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## BE CAREFUL WHAT YOU WISH FOR

### *Seattle PD chief welcomes DOJ investigation, calls it a “free audit”*

*By Julius (Jay) Wachtel.* In the early morning hours of April 17, 2010, [Seattle police responded](#) to a robbery call at a nightclub parking lot. The victim, who was unharmed, told officers that he gave four men \$40 after they threatened him with a machete. Officers located and pruned out three suspects about a half-mile away. What they may not have realized is that a freelance videographer was taping the encounter. Gang detective Shandy Cobane is overheard yelling, “I’m going to beat the [expletive] Mexican piss out of you, homey. You feel me?” One of the men moved slightly, apparently prompting Cobane to kick him in the head (at :26.) A patrol officer then moved in (at :38) and forcefully planted his shoe on the man’s neck.

Once the video was out – and how it got out is a story in itself – Detective Cobane, a 17-year veteran, weepily apologized for his “offensive and unprofessional” comments. “I know my words cut deep and were very hurtful. I am truly, truly sorry.” Fortunately for him and the patrol officer, [county](#) and [city](#) prosecutors decided that neither the kick nor the foot planting merited prosecution. Two facts undoubtedly weighed on their decision: one of the kickee’s companions [was one of the robbers](#), and that while the kickee didn’t participate in the robbery [he was present](#) when it occurred.

In December, once the legal opinions were in, [Seattle police chief John Diaz](#) announced that he was opening an internal investigation: “The use of any slurs based upon race, ethnicity, religion, or sexual orientation and other gratuitous, unnecessary, unprofessional language by employees of the Seattle Police Department are not tolerated and are against department policy.” By then FBI agents were already on the case. In response to complaints by activists that police were targeting minorities for rough treatment, the Department of Justice opened a preliminary investigation. True enough, both officers who used force were white, while their victim was Hispanic. (Interestingly, two cops on scene also happened to be Hispanic. Neither used force or, as far as is known, complained about their colleagues’ actions.)

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Two months later, on June 14, [a punch](#) (temporarily) landed a Seattle cop in hot water. And yes, there was a video. Taken by a bystander, it depicts a cop struggling with a husky teen who tried to walk away from a jaywalking ticket. While they dance around a male youth tries his best to restrain a beefy young woman from interfering. Alas, he loses his grasp and she aggressively steps in to rescue her friend. That leaves the flummoxed cop little option but to either shoot her (gratefully, he doesn’t) or punch her in the face (he does.)

As we reported in “[Dancing With Hooligans](#),” both women turned out to have assaultive histories and the cop was quickly cleared. (Heck, he should have probably gotten a medal for restraint.) But the video weighed in like five pounds of liverwurst. Some things really can’t be explained to everyone’s satisfaction. Many citizens were inflamed and Seattle’s finest got another black eye.

Then on August 30 came the stunning tragedy that we described in “[Sometimes a Drunk With a Knife is Just That](#).” John Williams, an Indian woodcarver, was walking around downtown Seattle. As usual, he had been drinking. In one hand he held a folding knife with a three-inch blade; in the other he carried a wooden board to be fashioned into one of the knick-knacks that he sold to a gift shop. Exactly what happened when he was confronted we can’t say – the cop insists that Williams advanced on him and wouldn’t put down the knife – but within moments the artisan whom some knew as a mean drunk lay dead with four bullet wounds to the chest.

Among minorities anti-police sentiment rose to fever pitch. [Mayor Mike McGinn and Chief Diaz](#) quickly held a community meeting and promised that practices would change. A new Deputy Chief was appointed to watch over community relations. There was also talk about giving more cops Tasers, as the officer who shot Williams had nothing other than a gun. Then a [police board of inquiry](#) ruled the shooting unjustified and the officer resigned. (Prosecutors decided not to charge him with a crime.)

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Two months later, on October 18, four men posing as drug sellers [tried to rip off an undercover Seattle cop](#). One struck the officer in the face. A second undercover officer identified himself and pulled a gun, leading the suspects to scatter. One, a 17-year old black male, [was chased into a convenience store](#) by a plainclothes cop.

A security camera recorded the encounter. It depicts the suspect as he turns towards the officer and raises his hands. But the cop – he’s holding a pistol in his left hand – rushes the youth and violently kicks him, sending him to the ground. The officer [keeps on kicking](#) until a uniformed cop runs in and physically pulls him away.

After watching the video, Seattle PD Deputy Chief Clark Kimerer questioned the need for so much force. The officer was placed on administrative leave. His actions were promptly defended by the police union president, who said that the suspect had refused to get on the ground (the tape lacks audio.) Naturally, the ACLU didn’t see it that way. Citing this episode and others, [it formally requested](#) that the Department of Justice open “a pattern or practice investigation into multiple incidents of excessive force by the Seattle Police Department (SPD), particularly force used against persons of color.”

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[Federal law](#) authorizes the Department of Justice to file civil lawsuits in cases where a law enforcement agency has engaged “in a pattern or practice of conduct...that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.” These matters are investigated by lawyers in the [Special Litigations Section](#) of the Civil Rights Division. At the end they prepare a letter setting out their findings and recommending improvements in areas such as training, supervision, discipline and the investigation of citizen complaints. Such letters have been issued to [twenty police departments](#) since 1997. Agencies are given time to take corrective action, which is then evaluated. If the response is inadequate or violations are very serious DOJ may demand that departments join in a consent decree and remain under supervision of a court-appointed monitor until all deficiencies

are satisfactorily resolved (click [here](#) for links to past settlements.) Should an agency refuse, civil complaints can be filed in Federal court and set for trial. (For past and current lawsuits click [here](#).)

Three days ago, on March 31, [DOJ announced](#) that it was opening a “patterns and practices” investigation of the Seattle Police Department and, as well, a separate inquiry into the shooting death of John Williams. Naturally, the ACLU was overjoyed. Unexpectedly, even the cops seemed pleased. Chief Diaz went so far as to characterize the investigation, which he said was fully expected, as a “free audit from the Department of Justice.” He insisted that Seattle PD had nothing to hide and pledged its full cooperation:

Our goal with this investigation ... is simple: to ensure that the community has an effective, accountable police department that controls crimes, ensures respect for the Constitution and earns the trust of the public it is charged with protecting.

Even the head of the police union sounded bubbly. “In a way, I’m looking forward to this. There’s no doubt in my mind they will not uncover any systemic problems...They may come up with suggestions in ways we could do better in both areas. Great.”

Chief Diaz and the union are spinning it the best they can. Instead of conceding that Seattle PD is in serious trouble, their public comments (dare we guess what they might be saying in private) suggest that the Federal slap-down of what was once considered the premier law enforcement agency in the Pacific northwest is nothing to worry about.

But it is. One can imagine the inquiry’s effect on morale. In a more practical sense, it’s a blot that could make it difficult for Seattle’s up-and-coming to take on command positions in other agencies. Within the department the administrative burden of being under a civil rights investigation is overwhelming; assuming that Seattle isn’t completely absolved, once the findings are out it will only get worse. If nothing else, the imbroglio is sure to give citizens who are suing or intending to sue the police – and that includes everyone mentioned above, or in the case of John Williams, his estate – a bucketful of legal ammunition.

Really, no department in its right mind wants to be in the Federal bull’s-eye. Chief Diaz and his union friend will soon discover why.