



Face-off on Police

Bobbi Murray

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The soul
and

Photos by Slobodan Dimitrov and Ted Soqui

substance of police reform is on the line next week when the City Council faces off opposite an obdurate police chief backed by a compliant civilian-oversight panel.

City Council members will be reviewing measures to strengthen the L.A. Police Department's civilian inspector general and thus expose Chief Bernard Parks to more scrutiny and control. Parks is on record as vehemently opposing any such moves, telling council members that the proposed measures would impede his ability to run the department.

For their part, members of the Police Commission — Parks' admiring civilian-oversight panel — continue to pay lip service to reform while doing little to enhance it. Their major response to growing pressure for a strong inspector general was to forward a warmed-over description of the position that was, in the main, already adopted by them three years ago. Had the commission adhered to these policies, the current debate probably would never have occurred.

Now City Council members will decide whether to reach beyond the Police Commission to guide police reform, either by passing laws or by placing ballot measures before the voters.

The contention over the inspector general's role flamed into public view in October with the surfacing of a memo from police panel President Edith Perez to Chief Parks. In it, Perez affirmed that then–Inspector General Katherine Mader could only review matters already settled by internal LAPD processes, leaving other materials absolutely off-limits.

This controversy followed in the wake of public declarations by commission Executive Director (and Parks ally) Joe Gunn, in which he insisted that Mader reported directly to him, and that he must approve any investigations she undertook.

Mader finally stepped down under pressure on November 11 and later testified before the Elected Charter Reform Commission that she and her staff never had unrestricted access to Police Department files. She added that LAPD policy required personnel to inform the chief whenever they were contacted by Mader's office.

Mader's resignation freed her to lobby, mostly behind the scenes, for a stronger, more independent inspector general. And she was not alone, once reform advocates belatedly turned their attention to the issue. The voices calling for a powerful inspector general include members of the 1991 Christopher Commission on LAPD reform, City Councilwoman Laura Chick, and an array of mostly liberal community organizations, including the American Civil Liberties Union, the American Jewish Congress, and the NAACP Legal Defense and Educational Fund.

Public debate over the issue strongly influenced proposals that emerged on December 7 from the City Council's Public Safety Committee (chaired by Chick). The proposed statute would permit the inspector general to initiate investigations and to release reports without prior Police Commission review and editing, a reversal of current practice. It also would authorize the inspector general to protect the identity of those filing complaints against the LAPD.

The council could formally adopt the measures next week — pending an analysis from the City Attorney's Office, which



has not to date embraced plans for a stronger inspector general.

There's no mistaking where Chief Parks stands; he's waged open war against the proposals, blasting them in a December 10 letter to the council, warning that they would seriously interfere in police operations. The missive was accompanied by a department report cautioning against "this extremely dangerous venture in unabashed freedom." Parks, in essence, is fronting the position that he's the best steward of reform efforts to improve department performance and to create a force that looks and acts like a partner to the community rather than a commando unit.

Members of the Police Commission appear to be onboard with Parks. Commissioner Gerald Chaleff evoked the specter of Whitewater/Lewinsky Independent Prosecutor Kenneth Starr when he told a City Council committee, "The mere threat of an investigation from a totally autonomous person with no one to answer to, as we have seen on the federal level, can cause all kinds of problems."

But Mark Epstein, onetime counsel to the Christopher Commission, doesn't buy the analogy. He noted that the commission would retain the power to fire an inspector general who goes too far.

But in a recent interview, Chaleff stood by his interpretation. "If people want an independent oversight person who is not supervised by a commission, they can adopt these rules. I don't think it's good policy," he said.

That view is embodied in the Police Commission's "definition" of the inspector-general position, which it approved unanimously January 7. Overall, it's a retreat from commission policy approved in September 1996.

Commissioner Dean Hansell acknowledged the similarity, but insists that new wording makes it "a little more comprehensive." Revised language, for example, now explicitly states that the inspector general reports to the Police Commission, not to the panel's executive director. And the revision also requires "prompt access" to department records as opposed to just "access."

Such revisions, though helpful, underscore the need to codify in law a proper role for the inspector general, said Councilwoman Laura Chick, who chairs the council's Public Safety Committee and authored its recommendations to bolster the inspector-general position. That post, she added, should not function according to the whim of current or future police commissions. "The commission," she said, "can vote [policies] up and down each and every meeting."

The Police Commission's own recent actions, including its apparent campaign to hobble Mader's power, suggest why City Council intervention is needed. A watershed moment was the commission's decision to hire then-Assistant Deputy Mayor Joe Gunn as commission executive director at a \$115,000 annual salary, when city code set it at \$92,000. According to Gunn and the commission, Gunn, a retired LAPD officer, deserved higher pay because he was Mader's boss.

The council acquiesced without really adjudicating the chain-of-command issue. But in one remarkable presentation to a city panel, just a week before Mader resigned, Gunn argued on the Police Commission's behalf that the Christopher Commission never intended a fully empowered inspector general and that they settled on the title of inspector general only as a "last resort."

Shortly thereafter, Perez's memo about limiting Mader's access to records came to light. This memo contradicts the commission's current policy as well as its retreat proposal to the City Council. Only after the memo caused an uproar did the commission issue a "clarification," asserting that it was only a misinterpretation of the memo's wording that allowed critics to conclude that the commission did not fully support inspector-general probes.

The police oversight board, scorched by the public spotlight, has since been more low-key in its actions — but is still generally aligned with Chief Parks.

Though the commission got its Gunn and Gunn got Mader — events that had to please Parks — these victories were purchased at a price that Parks could come to regret.

Besides the City Council attention, the furor surrounding Mader's November resignation prompted the city's charter-reform commissions to clarify ambiguous language in the current city charter, which governs city operations. Both reform panels want to put before voters a charter that provides for an inspector general with unlimited access to Police Department documents and independence from Police Commission interference.