



City Manager
Dennis Taylor (left)
and new Police Chief
Robert Lehner.

Will New Chief Clean House?

Tucson department Lehner left was troubled with police abuse. ★ By Alan Pittman

In the wake of accusations that two Eugene police officers coerced women into sex while on duty, citizens are looking to Eugene's new Police Chief Robert Lehner to tighten discipline and make sure nothing like this ever happens again.

But that's something Lehner and other police managers weren't able to do in Tucson, Ariz., where Lehner served for 26 years, rising through management ranks to the position of assistant chief.

"TPD [Tucson Police Department] has a historical reputation as a police force short on discipline and strong leadership and far too aggressive in dealing with the public," Tucson attorney Louie Carrasco complained in a letter to the *Arizona Daily Star*.

Before entering management, Lehner served as head of the Tucson police union. The powerful Eugene police union has historically opposed tightened discipline for its officers. Last year, the Eugene union opposed the hiring of George Aylward of Minneapolis. Aylward had angered the police union in Middletown, Conn., for firing an officer accused of racism in arresting four black college students in 1995. Aylward also angered the Middletown union for suspending an officer who wrote a memo threatening college students. Aylward, the top finalist for the Eugene job, withdrew in the face of opposition from the Eugene union.

The Tucson union praised Lehner's discipline of officers and the Eugene union supported Lehner for the chief position before he was hired last month.

It's unclear what direct role Lehner had in handling or preventing police misconduct cases in Tucson. No allegations of misconduct against Lehner were found. Lehner and City Manager Dennis Taylor did not return calls for this story. They did call city public relations staffers who said Lehner and Taylor said it would not be "appropriate" to comment.

'Disgusted and Embarrassed'

In a press release when he hired Lehner, Taylor said Lehner had undergone a "thorough" background check. "He has the demonstrated ability to inspire employees and to earn community respect and trust," Taylor said.

But in 1996, when Lehner served as a police captain, Tucson was not the scene of inspired policing the community respected

and trusted.

"I'm shocked and appalled," Tucson Mayor George Miller, told the *Daily Star* after a masked police officer committing a suspected robbery was shot and killed. "It's an awful feeling to think that the people you have to trust may not be worthy of that trust. It's pretty hard to have a police department be effective when no one believes in them."

"Morale (within the department) is at a very low point, including my own," Chief Douglas Smith told the *Star*. "I'm disgusted and embarrassed."

The shooting wasn't the only problem the department had. Tucson's problems with officer misconduct came to a head in the 1990s under Lehner when he served as chief of staff and a police captain and lieutenant. In 1996-97 the local *Tucson Citizen* and *Daily Star* reported that 18 TPD officers were being investigated for misconduct, including 11 arrested or convicted of criminal charges in the past year. Here's a look at some of the TPD cases, according to reports in the *Star* and *Citizen*.

- An officer was sentenced to three years of probation, fines and restitution for molesting a 15-year-old girl he met while on patrol duty.

- A 19-year veteran officer of the TPD was sentenced to five years for attempted child molestation.

- An eight-year veteran officer was sentenced to 20 months for groping the breasts of three women while on duty. One victim said in court, "I cannot escape the feeling of intense fear and shame." Another women sued TPD for negligent hiring and failing to investigate the officer's misconduct.

- Another officer was fired after he was indicted in two charges of sexual abuse of a woman while on duty.

- A suicidal officer fired at other officers who then shot him in the stomach.

- A police sergeant and 22-year veteran resigned after he was charged with aggravated assault for kicking a handcuffed woman prisoner.

- Another police sergeant and 17-year veteran was suspended after his second arrest for violating a stalking order a court ordered to protect his estranged wife.

- Another officer was indicted for assaulting a prisoner.

- An officer was cited for assault for hitting

a neighbor during an argument.

- Under pressure from the community, TPD released a list of seven ongoing internal police investigations in progress including incidents involving an alleged racist false arrest and illegal search, an officer banned in several courtrooms because of allegations he lacks credibility and an excessive force complaint involving a broken knee.

Lehner Opposed Reform

As the number of Tucson police misconduct cases mounted in 1996, public concern increased.

But Lehner downplayed the problem, the *Star* reported. "Lehner said the cases are unrelated and completely coincidental. They have left the department 'dazed,' but he said 99 percent of the department's 837 officers are law abiding citizens."

But Mayor Miller didn't buy the small percentage argument by Lehner and other police officials, the *Star* reported. "Miller said that claim is invalid because 'police have a special position in the community.'"

Police Chief of Staff Lehner joined the police union and police chief in opposing the creation of a citizen review committee of police misconduct.

Human rights advocates criticized an existing Citizen Police Advisory Committee (CPAC) with many officer members as "cheerleaders" for police. But Lehner said the CPAC "runs pretty good" and said police can police themselves, the *Citizen* reported. "How would a civilian review board change that picture?" Lehner asked.

But after the large number of police misconduct cases emerged, Miller and city councilors didn't buy that argument, either. They voted unanimously to create a citizens police review committee, the *Star* reported. "Obviously something has gone wrong," Miller said.

The Tucson police chief blamed lax hiring before his tenure for many of the department's problems.

But a University of Arizona criminology professor told the *Star* that the problem was more of supervision. "Once we hire them, we don't care anymore."

Problems within the TPD appeared to have brewed for years before they emerged in 1996.

Local attorney Carrasco wrote to the *Star* that he received 200 calls complaining of police abuse after he ran a radio advertisement in 1993. The calls showed "the tip of a very large and ugly iceberg," he said.

In 1993, when Lehner served as a lieutenant, the *Citizen* reported that the city had paid out more than \$1 million in 103 alleged police brutality and false arrest lawsuits and incurred another \$1 million in legal fees over the past six years. In one \$400,000 settlement, the police were accused of arresting the wrong man for rape and holding him for a day without letting him remain silent or see his lawyer.

"There is some severe abuse going on," Carrasco told the *Citizen*. "Police are running wild."

Recent Police Abuse

TPD's misconduct problems continue up until today.

In 2001, the *Tucson Weekly* reported on the TPD's alleged failure to investigate a hit and run accident allegedly by the children of a TPD sergeant. "A lack of real and effective checks and balances on TPD's personnel, procedures and powers has created a bullying municipal bureaucracy that is borderline ungovernable," the *Weekly* reported.

The *Weekly* quoted Lehner as calling the

injured victim of the accident "someone who goes to extreme extent to force additional action."

A citizen review board questioned how "the victim in the [accident] case, becomes the bad guy" or is "thought to be a nuisance" by police officials, the *Weekly* reported.

In a story last month, the *Tucson Weekly* reported the police cracked down on student drinking, citing 1,244 kids and taking 130 students to jail last year. The raids and mass arrests have sparked student complaints. "I was scared," one student told the paper. "I know we were in the wrong, but they didn't have to treat us like animals."

Here's some other recent police misconduct cases as reported in the *Tucson Citizen*.

- Last month the FBI arrested a retired Tucson detective accused of stealing at least \$527,000 in drug money while he worked in drug seizures for TPD. The corruption "undermines the public's trust in its government and the law enforcement community," an FBI agent told the paper.

- This month, a police officer resigned after he was accused of stealing items during police calls, sexually harassing a 15-year-old girl and showing an interest in transporting drugs.

- Last month, a Tucson police officer was jailed on charges of soliciting a minor for sex over a TPD computer.

- Last August, a TPD SWAT officer was accused of excessive force in the mistaken arrest of an undercover narcotics officer. The undercover officer suffered a broken nose, significant eye injury and a possible broken collar bone.

- An officer was indicted but acquitted last year of lying to get his wife committed to thwart a protection order in his pending divorce.

- A police detective was indicted for perjury in two murder trials but acquitted last year.

- Last year, a police lieutenant was suspended after he was accused of buying a handgun for law enforcement purposes that was later found in a home with six large bales of marijuana.

- Last month police arrested an off-duty police sergeant for driving a city car while intoxicated.

- In 2002, a TPD detective shot and killed a man he found with his wife and then committed suicide. The victim's widow is suing the department, alleging managers knew the detective was dangerous but failed to take his police weapon.

- Last November, an officer responding to a call ran a red light striking a family's car and killing an 8-year-old boy. The family is considering a lawsuit.

- Last September, a police sergeant was shot by a Taser stun gun when she allegedly struggled with officers at a concert.

Only time will tell whether Lehner has the will or ability to tighten discipline at the EPD to prevent more misconduct cases in the future. Other outsiders have failed in the past after opposition from Eugene's powerful police union.

The Eugene police union played a major role in ousting City Manager Vicki Elmer after she angered police by asking for a state police investigation into alleged use of excessive force and pepper spray against tree sitters.

The police union also heavily criticized former chief Leonard Cooke before his ouster. Cooke had tried to tighten discipline after he arrived in 1992, he testified in a union dispute. Cooke said he was amazed at the "loose" discipline in the EPD. "I was sorta stunned." **EW**