

# The Washington Post

*Democracy Dies in Darkness*

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## DISTRICT POLICE LEAD NATION IN SHOOTINGS

**BY JEFF LEEN, JO CRAVEN,  
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The District of Columbia's Metropolitan Police Department have shot and killed more people per resident in the 1990s than any other large American city police force.

Many shootings by Washington police officers were acts of courage and even heroism. But internal police files and court records reveal a pattern of reckless and indiscriminate gunplay by officers sent into the streets with inadequate training and little oversight, an eight-month Washington Post investigation has found.

Washington's officers fire their weapons at more than double the rate of police in New York, Los Angeles, Chicago or Miami. Deaths and injuries in D.C. police shooting cases have resulted in nearly \$8 million in court settlements and judgments against the District in the last six months alone.

"We shoot too often, and we shoot too much when we do shoot," said Executive Assistant Chief of Police Terrance W. Gainer, who became the department's second in command in May.

The shootings involve a small proportion of the District's 3,550 officers. But the details of individual cases can be chilling even to police veterans: An off-duty police officer out walking his dog in August 1995 fired 11 times while trying to stop an unarmed motorist who had hit a utility pole and left the scene of the accident. An off-duty police officer fishing in May 1995 shot an unarmed man three times after arguing with him on the banks of Rock Creek. In August, an officer ended a police chase of an irrational truck driver who had rammed several cars by firing 38 times into the truck's cab, killing the unarmed driver.

The extent and pattern of police shootings have been obscured from public view. Police officials investigate incidents in secret, producing reports that become public only when a judge intercedes. In a small hearing room closed to the public, nine of every 10 shootings are ruled justified by department officials who read the reports filed by investigating officers but generally hear no witnesses.

The spate of police shootings in the District this decade is closely tied to the

training and supervision of officers and the way the department investigates cases and holds officers accountable, records and interviews show.

Police shootings began to rise at the beginning of the decade with a huge infusion of new, ill-prepared recruits and the adoption of the light-trigger, highly advanced Glock 9mm handgun as the department's service weapon. By the mid-1990s, shootings by officers had doubled to record levels even as a succession of police administrations failed to accurately track shooting patterns or correct acknowledged deficiencies in firearm skills.

Among the findings of The Post's investigation:

In the last five years, D.C. officers shot and killed 57 people — three more than police reported in Chicago, which has three times the police force and five times the population. During that period, D.C. officers were involved in 640 shooting incidents — 40 more than the Los Angeles Police Department, which has more than double the officers and serves six times the population. Since 1990, Washington police have shot and killed 85 people.

District officers in the last five years shot at 54 cars they said drove at them or others in "vehicular attacks." The shootings have killed nine people — all of them unarmed — and wounded 19. Police officers in the District and elsewhere are instructed to get out of the way and not shoot at moving cars, except in the gravest circumstances, because bullets can rico-

chet and because cars with wounded drivers can become unguided missiles. In New York City — with 10 times the number of officers and 14 times the population — officers shot at only 11 cars in vehicular attacks in the last three years.

In addition to the incidents in which officers fired into cars, D.C. police in the last five years shot nine unarmed men on foot, killing two. Five of the surviving men were charged with assaulting a police officer, but the charges were dropped in all but one case.

In 11 cases from 1992 to 1997, D.C. police ruled shootings justified despite eyewitness accounts or forensic evidence that contradicted officers, an examination of internal investigative records showed. Investigations were sometimes marked by errors, omissions and internal inconsistencies.

Nearly 75 percent of the District officers who used their weapons in 1996 failed to meet the District's basic firearms standards for using the Glock semiautomatic handgun, a weapon that requires a high degree of training and skill. There have been more than 120 unintentional discharges of the gun in the past decade; 19 officers have shot themselves or other officers accidentally.

In the internal records used to track shooting trends, D.C. police undercounted by nearly one-third the number of people they killed from 1994 to 1997, tallying only 29 fatal police shootings. The Post investigation confirmed 43 fatal police shoot-

ings in that period. Seven fatal shootings were missing from police shooting trend records, and seven other fatal shootings were mislabeled as nonfatal.

Police shootings during the 1990s already have left a costly legacy: more than 70 lawsuits filed against the District. In June, a D.C. Superior Court jury awarded a \$6.1 million judgment against police in a case in which a man with a knife was shot 12 times in the back by SWAT team members.

“Some of them just got gun-happy,” one juror, William P. McLaurin, later told The Post.

That same month, the District quietly paid a \$797,500 settlement in a lawsuit brought by the roommate of a D.C. police officer. The officer, who had not been to the firing range to qualify with his weapon for 26 months, accidentally shot and wounded his roommate. Department regulations require firearms training every six months.

### A City of Shootings

No one disputes that D.C. police have had ample reason to draw their weapons in many cases, and there have been many dangerous incidents in which officers displayed restraint and discipline. The District has had one of the nation's highest rates of homicide and violent crime. Some police officers suggest that police shootings are high in the District because the homicide rate is high.

“At a time when there were an unprecedented number of murders, we were out

to protect the public,” said Donald Gosage, a former D.C. lieutenant who retired in 1996. “And there were people who were pulling weapons on the police. They ended up paying the price.”

Indeed, eight District police officers were killed in Washington from 1990 to 1997 — a number surpassed by only a half-dozen other U.S. cities, each much bigger than the District. “Washington is unique in its wave of unprovoked violence against the police,” said former D.C. police captain William L. Hennessy, who retired last year. “It has put people on the edge.”

Criminologists say no single factor fully explains police shooting trends. The Post considered five factors for Washington and 26 other large cities — population, violent crime, homicide, size of the force and violent crime arrests. By each of these measures, Washington is above the average for large cities in the number of police shootings — often far above; only when measured by homicide rates is Washington close to the average in police shootings.

Still, the District's violent streets do not entirely explain the rise of police shootings in this decade. Fatal shootings by Washington police officers surged in the mid-1990s, more than doubling from 1992 to 1995, while homicides dropped from the record peak in 1991.

While the numbers of D.C. police shootings climbed, troubling cases surfaced in civil lawsuits and within the department itself. Police investigators found these three shootings to be unjustified:

- Officer Julius Dancy said he shot Michael Rutledge when Rutledge grabbed Dancy's gun while they struggled after a chase in December 1994. But Rutledge said Dancy shot him in the back while he ran. Rutledge was unarmed and was not charged with any crime.

- Officer Vernell Tanner said he shot and killed 16-year-old Kedemah Dorsey in May 1995 because the youth tried to run him down with a car. But an eyewitness said the officer was not in danger and fired while trotting beside the slow-moving vehicle.

- Officer Terrence Shepherd said he shot and killed Eric Anderson, an unarmed 18-year-old sitting in a car at a traffic stop in June 1996, because he feared the man was both reaching for a weapon and getting ready to run him over. But evidence shows the officer fired while he stood behind a police lieutenant. Shepherd's captain said Shepherd told him that his finger was on the trigger and that his gun "went off."

"Things happened so fast," Shepherd said in a recent interview. "My only priority is to stop the threat. I've been in that situation. I know. You've got to have that police instinct."

### A Hidden Problem

The rise in police shootings in the mid-1990s went largely unnoticed among the top officials charged with policing the police.

"I'm not really sure I discerned any patterns — at least none I remember,"

said Deputy U.S. Attorney General Eric H. Holder Jr., who as the U.S. attorney in the District from 1993 to 1997 reviewed all fatal police shootings.

"No one said there was a problem with shootings," said Stephen D. Harlan, former vice chairman of the D.C. financial control board. Former D.C. chief Larry D. Soulsby, who presided over the department from 1995 to 1997, said the rise in shootings "was not a hot topic among police officials."

Shooting incidents and trends are supposed to be closely watched by the department's Use of Service Weapon Review Board, a body composed of three high-ranking officers that is supposed to review every shooting to determine whether it was justified and advise the department on fire-arms training. But The Post found that the board was unaware of seven fatal shootings that occurred between 1994 and 1997.

"We're uncertain how that happened," Assistant Chief Gainer said. Although the board failed to review the shootings, Gainer noted that they had been investigated by the homicide branch and referred to the chief to determine whether disciplinary action was warranted.

"That baffles me," said Washington lawyer Robert Deso, who served as chairman of the Use of Service Weapon Review Board in the 1970s when the board included civilians. "The board was meant to keep a pulse on the uses of force."

Charles H. Ramsey, who became Washington's police chief in April, said it was "disturbing" that the District lacks

a central repository of information on police shootings. "There is nothing more important for us to do than to monitor and keep track of the use of deadly force," said Ramsey, who as a young officer in Chicago fatally shot a suspect during a drug bust in an incident ruled justified. Moving Toward Gunfire Washington police officers did not always shoot so often. "The D.C. rate was very, very low" in the late 1970s and early 1980s, said James Fyfe, a Temple University criminologist and former New York City police lieutenant who has studied police shooting patterns for two decades. "It was down at the bottom with New York."

From 1975 to 1983, New York averaged 1.36 fatal shootings annually by police per 1,000 officers, and Washington's rate was nearly identical at 1.44, according to a study by the International Association of Chiefs of Police. By 1995, New York's rate had dropped below 1 and Washington's had risen to nearly 4.

The surge in shootings in the District coincided with the arrival in the department of the Glock 9mm and a huge wave of new recruits as violence rose in the streets.

In 1989, before the full effect of the new handgun and the new officers could be felt, D.C. police shot and killed four people; by 1995, the number had climbed to 16. The Post found no other large city with a similar increase during that period.

The remaking of the Washington police force began in the summer of 1989 and continued through 1990. The District added 1,500 officers in 18 months —

35 percent of the force — in a crash hiring program mandated by Congress. The new officers were inadequately screened, trained and supervised, police officials acknowledge.

"A lot of them weren't given leadership and guidance when they first came out of the academy," Gossage said. "The more time an officer has on [duty] and the more maturity he has, the less likely he will act quickly to use his service weapon."

An instructor at the police academy in the early 1990s, Detective Michael Hubbard, told a reporter at the time that some of the new officers were "20 lawsuits on the street waiting to happen."

The Post's analysis shows that the Classes of 1989 and 1990 are disproportionately represented in police shootings from 1994 to mid-1998. For example, officers from those classes now make up less than one-third of the force but were involved in more than half of the shootings, according to police firearm discharge records.

At the same time the rookies were coming on the force in mid-1989, Washington adopted the Glock handgun to serve as an equalizer for police confronting crack cocaine gangs armed with machine guns. The Austrian-made Glock 17 is known for its lack of an external manual safety, making it easier to fire quickly. The pistol carries 17 bullets in its magazine and one in the chamber, tripling the firepower of an ordinary police revolver. And the trigger is much easier to squeeze.

"You don't have to make a conscious

effort to pull it back like with a revolver," said Jeff Green, a retired homicide detective. "You just jerk it a little bit and you will fire a round."

Such a lethal gun demands extensive training. D.C. officers have long been required to report to the firearms shooting range and qualify with their handguns at least every six months. Throughout the 1990s, most officers ignored the rule, as did supervisors.

In the summer of 1994, Chief Fred Thomas vowed to set a "drop-dead date" by which time officers would have to retrain or face losing their weapons. "If we don't do that, we may as well open up the bank accounts because lawyers will have a field day," Thomas told The Post at the time. But Thomas retired a year later, and the crack-down never occurred. By 1995, as police shootings hit a record high, a new chief, Soulsby, lamented inadequate training. "If you look at it, overnight, we've gotten a very young force that's received very little training," Soulsby told The Post. The next year, Soulsby announced a massive retraining program — "I have no choice," he said at the time — but officials say the effort fizzled.

"The commanding officers didn't want to give up officers to training. They needed them in the field," said former lieutenant Lowell Duckett, who retired last year.

This year, as Ramsey became the fifth chief in six years, a D.C. Council special committee investigation showed that 50 to 60 percent of the force had not properly

qualified with their firearms.

The Post found that the training deficiency was even higher among officers who fired their weapons on the street — nearly three-quarters of the officers involved in shooting incidents in 1996 had not qualified, according to internal police documents obtained by The Post. In a report released in October, the special committee found "there was no budgetary-related reason for the failure — only poor management."

Ramsey has enacted a crash firearms qualification program. "We're a hundred percent better than what we were last year," said Lt. Nicholas Mudrezow, the department's specialized training commander. **Gaps in Training Show**

The number of fatal shootings has dropped as crime has declined in recent years, but the department still shoots far more than it did in the late 1980s, when it was a more mature, revolver-toting force. In 1988, the year before the Glock and the flood of new officers arrived, D.C. police fired their revolvers on 76 occasions. In 1995, they fired 154 times, even though the force was the same size and the city had slightly fewer homicides.

D.C. officers also shoot far more often than their counterparts in New York City, Chicago, Los Angeles or Miami, The Post found in comparing firearms discharge totals per officer in those cities. For example, the 40,000-officer New York City police force fired at cars engaged in "vehicle attacks" against police only twice in 1997, compared with 10 such shootings that year

for the 3,550-officer D.C. police force.

Geoffrey Alpert, a criminologist at the University of South Carolina, reviewed summaries prepared by The Post of a dozen D.C. police car-shooting cases. He found that officers often used ill-advised approaches to the vehicle, placing themselves in harm's way and leading to shootings that may have been unnecessary.

"Reading some of these [cases] makes me wonder if a police officer couldn't sue his own department for failure to train," said Alpert, who advises police departments on policies on the use of force.

D.C. police trainers said they have recently addressed problems with car shootings. Sgt. H.J. Rubolotta, who works at the D.C. police academy, said, "We tell the officers: Don't put yourself in front of a car." In the Wake of a Bullet Whenever a District police officer fires a weapon, a review process starts. If the officer wounds someone, the supervisors in that police district undertake a shooting investigation. If an officer kills someone, homicide detectives investigate, and prosecutors at the U.S. attorney's office review

## Across the Country

**Among the biggest U.S. cities during the 1990s, only a handful reported more fatal shootings by police than Washington — each of them much larger than the District.**

City	Average population, 1990-96	Yearly homicides, 1990-96	Yearly fatal shootings by police, 1990-97*
New York	7,344,410	1,723	29
Los Angeles	3,534,823	941	20
Chicago	2,757,531	872	12
Houston	1,702,850	434	10
Philadelphia	1,534,283	438	7
San Diego	1,147,395	123	7
Phoenix	1,058,518	169	8
Dallas	1,035,938	348	3
San Antonio	1,014,019	187	3
Detroit	1,012,958	545	10
San Jose	807,057	40	2
Indianapolis	742,895	90	1
San Francisco	728,677	102	3
Baltimore	711,102	325	8
Jacksonville	660,411	118	4
Columbus	649,251	102	2
Milwaukee	609,566	147	3
Memphis	609,243	177	3
Washington	576,124	430	10
El Paso	563,579	41	1
Boston	559,253	95	1
Seattle	521,122	53	1
Austin	509,520	42	1
Cleveland	502,306	147	3
Nashville	499,621	86	3
New Orleans	487,332	352	4
Charlotte	472,017	96	1

\*Some departments could not provide the number of police shootings for certain years. The averages here cover only years for which they supplied information and may vary slightly from the average for all years from 1990 to 1997. Indianapolis and Milwaukee police shooting figures came from the FBI.

SOURCES: Police departments, U.S. Census, FBI, Washington Post research.

the case to determine whether criminal law was violated.

In either event, the department determines whether the shooting was justified. Under city regulations, an officer is justified in firing if the officer "has reasonable cause to believe" that an attacker could cause "death or serious bodily injury." Reasonable cause to shoot can be based on an officer seeing a suspect make a "furtive movement" as if to pull a gun, experts said.

Unjustified rulings typically result in some form of discipline against the officer — ranging from counseling to dismissal from the force.

So far in the 1990s, eight officers involved in six shootings have been charged with crimes for shooting people or allegedly falsifying statements afterward. Two were acquitted, three are awaiting trial and three have been convicted. In five of the six incidents, the officers were off duty. In 422 incidents between 1994 and mid-1998, the department ruled 87 percent were justified.

Police shootings are emotionally and politically charged events, fraught with forensic and legal difficulties. Officers say civilians cannot fathom what it is like to be in a shooting. Eyewitnesses contradict each other. Officers often can't remember how many times they fired. Top District officials must balance law and policy against the imperative that police officers not feel intimidated in using their weapons to protect themselves or others.

"Anybody can second-guess you on this stuff," said Officer John Diehl, who shot and

wounded two men in a 1994 incident ruled justified, and wounded another man last month in an incident still under investigation. "You second-guess yourself a lot."

Said lawyer Arthur Burger, who defended police in the corporation counsel's office in the late 1980s: "The lawyers sit in air-conditioned courtrooms and go over jury instructions, and we debate these things and parse the words, and the cop had two seconds to shoot or not shoot. On some dark night when all our heads were on our pillows, this guy had to make a snap decision."

The investigations can grind on for

**From 1994 through May 1998:** District police fired a service weapon, on average, about once every 2A days. Officers fired their weapons in nearly 500 incidents, expending more than 2,500 bullets. Officers fatally shot 45 people and wounded 112 others. The average age of officers who fired their weapons was 31. There were 126 instances in which an officer fired more than six rounds. In 67 of these the officer fired more than 10 rounds.

**From 1994 through May 1998:** Fewer than 15 percent of the force fired their guns. Of those who did shoot, about 20 fired on three or more occasions. There were no woundings or killings by police west of Rock Creek Park, and only 10 police gun discharges of any sort. Of that number, five were at animals, two were accidental discharges — one while holstering the weapon, the second while unloading it — and three people were shot at and missed.

years. Prosecutors took 2 ½ years to charge Officers Roosevelt Askew and William Middleton with lying about a fatal 1994 car shooting — even though Askew in his first interview with a prosecutor had acknowledged to telling a false story about why he shot and killed an unarmed driver. The U.S. attorney's office took four years to decide not to charge Officer Daniel Hall in a fatal 1993 car shooting. Hall still has not been restored to full duty status while the department decides what to do with his case, according to police officials.

But despite the time the investigations take, The Post found several cases that cast doubt on how thoroughly and impartially police investigate shooting cases. All these shootings were ruled justified:

Police regulations say fatal shootings should be sent to the homicide branch for an independent review. But two investigations into 1993 fatal shootings involving Officers Lawrence Walker and Dwayne Mitchell were overseen by the officers' supervisor, then-Sgt. Donald Gossage, according to police records and an interview with Gossage. After the officers were involved in the first shooting, Gossage signed papers allowing them to carry their guns while on administrative leave. Two months later, the officers shot 23 bullets at a panhandler, Nathaniel Mitchell, hitting him four times.

Officer Kristopher Payne said he shot Antonio Williams seven times in February 1995 because Williams pointed a gun at him during a chase. But an eyewitness

said that he saw Payne stand over Williams and shoot him in the head while Williams was defenseless on the ground. A "muzzle-to-garment" test done five months after the shooting showed that at least one shot to Williams's head was fired from 24 to 30 inches away. Police investigators, noting that Williams had been armed and that Payne had feared for his life, declared the shooting justified. Payne declined comment.

"For the muzzle-to-garment not to be done until months later — and they knew they had a high-profile case — that is a very serious problem," said William O. Ritchie, a former homicide commander who retired in 1994. A day after Lt. Elliott Gibson shot an unarmed man in a car during a drug bust in June 1996, Officer Anthony McGee said in a sworn court document that Gibson fired because James T. Willis's car was driving toward a group of children. A day later, McGee gave a statement to police investigators making no mention of children and indicating that he heard but did not see the shooting. Police investigators never addressed the discrepancy in the final investigative report.

Each shooting carries a personal cost. Alvin Wells grieves for his 21-year-old son, Roland Wells, was killed by off-duty Officer Melvin Key when Wells was carrying a BB gun in January 1995. "I had my son shot because he listened to the police," Wells said.

Key said Wells pointed the gun at him, but Alvin Wells believes his son was

surrendering. As part of a \$67,500 settlement with the District in July 1998, Wells insisted on meeting Key. "I asked him if he have a son, to make sure he kiss his son every day and hope he don't do a thoughtless thing," Wells said. Friendly Fire None of the police shootings of civilians has occurred in the more affluent areas west of Rock Creek Park, according to police records from 1994 through May 1998.

The incidents in the 1990s have sparked little public outrage, either in individual cases or as a broader issue.

Yet police shootings have managed to roil the department itself. Three times in the last three years, police have shot fellow officers, killing two and wounding the third. In all three instances, white officers shot black officers in civilian clothes, including a pregnant female officer, after mistaking them for criminals.

One officer and the family of a second have filed lawsuits saying the officer-on-officer shootings happened because the department did not properly train and monitor its recruits, an accusation the District denies. The most recent of the three "friendly fire" incidents came in July, when off-duty Officer William F. Hyatt Jr. shot and killed off-duty Officer Thomas F. Hamlette Jr. during a disturbance at a nightclub owned by Hamlette's family.

Off-duty shootings like the one involving Hamlette have added to the total of District police shootings in the 1990s. When shooting incidents peaked in 1995, 36 percent of the shootings occurred while

### **D.C. Officers Killed, 1993-98**

#### **Jason E. White**

Dec. 30, 1993

White, 25, was killed on 14th Street SE by a drug dealer who shot White five times. First D.C. officer to be killed since 1987.

#### **Henry Joseph "Hank" Daly**

Nov. 22, 1994

Sgt. Daly, 51, was fatally shot in D.C. police headquarters at 300 Indiana Ave. NW by a gunman who also killed two FBI agents.

#### **James M. McGee Jr.**

Feb. 7, 1995

McGee, 26, off duty and out of uniform, was shot dead at 25th Street and Good Hope Road SE by a D.C. officer who mistook him for a gunman.

#### **Scot S. Lewis**

Oct. 6, 1995

Lewis, 28, was ambushed and fatally shot in the head on H Street NE. His partner then drew his weapon and killed the gunman.

#### **Anthony W. Simms**

May 25, 1996

Simms, 35, died after being struck by a pickup truck inside the Ninth Street tunnel during a traffic stop.

#### **Brian T. Gibson**

Feb. 5, 1997

Gibson, 27, was ambushed and shot to death while in his patrol car at Georgia and Missouri avenues NW.

#### **Oliver Wendell Smith Jr.**

Feb. 26, 1997

Smith, 28, was off duty when shot execution-style outside his Forestville home during a robbery.

#### **Robert L. Johnson Jr.**

April 26, 1997

Johnson, 31, was off duty when ambushed and shot dead on 43rd Road NE near the 6th District station.

#### **Thomas F. Hamlette Jr.**

July 18, 1998

Hamlette, 24, was off duty when shot dead by a fellow officer, who mistook him for a gunman outside a nightclub in the 1200 block of K Street NW.

officers were off duty, considerably more than the 17 percent to 22 percent that various studies over the years have found in other large cities. Even more striking, more than half of the District's 16 fatal shootings in 1995 happened off duty — compared with a national average that ranges from 9 percent to 16 percent, according to a study by the International Association of Chiefs of Police.

Many experts consider off-duty shootings problematic for several reasons: The officers are not readily identifiable; they may have been drinking; and they are usually acting alone without backup officers, making them more vulnerable and fearful.

The lawsuits that often follow off-duty police shootings have been costly to District taxpayers.

In November 1992, Brian Butler stopped to urinate in an alley behind a sporting goods store owned in part by off-duty Officer Clarence B. Johnson. Johnson shot and seriously wounded Butler, who was unarmed. The case was never reviewed by the Use of Service Weapon Review Board, and therefore was never ruled justified or unjustified.

In 1995, the District paid Butler \$100,000 to settle a lawsuit over the shooting. Johnson remains on paid disability leave because of stresses related to the shooting, according to a police spokesman. Johnson did not reply to repeated requests for comment.

### Changes From the Top

On Friday, four days after meeting with Post reporters to discuss their findings, Chief Ramsey issued a tighter policy on use of force for the department.

"This new policy is designed to help our officers carefully balance the safety and protection of the public with their authority to use force in dangerous situations," Ramsey said.

Among other things, the new policy prohibits officers from putting "themselves in a position with a vehicle where the use of deadly force would be the likely outcome."

Ramsey also announced that in January, the department will begin additional training for all officers in firearms and alternatives to deadly force.

Whether that will suffice for a force that has been forged in a culture of mayhem and sudden death remains to be seen. The violence infesting the city for more than a decade has left a residue of fear among police officers and among private citizens, eroding trust and making it harder for the officer on the beat to do his job, many observers say.

"The chances of going out and getting shot at today are much greater than they were 20 years ago," said lawyer Deso, who has represented police in Washington for two decades. "It's the sheer dangerousness of being a cop out there. The pucker factor is up." The confluence of violence in the streets, weapons training lapses, inexperienced officers and a sophisticated weapon has led to the rise in shootings, Deso said.

“Changing one of them is not going to make the problem go away,” he added.

The department’s new leadership vows to address the most fundamental part of the equation. “There is a contract between the officers and us: We have to provide them with the skills and tools and philosophy to make the best decision, and

frankly, we’ve failed,” Gainer said. “The command has failed, not some poor police officer out there on the street. The command has failed.”

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Computer-assisted reporting director Ira Chinoy, researcher Alice Crites and Metro Research Director Margot Williams contributed to this report.

# The Washington Post

*Democracy Dies in Darkness*

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## MOVING TARGETS

Despite department rules, officers often have used gunfire to stop drivers

**By JEFF LEEN**

WASHINGTON POST STAFF WRITER

Hopping sidelong and holding his pistol in a two-handed grip, the man with the gun fired two shots through the side window of a Hyundai amid Monday morning rush-hour traffic on Florida Avenue NW.

One horrified witness thought he was seeing a drug hit. But the shooter was D.C. police officer Vernell R. Tanner. His dead victim: an unarmed 16-year-old wanted for driving recklessly and running red lights. Tanner said the youth had tried to run him over.

The death of Kedemah Dorsey on May 15, 1995, was not an isolated incident.

A year earlier, Detective Roosevelt Askew had shot and killed unarmed 19-year-old Sutoria Moore as he sat in his car during a routine traffic stop.

A year later, Officer Terrence Shepherd would shoot and kill unarmed 18-year-old Eric Anderson as he sat in his car during a routine traffic roadblock.

In each case, the officer said he was forced to fire to prevent a "vehicular attack" by the driver. But the department eventu-

ally determined all three of the shootings to be unjustified. In the last six months, the District has agreed to pay \$775,000 to settle lawsuits brought by survivors in the three cases.

Like their counterparts in cities across the United States, D.C. police are instructed to shoot at unarmed people in cars only in extremely rare cases, to protect their lives or the lives of others. Yet since mid-1993, D.C. police officers have fired their weapons at cars 54 times in response to alleged vehicular attacks, killing nine people and wounding 19, an eight-month Washington Post investigation has found. In the overwhelming majority of those cases — and in all of the fatal shootings — the driver was unarmed.

"That's really chilling," said James Fyfe, a criminologist at Temple University and former New York City police lieutenant who has researched police shooting patterns for two decades. "What's happening is the District is bearing the cost of the errors of the past, the way they've hired and trained these officers."

Despite the discipline imposed on officers in some individual cases, the over-

all pattern of car shootings has continued throughout the 1990s. On Aug. 21, D.C. police surrounded a motorist in a pickup truck on Interstate 295 who had vandalized one car and rammed three others, including two police cars, police said later. The trapped driver rammed a car carrying three passengers. To protect them, Officer Jacques Doby killed the unarmed driver by firing repeatedly into the truck. Doby shot 38 bullets, reloading twice, according to a police official.

"I'm really concerned about all these shootings," said Terrance W. Gainer, the department's new executive assistant chief. "What we're seeing in these cases are officers inappropriately putting themselves in harm's way because we haven't trained them well."

On Friday, Chief Charles H. Ramsey announced a new policy on the use of force, placing even further restrictions on officers attempting to stop cars. "When confronted with an oncoming vehicle, [the] officer should move out of its path," the new policy states.

### **Car Cases Conflict With Standard Policy**

Police in Washington and throughout the country are restricted in shooting at cars for both common-sense and legal reasons. Bullets tend to ricochet off car bodies. And if an officer hits a criminal driving a car, the officer may only succeed in turning the vehicle into a 2,000-pound unguided missile.

"To successfully fire at a vehicle, let

alone a moving one, is something that only seems to work well in the movies," a training manual produced for the D.C. police warns. "In real life your odds of 'killing' a car are about as good as becoming the next chief of police."

Finally, District law — reflecting common practice across the country — does not permit police to shoot even at fleeing felons in cars unless they pose an imminent threat to lives. The 9th U.S. Circuit Court of Appeals in 1996, for example, reinstated a \$259,000 judgment against a San Francisco police officer who shot and killed the driver of a slow-moving car. The officer said he fired because the car was about to run him over. But the court found that "a reasonable officer could not have reasonably believed that shooting a slowly moving car was lawful," even though the driver was wanted for a purse snatching.

"Our policy is you never fire at a vehicle," said Detective Walter Burnes, a New York Police Department spokesman. "The contention here is if a vehicle is coming at you, you have the option to get out of the way."

The number of car shootings by District police far exceeds the numbers for other high-crime cities like New York City and Miami, The Post found. "Most departments have moved to prohibit these kinds of shootings, unless somebody in the cars was armed and shooting at the officers," said Michael Cosgrove, a former Miami assistant chief who has testified as an expert in police shooting cases.

None of the 54 Washington car shootings examined by The Post involved drivers or passengers shooting at officers, according to police and court records. In nine cases, the department ruled the shootings unjustified and disciplined officers, The Post found. Of the nine fatal car shootings, five were ruled unjustified, one was ruled justified and three are pending.

Of the 29 car-shooting cases in which detailed information could be culled from police and court files, The Post found that 16 occurred after traffic stops and an additional 11 when police made felony arrests, three of them for alleged violent offenses. In five cases, the driver was found to be armed but did not shoot at police. In three cases, officers made statements that investigators considered false about the circumstances surrounding fatal car shootings.

The Post examined 13 cases from the last five years in which a driver who was shot at by police was charged with assaulting an officer with his car. Only one of the 13 was convicted.

### **Officials Fail to Notice Rising Problem**

The parade of incidents has not generated much official reaction. Not at the department, which investigated all the incidents. Not at the corporation counsel's office, which has defended police in more than a dozen lawsuits related to car-shooting cases in the last three years. And not at the U.S. attorney's office, which reviews all fatal shootings involving D.C. police.

"I do kind of remember more than a

few in cars," said Deputy U.S. Attorney General Eric H. Holder Jr., who was the District's U.S. attorney when the cases were reviewed. "I don't know if that's typical of what you find in police shootings outside D.C."

It isn't, according to experts and officials in other departments. From 1995 through 1997, for example, D.C. police officers fired at cars 29 times to defend against vehicular attacks, according to department documents. In the same period, New York City police, with more than tenfold the number of officers, fired at cars 11 times.

Geoffrey Alpert, a criminologist at the University of South Carolina who reviewed a dozen summaries of car-shooting cases prepared by The Post, said he saw a pattern of D.C. officers approaching suspicious vehicles from the front on foot, making themselves vulnerable. "Clearly, officers are putting themselves in bad positions," said Alpert, who has advised police departments on the use of force. "They're putting themselves in harm's way as a justification for using deadly force."

Lowell Duckett, a former D.C. police lieutenant who was a firearms instructor at the police academy, said training for firearms and "vehicle skills" — how to stop vehicles involved in felonies, when to shoot at cars — was cut back just as a record influx of recruits arrived in 1989 and 1990. Officers from those classes were involved in more than half of the 54 car shootings examined by The Post.

"We said then, You're going to have

more police shootings and they're going to be unjustified,' " Duckett said of the training cutback.

Other D.C. officers say that criminals in the District often use their cars to try to escape and that fast-moving circumstances may force officers to shoot.

"The mind-set was to get away from the police," said Claude Beheler, a retired deputy chief. "You can't shoot at a fleeing vehicle. There are strict guidelines to never shoot at a moving vehicle unless the vehicle could cause serious bodily injury or death. But these things happen in split seconds. Things move quickly. These cases are difficult."

Most departments don't track the number of times their officers shoot at people in cars. Alpert, at the University of South Carolina, collected data showing that the Metro-Dade Police Department in the Miami area had 49 car shootings from 1984 to 1994. Metro-Dade's 10-year total is less than the District's five-year total, even though Metro-Dade has twice the population, nearly as many officers and more crime.

D.C. officers in five years killed nine people in cars, compared with four in 10 years for the Metro-Dade officers. The D.C. officers also fired three times as many bullets per car shooting — an average of six, to two for the Metro-Dade officers.

The D.C. shootings differed in another way: Twelve of the D.C. car shootings occurred while the officers were off duty, compared with one for the Miami officers.

Off-duty shootings generally are considered more problematic than on-duty shootings because citizens may be unaware they are dealing with police officers and because officers without adequate backup often feel more vulnerable.

What follows is a look at five D.C. police car-shooting cases that left four people dead and one person wounded. The first case involved a conspiracy, and two officers were criminally indicted and convicted. The middle three shootings were declared unjustified by the police department, and one officer has been fired. The last shooting was ruled justified even though officers' accounts conflicted.

In each case, according to witness statements and forensic evidence, the threat to the officer who fired appeared minimal. In the five incidents collectively, the sum total of jail time for the officers involved was 15 days.

### **Come On, Sarge, Help Me Out'**

At 1:41 a.m. on July 15, 1994, Detective Roosevelt Askew pulled up to help Sgt. William Middleton, who had stopped a 1993 Geo Prizm in the 3400 block of 15th Street SE. The Geo had run a stoplight and had tags that did not match the vehicle listed in the police computer.

The driver "gunned the engine and took off at a high rate of speed, driving directly at an officer who was surrounding the vehicle," a police report said. Askew fired once "in an effort to stop the assault" on Middleton, the report said. The driver,

Sutoria Moore, 19, was hit in the back of the neck. He was taken to D.C. General Hospital and pronounced dead at 3:29 a.m.

The police report was a series of lies: Middleton had not been standing in front of the car. The unarmed driver had not tried to run him down. And Askew had not fired to protect Middleton.

Prosecutors soon found themselves confronted by a coverup that used a "vehicular attack" story to conceal an unjustified shooting. Suspicions were raised because the officers' accounts conflicted with the physical evidence. Askew acknowledged to a prosecutor in early 1995 that his gun went off accidentally when he pushed himself away from the car body as Moore suddenly revved the engine. He later said his conscience had been bothering him.

"I knew in my heart that the truth had to come out," Askew said in a civil deposition.

Askew said Middleton suggested the vehicular attack story while they were sitting alone in Middleton's police cruiser minutes after the shooting. Askew said he was in shock at the time and "had the mind of a child. I believe Sergeant Middleton took advantage of that situation."

Middleton, in his civil deposition, said it was Askew who concocted the story. Middleton said that Gregory Archer, the first homicide detective on the scene, questioned Askew in Middleton's patrol car while Middleton sat in the front seat, a violation of the department's requirement that officers involved in shootings be separated

during the investigation. Archer said in an interview that he did not recall whether he placed the officers in the same car.

As Archer interrogated him, Askew told the vehicle attack story and appealed for Middleton's support, saying, "Come on, Sarge, help me out," according to Middleton's account.

Middleton also discounted Askew's subsequent version that the gun discharged unintentionally. "He had to have fired the gun on purpose," Middleton said. "But his reason for it, I don't know."

Exactly three years after the fatal shooting, Askew pleaded guilty to lying about it. A Marine Corps veteran with 24 years on the D.C. force, Askew, 51, was sentenced to two years' probation and a \$5,000 fine on the misdemeanor charge. Askew did not respond to messages seeking comment.

Three days later, Middleton, 47, also pleaded guilty to a misdemeanor for saying that he had been in front of Moore's car during the shooting when he actually had been on the driver's side. He got a six-month sentence, with all but 15 days suspended. Like Askew, he is no longer on the force.

Middleton said in an interview he had never worked with Askew before and had no reason to lie for him.

"I felt like he thought he saved my life, so I kind of put myself in a position that I wasn't really in," Middleton said.

"I was in for 27 years {on the police force}. I was out there making traffic stops,

arresting people, writing tickets. I always felt that when I got my paycheck, I wanted to earn it," Middleton said. "You'd be surprised the heartache I had behind this death. It really hurt. It really, really hurt."

The car Sutoria Moore was driving turned out to have been stolen in a car-jacking three days before the shooting, but Askew and Middleton did not know that when they made the traffic stop. Moore had only one charge on his police record, a traffic citation for driving without a permit when he was 16.

After Moore's death, his mother sued. The District settled the case last summer by paying her \$375,000.

### **Here's Someone Getting Murdered'**

Shortly before 9 a.m. on May 15, 1995, Officer Vernell R. Tanner was outside Banner Senior High School at 800 Euclid St. NW, where he was assigned as a beat officer. Tanner saw a white Hyundai heading the wrong way up a one-way street, doing about 50 in a 15-mph zone, he later said in a sworn deposition. Two girls told Tanner the car had almost hit them. Tanner, 47, a 26-year veteran of the force, drove after the Hyundai in his private car, a Toyota Camry. Because he was working on foot at the school, he was not required to have a patrol car.

After unsuccessfully trying to stop the Hyundai without the benefit of a siren or a police light, Tanner radioed that he was pursuing a car that had nearly struck two pedestrians. He later said in a sworn depo-

sition that he was told to break off the pursuit; D.C. police permit officers to chase suspects only when they believe a felony has been committed and the suspects are dangerous. Moreover, officers must be in a marked patrol car to participate in a chase.

Despite the dispatcher's instructions, Tanner continued the pursuit. His intent, he said later, was to keep the car in sight until a marked police car arrived. He eventually pulled up behind the Hyundai, blocking it behind a line of rush-hour traffic on Florida Avenue. Climbing from his car, Tanner confronted the driver. Tanner said he pulled his gun when the Hyundai backed up and rammed his car.

Lawyer Doug Sparks, sitting in traffic a few cars behind Tanner's and the Hyundai, said he saw Tanner standing next to the Hyundai driver's door talking to the driver. Tanner had his back to Sparks, who did not know he was a police officer.

Sparks heard a shot as the Hyundai began to pull out of the line of traffic. A few seconds later, Tanner fired a second shot as he "sidestepped," hopping with his gun pointed into the car, to keep up with the Hyundai as it moved across the oncoming lane of traffic, Sparks said in an interview.

"It was basically at point-blank range," Sparks added. "I thought, here's someone getting murdered in front of me. I thought it was some kind of drug shooting."

The first shot hit the driver in the chest at close range, a police investigation later concluded. The second shot hit the driver in the back. He was pronounced

dead shortly afterward.

Tanner said later he fired the first shot because he feared that the Hyundai was about to run him over. "He turned the wheel to a hard left and then he accelerated, and I discharged my weapon," Tanner testified in a civil suit brought after the shooting.

In a recent interview, Tanner said he did not remember firing the second shot that hit the driver in the back. "I was not conscious of the second shot, which is common in most police shootings," Tanner said.

After the shooting, eyewitness Sparks said he saw Tanner pick his hand-held radio off the ground and heard him shout into it: "The guy tried to run me down!" Sparks told The Post: "That's not what I saw. That kid didn't have to die."

The dead driver was Kedemah Dorsey, 16, a Bladensburg High School dropout who worked at a Roy Rogers restaurant. He was scheduled to be at work two hours after he was killed, his father said after the shooting.

"I want someone to explain to me how an officer walks up to a car for a traffic violation — and a child gets killed," Dorsey's father, Joseph, told The Post at the time.

"My reaction was out of fear — fear that he was either going to crush my leg or run me over," Tanner said in a recent interview.

A lawyer hired by the Dorsey family disputed that.

"It's somewhat difficult to use the car

as a weapon when it is wedged in rush-hour traffic and the officer is standing to the side of it, not in front of it," said attorney Michael Morganstern, who sued the police on behalf of the Dorseys. The District settled the case for \$150,000.

The car technically was stolen, but Tanner did not know that. Dorsey had borrowed the car without permission from his older brother, a Marine stationed in Italy. Dorsey's mother had reported it stolen to "scare" the boy, according to his father.

Tanner, a Marine veteran himself, was put on administrative leave with pay, pending an investigation. He had previously fired his weapon twice in his police career, he later testified. One of those shootings also involved a car and was ruled justified.

After two years and seven months, the U.S. attorney's office decided not to bring charges against Tanner.

"You can't prosecute the officer for putting himself in the wrong spot where he becomes vulnerable and then has to react," Ramsey Johnson, special counsel to the U.S. attorney, said of car-shooting cases in general. Training and supervision deficiencies, Johnson said, are not relevant to the making of a criminal case.

But a department administrative investigation, not bound by the standards of a criminal prosecution, found the shooting unjustified. The District is now attempting to fire Tanner through police trial board hearings scheduled to resume Dec. 7.

### Fearing for My Life, I Fired'

Two teenagers were speeding in a Plymouth to a liquor store called the 51 Club on Naylor Road SE, trying to beat the 2 a.m. closing time. They swerved to miss a braking car and hit a Potomac Electric Power Co. pole at 1:50 a.m. on Aug. 20, 1995.

The driver, Damon Henry, an 18-year-old construction worker, flattened the left rear tire of the Plymouth with the impact. But he and Davon Williams, 17, drove on to the liquor store. They did not know it, but an off-duty police officer had witnessed the accident. Rodney Daniels, 29, was a three-year member of the force. Daniels lived in an apartment nearby and had taken his dog out for a late-night stroll.

While Daniels checked the utility pole for damage, Henry and Williams got someone to buy them liquor and left the store within 10 minutes. Daniels heard the grinding of the Plymouth's tire rim coming down the road; a bystander, he later recounted, told him the hit-and-run car was returning.

Daniels stepped into Naylor Road and raised his police badge above his head in one hand. In the other, he held his Glock 9mm, being careful not to point the gun at the oncoming car, he later told investigators.

Daniels said he yelled "Police! Stop the vehicle!" three times. The car slowed when it was about 30 feet away and then sped toward him, Daniels said.

"After the driver refused to stop and

fearing for my life, I fired several rounds at the driver of the car," Daniels said in a written statement to investigators after the shooting. Daniels said the car was 20 feet away when he started to fire, and that he then "jumped" out of the way before firing more shots.

The car missed Daniels, but Daniels — who fired 11 times — did not miss the car.

Daniels's bullets hit the front and driver side of the Plymouth. Henry was hit in the back with a bullet that lodged in his spine, paralyzing his legs, according to a surgeon's report. Henry was charged with assaulting a police officer with a dangerous weapon — his car. His mother, Terri Henry, said at the time that passenger Davon Williams — who was not injured — said the two teenagers didn't realize Daniels was a police officer.

Damon Henry, a ninth-grade dropout, had three previous felony arrests — two for assault with a deadly weapon — all of which had been dropped. His only conviction had been for misdemeanor destruction of property.

Henry's injuries kept him from appearing in court, and the assault charge against him was dropped in January 1996. After months of rehabilitation, he was still unable to wash or dress himself and required close care for most of the day, according to court papers filed by his attorneys.

Henry's injuries led to infections that caused septicemia, and he died on Feb. 5, 1997. Before he died, he sued the police. After his death, his mother took over the

lawsuit, which is pending.

Michael Cosgrove, the former Miami police assistant chief hired as an expert by the Henry family, said that Daniels used a "self-initiated threat" as a justification to fire. The District's expert, former D.C. police chief Jerry Wilson, said Daniels's actions were "consistent with the proper standards of care."

On June 18, 1997, nearly two years after the shooting, the department's Use of Service Weapon Review Board concluded that the shooting was not justified. In a deposition in the civil suit, Daniels said his commanding officer had accused him of negligent use of a firearm.

"He stated that I placed myself in that position," Daniels testified in the deposition. "As though I created the danger or the threat."

Daniels received a nine-day suspension. He served four days of the suspension, and the rest were held in abeyance. He said in the deposition that he disagreed with the punishment "because I was in fear of my life. And also I was taking police action."

Daniels said through a police spokesman that he could not comment because of pending litigation.

### **I Pulled My Gun Out, It Went Off'**

Four 6th District officers were working overtime on a routine traffic roadblock on June 9, 1996, at 50th and C streets SE, checking whether drivers had valid licenses and were wearing seat belts. At 2:20 a.m.,

a blue 1985 Oldsmobile Cutlass Supreme pulled up. The driver, Eric Antonio Anderson, 18, of Landover, was alone in the car.

Lt. Stewart Morris approached the Cutlass and asked the driver for his license and registration. Morris later told investigators he got "a bad feeling" and thought the driver was going to flee. Morris asked him to turn his engine off.

"What do I got to do that for?" Morris said the driver responded.

"I think we have got a problem," Morris shouted to the other officers at the roadblock.

What happened next surprised Morris as much as it did Anderson, Morris said later.

"I saw a flash coming from my left side and heard a single gunshot at the same time," Morris told investigators. "I looked to my left and saw Officer Terrence Shepherd."

Shepherd, 22, who had been on the force two years, had come to back up Morris, but Morris said he was unaware of that until after the shot was fired. "I didn't hear Officer Shepherd say anything before, during or immediately after the shooting," Morris said.

The bullet from Shepherd's gun passed through Anderson's left shoulder, aorta and esophagus before lodging in his right shoulder blade. Anderson's car went 50 feet in reverse and struck a tree. He was taken to Prince George's Hospital Center and pronounced dead at 2:55 a.m. He had a .04 percent alcohol level in his blood,

well below the legal limit.

No weapon was found in Anderson's car.

Immediately after the shooting, Capt. Joshua Ederheimer, the commander of the roadblock, ran into Shepherd.

"I said, Shep, what happened?" Ederheimer later told police investigators. He said Shepherd responded, "Captain, I pulled my gun out, it went off, my finger was on the trigger." Ederheimer said he believed Shepherd was telling him the shooting was accidental.

Shepherd was placed on administrative leave with pay pending a criminal investigation into the shooting.

Shepherd told prosecutors he had switched places with Morris, stepping in front of him and questioning Anderson himself. This contradicted Morris's statement that he didn't see Shepherd until after the shot. Shepherd said he intentionally fired because he feared for his and Morris's safety. The driver refused commands to put his hands on the wheel, Shepherd added, and had rummaged in the car's console as if he was trying to get a weapon.

Shepherd also said he heard the vehicle go into reverse and start to move. He said the car was now a threat to him and Morris and other officers on the scene. "Once he put the car in gear and went back, it was easy enough for him to put the car back in the driver's position and strike us," Shepherd later testified in a police disciplinary hearing. He said he fired after the car moved back three to four feet, accord-

ing to an investigative report by police.

But two other officers on the scene, James Minor and Jacques Doby, said in statements to investigators that the car did not start moving until after the shot. Both officers said they saw Shepherd slightly behind Morris after the shot — not in front of the lieutenant.

The evidence also contradicted Shepherd: The gunpowder residue on Anderson's shirt indicated that he was shot from less than 24 inches away — not the three to four feet in Shepherd's account to investigators. The left-to-right path of the bullet through Anderson's torso also indicated he had been sitting still, not moving backward, when he was hit.

Finally, a stain on the back left side of Morris's white uniform shirt turned out to be lead residue — "probably from gases emitted from the ejector on the right side of the weapon," according to a police laboratory report. That undermined Shepherd's story that he fired after moving in front of Morris.

Eighteen months after the shooting, the U.S. attorney's office decided not to prosecute the case criminally. A spokesman for the office declined to comment.

The police department started its own internal investigation and found that Shepherd's reasons for firing were "unsupported by witnesses or the evidence," Lt. Rodney Parks wrote.

Parks said Shepherd should face administrative charges of using unnecessary force and making false statements.

John C. Daniels, the 6th District commander, agreed with the force charge but disagreed with the false statement charge.

After a disciplinary hearing before the department's trial board, Shepherd was fired on Oct. 23.

At the hearings, Shepherd was portrayed as an officer with several commendations who had started his career in 1990 as a 17-year-old cadet in the police museum. Shepherd had had few complaints lodged against him; he had shot and killed a man who threatened him with a knife while he was off duty in 1994. He also had shot at a car in a previous incident. Both earlier shootings were ruled justified, according to his trial board testimony.

Shepherd told The Post recently that the police investigation was flawed. He disputed several of its findings and questioned the stain on the back of Morris's shirt, saying the shirt was not turned over to homicide until four days after the shooting.

Shepherd said he plans to appeal his firing to an arbitration process.

"There are other cases like this," he said. "The penalty they gave me I think was unjust. The only thing I did was assist another officer and it's like I'm the sacrificial lamb out of this ordeal."

### Unable to Escape . . . the Car'

At 8:01 p.m. on June 10, 1996, the 6th District vice unit interrupted an alleged drug deal in the 5500 block of B Street SE. The brief police report written that night said officers saw one man give another

what appeared to be drugs; both men were arrested and taken to the 6th District station for processing. The report also noted that one of the men, while trying to escape, "aimed his vehicle in the direction of the police officers."

Left out of the report was the fact that Lt. Elliott Gibson, the supervisor on the scene, shot the driver, James Theodore Willis, in the face. Willis was taken to D.C. General Hospital and later recovered.

Willis, a 38-year-old department store receiving clerk who had a history of petty drug crimes, was charged with possession of cocaine with intent to distribute and assault on a police officer -- for allegedly using his 1990 Buick in a vehicular attack.

Officer Anthony McGee signed the police report. Gibson signed as the supervisor.

McGee gave prosecutors a more detailed sworn statement on June 11, 1996, the day after the shooting, so they could formally charge Willis. McGee noted that 12 crack rocks were found in the car and six more in Willis's hand. Of the shooting, McGee simply wrote: "While Willis was driving on the sidewalk towards a group of children, a police officer shot Willis."

The next day, McGee altered that account in a written statement to investigators probing the shooting. This time, he made no mention of children. His statement indicated that he didn't even see the shooting. "I then heard one gun shot and looked back and observed that Gibson had his weapon out," McGee said.

Investigators never asked McGee to resolve the conflict between his two versions of the shooting, according to the department's final investigative report on the incident.

McGee's second statement may have differed with his earlier sworn statement, but it did not contradict Gibson's: He told investigators he fired because the car was coming toward him and he was trapped on the sidewalk by a four-foot wall.

"Unable to escape the path of the moving car, Lt. Gibson fired one round from his service {weapon} through the front windshield of the car," police documents filed in Superior Court note.

But another officer on the scene, Carol Queen, contradicted Gibson. She said in a statement to investigators that the car was not moving when Gibson fired. Queen also said two officers were standing atop the four-foot wall that Gibson said had trapped him.

In addition to McGee, three other officers at the scene told investigators they had heard but had not seen the shot. Among the five officers who said they had seen the shooting, three said the car had started to move forward, one said it had moved "slightly forward" and one said it came "directly at Lt. Gibson." Gibson said in his written statement to investigators that he fired from six feet away and that the car stopped six feet from him, an indication that the car had little forward momentum.

Gibson was ruled justified by police investigators and later was promoted

to captain. Gibson and McGee did not respond to messages seeking comment.

Willis sued the District for assault and negligence, claiming he was shot while "sitting in his stationary vehicle."

On Dec. 8, 1997, Willis appeared in court before Judge Mildred Edwards on the criminal charge.

Willis's criminal defense attorney, Mark Rochon, said the police story changed "180 degrees" -- dropping the original justification of shooting to protect children -- because that version would have gotten Gibson in trouble with internal investigators for endangering the children with his gunfire.

Rochon said that if Gibson had "fired his gun and there were kids behind the car, he wouldn't be keeping his job, he wouldn't be a captain now. He would be a sergeant."

The next day, after negotiations with the government, Willis struck a plea bargain. In exchange for his guilty plea to lesser charges of cocaine possession and assault on a police officer -- without the dangerous weapon component -- Willis was sentenced to unsupervised probation. He walked out of court a free man.

The next day, Willis dropped his civil suit against the department.

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Staff writers David Jackson and Sari Horwitz, database specialist Jo Craven, researcher Alice Crites and Metro Research Director Margot Williams contributed to this report.

### **Fighting Cars With Glock 17s**

Standard police procedure, in Washington and elsewhere, calls for officers to avoid approaching suspicious vehicles from the front on foot. Officers also are advised to remain close to their own vehicles and use a bullhorn to order suspicious drivers to get out of their cars.

In nearly a dozen cases examined by The Washington Post that involved officers shooting unarmed drivers, those procedures were not followed. Five nationally recognized law enforcement experts who reviewed summaries of the cases at the newspaper's request cited a pattern of deficient tactics in the following incidents, among others.

#### **March 23, 1993 The Cabdriver**

An off-duty D.C. police officer working as a security guard at the Greyhound Bus terminal on First Street NE tried to arrest a cabdriver for not displaying the required taxi license.

Officer Troy Ray, 24, a three-year member of the force, ran about 35 feet in an effort to block the fleeing taxi driver at the exit ramp of the station parking lot. A police news release said the officer feared for his life and fired one shot into the taxi's windshield as the car drove toward him, then two more into the driver's window after the cab struck him.

A bullet deflected off the cabdriver's arm into his chest. Adesola Adesina, 34, was pronounced dead later that day. The

officer was treated for cuts and bruises and released.

The U.S. attorney's office declined to prosecute. The department ruled the shooting justified.

#### **April 8, 1993 The Car in the Alley**

A D.C. officer on foot patrol approached a car parked in an alley behind the 900 block of Shepherd Street NW. When Officer Daniel Hall neared the car, the driver tried to pull away, hitting the officer with the car, according to police.

Hall fired 14 times, killing the driver and hitting nearby garages, cars and apartment windows, according to newspaper accounts. The dead man, Telulope Awonie, 41, had no criminal record in the District.

Hall, 27, a three-year member of the force, was put on administrative leave with pay pending an investigation of the shooting. Four years later, the U.S. attorney's office declined to prosecute Hall and sent the case to the department for administrative action, which is still pending. Hall has been on leave with pay for more than five years.

#### **Feb. 26, 1994 The Chase**

After a high-speed traffic chase that started in Virginia, passed through the District and ended in Prince George's County, five D.C. police cars boxed in a gold Honda in a parking lot at Branch and Southern avenues.

Two officers, Keith DuBeau and James Sulla, got out of their patrol car and rushed the Honda with their guns drawn, according to police accounts given to Prince George's and District investigators.

The Honda started moving, ramming cars and scattering the officers. DuBeau fired 18 times, emptying his magazine, as the Honda drove away from him toward other police cars. Sulla fired eight to 10 times at the Honda's rear. Two other officers also fired.

The Honda was hit by 39 bullets, including 13 into the trunk. The driver was hit five times and killed by a shot in the back, according to the Maryland medical examiner's report. He was Thappanika Ang, a 24-year-old baker from Falls Church and son of a Cambodian immigrant. He had cocaine in his blood, according to the medical examiner's report. Ang had left home after a fight with his family a few days earlier, court documents state.

Experts consulted by The Post said DuBeau and Sulla used poor tactics by confronting the irrational driver on foot. Police investigators at the time also raised this point, asking the officers why they didn't protect themselves better. "Hindsight is 20-20," DuBeau told investigators.

The shooting was ruled unjustified by the police department because DuBeau and Sulla fired at the Honda as it drove away, when the threat to them had passed. Sulla said he fired to protect the officers in the Honda's path, even though those officers were in his line of fire.

Sulla and DuBeau were given five-day suspensions. The city settled a wrongful death lawsuit brought by Ang's family by paying \$10,000 in July 1996.

Sulla and DuBeau declined to talk to The Post. Their attorney, Robert Deso, said the department's ruling was unfair.

"These guys were putting their lives on the line," Deso said. "What the hell do you want? They're doing what they're supposed to do. They didn't ask to chase [Ang]. This guy was trying to kill people."

### **March 30, 1994 The Cornered Car**

Officers John Diehl and Kelvin Dyson tried to stop a speeding station wagon that ran a red light at V Street and Bladensburg Road NE, according to police documents.

The officers trapped the vehicle in an alley and then approached the station wagon on foot, moving "towards the front of the station wagon, so that the car's headlights shone upon the officers," the documents stated.

The driver "floored the accelerator and drove at the officers," according to the documents. The officers fired 28 times, according to a firearms discharge report obtained by The Post. The driver, Samuel Bynum, who had a long criminal record, was shot in both hands; a passenger was grazed on the head and shoulder. Both recovered.

The shooting was ruled justified.

Experts consulted by The Post said the officers put themselves in jeopardy by walking in front of a car they knew was try-

ing to flee.

But retired captain Claude Beheler, who was at the scene of the shooting that night, said the officers could not have arrested the suspects without approaching their car on foot.

"You've got him backed up in a corner," Beheler told The Post. "You can't get on the PA system and tell him to get out and get in the back of your car and surrender. It's a physical situation. You've got to go out and get the guy."

Diehl and Dyson did not respond to messages from The Post seeking comment.

### **March 21, 1996 The Missing Gun**

Directed by a helicopter, police officers chased a station wagon that drove away from the scene of a shooting in Southeast Washington. A newspaper article at the time cited police as saying, "Shots were fired at the pursuing police cars as they raced down the avenue, and the driver of the station wagon rammed one of the squad cars."

The chase ended when four officers on foot shot and killed Edward Thomas, 20. Police said in a news release that Thomas "swerved toward them" near Martin Luther King Jr. Avenue and Fourth Street SE.

No gun was found inside Thomas's car, and no evidence subsequently emerged that he had fired at police as they chased him, according to investigative reports. When police searched the area where the shots from Thomas's vehicle supposedly

### **Death at a Roadblock**

On June 9, 1996, Eric Anderson, 18, was stopped at a routine traffic roadblock in Southeast Washington. Police Lt. Stewart Morris approached Anderson's car and asked for the driver's license and registration.

When Anderson does not turn his engine off, Morris yells, "I think we have got a problem here." Officer Terrence Shepherd approaches.

#### **Officer's Account**

- Shepherd said he stepped in front of Morris to question the driver himself. He said he drew his gun when the driver started rummaging in the car's console.

- Shepherd said he fired from three to four feet away when Anderson put the car in reverse and drove back, according to investigative reports.

#### **Conflicting Evidence**

- Morris stated that he saw Shepherd only after the shot was fired.

- A stain from lead gases ejected from Shepherd's gun is found in the back of Morris' white shirt.

- Gunpowder residue on Anderson's shirt indicated he was shot from less than 24 inches away.

- The car had no console.

*SOURCE: Records from the Metropolitan Police Department*

were fired, they found only a shell casing belonging to Franklin Porter, one of the officers who shot and killed Thomas in the confrontation several blocks away, according to the reports.

Porter did not respond to messages from The Post seeking comment.

The U.S. attorney's office declined to

prosecute any of the officers. A departmental ruling on the shooting is pending.

Thomas had a history of gun charges and was wanted at the time of his death. Thomas's mother filed suit after the shooting, claiming that her son was "in a stationary vehicle" when he was shot. The suit is pending.

### **March 18, 1997** **The Undercover Stop**

Two D.C. officers working undercover in an unmarked vehicle saw the driver of a car with Virginia tags exchange money for "several unknown objects" with a person in an apartment building on Martin Luther King Avenue SW, according to police documents.

When the car started to drive off, the officers left their car and approached on foot, yelling "police!" and showing their badges, the documents state.

The officers said they fired when the driver drove toward them.

A D.C. police firearms discharge report shows that the officers fired at least 17 times. A ruling on the shooting is still pending from the department. The driver, Mark Stephen Farmer, of Lorton, was hit in the right leg, left arm and forehead. He was taken to D.C. General Hospital for treatment. The officers said they recovered three small bags of white powder, "believed to be illegal narcotics," from Farmer's car, but no weapon.

Farmer, 42, who had drug possession convictions in the 1980s and early 1990s, was charged with assault on a police officer while armed with a car. No drug charges were filed against him, and two weeks later, the assault charge was dropped.

Farmer sued the District this year, alleging excessive force in the shooting.

# The Washington Post

*Democracy Dies in Darkness*

TUESDAY, NOVEMBER 17, 1998

## HOLES IN THE FILES

Investigations of police shootings  
often leave questions unanswered

**BY DAVID JACKSON**

Washington Post Staff Writer

In case after case when a District police officer shot a citizen during the 1990s, the Metropolitan Police Department's investigations were riddled with errors and omissions that make it impossible to sort out why the officer fired and whether the shooting was legitimate.

The poorly documented investigations protected officers who may have wrongly shot citizens or lied about the incidents, while making it difficult for blameless officers to clear their names in the civil lawsuits that often follow police shootings, an examination by The Washington Post found.

Because shootings by police may have enormous human consequences and put the department's integrity on the line, regulations call for every gunshot fired by an officer to undergo a rigorous, multilayered review. But from 1990 to the present, when shootings by D.C. officers reached record levels, that process was repeatedly short-

circuited, The Post's investigation showed.

Bullet wounds were undercounted. Witness statements disappeared. Basic forensic tests were not conducted. Officers were allowed to shift their accounts or submit vague statements. And investigations of fatal shootings sometimes were conducted by direct supervisors instead of an independent unit, department records and interviews show.

In each of Officer Lawrence D. Walker's five shootings in a 10-month stretch in 1992 and 1993, Walker's supervisor participated in the investigation. In three cases, Walker and his partners shot people in the back; two died and one was severely injured.

When Lt. Elliott Gibson shot a 38-year-old deliveryman in the face during a June 1996 curbside drug bust, Gibson and the 10 other officers at the scene were not interviewed separately by detectives; instead, they composed written accounts of the shooting at the station house. Their typed statements — some submitted as long as a week after the shooting — contain

some passages that match word for word.

When Officer Melvin Key shot a 21-year-old who was holding a BB gun, two witnesses were not interviewed until weeks later, after a lawyer for the young man's family brought the witnesses to the attention of federal prosecutors.

On the night Officer Christopher Jack Yezzi killed a Maryland man, Yezzi's squad mates gave statements that described a righteous, by-the-book shooting. One of the officers later expressed misgivings about the episode and changed his account, but the shooting was ruled justified, police records show.

When Officer Kristopher Payne shot and killed an armed 18-year-old in 1995, police officials waited five months before conducting basic ballistics tests that would measure how far Payne was from the teenager when he fired. Those tests showed that one and possibly two shots to Antonio Williams's head came from a gun muzzle held only 24 to 30 inches away, corroborating a statement from a witness who said Payne shot the youth from close range as he lay defenseless.

The department declared all of these shootings justified on the grounds that the officers fired to protect their lives or the lives of others, and the officers or their attorneys said in interviews that police acted properly in each instance.

"What jumps out at me is the tendency to take the officer's account and build the investigation around that account," said Michael Cosgrove, a former Miami assis-

tant chief who testifies in police shooting lawsuits and who reviewed summaries prepared by The Post of several cases.

Under police rules, if an officer wounds a civilian, his or her district commander supervises the investigation. If the citizen is killed, the case is entrusted to homicide detectives.

Once the internal investigations are complete, prosecutors at the U.S. attorney's office review the case and consider whether criminal law has been violated. Then the department's three-member Use of Service Weapon Review Board examines the case file to see whether the shooting violated weapons-use regulations and warrants disciplinary action against the officer.

Although some investigations by police and federal prosecutors in the 1990s have been models of clarity and thoroughness, a small but troubling number drifted for years before authorities decided whether to clear or charge the officers, The Post's review showed.

The department's last level of oversight — the weapon review board — failed to examine at all seven fatal shootings that occurred between January 1994 and May 1998, police records show. Police officials said they could not explain why certain cases were not reviewed; they acknowledged that those and other lapses hampered their ability to track shooting patterns and to hold individual officers accountable.

Records for 422 police shootings the review board examined during those 4 1/2 years show that 87 percent were declared

justified. Fifty-three firearms discharges were ruled improper. Thirty-three of those were accidents, domestic altercations, suicides or shots fired at animals. Only two shootings resulted in criminal charges against officers. One of those criminal cases is pending. In the other case, two officers were convicted of making false statements about a shooting. One officer was sentenced to 15 days in jail; the other officer received probation.

Among the shootings during that period were nine incidents in which D.C. police shot unarmed people, wounding seven and killing two. A police investigation into one of the shootings of unarmed people is pending; another shooting was ruled not justified.

Seven of the shootings were declared justified because the unarmed person allegedly attacked the officer or appeared to reach for a weapon. But only one of the unarmed citizens was ultimately convicted of assaulting an officer. Charges brought against four others were dropped.

Police officials and federal prosecutors said in recent interviews that they hope to revamp and strengthen procedures for reviewing shooting investigations.

D.C. Police Chief Charles H. Ramsey, who took over the department in April, said he wants a multi-agency review team dispatched to the scene of every civilian shooting by an officer.

"We owe it to the officer and the citizen that these cases are investigated quickly and thoroughly," Ramsey said.

### Investigating A Police Shooting

1. After a District police officer shoots and kills a citizen, the investigation is conducted by Homicide Branch detectives.
2. Within 24 hours, preliminary investigation is completed and a report goes to the office of the chief.
3. A more comprehensive report is supposed to be completed within 30 days. However, those investigations are often not done for more than a year.
4. When the Homicide Branch detectives have gathered all the evidence, they make a presentment to the U.S. attorney's office grand jury intake section. An assistant U.S. attorney is assigned to review the case. The federal attorneys will decide whether to bring criminal charges against the officer.
5. Under an agreement with the police union, the department has 45 days to discipline the officer, if necessary.
6. During the 45 days, two parallel administrative procedures begin. One is a disciplinary branch investigation, in which the department decides whether the officer is fit for service.
7. At the same time, there is a parallel investigation conducted by police Use of Service Weapon Review Board. The board considers only narrow technical issues about the discharge and handling of the weapon.

J. Ramsey Johnson, special counsel to the U.S. attorney for the District of Columbia, said his office is studying whether to establish a special unit of prosecutors who would focus exclusively on police shootings and use of force. "We believe these types of

cases deserve very special and expeditious treatment," Johnson said.

As for the 1990s cases now making their way through the legal system, District and federal law enforcement officials declined to discuss specific incidents or to make records available, citing privacy concerns and other legal constraints.

But from other sources, The Post obtained internal police files that illuminate an investigative process often hidden from public view.

### **A 10-Time Shooter**

Most police officers go years without firing a weapon, some their entire careers. But from 1992 to 1994, Officer Lawrence D. Walker used his pistol six times. During those incidents, he and other officers shot three people in the back, killing two and wounding a third. Police declared all six shootings justified.

Citizens filed five lawsuits over shootings involving Walker. The District paid \$186,701 in settlements and judgments to resolve the cases, court records show. Walker did not respond to phone calls and letters seeking comment.

Five of Walker's shootings — all in a 10-month period in 1992 and 1993 — were investigated by his supervisor, then-Sgt. Donald Gossage. In two of those shootings, citizens died.

Police regulations say fatal shootings should be investigated independently by the homicide branch. Gossage said in an interview that police officials dispatched

him to the scene of both fatal shootings involving Walker. Gossage said he subsequently spoke with the homicide detectives about the physical evidence and the witness statements they were gathering, and about the status of the cases. Gossage said his role was limited to examining whether the officers had violated department policy, not whether they had violated criminal laws.

Two years after those shootings, when Walker and his partners had been cleared by U.S. attorneys, Gossage wrote the department's final investigative reports on the cases and recommended that the shootings be declared justified, police records show. Gossage said that his reports were impartial and followed department policy but that supervisors generally should be barred from investigating their own officers.

"I think the people who complete the investigative report should not be the people who work with the officer on a day-to-day basis," he added.

In another, nonfatal shooting by Walker, Gossage investigated the episode although he had been at the crime scene directing Walker's activities; in another nonfatal shooting, Gossage helped develop the criminal case against the man Walker shot, then conducted the department's investigation.

"It would have been nice to have an independent party do the investigation. I would have welcomed it," said Gossage, who retired in 1996 and is now chief of the Hancock, Md., police department.

Walker was assigned to a rapid deployment squad whose dozen members made more than 300 drug and gun arrests a year, police records show.

Placed on routine administrative leave after the March 1993 fatal shooting of an armed 19-year-old drug suspect, Walker and his friend and partner, Officer Dwayne Mitchell, received permission from superiors to continue carrying guns for protection. Mitchell declined to comment for this report.

About midnight on May 18, 1993, Walker and Mitchell met at Walker's apartment. In later statements to police, they acknowledged drinking one beer apiece. Then they set out to get more. On the way, they parked in a crime-ridden section of Marshall Heights.

Nearby stood Nathaniel "Bud" Mitchell, 38, an unemployed sometime panhandler who had served time for robbery in the 1980s. He was carrying a toy gun, and the officers said they saw him threaten his drinking partner, then run as they approached. As the officers chased him up a hill, Bud Mitchell turned and extended the toy gun as if to shoot them, Walker said in a police statement.

Walker and Mitchell fired 23 bullets, striking Bud Mitchell with four, including three from behind.

Still carrying the toy gun, Bud Mitchell fled into a relative's apartment and collapsed on the couch, where he died.

Walker and Mitchell picked up and passed around his toy gun, despite depart-

ment regulations about preserving evidence, court records show.

Police investigators did not test the officers' blood alcohol levels after the shooting. In a deposition for a lawsuit brought by Mitchell's family, Walker added detail to the account he had given initially to police. He said that Bud Mitchell pointed his toy gun at them while they were in the car. "He walked to the rear of the car, pointed the gun at my head," Walker said. He did not mention this earlier, he said, because "I forgot, I guess."

Walker still patrols the 7th District. A May 1998 lawsuit filed in U.S. District Court said he battered a woman he arrested in Southeast. The woman was charged with assaulting Walker but acquitted. Lawyers for the District have denied wrongdoing on Walker's part.

In a deposition for that lawsuit, Walker said last week that he has been involved in four more shootings since 1994, for a total of 10 during the 1990s, according to attorney Gregory Lattimer, who took the deposition.

### Crossed Lines

On May 26, 1995, Officer Michelle Bullard began her Memorial Day weekend at the police academy shooting range, requalifying to use her Glock 9mm pistol. It was her first time there in nearly four years, despite police orders that officers train with their weapons at least twice a year. Then Bullard took her teenage daughter fishing in Rock Creek, near the Watergate

Hotel. There, she used her Glock again.

The man she shot at 7:10 p.m., 47-year-old Jamaican-born handyman Rudyard Beaverbrook Bradshaw, also had been fishing. Bradshaw got off work about noon, drank two 16-ounce cans of beer, then headed by subway for the fishing spot, according to his subsequent sworn testimony.

Bradshaw since 1994 had been convicted three times for misdemeanors — disturbing the peace, assault and trespassing, according to court records in Maryland and the District. When he asked Bullard how the fishing was, she first told him to mind his own business, according to a deposition he gave later. He said that he cursed at her and that she told him she was an officer and would lock him up.

In her statement to police, Bullard said Bradshaw was belligerent and harassing, telling her he liked aggressive women. She flagged a U.S. Park Police officer, who got Bradshaw's assurance that he was leaving. Soon afterward, Bradshaw returned "and continued with the foul language," Bullard said.

Bradshaw said in his deposition that he moved downstream after the Park Police officer intervened. But having no luck in his new location, he said, he rolled in his line, removed his sinkers and tried skimming his hook across the top of the water, using a chunk of herring as bait. Suddenly his line was pulling. "I felt I had a big one, then. I was happy. I yanked it and started winding it and discovered — it was just

that her line was crossed mine."

They argued and Bullard displayed her Glock, according to both of their accounts. Bradshaw advanced, telling her "he had a .357 and he would kill me," Bullard told police investigators. She said that when Bradshaw reached toward his waist as if to grab a gun, "I fired my weapon and he fell to the ground."

Bradshaw said in his deposition that he never claimed to have a gun and was incredulous when Bullard pulled hers. "What . . . you going to do with that? Shoot me?" he said he asked.

"All I heard," Bradshaw added, "was pow!"

Police reports said Bullard shot Bradshaw twice — in the stomach and buttocks. But Washington Hospital Center records show that another bullet hit Bradshaw's neck just below his left ear. The bullet traveled to his right shoulder blade, where it remains lodged.

The department's final report was written a month after the shooting by Bullard's 1st District supervisor, Lt. Beverly Medlock, who left the department in March after 26 years. Medlock's report, based on the police statements of Bullard and a woman who heard shots from a distance, stated flatly that Bullard fired only two rounds. Two spent shell casings were found at the site. But police reports give conflicting descriptions of what model gun Bullard carried — and therefore how many bullets it held and how many she fired.

Medlock said in an interview that she

did not have access to medical reports and did not interview Bullard. "I went by the information that was available," she said.

After reviewing the police reports on the incident for The Post, Medlock said the conflicting descriptions of Bullard's gun, the number of bullets fired and the location of Bradshaw's injuries did not affect her judgment that the shooting was justified.

"This is all we're concerned about: You felt your life or the life of another person was in danger. And the only person able to articulate that is the officer," Medlock said. "I'm surprised she didn't empty her gun, to tell you the truth, no matter where [the bullets] landed."

Police officials declared the shooting justified four months after the incident. Police charged Bradshaw with a felony count of making threats, but for undisclosed reasons, prosecutors dropped the charge in August 1995.

Bradshaw has filed a D.C. Superior Court lawsuit alleging he was wrongly shot and falsely arrested. Bradshaw's medical treatment has cost more than \$80,000, said his attorney, Mary Beth Gowen.

Bullard, 38, has won several police commendations. In October 1997, she was suspended from the department after being charged with felony assault of a neighbor. The charges were reduced, and she was reinstated after a federal judge acquitted her.

She declined to discuss the incident at Rock Creek. "I really have nothing to say as

far as the shooting I was involved in," Bullard told The Post.

### 'I Did See a Gun'

On May 26, 1994, four D.C. officers from the 7th District made a traffic stop that turned into a foot chase and ended when Officer Christopher Jack Yezzi shot Maryland resident Dion Hinnant in the back, killing him.

Two days later, in the station's brick-walled basement, Officer Terrence McClain pulled aside his partner, Rodney Williams Jr., and loosed a string of obscenities. McClain thought the shooting by Yezzi was "messed up," Williams later told police investigators.

"It was a white man finally got a chance to shoot, shoot — well, shoot a nigger. That's what he said," Williams told internal affairs investigators in a taped interview 14 months later.

Yezzi said he fired to protect himself and his partners when Hinnant aimed a gun at them.

Over the next two years, three overlapping investigations by the police, the U.S. attorney's office and the department's Office of Internal Affairs would unearth conflicting physical evidence and changing statements by officers. In the end, no official action was taken and police declared the shooting justified. Yezzi, who has received numerous commendations, was subsequently promoted to sergeant and now serves in the 4th District.

Yezzi declined to comment, citing a

pending lawsuit, but he said, "As far as I know, {there} was nothing questionable about the shooting." Taking a life "is certainly nothing anybody comes on this job to do," he said. "The people who make comments have never been in a shooting. A lot of things get taken out of context."

The shooting incident began at 7:05 p.m., according to police reports, as the last hour of sunlight slanted through the low-income Atlantic Terrace housing complex on Fourth Street SE. Plainclothes officers Yezzi, McClain, Williams and Seth Holmes patrolled in an unmarked 1979 Chevy Malibu. The officers had a sketchy, day-old tip that someone in a gold Acura was carrying drugs into the area.

When they spotted Hinnant's gold Acura, the officers tailed him and his 23-year-old passenger into a parking lot. Hinnant had been convicted a year earlier of a misdemeanor charge of carrying a pistol without a license and was still on probation. In the car with him was a loaded Colt .45-caliber pistol.

Police reports filed later that night by the four officers describe the next few seconds as a deftly choreographed display of law enforcement. McClain's first official account of the incident gave no indication that he questioned the legitimacy of the shooting.

Hinnant stepped out of the Acura, reached back inside for the gun, then took off running, according to the reports. Holmes dealt with the passenger while the three other officers chased Hinnant.

"I yelled 'Police!' and 'Drop the weapon!' several times," Yezzi said in his statement that night. Hinnant kept running, twisting his torso to the left, lifting his left arm and curling his right hand beneath it, so the gun was pointed at the officers, their reports state.

Yezzi again ordered him to stop, then fired. Hinnant dropped the gun, staggered "about four more steps and fell on his stomach," according to Yezzi's account. Yezzi said he "immediately ran a couple of feet up to where I saw the weapon drop, stood over it and secured the weapon."

Flown by helicopter to Washington Hospital Center, Hinnant was pronounced dead 3½ hours later.

No drugs were found on or near Hinnant or in his car. His passenger told police that Hinnant was giving him a ride home from a pickup basketball game.

Homicide detectives opened an investigation that night, interviewing two witnesses who saw the incident from the housing complex courtyard. Neither corroborated the police account. One said Hinnant had dropped his gun before Yezzi fired, and the other, who saw only part of the chase, said she never saw a gun in Hinnant's hand. A third witness told The Post that night that she saw Hinnant drop the gun as he was running, before he was shot. She was not contacted by police, records show.

The officers said Hinnant was twisting his left shoulder toward Yezzi as Yezzi fired. Medical records show the bullet's

trajectory was slightly from the right to left -- it hit Hinnant a half inch to the right of his spine and traveled to the front of his chest, where it mushroomed just beneath the skin.

Hinnant's gun was not found near him, as if he had dropped it upon being shot and staggered four steps, as the officers stated. Instead, it was recovered 31 feet behind his body.

The locations of Yezzi's spent shell casings also are difficult to square with the police account. One of Yezzi's shells was recovered about a foot past Hinnant's gun and the other was six feet in front of it, raising the possibility that Yezzi may have run past Hinnant's gun while he fired. Although Glock shells can land in unpredictable ways, they generally eject up and to the right, not forward, police say.

The department's preliminary report, sent the next morning to then-Chief Fred Thomas, said a Colt .45 was "recovered from Mr. Hinnant," but it did not explain that the gun was actually found 31 feet from his body. It said Hinnant was stopped for "possible narcotics violations," yet did not mention that police found no drugs.

Immediately after the shooting, Yezzi's squad leader alerted Officer Don Monroe, who previously had been through a police shooting investigation. He called Yezzi at home that evening to offer support. Monroe also called at least two other members of Yezzi's team, and they met at the police union cafeteria to discuss the incident. Law enforcement officials generally prohibit

### **The Death of Dion Hinnant**

In the early evening of May 26, 1994, four plainclothes officers were working on a day-old tip that someone in a gold Acura was transporting drugs in the area around the Atlantic Terrace housing complex. The officers spotted a gold Acura with two people inside and followed it to a parking lot off Fourth Street SE.

### **The police account**

1. The driver, Dion Hinnant, grabbed a loaded .45-caliber pistol and took off running. Three officers, including Christopher Jack Yezzi, ran after him. Yezzi ordered Hinnant to stop and drop his weapon, but Hinnant kept running.
2. Hinnant twisted his torso to the left, lifting his left arm and curling his right hand beneath it with the gun pointed at the officers.
3. Yezzi again ordered Hinnant to stop, then fired. Hinnant dropped the gun and staggered "about four more steps and fell on his stomach," Yezzi said. "I immediately ran a couple of feet up to where I saw the weapon drop, stood over it and secured the weapon," Yezzi said. Hinnant was pronounced dead 3 1/2 hours later.

### **Conflicting evidence**

Two witnesses say Hinnant dropped his gun before Yezzi fired.

The police say Hinnant twisted around to point his gun at the officers. Medical records show that the bullet entered Hinnant's back half an inch to the right of the spine and traveled slightly from right to left.

No drugs were found on or near Hinnant, or in his car.

*SOURCE: Records from the Metropolitan Police Department and D.C. Superior Court*

officers from discussing a shooting while it is under investigation.

In the cafeteria conversation, McClain called Yezzi a “murderous [expletive]” to his face and “said [Yezzi] didn’t have to shoot the guy,” Monroe later told police internal affairs investigators.

The discussion was apparently overheard by others, and the Office of Internal Affairs opened an inquiry into whether the officers coordinated their stories. That inquiry was closed with no discipline taken against the officers. In taped interviews with the internal affairs investigators, two officers made substantial revisions in their accounts of the shooting.

Williams originally said Hinnant dropped his gun when he was shot. But he told internal affairs investigators he saw Hinnant “fling the gun” backward over his right shoulder as he ran.

McClain originally said he saw Hinnant pointing a weapon at them. But he told internal affairs investigators, “I don’t remember seeing [Hinnant’s] gun” after the chase began. McClain also said he could offer no explanation for the fact that Yezzi’s shell casings were found past Hinnant’s dropped gun.

In May 1995, Hinnant’s relatives filed suit against the police in Superior Court. That suit is pending. McClain gave a deposition in December 1996, this time insisting, “I did see a gun.” He said he did not remember giving a different account to internal affairs investigators.

A 12-year police veteran, McClain left

the force this year. He declined to comment on the Hinnant case, except to say that he did not recall changing his testimony. He said his description of Yezzi as “murderous” in a conversation with other officers was friendly ribbing taken out of context.

Monroe also declined to comment on his involvement in the investigation, citing the pending lawsuit. But he said: “You are hired to protect and serve, and if you don’t protect yourself, you can’t protect nobody else. The police officer, he wants to go home just like he came to work — in one piece.”

### ‘I Felt I Had to Fire’

The 1995 shooting of a black plainclothes detective by a white uniformed officer stirred racial tensions within the force. Rank-and-file officers demanded information at roll calls. From within the ranks and outside, the department’s ability to investigate a police shooting came under scrutiny.

Plainclothes Detective Lani Jackson-Pinkney was shot in the back and severely wounded by a fellow officer who mistook her for a robber as she stopped a carjacking in a heavy rain.

The patrolman who shot her, 5th District Officer Robbie Sean Dykes, resigned from the force in October 1997 because he felt the shooting investigation contained errors and misstatements. Dykes said in an interview that the errors rattled his confidence in the department and made him feel he would be in legal peril should he use his gun again.

Jackson-Pinkney has filed a Superior

Court lawsuit alleging that department-wide training failures led to the shooting and put officers at risk. The District has denied her allegations, and Dykes has filed court papers saying his training and conduct during the incident were proper.

At 1:15 p.m. Dec. 19, 1995, Detectives

Jackson-Pinkney and LaJuan Lynch were on their lunch break at the D.C. Farmer's Market when someone reported that two men had forced a video salesman into his van at gunpoint.

The detectives radioed for backup, then broke up the carjacking. One robber

### FROM THE RECORDS

#### **Facts on D.C. Police shootings from 1994 through May 1998:**

About nine of 10 police shootings reviewed by the department were deemed justified.

In at least 250 incidents, officers shot in response to what they said was an armed threat. At least 207 suspects in those incidents had guns and at least 72 of those suspects fired at officers.

#### **Shootings Of Unarmed Civilians By D.C. Police, 1994-1998 Excluding vehicle incidents**

Between 1994 and May 1998, District police shot nine unarmed people on foot. Two were killed and seven wounded. Five of the wounded were charged with assaulting the officers, but only one was convicted; charges against the other four were dropped.

1. Jan. 31, 1998: Officer Linda Miles shot and wounded Rodney Brooks outside the D.C. Armory as he allegedly reached into his pocket and turned toward her. The shooting was declared justified.

2. Aug. 19, 1997: Officer Anthony Greene shot Anthony J. Calvin, 25, in the leg on Q Street NW. Police said Calvin interfered with a drug arrest. Calvin was charged with assault but acquitted. The shooting was ruled justified.

3. July 13, 1997: Off-duty Officer Kirk Roache shot and wounded a man who he said threatened him outside a 7-Eleven store on Cedar Avenue NW.

More than a year later, Roache was charged with assault. He has pleaded not guilty; his criminal case is pending.

4. Jan. 7, 1997: Officer Jane Barrientos shot and wounded a person who she said threatened her at 902 Massachusetts Ave. NE. Police declared the shooting justified.

5. Jan. 4, 1997: Officer Eric Stringer shot and killed Mario Demetrius Jenkins, 20, on East Capitol Street SE. Police declared the shooting justified.

6. Dec. 30, 1995: Officer Janine Mayberry fired one bullet, wounding Elijah Demeco Jackson, 19, after he allegedly attacked her in a hospital. Jackson was convicted. The shooting was ruled justified.

7. Nov. 11, 1995: Off-duty Sgt. Gerald Neill shot and killed Joseph Cooper Jr. at 2300 East Capitol St. NE. Neill said Cooper tried to steal his car. The shooting was declared justified.

8. May 26, 1995: Off-duty Officer Michelle Bullard shot Rudyard Bradshaw during a fishing dispute in Rock Creek Park. Police ruled the shooting justified.

9. Dec. 6, 1994: Officer Julius Dancy shot and wounded Michael Rutledge in the back at 3400 Georgia Ave. NW. Police declared the shooting not justified.

*SOURCE: D.C. Police, Washington Post research by Ira Chinoy and Jo Craven*

fled with Lynch in pursuit while Jackson-Pinkney forced the other to the ground. She was standing over him with her pistol drawn when Dykes ran up.

As the crowd parted, Dykes saw the back of a person in a bulky winter coat pointing a gun at a man seated on the sidewalk. He figured the seated man was a crime victim about to get shot.

"I said, 'Police!'" Dykes would later testify. When the person holding the gun did not respond, "I felt I had to fire."

Struck in the back by two bullets, Jackson-Pinkney collapsed on the pavement and looked up at her assailant.

"Dykes," she said, "I'm pregnant."

Jackson-Pinkney gave birth to a healthy daughter four months later, but she remains partly paralyzed and unable to work.

Lt. Rodney T. Parks sent top officials a four-page report the day of the shooting, summarizing the statements of several witnesses, including a bystander who said he heard Dykes yell, "Police, drop the weapon," before he fired.

Ten months later, in October 1996, when homicide branch detectives forwarded the final investigative packet to the U.S. attorney's office for review, that witness statement and several others could not be located and were not included in the packet, a report by 5th District Lt. Melvin E. Gresham said.

"Attempts to obtain these statements from the homicide branch were unsuccessful," and the witnesses could not be found,

Gresham wrote. Without the statements, no witness corroborated Dykes's account that he warned Jackson-Pinkney before shooting. It was for that reason the department declared the shooting not justified, a police spokesman said.

Police reports differ in their accounts of the numbers of bullets fired. Two bullets hit Jackson-Pinkney, while carjacker Gregory Gary took a bullet in his left shoulder and a bystander was struck in the knee. Gresham's February 1997 report stated that Dykes fired all four shots.

But other police reports show only three bullets at most were missing from Dykes's gun. Jackson-Pinkney's gun was two rounds short of its capacity, an evidence report shows, raising the possibility that she also fired -- although she said she didn't. It is not clear from police reports whether Lynch fired. Her gun was not confiscated at the scene as required by police regulations, but was turned over later to fellow officers who discussed the shooting with her before she made her official statement, a police report shows. Lynch said her gun jammed when she tried to fire it.

From a hospital room two days after the shooting, Jackson-Pinkney gave her statement to two detectives from her own 5th District, as well as a homicide branch investigator.

Jackson-Pinkney's partners took a close interest in her answers, police reports show. When Jackson-Pinkney stated that she was tussling with Gary for "three to five minutes" before Dykes arrived, for exam-

ple, Detective James O. Johnson asked, "Was it actually that long? . . . I'm not trying to change your time, I'm just trying to say, think about —three to five minutes is a long time. Think about that again."

Dykes, by contrast, was asked to give only a cursory statement on the day of the shooting, and that statement's lack of detail would be used to attack his credibility during the July 1997 deposition he gave in Jackson-Pinkney's lawsuit against him and the District.

Last March, five months after he resigned and more than two years after the

shooting, police officials ruled that Dykes's use of his gun was not justified.

Dykes now works as a Maryland school security officer. As the pending lawsuit swirled around them, Dykes and Jackson-Pinkney reconciled in telephone conversations and at a meeting in her Prince George's County church. She has forgiven him.

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Staff writers Jeff Leen and Sari Horwitz, computer-assisted reporting director Ira Chinoy and database specialist Jo Craven contributed to this report.

# The Washington Post

*Democracy Dies in Darkness*

WEDNESDAY, NOVEMBER 18, 1998

## ARMED AND UNREADY

City pays for failure to train officers with sophisticated weapon

**BY JEFF LEEN AND SARI HORWITZ**

Washington Post Staff Writers

A decade ago, the District's Metropolitan Police Department placed one of the most advanced pistols in the world into the hands of hundreds of ill-prepared, under-trained police recruits.

The results have been unfortunate, according to police reports and internal department records examined by The Washington Post.

In the 10 years since D.C. police adopted the Glock 9mm to combat the growing firepower of drug dealers, there have been more than 120 accidental discharges of the handgun. Police officers have killed at least one citizen they didn't intend to kill and have wounded at least nine citizens they didn't intend to wound. Nineteen officers have shot themselves or other officers accidentally. At least eight victims or surviving relatives have sued the District alleging injuries from accidental discharges.

In an extraordinary sequence over the last six months, the District has settled three lawsuits for more than \$1.4 mil-

lion. The District admitted no wrongdoing in the suits, but the cases highlight the chronic neglect of Glock training by the D.C. police.

Last month, the District paid \$250,000 to settle a case brought by the family of an unarmed teenager shot and killed at a traffic roadblock in 1996. The family's attorney argued that the officer's gun had discharged accidentally.

In August, the District paid \$375,000 to settle another case in which a D.C. officer accidentally shot and killed an unarmed driver at a traffic stop in 1994.

In June, the District paid almost \$800,000 to settle a case from 1994, when a D.C. officer accidentally shot his roommate. The officer had not been to the firing range to train with his weapon in more than two years -- 20 months out of compliance with regulations.

"That's just poor on the department's part to allow that to happen, and poor on the individual's part," Chief Charles H. Ramsey, who took over the D.C. police in April, said in an interview. "No wonder they settled."

Ramsey's recent efforts to bolster lax

training already have yielded significant improvements, police officials say. But as the recent legal settlements show, the bill for past shortcomings is still coming due.

The string of accidental shootings by D.C. officers came amid 10 years of warnings from firearms experts about the Glock's light trigger and propensity to fire an unintentional shot when handled incorrectly. Such a sensitive gun was designed for highly trained users.

Yet the department stunted on training for recruits and failed to keep veteran officers to a twice-yearly retraining schedule that experts consider the bare minimum for firearms competence. A Washington Post investigation found that 75 percent of all D.C. officers involved in shootings during 1996 failed to comply with the retraining regulation. One officer waited so long to come to the range that firearms instructors found a spider nest growing inside his Glock.

Several factors contributed to this neglect, including the reluctance of hard-pressed commanders to spare officers from street duty, lapses on the part of officers themselves, problems with lead contamination that shut down the shooting range in the early 1990s and poor management, according to interviews with officials and independent studies of the department.

D.C. police officials repeatedly studied the phenomenon of accidental discharges, invariably concluding that there was no fundamental problem with the Glock itself — as long as users were properly trained.

Officials chose not to modify the Glock trigger, as New York City police did in 1990, to require a more forceful tug to fire the gun. In 1994, D.C. police recorded more accidental discharges than the Chicago or Los Angeles forces, two far bigger departments, according to discharge records from the departments. Last year, the accident rate for D.C. police was 50 percent greater than that of New York police.

Former D.C. police chief Larry D. Soulsby told The Post recently that he had planned to have the department switch from the Glock to another pistol before his retirement last November. Safety, Soulsby said, was "absolutely" a major factor in his thinking. In the past, the police union had pressed for a change of service weapon, Soulsby and former union officials said.

Glock Inc., the Austrian company's U.S. subsidiary, did not respond to repeated phone calls or a letter sent to its headquarters in Smyrna, Ga. A lawyer who has represented the company defended the gun as a safe weapon, citing the pistol's enormous popularity with U.S. police agencies.

"Glock has a market share probably in excess of 50 percent of the law enforcement market out there in the United States," New York lawyer John Renzulli said.

### 'Glock Perfection'

The Glock semiautomatic is, by all accounts, a 21st-century gun. Made of steel and polymer plastic, the Glock 17 model carried by D.C. police is lightweight but powerful, able to deliver 18 bullets in nine

## Accidental Discharges

*Since D.C. police began carrying the Glock handgun in February 1989, accidental discharges have resulted in the following injuries:*

Feb. 2, 1989: Officer assigned to armorer's office shoots self in fingers while unloading gun during test-firing.

Sept. 19, 1989: Officer suffers lacerations when bullet ricochets off wall in 7th District station.

Oct. 10, 1989: Two-year-old daughter of D.C. police officer dies after shooting self in head with her father's pistol.

March 25, 1990: Juvenile removes gun from officer's briefcase, shoots self in hand.

May 31, 1990: Officer injures finger and left arm at 2nd District station.

Sept. 21, 1990: Officer shoots self in upper right thigh while unholstering gun.

Oct. 27, 1990: Gun goes off while officer struggles with suspect, striking suspect in back of head.

Nov. 1, 1990: Suspect grabs officer's gun, bullet strikes another officer in chest.

Dec. 5, 1990: Officer shoots self in right foot after husband bumps her while she unloads gun at home.

Feb. 7, 1991: Officer shoots self in stomach after he stumbles while chasing drug suspects.

May 23, 1991: Officer shoots 18-year-old in back after slipping while serving search warrant.

Aug. 8, 1991: Officer shoots unarmed man in chest during drug arrest.

Sept. 6, 1991: Officer shoots self in hand at home.

Jan. 24, 1992: Officer shoots self in thigh while holstering gun.

March 13, 1992: Officer shoots self in hand and knee at home.

April 14, 1992: Officer shoots self in thigh while unloading gun at home.

April 21, 1992: Officer shoots self in hand while holstering gun at home.

March 10, 1993: Officer fires through floor of her apartment, hitting resident below in thigh and ankle.

April 4, 1993: Officer shoots self in forearm while unloading gun at home.

April 20, 1993: Officer shoots another officer in foot after removing magazine when bullet ricochets at 2nd District station.

Aug. 17, 1993: Officer shoots another officer in finger when gun goes off in holster as he exits patrol car.

Jan. 28, 1994: Officer shoots another officer in stomach while handling gun inside department headquarters.

Feb. 2, 1994: Officer shoots roommate in groin inside their apartment.

April 13, 1994: Officer shot in leg when gun goes off during struggle with suspect.

June 17, 1994: Officer shot in stomach by his wife at their home.

July 15, 1994: Officer fatally shoots driver in head during traffic stop.

Nov. 9, 1994: Officer shoots self in the right leg while approaching suspect.

Dec. 6, 1994: Officer shoots suspect in lower back, says gun went off when suspect grabbed it.

Feb. 6, 1995: Officer shoots suspect accidentally during arrest.

Nov. 15, 1995: Officer shot in buttocks.

May 26, 1996: Three-year-old daughter of officer shoots self in head.

Aug. 21, 1996: Officer shoots girlfriend in stomach after struggle over his gun.

Nov. 7, 1997: Officer shot in upper left thigh.

*Source: MPD police reports, Use of Service Weapon Review Board records*

seconds. It is sturdy, requires little maintenance and is very easy to shoot.

Unlike many semiautomatics, the Glock has no external manual safety. The pistol carried by D.C. police uses a five- to six-pound trigger pull — half the pull of most other semiautomatics for their first shot. The features allow a shooter to fire quickly in dire circumstances when getting off the first shot is critical. Glock's pride in its design and precision is reflected in the company's motto: "Glock Perfection."

The Glock's unique features made the gun attractive to D.C. police officials when slayings in the District soared in the late 1980s. The D.C. department liked the lack of an external manual safety, calling that "a paramount consideration" in selecting the Glock, according to the department's Firearms Training Manual. Officers accustomed to firing revolvers that lacked an external safety — which included the entire D.C. force — could more easily switch to the Glock than to a pistol that required them to learn how to disengage the safety before shooting, the department reasoned.

Department officials knew that diligent training would be crucial to ensure a safe transition from revolvers to semiautomatics. In February 1988, the departmental committee studying the handgun issue noted that the revolver was safer "for the inexperienced shooter" and that "the accidental discharge potential is greater for the semiautomatic." But the committee predicted that "proper training and clearly defined departmental policy" for the semi-

automatic "should negate this factor."

In December 1988, the department made a surprise announcement that it was switching to the Glock. Police officials were so taken with the gun's merits that they got the District to approve an emergency procurement without competing bids. "Failure to procure these weapons on an emergency basis could result in needless injury to police officers and the public," a city procurement official noted of the department's request.

The District paid just over \$1 million for 4,300 Glocks.

The decision was immediately controversial. Dissenting voices were beginning to be heard about "Glock Perfection." Perhaps the most significant criticism came from the FBI. The FBI Academy's firearms training unit tested various semiautomatic handguns and in a 1988 report gave the Glock low marks for safety. The report cited the weapon's "high potential for unintentional shots."

Unintentional shots would turn out to be a disquieting byproduct of Glock's unique design, according to many experts and to lawsuits filed against Glock in the last decade. Even though the Glock does not have an external manual safety, it incorporates three internal safeties intended to prevent the gun from discharging if dropped or jostled. A unique feature of the Glock is that a shooter disengages all three safeties at once by pulling the trigger.

"You can't blame the Glock for accidental discharges," said former police chief

Isaac Fulwood Jr., who took over the force a few months after the District switched to Glocks. "The gun doesn't accidentally shoot. The officer has got to pull the trigger."

But officers found it difficult in tense street situations to keep their fingers off the triggers of their Glocks.

"When they feel in danger or they feel that somebody is in danger and they're really going to use that weapon, they'll put their finger on the trigger," Detective Ron Robertson, former head of the D.C. police union, said in a deposition in July. "It's kind of hard to keep the finger out of there."

D.C. police are trained to carry their Glocks in the "street-load mode" — with a round in the chamber ready to fire when the trigger is pulled. A Glock has an innovative "trigger safety" — a sort of trigger-within-a-trigger that makes it virtually impossible for the Glock to go off unless the trigger is pulled. But officers in stressful situations might begin the process of squeezing the trigger safety in order to be primed to fire, several firearms experts said.

Then-Deputy Chief Rodwell Catoe wrote in an internal memo in 1990, "An unholstered Glock in the 'street load' mode with the trigger safety mechanism pressed is a profoundly dangerous weapon, even in the most ideal conditions."

### 'It Bit Me'

Almost immediately after D.C. police adopted the Glock, unintentional discharges increased sharply.

The first accident occurred in Febru-

ary 1989 — less than a month before the guns reached officers on the street. Officer Adam K. Schutz was helping to test and clean the first shipment of guns when he shot himself in the fingers.

"It bit me," said Schutz, who was left with permanent damage to a finger on his left hand. "I was moving my hand to lower the slide and it jumped forward. I had assumed the gun was unloaded."

Nine months later, the 2-year-old daughter of a D.C. police officer died after accidentally shooting herself in the head with her father's pistol in their Northwest Washington house.

By October 1989, the department had experienced 13 unintentional discharges, double the rate of 1988, the last year with revolvers, according to an internal police memo. Then-Assistant Chief Max Krupo noted in the memo to the chief that such problems were to be expected in departments switching to semiautomatics. Krupo suggested that increasing the five-pound trigger pressure to eight pounds "would be satisfactory." But after studying the issue, Krupo decided that a five-pound pull was just as safe as an eight-pound one.

In February 1990, the Use of Service Weapon Review Board — responsible for monitoring department shooting trends — issued a report by Catoe, the deputy chief, in response to "the increasing number of unintentional discharges." The report examined nine incidents, blaming "human error" in each case. The report found no deficiencies in either the Glock or the

department's training procedures.

But the report reached a troubling conclusion: "The department is obviously experiencing far too many accidental Glock discharges . . . {which} must be eliminated promptly so that serious injury or death can be avoided."

By the early 1990s, the Glock's alleged problems with unintentional shots were the talk of the gun world. Lawsuits against Glock for accidental discharges piled up. The Firearms Litigation Clearinghouse in Washington, an advocacy center against gun violence, currently is monitoring about 60 pending lawsuits against Glock across the country — 90 percent of all the cases the center is tracking, the center's executive director said.

Despite such publicity, many firearms experts retain deep admiration for the gun.

"Some of the same factors that give it tremendous high-speed hit potential while you're fighting for your life also make it more prone to accidental discharges," Massad Ayoob, a New Hampshire police captain who also runs a firearms instruction institute, said. "You don't want your 16-year-old kid out of driver's ed driving a Corvette Stingray. The Glock is like a Corvette Stingray."

Alexandria Police Chief Charles E. Samarra, who as a D.C. assistant chief headed the committee that chose the Glock in 1988, called it "the perfect weapon," but said training is essential.

"Training has a lot to do with accidental discharges," Samarra said in an inter-

view. "Our only concern was training."

Three months after D.C. police started carrying Glocks, the department began a crash program to hire 1,500 officers in 18 months. Police officials now acknowledge that the officers from those recruit classes of 1989 and 1990 were, in many cases, poorly screened and trained by the department.

"They just rushed through this stuff," said former lieutenant Lowell Duckett, who was a firearms instructor at the police academy then. "We had taken firearms training up to eight days. We were in the process of making it two weeks. After 1989, [with] the big flood of recruits . . . firearms went to five days, maybe three in some cases."

Of 93 accidental discharges studied by The Post where information about the officers' academy classes was available, 49 involved officers from the Classes of 1989 and 1990. In other words, half the accidental shootings involved a group of officers who never made up more than 35 percent of the force.

### **'He Had His Finger on the Trigger'**

In the years after the department's 1990 report on Glock accidents, unintentional shootings continued to mount.

In October 1990, Officer Edward Wise fired accidentally and grazed a man's head during an undercover drug operation at a Southeast Washington housing complex, according to police and court documents. Wise said he had been struggling with the man, Barry Braxton, who was unarmed.

Braxton sued and collected a \$55,000 settlement from the District.

Sabrina Whittle, who was Wise's partner, said in a recent interview that she and her partner were not taught to keep their fingers off the triggers of their Glocks unless they intended to fire.

"The most we had to go on was common sense," said Whittle, then a 21-year-old police rookie, now a security guard. "It was dark and late and we were scared. I know that, both of us being scared, he had his finger on the trigger. Obviously, [with] your finger on the trigger, you're prepared."

Wise, who is still with the department, did not respond to messages seeking comment.

In May 1991, an officer accidentally shot Kenneth McSwain, 18, in the back when the officer slipped while serving a search warrant in Northeast Washington, court and police documents show. McSwain, who was unarmed and was not charged with any crime, collected a \$42,000 settlement.

In August 1991, an officer accidentally shot Stephen Wills in the chest during a drug bust in Southeast Washington, according to court and police documents. Wills, who was unarmed and was not charged with any crime, collected a \$40,000 settlement.

Four officers were wounded with their own guns in 1992. Over and over, officers fired unintentional rounds in the locker rooms at their district stations, or at home while cleaning or unloading their guns,

according to police reports.

Officers are told during training to avoid such accidents by being attentive to the Glock's unique, simplified design: An officer cleaning a Glock has to pull the trigger before removing the slide to get access to the gun barrel. In many other pistols, taking the magazine of bullets from the gun renders it unable to fire. But the Glock has no "magazine safety" — if an officer leaves a bullet in the chamber, the Glock will still fire if the trigger is pulled.

In March 1993, Officer Lakisha Poge fired a round through her bed while unloading a Glock in her apartment, a police report states. The bullet went through the floor and hit Glowdean Catching in the apartment below. Catching, who was wounded in both legs, has a suit pending against the District. Poge, who has left the department, could not be reached for comment.

"I submitted reports through channels and said, 'You have problems with this gun,'" former homicide branch chief William O. Ritchie, who chaired the department's Use of Service Weapon Review Board in 1993, said in an interview. "I talked to the union and said, 'There is a hazard here.'"

In January 1994, homicide detective Jeffrey Mayberry shot Officer James Dukes in the stomach at police headquarters. "I hear a loud bang and Dukes is slowly falling to the floor," Detective Joseph Fox, Mayberry's partner, said in a deposition. "Jeff jumps up and says, 'Dukes, I didn't mean to do it, I didn't mean to do it.'"

Dukes said in a recent interview, "He was playing with the weapon. This was the second time I had told [Mayberry] during that tour of duty not to point the weapon at me."

A lawyer for Dukes later said that Mayberry had been trying out a laser sight on his Glock when the gun went off. Mayberry denied that in a court proceeding.

Dukes, who took an early disability retirement because of his wound, was awarded an \$880,000 judgment against Mayberry in D.C. Superior Court. But Dukes said he has been unable to collect any money, including \$80,000 owed for his medical bills. Mayberry declined to comment.

Four days after Dukes was shot, Officer Juan Martinez Jr. accidentally shot his roommate, Frederick Broomfield, in the groin while awaiting dinner in their apartment, according to police and court records.

Martinez was unloading his Glock in his bedroom when Broomfield came in and asked Martinez how he wanted his chicken cooked. The gun abruptly went off.

"I looked down and I seen smoke coming from my crotch and then after that, you know, I looked at Jay and I said, Damn, Jay," Broomfield said later in a deposition. "Then my leg started shaking and I fell."

Broomfield, who nearly bled to death after the bullet pierced an artery in his groin, sued the District and Glock Inc. His attorneys compiled a voluminous case in D.C. Superior Court, marshaling gun

experts who gave statements about the alleged dangers of the Glock and the deficiencies of the District's training.

In June, the District settled the case by paying Broomfield \$797,500. Glock also settled, but a lawyer for Glock declined to disclose the amount. In court papers, Glock denied that its gun was dangerous or defective.

One factor that led the District to pay such a large sum was that Martinez had not trained with his Glock in more than two years. The department regulations requiring officers to visit the firing range at least every six months were not enforced through most of the 1990s.

"You get a factor like that in a case and you know your chances of prevailing before a jury are diminished," said D.C. Corporation Counsel John M. Ferren, whose office paid the settlement.

Martinez left the department for a reason unrelated to the shooting. He could not be reached for comment.

About the time that Detective Roosevelt Askew accidentally shot and killed an 18-year-old driver during a traffic stop in July 1994, then-Chief Fred Thomas publicly warned that lax firearms training could cost the department dearly. Thomas announced his intention to require all officers to comply with the semiannual training regimen or forfeit their weapons. But Thomas retired a year later and the lax training continued, documents obtained by The Post show.

A department committee examin-

ing the Glock in 1994 found some design shortcomings but concluded that the gun was "reliable." Still, the committee's report declared that "training status must be improved" because less than 50 percent of the force had complied with the semianual qualification standard.

Accidents also continued in 1996 and 1997, but at a slower pace — dropping from a high of 27 in 1991 to eight last year. Although the numbers diminished, the tragic nature of the incidents didn't. In May 1996, Courtney Rusnak, the 3-year-old daughter of Officer George Rusnak, died after she apparently shot herself with her father's Glock in their District Heights home.

"It looks like she found the gun and started playing with it," Mark Polk, a spokesman for the Prince George's County police, said at the time. "The gun was fired once, and she was hit directly in the head."

In June 1996, Officer Terrence Shepherd shot and killed 18-year-old Eric Anderson as Anderson sat unarmed in his car at a routine traffic roadblock in Southeast Washington. Although Shepherd said he fired because he thought Anderson posed a threat, his captain testified that Shepherd told him at the scene that he had his finger on the trigger and the gun "went off." The shooting, the captain added, appeared to be accidental.

When an officer's gun discharges accidentally, the shooting is generally ruled unjustified by the department, a review of

department records shows. Discipline can follow, but an officer is not typically subjected to severe discipline unless the accidental shot kills or badly wounds someone, or the officer lies about the shooting.

Of the 12 officers involved in the shooting cases detailed in this account, two were charged or dismissed: Askew was indicted and convicted of lying about his accidental shooting, and Shepherd was fired for negligent use of force. Four other officers have left the department. Six remain with the force.

By 1997, the safety issue had turned some members of the D.C. police union against the Glock, according to Robertson, the former union official. Several officials wanted to switch to the Sig Sauer, a more expensive gun with a heavier trigger pull.

"Several kids were killed here when they picked up their fathers' guns," Robertson said in an interview. "A 2-year-old can pick up the Glock and kill someone. It doesn't take much to fire the weapon."

The push to switch guns apparently died when Soulsby retired as chief last year. But Robertson still thinks it is a good idea.

"The only thing about the Glock is, once you start pulling on that trigger, there's no coming back," Robertson said. "You don't get a second thought with it."

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Staff writer David Jackson, director of computer-assisted reporting Ira Chinoy, database specialist Jo Craven and researcher Alice Crites contributed to this report.

# The Washington Post

*Democracy Dies in Darkness*

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## OFFICERS GO TOO FAR

Confrontations lead to beatings, complaints, lawsuits

**By SARI HORWITZ**

Washington Post Staff Writer

During a decade when fatal shootings by D.C. police rose to the highest levels in the nation, hundreds of city residents took legal action to charge officers with brutal force that stopped short of gunfire.

The allegations detailed in more than 750 civil lawsuits filed since 1990 sound common themes: short-fused officers who either provoked confrontations or allowed routine encounters to escalate; men and women, young and old, black and white, Hispanic and Asian, jailed on flimsy charges that were promptly dropped; hostility between officers and residents that touched every geographic quadrant and socioeconomic level — from Georgetown to Anacostia, from Spring Valley to Shaw — and sometimes involved brutal beatings with fists, nightsticks or blackjacks.

Like police shootings, brutality allegations have cost the District. The city paid settlements and judgments in more than 300 civil cases — nearly half of the lawsuits filed in the 1990s — for an average cost of

\$1 million a year, a review of court documents by The Washington Post showed. Corporation Counsel John M. Ferren, whose office handles civil litigation against the police, said settling a case is a “business decision” that takes into account the city’s probability of winning in court.

Lapses in training and supervision frequently are at the root of both excessive-force and questionable shooting incidents, according to criminologists and police officials.

“You can’t talk about deadly force unless you talk about the whole continuum of force,” Chief Charles H. Ramsey said in an interview.

Police officials say that most of the city’s 3,550 officers regularly demonstrate an ability to defuse tensions on the street without using force, and that only a small number of the 40,000 to 50,000 arrests made in the District each year result in complaints from citizens. Officers involved in brutality incidents tarnish the badges of officers who regularly use restraint, officials add.

“Suspects have rights, too,” Ramsey

said. "We are not allowed to use excessive force or verbally abuse people, nor should we."

Yet, court files and internal city documents reveal hundreds of incidents in which tensions led to violence:

A jury awarded \$79,326 in 1993 to Quentin Porter, a 73-year-old retired postal worker who was mistaken for a criminal suspect, pulled from a park bench, beaten and arrested by an officer who broke Porter's arm.

The city paid Annie L. Brockett \$45,000 in 1994 after the 56-year-old Columbia Heights woman said she was beaten with a nightstick on Christmas when she questioned officers who were involved in an altercation with two of her sons in front of her home.

The city paid Rose Pitt \$250,000 in 1996 after her 31-year-old son, Frankie Murphy, a deaf Southeast Washington man, died in police custody. He stopped breathing after D.C. officers used a choke hold on him, according to court papers.

The city paid Leslie Howard and three relatives \$130,000 last year after officers allegedly struck, cursed and maced them during a disturbance outside their Jamaican carryout restaurant on Georgia Avenue NW.

Of more than 400 lawsuits filed in the 1990s that have not been settled, some have been dismissed as groundless but many are still pending. In most of the settled cases reviewed by The Post, D.C. officers named in complaints and lawsuits faced little

departmental discipline, even when they cost the city large financial judgments. One officer has amassed at least 18 citizen complaints, each ruled groundless.

There is no meaningful way to compare police brutality allegations among American cities because there are no uniform federal standards for reporting such allegations, criminologists say. Cities collect citizen complaints differently, some through independent civilian boards and others through the police themselves.

But the city of Pittsburgh offers one base of comparison. The Justice Department intervened in 1996 to restructure that city's police department and its citizen complaint system, after a class-action lawsuit by community activists. Pittsburgh had been sued more than 100 times for police civil rights violations during the 1990s, the head of the Pittsburgh chapter of the American Civil Liberties Union said in an interview. Justice officials said they are studying several other cities for possible intervention, but not the District.

Justice Department officials said it was the content and pattern of suits in Pittsburgh — not the quantity — that prompted federal intervention.

District residents filed many times the number of police brutality suits that Pittsburgh residents did during roughly the same period, and some Washington lawyers and criminologists involved in litigation against District police assert that the hundreds of suits here suggest a pattern of abuse.

Ronald E. Hampton, who heads the National Black Police Association and who was a D.C. officer until 1994, blames a "rip and run" culture that developed among police here as violent crime soared in the late 1980s. Police brass encouraged aggressiveness, reasoning that with crime rampant "we ought to let the officers do what they say they have to do," Hampton said.

D.C. law requires officers to use "only the minimum amount of force" necessary to make an arrest. But that is often a judgment call. In 1989, the U.S. Supreme Court said that an officer's use of force must be judged "from the perspective of a reasonable officer on the scene."

Law enforcement experts say excessive force often indicates officer behavior that can spiral into confrontational, even deadly conduct.

"When I look at officers involved in bad shootings, quite often they have a history of unchecked bad behavior that usually begins with minor, nickel-and-dime violations, continues to escalate to serious abuses of citizens' rights and dignity and keeps growing," said Temple University criminal justice professor James Fyfe, a former New York City police lieutenant who has studied the D.C. police.

Many of the complaints and lawsuits in the District are directed at D.C. police academy graduates in the Classes of 1989 and 1990. In those years, city officials acknowledge, many recruits were not adequately screened in a crash program mandated by Congress to hire 1,500 officers to

do battle against crack-related violence.

Training problems, however, have not been limited to those classes. A committee scrutinizing police misconduct for the D.C. Council reported last month that the department has continued to put "the lives of the new recruits, as well as the citizens, in jeopardy by placing untrained officers in potentially dangerous situations."

One recent police academy graduate complained in an internal evaluation of training obtained by The Post: "I don't think they should have put us out in districts when we weren't prepared. . . . We didn't have proper training." Another wrote: "I felt I was not prepared to be sent out, but thank God nothing happened."

Complaints and lawsuits citing officers come from a wide swath of the city's population, from habitual criminals and pregnant women, homeless drifters and well-heeled business travelers. Their allegations, as told in court and internal police files, describe officers who resorted to profanity, threats and physical attacks when challenged.

Citizens were left with little recourse short of litigation. The Civilian Complaint Review Board, an independent panel that investigated grievances, was disbanded in 1995 after becoming fatally backlogged with more than 800 complaints. Now complaints must be filed at the district station where the offending officer works. Civil rights lawyers say they believe many victims are too intimidated to go to the station.

Police say the frayed trust between officers and citizens goes both ways.

"There is no reason for people to fear assaulting a police officer in the District of Columbia," said Sgt. Garret Baxter. "There's no penalty in fighting us or assaulting us. There's nothing to support us as far as the criminal justice system goes."

But Ramsey Johnson, special counsel to the U.S. attorney, said that 64 percent of the almost 1,700 people arrested for assaulting a police officer since June 1996 have been charged with either felony assault or misdemeanor simple assault.

Tension on District streets reveals itself in unexpected ways.

Julian Bond, chairman of the NAACP, earlier this year found himself explaining to a D.C. Superior Court judge why he could not sit on a jury for a case involving a shooting by D.C. officers.

Bond told the judge that a decade ago, his 87-year-old uncle, J. Max Bond, a distinguished educator and diplomat, had been knocked to the ground outside his Capitol Hill home by an officer. Max Bond had gone outside to look into a disturbance, according to his subsequent account in court papers. When one officer after another refused to answer his questions and kept referring him to other officers, Bond muttered, "Another dictionary case: Donkey — see jackass. Jackass — see donkey."

Bond was immediately struck in the head and shoulders, then arrested for disorderly conduct, according to court papers.

No charges were filed. Police say that anyone who verbally abuses an officer is subject to arrest.

"There was no excuse for striking an old man," Julian Bond said of his uncle, who has since died.

Del. Eleanor Holmes Norton (D), a friend of Max Bond who witnessed the incident while jogging, said she was horrified.

"This was an old man of great intelligence, vigor and dignity," Norton said. "He had never been disrespectful to anyone. Nobody would have found an elderly gentleman of this kind a danger to the police."

### 'Something Is Wrong Here'

From his corner market across the street from Dunbar High School, Korean immigrant King An often served D.C. police officers a free cup of coffee as they made their rounds. An said he was always happy to see them.

Then, on Feb. 22, 1995, according to court records, Officer Johnnie Ben Walker Jr. appeared in the store at Third and P streets NW. Walker, a 10-year police veteran with a history of citizen complaints, was investigating a Dunbar student's charge that An had shortchanged her on the \$10 she paid for a package of cigarettes.

An had sent the student away, asking her to come back after he checked his daily register totals, according to An's account in interviews and court records. Walker appeared soon afterward.

Walker ordered the grocer to step

from the register booth and show identification, according to An. "It seemed like he was saying, 'You're a bad person. You're a cheater,'" An said.

As he started to retrieve an ID from his upstairs apartment, An said, Walker grabbed him by the neck and threw him into the shelves. "I thought, 'Something is wrong here,'" An told *The Post*. "He couldn't be a police officer. He was too wild."

After being shoved, An said he erred by warning Walker, "I'll sue you."

Walker grabbed the grocer, shoved his face against the front door and pinned his arms behind him, according to An's complaint.

Several more police cars arrived. An was arrested, charged with assault and theft, and spent a night in jail. A judge dismissed the charges the next day.

An sued in February 1996, saying in his lawsuit that Walker caused permanent injuries to his shoulder and accusing the city of failing to "properly and adequately train, discipline, supervise or retrain" its officers.

District lawyers contended that An pushed Walker first, and a department investigation cleared Walker of any wrongdoing in October 1995, according to court papers. But the city settled with An last year for \$50,000. Walker declined to be interviewed.

It was not the first time an excessive-force complaint had been lodged against Walker.

In 1988, while socializing at the East

Side Club in Southwest Washington, Walker shot a man four times. Walker said he shot Kenneth Agnew, 24, after Agnew ignored an order to drop a gun he was carrying and aimed it at Walker, according to court papers.

Agnew survived and was charged with assaulting a police officer, but those charges were later dropped. He sued the District, saying that he did not have a gun and that Walker had never identified himself before shooting him. Although a gun was found near the scene, it did not have Agnew's fingerprints on it, court papers say. The city settled for \$49,669. The department later found the shooting justified and cleared Walker.

Three years later, on Aug. 18, 1991, Walker shot at another man outside the East Side Club, where he was off duty and working as a security guard, according to police officials. The man ran away, apparently unharmed.

Three other citizens filed complaints with the Civilian Complaint Review Board from 1989 to 1991, alleging that Walker used excessive force and abusive language. But these matters were dropped because the citizens did not pursue them, records show.

In June 1993, Walker was charged with assault with a deadly weapon in the District after his girlfriend accused him of kicking her in the head and stabbing her in the arm, according to court papers. Charges were dropped the next day. Walker was suspended for five days for bringing

“discredit to the department,” police documents show.

A month later, Walker was suspended for 20 days for giving false statements, according to police documents. The circumstances surrounding the suspension are unclear.

On March 24, 1997, Walker's wife at the time pressed charges against him for destruction of property in Prince George's County; she later dropped the charges.

Two months later, the police department suspended Walker for 30 days for “conduct unbecoming” an officer, according to police officials. A month after that, Walker, who is 6 feet 3 and weighs 245 pounds, was charged with second-degree assault for allegedly striking his wife in the face. He was placed on administrative leave for a year with pay, police documents show. The charges were dropped last March.

Walker recently returned to patrol in the 1st Police District, which encompasses Capitol Hill. A spokesman for the department's executive assistant chief said no charges were pending against Walker and “our hands are tied.”

“Johnnie Walker was a hell of a street cop,” said former police lieutenant Lowell Duckett. “He came on during a violent time, and he showed a tremendous amount of courage. If he had been given the proper guidance, he would be an excellent police officer.”

Meanwhile, An's encounter with Walker changed his life. He sold his market and moved his family to another neigh-

borhood.

“When I saw police officers pass by for about a year afterward, I prayed,” said An, now 40. “I worried they would hurt my family.”

### ‘Slow Night’

The largest award this decade involving brutality allegations against D.C. police came after a four-year legal battle waged by printing salesman James Douglas Cox.

Cox won a \$460,000 judgment in 1992 against two officers, and a separate \$165,000 award from the city in 1993 after a judge found that the District had shown “deliberate indifference” to citizens complaining of police brutality.

Cox, a 28-year-old former Marine, was driving home to Bowie from Dupont Circle at 3 a.m. on Dec. 30, 1990, when he changed lanes without signaling. Officers Barry Goodwin and William Brady pulled him over.

During his two years on the force, Goodwin had already accumulated three review board complaints. In 1989, a Bethesda account executive accused Goodwin and others of throwing him into a plate-glass window in Georgetown and handcuffing him so tightly his wrists bled. In 1990, a motorist said Goodwin and other officers kicked and shoved him, according to the motorist's lawsuit. The city eventually settled the case. A student also filed an excessive-force complaint, naming Goodwin, in December 1990.

Goodwin denied all the accusations,

according to court papers. All three complaints were still pending when Goodwin and Brady stopped Cox.

Goodwin was immediately confrontational and, after an unpleasant exchange, grabbed Cox's car keys and threw them into a parking lot, Cox said in a recent interview. Cox said Goodwin threatened to beat or shoot him if he came out of the car, then wrote a traffic ticket and tossed it into the passenger's seat.

Emerging from the car to retrieve his keys and driver's license, Cox said he tried to read Goodwin's badge number. Goodwin then "hit me in the head with his nightstick," Cox said.

Goodwin slammed him against the police car, Cox said. "The next thing I knew, a bunch of officers were on me," he added. Cox was arrested on a charge of disorderly conduct, placed in a police wagon and driven around for about 30 minutes before the officers returned to the 2nd District station.

"This was the scariest part," he said. "Nothing made any sense. . . . I feared they would kill me."

During a subsequent review board inquiry, Goodwin said Cox had resisted arrest. Goodwin declined requests from The Post for comment; Brady did not respond to messages requesting an interview.

Cox had bruises and a six-inch gash above his left eye, according to court records. He paid a \$25 fine and was released just before noon on Dec. 30 — nine hours

after the traffic stop. According to Cox's account to the court, when he asked the officers why he had been assaulted, Brady replied, "Slow night." Charges against Cox were dismissed six months later, when the officers failed to show up in court.

Cox filed a review board complaint, then sued the District and Officers Goodwin and Brady. For more than a year, Cox waited — while Goodwin accumulated more citizen complaints.

A Philadelphia man said Goodwin beat him outside a Georgetown club in June 1991. The city paid the man \$10,000 after a city attorney withdrew from the case, saying that Goodwin would not cooperate with her efforts to defend him.

Cox's lawsuit came before U.S. District Judge Joyce Hens Green in February 1992, when national attention was focused on the Rodney King brutality case in Los Angeles. Goodwin and Brady failed to appear in court. Green found that Cox had "persuasive" evidence of a "mauling" by Goodwin, which Brady did nothing to stop. She held Goodwin liable for \$350,000 and Brady for \$110,000.

Cox also sought damages from the city for what he called a "pattern and practice" of police excessive force. His complaint focused on the Civilian Complaint Review Board, which took an average of 33 months to resolve a complaint, according to documents from the board. The seven-member board, which began operating in 1982, had the authority to recommend to the police chief that individual officers be disciplined.

The long delays had consequences for citizens and police. Officers despised the review board because it often took years to clear their names in frivolous complaints. Citizens complained that problem officers remained on duty while cases languished. At least 44 D.C. officers had three or more complaints pending against them when Cox filed his grievance, according to review board documents.

In Cox's lawsuit, Green found that the District "made a conscious choice" to ignore complaints and had failed to properly train and supervise officers. Her decision was upheld by the D.C. Circuit Court in 1994, and the District paid Cox \$165,000.

The review board set its hearing on the Cox complaint for Jan. 18, 1995 -- four years after the original traffic stop. Goodwin appeared in his own defense, and the panel said he exhibited a "disturbing pattern of behavior" and concluded that his testimony was "evasive, filled with inconsistencies and embellishments."

Still, the board found most of Cox's complaint unfounded, saying it could not assess the degree of force necessary to subdue him. The board found Goodwin guilty only of using "demeaning language" and recommended a 10-day suspension and counseling. The department temporarily removed Goodwin from patrol in 1992. He is now back on duty in the 2nd Police District, which encompasses Georgetown and Upper Northwest Washington.

After the review board disbanded three years ago, more than 800 pending

complaints were forwarded to the police districts for investigation. Duckett, the former police lieutenant, said no one in the department had time to deal with them. "The system fell apart," Duckett said. "Not one person was found guilty of anything."

City officials, acknowledging the shortcomings of requiring citizens to file grievances directly with the police, said they plan to create a new civilian complaint board.

Cox said he still has not collected the judgment against the officers. But money was never the central issue, Cox added. Rather, he said, he wanted to show that beating citizens is "not what the police are supposed to be doing."

### **'They Are Putting People at Risk'**

In 1991, a year after the Cox incident, a study by the D.C. police union concluded that training of officers — including instruction in the use of force — was inadequate in the District.

Allegations about systemic training deficiencies became increasingly common in police brutality lawsuits against the District. Gregory Lattimer, then a corporation counsel lawyer, visited the police academy in 1989 to observe baton training while he was handling a case involving a citizen who had been hit in the eye with an officer's nightstick. Lattimer, who now often represents clients in cases against the city, said in an interview that he was appalled by the skimpy instruction and reported back to a supervisor, who urged him to write a

memo but not complain publicly.

Martin Grossman, deputy corporation counsel, said in an interview that he cannot recall the case and that the office's internal files cannot be located. The city settled that lawsuit for \$50,000, according to corporation counsel figures. Two years later, the city paid \$45,000 to a woman allegedly hit over the head with a baton by another officer, the figures show.

"This has been going on for years," Lattimer said. "We all knew about it. No one did anything."

Two years ago, then-Police Chief Larry D. Soulsby vowed to send three-quarters of the force back to the academy for retraining. But the effort failed for lack of a committed follow-up, according to police officials.

With a new police administration in place, training is again being emphasized. Executive Assistant Chief Terrance Gainer said he was surprised to arrive in Washington from Chicago last spring and discover that many officers were unfamiliar with what law enforcement experts call the "force continuum."

The continuum is a written standard to guide officers in deciding how much force is appropriate in various situations; one intent of the standard is to prevent ordinary encounters with citizens from escalating to violence.

"Officers are not being taught this adequately," Gainer said in an interview. "They are not practicing these skills and they are putting people at risk."

### Troubled Trainees

New D.C. police recruits were keenly aware of what they saw as deficiencies in their training at the police academy this year, according to critiques they wrote that were obtained by The Washington Post.

A sampling from the recruits after they hit the streets for on-the-job training:

"I don't think they should have put us out in districts when we weren't prepared . . . we didn't have proper training."

"I felt I was not prepared to be sent out but thank God nothing happened."

"I cannot understand how, knowing that recruit officers were not properly trained, the management . . . could allow us to go into the field without proper and basic street survival techniques."

"We were placed on foot patrol by ourselves completely unsupervised."

Ramsey said he plans to send the entire force back through the academy, beginning in January. The chief said he will equip officers with an effective pepper spray to use as an alternative to clubs and will prohibit the use of blackjacks, the leather-covered lead bludgeons now carried by some officers.

"Most departments have discarded the use of those," Ramsey said. "They're difficult to control without serious injury."

Officers are permitted to use the "carotid artery hold," a technique of applying pressure or force to the carotid artery or jugular vein. But, under D.C. law, they must be certified in CPR in case the suspect

becomes unconscious. Training instructors and police officials, however, acknowledge that a substantial portion of the force is not certified.

“Half to three-quarters of the department had not even qualified with their weapons,” Gainer said. “So you can’t expect that they were trained in the use of force.”

The District, which a decade ago stopped requiring performance evaluations of officers by their superiors, is also the only jurisdiction in the nation that does not require annual in-service training for police officers, according to a report last month by a D.C. Council special investigative committee.

“You bring in a kid and put him through recruit school and then they get on the street and they’re told, We do it this way, not by the book,” said Robert Klotz, a former D.C. deputy chief. “So training needs to be continuously reemphasized.”

Some recent trainees wrote in their training evaluations that they feel ill-prepared.

“My class was sent out to work without the needed life saving techniques to work the streets. We didn’t receive our scheduled street survival classes or civil disturbance training,” one recruit wrote. “I wonder how am I to serve and protect the citizens of the District of Columbia when the department that I believed in and work for puts my life and well being in danger.”

### The Carotid Artery Hold

D.C. police guidelines allow for the use of certain types of neck restraints, generally known as choke holds, to subdue threatening suspects.

#### **PROHIBITED**

D.C. police may not use their arms or nightsticks across the front of a person’s neck in an attempt to render a suspect unconscious by blocking the passage of air through the windpipe.

#### **ALLOWED**

In extreme situations where the life of a civilian or an officer is threatened, police guidelines allow for the use of a “sleeper hold” — applying force across the carotid artery to constrict the flow of blood to the brain. The department is reconsidering whether to allow the hold at all.

### ‘Contempt of Cop’

Criminologists and civil rights lawyers see similarities in many police beating incidents. The triggering offenses are typically minor, but the officer often perceives a challenge to authority and acts to regain control.

Klotz, who frequently testifies against police departments as an expert witness in brutality cases, said officers may regard a citizen’s questions or refusal to fully cooperate as an offense known informally among police as “contempt of cop” — a sign of disrespect that could escalate into trouble.

Inez B. Vecchietti, a 70-year-old

Bethesda woman, was accused of stealing two grapes at a Northwest supermarket by an off-duty officer working as a security guard. When she protested, Vecchietti alleged in court papers, she was dragged down the aisle, arrested and handcuffed. Charges against her were dropped. The lawsuit she filed was settled last spring by the store for an undisclosed amount, court documents show.

"These are petty incidents, not serious crimes," said Joseph Hart, a former corporation counsel lawyer who now represents clients suing for alleged brutality. "Seasoned criminals rarely are on the receiving end of police brutality. They know how to deal with the police and not provoke them. It's mostly your law-abiding citizens who have never encountered the police [and] who say, I've never been arrested before. Why is this happening?"

That, law enforcement experts say, is where training comes into play. A well-trained officer learns to absorb verbal aggressiveness and not take confrontations personally, according to former D.C. police chief Isaac Fulwood Jr. Officers must understand, Fulwood added, that residents are angry not at the officer but at "the uniform."

"The overwhelming majority of police officers do a good job," added Fulwood, who was chief from 1989 to 1992. "They never use force, never fire their guns, never hit anyone."

But some D.C. officers are what is known in police jargon as "repeaters" —

cited again and again in citizen complaints and lawsuits.

Officer James T. "Jay" Effler is a 1989 academy graduate who, by 1995, had accumulated 18 citizen complaints, including allegations of using racial epithets, profanity and excessive force, according to internal records obtained by The Post. None of the 18 complaints was sustained by either the Civilian Complaint Review Board or the department. Effler declined to be interviewed.

Effler also was named in three brutality lawsuits against the District. One was settled last year for \$10,400; two others were settled for \$60,000 and \$31,000. In responding to the suits, Effler denied any wrongdoing and said his actions were warranted.

Effler was reprimanded in 1992 after he and several other officers entered Robert F. Kennedy Memorial Stadium the week of the Dallas Cowboys-Washington Redskins football game and carved figure-eights into the field with their police cruisers, according to internal police documents.

"The potential embarrassment that this city could have been saddled with is unprecedented," then-Deputy Chief Donald H. Christian wrote in a letter of reprimand obtained by The Post.

In 1991, Effler was charged with assault for allegedly grabbing and threatening a woman, but the charge was dropped, according to court records. In March 1993, he was placed on administrative leave without pay after being charged with bat-

tery and a misdemeanor sex offense in Prince George's County for allegedly running his hand between the legs of a waitress, according to court papers.

Effler, who denied wrongdoing, was convicted of the sex offense in Prince George's, but the matter was dropped when Effler appealed. The waitress told The Post that she agreed to drop charges if Effler performed community service.

In January 1997, Effler was assigned to drive a police official on the day of President Clinton's inaugural parade. At one point before the parade started, a Secret Service agent blocked the path of Effler's car. Effler jumped out of his vehicle, yelled at the agent and got into a scuffle. The Secret Service did not bring a formal complaint, but a Washington Post reporter was in the car and witnessed the incident.

Stephen T. Colo, of the Secret Service inaugural committee, said in an interview that the agent was not at fault. "He was pushed by a D.C. police officer," Colo said. "It was a physical scuffle. I never remember an officer and an agent pushing one another."

Former deputy chief Claude Beheler called Effler, who had served under him on

two assignments, "a very good, aggressive officer . . . who liked to go out and lock people up and recover drugs and guns."

Effler accumulated citizen complaints, Beheler said, because he "wasn't real sophisticated. He was the kind of guy who ruffled people's feathers."

Citizen complaints, Beheler said, don't necessarily mean an officer was in the wrong. The most effective officers, who make a disproportionate share of arrests, also tend to generate a disproportionate share of citizen complaints, he added.

But Beheler and several other former police officials said the department for years has had a cumbersome disciplinary system often referred to as "the Bermuda Triangle," where investigations into officer misconduct languish and even vanish.

No one in the department has protected Effler, Beheler said: "The system protects him."

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