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## **City seeks to seal police ethics files**

Lawyers for victims say the documents could establish a pattern of corruption. Snippets have been made public.

By Joseph A. Slobodzian  
INQUIRER STAFF WRITER

The 39 pages, bare-bones excerpts from files that city officials want to keep secret, describe 658 city police-corruption investigations dating back 12 years.

"Police officer is a drug dealer and frequents drug locations," reads the description of one open case from this year.

"Police officers are selling heroin," says another file. And from the 1995 case files: "Police officer perjuring himself during a deposition. . . . Police officer taking bribes from a speakeasy."

These summaries catalogue the case files of the Police Department's most secretive anti-corruption unit, the Ethics Accountability Division. The files have become the latest battleground between lawyers for the city and those representing victims of police corruption.

Lawyers for the victims want the entire contents of the files opened in order to prove the city has done little to stifle police misconduct and has therefore knowingly allowed "a pattern and practice" of corruption.

Lawyers for the city yesterday filed a motion asking that the files be sealed, citing the need to protect sources, shield innocent officers and preserve the integrity of ongoing investigations. Yet in trying to keep the files secret, the department supplied spare synopses that afford a rare glimpse into its most closely guarded anti-corruption activities.

The EAD summaries show that:

- \* There are more than 161 active investigations into alleged corruption.
- \* More than a third of all the EAD investigations since the unit was founded in 1984 -- 236 cases -- have involved alleged police involvement with drugs.
- \* The drug investigations centered on police allegedly selling narcotics, using drugs, stealing from pushers or simply associating with known dealers.

Police Commissioner Richard Neal said the list represents every EAD investigation of a police officer, regardless of the quality of the evidence or its source.

“What you have there is a list of allegations,” he said. “People do call in, and we conduct investigations regarding that information. In many instances that information that is provided may not be substantiated.”

One veteran civil rights lawyer said the files could be a municipal nightmare.

“These could be the police Watergate files: What did they know, and when did they know it?” said the lawyer, who asked not to be identified. One of the most startling disclosures in the city’s motion divulges that John “Jack” Baird, who was sentenced this week to 13 years in prison on federal corruption charges, was at one time working both sides of the legal fence.

He wore a wire for EAD in 1988 when he volunteered to help nail the dirty officer. Yet, while working for EAD, he was also beating up and framing citizens from the 39th District.

The EAD documents do not make clear whether EAD officials knew of Baird’s 39th District illegal activities at the time he was cooperating with them, or whether they were working with Baird because they knew he had an inside line to police corruption.

Legal sources say disclosure of the EAD information -- a rare occurrence -- would be a windfall for the plaintiffs in 13 federal civil rights suits growing from the 39th District scandal. They say the files might disclose more information about the officers being sued, that they could demonstrate how city and police officials responded -- or failed to respond -- to reports of corruption among the city’s 6,000-member police force.

City officials say they have already given lawyers involved in the suits the EAD files for the officers involved in those cases as well as 85,000 other documents.

“The massive disclosure of all EAD files on misconduct cases would paralyze the anti-corruption efforts of the police department at a time when the eradication of police corruption is of paramount public importance,” said the motion filed yesterday in U.S. District Court by Jeffrey M. Scott, the deputy city solicitor in charge of the Civil Rights Division.

Alan L. Yatvin, who is acting as the liaison for the group of lawyers representing individuals wrongly arrested or imprisoned because of the actions of a group of 39th District officers, declined to comment on the city move for a protection order.

It was an earlier motion by Yatvin and the plaintiffs’ attorneys to compel release of the EAD files that triggered the city’s motion.

The motion contends Yatvin and the other plaintiffs’ attorneys cannot be trusted with such confidential information and, as an example, includes part of an EAD file on Baird that the city says the plaintiffs leaked to Inquirer reporter Mark Fazlollah.

The Baird file starts with his telephone call to the EAD on April 8, 1988, to discuss police corruption and ends Oct. 14, 1988, after the probe of four officers fingered by Baird collapsed

when they were suddenly transferred to different police districts. The document says Baird also wore a hidden tape recorder on several occasions while he was stalking allegedly corrupt police for the EAD.

One source familiar with the file said Baird apparently knew he was the subject of a criminal investigation and decided to try to avoid prosecution by making himself invaluable to EAD by naming other corrupt officers.

Baird, 41, and four others indicted with him in February 1995 on federal conspiracy and criminal civil rights charges, were sentenced to prison Monday in a federal corruption probe that has so far resulted in the prosecution of 10 current and former officers.

Unlike the police Internal Affairs Division, which investigates public complaints against police officers and makes its findings available to the public, the EAD has always operated secretly. EAD findings are not available to rank-and-file police or to the public, and the unit reports directly to a deputy police commissioner who reports directly to Neal.

“These files contain all sorts of information,” said Jeffrey M. Lindy, a lawyer who represents a 39th District officer who has been named in some documents involving the corruption scandal but who Lindy says is not a target of the probe. “These files can contain interview notes from when you were hired, psychological writeups, somebody's marital problems -- all sorts of things that are inherently very personal and have nothing to do with the job,” Lindy said.

*Inquirer staff writer Jeff Gammage contributed to this article.*