

Badges, guns and untraceable plates



By DAVID DANIELSKI | The Press-Enterprise
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Some Riverside council members and top city administrators used city vehicles with special, untraceable license plates that state law reserves for police work, according to interviews and lawsuit documents.

The practice, known as "cold plating," was one of a gamut of law-enforcement tools afforded some city leaders, former Riverside Police Chief Russ Leach said in November, when he was deposed for a lawsuit over police labor issues.

Badges similar to the city's police badges were ordered for City Manager Brad Hudson and his two assistants, Tom DeSantis and Michael Beck, records show. Beck is now Pasadena's city manager.

Hudson and DeSantis also bought Glock handguns from the city Police Department, when the department had no legal authority to sell firearms to private individuals, records show.

The licenses, badges and gun sales were the subject of inquiries in 2007 and 2008 by the state attorney general's office.

The guns acquisitions go back to 2005, the year Hudson became city manager and hired DeSantis to be his assistant. Badges were ordered in 2007, the same year that City Council members had access to cars with cold plates, according to records and interviews.

After learning that state laws appeared to have been violated, city officials took corrective actions, according to the records and interviews.

Civilians, including DeSantis and Councilman Steve Adams, stopped using cars with cold plates.

The badges were returned to the vendor and never distributed, officials said.

The pistols acquired by Hudson and DeSantis were retrieved and resold to them in a transaction conducted at a local police station by a police sergeant.

On July 23, 2007, after corrections were made, Gary Schons, a San Diego-based senior assistant attorney general, concluded in a letter to Leach that he found no criminal wrongdoing in the sale of firearms and issuance of badges.

Contacted by telephone, Schons said no arrests occurred, but he declined to comment further.

Hudson and DeSantis said in an interview Friday that matters were corrected as soon as the mistakes were identified. They said most of the issues were resolved years ago.

Leach, who retired early this year while under investigation for drunken driving, did not return calls.

The issues with guns, badges and license plates came to light in a labor lawsuit filed by Lts. Tim Bacon and Darryl Hurt. Several officials, including Leach, Hudson, DeSantis and Adams, gave depositions late last year and early this year.

The city and the officers reached a settlement agreement in April. Bacon and Hurt, both 49 and on administrative leave, will receive top captain's pay until they reach 50, when they will get full retirement, according to the agreement. The city also agreed to pay them a combined \$550,000 in damages.

Cold plates

In California, law enforcement agencies can obtain nearly untraceable license plates for vehicles used by officers, principally for undercover criminal investigations or parolee supervision.

State law prohibits civilians from having such license plates.

If a vehicle with cold plates is involved in an accident, the registration can be disclosed only through a court order or by request of the state attorney general, according to California Vehicle Code.

In his deposition in November, Leach said some of the seven City Council members and some city manager office employees used cold-plated vehicles.

"Not all seven had it," Leach said. "(It was) a couple here and there."

In his deposition in January and an interview on Friday, Adams, who represents the La Sierra area, said he drove a cold-plated vehicle, a 2005 or 2006 Dodge Charger. The lawsuit records do not identify the other council members.

The car was illegally towed by a homeowner association three years ago while he was spending a weekend at a friend's home in Newport Beach, Adams said. DeSantis had to intervene to persuade the tow company to release the vehicle back to Adams, both men said.

A representative of a security company that patrols the condominium complex said Tuesday that the car was towed because it was blocking a garage. Adams said that's true, but it was his friend's garage and wasn't a problem.

Leach, in his deposition, said he had learned about the cold plating after it had occurred. He said the plates were issued through requests by city fleet personnel.

"Unfortunately, there was a lot of assumptions made then that we had authorized it," Leach testified. "We had not authorized it."

DeSantis, whose office oversees the motor pool, testified in January that Leach suggested the use of cold plates.

"When I received that vehicle as an assigned take-home vehicle, the chief suggested that the department put cold plates on," DeSantis testified.

Motor pool manager Martin Bowman referred calls to General Service Manager Kris Martinez. She did not respond to an e-mail and phone call on Tuesday.

DeSantis acknowledged in his deposition that civilians can't use cold plates and that the city received an inquiry from the attorney general's office.

"When that violation of procedure was brought to our attention, we recognized that it was better to comply with the law," he testified.

Hudson, in his January deposition, said he was not aware of issues involving the city manager's office and cold-plated vehicles. He said he didn't think his car had been cold-plated in the past.

In the interview Friday, Hudson and DeSantis said that the cold plates were on police vehicles that had been moved to a motor pool used by the council and city manager's office. DeSantis said the Police Department wanted the flexibility to move cars between the police fleet and civilian fleet.

Adams, in a separate interview the same day, said the council members used vehicles that had too many miles to be used for police work. He said it takes months for the state Department of Motor Vehicles to issue normal license plates for such cars. The DMV confirmed that the process can take months.

Beck, reached by phone on Tuesday, said that cold plates were put on used vehicles acquired from local dealerships for him, Hudson and DeSantis. The vehicles were purchased after the city started assigning cars to the administrators rather than giving them a car allowance.

Hudson received a Toyota Highlander; DeSantis, a Mercury Grand Marquis; and Beck, a Ford Crown Victoria, Beck recalled.

"The plates came from the Police Department," Beck said. "My recollection is that the idea came from the chief." He said he didn't know why he and the other the administrators were given cold plates.

Badges not used

The depositions and court records show badges were ordered for Hudson, DeSantis and Beck in March 2007.

Hudson said he never asked for or received badges for himself or his staff but acknowledged they were made for him, DeSantis and Beck.

"Somebody thought they were doing us a favor," Hudson said Friday.

Beck, who oversaw city code enforcement, said that Community Development Director Scott Barber had ordered Beck a code-enforcement badge. Reached Tuesday, Barber said Beck needed the badge because he often confronted illegal roadside vendors.

Beck said he asked Barber to order the badges for Hudson and DeSantis because they performed similar code enforcement functions.

The shields were code-enforcement badges, which have different coloring than police badges, Beck and Barber said.

Hudson said in an interview that he and DeSantis often stop their vehicles and remove illegal signs from street medians and other locations in the city. Other city officials, Hudson said, felt the badges would be useful if he, DeSantis or Beck were confronted while removing signs.

Issuing badges to Hudson and his assistants could be a misdemeanor, because they could deceive an ordinary person into believing the city administrators were peace officers, Schons said in a June 4, 2007, letter to Leach.

In a response three days later, Leach wrote that badges had not been distributed and would be returned to the vendor to be destroyed. Leach also disputed the notion that someone could be deceived, because the badges had the names and job titles of the three city officials.

Barber said the badges were returned to the Police Department for destruction.

Glock handguns

Schons also described legal problems with how Hudson and DeSantis obtained handguns and concealed-weapon permits from the city Police Department.

In his letter, Schons said a Riverside police officer provided Hudson a department-owned Glock .40 and DeSantis a Glock 9 mm, both semi-automatic pistols, during a 2006 firearms training course necessary for them to obtain concealed-weapon permits, which Leach later granted to them.

Arrangements were made to have the two men pay for the guns by writing checks to the Police Department, Schons' letter said.

"The sale of these handguns by the department to these private citizens, albeit city employees, is illegal ... " Schons wrote. "Neither the Riverside Police Department or city of Riverside is licensed to sell or transfer firearms."

In a subsequent letter to Schons, Leach described steps his department took to correct the matter.

The Police Department retrieved the guns and arranged for a legal transaction with the help of Riverside gun retailer Centerfire Firearms, Leach said in the letter.

That sale complied with state law that requires a 10-day waiting period and registration in a state firearm database, Leach wrote.

In a June 11, 2007, letter to the city, Schons said he ultimately found no "actionable conduct" but felt the city's actions were questionable.

For instance, state records showed Hudson and DeSantis already were gun owners, Schons wrote.

"We question why department-owned firearms were issued to non-peace officer, civilian employees in the first instance, particularly because it appears both these gentlemen have their own handguns," Schons wrote.

The record of sale document for the guns raised more questions. They showed the guns were sold by **Riverside police Sgt. Cliff Mason** at the city's Orange Street police station.

"The firearms were department or city property, not Mr. Mason's ... Why was Mr. Mason shown as the seller when, in fact, he was not shown as an agent of the department or city?" Schons asked.

Schons further found problems with concealed-weapon permits.

On his permit, Hudson's residence was listed as 3900 Main St., Riverside, the address of City Hall. A home address is required.

In addition, Leach issued a permit to DeSantis, who lives in Hemet. Under state law, Leach could only issue permits to residents of Riverside, the jurisdiction of his department.

DeSantis said he immediately sought a legal permit from the Sheriff's Department.

Hudson said he and DeSantis were following the directions of police personnel.

"When they tell you to go to the shooting range, you go to the shooting range," Hudson said. "When they tell you to write a check, you write a check."

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<http://www.pe.com/local-news/reports/crash-probe/crash-probe-headlines/20100609-badges-guns-and-untraceable-plates.ece?ssimg=274337>