibility of a disciplinary system. The respective punishments given the officers in the shootings of the dog and the unarmed suspect, for instance, were "ridiculous," he said.

He said he thought LAPD officials "may be falling down because they're not distinguishing the type of policy violations, or human rights violations, according to seriousness of type. Life is more important than property."

Comparing discipline imposed in one incident with that in another incident without considering such factors as an officer's complaint history or the circumstances of an incident is "much too simplistic," countered LAPD Deputy Chief Gary Brennan, who reviewed The Times' findings. "Maybe there is no way to explain it to the extent that everybody is going to be satisfied. But that doesn't mean our response should be penalties that we don't believe are right to satisfy the public."

Jeffery C. Eglash, the LAPD's inspector general from 1999 to 2002, said he believed the department needed to do a better job in making sure that discipline imposed on officers corresponded to their misconduct. The LAPD, he said, should not be seen as placing more value on a dog's life than a man's.

"We get so immersed in the particulars of a case that we don't sit back and look at the bigger picture," said Eglash, now a private attorney. "We don't sit back and look at punishments in one class of cases against another. We should do that."

\*

Times staff writer Doug Smith and researcher Offer Egozy contributed to this report.

**GRAPHIC:** GRAPHIC: Review findings CREDIT: Los Angeles Times GRAPHIC: Deadly force CREDIT: REBECCA PERRY Los Angeles Times

**LOAD-DATE:** June 22, 2003



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July 15, 2002 Monday  
Home Edition

**SECTION:** PART A MAIN NEWS; Part 1; Metro Desk; Pg. 1

**LENGTH:** 1580 words

**HEADLINE:** Inglewood Police Accused of Abuse in Other Cases;  
Police: Despite lawsuits and cash settlements, no complaint has been referred for prosecution.

**BYLINE:** MATT LAIT and SCOTT GLOVER, TIMES STAFF WRITERS

**BODY:**

Long before the videotaped images of an Inglewood police officer manhandling a 16-year-old boy became national news last week, a string of bruised and battered suspects had complained of receiving similar treatment--or worse--at the hands of abusive Inglewood officers, according to documents and interviews.

The Times has identified more than a dozen complaints of excessive force against Inglewood officers in recent years, which include allegations of police breaking noses, knocking out teeth and otherwise mistreating arrestees. Many of the alleged victims said they were assaulted after committing "contempt of cop" offenses such as verbally challenging an officer or not immediately doing what they were told.

The Inglewood Police Department has not referred any of the cases to the district attorney's office; as a result, none of the officers involved has been charged with crimes.

In an interview Friday, Inglewood Police Chief Ronald C. Banks declined to discuss any of the cases identified by The Times, which are detailed in court records and police documents. Banks said the fact that a complaint or lawsuit had been filed did not mean that the allegations were true or even that the cases warranted review by prosecutors.

Among the cases involving allegations of excessive force by Inglewood police:

\* A 59-year-old Compton high school teacher said in a lawsuit that he suffered a torn rotator cuff and two herniated discs after he was allegedly handcuffed, thrown to the ground and kneed in the back by an Inglewood officer in August 2000. The man said he was trying to help a disoriented neighbor who was causing a disturbance when a police officer who had been called to the scene told him to "stay out of police business."

He was arrested for interfering with an officer, but the charges were later dropped.

\* A 45-year-old security guard said an officer punched her in the mouth in February 2000, splitting her lip and loosening a tooth. The officer admitted punching the woman, according to court files, but said he did so because she was advancing on him in a threatening manner. The woman was charged with assaulting a police officer, but the charges against her were dropped. She has since filed a civil rights lawsuit against the Police Department.

\* In July 1999, another schoolteacher said he suffered abrasions on his cheek, shoulder and knee after he was handcuffed and thrown face first onto a sidewalk outside a neighborhood bar where he had been playing pool. The man was arrested for being drunk in public, according to documents. But the man's attorney said the charges were dropped

when a test failed to detect any alcohol in his system. The city paid the man \$17,500 to settle a lawsuit against the Police Department.

\* An alleged gang member said that on Feb. 1, 1997, a police officer punched him in the face and broke his nose. One of the officer's partners was subsequently fired for destroying photographs he took of the bloody-faced gang member minutes after the alleged attack. Inglewood internal affairs investigators, who looked at the case after the young man filed a complaint with the department, said the evidence suggested that the photos were destroyed to protect the officer who allegedly struck the young man. Neither officer was prosecuted, and the one who allegedly struck the young man remains on the job.

Many of the people who alleged excessive force said police officials treated them rudely and ignored their complaints when they tried to come forward with their allegations.

Keith Shores, a Northwest Airlines employee who alleges he was roughed up, handcuffed and thrown to the ground by police after a traffic stop, was rebuffed at the station when he tried to level a complaint the next day, according to his attorney, Tom Beck.

Shores was accompanied by a friend who was a county probation officer, but the desk officers ignored him as well, Beck said.

Attorney Jorge Gonzalez, who represents three alleged victims of excessive force on New Year's Eve, contends a watch commander told his clients "either you can file a complaint against the officers or you can go home tonight without any charges."

They decided to leave. One of the officers they accused of using excessive force was Jeremy Morse, the officer who is seen on the videotape slamming the teenager, Donovan Jackson, onto the trunk of a police car.

Inglewood police officials did not respond to requests from The Times to provide annual tallies of the number of excessive force complaints lodged against their officers and a breakdown for how those cases were adjudicated. Although court records show that some officers involved in the cases reviewed by The Times were disciplined by the Police Department--in one case, an officer was fired--Banks would not say how others were handled. Nor did the city's attorney respond to a request for information regarding the amount of money the city has paid out to settle lawsuits that alleged excessive force by police.

Mayor Roosevelt Dorn, who has publicly called for the firing and prosecution of Morse, said he did not know about many of the complaints against Inglewood officers.

"I know of three or four complaints, and they were resolved to the point that the individuals who complained were satisfied," said Dorn, who was elected in 1997.

Over the last five years, district attorney's officials have reviewed more than 1,000 potential criminal cases against police officers in Los Angeles County, including more than 440 cases alleging excessive force. Most of those cases were from the Los Angeles Police Department and Los Angeles County Sheriff's Department, by far the region's largest police agencies.

District attorney's officials said they have not received a single excessive force referral from the Inglewood Police Department in at least five years.

"If the district attorney has no record of it, then I would take their word for it," said Banks, who left his job as an assistant chief with the LAPD to take the helm of the Inglewood Police Department in 1998. "Since I have been here, I don't think we've had an excessive force case that has risen to the level of misconduct ... or that required reporting to the D.A."

In fact, many of the smaller police forces in the county submit very few excessive force cases for review. According to district attorney's records, police departments in Pasadena, Santa Monica, Beverly Hills, Burbank, Downey, Hawthorne, Huntington Park and West Covina each referred one case of excessive force by an officer over the last five years. Other small cities reported no cases at all.

Sandi Gibbons, a spokeswoman for Dist. Atty. Steve Cooley, declined to comment on the Inglewood Police Department's lack of referrals to the office. Another D.A.'s official, however, said he was troubled by the dearth of cases presented by that department, and others, for review.

"It's always a concern when we don't get information from a department," said the district attorney's official, who asked not to be identified because of the ongoing investigation of the incident in Inglewood. "I can't help but think that there are things occurring out there--misconduct--that are not being presented to us."

Merrick Bobb, who monitors the Los Angeles County Sheriff's Department for the county board of supervisors, said the U.S. Department of Justice recommends that police agencies refer to prosecutors all cases in which, "at first blush," it appears a crime may have been committed.

"This practice is probably not followed by the majority of police departments in the country," said Bobb, who is also director of the Los Angeles-based Police Assessment Resource Center, a national center on police oversight and reform.

Bobb added that when charges get dismissed against suspects who have alleged being mistreated, such as in some of the Inglewood cases, that too is cause for concern. It's an "indication that something may be wrong ... and should serve as a signal that there may be systemic problems in that city."

Like many others who felt their complaints against the Inglewood department were ignored or mishandled, William F. Arbuckle III, the Compton schoolteacher who said he was roughed up after trying to help a neighbor, sued the police, in a case that is pending.

"What he did to me just wasn't right," said Arbuckle, who added that he will need surgery to fix his shoulder injury. "All I wanted was his badge number because he was so rude. For that he threw me to the ground."

That officer has had other legal and disciplinary problems, including an off-duty incident in which he forced three teenagers at gunpoint to lie on the ground because he incorrectly believed they were stalking the sister of his then-girlfriend, court records show. He allegedly shouted obscenities at the youths and kicked them, according to the records. The officer was suspended for 13 days in connection with that incident, and the city settled a lawsuit with the teenagers for \$37,000.

The officer still works for the Inglewood Police Department.

Shawn Fellows, the alleged gang member who contends his nose was broken by an anti-gang officer, never sued over his injuries because he thought he would never be believed, his mother said.

"They kicked the hell out of my son," said Jolene Clark. "They wanted to make an example of him in front of his friends."

"As far as I'm concerned," she added, "the Inglewood Police Department is a group of bullies. Don't mess with them."

**GRAPHIC:** William Arbuckle of Compton says he was roughed up by Inglewood police while he tried to help a neighbor. But Inglewood Chief Ronald C. Banks, says no case has "risen to the level of misconduct." **PHOTOGRAPHER:** JOHN LOK / Los Angeles Times

**LOAD-DATE:** July 15, 2002



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Los Angeles Times

January 22, 2002 Tuesday  
Home Edition

**SECTION:** CALIFORNIA METRO; Part 2; Metro Desk; Pg. 1

**LENGTH:** 957 words

**HEADLINE:** LAPD Officer Had 5 Felony Arrests;

Police: William Ferguson is under investigation for allegedly committing a string of robberies. Four incidents reportedly are on juvenile record.

**BYLINE:** MATT LAIT and SCOTT GLOVER, TIMES STAFF WRITERS

**BODY:**

A Los Angeles police officer under investigation for allegedly committing a string of home-invasion robberies had five felony arrests before he was hired by the LAPD in 1996, according to documents obtained by The Times.

Officer William Ferguson was arrested four times as a juvenile and once as an adult on burglary and theft charges, records show. His 1991 adult arrest resulted in a misdemeanor conviction for attempted burglary.

What became of his juvenile arrests is not clear because court records on those matters are not public. Ferguson's attorney, Robert Rico, had previously acknowledged his client's arrest as an adult but declined Monday to say whether Ferguson had a juvenile record. "The record reflects what the record reflects," he said.

LAPD officials declined comment Monday on Ferguson's criminal history prior to joining the department. Lt. Horace Frank, an LAPD spokesman, said any felony conviction--even a conviction as a juvenile--would bar a person from getting hired at the LAPD. However, neither misdemeanor convictions nor mere arrests would automatically disqualify a potential candidate.

Ferguson, 30, is under investigation as part of a probe that also is looking into other officers, including Ruben Palomares, who is in federal custody on drug charges and is a suspect in a Huntington Park homicide. Lawyers for Ferguson and Palomares, on behalf of their clients, have denied that the officers committed crimes together.

Ferguson's actions are also under scrutiny in a February 1999 on-duty shooting that figured in a recent \$1.7-million civil settlement and will be discussed by the city's Police Commission in coming weeks.

The adequacy of city background checks into LAPD candidates is a long-standing matter of debate, and a policy question that has been explored by the Police Commission many times over the years. In the LAPD's analysis of the events known as the Rampart scandal, the department noted that four officers accused of wrongdoing had been hired despite past arrests.

Ferguson was hired at a time when the LAPD was pressing to expand, an effort spearheaded by then-Mayor Richard Riordan. Critics at the time accused the department of hiring candidates too quickly, in some cases without conducting thorough background checks.

"We're disappointed someone slipped through the cracks," said Mitzi Grasso, president of the Police Protective League.

"It appears to me that there was a breakdown in the screening process. It's a problem that the department, the league and the city have been wrestling with for some time."

According to court records, Ferguson was arrested four times as a juvenile between 1986 and 1990. One of those arrests was by LAPD.

He was arrested twice on suspicion of theft and twice on suspicion of burglary, once while he was allegedly in possession of burglary tools, the records show.

The court records obtained by The Times do not contain details surrounding the arrests or the outcome of the cases. Cases involving juveniles are not public records.

Ferguson was arrested as an adult in January 1991 on suspicion of burglary, court records show.

In that case, he pleaded no contest to a reduced charge of misdemeanor attempted burglary. He was sentenced to three years' probation, records show. He joined the Marine Corps in 1992. After a four-year stint in the service, he joined the LAPD.

As a police officer, Ferguson has been the subject of numerous personnel complaints, and has been investigated on allegations that he framed suspects, planted evidence and intimidated a witness. He is currently relieved of duty pending an internal disciplinary hearing.

On Feb. 8, 1999, Ferguson was involved in an on-duty shooting in which he shot at, and missed, an alleged teenage drug dealer. The department's handling of that shooting investigation has been the subject of an internal inquiry by the Police Commission's inspector general.

The inspector general's probe was launched after a Times article disclosed that when the Police Commission concluded that the shooting was within LAPD policy--a finding that Chief Bernard C. Parks urged it to make--some key information about the incident had not been shared with members of the civilian panel.

For example, the commissioners were not told at the time of their vote that Ferguson's role in the shooting was--and still is--the subject of an active criminal investigation. Nor were commissioners told that police officials had searched the officer's locker and seized a replica weapon that one detective speculated was possessed by Ferguson "to be used as planted evidence," according to police documents.

Ferguson and his partner, Jeffery Robb, known on the streets of the Southeast Division as "Batman and Robin," refused to testify about the shooting in a civil proceeding on the matter, invoking their constitutional right against self-incrimination. Robb resigned from the department in January 2000.

Ferguson is also under investigation by authorities attempting to learn more about his relationship with Officer Palomares, who was arrested in June after allegedly trying to buy 10 kilograms of cocaine from an undercover Drug Enforcement Administration agent.

One of Palomares' co-defendants in the drug case told investigators that Palomares and Ferguson were involved in a criminal partnership in which they would commit invasion-style robberies, stealing narcotics and money from drug dealers.

The co-defendant, according to people familiar with his statements, also implicated Palomares in an unsolved 1999 Huntington Park killing, another crime that remains under investigation.

Last month, LAPD officials confirmed that they have an ongoing criminal investigation into Palomares, Ferguson and other officers.

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August 7, 2001 Tuesday  
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**SECTION:** PART A; Part 1; Metro Desk; Pg. 1

**LENGTH:** 2218 words

**HEADLINE:** Police Panel Wasn't Given Full Facts in Gunfire Case

**BYLINE:** SCOTT GLOVER, MATT LAIT, TIMES STAFF WRITERS

**BODY:**

To members of the Los Angeles Police Commission, Officer-Involved Shooting No. 14-99 seemed like just another case of a good cop defending himself against a gang member with a gun.

A written summary of the case, submitted to the commission by Police Chief Bernard C. Parks, offered no hint of controversy surrounding the confrontation in Southeast Los Angeles. Rather, it described a scenario in which an officer, fearing for his life, fired two rounds at a teenager who allegedly pointed a gun at him from the window of a crack house.

As a result, on Feb. 1, 2000, the commission unanimously adopted the chief's recommendation that the shooting by Officer William Ferguson was within the department's rules. The determination was critical because the civilian commission has the final word over matters involving the use of deadly force.

But police officials knew far more about the shooting and its aftermath than the Police Commission was told, according to confidential police documents and interviews.

Among the key facts withheld from commissioners when they cast their votes:

\* At the time Parks was recommending that the commissioners find the shooting "in policy," LAPD detectives were--and still are--pursuing criminal charges against Ferguson and possibly other officers for their roles in the Feb. 8, 1999, shooting and its aftermath, law enforcement sources said.

\* Ferguson, in the opinion of his captain and other supervisors, at the time of the shooting exhibited "a pattern of conduct that [was] consistent with criminal police misconduct," according to an affidavit in support of a search warrant for the officer's locker and car. During a search two weeks after the shooting, detectives found a handgun replica that "was most likely being carried by Ferguson to be used as planted evidence," confidential police documents state.

\* The sergeant in charge of securing the shooting scene told Internal Affairs detectives in December 1999 that he had watched as Ferguson suddenly ran to a rear bedroom of the house without his permission. As the sergeant entered the room, he found Ferguson holding a .22-caliber gun that he claimed the suspect had pointed at him minutes before. The sergeant has since told the LAPD's inspector general and The Times that he actually saw Ferguson plant the weapon. The sergeant, who is on a stress leave and is suing the LAPD, claims he made that allegation on the night of the shooting, a charge that LAPD officials vehemently deny.

Commissioner Herbert F. Boeckmann II said in a recent interview that he was disturbed that police officials did not call the commission's attention to what he described as troubling and relevant facts surrounding the officer-involved shooting.

"It's very disconcerting to me, to say the least," Boeckmann said.

Following inquiries by The Times, Police Commissioner Dean Hansell has called for a closed-door briefing on the shooting investigation at today's regularly scheduled commission meeting.

"If we later find out that we made a decision that was based on incomplete information, we would want to take steps to rectify the situation," Hansell said.

Parks declined repeated requests to be interviewed, instead referring questions to his spokeswoman, Cmdr. Sharon Papa. Papa said the chief was unaware there was a pending criminal investigation of the shooting when the commission took the matter up last year.

That case, involving Ferguson and his partner, was referred to the district attorney's office by the LAPD in November 1999. Parks "never signed off" on the case, despite an LAPD policy requiring the chief to approve any such referral, Papa said. She said the chief was also unaware of the search warrant and the recovery of a handgun replica from Ferguson's locker.

Just days after the commission's vote, Parks' chief of staff, Deputy Chief David J. Gascon, signed papers ordering Ferguson to a disciplinary hearing on charges of possessing the handgun replica and threatening a witness in the case, according to documents.

The documents also accused Ferguson of inappropriately trying to "gain entry" into the residence the night of the shooting. Six months later, in the summer of 2000, those charges were included in a document approved by Parks himself.

Papa said the chief did not realize that the disciplinary charges stemmed from the shooting incident until two weeks ago, just before his civil court deposition in connection with the shooting.

As a result of the ongoing investigation, the conviction of 14-year-old Frank Harris, who allegedly pointed the gun at Ferguson, was overturned last year. Harris has since filed a lawsuit against the city, alleging that he was unarmed the night of the shooting and was framed by police.

The suit also contends that a week after the shooting, Ferguson and his partner, Jeffrey Robb, broke into the house where it took place and planted drugs on some of the occupants. The subsequent convictions of those people, who are also suing the city, were overturned as well.

Ferguson and Robb, through their lawyers, denied any wrongdoing.

Ellen Ellison, who is representing Harris and his friends, has sought to question both officers. Robb has refused to answer questions and Ferguson has yet to appear, she said.

Robb, 28, resigned from the LAPD last year in the face of unrelated misconduct charges that also involved Ferguson, according to confidential police documents.

Ferguson, also 28, is being tried before an LAPD disciplinary panel on charges related to the shooting and the alleged framing of Ellison's clients. He is now relieved of duty.

#### 'Batman and Robin' on the Street

Even before the shooting, the two officers had attracted attention, both for their gung-ho tactics and for resulting complaints. The young officers, who were trained by CRASH officers in the troubled Rampart Division, were known on the streets of Southeast as "Batman and Robin."

There are wildly varying accounts of what took place the night of Feb. 8, 1999.

Ferguson and Robb describe a routine narcotics investigation that turned potentially deadly when a teenage drug dealer pointed a gun at them through the window from which he allegedly dispensed rock cocaine.

The teenager and his friends describe an encounter with police officers behaving so bizarrely that they called 911 for help.



The confusion of the night was captured on the 911 tape, with gunshots ringing out in the background as one of the residents, Magellan Harmon, pleads with the operator, "Hey, lady . . . get somebody over here!"

According to the official police account, the incident began when Ferguson and Robb, who were working the night shift in the Southeast Division, saw two women they recognized as cocaine users walking up the driveway of a house near the intersection of Manchester Avenue and Avalon Boulevard.

The officers followed the women, who allegedly acknowledged they were there to buy cocaine. One identified a "little guy with a striped shirt" as selling cocaine from a rear window, just a few feet from where she and the officer stood.

The woman, according to the police account, told Ferguson that the seller was armed. The officers radioed for backup, but as they waited for help, Ferguson saw a silhouette approaching the window.

The person, later identified as Harris, allegedly shouted, "Who . . . is out there?" Harris then extended his hand through a hole in the screen and pointed a revolver in the direction of Robb, according to the police account.

"Police! Drop the gun!" Ferguson yelled, police documents state.

When Harris then pointed the gun at Ferguson, the officer fired two rounds, missing both times, police said. Harris then pulled the gun back through the screen and retreated away from the window, out of view.

In the seconds after the shooting, Ferguson took cover, his gun still drawn. At that point, another officer responding to the call for backup mistook Ferguson for a suspect and fired two rounds at him. Ferguson was not hit. Parks deemed that officer's use of force out of policy and he was suspended for 15 days.

The people in the house claim the police were terrorizing them. They said men began banging on their windows as they watched a Lakers game on television. When Harris asked who was outside, they said, one of the men responded, "89 Family Bloods," the name of a street gang rival to that of the men in the house.

The men eventually said they were police officers and ordered those inside to open the door, according to Harris and others. At that point, Harmon called 911 and complained that men outside the home were identifying themselves as police and demanding entry.

"We don't know if they're real cops or not," Harmon told the operator, according to the 911 tape.

She replied, "Sir, we don't show any police at that [address]."

Moments later, there was a gunshot.

"They shot somebody!" a frantic Harmon can be heard shouting into the phone. "Oh, they shot a girl!"

A woman named Tyieka Harris later told Internal Affairs detectives that she was flushing rock cocaine down the toilet when a police officer pointed a gun at her through the bathroom window. She said the officer ordered her to stop, and when she continued, fired a single shot in her direction. She claimed that the shot grazed her head, but she did not receive medical treatment for the injury.

According to tapes of LAPD radio transmissions and the 911 tape, Ferguson, Robb and two other officers were just outside the house when the shot was fired at 7:43 p.m., preceding the shots Ferguson acknowledges firing at Frank Harris.

The officers all denied firing the first shot, or hearing one fired, though it is clearly audible on the 911 tape.

Although LAPD detectives assigned to investigate the shooting concluded that the shot was most likely fired from inside the house, the department's Internal Affairs investigation later classified the shot as unaccounted for.

Also unexplained was the apparent disappearance of Ferguson's shell casings, which investigators could not find after the shooting. The controversial first shot and the missing shell casings were not mentioned in Chief Parks' summary to the Police Commission.

#### Sergeant Arrives to Debrief Officers

As the shooting stopped, Sgt. Warren "Ken" Brooks arrived and assumed control as the incident commander, according to documents and interviews. Brooks said he debriefed Ferguson and Robb. Brooks said he then told another

sergeant to separate the officers and take them to the Southeast Division police station to take their statements, standard procedure after an officer-involved shooting.

But according to Brooks, that sergeant disregarded his order, saying he wanted to talk to the officers there.

As Brooks was assembling a team to search the house, an officer alerted Brooks that Ferguson and Robb had run into the house, Brooks said.

Brooks told LAPD investigators that he ran after the officers. As he made his way down the hallway, Brooks said, he found Ferguson in the rear bedroom with a .22-caliber revolver in his hand.

At this crucial point, Brooks' account and the official version of events diverge.

According to police documents, Ferguson had been told by informants that there was a hiding place under the floor. When he found the gun on the floor, Ferguson said, he picked it up to ensure that no one could jump out from under the floor and use it.

Brooks, however, told The Times in recent interviews that he saw Ferguson pull the weapon from his rear waistband and place it under a bed near the window from which Harris had allegedly brandished the weapon minutes before.

"It was very clear to me what I saw," Brooks said. "I saw him plant a gun."

That characterization was also given by Brooks in mid-February 2000 to an investigator with the LAPD's inspector general's office. That office is continuing to investigate the case.

But Brooks had not been as explicit three months earlier, when he was interviewed by two detectives investigating the incident.

According to a tape of that December 1999 interview, Brooks said he followed Robb and Ferguson into the house and found Ferguson in the rear bedroom, crouching next to the bed.

"Hey, what are you doing? Get out of here," Brooks said he told Ferguson. "And he stands up and goes, 'I got it.' And that's when I see him with a gun. And I say, 'Put that back.' "

Brooks added, "Now, I don't know where that gun came from. Or what."

Asked about the different accounts, Brooks insisted that there was no contradiction. He said his more recent description was merely the result of more detailed questioning. Brooks said that on the night of the shooting, he told Capt. Richard Bonneau, commanding officer of the Southeast Division, and Capt. James Tatreau, head of the department's robbery-homicide unit, that he saw Ferguson plant a gun.

Both men assured him that investigators would get to the bottom of his allegations, Brooks said.

Bonneau and Tatreau vehemently deny Brooks' allegations that he had told them he saw Ferguson plant a gun.

Today, Brooks is suing the LAPD, which he says retaliated against him for reporting alleged excessive-force violations by two other Southeast Division officers in an unrelated incident. He took a stress leave after the department accused him of failing to properly document the incident, he said.

**GRAPHIC:** Police Chief Bernard C. Parks has declined to be interviewed about the incident and its aftermath. Police spokeswoman Sharon Papa said Parks had been unaware of certain developments in the case. **PHOTOGRAPHER:** CAROLYN COLE / Los Angeles Times

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RAMPART: INTERVIEWS WITH OFFICERS, VICTIMS AREN'T DONE. OFFICIAL SAYS INCIDENTS HAVE  
LOWER PRIORITY BECAUSE KEY PLAYERS NOT INVOLVED.

**BYLINE:** SCOTT GLOVER and MATT LAIT, TIMES STAFF WRITERS

**BODY:**

More than a year after former LAPD Officer Rafael Perez told investigators about a pair of allegedly improper police shootings, detectives on the department's corruption task force have yet to interview the victims and other key witnesses, despite public pledges to get to the bottom of Perez's allegations.

The shootings generated questions even before Perez suggested possible wrongdoing. The city paid the victims substantial sums--\$ 425,000 in one case, \$ 135,000 in the other--to settle lawsuits. Authorities challenged some aspects of the officers' accounts of both incidents at the time they occurred, and, in one case, a prosecutor went so far as to alert colleagues responsible for bringing criminal charges against police.

The officers who fired their weapons remain at work in the Los Angeles Police Department.

The slow pace of the LAPD investigation, which grows out of Perez's allegations of widespread misconduct, has already had consequences: Because one of the shootings occurred in 1995, the statutes of limitation on some of the most serious alleged criminal offenses have expired and the officers involved can no longer be prosecuted on those charges.

After inquiries from The Times, Cmdr. Sharon Papa, the LAPD's spokeswoman, said the shootings were not considered "high priorities," in part because the officers who fired the shots in the two cases are not believed to be major players in the corruption scandal. The LAPD, she said, was focusing its efforts principally on officers who are thought to have played important roles in alleged corruption.

Detectives, she added, were deluged with seemingly more promising leads, making it unfair to second-guess the way task force investigators have prioritized their caseload.

"Now, someone may look at these and think maybe they should have been up higher on the list," she said. "But they weren't. We can't go back and fix that."

Nevertheless, Papa, who acknowledged that detectives have not interviewed the officers involved in the two shootings, stressed that police are still chasing leads and have not brushed the allegations aside. "Nobody has done anything intentionally to hide this," she said. "They're trying to do a good job."

The 1995 shooting has received virtually no scrutiny from the LAPD corruption task force, Papa confirmed.

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Papa said that detectives investigated the second shooting, which occurred in 1998 in the 77th Street Division and that the results of their probe were submitted to the district attorney in a report last fall.

Without interviewing the victim, Anthony Dickson, or other eyewitnesses in that case, the investigators concluded that "there is no evidence to indicate criminality by members of the department."

Investigators based that conclusion in part on a bullet recovered at the scene. The bullet, they said, was linked to a gun used by an acquaintance of Dickson in a nearby shooting the same day. To the detectives, that suggested that Dickson was armed with the same weapon when confronted by police. The gun was never recovered.

Long before Perez made his allegations, authorities armed with the accounts of other witnesses were skeptical of the officers' stories in both incidents, according to documents and interviews.

In the 1995 incident, for instance, a detective investigating the shooting at the time repeatedly asked Officer Daniel K. Widman, then a rookie working in the Rampart Division, if he was sure the shooting hadn't been accidental. When Widman insisted it had not been, the detective pressed him.

"OK, Dan. We are going to go over this again," said Det. Jerry Stephens, according to transcripts of the interview. "You think these questions are tough, wait until two or three years down the line and you get in front of the judge and the jury . . . and you are going to have to explain to them why you shot this guy. And that is what we are trying to get out of you right here."

In the other case identified by Perez, Dickson, a reputed gang member facing 20 years in prison for allegedly pointing an assault rifle at officers in the 77th Street Division, accepted a plea agreement and was set free after just 10 months in jail. The prosecutor concluded that the questionable evidence in the case made it "very near unwinnable."

In fact, Deputy Dist. Atty. Steve Katz was so concerned by the officers' "curious and troubling" version of events that he referred the matter to the district attorney's Special Investigations Division for potential prosecution of the officers, according to a December 1998 memo about the case.

Although different officers were involved in the two cases, one who was present for both was Sgt. Edward Ortiz, described by Perez as someone who "fixed" shooting scenes to protect officers from misconduct charges.

Ortiz was convicted of corruption-related crimes in an unrelated case in November, but that conviction has been overturned. The district attorney's office is appealing the judge's reversal of the jury verdict.

Through his lawyer, Ortiz declined to comment.

Perez was not present at either shooting. But he told detectives that both were widely discussed at Rampart--and widely viewed as cover-ups.

#### Shooting Called a Rookie's Error

Four years after Jose Vega was shot Oct. 15, 1995, Perez told corruption task force detectives what he said had been an open secret in Rampart for years: The shooting was a mistake by a scared rookie.

Perez said he was told during a meeting of the anti-gang officers that the sergeants who responded to the scene that night helped concoct a story to justify the shooting so Widman--then a probationary officer--would not lose his job.

One element of the story, Perez said, is that officers said they mistook ketchup on the wall of an apartment for blood, thus heightening their sense of danger.

"They wanted to save the kid's career," Perez said. "They asked him, 'What do you got?' And he goes, 'I don't know. I just shot him.' And they were like, 'Oh, Jesus.' "

According to the official police version of events, it was close to midnight when Widman and partner John Bertino were dispatched to an apartment in the 1700 block of South Catalina Street to investigate a domestic violence call.

A woman had called 911 and complained that her husband had hit her. When the officers arrived, they found the apartment dark and the metal security door ajar, police said.

Widman knocked on the door and Elvia Vega answered, according to police reports. The officers asked her to step onto the porch, and she told them that her husband had struck her and that he was still inside the apartment, police reports state. She also said her husband was unarmed.

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The officers then told her to wait on the porch as they went inside to find her husband, Jose Vega. With his gun and flashlight drawn, Widman took the lead in searching the darkened apartment, while Bertino followed closely, according to the police account.

During their search, the officers shined their flashlights on a wall in the living room and "saw a large amount of what appeared to be blood smears," the police report states.

"That is when the hair on the back of my neck stood up, and I was thinking that this was serious," Widman would later tell investigators.

According to the police report, Widman was continuing his search for the husband when a bedroom door flew open, setting off a flurry of events.

Widman pointed his flashlight toward the door. There, Jose Vega allegedly held his hands near his waist. In them, police said, was "something shiny." The officer also heard a loud "boom" and "saw a quick flash of light, which he believed to be a muzzle flash," the police report says.

Widman said he saw the flash and believed he had been shot. He then fired one round at Vega, striking him in the abdomen.

After the officers handcuffed the wounded man, they began looking for the weapon they believed he had. None was found. Instead, they found a hand mirror on the floor, the report says.

The officers, their supervisors--including Ortiz--and, later, officer-involved-shooting detectives pieced together this scenario:

The "boom" Widman heard was the sound of Vega opening the bedroom door and slamming it against a dresser; the shiny object Widman saw at Vega's waistline must have been the hand mirror; the muzzle flash was the reflection of the officer's flashlight on the hand mirror.

As for the blood the officers saw in the living room, that turned out to be ketchup, apparently splattered there in the altercation that drew police to the scene.

From the start, however, there were doubts. Some witnesses--neighbors and family members interviewed by police at the time--contradicted elements of the officers' story--details such as where officers and others were when the shooting occurred.

Despite the investigators' skepticism and the witnesses' statements, then-Chief Willie L. Williams ruled that the shooting had been within departmental policy.

The circumstances of the shooting--in particular, the undisputed fact that Vega had been unarmed--were troubling enough to the city attorney's office that it settled a lawsuit filed by the Vegas for \$ 425,000. Among the issues raised in the course of that lawsuit: Officers had claimed to be alarmed by what turned out to be ketchup splattered on a wall, but some witnesses say they saw a ketchup bottle just inches away.

Years later, Perez's statements to investigators bolstered the notion that there had been a cover-up. The former Rampart officer said he was told after the incident that the officers involved huddled and devised a plan before being questioned by investigators.

"They came up with some idea of a little mirror," Perez recalled during one of his then-secret debriefings. "They made it very clear to us that that was just what they did to save Widman's , you know, his job. . . . Cover it up. Fixed it."

When contacted by The Times about the shooting, Widman, who remains on duty at the North Hollywood station, declined to comment. "I don't think it's in my best interest" to talk, he said.

In a lawsuit recently filed by an LAPD colleague, Bertino was accused of ordering that officer to fabricate a police report. Bertino, whom Perez described as being "in the loop" of Rampart officers who allegedly committed crimes and is now assigned to the department's elite Metropolitan Division, declined to comment for this article.

#### Victim's Account Has Shifted

In contrast to the Vega case, Perez gave investigators comparatively little to go on in relation to the shooting of Anthony Dickson. Perez didn't even know the name of the officer who pulled the trigger, just that he was from the 77th Street Division's CRASH anti-gang unit.

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"It was a chase," Perez said. "The guy falls or something, gets shot and then they clean it up."

Other documents and witnesses--including the sometimes shifting account of Dickson himself--flesh out the story.

The events leading to the shooting began to unfold about 4:30 p.m. on Feb. 21, 1998, according to police documents. Two 77th Street CRASH officers--Scott Murray and Andy Luong--had just finished investigating a report of an assault with a deadly weapon in the 4500 block of South Gramercy Place when they saw a car turn onto the street just south of them.

Murray, police documents say, recognized the two men in the back seat as Dickson and 17-year-old Ismael DePaz, alleged members of the 46th Street Crips.

According to their report, the officers noted that the blue Toyota Camry did not have license plates and that neither Dickson nor DePaz was wearing a seat belt. Dickson and DePaz allegedly pulled over in front of DePaz's house, got out of the car and walked onto the front lawn.

Murray and Luong reportedly got out of their police car and ordered Dickson and DePaz to put their hands on their heads. But the two young men ignored the officers' command and walked toward DePaz's house, police documents state.

Dickson then turned toward the officers, walking backward toward the house, the reports say, adding that Murray saw "the brown wooden stock of a rifle protruding from under Dickson's shirt."

Murray warned his partner that Dickson was armed, and the suspect suddenly ran toward the back of DePaz's house, according to police, with both officers giving chase.

As Dickson came to a wooden gate leading to the backyard, he stopped momentarily to open it, at the same time removing his right hand from his shirt and displaying an assault rifle, the police reports state. In the backyard, according to police, Dickson spun around and pointed the weapon at Murray.

Murray fired two rounds at Dickson, striking him once in the leg. Dickson managed to climb over a wooden fence into an alley. The officers, who had taken cover in the backyard as Dickson leveled the rifle at them, briefly lost sight of him as he scaled the fence, according to police.

Murray and Luong cautiously approached the fence, peering over it to make sure Dickson was not waiting to ambush them on the other side, police reports say. Then they saw the wounded suspect running down the alley. When Dickson reached 48th Street, he collapsed.

Dickson was unarmed at the time of his arrest, and officers were unable to find a gun when they returned to the scene of the shooting a few minutes later. Police speculated that someone in the neighborhood had removed the weapon.

Sgt. Ortiz, however, spotted a key piece of evidence lying in the alley where the suspect and the officers had scaled the fence: a high-capacity "banana" magazine, a kind used with an assault rifle.

Lying next to it was a single live round that investigators, after hearing Perez's allegations, would match with shell casings recovered from a shooting earlier in the day. That bullet, according to LAPD documents, was also recovered by Ortiz.

But several LAPD officers, including Murray and Luong, now say another officer recovered the evidence.

Murray, in an interview with The Times, said he was surprised and angered by Perez's allegations. He said the shooting was justified and that he was unaware of any misconduct by officers during the incident.

"I'm the one caught in the middle," Murray said. "I've never met Rafael Perez. I didn't do anything wrong here. And depending on how this is looked at by the public or the department or my peers, it could put me in the same boat as him--and that is what I don't want."

Luong, who works for another police department, did not return telephone calls seeking comment.

In recent interviews with The Times, Dickson offered a markedly different--and on one point conflicting--account of his encounter with Murray and Luong.

Dickson, who had just landed a job at a nearby burger stand, said he was walking across the street when the car pulled up. According to Dickson, he was never in the car and did not have a gun.

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Saying he feared being harassed by police that evening, Dickson admitted that he ran when he saw them. He was midway over the fence into the alley when he heard gunshots and felt a sharp pain in his leg, he said. He hobbled down the alley with his hands in the air, collapsing as he emerged onto 48th Street.

Other witnesses backed up aspects of Dickson's version of events.

In her statement to police, Karen DePaz, the driver of the car, told officers that Dickson had not been in the vehicle.

Neighbors also told investigators that Dickson had not been in the car that day, but rather had come from his house, as he claimed. The neighbors did not recall having seen Dickson with a gun.

Ismael DePaz's accounts of the evening have not always been consistent. He initially denied that Dickson had been in the car, then contradicted that in an interview with The Times, then returned to his original recollection.

Dickson also has changed stories. He has given conflicting reasons--in interviews and in a letter to the Police Commission's inspector general--for why he ran from police. After first saying he was afraid of being harassed, he admitted carrying the magazine and said he had fled to avoid being caught with it.

Still, though DePaz and Dickson's credibility is subject to question, Dickson's attorney argues that the physical evidence speaks for itself.

If the officers' account were accurate, lawyer Daniel Rodriguez argued, the bullet that entered Dickson's leg, which he said failed to hit any bone that might have abruptly changed its course, should have come out the other side and struck the fence immediately behind him. Likewise, the round that missed should have hit the fence, Rodriguez said.

But investigators failed to find impacts from either round or to recover the slugs themselves. The bullet that hit Dickson entered the side of his leg, just above the knee, and exited from the front of his leg just below the hip. The trajectory, according to Rodriguez, suggests that Dickson was shot from behind as he scaled the fence. Rodriguez hoped to prove that theory using X-rays--and police say they too believe those X-rays are important evidence and could bolster or undermine Perez's allegations. However, the hospital apparently has lost them.

In a report to the Police Commission, Chief Bernard C. Parks, while criticizing Murray and Luong for their tactics, found the shooting itself "in policy."

Dickson was arrested and charged with two counts of assault with a deadly weapon on a police officer and two counts of drawing and exhibiting a weapon in the presence of a police officer. He faced the possibility of more than 20 years in prison, but agreed to a plea bargain that set him free after 10 months.

Steve Katz, the prosecutor assigned to the case, explained his rationale for offering the deal in a memo obtained by The Times through a public records request:

The case was plagued by "numerous problems of proof, including: physical evidence that undermines arresting officers' contention that arresting officer fired at defendant while defendant was pointing a rifle at arresting officers," Katz wrote in the Dec. 12, 1998, report.

The prosecutor was so troubled by what he saw as discrepancies that he shared his concerns with a colleague in the Special Investigations Division, an arm of the D.A.'s office that at the time prosecuted crimes committed by police officers. No charges were filed at the time, but the case has since been reopened as a result of inquiries by The Times, the district attorney's office said.

Dickson has since settled his civil suit against the city for \$ 135,000. Cory Brente, the deputy city attorney who defended Murray and the Police Department in the case, said he settled largely because he thought the allegations that have come out against Ortiz in the Rampart scandal would raise doubts in jurors' minds about his discovery of the key piece of evidence in the Dickson case.

Although Dickson adamantly insists that he was set up by police, he acknowledges that he has not always told the truth about what happened. In retrospect, Dickson said, he was frustrated at trying to draw attention to his charges and desperate to right what he said was a wrong.

"You'll say anything," he said.

Shooting Scene

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Police say that when they entered a house Oct. 15, 1995, to investigate a domestic violence call, they became alarmed when they spotted what looked like blood in the living room. It turned out to be ketchup. At least one officer moved to the bedroom, where Jose Vega was shot in the midsection. Vega was unarmed, but police say he held a mirror that reflected their flashlight. In the dark, they say, the flashlight looked like a gun going off. Vega denies holding a mirror.

\*

"They wanted to save the kid's career . . . They came up with some idea of a little mirror . . . That, supposedly, the suspect had a little mirror like this in front of him. So that when he opened the door and . . . he heard a 'boom' and the officer turned on his flashlight . . . there was a reflection on that little mirror in front of him . . . which made the officer believe that the 'boom' and light was actually that guy shooting at him. Which is why he fired."

--From interrogation of ex-LAPD Officer Rafael Perez

**GRAPHIC:** Doorway to the bedroom where Jose Vega was shot. On the floor, the mirror that police say he was holding. Police thought these stains were blood as they entered the home. It turned out to be ketchup. Vega was later awarded \$425,000 by city. **GRAPHIC:** Shooting Scene, Los Angeles Times

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**HEADLINE:** POLICE CASES SENT TO D.A. DROP SHARPLY;  
LAPD: SOME OFFICIALS ARE CONCERNED BY CHIEF'S POLICY THAT REFERS FEWER OFFICER INCIDENTS TO PROSECUTORS.

**BYLINE:** MATT LAIT and SCOTT GLOVER, TIMES STAFF WRITERS

**BODY:**

The number of criminal cases the Los Angeles Police Department has presented to prosecutors involving its own officers has dropped dramatically since late 1998, when Chief Bernard C. Parks changed the department's policy on such referrals, a Times investigation has found.

In the four years before the policy change, the LAPD sent an average of more than 80 cases a year to the district attorney's Special Investigations Division, which prosecutes police and other public officials, according to district attorney's records. In 1999, 17 cases were referred, the records show. Through August of this year, nine cases had been submitted, not including cases arising from the Rampart corruption probe, which is being investigated by both police and prosecutors.

The sharp decline in referrals has some prosecutors and Police Commission officials concerned that the LAPD is not referring every case it should.

Under Parks' policy, cases against officers are referred when an LAPD "investigation has established a criminal act occurred and the department determines a criminal filing is warranted."

And, the policy adds: "Under no circumstances" should a case be referred to the district attorney's office without the approval of the LAPD's Internal Affairs commander, a deputy chief and the police chief himself. The change in policy was made without the approval of the civilian Police Commission, which, under the City Charter, is supposed to set departmental policy.

The previous policy required a referral in any case in which there was credible evidence that an officer had committed a crime.

LAPD Deputy Chief David J. Kalish said the current approach is aimed at preventing frivolous cases from clogging the criminal justice system. Deputy Dist. Atty. James L. Cospser said he was at a meeting with LAPD Cmdr. Jim McMurray, the head of the department's Internal Affairs Division, at which the change in policy was discussed.

"He said they didn't want to keep flooding us with these junk cases," Cosper recalled. "He said, 'trust us.' I still remember those words coming out of his mouth: trust us."

Since then, Cosper said, "the well's run dry."

Parks has earned a reputation as a stern disciplinarian, firing officers at a rate far higher than his immediate predecessors, Willie L. Williams and Daryl F. Gates. Since taking office in August 1997, Parks has terminated 127 officers, according to LAPD records.

Cosper said he believes the LAPD would rather quietly fire officers than have them prosecuted publicly.

"Frankly, it's a public relations issue," Cosper said. "I think a lot of the time the attitude at LAPD is, 'We got rid of a bad apple--that's enough.'"

McMurray declined repeated requests for an interview.

Cmdr. Sharon Papa, the department's spokeswoman, said the rate of prosecution had no relation to the number of cases sent to the prosecutors by the LAPD. "It looks to me like we're doing a better job of screening."

The Times identified two cases that were not submitted to prosecutors under the current policy until it was legally too late to prosecute. Allegations of excessive force and false imprisonment against one officer, and of on-duty sex with prostitutes and witness intimidation against another were withheld from prosecutors for 18 months and 11 months, respectively, after the officers had been fired from the LAPD.

Information on both cases was turned over to the district attorney's office on June 14, after The Times filed a public records request with the Police Department seeking information about the two officers. Police officials declined to discuss the timing of those referrals.

There are a number of other recent cases that were not presented to prosecutors, even though the allegations against officers were potentially criminal. For example, district attorney records show that prosecutors were never asked to review cases involving:

- \* An officer who was fired for filing a false arrest report.
- \* An officer who was suspended for 22 days for excessive use of force.
- \* A traffic investigator who resigned amid allegations that he made female accident victims disrobe.
- \* A pair of officers who were suspended for 22 days for an "illegal detention" and improper search of a man.

"Considering all the circumstances, if a police department has credible evidence that an officer has committed a crime, the allegation should be referred to this office," said Cliff Klein, the head prosecutor of the district attorney's Special Investigations Division, known as SID.

Four months ago, The Times requested information from the LAPD on dozens of other disciplinary cases in which officers were charged internally with potential crimes or serious misconduct. To date, the department has not turned over those documents, even though LAPD officials concede that the material is public information. Many of the cases were not referred to prosecutors for review, according to district attorney's records.

The two cases that were belatedly referred to SID this summer involve former Southeast Division Sgt. James Clark and ex-Rampart Division Officer Roy Logan.

Clark was accused of routinely having sex with prostitutes while in uniform and on duty. In one case, he propositioned a woman as he stood with his hand on his holstered gun, LAPD documents allege. Later, the documents allege, he ordered the prostitute into his police car against her will and drove her to another location, where he threatened her to obtain her silence.

Clark denied the allegations at his disciplinary hearing, but police officials did not find him credible.

"The board views your participation in the sexual encounters as potentially criminal in nature," wrote then-Cmdr. Kalish, who also presided over Clark's discipline hearing. "Not only was evidence presented that you paid two prostitutes for sexual acts, but this board believes, based on the evidence presented that neither of the victims were entirely willing. . . . The board believes that you acted under the color of authority, forcing your demands on the victims."

Deeming Clark's actions "a great embarrassment to the Los Angeles Police Department and to the law enforcement profession," the board unanimously recommended his termination on Aug. 30, 1999. Parks fired Clark a short time later.

Then, for 10 months, Clark's case sat in Internal Affairs. In June of this year, more than two years after Internal Affairs was made aware of the allegations, the case was presented to SID.

Prosecutors declined to file charges, saying the statutory deadline on the solicitation allegations had expired. The prosecutors said felony charges of false imprisonment and witness intimidation were still possible if the LAPD could find and interview the prostitute who fled town after she was allegedly threatened by Clark. In August, The Times tracked the woman to Las Vegas, where she still was working as a prostitute at the corner of Fremont Avenue and 15th Street, east of downtown.

In the other delayed referral, Officer Logan is accused of detaining a suspect without cause and then, among other alleged offenses, subjecting him to a humiliating form of abuse known in cop slang as a "screen test."

In that exercise, a suspect is handcuffed and placed in the back seat of a patrol car without being secured with a seat belt. The driver of the car accelerates, then suddenly hits the brakes. The suspect flies forward--face first--into the wire partition, or screen, separating the front and rear seats. If the screen withstands the impact, it "passes the test," hence the phrase.

According to police documents, Logan and his partner Ross Hay were on patrol on Oct. 19, 1997, when they pulled over a pair of men driving near the intersection of Oxford and Sierra Vista avenues about 3:15 in the morning. The officers said they stopped the men as part of a drug and vice investigation.

The men, who were not arrested, alleged they were mistreated by the officers. Although the driver was eventually released at the scene, the passenger was handcuffed, put in the squad car and driven to a nearby alley, LAPD documents allege. On the way, he was allegedly subjected to the "screen test," records show.

When they arrived at the alley, the man was taken out of the car and allegedly roughed up by Logan, according to police documents. The man claimed that Logan kicked his ankles and pushed him into a fence.

Logan and Hay denied any wrongdoing. When the matter went before separate LAPD disciplinary panels, opposite conclusions were reached. Hay was found not guilty of the serious charges leveled against him and given an official reprimand for being discourteous. Logan, however, was found guilty of kicking and pushing the man and administering the screen test. He was also found guilty of an "improper detention." He was fired.

In an interview with The Times, Logan maintained that he was innocent of all the alleged acts of misconduct.

More than a 1 1/2 years later, the LAPD submitted the case to prosecutors. Again, the district attorney's office said the statutory deadline had already passed for misdemeanor filings of improper detention, false imprisonment and battery. Even if true, allegations of assault did not constitute a felony, prosecutors concluded.

Prosecutors said they were surprised that the LAPD had referred the two cases to them after so much time had elapsed. They said that such late referrals and incomplete investigations by Internal Affairs investigators have historically contributed to difficulties in filing charges against LAPD officers accused of crimes.

But it is unclear whether the decrease in the LAPD referrals has had a significant effect on the number of criminal filings against officers. A Times examination of district attorney's files dating to 1995 shows that only about 8% of the more than 350 cases against LAPD officers referred to the district attorney's office for potential prosecution resulted in the filing of charges.

Although none of the LAPD's referrals this year has resulted in a criminal filing--notwithstanding the Rampart cases--there were six filings as a result of 1999 referrals, according to SID records. Referrals from 1998 yielded three filings, 1997 referrals produced 11 and 1996 referrals resulted in three.

The decline in referrals by the LAPD is a source of concern for both prosecutors and police commission officials. The question, they say, is not whether the policy is flawed, but how the LAPD is exercising its discretion.

Police Commission Inspector General Jeffrey C. Eglash said he has asked department officials on several occasions to refer cases they had neglected to send to prosecutors.

"Decisions as to whether charges should be filed against an officer, and what charges should be filed, should be made by the district attorney, the U.S. attorney or other law enforcement officials," Eglash said, "not the Police Department."

#### Delayed Action Against Officer

Despite the LAPD's own finding that Sgt. James Clark's misconduct was potentially criminal, the department failed to bring a case to prosecutors until after The Times filed a public records request seeking information about the case. By that time, the statute of limitations had expired on some of the possible charges. Below are excerpts from Clark's Board of Rights hearing, which is the LAPD's version of a trial.

**GRAPHIC:** GRAPHIC: Delayed Action Against Officer, Los Angeles Times

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2 of 2 DOCUMENTS

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**HEADLINE:** SUNDAY REPORT;  
LAPD MISCONDUCT CASES RARELY RESULTED IN CHARGES;  
HUNDREDS OF ALLEGATIONS AGAINST OFFICERS WERE NOT PURSUED, EVEN WHEN EVIDENCE OF  
GUILT WAS STRONG. D.A. OFFICIALS SAY THE NEED FOR AIRTIGHT PROSECUTIONS OFTEN  
DETERRED THEM.

**BYLINE:** SCOTT GLOVER and MATT LAIT, TIMES STAFF WRITERS

**BODY:**

Los Angeles County prosecutors for years have routinely declined to file charges against LAPD officers accused of crimes, in many cases despite substantial evidence of their guilt, a Times investigation has found.

Since 1995, the Los Angeles Police Department has referred hundreds of potential criminal cases against its own officers to the district attorney, but only a fraction of those officers actually have been prosecuted.

Even cases in which the accused officer has confessed to the alleged crime or was caught in the act on videotape have been rejected by lawyers in the district attorney's Special Investigations Division, who prosecute crimes committed by public officials, including police officers.

Over the last five years, more than 350 cases, involving about 500 LAPD officers, have been sent to SID. Of those, 27 cases, involving 32 officers, have been prosecuted, according to the district attorney's own records. That is a prosecution rate of about 8%, dramatically lower than the district attorney's overall 70% prosecution rate for cases against average citizens.

District attorney records also show that out of nearly 100 of those cases alleging excessive force by LAPD officers during the period, only one was criminally prosecuted, and the officer ultimately was allowed to plead no contest to a misdemeanor. That number rose by two just last week when two former Central Division officers were indicted in connection with the alleged beating of a homeless man in 1997.

For their part, officials in the district attorney's office argue that it is much more difficult to prosecute police officers than average citizens. They need nearly airtight cases, prosecutors say, to convince jurors that a police officer has broken the law.

"We don't pull any punches," said Allen Field, director of the district attorney's Bureau of Special Operations and a top assistant to Dist. Atty. Gil Garcetti.

The Times reviewed nearly 200 cases that the LAPD has presented to the district attorney since 1995 and found that prosecutors often had reason to decline a criminal filing. Many cases were problematic from the start, pitting the uncorroborated allegations of criminals against officers who denied any wrongdoing. But there also were dozens of cases in which there was compelling evidence that the accused officer did commit a crime.

Among those cases:

\* An officer who was caught on videotape approaching a man from behind and striking him over the head with his metal flashlight, apparently without provocation. It was an assault "so blatant," according to an official with the city attorney's office, that the city paid the victim, an alleged gang member, \$ 160,000 to settle his civil rights lawsuit. The officer remains on the job.

\* A detective who filed a false police report claiming his car was stolen, when in fact he had sold it. As a result, an innocent man was arrested and taken to jail. The detective remains on the job.

\* A veteran officer who detained his paperboy and the young man's father at gunpoint after the morning newspaper errantly struck the officer's car, which was parked in his driveway. The officer resigned with disciplinary action pending.

\* A motorcycle officer who admitted stealing \$ 800 worth of parts from his department-issued motorcycle and secretly replacing them with parts taken off his personal motorcycle, which he used for off-duty jobs with the film industry. The officer retired before any administrative action was taken.

\* Two officers who were in an unmarked police car when witnesses said they ran down a homeless man pushing a shopping cart through an intersection. The officers then sped off without rendering aid, according to the witnesses. Both officers remain on the job.

\* An officer who was overheard on an FBI wiretap acknowledging that he "shouldn't use" the cell phone on which he was talking because it had been illegally cloned. The officer remains on the job.

While potential felony cases against officers are presented to the district attorney's office, potential misdemeanor cases--which involve lesser offenses--are sent to the city attorney's office for review. Matt Middlebrook, a spokesman for City Atty. James K. Hahn, said the office does not record the number of cases presented by the LAPD or keep track of how many officers have been charged or convicted.

Police officials refused to provide a list of such referrals. But according to confidential LAPD internal affairs logs obtained by The Times, hundreds of misdemeanor allegations against LAPD officers have been referred to the city attorney over the last five years. As is the case with the district attorney, the city attorney has declined to prosecute the vast majority of officers referred to its attention.

Gigi Gordon, a criminal defense lawyer who was appointed by the Superior Court to protect the rights of potential victims of the LAPD corruption scandal, said only one conclusion can be drawn from The Times' findings.

"Police officers in Los Angeles are immune from prosecution," she said.

No Such Thing as a Slam-Dunk Case

District attorney officials reject that notion, saying that over the last five years the office has successfully prosecuted LAPD officers for offenses including drug theft, solicitation of bribes, stalking, forgery, fraud and sexual assault.

There are many factors that might deter a prosecutor from filing charges in what may seem like a good case, Field and other prosecutors said. Even cases prosecutors considered "slam dunks" have resulted in disappointing verdicts.

One need look no further, prosecutors said, than the 1991 police beating of motorist Rodney G. King to know that videotape evidence is no guarantee of a conviction. Despite the tape, the district attorney's office lost its state case against the officers, who were later convicted in federal court.

Even crooked cops can appear credible on the witness stand, especially when compared with the drug dealers, gang members and prostitutes who often are their accusers, prosecutors said. Prosecutors also allege that the LAPD's internal investigations are not always thorough, and that some of the cases referred for prosecution are weak.

"A lot of real insignificant cases were coming our way," said James Cospers, for years SID's point man in dealing with the LAPD, "cases that were just never going to be proven beyond a reasonable doubt."

But others, including several former SID prosecutors, say the bottom line is that the unit could file more cases than it does. A common problem, they said, is the tendency to be overly skeptical of police abuse claims by victims and witnesses with dubious backgrounds, and the inherent fear of losing such cases if they are filed.

"Even if you lose cases, you need to be there," said Superior Court Judge James A. Albracht, a former SID prosecutor. "You need to let the officers know there is oversight."

Albracht and others said there is also a tendency for prosecutors to become too closely aligned with the police, with whom they have worked side by side for most of their careers.

"My honest feeling is that the D.A. shouldn't be handling these cases," the judge said, adding that a special prosecutorial agency or other independent body should take over the responsibility.

The Times review, undertaken after allegations of widespread corruption in the LAPD, was based largely on an examination of hundreds of district attorney files and Police Department documents obtained through public records requests. The investigation dealt exclusively with cases that the district attorney says were formally referred by the LAPD to the Special Investigations Division.

The Times investigation did not examine the handling of other cases against officers, including allegations of domestic violence and driving under the influence, which are sent to other divisions in the district attorney's office. Nor did it take into account cases in which prosecutors, as a matter of protocol, investigated officer-involved shootings and in-custody deaths.

The relatively few criminal prosecutions of LAPD officers, some legal experts say, could foster an above-the-law mentality among officers, such as the one that allegedly prevailed in the scandal-plagued Rampart Division.

In fact, before the scandal broke, district attorney records show that at least eight Rampart officers currently under investigation in the corruption probe previously had allegations of criminal conduct leveled against them. Those allegations ranged from rape to excessive force. In each case, however, the district attorney declined to prosecute.

#### Rampart Probe Renews Interest in Case

The most striking example was the case of former Officer Brian Hewitt, who allegedly beat a suspect bloody at the Rampart station. LAPD officials avidly sought charges in that case and, later, publicly denounced prosecutors for failing to file them. In light of the corruption allegations that have surfaced since September 1999, district attorney officials say the case is once again under review, this time by prosecutors on the special Rampart corruption task force. The task force, which is independent of SID, has filed criminal charges against five current and former Rampart officers, one of whom is facing an attempted murder count.

But in the years leading up to the Rampart scandal, charges against officers were rare, despite the evidence against them.

That was the case in the alleged police assault on a man named Jamaal Gaither.

According to district attorney records, Gaither was part of a crowd standing outside Martin Luther King Jr./Drew Medical Center on Aug. 24, 1996, after an alleged gang member had been shot and taken there for treatment.

The crowd, mostly gang members, became unruly and started taunting a group of police officers. The police, in turn, tried to disperse the crowd. It was at that point that LAPD Officer Alonzo Calderon came up behind Gaither and hit him over the head with his metal flashlight.

The incident was captured on videotape by a two-person documentary film crew. The cameraman said Gaither, allegedly a gang member, was struck so hard that he could hear the blow from inside the van, where he was taping. Both the cameraman and a friend of Gaither described the officer's actions as unprovoked.

The videotape, a copy of which was obtained by The Times, shows Gaither, a lanky young man, apparently following the order to leave the area. Suddenly he is struck from behind and grasps his head in pain.

Two LAPD officials who are considered experts in use-of-force policies were shown the videotape and told prosecutors they would testify in court that Calderon's actions were improper and violated department policy.

Calderon refused to be interviewed by prosecutors, but his attorney told investigators that Gaither had flung a bottle toward the officer earlier in the evening. The lawyer also said that Calderon actually intended to "reach around" Gaither with the flashlight in order to restrain him, but momentarily became distracted by another disturbance in the crowd and accidentally struck the man on the head. Both that disturbance and the bottle-throwing episode are "conveniently" not depicted on the videotape, according to the memo Deputy Dist. Atty. Dennis Poey wrote explaining why the office would not prosecute.

But having jurors in a federal civil rights trial watch the tape was a risk that lawyers in the city attorney's office were not willing to take. The city paid Gaither, who records show is currently in jail on a murder charge, \$ 160,000 to settle his lawsuit.

Calderon, in an interview with The Times, said he was suspended for 33 days without pay as a result of the incident and has been assigned to administrative duties ever since.

"I took a big hit for this," Calderon said.

Poey, the prosecutor, declined to be interviewed for this article.

In another alleged flashlight assault, prosecutors in 1999 declined to file charges against an officer despite photos of the victim showing "faint red circular marks, possibly made from the butt end of a flashlight."

In that case, the alleged victim, Steve Noles, told investigators that Officer Alfredo Mora struck him several times in the rib cage with a flashlight while he was sitting in the back seat of a patrol car. Noles also said the officer pushed his face into a block wall.

Cosper, a deputy district attorney, rejected the case, citing insufficient evidence and saying, "Noles apparently has a history of antagonism toward police officers."

Cosper's memo, which is dated April 13, 1999, does not mention the fact that when he declined to proceed against Mora, the officer had two other complaints pending against him, one alleging excessive use of force, the other alleging an attempted assault while off duty. The pending excessive-force case also involved an alleged threat "to administer the flashlight treatment."

"We couldn't prove the allegations beyond a reasonable doubt," Cosper said in a recent interview.

Mora was fired from the LAPD in July 1999 after being found guilty of using excessive force. When contacted by The Times, he declined to discuss the details of his case.

Another case that was not prosecuted stemmed from an off-duty officer's confrontation with his 17-year-old paperboy and the young man's father.

Henry Stockdale, at the time a Los Angeles police officer, had just returned home from a night shift, and was parked in the driveway of his Antelope Valley-area home, when he heard a thud and saw a car drive past.

Stockdale immediately pulled out of his driveway and chased the car, flashing his lights until it came to a stop, documents show.

"Stockdale got out of his car, pulled his handgun, pointed it at James Dean the paperboy, and asked, 'What the expletive did you throw at my car?' " according to district attorney files.

"Stockdale then approached the passenger side of the Deans' car with his gun still pointed at James Dean. He said that he was LAPD and told them to show their hands," the documents state.

When Dean and his father explained that they were merely delivering the morning paper and that one must have accidentally struck Stockdale's car, the officer checked for damage and left, according to the prosecutor's documents.

Nine months earlier, while working off duty as a security guard at a Sherman Oaks mall, Stockdale pursued two young men suspected of spraying graffiti on a wall.

Stockdale caught and arrested one suspect. The young man alleges that, during their encounter, Stockdale pointed a handgun at his head and threatened to "blow his brains out" if he moved.



Deputy Dist. Atty. Randall Baron declined to file charges in either incident. Noting that Stockdale resigned as a result of the allegations, Baron wrote in his April 23, 1997, memo: "It appears that the interests of justice have been adequately served."

In other cases, prosecutors have declined to file charges even when the accused officer admitted his involvement in the offense.

Det. Martin Chalupa, for example, filed a false police report claiming that his car had been stolen when, in fact, he had sold it.

Chalupa stated in his police report that he had "locked and stored his vehicle in the garage of his rental condo and later discovered it missing. . . . No one had permission to take the vehicle and no monies were owed."

An investigation revealed that Chalupa, after selling his car to an acquaintance, decided to report it stolen because the man allegedly stopped making payments. The man's mechanic, who was taking the car for a test drive, was stopped by police.

Chalupa continued to lie, even when he knew an innocent man sat in jail facing car theft charges. The suspect was released after detectives discovered a handwritten bill of sale, which Chalupa had signed and given to the man who bought his car.

It is a potential felony for a police officer to knowingly make a false statement in a police report. There is another statute that makes it illegal for an ordinary citizen to file a false crime report. But the district attorney's office declined to prosecute Chalupa under either statute.

Because Chalupa "occupied the role of a crime victim" when he filed the report, he should not be prosecuted under the law governing police officers, determined Deputy Dist. Atty. Susan Chasworth.

"The statute's clear intent is to punish police officers who, in the course of their official duties, knowingly make false statements in their reports," Chasworth wrote in a Feb. 12, 1998, memo. "Application of this statute to Det. Chalupa is contrary to the legislative intent and may provide a ground for dismissal."

As for the law against a citizen filing a false report, Chasworth noted that it is only a crime if the complainant knows the report is false. Despite the admittedly false statements in the report, Chasworth determined that Chalupa might mount a successful defense by arguing that he actually believed his car had been stolen.

Another problem with the case, Chasworth said, was that internal affairs detectives were unable to locate and interview Bart Wyatt, the man who bought Chalupa's car. Wyatt, who has lived at the same address since the incident occurred, was located by The Times. He declined to be interviewed, however, saying he feared reprisal by the police.

Chalupa, still a detective with the LAPD, said he was suspended for a number of days--he would not say how many--and that he did not disagree with the penalty.

"I screwed up," Chalupa said. "I did something dumb. I made a mistake."

The D.A.'s office also has declined to file charges against LAPD officers even when its own lawyers concluded that a crime had indeed been committed.

Daryn Dupree, according to district attorney files, was overheard by FBI agents conducting a wiretap as part of a drug investigation. Dupree was telling his wife that he "shouldn't use" the phone he was on because it was "chipped," a term for a legitimate cellular phone account that has been captured and illegally cloned into another handset.

The FBI passed the information along to the LAPD's internal affairs unit. Detectives there found that Dupree also had improperly accessed the department's computer system eight times, seeking information on the girlfriend of the FBI's target in the drug probe.

Deputy Dist. Atty. Poey declined to prosecute Dupree on either charge, though he acknowledged in his explanatory memo that "the evidence presented indicates that Officer Dupree violated the law regarding the use of a cloned phone."

In rejecting the illegal computer access charge, Poey reasoned that Dupree might claim that he was investigating a crime.

Poey concluded that "in the interest of justice . . . disciplinary action against Officer Dupree would be best handled administratively."

An LAPD Board of Rights found Dupree guilty of both charges and suspended him without pay for 44 days, department records show. Dupree, who remains with the LAPD, declined comment.

Another case in which prosecutors found sufficient evidence that an officer broke the law, but did nothing, involved Victor Colello.

Colello, according to district attorney files, drove his LAPD motorcycle home one night against department policy, parked it in his garage and began removing parts.

As two other officers looked on, Colello took the parts from the LAPD vehicle and put them on a personal motorcycle that he used for off-duty jobs with the film industry, documents say. He then took the matching parts from his "movie bike" and put them on the LAPD motorcycle.

But according to a prosecutor's memo, "Murphy's Law . . . took over." The LAPD motorcycle was apparently damaged during the unauthorized parts swap.

Colello and the two other officers--his son Geno and friend Raymond Martin--loaded the disabled bike into Geno's truck and drove it to the Devonshire Station, where they dropped it off, saying nothing about its condition, according to documents.

On Oct. 31, 1996, Victor Colello arrived for his shift and saw that his motorcycle was surrounded by yellow crime scene tape and was being held for fingerprinting.

"At that time Victor Colello realized that he had made a mistake, and admitted his misconduct," according to a memo by Deputy Dist. Atty. Cospers.

"Victor Colello clearly embezzled property belonging to the Los Angeles Police Department," Cospers wrote. "We could simply file felony criminal charges. Victor would be arrested, suspended and, in all likelihood, convicted. The issue, however, is whether this is an appropriate resolution of the matter."

Citing Colello's 25 years with the LAPD, his "momentary lapse of judgment" and the fact that he eventually returned the "purloined parts," Cospers declined to file charges "in the interest of justice."

Colello retired from the LAPD soon after his case was referred to the district attorney's office in July 1997.

**GRAPHIC: PHOTO:** (3 photos) Caught on Tape: In these stills from a videotape obtained by The Times, an officer is seen approaching a man from behind and striking him with a flashlight. Two LAPD experts in use-of-force policies, shown the videotape, concluded that the officer's actions violated department policy. The city paid the man \$160,000 to settle a civil rights lawsuit. The officer is still with the LAPD. **PHOTO:** James A. Albracht **PHOTOGRAPHER:** Los Angeles Times

**LOAD-DATE:** October 22, 2000



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March 28, 2007 Wednesday  
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**HEADLINE:** Mayor, police chief back bill to open records

**BYLINE:** Matt Lait, Times Staff Writer

**BODY:**

Los Angeles Police Chief William J. Bratton and Mayor Antonio Villaraigosa have officially endorsed a state Senate bill aimed at increasing the public's access to police disciplinary records, a legislative spokesman said Tuesday.

Senate Majority Leader Gloria Romero (D-Los Angeles) is proposing to "reverse a Supreme Court decision that requires police departments across the state to keep information from the police disciplinary hearings secret."

Romero's office said Tuesday that the bill was filed after discussions with Los Angeles' mayor and police chief.

Winning their support, a spokesman said, improves its chance of passage.

"We wanted to make sure everyone was on board," said Russ Lopez, a spokesman for Romero's office.

Police union officials say they intend to fight any efforts to chip away at police privacy rights, which were strengthened last summer as a result of Copley Press Inc. vs. Superior Court of San Diego.

In that case, the court prohibited public disclosure of personnel records of a sheriff's deputy appealing discipline at a county civil service commission.

Following that ruling, LAPD officials denied public access to disciplinary hearings that traditionally had been open.

A public outcry erupted earlier this year when a disciplinary panel secretly exonerated an officer involved in one high-profile shooting, even though the civilian Police Commission had said the officer should be punished.

Community and city leaders criticized the closed-door decision and called for reforms that would reopen the hearings.

Bratton and Villaraigosa said they would support such a move.

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\*

Times staff writer Scott Glover contributed to this report.

**LOAD-DATE:** March 28, 2007



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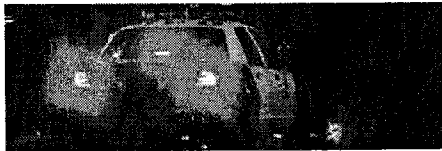
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Cover Up?

Even before Rafael Perez's allegations surfaced, the L.A.P.D. was conducting an internal investigation into suspicious activity among some Rampart CRASH officers. As of May, 2001, the Rampart investigation resulted in 58 officers being brought before an internal administrative board. Of these, 12 were suspended, seven have resigned, and five were terminated. There are critics, however, who believe that the L.A.P.D. leadership was not truly interested in getting to the bottom of the Rampart scandal. Detective Russell Poole claims that in the early stages of the investigation, crucial leads were ignored. Others note that administrative decisions taken after the scandal erupted discouraged officers with critical information from coming forward.

Here are the views of Detective Poole, L.A.P.D. Chief Bernard Parks, Gerald Chaleff, former president of the L.A. Police Commission, and Gil Garcetti, former L.A. District Attorney.

Detective Russell Poole

Former L.A.P.D. Robbery/Homicide Detective, lead investigator in the Lyga-Gaines shooting. Poole was also investigating an alleged station-house beating of a gang member by CRASH officer Brian Hewitt.

We had conducted the investigation for a couple of months. Then the chief, out of the blue, orders a meeting in his office, which was quite unusual. He never has done that, really. He wanted to be briefed on the Hewitt investigation. So we were asked to prepare a timeline on the events leading up through the Hewitt investigation. My original timeline included all the evidence involving gangs, all the things that involved that case, all the evidence included in the Biggie Smalls case involving Mack, all the evidence--some of the evidence involving Perez and many of the different issues with Hewitt.



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And then when I turned it in, they redlined about three pages--took out all of the gang stuff, all the Mack stuff. In my opinion, I felt that maybe, at the time, the chief didn't really know all the facts in this. ...

I briefed the chief on the Hewitt investigation. During the course of that meeting, I was describing other cases that had occurred in the past. ... I didn't bring up Biggie Smalls. But [Detective] Brian Tyndall brought it up. Brian Tyndall told the chief that Russ believes that David Mack was involved in the conspiracy to kill Biggie Smalls. The chief didn't have a comment about that....

I was describing all the different incidents that involved Hewitt and Perez, and some of these same officers involved in several other incidents that occurred, where serious injuries had occurred on some people. I requested to investigate it further, and he told me, "No, I want you to concentrate on just this one case, the Jimenez beating, don't do

Climate of Doubt October 23rd

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anything further." I said, "Chief, it's more than just this one case. It has to do with these officers over at Rampart. You've got a group of vigilante cops over there at Rampart Division."

And everybody went silent. The chief kind of looked over at Lieutenant Hernandez, then they changed the subject. They changed the subject. If I recall correctly, it was, "Oh, I think we need to do an audit on some of these police officers like Hewitt and Perez. Seems that some of these officers came on at the same time. We need to find out if we've got a series of problem officers in this span of a year or so at the time these guys came on the police force." And then they adjourned the meeting, said, "Thank you very much, very good presentation." Nothing else was said. ... I did my best to uncover as much as possible. We needed more time to investigate this whole matter. There was much more to it. But the chief said, "No, I want a report in two weeks." I wasn't able to do a thorough investigation on the matter. That included the Jimenez beating, because there were several things that needed to be investigated further. ...

And so what I did is that I did what the chief said: I prepared a report. I turned in that 40-page report, the report was suppressed. It was not turned in.

#### Who didn't turn it in?

I turned it in to Lieutenant Hernandez. Lieutenant Hernandez said we couldn't turn this in.

#### Because?

He said basically, "The chief doesn't want this in." The chief was calling the shots on it, which was very unusual. But you've got to know something. I'm the lead investigator in a case. I'm the one that's going to be testifying in a court of law. I told Lieutenant Hernandez if there's something inaccurate in my report, let's change it. He really didn't give me a good explanation why he didn't want to turn this report in. ...

Eventually, I gave the district attorney my version of the report and was told that, had we received all the evidence in this report, all the stuff, and all the other complaints against Hewitt involving other incidents, they would have filed charges. But I was prevented from doing that--from doing my job.

So, in essence, it doesn't take a genius to figure out that there was some obstruction of justice. It was just plain and simple. They purged items from the D.A. package I had prepared. It had documents, documents and photographs they had purged from... The D.A. should have had those items in order to have a good picture of what was occurring in this particular case....

For him to get only five years--he's going to be out in June--is a travesty of justice. So far we've had one court case, and the court case has been thrown out. You tell me how many prosecutions as a result of Ray Perez's confessions resulted--zip. Zip. He's getting out in June. All it has resulted in is civil lawsuits by gang members who are getting rich. The investigation of Ray Perez was prematurely settled. I think that the head people at the D.A.'s office were duped by their own people; they were duped by the L.A.P.D. in charge of this investigation.

Based on the information facts that I have gathered during all these investigations, it dates back when Chief Parks was in charge of Internal Affairs. ... I think, over the years, it just kept snowballing from one event to the next. I think he felt that, if he could contain each investigation individually, that the sloppiness of Internal Affairs would not be uncovered and made public. He tried to contain it. ...

...I knew that the chief and some of the other people involved suppressed evidence, obstructed justice; nothing was being done about it. I complained and nothing was being done about my concerns. It was all swept under the rug. I stayed on for another year, [and then resigned].

#### Chief Bernard Parks

Chief of L.A.P.D.

I wanted to ask you about one fellow... Detective Poole. [He], as you know, was assigned to a narrow piece of a case, found some interesting stuff, and wanted to follow that thread. It was Death Row Records. [He has suggested] that that there was much more there, and that he tried to bring it to you, and that you shut him down.... Eventually, of course, he left the force. What is your response to this?

I think it's completely illogical. Why would we go through what we've done to ignore credible information? I think what has been very clear





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throughout this case is that Officer Poole had some theories that couldn't be substantiated. And when he couldn't substantiate them, clearly his supervision gave him the right direction and said, "Until you substantiate them, they can't be a part of a case."... The thing that concerns me is that, if Detective Poole really thought seriously that he was being ignored and he had all of this information, then why didn't he bring it forth before he resigned, and before he was disciplined because of his own personal misconduct? Why didn't this come to light before then?

**Well, he says that he did. He said he brought it to you at the famous meeting...**

Russell Poole came to a meeting amongst other detectives, and basically had a very minimal role in that meeting. Again, why would I insist on moving forward and pushing the DA to file cases, to bring a task force forward to investigate the case--be the lone voice in investigating this for two and a half years, and then listen to Russell Poole and say, "I'm not interested in what you say, because it might bring something negative towards the department?" It doesn't make any sense at all.

**So it didn't happen?**

It didn't happen. And the thing is, in my judgment, it's kind of interesting that he only brought it up when he left the department, and after he had been personally disciplined and removed from the task force. So those are things that cause me some concern.

**What was he disciplined for?**

I can't go into that, but ... he was removed from the task force, disciplined, and then retired before he had vested his pension, which then would cause you concern to say, why would he do all of those things? It wasn't because we did anything to him. And certainly, why would we ignore information that was relevant?

**Gerald Chaleff**

Former President of the LA Police Commission

**When Chief Parks began to see these things happening, one thing he did was form what became a Rampart Task Force to look into what looked like it might be a subculture of gangsta cops, basically. Was it appropriate, in your view, that the L.A.P.D. be investigating itself?**

Yes. I think it was appropriate. I think it's appropriate that the police certainly began the investigation, and then the FBI became involved. I think that certainly was appropriate.

**Do you have every confidence that they expended every effort to actually get to the bottom of it, wherever it led, however high it led?**

Well, I don't think anybody could have [level of] confidence.... Do I think that the officers involved, or some of the people investigating this were highly motivated? Yes, because they were ashamed by the actions of these people. Do I think that we know the full extent of what happened? No. Do I think we'll ever know the full extent? No. I think one of the problems we had is Chief Parks' refusal to allow any kind of amnesty or immunity for officers coming forward for wrongdoing that may have occurred in the past that they now wanted to talk about. And they are fearful of being punished, because of L.A.P.D.'s rule about if you fail to report a misconduct, you're guilty of misconduct. That inhibited the ability to have officers come forward....

**Help me to understand Chief Parks in this Rampart scandal. Where is he on it? You've been an informed observer. Has he been interested in shutting this thing down, identifying enough of a scandal to shut it down and move on? Or has he really been interested in getting in there, and rooting around, and doing a [thorough investigation]?**

That's a difficult question, because I think that he's exhibited both. You can look at the fact of his highly public dispute with the district attorney about filing cases--you can argue either way--that he wanted to get cases going so officers would then begin to cooperate. Or, in fact, he wanted to have certain ones picked off, and that would be the end of it.

His bringing in the FBI and the U.S. Attorney would indicate that he wanted a more wide-ranging [investigation.] One of my concerns was that they began to do administrative hearings too quickly on matters that I thought weren't that important. That caused the Board of Rights to begin to basically say, "We can't trust Perez," because there was a drinking party up at the academy, which is certainly small in comparison to other things. Why? You'd have to ask them why they did that. I think the department sent

out mixed messages...

He certainly wanted certain people prosecuted... Whether or not there is an honest belief that it was Perez and limited to a small group of people, or whether, because of their Board of Inquiry Report or others, or whether they felt that we should contain it, I can't answer that. I think the best I can say is that the department has sent mixed messages. ...

#### Gil Garcetti

Former District Attorney for Los Angeles County



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The investigation didn't go, I believe, the way it could have gone.... You simply cannot make successful police corruption cases without police officers working with you. We had some officers who were willing to work with us, and some of them did, to some extent. But the ones that were out there, who we think could have really helped us, could not, or would not, step forward, because they were afraid--fearful of administrative retribution within their own department....

The problem simply was that this police department wasn't willing to do what the New York City Police Department and other police departments had done, and that is give some administrative leniency to police officers who would help you go after a bigger fish. In other words, if we had a police officer who had in fact witnessed some wrongdoing in the Rampart division, but was a rookie cop and saw it, and was scared to death. Maybe knew that she or he had to report this, but was scared, and didn't report it. Three or four years later, this explodes and they said, "OK, I'm going to step forward now." And then he or she is told, "Fine, step forward. But you will be fired because you did not report it when you should have."

My position was--and I conveyed this to the chief--I said, "Bend on this, for heaven's sake. Discipline that person, sure. Give them some time off, or write up a report. Don't fire them, because that person will never step forward." He was unyielding on this. And he has total control and discretion here. No one can tell him--not the police commissioner, not the mayor, not the D.A. No one can tell him. He said no. If you broke the rule, you have to pay the price, and the price is you will be fired. He knew that that's the position he was going to take, and that we would not get those officers who could step forward.... The effect was that we didn't go as far with the case as I felt that we could, and that is really warranted by the evidence, and by the allegations made by Perez and others....

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## Net sharpens divide over cop shootings

Demian Bulwa

Updated 11:25 p.m., Sunday, October 14, 2012

From San Jose to Oakland to Vallejo, fatal police shootings often follow a familiar script.

An officer makes a split-second decision to kill, later explaining that he had no choice. His department struggles to communicate with the dead person's family and the public. Anger spills into the streets, with activists demanding that authorities condemn the shooting - not just as a mistake but as murder. And an investigation clears the officer of any wrongdoing.

This could describe the shooting of 18-year-old Alan Blueford in Oakland in May or many other recent Bay Area cases.

While there is little evidence that police shootings are on the rise, they have become more politically divisive and combustible, people on all sides say, in part because of the spread of video cameras and the immediacy of online communication.

Oakland Police Chief Howard Jordan acknowledged the challenge this month when he took the extraordinary step of posting official reports into the Blueford case online. He said the shootings affected his department's bond with the community "more so than any other incident ... and deservedly so."

Alameda County prosecutors weighed in last week with their independent probe, saying Officer Miguel Masso shot Blueford in self-defense after the teenager pointed a pistol at him during a foot chase. Blueford's family says the gun was not in his hand when Masso fired.

The case drew attention to a seemingly intractable divide between police, who want the public to appreciate the difficulty of life-or-death encounters, and their critics, particularly African American leaders and residents, who believe many shootings result primarily from an irrational fear of young black men.

### Divided views

The polarizing nature of police shootings could be seen last week in the crime-plagued neighborhood where Blueford was shot.

James Carter, 28, who provides in-home care to the elderly, said people were angry because officers rarely face criminal charges for their actions. The explosive reaction to law enforcement shootings, he said, reflected a deep mistrust of police in minority communities.

Tugging at his jeans, Carter said, "If you go like this, they think you have a gun." Asked if he saw any police shootings as justified, he said, "Yeah, not all police officers are bad." Then he added, "But a majority of them are."

Sitting on his porch on the same block, 77-year-old James Bryant said Oakland police officers were often vilified for doing their job. He said the energy directed toward police shootings should go to stopping other homicides in Oakland, which has recorded nearly 100 slayings this year.

"I don't think that's right, all that protesting. They don't even know what went down," said Bryant, a retired carpenter. "If it wasn't for the police, this would be a war zone. Most of the people who don't trust the police aren't doing right themselves."

The furor over police shootings in the Bay Area intensified after BART police Officer Johannes Mehserle killed unarmed train rider Oscar Grant on Jan. 1, 2009, a shooting captured on several cameras.

Many activists believe the street protests that followed - including one in Oakland that mushroomed into a riot - made a difference, pressuring prosecutors to file a murder charge against Mehserle. Ultimately, a jury convicted him of involuntary manslaughter.

### **Rallies planned online**

When another BART officer fatally shot a knife-wielding homeless man in July 2011 in downtown San Francisco, activists responded with a series of rallies - planned online - that were dubbed "OpBART" and disrupted train service.

Police shootings are now dominating political debate in Vallejo, where a police force thinned by cuts has shot and killed five people since May. Last month, protesters packed a City Council meeting, prompting officials to shut down the meeting early.

Vallejo's interim police chief, Joseph Kreins, traced the shootings to "individuals who seemingly are more willing to confront our officers with guns."

But critics say Vallejo's police force has been too aggressive, especially since one of its officers was killed in November while chasing a suspected bank robber.

Stoking the outrage is a widespread belief that some police agencies do a better job than others of avoiding fatal encounters.

In Richmond, which is nearly as big as Vallejo and has more violent crime and more officers, police have shot and killed one person in the past five years, while wounding three others, records show. During the same period, five people were killed in Richmond by outside law enforcement agencies.

Richmond Police Chief Chris Magnus said many factors explain the numbers. His officers do monthly training exercises that are rigorous and realistic on the use of their weapons, he said, and they have a lot of street experience disarming suspects.

"I think our officers are very disciplined in the way they are using force," Magnus said. "Just because someone is reaching toward their waistband doesn't mean they're going to be shot. We know they're often trying to get rid of the gun."

### **Firearms training**

Jordan, the Oakland chief, said in an interview last week that he had recently added a yearly, 10-hour firearms training day for officers that includes live simulations.

Another flash point is the racial disparity in police shootings. Two years ago, Oakland released a statistical report on 45 officer-involved shootings in the city from 2004 to 2008, one-third of which were fatal. Of the people shot, 37 were black and none was white.

"We all know it," said George Holland, who heads the Oakland branch of the NAACP. "Police officers unfortunately have some fear of young black males. And if you're afraid of somebody, you're probably going to react in many instances."

But a perception that fatal police shootings are dramatically rising appears to be wrong. According to the FBI, the number of alleged felons killed by police around the country in the past 10 years has been fairly constant, ranging from 341 (in 2002 and 2005) to 414 (in 2009).

In Oakland, officer-involved shootings are down this year after officers killed 20 people in the previous four years. Officers have killed one person, wounded a second, and fired and missed in five other instances. In six of the seven cases, police said the suspect had a gun.

A court-appointed monitor overseeing reforms in the city's police force has raised questions about recent shootings. In a report issued earlier this month, he concluded that officers sometimes fire their guns without justification, and are "on a perpetual state of high alert, assuming that all citizen contacts have the potential to go badly."

### **Adjust public's expectations**

Some experts on police tactics say the public needs to adjust its expectations of police officers - that they can shoot a weapon out of a person's hand like in the movies, for example, or that they shouldn't fire until fired upon.

"You have to make split-second decisions with limited information," said Shannon Bohrer, a former Maryland state trooper who teaches at the FBI academy in Virginia. "It's do or die, and you have to make it in an instant. No one else in our society has to make that decision unless you go to war."

Police agencies are also focusing more on managing the aftermath of a shooting. Bohrer was the author of an FBI bulletin to police agencies in 2010 that reads, "Just because the officer had the right to shoot ... may not guarantee a positive, or even a neutral, reception from the public."

In San Francisco, police now hold a neighborhood meeting after every fatal shooting - with Chief Greg Suhr out front - and they are among a number of departments that are quicker to release details of shootings, including video and audio recordings.

### **Damaging slip-up**

Jordan acknowledged a damaging slip-up on the day Blueford was shot. He said an investigator, relying on a mistaken account from a witness, told the teenager's family that he had been killed in a gunfight with the officer.

In the future, Jordan said, a commanding officer and chaplain will act as liaisons to families. In addition, he said, the department is working with the NAACP to develop a campaign to educate the public about officer-involved shootings.

John Burris, an attorney who has filed a lawsuit on behalf of Blueford's family and others, said efforts by police to reach out have a long way to go.

Police departments, he said, need to stop describing shootings as justified before the facts are in. And, he said, they should not "smear" the dead by highlighting their past criminal records.

"That really has the impact of outraging the family and the community," Burris said.

Holland, the NAACP leader, said the effort to cut down on police shootings also included counseling young men to do everything they can to de-escalate encounters with officers.

"Don't flunk the attitude test. You have to survive the incident so you can challenge it in the proper forum," Holland said. "Some people say that's a cop-out. They say, 'I have my rights.' But you can be dead right too."

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**THE POLICE RESPONSIBILITY TO COMMUNITY-ORIENTED POLICING IN A DIVERSE SOCIETY**

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*Primary Recommendation*

Integrate elements of community-oriented policing and diversity awareness training models throughout LAPD training.

**THE REDEFINED POLICE PROFESSIONAL HAS A RESPONSIBILITY TO PUBLIC SERVICE**

The professional man is a practicing expert, working in a social context, and performing a service, such as the promotion of health, education, or justice, which is essential to the functioning of society. The client of every profession is society, individually or collectively . . . . Financial remuneration cannot be the primary aim of the professional man . . . . The profession [is] a moral unit positing certain values and ideals which guide its members in their dealings with laymen. This guide may be a set of unwritten norms transmitted through the professional educational system or it may be codified into written canons of professional ethics.<sup>1</sup>

“Professionalism” for police today encompasses far more than the police professionalism model of 50 years ago. The earlier movement for police professionalism, more properly considered a police reform movement, had the effect of isolating police from the community, of-

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<sup>1</sup>Huntington, 1957, pp. 8–10, 15.



ten to the degree that they were perceived as unresponsive and not sufficiently accountable to public needs. Such isolation was particularly apparent during the civil unrest of the late 1960s. Police might have been tactically or technically proficient in terms of their professional skills, but as a group they were not proficient communicators. Community-oriented policing (or community policing) and the community relations approach to policing, with its emphasis on police working with the community to solve problems, developed in reaction to the earlier professionalism-gone-wrong, or reform, movement.

Problem solving and community partnership have become valued aspects of police service since the time of the reform era. As one analysis notes, "Providing service to the community is the very nature of police work."<sup>2</sup> The LAPD's charge in fact is "to protect and to serve" the people of Los Angeles. Community policing and an awareness of community diversity are means to fulfill the responsibilities inherent in these tasks. As Huntington notes, the professional serves not himself but society. True police professionalism must therefore incorporate the duty of servicing the community.

It follows that law enforcement training has to account for the needs and increasing diversity of the communities police officers serve. An inherent aspect of that service is an officer's cultural understanding. Law enforcement personnel must understand and have an appreciation for the diversity of their communities and its implications for members of the police profession.<sup>3</sup> In an inherently diverse society, it is important for LAPD officers to understand the motivations and concerns of those whom they serve. Community representatives have expressed a willingness to help and a desire to work in partnership with police. In fact,

community policing was the most frequent and articulate demand made by Los Angeles citizenry in the many public meetings, questionnaires and polls, as well as the Blue Ribbon Criteria Committee

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<sup>2</sup>Peak and Glensor, 1996, p. 179.

<sup>3</sup>Shusta et al., 1995, p. 93.

deliberations of last summer in the process of selecting a new chief of LAPD.<sup>4</sup>

In this chapter, we review ways that the LAPD Training Group can better integrate community policing and diversity awareness with instruction throughout the Department, particularly with regard to use of force, search and seizure, and arrest procedures. The discussion begins by looking at how community policing has developed in Los Angeles and continues by identifying issues in community policing, problem solving, and diversity awareness in which the LAPD should seek to become more adept.

### COMMUNITY POLICING AND ITS DEVELOPMENT IN LOS ANGELES

To freedom-loving men, the Berlin Wall is an ugly welt upon the face of the world . . . [a] foremost symbol of lack of understanding among men and of brotherhood lost. Almost as impregnable and insurmountable, however is the invisible wall which separates many police departments and the citizens they serve. This wall, although not topped by barbed wire and embedded slivers of glass, still accomplishes the undesirable effect of thwarting communication between police and their communities.<sup>5</sup>

Community policing can bridge the gap between police and citizens by uniting them in a common effort to prevent and control crime. Community policing is defined as "a collaboration between the police and the community that identifies and solves community problems."<sup>6</sup> Ideally, such collaboration helps develop better relationships and mutual understanding between police officers and community members, which in turn help in solving community problems.

The most recent impetus for LAPD community policing in Los Angeles came from the recommendations of the Christopher Commission "that the Los Angeles Police Department . . . embrace a philosophy of

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<sup>4</sup>Jones and Wiseman, 2003.

<sup>5</sup>Tamm, 1965, p. 10.

<sup>6</sup>U.S. Department of Justice, 1994, p. vii.

... *Community-Based Policing.*"<sup>7</sup> As part of the Department's community policing effort, officers and citizens participate in the following activities:

- *Community-Police Advisory Boards (C-PABs):* These boards involve police interaction with civilian volunteers from local area residences and businesses. The C-PAB advises the area commanding officer on crime and quality-of-life issues affecting the community. C-PAB members also present LAPD information to the community.<sup>8</sup>
- *Basic Car:* The LAPD comprises four operational bureaus (Central, South, Valley, and West). Each is divided into smaller community areas with its own police division, which total 18 throughout the city. Each of these community areas in turn is divided into eight to ten neighborhood areas referred to as "Basic Cars." There are a total of 168 Basic Cars throughout Los Angeles. Each Basic Car has one patrol car permanently assigned to provide service in that neighborhood. Each Basic Car also has a senior lead officer (SLO) responsible for establishing and maintaining police-community partnerships. SLOs are responsible for monitoring crime trends and special problems needing police attention, working with the local C-PAB and residents to develop goals for officers assigned to the Basic Car, and acting as liaisons with area detectives. A Basic Car district comprises groups of two or three Basic Cars. Each police division has a sergeant who directs and orchestrates the activities of the SLOs. This SLO supervisor provides a point of contact internally and externally for the individual SLOs.<sup>9</sup>
- *SLO Mentor Program:* There are two components to this program—SLO transition and SLO mentoring. The SLO transition component facilitates the transition between incoming and out-

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<sup>7</sup>Parks, 1997, p. 1. [Emphasis in the original.]

<sup>8</sup>LAPD, Office of the Chief, Administration Order No. 6, May 18, 2000 (not publicly available).

<sup>9</sup>See [www.lapdonline.org/community/basic\\_car\\_plan/bcp.htm](http://www.lapdonline.org/community/basic_car_plan/bcp.htm), last accessed on March 11, 2003.

going SLOs. The SLO mentoring component provides aspiring SLOs exposure to the role and duties of an SLO.<sup>10</sup>

- *Area SLO Summits:* Area summits bring together key stakeholders from each area twice a year to identify the most significant problems in each of the 18 LAPD community areas.<sup>11</sup> The goal is to have those stakeholders assume a share of the responsibility for solving the identified problems through the formation of police and community collaborative teams or PACCTs.
- *Police and Community Collaborative Teams:* PACCTs consist of at least two SLOs, one or more community group representatives, and a representative from the local city council office. PACCTs are convened to address problems identified at area summits.<sup>12</sup>
- *Neighborhood Prosecutor Program:* The Office of Los Angeles City Attorney developed a neighborhood prosecutor program that assigned city attorneys to each of the 18 geographic areas. The role of these prosecutors is to focus on minor crimes and quality-of-life issues with particular emphasis on parks and schools. This program assists LAPD officers by serving as an important link between the Department and the courts.
- *Neighborhood Council:* Neighborhood councils promote community input into city government and help make it more responsive to local needs. As of February 2003, there were 60 neighborhood councils.<sup>13</sup>
- *Community Police Academy:* This ten-week academy is designed to give community members an overview of the LAPD's policies and procedures.

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<sup>10</sup>Notice to all Sworn Personnel, from the Office of the Chief of Police, Subject: Senior Lead Officer Mentor Program, June 24, 2002 (not publicly available).

<sup>11</sup>Interdepartmental Correspondence to all Area Commanding Officers, from the Special Assistant, Subject: Area Summits and Police and Community Collaborative Teams (PACCTs), August 5, 2002 (not publicly available).

<sup>12</sup>Ibid.

<sup>13</sup>Intradepartmental Correspondence to all Area Commanding Officers, from the Chief of Operations, Subject: Neighborhood Council Update, February 11, 2003 (not publicly available).

- *Police Magnet Program:* This four-year program is conducted at five high schools and one middle school within the diverse communities of the Los Angeles Unified School District. The program identifies youth who have an interest in law enforcement careers. Approximately 1,000 youths are in attendance with annual graduation consisting of 120 students. Students participate in firearms safety demonstrations and take tours of the jail, juvenile hall, and the scientific investigation and the communications divisions. Students are also introduced to community problem-solving models and conflict resolution techniques.<sup>14</sup>
- *LAPD Online Web Site (LAPDOnline.org):* LAPD Online is the most comprehensive web site to provide frequently requested law enforcement and public safety information to those who live, work, and visit the City of Los Angeles. The site contains over 10,000 pages of general information and more than 1,000 Department publications for the public to download.
- *L.A. Community Policing Web Site (LACP.org):* LACP.org is the online forum for Los Angeles Community Policing. LACP is an independent organization dedicated to providing information about community policing, public safety, law enforcement, government, and criminal justice.
- *SAFE PARKS Program:* This is a joint initiative between the Department of Recreation and Parks and the LAPD to maintain a safe and family-oriented environment in the 385 parks within the City of Los Angeles.
- *Institutional Partnerships:* The LAPD has worked with the Pat Brown Institute to develop community policing and problem-solving training initiatives. It has also worked with the Museum of Tolerance to develop a course on "Tools for Tolerance" to enhance officer introspection about how personal prejudices or biases may affect interaction with the public.

Beyond these special initiatives, the LAPD has two internal entities for managing community-oriented policing efforts: the community policing unit and the community relations section. The community

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<sup>14</sup>LAPD, 2003d.

policing unit provides information and training on community policing. The community relations section, established in 1965 in the aftermath of the Watts riots, strives to maintain open avenues of discourse between local communities and the LAPD regarding contemporary issues facing law enforcement.<sup>15</sup>

These efforts are impressive and commendable. Yet community policing is not a single program or group of programs. Rather, it is a policing philosophy of service to the community.<sup>16</sup> To realize the goals of community policing, the entire organization needs to reflect the goals and objectives of this philosophy. In short,

community policing goes beyond simply implementing footbeats, bicycle patrols, or neighborhood stations. It redefines the role of the officer on the street, from crime fighter to problem solver and neighborhood representative. It forces a cultural transformation of the entire department, including a decentralized organizational structure and changes in recruiting, training, awards systems, evaluations, promotion, and so forth. Furthermore, this philosophy asks officers to break away from the binds of incident-driven policing and to seek proactive and creative resolution to crime and disorder.<sup>17</sup>

Unfortunately, the philosophy of community policing, as implemented in the Los Angeles Police Department over the past two decades, has often been less than clear. Community members and Department personnel alike were unable to articulate LAPD guiding principles for community policing. Chief Bratton states that "community policing is simple. It's the three Ps: partnership (with the community), problem-solving (with the community), and prevention (of crime in the community)."

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<sup>15</sup>See [www.lapdonline.org/organization/ocp/cag/crs/community\\_relations\\_main.htm](http://www.lapdonline.org/organization/ocp/cag/crs/community_relations_main.htm) and [www.lapdonline.org/organization/ocp/cag/crs/ccpl\\_unit/acomm\\_cp\\_liaison.htm](http://www.lapdonline.org/organization/ocp/cag/crs/ccpl_unit/acomm_cp_liaison.htm), last accessed on March 11, 2003.

<sup>16</sup>Stevens, 2001, p. 8.

<sup>17</sup>Peak and Glensor, 1996, p. 75.

### THE IMPORTANCE OF DIVERSITY AWARENESS

Los Angeles today is one of the most heterogeneous cities in the nation, with large Hispanic, African American, Asian, and non-Hispanic white populations (see Table 4.1). General U.S. population trends reflect this diversity. American society is ever diversifying, most recently because of Hispanic population growth. Between 1980 and 2000, the non-Hispanic population grew 16 percent, and the Hispanic population grew 142 percent. In Los Angeles the non-Hispanic population declined 8 percent between 1980 and 2000, while the Hispanic population grew 111 percent, spurring total city population growth by 25 percent.

Police work in Los Angeles cannot ignore the cultural diversity of the city or the speed with which its demographics are changing. The LAPD must train its officers to recognize cultural differences and barriers if it is to serve its people effectively. As noted in one analysis of law enforcement in multicultural communities, "The more professional a peace officer is, the more sophisticated he or she is in responding to people of all backgrounds and the more successful he or she is in cross-cultural contact."<sup>18</sup> Cultural and diversity awareness must include an understanding of cultural issues not only related to

Table 4.1  
Los Angeles Population by Race

Race	Total	Percentage
Non-Hispanic, single race		
White	1,099,188	29.7
African American	401,986	10.9
Asian or Pacific Islander	369,334	10.0
Other	17,962	0.5
Non-Hispanic, multiracial	87,277	2.4
All Hispanics	1,719,073	46.5

SOURCE: U.S. Census Bureau, 2000.

<sup>18</sup>Shusta et al., 1995, p. 4.

race, religion, gender, and age, but also related to physical or mental disabilities and sexual orientation.<sup>19</sup>

There is disagreement about the most effective means for approaching diversity issues related to policing, but there are several guidelines to which police should adhere in addressing such issues. These include respecting and being sensitive to the needs of diverse communities. Further police training involving multicultural issues should be created in consultation with the communities. Diversity awareness has to be recognized as an integral aspect of policing philosophy as demonstrated in the conduct of field operations.<sup>20</sup> More specifically, training programs based on these principles should include instruction on

- various cultures in the community
- the effects of diversity on community relations and how best to deal with other cultures
- the ramifications of demographic and sociological changes for law enforcement
- the influence of perceptions, cultures, and prejudices on behavior
- public and private agencies that provide assistance to members of the community with special needs, such as immigrants
- reducing citizen complaints and lawsuits, negative publicity, and liability
- officer safety skills
- conflict resolution techniques
- how cross-cultural knowledge and skills contribute to "real police work."<sup>21</sup>

Developing officers who understand the nuances of policing in a pluralistic society and who can adeptly use this knowledge in their work

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<sup>19</sup>Ibid., p. 92.

<sup>20</sup>Himelfarb, 1991, pp. 53-55.

<sup>21</sup>Shusta et al., 1995, p. 95.



is a constant challenge.<sup>22</sup> It can be especially difficult for a force that traditionally has prided itself on technical capabilities rather than on the full scope of effectual police techniques.

### WHAT IS NEEDED FOR COMMUNITY POLICING TO SUCCEED?

Those responsible for training officers for community policing should be prepared to face stiff resistance. One of the common reasons for this resistance is a misunderstanding of the approach. Officers are inclined to think that community policing is "soft on crime." Department leadership and front-line supervisors need to actively work to overcome this misperception. Training must similarly target such misconceptions. Tactics that can help overcome misperceptions about community policing include conducting accurate community needs assessments, including all appropriate parties in collecting data to develop community policing strategies; assuring appropriate resources are available for community programs; and evaluating and modifying programs as needed.<sup>23</sup>

#### *Supporting Recommendation*

Make the LAPD a more "transparent agency," open to the entire community.

A police culture that cultivates an aura of secrecy also impedes the implementation of a community policing strategy. Too many observers contend that such a culture adversely affects the LAPD. One community member commented on his belief that the LAPD culture breeds an "end justifies the means" mentality and instills the "code of silence" in its officers.<sup>24</sup> A second concurs, noting that "the LAPD's so-called 'code of silence' exists as much today as it did when the Christopher Commission issued its report," contending that

<sup>22</sup>Himelfarb, 1991, pp. 53-54.

<sup>23</sup>California Department of Justice, 1999, p. 3.

<sup>24</sup>Community member interview by Estela Lopez, February 10, 2003.

Chief Bratton must make changing this problem his top priority if he wants to effect long-term change in the Department.<sup>25</sup> The insular attitude of such a “code of silence” perpetuates an “us versus them” mentality that inhibits collaboration between police and the community. In this context, Chief Bratton’s goal of making the LAPD a “transparent agency” is imperative. Openness in the Department can generate trust and improved relations between the police and the community. Some feel policing cannot be truly effective without such trust.<sup>26</sup>

*Supporting Recommendation*

Develop and articulate a clear and unified message regarding community policing.

In case study interviews conducted in support of this project, respondents consistently noted that effective training hinges on police department leadership and commitment to training.<sup>27</sup> One law enforcement training manager noted that “a change [in] the training philosophy can’t be made without an absolute commitment on the part of the chief and his staff.”<sup>28</sup> LAPD officers indicated that community policing is being implemented inconsistently across Department divisions.<sup>29</sup> This variance in implementation might be attributed to the absence of a clearly disseminated message on community policing being promulgated by leadership, inconsistency in community policing training, leadership at lower echelons, or, most likely, a combination of factors. Unquestionably, clear and articulate guidance from the top is essential. Other initiatives are destined to failure without it. A new cornerstone upon which to build seems to be in place, but there is much building to be done.

<sup>25</sup>Community member interview by Estela Lopez, December 12, 2002.

<sup>26</sup>U.S. Department of Justice, 1994, p. vii.

<sup>27</sup>An overview of the case studies completed in support of this analysis appears in Appendix J.

<sup>28</sup>Harold Medlock phone interview, Charlotte-Mecklenburg Police Department, August 30, 2002, by David Brannan.

<sup>29</sup>Senior lead officer focus group, December 4, 2002.

*Supporting Recommendation*

Actively recruit diverse individuals who possess the appropriate values and skills necessary for community policing within diverse communities.

Department human resources policies, as an extension of guidance from the chief's office and a critical factor in using that guidance to direct training development, will also be crucial to the successful implementation of community policing.<sup>30</sup> Individuals are attracted to a career in the LAPD for a variety of reasons. It has been noted that while some see it as a way to make the community a safer and better place, others seek to become police officers because of the job stability or pay that accompanies the position.<sup>31</sup> Law enforcement agencies wishing to succeed in community policing cannot leave human resource development to chance. They must actively seek individuals with appropriate values and skills, hopefully those "with some exposure to college . . . who are ethical, responsible, and have a record of using good judgment in their discretionary decisions" and are able "to communicate effectively with an even temper, empathy, helpfulness, and a positive outlook and [to] establish a rapport with diverse groups."<sup>32</sup>

Some agencies undertake special recruitment programs in an effort to improve relationships with diverse communities. For example, the LAPD has a specific hiring goal for women. Other agencies have adopted residency requirements to ensure that they hire officers who reflect the community and its interests.<sup>33</sup> Those interviewed in the case study analyses suggested that diversity issues, particularly those regarding race, gender, and sexual orientation, are most effectively handled by actively recruiting officers from the communities of concern. Resulting community partnerships can help police "make the transition to facilitator of community needs and, through a positive

<sup>30</sup>Carter, 2003.

<sup>31</sup>Carlson, 2002, p. 122; LAPD probationers, FTO, and senior lead officer focus group notes, December 14, 2002.

<sup>32</sup>Carter, 2003.

<sup>33</sup>Carlson, 2002, p. 122.

relationship, work to achieve a desirable community."<sup>34</sup> The key, however, is officer competence. Promising candidates will have a multiplicity of the desirable characteristics mentioned in the previous chapters. Others will bring other significant assets to the Department. Quality officers on the streets begins with quality material entering academy training.

## TRAINING FOR COMMUNITY POLICING

### *Supporting Recommendation*

Train all LAPD personnel in the community-policing problem-solving model.

Effective community policing requires training for both police personnel and community members. Effective training aids the development of new police attitudes, knowledge, and skills and facilitates reorientation of perceptions and refinement of existing skills.<sup>35</sup> Many departments implementing community-oriented policing have developed specialized units or groups of officers. While this approach has had some positive results, it can also result in failure to involve and train other officers in the community policing skills they need. LAPD officers admit that community policing is currently limited to a chosen few and that many officers do not know what community policing entails.<sup>36</sup> Integrating community policing in Department training for every officer and having each perform community policing tasks are necessary to ensure the acceptance of community policing and its philosophy throughout the LAPD. As articulated by former Los Angeles Police Chief Bernard Parks,

the fact is that responsibility for Community Policing is vested in about 191 members of this 12,000 member organization—168 Senior Lead Officers, 18 Areas captains, 4 geographic bureau commanding officers, and the Chief of Police. Supervisors, detectives,

<sup>34</sup>Stevens, 2001, p. 8.

<sup>35</sup>Peak and Glensor, 1996, p. 171.

<sup>36</sup>Multiple focus groups.

and even most officers assigned to the Basic Car Plan themselves feel little responsibility for the success of Community Policing . . . . Community Policing simply cannot be contained in a small room within each Area from which the SLOs work each day.<sup>37</sup>

### Key Components of Community Policing Training

It is generally agreed that there are three key components to effective community policing: problem solving, community engagement, and organizational transformation. (The last element, with its focus on an organization's leadership, systemic issues, and structure, only indirectly affects training and thus is not included in the discussion below. Note, however, that adoption of a professional police ethic for the Department would fundamentally affect such a transformation.)

#### *Supporting Recommendation*

Consider adopting the CAPRA problem-solving model in lieu of the SARA approach.

**Problem Solving.** Problem solving is the practical application of community policing. Law enforcement agencies worldwide use many different problem-solving models. The most common is that used by the LAPD: SARA, or *scanning* for the problem, *analyzing* the specific elements of the problem, developing and implementing *responses*, and *assessing* the efforts made. SARA has been effective in many instances. However, some contend that it too often fails the agencies that use it.<sup>38</sup> Failures in SARA can often be traced to an insufficient emphasis on community involvement in the problem-solving process. As an alternative to SARA, the Royal Canadian Mounted Police have adopted CAPRA, or a model for understanding the *clients* (or *community*) and their needs and expectations, *acquiring* and *analyzing* information, establishing and maintaining *part-*

<sup>37</sup>Parks, 1997, p. 2.

<sup>38</sup>While there are other options, SARA has been reaffirmed as the primary problem-solving model in the state of California.

nerships for problem solving, *responding* to problems, and continually *assessing* performance.<sup>39</sup> CAPRA, by requiring police to consider solutions from outside the department, incorporates the second element of community policing: community engagement. (Presuming that the LAPD will retain SARA, training should ensure that appropriate emphasis is given to recognizing and understanding community needs during instruction on SARA in particular and throughout the curriculum in general. Emphasis on community needs is a primary point throughout the remainder of this chapter, as it has been in much of the material preceding it.)

Supporting Recommendation

Maintain, refine, and augment the LAPD's ongoing community engagement activities, including the citizen police academy.

**Community Engagement.** Contemporary community policing is based on the notion that all residents should be empowered to enhance their quality of life and prevent or eliminate crime and the problems that lead to crime.<sup>40</sup> Community members must be recognized for the vital role they play in accomplishing these goals.<sup>41</sup> Everyone benefits when community members understand the role and function of their police department and become active proponents of law enforcement.<sup>42</sup> The police must therefore educate community members about community policing and the role of community members in its implementation. The LAPD has made some effort toward this end. It needs to sustain and build on these initiatives.

One such initiative used by the LAPD and other police agencies is the citizen police academy. Citizen police academies have been effective in educating community members about the mission, goals, objec-

<sup>39</sup>Information from [www.mts.net/~dcaskey/cp.htm](http://www.mts.net/~dcaskey/cp.htm), accessed February 28, 2003. Attempt to access this web site on May 28, 2003 failed—the web page is no longer available.

<sup>40</sup>Stevens, 2001, p. 9.

<sup>41</sup>Peak and Glensor, 1996, p. 40.

<sup>42</sup>Carlson, 2002, p. 115.

tives, and programs of the police department. They are typically offered free of charge and are open to any interested community member. Citizen police academy courses should include instruction on communication with police officers, including how words, actions, attitudes, and even tone of voice can affect an encounter with the police.<sup>43</sup> The LAPD Community Police Academy should retain this popular program and strengthen efforts to include all interested members of the general public.

The community can also contribute directly to community policing by developing or providing training. For example, the Citizen's Committee for New York City Neighborhood Anti-Crime Center developed and conducted a 25-hour community policing and problem-solving training curriculum. Producing such a curriculum allows the community to help define its role and that for officers in community policing. The LAPD has created opportunities for community input as well. A professional advisory committee of educators provides input on curriculum topics. As noted in institutional partnerships, the Department has collaborated with local organizations to develop area-specific training in community policing and diversity awareness.<sup>44</sup>

Police training of community members, such as can occur through community police academies, needs to help residents understand why police cannot successfully handle all crime and how a collaborative approach to problem solving leads to more effective crime control. Police officers should in turn be encouraged to develop a community profile or "beat book" identifying local leaders and resources. Officers should be skilled in communicating with the community through newsletters and public meetings with community leaders, groups, or other representatives. The circle becomes complete when the police and community members create meaningful roles for volunteers in working with the police to improve public safety.

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<sup>43</sup>Peak and Glensor, 1996, p. 90.

<sup>44</sup>Greene interview, 2003.

### Points of Inculcation

Training regarding community policing should provide officers with a level of understanding that will allow them to effectively use problem solving and community engagement techniques in their daily work.<sup>45</sup> More specifically, such a training curriculum should

- provide participants with an overview of the history of policing and of research on the community policing approach, including case studies where it has succeeded
- teach basic problem-solving skills and the elements of community engagement
- require officers to develop and work on a community policing problem
- demonstrate the benefits of collaborating with other government agencies, businesses, social service organizations, and the community
- explore the changes in leadership, management, and supervision styles needed to implement community policing.<sup>46</sup>

Such a curriculum should include some of the following activities that are typically part of a community-oriented police officer's day. In addition to traditional law enforcement activities, such as patrol and responding to calls for service, the day might include analyzing and solving neighborhood problems, meeting with community groups, working with citizens on crime prevention programs, meeting with local merchants, making security checks of businesses, and dealing with disorderly people.<sup>47</sup>

For this study, we assessed the current community policing training models used in the recruit academy, in field training for officers, and in continuing education (or in-service) training. We gave special attention to training on diversity awareness regarding persons of dif-

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<sup>45</sup>Peak and Glensor, 1996, p. 178.

<sup>46</sup>Ibid.

<sup>47</sup>Mastrofski, 1992, pp. 23-27.



ferent race, sex, ethnicity, religion, and sexual orientation, and persons with disabilities.

Our findings are based on classroom observations, analysis of course curriculum, and interviews conducted with training and other police personnel, and external stakeholders including community members and elected officials. Overall, we found that

- the Department needs more training on community policing, problem solving, and diversity awareness
- community policing, problem solving, and diversity awareness need to be more thoroughly integrated into training (rather than taught in separate, stand-alone blocks as has been suggested in previous studies)
- classroom scenarios and case studies should be more carefully crafted to reflect real-life community dynamics that officers are likely to encounter (i.e., diverse groups of people with a variety of problems)
- the facilitation of classroom scenarios and case studies needs to better emphasize a problem-solving approach and application of problem-solving skills
- recruits should participate in community policing activities with their FTOs
- training involving participation by community members should increase.

Below is a review of more specific findings regarding training for the recruit academy, the field training officer program, and the continuing education division.

**Recruit Academy.** Experiences at the recruit academy can shape how well an officer will perform police tasks, including those of community policing, throughout his career. As one study of community policing notes, “the academy sets the tone for newly hired officers. It is at the academy that recruits begin to develop a strong mind-set about their role as police officers.”<sup>48</sup> Another warns that

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<sup>48</sup>Peak and Glensor, 1996, p. 174.

without changes corresponding to broader changes for community policing, recruit training “will be insufficient and doom the long-term goals of” community policing.<sup>49</sup> Below are specific recommendations for improving elements of recruit academy training to support the broader goals of community policing.

The LAPD offers a two-hour course on community policing and problem solving in learning domain (LD) 3 “Community Policing” during academy instruction. This is the only community policing-specific course offered to recruits. Its instructor excels in defining community policing, communicating the responsibilities of community-oriented police officers, describing the SARA model, outlining community expectations of officers, and explaining means to overcome barriers between officers and the community. Overall, the brief course offers a good introduction to community policing. It can be improved. The course is far too short and does not offer enough time for recruits to practice their newly acquired skills in problem solving in scenarios or case studies. Its discussions of diversity awareness are too general. The role of management in community policing is not addressed at all.

*Supporting Recommendation*

Increase the length of the community policing course and use it for induction purposes.

The curriculum for the course has been condensed from comprehensive material that was originally covered in a six-hour course. We recommend that, at a minimum, the LAPD restore this course to its original length and place it early in the academy training. New recruits need immediate reinforcement that this issue is crucial to the Department. Many new recruits do not naturally know how to talk with residents in the role of LAPD officer. It is critical to provide early and solid training in communication, not only to defuse tense incidents, but also to train new officers to successfully work with merchants, attend neighborhood council meetings, and otherwise

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<sup>49</sup>Stevens, 2001, p. 109.

interact easily and effectively with members of the Los Angeles community. New officers should be taught not only how to deal with negative scenarios, but also how to establish effective communications with citizens during routine interfaces. Failure to provide such training means officers will miss opportunities for positive interaction with constituencies who traditionally like the police and who could help strengthen police-community ties.<sup>50</sup>

*Supporting Recommendation*

Adopt as permanent the ongoing trial of introducing the basics of community policing and diversity awareness early in academy training and integrate community policing, problem solving, and diversity awareness throughout pertinent recruit instruction. Broaden this effort through field training and continuing education.

Even such a lengthened course is good only for introduction purposes. It should be followed by the insertion of community policing issues throughout the Department's training curriculum. Guidance from the Bureau of Justice Assistance concurs in this regard, noting that "community policing skills should be integrated into the training curricula, not treated as a separate component of the training program."<sup>51</sup> The LAPD is already undertaking such integration on a trial basis. In addition, the name of LD 3 as community policing is a recent POST change (the former name was tactical communication). POST also recommends that course presenters throughout the state offer the course during the initial week of academy training. Integration of community policing throughout other courses is not only theoretically sound, it will enhance, rather than supplant other POST-required material.

Diversity awareness training is currently taught in two learning domains: LD 42 "Cultural Diversity/Discrimination" and LD 37 "Persons with Disabilities." Both are comprehensive in the coverage of their topics. LD 42 includes discussions on issues of racial and ethnic

<sup>50</sup>Community member interview with Estela Lopez.

<sup>51</sup>U.S. Department of Justice, 2003, p. 36

diversity, special populations (including persons with physical disabilities, hearing and vision impairments, and mental illnesses), sexual orientation inside and outside the Department, and gender equity inside the Department. It also covers guidance on how to overcome personal bias and definitions of discrimination, stereotyping, prejudice, culture, and other pertinent concepts. LD 37 provides more detailed instruction on issues related to persons with disabilities. Both LDs do a fine job regarding how to deal with diverse groups of people. To do otherwise is to fail to properly prepare officers for situations they will confront in the field.

*Supporting Recommendation*

Involve recruits in problem-solving projects and encourage recruits to participate in various community activities during the training period.

As is the case with community policing, however, discussing diversity awareness in isolated classes is insufficient. A keen awareness of how to interact with different persons must be fostered and practiced throughout the curriculum. Diversity awareness should be integrated into all other learning domains. After these introductory courses on diversity awareness, recruits should have repeated opportunities to learn about the nuances of the community they will be serving as well as opportunities to discuss issues such as personal bias, prejudice, and discrimination. Tactical training programs such as those on use of force, arrest procedures, and search and seizure should also include training on dealing with diverse groups of people.

Community policing requires a decentralized approach to law enforcement, one in which operational and tactical decisionmaking is encouraged at lower echelons in an organization.<sup>52</sup> Recruits therefore need to be taught how to think independently and make decisions on their own. Such training will instill the confidence needed for them to be appropriately confident in their ability to initiate problem solving during interactions with their community. Cur-

<sup>52</sup>Peak and Glensor, 1996, p. 17.

rently, the LAPD and many other law enforcement agencies employ a military style of instruction that fails to promote decisionmaking skills and autonomous operations.

*Supporting Recommendation*

Develop problem-based scenarios and case studies that allow recruits to apply problem-solving skills and knowledge of diverse populations.

An excellent method of integrating community policing and diversity awareness training elements into all learning domains is the use of real-life, problem-based scenarios and case studies. A detailed discussion about the development of scenarios follows in the next chapter. Here, we reinforce the finding that the scenarios and case studies currently used by the LAPD are not explicitly problem-based and lack sufficient examples of real-life issues faced by the community. By working through a more problem-based curriculum, recruits will

- learn and use the steps of the problem-solving model
- discover the importance of thoroughly analyzing a problem using a variety of information
- apply the methods and resources involved in problem solving
- understand the value of problem solving to policing.<sup>53</sup>

*Supporting Recommendation*

Base the training approach on the tenets of adult education, promoting decisionmaking ability and initiative within the community.

Training should involve recruits in SARA (or preferably CAPRA) projects and encourage them to participate in various community activities during the training period. As noted, the LAPD has a number of community policing activities (e.g., area SLO summit meetings,

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<sup>53</sup>Ibid., p. 182.

SARA projects, and neighborhood council meetings). Currently, recruits are not required to participate in ancillary activities with the community, a situation that should change. Our case studies indicate that other police departments encourage community involvement by recruits in a variety of ways. The San Francisco Police Department sponsors field trips for trainees to community gatherings and events. Other agencies encourage recruits to develop neighborhood portfolios, or beat books, which include identification of community groups and issues, advisory boards, and other resources for advice on solving problems encountered on patrol.<sup>54</sup>

*Supporting Recommendation*

Involve recruits in area SLO summit meetings and use qualified SLOs for academy training.

Since SLOs are the only officers who currently engage in community policing on a full-time basis, they are the ideal candidates to train new recruits about the application of community policing and problem-solving strategies. SLOs are currently not involved in training at the academy. We recommend that SLOs be used as instructors or facilitators in academy training after their successful completion of the Department's instructor course. Note, too, that SLOs are a logical group to be trained in the problem-based learning model.

It is worth considering increasing the use of civilian instructors and guest speakers from the community. Civilians are rarely used as instructors or invited to be guest speakers at the training academy. The LAPD could benefit from using cultural, ethnic, or other group specialists as instructors and guest speakers. Selecting these speakers would require a screening process to ensure that those invited present a variety of ideas rather than advocating limited personal agenda, and that they meet Department instructor standards.

**Field Training Officers.** FTOs are important for solidifying the ideals of community policing throughout the force. The FTO has a tremendous impact on how the recruit views policing and, as a result, how

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<sup>54</sup>See Appendix J.

that recruit will perform upon completion of his probationary period.<sup>55</sup> FTOs should reinforce academy lessons by helping the recruit put into practice the various methods and strategies learned during training.<sup>56</sup> Without FTO acceptance and espousal of a community policing philosophy, new officers will rarely put community policing into practice. Our recommendations for the FTO training program, which encompasses both training courses for FTO candidates and the role of the FTO in training probationers, are similar to those for the recruit academy.

It is suggested that the training group integrate elements of community policing, problem solving, and diversity awareness training, including working with special populations, into the FTO course, and involve FTOs in recruit academy instruction. As has already been suggested for probationer instruction in general, FTOs should be taught how to complement academy training in these areas. The Department might find it valuable to study the FTO program in Reno, Nevada, for potential lessons of value. The Reno FTO program ("post-academy police training") features a unique training relationship in which FTOs act as coaches and developers for recruits. The program is problem based, builds on what recruits are learning in the academy, and reflects their future work. Participants are taught further about problem-solving strategies during their post-academy field training.<sup>57</sup>

**Continuing Education Division.** In-service training or continuing education provides additional opportunities for reinforcing skills acquired in the academy and the FTO program and for maintaining skills in community policing and problem solving. In-service training is one of the primary means of introducing community policing to those trained and experienced in traditional policing.<sup>58</sup> It can also serve as a forum for discussing existing community problems, demographic changes, and changing community needs. There are several means by which the LAPD could improve its continuing education for community policing.

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<sup>55</sup>Peak and Glensor, 1996, p. 175.

<sup>56</sup>Ibid.

<sup>57</sup>Hoover, Cleveland, and Saville, 2001, pp. 175-189.

<sup>58</sup>Peak and Glensor, 1993, p. 170.

Community policing and problem solving are not explicitly covered in continuing education programs. Only a two-hour block of training in community policing is offered in “supervisory school.” This training course does an inadequate job of facilitating problem solving and neglects to discuss specific community expectations. The course also fails to present or apply problem-solving models.

Diversity awareness training is minimally addressed in the LAPD Continuing Education Delivery Plan (CEDP). Cultural diversity and tactical issues related to dealing with persons with disabilities are implicitly covered in the scenarios for CEDP I, an eight-hour training block for updating the field officer on a variety of tactical and non-tactical issues, such as vehicle stops and arrest techniques. Diversity awareness and discrimination prevention receive some coverage in CEDP V. In addition, a “Diversity and Discrimination in the Workplace” course is offered in supervisory school and detective supervisor school. While we did not observe or review these courses, written curriculum materials reflect that they appear to offer adequate information about workplace diversity and discrimination.

*Supporting Recommendation*

Discuss existing community problems in class in addition to problem-based scenarios and case studies.

As with the other points of inculcation, RAND recommends that the training group integrate elements of community policing and diversity awareness into all applicable training. Continuing education courses should use real-life, problem-based scenarios and case studies in all courses much as they are used in academy training. In-service programs should be a medium for officers to work through problems, or to share success stories, from the field. All training courses should help officers

- identify problems on the beat
- use the problem-solving model
- demonstrate an in-depth analysis of problems, including an understanding of environmental influences on the crime



- identify the diversity of resources available, variety of strategies to address problems, and crime prevention techniques
- simulate an evaluation of the process
- discuss the advantages and disadvantages of the process employed.<sup>59</sup>

*Supporting Recommendation*

Use SLOs as facilitators for training and consider increasing the use of civilian instructors and guest speakers from the community in training.

Neither SLOs nor civilians are greatly involved in continuing education programs. Both can help officers identify areas for collaboration with the community in solving local problems.

## CONCLUSION

Police professionalism today goes far beyond “just the facts ma’am.” It reinforces the fact that a police officer’s prime responsibility is to serve the community. It is impossible to adequately serve a community without first understanding the community’s needs and demands. It is therefore essential that law enforcement officials understand the cultures of the communities they serve.

Practical application of these philosophical tenets can only be accomplished through comprehensive, fully integrated training in community policing and diversity awareness. Individuals who possess the appropriate values and skills must be recruited to assist with the necessary training. All persons involved with the LAPD should receive training in which community policing and diversity awareness are integral parts and in which every problem challenges a student to consider issues relevant to these areas, just as they should during every interaction on the streets. The Department should enhance its existing partnerships with the community to strengthen the impact of training. Completion of these tasks will bring the LAPD

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<sup>59</sup>Peak and Glensor, 1996, pp. 182–183.

closer to Chief Bratton's vision of community policing as the three Ps of partnership, problem solving, and prevention.<sup>60</sup>

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<sup>60</sup>Bratton interview, 2003.





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## Community Policing Opportunities

The Los Angeles Police Department strongly embraces the philosophy of Community Policing in all its daily operations and functions. Community Policing is based upon a partnership between the police and the community whereby the police and the community share responsibility for identifying, reducing, eliminating and preventing problems that impact community safety and order. By working together, the police and the community can reduce the fear and incidence of crime and improve the quality of life in neighborhoods citywide. In this effort, the community and police work as partners to identify and prioritize problems of crime and disorder and share the responsibility for the development and implementation of proactive problem-solving strategies to address identified issues. The strategies used prove success because they mobilize the efforts and resources of the police, the community and local government.

If you have any inquiries regarding our Community Policing Programs, please contact the Community Policing Unit, Office of Operations, at 213-486-5280 or e-mail us at [ComPolicing@lapd.lacity.org](mailto:ComPolicing@lapd.lacity.org).

- [Community-Police Problem Solving \(CPPS\)](#)
- [Community-Police Advisory Boards \(CPABs\)](#)
- [Community-Police Advisory Board City-Wide Minutes](#)
- [Annual Area Senior Lead Officer Summits](#)
- [LAPD Community Relations Section](#)
- [GET Involved! Community Relations in Your Community](#)
- [Community-Based Government](#)

### Community-Police Problem Solving (CPPS)

This is the LAPD's model for proactively solving community problems. Community-Police Problem Solving uses the "SARA" approach (Scanning, Analysis, Response, and Assessment) to examine characteristics of problems in the community and to develop appropriate strategies to reduce these community-identified crime and disorder issues. The objective is to reduce, eliminate or provide a better way of effectively responding to neighborhood problems. We are in the process of training all police officers in C-PPS. Currently, a committee consisting of a police officer and community members is developing C-PPS training for community members as well.

### Community-Police Advisory Boards (CPABs)

Each of the 21 geographic Areas in the Los Angeles Police Department has a CPAB. A CPAB is an Area-level community board comprised of members from the various residential and business communities who live or work in a particular geographic area. The purpose of the CPAB is to provide advice to the Area Commanding Officer regarding decreasing the incidence and fear of crime in the community, as well as to provide community members with a voice

### INTERESTING FACTS

- The City of Los Angeles is 468 square miles
- The LAPD was established in 1869
- The LAPD badge, motto, uniform and acronym are the Intellectual Property of the City of Los Angeles
- Venice Beach is the second largest tourist attraction in California, after Disneyland
- The LAPD was established in 1869
- The Los Angeles Police Academy was used for the 1932 Olympic Game's pistol and rifle competitions
- The Los Angeles Police Academy remains a favorite of filmmakers, whose "Academy Arches" are recognizable around the world

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- Do you have an internship program?
- How can I volunteer for the LAPD?
- What LAPD programs are available for teenagers?
- What community events are happening in my area?

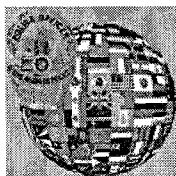
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in the policing of their communities. In addition, the Area Commanding Officer provides updates and explanations of Department programs to members of the CPAB.

Each CPAB has two co-chairs – one is the Area Commanding Officer and the other is a member of the community. The members of the CPAB are selected by the Area Commanding Officer with recommendations from the community. To learn more about how you can participate in the CPAB, contact your local community police station or review the enclosed C-PAB brochure.

1. [Community-Police Advisory Board Brochure](#)
2. [Citywide C-PAB Quarterly Meeting Schedule](#)

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**GET Involved! Community Relations in Your Community**

For information on how you can be more involved in your community, call the number listed below corresponding to your local community police station. If you are not sure which community police station to contact, visit our [Community Map](#).

**Central Los Angeles**

Central Area Community Relations Office  
 213-972-1889

Hollenbeck Area Community Relations Office  
 323-342-4140

Newton Street Area Community Relations Office  
 323-846-3937

Northeast Area Community Relations Office  
 323-344-5712

Rampart Area Community Relations Office  
 213-484-3061

**Valley**

Devonshire Area Community Relations Office  
 818-363-1726

Foothill Area Community Relations Office  
 818-756-8866

Mission Area Community Relations Office  
 818-838-9860

North Hollywood Area Community Relations Office  
 818-623-4001

Topanga Area Community Relations Office  
 818-756-3180

Van Nuys Area Community Relations Office  
 818-374-9403

West Valley Area Community Relations Office  
 818-374-7690

**South Los Angeles**

Harbor Area Community Relations Office  
 310-726-7920

77th Street Area Community Relations Office  
 213-485-4285

Southeast Area Community Relations Office  
 213-972-7961/7962

Southwest Area Community Relations Office  
 213-847-5800

**West Los Angeles**

Hollywood Area Community Relations Office

213-485-4310/4316

Olympic Area Community Relations Office  
213-382-9130

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310-202-2890

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The Los Angeles Police Department

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**STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
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**INVESTIGATION REPORT**

<b>Investigation Title:</b> Oakland Police Department Sergeant of Police, Derwin Longmire		<b>Date:</b> February 26, 2009	<b>Investigation No.:</b> PS08-0035
<b>Report Number:</b> 1	<b>Type of Report:</b> Opening/Closing		<b>Case X-Ref:</b>
<b>Case Agent:</b> John Porbanic, SAS	<b>Reporting Agent:</b> John Porbanic, SAS	<b>Supervisor:</b> Jeff Wall, SAC	

**INTRODUCTION**

**Subject of Investigation**

Derwin Longmire

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Oakland, CA 94607  
(510) 238-3455

Sergeant of Police Derwin Longmire began his employment with the Oakland Police Department (OPD) 23 years ago as a Police Officer. He has worked in various assignments with OPD including Patrol, the Criminal Investigative Division, Intelligence Unit, and Homicide.

As relevant to this investigation, Longmire was the lead investigator assigned by OPD to investigate the murder of journalist and editor of the Oakland Post Chauncey Bailey on August 2, 2007.

**BACKGROUND**

On October 30, 2008, Oakland Mayor Ron Dellums wrote to the Attorney General, requesting the Department of Justice's (DOJ) assistance in investigating allegations of misconduct by OPD homicide investigator Derwin Longmire in connection with his investigation of the shooting death of reporter Chauncey Bailey on August 2, 2007. Dellums requested that this agency conduct a concurrent, parallel investigation into the allegations of wrongdoing in light of media reports and concerns from the community that called into question the integrity of the OPD's investigation into the murder of Bailey.



STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE DIRECTOR

INVESTIGATION REPORT  
CONTINUATION

Invest. Name: OPD Sergeant of Police Derwin Longmire Invest. No. PS08-0035

I learned that OPD had been accused of engaging in misconduct in connection with a homicide investigation involving the journalist and editor of the Oakland Post Chauncey Bailey, who was murdered on August 2, 2007. At the time of his death Bailey was conducting an investigative report on an Oakland based organization called Your Black Muslim Bakery (the bakery). Devaughndre Broussard, a 19-year-old handyman at the bakery was later arrested for Bailey's murder. At the time of this report, Broussard remains in custody pending trial. OPD and the City Attorney's Office related that allegations against the OPD officers who conducted and supervised the investigation had been well documented in the press, but may not necessarily be accurate.

On November 3, 2008, California DOJ, Division of Law Enforcement, Bureau of Investigation and Intelligence (BII), Assistant Chief Randy Bryant, along with Office of the Director, Professional Standards Group (PSG), Special Agent in Charge (SAC) Jeff Wall attended a meeting at the OPD, located at 455 7<sup>th</sup> Street, Oakland, California. The meeting was chaired by Assistant Chief of Police Howard A. Jordan, and occurred in his office located in Suite 818. The attendees also included the captain and lieutenant of OPD Internal Affairs Division (IAD), the sergeant who is assigned to conduct the ongoing internal affairs investigation and a deputy from the City Attorney's Office. All attendees at the meeting agreed that OPD IAD should provide the DOJ with all documents in their investigation including all reports written and transcriptions of interviews that have been conducted.

On November 12, 2008, I, Special Agent Supervisor (SAS) John Porbanic, along with SAC Wall and SAS James Becker, met with OPD IAD Sergeant of Police and case agent, Robert Chan. Sergeant Chan provided us with three completed IAD reports pertaining to the investigation, dated June 27, 2008; August 14, 2008; and October 4, 2008; along with 19 CDs containing information IAD told us they had obtained to date. The information included the homicide investigation report, jail telephone calls from Bey IV, a DVD of Bey IV and two other bakery members at San Leandro Police Department, and additional information. We also discussed OPD IAD's perspectives on the investigation.

On December 18, 2008, I, along with SAC Wall; BII, San Francisco Regional Office, SAC Robert Castillo; Deputy Attorney General (DAG) William Toby Darden; and Retired Annuitant (RA) Joe Doane, met with Alameda County District Attorney (DA) Tom Orloff, Deputy District Attorney (DDA) Chris Lameiro, Inspector Kathleen A. Boyovich, and Inspector Toni Sall, at the Alameda County DA's Office in Oakland. We discussed our involvement in the OPD IAD case and informed them we would be monitoring OPD IAD's investigation.

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE DIRECTOR

INVESTIGATION REPORT  
CONTINUATION

Invest. Name: OPD Sergeant of Police Derwin Longmire Invest. No. PS08-0035

On December 23, 2008, I, along with SAC Wall and DAG Darden, met with OPD Chief of Police Wayne G. Tucker, OPD IAD Captain Ed Poulson, and Deputy City Attorney Rocio Fierro. They stated they have contracted with an independent contractor named Wendell Pete France (France) to conduct the internal affairs investigation. Captain Poulson estimated France would have the investigation completed within two weeks.

On January 28, 2009, at 1000 hours, I, along with SAC Wall, DAG Darden, and RA Doane, met with the OPD independent consultant France. He stated he had not been able to conduct all of the interviews he had planned and was having difficulty proceeding with the investigation (due to his location on the East Coast and the unavailability of certain officers for interviews).

At approximately 1600 hours, on the same date, I was instructed that the DOJ would be taking over the investigation as the primary agency and submitting our investigation to OPD upon completion. Interviews of witnesses and subjects were then scheduled and conducted between February 17, through February 26, 2009.

As of the time this report was prepared, France advised this officer that he had no independent information relevant to the findings and conclusions, and his investigation had, to date, primarily involved merely a review of OPD documents.

LIST OF WITNESSES INTERVIEWED

Gustavo Galindo  
Sergeant of Police  
Oakland Police Department  
455 Seventh Street  
Oakland, CA 94607  
(510) 777-3333

Andre Rachal  
Police Officer  
Intelligence Unit  
Oakland Police Department  
455 Seventh Street  
Oakland, CA 94607  
(510) 777-3333

Dominique Arotzarena  
Police Officer  
Oakland Police Department

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865 S. FIGUEROA ST.  
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TELEPHONE (213) 633-6800  
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Attorneys for Intervenors  
LOS ANGELES TIMES COMMUNICATIONS LLC;  
CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PASADENA POLICE OFFICERS  
ASSOCIATION (PPOA); OFFICER JOHN  
DOE; OFFICER JAMES ROE,

Plaintiffs,

vs.

CITY OF PASADENA; MICHAEL BECK,  
CITY MANAGER; PASADENA POLICE  
DEPARTMENT; BERNARD MELEKIAN,  
CHIEF OF POLICE,

Defendants,

LOS ANGELES TIMES  
COMMUNICATIONS LLC; CALIFORNIA  
NEWSPAPER PUBLISHERS  
ASSOCIATION,


Intervenors.

) Case No. BC410724  
) Assigned to the Hon. Charles F. Palmer

) **NOTICE OF RULING DISMISSING  
) LAWSUIT AS MOOT**

**CONFORMED COPY  
ORIGINAL FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

SEP 29 2010

John A. Clarke, Executive Officer/Clerk  
BY  Deputy  
Glorieta Robinson

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on September 28, 2010, the Court's Order To Show  
3 Cause re Dismissal For Mootness and the parties' Cross-Motions for Summary Judgment came on  
4 for hearing before Judge Charles F. Palmer in Department 33 of the Los Angeles Superior Court.  
5 Kelli Sager and Jeff Glasser appeared on behalf of Intervenors Los Angeles Times  
6 Communications LLC and California Newspaper Publishers Association. Frank L. Rhemrev  
7 appeared on behalf of Defendants of Defendants City of Pasadena, Michael Beck, the Pasadena  
8 Police Department, and Bernard Melekian. Elizabeth J. Gibbons appeared for Plaintiffs Pasadena  
9 Police Officers Association and Officers John Doe and James Roe.

10 Having considered the motions and all supporting and opposing papers, and after hearing  
11 argument from counsel, the Court ruled as follows:

12 1. The action is DISMISSED as MOOT and the present preliminary injunction is  
13 DISSOLVED. Plaintiffs' request that they be permitted to amend the complaint to assert a cause of  
14 action for declaratory relief is DENIED. The Court's tentative ruling, which the Court adopted as  
15 its final ruling, is attached as Exhibit A.

16 DATED: September 28, 2010

17 DAVIS WRIGHT TREMAINE LLP  
18 KELLI L. SAGER  
19 ALONZO WICKERS IV  
20 JEFF GLASSER

21 By: \_\_\_\_\_

  
Jeff Glasser

22 Attorneys For Intervenors  
23 LOS ANGELES TIMES COMMUNICATIONS  
24 LLC; CALIFORNIA NEWSPAPER PUBLISHERS  
25 ASSOCIATION

26  
27  
28 183



Department 33  
Tentative Rulings – September 21, 2010

#5. BC410724 – Pasadena Police Officers Association v. City of Pasadena

The action is DISMISSED as MOOT and the present preliminary injunction is DISSOLVED. Plaintiffs' request that they be permitted to amend the complaint to assert a cause of action for declaratory relief is DENIED.

"[A]lthough a case may originally present an existing controversy, if before decision it has, through act of the parties or other cause, occurring after the commencement of the action, lost that essential character, it becomes a moot case or question which will not be considered by the court." *Wilson v. Los Angeles County Civil Service Com.* (1952) 112 Cal.App.2d 450, 453; *Paoli v. California & Hawaiian Sugar Refining Corp.* (1956) 140 Cal.App.2d 854, 856; *Campbell v. Superior Court* (1932) 126 Cal.App.652, 654 ("demands of actual, practical litigation are too pressing to permit the examination or discussion of academic questions.").

The only cause of action pled in the complaint is for temporary restraining order, preliminary injunction, and permanent injunction. The only relief sought is a permanent injunction enjoining the Pasadena Police Department and the City of Pasadena from releasing to the public the true names of Officers Doe and Roe. It appears from the facts submitted by the parties that the names of Officers Doe and Roe have been disclosed in the wrongful death action currently pending in the United States District Court for the Central District of California, *Mayleisha Barnes, et.al. v. City of Pasadena*, Case No. 10-470-JHN (PJWX) of that court (the "Federal Action"). See Intervenor's Request for Judicial Notice, etc., Exhibits B and C. Plaintiffs have not contested that Officers Doe and Roe are the officers identified in the Federal Action. In that the identity of Officers Doe and Roe have been publicly disclosed, no justicible controversy exists and the case is moot. Moreover, in that the identities of Officers Doe and Roe have been disclosed, there is no basis for continuing the pending preliminary injunction and it is dissolved.

Plaintiffs' request that they be allowed to amend the complaint to add a cause of action for declaratory relief "aimed at resolving the legal issue in this litigation, to wit, whether the Chief of Police is precluded from unilaterally releasing to the public and press the names of officers involved in critical incidents by the provisions of Penal Code sections 832.5, 832.7 and Evidence Code section 1043, et.seq. This amendment essentially seeks an advisory "opinion" on a general issue of law not tied to the facts of a particular incident or dispute. This suffers from the same deficiency as the present complaint in light of the fact that the identities of Officers Doe and Roe have been disclosed in the Federal Action. As reflected in the papers filed by the parties in connection with the motions for summary judgment, the referenced statutes require multiple determinations of particularized facts to determine the operation of those statutes in a given circumstance. Accordingly, plaintiffs' request is denied.



1 **PROOF OF SERVICE BY MAIL**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
3 and not a party to the within action. My business address is Davis Wright Tremaine LLP, Suite  
2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

4 On September 29, 2010, I served the foregoing document(s) described as: **NOTICE OF**  
5 **RULING DISMISSING LAWSUIT AS MOOT** by placing a **true copy** of said document(s)  
6 enclosed in a sealed envelope(s) for each addressee named below, with the name and address of  
the person served shown on the envelope as follows:

7 **Richard A. Shinee, Esq.**  
8 **Elizabeth Gibbons, Esq.**  
9 **Green & Shinee, A.P.C.**  
10 **Attorneys at Law**  
11 **16055 Ventura Blvd., Suite 1000**  
12 **Encino, CA 91436**  
13 **Fax: (818) 789-1503**

14 **Michele Beal Bagneris, City Attorney**  
15 **Frank L. Rhemrev, Assistant City Attorney**  
16 **Office of the City Attorney**  
17 **City of Pasadena**  
18 **100 N. Garfield Ave.**  
19 **Room 210**  
20 **PO Box 7115**  
21 **Pasadena, CA 91109-7215**  
22 **Fax: (626) 744-4190**

23 I placed such envelope(s) with postage thereon fully prepaid for deposit in the United  
24 States Mail in accordance with the office practice of Davis Wright Tremaine LLP, for collecting  
25 and processing correspondence for mailing with the United States Postal Service. I am familiar  
26 with the office practice of Davis Wright Tremaine LLP, for collecting and processing  
27 correspondence for mailing with the United States Postal Service, which practice is that when  
28 correspondence is deposited with the Davis Wright Tremaine LLP, personnel responsible for  
delivering correspondence to the United States Postal Service, such correspondence is delivered to  
the United States Postal Service that same day in the ordinary course of business.

Executed on September 29, 2010, at Los Angeles, California.

- 21  State I declare under penalty of perjury, under the laws of the State of California,  
22 that the foregoing is true and correct.
- 23  Federal I declare under penalty of perjury under the laws of the United States of  
24 America that the foregoing is true and correct and that I am employed in the  
25 office of a member of the bar of this Court at whose direction the service was  
26 made.

26 CAROLINA SOLANO  
27 Print Name

25   
26 Signature





## OFFICE OF THE GOVERNOR

December 22, 2004

Mr. Peter Scheer  
Executive Director  
California First Amendment Coalition  
534 Fourth Street, Suite B  
San Rafael, California 94901  
*Via U.S. Mail and/or hand delivery*

Mr. Paul Feist  
Statehouse Editor  
San Francisco Chronicle  
1121 L Street, Suite 501  
Sacramento, CA 95814  
*Via U.S. Mail and/or hand delivery*

Mr. Mark Gladstone  
Sacramento Bureau Chief  
San Jose Mercury News  
1215 K Street, Suite 930  
Sacramento, CA 95814  
*Via U.S. Mail and/or hand delivery*

Mr. Stuart Leavenworth  
Associate Editor, Editorial Pages  
The Sacramento Bee  
P.O. Box 15779  
Sacramento, CA 95852  
*Via U.S. Mail and/or hand delivery*

Ms. Margaret Talev  
Mr. Gary Delsohn  
The Sacramento Bee  
925 L Street, Suite 600  
Sacramento, CA 95814  
*Via U.S. Mail and/or hand delivery*

Re: Request for Public Records

To all:

We have received your individually-addressed requests to inspect and copy all public records concerning Governor Schwarzenegger's daily schedule. As we have noted in prior correspondence responding to these letters, the Governor is committed to the full disclosure of these records and has chosen to comply with your requests by generating copies of his daily schedules for public inspection. We have attached copies of those documents to this letter.



As you review these records, please take note of the following:

1. Time period. The Governor's activities and meetings often relate to future actions to be taken, the premature disclosure of which could clearly interfere with the operation of his office. For this reason, and because of the need to establish some reasonable cut off point for the production of past schedules, we have provided you with copies of all available schedules generated from October 21, 2003, through November 17, 2004.<sup>1</sup> We will provide access to schedules generated after this date in the manner described below.

2. Activities and events. The Governor's schedules attached to this letter are created on an electronic database. They show all meetings and scheduled activities involving his official state activities, as well as certain non-official public events. Since the daily schedules are continually subject to amendment until the preceding night, only scheduled activities are reflected in the document; changes in activities during that day are not reflected in the database.

In cases where an entry on the schedule lists one or more state staff members as attendees to a meeting, we have limited disclosure to the principal staff member or members. This is because the schedules often list secondary staff members who may not actually attend a meeting, and there is little or no public interest in providing information which may not be accurate. With regard to non-official public events listed on the schedule, we do not show a staff member. Many times we do not have this information in a government record, and the people responsible for staffing the Governor at these events are not public employees.

3. Exemptions. As we have stated in prior correspondence, Governor Schwarzenegger believes that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in California, and that the guarantees described in the Public Records Act ("Act") must be respected and implemented by public agencies in this state. Consistent with the provisions of that statute, we note that specific information in the Governor's schedules may be legitimately withheld from disclosure because it is protected by a specific privilege recognized in the Act or because the public interest in maintaining the confidentiality of the information outweighs the public interest in disclosure. (Gov. Code, §§ 6254, subd. (c); 6254, subd. (k); 6255.)

For these reasons, we have deleted information from the attached schedules that relate to the security of the Governor, including his travel information and itineraries. We have also deleted information in the schedules which display private addresses, telephone numbers, or other personal information concerning the Governor's staff or other members of the public.

---

<sup>1</sup> We note that there may be some information that is not contained in public records for the period following the Governor's election, but before the inauguration. This office does not possess or have knowledge of that information.

All Parties  
December 22, 2004  
Page 3

Finally, we have deleted from the schedules all identifying information where the Governor is scheduled to consider a personnel matter, including interviews with applicants for an office or employment, as there is a strong privacy interest in ensuring candidates may apply for positions in confidence.

4. Ongoing disclosure. Subject to the limitations described above, this office will entertain and process verbal, electronic and written requests for copies of the Governor's future schedules on a case-by-case basis. Parties need not submit these requests pursuant to the Public Records Act. Upon receipt, we will provide requestors with access to a two-week collection of schedules generated 12-14 days prior to the request. Consistent with the requirements of the Public Records Act, requestors may ask our staff to make copies of the documents at a cost of \$0.10 per page. Alternatively, they may use an optical scanner on site or employ a private copy service to perform the reproduction. Staff may supervise that process to insure that the documents are properly handled.

In the event you are dissatisfied with our response, or have further questions or concerns, please feel free to contact me at (916) 445-2841. I will be happy to speak with you.

Sincerely,

  
PETER SIGGINS  
Legal Affairs Secretary



UNCLASSIFIED

Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024

OPENING

REPORTER: On the record

RECORDER: All rise.

PRESIDENT: Remain seated and come to order. Go ahead, Recorder.

RECORDER: This Tribunal is being conducted at 1328 March 10, 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:  
Captain [REDACTED], United States Navy, President  
Lieutenant Colonel [REDACTED], United States Air Force, Member  
Lieutenant Colonel [REDACTED], United States Marine Corps, Member  
Lieutenant Colonel [REDACTED], United States Air Force, Personal Representative  
Language Analysis [REDACTED]  
Gunnery Sergeant [REDACTED], United States Marine Corps, Reporter  
Lieutenant Colonel [REDACTED], United States Army, Recorder  
Captain [REDACTED] is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Colonel [REDACTED] solemnly swear that you will faithfully perform the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you Gunnery Sergeant [DELETED] swear or affirm that you will faithfully discharge your duties as Reporter assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

ISN #10024  
Enclosure (3)  
Page 1 of 26

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RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing so help you God?

TRANSLATOR: I do.

PRESIDENT: We will take a brief recess now in order in to bring Detainee into the room. Recorder note the date and time.

RECORDER: The time is 1:30 pm hours on 10 March 2007. This Tribunal is in now in recess. [The Tribunal recessed at 1330, 10 March 2007. The members withdrew from the hearing room.]

**CONVENING AUTHORITY**

RECORDER: All Rise.  
[The Tribunal reconvened and the members entered the room at 1334, 10 March 2007.]

PRESIDENT: This hearing will come to order. Please be seated.

PRESIDENT: Before we begin, Khalid Sheikh Muhammad, I understand you speak and understand English. Is that correct?

DETAINEE: [Detainee nods his head in affirmative].

PRESIDENT: Alright. Are you comfortable in continuing in English or would you like everything translated in Arabic?

DETAINEE: Everything in English but if I have a problem the linguist will help me.

PRESIDENT: We will proceed in English. If you indicate to me that you would like something translated we will go ahead and do that. Alright?

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

PRESIDENT: This Tribunal will determine whether Khalid Sheikh Muhammad meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

**OATH SESSION 2**

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

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Enclosure (3)  
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RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRIBUNAL: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal so help you God?

PERSONAL  
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

PRESIDENT: The Recorder, Reporter, and Translator have previously been sworn.

**EXPLANATION OF PROCEEDINGS**

PRESIDENT: Khalid Sheikh Muhammad, you are hereby advised that the following applies during this hearing:

PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

PRESIDENT: You may not be compelled to testify at this Tribunal. However, you may testify if you wish to do so. Your testimony can be under oath or unsworn.

PRESIDENT: You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present.

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

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PRESIDENT: You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons.

PRESIDENT: Khalid Sheikh Muhammad, do you understand this process?

DETAINEE: Yes. If I have question can I ask you?

PRESIDENT: Yes, you may.

DETAINEE: About the testimony which I ask about the witnesses.

PRESIDENT: Yes, I'm going to address the witnesses shortly. So, if you will bear with us I will take that up in a few moments.

DETAINEE: Okay.

PRESIDENT: Do you have any questions concerning the Tribunal process?

DETAINEE: Okay by me.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

PERSONAL

REPRESENTATIVE: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

PRESIDENT: Alright, the Tribunal has received Exhibit D-a that indicates the Detainee wants to participate in the Tribunal and wants the assistance of the Personal Representative.

**RECORDER PRESENTS UNCLASSIFIED**

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal

ISN #10024  
Enclosure (3)  
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Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibit R-2. Copies of these Exhibits have previously been provided to the Personal Representative. [Documents presented to Tribunal]

PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. But before you proceed, Khalid Sheikh Muhammad, let me remind you that you must not comment on this evidence at this time. You will be provided with an opportunity shortly to provide any comments that you would like. Recorder, please proceed.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant:

Paragraph a. On the morning of 11 September 2001, four airliners traveling over the United States were hijacked. The flights hijacked were: American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. At approximately 8:46 a.m., American Airlines Flight 11 crashed into the North Tower of the World Trade Center, resulting in the collapse of the tower at approximately 10:25 a.m. At approximately 9:05 a.m., United Airlines Flight 175 crashed into the South Tower of the World Trade Center, resulting in the collapse of the tower at approximately 9:55 a.m. At approximately 9:37 a.m., American Airlines Flight 77 crashed into the southwest side of the Pentagon in Arlington, Virginia. At approximately 10:03 a.m., United Airlines Flight 93 crashed in Stoney Creek Township, Pennsylvania. These crashes and subsequent damage to the World Trade Center and the Pentagon resulted in the deaths of 2,972 persons in New York, Virginia, and Pennsylvania.

Paragraph b. The Detainee served as the head of the al Qaida military committee and was Usama bin Laden's principal al Qaida operative who directed the 11 September 2001 attacks in the United States.

Paragraph c. In an interview with an al Jazeera reporter in June 2002, the Detainee stated he was the head of the al Qaida military committee.

Paragraph d. A computer hard drive seized during the capture of the Detainee contained information about the four airplanes hijacked on 11 September 2001 including code names, airline company, flight number, target, pilot name and background information, and names of the hijackers.

Paragraph e. A computer hard drive seized during the capture of the Detainee contained photographs of 19 individuals identified as the 11 September 2001 hijackers.

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Paragraph f. A computer hard drive seized during the capture of the Detainee contained a document that listed the pilot license fees for Mohammad Atta and biographies for some of the 11 September 2001 hijackers.

Paragraph g. A computer hard drive seized during the capture of the Detainee contained images of passports and an image of Mohammad Atta.

Paragraph h. A computer hard drive seized during the capture of the Detainee contained transcripts of chat sessions belonging to at least one of the 11 September 2001 hijackers.

Paragraph i. The Detainee directed an individual to travel to the United States to case targets for a second wave of attacks.

Paragraph j. A computer hard drive seized during the capture of the Detainee contained three letters from Osama bin Laden.

Paragraph k. A computer hard drive seized during the capture of the Detainee contained spreadsheets that describe money assistance to families of known al Qaida members.

Paragraph l. The Detainee's name was on a list in a computer seized in connection with a threat to United States airlines, United States embassies and the Pope.

Paragraph m. The Detainee wrote the *bojinka plot*, the airline bomb plot which was later found on his nephew Ramzi Yousef's computer.

Paragraph n. The *bojinka plot* is also known as the Manila air investigation.

Paragraph o. The Manila air investigation uncovered the Detainee conspired with others to plant explosive devices aboard American jetliners while those aircraft were scheduled to be airborne and loaded with passengers on their way to the United States.

Paragraph p. The Detainee was in charge of and funded an attack against United States military vessels heading to the port of Djibouti.

Paragraph q. A computer hard drive seized during the capture of the Detainee contained a letter to the United Arab Emirates threatening attack if their government continued to help the United States.

Paragraph r. During the capture of the Detainee, information used exclusively by al Qaida operational managers to communicate with operatives was found.

Paragraph s. The Detainee received funds from Kuwaiti-based Islamic extremist groups and delivered the funds to al Qaida members.

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Paragraph t. A computer hard drive seized during the capture of the Detainee contained a document that summarized operational procedures and training requirements of an al Qaida cell.

Paragraph u. A computer hard drive seized during the capture of the Detainee contained a list of killed and wounded al Qaida martyrs.

And lastly, Paragraph v. Passport photographs of al Qaida operatives were seized during the capture of the Detainee.

RECORDER: Sir, this concludes the summary of unclassified evidence.

PRESIDENT: Very well.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibits marked as Exhibits D-b through D-d. Copies of these exhibits have been previously provided to the Recorder. [Documents presented to Tribunal]

PRESIDENT: Exhibit D-b appears to be a statement that the Detainee has provided.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And Exhibit D-c contains hand written notes that appear to be Arabic and English as well as the typed version of that. Is that correct?

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And D-d is a written statement regarding alleged abuse or treatment that the Detainee received.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. We will go into those shortly.

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PRESIDENT: Khalid Sheikh Muhammad, you may now make an oral statement to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

DETAINEE: He will start, the Personal Representative; PR will read then later I will comment.

PRESIDENT: Very well, you may proceed.

RECORDER: Sir, would you hold one moment?

PRESIDENT: Yes.

RECORDER: Ah, before the Detainee makes a statement, ah, I'd like to ah.

PRESIDENT: Question of the oath?

RECORDER: Ah, no sir.

RECORDER: Concerning classified evidence.

PRESIDENT: Very well.

PRESIDENT: Do you have any further evidence to present at this time, Recorder?

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

PRESIDENT: Very well, your request for a closed session is granted and will be taken up in due course.

PRESIDENT: You may proceed, PR.

PERSONAL

REPRESENTATIVE: The Detainee responds to the unclassified summary of evidence with the following key points.

PERSONAL

REPRESENTATIVE: "Some paragraphs under paragraph number 3, lead sentence are not related to the context or meaning of the aforementioned lead sentence. For example, paragraph 3-a is only information from news or a historical account of events on 11 September 2001, and note with no specific linkage being made in this

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paragraph to me or the definition of Enemy Combatant. As another example, sub-paragraph 3-n makes no linkage to me or to the definition of Enemy Combatant.”

DETAINEE: Are they following along?

PERSONAL

REPRESENTATIVE: Ah, they they have that in front of them for reference.

PRESIDENT: Yes.

DETAINEE: Okay.

PERSONAL

REPRESENTATIVE: Second main point; “There are two false statements in the Summary of Evidence. Sub-paragraph 3-c is false. I never stated to the Al Jazeera reporter that I was the head of the al Qaida military committee. Also, sub-paragraph 3-s is false. I did not receive any funds from Kuwait.”

PERSONAL

REPRESENTATIVE: Point number 3. “There is an unfair ‘stacking of evidence’ in the way the Summary of Evidence is structured. In other words, there are several sub-paragraphs under parent-paragraph 3 which should be combined into one sub-paragraph to avoid creating the false perception that there are more allegations or statements against me specifically than there actually are. For example, sub-paragraphs 3-m through 3-o, which pertain to the *bojinka* plot should be combined into one paragraph, as should paragraphs 3-a through 3-h, which pertain to 9/11.”

PERSONAL

REPRESENTATIVE: Lastly, my name is misspelled in the Summary of Evidence. It should be S-h-a-i-k-h or S-h-e-i-k-h, but not S-h-a-y-k-h, as it is in the subject line.

PRESIDENT: Would you like to add anything to that, Khalid Sheikh Muhammad ?

PERSONAL

REPRESENTATIVE: Final statement.

DETAINEE: No, I just want to ask about witnesses.

PRESIDENT: Okay, ah, let’s finish with these then I will get to the witnesses.

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DETAINEE: Okay.

PRESIDENT: Try to keep it in order.

PRESIDENT: You want to continue, PR? Do you have have another statement?

PERSONAL

REPRESENTATIVE: That concludes this Detainee's response to the, ah, unclassified summary of evidence, sir.

PRESIDENT: Oh.

CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee if present, the Personal Representative, the Recorder, and the Tribunal Members.

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

PRESIDENT: Alright.

PRESIDENT: From the Detainee Election Form and I was informed earlier that the Detainee requested the presence of two witnesses to testify here today. Ramzi bin al-Shibh and Mustafa Hawsawi. The Detainee believes the witnesses can provide testimony related to the Detainee's actions specified in the unclassified summary of the evidence.

PRESIDENT: I have had the opportunity to review the request for witnesses and I have made some findings and I'm going to place them on the record now and when I conclude that, Khalid Sheikh Muhammad, you may respond to that if you'd like.

PRESIDENT: First the request for Ramzi bin al-Shibh, the proffer of the testimony from the Detainee was that Ramzi is alleged to have been present during the al Jazeera interview in June 2002 during which it is said the Detainee claimed to be head of al Qaida Military Committee. The Detainee claims he never stated that, to be the head of the Military Committee, during the interview and states that Ramzi, if called, can confirm this.

PRESIDENT: This witness is not relevant in the President's view for the following reasons. In the totality of the circumstances and given the nature and quality of the other unclassified evidence, the Detainee's alleged statements as reported in al Jazeera

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are of limited value and negligible relevancy to the issue of combatant status. As such, any corroboration or contradiction by the proffered witness is not relevant. The creditability determinations with regard to R-2, which is the al Jazeera article, can be made by the Tribunal without the proffered testimony. As such, the Detainee's request for the production of that witness is denied.

PRESIDENT: As to the request for Mustafa Hawsawi, ah, it is proffered that Hawsawi, if called, could testify that the computer/hard drive referenced in the unclassified summary was not this Detainee's property and that the place of the Detainee's capture was not the house of the Detainee. In the President's view this testimony is not relevant to the issues regarding the Detainee's capture or his combatant status for the following reasons.

PRESIDENT: Whether the Detainee had actual legal title or ownership of the computer/hard drive or the house where the capture took place is irrelevant to the determination of the Detainee's status as an enemy combatant. Based on the proffer, if true, Hawsawi's testimony will not provide relevant information. The issue of ownership, while of some interest, is not relevant to status. What is relevant is possession, usage, connection and presence. Hawsawi's testimony will not speak to any relevant information in regard to such points. As such, the request for the production of that witness is denied.

PRESIDENT: If you would like to respond to that, I'll hear you.

DETAINEE: Most of these facts which be written are related to this hard drive. And more than eleven of these facts are related to this computer. Other things are which is very old even nobody can bring any witnesses for that as you written here if it will be ah a value for you for the witness near by you will do it. This computer is not for me. Is for Hawsawi himself. So I'm saying I need Hawsawi because me and him we both been arrested day. Same way. So this computer is from him long time. And also the problem we are not in court and we are not judge and he is not my lawyer but the procedure has been written reported and the way has mostly as certain charged against me; tell him, [Arabic Phrase].

TRANSLATOR: [Translating] They are only accusations.

DETAINEE: So accusations. And the accusations, they are as you put for yourself ah definition for enemy combatant there are also many definitions for that accusation of fact or charges that has been written for any ah. [Arabic Phrase]

TRANSLATOR: [Translating] Person is accused.

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DETAINEE: So, if I been accused then if you want to put facts against me also the definition for these facts. If you now read number N now what is written the *bojinka* plot. Is known many lead investigation it is not related to anything facts to be against me. So when I said computer hard drive/ hard disk, same thing. All these point only one witness he can say yes or not cause he is this computer is under his possession him computer. And also specifically if he said Mohammad Atta picture been this hard drive. I don't think this should accepted. There are many 100 thousand Americans who have a lot of picture on their computer. You cannot say I find Muhammad Atta on your computer then you use this fact against you. Or you find any files in your computer to be what about it's mine, it's not my computer. If this witness, he will state that this known and here that has been ninety percent of what is written is wrong. And for Ramzi, for reporter in Jazeera, he claimed that I state this one and you know the media man. How they are fashionable. What they mean in their own way in a whole different way. They just wrote it so he say I state. But I never stated and I don't have any witnesses and witness are available here at Guantanamo. He is Detainee. He was with me. Which he been mostly in all my interview with him. Me and them, there was three person, me and Ramzi and this reporter. So if you not believe me, not believe him, believe my witness Ramzi. Then he's what he state the reporter most is false. I not denying that I'm not an enemy combatant about this war but I'm denying the report. It not being written in the proper way. Which is really facts and mostly just being gathered many information. General information that form in way of doing, to use in facts against me.

PRESIDENT: I have heard and understood your argument. In order for me to make my determinations regarding the production of witnesses I first have to believe that they are relevant for the reasons that I have stated. For the reasons I have stated, I do not believe they are relevant. Whether or not they may be available here on Guantanamo, is a second decision to be made, but only if I decide they are relevant. I have heard your arguments. I noted them. However, my ruling stands.

PRESIDENT: The Recorder has no witnesses, is that my understanding?

RECORDER: No, sir.

PRESIDENT: And there are no other approved witnesses to taken up. Ah, we will take a brief moment to review the unclassified evidence that we received so far and then we will pick back up in the proceeding.

MEMBER: If I might ask a question real quick of the PR. This is the entire translation of the hand written notes?

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PERSONAL

REPRESENTATIVE: Yeah. The hand written notes are the Detainee is on yellow.

MEMBER: Yes.

PERSONAL

REPRESENTATIVE: and, then the next set of notes, hand written notes, are the Linguist's translation and then the final hard copy printed that's, ah, that...

MEMBER: Type written.

PERSONAL

REPRESENTATIVE: Typed from Linguist's notes.

MEMBER: Type from Linguist's translations. Okay.

PRESIDENT: Khalid Sheikh Muhammad, I did not offer you an oath early because I was informed by the Personal Representative that you would be making some statement later on in these proceedings relevant to the truthfulness of your comments. So, if you would like to take an oath I would administer one to you but I did understand that you going to make a statement.

DETAINEE: In the final statement, I will explain why then.

PRESIDENT: Alright. Thank you. [Tribunal pauses to review D-a thru D-d]

MEMBER: Seen those.

TRANSLATOR: Sir.

PRESIDENT: Yes.

TRANSLATOR: He wanted me to translate a Koranic verse on the spot.

PRESIDENT: I will permit it.

TRANSLATOR: Thank you.

TRANSLATOR: Can I ask him for clarification?

PRESIDENT: Yes.

PRESIDENT: Do you need a few more moments, Translator?

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TRANSLATOR: Yes, sir, about thirty seconds.

PRESIDENT: Go ahead and take your time.

TRANSLATOR: Would you me to read the English translation after he read Arabic verse or would like him to read it.

PRESIDENT: You want to save that for later?

TRANSLATOR: [Nods head]

PRESIDENT: Alright.

PRESIDENT: Let me take up a few things that have come up as based on my review of these documents that have been provided to us so far. D-d, appears to be a written statement regarding certain treatment that you claim to have received at the hands of agents of the United States government as you indicated from the time of your capture in 2003 up until before coming here to Guantanamo in September 2006.

PRESIDENT: Is that correct?

DETAINEE: Yes.

PRESIDENT: Alright.

PRESIDENT: Now, I haven't seen any statements in the evidence we receive so far that claim to come from you other than acknowledging whether you were or not the head of the Military Committee. Were any statements that you made as the result of any of the treatment that you received during that time frame from 2003 to 2006? Did you make those statements because of the treatment you receive from these people?

DETAINEE: Statement for whom?

PRESIDENT: To any of these interrogators.

DETAINEE: CIA peoples. Yes. At the beginning when they transferred me [REDACTED].

PRESIDENT: What I'm trying to get at is any statement that you made was it because of this treatment, to use your word, you claim torture. Do you make any statements because of that?

TRANSLATOR: Sir, for clarification.

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PRESIDENT: Can you translate it?

TRANSLATOR: I will translate in Arabic.

PRESIDENT: Yes.

TRANSLATOR: [Translating above]

DETAINEE: I ah cannot remember now [REDACTED] I'm senior man. Many people they know me which I don't them. I ask him even if he knew George Bush. He said, yes I do. He don't know you that not means its false. [REDACTED]. I said yes or not. This I said.

PRESIDENT: Alright, I understand.

PRESIDENT: Is there anything you would like to correct, amend, modify or explain to us from what you said back then?

DETAINEE: I want to just it is not related enemy combatant but I'm saying for you to be careful with people. That you have classified and unclassified facts. My opinion to be fair with people. Because when I say, I will not regret when I say I'm enemy combatant. I did or not I know there are other but there are many Detainees which you receive classified against them maybe, maybe not take away from me for many Detainees false witnesses. This only advice.

PRESIDENT: So you are aware that other...

DETAINEE: Yes.

PRESIDENT: People made false statement as a result of this?

DETAINEE: I did also.

PRESIDENT: Uh huh.

DETAINEE: I told him, I know him yes. There are and they are. Not even you show me. This I don't know him I never met him at all. So, unclassified which is both classified and unclassified so this is you know him you don't know him. You have to be fair with people. There are many many people which they have never been part of the Taliban. Afghanistan there have been many people arrested for example people who have been arrested after October 2001 after make attack against Afghanistan many of them just arrive after they don't what has happen. When Russian came to Afghanistan they felt they went back but they did anything with Taliban and al Qaida then came after that. I don't know why it was younger

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people same thing for Afghanis people they show Afghanis people. I will give example one. His name is Sayed Habib. This I remember. [REDACTED]

PRESIDENT: Alright.

PRESIDENT: Now what.

DETAINEE: For me nothing which was recorded. For which is written here is not related

PRESIDENT: I understand.

PRESIDENT: I do note that in one of the exhibits you indicate you are not under any pressure or duress today. Is that correct?

DETAINEE: That is about I'm hearing today. Yes.

PRESIDENT: So anything.

DETAINEE: Some of this information, I not state it to them.

PRESIDENT: The information that you are telling us today, so we are clear. You do not believe you are under any pressure or threat or duress to speak to us today, is that correct?

DETAINEE: Yes, that's correct.

PRESIDENT: Alright.

PRESIDENT: Now what you have told us about your previous treatment is on the record of these proceeding now and will be reported for any investigation that may be appropriate. Also, we will consider what you have told us in making our determination regarding your enemy combatant status.

DETAINEE: I hope you will take care of other Detainees with what I said. It's up to you.

PRESIDENT: I will do as I've said. I'll see to it that it is reported.

PRESIDENT: Alright. At this point, we are going to go into the final statement but I do want to give the opportunity to the Recorder, PR, and Tribunal member to ask questions if they would like. So, what will do is proceed then to the Detainee's final statement and then I'll have a question and answer session following that. Alright just give me a moment.

PRESIDENT: Alright.

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PRESIDENT: Khalid Sheikh Muhammad, this concludes the presentation of unclassified information to the Tribunal. We are about to conclude the unclassified portion of the hearing. Do you wish to now make any final statement to the Tribunal? You have the assistance of your PR.

DETAINEE: I make a two part. Maybe he will read then I will go also.

PRESIDENT: Very well. You may continue.

PERSONAL

REPRESENTATIVE: Mr. President, the Detainee has asked me to read his final statement to the Tribunal with the understanding he may interject or add statements if he needs to, to correct what I say. According to the Detainee:

"I hereby admit and affirm without duress to the following:

1. I swore Bay'at (i.e., allegiance) to Sheikh Usama Bin Laden to conduct Jihad of self and money, and also Hijrah (i.e., expatriation to any location in the world where Jihad is required).
2. I was a member of the Al Qaida Council.
3. I was the Media Operations Director for Al-Sahab, or 'The Clouds,' under Dr. Ayman Al-Zawahiri. Al-Sahab is the media outlet that provided Al-Qaida-sponsored information to Al Jazeera. Four."

DETAINEE: [speaking inaudibly to Personal Representative]

PRESIDENT: Please tell.

PERSONAL

REPRESENTATIVE: In other channels or other media outlets.

PRESIDENT: Thank you.

PERSONAL

REPRESENTATIVE: [continuing] "4. I was the Operational Director for Sheikh Usama Bin Laden for the organizing, planning, follow-up, and execution of the 9/11 Operation under the Military Commander, Sheikh Abu Hafs Al-Masri Subhi Abu Sittah.

5. I was the Military Operational Commander for all foreign operations around the world under the direction of Sheikh Usama Bin Laden and Dr. Ayman Al-Zawahiri.
6. I was directly in charge, after the death of Sheikh Abu Hafs Al-Masri Subhi Abu Sittah, of managing and following up on the Cell for the Production of Biological Weapons, such as anthrax and others, and following up on Dirty Bomb Operations on American soil.
7. I was Emir (i.e., commander) of Beit Al Shuhada (i.e., the Martyrs' House) in the state of Kandahar, Afghanistan, which housed the 9/11 hijackers. There I was responsible for their

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training and readiness for the execution of the 9/11 Operation. Also, I hereby admit and affirm without duress that I was a responsible participant, principal planner, trainer, financier (via the Military Council Treasury), executor, and/or a personal participant in the following:

1. I was responsible for the 1993 World Trade Center Operation.
2. I was responsible for the 9/11 Operation, from A to Z.
3. I decapitated with my blessed right hand the head of the American Jew, Daniel Pearl, in the city of Karachi, Pakistan. For those who would like to confirm, there are pictures of me on the Internet holding his head.
4. I was responsible for the Shoe Bomber Operation to down two American airplanes.
5. I was responsible for the Filka Island Operation in Kuwait that killed two American soldiers.
6. I was responsible for the bombing of a nightclub in Bali, Indonesia, which was frequented by British and Australian nationals.
7. I was responsible for planning, training, surveying, and financing the New (or Second) Wave attacks against the following skyscrapers after 9/11:
  - a. Library Tower, California.
  - b. Sears Tower, Chicago.
  - c. Plaza Bank, Washington state.
  - d. The Empire State Building, New York City.
8. I was responsible for planning, financing, & follow-up of Operations to destroy American military vessels and oil tankers in the Straights of Hormuz, the Straights of Gibraltar, and the Port of Singapore.
9. I was responsible for planning, training, surveying, and financing for the Operation to bomb and destroy the Panama Canal.
10. I was responsible for surveying and financing for the assassination of several former American Presidents, including President Carter.
11. I was responsible for surveying, planning, and financing for the bombing of suspension bridges in New York.
12. I was responsible for planning to destroy the Sears Tower by burning a few fuel or oil tanker trucks beneath it or around it.
13. I was responsible for planning, surveying, and financing for the operation to destroy Heathrow Airport, the Canary Wharf Building, and Big Ben on British soil.
14. I was responsible for planning, surveying, and financing for the destruction of many night clubs frequented by American and British citizens on Thailand soil.
15. I was responsible for surveying and financing for the destruction of the New York Stock Exchange and other financial targets after 9/11.
16. I was responsible for planning, financing, and surveying for the destruction of buildings in the Israeli city of Elat by using airplanes leaving from Saudi Arabia.
17. I was responsible for planning, surveying, and financing for the destruction of American embassies in Indonesia, Australia, and Japan.

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18. I was responsible for surveying and financing for the destruction of the Israeli embassy in India, Azerbaijan, the Philippines, and Australia.
19. I was responsible for surveying and financing for the destruction of an Israeli 'El-Al' Airlines flight on Thailand soil departing from Bangkok Airport.
20. I was responsible for sending several Mujahadeen into Israel to conduct surveillance to hit several strategic targets deep in Israel.
21. I was responsible for the bombing of the hotel in Mombasa that is frequented by Jewish travelers via El-Al airlines.
22. I was responsible for launching a Russian-made SA-7 surface-to-air missile on El-Al or other Jewish airliner departing from Mombasa.
23. I was responsible for planning and surveying to hit American targets in South Korea, such as American military bases and a few night clubs frequented by American soldiers.
24. I was responsible for financial, excuse me, I was responsible for providing financial support to hit American, Jewish, and British targets in Turkey.
25. I was responsible for surveillance needed to hit nuclear power plants that generate electricity in several U.S. states.
26. I was responsible for planning, surveying, and financing to hit NATO Headquarters in Europe.
27. I was responsible for the planning and surveying needed to execute the Bojinka Operation, which was designed to down twelve American airplanes full of passengers. I personally monitored a round-trip, Manila-to-Seoul, Pan Am flight.
28. I was responsible for the assassination attempt against President Clinton during his visit to the Philippines in 1994 or 1995.
29. I was responsible for the assassination attempt against Pope John Paul the second while he was visiting the Philippines."

DETAINEE: I was not responsible, but share.

PERSONAL

REPRESENTATIVE: I shared responsibility. I will restate number twenty nine.

29. "I shared responsibility for the assassination attempt against Pope John Paul the second while he was visiting the Philippines.
30. I was responsible for the training and financing for the assassination of Pakistan's President Musharaf.
31. I was responsible for the attempt to destroy an American oil company owned by the Jewish former Secretary of State, Henry Kissinger, on the Island of Sumatra, Indonesia."

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PERSONAL

REPRESENTATIVE: Sir, that concludes the written portion of the Detainee's final statement and as he has alluded to earlier he has some additional comments he would like to make.

PRESIDENT: Alright. Before you proceed, Khalid Sheikh Muhammad, the statement that was just read by the Personal Representative, were those your words?

**BEGIN DETAINEE ORAL STATEMENT**

DETAINEE: Yes. And I want to add some of this one just for some verification. It like some operations before I join al Qaida. Before I remember al Qaida which is related to *Bojinka Operation* I went to destination involve to us in 94, 95. Some Operations which means out of al Qaida. It's like beheading Daniel Pearl. It's not related to al Qaida. It was shared in Pakistani. Other group, Mujahadeen. The story of Daniel Pearl, because he stated for the Pakistanis, group that he was working with the both. His mission was in Pakistan to track about Richard Reed trip to Israel. Richard Reed, do you have trip? You send it Israel to make set for targets in Israel. His mission in Pakistan from Israeli intelligence, Mosad, to make interview to ask about when he was there. Also, he mention to them he was both. He have relation with CIA people and were the Mosad. But he was not related to al Qaida at all or UBL. It is related to the Pakistan Mujahadeen group. Other operations mostly are some word I'm not accurate in saying. I'm responsible but if you read the heading history. The line there [Indicating to Personal Representative a place or Exhibit D-c].

PERSONAL

REPRESENTATIVE: [Reading] "Also, hereby admit and affirm without duress that I was a responsible participant, principle planner, trainer, financier."

DETAINEE: For this is not necessary as I responsible, responsible. But with in these things responsible participant in finances.

PRESIDENT: I understand. I want to be clear, though, is you that were the author of that document.

DETAINEE: That's right.

PRESIDENT: That it is true?

DETAINEE: That's true.

PRESIDENT: Alright. You may continue with your statement.

DETAINEE: Okay. I start in Arabic.

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PRESIDENT: Please.

DETAINEE

(through translator): In the name of God the most compassionate, the most merciful, and if any fail to retaliation by way of charity and. I apologize. I will start again. And if any fail to judge by the light of Allah has revealed, they are no better than wrong doers, unbelievers, and the unjust.

DETAINEE: For this verse, I not take the oath. Take an oath is a part of your Tribunal and I'll not accept it. To be or accept the Tribunal as to be, I'll accept it. That I'm accepting American constitution, American law or whatever you are doing here. This is why religiously I cannot accept anything you do. Just to explain for this one, does not mean I'm not saying that I'm lying. When I not take oath does not mean I'm lying. You know very well peoples take oath and they will lie. You know the President he did this before he just makes his oath and he lied. So sometimes when I'm not making oath does not mean I'm lying.

PRESIDENT: I understand.

DETAINEE: Second thing. When I wrote this thing, I mean, the PR he told me that President may stop you at anytime and he don't like big mouth nor you to talk too much. To be within subject. So, I will try to be within the enemy combatant subject

PRESIDENT: You can say whatever you'd like to say so long as it's relevant to what we are discussing here today.

DETAINEE: Okay, thanks.

DETAINEE: What I wrote here, is not I'm making myself hero, when I said I was responsible for this or that. But your are military man. You know very well there are language for any war. So, there are, we are when I admitting these things I'm not saying I'm not did it. I did it but this the language of any war. If America they want to invade Iraq they will not send for Saddam roses or kisses they send for a bombardment. This is the best way if I want. If I'm fighting for anybody admit to them I'm American enemies. For sure, I'm American enemies. Usama bin Laden, he did his best press conference in American media. Mr. John Miller he been there when he made declaration against Jihad, against America. And he said it is not no need for me now to make explanation of what he said but mostly he said about American military presence in Arabian peninsula and aiding Israel and many things. So when we made any war against America we are jackals fighting in the nights. I consider myself, for what you are doing, a religious thing as you

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consider us fundamentalist. So, we derive from religious leading that we consider we and George Washington doing same thing. As consider George Washington as hero. Muslims many of them are considering Usama bin Laden. He is doing same thing. He is just fighting. He needs his independence. Even we think that, or not me only. Many Muslims, that al Qaida or Taliban they are doing. They have been oppressed by America. This is the feeling of the prophet. So when we say we are enemy combatant, that right. We are. But I'm asking you again to be fair with many Detainees which are not enemy combatant. Because many of them have been unjustly arrested. Many, not one or two or three. Cause the definition you which wrote even from my view it is not fair. Because if I was in the first Jihad times Russia. So I have to be Russian enemy. But America supported me in this because I'm their alliances when I was fighting Russia. Same job I'm doing. I'm fighting. I was fighting there Russia now I'm fighting America. So, many people who been in Afghanistan never live. Afghanistan stay in but they not share Taliban or al Qaida. They been Russian time and they cannot go back to their home with their corrupted government. They stayed there and when America invaded Afghanistan parliament. They had been arrest. They never have been with Taliban or the others. So many people consider them as enemy but they are not. Because definitions are very wide definition so people they came after October of 2002, 2001. When America invaded Afghanistan, they just arrive in Afghanistan cause the hear there enemy. They don't know what it means al Qaida or Usama bin Laden or Taliban. They don't care about these things. They heard they were enemy in Afghanistan they just arrived. As they heard first time Russian invade Afghanistan. They arrive they fought when back than they came. They don't know what's going on and Taliban they been head of government. You consider me even Taliban even the president of whole government. Many people they join Taliban because they are the government. When Karzai they came they join Karzai when come they join whatever public they don't know what is going on. So, many Taliban fight even the be fighters because they just because public. The government is Taliban then until now CIA don't have exactly definition well who is Taliban, who is al Qaida. Your Tribunal now are discussing he is enemy or not and that is one of your jobs. So this is why you find many Afghanis people, Pakistanis people even, they don't know what going on they just hear they are fighting and they help Muslim in Afghanistan. Then what. There are some infidels which they came here and they have to help them. But then there weren't any intend to do anything against America. Taliban themselves between Taliban they said Afghanistan which they never again against 9/11 operation. The rejection between senior of Taliban of what al Qaida are doing. Many of Taliban rejected what they are doing. Even many Taliban, they not agree about why we are in Afghanistan. Some of them they have been with us. Taliban never in their life at all before America invade them the intend to do anything against America. They never been with al Qaida. Does not mean we are

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here as American now. They gave political asylum for many countries. They gave for Chinese oppositions or a North Korean but that does not mean they are with them same thing many of Taliban. They harbor us as al Qaida does not mean we are together. So, this is why I'm asking you to be fair with Afghanis and Pakistanis and many Arabs which been in Afghanistan. Many of them been unjustly. The funny story they been Sunni government they sent some spies to assassinate UBL then we arrested them sent them to Afghanistan/Taliban. Taliban put them into prison. Americans they came and arrest them as enemy combatant. They brought them here. So, even if they are my enemy but not fair to be there with me. This is what I'm saying. The way of the war, you know, very well, any country waging war against their enemy the language of the war are killing. If man and woman they be together as a marriage that is up to the kids, children. But if you and me, two nations, will be together in war the others are victims. This is the way of the language. You know 40 million people were killed in World War One. Ten million kill in World War. You know that two million four hundred thousand be killed in the Korean War. So this language of the war. Any people who, when Usama bin Laden say I'm waging war because such such reason, now he declared it. But when you said I'm terrorist, I think it is deceiving peoples. Terrorists, enemy combatant. All these definitions as CIA you can make whatever you want. Now, you told me when I ask about the witnesses, I'm not convinced that this related to the matter. It is up to you. Maybe I'm convinced but your are head and he [gesturing to Personal Representative] is not responsible, the other, because your are head of the committee. So, finally it's your war but the problem is no definitions of many words. It would be widely definite that many people be oppressed. Because war, for sure, there will be victims. When I said I'm not happy that three thousand been killed in America. I feel sorry even. I don't like to kill children and the kids. Never Islam are, give me green light to kill peoples. Killing, as in the Christianity, Jews, and Islam, are prohibited. But there are exception of rule when you are killing people in Iraq. You said we have to do it. We don't like Saddam. But this is the way to deal with Saddam. Same thing you are saying. Same language you use, I use. When you are invading two-thirds of Mexican, you call your war manifest destiny. It up to you to call it what you want. But other side are calling you oppressors. If now George Washington. If now we were living in the Revolutionary War and George Washington he being arrested through Britain. For sure he, they would consider him enemy combatant. But American they consider him as hero. This right the any Revolutionary War they will be as George Washington or Britain. So we are considered American Army bases which we have from seventies in Iraq. Also, in the Saudi Arabian, Kuwait, Qatar, and Bahrain. This is kind of invasion, but I'm not here to convince you. Is not or not but mostly speech is ask you to be fair with people. I'm don't have anything to say that I'm not enemy. This is why the language of any war in the

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world is killing. I mean the language of the war is victims. I don't like to kill people. I feel very sorry they been killed kids in 9/11. What I will do? This is the language. Sometime I want to make great awakening between American to stop foreign policy in our land. I know American people are torturing us from seventies. [REDACTED] I know they talking about human rights. And I know it is against American Constitution, against American laws. But they said every law, they have exceptions, this is your bad luck you been part of the exception of our laws. They got have something to convince me but we are doing same language. But we are saying we have Sharia law, but we have Koran. What is enemy combatant in my language?

DETAINEE

(through translator): Allah forbids you not with regards to those who fight you not for your faith nor drive you out of your homes from dealing kindly and justly with them. For Allah love those who are just. There is one more sentence. Allah only forbids you with regards to those who fight you for your faith and drive you out of your homes and support others in driving you out from turning to them for friendship and protection. It is such as turn to them in these circumstances that do wrong.

DETAINEE:

So we are driving from whatever deed we do we ask about Koran or Hadith. We are not making up for us laws. When we need Fatwa from the religious we have to go back to see what they said scholar. To see what they said yes or not. Killing is prohibited in all what you call the people of the book, Jews, Judaism, Christianity, and Islam. You know the Ten Commandments very well. The Ten Commandments are shared between all of us. We all are serving one God. Then now kill you know it very well. But war language also we have language for the war. You have to kill. But you have to care if unintentionally or intentionally target if I have if I'm not at the Pentagon. I consider it is okay. If I target now when we target in USA we choose them military target, economical, and political. So, war central victims mostly means economical target. So if now American they know UBL. He is in this house they don't care about his kids and his. They will just bombard it. They will kill all of them and they did it. They kill wife of Dr. Ayman Zawahiri and his two daughters and his son in one bombardment. They receive a report that is his house be. He had not been there. They killed them. They arrested my kids intentionally. They are kids. They been arrested for four months they had been abused. So, for me I have patience. I know I'm not talk about what's come to me. The American have human right. So, enemy combatant itself, it flexible word. So I think God knows that many who been arrested, they been unjustly arrested. Otherwise, military throughout history know very well. They don't war will never stop. War start from Adam when Cain he killed Abel until now. It's never gonna stop killing of people. This is the

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way of the language. American start the Revolutionary War then they starts the Mexican then Spanish War then World War One, World War Two. You read the history. You know never stopping war. This is life. But if who is enemy combatant and who is not? Finally, I finish statement. I'm asking you to be fair with other people.

PRESIDENT: Does that conclude your statement, Khalid Sheikh Muhammad?

DETAINEE: Yes.

PRESIDENT: Alright.

**DETAINEE QUESTION & ANSWER**

PRESIDENT: Does the Personal Representative have any questions for the Detainee based on his statement?

PERSONAL  
REPRESENTATIVE: No, Sir.

PRESIDENT: Does the Recorder have any questions for the Detainee?

RECORDER: No, Sir.

PRESIDENT: Do either of the Tribunal members wish to question the Detainee?

MEMBERS: No, sir. Nothing further Sir.

PRESIDENT: Alright.

**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session.

PRESIDENT: Khalid Sheikh Muhammad, you shall be notified of the Tribunal decision upon completion of the review of these proceed by the Combatant Status Review Tribunal convening authority in Washington, D.C. If, the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If however, the Tribunal determines your classification as an enemy combatant you may be eligible for an Administrative Review Board hearing at a future date.

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PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

PRESIDENT: A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

**ADJOURN OPEN SESSION**

PRESIDENT: The open session of this Tribunal hearing is adjourned.

RECORDER: The time is 2:43pm. The date is 10 March 2007.

RECORDER: All Rise.

[The Tribunal withdrew from the hearing room]

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10024.

[REDATED]  
CAPT JAGC USN  
Tribunal President

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## Proof of Service

I, Ellen Duncan, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of Los Angeles, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of DAVIS WRIGHT TREMAINE LLP, and my business address is 865 South Figueroa Street, Suite 2400, Los Angeles, CA 90017-2566. I caused to be served the following document:

**REAL PARTY IN INTEREST AND RESPONDENT LOS ANGELES  
TIMES COMMUNICATIONS LLC'S REQUEST FOR JUDICIAL  
NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES;  
[PROPOSED] ORDER**

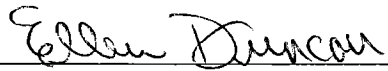
I caused the above document to be served on each person on the attached list by the following means:

- I enclosed a true and correct copy of said document in an envelope and placed it for collection and mailing with the United States Post Office on **October 17, 2012**, following the ordinary business practice. (*Indicated on the attached address list by an [M] next to the address.*)
- I enclosed a true and correct copy of said document in an envelope, and placed it for collection and mailing via Federal Express on **October 17, 2012** for guaranteed delivery on **October 18, 2012**, following the ordinary business practice. (*Indicated on the attached address list by an [FD] next to the address.*)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business.

Executed on **October 17, 2012**, at Los Angeles, California.

  
\_\_\_\_\_  
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