

[← Back to Original Article](#)

Sex-Case Suspect : Probe of Killing Swells Officer's Legal Troubles

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A Los Angeles police officer facing trial on 19 sex counts has been ordered to answer departmental accusations that he fired his revolver in violation of department policy when he killed a child-molestation suspect, a police spokesman said.

Albert W. Cunningham, 37, of Simi Valley, is scheduled to go before a police administrative panel next month for a hearing on the Feb. 22 shooting at a Van Nuys apartment development, Cmdr. William Booth said.

In an unrelated case, Cunningham was ordered Wednesday to stand trial on charges that he raped or molested five girls from 1980 to 1984.

Cunningham, a 12-year police veteran assigned to the Van Nuys division, was off duty at the time of the alleged sex acts, a police spokesman said.

Tells of Incident

In the Feb. 22 shooting incident, Cunningham went to the apartment project to answer a radio report of the presence of a suspected child molester who was possibly armed and under the influence of drugs, Booth said. When the suspect, William Beard, 25, failed to stop running toward Cunningham after the officer identified himself, Cunningham fired four times, killing Beard, Booth said.

After receiving the report on a departmental investigation into the shooting, Police Chief Daryl Gates last week ordered a board-of-rights hearing for Cunningham after concluding that the officer fired in violation of department policy, Booth said. The police spokesman said he did not know the date of the hearing.

Departmental rules in general instruct officers to fire only when faced with a life-threatening situation, Booth said.

Cunningham's attorney, Bradley W. Brunon, complained Thursday that the police department was making a case out of the shooting because of the sex charges against the officer. Cunningham was complimented by his superiors at the time of the shooting, Brunon said.

"The department now takes the position that he should have fled . . . rather than using deadly force," Brunon said. "He was a hero before . . . Now, he's a bad guy."

If Cunningham is found guilty of the accusation, the board of rights could recommend that he be fired or suspended for from one day to six months, Booth said. Gates then could adopt the recommendation or impose a lesser penalty.

Cunningham has been on an unpaid leave of absence since his April 30 arrest on the sex charges, Booth said. He is scheduled to be arraigned Oct. 30 in Los Angeles Superior Court on those charges.