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New police procedure would hurt citizens

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The World-Herald reported last month that the city attorney, the **Omaha** chief of **police** and the **police** union struck a deal to reduce the statute of limitations for filing a complaint against any **Omaha police** officer. If this provision passes, it promises to be the next debacle perpetrated by the city and the **police** union against an unsuspecting public.

How and why do our interests : those of the citizens, the taxpayers : continue to get trampled by the people elected and hired to represent us?

Currently, the **police** department has 45 working days, not counting weekends and holidays, from the time a command staff officer has received notice of alleged misconduct to impose discipline against an officer. This means that a citizen has ample time to bring a complaint.

The clock starts running once management knows of the complaint. This has been the practice for about 20 years. The union has always disagreed with this interpretation and insists that the 45 days runs from the time of the alleged incident of misconduct.

The new provision : bargained by the city attorney, accepted by the chief and the union and not objected to in two readings by the City Council : would change the statute of limitations to 100 calendar days from the date of the alleged misconduct.

With the elimination of any lead time currently afforded a citizen prior to filing a complaint, a change of 45 working days to 100 calendar days and the start of the clock from the date of the incident instead of management notice, the result would be that citizens would be effectively given about five days to file their complaint.

The Oct. 25 news story reported that this new provision resolved a historic dispute. But it would do so entirely in the favor of the **police** union. The so-called bargain would eliminate the longer "working days" for the investigation and force residents to file immediately from the date of the incident rather than from the time of notice to management.

Both sides of the time equation are construed to favor the **police** union instead of the interests of the citizens.

What this means for citizens is that we will have perhaps the shortest statute of limitations in the United States : another dubious distinction for **Omaha** : for filing a misconduct complaint against a **police** officer. At a time when all the conventional wisdom is aimed at reducing barriers and making complaint processes more open, user-friendly and transparent, our city and **Police** Department are going backward.

Time and again, departments have found that their citizens' complaint systems are some of the best mechanisms for finding out what is really happening with officers on the street.

Police Chief Thomas Warren says that serious cases will be detected. That is true only if the **police** catch the **police**, which did not occur in the sexual assault cases involving **Scott Antoniak**. The former **police** officer's first alleged assault of his victim went undetected by **police** and has never been criminally pursued. No department accountability system detected the misconduct of **Antoniak**; the victim did.

In addition, criminal charges rarely apply in serious excessive-force cases, where the department clears the officer because the department does not consider the officer's actions excessive. When there is no criminal filing, this very short investigative period alone would make for complicated investigations.

Lastly, a shorter time limit for complaints exacerbates the already unmanageable problem of problem **police** officers.

Citizens need time to consult their attorneys, family members and clergy before facing the daunting task of filing a complaint against **police**. This is especially true in light of the recent and unfortunate instances of public officials prejudging citizens' complaints.

Cases with numerous witnesses and parties need time to be fully investigated. One example is the recent case involving the Pekas family, where the family called 911 for help with an under-the-influence teenager and ended up with several family members being subjected to pepper spray, injured and arrested.

The proposed provision would so seriously undermine the citizens'

complaint process that it would make it nearly impossible to complete a fair investigation.

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