

Basu: Mysterious Marshalltown death needs new scrutiny



Written by

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In 1983, a 21-year-old Des Moines man was arrested for driving drunk in Marshalltown, and never made it home. Kevin Thacker was taken unconscious with two skull fractures to a Des Moines hospital, where he died.

What happened to Thacker -- described in Des Moines Register archives as a popular, fun-loving student at Des Moines Area Community College -- has become one man's obsession. Now it's the basis of a full-length feature film called "The Coverup," airing periodically on the Lifetime channel.

Stuart Pepper produced the \$1.5 million film, shot in Hollywood and Illinois. He's a former Des Moines lawyer who sued the Marshalltown Police Department for \$7 million on behalf of Thacker's parents.

They claimed, with support from an expert witness, that their son died from an officer's blow to his head. The police department claimed a drunk Thacker ran

to the roof, jumped nearly 13 feet across and clung to another rooftop before plunging 24 feet to his death.

An athletics expert testified that such a leap would be impossible. A doctor noted the absence of broken bones or bruises, which would have resulted from a fall. As the film depicts it, the officer chased Thacker to the alley where he struck a fatal blow, and the investigating detective planted evidence to back the claim.

A jury awarded the Thackers \$213,000 for excessive force after a judge dismissed all but one count against the officer. The judge later voided the award, but the Iowa Court of Appeals reinstated it. Yet no criminal charges were ever filed against the officer, whose real name is Kendall Eldred. He was fired by the department in 1992 after firing gunshots into the air.

Twenty-eight years is a long time ago. Thacker would be 49 now. His parents, Thomas and Beverly, are dead, and no one involved is still on the police force. But

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Pepper, who lives in Florida, still hopes viewers might pressure the U.S. Senate Judiciary Committee to take action against federal agents for not prosecuting the officers, and encourage Iowa Attorney General Tom Miller to bring state charges against the former police officers. "This is the only case that has never left my mind or my life," he says.

The film suggests cozy relationships between law enforcement agencies prevented the cops from being brought to justice. Instead of outside investigators, an officer connected to Marshalltown police conducted the federal probe, and no evidence was presented to a grand jury. The judge was a former city attorney.

Current Marshalltown Police Chief Jack McAllister isn't eager to see the film. A young patrolman back then, he says, "I'm just so happy I wasn't at work that night and was not privy to any information." As to the danger of cozy relationships with investigating agencies, he said most officers don't know FBI agents. And county prosecutors? "I won't say one way or the other. Normally I don't see that." He says the department today investigates all allegations against officers. Though most are minor, state agents are brought in on big ones.

Still, it's rare for police to be prosecuted. Pepper says it's never happened in cases he has had, even when juries have assessed cities for excessive force by officers.

Given current budget priorities, it's unlikely

this case will be reopened. But there is value to re-examining Kevin Thacker's premature death to remind everyone of the need for vigorous checks and balances on power -- that of police, prosecutors, investigators and even judges.

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The movie's Web site, www.thecoverup.net, contains evidence from the case, along with Thacker's booking video.

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