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## Pr. George's Prosecutor, Police Spar; Offices Blame Each Other For Investigation Blunders

BY CRAIG WHITLOCK AND APRIL WITT

The relationship between the Prince George's County Police Department and the county's top prosecutor has deteriorated sharply in recent weeks, with each accusing the other of bungling murder investigations and impeding reform.

The prosecutor, State's Attorney Jack B. Johnson (D), is barely on speaking terms with Police Chief John S. Farrell and other top police officials.

Long-standing differences between Johnson and police escalated last Friday, when he criticized homicide detectives for withholding evidence in a number of cases and using questionable interrogation tactics to extract false confessions from suspects.

The police have responded with criticism of their own. Farrell said Johnson has ignored repeated requests to assign full-time prosecutors to the homicide unit and a new team that would investigate police shootings.

"I've been trying to set this up for a couple of years," Farrell said. "He just says he's not going to do it. I don't know why."

Other police officials have been more strident. Maj. Gary A. Corso, who supervises the police department's criminal investigations division and the homicide unit, accused Johnson of "shameless electioneering" as the prosecutor prepares to run for county executive next year.

Johnson "should be ashamed for seeking votes at the expense of his police department during a time of national tragedy," Corso wrote in an e-mail to The Washington Post this week. Johnson has said he plans to make police reform a hallmark of his campaign.

As the squabbling intensifies, the two law enforcement agencies are finding it increasingly difficult to solve slayings and punish the killers.

Earlier this month, prosecutors dropped charges against four defendants in two unrelated homicide cases because Johnson said police had failed to gather enough evidence.

On Aug. 28, a judge declared a mistrial in another murder case after two homicide detectives testified that the defendant had made incriminating statements but that they either did not write them down or failed to tell prosecutors.

One day earlier, a Prince George's jury found a Seabrook man not guilty of murder and later criticized the police investigation as a sloppy. Police had arrested five people for the crime but were unable to make a convincing case against any of them.

Also last month, a mistrial was declared in another murder case after homicide detectives admitted that they had violated the defendant's constitutional rights by ignoring his requests for a lawyer during a lengthy interrogation.

The police department's homicide unit has been under scrutiny since June, after The Post reported on four cases in which detectives coerced confessions from murder suspects who later were exonerated.

On Friday, Johnson said he was "at my wits' end" with the homicide squad after his staff discovered detectives had obtained a false confession in another homicide case but kept the information a secret.

Johnson said he reiterated his concerns with Farrell in a telephone conversation Friday.

"I just told him what was the problem, that there have been two or three very important cases in the last month where we have not been getting the information," Johnson said. "We have some problems over there, and I've pointed them out to him, but I'm not going to tell him how to do his job."

Defense lawyers in Prince George's acknowledge that they have benefited from the problems in court.

"Prince George's County clearly has a problem: Innocent people are confessing to crimes they didn't commit," said Peter Fayne, a Riverdale lawyer who represented one of the murder defendants who was found not guilty last month. "I practice law in almost every county in Maryland and in the District, and this problem, unfortunately, appears to take place just in Prince George's.

"The problem is there is so much animosity between the state's attorneys office and the police,"

Fayne said. "The people who suffer the consequences are the citizens of Prince George's County."

Fred Bennett, a veteran defense attorney in the county, said the bungled investigations and rupture between police and prosecutors have made his job easier.

"It is disturbing to me as a citizen," Bennett said. "I can't do cartwheels because it's sad. I do think this is going to end up helping the defense bar win cases. It already has, and it's going to continue to until it's cleaned up."

Homicide detectives are frustrated and demoralized by criticism, said Detective Kerry W. Jernigan, a four-year member of the unit who was the lead investigator in one of the murder cases that was dropped by Johnson last week.

Jernigan said the case should have gone forward and expressed frustration that he wasn't consulted before Johnson announced his decision to drop it.

"I would hope we would have a relationship cordial enough and professional enough that we could discuss the case," Jernigan said. "I'm not happy with the outcome. . . . It is a prosecutable case. "

Johnson has had a cool relationship with the police since he was first elected state's attorney in 1994. He has especially raised their ire with tough talk about prosecuting rogue officers, though only a handful have been convicted during his tenure.

Farrell said police officials have done their best to smooth things over.

"We've been trying to establish a more cohesive relationship with him," he said. "We're not interested in a confrontational relationship."

But Farrell and Corso said they have been disappointed at Johnson's lack of cooperation in some areas. Specifically, they complained that Johnson has rebuffed their requests to assign prosecutors full-time to the homicide unit and to a new investigative team that will probe the use of deadly force by officers.

"It's been very frustrating for the chief and myself," Corso said in an interview. "We want to work together as a team."

Johnson said legal restraints prevent him from assigning a deputy to work inside the homicide unit, citing rules against prosecutors becoming directly involved in a police investigation.

He said he is considering Farrell's proposal to create a team that would probe shootings by police officers. But he said the proposals "have nothing to do with" fixing problems in the homicide squad.

"The point is, [Farrell] runs the police department, and whatever problems they have, he has to fix," Johnson said.

Others in the court system said they shared Johnson's dismay and called for reforms in the police department.

**"I'm surprised I haven't heard of any reorganization of the homicide division," said Steven D. Kupferberg, a former Prince George's prosecutor who now works as a defense lawyer.**

**"I don't criticize the police for doing their job," he added. "I do criticize them for not playing by the rules. The time of Dirty Harry is gone, and should be gone from Prince George's County." ■**

*Staff writer Ruben Castaneda contributed to this report.*

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