

FREE

# PALO ALTO DAILY NEWS

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### 'Don't panic or I'll shoot'

A gunman, telling a teller "Don't panic or I'll shoot," leaps over the counter to get money during a Los Altos bank robbery. **See page 8**

### Theater to reopen

As a Christmas present Palo Alto movie

# Sgt. Cole kept off streets

## But whistle-blower will still get paid

**BY KARA CHALMERS**  
DAILY NEWS STAFF WRITER

East Palo Alto officials appear to have changed their minds and now don't want whistle-blowing Sgt. Robert Cole to return to work — even though a federal judge has ordered the city to give Cole his job back.

The city will pay Cole his salary, but he'll be placed on administrative leave.

Cole, who has become a hero to many East Palo Alto residents because he spoke up against police brutality, said he wants to return to work.

"We're asking them to honor the court order," said Tony Tanke, Cole's lawyer. "We think 'go back to work' means go back to work. He wants to be a police officer, he wants to get

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COLE

## Expert: Cops improving

**BY KARA CHALMERS**  
DAILY NEWS STAFF WRITER

Consultant Joseph Brann, who a year ago found the East Palo Alto Police Department was understaffed and poorly administered, has issued a new report saying changes still are needed but the department has made improvements.

Staffing levels, while not as critically low as they were last year, are still low.

"We need more officers, but the city doesn't have the

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## COLE

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back on the streets, not sit at home on administrative leave."

U.S. District Judge Claudia Wilken on Dec. 13 ordered the city to rehire Cole, saying the city violated Cole's due-process rights in his firing.

On Tuesday, City Council met in a closed session to discuss the ruling. Afterward, City Attorney Michael Lawson said the council had decided to comply with the court's order, but he said nothing about putting Cole on administrative leave.

In addition, Police Chief Wes Boling ordered Cole to report to work on Jan. 2.

Then, on Thursday, an attorney representing the city, Kathy Mount, sent a letter to Cole's attorney saying he would be placed on leave and shouldn't report to work.

Tanke, Cole's lawyer, questioned why the city had initially told Cole to report to work if it intended to place him on leave. In a letter of reply sent yesterday, he asked Mount, "Why did you feel you needed to deceive Sgt. Cole into showing up for a non-existent job?"

City Council member Donna Rutherford, who was at the private council meeting but said she didn't participate because she knows too lit-

tle about the case, said the council made the decision to put Cole on administrative leave.

Council member Myrtle Walker was ill Tuesday and was not at the meeting. Only Mayor Duane Bay and council members Pat Foster and Sharifa Wilson voted on what to do about Cole, Rutherford said.

Foster declined to comment about the Cole case while Bay and Wilson didn't return calls seeking comment.

Rutherford said the council made its decision based on the recommendations of staff members, but because she wasn't participating, she said she couldn't recall which staff members advised the council.

### Local hero

Cole, who has become a hero to many who supported him for having the courage to stand up against brutality by fellow officers, said he anticipated the city's move and called it a "sad and pathetic position."

"It's apparent the city doesn't want me there, but I want to be there," he said.

Cole, who is working as a police officer in Arizona, intended to return to the job after winning the federal court ruling.

City Manager Monika Hudson and

City Attorney Lawson declined commenting further about what the city plans to do with Cole, but Hudson did say that since Cole has been working in Arizona, "I think he would be hard pressed to say what is going on in our department."

Tanke, Cole's attorney, said he plans to file a complaint asking that Judge Wilkin compel the city to let him work.

### Shortage of officers

Some East Palo Alto citizens criticize the city for keeping Cole from working while paying him a salary, when there is a shortage of officers in the department.

Samuel Rasheed, an East Palo Alto resident who knows Cole personally and once rode with Cole as he patrolled the city, said the city has wasted loads of tax payers' money on legal fees already in the Cole case. Rasheed, who has asked the City Council on different occasions to beef up the police department's patrol in his neighborhood near Weeks Street, said paying Cole to not work would be a further waste.

Rasheed said Cole is a fine officer and had a good rapport with residents. He said those who knew him were glad to hear he was coming back.