

In Harvey, who polices the police?

Lack of state regulation means towns monitor their own officers — and the south suburb's troubled force shows the flaw in that policy

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On a patch of land near the Tri-State Tollway, trees were bulldozed so trucks could pile mounds of waste up to 22 feet high.

Within months, the brush and meadow gave way to dirt piles mixed with oil, broken bricks, asphalt, plastic tubes and concrete with protruding metal bars — all a block away from a strip of homes.

The state deemed the dump illegal. The landowner who let it happen was a Harvey police officer.

The same officer had already been found by a federal jury to have shot a teen in the back without cause and lied to cover it up.

Neither case led the state to yank the officer's gun and badge.

This is Illinois, where the state-imposed ethical standards for a cosmetologist are far higher than those for a cop.

A Tribune investigation found that police departments are largely left to police their own in what can be a Wild West of ethical lapses — unlike the high standards of some other states, or even the higher standards Illinois imposes on other professions. And that reality allows Illinois officers with questionable pasts to remain in what is supposed to be among the most trusted professions.

There are stories across the Chicago area of sketchy officers who somehow kept their police powers. But perhaps the clearest view of the breakdown of oversight — and its effects — can be seen in Harvey.

The Tribune reported Sunday on the south suburb becoming arguably the most lawless place in the area, with chronically high violent crime rates and few arrests, and about the people who suffer as a result.

In the latest investigation, the newspaper has found that state law allowed the department to keep officers whose work records are full of allegations of wrongdoing — incidents that could have gotten them disciplined by the state if they were accountants, physical therapists or dental hygienists.

In one example, a special state panel gave a bravery award to a Harvey officer two months after he was accused of slamming a pregnant teen to the ground so severely that she miscarried. A Cook County juvenile judge later found that the officer's explanation of what happened with the teen was not credible, according to court records. That didn't trigger a state review.

As for the officer who shot the teen and allowed the dump, he rose to become a veteran detective in Harvey, entrusted with investigating some of the worst crimes in one of the area's most violent communities. His bosses later disciplined him for mishandling cases, but he kept his badge.

Overseeing the detective at one point was a commander previously fired for misconduct, then rehired, only to be pushed out again after a judge forced him to reveal tattoos that suggested ties to a violent gang.

Replacing that commander was another cop who had been fired for miscon-

duct, then rehired, then written up for sleeping in his patrol car, as well as for racing around town at double the speed limit without justification, records show.

In charge of them was a chief who once testified that he wasn't sure whether he drove home drunk from bowling one night but did remember that he was detained that night and then a fellow chief intervened to get him home with no charges.

Above them all was a mayor who used his clout to become a certified police officer. The state has allowed him to carry a gun and a badge even after he repeatedly invoked his right to remain silent when questioned about his alleged role in helping to arm a killer.

All of the allegations are contained in public records. Many are included in sworn statements.

But none of those allegations of misconduct can be considered by the state officials who can restrict police powers.

Low standards

Some states employ hearing officers to separately investigate allegations of serious misconduct against police officers. Those regulators can kick officers out of the profession for acts determined to be highly immoral, regardless of whether criminal charges were filed or their local departments took action.

That's how Arizona's licensing body permanently removed an officer from policing for twice showing up to work drunk. And it's how a Missouri officer was put on probation after falsifying time cards at a side job.

Illinois has similar standards for other professions. Anyone from accountants to veterinarians can be sanctioned for noncriminal activity that involves "dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public." Some professions go even further — from barbers to dietitians — by simply requiring "moral character."

That wide latitude extends to actions outside the workplace. It's why recent state filings show a Bolingbrook cosmetologist lost her license for defaulting on student loans, and a Villa Park security guard's professional license was suspended for being a month behind on child support.

If that security guard had become a certified police officer, it wouldn't have mattered if he was a month behind on child support — or far longer.

As for police officers, Illinois regulators can ban them from policing only if they're convicted of felonies or certain serious misdemeanors, or if they are proven to have lied under oath in a homicide case.

Other allegations don't count. Those include allegations faced by Harvey's department leaders, who in the past decade have been accused in court records of condoning bribe-taking, being gang members, brutalizing prisoners and trumping up cases. And those allegations came just from other Harvey officers.

That list doesn't count the litany of allegations from others — in scores of court cases and police reports across the area — that range from officers beating girlfriends to faking time cards at side jobs.

Harvey leaders have dismissed the vast majority of allegations as frivolous, and even critics of the department acknowledge that its ranks include good officers trying to do the right thing in tough conditions.

Yet in the past decade, the city has agreed to pay \$1 million to settle a second case of a teen shot in the back. And \$800,000 was set aside to deal with a lawsuit accusing officers of stopping EMTs from treating a dying teenage stabbing victim.

Harvey anticipates that it might spend \$900,000 more to cover the lawsuit involving the pregnant 17-year-old who miscarried.

Kwamesha Sharp told the Tribune she was talking to a woman near a crime scene two years ago when Officer Richard Jones got angry that they didn't "shut

up” and said the teen was under arrest. According to Sharp’s lawsuit, he threw her to the ground, rolled her on her back and rammed his knee into her stomach, then later turned away an ambulance sent for her.

Sharp’s lawsuit alleged that Jones had been told the girl was pregnant but that he said he didn’t care.

Jones did not respond to the Tribune’s questions. In court records, Jones said he arrested the teen for threatening him and kicking him in the legs and groin. The judge dismissed criminal charges against the teen last year after finding the officer wasn’t credible, according to records.

That finding by the judge didn’t trigger any state review of Jones’ actions that day, just like the allegations in her lawsuit hadn’t a year earlier. But, in between, the state did take an interest in Jones for a 2011 incident in which records say he shot a gunman threatening customers in a bar. A special committee that included officials from the state police, Chicago police and state training and standards board gave Jones one of 71 statewide bravery awards.



CHRIS WALKER/TRIBUNE PHOTO

Harvey is being sued by Kwamesha Sharp, who says police brutality caused her to miscarry when she was 17. There was no state review.

One national expert, St. Louis University law professor Roger Goldman, called Illinois’ system of overseeing officers “terribly inadequate.”

A national association of police regulators recommends that states be able to punish officers for acts of dishonesty or showing intentional or reckless disregard for others’ rights — even if the conduct didn’t lead to a criminal conviction.

Police unions have long been uneasy about heavy state oversight, saying good cops, by the nature of their jobs, face trumped-up complaints. But the head of Illinois’ largest police union agrees that more should be done here.

Ted Street, president of the Illinois State Lodge of Fraternal Order of Police, has for years served on the state training and standards board. He said the board should have the power and staffing needed to investigate officers for extreme misconduct, even if that misconduct didn’t lead to a conviction.

“There should be no compromise to having the best of the best,” he said.

Prosecutorial discretion

As it is, removing officers depends on the criminal justice system, which critics say is fraught with heavy caseloads and conflicts of interest that can allow suspect cops to escape convictions.

Early in Manual Escalante Sr.’s career, the Harvey officer shot a teenager and claimed the teen was pointing a gun. Cook County prosecutors deemed the 1997 shooting justified, even though some officers gave statements to investigators that raised questions about whether Escalante planted the gun. Then, in the ensuing criminal case against the recovering teen, prosecutors took an unusual tack and didn’t call Escalante to testify, according to court records. The teen was found not guilty.

Records would suggest that prosecutors had good reason to keep Escalante off the witness stand.

The teen later sued Harvey, and in a civil case a federal jury ordered Escalante to pay \$250,000 in punitive damages.

Three appellate court judges reviewed the civil case in 2007 and noted “major cracks in Escalante’s version” — saying the unarmed teen “was framed” and calling it “a rather explosive case.”

While Escalante denied throughout the trial that he did anything wrong, after the verdict his lawyers tried to get the damages reduced, in part by arguing that it was “entirely possible” their client planted the gun during a “panic” after realizing he’d shot an unarmed teen.

When police officers are found to be lying, they can be charged with perjury and obstruction of justice. That happened in the infamous case of disgraced former Chicago Cmdr. Jon Burge, who is serving a 4 1/2-year sentence for lying in a lawsuit about his role in the torture of suspects decades ago.

Escalante’s own lawyers acknowledged in court records in 2002 that he could have been charged with filing a false police report, another felony.

Escalante was not charged with a crime.

As his shooting case was winding its way through federal court, state officials said in court records that they caught Escalante leasing the vacant field he owned to people who dumped 174,000 cubic yards of waste-mixed soil there without a permit, according to records.

The amount of illegally dumped waste far exceeded the threshold for someone to be charged with a felony under state law. Either the state’s attorney or attorney general can prosecute such cases. But the law also allows either to sue illegal dumpers in civil court, which has a lower burden of proof, and that’s what the attorney general’s office did.

The attorney general’s office told the Tribune that it didn’t pursue the felony case because there wasn’t sufficient evidence that Escalante knew illegal dumping was going on there, a quarter-mile from his home. In the civil case, Escalante agreed to a settlement in 2011 that stated he was among those who “caused and allowed” the dumping.

He paid a \$2,000 fine, or 10 percent of what records said he collected by leasing the land to the dumpers.

By then he had risen through the ranks of Harvey police to become a senior investigator. Harvey’s chief later testified in an unrelated case that he discovered Escalante was mishandling cases and suspended him for 30 days.

Escalante declined to discuss his past with the Tribune.

Also keeping their certification were two high-ranking Harvey officers who the Tribune found last year were getting paid for working off-duty security shifts at area school districts while clocked in as city police officers. Timecards showed that one, then-Cmdr. Roy Wells, had overlaps of at least a half-hour for 92 days between 2008 and 2013, equaling an extra five weeks of pay.

Wells told the Tribune that he did nothing wrong and that his timecard entries were likely mistakes. Timecard inconsistencies have fueled indictments of police officers elsewhere, from Louisiana to Indiana.

Harvey police said they told Cook County prosecutors about the allegations in April. Nine months later, prosecutors did not respond to questions about what they’ve done. Harvey officials declined to comment. Wells’ attorney, in a letter, said an investigator in the prosecutor’s office told him the case was closed with no charges.

Wells used his attorney’s letter to get a new job as a deputy chief in Robbins, another department struggling with scandals.

Robbins’ chief, Mitchell Davis, said he hired Wells after calling that investiga-

tor in the prosecutor's office. Davis said the investigator wouldn't say for sure the case was closed, but the chief said he believed prosecutors would have given him "a head's up" if "there was something I really needed to know."

Wells, two weeks into his new job, told the Tribune "we should leave the past in the past."

"I moved on, and right now my career is going great," he said.

Local control

Without certain criminal convictions or an unprecedented finding that someone lied in a murder trial, the only power to remove such officers from policing lies with those who run local departments. And in Harvey, according to court testimony, the department has been run by a hands-on mayor who is also a certified police officer and who has faced his own misconduct allegations.

Mayor Eric Kellogg, once he was elected in 2003, got his city to OK his training to become a police officer.

The law didn't allow Kellogg to work for his own department. So he was named a part-time officer at nearby Dixmoor at a time when it was run by a political ally



ZBIGNIEW BZDAK/TRIBUNE PHOTO

This vacant land in Harvey was allowed to become an illegal dump by then-Det. Manuel Escalante Sr. He paid a \$2,000 fine but kept his state-certified police powers before leaving the force for health reasons.

of Kellogg's. And Dixmoor has never initiated an internal investigation of Officer Kellogg, let alone sought to remove him from its police roster.

That's despite an allegation that Kellogg, as mayor, ordered a gun confiscated by Harvey police to be returned to a family friend. That family friend, a convicted felon, was found guilty of killing another man six months later in nearby South Holland.

Prosecutors convicted the Harvey officer who actually returned the gun, and that officer lost his state certification. The officer, however, testified that he did it on Kellogg's orders.

Prosecutors never charged Kellogg.

The mayor initially denied any involvement and has since refused to answer questions about the incident in court proceedings, citing a constitutional right to avoid saying anything that might incriminate him. Police officers can be compelled to answer such a question in an administrative proceeding, but Dixmoor never initiated one.

Nor did Kellogg face an internal investigation in Dixmoor after a man alleged that Kellogg ordered the man's false arrest in Harvey as payback for stealing the mayor's cocaine. The mayor said the allegation was fiction — and he was never charged. But Harvey agreed to pay \$1.4 million to settle the man's civil lawsuit, after spending \$500,000 to defend the city and Kellogg, saying settlement was the most cost-efficient move for taxpayers.

Kellogg did not respond to the Tribune's questions about his case.

Kellogg's administration has used its discretion to get rid of or keep cops with political ties to the mayor who faced a host of allegations.

The department suspended one commander, Merritt Gentry, after a judge forced

Gentry to reveal a tattoo in court strikingly similar to one used by a street gang. That was after Gentry had admitted to lying in a way that made it harder to prosecute a member of that particular gang for shooting another Harvey police officer.

But the mayor did nothing to strip police powers given by Harvey to Wallace “Mustapha” Farrakhan after the Sun-Times last year reported that Farrakhan hadn’t worked a police shift in four years, and instead used a Harvey-issued police car to provide unofficial motorcades for his father, Nation of Islam leader Louis Farrakhan. The Tribune has since found that Wallace Farrakhan registered to vote in the 2007 race in Harvey, at the address of the home owned by the mayor’s brother, despite owning a home with his wife for two decades in Crete.

And the mayor allowed back in another political supporter, Darnell Keel, even though Keel faced multiple rounds of serious allegations.

Keel, fired by Harvey’s previous mayor, was put in charge of patrol officers by Kellogg. Within months of the rehiring, an internal affairs commander in Harvey complained in a memo that Keel had committed “illegal activity,” including beating suspects, trumping up a case and telling officers it was OK to take bribes from suspects.

It took three more years — and several more scandals — for Harvey to put Keel on leave. He was still paid his salary — and even given \$7,000 to settle a separate legal claim against Harvey — until the suburb placed him back on the force as a patrol officer, where records show he remains even after his teenage son crashed Keel’s department-issued vehicle.

Keel did not respond to a letter from the Tribune.

The mayor declined to discuss specific cases. Acting Chief Denard Eaves said the department takes discipline seriously and has undertaken “a complete overhaul of the police testing process that has recruited the best and the brightest officers.”

Overseeing that hiring is the mayor’s brother, a retired plumber. Records show he got the full-time job as personnel officer, with full police powers, even though he didn’t pass a civil service hiring test until four years into the job.

His state certification has never been in jeopardy. Neither has Keel’s.

Escalante lost his certification, but only because he left the profession after a hip injury, according to records. Walking with a cane recently, the 49-year-old told the Tribune that he may try to rejoin the profession if his health improves.

“I’ll see how I come out of this,” he said.

If he does, as far as the state is concerned, he can be hired by any department in Illinois.



ZBIGNIEW BZDAK/TRIBUNE PHOTO

Acting Harvey police Chief Denard Eaves said the department takes discipline seriously and is overhauling its testing process for new hires.