



LEGAL DEFENSE TRUST TRAINING BULLETIN

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BLESSED TO BE AT WORK IN THE RIVERSIDE SHERIFF'S DEPARTMENT

Every agency has its problems, to be sure. Our Riverside Sheriff's Department is no different. But sometimes, brothers and sisters of the green and tan, you need only to look over the fence at your neighbor, to realize things are pretty good right here in your own backyard. Please consider this recent article by an LAPD officer:¹

THE LAPD SURRENDERS TO THE FEDS—IT'S NO SOLUTION TO THE FAILURE OF LEADERSHIP

Ouch, ouch, ouch! Uncle, uncle, uncle! We give! We give!

So blubbered Los Angeles Mayor Richard Riordan and Police Chief Bernard Parks on Friday, as they caved in to Bill Lann Lee and the Justice Department by agreeing to accept federal oversight of the LAPD. Just what we need out there on the streets of L.A.: another layer of bureaucracy --- a federal one, at that --- to guide us along the path to enlightenment. Enlightenment, that is, as defined by Mr. Lee and his racial bean-counters in the Justice Department.

I needn't dwell on the constitutional

arguments against such an arrangement; references to Article I, Section 8 are viewed as quaint these days, when there seems to be no matter so limited in scope that the weight of the federal government can't be brought to bear upon it. (Perhaps the Secretary of Transportation will see to the repair of that pothole down the street from my home.)

Mayor Riordan had threatened a veto if the City Council acquiesced to Mr. Lee's demands, but when it appeared he could no longer count on enough Council votes to sustain such a veto, he and Parks threw in the towel. In a letter to the Council, Riordan stated his willingness to accept a consent decree with the DOJ, but demanded that certain provisions be met, including a limitation on the amount of paperwork required of officers to comply with federal directives. To which I can only say, "yeah, right."

In my years with the LAPD I have seen the number of separate forms attendant to a simple arrest multiply alarmingly, no doubt bringing great joy and prosperity to whichever company does the Department's printing. In addition to the arrest report itself, we must complete the following: a probable-cause-determination form, on which we describe the circumstances of the arrest so that a judge may make a preliminary

¹This officer writes under his *nom de cyber*, Officer Jack Dunphy.

ruling on its validity; a medical-screening form, the completion of which necessitates that we inquire in great detail into the arrestee's medical history; a jail-housing questionnaire, on which is documented, among other things, the arrestee's sexual persuasion; and a City Attorney's disclosure form, on which we attest that the information contained in the arrest report itself is thorough and accurate. Arrests for drunk driving, forgery, domestic violence, and certain other crimes require the completion of additional forms unique to each offense. Added to these will soon be, presumably, some type of form on which we will be required to determine, for example, if a Cuban arrestee is Black or Hispanic in the eyes of the Justice Department.

Any inadvertent discrepancies on these forms can be golden nuggets to anyone laboring in a local growth industry: lawsuits against police departments. Several Los Angeles area attorneys earn a handsome living by going after the LAPD, the L.A. County Sheriff's Department, and departments in the surrounding smaller cities. The most loathsome of these attorneys, Stephen Yagman, represented the family of Emil Matasareanu, one of the perpetrators in the 1997 North Hollywood bank-robbery shootout. Eleven officers and six civilians were wounded during the gunfight, during which the robbers fired over 1,200 rounds from automatic weapons. Yagman claimed that officers at the scene deliberately prevented paramedics from attending to Matasareanu, who died in the street after a final, furious exchange of gunfire with SWAT cops. In March of this year, a mistrial was declared when a jury voted 9-3 in favor of the city and the officers. (The three who voted for the plaintiffs offer further proof of what is already well known, especially here in Los Angeles: that some jurors will believe anything.)

Yagman has vowed to retry the case², but in the meantime he represents --- among many others --- Robert Cunningham, who in 1995 was shot and

paralyzed from the waist down after robbing a liquor store and engaging officers in a gunfight. In a chain of events that might make perfect sense in some non-Euclidean universe, Cunningham's lawsuit proceeds despite the fact that he has been convicted and is serving a life sentence for attempting to murder the officers who wounded him.

Reform of the LAPD has been a hot topic since the Christopher Commission issued its report on the Department in the wake of the Rodney King affair. Chaired by Warren Christopher, later Secretary of State under President Clinton, the Commission was composed mainly of lawyers, which should have been warning enough that its recommendations should be viewed with skepticism. Nonetheless, the words "Christopher Commission recommendations" carry with them biblical authority here in Los Angeles, regardless of how harebrained some of those recommendations turned out to be. The Los Angeles Times, which seems to fancy itself as a fourth branch of local government, of course sees the failure to implement every one of those recommendations as a great moral failure on the part of LAPD management.

The LAPD is blessed with a surfeit of capable managers, but suffers badly from a lack of leaders. By visiting the [LAPD's website](#) you can view short biographies of those officers at the rank of captain and above. You will find that the Department's management is quite diverse in every politically correct sense of the word, and that many command officers have earned advanced degrees from prestigious universities. Missing from these biographies, but appropriate to most of them, is a caveat similar to this: "Deputy Chief So-and-so, though highly educated, wouldn't recognize an actual criminal or know what to do with him if one were to stand up in his soup."

Everyone is familiar with the old saw, "Those who can, do; those who can't, teach." The LAPD is governed by a corollary: "Those who can, do; those who can't, get promoted." The path to the

²More recently, this case was settled for an undeclared amount of taxpayer funds paid to Mr. Yagman and his clients.

upper ranks in the Department does not ordinarily wind through the grit of down-in-the-gutter law enforcement. "Climbers," as those who seek promotion are called, quickly learn to escape the hazards of real police work and seek the refuge offered by staff jobs in Parker Center, the Department headquarters building. In these assignments they rub shoulders with those who have preceded them on their way up the ladder, and they learn that career preservation is more important than crime prevention.

During the recent Democratic Convention in Los Angeles, one deputy chief, noted for his self-aggrandizement, angrily insisted that six protesters be arrested for felony conspiracy when one of them was seen using Scotch tape to affix a small sign to a wall. Fortunately, the wiser heads of seasoned detectives prevailed, and one protester was given a citation for the minor crime of unlawfully posting a sign.

Earlier this year we suffered the embarrassment that followed the Lakers' playoff victory. As 300 police officers were ordered to stand by and watch, police cars and media trucks were burned by a drunken mob, who, when the cops failed to respond, turned their attention on businesses surrounding the Staples Center. In the following days, both Mayor Riordan and Chief Parks described the LAPD's handling of the melee as a success because no one had been killed or seriously injured. It is safe to say that the owners of the pillaged businesses, including the auto dealers whose showrooms and inventories were destroyed, would find fault with that assessment.

But nowhere were the deficiencies of the LAPD command staff more convincingly demonstrated than on the first day of the Rodney King riots, April 29, 1992. As large sections of the City were being put to the torch, hundreds of police officers stood by at a command post in South Central Los Angeles. Standing well away from the unwashed of the lower ranks were several captains, commanders, and deputy chiefs, resplendent in their uniforms and obsequiously

attended to by their adjutants (many of whom, after studying at the feet of the masters, have since become staff-level officers themselves). As columns of black smoke loomed up in every direction, as Reginald Denny was having his brains bashed in at Florence and Normandie, the command officers were unwilling to order the waiting cops to go out and do something about it.

There are exceptions, of course. Well-hidden among the command staff are those who served admirably on the street before being promoted, and who look forward to the day when pride is restored to the Department. But like members of the French Resistance, they dare not reveal themselves. Parks is famously intolerant of dissent, and recent changes to the Los Angeles City Charter granted him the authority to promote and demote those in the upper ranks to suit his pleasure. The true leaders in the Department are a secret society, lying low, making fleeting eye contact with one another in Parker Center's elevators and hallways as they wait in hope for a new regime.

In the LAPD's Report of the Board of Inquiry into the Rampart Corruption Incident, the authors make reference to one widely respected sergeant whose reputation was such that no subordinate would dare commit misconduct while he was in charge. Nonetheless, the authors conclude that this sergeant contributed to the corruption that occurred because of his open disdain for the Department's management. I might offer a different conclusion: that the management had indeed earned the sergeant's disdain, for it was the management's incompetence that allowed the corruption to rage so uncontrollably in the first place.

It wouldn't happen in a million years, but if Bill Lann Lee and the Justice Department really want to set things right in the LAPD, they should insist that that sergeant be the next chief of police.

Now of course, complacency is a dangerous bedfellow. We should always see to improving the quality of our service to the community. We need

to be constantly alert to the evils that can befall the Riverside Sheriff's Department if mediocrity, intolerance, bad faith, or (dare we say it?) corruption creep in. These illnesses, like all cancers, start in a small, almost unnoticeable way. The lifeblood of any police organization is integrity; and any disease that is permitted to infect it, will in time, bring sickness to the whole body. Just look at your neighbor. Every RSD employee must have these traits: *integrity* and *commitment*. But that means that our leaders must also have integrity and commitment—and more importantly, they must *demonstrate* these required leadership traits by example. If they do not, they are not leaders. And, being part of the organizational blood stream, they can also make the whole body ill. Loyalty to the organization and courage go hand in hand with personal integrity. For, as Elbert Hubbard said about loyalty, "An ounce of loyalty is worth more than a pound of cleverness." The truly courageous among us do what is right because it is right to do; not because they perceive a benefit onto themselves by *appearing* to do the right thing.

We should all work hard to make RSD the best that it can be. This can only be done if *everyone* commits to personal integrity, courage and loyalty. More about loyalty, Hubbard writes, "If you must growl, condemn and eternally find fault, why, resign your position, and when you are on the outside, damn to your heart's content. But as long as you are a part of the organization, do not condemn it; for if you do, the first strong wind that comes along will blow you away, and you will probably never know why". Application for LAPD, anyone?

Stay safe!

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