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## **Federal investigations reveal a police department in turmoil**

**Allegations of excessive force, discrimination, retaliation and coverups leave deep rifts in Burbank's small department. The chief stepped down after one of the accused officers committed suicide.**

By Scott Glover and Andrew Blankstein

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Neil Thomas Gunn Sr. wheeled his pickup truck to the curb in a quiet hillside neighborhood in Burbank, about a mile from the police department where he'd worked for 22 years.

He got out toting a 12-gauge shotgun, walked to a grassy area and turned the weapon on himself.

Knowing that officers from his department would be dispatched to the scene, Gunn had left two notes in the truck.

One asked that the vehicle not be impounded but instead released to his family.

The other said: "This is absolutely work related."

Gunn's suicide in October was the most visible sign of the troubles that over the last year have beset the once sleepy Burbank Police Department. Officers have accused colleagues of taking part in bloody beatings, stealing an internal affairs file and acting out of deeply entrenched racial bias.

The fact that most of the allegations have come from within the 166-officer force has been a severe blow to the small department. The Burbank force has been so bitterly divided by the accusations that newly appointed interim Chief Scott LaChasse, who this year replaced Chief Tim Stehr, asked psychologists to help him sort through the morass and come up with a corrective plan.

The City Council has set aside more than \$1 million to pay for policing experts to assess the department. Officers said they are under orders not to discuss the turmoil because of internal affairs investigations and a federal grand jury probe. Many of the more than a dozen officers interviewed for this article requested anonymity to avoid disciplinary action.

Gunn was one of several Burbank officers who are subjects of an FBI investigation into allegations of excessive force, according to law enforcement sources familiar with the probe.

Federal prosecutors are scrutinizing several cases involving use of force against suspects and have

subpoenaed the department's files relating to two cases. In both, booking photos show bruised or bloody suspects, but the arrest reports provide explanations for the injuries. Investigators are trying to determine whether improper force was used and whether the arrest reports were falsified, according to the sources.

Gunn was a sergeant in charge of the department's Special Enforcement Detail, an elite unit responsible for making high-risk arrests. Among the others targeted in the federal investigation are Jose Duran, a sergeant in vice/narcotics who worked closely with the enforcement detail; Omar Rodriguez, who worked in the detail years ago but is now in charge of recruiting; Det. Chris Canales, a former LAPD officer; and Sgt. Edgar Penaranda. The officers, either individually or through their attorneys, have denied any wrongdoing.

One of the incidents under federal investigation is the Aug. 23, 2007, arrest of alleged drug dealer Rene Escarsega. According to police, Escarsega was standing in the kitchen of his Northridge condo holding several bags of marijuana and counting money when officers raided the residence. Next to him, police said, was Arturo "Frog" Bautista, who was holding a TEC-9 semiautomatic pistol, which he quickly placed on the counter in front of him.

Officers said both men complied when commanded to "get down."

When Escarsega was taken to police headquarters for booking, he had bruises on his face. A watch commander asked if he wanted to file a complaint. After a discussion with one of the arresting officers -- Canales -- he decided not to. Police said he had banged his face on the edge of a kitchen counter when he dropped to the floor as ordered.

But Bautista, in an interview with The Times, said that one of the officers hit Escarsega for no reason. Bautista said he did not see the blow but heard Escarsega yell, "Why . . . did you hit me?" He said he was smoking marijuana when the police rushed in.

Attempts to reach Escarsega were unsuccessful.

Another case under review involves the treatment of alleged gang members arrested after a robbery of Porto's Bakery, a popular eatery on Magnolia Boulevard. On Dec. 28, 2007, six masked gunmen burst into the restaurant just after closing time, placed employees in restraints and forced the manager to open the safe. They escaped with nearly \$15,000 in cash.

Canales and Penaranda were called in to help investigate the case. Over the next couple of months, Gunn and Duran helped conduct searches of locations linked to the robbery suspects, most of them Mara Salvatrucha gangsters. Rodriguez was present when at least one of the suspects was being booked.

At the time, there were anonymous complaints of excessive force, but an internal probe found no substantiation for them. The case was reopened last spring when a detective told authorities that he had watched Rodriguez grab a suspect by the throat and put a gun to his head while the suspect was sitting in a hallway in the police station waiting to be interviewed.

That detective, Angelo Dahlia, has sued the department, alleging that he was harassed and intimidated by Rodriguez and others in an effort to silence him. In his suit, Dahlia said Duran told him the suspect had urinated and defecated when Rodriguez threatened him. Duran then began laughing, the suit states.

Dahlia also alleged that he regularly had heard people being beaten inside interview rooms and that then-Chief Stehr had encouraged the beatings.

City attorneys have denied the allegations in Dahlia's suit as well as other cases brought by members of the force. Stehr, who stepped down late last year after 30 years at the Burbank department, declined to be interviewed for this article.

Dahlia said in court papers that early on he had kept quiet because he'd been threatened by Rodriguez, Duran, Canales and Penaranda. He said he had received threatening e-mails from Penaranda demanding that he "stay loyal" and "not blow the whistle."

Both Dahlia and Rodriguez have been assigned to home duty with pay pending the results of the investigations: Dahlia on the allegation that he lied to investigators when first asked about the case; Rodriguez on allegations that he was involved in the beating and that he threatened a department employee, officials said. Gunn, accused of abusing suspects, also had been assigned to home duty.

Some city officials and police officers say that excessive force was a problem in the department but that it was limited to a small number of cops who became heavy-handed after the 2003 slaying of rookie Officer Matthew Pavelka. An alleged gang member is awaiting trial in that killing.

At first, "everybody was on board with that," said one veteran officer. "It was to get a cop killer." But after a time, that aggressive style became the norm for some, several officers said.

Other officers deny that and say Gunn, Rodriguez and their colleagues have been targeted within the department for reasons having nothing to do with excessive use of force.

Rodriguez is one of six officers -- three Latinos, one African American, one Armenian and one Asian -- who filed discrimination lawsuits against the city and the department last year.

Rodriguez filed suit after he was under investigation, but his attorney, Solomon Gresen, says his client and other officers had been complaining about racist treatment for years. In their suit, the officers note that no African American has been promoted above the rank of officer in the department's 87-year history.

According to court papers, officers were taunted by white cops, passed over for promotions, denied backup and, in one case, threatened by a fellow cop at gunpoint.

What's really ailing the department, these officers say, is years of nepotism and cronyism.

Adding to the problem, they allege, is a core of mostly white officers who grew up in Burbank and are resistant to outsiders.

Minority officers are not the only ones who have complained about unfair treatment at the department.

Bill Taylor, who is white, claimed in a lawsuit that he was demoted from deputy chief to captain after confronting Stehr about several problems, including alleged discrimination against newly hired minority officers.

Taylor's suit claims he also had angered Stehr by accusing him of being slow to move against an alleged sexual harasser in the ranks because Stehr himself had been disciplined earlier in his career for having sex in a patrol car.

Additionally, Taylor said Stehr retaliated against him for having called for an outside investigation into the apparent theft of an internal affairs file in 2007.

That file contained allegations of excessive force against a lieutenant who was a close friend of the chief, Taylor alleges. No action was taken against the lieutenant.

Taylor said that he took all of his concerns directly to City Manager Mike Flad but that Flad rebuffed him and later went along with his demotion.

In an interview with The Times, Flad denied the claims in Taylor's suit.

The tensions within the department have taken a toll on many, but most dramatically on Gunn. At 6 feet 1 and a muscular 230 pounds, with a shaved head and a steely glare, he cut an imposing figure. But friends and family said his size and appearance belied a gentle nature.

Gunn would lecture his son, Neil Jr., also a Burbank cop, on "doing the right thing" and treating people with respect, his widow, Tina, said in a recent interview. She said her husband felt humiliated and betrayed by having his actions in the field second-guessed and by being sent home against his will.

"His reputation was everything to him," Tina Gunn said.

She said her husband told her that he sometimes had to use force with suspects at work -- it was part of the job, he said.

But such instances had always been warranted and well-documented, he had told her.

Gunn believed he was being railroaded for having spoken out against the police leadership at police union meetings, his wife said.

He "felt like the fix was in," she said, "that it didn't matter what he said."

On the morning of Oct. 29, in the by-the-book manner that friends and family say defined him, Neil Gunn Sr. made some final arrangements before driving to the hillside neighborhood where he took his life.

Among those last-minute details was a phone call to a supervisor at the Police Department. Gunn, who was assigned to spend work hours confined to his home, wanted permission to leave the house.