

Several City Council members and black community leaders called Friday for a citizen's review board as Police Chief Lee P. Brown defended his department in the wake of two fatal shootings by police.

Brown, in a rare public disagreement with Mayor Kathy Whitmire, said no such investigative group is needed.

Whitmire and six of 14 other council members said they either support or would be inclined to support a civilian board to review police actions and may ask the Legislature to consider approval.

In Austin, Gov. Bill Clements said he may open the special legislative session - called solely to consider workers' compensation insurance - to consider any bill that Houston council might support for creation of such a review board.

The council is scheduled to vote Tuesday on a resolution penned by Councilman Anthony Hall asking Clements to open the session to consider a review board made up of community members.

Meanwhile, black activist the Rev. J. Don Boney, and about 50 others gathered outside the police department's main building on Riesner Street Friday to reiterate their call for formation of a review board.

But Brown said such review boards have not worked in other cities and that the department's internal affairs division can better investigate problems than inexperienced citizens.

"There is a wealth of history that leads me to reach that in public administration it is generally agreed and accepted that management has a responsibility for discipline and one should not remove that tool from the hands of those who are responsible," Brown said.

The police chief also said he would consider lobbying against such legislation, even though Whitmire wants such a bill.

"I think that it may very well be such that I would be called upon to give a professional testimony," Brown said. "And I respect the mayor for saying what she said, that she would not be reluctant to allow me to express my personal and professional opinions."

On Oct 31, off-duty police Officer Alex Gonzales fatally shot Ida Lee Shaw Delaney in an exchange of gunfire after a highway chase. Gonzales and two other officers were in plain clothes and driving Gonzales' personal car.

On Wednesday, HPD Officer Scott Tschirhart fatally shot Byron Gillum, who had been pulled over on a possible traffic violation.

Both incidents are under investigation by the Police Department, the Harris County district attorney's office and federal officials.

But Whitmire and several council members said more action is needed. A council meeting Wednesday was deluged with protesters, including Delaney family members, who warned of community unrest if action is not taken.

The council members supporting a review board are Whitmire, Hall, Rodney Ellis, Ernest McGowen, Ben Reyes and Dale Gorczyński. Councilman Christin Hartung said she was leaning to such support, but wants more information about the idea.

“We have made a tremendous amount of progress in the past several years in dealing with police relations,” Gorczyński said. “But all of that progress could be undone by the actions of a few bad apples in the department. There is no way the public can have confidence in the Police Department as a whole if certain police officers get drunk and shoot people.”

There is, however, disagreement among council members on what kind of review board should be created.

State Rep. Ron Wilson has filed a bill in the special legislative session to create a review board for Houston. The bill is similar to other bills he has sponsored which failed to win support.

But Hall said he wants a board to have more teeth and that a citizens review board should have subpoena power and should be the final arbiter on decisions by the police chief. The councilman, who is running for the congressional seat vacated when Mickey Leland died, said he would settle for a lesser board.

“The important thing is that we get a review board from the Legislature,” he said.

Under the city's strong mayoral form of government, the Legislature must approve changes in the powers of city officials (SEE CORRECTION). Under city manager forms of government, such as Dallas, the city council can make such changes (SEE CORRECTION).

Whitmire said if the legislation is not passed, she will ask council to pass an ordinance giving the city's Police Advisory Committee the power to review police investigations but not rule on them.

The Police Advisory Committee currently meets to discuss police-community issues.

Whitmire, who historically has opposed review boards, said she has changed her mind because the Legislature will not let the city get rid of arbitration, which allows police officers to appeal disciplinary rulings to an independent arbitrator.

The mayor said arbitrators have overruled 67 percent of the firings Brown has ordered.

“Since the legislators haven't given us any relief from arbitration, having a citizen's review group would give us a better opportunity to build public confidence.”

Reyes, who was a state representative for nine years, said he doubts that many legislators will support a special bill for Houston, ``because most legislators are rural and they don't like to take power from law enforcement."

Gorczynski said a review board should not have absolute power over the police chief.

At least three council members - John Goodner, Jim Greenwood and Frank Mancuso - said they oppose a review board because it would undermine police efforts. A fourth, Jim Westmoreland, said he has opposed review boards in the past, but wants to get more information from Whitmire before making up his mind.

Greenwood and Goodner said Whitmire and others on council are reacting too fast to public pressure. Greenwood also said the mayor, ``is leaving the chief out to hang in the wind by not supporting him, especially when she used to be against citizen review boards."

``This is entirely consistent of the way she almost always leaves her department heads out in the cold when there is criticism against them," Greenwood said. ``I cannot think of a time when she supported a department head when they are criticized."

Whitmire denied Greenwood's contention.

Outside the police department, Boney said he and others will continue protesting every Wednesday at City Hall if a review board is not formed.

``Clearly, the police department is still out of control," Boney said. ``Clearly, the civilians do not have control of this department. We believe in civilian control of the military."

CITATION (CMS STYLE)

WILLIAMS, JOHN. "Heat turned up on Police Department Pressure grows for review board." *Houston Chronicle*, November 18, 1989: 1. *NewsBank: Access World News*. <https://infoweb-newsbank-com.atxlibrary.idm.oclc.org/apps/news/document-view?p=AWNB&docref=news/0ED7AF88D21DBA47>.

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