

CRIME

Monitor: Oakland police failing whistle-blowers

By Henry Lee | July 19, 2013 | Updated: July 19, 2013 10:41pm

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(07-19) 22:39 PDT OAKLAND -- The tobacco spit on the towel hanging outside his locker door and the crumpled papers around his desk were signs that Oakland police Sgt. Charles O'Connor was being retaliated against for reporting that his partner had beaten a handcuffed, drunken prisoner.

But 10 years after a \$10.5 million civil settlement required Oakland police to protect whistle-blowing officers like O'Connor, the department did little to ensure his safety last year, according to a new report.

Now, O'Connor is on medical leave, his former partner has been fired and faces criminal charges in the alleged beating, and Robert Warshaw, the independent

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monitor tracking the force's progress in achieving court-ordered reforms, is calling the episode the "most serious" case of retaliation at the Oakland Police Department in recent years.

In a 97-page report issued Thursday, Warshaw said the department is failing to meet standards mandating the protection of officers who report misconduct. The issue is significant because such retaliation promotes a code of silence by officers and their supervisors that supports an atmosphere where misconduct is tolerated, police experts say. The reforms Warshaw is tracking were ordered in the wake of the Riders scandal, in which a group of officers was accused of beating and framing suspects in West Oakland in 2000.

Spitting prisoner

The incident centers on the treatment of a drunken prisoner who wouldn't stop spitting as two officers were taking him to jail, said the report, which didn't identify the officers by name. The Chronicle learned from public records and interviews that they are Trent Thompson, who had five years with the department, and O'Connor, who was the valedictorian in his 2006 police academy class.

On May 30, 2012, Thompson, apparently angry that prisoner Larry Sloan wouldn't stop spitting, got into the back of the patrol car parked at the jail and "beat the handcuffed prisoner," according to the report and a criminal complaint. O'Connor "displayed courage," reported the incident and was named sergeant, Warshaw wrote.

After his promotion, O'Connor found that "someone spit tobacco juice on a towel that he hung on the outside of his locker door" and had crumpled up papers pertaining to department regulations about retaliation at his locker and at his desk, the report said.

The internal affairs investigation failed to identify those responsible for what happened to



O'Connor, the report said. It said the probe was "weak" because the department did not "employ available investigative techniques" to uncover the culprit, including interviewing supervisors, processing evidence for fingerprints or DNA, or conducting "integrity tests," or stings designed to trap wayward officers.

"The officer who beat the prisoner was attacking a helpless drunk," Warshaw wrote. "No one could defend or rationalize such unprofessional behavior on the part of the bullying officer. The officer who reported the misconduct was reporting a felony committed in his presence. He had no choice about it. Yet, not enough was done to identify the perpetrator or protect the reporting officer when the retaliation came to light."

Chief didn't act

The report also said former Chief Howard Jordan could have "personally intervened and made it clear that such behavior would not be tolerated" but did not do so.

In a statement, Oakland police said, "We value the opinions of the independent monitoring team greatly. We understand the feedback given in the latest report to the court. We are dedicated to creating an environment in which officers feel secure in reporting internal misconduct and believe in a zero-tolerance stance in regards to retaliation cases. The monitor's report reflects our recent strides toward compliance, and we will continue to work diligently toward full and sustainable compliance."

Thompson was fired from the department but is trying to win his job back through arbitration, said his attorney, Michael Rains.

Alameda County prosecutors have charged Thompson with assault under color of authority and drunken driving for an unrelated off-duty crash that happened in San Leandro in April 2012. He has pleaded not guilty to the misdemeanor charges. Rains said any use of force by his client was meant to control Sloan and not to punish him.

Thompson was trying to pull Sloan's shirt above the prisoner's head to prevent him from spitting, Rains said. Sloan either flinched or tried to head-butt Thompson, prompting the officer to push Sloan's head down in the back of the police car while telling him to stop spitting, Rains said.

But Sloan repeatedly popped his head back up, Rains said. At one point, Sloan's head "impacted" on a padded armrest of the car, the attorney said. "There was no beating, there was no striking with a fist," and Sloan had no visible injuries, he said.

Changing story?

Rains accused O'Connor of telling supervisors at first that he never saw what happened and then repeatedly changing his account about the incident. "He's not a whistle-blower, he's a liar, and he's a disgrace to the Oakland Police Department uniform," Rains said.

Rains said he agreed that the department needs to protect "legitimate whistle-blowers." But he said of O'Connor, "He doesn't know what the truth is. He doesn't even have a passing familiarity with the truth."

O'Connor's attorney, Alison Berry Wilkinson, said, "We would disagree with the hyperbole from Mr. Rains. O'Connor did the right thing in reporting what he saw."

Bad memories

Jim Chanin, an attorney for the civil plaintiffs in the Riders case, said the incident evokes memories of the retaliation faced by former rookie officer Keith Batt, who came forward with allegations against four officers and testified against them - two criminal trials ended in mistrials - before leaving to join the Pleasanton police force, where he helped solve a cold-case murder and was named Officer of the Year in 2012.

"This incident, unfortunately, is not unique," Chanin said. "It's one in a long line of examples of the Oakland police failing to protect their best officers, and those are the ones that come forward and speak out when they see misconduct. Instead of being cherished and protected, those people are unfortunately not protected. The result is, they leave the department and go somewhere else, like Batt."

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