

## Port officers sent explicit e-mails

Few received more than reprimand

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By **ERIC NALDER AND LEWIS KAMB**  
P-I INVESTIGATIVE REPORTERS

Thirty-two current and former Port of Seattle police officers -- nearly a third of the department's sworn force -- have been caught exchanging or receiving racist, sexist and sexually explicit e-mails since the end of October 2004, department records obtained by the Seattle P-I show.

For 16 months, no one in the department reported the smut-laced e-mails to top-level managers or internal investigators, even though the field-level supervisors joined line officers spending hours on their shifts viewing the material. The behavior wasn't discovered until a woman accused one officer of harassment, and internal investigators looked at his computer.

Records obtained by the P-I show such behavior has been going on in the department for years, including a case in 1997 that involved a prominent sergeant who is now a lieutenant and SeaTac city councilman.

Though some in the department recommended tougher punishment for those caught up in the current case, few of the officers involved were disciplined. Nine got written reprimands, and others who received e-mails, but didn't store or forward them, were let go without punishment. The accused harasser, Sgt. Jon Schorsch, 39, also was found to have misused the Internet, but he resigned under threat of termination after a judge issued a protection order in the harassment case. No one, including lieutenants and sergeants, was punished for failure to report the Internet abuse, though failure to do that is a department rule violation.

The department-wide investigation conducted between March and September uncovered dozens of inappropriate e-mails, including derogatory and stereotyping comments, photographs and video images aimed at blacks, Asians, Arabs and Hispanics.

Other e-mails showed sexually graphic and demeaning pictures of women, including images of them defecating on each other, having sex and performing oral sex. Still others contained images of a woman kicking a naked and bound man in the crotch, and a video of a woman whose tube-top is yanked down by a stranger on the street.



zoom

Grant M. Haller / P-I

Port of Seattle Deputy Chief Gale Evans said of his officers' conduct: "It's appalling. ... It will not be tolerated."

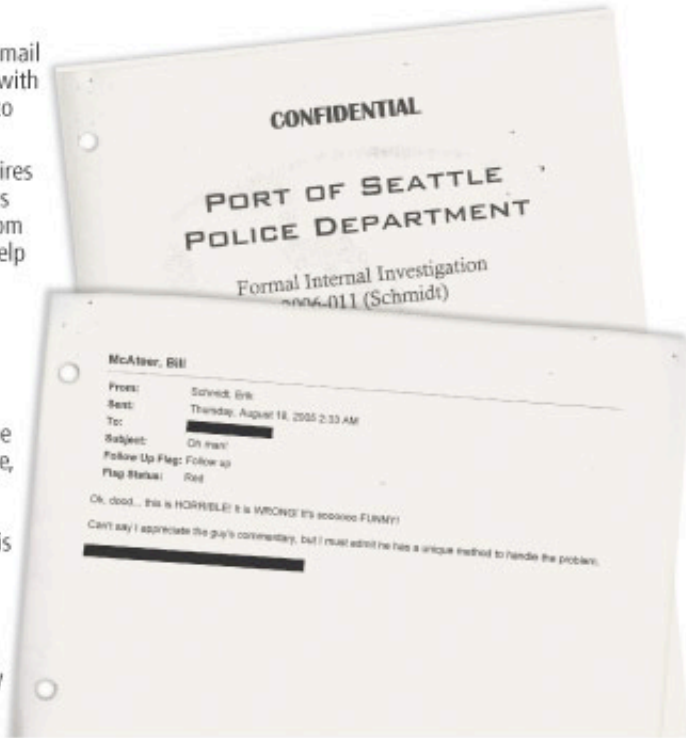
## BAD BEHAVIOR

The Port of Seattle investigated 32 current and former members of its police force who were caught sending or receiving racist and sexually explicit material on office computers. Here's one example of an officer's inappropriate e-mail.

### RACIST VIDEOS

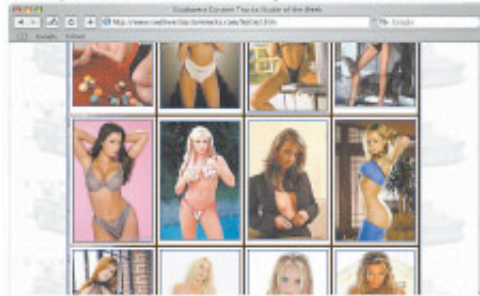
Officer Erik Schmidt sent an e-mail to a colleague Aug. 18, 2005, with a link to a video titled, "How to get rid of illegal Mexicans."

- 1 In the video, the narrator hires about six men, whom he claims are illegal immigrants and whom he refers to as "beaners," to help build a deck on his home.
- 2 The immigrants climb into the back of his truck and he drives off.
- 3 Instead of taking them to his home, he drives them to the Los Angeles Immigration Office, where he climbs out of his truck and starts blowing a whistle to draw attention to his truck full of immigrants. The immigrants run off yelling "INS! INS!" The narrator falls down laughing and tells the camera that he does this every three weeks or so for fun.



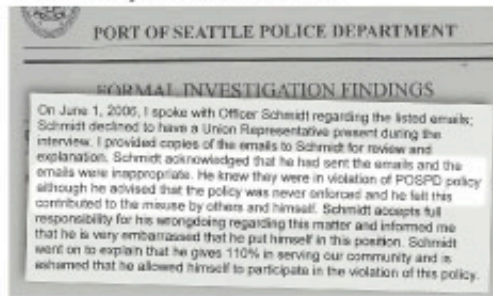
### INAPPROPRIATE PHOTOS

Schmidt also sent a Web link to another colleague on Sept. 20, 2005, of scantily clad women.



### INTERNAL INVESTIGATION

An excerpt from a June interview with Schmidt conducted by Lt. William McAteer.



Source: The Port of Seattle Police Department

SEATTLE P-I

Port of Seattle police Chief Timothy Kimsey refused to discuss the case, leaving that task to his deputy chief, Gale Evans, a former FBI agent and airport police chief from Salt Lake City who joined the department in October 2005. Evans said the discipline was decided by Kimsey, but in concert with others.

"The decision in regards to the reprimands was a decision made by the chief. It was a difficult decision, but it was made in concert with labor management, human resources and corporate counsel," said Evans, 57.

Evans was himself subject of a disciplinary investigation after the FBI's shooting of separatist Randy Weaver and members of his family at Ruby Ridge, Idaho, in 1992.

Then-FBI Director Louis Freeh suspended Evans, with pay, in August 1995 during an investigation of destruction of evidence in the Ruby Ridge case. Evans was not prosecuted, and he cooperated with investigators. Before that investigation, in 1993, Evans was in charge of the FBI's anti-smut campaign, with an early focus on the Internet, duties that were part of his job as head of the FBI's nationwide violent crime office.

"It's appalling. It's unprofessional," Evans said about his officers' conduct. "It's disappointing. It will not be tolerated."

When Evans was asked how imposition of reprimands and, in most cases, no discipline, can be interpreted as zero tolerance, he replied that reprimands are serious. He said a reprimand will stay in an officer's file for an entire career. He also promised tougher action next time if necessary.

"It is clearly understood within the department that if this behavior reoccurs that we will take serious disciplinary action up to, and including, termination. That's if anyone does it," said Evans, who stated that he plans to apply for the chief's job when Kimsey retires in May.

Officers are also receiving anti-harassment training.

Responding to earlier inquiries about the offensive e-mails, port spokesman Bob Parker initially downplayed the matter, saying that few officers were involved and little more than "Playboy magazine-type material was involved."

"That was the information I got from the chief," Parker said Thursday. "I have no idea what was in his mind."

After the P-I formally sought the investigation papers and e-mails in a request under the state Public Disclosure Act in November, port officials became more candid about the investigation.

Even port commissioners say they were in the dark about the case.

"I'm incredibly disgusted and offended both by the pornographic material and the racist material," newly elected Port of Seattle Commission President John Creighton said Thursday. "I'm concerned whether the reprimands were appropriate."

Creighton said he heard of the case only last week.

None of the nine officers who were reprimanded responded to repeated phone and e-mail messages. They are Lt. Jon Hornbuckle, 43; Sgt. Pat Addison, 43; Sgt. Jack Myers, 42; Sgt. Brian Drake, 50; Sgt. Daniel Flynn Jr., 37; Detective Matthew Bruch, 32; Randall Chinen, 40; Erik Schmidt, 38; and Anthony Young, 47.

Schmidt has been on paid administrative leave since November because he is being investigated in an unrelated case, Evans said.

Evans said two other officers in the Internet scandal are being reinvestigated after reporters pointed out to port officials that they, too, had sent e-mails. Evans said he is trying to figure how his own investigators missed those two. Neither of those officers, Jason Kleiner or Steven Ivey, responded to requests for interviews.

Evans said he has also ordered an investigation of another lieutenant, Gerard J. Fiola, because there is an allegation Fiola received e-mails and failed to report them.

"Sergeants are held to a higher standard than officers. Lieutenants to a higher standard than sergeants," Evans said.

Asked why he wasn't reinvestigating the sergeants involved in this case, seeking more discipline, he said the department can't put them in double jeopardy since the investigation of them is already over.

Some port officers told internal investigators inappropriate Internet and e-mail use has been widespread and enforcement against it lax, even though police regulations strictly prohibit such behavior.

Schmidt told investigators "the policy has never been enforced," according to an internal investigation report.

"This contributed to the misuse by others and himself," the report stated.

One of the sergeants, Drake, told investigators "that he knew the e-mails were questionable but due to the past practice of these types of e-mails being circulated amongst many others he was lax in his conformance to the policy."

"He advised that these e-mails were sent in a joking manner but acknowledged that they were inappropriate to the workplace," the report stated.

Records show that similar incidents occurred nearly a decade ago in the department, including a case in which a prominent officer and current SeaTac city councilman was caught in 1997 "clicking through" sexually explicit material on a department computer.

Then-Sgt. Tony Anderson said he was exonerated of allegations that he was inappropriately viewing and accessing sexually charged material. He told investigators he simply was trying to find and eliminate explicit graphics and games that he observed another officer viewing from department computers. Anderson, a highly decorated and educated officer, last year was named to a blue ribbon panel formed to investigate misconduct by members of the King County Sheriff's Office.

But investigators sustained two related violations against Anderson -- one for not informing his supervisors about the inappropriate images and another for "neglect of duty."

The second violation was issued because Anderson, then a shift sergeant, was back at the office looking at the inappropriate Web sites at the same time two officers under his command were responding to a drive-by shooting that resulted in two homicides, personnel records show.

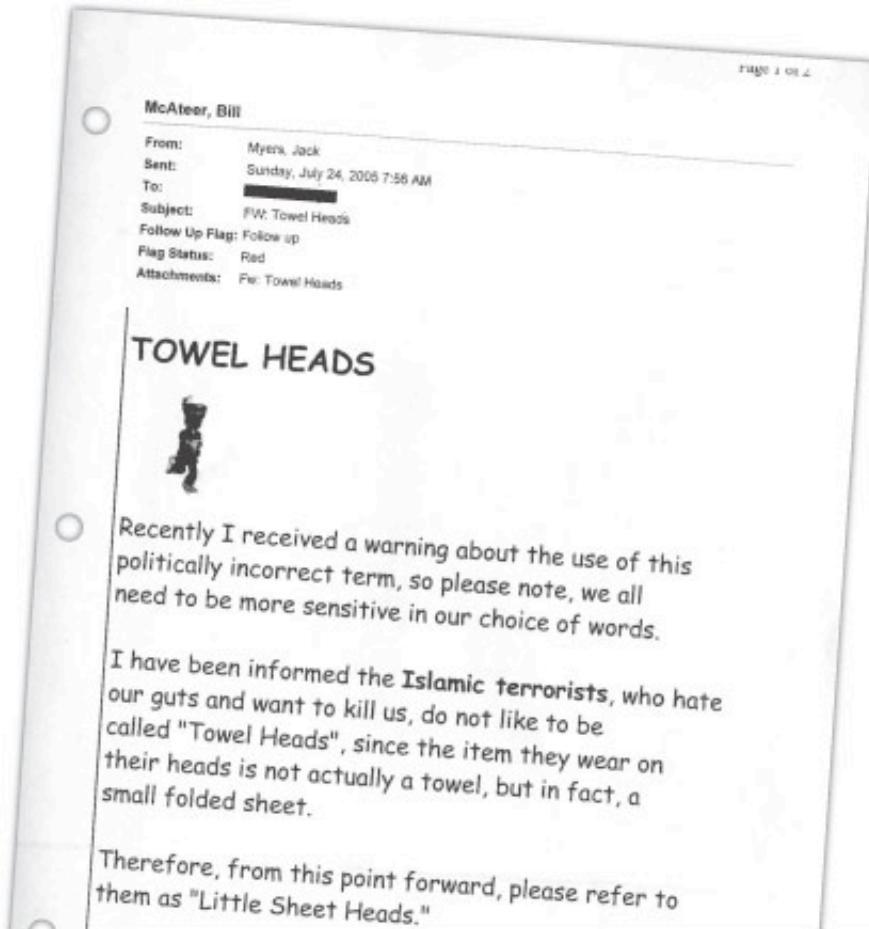
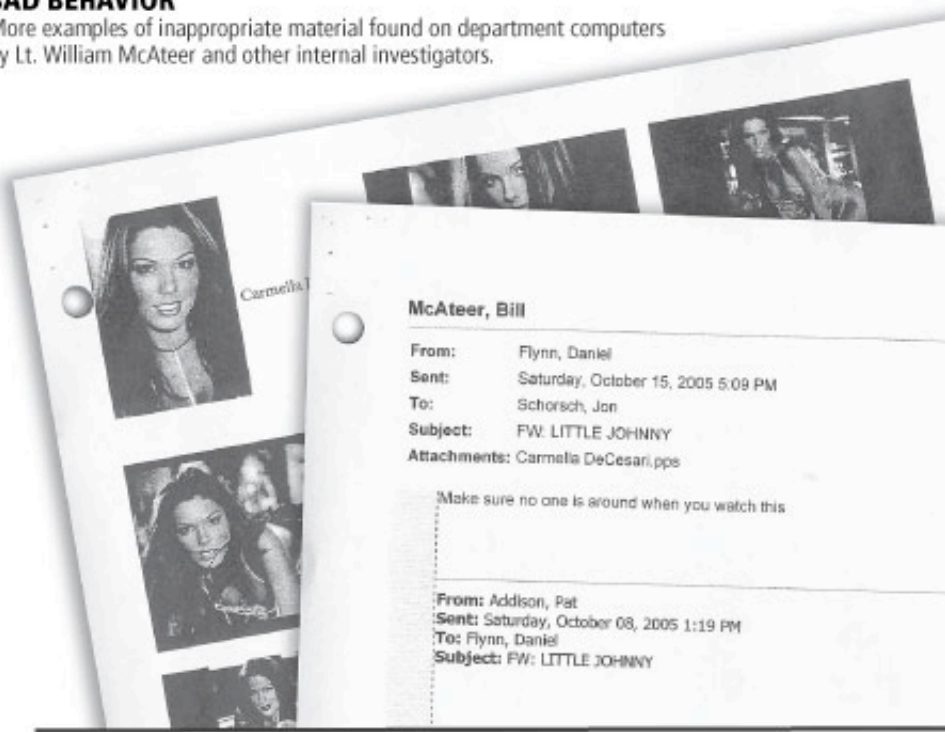
In a strongly worded memo, then-Port of Seattle police Chief Patrick Kasnick wrote that Anderson's behavior "left the potential for such abuses to continue to be committed by others."

The abuses did continue.

A former Port of Seattle police officer who didn't want to be identified said that in the late 1990s, after a jammed copier was fixed, "porn came out." The ex-port officer, who was separated from service under honorable conditions, also said semen was found on a wall outside a female-only shower at the airport, used by port employees with strict security access, at a location where a person could have viewed inside the shower.

## BAD BEHAVIOR

More examples of inappropriate material found on department computers by Lt. William McAteer and other internal investigators.



Source: The Port of Seattle Police Department

SEATTLE P-I

The current investigation started after Sgt. Jon Schorsch's ex-girlfriend claimed in court records last February that the Port of Seattle officer had been harassing her.

In a protection-order petition submitted to King County Superior Court last February, Michelle

Hollingsworth claimed Schorsch repeatedly called, e-mailed and visited her, family members and friends after the two broke up. Hollingsworth said she told Schorsch over and over again to stop contacting her, but he wouldn't let up. She described Schorsch's behavior in court records as "unstable," alleging that he even made "suicidal threats" when she broke up with him.

"I'm scared because he is so unstable carrying a firearm," she added in her hand-written court petition. The court granted Hollingsworth's petition last March, ordering Schorsch to stay at least 500 feet away from her home and workplace.

Schorsch is now staying with his parents after he crashed a boat he was driving into the shore of Lake Tapps and was seriously injured in August. Schorsch's mother, Pearlie Schorsch, said her son has a "long way to go" before recovering. Fellow officers donated their sick leave so he could receive benefits, though he has resigned from the force, Evans said. Pearlie Schorsch said the charges against her son are "very slanted" but she refused to say more.

Hollingsworth's allegations against Schorsch sparked an internal investigation at the Port of Seattle Police Department. Investigators seeking to determine if her allegations were true looked at Schorsch's e-mail account and discovered "several e-mails with attachments that contained sexually explicit photographs."

"Schorsch at times spent more than a third of his shift surfing the Internet," an internal investigation found. "During this time frame Schorsch's ability to 'supervise subordinate activity' was greatly hampered."

Schorsch admitted during the investigation that one e-mailed photo was so "egregious and offensive" he didn't want it shown to his union representative and his criminal attorney. When he sent the e-mail from his department computer in November 2005, he wrote: "Warning: I even got dry heaves on this one."

Other e-mails sent by various officers were equally offensive:

- Arabs were referred to as "towel heads" and "sheet heads" in one so-called joke.
- A Dave Chappelle parody newscast showed African Americans, after being granted a trillion-dollar settlement for slavery, lining up at liquor stores, fried chicken outlets and watermelon stands.
- An Asian woman is shown eating a piece of meat altered to look like female genitalia.
- A video features a man who refers to Hispanics working in the U.S., some perhaps illegally, as "animals" and "beaners" and people who are "all about work and having babies." After he tried to turn them over to immigration officials, he remarks that he was trying to "make sure they don't overpopulate."
- Numerous other nude and sexually explicit e-mail images, including two very overweight black women wearing only G-string underwear dancing in front of a white man.

Evans said there was a "lively debate" over whether tougher discipline should have been meted out in the e-mail case, but he wouldn't divulge who recommended more punishment or what it might have consisted of. He admitted that the officers could have been charged with more serious offenses than simple misuse of the Internet, including the catch-all conduct unbecoming an officer, a general violation that has serious consequences.

He acknowledged the rule is clear that misconduct must be reported by anyone who sees it.

"If you receive what you perceive to be inappropriate communications you are to immediately report it to



your supervisor," he said.

"I am doing a complete re-review of the whole internal affairs process," Evans said, adding that it wasn't just because of this case.

Asked what his officers' behavior means in terms of their attitude toward the public, he said: "I think you have to look at the whole department."

Anderson, the lieutenant and SeaTac city councilman, said Thursday he is now in discussions to get the 10-year-old findings against him removed from his personnel file. In a rebuttal written in 1998, he argued that he simply handled the matter the way others in his department had done before.

"Past practice ... was when confronted with the situation where an officer is viewing sexually graphic material, the supervisor should tell the officer to stop and remove the pictures from the workplace," Anderson wrote. "This is what I did. In none of the past incidents was there any direction to notify the Patrol Lieutenant of the situation."

Anderson, who as a budget administrator no longer works in the section in which the recent investigation occurred, declined to comment Thursday as to whether the Port of Seattle Police Department has been too lax in dealing with inappropriate Internet usage, possibly setting the stage for the current problems.

"I do know that the deputy chief (Evans) has set a very high bar," Anderson said. "I'm not sure that (written reprimands) will be the discipline for this kind of thing any time in the future. The bar is much higher now."

## **DISCIPLINARY EQUITY CONCERNS RAISED**

The e-mail case has also given rise to concerns about equity in disciplinary cases at the Port of Seattle.

The port has terminated officers in recent years, including a case in 2004 in which the port asked another department to conduct a criminal investigation that resulted in charges against an officer for sexually touching two women working for airlines at the airport. He pleaded guilty to unwanted touching, which is a fourth-degree assault, in February 2005.

Port officials also acknowledged that a low-level and non-police employee was terminated in the 1990s, or possibly later, for accessing Internet pornography. Port spokesman Bob Parker said he's not sure, however, that the man's only offense was porn. The P-I could not locate him.

Port Commissioner John Creighton said he is vaguely aware of the case involving the lower-level employee, and said he is concerned that the port "treat employees uniformly" in disciplinary matters.

"I think you will be hearing more (about this) from the commission as a whole," Creighton said.

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