

the Stranger

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NEWS

THE BLACK HOLE

Schell's Police Review Is Lost In Space

by BEN JACKLET

MAYOR PAUL SCHELL'S CITIZEN REVIEW PANEL –the people charged with reforming how Seattle cops police themselves–held its first public meeting on Wednesday, May 26, on the fifth floor of the Seattle Art Museum. Strangely, the distinguished panel members–retired judge Charles Johnson, FBI agent Burdena Pasenelli, civil rights attorney Jenny Durkan, and former U.S. attorney Mike McKay–were nowhere to be seen. They waited behind closed doors as the citizens who had come to testify wrote their names on a sign-up sheet and sat in the hallway, uncertain of what to do next. "Call my mom if I don't come out in an hour," quipped Simmie Baer of the Public Defender's Office.

Mayor Schell appointed the panel on May 7, in response to a case involving a homicide detective accused of taking \$10,000 from a man killed by police. As many as 13 cops knew about the alleged theft, but nobody said anything for two and a half years.

The case points to precisely the kind of systematic cover-up the public is outraged about. But Mayor Schell's panel won't be reviewing the specifics of that case, or any of the cases that have come before the SPD's Internal Investigations Section (IIS). They are simply charged with reviewing how IIS takes and investigates complaints about the department.

This non-investigative investigation strikes attorneys, journalists, activists, and even some cops as a weak-kneed and downright weird response to some real problems ingrained in cop culture.

THE BLACK HOLE

Many lawyers describe the Internal Investigations Section as a black hole where documents, reports, and entire files get buried or disappear entirely.

Public defenders report that when they request copies of complaints filed against cops, they run into a legal bureaucracy that shields the officer and hides the past. "That happens to us all the time," says Song Richardson of the Public Defender's Office. "First they refuse to turn them over. Then after we get a subpoena, they only give us the complaints that were sustained.... The next thing you know, there's nothing there."

The department is able to cling to potentially explosive reports about police misconduct because of tight personnel rules written into the contract between the city and the Police Guild, the 1,200-member union

that represents Seattle's line officers. Under the Guild's rules, the privacy rights of individual officers come first. The problem is, bad cops get protected along with the good cops.

The Vang case is one egregious example. Officer Paul Vang claims he witnessed Seattle cops kick and beat a black youth who was hog-tied on the floor of a holding cell. He reported it to IIS, only to run into what his attorney Scott Blankenship calls "a blatant cover-up."

Blankenship claims that Vang wasn't even interviewed by IIS until the youth who was beaten had already been convicted of assaulting police officers. When Vang finally did meet with Clark Kimerer (then head of internal investigations, now an assistant chief) and two of the department's legal advisors, he felt that they were more interested in getting him to reconsider his charges than hearing the truth.

Vang ended up leaving the department in disgust, and today is a decorated officer in Wisconsin.

THE CODE

By daring to blow the whistle on cops behaving like thugs, Vang broke an unwritten code of silence that exists in the SPD, a code of camaraderie that develops while doing indisputably tough and dangerous work together. "Officers who don't stand up for their brethren, right or wrong, get picked on and isolated and drummed out of the department," charges Blankenship.

The story of officer Pam Garland is a perfect example. Garland, who is suing the SPD, claims she was run out of the department for complaining about a superior officer who assaulted her. While she was a cadet, a male lieutenant slapped her in the face during a training exercise.

She claims that when she filed a complaint with IIS, Kimerer first tried to cover it up, then lied, and finally changed his story. "Kimerer refused to investigate my side," says Garland. "He just listened to the lieutenant, who was a friend of his."

Garland says that few officers were willing to back her side of the story, for fear of having their careers ruined (as hers later was). In her opinion, the code of silence will always be a factor in the SPD. "Officers won't tell the truth if it means telling on each other," she says.

One current SPD officer, a veteran on the force, agrees. "I have seen what happens to people... when they do their duty and speak up. Honesty and integrity are things that officers pay dearly for on this department."

NO INDEPENDENT OVERSIGHT

Blankenship argues that to expect police to police themselves shows a serious lack of understanding of human nature. "You need a third party investigating these complaints," he says. "You need to get a taped statement, not something that can be massaged. And you need to sit down face-to-face with the officers involved right away, before they have a chance to get together and get their stories straight."

The local chapter of the ACLU reiterates these needs, and others as well, like sufficient funding from the city to keep an independent and professional office running.

The closest thing we have to independent oversight of the SPD today is an IIS auditing department that consists of one person, Judge Terrence Carroll. Carroll reviews all citizen complaints against police officers confidentially, and he writes annual reports detailing how many complaints are investigated and sustained.

Like the members of Mayor Schell's panel of experts, Carroll is widely respected in Seattle's legal community as a fair and honest individual. But he is only allowed to review the work of other people. He has been arguing for face-to-face interviews between officers and investigators for years, to no avail. He has no investigative powers and no say over whether an officer will be disciplined. In short, his hands are tied.

Judging from last week's opening round, Mayor Schell's review isn't likely to undo the knots.



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