

Harsh Light

Detective caught in O.J. spotlight

BY JIM CROGAN

STARTING THIS FALL, LAPD DETECTIVE Mark Fuhrman can expect to log some heavy court-appearance time. Fuhrman was thrust into the national spotlight: as the officer who discovered the bloody glove at O.J. Simpson's home; subsequent reports in *The New Yorker* and *Newsweek* quoted unnamed members of the defense team as speculating that Fuhrman might have "planted" the crucial evidence.

It turns out this is not the first time Fuhrman's conduct at a crime scene has been called into question.

Fuhrman is a defendant in an upcoming retrial of a civil suit against the City of Los Angeles. The suit alleges assault and battery on the part of Fuhrman and three other LAPD officers in the 1987 shooting of Joseph Britton, an African-American. Britton was shot repeatedly by Fuhrman and another officer during his arrest following a bungled robbery attempt at an automatic-teller machine outside a West L.A. bank.

In Britton's first trial last October, jurors ruled in favor of the city on several issues, but deadlocked over the question of exces-

sive force. In December, a judge declared a mistrial on all counts.

The date for a second trial will be set this September, the same time the Simpson trial is scheduled to get under way. Britton attorneys Ed Fox and Robert Deutsch say they will focus closely on allegations that Fuhrman fired 10 rounds at their client when he was unarmed, already wounded and falling down. They further allege that Fuhrman then planted a knife near the feet of the prone suspect to justify the shooting.

Fuhrman has vehemently denied the charge, saying he believed, "The suspect was in fact attempting to shoot officer [James] Aiken [another officer at the scene]."

Deutsch disputes that version of events. "Britton had already surrendered to officer Aiken, who was in front of him about 30 feet away" when the shooting took place, Deutsch says. "He was attempting to follow Aiken's commands, who was also yelling, 'Don't move, don't move. Why did you run, you stupid-ass nigger?'"

Deutsch says Aiken suddenly fired two rounds at Britton, who, he says, was standing in plain sight, with his hands up in the air. Fuhrman, whom Britton did not see, was standing off to the plaintiff's right about 10 to 15 feet. Fuhrman then fired a total of 10 rounds in two volleys. He shot until ordered to stop by LAPD Sergeant James Wakefield, now retired from the force.

Deutsch says the two sides finally agreed that Britton had been hit five times during the fusillade.

Both Fuhrman and Aiken testified they fired at Britton because they thought he was reaching for a gun. However, the only



LAPD detective Mark Fuhrman in court

back or ask him to die.

Fuhrman also testified that when Britton was secured, "We were looking for the weapon." Fuhrman stated he wasn't sure whether he found it or someone else did, but he denied retrieving it. "It was lying on the ground directly behind where Mr. Britton was standing," Fuhrman stated under oath.

The Officer-Involved Shooting (OIS) team from Robbery Homicide Division did not question any of the officers about the weapon. However, in a confidential OIS report obtained through legal discovery, the LAPD wrote, "A visual check by Ofc. Funck of the area surrounding the suspect's location revealed a large butcher

weapon Britton carried that night was a large butcher knife, which he says he threw away while running from the officers. That same knife ended up on the ground by Britton's feet.

Britton testified that after he was hit and down, he was approached by officers, who later proved to be Fuhrman and officer Bernard Funck. One of the officers, he claims, put a knee into his back, handcuffed him and then asked, "Why don't you go ahead and die and save us the paperwork?"

Britton also says he heard the officer walk away and "start kicking around in the bushes, like he was looking for something." Although Fuhrman did not return calls for comment, he testified that he handcuffed Britton, but did not put his foot in Britton's

knife laying on the ground adjacent to Britton's feet."

That conclusion was contradicted by Funck, who testified he did a visual check around the body but did not see any knife. "I remember someone saying there was a weapon down, but I don't remember which officer said it or where he was standing," he stated. Funck also said the first time he saw the knife, "One of the officers was holding it, but I can't remember which one."

None of the officers involved in this shooting was disciplined. However, Fuhrman was subsequently criticized by the LAPD for "firing from an awkward position and firing a second round without seeing the suspect... an action which could have constituted a genuine risk to public safety." **LA**