

Settlement Reached in '95 Police Beating; Pr. George's Officers, Seeking Killer of Comrade, Arrested Wrong Man, Who Sued

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A federal civil lawsuit filed by a Prince George's man who was severely beaten six years ago by county officers who considered him a suspect in the fatal shooting of a fellow officer -- a crime he did not commit -- has been settled, according to documents filed in U.S. District Court in Greenbelt and sources.

The sources said the county has agreed to pay Jeffrey C. Gilbert, 31, more than \$1 million -- perhaps the largest amount in county history in a police brutality case -- closing out one of the most embarrassing incidents in the police department's history.

Court papers do not provide details of the agreement, and county attorneys refused to divulge the amount of the settlement.

The beating of Gilbert, who was unarmed and asleep inside his Greenbelt home, took place as officers tried to find the killer of Cpl. John J. Novabilski. Novabilski had been ambushed and fatally wounded April 26, 1995, as he sat in his police cruiser outside a Kentland liquor store where he was moonlighting as a security officer.

Two days later, six officers stormed Gilbert's apartment to arrest him. Gilbert suffered a concussion, a broken nose and numerous bruises and spent four days in the hospital. He was so badly injured that homicide detectives were unable to question him. Charges against Gilbert were dropped when the real killer, Ralph McLean, was killed in a gun battle in Greenbelt after he shot and killed an FBI agent.

Court records that surfaced in the lawsuit revealed that detectives badgered two witnesses to name Gilbert as the killer, despite a lack of evidence against him. Court records also revealed that five hours before Gilbert was beaten, officers were shown graphic photos of Novabilski's bullet-riddled body, a ploy that police experts said would inflame the officers who were sent to make the arrest.

One of the six officers who stormed Gilbert's room has retired, and three others have been promoted.

The U.S. attorney's office investigated the incident but did not bring charges against the officers.

In October, a federal jury awarded a total of \$319,500 in compensatory and punitive damages to 12 other people who were detained during the botched investigation.

In the Gilbert case, court records show that a two-page notice was filed about two weeks ago in U.S. District Court in Greenbelt stating that Gilbert and his attorneys had agreed to drop all claims against all defendants, which included the six police officers, the police department and the county.

Terrell N. Roberts III, Gilbert's attorney, referred inquiries to the office of the county attorney, which defended the county and the police department in the lawsuit.

Associate County Attorney Jay H. Creech refused to say whether a settlement had been reached in the case or for what amount.

Although such settlements involve public funds paid as the result of actions by public employees, county attorneys routinely require plaintiffs and their attorneys to sign confidentiality agreements as a condition of any settlement.

The county attorney's office has refused to divulge any information in response to a Freedom of Information Act request seeking the amounts of settlements in police misconduct cases. The Washington Post is suing the county in an effort to obtain certain police documents and information on settlements that the newspaper contends are public record.

Last year, federal and Circuit Court juries awarded more than \$6 million to plaintiffs in civil cases involving brutality or

other misconduct by Prince George's police.

The Gilbert settlement comes at a time when the county police department is under an unprecedented level of scrutiny for excessive force and other potential civil rights violations.

Two county police officers are on trial in U.S. District Court in Greenbelt on charges that they violated the civil rights of two unresisting, unarmed homeless men by releasing a police dog on them.

Last week, the FBI said it has opened civil rights investigations in eight cases in which Prince George's police shot or allegedly beat people, bringing to more than 30 the number of federal probes of county officers in the past two years. Four of the cases involve unarmed men who were shot in the back, two of whom died.

In June, the FBI opened an investigation into allegations that county homicide detectives coerced murder confessions from three suspects who were later exonerated.

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