

Suit To Put Police On Trial -- Officer Says He Was Urged To Lie About Teen's 1996 Beating

By Mike Carter
Seattle Times Staff Reporter

----- SEATTLE POLICE Department's Internal Investigations Section comes under more fire in a lawsuit in which a former officer says he witnessed police brutality. -----

Officer Paul Vang is, according to his chief, an exemplary policeman and a leader in his community in Appleton, Wis.

"I wish I had 50 just like him," says Appleton Chief Rick Meyer. "He's had a tremendous impact on this department and in this community."

Vang has had an impact on the Seattle Police Department as well, but in an entirely different way. He sued two years ago, accusing the department of widespread racism and discrimination and claiming he was pressured to lie in an internal investigation into the alleged police beating of a black teenager in 1996.

Vang's lawsuit is another case in which the department's Internal Investigations Section - whose job it is to police the police - has come under scrutiny. Most recently it failed to uncover allegations that veteran homicide investigator Earl "Sonny" Davis Jr. stole \$10,000 from the apartment of a man shot to death by officers.

Vang claims in 1996 that he witnessed three fellow officers pummel and kick a black juvenile in a holding cell. When he complained, he said his concerns were ignored and buried by the department.

The allegations are contained in a lawsuit Vang filed in 1997 after he quit the department. His lawsuit, which was set for trial next week but has been continued until November, also says he witnessed and was the target of widespread racial and sexual discrimination within the Seattle Police Department.

Prosecutors say they were never told about Vang by the Police Department when they took Demetrius DeShaun Fisher to trial on three felony counts of assault on a police officer in December 1996. Fisher was convicted.

Likewise, Fisher's defense attorney says the department "fought tooth and nail" to keep him from obtaining the Internal Investigations (IIS) reports that eventually led him to Vang, although it was too late to help his client.

Vang, who was a rookie trainee at the time, says he would have readily testified that he saw the officers "punch and kick the juvenile while he was pinned to the floor . . . long after the juvenile's arms were motionless," according to notes he took at the time.

Scott Blankenship, the attorney representing Vang in the civil suit, says the problems with obtaining Internal Investigations files in the case continue today. "It's a black hole," he says. "Stuff goes in there and you never see it again."

Even though Vang's been a police officer himself now for nearly two years and has had to use force himself on occasion, he has not changed his mind about the incident.

"There is no question in my mind that what I saw was police brutality then and it would be police brutality now," Vang said in an interview from his home in Appleton.

Dan Donohoe, spokesman for the King County Prosecuting Attorney's Office, declined to speculate whether Vang's testimony would have made any difference in the decision to prosecute Fisher.

He acknowledged, however, that prosecutors would have been obligated to turn over Vang's potentially exculpatory evidence to the defense had they known about it.

Public defender George Yeannakis, who represented Fisher in his juvenile court trial, said having Vang's testimony certainly would have bolstered his client's defense.

Yeannakis said the case was "bizarre" from the get-go. He found it particularly unsettling that the Police Department's lawyer, Carol Pidduck, argued against defense requests for Internal Investigations reports in a series of pretrial hearings, even though King County was prosecuting the criminal case.

"We didn't know what King County knew, but we thought they knew something," Yeannakis said. "They were certainly working closely with the Police Department."

Vang says Pidduck attended a meeting he had with Internal Investigations five days before Fisher's Dec. 18, 1996 trial.


Pidduck would not discuss the Vang case because of the pending lawsuit.




ADVERTISING

**Eat.
Shop.
Earn
miles.**

Add miles to your existing mileage plan when you eat and shop at Sea-Tac Airport!



Sign up for FREE >

POWERED BY 



Retirement with guaranteed income for life option?

Most read Most commented Most e-mailed

1. Portland's baby elephant belongs to traveling show
2. How Jovan Belcher tragedy reveals dark side of love in NFL | Take 2
3. Homeless man who got boots is barefoot again
4. FBI hunting for Washington victims of self-professed serial killer
5. Russell Wilson saves the day for Seahawks — twice | Jerry Brewer
6. Seahawks' Russell Wilson gets better as games get bigger | Danny O'Neil
7. Elephant havens face zoo-industry backlash
8. As expected, Huskies will face Boise State in MAACO Bowl Las Vegas
9. Seahawks execute two drives to perfection, and to victory
10. Three things we learned from Seattle's stirring comeback | Seahawks Blog

Most viewed images

"I've never encountered anything like this before or since," Yeannakis said. "Now we know why they didn't want us to have those reports."

"I can only call it a cover-up," he said.

Vang sued the department in 1997 over allegations of racial and sexual discrimination and harassment, and claims he was driven from the department because he reported them to Internal Investigations.

Vang said he was promised confidentiality for his cooperation in reporting instances of discrimination and harassment when he was a cadet in the police academy, but was betrayed and became known as a turncoat by other officers, who made his life so miserable he quit.

He also claims he was told to falsify a report on the Fisher matter and was told by a sergeant "to consider self-preservation over personal integrity at that stage in his career," the lawsuit says.

Fisher had complained to Internal Investigations about the Sept. 24, 1996, incident, which left him battered and bruised, with a two-inch gash behind his left ear, a smashed and swollen nose and black eyes. He was taken to Harborview Medical Center, where he was stitched up, X-rayed and returned to police custody.

The doctor who treated him, Ron Lev, testified for the defense at the trial that Fisher told him he had been "beaten up in a police precinct."

Lev said Fisher's injuries were consistent with being hit with fists.

The officers suffered injuries as well - one had a black eye and a bruised and scraped forehead, another suffered a sprained hand and the third hurt his knee.

They maintained Fisher refused to be handcuffed when they went into the holding cell and threw a punch at one of the officers, according to reports on the incident. A melee ensued in which three officers subdued him. All three testified they used only the force necessary to get Fisher under control, and they denied they hit him.

Vang was nearby writing a report when he heard the fight break out. While he didn't see what provoked it, he ran to the holding cell and took custody of another juvenile, Jomar Ezell, both to protect him as well as keep him from entering the fray.

Ezell's testimony echoed Vang's assertions that all three officers slugged Fisher until he was bloody.

Vang claims Fisher was quickly wrestled to the floor by the three officers and then beaten "for approximately three to five minutes."

He also claimed that he was criticized by his training officer - one of the three involved - for not handcuffing Ezell to a table so he could join in the beating.

Fisher, who has an extensive record, is now serving a sentence in the King County Jail on weapons charges. He's due to be released later this month.

Vang - who had graduated from the police academy just one month earlier - said he was sent home that night without being told to write a report and heard nothing else until Dec. 11, when he was contacted by an investigator working for Fisher's defense team.

Yeannakis said the defense only learned of Vang's existence after a court ordered the Police Department to turn over some Internal Investigations files.

"It was just days before trial," he said. "And all we had was a name."

"By that time, it was too late and we went to trial without him."

Vang, meantime, confided in another officer, and on Dec. 13 - five days before Fisher's trial - Vang says he met with Internal Investigations Capt. Clark Kimerer and department legal advisers Leo Poort and Carol Pidduck and tried to tell them what he saw.

Instead, Vang claims Kimerer told him to go home and study the definition of "reasonable force" - the legal standard applied in instances where police use force to make an arrest.

He claims he also was told by Kimerer to "think about this incident very carefully" and reconsider his statement before making accusations.

Seattle police spokeswoman Lisa Ross said Kimerer was not available for comment. He did not return two messages left with his secretary at police headquarters.

Ross did say that the Internal Investigations complaint filed by Fisher was dismissed and noted that Fisher was convicted of assault. All three officers remain on the force.



Today's front page (PDF)

Vang's Dec. 13 meeting with Kimerer is documented in an internal memorandum dated Dec. 19 from Kimerer to Vang in which he asks for a formal statement about the Fisher incident.

"I am aware you have maintained a private set of notes regarding this incident," Kimerer wrote. "I urge you to review these notes, and report your observations thoroughly and objectively, and - to the extent possible - separate out your opinions and conclusions during your recounting of this incident."

It also notes that Fisher was convicted of assaulting the three officers the previous day.

Vang never provided that statement. He quit the department Jan. 2, 1997, following an unrelated run-in with another training officer.

"I was never contacted by Internal Affairs," Vang said earlier this week. "And I felt I was badly treated by the captain of IIS when I reported that incident to him."

Mike Carter's phone message number is 206-464-3706. His e-mail address is: mcarte@seattletimes.com

Copyright (c) 1999 Seattle Times Company, All Rights Reserved.



Sponsored Listings

NFL Extra Points Visa

Apply Now to Earn 10,000 Bonus Points After First Use w/ The NFL Extra Points Credit Card. <http://www.nflextrapoints.com>

Car Sharing Seattle

Find Zipcars In Seattle. Get \$75 Free Driving, Join Today. zipcar.com

Penny Stock Ready to Soar

How You Can Own a \$1 BILLION Company for Pennies of the Dollar. www.PennyStockWizard.com



Get home delivery today!

SITE MAP [Home](#) [Local](#) [Nation/World](#) [Business/Tech](#) [Sports](#) [Entertainment](#) [Living](#) [Travel](#) [Opinion](#) [Obituaries](#) [Extras](#) [Forums](#) [Blogs](#)

CONTACT/HELP

- [Site feedback/questions](#)
- [Home delivery issues](#)
- [Send us news tips](#)
- [Send letters to the editor](#)
- [Submit event listings](#)
- [Request corrections](#)
- [Newsroom contacts](#)
- [Social media](#)
- [Report malware](#)

CONNECT

- [Facebook](#)
- [Twitter](#)
- [Mobile site](#)
- [Mobile apps](#)
- [Low-graphic site](#)
- [Newsletters](#)
- [RSS](#)
- [Today's News Index](#)

ADVERTISING

- [Advertise with us](#)
- [Digital advertising](#)
- [Classifieds](#)
- [Death notices](#)
- [Job listings](#)
- [Auto listings](#)
- [Real Estate listings](#)
- [Rental listings](#)

COMPANY

- [About us](#)
- [Employment](#)
- [Historical archives](#)
- [Pulitzer prizes](#)
- [Seattle Times store](#)
- [Purchase photos](#)
- [Newspapers In Education](#)

SUBSCRIBER SERVICES

- [Subscribe](#)
- [MyTimes](#)
- [Temporary stops](#)
- [Make a payment](#)
- [Print Replica](#)
- [Subscriber rewards](#)