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May 20, 2014

Honorable Members of the Long Beach City Council
333 West Ocean Boulevard
Long Beach, CA. 90802

RE: Dorian Brooks V. City of Long Beach

Dear Honorable Members of the City Council:

I strongly recommend that agenda item, #2 on the Consent Calendar related to the lawsuit, Dorian Brooks V. City of Long Beach, et al, be pulled from the Consent calendar for discussion and a modification of the stated city position.

I agree that the recommended settlement of \$50,000 is a very good deal for the city in light of the brutality, the egregious violations of Mr. Brooks Constitutional rights and the overt destruction of property executed under the color of authority.

However, the City Attorney's letter of transmittal establishes the City's position that, "The City and the officers deny that any excessive force was used."

Judging from past actions, including the recent false and misleading representations and election law crimes perpetrated by the Long Beach Police Officer's Association upon the electorate and the continuing influence they have over maintaining the status quo within the City Attorney's office, I fully expect that the officers would deny that any excessive force was used.

But, it would be a travesty for this council to let stand the position taken by the City Attorney that supports the legitimacy of involved officers actions in the eyes of the Long Beach community. To do so would be to denigrate the police department, its leadership and the rank and file professionals whose reputations and hard work have been tainted by those few incompetents who were able to worm their way into the ranks of the police department and remain there because the vested interests of the police union continues to outweigh those of the people.

The city attorney's office, since the time the brutality of this case was first shown on video tape to the entire city council over two years ago, has tried to obfuscate this incident as well as threaten those who tried to bring the scope of its horrors to the attention of the public.

The Long Beach Post first wrote about the incident and City Attorney Robert Shannon retaliated by sending a letter to the publisher demanding that the article be retracted, threatening unspecified "legal action" if the publisher failed to do so.

Shannon was most upset with the fact that the LB Post revealed that one of his own deputy city attorney's was present at the raid, which gave rise to the question that the officer's willingness to destroy property under the color of authority with a deputy city attorney present might be read as the officers belief that the City Attorney's Office regards such criminal actions as legal."

In response to the tyrannical actions by the city attorney attempting to stifle free speech, Peter Bibring of the ACLU wrote to Shannon of letter, "As an elected official and an attorney, you have both the responsibility to uphold the Constitution's protections for freedom of speech and the press, and the knowledge necessary to so. Frivolous threats against small, local organizations do not comport with your obligation to abide by the law, as well as enforce it."

And, with specific regard to the actions taken by the officers in this case, Mr. Bibring, who by the way is a current member of the Board appointed by the Chief of Police to study use of force in the LBPD, also stated, "No matter how you look at it, it seems to me to violate the Fifth Amendment and the Fourteenth Amendment, which bar the deprivation of property without due process of law. For a police officer to take something and smash it is depriving someone of property without due process. [...] Cops can't destroy property. They can confiscate it; they can't destroy it."

In my twenty years experience as a police officer, and the expertise I gained as a deputy chief of police with the LAPD supervising misconduct complaints and sitting as chair of the department's use of force board, I concur with Mr. Bibring that the property destruction was criminal.

I also concluded, as a result of viewing the video that the assault upon Mr. Brooks was avoidable, intentional and deliberately delivered with malice aforethought.

The "defense" of police union members begun by Shannon has continued under the protection of Mr. Parkin. The Press-Telegram reported just last week the following statements made by the City Attorney's Office:

"The city continues to maintain that the police officer did not use excessive force and his actions were reasonable." and that, "the camera was destroyed as part of standard procedures during the execution of a search warrant to protect the identities of officers for safety reasons," positing that, "If there was an organized crime element involved ... the officers could be viewed by people with weapons."

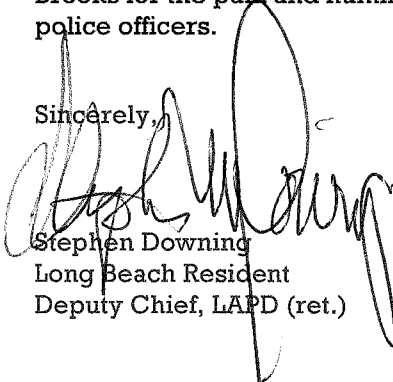
As an experience professional, I say baloney. The officer's actions were not reasonable, the use of force was excessive and to raise the "organized crime" threat is specious.

Police officers are identified by dangerous people daily while doing their jobs. They make arrests, testify in court, and patrol the streets and follow-up on crimes against persons and property hundreds of times. It comes with the territory. To rationalize a potential threat from organized crime is hysterical, specious, delusional, and something a cop who needs to be weeded out would proclaim, not a professional police officer or a competent attorney.

A senior executive within the police department has informed me that the officer who used excessive force has been fired.

Therefore, in light of the foregoing, it is recommended the city council support that stated fact, ask that the police department determine and punish those who authorized the destruction of property, condemn the position of the city attorney and authorize the settlement of \$50,000 to Dorian Brooks with an acknowledgement that the officers actions were inconsistent with the values of the City of Long Beach and its police department and offer an apology to Mr. Brooks for the pain and humiliation he suffered at the hands of those who brought shame to the city and their fellow police officers.

Sincerely,


Stephen Downing
Long Beach Resident
Deputy Chief, LAPD (ret.)