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DOES MAYOR POSE A THREAT?

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Burbank's police department and city attorney's office believe Burbank Mayor Todd Campbell remains a potential danger to a woman who leveled charges of domestic violence against him in December, or that he poses a threat to neighbors of Campbell's who sheltered the woman and called police when she fled to their home just before Christmas, 2005. That's the reasonable conclusion one draws given the city's explanation this week for continuing to refuse to release any information on the incident, including even rudimentary data on the time and date of the episode.

To remind you, according to numerous reliable sources in the Burbank Police Department and throughout City Hall, on or about Dec. 21, 2005 police received a call to 911 from a neighbor of Campbell's on Bethany Road. They reported a crying woman apparently suffering injuries fled Campbell's home and came to them for help, claiming the councilman had become violent. According to several sources, police arriving at the scene found signs of a struggle at Campbell's home, and some damage. The councilman, however, had left. (For further details of the story on the **GENERAL COLUMNS page, "Councilman Under Investigation," Jan. 9 2006, [CLICK HERE](#))**

In the days following, Campbell did not respond to my numerous calls and e-mails asking him about the episode, and he didn't answer the door when I went to his home. After I wrote about the incident, the story was followed up by area newspaper reporters who hit the same wall of silence.

When citizens appeared at the city council's public podium and asked Campbell to confirm or deny the stories, he ignored them. Campbell has since answered questions on virtually any other issue, but he falls silent and says nothing when asked about recent and previous allegations of domestic violence.



Burbank Mayor Todd Campbell

Simultaneous to pursuing Campbell's comment, I also asked city officials for all available records related to the episode, including basic details routinely made public by Burbank's police, and other police agencies.

Employing the California Public Records Act (CPRA), a body of state laws compelling public access to government records, the materials I asked for included the basics, “log” information listing the time, date and police response to a call for help.

The city’s answer came from Chief Assistant City Attorney Juli Scott. She cited a provision within the CPRA that allows an exception for law enforcement records when release might thwart an ongoing investigation, or endanger those involved with the case.

Denying access to records of the city is among Scott’s duties, one she handles with relish obvious to requestors. Her task is rarely much of a challenge, however, in that those reflexively denied access are seldom in a position to employ the attorneys and legal processes necessary to challenge her often unique and... “creative” interpretations of laws written in fairly plain English.

Virtually every council member holding office in the last decade has pledged before election to better monitor the city attorney’s handling of records requests and seemingly reflexive responses, and to actively press for more openness. Once in office, however, their actual efforts have been limited to rare speeches endorsing access. A high-ranking city staffer often present in confidential talks with city officials recently told me with some enjoyment, “Of the few who have asked about a decision to withhold, I don’t remember any council member ever asking a second question, or to see the material or the relevant law for themselves.”

Fortunately, many of the contortions employed by Scott and others like her over the years have been addressed by state legislators and by a recent ballot initiative approved by voters, updating the law to thwart common dodges.

When I spoke to Burbank Police Chief Tom Hoefel about Campbell’s case in January, he assured me it was being treated like any other, and that the reasons for the unusual secrecy “will be clear further down the line.”

During subsequent months, I was informed by sources that Campbell’s case was turned over to the Los Angeles County District Attorney’s office to be considered for prosecution. Then, just days before Campbell was expected to be elevated by his colleagues to the Mayor’s seat – a routine rotation in recent years – the same sources told me the DA’s office made a decision not to file charges against Campbell. “at this time.” According to the sources, the prosecutors did not ask for specific additional investigation or information.

With nearly five months having passed since a domestic disturbance incident - a period I thought qualified as Hoefel’s “further down the line” - and given the prosecutor’s decision, I repeated my request for any and all available materials related to the Dec. 2005 incident. I got another letter from Juli Scott.

Scott again cited the law which compels even police departments to disclose information with regard to complaints and requests for assistance. She again noted exceptions that allow withholding information “to the extent that disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or related investigation.” Thus, she said there were no records not covered by the exemptions and “responsive” to my request.

Campbell’s case is not one that involves allegations of money laundering, a vast drug distribution ring, or attempts by defense contractors to bribe members of congress and their staffs to promote multi-million dollar contracts – the sort of investigation known to take months or years. Instead, a woman alleged the then-vice mayor became violent, and there are reports of similar accusations having been made in the past. Five months seems sufficient time for even the Burbank Police Department to conduct such an investigation, including follow up on requests often made by prosecutors for further investigation.

Thus, with Scott’s rationale for refusing release of police records, the only reasonable conclusion is to rely on the clause expressing concern that the safety of someone involved case may be compromised by releasing the records. And those “involved” with the case are the accused, the accuser and the neighbors who took in the accuser when she ran for help.

It’s impossible to consider this case without comparing it to the city’s handling of other BPD cases, and two comparisons immediately leap to mind.

The most obvious is that involving then-council member Stacey Murphy. In July 2005, police had barely finished searching Murphy’s house before they were announcing an arrest and what they’d found, and giving details about the investigation of another case leading to the search. Indeed, the police held a press conference where they didn’t provide any actual evidence, but during which a spokesman relayed the observations of detectives who had questioned witnesses in the case and searched Murphy’s home.



Former councilwoman Stacey Murphy

In that instance, police trumpeted allegations and their speculation far a field of the charges. Even as witnesses and suspects were still being questioned by police, other officials were announcing what they’d found thus far. The information led to calls for Murphy’s resignation, including my own, before she’d gone into court to challenge the charges.

In that case, however, there had been an arrest, and there didn’t appear to be a complainant who might be at risk

For an example more similar to the Campbell episode, I can’t help referring to a personal case. Several years

ago a member of the Burbank city council falsely accused me of assault. While I never held a press conference to announce the charges, when I was contacted by members of the press from throughout the country I did declare my innocence and referred them to my lawyers for further comment. The BPD releasing details was more difficult because the accuser provided several possible dates for the single alleged attack, an array spread over a period of months.

That criminal investigation took approximately six weeks, during which the accuser finally settled on a single date for the supposed attack. Her husband told police the couple chose to file the complaint in hopes it would lead her colleagues to elevate her to the Mayor's seat in the upcoming rotation.

When the investigation was over, Burbank's police department issued a press release announcing the district attorney's decision not to file charges, and enumerating some of the reasons for that decision. Though the allegations had previously been the subject of public comment ranging from veiled references in the press to wisecracks made by city, it was at that point the bulk of the headlines and other media reports about the case hit the public. There were whirlwinds of controversy in the months and years to follow, but those were the product of the accuser's civil case, one she ultimately surrendered.

For the independent observer looking to explain the difference between handling of my case and Campbell's, the most obvious and significant is that in one the accuser was a council member, and in the other a council member is the accused. Given all the facts available, I think an objective analysis of the case I was involved in makes it obvious the council woman's accusation simply wasn't credible. No such analysis is possible in Campbell's case.

On May 1 three of Campbell's colleagues joined Campbell in voting to make him Burbank's Mayor through the coming year. The only "no" vote came from councilman David Gordon, recently elected to replace Murphy when she resigned.

I've had no trouble spotting examples of Gordon's hypocritical tactics and double standards during his brief tenure to date. But I'd be no better if I didn't also resoundingly agree with his condemnation of Campbell for refusing to acknowledge legitimate questions about the accusations against him, and the police investigation.

Gordon made other charges about Campbell's supposedly contemptuous attitude toward the public at meetings. I believe the record strongly refutes them. I doubt there's been any council member in recent memory more obsequious than Campbell when addressing the public. But Gordon was absolutely correct in noting that a public official representing the citizens of Burbank is more obliged than most to at least acknowledge the questions asked of him, and to explain his version what happened when the police went to his home in December, or why he's not talking.

Typically, we could at least get the basic details from the police department. But according to the city attorney's office, releasing that information may endanger the alleged victim or neighbors of the man who is now Burbank's mayor.
