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Good Cop, Mad Cop

Many of Navin Sharma's colleagues in the Vancouver Police Department can't believe he got fired. After reading this, neither will you.



IMAGE:
darryljamesphoto.com

NAVIN SHARMA'S CAREER DIED on June 5, 1998.

The Vancouver Police Department took eight years to make the death official.

On that June day a decade ago, Sharma, a Vancouver cop, attended a domestic-violence prevention training program at the local YWCA.

During the event, an assistant Vancouver, Wash., city attorney named Ketu Shah noticed some cops acting unprofessionally. One slept. Others mocked one of the female speakers and drew offensive cartoons.

The female speaker, a Washington State Patrol chaplain, "discussed how her son got mixed up with a biker crowd and is now serving time," Shah later wrote in a memo to his boss.

"The cartoon implies she is a 'homo bike hater,'" Shah wrote. He added that some cops were "speaking loudly enough to disrupt [the] speaker" and threw "class completion certificates in the trash in view of speakers at the end of class."

The complaint by Shah, who now works in Seattle, led to a Vancouver Police Department internal affairs investigation. Investigators interviewed attendees, including Sharma, who confirmed Shah's account.

Two sergeants were eventually disciplined.

For Sharma, the consequences were far graver.

"That was the beginning of the end of my career and professional dream, even though I didn't know it at the time," he says.

Over the next eight years, Sharma was crucified for his testimony against his fellow officers in an apparent vendetta that would culminate in his firing in 2006 and his being branded the dirtiest cop Clark County had ever seen.

He is now contesting that firing in a federal lawsuit, alleging racial discrimination and retaliation.

THE CITY OF VANCOUVER SAYS Sharma's firing was appropriate.

"He made false statements in criminal cases," says Dan Lloyd, an assistant Vancouver city attorney who is defending the city against Sharma's lawsuit. (Lloyd told *WW* he was the only city employee allowed to discuss Sharma's case.)

Sharma's former colleagues don't buy the city's explanation.

"It is apparent that he was treated unfairly...and he was unjustly terminated," says Officer Jeff Olson, who worked with Sharma in the VPD traffic division and is treasurer of the police union, the Vancouver Police Officer's Guild.

"For whatever reason, Navin Sharma is being sought out and persecuted for things he hasn't done," says Bruce Hall, who retired from the Vancouver police in 2006. "In 24 years with the department I never saw them do to another officer what they've done to him."

Sharma's story presents a dark portrait of Vancouver, a city whose population—and police force—has tripled in size in the past 15 years.

Evidence produced in Sharma's lawsuit contains jaw-dropping information. In depositions and sworn affidavits, current and former officers tell of colleagues committing multiple sexual assaults, the attempted rape of a police officer, vigilante justice, theft, and dishonesty at the highest ranks of VPD.

At one level, Sharma's story is about what happens when a cop breaks his profession's code of silence. It also raises troubling questions about justice in Washington's fastest-growing large city.

If the 207-member Vancouver Police Department and city government will destroy a cop who even the chief that fired him says had a "very good record," what kind of treatment should any of Vancouver's citizens expect from their city?

"There's a very big moral issue here," Hall says. "You've got a good, productive cop who's been fired for no reason—and the impact goes far beyond him."

Adds Sgt. Jeff Kipp, president of the officer's guild, which strongly opposed Sharma's firing, "This whole thing is a mystery."

A STOCKY MUMBAI NATIVE, Sharma, now 52, finished college in India before moving to Alaska in the mid-'70s. There, he earned degrees in geological and petroleum engineering.

He worked in the Alaska oil fields for 12 years, then decided to retrain as an emergency-room nurse. The aftermath of a head-on collision he witnessed in Alaska

prompted the switch.

“A family was going to cut their Christmas tree, and the mom and dad were killed in the wreck, and the kids were lying there, badly injured,” Sharma recalls. “I knew absolutely nothing about what to do. And I felt helpless.”

He moved to Portland, went to nursing school at Oregon Health & Science University and, in 1995, landed a job in the ER at Providence Portland Medical Center.

Sharma met his now-wife, Debby, a pharmacist, while walking his dog along the Willamette River. In March 1997, he became a Vancouver cop.

He was more active than most rookies. Sharma integrated his emergency medical skills with Vancouver’s SWAT team, then a novel concept, and also organized a program to raise money for pediatric cancer victims.

Sharma’s medical skills weren’t the only thing that distinguished him from other officers. Only about 9 percent of Vancouver officers in 2006 were not white, according to city statistics (the nonwhite population of the city was about 15 percent). And he was the only East Indian officer on the force.

For the first year, Sharma loved his job. “I was on top of the world,” says Sharma, who still lives in Portland. “I had created a niche combining my medical training and law enforcement that allowed me to offer my skills to citizens and fellow officers. The work was deeply gratifying.”

That all flatlined in July 1998, when he testified in the internal affairs investigation of VPD Sgts. Scott Creager and John Chapman.

Based on the testimony of Sharma and others, the two officers were found to have acted unprofessionally at the domestic-violence training session and ordered to get “corrective counseling.” They were allowed to remain on the force.

Sharma suffered a far worse fate when officers released a transcript of his supposedly confidential testimony against his colleagues. Sharma says that friendly officers told him he had been singled out as a “snitch.”

“You don’t rat on fellow officers,” explained Hall, who was one of Sharma’s supervisors at the time.

The indignities came in ways both small and large.

He endured minor irritations, like being ignored at SWAT team meetings and seeing doctors he brought in for training sessions treated with contempt. On one occasion, his SWAT uniforms were stolen from his locker.

Some cops also broadcast their contempt for him in a more public way. In March 2000,

records show, officers hostile to Sharma downloaded a satirical recording of a man with an East Asian accent complaining about his dog being kicked.

Referred to by some in the force as the “Sharma tape” or the “kick-the-dog tape,” it was played repeatedly over the 9-1-1 dispatch system and on the public-address system in the dispatch center when Sharma was responding to calls.

In a sworn affidavit, a police supervisor, who asked that his name not be revealed for fear of retaliation, says: “I was driving around on duty in my VPD patrol car and heard a heavily East Indian-accented audio tape being played over the cruiser’s police radio.... I remember finding the tape very derogatory and ethnically demeaning. I could not believe that someone would actually broadcast this over a law-enforcement radio.”

Listen to the “kick the dog” recording:

[audio:2008/07/23/Kerpal_-_Dog.mp3]

Sharma says it distressed him to learn the tape was being played regularly—often when he was dispatched on a call.

“For a long time, I refused to believe there was racial animus against me,” he says. “When I found out about the ‘kick the dog,’ I was convinced.”

A far more serious development occurred on several occasions when officers failed to “cover him” or come to his aid when they were dispatched to back him up on patrol calls. This was confirmed by Hall and other officers.

In a sworn affidavit given to Sharma’s attorneys, Hall says the refusal to provide backup could have caused Sharma to be “seriously injured or killed.”

“I haven’t really seen that level of retaliation before,” Hall adds.

Sharma says he notified his superiors of this treatment but nothing changed. The breaking point came on April 9, 2000, when he was dispatched to a homeless camp to deal with a Vietnam vet who was assaulting his wife with a baseball bat.

Domestic-violence calls are among the most dangerous for officers to respond to, and typically other officers would immediately be sent for backup.

When Sharma arrived at the homeless camp, he realized he was on his own.

“It was extremely frustrating and scary at times,” Sharma says. “The movie *Serpico* came to mind.”

Sharma says at this point he felt he had to take action. In October 2000, he filed a federal lawsuit against his employer alleging racial discrimination and retaliation.

“It was not an easy choice to make,” he says, “because I knew in the end there would be no winners.”

Six months later, the city of Vancouver settled the lawsuit rather than go to trial.

Jeanne Lipton, then a Vancouver city councilor, says the council approved paying Sharma up to \$750,000 if he quit.

But Sharma declined. “I loved my job as a police officer and wanted to keep it.” Instead, he negotiated a \$287,000 settlement and the option of leaving his job at any time in the next four years and taking an additional \$200,000.

Lipton says she thought Sharma should have left.

“When Officer Sharma made the decision to stay on at VPD, I was certain it would be only a matter of time before he was again targeted,” she says.

Tom Martin, an emergency-room physician who has worked with Sharma at Providence for 13 years (even after he became a cop, Sharma continued part-time in the ER) says his colleague sometimes has unrealistic expectations.

“I think he was naive to think that he could win a settlement, beat the police and stay with the police without retaliation coming his way,” says Martin.

How right Lipton and Martin were.

AFTER THE SETTLEMENT, Sharma remained a pariah.

“I ate in my patrol car for four years and took breaks alone for the most part,” he says. “The only time I went into the station was to write reports.”

He also remained an object of derision. According to a witness’ sworn affidavit, in November 2003 a city supervisor named Martin James referred to Sharma in front of two other public employees as “the sand nigger that won the lawsuit against the city.”

It appears VPD brass were just waiting for him to screw up.

They found their opportunity, but not until February 2006, when Josephine Townsend, a former Vancouver assistant city attorney, complained about Sharma.

Townsend defended a client Sharma had arrested for drunken driving. She said Sharma had filled out the DUII report incorrectly.

A VPD internal affairs investigator, Lt. Harry Russell, examined more than 100 of Sharma’s reports and found numerous mistakes. On dozens of reports, Sharma recorded erroneous times at which he initially checked suspects’ breath.

And on eight occasions Sharma also wrongly told suspects that refusing a field sobriety test

would cost them their driver's licenses.

Sharma acknowledges he screwed up. "I made mistakes," he says. "They were not intentional, and I had already fixed all but one before Townsend complained."

In his investigation, Russell interviewed only three people: Sharma and two Washington State Patrol DUII experts.

Transcripts of the trooper interviews hardly suggest they viewed Sharma's errors as career-threatening.

"It looks like it's a training issue," State Patrol Sgt. Robert Sharpe told Russell, according to the transcript of an April 12, 2006, interview.

Although he had received otherwise strong evaluations, and had no disciplinary record, Sharma was fired on Sept. 20, 2006.

"This is a case of numerous errors contained in official documents filed with the court that have an impact on people's lives," wrote acting chief Mitch Barker in Sharma's termination letter.

Barker found that Sharma's DUII reports violated departmental policies regarding "false statements," unsatisfactory "completion of reports," and "incompetence."

Sharma's colleagues, who say officers often make similar errors in police reports, were stunned.

"When I found out what the issue with Navin was, I said, 'You're joking,'" says VPD Officer Ryan Martin, president of the Fraternal Order of Police of Southwest Washington.

Clark County's top emergency medical officer had a similar reaction.

"To me, it's no coincidence that this happened right after he lost protection [from his legal settlement]," says Lynn Wittwer, medical program director for Clark County Emergency Medical Services. "All I can figure is, this is a vendetta, because the firing is ludicrous."

But the city didn't stop at firing Sharma. The following month the city attorney's office took the extraordinary step of sending letters to 90 defense lawyers in Clark County, alerting them that Sharma's credibility was in question.

"Officer Sharma made false statements in some of his DUII reports," wrote city prosecutor Kevin McClure in the letters dated Oct. 4, 2006. "The information may be deemed admissible as impeachment evidence should this matter proceed to trial." (Several of Sharma's DUII cases were subsequently dismissed.)

The justification for the letters comes from a 1963 U.S. Supreme Court ruling in *Brady v. Maryland*, which requires prosecutors to turn over exculpatory evidence. Some prosecutors

have interpreted that decision to mean defense counsel must be notified if a police officer has lied in an official capacity—even if it has nothing to do with the case at hand.

“‘Zero tolerance’ and ‘you lie, you die’ became common in the language of police discipline,” writes Michael Stone, a California lawyer serving as an expert witness in Sharma’s case. “The decision to ‘Brady’ an officer in many cases signals the end of the officer’s career.”

It’s a dramatic move, one that brands the cop as irreparably dirty. And never before, according to the Vancouver city attorney’s office, had it sent out a Brady letter.

“I’ve never heard it being used here before,” says Jeff Barrar, a lawyer who runs Vancouver Defenders, which handles most publicly funded legal defense in Clark County.

Barrar says he’s surprised that prosecutors went after Sharma.

“I knew him before, during and after he was a cop,” Barrar says. “He is honest to a fault and as honorable a man as I’ve ever known.”

Stone says the key issue for a Brady determination is whether an officer intentionally lied.

“It must be apparent that the officer intended to deceive in a material way,” he says.

Not even critics eager to get rid of Sharma went so far as that.

“Do you believe that Navin Sharma was intentionally inserting lies into his DUI reports?” McClure, the Vancouver city prosecutor who sent Sharma’s Brady notices, was asked in a May 19, 2008, deposition.

“No,” McClure responded.

The city’s pursuit of Sharma extended beyond the Brady notices, however.

On Oct. 26, 2006, Gathe, the Vancouver city attorney, asked Clark County Prosecutor Art Curtis to consider charging Sharma criminally.

Curtis declined and, in a deposition last month, said, “I don’t recall any other times when [the city attorney] has sent me a letter asking me to review a [police officer’s] case for criminal charges.”

PEOPLE FAMILIAR WITH THE VANCOUVER POLICE offer a variety of explanations for Sharma’s aborted career.

Hall says Sharma offended the good-ol’-boy network.

“I think it’s a power issue more than a racial issue,” Hall says. “If you don’t do what they want, they’ll get you.”

Lipton, the former city councilor, says Sharma’s termination was “predictable and

consistent with the retaliatory culture within city government and VPD.”

Will Aitchison, who has represented the Portland Police Association for 30 years, says the police force to the north is known for turnover at the top.

When current Chief Clifford Cook was hired in 2007, he became VPD’s fourth leader in seven years—and the first in two decades hired from outside Clark County.

The department “is viewed as a pretty professional outfit, but it has been beset by pretty significant management problems,” Aitchison says.

Today, Sharma is working regular shifts at Providence and preparing for an October trial date.

Ironically, one of the officers against whom Sharma testified in 1998 sides with him.

“Officer Sharma’s firing was not for just cause,” wrote Sgt. Scott Creager in a Nov. 23, 2006, letter to Barker, the former acting police chief.

“At most Officer Sharma’s self-corrected errors might be used as a training opportunity, but did not support [any] discipline under the just cause standard, let alone discharge.”

The Non-Brady Bunch

Vancouver’s pursuit of Sharma is all the more surprising given the number of other officers who have allegedly committed more serious offenses but received lighter punishment and weren’t subject to a career-damaging “Brady letter.”

- In 2003, records show, allegations arose that Officer **John Steigleder** had sexually assaulted women while on duty. Then-VPD



Chief Brian Martinek testified in a June 2008 deposition there was reason to believe Steigleder had committed the assaults. Steigleder denied any wrongdoing at the time. Rather than firing him, VPD allowed Steigleder to resign. He did not return *WW*’s call.

- In 2004, VPD internal affairs records show, Vancouver police Lt. **Howard Anderson** attempted to sexually assault a subordinate female officer during a training visit to Phoenix. Investigators subsequently found Anderson had exhibited similar behavior on a 2003 trip to Long Beach, Calif., with another female subordinate. “Your words and actions were offensive and shocking,” wrote Martinek, now an assistant chief in Portland. “The conduct exhibited in Long Beach and Phoenix included acts that could be criminal in nature.” Anderson, whom *WW* was unable to contact, told investigators he couldn’t

remember the incidents because he was drunk. He was fired, but his termination form indicated a less serious offense than Sharma's. The female officers declined to press charges against Anderson.

- In February 2004, another VPD officer, **Paul Fisk**, pulled a gun on a motorist in an off-duty road-rage incident. When questioned, Fisk denied having threatened the motorist. Unfortunately for Fisk, the motorist's cell phone transmitted the conversation to a 9-1-1 center, where it was recorded. "I'm a cop. That's why I put my gun in your face," Fisk told the motorist. "Shut the fuck up or I'm going to blow your ass on the ground." Fisk received a reprimand. He is still employed at VPD.

- In 2006, allegations arose that Sgt. **Shane Yates** was running an outside business on city time and stealing Harley-Davidson motorcycle parts from the city. He was allowed to resign. Yates did not return *WW*'s call.

Assistant City Attorney Dan Lloyd says it is impossible to compare other officers' cases to Sharma's, but there is one big difference: "Sharma's false statements were in actual criminal cases," he says.

- Perhaps the most eye-catching offense, however, occurred at the top of VPD. On Sept. 18, 2006, two days before then-acting chief **Mitch Barker** fired Sharma, Barker received a "written reprimand" from Vancouver City Manager Pat McDonnell for improperly obtaining interview questions prior to being hired as assistant chief almost four years earlier.

"In July," the reprimand states, "the City initiated an investigation regarding allegations that you acted improperly with regard to your knowledge of interview questions provided to you when you participated in the recruitment process for Assistant Chief of Police in late 2002 and early 2003. You neglected to notify anyone in the City that you had been improperly sent this information.... Additionally, you neglected to notify anyone within the City that you believed you had been provided with the interview questions subsequent to your hire date."

In a deposition taken June 2, Barker explained he had simply forgotten about receiving the questions in advance of his job interview.

"I put it out of my mind," said Barker, who is today assistant chief of VPD. "I just didn't think about it again."

Lloyd says Barker, who declined to comment to *WW*, remains a high-ranking officer because he merely "showed poor judgment," Lloyd says. "What he did has nothing to do with integrity."

In 2005, the last year before things really went sour with the Vancouver Police Department, Sharma earned more than \$100,000 and helped to write the first textbook about Tactical Emergency Medicine.

In April, the U.S. Court of Appeals slammed the city of Vancouver and supervisor Mark Tanninen for their handling of a discrimination complaint lodged by former city employee Rolando Hernandez. "A conspiracy existed...to cover up the investigation of race-based hostility," the court said.

Holly Starr, a Clark County 9-1-1 operator who reported the "kick-the-dog tape," was fired and subsequently won a \$260,000 whistle-blower settlement.

Last month, an arbitrator found that Barker, who fired Sharma, had overseen a shoddy investigation and unfair firing of VPD Lt. Doug Luse.