

DRUG POLICY ALLIANCE

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Police, Drugs, And Corruption

A review of recent drug war-related scandals in five states and Puerto Rico

In recent years there have been a number of high-profile drug-related police scandals, from the “Rampart” scandal in California to the Tulia disgrace in Texas. Unfortunately, for every police corruption case that makes national headlines, dozens go unreported. A 1998 report by the General Accounting Office concluded that “recent newspaper accounts, commission reports, academic studies, and other literature we reviewed suggest that today there are more opportunities than in the past for drug-related police corruption.”¹ The GAO reported that from 1993 to 1998 the FBI opened at least 400 state and local police corruption cases that were drug-related, leading to the conviction of over 300 officers.

It’s not hard to understand how the drug war breeds police corruption. The consensual nature of the drug trade makes it very hard to produce evidence against willing buyers and sellers. Fabricating evidence, lying on the stand, and conducting illegal searches have become routine police practices. Law-enforcement officers also have to deal with the fact that their efforts, no matter how diligent, are in many ways fruitless. After spending billions of taxpayer dollars on law-enforcement efforts and arresting millions of drug offenders, drugs are cheaper, purer, and more available than ever. Day in and day out police officers see one arrested drug seller replaced by another. No matter how much illegal drugs are seized and confiscated, more pours in. Drug law enforcement is a Sisyphean task that rarely pays off. Exposed to suitcase after suitcase of illegal cash and drugs, many officers can’t resist helping themselves - and from there it’s a slippery slope to more corruption and abuse.

RECENT SCANDALS

TEXAS²

In July of 1999 in the small town of Tulia, Texas, 43 residents were arrested in early-morning drug raids. Forty of those arrested were black – making up over ten percent of the town’s African-American population. The only evidence against them was the testimony of one white undercover officer, who worked alone, and had no audiotapes, video surveillance, or eyewitnesses. It was later discovered that the undercover officer had quit his last law-enforcement job and fled town to avoid theft charges. Former co-workers described him as hot-tempered and “a compulsive liar.” Despite the fact that the only evidence was the word of one man, many of the accused ended up with very harsh sentences (some first time offenders were sentenced to more than 20 years in prison). In response to this scandal, the Texas legislature passed legislation preventing a drug conviction based solely on the testimony of an informant. The U.S. Justice Department has launched a federal civil rights investigation.

In April of 2001, a state prosecutor dismissed charges against 17 residents of the small town of Hearne in Central Texas who were arrested by a drug task force accused of focusing on African Americans. The

¹ General Accounting Office, Report to the Honorable Charles B. Rangel, House of Representatives, Law Enforcement: Information on Drug-Related Police Corruption, Washington, DC: USGPO (1998 May).

² “The Heat is On A Texas Town After the Arrests of 40 Blacks”, *New York Times*, October 7, 2000; “Massive Drug Sweep Divides Texas Town”, *Washington Post*, January 22, 2001; “Arrests by a Drug Task Force in Texas Comes Under Fire”, *New York Times*, April 4, 2001; “Police Officer Admits Role in Drug Trafficking”, *Austin American-Statesman*, August 30, 2001; “Sheetrock Scandal Hits Dallas Police”, *Washington Post*, January 18, 2002; “Dallas Sniffs Police Scandal”, *Seattle Times*, January 20, 2002.

prosecutor dismissed the cases after the informant who was responsible for most of the arrests failed polygraph tests when questioned about tampering with the evidence in some of the cases.

In August 2001, eight San Antonio police officers were arrested in a federal drug sting for plotting to protect a cocaine delivery.

Recently, a massive scandal has erupted in Dallas. After an auto mechanic was arrested last August for allegedly possessing hundreds of thousands of dollars' worth of cocaine with intent to sell, his family convinced a defense attorney that he was innocent. When the man passed a polygraph test, his attorney, noting the similarity to other recent drug cases, had the prosecutor order a test of the alleged cocaine. It turned out to be chalk-like material used in Sheetrock and other brands of wallboard. It had been ground into powder and packaged to resemble cocaine. When other defense lawyers heard of the case, they demanded similar lab tests of evidence against their clients. In at least 18 cases involving alleged cocaine seizures by the Dallas police narcotics units in the past year, seized evidence was all, or nearly all, ground-up wallboard material and not illegal drugs.

In each case, after allegedly seizing the powder, officers wrote in arrest reports that field tests showed it was cocaine, a result considered by experts to be statistically improbable. In each of the cases, those arrested were blue-collar Mexican immigrants who spoke little or no English and had few, if any, arrest records. The revelations have led to the dismissal of over 40 cases (although some of those arrested have already been deported). Two narcotics officers central to the cases have been suspended, pending an investigation. So far, the investigation has focused on a longtime informant who worked with the two officers. The unidentified informant has worked with narcotics officers in more than 70 investigations, for which he was paid about \$200,000 over two years. The U.S. Justice Department has launched a federal civil rights investigation.

CALIFORNIA³

Over the course of 2000 and 2001, the State of California was rocked with what became known as the "Rampart" Scandal, as officer after officer in a Los Angeles anti-drug unit was indicted on corruption charges, including torture, murder, drug dealing, and framing innocent people.

The scandal erupted after an officer caught stealing eight pounds of cocaine from a police department's evidence locker turned on his fellow officers to get a reduced sentence. In the end, over a hundred convictions were overturned due to police misconduct, ranging from the planting of evidence to "confessions" obtained through beatings. In one case an unarmed man was shot by police and paralyzed. Officers planted a rifle on him and then charged him with shooting first. He served 13 months of a 23-year sentence before being released. In another case, a suspect bled to death as officers worked with supervisors to concoct a plausible reason for shooting him, before calling an ambulance.

The unit's criminal behavior became known as the "Rampart Way," a term referring to a predominately poor, immigrant neighborhood in East Los Angeles that the officers patrolled. A report by the Los Angeles Police Department's Board of Inquiry found that the unit "routinely made up its own rules and, for all intents and purposes, was left to function with little or no oversight."

Later that year, a major police scandal erupted in Oakland. Four narcotics officers were arrested on misconduct charges. In all, they were indicted on more than 60 charges, including conspiracy to obstruct

³ "LA Police Mired in Misconduct Scandal", *Baltimore Sun*, March 13, 2000; "LA Police Made Up Own Rules, Report Says", *Baltimore Sun*, March 2, 2000; "Police Corruption Charges Reopen Wounds in Oakland", *New York Times*, November 30, 2000; "Four Cops Face Felony Charges", *Oakland Tribune*, November 2, 2000.

justice, kidnapping, assault, filing false police reports, filing false documents and making false arrests. The officers, who called themselves “The Riders,” committed their offenses over a span of at least five years. Dozens of convictions were overturned as a result of the scandal.

FLORIDA⁴

In February 2001, three South Florida police officers were indicted for drug trafficking, including using their patrol cars to transport drugs for drug dealers. Their actions came to light when one of the officers attempted to shake down an undercover officer posing as a drug dealer. Acting on a tip from an informant the officer pulled over the undercover officer’s car, seized the \$200,000 he was carrying, and split the money with his informant.

In September 2001, nearly a dozen current and former Miami SWAT, narcotics, or special crime-suppression officers were charged with stealing evidence, planting guns at crime scenes and covering up their actions in a string of police shootings that killed three people, including the shooting death of an unarmed 73-year-old man in 1996. In that case, officers raided his apartment to serve a drug warrant and sprayed his bedroom with 123 bullets and then lied and said he had a gun. No drugs were found. The corruption and abuse were reminiscent of the “Miami River Cops” scandal in the 1980s in which more than 100 Miami police officers were arrested, suspended, or punished in a series of drug-related cases.

In October 2001, two current and former Hialeah police officers were charged with protecting and assisting drug dealers, setting up three robberies (including the robbery of a 7-11 store), serving as lookouts, and providing police badges, handcuffs, and pepper spray to robbers.

In November 2001, a Sarasota woman brought a \$3 million lawsuit against five Manatee County sheriff’s deputies who planted drugs in her home. All five deputies were sentenced to prison for various offenses, including planting drugs on suspects, stealing money from people under arrest, and lying. The men were part of an elite drug-fighting group called the Delta Task Force and prosecutors said their offenses occurred from 1995 to 1999. The woman lost custody of her baby for 18 months after she was convicted in 1997 on drug charges during a trial in which the deputies lied to jurors.

ILLINOIS⁵

The city of Chicago was rocked with scandal in 2000 when two veteran police officers from an elite drug-fighting unit were arrested for robbery, corruption, lying to obtain search warrants, planting evidence, torturing suspects, and running a Chicago-to-Miami drug ring. In one case an officer had a suspect (informant) plant drugs on a woman who filed a complaint against the officer for throwing her down a flight of stairs. The officers were also indicted for helping a suspected drug trafficker evade arrest. Officers ran the drug ring, tipped off other dealers to the identities of informants and uncover Chicago police officers and revealed the undercover police vehicles they used.

NORTH CAROLINA⁶

In December 2001, the Davidson County District Attorney’s Office had to dismiss 65 drug cases investigated by four county narcotics officers charged in a federal indictment with conspiracy to distribute drugs. Investigations into other cases the officers were involved with could result in more dismissals. The

⁴ “Officers Accused of Drug Crimes”, *Miami Herald*, February 7, 2001; “11 Miami Officers Facing U.S. Charges In String of Shootings”, *New York Times*, September 8, 2001; “13 Miami Cops Charged”, *Register-Guard*, September 8, 2001; “Current and Ex-Officers Charged in Robbery Spree”, *Tallahassee Democrat*, October 20, 2001; “Sarasota Woman Framed by Corrupt Deputies Files Federal Lawsuit”, *Naples Daily News*, November 17, 2001.

⁵ “Gang Boss Says He, Cops Were Hand in Glove”, *Chicago Tribune*, March 17, 2000; “Veteran Cop Admits His Role in Drug Ring”, *Chicago Sun-Times*, November 9, 2001; “Court Hears Account of Cop Boast of Torture”, *Chicago Tribune*, February 9, 2001.

⁶ “65 State Cases Dropped Due to Deputy Probe”, *The Dispatch*, December 24, 2000; “Drug Officer Probe Could Lead to More Charges”, *The Dispatch*, December 20, 2001.

officers are accused of various crimes, including fabricating search warrants, planting evidence, keeping drugs and money they seized during arrests, extorting money from the people they arrested, and conspiracy to distribute cocaine, marijuana, Ecstasy, and steroids.

PUERTO RICO⁷

Since last August, more than 60 police officers across Puerto Rico have been indicted on various drug-related charges, including offering “protection” services to suspected drug sellers, returning seized cocaine and heroin to sellers, lying to prosecutors to thwart cases, selling stolen guns and drugs, and helping to hide sellers during drug stings. 29 officers were put behind bars in August 2001 in what was the largest police anti-corruption sting in FBI history. In January 2002, 23 more officers were arrested. Federal prosecutors have even charged that a number of prosecutors and judges have acted in collusion with drug traffickers. At least two judges have been suspended, pending an investigation.

RECOMMENDATIONS

While corruption and abuse are endemic to the drug war, there are a number of actions that policy-makers can do to reduce their occurrence and mitigate their harms, including:

- **Passing legislation preventing people from being convicted of drug offenses based solely on the word of an undercover officer, informant, or someone accusing others to get himself or herself a shorter sentence.** No one should be incarcerated for a drug offense based solely on the word of another person, with no corroborating evidence. (The Texas legislature recently passed legislation, HB 2351, preventing a drug conviction based solely on the testimony of an informant).
- **Passing legislation mandating prosecutors to perform reliable tests of substances alleged to be illegal drugs before charging people with drug crimes.**
- **Banning racial profiling and requiring law enforcement officers to document all traffic stops, searches, and arrests by race, ethnicity, age and gender.**
- **Reforming civil asset forfeiture laws to prevent law-enforcement agencies from seizing and keeping property prior to filing of criminal charges or a conviction.** Under current law in most jurisdictions, police can seize and keep property without even charging anyone with a crime. (Eight states have reformed their forfeiture laws since 1996, two by voter-initiative.)
- **Increasing federal funding for investigations into corruption and civil rights abuses by local and state law-enforcement.**

Quotes for the Press:

“The war on drugs and the police corruption it breeds harms all Americans, but the burden falls disproportionately on communities of color,” said Deborah Small, Director of Public Policy and Community Outreach for the Drug Policy Alliance. “Not only do African Americans, Latinos, and Native Americans face immense disparities in arrests and sentencing, they disproportionately suffer from police abuses – including torture, murder, and false arrests.”

⁷ “Did Judges Aid Drug Dealers”, *Orlando Sentinel*, January 18, 2002; “More Cops Arrested in New Bust in Puerto Rico”, *South Florida Sun Sentinel*, August 30, 2001.

“This isn’t a case of a few bad apples,” said Bill Piper, Associate Director of National Affairs for the Drug Policy Alliance. “Drug war corruption and related violations of civil liberties are systematic – and will only be reduced by systematic reform.”

Appendix

Examples of Drug-Related Police Corruption Cases in Large Cities Between 1988 and 1998⁸

Atlanta: In 1995, six police officers were convicted of or pleaded guilty to federal corruption charges. Five other officers were suspended, but not charged.

Chicago: Seven officers of the Tactical Unit of the 15th District were indicted in 1996 for robbing and extorting money and narcotics from drug sellers. In 1997, three 6th District tactical officers were arrested for conspiracy to commit robbery and sales of illegally confiscated narcotics.

Cleveland: As a result of an FBI undercover operation, 44 police, sheriff’s department, and corrections officers from 5 law enforcement agencies were charged in January 1998 with taking money to protect cocaine trafficking operations.

Detroit: Nine officers charged in 1991 with conspiracy to aid and abet the distribution of cocaine, attempted money laundering, and other charges.

Los Angeles: 27 Sheriff’s deputies and 1 police officer convicted in 1994 of skimming millions of dollars of drug money, while members of an elite narcotics unit.

Miami: The Miami Police Department experienced a series of drug-related cases during the late 1980s, which resulted in the arrest, suspension, or punishment of more than 100 officers.

New Orleans: For six months in 1994, New Orleans police officers protected a cocaine supply warehouse containing 286 pounds of cocaine. 11 officers convicted.

New York: Between 1992 and 1996, thirty officers in Manhattan’s 30th precinct were convicted for narcotics-related offenses. In 1992, six officers from two Brooklyn precincts were arrested with narcotics crimes arising from their association with a Suffolk County drug ring.

Philadelphia: Since 1995, 10 police officers from Philadelphia’s 39th District have been charged with planting drugs, shaking down drug dealers, and breaking into homes to steal drugs and cash.

Savannah: 10 officers convicted in 1994 for protecting drug dealers.

Washington, D.C.: 12 officers convicted in 1994 for protecting an undercover agent portraying a drug dealer who was transporting hundred of kilos of cocaine into Washington, D.C.

⁸ Extracted from the 1998 GAO report, Appendix III