

# Attorney: Complain To Internal Affairs

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concerned is that it involves a public health issue — the lives and safety of not only participants in these sexual acts but future partners of these individuals. Sexual acts that involve the transmission of bodily fluids spread AIDS. I won't argue that masturbation passes AIDS; we know that it doesn't.

We're amazed that, after the amount of publicity, men still go into adult bookstores and make sexual contacts. The Charlotte Police Department does business drastically different from many other law enforcement agencies: we believe firmly that there should be and has been a period of fair warning. How many times and ways does it need to be said that the adult bookstores are the subject of intense investigation? If we wanted to make 100 arrests a day in these stores, and if we had the personnel, we could do it. It's not like we sneaked into the bookstores. There are signs posted in every one that undercover officers are a possibility.

**Q-Notes: What is the purpose of these arrests?**

**Thomas:** This requires an overly simplistic answer. The bookstore investigation has been going on 2½ years and part of it involves what laws are being violated, and by whom, and taking appropriate action. Do I think these arrests might have an impact on the bookstores? Anytime a business finds itself in a position where its patrons are being arrested, it's got to have an impact.

**Q-Notes: We've heard that some officers actually invite invitations through eye contact and body language. Who is to say that an officer hasn't made it clear that he wanted to be approached?**

**Thomas:** There are always at least

two officers around. When officers corroborate each other and are doing the things we have instructed them to do, we have to conclude that they have acted properly. It is not a requirement by law that they be wired for sound.

**Q-Notes: We've heard that in at least one case an arresting officer purposefully harassed and intimidated an arrested man by talking loudly about "queers" and "faggots" with other officers. Who in the police department receives complaints of harassment and intimidation of this sort?**

**Thomas:** The Office of Internal Affairs exists just to investigate complaints about police officers. It's improper for an officer to harass and intimate an arrested person. It's an offense that the department would want to do something about.

**Q-Notes: With several police officers around and only one person being arrested, how can the person being arrested ever convince Internal Affairs that intimidation did occur? Wouldn't the officers protect each other?**

**Thomas:** In a situation where there are several police officers present and only the arrested person saying there was intimidation, we have to go with the evidence. In this kind of case, we use the polygraph in any situation where the chief deems it appropriate.

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**NEXT MONTH:** Thomas defines solicitation and assault.

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