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Blind Justice

Federal judge William Keller does the LAPD's bidding by finding Bob Mullally guilty of criminal contempt for exposing some of the department's most shameful secrets.

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By Tony Ortega

In a court hearing Friday, there seemed to be little enthusiasm to punish the man, Bob Mullally, who had just been found guilty of a crime.

In the complex case, the victim of Mullally's crime was judged to be the City of Los Angeles. But given the opportunity to request \$86,000 in restitution, Deputy City Attorney Victor Schulte asked the court that Mullally *not* be required to pay the money back.

Mullally's prosecutor, Assistant U.S. Attorney Tom Warren, seemed equally uninterested in a harsh penalty for the defendant. Warren noted that in his court pleadings, he'd specified no penalty at all.

Only one person in the courtroom seemed determined to throw the book at Mullally. And that was the man who demanded that he be investigated for the crime in the first place: U.S. District Court Judge William Keller.

Wagging a bony finger at Mullally from the bench, the red-faced federal judge chastised Mullally for violating a court order by leaking confidential Los Angeles Police Department files to a television reporter in 1997. "You were taking the law into your own hands, and you're not authorized to do that!" the judge barked. After delineating his reasons for doing so for some four hours Friday, Keller found Mullally guilty of criminal contempt and scheduled his sentencing for March 27.

Last fall, *New Times* detailed the story of Mullally, a former bureaucrat with a history of blowing the whistle on government wrongdoing, who had run afoul of the LAPD and Judge Keller ("Code Buster," *cover story*, October 5).

The case grew out of a lawsuit brought against the LAPD by the family of a woman killed in 1992 by her estranged husband, Victor Ramos, an LAPD officer with a known history of spousal abuse. Ramos used his service weapon to kill his estranged wife, her boyfriend, and himself. In order to prove that the Ramos case was not an isolated one, the family's attorney, Gregory Yates, convinced federal magistrate Carolyn Turchin to force the LAPD to turn over confidential internal investigations of domestic violence committed by police officers. Before handing them over, Deputy City Attorney Schulte redacted the records, blotting out the names of officers, victims, and witnesses. Yates



Mullally with his children

signed a protective order agreeing to keep the documents secret until trial.

Yates then gave the documents to an old college friend, Bob Mullally, whom he had hired because of Mullally's extensive background in government personnel operations. Mullally digested the 4,000 pages of secret files in order to summarize them for Yates, and was shocked by what he found. The documents showed that for the years 1990-1993, more than 70 officers had been investigated for beating their wives and girlfriends. The allegations -- which included rape, battery, and child molestation -- were serious enough that several officers had been disciplined administratively and a few had been fired. But the LAPD had not arrested a *single* officer on the charges, and Mullally's records indicated that no cops were ultimately prosecuted criminally.

After Mullally finished vetting the records, Yates let City Attorney James Hahn know what he had found. Within weeks, the city sought a settlement to the lawsuit, paying \$2.15 million to end two related lawsuits stemming from the Ramos murder-suicide. In a deposition, Schulte testified that the city sought a quick end to the cases for the sole reason of keeping the damaging documents from becoming public.

Angry that the public would never know how domestic violence in the LAPD was being covered up, Mullally says he leaked the files in 1997 to former KCBS reporter Harvey Levin. Levin's subsequent two-part series about the documents resulted in quick city action. An investigation by then LAPD Inspector General Katherine Mader confirmed that wife-beating officers had for years benefited from special treatment. The scandal resulted in significant changes in LAPD procedure and the formation of a special task force to handle domestic-abuse cases in the LAPD's ranks.

But if the LAPD publicly promised to clean up its act, privately it wanted to punish the person who had forced it to change.

Schulte and police chief Bernard Parks both blamed Yates for leaking the files, and asked the federal courts and the California Bar, respectively, to investigate the attorney. That's when Mullally stepped forward and signed a declaration swearing that he alone had made the decision to leak the records to Levin.

The bar investigation was dropped, but in Keller the LAPD had a far more willing champion.

Keller urged the U.S. attorney's office to prosecute Mullally and made statements in a 1999 hearing that suggested he was already convinced Mullally had committed criminal contempt.

Keller did little to dispel that notion last week when he did nearly all of the prosecuting in Mullally's bench trial himself, relegating assistant U.S. Attorney Tom Warren to the sidelines.

"Have you figured out whose case this is -- his or mine?" Warren said to a court observer during a recess in the hearing. (Warren explained to *New Times* that in contempt trials, the prosecutor's role is often nominal. But Keller's performance was remarkable.)

While Keller railed at Mullally and ridiculed his attorneys' arguments, he turned occasionally to a sheepish Warren, who dutifully, but seemingly without relish, agreed with the judge.

At times, Keller's tirades against Mullally reached such a pitch that Warren and Mullally's defense team seemed to be arguing together on a united front.

Warren even acknowledged in court that good things had resulted from Mullally's violation of the court order -- things that Warren admitted would never have happened if Mullally hadn't fed the files to KCBS.

Keller angrily admonished Warren for not seeking a wider definition of Mullally's criminal liability -- the judge widened it himself -- and upbraided Warren for not launching additional investigations against Yates and Levin.

Despite several caveats from Keller about his concern for the victims of domestic violence, it was clear that the judge was more concerned that Mullally had violated the sanctity of a court order.

Mullally's attorney, Arizona State University law professor Jim Weinstein, argued that the protective order should never have been issued in the first place: By asking to keep the records secret, the city attorney's office, Weinstein argued, had made the federal courts an accomplice in an ongoing government cover-up. Although Mullally had violated the terms of that agreement, Weinstein argued, the public's right to know about serious crimes hidden by the city outweighed the legality of the protective order.

"When pigs fly," Keller responded.

After finding Mullally in contempt, Keller turned to the subject of punishment. Mullally had been told that the maximum sentence he could receive was six months in prison, and Keller said he wanted a background study, called a presentencing report, done on Mullally before he'd make a decision on imprisonment. But then the judge began speaking about "fine potential," which seemed to take Mullally and his defense team aback.

Warren stood up and informed Keller that the offense called for jail time *or* a fine, but not both. Keller then denied he had raised the subject of a fine, it was *restitution* he wanted to explore. He asked what Mullally's leak had cost the city, and asked Schulte to address the court.

Schulte responded that in the city's original contempt motion (against Yates, not Mullally), it had asked for \$86,000 in restitution. (Schulte, it turned out, had not completely redacted all of the names in the 4,000 pages -- not a surprise considering the Herculean task of blocking out every piece of identifying information. Levin, in his TV reports, had been able to identify two cops investigated for spousal abuse: Al Abolos and Jon Green. Abolos and Green then sued the city and others, including Yates and Mullally, for invasion of privacy, and later dropped the city as a defendant. Defending against that lawsuit, as well as a cross-complaint by Yates, Schulte says, cost the city \$86,000. It could be argued, however, that if Schulte had been a little more careful redacting records, the city would not have found itself in the lawsuits to begin with.)

After telling Keller of the amount the city had lost, the deputy city attorney requested that the city be withdrawn from the case. The city did not want the \$86,000 from Mullally, Schulte announced.

"Motion *denied!*" Keller yelled.

Opinions vary about whether Keller will actually hit Mullally with the hefty restitution order -- an order the Arizona man, who now makes \$8 an hour at a Scottsdale hardware store, says he would be unable to pay.

Schulte doubts that Keller will really ask Mullally to pay \$86,000 for leaking the documents. He surmises that Keller wants the city to brief him about the restitution amount in order to help him determine what number of days to imprison Mullally. "He might use it to give Mullally four months instead of three months," Schulte told *New Times* after the hearing. He explained that he had attempted to drop the restitution matter because the city isn't interested in Mullally's money.

"Protective orders are very important. We're not here for a penalty. We're not here for restitution. This is about honoring a court order," Schulte said. (He denies that his redaction of the files and request for a protective order had made him part of a government cover-up, as Mullally's attorney had charged. It was Mullally's *perception* that crimes were being committed by LAPD officers, Schulte says. But Mader's subsequent investigation not only confirmed Mullally's contention that officers were going unpunished, but the inspector general uncovered even more heinous acts by officers. Mader found that one officer, for example, had forced his pistol barrel into his wife's vagina against her wishes; the officer received a mere reprimand.)

Mullally's attorneys are less sure that Keller won't slap Mullally with the huge restitution order. Jim LeBow, Mullally's lead attorney, says it's clear to him that Keller is trying to put pressure on Mullally to cooperate in an investigation of Yates or Levin. (Yates' attorney, Janet Levine, says there's no evidence that her client had anything to do with the leak. Levin, meanwhile, did not respond to a phone call.)

Mullally, however, says he's already said what he has to say: He leaked the files, and Yates had nothing to do with it.

Outside the courthouse after being convicted, Mullally told reporters he didn't regret exposing the LAPD's dirty secrets.

"I'd feel worse if I stood by and said nothing," Mullally said.

On March 27, he'll find out how much prison time he will serve -- something none of the wife-beating officers he exposed ever had to face.

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