

THE INDEPENDENT INVESTIGATIVE PANEL REPORT

REPORT OF THE
INDEPENDENT INVESTIGATIVE PANEL
ON THE "FAKE DRUG CASES"
INVOLVING THE CITY OF DALLAS
POLICE DEPARTMENT

OCTOBER 20, 2004

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PREFACE

The Independent Investigative Panel ("the Panel")¹ presents this report, its findings and its recommendations to the City of Dallas without dissent.

In late 2001, what has been called "the fake drug scandal" became public. Narcotics officers at the Dallas Police Department ("DPD") had arrested over thirty (30) individuals for selling allegedly illegal narcotics that later proved to contain billiard chalk or other non-narcotic substances; many of those individuals had spent time in jail for crimes they did not commit. How did this happen, and how can such a miscarriage of justice be prevented from happening again?

The Panel was created to answer these questions as they pertained to DPD's role in this miscarriage of justice.² The charge to the Panel was to investigate the fake drug cases and to refer possible administrative and criminal violations to the appropriate

¹ The Independent Investigative Panel Members, Advisor to the Panel, and Panel Review Staff are collectively referred to as "the Panel."

² The Panel was created on December 5, 2003 to investigate DPD's role in the fake drug situation. The original Panel included members of DPD's Internal Affairs Division ("IAD"). Because of DPD's policy, the inclusion of IAD personnel raised concerns of appropriately segregating criminal and administrative issues.

When the Panel's investigation began, DPD's policy was to cease any administrative investigation until a criminal investigation could be conducted. IAD's Standard Operating Procedures ("SOPs") required it to immediately refer any matters involving criminal conduct to DPD's Public Integrity Unit ("PIU") for investigation of criminal wrongdoing. See, e.g., General Orders Sec. 501, General Orders 507.05 B(1) and C(5). Once PIU completed the criminal investigation, IAD could finish its administrative investigation.

An IAD investigation process is designed to provide the forum for a fair and effective avenue for redress of citizens' legitimate grievances against members of DPD, for management and investigation of internal and external complaints of misconduct against officers, and for constitutional due process protection for officers against false charges of misconduct or wrongdoing.

An administrative investigation focusing on an officer's adherence to established rules and regulations requires investigators to provide officers with a "*Garrity*" warning. This warning admonishes officers, as a condition of employment, to answer all questions truthfully and completely. See *Garrity v. New Jersey*, 385 U.S. 493 (1967). Because the Fifth Amendment shields individuals from compulsive self-incrimination, the *Garrity* warning also includes the protection that the officer's statement, as well as any information or evidence which is gained through the statement, cannot be used against the officer in any criminal proceeding except that the officer may be subject to criminal prosecution for any false statement which the officer includes in any written internal statement.

The Panel was instructed to investigate both criminal and administrative issues; but the *Garrity* issue and DPD policy precluded the original Panel, with the inclusion of IAD personnel, from conducting both investigations simultaneously. Thus, the investigative personnel assigned to the original Panel were returned to their previous assignments and a new Panel assembled with different DPD officers.

The new Panel was formed on January 2, 2004 because it was determined that there would be a better separation of criminal and administrative issues without involving IAD and PIU personnel. Experienced investigators were selected for the new Panel from various assignments around DPD.

DPD investigative bodies, the Internal Affairs Division ("IAD") and the Public Integrity Unit ("PIU"). The Panel was instructed to assess the information gleaned from the investigation and to report on the results and any recommendations that would help prevent a recurrence of such a situation.

In striving to meet these objectives, the Panel has reviewed more than 80,000 pages of documents and interviewed seventeen (17) individuals. To familiarize themselves with the basic procedures of the pertinent DPD divisions, Mr. Hart, Ms. Levario, and Ms. Cardwell attended training sessions with Lt. Andrew Accord, IAD, and Detective Anthony Gipson, Narcotics Division. Detective Kate Bernal, PIU, briefed the Panel regarding the investigation it had begun before the FBI's request to discontinue. Marjorie Poche', FBI Special Agent, also briefed the Panel regarding the FBI's investigation.

The Panel has sought to be as independent and thorough as it has the power to be. The Panel has determined to share as much of the information from its investigation as possible with the public. The Panel has endeavored to produce a report as complete as possible given the limitations under which it operated. The Panel had neither power to subpoena documents nor the unfettered ability to compel testimony. It had no access to information from either the federal or state grand juries. In and of itself, it could not discipline anyone for either administrative or criminal violations. Thus, the investigation done by the Panel undertook in part to refer potential violations to the appropriate divisions that were unhampered by these limitations. Additionally, the Panel has no authority over PIU, IAD, or the Special Prosecutor. Due to the limitations, other individuals may be in possession of information that the Panel does not know, and additional facts may surface subsequent to this report.

The Panel has approached the task of making recommendations with an eye towards bettering the Narcotics Division with practical solutions. The Panel's focus extends further than mere procedural changes; the safety of officers and citizens are of paramount importance. The Panel realizes that the majority of DPD officers are trying to do their jobs to make the City of Dallas a safer and better place to live, many of them risking their lives daily. The Panel hopes that the findings of the Panel and the implementation of its recommendations will increase the safety of both officers and citizens, as well as encourage a better relationship between them.

THE PANEL MEMBERS

Terence J. Hart
Lena Levario

I. "THE FAKE DRUG SCANDAL"

On December 31, 2001, the media released a story that brought to light the "fake drug scandal." What had been purported to be some of the largest cocaine busts by the narcotics street squads in the history of the Dallas Police Department ("DPD") turned out to involve substances that contained little or no trace of illegal drugs. According to the media story, defense attorneys had started to demand that other drug evidence be tested; and, subsequently, substances analyzed by the laboratory in more and more cases had proved to contain either no drugs or only trace amounts. As this story unfolded over the next several months, it was revealed that Narcotics officers at DPD had arrested over thirty (30) individuals for selling allegedly illegal substances that later proved to contain billiard chalk or other non-narcotic substances. Many of these individuals had pled guilty to the charges and were serving jail sentences.

Most of the alleged drugs seized in the arrests of those individuals had never been sent to the laboratory for analysis. The policy of the DA's Office at the time was not to send drugs to the laboratory unless a defense attorney requested a laboratory analysis or unless the case was set for trial. In the wake of the discovery of fake drugs, more drugs were sent to the laboratory for analysis.

Evidence suggests that the DA's Office was first informed of these negative laboratory analyses by August 28, 2001.³ As more negative analyses results came back from the laboratory, the DA's Office did not immediately dismiss all cases involving the officers and informants; instead, it attempted to negotiate the disposition of some of these cases by offering the defendants lower sentences in exchange for their pleas of guilty through January 2002.⁴ On November 30, 2001, the Narcotics Division sent IAD a request for an administrative investigation of the fake drug cases.⁵ Three days later, IAD forwarded the investigation to the PIU for an investigation of possible criminal wrongdoing.⁶

On December 31, 2001, former Chief of Police Terrell Bolton held a press conference, displaying dozens of kilos of fake cocaine and a large stockpile of guns, few of which had been seized during the fake-drug raids.⁷ Chief Bolton told the media that he did not believe the problem was the confidential informant ("CI") or the officers, but instead the drug dealers who were selling fake drugs.⁸ He praised the system that removed poison from the streets so that drug users were not seriously harmed by ingesting gypsum.⁹ He warned the public that this was "not the time to be trying drugs."¹⁰

Subsequently, on January 15, 2002, DPD asked the Drug Enforcement Administration ("DEA") and the DA's Office to join DPD in the fake drug investigation.

³ PIU 000127.

⁴ WS 001026-027, WS 001448-469.

⁵ See PIU 000029-030.

⁶ See PIU 000028; PIU 0000105.

⁷ See *generally* IP 002302-314.

⁸ See *generally* IP 0002303-304.

⁹ IP 002304, 002305, IP 002307, IP 002311.

¹⁰ IP 002308.

January 18, 2002, the DA's Office requested the Federal Bureau of Investigation ("FBI") to conduct an independent investigation. On January 23, 2002, the FBI asked DPD to suspend its investigation; and DPD complied, although DPD continued to provide assistance to the FBI in its investigation.

The FBI determined that the fake drug cases involved a CI who, in concert with several other CIs and Mr. De la Paz, framed many innocent people. The CI told undercover Narcotics officers that he could help officers with multi-kilo drug busts. This resulted in the arrests of what were primarily Spanish-speaking immigrants. In most of the cases, police did not seize guns, drug paraphernalia, cash, or property. Officers reported that the field tests showed the substances to be real drugs, but laboratory analysis proved the substance to be gypsum or another non-narcotic substance, containing little or no trace of illegal narcotics. Eventually, the gypsum was determined to be crushed billiard chalk.

The FBI's investigation led to several indictments and the trial of Mark De la Paz for civil rights violations, that ultimately resulted in his acquittal in November of 2003. After the conclusion of the trial, the DA's office announced the appointment of a Special Prosecutor to investigate the fake drug cases. The City of Dallas announced its appointment of the Independent Investigative Panel to investigate DPD's part in the fake drug situation.

II. THE PANEL'S INVESTIGATION

A. *The Materials Analyzed By The Panel.*¹¹

At the outset, the Panel decided to assemble documentation and materials relevant to its inquiry. The Panel's first task was to determine where the various documents might be located. Once doing so, the Panel assembled, Bates stamped, and indexed these documents.

Several sources provided materials to the Panel: the FBI,¹² DPD, DPS, the City Attorney's Office,¹³ the DA's Office, and certain of the interviewees. These materials included documents from previous investigations, CI payment sheets, officer reports, DPD Standard Operating Procedures ("SOPs"), employment records, trial transcripts, trial depositions, and laboratory reports.¹⁴

The Panel determined that the best and most effective manner of investigating the issues was to first examine the extensive documentation to which it had access. Every document was analyzed and compared with other documents. When information

¹¹ See Attachment C-1.

¹² The FBI provided access to many documents assembled during the course of its criminal investigation. Although the FBI permitted use of this information for purposes of this independent investigation, the FBI did so on condition that a small number of the documents be returned to the FBI and not be publicly disclosed. The Panel did not review the FBI agents' notes of their interviews with individuals involved in the fake drug situation. Notes from each interview taken by FBI agents are contained within a narrative report, called an FD 302 ("302"). These notes are subsumed by the 302s.

¹³ The City Attorney's Office provided non-privileged material only.

¹⁴ See Attachment C-1.

indicating a need for a criminal or administrative investigation was discovered in the documents, the Panel would prepare reports to the appropriate investigative divisions of DPD. The Panel determined that, after reviewing the documentation, some interviews would be appropriate, so long as the interviews would not compromise either the criminal or administrative investigations.

B. *The Materials Not Reviewed By the Panel.*

The Panel had no access to the following materials that would relate to the subject matter of this investigation:

1. The Panel Did Not Have Access To Grand Jury Material.

a. Federal Grand Jury.

The Panel has not reviewed the material generated by the grand jury that resulted in the federal indictment of Mr. De la Paz, as it was not granted access to that material.¹⁵ The federal government conducted a grand jury investigation of the fake drug matters that culminated in the indictment of Mr. De La Paz. As a general rule, few individuals are permitted access to information and material produced before the grand jury.¹⁶ However, certain exceptions exist.¹⁷

The Panel corresponded with Jeff Blumberg, one of the Department of Justice prosecutors in the federal trial of Mr. De La Paz, requesting that the Panel be added to the list of individuals who should be granted access to the grand jury material, citing the Rule 6(e)(3)(E)(iii) law enforcement exception.¹⁸ Mr. Blumberg declined adding the Panel to the list, stating that the Panel did not fit this exception as the Panel had no ability to enforce the law.¹⁹ Thus, the Panel was unable to review such material.²⁰

¹⁵ Title 18, United States Code, Federal Rules of Criminal Procedure, Rule 6, establishes the rules surrounding the grand jury. Rule 6 provides that certain individuals are precluded from disclosing a matter occurring before the grand jury: a grand juror; an interpreter; a court reporter; an operator of a recording device; a person who transcribes recorded testimony; an attorney for the government; or a person to whom disclosure is made under Rule 6(e)(3)(A)(ii) or (iii). See Rule 6(e)(2)(B). The rule, however, does allow for certain exceptions to this requirement of secrecy. See Rule 6(e)(3). The rule also permits the court to "authorize disclosure--at a time, in a manner, and subject to any other conditions that it directs--of a grand jury matter: . . . (iii) at the request of the government if it shows that the matter may disclose a violation of state or Indian tribal criminal law, as long as the disclosure is to an appropriate state, state subdivision, or Indian tribal official for the purpose of enforcing that law." Rule 6(e)(3)(E)(iii).

¹⁶ See Title 18, United States Code, Federal Rules of Criminal Procedure, Rule 6.

¹⁷ See Title 18, United States Code, Federal Rules of Criminal Procedure, Rule 6.

¹⁸ See IP 002334, IP 002372, IP 002376, IP 002377-378, IP 000331-333, IP 000395-396.

¹⁹ See IP 002334, IP 002372, IP 002376, IP 002377-378, IP 000331-333, IP 000395-396.

²⁰ The Special Prosecutor, however, clearly fit the law enforcement exception of Rule 6(e)(3)(E)(iii), as he is in a position as prosecutor to enforce the law. He indicated to the Panel that he had been granted access to the grand jury material.

b. State Grand Jury.

The Panel has not reviewed the material generated by the grand jury that resulted in the state indictments of individuals associated with the fake drug cases, as it was not granted access to that material.²¹ Texas law requires that grand jury proceedings be kept secret, with only a few exceptions inapplicable to the Panel.²² The law prohibits the Special Prosecutor who conducted the grand jury investigation from sharing with the Panel the information he gleaned in the grand jury proceeding.²³

2. The Panel Had Access To Only A Limited Number Of The Personal Financial Records Of The Officers.

The Panel reviewed a limited number of personal financial records of the officers involved in the situation. The Panel does not have the authority to subpoena any documents, and any such documents produced before the grand jury are part of the material to which the Panel was not granted access. The only financial records to which the Panel had access were those produced by PIU.

C. *Procedural Issues.*

1. Statute Of Limitations.

Early in the investigation, the Panel realized that, because of the length of time between the occurrence of the incidents and the creation of the Panel to investigate the matter, the statute of limitations had either already expired or was about to expire on much of the conduct needing investigation. In a case where the statute of limitations has expired, the law precludes prosecution of an individual even if that individual may be guilty of a crime.

Because of these statute of limitations issues, the Panel decided to focus on the criminal referrals first and investigate the administrative issues after its criminal investigation was complete. The Panel informed PIU and the Special Prosecutor of those cases with a sensitive statute of limitations. The Panel recommended that PIU work with the Special Prosecutor to meet those deadlines.

2. Kastigar And Garrity.

As the Panel was determining whether to interview any of the individuals connected with the fake drug incidents, the Special Prosecutor raised concerns regarding compromising the criminal investigations. The Panel, therefore, examined issues raised by *Kastigar v. United States*²⁴ and *Garrity v. New Jersey*.²⁵

²¹ Texas Code of Criminal Procedure, Chapter 20 details the duties and powers of the grand jury. Article 20.20 allows for the presence of only certain individuals in the grand jury room while the grand jury is conducting proceedings: grand jurors; bailiffs; the attorney representing the state; witnesses in certain specified conditions; interpreters; and a stenographer or person operating an electronic recording device, as provided by Article 20.012. Art. 20.02 requires that the proceedings of the grand jury be kept secret, with certain limited exceptions.

²² See Texas Code of Criminal Procedure, Chapter 20.

²³ See Texas Code of Criminal Procedure, Chapter 20.

²⁴ 406 U.S. 441 (1972).

The Fifth Amendment provides each person the right against self-incrimination.²⁶ A governmental entity, however, has a right to conduct an internal investigation and to compel employees to choose between providing honest and complete information to the entity or being terminated.²⁷

Within DPD, IAD has the right and responsibility to conduct an investigation of those in DPD's employ. Acting on behalf of DPD, IAD may require an officer to provide a written statement. Generally, if the officer refuses to provide a written statement for the administrative investigation after being ordered to do so, the officer can be disciplined for insubordination, up to and including termination.

If an officer could be charged with both administrative and criminal violations based on the same conduct, IAD must investigate in such a way as not to violate the officer's constitutional right not to incriminate himself yet give full effect to DPD's right to conduct an internal investigation.²⁸ Thus, prosecutors cannot use any statement that an officer is required to provide regarding his conduct made the subject of the IAD investigation because this would violate the individual officer's right against self-incrimination.²⁹

²⁵ 385 U.S. 493 (1967).

²⁶ U.S. CONST. amend. V.

²⁷ See, e.g., *Garrity v. New Jersey*, 385 U.S. 493 (1967).

²⁸ See *Garrity v. New Jersey*, 385 U.S. 493 (1967).

²⁹ In *Kastigar v. United States*, the Supreme Court addressed the use of immunized statements by a prosecutor. 406 U.S. at 460-62 (1972). The Court stated that immunity from use and derivative use must leave the witness and the government in substantially the same position as if the witness had claimed his or her Fifth Amendment privilege in the absence of a grant of immunity. See *id.* at 458 and 461-62. The Court established a test: when a witness claims that his or her immunized testimony was used, (1) the government must deny any use of the accused's own immunized testimony against him or her in a criminal case, and (2) the government must affirmatively prove that all of the evidence to be used at trial is derived from legitimate sources wholly independent of immunized testimony. *Id.* at 460. Thus, *Kastigar* specifically prohibits any use by the prosecutor of a witness' immunized statement. See *id.* at 461. Further, the burden is upon the state to establish by a preponderance of the evidence that no use was made of the immunized statement and that the evidence to be used at trial or before the grand jury was derived from sources wholly independent of the immunized statement. *United States v. Daniels*, 281 F.3d 168, 180-81 (5th Cir. 2002), *cert. denied*, 535 U.S. 1105 (2002) (citing *Kastigar*, 406 U.S. at 460); see also *United States v. Cantu*, 185 F.3d 298, 303 (5th Cir. 1999).

Federal courts have applied the *Kastigar* test in the context of *Garrity* immunity. See, e.g., *United States v. Daniels*, 281 F.3d at 180-81; *United States v. Vangates*, 287 F.3d 1315, 1319, fn. 4 (11th Cir. 2002) (noting that "because *Garrity* protection is 'tantamount to use immunity,'" the *Kastigar* analysis applies to *Garrity* protection). The Fifth Circuit analyzed *Kastigar* in light of statements made by an officer under a *Garrity* warning. In *United States v. Daniels*, the prosecution team was exposed to the officer's *Garrity* statements. 281 F.3d at 181. The court acknowledged that there may be cases in which the exposure of a defendant's immunized testimony to the prosecution team would be so prejudicial that it would require disqualification of the entire prosecution team. *Id.* Stating that this was not such a case, the court declined to adopt a per se rule. *Id.* The court stated that in this case, the officer's immunized *Garrity* statements "contained no relevant information that was not readily available from legitimate, independent sources" as required to satisfy *Kastigar*. *Id.*

IAD provides the employee with a *Garrity* warning that requires the employee, among other things, to give honest answers. The *Garrity* warning includes the protection that the officer's statement, as well as any information or evidence that is gained through the statement, cannot be used against the officer in any criminal proceeding.³⁰ The law, however, allows criminal and administrative investigations to be conducted simultaneously, so long as the prosecutor can prove that he gleaned the information in the criminal investigation independently of the administrative investigation.³¹

D. *Cases investigated.*³²

The Panel reviewed the documents relating to the list of cases dismissed by the DA's Office as a result of the fake drug arrests and examined those cases in which the statute of limitations had not run.³³ The Panel also reviewed those cases provided to it by the FBI.

The Panel focused its investigation on the particular squad that was involved with the fake drug issues. FBI Special Agent Marjorie Poché informed the Panel that in order to define the scope of its investigation, the FBI had selected and seized 30 percent (30%) of the narcotics purchases dating back to 1999 made by Sgt. Gouge's squad to be tested by the regional laboratory of the DEA.³⁴ She stated that the FBI's intent was to determine if the problems with fake drug purchases rested solely with Mr. De la Paz and Mr. Herrera.³⁵ The FBI sent approximately five hundred (500) pieces of evidence, including evidence from informant buys, undercover buys made by the officers, small drug buys and large drug buys, to be tested.³⁶ Special Agent Poché told the Panel that it appeared that only Mr. De la Paz and the CIs used by him had a clear and consistent pattern of purchasing non-narcotic substances, many of which were identified as gypsum powder.³⁷ Relying on the FBI's conclusion regarding the scope of the fake drug problems, the Panel concentrated its efforts on Mr. De la Paz and the CIs he used.

The Panel examined the cases presented in the federal trial and additional cases that were catalogued on the DA's Office's list of dismissed cases. During a review of these cases, the Panel learned of instances involving multiple arrests at some locations where other individuals were arrested for possessing smaller quantities of drugs.³⁸ The Panel also located other arrest reports of individuals that were not included in the DA's Office's list. The individuals involved in these newly identified cases had pled guilty as part of a plea bargain and were still under court supervision. Because of the DA's

³⁰ The officer, however, may be subject to criminal prosecution for any false statement that the officer includes in any written internal statement.

³¹ See Footnote 29.

³² See IP 000403, IP 001451-454; see Attachment C-2.

³³ The short deadline to complete its investigation prevented the Panel from examining those cases in which the statute of limitations had already run. These cases are available to be reviewed at a later date. Since there is no statute of limitations on the administrative matters, these cases may be referred to IAD in their entirety for review.

³⁴ See generally FBI 000037-991.

³⁵ See generally FBI 000037-991.

³⁶ See generally FBI 000037-991.

³⁷ See generally FBI 000037-991.

³⁸ For example, there may be several people inside a drug house at the time of the execution of a search warrant. Some of these individuals may already be in possession of drugs before arriving at the location.

former policy of requiring laboratory analysis only when requested for a trial, the laboratory never analyzed the drugs.

The Panel identified twenty-two (22) such cases involving sixteen (16) defendants.³⁹ The Panel collected the drugs from these cases and sent them to Southwestern Institute for Forensic Sciences ("SWIFS") for analysis. SWIFS determined through laboratory analysis that the drugs involved in these cases contained controlled substances greater than one percent (1%).⁴⁰

E. *Interviews Conducted.*⁴¹

The Panel sent letters to the individuals that it wished to interview, or to the individual's attorney if the individual was represented, requesting that each voluntarily consent to be interviewed. The Panel made no promises of immunity and indicated that no *Garrity* warnings would be issued.⁴² The Panel clearly stated that there could be criminal or administrative referrals based on the interview.

The interviews were designed to gain a more complete picture of the facts surrounding the fake drug situation. To this end, the Panel requested interviews from the officers associated with fake drug situation, the Narcotics chain of command during the applicable periods of time up through the Chief of Police, particular individuals believed to have some relevant information, as well as a general letter to all narcotics officers asking for information.⁴³ With consideration for the time restraints under which it operated, the Panel interviewed all persons willing to be interviewed that it deemed would be relevant to the investigation.

The Panel conducted interviews of the following DPD supervisors and former supervisors:

- a. Former Chief of Police Terrell Bolton⁴⁴
- b. Asst. Chief Dora Falls⁴⁵

³⁹ IP 000403.

⁴⁰ IP 000403.

⁴¹ The Panel was unable to interview the jurors in the federal trial of Mark De la Paz, as Judge Barbara Lynn declined the Panel's request for access to the jurors. IP 000392-394, IP 002368-369, IP 002379-380.

⁴² If the Panel issued *Garrity* warnings in its interviews, the Special Prosecutor would be required to meet the *Kastigar* test, establishing that he received the evidence from a source other than the testimony obtained by the Panel under the *Garrity* warning. In essence, this would require the Special Prosecutor to prove that the information referred by the Panel to PIU and to him was gained independently of the *Garrity* information.

As the Special Prosecutor was concerned that this may raise questions regarding the following of proper procedures or possibly preclude criminal prosecution, he requested that the Panel not issue *Garrity* warnings. As the Panel did not want to interfere with the criminal prosecutions, the Panel complied with the Special Prosecutor's request and issued no *Garrity* warnings. Because DPD had previously issued a blanket *Garrity* warning to many of the individuals to be interviewed, the Panel required each individual to sign a waiver that, among other things, clarified that no *Garrity* warning was in effect during the interview. This further prevented any overlap between the criminal and administrative investigations.

⁴³ See Attachment C-3.

⁴⁴ WS 000935-1003.

- c. Asst. Chief Shirley Gray⁴⁶
- d. Deputy Chief John Martinez⁴⁷
- e. Deputy Chief Floyd Simpson⁴⁸
- f. Captain Jack Bragg⁴⁹
- g. Lt. Craig Miller⁵⁰
- h. Former Deputy Chief⁵¹ William Turnage⁵²
- i. Sgt. Jack Gouge⁵³
- j. Sgt. Kenneth LeCesne⁵⁴

The Panel conducted interviews of the following DPD Narcotics officers:

- a. Sr. Cpl. Alan Foster⁵⁵
- b. Sr. Cpl. David Larsen⁵⁶
- c. Sr. Cpl. Mark Woody⁵⁷
- d. Anonymous Officer.⁵⁸

The Panel conducted interviews of other individuals:

- a. Nancy Weber, SWIFS.⁵⁹
- b. Deborah Joseph, DPD.⁶⁰
- c. Gregg Long, Assistant District Attorney ("ADA").⁶¹

The Panel requested the following individuals to interview with the Panel, but they either declined or did not respond.

- a. Mark De la Paz, former DPD officer.⁶²
- b. Eddie Herrera, former DPD officer.⁶³
- c. Jeff Haywood, former DPD officer.⁶⁴

⁴⁵ WS 001085-176.

⁴⁶ WS 001181-1240.

⁴⁷ WS 000244-379.

⁴⁸ WS 001301-327.

⁴⁹ WS 000442-553.

⁵⁰ WS 000384-439, WS 000657-705, WS 001243-281.

⁵¹ During the time of the fake drug cases until he was promoted to a Deputy Chief out of Narcotics on October 16, 2001, William Turnage was a lieutenant in the Narcotics Division. He will be referred to as lieutenant in this report as that was his rank at the applicable times.

⁵² WS 000111-240.

⁵³ WS 000630-654.

⁵⁴ Sgt. LeCesne agreed to meet with the Panel; however, the Panel and Sgt. LeCesne were unable to find a mutually agreeable time. Mr. Hart, therefore, conducted a short telephone interview of Sgt. LeCesne.

⁵⁵ WS 000935-1003.

⁵⁶ WS 000707-758.

⁵⁷ WS 000556-628.

⁵⁸ WS 001486. The Panel sent letters to all officers still employed by DPD who were in the Narcotics Division at the time of the fake drug situation. The Panel requested that anyone with pertinent information contact the Panel. Of the over eighty (80) letters sent, one (1) individual responded to anonymously provide some insight. IP 000494-575.

⁵⁹ WS 001006-082.

⁶⁰ WS 001282-300.

⁶¹ WS 001328-484.

⁶² Mr. De La Paz declined. IP 002315-319.

⁶³ Mr. Herrera declined.

⁶⁴ Mr. Haywood declined. IP 002328.

- d. Officer Larry Moses, DPD.⁶⁵
- e. Detective Anthony Gipson, DPD.⁶⁶
- f. Sr. Cpl. Cathy De la Paz, DPD.⁶⁷
- g. Sr. Cpl. Eddie Lopez, DPD.⁶⁸
- h. Sgt. Steve Stirling, DPD.⁶⁹
- i. Sgt. Carl Wachholtz, DPD.⁷⁰
- j. Sgt. David Nofzinger, DPD.⁷¹
- k. Sgt. Mike McCarthy, DPD.⁷²
- l. George West, ADA⁷³

Mr. Hart, Ms. Levario, and Ms. Cardwell conducted the interviews at the offices of Munsch Hardt Kopf & Harr, P.C. None of the testimony was under oath, although the Panel recorded each interview. The Panel required each individual to sign a warning created by the Panel that outlined the repercussions for testimony and clearly negated any immunity.⁷⁴ Additionally, each individual was permitted to have an attorney present during the interview.

Because an intensive interview regarding criminal matters could potentially interfere with the ongoing criminal investigations and because the Panel did not have access to the information from the criminal investigation, the Panel focused primarily on administrative matters, such as supervisory issues. The Panel solicited facts surrounding the incidents, as well as opinions on how this situation could have occurred and how it could be prevented from recurring.

Additionally, the Panel requested members of the media to provide relevant information to the Panel and to ask others to provide the Panel all relevant information regarding the investigation. Members of the Panel spoke informally with defense attorneys, prosecutors, plaintiffs' attorneys, reporters, other police departments, and police officers regarding leads, background information, and procedures and practices.

F. *Procedure For Making Referrals To PIU And IAD.*

The Panel collected all the documents to which it had access, analyzing and comparing them against one another. The documents were scanned into a database, FORTIS. The Panel conducted searches of the database to aid in finding information in the documents.

As the documents were reviewed, they were compared with other documents that pertained to that particular incident. The Panel noted anything that appeared to be a violation on the face of the document and any perceived inconsistencies between the

⁶⁵ Officer Moses did not respond.

⁶⁶ Det. Gipson did not respond.

⁶⁷ Sr. Cpl. Cathy De la Paz initially declined but later did not respond to the Panel's clarified request. WS 001180.

⁶⁸ Sr. Cpl. Lopez did not respond.

⁶⁹ Sgt. Stirling did not respond.

⁷⁰ Sgt. Wachholtz did not respond.

⁷¹ Sgt. Nofzinger did not respond.

⁷² Sgt. McCarthy declined.

⁷³ George West did not respond.

⁷⁴ See Attachment C-4.

different documents. The Panel generated a report to be referred to the appropriate investigative unit for further investigation, with a description of the potential issue and supporting documentation for the referral. In the early stages of the investigation, the Panel met weekly to discuss the referrals and any other issues.

1. Criminal Referrals to PIU.

The Panel has sent fifty-nine (59) referrals to PIU.⁷⁵ The Panel and PIU established the numbering system purely for tracking purposes, and it does not serve as an indicator of the number of resulting prosecutions. Many of these referrals are interwoven, involving the same incident and the same officers. Upon further investigation, PIU may or may not refer these incidents to the Special Prosecutor; however, the Special Prosecutor will ultimately determine which cases he will prosecute.

The Panel sent these potential criminal violations immediately to PIU because of the statute of limitations issue. PIU and the Special Prosecutor's investigators divided the referred cases among themselves to complete the investigations more efficiently. The Panel met with PIU and the Special Prosecutor regularly in an effort to facilitate the Special Prosecutor in his criminal investigations. While PIU and the Special Prosecutor's investigators worked closely together, the Panel was not involved in most of their interaction. The Special Prosecutor's investigators and PIU shared some information with the Panel regarding their respective ongoing investigations. On several occasions when the Panel requested information from the Special Prosecutor, the Special Prosecutor informed the Panel that the grand jury was the source of the requested information, and therefore he could not provide this information to the Panel. The Panel requested PIU and the Special Prosecutor to provide a report stating the results of each referral. The Panel does not anticipate that it will receive any reports until the criminal investigations have concluded.⁷⁶

2. Administrative Referrals to IAD.

The Panel prepared fifty-one (51) incidents for referral to IAD.⁷⁷ Many of the administrative issues are intertwined with the criminal issues. Further investigation by IAD may establish that no misconduct occurred. The Panel will give these administrative issues to the Police Chief at the conclusion of the Panel's investigation with a recommendation for an IAD investigation.

III. **FINDINGS OF THE INVESTIGATION.**

A. *Parameters Of The Investigation.*

To ensure that the public fully understands the results of the investigation and the recommendations made by the Panel, the public must review the results and recommendations in the context of certain caveats.

⁷⁵ Additional referrals are pending.

⁷⁶ PIU has provided the Panel an update of those cases that they have finished investigating that will not be prosecuted by the Special Prosecutor.

⁷⁷ See Attachment C-6.

1. The Panel established a uniform standard for referring cases to IAD⁷⁸ and PIU. The standard was “any evidence of possible wrongdoing.”
2. The Panel gleaned the information regarding potential criminal issues solely from the documentation reviewed by the Panel and unsworn statements made by individuals in interviews with the Panel attorneys. In its investigation, PIU will examine this information and determine whether to recommend prosecution to the Special Prosecutor. The Special Prosecutor, however, has discretion to pursue criminal prosecution in any of these cases.
3. The Panel gleaned information regarding potential administrative issues through the documentation and unsworn statements made by individuals in interviews with the Panel attorneys. Further investigation by IAD will determine whether any administrative violations occurred and whether sufficient evidence exists to support disciplinary action.

B. Possible Criminal Violations Referred to PIU.

The information collected and reviewed by the Panel indicates that DPD officers may have committed criminal offenses. These include the following: 1) possible inconsistent statements made by officers in various reports and testimony; 2) possible forgery of signatures; 3) possible tampering with governmental records; 4) possible theft.⁷⁹

C. Possible Administrative Violations To Be Referred To IAD.

The Panel will recommend referrals of fifty-one (51) possible administrative violations to IAD for further investigation. The information collected and reviewed by the Panel indicates that DPD officers may have violated certain rules and procedures that included, but is not limited to, the following: 1) lack of supervision; 2) improper completion of forms; 3) improper disbursement of funds; 4) improper handling of CIs, and 5) conflicting statements.

D. Rules Governing Conduct Of The Narcotics Division.

In addition to federal and state laws, the members of the Narcotics Division are responsible for following certain rules as outlined in various DPD administrative regulations, including, SOPs, General Orders, Code of Conduct, and Personnel Rules.

⁷⁸ The Panel will be sending the IAD referrals to the Chief of Police and not directly to IAD.

⁷⁹ Among others, specific statutes that may have been violated include the following: Texas Penal Code 37.03 Aggravated Perjury; Texas Penal Code 37.10 Tampering with a Governmental Record; Texas Penal Code 32.21 Forgery (Governmental Record); Texas Penal Code 31.03 Theft (by a Public Servant).

E. *Factual Pattern.*

In examining the information from the fake drug cases, a pattern quickly became obvious. In a typical case, the CIs would buy pool chalk, and package it to resemble kilos of illegal narcotics. Occasionally, they would sprinkle a small amount of real drugs on top of the fake drugs. The CI would choose a target and plant the drugs. The CI would contact Mr. De la Paz and tell him that the target had drugs. The CI would go to the location and make a "buy."

Frequently, arrest warrants and arrest reports would support the CI's statements, alleging that Mr. De la Paz observed the delivery or that surveillance had been conducted. One of the officers would field-test the substance; the field test always was reported to result in a positive for narcotics. The information would then be used to obtain a search warrant. After executing the search warrant, the officers would recover multiple kilos of what appeared to be illegal narcotics. The person was then arrested. Subsequent SWIFS analyses would show that most, if not all, of the substance was gypsum, later determined to be billiard chalk.

Although some of the details changed, certain characteristics remained consistent in these cases: the same narcotic officer, the same group of CIs, multi-kilo drug deals, few or no guns found, little or no property seized, little or no cash recovered, and minimal or no surveillance conducted. Most of the arrested individuals were Spanish-speaking immigrants who were employed as construction workers, auto mechanics, or day laborers, possessing none of the accoutrements common to drug dealers.

A group of CIs was involved in the fake drug cases.⁸⁰ Enrique Alonso (CI# 2253), Luis Daniel Alonso (CI# 2459), Roberto Santos (CI# 2409), Daniel Cavazos (CI# 2452), and Jose Ruiz (CI# 2344). Additionally, there were individuals who received money for their involvement but who were not registered CIs: Brenda Davis, Roberto Rodriguez Gonzales/Reyes, Marcos Gonzalez, Hugo Hernandez, and Ruth Alonso. According to CI payment receipts, Mr. De la Paz paid over \$275,000.00 to these CIs in connection with the fake drug cases. According to CI Payment Receipts, Mr. Alonso, alone, eventually received over \$200,000.

Mr. De la Paz was the officer responsible for supervising Mr. Alonso. Other officers who worked with Mr. De la Paz on some of the fake drug cases were Mr. Herrera, Officer Larry Moses, Sr. Cpl. Alan Foster, Mark Woody, Jeff Haywood, and Sr. Cpl. David Larsen. Sgt. Gouge was the sergeant supervising Mr. De la Paz's street squad throughout the pertinent times. Lt. Turnage was the lieutenant over the street squads up until the time he was promoted to deputy chief on October 16, 2001.⁸¹ After Lt. Turnage was promoted, the street squads were lacking a lieutenant. Lt. Craig Miller, who was also lieutenant over Asset Forfeiture and Training in the Narcotics Division, assumed the responsibility of the street squads on October 22, 2001.⁸² Deputy Chief Martinez was the division commander; he reported to Asst. Chief Falls who reported to Chief Bolton.⁸³

⁸⁰ See Attachment C-7.

⁸¹ WS 000159.

⁸² WS 000409.

⁸³ See, e.g., WS 000035-042; see Attachment C-8.

F. *Factors Within DPD That Contributed To The Fake Drug Cases.*

In examining the documentation and conducting interviews, the Panel discovered several issues that raised concerns about the circumstances surrounding the drug busts and the manner in which DPD dealt with the problems.

The Panel reviewed all regulations which Narcotics personnel are required to follow. The investigation revealed facts that indicate that there were breaches of these regulations. The Panel has outlined the regulations at issue and the facts that indicate that there were breaches of these regulations. The Panel has prepared a chart that enumerates the cases in which there may have been administrative violations, including a description of the facts, the possible violations, and the officers involved.⁸⁴

1. CI Procedures.

a. Search Of CIs.

(1) Administrative Regulation.

Narcotics SOPs state that “[w]hen utilizing search warrant information from a confidential informant, officers will search the informant prior to sending them into a location to make a purchase. Upon their return, whether the confidential informant consummated the purchase or not, the informant will be searched a second time. This will assist officer’s efforts to maintain informant confidentiality when issues of credibility are raised.”⁸⁵

(2) Facts Indicating A Breach.

The SOPs do not formally require officers to document that they searched the CI. However, in normal circumstances, an officer documents the search in the arrest report. Among other things, a search of the CI guarantees that the CI is not carrying money, drugs, or weapons. It further bolsters the credibility of the CI and helps in making a case against the arrested suspect. Further, narcotics officers told Panel members informally that narcotics officers generally create investigative notes that document this type of information. Although the SOPs do not require that a witness be present for the search of the CI, usually the officer’s partner will be present.

Mr. De La Paz maintained to the FBI that he always searched CIs and their vehicles before the CIs made a drug buy.⁸⁶ He stated that the search of the person consisted of a thorough pat down and sometimes included emptying pockets, and that the search of the vehicle included searching all inside and outside compartments.⁸⁷ He stated that this search was intended to ensure the CI was not carrying money, drugs, or weapons.⁸⁸ He specifically claimed that he searched the CI and the CI’s truck in the

⁸⁴ See Attachment C-6.

⁸⁵ Narcotics SOP 5020 Search Warrant Procedures Section B.

⁸⁶ DPS 006063.

⁸⁷ DPS 006063.

⁸⁸ DPS 006063.

Roberto Amador case and the CI and the CI's car in the Yvonne Gwyn case.⁸⁹ He also stated that he searched the CI, Roberto Santos, in the Jaime Siguenza case.⁹⁰

Several of the CIs, however, claim that they were never searched.⁹¹ Further, the testimony of witnesses demonstrate that searches of the CIs and their vehicles could not have occurred in some of the cases, as the CIs have stated that they carried the fake narcotics either on them or in one of their vehicles in some instances.⁹²

Furthermore, no documentary evidence, such as arrest reports or investigative notes, exists to verify that the CIs were searched in the arrests of individuals on numerous occasions: Roberto Amador, Yvonne Gwyn, Pablo Olin, Betty Ann Jenkins, Javier Pacheco, Jaime Ortiz, Israel Pineda, Estalisnao Mendoza, Arturo Bernal Villareal, Jose Arevalo, Lorenzo Escamilla, Francisco Mendoza, Guadalupe Mendoza, Jorge Hernandez, Jose Santos Gonzales, and Jose Luis Vega.⁹³

b. Observation Of CI Transactions.

(1) Administrative Regulation.

Narcotics SOPS require that "[w]henever possible, the control officer, or another officer assigned this responsibility, should observe the informant enter the premises where the controlled purchase is made."⁹⁴

(2) Facts Indicating A Breach.

Although there are no formal regulations that require the documentation of an officer observing the informant entering the premises and making purchases, generally any surveillance conducted and any observation of the CI's movements are recorded in arrest reports and investigative notes because, among other reasons, this ensures that the officer is able to corroborate the testimony of the CI, helping solidify a case against an arrested suspect.

The documentary evidence indicates that CIs were not adequately monitored when they were involved in drug transactions. Based on the testimony of witnesses, officers were frequently not in a place where they were able to observe the CI's activities.⁹⁵ Further, frequently, the officers did not use any type of visual or audio equipment;⁹⁶

Mr. De la Paz stated that in several drug busts, such as in the cases of Denny Ramirez, Daniel Licea, Yvonne Gwyn, Roberto Amador, and Jaime Siguenza, he had a good view of the transactions.⁹⁷ However, photographs taken by the FBI for the federal

⁸⁹ DPS 006067-068.

⁹⁰ DPS 006069.

⁹¹ See, e.g., FBI 001180, DPS 006136, II 000421.

⁹² See, e.g., DPS 006375-376, DPS 006400; DPS 006378; DPS 006508.

⁹³ See Attachment C-6.

⁹⁴ Narcotics SOP 5020 Search Warrant Procedures, Section B(1).

⁹⁵ See, e.g., II 000339-551, II 000584-755, II 000882-934, II 000936-985, II 001009-205, II 001212-1248, II 001249-279, II 001307-415, II 001635-702, DPS 000484-488.

⁹⁶ See, e.g., DPS 000261-266.

⁹⁷ See, e.g. DPS 006066, DPS 006068, DPS 606069-070.

trial of Mr. De la Paz indicate that officers were not in a position to see the transactions in several of the cases.⁹⁸ Further, statements of the CIs and testimony of witnesses indicate that Mr. De la Paz could not have seen the events.⁹⁹

Additionally, in many cases, the CI was the one that selected the location of the drug buys with no input from Mr. De la Paz, the controlling officer. For example, Mr. Alonso stated that he would plant the fake drugs the night before and then would call Mr. De la Paz the next day and tell him about a person who ostensibly had drugs.¹⁰⁰

c. Failure To Observe And React To Warning Signs.

(1) Administrative Regulation.

The City of Dallas Personnel Rules state that “[i]nability or unwillingness to perform assigned work satisfactorily” is unacceptable conduct and is exemplified by, among other things, “deficiencies indicating the employee’s failure to adequately perform the responsibilities of the position.”¹⁰¹

The City of Dallas Personnel Rules further state that indifference towards work is unacceptable conduct and is exemplified by, among other violations, inattention, inefficiency, carelessness, or negligence.¹⁰²

DPD requires its officers to “investigate those incidents assigned or which come to their attention to the fullest extent within their assigned responsibility.”¹⁰³

(2) Facts Indicating A Breach.

(a) Typical Drug Buys.

(i) DPD Drug Squads.

According to Lt. Turnage, the primary function of the street squads was to deal with small dealers who were selling small amounts of drugs.¹⁰⁴ He said one of the areas in which the street squads differentiated from the higher-level squads was that the street squads did not bring in the smaller dealers and try to work up the hierarchy of the drug supply deal.¹⁰⁵ The enforcement squads worked with the dealers who were high-level suppliers.¹⁰⁶

Sgt. Gouge stated that his understanding of the difference between the street squads and the enforcement squads was that the street squads worked the citizen

⁹⁸ See, e.g., DPS 000261-266, DPS 000267-268, DPS 000481-485, DPS 000780-785.

⁹⁹ See, e.g., II 000339-551, II 000584-755, II 000882-934, II 000936-985, II 001009-205, II 001212-1248, II 001249-279, II 001307-415, II 001635-702, DPS 000484-488.

¹⁰⁰ See, e.g., II 000425.

¹⁰¹ Personnel Rules Article V. Sec. 34-36(b)4.

¹⁰² Personnel Rules Article V. Sec. 34-36(b)5.

¹⁰³ Code of Conduct Chapter V, Paragraph 5.3.

¹⁰⁴ WS 000145.

¹⁰⁵ WS 000146.

¹⁰⁶ WS 000147-148.

complaints, while the enforcement squads were no longer assigned those complaints.¹⁰⁷ He stated that there was never a guideline that limited the size of drug transaction the street squads could investigate, stating that it was never really discussed.¹⁰⁸ He further said that if an officer continued to use a CI to make multi-kilo deals, there was no reason the CI should be given to the enforcement squad to use.¹⁰⁹

According to Deputy Chief Martinez, the street squads and the enforcement squads intermingled investigating cases.¹¹⁰ However, the mission of the street squads was to handle the day-to-day street drug buys, although they were not prohibited from handling larger deals.¹¹¹ The enforcement squads were designed to concentrate on the "long range" deals.¹¹²

Sgt. LeCesne explained to PIU some of the processes the Enforcement Squads used when transacting drug operations.¹¹³ He said that they identify all of the people they are going to arrest and take statements from the people they arrest.¹¹⁴ He stated that they fingerprint their CIs and do not work people they cannot identify.¹¹⁵ Further, patrol officers used the same field test kits they used.¹¹⁶ If they are not sure about the test results, they do not put anyone in jail; they wait for the analyses of the drugs.¹¹⁷ He said that they do some big deals, but that these go directly to the laboratory.¹¹⁸ He stated that they copy all of the money used and seized and never use only one source to develop a target.¹¹⁹ According to Sgt. LeCesne, the DEA had not had many fake drug cases, listing only two instances in which the individuals had packaged blocks of wood.¹²⁰

(ii) DPD Statistics.

Lt. Miller stated that circumstances surrounding the transactions were unusual.¹²¹ He stated that usually cases of these sizes would yield seizures of guns, money, and vehicles.¹²² An anonymous narcotics officer informed the Panel that DPD usually seizes cars and money in the larger deals.¹²³

In the initial investigation conducted by PIU in December 2001 and January 2002, PIU investigators found that the entire Narcotics Division had seized a total of

¹⁰⁷ WS 000448.

¹⁰⁸ WS 000448-449.

¹⁰⁹ WS 000449.

¹¹⁰ WS 000348.

¹¹¹ WS 000350.

¹¹² WS 000350.

¹¹³ PIU 000132.

¹¹⁴ PIU 000132.

¹¹⁵ PIU 000132.

¹¹⁶ PIU 000132.

¹¹⁷ PIU 000132.

¹¹⁸ PIU 000132.

¹¹⁹ PIU 000132.

¹²⁰ PIU 000132.

¹²¹ See generally WS 000701-702.

¹²² WS 000701-702.

¹²³ WS 001486.

647.2 kilograms of cocaine in 2001.¹²⁴ A matrix was created detailing the activity of the Narcotics Division in the period beginning January 1, 2001 until November 30, 2001.¹²⁵ This matrix reflected that out of 725 operations, the Narcotics Division Street Squads supervised by Lt. Miller made 1190 arrests and seized 215 weapons, eighty-nine (89) vehicles, and \$144,596.¹²⁶

(b) The Fake Drug Cases Were Atypical.

The fake drug busts had many factors in common that were unusual in a typical drug bust. In these cases, multi-kilo drug deals were conducted, with few or no guns found, very little or no property seized, and very little or no cash recovered.¹²⁷

Sgt. LeCesne stated that drug busts do not always produce these items. In cases where these items were not found, however, he said that his first suspicion would be that the arrested individual was a courier and he would have done further investigation to discover the drug dealer for whom the courier worked.¹²⁸ There is no documentation to indicate that anyone ever attempted to investigate further to determine whether these arrested individuals were couriers and to attempt to turn them into informants if they were.

The following factors were characteristic of the fake drug cases. These factors were atypical of the circumstances surrounding other street squad drug cases.

(i) Size Of The Drug Deals.

Most of the fake drug cases involved multiple kilograms of alleged illegal substances.¹²⁹ The size of Mr. De la Paz's cases was significantly larger than any others in the street squads.¹³⁰ The street squads were designed to deal with neighborhood drug houses and street dealers.¹³¹ The enforcement squads were better equipped to deal with larger, more complicated deals.¹³² Sgt. Gouge, however, informed the Panel that the enforcement squads were inexperienced, and thus no reason existed to move cases to the enforcement squads.¹³³

PIU's initial investigation in 2001-2002 revealed that the Narcotics Division seized a total of 647.2 kilograms of cocaine in the year 2001. PIU stated that as a result of Mr. Alonso's work in 2001, the Narcotics Division seized 141.38 kilograms of marijuana, 1,060.6 grams of cocaine 468.5 grams of methamphetamines, and 1,128.9 grams of heroin.¹³⁴ Due to Mr. Ruiz's work as a CI in 2001, the Narcotics Division seized

¹²⁴ PIU 000194.

¹²⁵ PIU 000198-199.

¹²⁶ PIU 000198.

¹²⁷ See, e.g., WS 000702-703.

¹²⁸ II 002473, II 002474.

¹²⁹ See, e.g., FGJS 005511, FGJS 005539, FGJS 005646-647, FGJS 005626, FGJS 005875, FGJS 005832, FGJS 005492, FGJS 005869, FGJS 005526, FGJS 005568, FGJS 005472, FGJS 005780.

¹³⁰ See, e.g., PIU 000194-197.

¹³¹ WS 000145-146, WS 000448.

¹³² See, e.g., WS 000699.

¹³³ WS 000448-449, WS 0005333.

¹³⁴ PIU 000194.

15,869.4 grams of cocaine and 2956.2 grams of methamphetamines.¹³⁵ Because of Luis Daniel Alonso's work as a CI in 2001, the Narcotics Division seized 25,563.5 grams of cocaine.¹³⁶ As a result of Daniel Cavazos's work in 2001, the Narcotics Division seized 12,643.5 grams of cocaine.¹³⁷

Lt. Miller stated that these sizes of deals just did not happen, so someone should have been paying attention when they did.¹³⁸ Lt. Miller stated that these sizes of deals were unusual at both the street squad and enforcement squad levels.¹³⁹ Because the size of these particular deals was so unusual, Lt. Turnage told the Panel that he became a little suspicious at the time of the large deals.¹⁴⁰

(ii) Money Paid To CIs.

According to payment sheets, Mr. De la Paz paid the CIs in these cases unusually large amounts of money for their services.¹⁴¹ In 2001, the documents reflect that Mr. De la Paz paid Mr. Alonso \$208,050.00, Mr. Ruiz \$23,100, Luis Daniel Alonso \$22,000, Daniel Cavazos \$17,000, and Roberto Santos \$6,950.00.¹⁴² Lt. Miller stated that he compared the amounts paid to CIs between January 1, 2001 and December 11, 2001.¹⁴³ On January 2, 2002, he created a matrix that listed the top CIs within the date range.¹⁴⁴ Of over seventy-five (75) CIs, four (4) of Mr. De la Paz's CIs were in the list of the top ten (10) paid and all five (5) were in the top fifteen (15). The Narcotics Division paid Mr. Alonso \$208,050, the highest amount paid any CI; the next highest paid Narcotics CI received \$38,000.¹⁴⁵

Sgt. Gouge stated that the payments to the CIs would not have been excessive had the drugs been real.¹⁴⁶ Lt. Turnage stated, however, that he and Chief Martinez determined that the CI was being paid too much; they stated that the CI should not be making more money for his services than they were making as police officers.¹⁴⁷

(iii) Weapons.

Few, if any, weapons were found in these cases. Weapons were only found in four of these cases: Jose Mendoza, in which three (3) were seized; and Blanca Cantu, in which three (3) were seized; Victor Bonell, in which three (3) were seized, Bertha Vasquez, in which one (1) was seized.¹⁴⁸

¹³⁵ PIU 000195.

¹³⁶ PIU 000196,

¹³⁷ PIU 000197.

¹³⁸ WS 000683-684.

¹³⁹ WS 000683.

¹⁴⁰ WS 000150-151, WS 000194.

¹⁴¹ See generally WS 000087-096.

¹⁴² PIU 000194-197, WS 000087-096.

¹⁴³ WS 000087-096.

¹⁴⁴ WS 000092-096; see Attachment C-9.

¹⁴⁵ WS 000092.

¹⁴⁶ WS 000515-516.

¹⁴⁷ WS 000193-194.

¹⁴⁸ See, e.g., FGJS 001689, FGJS 000982, FGJS 001345, FGJS 001023.

Sgt. Gouge informed the Panel that, in his opinion, this was not uncommon and raised no red flags, as there was no expectation of being robbed.¹⁴⁹ “[Y]ou’re usually dealing with people, you know, that our understanding was that these informants knew these people and dealt with them in the past, they’ve trusted each other. And it’s not that uncommon when you’re dealing with people that you have done business with before, you’re not going to expect to get robbed and carry your gun and doing things like that.”¹⁵⁰

(iv) Buy Money.

A buy-walk-bust is an operation in which an undercover officer makes a narcotic purchase with the intention of causing the arrest of the suspect immediately following the undercover officer’s departure from the scene.¹⁵¹ On some occasions, the officer sends a CI in to make the narcotic purchase and then, when the CI has departed the scene, the undercover officer will enter the scene and make the arrest. The money used to make these purchases is called buy money. Mr. De la Paz stated that he used both methods.¹⁵²

In the fake drug cases, Mr. De la Paz failed to recover approximately \$20,510 of buy money in the cases that resulted in the arrests of the following individuals.¹⁵³

Victor Alvarado	\$2,500
Antwan Austin	\$100
Jesus Barrientos	\$5,200
Rashidi Craft	\$100
Isiah Danzler	\$150
Alfonso Hernandez	\$200
Betty Jenkins	\$1,500
Brandon Lewis	\$100
Jose Mendoza	\$2,500
Clifton Mims	\$50
Eric Minor	\$50
Pablo Olin	\$1,300
Cedric Lawson	\$100
Veronica Robinson	\$40
Luis Senan	\$2,000
George Sifuentez	\$4,600
Neimah Swoops	\$20 ¹⁵⁴

Lt. Turnage stated that he talked to Mr. De la Paz in every instance in which buy money was not recovered, which he thought was four (4) to six (6) times.¹⁵⁵ He said this raised a red flag during the time of the large busts.¹⁵⁶

¹⁴⁹ WS 000491. WS 000087-096.

¹⁵⁰ WS 000491.

¹⁵¹ Narcotics SOP 5160 Buy Walk Bust Procedures.

¹⁵² DPS 0006062.

¹⁵³ IP 000490-493. This amount includes the \$5,200 used in the Barrientos case that was provided by FBI Special Agent Brady.

¹⁵⁴ IP 000490-493.

¹⁵⁵ WS 000205-210.

¹⁵⁶ WS 000205-210.

According to Sgt. Gouge, the officers would get the money back if they could; however, it was very common not to get it back.¹⁵⁷ He stated that this did not raise any red flags for him.¹⁵⁸ "It wasn't that uncommon. Money changes hands and it moves quickly and, you know, if I give you \$5,000, and you didn't know me, and you know people with me, you're not going to stand on the street with \$5,000 very long because you know somebody's gonna come back and rob you or take the money back from you, and that's what you're thinking, so the money moves pretty quick."¹⁵⁹

Mr. Ruiz stated that Mr. De la Paz never wanted to provide buy money; he further said that Mr. De la Paz would always say he had money, although he usually did not.¹⁶⁰

(v) CI's Refusal To Work With Other Agencies.

Although offered the opportunity to work with other agencies, including the DEA and DPS, Mr. Alonso refused to work for anyone but Mr. De la Paz. Sgt. LeCesne stated to PIU that the DEA had attempted to use Mr. Alonso as a federal informant.¹⁶¹ When Mr. Alonso was told he needed to be fingerprinted, debriefed, and documented, he did not want to do any of it.¹⁶² Sgt. LeCesne stated, "I've never seen a paid CI turn down money---from any source."¹⁶³

Lt. Turnage stated that he attempted to move Mr. Alonso to an enforcement squad and the DEA in the July 2001 timeframe.¹⁶⁴ Lt. Turnage said he was a little suspicious because Mr. Alonso refused to work with either.¹⁶⁵ Sgt. Gouge stated that the reason he was given by Mr. De la Paz was that Mr. Alonso only wanted to work with Mr. De la Paz because he trusted him; this did not raise any red flags to Sgt. Gouge.¹⁶⁶

(vi) Substance's Appearance.

Nancy Weber, the SWIFS chemist, examined the majority of the fake drugs that Mr. De la Paz seized.¹⁶⁷ Ms. Weber stated that these substances did not look like cocaine and that they were not packaged like cocaine.¹⁶⁸ Ms. Weber stated that it was obvious that the substances were different than real cocaine.¹⁶⁹ She stated that the substances were not hard like real kilos of cocaine and that the color, texture, and smell of the powder were different.¹⁷⁰ She also stated that this was not the way that kilos of cocaine were packaged.¹⁷¹

¹⁵⁷ WS 000488-89.

¹⁵⁸ WS 000488-89.

¹⁵⁹ WS 000489.

¹⁶⁰ DPS 006367.

¹⁶¹ PIU 000131.

¹⁶² PIU 000132.

¹⁶³ PIU 000132.

¹⁶⁴ WS 00148-150, WS 000272, WS 000346.

¹⁶⁵ WS 00148-150, WS 000272, WS 000346.

¹⁶⁶ WS 000496; *see also*, II 002470, PIU 000131-132, WS 000272, WS 000346.

¹⁶⁷ FBI 001661.

¹⁶⁸ WS 001023-1026; PIU 000108; FBI 001662.

¹⁶⁹ WS 001023-1026; PIU 000108; FBI 001662.

¹⁷⁰ WS 001023-1026; PIU 000108; FBI 001662.

¹⁷¹ WS 001023-1026; FBI 001662.

Sgt. Gouge, however, told PIU during its initial investigation in January 2002 that the substances were packaged like real drugs should be packaged.¹⁷² In a statement to PIU during PIU's initial investigation, Cathy De la Paz related a conversation that she had had with Mr. De la Paz regarding the fake drug cases, stating that these deals happened like real drug deals: "We knew the drugs were packaged convincingly and the field tests had been good. We also knew the deals went down exactly like high level deals do with the cocaine fronted and no money exchanged."¹⁷³

d. Continued Use Of CIs After Reliability Questions Raised.

(1) Administrative Regulation.

The City of Dallas Personnel Rules state that inability or unwillingness to perform assigned work satisfactorily is unacceptable conduct and "is exemplified by, but is not limited to, the following violations: (A) failure to follow written or verbal instructions; . . . and (C) other deficiencies indicating the employee's failure to adequately perform the responsibilities of the position."¹⁷⁴

The City of Dallas Personnel Rules further state that indifference towards work is unacceptable conduct and "is exemplified by, but is not limited to, the following violations: (A) inattention, inefficiency, loafing, sleeping, carelessness, or negligence" and "(E) discourteous or irresponsible treatment of the public or other employees."¹⁷⁵

"When an informant . . . proves to be unreliable for whatever reason, his/her CI File will be transferred to the Undesirable/Inactive CI file" and the Narcotics Division Intelligence Squad notified. "The circumstances will be documented in a memo to the Division Commander. This memo must be included in the CI file and the individual will not be used again without the permission of the Division Commander."¹⁷⁶

(2) Facts Indicating A Breach.

(a) When DPD Became Aware Of Reliability Issues.

(i) Mark De la Paz.

SWIFS received the first package of evidence pertaining to the fake drug cases in the Hugo Rosas case on August 9, 2001.¹⁷⁷ Weber determined that of the fifty-one (51) plastic-wrapped packages of white powder, thirty-seven (37) packages did not contain a controlled substance and the remaining fourteen (14) contained cocaine as a thin layer on top of the bulk of the powder.¹⁷⁸

¹⁷² PIU 000129.

¹⁷³ PIU 000151.

¹⁷⁴ Personnel Rules Article V. Sec. 34-36 (b)4.

¹⁷⁵ Personnel Rules Article V. Sec. 34-36 (b)5.

¹⁷⁶ Narcotics SOP 5060 Informant Procedures Section D.

¹⁷⁷ FBI 001661.

¹⁷⁸ FBI 001661.

Mr. De la Paz stated that Nancy Weber called him and told him that the drugs were "bad" on September 12, 2001.¹⁷⁹ Mr. De la Paz's wife, Cathy De la Paz, provided PIU with a statement that Mr. De La Paz had just begun to find out about the fake drugs as early as September 11, 2001.¹⁸⁰ According to ADA Long, however, he spoke with Mr. De la Paz about SWIFS analysis showing that the drugs had tested negative for narcotics as early as August 29 or 30, 2001.¹⁸¹

Ms. Weber stated that in her conversation with Mr. De la Paz in mid-September, she informed him that the drugs were fake.¹⁸² She said that he and Mr. Herrera brought her a kilo from the Gwyn case and asked her to test it.¹⁸³ She said that she told them that the package from the Gwyn case had cocaine sprinkled just on the surface and was "bunk."¹⁸⁴ She said she told them to conduct field tests differently, that they needed to take samples from different areas of the package.¹⁸⁵

(ii) Supervisors.

Sgt. Gouge stated that he first heard of problems with Mr. De la Paz and Mr. Alonso around September 11, 2001.¹⁸⁶ He stated that Det. Anthony Gipson told him of a rumor circulating around the courthouse that one of Mr. De La Paz's deals had been revealed by SWIFS to consist of fake drugs.¹⁸⁷ Sgt. Gouge stated that he spoke with Mr. De la Paz about this, and Mr. De la Paz told him that he was already speaking with ADA Long about the problem.¹⁸⁸

Sgt. LeCesne stated that he first became aware of the fake drug situation in October 2001.¹⁸⁹ In a telephone conversation with Mr. Hart, however, Sgt. LeCesne stated that after reviewing documentation, he concluded that he first became aware of the fake drug situation in late August or early September of 2001 and spoke with ADA Long shortly after that.¹⁹⁰ He stated that ADA Long called him three times in early or mid October over a six or seven-day period of time regarding the fake drug issues.¹⁹¹ He stated that he told Lt. Turnage after the first or second call, and he talked to Deputy Chief Martinez after the third.¹⁹² He also stated that he informed Mr. De la Paz of the conversation.¹⁹³ He stated that Lt. Turnage told him that he was already aware of the situation and was reporting to Deputy Chief Martinez.¹⁹⁴ He further stated that when he told Chief Martinez what ADA Long had told him, Deputy Chief Martinez replied that he

¹⁷⁹ DPS 006067.

¹⁸⁰ PIU 000151.

¹⁸¹ PIU 000127.

¹⁸² FBI 001663.

¹⁸³ FBI 001663.

¹⁸⁴ FBI 001663.

¹⁸⁵ FBI 001663.

¹⁸⁶ WS 000491.

¹⁸⁷ WS 000491.

¹⁸⁸ WS 000491.

¹⁸⁹ PIU 000153.

¹⁹⁰ WS 001485.

¹⁹¹ PIU 000131-132.

¹⁹² PIU 000131-132, PIU 000159.

¹⁹³ PIU 000153-159.

¹⁹⁴ PIU 000159.

had already been informed by Mr. De la Paz's supervisors.¹⁹⁵ Sgt. LeCesne stated that he told ADA Long to contact Deputy Chief Martinez directly.¹⁹⁶

Lt. Turnage stated that he first became aware of the fake drug situation in the middle or latter part of September when Sgt. LeCesne told him that he had heard at the courthouse about the problems with the drugs.¹⁹⁷

Lt. Miller stated that ADA Long contacted him the week of October 22, 2001 when Lt. Miller first took over supervision of the street squads, but he said the conversation was not such that any real concerns were raised.¹⁹⁸ He spoke further with ADA Long the week of November 5, 2001 and scheduled a meeting with him for later in November regarding the cases.¹⁹⁹ ADA Long faxed Lt. Miller the lists of cases that were problematic on November 28, 2001²⁰⁰ and December 3, 2001.²⁰¹

Deputy Chief Martinez stated that, to the best of his recollection, in mid to late September, Sgt. LeCesne went to him in confidence and told him that he had heard a courthouse rumor from ADA Long that Mr. De la Paz's August drug bust may not have been all cocaine.²⁰² He said, however, that neither ADA Long nor anyone else from the DA's Office contacted him until January 2002.²⁰³ Sgt. LeCesne asserts that he provided Deputy Chief Martinez with ADA Long's phone number and pager, so that Deputy Chief Martinez could contact ADA Long directly.²⁰⁴

Asst. Chief Falls told the Panel that she first heard about the fake drug cases from Deputy Chief Martinez at the end of November 2001 when there was an IAD referral.²⁰⁵ Her understanding as to why Deputy Chief Martinez had not informed her of these cases previously was that he had just found out about the problem and had immediately filled out a request for an IAD investigation.²⁰⁶

Chief Bolton stated that he first became aware of the fake drug cases when Asst. Chief Gray notified him at a Christmas party in December 2001.²⁰⁷ Asst. Chief Gray stated that she learned about the fake drug cases the week of December 4, 2001 when she returned from extended family medical leave and that she informed Chief Bolton of the situation the week of December 10, 2001.²⁰⁸ Chief Bolton stated that after he heard about the fake drug problems, he called in members of the Narcotics Division for more information.²⁰⁹

¹⁹⁵ PIU 000155, PIU 000156.

¹⁹⁶ PIU 00015155-157.

¹⁹⁷ WS 000151-152.

¹⁹⁸ WS 000413.

¹⁹⁹ PIU 000172.

²⁰⁰ PIU 000024-027.

²⁰¹ PIU 000031-032.

²⁰² WS 000273, WS 000362.

²⁰³ WS 000273, WS 000362.

²⁰⁴ PIU 000131.

²⁰⁵ WS 001104-05, WS 001124.

²⁰⁶ WS 001124.

²⁰⁷ WS 000786-780.

²⁰⁸ WS 001194, WS 001200.

²⁰⁹ WS 000787.

(iii) Negative Laboratory Results.

As early as September 4, 2001, laboratory reports began to show that the substances seized by Mr. De la Paz contained either no controlled substances, trace amounts or only small amounts.²¹⁰ Ms. Weber stated that she faxed a copy of the laboratory report in the Rosas case to Det. Christa Walker, the DPD officer who received all laboratory reports from SWIFS, on September 13, 2001.²¹¹ Other laboratory reports indicated similar results.

9/4/01	Hugo Rosas ²¹²
9/20/01	Emigdio Esparza ²¹³
9/26/01	Daniel Licea ²¹⁴
10/5/01	Jacinto Mejia ²¹⁵
10/30/01	Jose Vega ²¹⁶
10/31/01	Abel Santos ²¹⁷
11/6/01	Luis Senan ²¹⁸
11/6/01	Bertha Vasquez ²¹⁹
11/12/01	Israel Pineda ²²⁰
11/13/01	Bernardo Ortuno ²²¹
11/14/01	George Sifuentes ²²²
11/15/01	Estanislao Mendoza ²²³

(b) Supervisors' Actions.

(i) SWIFS Testing.

Deputy Chief Martinez informed the Panel that he approached Lt. Turnage a few days after he had been told about the rumor that the August drug bust contained fake drugs and told him to get a laboratory report on the August bust.²²⁴

Lt. Turnage stated that in the mid to latter part of September, after SWIFS analyses began to return with little or no controlled substance, he told Mr. De La Paz to personally carry drugs seized in cases in which Mr. Alonso was the CI to SWIFS.²²⁵

²¹⁰ PIU 000127

²¹¹ FBI 001661, PIU 000127.

²¹² FGJS 005511.

²¹³ FGJS 005646-647.

²¹⁴ FGJS 005539.

²¹⁵ FGJS 005626.

²¹⁶ FGJS 005875.

²¹⁷ FGJS 005832.

²¹⁸ FGJS 005492.

²¹⁹ FGJS 005869.

²²⁰ FGJS 005526.

²²¹ FGJS 005568.

²²² FGJS 005472.

²²³ FGJS 005780.

²²⁴ WS 000273, WS 000362.

²²⁵ WS 000152.

(ii) Polygraph Of CI.

In early October 2001, Lt. Turnage told the Panel that he instructed Sgt. Gouge to have Mr. Alonso polygraphed.²²⁶ Mr. Alonso was polygraphed about ten days later on October 12, 2001.²²⁷ Sgt. Gouge said that he took Alan Foster and Mr. De la Paz with him to have Mr. Alonso polygraphed by Det. Jim Gallagher, Crimes Against Persons Division, DPD.²²⁸ Sgt. Gouge stated that they were permitted to ask only one question of Mr. Alonso in the polygraph test.²²⁹

The two (2) relevant questions asked were the following: "Did you know that the dope at the Jack-in-the-Box had sheetrock in it?" and "Did you know that sheetrock was in the dope at the Jack-in-the-Box?"²³⁰ The examiner opined that Mr. Alonso was truthful when he answered "no" to these questions.²³¹

Mr. De la Paz stated to the FBI that Mr. Alonso "barely passed" the polygraph.²³² Mr. De la Paz claimed that after the polygraph, Lt. Turnage and Sgt. Gouge told him to keep using Mr. Alonso and authorized payment.²³³

According to Sgt. Gouge, Lt. Turnage told him to stop using Mr. Alonso until the polygraph was done.²³⁴ However, he stated that after Mr. Alonso passed the polygraph, Lt. Turnage told him that Mr. Alonso was to be returned to working as a CI but not paid until he made up for the lost money.²³⁵ He further said that Lt. Turnage instructed that all the substances in Mr. Alonso's cases were to be sent to SWIFS.²³⁶

(iii) Directives Regarding Use Of CI.

Deputy Chief Martinez told the Panel that he instructed Lt. Turnage to stop using Mr. Alonso within a week or two after a September laboratory report that indicated that there was little or no illegal substance found.²³⁷ When Deputy Chief Martinez returned from being out of town, he was informed the polygraph that Mr. Alonso was to be given.²³⁸ Deputy Chief Martinez states that he told Lt. Turnage not to use or pay Mr. Alonso anymore, even if he passed the polygraph.²³⁹ Lt. Turnage, however, stated that Deputy Chief Martinez never directed him to stop using Mr. Alonso as a CI.²⁴⁰

²²⁶ WS 000152, *see also* DPS 006067.

²²⁷ WS 000152; *see also* WS 000499-501.

²²⁸ WS 000499-501.

²²⁹ WS 000499-501.

²³⁰ PIU 000227-228.

²³¹ PIU 000227-228.

²³² DPS 006067.

²³³ DPS 006067.

²³⁴ WS 000547.

²³⁵ WS 000501-502.

²³⁶ WS 000501-502.

²³⁷ WS 000275-278.

²³⁸ WS 000275-278.

²³⁹ WS 000275-278.

²⁴⁰ WS 000160.

Lt. Turnage stated that after he heard from Sgt. LeCesne and prior to polygraph, he told Sgt. Gouge and Mr. De La Paz to go back and check out Mr. Alonso thoroughly.²⁴¹ He said that in the first week of October, he ordered Sgt. Gouge and Mr. De La Paz not to use Mr. Alonso again.²⁴²

After Lt. Turnage told Mr. De La Paz and Sgt. Gouge not to use Mr. Alonso, Mr. De La Paz asked permission to use Mr. Alonso on a methamphetamine deal.²⁴³ Lt. Turnage said he allowed this but told him not to pay the CI or arrest anyone until a SWIFS analysis was completed.²⁴⁴ When the subsequent SWIFS analysis indicated that the substance was "bunk," Lt. Turnage directed Sgt. Gouge and Mr. De la Paz for the second time that the CI was "dirty" and not to use him.²⁴⁵ Lt. Turnage stated that on October 13 or 14, 2001, he repeated his order not to use Mr. Alonso.²⁴⁶

Sgt. Gouge, however, claims that Lt. Turnage told him on October 12, 2001, that since Mr. Alonso passed the polygraph, he should be returned back to working as a CI but not paid until he made up for the money he made on the fake drugs.²⁴⁷ According to Sgt. Gouge, Lt. Turnage directed that all substances seized as a result of Mr. Alonso's involvement go to SWIFS.²⁴⁸

Lt. Miller began supervising the street squads on October 22, 2001.²⁴⁹ He states that from the time of his first conversation with ADA Long at the end of October until the meeting on November 20, 2001, he never received the impression from ADA Long that there was a significant problem.²⁵⁰ Nonetheless, Lt. Miller states that the first week of November, he instructed Sgt. Gouge verbally not to use Mr. Alonso until Lt. Miller learned more information about why Mr. Alonso had been polygraph tested.²⁵¹

Sgt. Gouge stated that the day after receiving Lt. Miller's directive, he informed Mr. De la Paz that he was not to use Mr. Alonso again.²⁵² The first week of December, Sgt. Gouge found that Mr. De la Paz had used Mr. Alonso twice on buys.²⁵³ Lt. Miller saw this, as well, and generated a written instruction that Mr. Alonso no longer be used.²⁵⁴

²⁴¹ WS 000156.

²⁴² WS 000156.

²⁴³ WS 000156, WS 000160-161, WS 000163.

²⁴⁴ WS 000156, WS 000160-161, WS 000163.

²⁴⁵ WS 000156, WS 000160-161, WS 000163.

²⁴⁶ WS 000156, WS 000160-161, WS 000163.

²⁴⁷ WS 000501-503.

²⁴⁸ WS 000501-502.

²⁴⁹ WS 000409.

²⁵⁰ WS 000429-430.

²⁵¹ WS 000696, WS 000426; *see also* WS 001268, WS 000504-505.

²⁵² WS 000503-504.

²⁵³ WS 00504-505.

²⁵⁴ WS 00504-505, WS 000070.

(iv) Recommendation For An IAD Investigation.

According to Lt. Turnage, he told Deputy Chief Martinez in early October that he needed to initiate an IAD investigation.²⁵⁵ Lt. Miller stated that he told Deputy Chief Martinez on November 28, 2001 that IAD needed to conduct an investigation of Mr. De la Paz, Mr. Herrera, and the fake drug cases.²⁵⁶

On November 30, 2001, a request for an IAD investigation was sent to IAD, signed by Lt. Miller and Deputy Chief Martinez.²⁵⁷ This complaint listed Mr. De la Paz and Mr. Herrera as the employees involved.²⁵⁸ In an attached memorandum, Lt. Miller stated that he was faxed information from the DA's Office concerning several drug charges where six (6) defendants were arrested and placed in jail on drug charges where none of the substances ultimately tested positive for narcotics, although they had field-tested positive.²⁵⁹ Mr. De la Paz and Mr. Herrera were listed as the arresting officers in all of the cases.²⁶⁰ Lt. Miller stated that his recommendation for an Internal Affairs investigation was based on the fact that there were no drugs in the substances that field-tested positive.²⁶¹

Asst. Chief Falls states that when she learned of the request for a control number from Deputy Chief Martinez, she directed him to brief Chief Bolton. Even though the allegations involved personnel under her command, she demonstrated a reluctance to investigate matters as she failed to inquire into the specifics of the allegations and did not accompany Deputy Chief Martinez to brief Chief Bolton.²⁶²

(c) Continued Use Of The CIs Despite Awareness Of Reliability Issues And Directives Regarding Use.

(i) Use Of CIs After September 1, 2001.²⁶³

Despite these reliability issues, Mr. De la Paz continued to use and pay Mr. Alonso. Further, he continued to use and pay the network of associated CIs. Sgt. Gouge stated that although it was never explicitly stated, it was understood that when Mr. De la Paz was precluded from using Mr. Alonso, he was precluded from using the

²⁵⁵ WS 000158.

²⁵⁶ WS 000431.

²⁵⁷ PIU 000029.

²⁵⁸ PIU 000029.

²⁵⁹ PIU 000030.

²⁶⁰ PIU 000030.

²⁶¹ PIU 000030.

²⁶² See, e.g. II 003122, II 003125, II 003126.

²⁶³ ADA Long has provided investigators with two different dates of when he contacted Mr. De la Paz regarding the first fake lab analysis. On, December 21, 2001, he informed Det. Kate Bernal that he spoke with Mr. De la Paz on August 29 or 30, 2001. PIU 000127. Sgt. Gouge further indicated that Mr. De la Paz had told him that Mr. De la Paz and ADA Long were in contact about these cases prior to the date he later gave to the Panel. WS 0000491. However, ADA Long informed the Panel that he first spoke with Mr. De la Paz on September 12, 2001. WS 001331.

related group of CIs, as well.²⁶⁴ According to Lt. Turnage, after he told Mr. De la Paz not to use Mr. Alonso, Mr. De la Paz started using the network of CIs that Lt. Turnage did not know were interrelated.²⁶⁵

Between September 2001 and November 2001, Mr. De la Paz used the CIs in the following instances:²⁶⁶

9/4/01	Daniel Cavazos (CI# 2452)
9/4/01	Luis Daniel Alonso (CI# 2459)
9/7/01	Enrique Alonso (CI # 2253)
9/18/01	Jose Ruiz (CI #2344)
9/24/01	Jose Ruiz (CI #2344)
10/01/01	Jose Ruiz (CI #2344)
10/09/01	Jose Ruiz (CI #2344)
10/12/01	Jose Ruiz (CI #2344)
10/16/01	Jose Ruiz (CI #2344)
10/22/01	Jose Ruiz (CI #2344)
10/24/01	Enrique Alonso (CI# 2253)
10/25/01	Enrique Alonso (CI# 2253)
10/30/01	Jose Ruiz (CI# 2344)
11/01/01	Jose Ruiz (CI #2344)
11/06/01	Jose Ruiz (CI #2344)
11/12/01	Jose Ruiz (CI #2344)
11/19/01	Enrique Alonso (CI# 2253)
11/26/01	Enrique Alonso (CI# 2253)
11/27/01	Jose Ruiz (CI #2344)
11/29/01	Enrique Alonso (CI# 2253)
11/30/01	Jose Ruiz (CI #2344)

(ii) Supervisor Approval.

Officers are required to obtain approval from their supervisors to pay CIs. The level of approval necessary for payment depends on the amount of money to be paid. In the timeframe of the fake drug cases, a sergeant's approval was needed for any payment up to \$500; a lieutenant's approval was necessary for any payment from \$500 to \$2,000; and a deputy chief's approval was necessary for any payments of \$2,000 or more.²⁶⁷

Narcotics SOPs outline guidelines for informant payments, setting the following criteria to be considered in determining the amount: the informant's involvement in the case; the informant's motivation; the informant's future performance potential; risk of retaliation against the informant; accuracy of the information given by the informant; significance of the investigation; number of arrests; seizures of drugs, money, weapons, and other assets; effect of the operation on the community; informant's testimony in

²⁶⁴ WS 000548.

²⁶⁵ WS 000161, WS 000235-236.

²⁶⁶ DPS 003438-456.

²⁶⁷ Narcotics SOP 5060 Informant Procedures Section C(4).

court; conviction of the suspect in court; input from the controlling officer on other factors.²⁶⁸

According to Mr. De la Paz and Sgt. Gouge, Lt. Turnage permitted the continued use of Mr. Alonso.²⁶⁹ Deputy Chief Martinez further said that Lt. Turnage allowed the use of Mr. Alonso after being given an order not to use him.²⁷⁰ Lt. Miller also stated that Sgt. Gouge allowed and approved the use of these CIs after an order to discontinue use.²⁷¹

According to the documentation, Sgt. Gouge allowed the use and payment of the CIs after questions of reliability had been raised in several instances.

Sgt. Gouge signed CI Payment Receipts in the following instances, allowing payment of the CIs:

9/7/01	Enrique Alonso (CI # 2253) ²⁷²
9/18/01	Jose Ruiz (CI #2344) ²⁷³
10/01/01	Jose Ruiz (CI #2344) ²⁷⁴
10/09/01	Jose Ruiz (CI #2344) ²⁷⁵
10/12/01	Jose Ruiz (CI #2344) ²⁷⁶
10/16/01	Jose Ruiz (CI #2344) ²⁷⁷
10/22/01	Jose Ruiz (CI #2344) ²⁷⁸
10/24/01	Enrique Alonso (CI# 2253) ²⁷⁹
10/25/01	Enrique Alonso (CI# 2253) ²⁸⁰
10/30/01	Jose Ruiz (CI# 2344) ²⁸¹
11/01/01	Jose Ruiz (CI #2344) ²⁸²
11/06/01	Jose Ruiz (CI #2344) ²⁸³
11/12/01	Jose Ruiz (CI #2344) ²⁸⁴
11/19/01	Enrique Alonso (CI# 2253) ²⁸⁵
11/26/01	Enrique Alonso (CI# 2253) ²⁸⁶
11/27/01	Jose Ruiz (CI #2344) ²⁸⁷

²⁶⁸ Narcotics SOP 5060 Informant Procedures Section C(4).

²⁶⁹ DPS 006067, WS 000501-502, WS 000547.

²⁷⁰ WS 000275.

²⁷¹ WS 000693.

²⁷² DPS 006838.

²⁷³ DPS 006812.

²⁷⁴ DPS 006845.

²⁷⁵ DPS 006838.

²⁷⁶ DPS 006839.

²⁷⁷ DPS 006840.

²⁷⁸ DPS 006827.

²⁷⁹ DPS 006828.

²⁸⁰ DPS 006847.

²⁸¹ DPS 006830.

²⁸² DPS 006864.

²⁸³ DPS 006865.

²⁸⁴ DPS 006866.

²⁸⁵ DPS 006867.

²⁸⁶ DPS 006868.

²⁸⁷ DPS 006869.

11/29/01 Enrique Alonso (CI# 2253)²⁸⁸
11/30/01 Jose Ruiz (CI #2344)²⁸⁹

2. Money Handling Procedures.

a. Money Paid CIs.

(1) Administrative Regulation.

The City of Dallas Personnel Rules state that inability or unwillingness to perform assigned work satisfactorily is unacceptable conduct and is exemplified by, among other things, "deficiencies indicating the employee's failure to adequately perform the responsibilities of the position."²⁹⁰

The City of Dallas Personnel Rules further state that indifference towards work is unacceptable conduct and is exemplified by, among other violations, inattention, inefficiency, carelessness, or negligence.²⁹¹

(2) Facts That Indicate A Breach.

The Panel requested a forensic accountant, Randy Horton of Randy Horton & Associates, to audit schedules of daily receipts by Mr. De la Paz from CI funds, payments to CIs, and daily balances for the period of 2/1/01 through 10/31/01.²⁹² In conducting the audit, Mr. Horton checked the daily computations for mathematical accuracy; traced officer draws to the officer draw receipt; traced the payments to either the CI receipt or the Drug Buy Report; and traced the officer draw receipts, CI receipts, and Drug Buy Reports to the monthly summaries.²⁹³

Mr. Horton calculated that, in the applicable time period, Mr. De la Paz documented \$418,490.00 in withdrawals, documented \$138,155.00 in drug buys, and documented \$279,740.00 in payments to CIs.²⁹⁴ Mr. Horton noted negative balances between funds received by Mr. De la Paz and payments for controlled drug buys and CIs.²⁹⁵

2/8/01	(\$235.00)
2/21/01	(\$585.00)
2/26/01	(\$100.00)
3/6/01	(\$915.00)
4/18/01	(\$390.00)
5/10/01 through 6/15/01	(\$330.00)

²⁸⁸ DPS 006838.

²⁸⁹ DPS 006871.

²⁹⁰ Personnel Rules Article V. Sec. 34-36(b)4.

²⁹¹ Personnel Rules Article V. Sec. 34-36(b)5.

²⁹² See generally IP 002381-393; see also IP 000585-1056, IP 001113-188; see Attachment C-10.

²⁹³ IP 002381.

²⁹⁴ IP 002384.

²⁹⁵ IP 002383.

6/28/01 through 7/8/01 (\$480.00)
7/19/01 (\$780.00)²⁹⁶

The Panel was informed that it was not entirely unusual for the officers to occasionally use their own money to make a buy when they had insufficient money from DPD funds and then reimburse themselves when they could draw the appropriate amount from the available funds.²⁹⁷ The Panel was also told that an officer occasionally borrowed money from someone else in the squad when the officer needed money to make a buy or pay a CI and the officer had inadequate funds in his or her possession.²⁹⁸

According to Sgt. Gouge, supervisors were supposed to spot-check the money the officers had to ensure that they had the appropriate amount in their possession when they should.²⁹⁹ Sgt. Gouge stated, however, that this was rarely done because "to me, it's hard not to trust a police officer who is out doing his job."³⁰⁰

b. Buy Money.

(1) Administrative Regulation.

The City of Dallas Personnel Rules state that inability or unwillingness to perform assigned work satisfactorily is unacceptable conduct and is exemplified by, among other things, "deficiencies indicating the employee's failure to adequately perform the responsibilities of the position."³⁰¹

The City of Dallas Personnel Rules further state that indifference towards work is unacceptable conduct and is exemplified by, among other violations, inattention, inefficiency, carelessness, or negligence.³⁰²

DPD requires its officers to "investigate those incidents assigned or which come to their attention to the fullest extent within their assigned responsibility."³⁰³

(2) Facts Indicating A Breach.

A buy-walk-bust is an operation in which an undercover officer makes a narcotic purchase with the intention of causing the arrest of the suspect immediately following the undercover officer's departure from the scene.³⁰⁴ On some occasions, the officer sends a CI in to make the narcotic purchase and then, when the CI has departed the scene, the undercover officer will enter the scene and make the arrest. The money used to make these purchases is called buy money. Mr. De la Paz stated that he used both methods.³⁰⁵

²⁹⁶ IP 002383.

²⁹⁷ WS 000204.

²⁹⁸ See, e.g., WS 000741, WS 000742.

²⁹⁹ WS 000516.

³⁰⁰ WS 000516.

³⁰¹ Personnel Rules Article V. Sec. 34-36(b)4.

³⁰² Personnel Rules Article V. Sec. 34-36(b)5.

³⁰³ Code of Conduct Chapter V, Paragraph 5.3.

³⁰⁴ Narcotics SOP 5160 Buy Walk Bust Procedures.

³⁰⁵ DPS 0006062.

Throughout the transactions with these CIs, \$20,510 of buy money was not recovered when suspects were arrested.³⁰⁶ Sgt. Gouge stated that, although the officers would get the buy money back if they could, it was very common not to do so.³⁰⁷ Because of this, he stated that no red flags were raised when Mr. De la Paz was not getting the buy money back.³⁰⁸ Lt. Turnage stated that he approached Mr. De la Paz every time buy money was not recovered.³⁰⁹ He stated that this was about four (4) or five (5) times.³¹⁰ Lt. Turnage told the Panel that the failure to recover buy money was a red flag to him during the time of the large busts.³¹¹

3. Completion of Paperwork.

a. Payment Sheets.

(1) Administrative Regulation.

A CI payment report "must be completed for each payment to an informant. This report must be signed by the informant, controlling officer, and witness officer. The witness officer must personally observe any payment made to an informant as well as witness the informant's signature for receipt of money."³¹²

(2) Facts Indicating A Breach.

The payment sheets, the FBI 302s of the CIs, and other documentation, indicate that these administrative regulations were not followed in the several instances: Roberto Amador, George Sifuentez, Denny Ramirez, Daniel Licea, Hugo Rosas, Abel Santos, 2/5/01 CI Payment Receipt at 4900 Live Oak, 2/5/01 CI Payment Receipt at 4933 Columbia, and 11/6/01 CI Payment Receipt.³¹³

Mr. De la Paz told the FBI that he paid each of the CIs for the cases in which they provided information, and that they always signed receipts for the money received.³¹⁴ Mr. Herrera informed the FBI that he was present at most payments made by Mr. De la Paz and that he could not recall any times he was present for a payment where he did not sign as a witness.³¹⁵

In several instances, the CIs say that the paperwork inaccurately reflects the actual events for various reasons: the signature is not theirs; they were not involved in that transaction; the date is wrong; or although the signature is theirs, they did not

³⁰⁶ IP 000490-493.

³⁰⁷ WS 000488-489.

³⁰⁸ WS 000488-489.

³⁰⁹ WS 000205-210.

³¹⁰ WS 000205-210.

³¹¹ WS 000205-210.

³¹² Narcotics SOP 5060 Informant Procedures Section V(B5).

³¹³ See Attachment C-6.

³¹⁴ DPS 006070.

³¹⁵ DPS 006594.

receive the money.³¹⁶ Furthermore, some of the signatures do not appear to match that of the named CI.³¹⁷

Mr. Ruiz stated that when he signed what Mr. De la Paz told him were receipts, the documents were always blank.³¹⁸ He stated that Mr. De la Paz paid him nominal amounts, such as \$50.00 or \$100.00; and the most he was ever paid by Mr. De la Paz was \$200.00.³¹⁹ To Mr. Ruiz's knowledge, he never signed a receipt for Mr. De la Paz for money paid to him.³²⁰ Mr. Ruiz further stated that frequently Mr. Alonso paid him for his part in the drug busts.³²¹ He stated Mr. De la Paz and Mr. Alonso had an agreement about the payments, and Mr. De la Paz told him that Mr. Alonso would pay Mr. Ruiz because Mr. Ruiz worked for Mr. Alonso.³²² Mr. Ruiz said that when he asked Mr. De la Paz to pay him, Mr. De la Paz stated that Mr. Alonso had already been paid.³²³ Mr. Ruiz stated that there were several times, however, when Mr. De la Paz did pay him and told him that Mr. Alonso had already signed a receipt for the money.³²⁴

Mr. Ruiz reviewed several receipts and stated that, although some of the signatures are his, several are not.³²⁵ Mr. Alonso makes similar claims,³²⁶ as do other CIs.³²⁷

Further, in some instances, the witnessing officer may not have been present.³²⁸ Mr. Ruiz stated that a second officer was present on only one or two occasions to witness him sign receipts, and that on one or both times, the officer was Mr. Herrera.³²⁹ Mr. Alonso also stated that he was paid several times without a witnessing officer present.³³⁰

b. Single Payment Sheets.

(1) Administrative Regulation.

A CI payment report "must be completed for each payment to an informant. This report must be signed by the informant, controlling officer, and witness officer. The witness officer must personally observe any payment made to an informant as well as witness the informant's signature for receipt of money."³³¹

³¹⁶ See, e.g., DPS 006374, DPS 006368, DPS 0006369-370, DPS 006514; DPS 006516; DPS 006505, DPS 006507, DPS 006508.

³¹⁷ FBI 001177, FBI 001180.

³¹⁸ DPS 006374; see also DPS 006401.

³¹⁹ DPS 006374.

³²⁰ DPS 006375.

³²¹ DPS 0006375.

³²² DPS 006375.

³²³ DPS 006375.

³²⁴ DPS 0006375.

³²⁵ DPS 006324-325.

³²⁶ See, e.g., DPS 006128-131, DPS 006136-144.

³²⁷ See, e.g., DPS 006511, DPS 006507-508,

³²⁸ FBI 001177.

³²⁹ DPS 006401.

³³⁰ See, e.g., DPS 006136-141.

³³¹ Narcotics SOP 5060 Informant Procedures Section V(B5).

(2) Facts Indicating A Breach.

Mr. De la Paz did not use payment sheets when the CIs were paid in installments.³³² As a result, it is unclear whether the CI signed for each of the separate payments or whether the witnessing officer was present during each of the payments of the CIs. This leaves the officer open to claims that some of the payments never occurred.

Mr. De la Paz explained to the FBI the manner in which he paid the CIs.³³³ He stated that if he had the entire amount, the CI would receive the entire amount at that time and would sign the receipt signifying he received the amount of money indicated.³³⁴ If the amount of money paid to the CI was less than the amount that had been approved, he stated that he paid the CI the money in his possession, noting the date and the amount.³³⁵ When the entire amount approved for payment was paid to the CI, the CI signed the receipt.³³⁶

Mr. Herrera told to the FBI that Sgt. Gouge, Lt. Turnage, and Deputy Chief Martinez approved the manner of documenting the partial payments.³³⁷ Sgt. Gouge stated that he approved the multiple payments on one sheet; he said that Lt. Turnage allowed this, although he said Lt. Turnage stated on one occasion that it was somewhat confusing.³³⁸ According to Lt. Turnage, each time a payment was made, a separate payment sheet should have been used.³³⁹ Deputy Chief Martinez also said that there should have been a separate payment sheet for every payment.³⁴⁰

c. CI Paperwork.

(1) Creating And Maintaining CI Files.

(a) Administrative Regulation.

"Before any prospective informant is utilized, the controlling officer will obtain the person's full name, date of birth, photograph, full criminal history transcripts, driver's license check and all information necessary" to complete the CI file sheet. A CI file folder "will be completed and placed in the active CI file prior to utilizing a new informant."³⁴¹

Additionally, "[b]efore the person will be approved as an informant, a Narcotics Division Confidential Informant File will be completed with all required information and reports."³⁴²

³³² See e.g., FGJS 005662, FGJS 005662, DPS 006805, PIU 000078, DPS 006791, DPS 006791, PIU 000078.

³³³ DPS 006065.

³³⁴ DPS 006065.

³³⁵ DPS 006065.

³³⁶ DPS 006065.

³³⁷ DPS 006594.

³³⁸ WS 000521.

³³⁹ WS 000174-181, WS 000198-200.

³⁴⁰ WS 000322.

³⁴¹ Narcotics SOP 5060 Informant Procedures Section IV Subsection D.

³⁴² Narcotics SOP 5060 Informant Procedures Section IV Subsection G.

(b) Facts Indicating A Breach.

Witnesses indicated that certain CIs were used in the arrests of four (4) individuals without the proper documentation completed: Blanca Cantu, Pablo Olin, Betty Jenkins, and Israel Pineda. In these instances, the witnesses said that Mr. De la Paz paid the CIs under another CI's number.³⁴³ Furthermore, the CI paperwork was completed incorrectly, as the CIs paid in these cases were paid under another CI's number.³⁴⁴

(2) Supervisor Approval.

(a) Administrative Regulation.

"Officers will confer with their supervisor prior to establishing an individual as an informant" ³⁴⁵

A sergeant is required to meet with every CI assigned to the sergeant's squad and to explain the Admonishment and Plea Bargain Agreement forms to the CI. The sergeant must ensure that the CI knows and understands the rules under which the CI must operate while working as a CI.³⁴⁶

(b) Facts Indicating A Breach.

According to the documentation, officers did not confer with their supervisor prior to using certain CIs in the arrests of four (4) individuals: Blanca Cantu, Pablo Olin, Betty Jenkins and Israel Pineda.

According to the documentation, Mr. De la Paz signed the Cooperating Individual Admonishment Forms as the Squad Supervisor Presenting Admonishment on 10/8/99 and 3/27/00 for CI 2253 and CI 2344.³⁴⁷

4. Field Testing.

a. Administrative Regulation.

The City of Dallas Personnel Rules state that inability or unwillingness to perform assigned work satisfactorily is unacceptable conduct and is exemplified by, among other things, "deficiencies indicating the employee's failure to adequately perform the responsibilities of the position."³⁴⁸

³⁴³ See Attachment C-6; see also, DPS 006070, DPS 006109, DPS 006235, DPS 006237-238, DPS 006247-248, DPS 006251-255, DPS 006223-226, DPS 006241-242.

³⁴⁴ See Attachment C-6; see also, DPS 006070, DPS 006109, DPS 006235, DPS 006237-238, DPS 006247-248, DPS 006251-255, DPS 006223-226, DPS 006241-242.

³⁴⁵ Narcotics SOP 5060 Informant Procedures Section IV Subsection F.

³⁴⁶ Narcotics SOP 3030 Squad Sgt. Resp. Section O.

³⁴⁷ DPS 006163-164, DPS 006434-435.

³⁴⁸ Personnel Rules Article V. Sec. 34-36(b)4.

The City of Dallas Personnel Rules further state that indifference towards work is unacceptable conduct and is exemplified by, among other violations, inattention, inefficiency, carelessness, or negligence.³⁴⁹

b. Facts Indicating A Breach.

Documentation indicates that officers repeatedly stated the field tests they performed resulted in a positive for illegal narcotics.

(1) Field Tests Kits.³⁵⁰

At the time of the fake drug cases, the Narcotics Division used NarcoPouch field test kits to field test narcotics. An invoice from the company that provided DPD with NarcoPouch test kits lists ten (10) NarcoPouch Instruction Manuals, a NarcoPouch Video Tape, and a Drug Identification Bible as being shipped to DPD on July 5, 2001.³⁵¹ Directions for use were on the back of the NarcoPouch boxes.³⁵² Additionally, pamphlets with directions for proper use accompany these test kits.³⁵³ These pamphlets contain the proper instructions for the testing of each different drug.³⁵⁴ The pamphlets further include "FAQs" regarding the test kits.³⁵⁵ It also lists new substances, helpful websites, and a technical hotline.³⁵⁶

The pamphlet includes specific instructions for testing cocaine.

"Instructions:

POSITIVE REACTIONS WITHIN THE COCAINE/CRACK
REAGENT #904B

It is extremely important to receive a positive reaction after the breakage of each of the three (3) ampoules within the Cocaine Reagent #904B. This multiple ampoule test will eliminate all Base Caines (Lidocaine, Dibucaine, Tetracaine, etc.) from testing positive if you follow these three simple steps.

1. After breakage and agitation of the 1st ampoule, you must see a blue presence. For Cocaine HCl Crack will not dissolve in the #904B chemistry. Therefore, Crack will appear as a pink solution with the blue color adhering to the fragments of Crack you have placed into the test.
2. After breakage and agitation of the 2nd ampoule, you will view a solid pink solution.

³⁴⁹ Personnel Rules Article V. Sec. 34-36(b)5.

³⁵⁰ See Attachment C-11.

³⁵¹ IP 000005

³⁵² See, e.g., WS 000577, WS 000952, WS 001061, WS 000476.

³⁵³ PIU 000034-040.

³⁵⁴ PIU 000035, PIU 000038.

³⁵⁵ PIU 000036.

³⁵⁶ PIU 000039.

3. After breakage and agitation of the 3rd ampoule, tap the test on a hard surface along its side, then gently roll the test back to a 45° angle in the opposite direction. Allow the colors to separate into a pink over blue layering.

DO NOT allow yourself to skip a step while testing for Cocaine HCl or Crack. Be sure you see all three (3) color reactions before determining the substance to be positive.³⁵⁷

Further, the instructional pamphlet contains the following information:

"FAX to Dave Wolfsgruber, NJ State Patrol Board, 1-609-292-0129 Feb. 23, 2001

These results were obtained using ODV 904B for Cocaine, 908 Duquenois-Levine for Marijuana, and 924 Meeke's for Heroin

Accuracy Data for NarcoPouch Field Testing at NYPD

Originally Prepared for Nadia Chanza, DA
By Lawrence Dow, President ODV, Inc.
May 7, 2000

The accuracy results by NYPD have been nothing short of fantastic since the inception of the program in 1996.

Results obtained from 51,181 combined tests of Cocaine and Heroin indicate a false positive rate of 0.39% or less than 4 per 1000 tests.

In Bronx County the false positive rate was 0.21% or 24 out of 11,608 (obviously even better than the over all numbers).

All three tests combined yielded a total 58,182 tests with 206 false positives for a rate of 1.35%. Bronx County ran 13,575 tests total with 26 false positives for a rate of 0.19%.

Marijuana alone in Bronx County yielded 2 false positives out of 1,967 tests for a rate of 0.1%.³⁵⁸

(2) Conducting Field Tests.

On June 19, 2002, Mr. De la Paz stated that all narcotics purchases made by the officers on his street squad were field tested.³⁵⁹ Mr. De la Paz told the FBI that he and his squad members knew how to conduct a field test for cocaine properly.³⁶⁰ He then explained that the field test packet for cocaine contained three ampoules; the proper procedure for testing the narcotic was to place a sample in the packet, break the first

³⁵⁷ PIU 000039.

³⁵⁸ PIU 000040.

³⁵⁹ DPS 006063.

³⁶⁰ DPS 006063.

ampoule and shake the packet.³⁶¹ If the color was correct, the second ampoule was to be broken and the packet shaken; the same procedure was followed for the third ampoule.³⁶²

Lt. Turnage said that he never saw anyone perform field tests incorrectly, and that the instructions were on the box that most of the officers had in their possession.³⁶³ Sgt. LeCesne stated that he always observed his subordinates conducting tests; he further said that he had no knowledge of anyone who would conduct a field test in the manner described by the officers who claim to have done them incorrectly.³⁶⁴

Several officers, however, claim that, in 2001, they did not know how to conduct the tests properly: Sgt. Gouge, Sr. Cpl. Alan Foster, Sr. Cpl. David Larsen, Officer Larry Moses, Sr. Cpl. Mark Woody, and Det. Gipson.³⁶⁵ Sgt. Gouge stated that he observed other officers conducting tests improperly.³⁶⁶ Nancy Weber, SWIFS analyst, stated that she observed Sr. Cpl. Woody conduct the test improperly.³⁶⁷ According to Lt. Miller, however, several of the sergeants present indicated they knew the proper method for conducting field tests.³⁶⁸

(3) Field Test Training.

According to the officers interviewed, officers learned how to field-test from senior officers.³⁶⁹ They stated that they received no formal training, that it was all "on the job" training.³⁷⁰ Furthermore, although there were instructions for use of the field test kits on the back of the box, there is discrepancy among the officers as to whether they had access to the boxes.³⁷¹

(4) False Positives.

Even though the field tests may have been conducted improperly, there is testimony to suggest that substances were falsely testing positive for narcotics, even though the substances contained none. On November 20, 2001, a group of individuals from the DA's Office and DPD met at SWIFS to discuss the field tests and the results that SWIFS was getting.³⁷² At this meeting, Sr. Cpl. Woody conducted a field test of a substance from one of the cases improperly.³⁷³ Although it is unclear whether there were no illegal narcotics in the substance or whether there were only trace amounts, most accounts state that Sr. Cpl. Woody's field test resulted in what appeared to be a positive.³⁷⁴

³⁶¹ DPS 006063.

³⁶² DPS 006063.

³⁶³ WS 000238-239.

³⁶⁴ II 002447, II 002451.

³⁶⁵ See, e.g., WS 000467, WS 000953, WS 000718-719, II 002375.

³⁶⁶ WS 000473.

³⁶⁷ WS 001040.

³⁶⁸ WS 001245-248.

³⁶⁹ See, e.g., WS 000952; WS 000718; WS 000576; WS 000578.

³⁷⁰ See, e.g., WS 000952; WS 000718; WS 000576; WS 000578.

³⁷¹ See WS 000577, WS 000952; *but see* WS 001061, WS 000476.

³⁷² See generally II 002981, II 002990.

³⁷³ See generally II 002981, II 002990.

³⁷⁴ See, e.g., WS 001244-447, PIU 000126, WS 000475-476, WS 000587-588.

(5) Chemist Reports.

In several instances, chemists found that the materials analyzed contained no controlled substances or contained different controlled substances than the attached evidence tags indicated.³⁷⁵ In some cases, the chemist stated that, although the evidence tags stated that an officer had conducted a field test that tested positive for narcotics, it appeared that the substance had never been tested.³⁷⁶

According to Ms. Weber, she always inspected the packages she received before she conducted an analysis.³⁷⁷ She stated that when packages have been field-tested, it would be readily discernible because of the manner in which the packaging was done, as a cut in a tightly wrapped plastic packaging would result in "butterflying" of the packaging.³⁷⁸ She said that of the three hundred and thirty (330) kilos she inspected pertaining to the fake drugs, only two or three of the packages appeared to have been field tested.³⁷⁹ She specifically asserted that the kilos in the Esparza and Siguenza cases did not appear to have been field tested.³⁸⁰

5. Documentation of Events.

a. Administrative Regulation.

DPD's Code of Conduct requires that "no employee shall willfully misrepresent any matter, sign any false statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, official hearing, or Department hearing."³⁸¹

DPD's Code of Conduct requires that "no employee shall knowingly falsify any report, document, or record or cause to be entered any inaccurate, false, or improper information on records, documents, or reports of the Department or of any court or alter any record, document, or report except by a supplemental record, document, or report."³⁸²

DPD requires that "[e]mployees shall be truthful at all times when conducting any official police related business."³⁸³

DPD mandates that officers "investigate those incidents assigned or which come to their attention to the fullest extent within their assigned responsibilities."³⁸⁴

³⁷⁵ See, e.g., WS FBI 001134-137, FBI 001138, -139, FBI 001505-507.

³⁷⁶ See, e.g., WS FBI 001134-137, FBI 001138, -139, FBI 001505-507.

³⁷⁷ FBI 001665.

³⁷⁸ FBI 001665.

³⁷⁹ FBI 001665, see also FBI 001581583.

³⁸⁰ FBI 001582-583.

³⁸¹ Code of Conduct Chapter VIII paragraph 8.6.

³⁸² Code of Conduct Chapter VIII paragraph 8.7.

³⁸³ Code of Conduct Chapter VIII paragraph 8.3.

³⁸⁴ Code of Conduct Chapter V paragraph 5.3.

b. Facts Indicating A Breach.

(a) Documents.

In reviewing the documents surrounding several of the fake drug cases, the facts recited in certain documents contradicted facts stated in others: Pablo Olin, Luis Senan, George Sifuentez, Denny Ramirez, Daniel Licea, Bernardo Ortuno, Israel Pineda, Abel Santos, Erubiel Cruz, Jorge Hernandez, Estanislao Mendoza, 11/6/01 CI Payment Receipt, 2/5/01 CI Payment Receipt and Drug Buy Report at 4916 Live Oak, 2/5/01 CI Payment Receipt and Drug Buy Report at 4933 Columbia, 2/8/01 CI Receipt and Drug Buy at 4916 Live Oak and Jose Vega.³⁸⁵

Additionally, according to the documents, Mr. De la Paz stated in an affidavit for a search warrant that the CI used was reliable, although no documents exist that reflect any previous use of that particular CI.³⁸⁶

(b) Statements Of Witnesses.

Additionally, the Panel compared the statements made by Mr. De la Paz and other officers in the documents with other documents or statements made by other witnesses. In several instances, these appear to conflict: Roberto Amador, Blanca Cantu, Jose Mendoza, Israel Pineda, Javier Pacheco, Jaime Ortiz, Yvonne Gwyn, Erubiel Cruz, 11/1/01 CI Payment Receipt, 11/12/01 CI Payment Receipt and Victor Alvarado.³⁸⁷

6. Supervision.

a. Responsibilities.

(1) Administrative Regulation.

(a) Supervisors, Generally.

DPD prohibits dereliction of duty on the part of any employee detrimental to the functions of the Department, which includes the "[f]ailure of a supervisor or commander to immediately take action when a violation of rules or regulations comes to his attention, regardless of the supervisor's or violator's assignment or rank within the department."³⁸⁸

(b) Sergeant, Generally.

A Narcotics Squad Sergeant is responsible for the operation of his or her squad and the supervision of personnel assigned to his or her squad, including the monitoring of the progress of all investigations of the squad and ensuring that all contacts with CIs are in compliance with SOPs.³⁸⁹

³⁸⁵ See Attachment C-6.

³⁸⁶ See, e.g., DPS 005612-619, DPS 005544-713, FGJS 003659-660, FGJS 005832-849, FGJS 001480-498, PIU 001149-150, PIU 00919-935.

³⁸⁷ See Attachment C-6; see also, DPS 006401.

³⁸⁸ Code of Conduct Chapter IV paragraph 4.1 A.

³⁸⁹ Narcotics SOP 3030 Narcotic Squad Sergeant Responsibility Sections A, D, and N.

(c) Lieutenant, Generally.

Each Lieutenant over a Narcotics Unit is responsible for the operation of his or her unit, and the supervision of the subordinate personnel within the unit, including holding staff conferences with the immediate subordinate personnel at regular intervals.³⁹⁰

(2) Facts Indicating A Breach.

(a) Supervisors, Generally.

Deputy Chief Martinez stated to the Panel that Lt. Turnage failed to follow his verbal directives but declined to give a definitive opinion on Lt. Turnage's reason, merely stating that Lt. Turnage wanted to be absolutely sure that Mr. Alonso was not a good CI.³⁹¹ There is nothing to indicate that Deputy Chief Martinez took any immediate action to handle this violation. He stated that by the time he realized that the CIs were still being used, Lt. Turnage had been made a deputy chief and was equal to him in rank.³⁹² Deputy Chief Martinez, however, opined that had Lt. Turnage been in the Narcotics Division at the time of the investigation and if a complaint had been sustained against him because of the fake drug situation, Lt. Turnage probably would have been disciplined.³⁹³

Sgt. Gouge informed the Panel that Mr. De la Paz and Mr. Herrera violated the orders that he gave them.³⁹⁴ There is nothing to indicate that Sgt. Gouge took immediate action when this violation occurred.

(b) Sergeant, Generally.

Sgt. Gouge was the supervising sergeant for the entire time covered by this investigation. As the squad sergeant, he was responsible for overseeing his squad and ensuring they follow SOPs. However, in an interview with the Panel, Sgt. Gouge's recitation of certain SOPs was contrary to what was actually contained in the SOPs.³⁹⁵

Sgt. Gouge has had numerous years of experience as a narcotics street squad sergeant. However, he stated that he never saw any of the signs that warned of potential problems. Sgt. Gouge was not sufficiently involved in the transactions in which his officers were participating and did not investigate any of the details. Sgt. Gouge's attitude appeared to be, as he has stated, "it's hard not to trust a police officer who is out doing his job."³⁹⁶

³⁹⁰ Narcotics SOP 3020 Unit Commander Responsibility Sections A and B.

³⁹¹ WS 000276-278.

³⁹² WS 000276.

³⁹³ WS 000277.

³⁹⁴ See, e.g., WS 000450-451.

³⁹⁵ See, e.g., WS 000450-451.

³⁹⁶ WS 000516.

(c) Lieutenant, Generally.

As Sgt. Gouge's direct supervisor and as the unit commander of the street squads, Lt. Turnage was responsible for the operation of the unit and the supervision of the personnel in the unit.³⁹⁷

According to Lt. Turnage, several incidents raised red flags, beginning in July 2001.³⁹⁸ He stated that starting in July 2001, he became suspicious because Mr. Alonso would only work for Mr. De la Paz.³⁹⁹ He was also suspicious because the sizes of Mr. De la Paz's transactions were so large. Lt. Turnage further said that the unrecovered buy money during the time of these large busts raised red flags.⁴⁰⁰ However, Lt. Turnage states that he did not become more involved when he saw the large payments to the CIs because that was Sgt. Gouge's responsibility, and he assumed that Sgt. Gouge was "on top of it."

Until September 2001, there is nothing to indicate that Lt. Turnage did anything to alleviate these suspicions, despite his statements that he had had these suspicions since July 2001. Furthermore, some witnesses state that Lt. Turnage allowed the continued use of Mr. Alonso despite the concerns he told the Panel that he had at the time,⁴⁰¹ although Lt. Turnage disputes this.⁴⁰²

b. Review of Paperwork.

(1) Administrative Regulation.

A Narcotics Squad Sergeant is responsible to ensure that his or her squad properly completes paperwork, including ensuring that monthly reports are properly prepared; checking all daily reports made by personnel assigned to his or her squad; assigning days off, holidays and vacation for personnel assigned to his or her squad; checking all overtime and compensatory time cards and seeing that the Exceptional Payroll Report and time cards are marked daily; reviewing the monthly expense reports of each of his or her personnel at the end of each month and counting any money an officer has left on hand at the end of the month; and reviewing completion of the Time and Pay Audit Process, including examining time cards, detail sheets, exceptional payroll reports, overtime and comp time cards, and leave registers for the month.⁴⁰³

The Lieutenant is responsible for ensuring the monthly expenditure, activity, and other reports are properly prepared in a timely manner.⁴⁰⁴

³⁹⁷ WS 000230.

³⁹⁸ WS 00148-150, WS 000272, WS 000346.

³⁹⁹ WS 00148-150, WS 000272, WS 000346.

⁴⁰⁰ WS 000205-210.

⁴⁰¹ See, e.g., WS 000501-503, WS 000275.

⁴⁰² WS 000156, WS 000160-161, WS 000163.

⁴⁰³ Narcotics SOP 3030 Narcotic Squad Sergeant Responsibility Sections B, H, Q, and R.

⁴⁰⁴ Narcotics SOP 3020 Unit Commander Responsibility Section E.

(2) Facts Indicating A Breach.

Much of the paperwork is completed incorrectly, and nothing indicates that Sgt. Gouge addressed this continuing problem. Additionally, Sgt. Gouge stated that he was aware that multiple payments were documented on one sheet of paper, but he did nothing to correct this practice.⁴⁰⁵ Sgt. Gouge should have been closely reviewing paperwork to ensure that officers were following SOPs. Sgt. Gouge, as the first-line supervisor, was in the best position to catch many of the problems that were happening. However, he failed to be involved in operations conducted by his officers and failed to address any of the issues.

A lieutenant is responsible to make sure that paperwork is completed properly. As much of the paperwork was completed incorrectly, Lt. Turnage was not ensuring SOPs were followed. Lt. Turnage was in a position to review the paperwork. He should have been aware of the method of documenting partial payments on one sheet of paperwork and should have taken steps to correct that problem. Further, he should have noticed some of the glaring absences in the paperwork, such as the lack of sergeant involvement in operations and absence of adequate documentation regarding the handling of CIs.

Lt. Turnage informed the Panel that he checked the Narcotics Division numbers on a monthly basis, completing a monthly audit.⁴⁰⁶ He stated that before signing the payment sheets, he did not check the police reports to verify the information included was correct.⁴⁰⁷

c. Presence.

(1) Administrative Regulation.

A squad sergeant, or in the squad sergeant's absence, another Narcotics Division sergeant, is required to "be present during the execution of search warrants, buy-busts, and reverse operations by his/her squad."⁴⁰⁸

(2) Facts Indicating A Breach.

There is no documentation that indicates that a sergeant was present on many occasions when a sergeant was required. A sergeant should have been present, and the officers should not have conducted the following operations without the presence of a sergeant: Blanca Cantu, Roberto Amador, Betty Ann Jenkins, Bertha Vasquez, George Sifuentez, Javier Pacheco and Jaime Ortiz, Israel Pineda, Hugo Rosas, Arturo Bernal Villareal, Jose Mendoza, Abel Santos, Francisco Mendoza and Guadalupe Mendoza, Jorge Hernandez, Jose Santos Gonzales, Jose Luis Vega, Alejandro Espinosa-Perez, Walter E. Davis, Veronica Robinson, and M. C. Davis.⁴⁰⁹

⁴⁰⁵ WS 000521.

⁴⁰⁶ WS 000201.

⁴⁰⁷ WS 000181.

⁴⁰⁸ Narcotics SOP 3030 Narcotic Squad Sergeant Responsibility Section E.

⁴⁰⁹ See Attachment C-6.

Contrary to the SOPs, Sgt. Gouge stated that his duties as a sergeant did not require him to be present at buy-busts.⁴¹⁰

7. Failure Of The Narcotics Division To Respond To Ongoing Problems.

a. Issues Raised By A 1992 Investigation Of The Narcotics Division.

On December 11, 1991, Narcotics Detective Larry Bromley was killed in a robbery by someone posing as a drug dealer attempting to sell two kilograms of cocaine to him and Detective Cathy Hall^{411, 412}. The investigation of the robbery and shooting revealed that the suspects never planned a narcotics delivery.⁴¹³ This incident was to be a robbery after which Detectives Bromley and Hall would be driven to a remote area and shot.⁴¹⁴

The Panel found and reviewed the results of three (3) investigations of the Narcotics Division stemming from this incident.

(1) "Investigation of Narcotics Division Memorandum" and "Executive Summary Memorandum."

In an "Investigation of Narcotics Division Memorandum" to former Chief William Rathburn dated June 15, 1992 and an "Executive Summary Memorandum" to Chief William Rathburn dated June 18, 1992, the Special Investigations Bureau of DPD examined the Narcotics Division after allegations of possible misconduct of Narcotics Division detectives surrounding the death of Detective Bromley.⁴¹⁵ The criminal allegations were that detectives were forging CI signatures and misusing City money.⁴¹⁶

The memorandum also identified several administrative concerns, including the handling of confidential informants and the financial procedures.⁴¹⁷ Lt. K. W. Lybrand, Special Investigations Bureau, who was in charge of this investigation, stated that the primary area of administrative concern was in the handling of CIs, composing the following list of problems the investigation brought to light that should be addressed "to ensure the uniform, legal and safe use of informants."⁴¹⁸

- "1) Informants signing blank pay sheets.
- 2) Payment through family members to Confidential Informants.
- 3) Payment by one detective.
- 4) Witness officer too far away to accurately report transaction.

⁴¹⁰ WS 000450-451.

⁴¹¹ Detective Hall's name is now Cathy De la Paz, as she has since married Mark De la Paz.

⁴¹² CIU 000001, CIU 000005, CIU 000007; see Attachment C-12.

⁴¹³ CIU 000001.

⁴¹⁴ CIU 000005-36, CIU 000001-4.

⁴¹⁵ CIU 000005-36, CIU 000001-4.

⁴¹⁶ CIU 000001, CIU 000005 *et. seq.*

⁴¹⁷ CIU 000002-3, CIU 000023-24.

⁴¹⁸ CIU 000003.

- 5) Use of unregistered Confidential Informants.
- 6) Payment to an individual using another Confidential Informant's number.
- 7) Detectives signing for informants.
- 8) Combining multiple Confidential Informant payments on one pay sheet.
- 9) Informant sheets not complete or accurate.
- 10) Payments not entered on payment summary sheet.
- 11) Detectives keeping their own payment summary.
- 12) Paying Confidential Informants and completing receipts on later dates.
- 13) Informants signing false or alias names.
- 14) Purchase of meals for detectives when taking informants out.
- 15) Paying Confidential Informants with detective's own money.
- 16) Confidential Informant files kept in detective's desk."⁴¹⁹

With regards to financial procedures, Lt. Lybrand stated that evidence existed that detectives had been allowed to carry over large sums of money from month to month.⁴²⁰ He noted that this practice could contribute to the detectives using city money for personal use.⁴²¹

Lt. Lybrand listed the following recommendations:

- 1) "[T]he Narcotics chain of command review the investigative report to develop uniform procedures and require compliance with these procedures as pertains to evidence, finances, and informants."⁴²²
- 2) "In-service training should be conducted to make all Narcotics personnel aware of the procedures."⁴²³
- 3) "Care should be taken to adequately train personnel who work in Narcotics on a special assignment basis."⁴²⁴
- 4) "All areas surrounding the working of confidential informants should be given close scrutiny, particularly in the manner in which informants are paid. Thought should be given to supervisors initialing completed

⁴¹⁹ CIU 000003.

⁴²⁰ CIU 000003.

⁴²¹ CIU 000003, CIU 000023.

⁴²² CIU 000003, CIU 000024.

⁴²³ CIU 000004, CIU 000024.

⁴²⁴ CIU 000004, CIU 000024.

- informant payout sheets prior to the informant signing and initialing a second time after the payment has been made.”⁴²⁵
- 5) “That consideration be given to require detectives to “zero” out each month. This would allow for immediate discovery of any inconsistencies and help ensure the integrity of the expense system.”⁴²⁶

(2) “Dallas Narcotics Division Assessment Report.”

The Panel reviewed the “Dallas Narcotics Division Assessment Report” dated February 20, 1992.⁴²⁷ At the request of DPD Management, the assessment team⁴²⁸ evaluated the DPD Narcotics Division in three primary areas: buy-bust operations, search warrant operations, and training.⁴²⁹ The Assessment Team stated that it gained information in several ways, including by observation of actual enforcement operations.⁴³⁰

The Assessment Team stated that the proposed changes and additions to Narcotics Division procedures developed before the team's study were good.⁴³¹ The

⁴²⁵ CIU 000004, CIU 000024.

⁴²⁶ CIU 000004, CIU 000024.

⁴²⁷ NAR 000146-155; see Attachment C-13.

⁴²⁸ Gregory D. Clark, Lt.
San Diego Police Department
Narcotics Task Force
San Diego, California

Alexander J. D'Atri, Group Supervisor
Bureau of Alcohol, Tobacco & Firearms
Florida/Caribbean Organized Crime
Drug Enforcement Task Force
Miami, Florida

Emilio T. Garcia, Chief, Tactical Unit
Drug Enforcement Administration
United States DOJ
Office of Training, FBI Academy
Quantico, Virginia

Ronald J. Hergert, Lt.
Phoenix Police Department
Drug Enforcement Bureau
Phoenix, Arizona

Terry Torrence, Lt.
Metro-Dade Police Department
Headquarters Narcotics Section
Miami, Florida

⁴²⁹ NAR 000147.

⁴³⁰ NAR 000147. The Panel noted that the Assessment Team gave no indication that Narcotics officers were conducting field tests improperly.

⁴³¹ NAR 000148.

Assessment Team, however, recommended some additional changes to enhance the procedures further, as the team believed that the changes were needed “to overcome the current lack of standardization of practices in the Narcotics Division.”⁴³² The Team stated that the recommendations were offered to give new, inexperienced officers and supervisors “the minimal tools needed to perform their duties.”⁴³³ The Team further noted that it was impressed with the quantity and quality of the specialized equipment.⁴³⁴

Some of the comments and changes recommended by the Assessment Team with regards to buy-bust operations include the following:

1. “The supervisor overseeing an actual “buy-bust” operation shall ensure that the approved operational plan is not deviated from in an unsafe manner.”⁴³⁵
2. “The assessors submit that although the newly proposed policies and procedures for the conducting of “buy-bust” and search warrant operations represent a vast improvement over those in place in the past, they, by themselves, will not result in improved operations unless all employees are made aware of, and held accountable for ensuring compliance.

To attain this desired level of compliance, all division employees, from supervisors down to line-level personnel, must receive thorough training. It is important that this training stress the rationale for specific procedures to increase the likelihood that employees will “buy in” to the policies and adopt them for use. It is equally important that this training convey to supervisory employees what their specific responsibilities are for ensuring that these procedures are followed by employees within their respective spans of control.”⁴³⁶

3. “Upon initial assignment to the Narcotics Division, all police officers, detectives, and sergeants should attend a two-week basic narcotics investigators school which will include all the topics covered in the previous one-week school with the addition of more practical exercises in such things as “buy-busts”, “flash-roll” utilization, vehicle involved arrests, and raid planning and execution processes.”⁴³⁷
4. “The assessors offer the observation that narcotics search warrant entries are among the most inherently hazardous exercises narcotics investigators are called upon to perform. Weapons are often on the premises, suspects are often users prone to violence or unpredictable behavior, and serving personnel are often armed

⁴³² NAR 000147-148.

⁴³³ NAR 000148.

⁴³⁴ NAR 000155.

⁴³⁵ NAR 000149.

⁴³⁶ NAR 000150.

⁴³⁷ NAR 000151.

with minimal intelligence regarding the individuals or premises involved.”⁴³⁸

5. “Through interviews of Narcotics Division personnel, the assessors observed that a significant portion of the search warrants served by the Narcotics Division are based upon controlled purchases made by informants. In these instances, intelligence known about the sellers and premises is often limited to that which is conveyed by an informant to his or her control officer. The quality of this intelligence will vary in accordance with the observation skills, intelligence, and diligence of the informant. In many cases, these abilities will be lacking and the intelligence will be lacking as well.”⁴³⁹
6. “The control officer should always search an informant before sending him or her into a location to make a purchase. Personnel interviews indicate that this basic practice is not currently being followed. Some personnel even expressed a lack of understanding regarding the merits of this practice.”⁴⁴⁰
7. “The informant should not be allowed to possess any funds other than those provided to make the controlled purchase. The serial numbers of these bills should be recorded by the control officer.”⁴⁴¹
8. “If at all possible, the control officer, or another officer assigned this responsibility, should observe the informant enter the premises where the controlled purchase is made.”⁴⁴²

(3) “Analysis of the Narcotics Division Buy Bust, Flash Roll Funds, and Search Warrant Procedures.”

The Panel further reviewed an “Analysis of the Narcotics Division Buy Bust, Flash Roll Funds, and Search Warrant Procedures” Memorandum, dated February 28, 1992, to Chief William Rathburn from Captain John Ferguson of the Narcotics Division and Special Investigations Bureau.⁴⁴³ Captain Ferguson led a review and analysis of the Narcotics Division’s policies on buy busts, the use of the flash roll funds, and the execution of search warrants.⁴⁴⁴ Although no major problems were found with the existing policies, some areas were identified that needed more documentation, control, training, or equipment.⁴⁴⁵ Captain Ferguson recommended specific changes to “better equip, train, provide written guidelines, and enhance the overall effectiveness of our buy-bust and search warrant operations.”⁴⁴⁶ Captain Ferguson noted that “narcotics

⁴³⁸ NAR 000252.

⁴³⁹ NAR 000152-153.

⁴⁴⁰ NAR 000153.

⁴⁴¹ NAR 000153.

⁴⁴² NAR 000153.

⁴⁴³ NAR 000232-247; see Attachment C-14.

⁴⁴⁴ NAR 000232.

⁴⁴⁵ NAR 000232.

⁴⁴⁶ NAR 000247.

operation, particularly buy-busts, are the most dangerous in law enforcement.”⁴⁴⁷ He stated that the “additional guidelines will provide more structure to be followed and certain rules to be applied while allowing for some flexibility,” noting that “limited flexibility” was an “operational necessity.”⁴⁴⁸

b. Similar Issues Resurfaced In The 2001 Fake Drug Investigation.

Based on the documents reviewed by the Panel, the issues raised by the fake drug incident appear to be ongoing problems in the Narcotics Division.⁴⁴⁹ Many of the matters addressed pursuant to the 1992 incident have resurfaced in the present situation.

The previous investigation addressed many of the same administrative concerns regarding the handling of CIs and financial procedures that the Panel has found to be current problems. These ongoing problems include the following: informants signing blank pay sheets; payment by one detective; witnessing officer too far away to accurately report what happened in the transaction; use of unregistered CIs; payment to an individual using another CI’s number; detectives signing for informants; combining multiple CI payments on one pay sheet; CI sheets not complete or accurate; paying CIs and completing receipts on later dates; CIs signing false or alias names; paying CIs with detective’s own money.⁴⁵⁰

Further, the recommendations in the previous investigation reflect the same problematic issues. The previous investigation highlighted a lack of uniform procedures, a failure to follow procedures, a lack of in-service training, an inadequacy in the accounting system, and a laxness in the manner of working CIs.⁴⁵¹ Not all of the recommendations from the 1992 investigation were expressly incorporated into the SOPs, although most of them were stated implicitly.

Despite the fact that these problems were issues as far back as 1992, the problems were evidently never adequately addressed, as these problems continued. Further, many of the individuals associated with the fake drug investigation, including Mr. De la Paz, Lt. Turnage, and Sgt. Gouge were working in the Narcotics Division at the time of the 1992 investigation. All DPD officers and supervisors interviewed by the Panel were shown the documentation of these three (3) previous investigations; all of these interviewees stated that they had never seen these documents prior to the interviews.

These ongoing problems point to a deeper problem of lack of supervision from the first line of supervision up to the Chief of Police. The ongoing issues point to an apathy among supervisors and an unwillingness to resolve problems. The way DPD has handled some of these issues is to order an investigation of the matters. However, after the investigation is complete, no steps are taken to resolve the problems. The fact that

⁴⁴⁷ NAR 000247.

⁴⁴⁸ NAR 000247.

⁴⁴⁹ See CIU 000001-036; NAR 000146-155; NAR 000232-247.

⁴⁵⁰ CIU 000003.

⁴⁵¹ CIU 000003-304, CIU 000023-024.

an investigation has been conducted is irrelevant if the problems are only identified but never corrected.

G. *Problems Outside Of DPD That Contributed To The Fake Drug Cases.*

The Panel noted a few additional factors outside of DPD that contributed to the fake drug situation.

1. The DA's Policy Of Not Laboratory Testing All Alleged Narcotics Contributed To The Fake Drug Problems.

The DA's policy of not laboratory testing all alleged drugs allowed the fake drug problems to continue. This policy has since changed; but at the time of the fake drug cases, the DA's policy was to require laboratory analysis of drugs only if the case were set for trial or if the defendant insisted on a laboratory analysis. Many of the defendants pled guilty to narcotics charges and thus the alleged drugs were not sent to the laboratory for analysis.⁴⁵²

This policy permitted the problem to continue for a greater length of time than it otherwise would have. If the policy had been to send all drugs to the laboratory for analysis, the fake drug cases would have been discovered much sooner; and, ideally, DPD, the defense attorneys, or the DA's Office would have detected a pattern.

Further, this policy created an environment that allowed for manipulation of the system. The arrested individuals were mostly illegal immigrants whose primary concern was being deported. Further, these were lower income individuals who would have more difficulty in paying for attorneys. Fewer people would give credibility to their protestations of innocence. Given these factors, these individuals were in a position where they were more willing to plead guilty to drug charges and less likely to insist that the alleged drugs be analyzed by a laboratory. Further, these individuals could be more easily intimidated into accepting plea offers. Mr. Alonso implied that Mr. De la Paz preferred working cases against this type of individual, stating that Mr. De la Paz preferred working against young Mexican boys.⁴⁵³

Mr. Alonso was able to continue establishing these fake drug transactions because he knew the cases were not being sent to the laboratory for analysis. Mr. Alonso would have had no incentive to concoct this scheme if he had known he would have been caught after the first case of fake drugs.

Additionally, the significance of field-testing would have been diminished had this policy not been in effect. Although this may not have necessarily prevented any of the arrested individuals from going to jail, it would have limited the amount of jail time spent. Positive field tests were being used as sufficient evidence to place the arrested individual in jail immediately; however, a subsequent laboratory test would have revealed the absence or minimal amount of narcotics and would have lessened the likelihood of the arrested individuals pleading guilty and serving jail sentences.

⁴⁵² WS 001448-469.

⁴⁵³ DPS 0061111.

Further, attorneys failed to conduct sufficient investigations of their clients' cases, including not insisting on laboratory testing of the alleged drugs. Thus, their clients were pleading guilty to crimes they did not commit.

2. There Were Communication Difficulties Between DPD And The DA's Office.

Communication problems existed between DPD and the DA's Office. Based on the depositions and testimony of members of both offices, discrepancies may exist as to the events and the timeline in which the issues were addressed, as well as how the matter was handled.⁴⁵⁴ The documentation of interaction between the two offices is inadequate, making it unclear as to when and whether certain individuals were contacted, who initiated contact, and the importance attached to the issues when discussed.⁴⁵⁵

Further, although laboratory tests indicated problems with these fake drugs, no one appeared to be taking the issues seriously. The DA's Office continued to pursue prosecutions against many of the arrested individuals.⁴⁵⁶ Individuals in the DA's Office state that they were contacting individuals about the problems; however, police officers state that the DA's Office never conveyed to them any sense of urgency and that they were unaware of any serious problem.⁴⁵⁷

Although the communication between DPD and the DA's Office has since improved, the Panel noted areas that could further aid the relationship between DPD and the DA's Office.

The Panel recommends that DPD inform the DA's Office as soon as a CI is determined to be undesirable. This will aid the DA's Office in dealing with other cases in which the CI may be involved. This would have helped in this case if Mr. Alonso had been placed on the undesirable list as he should have been.

Additionally, the Panel suggests that the DA's Office inform an officer's supervisor when it has any evidence that an officer is not following SOPs. This will help DPD ensure that officers are following SOPs and aid in the credibility of testifying officers.

H. *Additional Issues Highlighted By Interviewees.*

1. Lack of Money

a. Laboratory Analysis.

Several of the interviewees expressed the opinion that the policy of filing cases without a laboratory analysis of alleged drugs was one of the biggest contributors to the

⁴⁵⁴ See generally II 002286 *et. seq.*; II 002227 *et. seq.*; II 002127 *et. seq.*; II 00249 *et. seq.*; see also II 002370B-370F, WS 000670-678.

⁴⁵⁵ See, e.g., WS 000413, WS 000416-417, WS 000429-430, WS 000435-436.

⁴⁵⁶ WS 001424.

⁴⁵⁷ See generally II 002286 *et. seq.*; II 002227 *et. seq.*; II 002127 *et. seq.*; II 00249 *et. seq.*; see also II 002370B-370F, WS 000670-678.

problems with the fake drugs.⁴⁵⁸ The interviewees opined that this policy was purely to save money.⁴⁵⁹ These interviewees stated that the DA's Office should never file a case based on a field test and that prosecutors and defense attorneys should not allow people to plead guilty without analyzing the drugs.⁴⁶⁰

b. Manpower.

Several interviewees noted that there were manpower problems. Chief Bolton removed several officers and supervisors from narcotics in January 12, 2000.⁴⁶¹ Interviewees stated that this precluded adequate supervision.⁴⁶² Chief Bolton, however, stated that DPD was plagued by an inadequate budget and that the former City Manager and his staff told Chief Bolton where to make the cuts.⁴⁶³

According to Sgt. Gouge, manpower became a problem when Chief Bolton moved twenty percent (20%) of the Narcotics Division employees out the Narcotics Division.⁴⁶⁴ He stated that this destroyed at least two (2) street squads and a couple of enforcement squads, as well as reduced the size of the street squads.⁴⁶⁵ He said that the street squads were cut to four (4) or five (5) officers in the street squads, which created the need to use several squads to execute search warrants and required supervisors to be acting members of the teams.⁴⁶⁶ He further said that the Narcotics Division lost a supervisor.⁴⁶⁷ Other officers expressed similar concerns.⁴⁶⁸

The interviewees stated that, with the sergeant acting, in effect, as one of the team, there needed to be more lieutenants for higher, more effective supervision.⁴⁶⁹ The interviewees opined that one lieutenant cannot effectively supervise all of the narcotics squads because the nature of the job is such that it requires extra supervision.⁴⁷⁰

Sgt. Gouge said that the Panel that the lack of manpower affected his ability to be as involved as he otherwise would have been.⁴⁷¹ He stated that he was too busy, as he was acting both as the squad sergeant and as a tactical trainer several days a month.⁴⁷² Lt. Turnage, however, opined that there was a complete absence of first-line supervision.⁴⁷³ Lt. Turnage stated that, like Sgt. Gouge, he previously had held both of these positions.⁴⁷⁴ Lt. Turnage said that when he was in Sgt. Gouge's position, he was able to do all the same work and still be present at all search and arrest warrants, buy-

⁴⁵⁸ See, e.g., WS 00469-470, WS 000647-648, WS 000436.

⁴⁵⁹ WS 00469-470, WS 000647-648, WS 000436.

⁴⁶⁰ WS 000647, WS 000469-470.

⁴⁶¹ See, e.g., WS 000455-458, WS 000541-943, WS 000049-051.

⁴⁶² See, e.g., WS 001107, WS 000455-458; see also WS 000048-051, WS 000051-069.

⁴⁶³ WS 000455-458.

⁴⁶⁴ WS 000455-458.

⁴⁶⁵ WS 000455-458.

⁴⁶⁶ WS 000455-458.

⁴⁶⁷ WS 000455-458.

⁴⁶⁸ See, e.g., WS 000941-943, WS 000731, WS 000562, WS 000304.

⁴⁶⁹ See, e.g., WS 000304, WS 000357-360, WS 000125-128, WS 000649, WS 000406.

⁴⁷⁰ See, e.g., WS 000393.

⁴⁷¹ WS 000482.

⁴⁷² WS 000480-483.

⁴⁷³ WS 000120.

⁴⁷⁴ WS 000120.

busts, and surveillance operations.⁴⁷⁵ Lt. Turnage further stated that Sgt. Gouge never told him that he felt overloaded.⁴⁷⁶

c. Training.

There are divergent views on the issues of training. Some opine that there was adequate training, while others think that there was not.

Sgt. Gouge stated that beginning in 1994 or 1995, the Narcotics Division created an officer-in-training manual.⁴⁷⁷ Each new officer was assigned to another officer who would check off and sign the list of requirements as the new officer completed them.⁴⁷⁸ He asserted that, although there had been an in-house, two-week school at the inception of the street squads in 1991, most of the training was informal, on-the-job training.⁴⁷⁹ Sgt. Gouge stated that this training was inadequate: "[B]asically, you show up and your buddy will show you how to do it, and hopefully he knows what he's doing while he's showing you."⁴⁸⁰

Several officers who were interviewed said that the field test training was on-the-job training from senior officers.⁴⁸¹ According to Sgt. Gouge, he had never learned to properly conduct a field test.⁴⁸² The officers further stated that there was no formal SOP training.⁴⁸³

Conversely, Lt. Turnage told the Panel that while he was a lieutenant in the Narcotics Division, new detectives were being sent to DEA schools for formal training.⁴⁸⁴ Deputy Chief Martinez stated that although the training was lacking in terms of administrative SOPs, there was adequate weapons training, dynamic training, and other similar training.⁴⁸⁵ In an anonymous statement, a narcotics officer states that there was an opportunity for adequate training, but the officers chose not to avail themselves of it.⁴⁸⁶

According to interviews, Chief Bolton placed supervisors over narcotics who were inexperienced with regards to narcotics matters but refused to allow them to go to training until much later.⁴⁸⁷ Deputy Chief Martinez states that he was not permitted to attend a two-week, drug unit commander school at the DEA headquarters in Quantico, Virginia until June 2001.⁴⁸⁸ Asst. Chief Falls stated that Chief Bolton would not let her attend free training when she first became a supervisor over the Narcotics Division.⁴⁸⁹

⁴⁷⁵ WS 000120.

⁴⁷⁶ WS 000133.

⁴⁷⁷ WS 000466.

⁴⁷⁸ WS 000466.

⁴⁷⁹ WS 000466-469, *see also*, WS 000938, WS 000732-733.

⁴⁸⁰ WS 000466-469; *see also*, WS 000732-733, WS 000648.

⁴⁸¹ *See, e.g.*, WS 000952, WS 000291.

⁴⁸² WS 000467.

⁴⁸³ WS 000254, WS 000459, WS 000598.

⁴⁸⁴ WS 000167-168.

⁴⁸⁵ WS 000252-254.

⁴⁸⁶ WS 0001486.

⁴⁸⁷ *See, e.g.*, WS 000250, WS 001100.

⁴⁸⁸ WS 000250.

⁴⁸⁹ WS 001100.

She claimed that she asked the DEA director to request Chief Bolton to allow her to attend training.⁴⁹⁰

According to Asst. Chief Falls, she repeatedly requested narcotics training for her personnel, but Chief Bolton would not let anyone attend training until after months of requests.⁴⁹¹ Asst. Chief Falls said that training in the 2001 time period consisted of field training and a two-week basic training.⁴⁹² Chief Bolton had to approve attendance of any available schools.⁴⁹³ However, free local training did not need approval through the chain of command, and the sergeant and lieutenant were responsible to ensure adequate training.⁴⁹⁴

Some of the officers indicated that the training was inadequate because of budgetary problems.⁴⁹⁵ Sgt. Gouge said that the entire division of 100 people is supposed to train on \$10,000. He stated that because of the inadequate budget, they had to train themselves.⁴⁹⁶

d. Equipment.

Most of the officers interviewed indicated that the equipment available to the Narcotics Division for the surveillance and recording of drug transactions was inadequate both in terms of quality and quantity.⁴⁹⁷ According to Sgt. Gouge, the budget never included equipment. He stated that the equipment they had was not reliable, in that it would not always work. He stated that the officers would have used the equipment if they had had faith in it.⁴⁹⁸

2. City Of Dallas Culture.

a. City Attorney's Office.

Deputy Chief Martinez stated that, as a supervisor, he believed that for individuals to stay in the Narcotics Division for so long had created an atmosphere in which the officers became too complacent.⁴⁹⁹ To rectify this problem, he stated that he tried to reinstitute the policy that transferred officers out of the Narcotics Division after they had been there five (5) years, unless the supervisors permitted them to remain.⁵⁰⁰

According to Deputy Chief Martinez, he had addressed this issue with Chief Bolton. He said that Chief Bolton said that the City Attorney told him orally to disregard the five-year policy because the City Attorney's Office did not believe it was valid.⁵⁰¹

⁴⁹⁰ WS 001100.

⁴⁹¹ WS 001101.

⁴⁹² WS 001110-112.

⁴⁹³ WS 001110-112.

⁴⁹⁴ WS 001110-112.

⁴⁹⁵ WS 000648, WS 000483-488.

⁴⁹⁶ WS 000483-488.

⁴⁹⁷ See, e.g., WS 000483-488, WS 000211-212, WS 000269-270, WS 000959-961, WS 000742, WS 000605-606.

⁴⁹⁸ WS 000483-488.

⁴⁹⁹ WS 000368.

⁵⁰⁰ WS 000367-368.

⁵⁰¹ WS 000367-368.

Deputy Chief Martinez told the Panel that he requested a written legal opinion from the City Attorney, Madeleine Johnson, "over a year ago" but had not yet received one.⁵⁰²

The Panel provided Ms. Johnson with the statements made by Deputy Chief Martinez and requested that she provide a written response.⁵⁰³ In her reply, Ms. Johnson informed the Panel that she had "no conversations at any time regarding a rotation of the narcotics squad officers with either former Chief Terrell Bolton or with Deputy Chief John Martinez."⁵⁰⁴ She stated that the City Attorney's Office received a request for input regarding "the legal implications of entering into an agreement with Dallas Police Department officers in the Narcotics Division to remain in a particular assignment for a specified period of time."⁵⁰⁵ Although Ms. Johnson could not discuss privileged communication between the City Attorney's Office and DPD, she did state that the possible use of such an agreement was not pursued as a result of the discussions between her office and DPD.⁵⁰⁶ She further stated that the decision whether to rotate narcotics officers on a periodic basis was completely within the Chief of Police and DPD's discretion and did not require legal interpretation from the City Attorney's Office.⁵⁰⁷

b. Police Chief.

Some individuals have expressed that Chief Bolton contributed to the problems that allowed the fake drug situation to occur and to continue.

Chief Bolton described himself to the Panel as being a very accessible chief, with an open-door policy to anyone who wanted to speak to him about an important matter.⁵⁰⁸ "I was a hands-on type of manager in terms of really talking to everybody. I really wanted to talk to people and know what they are thinking and doing..."⁵⁰⁹

Chief Bolton stated that he held weekly staff meetings with the various units in the department, expanding it to monthly meetings to include anybody in the organization who wanted to talk to him about anything.⁵¹⁰ "I was that kind of chief. I really liked input from a lot of people."⁵¹¹

Other individuals interviewed by the Panel express different opinions, namely that Chief Bolton was only accessible to his own group of friends.⁵¹² They stated that it was difficult to see him, even if there were a problem.⁵¹³

⁵⁰² WS 000367-368.

⁵⁰³ IP 002286-288.

⁵⁰⁴ IP 002297; *see generally* IP 002297-301.

⁵⁰⁵ IP 002297.

⁵⁰⁶ IP 002297.

⁵⁰⁷ IP 002297.

⁵⁰⁸ WS 000883, WS 000920.

⁵⁰⁹ WS 000785.

⁵¹⁰ WS 000782-783.

⁵¹¹ WS 000782-783.

⁵¹² WS 000651, WS 000398, WS 000140, WS 001098-099, WS 001157.

⁵¹³ WS 000328-329, WS 000374.

Deputy Chief Martinez told the Panel that it was very difficult to see Chief Bolton.⁵¹⁴ Deputy Chief Martinez stated that he tried to meet with Chief Bolton about the fake drug cases and the IAD investigation request he made; but Deputy Chief Martinez stated that he was unable to ever meet with him and had to leave the information with the administrative sergeant.⁵¹⁵

Chief Bolton, however, stated that if Deputy Chief Martinez had gone to see him, he would have talked to him.⁵¹⁶ “Deputy chiefs had a lot of – carried a lot of weight when I was a police chief.”⁵¹⁷ Chief Bolton did not recall Deputy Chief Martinez ever coming to him with a concern and not speaking with him.⁵¹⁸

Asst. Chief Falls further stated that she approached Chief Bolton about an unrelated IAD investigation involving Sgt. Gouge.⁵¹⁹ She informed Chief Bolton that she was concerned about Sgt. Gouge because she thought that his handling of the previous situation indicated that he was too close to his subordinates.⁵²⁰ She stated that she verbally requested that Chief Bolton remove Sgt. Gouge from the Narcotics Division when he made the manpower cuts; however, Chief Bolton refused to remove him and moved others instead.⁵²¹ Chief Bolton indicated to the Panel that he was unfamiliar with Sgt. Gouge and did not know that he was Mr. De la Paz or Mr. Herrera’s sergeant; he stated that he did not remember Asst. Chief Falls asking him to remove Sgt. Gouge.⁵²²

Several interviewees highlighted a low morale in the police department during Chief Bolton’s time. Lt. Turnage stated that the double and triple promotions that occurred destroyed morale.⁵²³ Sgt. Gouge stated that morale was low in the Narcotics Division because Chief Bolton took away their manpower, making work in the Narcotics Division even harder as more manpower was necessary due to the dangers inherent in narcotics deals and narcotics enforcement.⁵²⁴

c. City Council.

Several interviewees stated that a significant portion of time was spent responding to city council complaints.⁵²⁵ According to the interviewees, city council members would generate “blue forms” that outlined complaints from citizens or city council members that DPD was expected to address.⁵²⁶ These complaints would be given to Chief Bolton by the city council and the city manager; the complaints would then

⁵¹⁴ WS 000286, WS 000328-329, WS 000374.

⁵¹⁵ WS 000286, WS 000328-329, WS 000374.

⁵¹⁶ WS 000879.

⁵¹⁷ WS 000880.

⁵¹⁸ WS 000880.

⁵¹⁹ WS 001116-122; *see also* WS 000369-370.

⁵²⁰ WS 001116-122.

⁵²¹ WS 001116-122; *see also* WS 000369-370.

⁵²² WS 000825, WS 000909-910.

⁵²³ WS 000142-143.

⁵²⁴ WS 000513.

⁵²⁵ *See, e.g.*, WS 000134-138, WS 000460-465.

⁵²⁶ WS 000134-138.

trickle down the chain of command.⁵²⁷ These complaints were given the highest priority and were to be done immediately.⁵²⁸

Interviewees complained that responding to these complaints was generally an unproductive use of time.⁵²⁹ According to the interviewees, these complaints had to be done immediately with very little time to investigate the complaint properly.⁵³⁰ Further, the officers were rarely successful when dealing with these complaints.⁵³¹

According to Sgt. Gouge, these complaints needed to be better screened before they were given to Narcotics Division.⁵³² He said that there were many instances in which the Narcotics Division was investigating complaints where there were no drugs involved.⁵³³ He stated that the blue form complaints frequently mentioned narcotics, whether or not intentionally, when the problems were purely some sort of code problem because the notation regarding narcotics resulted in a better response from DPD.⁵³⁴

Despite the lack of success and the supposed lack of productivity with the blue form complaints, Sgt. Gouge stated that he and his squad spent thirty percent (30%) to forty percent (40%) of their time on blue forms, leaving less time to work on other deals.⁵³⁵ The Panel, however, has accessed the Narcotics Division database that logs and tracks the complaints. This database allows the user to enter an officer's name to ascertain the complaints that have been assigned to them. The Panel conducted a search of Mr. De la Paz and Mr. Herrera's names for January through November 2001; the database had no record of Mr. De la Paz being given any complaints and indicated that Mr. Herrera had been assigned nine (9). Furthermore, when searching the complaints that had been assigned to Sgt. Gouge's squad, there is no indication that Sgt. Gouge had assigned complaints to any of his officers.

3. DPD's Handling Of The Fake Drug Situation.

a. Press Conference.

On December 31, 2001, Chief Bolton held a press conference during which he displayed dozens of kilos of fake cocaine.⁵³⁶ He also exhibited a large stockpile of guns, few of which were seized during the fake-drug raids.⁵³⁷ Interviewees expressed that this tactic was a bad example to officers and created problems with the media and the public.⁵³⁸

⁵²⁷ WS 000134-138.

⁵²⁸ WS 000460-465.

⁵²⁹ See, e.g., WS 000460-465, WS 000134-138.

⁵³⁰ See, e.g., WS 000460-465, WS 000134-138.

⁵³¹ See, e.g., WS 000460-465, WS 000134-138.

⁵³² WS 000460-465.

⁵³³ WS 000460-465.

⁵³⁴ WS 000460-465.

⁵³⁵ WS 000460-465.

⁵³⁶ See generally IP 002302-314.

⁵³⁷ See generally IP 002302-314.

⁵³⁸ See, e.g., WS 000340-341, WS 000492.

Deputy Chief Martinez told the Panel that he was called back to Dallas from San Antonio in the middle of the night to attend the press conference.⁵³⁹ He stated that Chief Bolton told him to bring the fake kilos and weapons; and, upon being informed that no weapons were seized in these cases, Chief Bolton stated that it did not matter but to bring any kind of weapon normally seized in these types of deals.⁵⁴⁰ Deputy Chief Martinez further stated that Chief Bolton told him to find out what could happen if someone injected pool chalk.⁵⁴¹ Deputy Chief Martinez directed Lt. Miller to comply with Chief Bolton's orders.⁵⁴²

Several supervisors complained that they never attended any briefings regarding the substance of any press conferences and usually were unaware that one was going to be held until just prior to it.⁵⁴³ The Panel has been unable to clearly ascertain who briefed Chief Bolton for the December 31, 2001 press conference. Det. Kate Bernal's notes indicate, however, that Chief Bolton met with members of PIU, Assistant Chief Shirley Gray, Lt. Tammie Hughes, Sgt. Dreyson Robertson, and Det. Kate Bernal, on December 27, 2001.⁵⁴⁴

Chief Bolton told the Panel that the display of guns at the press conference was for the purpose of articulating to the public that the narcotics officers do a dangerous job and that these are the types of things they encounter day-to-day.⁵⁴⁵ He further explained that he was concerned about the public encountering the fake drugs on the street.⁵⁴⁶

Other DPD personnel, however, opined that Chief Bolton held the press conference because he was being defensive.⁵⁴⁷ Asst. Chief Falls stated that Chief Bolton was very defensive of the officers involved and Lt. Turnage's supervision of them.⁵⁴⁸ Officers stated that the press conference was deceptive and that Chief Bolton should have been trying to fix the problem that obviously existed instead of saying that it was not DPD's fault.⁵⁴⁹ At the time of this press conference, Chief Bolton should have known many of the facts previously discussed regarding these problems.

b. Investigation Of The Fake Drug Cases.

On November 30, 2001, IAD received a request from the Narcotics Division for an administrative investigation of the fake drug cases.⁵⁵⁰ Three days later, IAD forwarded the investigation to PIU for an investigation of possible criminal wrongdoing.⁵⁵¹ On January 23, 2002, the FBI asked DPD to suspend its investigation.⁵⁵² On January

⁵³⁹ WS 000281.

⁵⁴⁰ WS 000281-283; see also WS 001273-274.

⁵⁴¹ WS 000282-283.

⁵⁴² WS 000281-282.

⁵⁴³ See, e.g., WS 000283-284, WS 001125-128.

⁵⁴⁴ PIU 000108.

⁵⁴⁵ WS 000792-795.

⁵⁴⁶ WS 000796.

⁵⁴⁷ See, e.g., WS 000282-283, WS 000492, WS 001137-138.

⁵⁴⁸ WS 001161.

⁵⁴⁹ WS 000492.

⁵⁵⁰ See PIU 000029-030.

⁵⁵¹ See PIU 000028, PIU 0000105.

⁵⁵² WS 001487-89.

24, 2002, DPD suspended its own investigation but continued to support the FBI's investigation.⁵⁵³

In a letter to Chief Bolton, the FBI stated that DPD's Asst. Chief Shirley Gray and her staff informed the FBI that DPD intended to continue its investigation of possible criminal wrongdoing tied to the DPD fake drug cases.⁵⁵⁴ The FBI and the U.S. Attorney's Office requested that DPD suspend its investigation and not reopen it until the FBI concluded its ongoing investigation into the same matters.⁵⁵⁵

The FBI stated that the reason the DPD investigation should be suspended was because it could possibly conflict and interfere with the FBI investigation.⁵⁵⁶ The FBI opined that '[s]ignificant problems could arise from multiple interviews of the same witnesses, divergent investigative strategies and tactics, differences in prosecutive decision-making, grand jury secrecy rules, and a host of other issues.'⁵⁵⁷ The FBI indicated that this was not a reflection on DPD's investigative abilities and requested that DPD continue its support of the FBI investigation by providing documents and information, arranging interviews, and serving a consulting role.⁵⁵⁸

The FBI may only prosecute for federal offenses; thus it focused its investigation on potential violations of federal law. DPD's interest in these cases, however, included targeting state criminal offenses, as well as administrative violations.

In this particular instance, the potential violations were such that simultaneous investigations of federal and state law criminal violations were necessary for effective and adequate resolution of the issues in the fake drug cases. For example, the statute of limitations passed in many cases before the state law violations could be investigated, preventing punishment for any of those crimes. Further, IAD has been unable to pursue any administrative investigation, and DPD has been unable to examine and assess any circumstances within the Narcotics Division that contributed to the fake drug cases. Because of this, any necessary discipline of officers has been delayed for several years. This raises additional concerns that any conditions in the Narcotics Division that contributed to the fake drug cases could have continued, allowing the continuation of similar problems.

Although the Panel acknowledges that there are appropriate occasions when one governmental body should defer to another, this determination should be made on a case-by-case basis after thorough analysis of the entire situation. Ideally, however, the two governmental bodies should create a symbiotic relationship in which they coordinate their efforts in working towards resolution of their respective investigations. In this case, regardless of whether IAD and PIU or independent agencies examined the potential administrative and state criminal violations, these investigations needed to be conducted concurrently with the FBI's investigation of potential federal offenses.

⁵⁵³ WS 000810-811.

⁵⁵⁴ WS 001487-89.

⁵⁵⁵ WS 001487-89.

⁵⁵⁶ WS 001487-89.

⁵⁵⁷ WS 001487-89.

⁵⁵⁸ WS 001487-89.

I. *Primary Contributors To The Fake Drug Cases.*

1. A Failure To Follow SOPs Contributed To The Fake Drug Cases.

Failure to follow SOPs contributed to the fake drug cases. Although the SOPs had room for improvement, and additional rules may have helped limit the extent of the fake drug situation, additional procedural rules probably would not have prevented the fake drug situation completely.

The Panel's investigation revealed that officers continually failed to follow proper procedures. Had the proper procedures been followed, the fake drug situation could have been avoided.

There is no documentary evidence that the officers searched the CIs before and after drug transactions, and the facts indicate that they were not searched. Had the officers searched the CIs, they would have found that the CIs were carrying fake drugs into the deals. Further, the officers would have discovered that the CIs were stealing buy money given them to purchase the drugs.

The evidence suggests that the officers failed to adequately supervise the CIs while they were allegedly conducting drug transactions. This failure allowed the CIs the opportunity to place the fake drugs in such a way as to incriminate the arrested individuals. Further, it permitted the CI to present an unsubstantiated version of the events. Had the officers adequately observed the CIs in the drug transactions, the officers would have been able to ascertain that the events were not occurring as related by the CIs.

The evidence indicates that the officers and supervisors failed to observe and react to warning signs. The manner in which the drug transactions were conducted, as well as the appearance of the drugs, should have indicated to experienced narcotics officers that there was something unusual about the drugs and the drug buys. The appearance of the drugs, the packaging, and the lack of smell were indicative of problems. Additionally, the absence or scarcity of weapons, cash, and property, as well as the CI's refusal to work for anyone except for Mr. De la Paz, should have triggered concern. The detectives and supervisors failed to recognize and explore the warning signs that indicated that the CIs were unreliable. Had the warning signs been heeded, the officers would have realized quickly that the CIs were unreliable and would have avoided the numerous fake drug cases.

According to the statements of individuals interviewed by the Panel as well as documentation, officers continued to use and supervisors allowed the use of the CIs even after reliability issues had been raised. Officers and supervisors failed to follow the instructions of higher supervisors in that they continued to use Mr. Alonso after being given instructions not to do so. Had the SOPs been followed, Mr. Alonso and his network of CIs would have been placed in the Undesirable/Inactive CI file as soon as concerns regarding their reliability had been broached. This would have prevented the fake drug cases from continuing for as long as they did.

The documents indicate that the failure to appropriately follow SOPs with regards to money handling procedures contributed to the fake drug cases. The analyses of the

documentation indicates that Mr. De la Paz was claiming to have paid CIs when the documentation reflects that he did not have enough cash to make those payments.

The failure to follow proper SOPs with regard to the completion of paperwork created an environment in which the fake drug cases were able to thrive. SOP issues regarding completion of paperwork that surrounded the fake drug cases include: informants signing blank pay sheets; paying unregistered individuals under the wrong CI number; payment by one detective without a witness; a witness officer unavailable to accurately report transaction; the combining of multiple CI payments on one pay sheet; incomplete or inaccurate Informant Payment Reports; paying CIs and completing receipts on later dates; permitting informants to sign false or alias names; failure to complete and maintain proper CI files; use of CIs without properly completed CI files; and failure to obtain proper authorization to utilize CIs.

The officers were not following SOPs in conducting field tests. The evidence suggests three (3) possibilities: that officers were testing drugs improperly, were lying about the results of the tests, or were not testing the drugs at all. Although several of the interviewees stated that the lack of training was to blame for the improper manner in which field tests were performed, the documentation indicates that there were instructions available that specifically outlined the proper way to conduct field tests. In cases in which there were traces of narcotics mixed in with the fake drugs, the results of the field tests may have been positive regardless of the manner in which the tests were conducted; however, had the tests been conducted properly in the cases in which there were no controlled substances, the tests would have been unlikely to give false positives.

Further, the failure of supervisors to follow SOPs and properly supervise their subordinates aided in the fake drug problems. For example, supervisors were not present at buy-busts that, provided the supervisor knew and followed the SOPs, could have helped prevent the fake drug problems. Additionally, supervisors were not adequately reviewing paperwork to ensure that proper procedures were being followed.

The failure to follow SOPs aided in the existence and perpetuation of the fake drug cases. The CIs' involvement in the fake drug cases was almost unfettered. They were not searched or questioned despite how incredible the information they gave. The officers exhibited little or no control of the CIs. The CIs have stated that they were aware that Mr. De la Paz was not properly supervising them or adequately ascertaining that the drugs were real drugs.⁵⁵⁹ The knowledge that Mr. De la Paz was not ascertaining that the information the CIs gave them was correct and that he was not verifying properly that the drugs were real drugs encouraged the CIs to continue creating fake drugs.⁵⁶⁰

2. The Failure To Send All Drugs To A Laboratory For Analysis Contributed To The Fake Drug Cases.

The policy of the DA's Office was not to send drugs to the laboratory unless a defense attorney requested a laboratory analysis or unless the case was set for trial. This policy was one of the instrumental factors that contributed to the fake drug cases.

⁵⁵⁹ See, e.g., DPS 006374, DPS 006109, DPS 006369.

⁵⁶⁰ See, e.g., II 000421.

Further, the failure of defense attorneys to thoroughly investigate their clients' cases, including insisting on laboratory analyses, played a vital role in perpetuating the problem.

The arrested individuals were mostly illegal immigrants who were primarily concerned with being deported. These individuals were in a position where they were less likely to insist that the alleged drugs be analyzed by a laboratory and more willing to plead guilty to drug charges if it meant their immediate release from jail.

The failure to immediately test the alleged narcotics allowed the fake drug cases to continue longer than they otherwise would have. Mr. Alonso would have been shown to be unreliable after the laboratory discovered the first negative case.

3. A Lack Of Proper Supervision Contributed To The Fake Drug Cases.

The documents assembled by the Panel point to a lack of supervision as a contributor in the fake drug arrests. According to the documentation, a supervisor was not present as required during the execution of search warrants, buy-busts, and reverse operations. Supervisors were not ensuring that paperwork was completed properly and were not ascertaining that SOPs were being followed. Officers had almost complete discretion in their handling of the CIs.

Additionally, supervisors who should have been experienced with narcotics deals failed to observe and react to warning signs. There were several factors that alone or in concert with other factors should have raised concerns to supervisors. The circumstances surrounding the fake drug cases were uncharacteristic given the size and nature of the deals. For example, these were multi-kilo drug deals in which few or no guns were found, very little or no property was seized, and very little or no cash was recovered. Additionally, the CI refused to work for anyone but Mr. De la Paz.

Supervisors should have required these cases to be moved over to the enforcement squads. Street squad detectives have neither the equipment nor the experience to deal with drug deals of this size. If, as claimed, Mr. Alonso refused to work for anyone but Mr. De la Paz, Mr. De la Paz should have been moved to an enforcement squad. Additionally, Mr. Alonso's refusal should have caused the supervisors to look further into his reasoning for refusing.

Furthermore, supervisors should have placed the CIs in the Undesirable File as soon as problems were evidenced. Documents and the statements of witnesses indicate that supervisors were aware of reliability concerns at least as early as the middle of September 2001, yet Mr. Alonso and the network of CIs were used up until the end of November 2001. Despite the fact that cases involving this network of CIs were resulting in negative laboratory analyses, the supervisors failed to require that the CIs and all other cases involving this CI be fully investigated.

IV. THE PANEL'S RECOMMENDATIONS RESULTING FROM IT INVESTIGATION.

A. *The Public Must Understand A Certain Caveat Before Fully Appreciating The Results And Recommendations By The Panel.*

To ensure that the public fully understands the results of the investigation and the recommendations made by the Panel, the public must review the results and recommendations in the context of a certain caveat. The public must understand that since the IAD investigation has not been conducted, the Panel is drawing its conclusions solely from its interpretation of the documentation and the unsworn statements of DPD personnel and citizens. Thus, the Panel makes its recommendations with the qualification that the documentation may inaccurately reflect the actual events and that subsequent, in-depth interviews of those involved may reveal more information. It should be noted also that some of these changes have already been incorporated into the Narcotics SOPs or have been informally implemented.

B. *Consultation With Other Major Cities On Their Policies.*

In preparing its recommendations for changes in the Narcotics SOPs with regards to the handling of CIs, the Panel procured a copy of the Los Angeles Police Department ("LAPD") CI Procedure Manual.⁵⁶¹ Some of the procedures used by LAPD have been incorporated into the recommendations of the Panel.

Additionally, the Panel contacted several other major cities⁵⁶² to ascertain their policies on rotating narcotics detectives out of their Narcotic Divisions, as well as their policies on using illegal aliens as CIs.

C. *Narcotics SOP Changes That Have Already Been Implemented.*

Captain Bragg informed the Panel that the Narcotics Division requires the CIs to put their thumbprint on the payment forms to acknowledge payment.⁵⁶³ Further, Deputy Chief Martinez stated that the total amount of money paid to a CI each year is now capped at \$20,000.⁵⁶⁴

Additionally, in early 2002, Narcotics Division Commanders reviewed written procedural recommendations submitted to DPD by Chief Inspector George Cazenavette III of the DEA.⁵⁶⁵ As a result of the DEA's review and the meetings held with DEA staff inspectors in January 2002, the Narcotics Division stated that it had incorporated the recommended procedural changes into its SOPs Manual with minor exceptions and additions.⁵⁶⁶

⁵⁶¹ IP 000408-480.

⁵⁶² Austin, Texas; Baltimore, Maryland; Boston, Massachusetts; Columbus, Ohio; El Paso, Texas; Fort Worth, Texas; Houston, Texas; Los Angeles, California; Oklahoma City, Oklahoma; Phoenix, Arizona; Portland, Oregon; San Antonio, Texas; San Diego, California; San Jose, California; Seattle, Washington; Tucson, Arizona.

⁵⁶³ WS 000637.

⁵⁶⁴ WS 000259.

⁵⁶⁵ NAR 001169-177.

⁵⁶⁶ NAR 001169-177.

1. DEA Recommendations: Field test all drug evidence purchased or seized.

Implementation: This was implemented in the Narcotics Division SOP Section 5120 A.5. All drugs will be field tested except those drugs for which no field test kits exist.

2. DEA Recommendations: Document the results of the test and identify the witness to the test in a report of investigation.

Implementation: This was implemented in the Narcotics Division SOP Section 5120 A.5. A Narcotics Sergeant will witness the field test. The witnessing supervisor will be noted on the arrest report.

3. DEA Recommendations: Immediately submit the drugs to a laboratory for analysis.

Implementation: This was implemented in the Narcotics Division SOP Section 5120 A.7. The Property Room of the Support Services Bureau will forward all drug evidence to SWIFS for analysis.

4. DEA Recommendations: Obtain written approval from a supervisor and/or a prosecutor before destroying evidence.

Implementation: This was implemented in the Narcotics Division SOP Section 5120 C.1. A Narcotics Sergeant must approve any request for destruction.

5. DEA Recommendations: Do not allow destruction of evidence purchased by a CI before a laboratory analyzes the evidence.

Implementation: This was implemented in the Narcotics Division SOP Section 5120 A.7. The Property Room of Support Services Bureau will forward all drug evidence to SWIFS for analysis.

6. DEA Recommendations: We recommended that you develop a risk assessment protocol to assist in deciding if a CI is worth the problems that may arise from his/her use.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 III A. Paid informant will be further categorized by a risk assessment. Category 1 is a regular informant with no criminal record. Category 2 is an informant with a minor criminal record. Category 3 is an informant with a significant criminal record. This category must be approved by a Lieutenant or above.

7. DEA Recommendations: Take into consideration control issues. If the potential CI worked for another department or agency,

contact the agency, contact the agency and discuss the CI's performance with the controlling officer or agent to help determine suitability.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV. B. Determine if the individual has provided information to other agencies. If so, contact the other agency and determine if the subject is able to perform as an informant. Document the agency and the person contacted on the confidential informant File Sheet.

8. DEA Recommendations: Make it clear to the CI, he/she will be under the control direction of any officer designated by the supervisor of the unit.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 V.B.2. The informant should be advised that he will work at the department's direction and will not necessarily be working with the same detective on each occasion they are used.

9. DEA Recommendations: Require quarterly meetings between CI and the narcotics unit supervisor.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV. D. The Sergeant will review the informant's file quarterly with the controlling officer and date and sign the CI's payment and activity form to indicate that the file was reviewed.

10. DEA Recommendations: During this meeting, the supervisor should review the performance of the CI, as well as the CI file, to assure all reports are current and the controlling officer is properly managing the CI.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV.D. The Sergeant will review the informant's file quarterly with the controlling officer and date and sign the Confidential Informant's payment and activity form to indicate that the file was reviewed.

11. DEA Recommendations: When an officer meets a CI, require a witnessing officer to be present and hear all conversation between the CI and the controlling officer.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV. J. Undercover informants will be wired so that any conversation can be overheard by the controlling detective and his partner.

12. DEA Recommendations: Search the CI and his/her vehicle before and after each meeting the CI has with a suspect or defendant.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV. L. The informant and his vehicle will be thoroughly searched before he is sent to the location of the transaction. He/she will be searched again after the completion of the transaction.

13. DEA Recommendations: Document the results of the search in a report of investigation.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV.L. This will be documented in the Buy Letter.

14. DEA Recommendations: To support and verify CI information, require the CI to wear recording and monitoring equipment during meetings with suspects when an undercover officer is not present.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 IV. J. Undercover informants will be wired so that any conversation can be overheard by the controlling detective and his partner. 5060 K. In every instance where an informant is working undercover, the informant will be wired for sound if possible, so that the controlling detectives can listen to the transaction.

15. DEA Recommendations: After making an arrests and seizures in an investigation, limit payments to the CI until a laboratory analyzes the drugs and/or the prosecutor adjudicates the case.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 V.A. Neither payment of more than \$100.00 nor recommendation will occur until a positive laboratory analysis of the suspected drugs is complete.

16. DEA Recommendations: Suggested that an approval system be put in place that established different levels for informant payments. The purpose of this recommendation is to ensure that checks and balances be in place at various stages of informant pay outs.

Implementation: This was implemented in the Narcotics Division SOP Section 5060 V.C. Sergeants may approve payment up to \$500.00. Lieutenants may approve payments up to \$1,000.00. All payments over \$1,000 must be approved by the Narcotics Division Commander. The Executive Assistant Director of the Administrative Services Bureau will be notified for any payment more than \$1,000.00. Payments of more than \$5,000.00 must be approved by the Assistant Chief of the Special Services Bureau

and payments of more than \$10,000.00 will be approved by the Chief of Police.⁵⁶⁷

D. *Reassignment Of Narcotics Division Personnel.*

On August 4, 2004, Chief David Kunkle moved all Narcotics personnel who had a connection with the fake drug cases, who had not previously been moved, out of Narcotics to other positions within DPD.

E. *Remaining Investigation To Be Conducted.*

PIU is currently conducting investigations of potential criminal violations. The Chief of Police will be provided the potential administrative violations to be forwarded to IAD to investigate.

F. *Recommendations Of The Panel.*

The Panel makes the following recommendations.

1. CI Procedures.

- a. As part of the background check on prospective CIs, a set of major case prints should be obtained and run through AFIS. The CIs' criminal history and resident status should be checked so that the Division is aware of the legal status of CIs and any outstanding warrants they may have.
- b. On all forms needing signatures for approval or agreement, the signature should be required to be legible or should be printed, preventing scribbling. The CIs should be informed on the Admonishment Form that their signatures will be maintained for comparison purposes. Supervisors should be required to verify CI signatures using the signatures on the admonishment forms. This will help verify signatures on reports and other documentation. Additionally, CIs should be required to print their names in addition to signing their names.
- c. The CI's testimony should be corroborated through the use of Audio/Visual equipment or personal observation. This will enable the officers to have better control of the CI and ensure that the CI is providing the officers correct information.
- d. Supervisors should establish a threshold at which the amount of drugs in question is such that the Enforcement Squads should handle the operation instead of the Street Squads, as the tactics employed by these two different

⁵⁶⁷ NAR 001169-172.

squads are dissimilar and tailored to investigating narcotics activity of a specific nature.

- e. The DA's Office should be informed when a CI is placed on DPD's undesirable list. This ensures that the CI is not used in the future, as well as putting the DA's Office on notice if there may be problems with the CIs in cases on which DA's Office may be currently working.

2. Money Handling Procedures.

- a. Funds should be drawn only as needed for buys to prevent officers from carrying large balances of money which increases the risk of loss, theft or misappropriation.
- b. When a CI is registered, he or she should be issued a debit card for payment purposes. The detective would submit a Request For Payment Form to his or her supervisor and after receiving appropriate approval, money would be transferred into the account. When the money is available, the CI would be notified that he or she can withdraw the money at any ATM machine. Utilization of this procedure would result in the following benefits:
 - a. An audit trail of payments would be created,
 - b. The need to collect receipts would be eliminated,
 - c. The need to witness payments would be eliminated,
 - d. The amount of cash the detectives need on hand would be reduced,
 - e. The payment of a CI using the identity of another would be prevented.

The CI should further be required to sign a document in which the CI is warned to keep the Personal Identification Number ("PIN") confidential and in which the CI agrees not to disclose the PIN of the debit card to anyone, including the officers for whom he or she works. This will safeguard the officers against allegations by the CIs that the CI did not receive the money due to him or her.

- c. All CI payments should be tracked. A payment history and year-to-date totals paid to CIs should be provided to approving authorities. A monthly report of CI payments should be submitted to the Division Commander. This provides a quick assessment of a CI's use and payment history.
- d. A monthly reconciliation of funds should be required. Every narcotics officer should be required to provide an

accounting of money spent, showing daily balances. Once the accounts are balanced, the detectives should then be allowed to draw additional funds. This would allow for immediate discovery of any inconsistencies and help ensure the integrity of the expense system.

- e. At least once a month, an unannounced audit of officers' funds should be performed. Officers should be required to show their money, and the money should be balanced with receipts. This prevents officers from misappropriating money to personal uses and paying back the money at the end of the month.
- f. The Panel recommends that money be dispersed from only one fund to Narcotics officers for their operations to aid in the simplicity of documentation and the ease in tracing funds. It should be noted that, although this was not the practice at the time of the fake drug cases, the Narcotics Division has currently implemented this.

3. Paperwork Completion.

- a. The admonishment form should include a written consent to search. This will inform the CI that he or she is subject to search at any time during an operation.
- b. A Narcotics Transaction Report (NTR) should be created to document every operation. This report would serve to identify the officers, supervisors, CIs, and suspects involved, as well as document the transaction and subsequent arrests or searches. This report could be supplemented with follow-up information and replace the CI Buy Report.
- c. The searches of CIs and their vehicles should be documented in arrest reports, and/or NTRs. Each person witnessing the search should be identified for verification at a later date if necessary.
- d. All reports should be completed prior to ending the tour of duty. This will increase the accuracy of the documentation and allow immediate discovery of inconsistencies in documents or failure to follow SOPs.
- e. Field testing should be conducted on all drug evidence seized, regardless of whether arrests are made. The results should be documented in a Found Property or Narcotic Transaction Report. This prevents CIs from using fake substances to build a reputation with a narcotics detective.

- f. Reports documenting transactions should include an explanation of what happened to any buy money used. The sergeant and lieutenant should sign the paperwork indicating that they are satisfied with the officer's explanation of what happened to the buy money. This will further ensure that these supervisors are reviewing the paperwork and allow them to keep track of the recovery of buy money.

4. Training Procedures.

- a. An in-service training program should be established for new detectives assigned to the Division that should include a check sheet documenting the training they received and individuals who instructed them. The training should include, but not be limited, to the following: field-testing procedures, Narcotics SOPs, performance of Narcotics operations, and drug recognition characteristics. This will aid in ensuring that officers are better prepared for circumstances and situations particular to assignments in the Narcotics Division.
- b. This in-service training program should be conducted yearly for all Narcotics officers to ensure that staff understands the Narcotics Division's procedures.
- c. A check-off sheet should be used to document all in-service training on the use of new equipment and procedures to verify that staff has received training.
- d. All personnel should be required to read the Division SOPs annually and sign a roster indicating compliance to verify that staff has received training.
- e. Supervisors should conduct in-service training on all SOP changes to ensure understanding by all personnel of procedures.
- f. All personnel should be instructed on the proper procedure for conducting field-testing of drugs. This instruction should include the method for documenting the testing procedure and location of sampling, as well as require a witness for all field tests conducted.
- g. Follow-up training should be instituted when laboratory analysis indicates that a field test produced an incorrect result. Specific procedures, including ultimately an IAD investigation when necessary, should be designed and implemented to establish a system of control when a

particular officer demonstrates a pattern of incorrect testing.

- h. All lesson plans of training should be retained for future reference or verification.

5. Personnel Issues.

- a. A rotation out of the division should be required every five (5) years for all street squad personnel below the rank of sergeant. The Division Commander could grant extensions for an additional year, but a transfer would be mandatory after one extension. The officer should not be returned to the Narcotics Division for a minimum of two (2) years. This helps prevent an attitude of complacency among street squad officers and towards street squads officers, without sacrificing the experience of the officers.
- b. Street squad sergeants should be rotated within the division annually. This helps prevent an attitude of complacency by sergeants towards street squads officers.
- c. Supervisors must ensure that their subordinates know and understand any new SOP changes.
- d. Officers should not work on days they are not assigned to work unless they are given documented supervisor approval. This will minimize the difficulty in ascertaining which officers are involved in the various operations and aid in verifying that officers did what documents indicated they have done.

6. Miscellaneous Recommendations.

- a. A follow-up report should be done on the referrals sent to PIU and the Special Prosecutor to ascertain the number of prosecutions that resulted from the referrals.
- b. A follow-up report should be done on the referrals sent to IAD to ascertain whether any administrative discipline resulted from the referrals.

V. PUBLIC ACCESS TO DOCUMENTS REVIEWED BY THE PANEL

The Panel reviewed approximately 80,000 pages of documents. The public will be granted access to the majority of these documents, pursuant to the Public Information Act ("PIA"). Some have been redacted, as required by the PIA, because of confidentiality issues and because the law prohibits disclosure of certain information.

The PIA embraces a policy of making information held by the government accessible to the general public. There are some instances, however, when the

government may not release particular information because it is confidential by law. Section 552.101 of the Texas Government Code exempts the public disclosure of information that is confidential by statute, constitution, or judicial decision. Additionally, other sections of the Public Information Act (Chapter 552 of the Texas Government Code) make certain categories of information confidential.

The released documents have been reviewed by the City Attorney's Office, and information that is confidential by law has been redacted. Specifically, the following categories of information were withheld from public release:

A. Sec. 552.101-Information Confidential By Law.

1. Criminal History Information.

Criminal history information generated by the National Crime Information Center (NCIC) or Texas Crime Information Center (TCIC) system is confidential by law. Title 28, Part 20 of the Code of Federal Regulations governs the release of criminal history information in the NCIC system. Criminal history information may not be disseminated except in the limited circumstances stated in Section 20.33. Likewise, Section 411.083 of the Texas Government Code provides that criminal history information (TCIC) is confidential, and may not be released except in accordance with that section.

2. Social Security Numbers.

This information is protected in accordance with Title 42, United States Code Section 405(c)(2)(C)(vii).

3. 9-1-1 Information.

The caller's originating address and telephone number are protected from disclosure pursuant to Section 772.318 of the Texas Health and Safety Code.

4. Common Law Privacy.

Common law privacy, as incorporated in Section 552.101, protects information that is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, and it is of no legitimate concern to the public.⁵⁶⁸ This includes references to an individual's mental disorders, responses to psychological jail intake form, an employee's health insurance coverage, an individual's tax status, etc. Section 552.101 also protects an individual's personal financial records. This section

⁵⁶⁸ *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 931 (1977); see generally Tex. Att'y Gen. ORD-339 (1982).

generally protects an individual's background financial information. Specifically, it protects information concerning an individual's overall financial status and past financial history. This section may be used to protect an individual's credit report or financial statement, as well as information regarding an individual's assets and mortgage payments.⁵⁶⁹

5. Polygraph Information.

Results from a polygraph examination are confidential by law pursuant to Section 1703.306 of the Texas Occupations Code.

6. Juvenile Arrest Reports.

Section 58.007(c) of the Texas Family Code provides that law enforcement records of a juvenile may not be disclosed to the public.

7. Biometric Identifiers.

Section 559.002 of the Government Code protects fingerprints from public release.

8. Informant's Privilege.⁵⁷⁰

This exception, as incorporated in Section 552.101, protects the identity of a person who reports a violation or possible violation of the law to official responsible for enforcing the laws in question.

9. Medical Records.

Section 159.002 of the Texas Occupations Code provides that communications between a physician and patient are confidential and may only be disclosed in accordance with Chapter 159. Additionally, Section 773.092 of the Health and Safety Code provides that communications regarding emergency medical services are confidential and may only be disclosed as provided by that chapter.

⁵⁶⁹ Please note that information contained in a public court record is public information. Part of the public record, however, may be protected if it is expressly made confidential by other law. Therefore, information expressly protected by Section 552.117 (such as an officer's home telephone number and home address) would still be redacted from public court records (such as a divorce proceeding or bankruptcy filing) regarding the officer.

⁵⁷⁰ Certain informants are identified in this report, as their identities are already a matter of public record.

- B. *Sec. 552.117-Certain Addresses, Telephone Numbers, Social Security Numbers, And Personal Family Information.*

This section protects information pertaining to an officer's or employee's home address, telephone numbers, social security numbers, and the existence of family.

- C. Section 552.130- Motor Vehicle Information.

This section protects information such as a driver's license information, VIN, and license plate numbers.

- D. *Section 552.136-Confidentiality of Credit Card, Debit Card, Charge Card, and Access Device Numbers.*

This section protects any code, account number, personal identification number or other identifier that may be used to obtain money or another thing of value or initiate the transfer of funds.

APPENDIX A

COMMON ABBREVIATIONS

APPENDIX A

COMMON ABBREVIATIONS

302	FBI Narrative Report
AFIS	Automated Fingerprint Identification System
Asst.	Assistant
CI	Confidential Informant
DA	District Attorney
DEA	Drug Enforcement Agency
Det.	Detective
DOJ	Department of Justice
DPD	Dallas Police Department
DPS	Department of Public Safety
FBI	Federal Bureau of Investigation
IAD	Internal Affairs Division
LAPD	Los Angeles Police Department
Lt.	Lieutenant
NCIC	National Crime Information Center
NTR	Narcotics Transaction Report
Panel	Independent Investigative Panel
PIA	Public Information Act
PIU	Public Integrity Unit
Sgt.	Sergeant
SOP	Standard Operating Procedure
Sr. Cpl.	Senior Corporal
SWIFS	Southwestern Institute for Forensic Science

APPENDIX B

TABLE OF NAMES AND TERMS

APPENDIX B

TABLE OF NAMES AND TERMS

Abel Santos	Arrested person; Arrested 07/16/01.
Alan Foster	Senior Corporal, Narcotics Division during time of fake drug arrests.
Alejandro Espinosa-Perez	Arrested person; Arrested on 11/09/01.
Alexander D'Atri	Member of an Assessment Team who evaluated the Narcotics Division in 1992.
Andrew Accord	Sergeant IAD; provided the Panel with training on the basic procedures of IAD; promoted to lieutenant.
Anthony Gipson	Detective, Narcotics Division; provided the Panel with training on the basic procedures in Narcotics.
Arturo Bernal Villareal	Arrested person; Arrested 03/20/01.
Betty Ann Jenkins	Arrested person; Arrested 04/18/01.
Bernardo Ortuno	Arrested person; Arrested 06/04/01.
Bertha Vasquez	Arrested person; Arrested 03/02/01.
Blancu Cantu	Arrested person; Arrested 02/16/01.
Buy-bust	An operation in which an undercover officer negotiates a purchase of narcotics with the intention of causing the immediate arrest of the suspect at the time the narcotics are delivered.
Buy-walk-bust	An operation in which an undercover officer makes a narcotic purchase with the intention of causing the arrest of the suspect immediately following the undercover officer's departure from the scene.
Carl Lowe	Senior Corporal; DPD; Panel Review Staff.
Carl Wachholtz	Sergeant, Narcotics Division.

Cathy De la Paz	Senior Corporal, DPD; wife of Mark De la Paz.
Craig Miller	Lieutenant, Narcotics Division Street Squads as of October 22, 2001.
Daniel Cavazos	CI.
Daniel Licea	Arrested person; Arrested 08/07/01.
David Elliston	Deputy Chief, DPD; Panel Review Staff.
David Kunkle	Dallas Chief of Police, June 28, 2004 – present.
David Larsen	Senior Corporal, Narcotics Division at the time of the fake drug arrests.
David Nofzinger	Sergeant, Narcotics Division.
Deborah Joseph	Former Chief Bolton's assistant.
Denny Ramirez	Arrested person; Arrested 08/07/01.
Dora Falls	Assistant Chief over Narcotics at the time of the fake drug arrests.
Dreyson Robertson the initial	Sergeant in Public Integrity at the time of investigation. Promoted to lieutenant.
Eddie Herrera	Under indictment; member of Sgt. Gouge's squad at the time of the fake drug arrests.
Eddie Lopez	Detective, Narcotics Division at the time of fake drug arrests. No longer a peace officer.
Edwin Ruiz-Diaz	Lieutenant, DPD; Panel Review Staff.
Enforcement Squads	Narcotic investigators who target mid to high-level drug traffickers.
Enrique Alonso	CI.
Emilio Garcia	Member of an Assessment Team who evaluated the Narcotics Division in 1992.
Erubiel Cruz	Arrested person; Arrested 10/01/01.
Estalishao Mendoza	Arrested person; Arrested 10/18/01.

Floyd Simpson	Administrative lieutenant for former Chief Bolton at the time of the arrests. Currently Deputy Chief, DPD.
Francisco Mendoza	Arrested person; Arrested 10/09/01.
George Sifuentez	Arrested person; Arrested 05/08/01.
Guadalupe Mendoza	Arrested person; Arrested 10/09/01.
Gregg Long	Assistant DA.
Gregory Clark	Member of an Assessment Team who evaluated the Narcotics Division in 1992.
Hugo Hernandez	CI.
Hugo Rosas	Arrested person; Arrested 06/29/01.
Israel Pineda	Arrested person; Arrested 06/22/01.
Jack Bragg	Captain; Acted as Division Commander periodically during the time of the fake drug arrests.
Jack Gouge	Street Squad Sergeant at the time of the fake drug cases; his squad members were involved in the fake drug arrests.
Jaime Ortiz	Arrested person; Arrested 05/17/01.
Jaime Siguenza	Arrested person; Arrested 06/05/01.
Javier Pacheco	Arrested person; Arrested 05/17/01.
Jean Tremain	Senior Corporal, DPD; Panel staff member.
Jeff Blumberg	Department of Justice prosecutor at the federal trial of Mark De la Paz.
Jeff Haywood	Under indictment; member of Sgt Gouge's squad at the time of the fake drug arrests.
Jim Gallagher	Detective, DPD. Administered polygraph to Enrique Alonso.
John Ferguson	Former Deputy Chief over Narcotics Division. Currently retired.
John Martinez	Deputy Chief over Narcotics Division at the time of the fake drug arrests.

John Simonton	Sergeant, DPD; Panel Review Staff.
Jorge Hernandez	Arrested person; Arrested 09/24/01.
Jose Arevalo	Arrested person; Arrested 04/26/01.
Jose Luis Vega	Arrested person; Arrested 08/16/01.
Jose Mendoza	Arrested person; Arrested 10/23/01.
Jose Ruiz	CI.
Jose Santos Gonzales	Arrested person; Arrested 12/13/99.
K. W. Lybrand	Lieutenant, Special Investigations Bureau of DPD; Conducted 1992 investigation of the death and robbery of Narcotics Detective Larry Bromley.
Kate Bernal	Detective, PIU; part of PIU's initial investigation of the fake drug cases in 2001-2002 timeframe; briefed the Panel on PIU's initial investigation.
Kenneth LeCesne	Sergeant, Narcotics Division.
Larry Bromley	Detective, Narcotics Division; killed in 1992, prompting an investigation of the Narcotics Division.
Larry Moses	Detective, Narcotics Division at the time of the fake drug arrests.
Lena Levario	Attorney at Law; Panel Member.
Luis Daniel Alonso	CI.
Luis Senan	Arrested person.
Madeleine Johnson	City Attorney.
Marcos Gonzalez	CI.
Maria Theresa Varker	Senior Corporal, DPD; Panel Review Staff.
Marjorie Poche'	Special Agent, FBI; briefed the Panel on the FBI's investigation of the fake drug arrests.

Mark De la Paz	Under indictment; member of Sgt. Gouge's squad during the fake drug arrests; former detective who supervised Enrique Alonso.
Mark Woody	Senior Corporal, Narcotics Division at the time of the fake drug arrests.
M.C. Davis	Arrested person; Arrested 07/10/01.
Melvin Williams	Arrested person; Arrested 02/01/01.
Mike Carnes	Assistant D.A.
Nancy Weber	SWIFS chemist who analyzed many of the substances from the fake drug arrests.
Pablo Olin	Arrested person.
Randy Hampton	Assistant Chief; Acting Chief of Police at the onset of the Panel's investigation.
Randy Horton	Forensic accountant, Randy Horton & Associates.
Reginald Matthew	Sergeant, DPD; Panel Review Staff.
Roberto Amador	Arrested person.
Roberto Rodriguez Gonzales/Reyes	CI.
Roberto Santos	CI.
Ronald Hergert	Member of an Assessment Team who evaluated the Narcotics Division in 1992.
Ruth Alonso	CI.
Sarah A. Cardwell	Attorney at Law, Munsch Hardt Kopf & Harr, P.C.; Panel Review Staff.
Shirley Gray	Assistant Chief over PIU at the time of the fake drug arrests.
Special Prosecutor	Daniel Hagood, Attorney at Law, Fitzpatrick Hagood Smith & Uhl, LLP.
Steve Stirling	Sergeant, Narcotics Division.
Street Squads	Narcotics investigators who target low-level Narcotics dealers.

SWIFS	Southwestern Institute of Forensic Science, laboratory.
Tammie Hughes	Lieutenant, Commander of PIU during the initial investigation.
Terence J. Hart	Attorney at Law, Munsch Hardt Kopf & Harr, P.C.; Panel member.
Terrell Bolton	Former Dallas Chief of Police at the time of the fake drug arrests.
Terry Torrence	Member of an Assessment Team who evaluated the Narcotics Division in 1992.
Thomas A. Ward	Assistant Chief, DPD; Advisor to the Panel.
Veronica Robinson	Arrested person; Arrested 04/26/01.
Victor Alvaredo	Arrested person; Arrested 04/19/01.
Walter Davis	Arrested person; Arrested 04/19/01.
William Rathburn	Former Chief of Police at the time of the Bromley shooting.
William Turnage	Former lieutenant over street squads at the time of the fake drug arrests; retired Deputy Chief.
Yvonne Gwyn	Arrested person; Arrested 09/07/01.

APPENDIX C

LIST OF ATTACHMENTS

LIST OF ATTACHMENTS

Attachment C-1	List Of Material Reviewed By The Panel
Attachment C-2	List Of Fake Drug Cases
Attachment C-3	Sample Letter To Interviewees
Attachment C-4	Interview Warnings
Attachment C-5	Criminal Referrals To Public Integrity Unit
Attachment C-6	Administrative Referrals To Internal Affairs Division
Attachment C-7	CI Matrix
Attachment C-8	Organizational Chart
Attachment C-9	CI Payment Matrix
Attachment C-10	Forensic Audit Report
Attachment C-11	Field Test Kit Instructions
Attachment C-12	"Investigation Of Narcotics Division" Memorandum and "Executive Summary" Memorandum
Attachment C-13	"Dallas Narcotics Division Assessment Report"
Attachment C-14	"Analysis of the Narcotics Division Buy Bust, Flash Roll Funds, and Search Warrant Procedures"

LIST OF ATTACHMENTS

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Attachment C-2	List Of Fake Drug Cases
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Attachment C-13	"Dallas Narcotics Division Assessment Report"
Attachment C-14	"Analysis of the Narcotics Division Buy Bust, Flash Roll Funds, and Search Warrant Procedures"

ATTACHMENT C-1

THE MATERIALS ANALYZED BY THE PANEL.

Several sources provided materials to the Panel, including as listed.

1. Federal Bureau of Investigation.
 - a. FBI 302s, which are documents that memorialize FBI notes of interviews.
 - b. Documents generated from the FBI's previous investigation of this matter.
 - c. Documents generated by the federal trial.
2. Dallas Police Department.
 - a. CI payment sheets.
 - b. Officer time cards.
 - c. PIU documentation and investigative notes.
 - d. Interviews conducted by PIU.
 - e. Officer reports: offense/incident, arrest, evidence tags, prosecution reports.
 - f. Employment records.
 - g. DEA Report.
 - h. SOPs that existed pre- and post- fake drug arrests.
 - i. Personnel files.
 - j. CI files.
 - k. Payroll records.
 - l. Video surveillance.
 - m. "Investigation of the Narcotics Division" Memorandum, June 15, 1992.
 - n. "Executive Summary" Memorandum, June 18, 1992.
 - o. "Dallas Narcotics Division Assessment Report," February 20, 1992.
 - p. "Analysis of the Narcotics Division Buy Bust, Flash Roll Funds, and Search Warrant Procedures" Memorandum, February 28, 1992.
 - q. Phone Records.
 - r. IAD investigations and complaints.
 - s. Documents from previous investigations.
3. DPS.
 - a. Documents from FBI investigation.
 - b. DA's Office files.
 - c. Partial documentation from DPS investigation.
4. City Attorney's Office.
 - a. Mark de la Paz trial transcript.
 - b. Depositions.
 - c. Lab reports.
 - d. Media clips/newspapers.
 - e. Dallas Police Department Management and Efficiency Study.
5. DA's Office.
 - a. List of fake drug cases.
 - b. DA file jackets.

ATTACHMENT C-2

Cases Reviewed by Panel

Aguirre,Miquel,A	F0173641	No Referral
Alford,Danny	No Record	
Alvarado,Victor,D	F0151673	Criminal/Administrative referrals
Amador,Roberto,B	F0153394	Criminal/Administrative referrals
Amos,Joseph,T	F0152633	No Referral
Arevalo,Jose,J	F0151932	Criminal/Administrative referrals
Austin,Antwan,	F0158210	No Referral
Avila,Katherine,M	F0155641	No Referral
Avila,Katherine,M	F0155647	No Referral
Avila,Katherine,M	F0155648	No Referral
Avila,Katherine,M	F0157405	No Referral
Avila,Katherine,M	F0157406	No Referral
Barrientos,Jesus(FBI Agent Brady)	No Record	Criminal/Administrative referrals
Barrientos,Jesus(FBI Agent Brady)	No Record	Criminal/Administrative referrals
Cantu,Blanca	F0149488	Criminal/Administrative referrals
Castro,Teodoro	F0153908	No Referral
Castro,Teodoro	F0153909	No Referral
Cook,Roy,Lee	F0148451	No Referral
Cooks,Jerry	F0155748	No Referral
Craft,Rashidi,T	F0148448	No Referral
Crenshaw,Tummy	F0148450	No Referral
Crenshaw,Tummy	F0148451	No Referral
Cruz,Erubiel	F0157412	Criminal/Administrative referrals
Cruz,Ocdely	F0149461	No bill
Danzler,Isiah	F0154502	No Referral
Danzler,Isiah	F0154503	No Referral
Davis,Avery	F0149672	No Referral
Davis,M.C.	F0154543	Administrative
Davis,Walter	F0151672	Administrative
Dean,Larry	F0154516	No Referral
Escamilla,Lorenzo,O	F0149488	Administrative
Escamilla,Lorenzo,O	F0151930	Administrative
Esparza,Emigdio,A	F0154859	No Referral
Evans,Freddie	F0156598	No Referral
Fite,Larry,Donti	F0156300	No Referral
Fuller,Horace,L	F0153666	No Referral
Fuller,Horace,L	F0153667	No Referral
Garcia,David	F0158271	No Referral
Garcia,Lorena	F0149463	No Referral

Gwyn, Yvonne, S	F0156633	Criminal/Administrative referrals
Gwyn, Yvonne, S	F0156632	Criminal/Administrative referrals
Harris, Montay, D	F0156303	No Referral
Hernandez, Alfonso, S	F0148869	No Referral
Hernandez, Jorge	F0157138	Criminal/Administrative referrals
Hernandez, Paul, D	F0152425	No Referral
Hernandez, Paul, D	F0152426	No Referral
Hubbard, Shreka	F0156596	No Referral
Hubbard, Shreka	F0156597	No Referral
Jackson, Darwin, D	F0155788	No Referral
Jenkins, Betty	F0151641	Criminal/Administrative referrals
Jenkins, Betty	F0151642	Criminal/Administrative referrals
Johnson, Samuel	F0159714	No Referral
Johnson, Shanica, L	F0156301	No Referral
Johnson, Vetone, D	F0159715	No Referral
Juarez, Blanca	F0149462	No Referral
Juvenile	Juvenile	Administrative
Juvenile(related to Olin, Pablo)	Juvenile	Criminal/Administrative referrals
Keaton, Jason, Harold	F01536665	No Referral
Lewis, Andre, Ennis	F0158269	No Referral
Lewis, Brandon	F0156252	No Referral
Licea, Daniel, R	F0155539	No Referral
Lopez, Alice	F0153132	No Referral
Marchano, Jesus, M	F0150994	No Referral
Marsden, Benito, A	F0150218	No Referral
Mejia, Jacinto, J	F0152848	No Referral
Mejia, Jacinto, J	F0102338	No Referral
Mejia, Jacinto, J	F0102323	No Referral
Mendoza, Estanislao	F0158001	Criminal/Administrative referrals
Mendoza, Francisco	F0157712	Criminal/Administrative referrals
Mendoza, Francisco	F0157713	Criminal/Administrative referrals
Mendoza, Guadalupe	F0157710	Criminal/Administrative referrals
Mendoza, Guadalupe	F0157711	Criminal/Administrative referrals
Mendoza, Joe	F0158205	Criminal/Administrative referrals
Mendoza, Joe	F0158204	No Referral
Mims, Clifton	F0152215	No Referral
Minor, Eric, Lanear	F0156568	No Billed
Mosley, Darwayne	No Record	
Newbolt, Cedric	F0156600	No Referral
Olin, Pablo	F0150293	Criminal/Administrative referrals
Olin, Pablo	F0150294	Criminal/Administrative referrals
Oliver, Barbara, Gale	F0152515	No Referral

Ortiz,Jaime	F0152693	Criminal/Administrative referrals
Ortuno,Bernardo	F0153307	Criminal/Administrative referrals
Ortuno,Bernardo	F0153308	Criminal/Administrative referrals
Pacheco,Javier	F0152694	Criminal/Administrative referrals
Pantoja,Rolando,J	F0153130	No Referral
Pantoja,Rolando,J	F0153131	No Referral
Perez,Alejandro,E	F0158868	Administrative
Perez,Alejandro,E	F0158597	Administrative
Perez,Alejandro,E	F0158870	Administrative
Perez,Alejandro,E	F0158592	Administrative
Phillips,Eric,L	F0158270	No Referral
Pina,Anthony	F0149266	Administrative
Pina,Anthony	F0149267	Administrative
Pineda,Israel,J	F0153942	Criminal/Administrative referrals
Pineda,Israel,J	F0102324	Criminal/Administrative referrals
Pizzaro,Angelo,M	No Record	No Referral
Ramirez,Denny,L	F0155538	No Referral
Robinson,Veronica	F0151909	Criminal/Administrative referrals
Rosas,Hugo,H	F0154173	Criminal/Administrative referrals
Saenz,Julio,L	F0173643	No Referral
Santos,Abel,F	F0154734	Criminal/Administrative referrals
Senan,Luis,J	F0152221	Criminal/Administrative referrals
Senan,Luis,J	F0152222	Criminal/Administrative referrals
Sifuentez,George	F0152368	Criminal/Administrative referrals
Sifuentez,George	F0152369	Criminal/Administrative referrals
Siguenza,Jaime	F0153353	Criminal/Administrative referrals
Siguenza,Jaime	F0153352	No Referral
Simmons,Dwayne	F0148449	No Referral
Stanford,Andrew,G.	F0155119	No Referral
Taylor,Delvin	F0155749	No Referral
Taylor,Robert,L	F0156302	No Referral
Taylor,Tyron,G	No Record	No Referral
Thomas,Eric,Deshann	F0153662	No Referral
Vasquez,Bertha	F0150025	No Referral
Vega,Jose,L	F0155838	Criminal/Administrative referrals
Walker,Thomas	F0155117	No Referral
Williams,Melvin	F0148983	No Referral
Willis,Felicia,L	F0152634	No Referral
Wrighten,Paul,W	F0158210	No Referral
Zuniga,Cenovio	No Record	

Cases Reviewed (Not on DA list)

Alvarado, Victor, D	L/M/050177	F0151673	Criminal/Admin	Criminal/Admin
Amos, Joseph, T	B/M/101271	F0152633	No Referral	
Austin, Antwan,	B/M/031783	F0158210	No Referral	
Cooks, Jerry	B/M/050263	F0155748	No Referral	Dismissed
Craft, Rashidi, T	B/M/010679	F0148448	No Referral	
Cruz, Ocdely	L/F/102679	F0149461	No bill	
Danzler, Isiah	B/M/022266	F0154502	No Referral	
Danzler, Isiah	B/M/022266	F0154503	No Referral	
Davis, M.C.	B/M/082550	F0154543	Administrative	
Davis, Walter	B/M/112241	F0151672	Administrative	
Fite, Larry, Donti	B/M/120377	F0156300	No Referral	
Garcia, David	L/M/091677	F0158271	No Referral	
Garcia, Lorena	L/F/091366	F0149463	No Referral	
Harris, Montay, D	B/M/091279	F0156303	No Referral	
Johnson, Samuel	B/M/061576	F0159714	No Referral	
Johnson, Shanica, L	B/F/042475	F0156301	No Referral	Dismissed
Johnson, Vetone, D	B/M/092184	F0159715	No Referral	
Juarez, Blanca	L/F/022556	F0149462	No Referral	
Lewis, Andre, Ennis	B/M/050178	F0158269	No Referral	Dismissed
Lewis, Brandon	B/M/112583	F0156252	No Referral	
Lopez, Alice	L/F/032971	F0153132	No Referral	
Marsden, Benito, A	B/M/122071	F0150218	No Referral	
Mims, Clifton	B/M/101458	F0152215	No Referral	Dismissed
Minor, Eric, Lanear	B/M/021279	F0156568	No Referral	
Mosley, Darwayne	B/M/020679	No Record	No Referral	
Oliver, Barbara, Gale	B/F/012659	F0152515	No Referral	
Pantoja, Rolando, J	L/M/060871	F0153130	No Referral	
Pantoja, Rolando, J	L/M/060871	F0153131	No Referral	
Phillips, Eric, L	B/M/062180	F0158270	No Referral	Dismissed
Pizzaro, Angelo, M	L/M/070177	No Record	No Referral	
Robinson, Veronica	B/F/111777	F0151909	Criminal/Admin	
Stanford, Andrew, G.	B/M/060578	F0155119	No Referral	
Taylor, Delvin	B/M/012477	F0155749	No Referral	
Taylor, Robert, L	B/M/011178	F0156302	No Referral	
Walker, Thomas	B/M/040958	F0155117	No Referral	
Williams, Melvin	B/M/050780	F0148983	Administrative	
Willis, Felicia, L	B/F/101261	F0152634	No Referral	
Wrighten, Paul, W	B/M/070770	F0158210	No Referral	

Panel Requested Drug Analysis

Crenshaw,Tummy	FL 04C1730	71 % cocaine	F0148450 F014851
Davis,M.C	FL 04C1628	81 % cocaine	F0154543
Davis,Walter	FL 04C1260	73 % cocaine	F0151672
Garcia,David	FL 04C1264	82 % cocaine	F0155608
Garcia,Lorena	FL 04C1629	70 % cocaine	F0149463
Guitierrez,Rene	FL 04C0572	18 % cocaine	F0050467
Hernandez,Alfonso	FL 04C1731	43 % cocaine	F0148869 F0148870
Hubbard,Shreka	FL 04C1693	75 % cocaine	F0156596 F0156597
Lewis,Brandon	FL 04C1630	73 % cocaine	F0156252
Lopez,Alice	FL 04C1292	66 % cocaine	F0153132
Marsden,Benito	FL 04C1631	86 % cocaine	F0150218 F0150217
Pantoja,Rolando	FL 04C1291	2 % heroin	F0153130
Pantoja,Rolando	FL 04C1292	70% cocaine	F0153131
Pina,Anthony	FL04C1732	66 % cocaine	F0149266 F0149267
Robinson,Veronica	FL 04C1300	73 % cocaine	F0151909
Walker,Lisa	FL 04C0571	84 % cocaine	F0054073
Willis,Felicia	FL 04C1627	85 % cocaine	F0152634

ATTACHMENT C-3

May 18, 2004

CONFIDENTIAL

Re: City of Dallas Independent Investigation

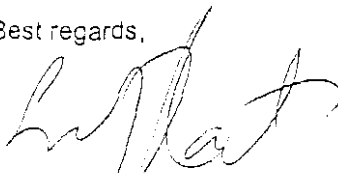
Dear

I have been appointed as the Independent Investigator by the City of Dallas regarding the fake drug situation. The investigative panel was hired by the City of Dallas and is acting on behalf of the City to investigate the circumstances surrounding the situation. The panel is pursuing both potential administrative and criminal violations, such that these issues may be referred to the appropriate personnel for administrative discipline and criminal prosecution. Additionally, the panel is attempting to ascertain the reasons that this situation could have occurred and the way to prevent something like it happening again.

To reach a more complete understanding of the situation surrounding the fake drug incident, the panel is seeking information from whomever may know something that would be pertinent to its investigation. Also, the panel would like to offer an opportunity for anyone who has any desire to voluntarily supply information. No one is under any compulsion to meet with the panel, but the panel would appreciate any insight that may be provided. If you are willing to meet with the panel, please contact my colleague, Sarah Cardwell, by May 26, 2004 at (214) 855-7523.

Please understand that any interviews will be completely voluntary. No one will be issued *Garrity* warnings, and anything said may constitute a basis for a referral by the panel to either the Internal Affairs Division or the Public Integrity Unit of the Dallas Police Department for further investigation. You may, however, bring an attorney with you, if you so desire. Thank you for your prompt attention in this matter.

Best regards,



Terence J. Hart

cc: Lena Levario - Via Fax
Chief Tom Ward - Via Fax
Lt. David Elliston - Via Fax
Madeleine Johnson - Via Fax
Ted Benavides - Via Fax

ATTACHMENT C-4

CITY OF DALLAS INDEPENDENT INVESTIGATIVE PANEL WARNING

You have been involved in an incident or you have personal knowledge of an incident that is being investigated by the Independent Investigative Panel (Panel). Please be aware of the following with regards to any statements you make in this interview or any other interview with this Panel or any of its members:

1. Any statements made by you are made voluntarily. You under no compulsion by the Panel, the Dallas Police Department, the City of Dallas, or any other person or entity to make any statements to the Panel.
2. If you choose to be interviewed by the Panel, you may at any time refuse to answer a question or terminate the interview.
3. **You are NOT being issued a *Garrity* warning in connection with this interview.**
4. Any *Garrity* warning(s) you may have been issued previously is/are no longer in effect and will not cover any statements you make to the Panel.
5. You are not and will not be offered any type of immunity for any statements you make.
6. **Any statement you make may constitute a basis for a referral by the Panel to either the Internal Affairs Division or Public Integrity Unit of the Dallas Police Department.**
7. You may have an attorney of your choosing present for the interview, if you so desire.
8. If you have any questions regarding this warning, you may direct those questions to the Panel or its designated representatives.

The undersigned acknowledges receipt of the above warning.

Signature _____

Witness _____

ATTACHMENT C-5

Criminal Complaints Referred to Public Integrity

Submitted to Public Integrity on February 2, 2004

Defendant	Charge(s)	Officers	Referral & Status
Cantu, Blanca SI 001	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020204 and is <u>no longer</u> pending. Statute of Limitation expired on 021603. *
Cantu, Blanca SI 002	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020204 and is <u>no longer</u> pending. Statute of Limitation expired on 021604* *
Amador, Roberto SI 003	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020204 and is <u>no longer</u> pending. Statute of Limitation expired on 060604.* *
Amador, Roberto SI 004	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020204 and is currently pending. Statute of Limitation expires on 062804.
Gwyn, Yvonne SI 005	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020204 and is currently pending. Statute of Limitation expires on 090704.

* Statute of Limitation expired

Gwyn, Yvonne SI 006	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 020204 and is <u>no longer</u> pending. Statute of Limitation expired on 102303.*
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Submitted to Public Integrity on February 6, 2004

Defendant	Charge(s)	Officers	Referral & Status
Olin, Pablo SI 007	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Detective David Larsen #4148	Referred to Public Integrity on 020604 and is <u>no longer</u> pending. Statute of Limitation expired on 030904.*
Jenkins, Betty SI 008	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 020604 and is <u>no longer</u> pending. Statute of Limitation expired on 041804.*
Senan, Luis SI 009	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020604 and is <u>no longer</u> pending. Statute of Limitation expired on 050404.*
Sifuentez, George SI 010	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 020604 and is <u>no longer</u> pending. Statute of Limitation expired on 050804.*
Pacheco, Javier Ortiz, Jaime SI 011	Forgery (Government Record) P.C. 32.21 F/3	Detective Mark De La Paz #6378 and unknown suspect(s)	Referred to Public Integrity on 020604 and is currently pending. Statute of Limitation expires 051611.

* Statute of Limitation expired

Submitted to Public Integrity on February 12, 2004

Defendant	Charge(s)	Officers	Referral & Status
Ortuno, Bernardo SI 012	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 021304 and is <u>no longer</u> pending. Statute of Limitation expired on 060404.*
Siguenza, Jaime SI 013	Aggravated Perjury P.C. 37.03 F/3	Officer Larry Moses #6581	Referred to Public Integrity on 021304 and is currently pending. Statute of Limitation expires on 061804
Pineda, Israel SI 014	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 021304 and is currently pending. Statute of Limitation expires on 070904.
Pineda, Israel SI 015	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 021304 and is currently pending. Statute of Limitations expires on 062204.

Submitted to Public Integrity on February 23, 2004

Defendant	Charge(s)	Officers	Referral & Status
Alvarado, Victor SI 016	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 022304 and is <u>no longer</u> pending. Statute of Limitation expired on 041904.*

* Statute of Limitation expired

Defendant	Charge(s)	Officers	Referral & Status
Alvarado, Victor SI 017	Forgery (government document) P.C. 32.21 F/3	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitations expires 040211.
Rosas, Hugo SI 018	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitation expires 080204
Santos, Abel SI 019	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitation expires on 071604.
Santos, Abel SI 020	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitation expires on 071604.
Santos, Abel SI 021	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Mark Woody #6484	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitation expires on 071604.
Santos, Abel SI 022	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitation expires on 090404.
Santos, Abel SI 023	Forgery (governmental record) 32.21 F/3	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916 and others unknown	Referred to Public Integrity on 022304 and is currently pending. Statute of Limitation expires on 090411.

Submitted to Public Integrity on March 1, 2004

Defendant	Charge(s)	Officers	Referral & Status
Gwyn, Yvonne SI 024	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 030104 and is <u>no longer</u> pending. Statute of Limitation expired on 111903.*
Gwyn, Yvonne SI 025	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 030104 and is <u>no longer</u> pending. Statute of Limitation expired on 111903.*
Gwyn, Yvonne SI 026	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 030104 and is <u>no longer</u> pending. Statute of Limitation expired on 111903.*
Gwyn, Yvonne SI 027	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 030104 and is <u>no longer</u> pending. Statute of Limitation expired on 111903.*
Gwyn, Yvonne SI 028	Aggravated Perjury P.C. 37.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 030104 and is <u>no longer</u> pending. Statute of Limitation expired on 111903.*

* Statute of Limitation expired

Submitted to Public Integrity on March 12, 2004

Defendant	Charge(s)	Officers	Referral & Status
Vega,Jose SI 029	Tampering with a Governmental Record P.C. 37.10 SJ (two counts)	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 081604
Vega,Jose SI 030	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 081604
Vega,Jose SI 031	Forgery (government document) P.C. 32.21 F/3	Detective Mark De La Paz #6378 and others unknown	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 081611
Vega,Jose SI 032	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 081604
Hernandez,Jorge SI 033	Tampering with a Governmental Record P.C. 37.10 SJ possible Theft by Public Servant P.C. 31.03 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 092404 for Tampering and 092411 for Theft by Public Servant
Mendoza,Guadalupe Mendoza,Francisco SI 034	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 100904

Defendant	Charge(s)	Officers	Referral & Status
Mendoza,Guadalupe Mendoza,Francisco SI 035	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 101004
Mendoza,Guadalupe Mendoza,Francisco SI 036	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 100904
Mendoza,Estanislao SI 037	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 101804
Mendoza,Jose SI 038	Forgery (government document) P.C. 32.21 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 040411
Mendoza,Jose SI 039	Forgery (government document) P.C. 32.21 F/3 Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 041211 for Forgery and the Statute of Limitation for Tampering with a Governmental expired on 041204.*

* Statute of Limitation expired

Defendant	Charge(s)	Officers	Referral & Status
Mendoza,Jose SI 040	Forgery (government document) P.C. 32.21 F/3 Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 042411 for Forgery and the Statute of Limitation for Tampering with a Governmental Record expired on 042404.*
Mendoza,Jose SI 041	Aggravated Perjury P.C. 37.03 F/3 Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204. Statute of Limitation expired on 102203 for Aggravated Perjury* and the Statute of Limitation for Tampering with a Governmental Record expires 102204
Mendoza,Jose SI 042	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 102304

* Statute of Limitation expired

Defendant	Charge(s)	Officers	Referral & Status
Mendoza, Jose SI 043	Tampering with a Governmental Record P.C. 37.10 SJ Possible Theft by a Public Servant P.C. 31.03 F/3	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 102204 for Tampering with a Governmental Record and Statute of Limitation expires on 102211 for Theft by Public Servant
Cruz,Erubiel SI 044	Forgery (governmental record) P.C. 32.21 F/3	Detective Mark De La Paz #6378 and others unknown	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 100111
Cruz,Erubiel SI 045	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204 and is currently pending. Statute of Limitation expires on 100104
FBI Agent Brady SI 046	Tampering with a Governmental Record P.C. 37.10 SJ possible Theft by Public Servant P.C. 31.03	Detective Mark De La Paz #6378	Referred to Public Integrity on 031204. Statute of Limitation expired on 032204 for Tampering* and Theft by Public Servant expires 032211

* Statute of Limitation expired

Submitted to Public Integrity on March 19, 2004

Defendant	Charge(s)	Officers	Referral & Status
Hernandez, Jorge SI 047	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378	Referred to Public Integrity on 031904 and is currently pending. Statute of Limitation expires on 092404

Submitted to Public Integrity on March 26, 2004

Defendant	Charge(s)	Officers	Referral & Status
Robinson, Veronica SI 048	Tampering with a Governmental Record P.C. 37.10 SJ	Officer Eddie Herrera #6916	Referred to Public Integrity on 032604 and is <u>no longer</u> pending. Statute of Limitation expired on 042504.*
Mutliple Drug Tags SI 049	Tampering with a Governmental Record P.C. 37.10 SJ	Various Officers	Referred to Public Integrity on 032604 and is currently pending. Statute of Limitation expires on various dates depending upon date on the drug tag.

Submitted to Public Integrity on April 2, 2004

Defendant	Charge(s)	Officers	Referral & Status
Cruz, Eurbiel SI 050	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 040204 and is currently pending. Statute of Limitation expires on 100104
DEA/Jackson SI 051	Tampering with a Governmental Record P.C. 37.10 SJ	Officer Tanya Jackson #7219	Referred to Public Integrity on 040204 and is currently pending. Statute of Limitation expires on 062804

* Statute of Limitation expired

Submitted to Public Integrity on April 16, 2004

Defendant	Charge(s)	Officers	Referral & Status
Paid Informant Receipt 11-06-01 SI 052	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 041604 and is currently pending. Statute of Limitation expires on 110604

Submitted to Public Integrity on April 30, 2004

Defendant	Charge(s)	Officers	Referral & Status
Paid Informant Receipt 05-30-01 SI 053	Forgery (governmental record) P.C. 32.21 F/3	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 043004 and is currently pending. Statute of Limitation expires on 053011
Paid Informant Receipt 06-28-01 SI 054	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 043004 and is currently pending. Statute of Limitation expires on 062804
Paid Informant Receipt 09-07-01 SI 055	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 043004 and is currently pending. Statute of Limitation expires on 090704.
Paid Informant Receipt 110101 SI 056	Forgery (governmental record) P.C. 32.21 F/3	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 043004 and is currently pending. Statute of Limitation expires on 110111.

Defendant	Charge(s)	Officers	Referral & Status
Paid Informant Receipt 111201 SI 057	Forgery (governmental record) P.C. 32.21 F/3	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 043004 and is currently pending. Statute of Limitation expires on 111211.

Submitted to Public Integrity on May 7, 2004

Defendant	Charge(s)	Officers	Referral & Status
Paid Informant Receipts (multiples) SI 058	Forgery (governmental record) P.C. 32.21 F/3	Detective Mark De La Paz #6378 Detective David Larsen \$4148 Officer Eddie Herrera #6916	Referred to Public Integrity on 050704 and is currently pending. Statute of Limitation expires on various dates in the year 2011.
Paid Informant Receipt 11-06-01 SI 059	Tampering with a Governmental Record P.C. 37.10 SJ	Detective Mark De La Paz #6378 Officer Eddie Herrera #6916	Referred to Public Integrity on 0050704 and is currently pending. Statute of Limitation expires on 090704.

ATTACHMENT C-6

Administrative Inquiries Referred to Internal Affairs

Defendant	Possible Violation(s)	Officer(s)
Alvarado, Victor Service number 288859-K	Code of Conduct, Chapter 8 paragraph 8.7.	De la Paz #6378, Larsen #4148
<p>On April 19, 2001 Detective De la Paz stated in an arrest report that he "conducted surveillance and observed AP Alvarado come into contact with the informant in the driveway of the business." Witnesses at the federal trial testified that this contact never occurred. Furthermore, Detective De la Paz wrote in the arrest report that "the CI and AO De la Paz made a positive of AP Alvarado." However, notes written by former Assistant District Attorney Chris Woodward note that the "state can't make case on ID issue."</p> <p><i>See, e.g.,</i> DPS 006069, DPS 006510-514, DPS 000001-151, II 001562-1576, II 000952-963, II 000882-934, II 000936-963, II 000404-551, II 000584-641.</p>		
Amador, Roberto Service number 432208-K	Code of Conduct Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5020, Search Warrant Procedures, Sec. B. Narcotics SOP 5060, Informant Procedures, Sec. V (B5) City of Dallas Personnel Rules, Article V. Sec. 34-36 (b)4 and 5	De la Paz #6378, Herrera #6916, Haywood #6458, Woody #6484, Moses #6581
<p>On June 6, 2001 Detective De la Paz made entries in his arrest report of Roberto Betancourt Amador that contradicted statements given by AP Amador to Federal investigators on 05-10-02. In the arrest report, Detective De la Paz stated that "A/P Amador then removed a red cooler from the back of a pickup truck and placed it in the back seat of the C. I. vehicle." However AP Amador told FBI investigators that "Juan LNU arrived in a 1988 or 1990 green Chevrolet Blazer, and advised that he saw the police take out a red cooler from the Blazer and place it in the patrol car." Detective Eddie Herrera signed as a witness officer on a Paid Informant Receipt (dated 06-28-03) even though payroll records indicate he was on a vacation day for that date. It also appears as if the informant was not searched prior to or after the transaction. There is no documentation of a supervisor being present at the execution of the search warrant.</p> <p><i>See, e.g.,</i> II 001307-415, II 000656, II 000660, II 000725, II 000732-733, II 000740, II 001630-635, II 001405-419, II 001262-263, II 001212-280, DPS 006429, 006407-408, DPS 000261-266, DPS 000249-250, DPS 000210, DPS 000268, DPS 006592-593, DPS 006067-068, DPS 000167-168, DPS 000152-275, DPS 006322-433, DPS 006504-505, FGJS 001356-367, FGJS 005694-700, PIU 000587-600.</p>		

Arevalo, Jose Escamilla, Lorenzo Service number 309898-K	City of Dallas Personnel Rules Chapter V. Rules of Conduct Sec. 34-36 (b) 4 and 5. Narcotics SOP 5020, Search Warrant Procedures, Sec. B.	De la Paz #6378, Herrera #6916, Larsen #4148
<p>On April 26, 2001 detectives from the Narcotics Division arrested AP Arevalo and AP Escamilla at 4800 Maple Avenue. This was a buy-walk-bust operation. Uniformed patrol officers made the arrest; therefore no Narcotics supervisor was necessary. However, there is no documentation of the informant being searched prior to or after the transaction.</p> <p><i>See, e.g.</i> DPS 001304-429, DPS 004256-332, PIU 000601-621, FGJS 001207-1251, FGJS 005669-687, FGJS 00934-66.</p>		
FBI Agent Brady	Code of Conduct, Chapter 8 paragraph 8.7	De la Paz #6378
<p>On March 22, 2001 FBI Special Agent Brady gave Detective De la Paz \$5,200 to be used for purchasing drugs from Jesus Barrientos at 3412 Fairview. According to FBI Special Agent Todd Norvell's official notes of his interview with SA Brady, Detective De la Paz never provided SA Brady with any documentation to support the transaction despite repeated requests. The panel found no documentation showing any transactions on this date. However, two prosecution reports were located for drug offenses involving Barrientos. After reviewing the documents available, including Legal Liaison Case Filing Unit records, it appears that the Case Filing Unit never received the reports. Dallas County Court files show no record of the cases being filed with their agency. Two counts of Tampering with a Governmental Record were referred to Public Integrity based on the review of this case. The statute of limitation expired March 22, 2004.</p> <p><i>See e.g.</i> FBI 000001-20, FGJS 008162-168.</p>		

Cantu, Blanca Service number 117750-K	Code of Conduct Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 3030 Narcotic Squad Sgt. Responsibilities, Sec. E: Narcotics SOP 5060 Informant procedures, Section IV, Sub Sections D, F, G: City of Dallas Personnel Rules, Article V Rules of Conduct, Sec. 34-36 (b)4 and 5	De la Paz #6378, Larsen #4148, Morin #7081, Jackson #7219
<p>On February 16, 2001 detectives from the Narcotics Division executed a search warrant at the residence of Blanca Cantu and arrested her, charging her with Manufacturing and Delivery of Cocaine. While a search warrant was executed, there is no documentation indicating that a supervisor was present as required by the Narcotics Division SOP. Furthermore, according to FBI Special Agent Rolando Lopez' investigative notes (FD-302) dated 1-28-03, "Alonso introduced his ex-wife, Brenda Davis, to De la Paz. Davis is a drug user and needed money, so she agreed to work for De la Paz. De la Paz used Davis about four times, but used Alonso's CI number to pay her because she was a drug user. On this drug buy, De la Paz gave Davis \$1400. She called a Blanca Cantu, who came to a parking lot and sold 1.5 ounces of cocaine to Brenda Davis."</p> <p><i>See, e.g.,</i> FGJS 000980-014, FGJS 0005714-720, DPS 006102-162.</p>		
Cruz, Erubiel Service number 766379-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Code of Conduct, Chapter 5 paragraph 5.3	De la Paz #6378, Herrera #6916, Foster #4833, Woody #6484, Gouge #4575
<p>On October 1, 2001 AP Cruz was arrested by detectives from the Narcotics Division and charged with Violation of Health and Safety Code for possession of Methamphetamine. Special Agent Rolando Lopez and Special Agent Marjorie Kelly Poche stated in a FD 302 dated 09-19-02 that the C. I. in this case, Jose Ruiz, claims the signature attributed to him on a confidential informant payment receipt is not his. There are questionable entries in the search warrant affidavit for the location of 612 E. Eight St. According to the affidavit "Detective De la Paz told the Affiant that he believes the information from the informant to be true and correct because the informant has provided information in the past regarding drug trafficking in Dallas County and the information has proven to be true, reliable and correct on each and every occasion." According to notes of Assistant District Attorney Gregg Long, Detective De la Paz knew that Jose Ruiz, the informant, had been proven not to be reliable as of September 14, 2001. FBI, SA Christopher Derks prepared investigative notes regarding the analysis of this evidence conducted by Forensic Chemist Brian Widra, while the substance showed the presence of Methamphetamine, the package did not appear to have been previously opened for field-testing. The drug evidence tag number 77340 lists Officer Herrera as the field testing officer and Detective De la Paz as the seizing and delivery officer.</p> <p><i>See, e.g.,</i> FBI 001505-507, FBI 001249-251, PIU 000126-127, PIU 00622-628, DPS 007427-429, DPS 006322-433, DPS 006062-092, FGJS 007929, FGJS 001330-342, FGJS 005688-693, II 002135-151, II 000760-791.</p>		

Davis, M. C. Service number 535026-K	City Personnel Rules, Chapter V Rules of Conduct Sec. 34-36 (b) 5 Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. E.	Haywood #6458, Herrera # 6916, Woody #6484, Johnson #5662
<p>On July 10, 2001 detectives from the Narcotics Division and several patrol officers executed a search warrant at 4631 Balfour. AP Davis was taken into custody for Possession of Cocaine. The documentation available makes no mention of a Narcotics supervisor being present at the execution of the warrant. Additionally, there were several documented drug buys made at the same location in previous months. A Drug Buy Report dated 02-27-01 lists two different addresses for the buy location on the same document.</p> <p><i>See, e.g.,</i> DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		
Davis, Walter E. Service number 288879-K	Narcotics SOP 3030, Squad Sergeant Responsibilities, Sec. E.	Larsen #4148, De la Paz #6378
<p>On April 19, 2001 detectives from the Narcotics Division executed a search warrant at 1811 East Eleventh Street. AP Davis was arrested and charged with Violation of Health and Safety Code for possession of cocaine. The documents available to the panel make no mention of a supervisor being present during the execution of the warrant.</p> <p><i>See, e.g.,</i> DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738, IP 000216-217, IP 000324.</p>		
Espinosa-Perez, Alejandro Service number 877230-K	Narcotics SOP 3030, Squad Sergeant Responsibilities, Sec. E. General Order 313.11, Disposition of Vehicles	Herrera #6916, Carrasco #6988, Armendariz #6986, Starr #6427, Underwood #4717, Costillo #5906.
<p>On November 9, 2001 detectives from the Narcotics Division made a hand to hand buy from AP Espinosa-Perez. The operation reads as a buy bust however there is no mention of a Narcotics supervisor being present at the time of the arrest. Two Narcotics officers made the arrest. Furthermore there is no indication of what was done with the arrested person's vehicle.</p> <p><i>See, e.g.,</i> DPS 004514-565, DPS 002936-020.</p>		
Gonzalez, Jose Santos Service number 929275-K	Narcotics SOP 5020, Search Warrant Procedures, Sec. B.	De la Paz #6378
<p>On July 6th, 2000 Detective De la Paz testified under cross-examination before the Honorable Bill Bachus of the 203rd Judicial District Court that he did not search the informant's apartment prior to or after the transaction occurred; nor did he search the informant prior to or after the transaction.</p> <p><i>See, e.g.,</i> II 004292.</p>		

Gwyn, Yvonne Service number 696939-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 5020 Search Warrant Procedures, Sec. B.	De la Paz #6378, Herrera #6916, Woody #6484
<p>On September 7, 2002 Detective De la Paz stated in the arrest report of Yvonne Suyapa Gwyn that he personally observed Gwyn and the informant engage in activities that witnesses testified in the Federal trial did not happen. Furthermore on October 23, 2001 Detective De la Paz testified in an examining trial that he was alone during the alleged narcotics deal, however a witness in the Federal trial testified that Detective De la Paz was with one of the informants during the operation. In addition, testimony provided at trial indicates that the informant in this case (Jose Ruiz) was not searched prior to or after the transaction as required by the Narcotics SOP.</p> <p><i>See e.g.,</i> II 000460-466, II 001313-324, II 001395-405, II 000664-673, II 000712-739, II 000743-754, II 000346-357, II 000395-402, II 000584-755, DPS 000513-516, DPS 000335-352, DPS 000481, DPS 000475, DPS 000313-332, DPS 000497, DPS 000515-516, DPS 006400-402, DPS 006364-365, DPS 000276-548, FGJS 001737-757, PIU 000671.</p>		
Hernandez, Jorge Service number 745722-K	Code of Conduct, Chapter 4 paragraph 4.2 Code of Conduct, Chapter 8 paragraph 8.7 Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. E Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules Chapter V. Rules of Conduct Sec. 34-36 (b) 4 and 5	De la Paz #6378, Herrera #6916, Gipson #4420
<p>On September 24, 2001 AP Hernandez was arrested and charged with Unlawful Possession with Intent to Deliver a Controlled Substance. Detective De la Paz submitted a Drug Buy Report noting the purchase of drugs (Methamphetamine) by the confidential informant for \$800 at 1645 Fort Worth Avenue. There is no mention in the arrest report of money being given to the informant to make the drug buy. The arrest report does note that the defendant allegedly told the informant "go get the money and I'll wait here". A review of the Paid Informant Receipts shows no record of an informant being paid for this transaction. There is no documentation of a supervisor being present during the transaction or of the informant being searched prior to or after the transaction.</p> <p><i>See, e.g.,</i> FGJS 001315-321, FGJS 005774-779, DPS 006248, DPS 003451-456, DPS 006062-092, PIU 000126-127, II 002135-155, II 000760-791.</p>		

Jenkins, Betty Ann Service number 286076-K	Code of Conduct, Chapter 8 paragraph 8.6 Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Larsen #4148
<p>On April 18, 2001 Detective De la Paz stated in his affidavit for a search warrant for AP Betty Jenkins' residence and swore to the affidavit under oath before Municipal Court Judge Robinson that he received information from the informant on April 16, 2001. According to payroll records, Detective De la Paz was off on a compensatory day and Officer Herrera was off on a sick day on April 16, 2001. There is no documentation that indicates that a supervisor was present or that the informant was searched prior to or after the transaction.</p> <p><i>See, e.g.,</i> DPS 004624-652, DPS 001172-303, FGJS 001252-277.</p>		
Mendoza, Estanislao Service number 814888-K	Code of Conduct, Chapter 8 paragraph 8.7 Narcotics SOP 5020, Search Warrant Procedures, Sec. B.	De la Paz #6378, Herrera #6916, Gouge #4575, Foster #4833, Woody #6484, Moses #6581, Holt #3087.
<p>On October 18, 2001 Detective De la Paz noted in his arrest report of AP Mendoza, E. that "previous buys have been made from arrestee Mendoza by the confidential informant." A review of Narcotics records back through April 2001, shows no record of any previous buys made at this location from AP Mendoza. There was no documented search of the confidential informant prior to or after the transaction.</p> <p><i>See, e.g.,</i> FGJS 001368-385, FGJS 005780-785, DPS 006593, DPS 006263, DPS 006247-248, DPS 004793-830, DPS 006322-433, II 0002571, II 002601-628, II 002641-646, FBI 001466-467.</p>		

Mendoza, Francisco and Mendoza, Guadalupe Service number 788923-K	Code of Conduct, Chapter 8 paragraph 8.7 Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules, Article V. Rules of Conduct Sec 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Foster #4833, Woody #6484, Gipson #4420.
<p>On October 9, 2001 detectives from the Narcotics Division arrested AP Mendoza, F. and AP Mendoza, G. for possession of Cocaine and Methamphetamine. Detective De la Paz told Detective Gipson, the Affiant on the affidavit for search warrant, that "the informant has provided information in the past regarding drug trafficking in Dallas County and the information has proven to be true, reliable and correct on each and every occasion." According to notes of Assistant District Attorney Gregg Long, Detective De la Paz knew that the informant (Jose Ruiz) had been proven not to be reliable as of September 14, 2001. There is no documentation indicating that there was a supervisor present or of the informant being searched prior to or after the operation.</p> <p><i>See, e.g.,</i> FGJS 005786-787, FGJS 001386-415, FGJS 001626-652, FGJS 005786-800, DPS 004868-869, DPS 002611-834, DPS 004831-095, DPS 006322-433, DPS 006062-092, II 002135-154, II 000760-791, PIU 000126-127.</p>		

Mendoza, Jose Service number 830209-K	Code of Conduct, Chapter 4 paragraph 4.1(A) Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. E. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Larsen #4148, Hinton #6511, Gipson #4420, Moses #6581, Gouge #4575, Lt. Turnage.
<p>On October 22, 2001 detectives from the Narcotics Division arrested AP Mendoza and charged him with Unlawful Possession with Intent to Deliver Cocaine and Methamphetamine. At least two informants were used to target AP Mendoza and one of them was Enrique Alonzo who had already raised questions about his reliability (he had already been polygraphed). Sgt. Gouge approved a \$500 payment to Mr. Alonzo even though he had raised serious doubts about his reliability. There are questionable statements written in the affidavit for the search warrant when the informants are described as being reliable and as having given true and accurate information on each and every occasion. Detective De la Paz had been told that drugs seized based on information received from Alonzo and Ruiz (the two informants used in this case) had shown to have no controlled substance. There is no documented indication of a sergeant being present during the execution of this search warrant. Sgt. Gouge appears to be aware of this operation on the next day because he signed the Morning Report detailing the arrest and seizure.</p> <p><i>See. e.g.,</i> DPS 006511, DPS 006509, DPS 007358-359, DPS 006419, DPS 007362-363, DPS 007367-368, DPS 005135, DPS 005127-133, DPS 005137, DPS 005096-163, DPS 006559-560, DPS 006322-433, DPS 006102-162, DPS 006062-092, FGJS 007897, FGJS 001786, FGJS 001709-714, FGJS 001687-736, FGJS 005801-815, II 000760-791, II 002135-151, PIU 000126-127.</p>		

Olin, Pablo Service number 173628-K	Code of Conduct, Chapter 8 paragraph 8.7 Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Larsen #4148, Herrera #6916, Jackson #7219.
<p>On March 9, 2001 Narcotics detectives arrested Pablo Olin for Delivery of Cocaine. None of the documents reviewed indicate the informant was searched prior to or after the transaction. Furthermore, Detective De la Paz made an entry in the Drug Buy Report stating that the drugs were purchased for \$1300. According to the arrest report the cocaine was purchased for \$2500.</p> <p><i>See, e.g.</i> DPS 006612, DPS 006608.</p>		
Ortuno, Bernardo Service number 426250-K	Code of Conduct, Chapter 8 paragraph 8.7	De la Paz #6378, Herrera #6916, Haywood #6458
<p>On June 4, 2001 Detective De la Paz made an entry in his arrest report of AP Ortuno that is inconsistent with what he included in the search warrant affidavit. In his report Detective De la Paz wrote that AP Ortuno was named and described in the search warrant affidavit. The affidavit describes a Latin male only known as Vicente, approximately 50 years of age, 5'8 180 lbs. with black hair and brown eyes and person or persons whose names, ages, identities, and descriptions are unknown to the Affiant. Furthermore, on June 28, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt in this case for the amount of \$35,000. The payment was made to Enrique Alonso and witnessed by Officer Herrera. However, according to Payroll records Officer Herrera was on a vacation day for this date.</p> <p><i>See, e.g.</i>, DPS 001914-919, DPS 001923, DPS 005295-349, DPS 006322-433, DPS 001895-968, FGJS 001111-138, FGJS 005568-596, PIU 000750-794.</p>		

Pacheco, Javier and Ortiz, Jaime Service number 371876-K	Code of Conduct, Chapter 8 paragraph 8.7. Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Haywood #6458
<p>On May 16, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt for a \$100 payment to a confidential informant. The informant in this case, Jose Ruiz, stated to FBI investigators that the signature on the Confidential Informant Payment Receipt is not his. Federal Bureau of Investigation Special Agent Margaret Poche documented Ruiz' statement in FD 302 interview notes dated September 9, 2002. Furthermore, the arrested persons came into DPD's custody as a result of a warrant that was executed at 4206 Willow Street. There is no documentation indicating that a supervisor was present during the execution of the warrant.</p> <p><i>See, e.g.,</i> DPS 001712-804, DPS 005293-294, DPS 005350-377, FGJS 001153-169, FGJS 001094-110, FGJS 005597-625, PIU 000715-735, PIU 000859-871.</p>		

Pineda, Israel Service number 478069-K	Code of Conduct, Chapter 8 paragraph 8.3 Code of Conduct, Chapter 8 paragraph 8.7 Narcotics SOP 5060, Informant Procedures IV (D, F, G) Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Woody #6484, Haywood #6458
<p>On July 9, 2001 Detective De la Paz submitted a Paid Informant Receipt where he named Enrique Alonso as the paid confidential informant for the arrest of Israel Pineda. According to FBI Special Agent Poche's official notes from interviews with Enrique Alonso and Roberto Gonzalez, Detective De la Paz used Gonzalez as the informant. Gonzalez was not an informant at the time of Pineda's arrest. SA Poche's notes indicate that Detective De la Paz said to Alonso, "David, you saw the kilos, not Roberto." Detective De la Paz also provided information regarding the confidential informant to Detective Gipson #4420, knowing it would be entered into the search warrant affidavit. There is no indication that Detective Gipson knew the information was false.</p> <p><i>See, e.g.,</i> FGJS 0007740, FGJS 001077-093, FGJS 005526-538, DPS 006108-111, DPS 006261-264, PIU 000736-749.</p>		
Ramirez, Denny Licea, Daniel Service number 612441-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 5060, Informant Procedures, Sec. V (B5)	De la Paz #6378, Herrera #6916
<p>On September 7, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt in the amount of \$50,000 for information received in this case. The amount was paid in installments to Enrique Alonso and was witnessed by Officer Herrera. Payroll records show Officer Herrera on sick days on August 24 and August 29, 2001 when two of the installments were made.</p> <p><i>See, e.g.,</i> DPS 005378-487, PIU 000692-714, FGJS 001604-624, FGJS 005539-567, DPS 004757-792, PIU 000672-691, FGJS 001278-298.</p>		

Robinson, Veronica Service number 308875-K	Narcotics SOP 3030, Squad Sergeant Responsibilities, Sec. E	Herrera #6916, De la Paz #6378
<p>On April 26, 2001 detectives from the Narcotics Division executed a search warrant at 2842 Hawthorne that resulted in the arrest of Veronica Robinson. There is no documentation indicating that a supervisor was present at the scene during the execution of the warrant.</p> <p><i>See, e.g.,</i> PIU 000118, FGJS 000379, DPS 003850, DPS 003860, DPS 003243.</p>		
Rosas, Hugo Service number 498319-K	Code of Conduct, Chapter IV, paragraph 4.1 A. Narcotics SOP Procedure 4070 Files-Logs. Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5060, Informant Procedures, Sec. V (B5). City of Dallas Personnel Rules Article V. Rules of Conduct sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Haywood #6458, Gouge #4575, Lt. Turnage.
<p>On June 29, 2001 detectives from the Narcotics Division arrested AP Rosas and executed a search warrant on his vehicle. Detective Haywood appears to have served as an ASL during this operation. However, the Narcotics SOP calls for a sergeant to be present during the execution of a search warrant or a buy-bust. The informant payment receipt shows payments to the CI in installments, a practice not found in the Narcotics SOP.</p> <p><i>See, e.g.,</i> PIU 000078, PIU 000064, PIU 000795-810, FGJS 005511-525, FGJS 001566-584.</p>		

Santos, Abel Service number 552055-K	Code of Conduct, Chapter 8 paragraph 8.6, 8.7 Code of Conduct, Chapter 4 paragraph 4.1 A Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5060, Informant Procedures, Sec. V (B5).	De la Paz #6378, Herrera #6916, Haywood #6458, Woody #6484, Lt. Turnage, Capt. Bragg.
<p>On July 16, 2001 detectives from the Narcotics Division arrested AP Santos and charged him with Manufacturing/Delivery of Cocaine. Based on a review of all documents available to the panel, this was the first and only time that the confidential informant used in this case did any work for the Dallas Police Department. However, the warrant affidavit states that he is "a confidential and reliable informant" and that Detective De la Paz had "received information from this confidential and reliable informant in the past concerning drug trafficking in the Dallas area and said information has proven to be true and correct on each and every occasion." There is no mention of a supervisor being present during this operation. In addition, the informant payment receipt shows that the informant was paid in several installments. Officer Herrera signed the form as having witnessed the payments, however payroll records show that he was off on two of those dates (8-24-01 and 8-29-01).</p> <p><i>See, e.g.,</i> DPS 005612-619, DPS 005544-713, FGJS 003659-660, FGJS 005832-849, FGJS 001480-493, PIU 001149-150, PIU 000919-935.</p>		
Senan, Luis Service number 333258-K	Code of Conduct, Chapter 8 paragraph 8.7 City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Haywood #6458
<p>Detective De la Paz stated in the Drug Buy Report dated May 4, 2001 that the confidential informant purchased cocaine for \$2000. According to the arrest report the cocaine was purchased for \$2100.</p> <p><i>See, e.g.,</i> DPS 001430-533, DPS 005714-823, DPS 006322-433, FGJS 001459-479, FGJS 005492-510, PIU 000839-858.</p>		

Sifuentez, George Service number 345688-K	Code of Conduct, Chapter 8 paragraph 8.7 Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5060, Payments to Informants, Sec. V (B5) City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Haywood #6458
<p>On May 8, 2001 Detective De la Paz wrote in a Drug Buy Report that the informant purchased drugs for \$4600. According to the arrest report, also prepared by Detective De la Paz, the drugs were purchased for \$4800. According to the offense report two informants were used in this case but there is only one payment receipt. Furthermore, there is no mention of a supervisor being present during the execution of the operation in any of the documents available.</p> <p><i>See, e.g.,</i> DPS 001534-672, FGJS 001416-452, FGJS 005472-491, PIU 000811-838.</p>		
Siguenza, Jaime Service number 429247-K	Code of Conduct, Chapter 8 paragraph 8.6	Moses #6581
<p>On June 18, 2001 Police Officer Larry Moses testified in the Examining Trial of AP Siguenza that he had maintained surveillance on the transaction. However, during the federal trial Officer Moses testified that he was back at the office and after contacting Detective De la Paz, he responded to the scene to assist him. Uniformed officers had already arrested AP Siguenza when Officer Moses arrived at the location. On a third document, a deposition, Officer Moses states he never observed anything that happened when he was called to assist Detective De la Paz. Officer Moses states he just field-tested substances that were presented to him in the property room after the arrests had been made.</p> <p><i>See, e.g.,</i> DPS 001709-743, DPS 000549-839, FGJS 001139-152, FGJS 005855-861, II 00404-551, II 00584-641, II 001635-702.</p>		
Vasquez, Bertha Service number 154306-K	Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Larsen #4148, Bell #5542
<p>On March 02, 2001 Narcotics officers executed a search warrant at AP Vasquez' residence. There is no mention of a supervisor being present during the execution of the warrant in any of the documents available.</p> <p><i>See, e.g.,</i> DPS 001063-120, FGJS 000015-029, FGJS 005869-874.</p>		

Vega, Jose Luis Service number 636331-K	Code of Conduct, Chapter 8 paragraph 8.7 Code of Conduct, Chapter 5 paragraph 5.3 Narcotics SOP 3030, Squad Sergeant Responsibilities, Sec. E Narcotics SOP 5020, Search Warrant Procedures, Sec. B.	De la Paz #6378, Herrera #6916, Foster #4833, Haywood #6458, Ledbetter #2796, James #5068, Gipson #4420.
<p>On August 16, 2001 detectives from the Narcotics Division arrested AP Vega after executing a search warrant at his residence. According to the confidential informant receipt submitted by Detective De la Paz, Officer Herrera witnessed payments to the informant on August 20th and August 24th, 2001. Payroll records indicate Officer Herrera was off on sick days for both dates. After reviewing the informant's signature on other documents the signature on record appears to be different from the one on the receipt. Entries on the evidence tag and the arrest report state that Detective Haywood tested the seized contraband, which tested positive for cocaine. An analysis report from Nancy Weber of the Southwestern Institute of Forensic Sciences stated that the white powder submitted did not contain any controlled substance. There is no mention of a supervisor being present during this operation. There is no documentation that the confidential informant was searched prior to or after the transaction.</p> <p><i>See, e.g.,</i> FBI 001399-400, FBI 000135-159, FBI 001358-359, DPS 006063, DPS 002526-610, DPS 005824-862, DPS 006093-096, DPS 006322-433, PIU 000885-894, PIU 000883, PIU 000873, PIU 000875-876, PIU 000411-412, PIU 000872-896, FGJS 003659-660, FGJS 001048-076, FGJS 005875-897, II 002405-426, II 002371-386.</p>		
Villareal, Arturo Bernal Service number 204359-K	Narcotics SOP 3030, Narcotic Squad Sgt. Responsibilities, Sec. E. Narcotics SOP 5020, Search Warrant Procedures, Sec. B. City of Dallas Personnel Rules Article V. Rules of Conduct Sec. 34-36 (b) 4 and 5.	De la Paz #6378, Herrera #6916, Bell #5542, Moses #6581
<p>On March 20, 2001 detectives from the Narcotics Division arrested AP Villareal for Possession with Intent to Deliver Cocaine. The arrest occurred during the execution of a search warrant at the La Sandia Bar located at 2509 N. Fitzhugh. The documents available to the panel make no mention of a supervisor being present during the execution of the warrant or of the informant being searched prior to or after the transaction.</p> <p><i>See, e.g.,</i> DPS 001014-062, DPS 005863-933.</p>		

Williams, Melvin R Service number 78744-K	City Personnel Rules, Chapter V Rules of conduct Sec. 34-36 (b) 5 Narcotics SOP 4070, Files-Logs	De la Paz #6378, Herrera #6916, Larsen #4148
<p>On February 1, 2001 detectives from the Narcotics Division, along with a confidential informant, made a drug buy at 2825 Lucas and arrested AP Williams. The drug buy report identifies the informant as being confidential informant (C. I.) number 2038. However, the informant payment receipt has a signature that appears to belong to informant number 2048. The same form identifies the informant as C. I. numbers 2038, but it appears as if the informant number has been altered in violation of Narcotics SOP. Furthermore, there is a discrepancy in the amount of money that the informant handed to AP Williams. The offense report states that the confidential informant handed \$100 to the arrested person. The narrative in the drug buy report states the informant handed the arrested person \$20.</p> <p><i>See, e.g.,</i> DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		
City of Dallas (Found Property) Service number 496394-K	Code of Conduct, Chapter 8 paragraph 8.7 Code of Conduct, Chapter 5 paragraph 5.3	Jackson #7219
<p>The Federal Bureau of Investigation seized several hundred drug evidence packages from the property room to be submitted for analysis. Selected packages were sent to the Drug Enforcement Administration for analysis. Special Agent Christopher Derks noted the results of the analysis in his official notes dated February 20, 2003. According to SA Derks' notes, Forensic Chemist Brian Widra did not analyze the substance because "the exhibit does not appear to have been field tested." A review of available documents shows that Officer Tanya Jackson #7219 seized, field tested and delivered the drug evidence to the property room on drug evidence tag number 77795. The documentation indicates that the substance field-tested positive for cocaine. The substance was seized on June 28, 2001 on the above listed service number (an N9 number) but there is no record of an arrested person or an offense/arrest report.</p> <p><i>See, e.g.,</i> FBI 001505-507, DPS 004104-106.</p>		
February 5, 2001 C. I. Payment receipt, 4933 Columbia Service number 89155-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 5060, Informant Procedures, Sec. V (B5)	De la Paz #6378, Larsen #4148
<p>On February 5, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt documenting payment to confidential informant number 2253, Enrique Alonso. Detective Larsen appears as the witness officer on the receipt. According to payroll records Detective Larsen was on a V-day on this date. Alonso stated on a FD 302 dated 01-28-03 that Detective De la Paz was alone when he paid him and that "no one witnessed the payment". There are no criminal referrals in this case. The statute of limitation expired on February 5, 2004.</p> <p><i>See, e.g.,</i> NAR 000886, DPS 006150, DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		

February 5, 2001 C. I. Payment receipt, 4900 Live Oak Service number 89157-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 5060, Informant Procedures, Sec. V (B5)	De la Paz #6378, Larsen #4148
<p>On February 5, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt documenting a payment to confidential informant number 2253, Enrique Alonso. Detective Larsen appears as the witness officer on the receipt. According to payroll records Detective Larsen was on a V-day on this date. Furthermore, Alonso stated to FBI SA Dale Hogue and SA Marjorie Kelly Poche on a FD 302 dated 01-28-03 that the payee signature on the receipt is not his. He also stated that "De la Paz paid Cavazos that day." Cavazos is confidential informant number 2452. The statute of limitation expired on February 5, 2004 therefore there are no criminal referrals in this case.</p> <p><i>See, e.g.,</i> NAR 000886, DPS 006150-151, DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		
Confidential Informant Payment Receipt 02/13/01, 04/02/01, 04/20/01	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378, Herrera #6916, Larsen #4148
<p>Confidential Informant Roberto Santos reviewed three Confidential Informant Payment Receipts prepared on the above listed dates. In his interviews with FBI agents he stated the following: the signature on the receipt dated 2-13-01 is his. However, he did not make this buy. According to Santos, Enrique Alonso made this transaction. The receipt dated 4-02-01 was for a drug buy Santos made at 1622 Haskell. Santos advised he never made a buy at 1622 until 4-19-01, when the arrest described in the receipt was made. Finally, Santos stated that although the signature on the form is his, he was never paid \$400 for the arrest of Victor Alvarado.</p> <p>(02/13/01) <i>See, e.g.,</i> FGJS 006482-483, FGJS 006480-481, FBI 001187, FBI 001342, FBI 001327, DPS 006512.</p> <p>(04/02/01) <i>See, e.g.,</i> DPS 006069, DPS 006510-514, DPS 000001-151, II 001562-1576, II 000952-963, II 000882-934, II 000936-963, II 000404-551, II 000584-641.</p> <p>(04/20/01) <i>See, e.g.,</i> FGJS 006401, FBI 001260.</p>		
May 1, 2001 C. I. Payment receipt Avery, Lonnie J.	Narcotics SOP 4070, Files-Logs City Personnel Rules, Chapter V Rules of Conduct Sec. 34-36 (b) 5	Herrera #6916, De la Paz #6378.
<p>On May 1, 2001 Detective De la Paz, completed a Confidential Informant Payment Receipt for the amount of \$100 to confidential informant number 641. The numerical entry of the amount appears to have been altered. The amount written does not match the numerical amount.</p> <p><i>See, e.g.,</i> DPS 003507-650.</p>		

May 30, 2001 Confidential Informant Payment Receipt	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378, Herrera #6916
<p>On May 30, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt in the amount of \$100. According to the information on the form, the payment was made to Jose Ruiz. According to FBI S.A. Poche's official notes of her interview with Ruiz, dated September 19, 2002, Ruiz says the signature on the receipt is not his signature.</p> <p><i>See, e.g.,</i> FGJS 006355, FGJS 006346, FBI 001260.</p>		
November 6, 2001 C. I. Payment receipt	Code of Conduct, Chapter 8 paragraph 8.7	Herrera #6916, De la Paz #6378.
<p>On November 6, 2001 Detective De la Paz submitted a Confidential Informant Payment Receipt for a payment of \$100 made to Jose Ruiz (C. I. 2344). Officer Herrera's signature appears as the witness officer, however payroll records indicate Officer Herrera was on a vacation day on that date. The records also indicate he was on vacation the day before and three days after the payment was made.</p> <p><i>See, e.g.,</i> FGJS 006233, FGJS 006225, NAR 000876, NAR 000589, DPS 007485-486, FBI 001260.</p>		
February 8, 2001 Confidential Informant Receipt and Drug Buy Report 4916 Live Oak #115 Service number 96354-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378, Larsen #4148, Herrera #6916
<p>On February 8, 2001 Detective De la Paz submitted a Confidential Informant Receipt documenting payment of \$50 to Enrique Alonso. FBI SA Poche and SA Hogue report in their investigative notes dated 01-28-03 that Alonso stated he did not make this drug buy. He merely watched from across the street as two other informants, Ruiz and Cavazos, made the transaction. Informant Ruiz met with Detective De la Paz prior to the transaction and got the buy money. Later, Ruiz and Alonso met at the Sam's on Buckner Blvd. Detective De la Paz also submitted a Drug Buy Report listing Alonso as the informant providing the information that lead to the drug buy.</p> <p><i>See, e.g.,</i> DPS 006151, DPS 003739-849, DPS 003850-970, DPS 003850-650, DPS 003651-738.</p>		
Confidential Informant Payment Receipt March 20, 2001	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378, Larsen #4148
<p>On March 20, 2001 Detective De la Paz completed a Confidential Informant Payment Receipt for the amount of \$50 paid to confidential informant number 1846 (Miguel Gonzales). The payee's signature appears to be similar to the signature used by informant Jose Ruiz and it looks different from other samples of Gonzales' signature.</p> <p><i>See, e.g.,</i> DPS 003739-849, DPS 003850-970, DPS 003850-650, DPS 003651-738.</p>		

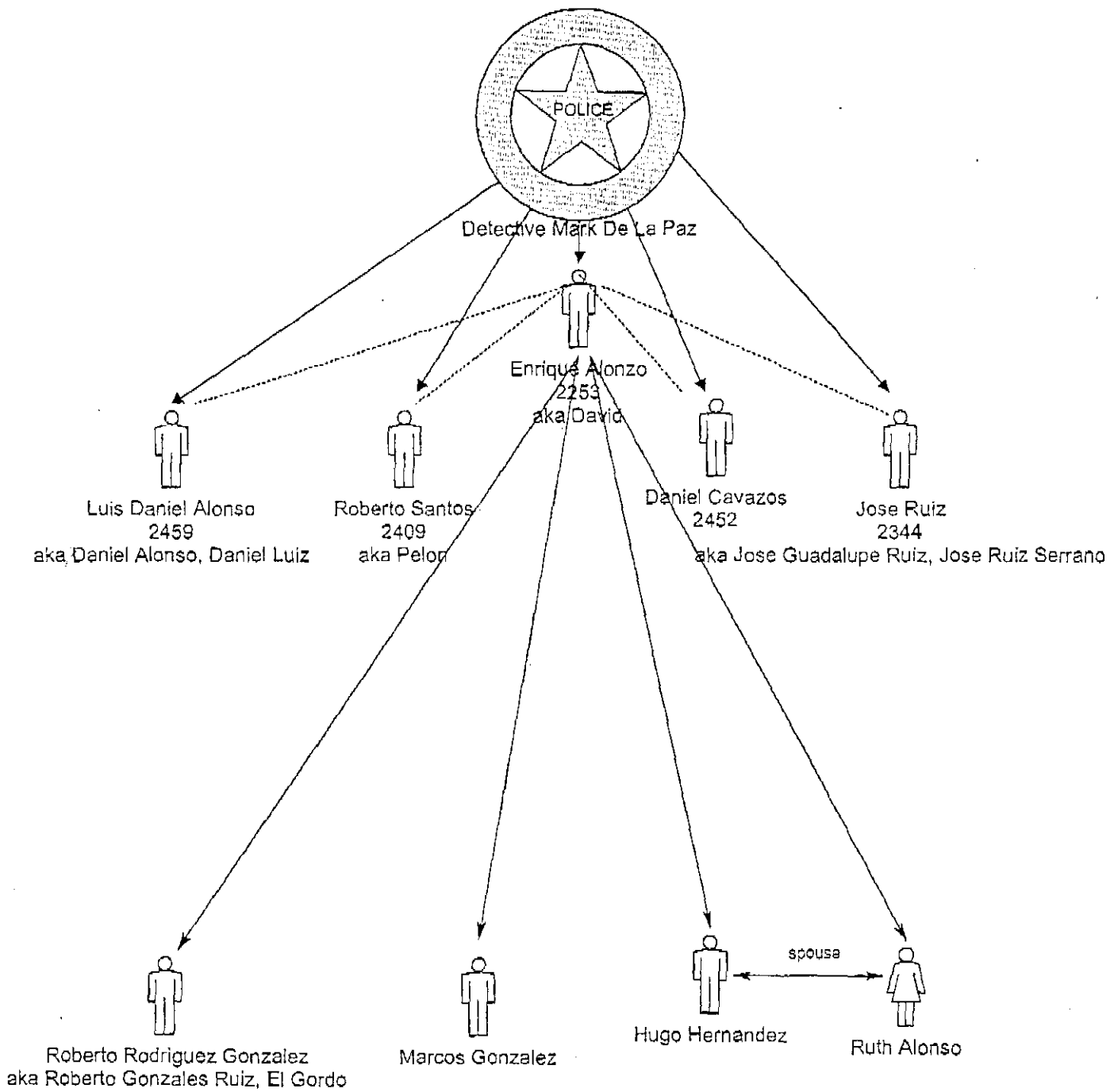
October 1, 2001 Confidential Informant Payment Receipt	Code of Conduct Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378, Herrera #6916
<p>On October 1, 2001 Detective De la Paz completed a Confidential Informant Payment Receipt in the amount of \$100 for information received from Jose Ruiz. The receipt lists Officer Herrera as the witness officer and Detective De la Paz as having made the payment. According to FBI Special Agent Poche's official notes of her interview with Ruiz (dated September 19, 2002), Ruiz says the signature on the receipt is not his.</p> <p><i>See, e.g.,</i> DPS 006325, DPS 006354.</p>		
November 1 and 12, 2001 Confidential Informant Payment Receipt	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378, Herrera #6916
<p>On November 1 and November 12, 2001 Detective De la Paz completed two Confidential Informant Payment Receipts in the amount of \$100 each. The payments were to Jose Ruiz and were witnessed by Officer Herrera. According to FBI Special Agent Poche's official notes of her interview with Ruiz, dated September 19, 2002, Ruiz says the signature on the receipts is not his.</p> <p><i>See, e.g.,</i> FGJS 006234, FGJS 006226, DPS 006419, DPS 007487-488, FBI 001260.</p>		
Confidential Informant Payment Receipt November 6, 2001	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7 Narcotics SOP 5060, Informant Procedures Sec. V (B5)	Herrera #6916, De la Paz #6378
<p>On November 6, 2001 Detective De la Paz completed a Confidential Informant Payment Receipt for \$100 paid to Jose Ruiz. Officer Herrera's signature appears as the witness officer. However, Payroll records indicate that Officer Herrera was on a vacation day on this date.</p> <p><i>See, e.g.,</i> FGJS 006233, FGJS 006225, NAR 000876, NAR 000589, DPS 007485-486, FBI 001260.</p>		
Cooperating Individual Admonishment Form C.I. 2253 and C.I. 2344	Narcotics SOP 3030, Squad Sgt. Responsibilities, Sec. O.	De la Paz #6378, Herrera #6916, Larsen #4148, Gouge #4575
<p>On October 8, 1999 and on March 27, 2000 Detective De la Paz signed two separate Cooperating Individual Admonishment Forms as the Squad Supervisor Presenting Admonishment. In both cases the informants were supposed to work for Detective De la Paz. The Narcotics SOP states in section O of the Narcotic Squad Sergeant Responsibilities that the sergeant "Will meet with every CI assigned to his/her squad and will explain the Admonishment and/or Plea Bargain Agreement form to the CI. He/she will ensure that the CI knows and understands the rules under which they must operate while working as a CI.</p> <p><i>See, e.g.,</i> DPS 006163-164, DPS 006434-435.</p>		

February 5, 2001 Drug Buy Report, 4916 Live Oak Service number 89157-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378
<p>Detective De la Paz submitted a Drug Buy Report describing a controlled buy made at 4916 Live Oak #210. According to the narrative in the report the buy was made on February 5, 2001 based on information that Detective Larsen and Detective De la Paz received from a confidential informant. According to payroll records Detective Larsen was on a vacation day on that date. The report lists Enrique Alonso as the informant involved in the case, but in an interview with the FBI on 01-28-03 Alonso reported that Daniel Cavazos made this buy. Daniel Cavazos' confidential informant number is 2452. No criminal referral was made in this case. The statute of limitation expired on February 5, 2004.</p> <p><i>See, e.g.,</i> NAR 000886, DPS 006150, DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		
February 5, 2001 Drug Buy Report 4933 Columbia Service number 89155-K	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378
<p>Detective De la Paz submitted a Drug Buy Report describing a controlled buy made at 4933 Columbia on February 5, 2001. According to the summary on the report the buy was made based on information that Detective De la Paz and Detective Larsen received from a confidential informant on that day. According to payroll records, Detective Larsen was on a vacation day on February 5, 2001.</p> <p><i>See, e.g.,</i> NAR 000886, DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		
Multiple Drug Tags	Code of Conduct, Chapter 8 paragraph 8.7 Code of Conduct, Chapter 5 paragraph 5.3	Various officers.
<p>The Federal Bureau of Investigation seized several hundred drug evidence packages from the property room to be submitted for analysis. Selected packages were sent to the Drug Enforcement Administration for analysis. FBI Special Agent Christopher Derks noted the results of analysis by Forensic Chemists Scott Wischnewsky, Brian Widra, Lynn Griffin, W. Kent Glanville and Rajesh Patel in his official notes (FD 302) dated February 20, 2003. All the chemists found either no controlled substance present or they found a different controlled substance than what the evidence packages indicated. The following Dallas Police Department drug evidence tags were identified: 46461, 44116, 44140, 626099, 70139, 68221, 70235, 71477, 71529, 72594, 75157, 75638, 75639, 77122, 42558, 66009, 67275, 71387, 71403, 72800, 72869, 72934, 72967, 72968, 72997, 59551, 73683, 79352, 63239, 68402, 69014, 69233, 74091, and 74355. The listed drug evidence is in the custody of the Texas Department of Public Safety.</p> <p><i>See, e.g.,</i> FBI 001134-139, FBI 001503-507, FBI 001500-501.</p>		

Search and Arrest Warrant 4916 Live Oak #115	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378
<p>On February 8, 2001 Detective Mark De la Paz submitted an affidavit for a search and arrest warrant that was executed on that day at 4916 Live Oak #115. The affidavit states that Detective De la Paz received information from a confidential informant that a Latin male described in the affidavit was selling drugs at that location on February 6, 2001. Detective De la Paz states in the affidavit that he received the information on the same day. However, the panel could not find any documented buy at that location on February 6, 2001. There is a Drug Buy Report and a Confidential Informant Receipt documenting a transaction on February 8, 2001 at 4916 Live Oak. The statute of limitation expired on February 8, 2004. There is no criminal referral in this case.</p> <p><i>See, e.g.,</i> DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		
Search and Arrest Warrant 4916 Live Oak #210	Code of Conduct, Chapter 8 paragraph 8.6 and 8.7	De la Paz #6378
<p>On February 9, 2001 Detective De la Paz submitted an affidavit for a search and arrest warrant that resulted in the issuance of a warrant and the subsequent seizure of narcotics, a handgun and the arrest of Kevin Meraz. The warrant was executed at 4916 Live Oak #210. In the affidavit Detective De la Paz states that the confidential informant had been at the location on February 8, 2001. However, there is no documentation of a transaction taking place at that address on February 8, 2001. There is a Confidential Informant Payment Receipt and a Drug Buy Report documenting a buy at the listed address on February 5, 2001. Also, there is a Confidential Informant Payment Receipt and a Drug Buy Report documenting a buy on February 8, 2001 at 4916 Live Oak #115. There is no criminal referral to the Public Integrity Unit in this case because the statute of limitation has expired.</p> <p><i>See, e.g.,</i> DPS 003739-849, DPS 003850-970, DPS 003507-650, DPS 003651-738.</p>		

ATTACHMENT C-7

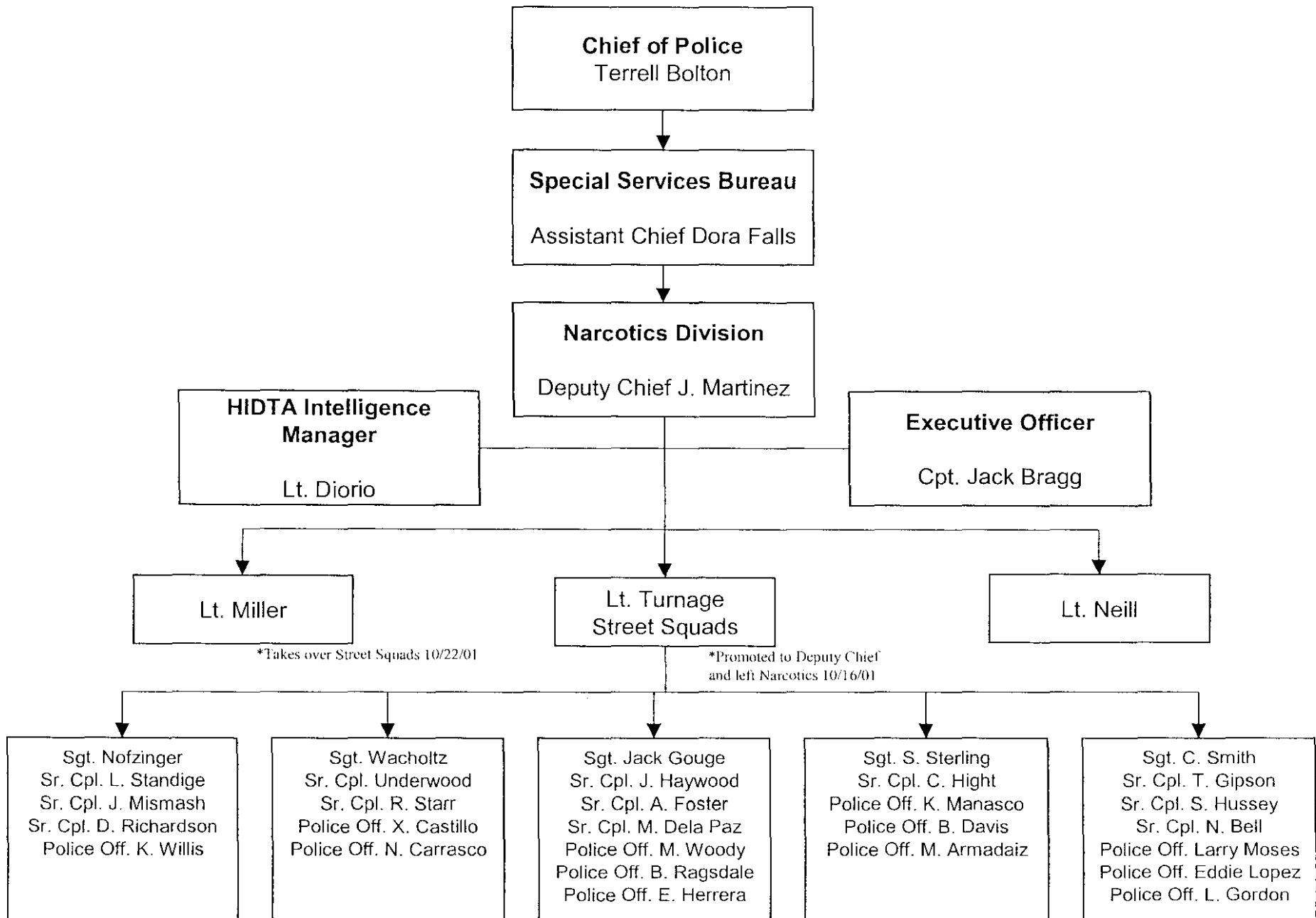
Informant Network



Name/CI #	Name/CI #
Alonso, Enrique Martinez / 2253 "David" (Brother to Luis Alonso and Father of Ruth Alonso)	Alonso, Luis Daniel / 2459 "Daniel Alonso" "Daniel Luis"
Hernandez, Hugo (Married to Ruth Alonso)	Alonso, Ruth (Married to Hugo Hernandez / Daughter of Enrique Alonso)
Gonzalez, Roberto Rodriguez "Roberto Gonzales Ruiz" "El Gordo"	Gonzalez, Marcos
Ruiz, Jose "Jose Guadalupe Ruiz" "Jose Ruiz Serrano"	Santos, Roberto / 2409 "Pellon"
Cavazos, Daniel / 2452	

ATTACHMENT C-8

ORGANIZATIONAL CHART IN 2001



ATTACHMENT C-9

CI'S WITHIN DATE RANGE

01/01/2001

THRU: 12/11/2001

CI#	SumOfAmount Paid	AvgOfAmount Paid	SumOf# of C/Buys
0545	\$200.00	\$200.00	0
1101	\$6,500.00	\$500.00	0
1208	\$2,220.00	\$370.00	2
1248	\$5,272.76	\$122.62	42
1248-21	\$710.00	\$236.67	3
13403	\$100.00	\$100.00	0
1424/188	\$200.00	\$200.00	0
1426	\$6,535.80	\$204.24	0
1426/188	\$200.00	\$100.00	0
1560	\$970.00	\$194.00	9
1585	\$4,450.00	\$890.00	0
1600	\$600.00	\$300.00	0
1638	\$150.00	\$150.00	1
1639	\$32,850.00	\$1,026.56	0
1679	\$1,300.00	\$1,300.00	0
1730	\$400.00	\$400.00	0
1735	\$11,750.00	\$2,350.00	0
1755	\$850.00	\$170.00	6
1788	\$1,000.00	\$333.33	0

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
1803	\$100.00	\$100.00	0
1846	\$100.00	\$50.00	0
1949	\$700.00	\$233.33	0
1984	\$40.00	\$40.00	0
1993	\$500.00	\$200.00	0
1999	\$4,500.00	\$500.00	0
2028	\$4,000.00	\$500.00	0
2041	\$2,540.00	\$141.11	17
2048	\$9,155.00	\$111.65	64
2054	\$1,300.00	\$1,300.00	0
2064	\$550.00	\$182.50	3
2095	\$6,130.00	\$165.68	9
2097	\$1,640.00	\$102.50	22
2126	\$900.00	\$300.00	0
2126-359	\$100.00	\$100.00	0
2134	\$3,355.00	\$176.58	13
2174	\$1,800.00	\$300.00	3
2184	\$3,750.00	\$312.50	2
2195	\$1,000.00	\$83.33	23
2211	\$290.00	\$41.43	5
2214	\$8,900.00	\$809.09	0

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
2220	\$650.00	\$325.00	0
2238	\$440.00	\$88.00	3
2253	\$208,050.00	\$3,782.73	5
2263	\$100.00	\$100.00	0
2276	\$500.00	\$166.67	0
2277	\$140.00	\$70.00	2
2278	\$7,770.00	\$257.78	12
2282	\$350.00	\$350.00	0
2320	\$200.00	\$200.00	0
2328	\$8,890.00	\$296.33	7
2344	\$23,100.00	\$1,050.00	11
23484	\$200.00	\$200.00	0
2352	\$2,780.00	\$92.67	15
2364	\$6,115.00	\$321.84	3
2380	\$950.00	\$237.50	0
2382	\$100.00	\$100.00	0
2384	\$5,000.00	\$500.00	0
2390	\$2,325.00	\$155.00	5
2398	\$7,000.00	\$3,500.00	0
2400	\$1,470.00	\$105.00	5
2409	\$5,950.00	\$869.75	0

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
2414	\$40.00	\$40.00	0
2420	\$795.00	\$72.27	12
2421	\$300.00	\$150.00	0
2423	\$10,800.00	\$3,600.00	0
2430	\$100.00	\$100.00	0
2431	\$1,165.00	\$291.25	2
2434	\$120.00	\$60.00	2
2435	\$200.00	\$200.00	0
2436	\$500.00	\$500.00	0
2439	\$4,390.00	\$399.09	0
2442	\$90.00	\$45.00	2
2444	\$500.00	\$500.00	0
2446	\$1,300.00	\$650.00	1
2447	\$3,500.00	\$500.00	0
2451	\$5,240.00	\$249.52	4
2452	\$17,000.00	\$3,400.00	0
2454	\$110.00	\$27.50	4
2455	\$1,500.00	\$1,500.00	0
2459	\$22,000.00	\$7,333.33	0
2460	\$80.00	\$40.00	2
2461	\$36,000.00	\$7,600.00	0

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
2467	\$400.00	\$100.00	0
2480	\$1,050.00	\$262.50	1
2481	\$60.00	\$60.00	0
3048	\$100.00	\$100.00	0
355-2107	\$150.00	\$75.00	1
3552107	\$160.00	\$80.00	0
641	\$2,723.83	\$82.54	36
781020-138	\$300.00	\$300.00	0
816	\$905.00	\$82.27	11
915	\$17,175.00	\$106.02	165
C-816	\$310.00	\$103.33	2
C186	\$100.00	\$100.00	0
C816	\$1,930.00	\$175.45	1
DEA	\$200.00	\$200.00	0

TOP CI'S WITHIN DATE RANGE

01/01/2001 THRU: 12/31/2001

CI#	SumOfAmount Paid	AvgOfAmount Paid	SumOf# of C/Buys
1 2253	\$208,050.00	\$3,782.73	5
2 2461	\$38,000.00	\$7,600.00	0
3 1639	\$32,850.00	\$1,026.56	0
4 2344	\$23,100.00	\$1,050.00	11
5 2459	\$22,000.00	\$7,333.33	0
6 915	\$19,355.00	\$108.13	199
7 2452	\$17,000.00	\$3,400.00	0
8 1735	\$11,750.00	\$2,350.00	0
9 2423	\$10,800.00	\$3,600.00	0
10 2328	\$9,390.00	\$293.44	7
2048	\$9,155.00	\$111.65	64
2214	\$8,900.00	\$809.09	0
2278	\$7,770.00	\$267.78	12
2398	\$7,000.00	\$3,500.00	0
2409	\$6,950.00	\$868.75	0
1101	\$6,500.00	\$500.00	0
1426	\$6,435.80	\$195.02	0
2095	\$6,190.00	\$162.89	9
2364	\$6,115.00	\$321.84	3

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
1248	\$5,432.76	\$123.47	42
2451	\$5,380.00	\$215.20	8
2384	\$5,000.00	\$500.00	0
1999	\$4,500.00	\$500.00	0
1585	\$4,450.00	\$590.00	0
2439	\$4,390.00	\$399.00	0
2028	\$4,000.00	\$500.00	0
2184	\$3,750.00	\$312.50	2
2447	\$3,500.00	\$500.00	0
2134	\$3,355.00	\$175.55	13
2352	\$3,030.00	\$94.59	15
1208	\$3,020.00	\$431.43	2
641	\$2,723.83	\$82.54	33
2041	\$2,540.00	\$141.11	17
2390	\$2,325.00	\$155.00	5
2443	\$2,000.00	\$2,000.00	0
C816	\$1,930.00	\$175.45	1
2174	\$1,800.00	\$300.00	3
2097	\$1,640.00	\$102.50	22
2455	\$1,500.00	\$1,500.00	0
2400	\$1,470.00	\$105.00	5

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
2283	\$1,400.00	\$1,400.00	0
2054	\$1,300.00	\$1,300.00	0
816	\$1,175.00	\$78.33	15
2431	\$1,165.00	\$291.25	2
2480	\$1,150.00	\$230.00	2
1788	\$1,000.00	\$333.33	0
1560	\$970.00	\$194.00	9
3552107	\$960.00	\$320.00	0
2380	\$950.00	\$237.50	0
0543	\$900.00	\$300.00	0
1755	\$850.00	\$170.00	6
2467	\$800.00	\$114.29	0
2420	\$795.00	\$72.27	12
1248-21	\$710.00	\$235.67	3
1949	\$700.00	\$233.33	0
2220	\$650.00	\$325.00	0
1600	\$600.00	\$300.00	0
2436	\$500.00	\$500.00	0

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
2238	\$440.00	\$88.00	3
1730	\$400.00	\$400.00	0
2282	\$350.00	\$350.00	0
C-816	\$310.00	\$103.33	2
2421	\$300.00	\$150.00	0
2211	\$290.00	\$41.43	5
23484	\$200.00	\$200.00	0
355-2107	\$150.00	\$75.00	1
2277	\$140.00	\$70.00	2
2434	\$120.00	\$60.00	2
2454	\$110.00	\$27.50	4
13403	\$100.00	\$100.00	0
2442	\$90.00	\$45.00	2
2460	\$80.00	\$40.00	2
2481	\$50.00	\$50.00	0
2482	\$50.00	\$50.00	0

<i>CI#</i>	<i>SumOfAmount Paid</i>	<i>AvgOfAmount Paid</i>	<i>SumOf# of C/Buys</i>
1984	\$40.00	\$40.00	0

ATTACHMENT C-10

RANDY HORTON & ASSOCIATES
FORENSIC ACCOUNTING · LITIGATION SUPPORT

October 14, 2004

CLIENT: City of Dallas Independent Investigative Panel

DATES OF INVESTIGATION: 5/31/04-6/2/04

BY: Randy M. Horton

The purpose of this engagement was to audit schedules prepared by the Dallas Police Department of the daily receipts by De La Paz from confidential informant (CI) funds, payments to CI's, and daily balances. The period covered for the exam was 2/1/01 through 10/31/01.

Funds for CI payments come from three sources – the Street Squad Fund, the Confiscated Fund, and the Combined Confiscated Fund. When De La Paz received a draw from a fund, he signed a receipt. When a payment was made to a CI, the CI signed a receipt. This receipt is also signed by De La Paz and another officer as a witness to the payment. The use of the funds by the CI for a drug purchase is documented in a Drug Buy Report, prepared by De La Paz. Monthly activity in the CI funds is documented in a Monthly Summary Report.

Procedures for the audit:

1. Daily computations were checked for mathematical accuracy.
2. Officer draws were traced to the officer draw receipt.
3. Payments were traced to either the CI receipt or the Drug Buy Report.
4. The officer draw receipts, CI receipts, and Drug Buy Reports were traced to the monthly summaries.

On 7/9/01, De La Paz prepared one CI receipt for \$20,000 and listed the following payments:

7/2/01	15,000.00
7/9/01	5,000.00
	<hr/>
	\$20,000.00

On 8/2/01, De La Paz prepared one CI receipt for \$35,000 and listed the following payments:

7/9/01	4,000.00
7/16/01	3,000.00
7/17/01	5,000.00
7/17/01	5,000.00
7/19/01	2,300.00
7/23/01	5,000.00
7/24/01	5,000.00
7/27/01	1,000.00
8/2/01	4,000.00
8/2/01	700.00
	<hr/>
	\$35,000.00

On 8/23/01, De La Paz prepared one CI receipt for \$50,000 and listed the following payments:

8/2/01	1,000.00
8/2/01	1,000.00
8/3/01	17,000.00
8/7/01	9,000.00
8/8/01	1,000.00
8/14/01	12,000.00
8/15/01	5,000.00
8/23/01	4,000.00
	<hr/>
	\$50,000.00

On 9/4/01, De La Paz prepared one CI receipt for \$17,000 and listed the following payments:

7/20/01	2,000.00
7/27/01	400.00
8/13/01	2,000.00
8/14/01	3,000.00
8/15/01	2,000.00
8/24/01	1,100.00
8/29/01	750.00
9/4/01	5,750.00
	<hr/>
	\$17,000.00

On 9/4/01, De La Paz prepared one CI receipt for \$35,000 and listed the following payments:

8/20/01	2,000.00
8/20/01	5,000.00
8/23/01	4,000.00
8/24/01	4,000.00
9/4/01	7,000.00

22,000.00

13,000.00 per report, not paid due to analysis of drugs seized in past.

\$35,000.00

On 9/7/01, De La Paz prepared one CI receipt for \$50,000 and listed the following payments:

8/24/01	5,900.00
8/29/01	6,000.00
9/4/01	12,800.00
9/7/01	2,200.00

26,900.00

23,100.00 per report, not paid due to analysis of drugs seized

\$50,000.00

On the following dates, it was noted that there was a negative balance in funds received by De La Paz and payments for controlled drug buys and CI's:

2/8/01 – (\$235.00)

2/21/01 – (\$585.00)

2/26/01 – (\$100.00)

3/6/01 – (\$915.00)

4/18/01 – (\$390.00)

5/10/01 through 6/15/01 – (\$330.00)

6/28/01 through 7/8/01 – (\$480.00)

7/19/01 – (\$780.00)

Activity for De La Paz for 2/1/01 through 10/31/01 is summarized as follows:

Beginning Balance, 2/1/01:

Street Squad Fund	855.00	
Confiscated Fund	460.00	
	<hr/>	1,315.00

Officer Draws		418,490.00
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Drug Buy Reports		(138,155.00)
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CI Payments		(279,740.00)
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Ending Balance:

Street Squad Fund	1,475.00	
Confiscated Fund	435.00	
	<hr/>	1,910.00

Ending Balance, 10/31/01

February

C-10

Sun

Mon

Tue

Wed

Thu
1

Fri
2

Sat
3

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10

Bal	415
-----	-----

Receipt	4,000
CB	-850
CB	-2,800
2253	-50
2253	-100
Bal	615

Bal	615
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Bal	615
-----	-----

CB	-800
2253	-50
Bal	-235

Receipt	6,000
2253	-1,000
Bal	4,765

Bal	4,765
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11

12

13

14

15

16

17

Bal	4,765
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CB	-1,400
2253	-400
2253	-100
Bal	2,865

Receipt	2,500
CB	-1,400
2253	-100
CB	-1,400
CB	-1,100
2253	-100
2409	-100
Bal	1,165

Bal	1,165
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Receipt	2,000
CB	-1,300
2253	-100
Bal	1,765

CB	-700
2253	-100
Bal	965

Bal	965
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18

19

20

21

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23

24

Bal	965
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Bal	965
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Receipt	1,600
Bal	2,565

CB	-2,550
2344	-100
2253	-500
Bal	-585

Receipt	8,000
CB	-5,200
2409	-100
Bal	2,115

Bal	2,115
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Bal	2,115
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25

26

27

28

Bal	2,115
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CB	-725
2253	-50
CB	-700
CB	-700
2253	-40
Bal	-100

Receipt	2,600
CB	-1,400
2253	-100
CB	-725
2253	-40
Bal	235

Bal	235
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2001

March

C-10

Sun

Mon

Tue

Wed

Thur

Fri

Sat

1

2

3

Bal	235
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Receipt	2,600
CB	-1,100
2253	-100
Bal	1,635

Bal	1,635
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Bal	1,635
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4

5

6

7

8

9

10

Bal	1,635
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CB	-800
2253	-50
2253	-150
Bal	635

CB	-1,450
2253	-100
Bal	-915

Receipt	4,000
Bal	3,085

Bal	3,085
-----	-------

CB	-1,300
Bal	1,785

Bal	1,785
-----	-------

11

12

13

14

15

16

17

Bal	1,785
-----	-------

Receipt	2,500
CB	-1550
2344	-100
2253	-650
Bal	1,985

Receipt	900
CB	-1,500
2253	-100
Bal	1,285

Receipt	5,000
CB	-450
2253	-50
Bal	5,785

CB	-1,500
CB	-850
CB	-1,500
2253	-100
2253	-100
2253	-50
Bal	1,685

Bal	1,685
-----	-------

Bal	1,685
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18

19

20

21

22

23

24

Bal	1,685
-----	-------

Receipt	3,000
CB	-725
CB	-800
CB	-1,500
2344	-100
2253	-50
2253	-50
Bal	1,460

CB	-450
CB	-400
1846	-50
2253	-200
Bal	360

Bal	360
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Bal	360
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Receipt	6,000
Bal	6,360

Bal	6,360
-----	-------

25

26

27

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29

30

31

Bal	6,360
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CB	-1,500
2253	-100
CB	-1,600
2253	-100
Bal	3,060

Bal	3,060
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Receipt	400
CB	-1400
2253	-100
Bal	1,960

CB	-800
2253	-50
Bal	1,110

Bal	1,110
-----	-------

Bal	1,110
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2001

April

Sun
1

Bal	1,110
-----	-------

Mon
2

Receipt	5,000
CB	-1,400
CB	-800
2409	-50
2409	-100
Bal	3,760

Tue
3

2253	-700
CB	-800
2344	-50
Bal	2,210

Wed
4

Receipt	2,800
CB	-2,500
CB	-1,400
CB	-800
2253	-50
2253	-100
2409	-100
Bal	60

Thu
5

Bal	60
-----	----

Fri
6

Bal	60
-----	----

Sat
7

Bal	60
-----	----

8

Bal	60
-----	----

9

Bal	60
-----	----

10

Bal	60
-----	----

11

Receipt	9,000
CB	-1,600
2253	-100
Bal	7,360

12

Receipt	1,000
CB	-1,050
CB	-2,400
CB	-2,600
2409	-100
2253	-100
2253	-100
Bal	2,010

13

Bal	2,010
-----	-------

14

Bal	2,010
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15

Bal	2,010
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16

Bal	2,010
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17

Bal	2,010
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18

CB	-850
2253	-50
CB	-1,500
Bal	-390

19

Receipt	9,000
CB	-2,500
2253	-1,500
Bal	4,610

20

CB	-1,500
2409	-400
2344	-100
Bal	2,610

21

Bal	2,610
-----	-------

22

Bal	2,610
-----	-------

23

Bal	2,610
-----	-------

24

CB	-2,500
2409	-100
Bal	10

25

Receipt	5,000
CB	-1,260
2253	-100
Bal	3,650

26

CB	-1,500
CB	-850
2253	-50
Bal	1,250

27

Bal	1,250
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28

Bal	1,250
-----	-------

29

Bal	1,250
-----	-------

30

Receipt	2,000
CB	-20
2048	-60
2253	-1,000
Bal	2,170

2001

May

Sun

Mon

Tue
1Wed
2Thu
3Fri
4Sat
5

Bal 2,170

CB -1,200
2253 -100

Bal 870

Receipt 7,000
CB -750
2253 -50
CB -1,500
2344 -100
Bal 5,470

Bal 5,470

CB -2000

Bal 3,470

Bal 3,470

6

7

8

9

10

11

12

Bal 3,470

CB -1,200

Bal 2,270

Receipt 2,900
Receipt 2,500
CB -800
2253 -50
CB -4,600
Bal 2,220CB -1,200
2253 -100
Bal 920Receipt 2,400
2253 -150
2253 -3,500
Bal -330

Bal -330

Bal -330

13

14

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16

17

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19

Bal -330

Bal -330

Bal -330

Receipt 9,000
CB -2,800
CB -2,800
CB -800
2344 -100
2253 -100
2253 -100
Bal 1,970

Bal 1,970

Bal 1,970

Bal 1,970

20

21

22

23

24

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26

Bal 1,970

Receipt 10,000
2253 -10,000
Bal 1,970

Bal 1,970

Bal 1,970

Bal 1,970

Bal 1,970

Bal 1,970

27

28

29

30

31

Bal 1,970

Bal 1,970

Receipt 20,000
2253 -20,000
Bal 1,970Receipt 6,000
CB -2,800
CB -1,600
2344 -100
2409 -100
Bal 3,370

Bal 3,370

2001

June

Sun

Mon

Tue

Wed

Thu

Fri

Sat

1

2

Bal 3,370

Bal 3,370

3

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8

9

Bal 3,370

Bal 3,370

Bal 3,370

Bal 3,370

Receipt 5,000

Bal 8,370

Bal 8,370

Bal 8,370

10

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12

13

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15

16

Bal 8,370

Bal 8,370

 Receipt 6,500
 CB -450
 1846 -50

Bal 14,370

 Receipt 6,000
 2409 -6,000
 CB -2,800
 CB -800
 2344 -100
 2253 -50
 Bal 10,620

Bal 10,620

Bal 10,620

Bal 10,620

17

18

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22

23

Bal 10,620

 Receipt 4,500
 Receipt 2,500
 CB -800
 CB -800
 2253 -50
 2253 -50
 Bal 15,920

Bal 15,920

 Receipt 600
 Bal 16,520

 Receipt 15,000
 Bal 31,520

Bal 31,520

Bal 31,520

24

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30

Bal 31,520

 Receipt 8,000
 Bal 39,520

 Receipt 5,000
 Bal 44,520

Bal 44,520

 Receipt 10,000
 2253 -9,400
 2344 -20,000
 2253 -25,600
 Balance -480

Bal -480

Bal -480

2001

July

<i>Sun</i> 1	<i>Mon</i> 2	<i>Tue</i> 3	<i>Wed</i> 4	<i>Thu</i> 5	<i>Fri</i> 6	<i>Sat</i> 7
Bal -480	Receipt 15,000 2253 -15,000 Bal -480	Bal -480	Bal -480	Bal -480	Bal -480	Bal -480
8	9	10	11	12	13	14
Bal -480	Receipt 10,000 Receipt 2,000 2253 -5,000 2253 -4,000 Bal 2,520	Bal 2,520	Bal 2,520	Bal 2,520	Bal 2,520	Bal 2,520
15	16	17	18	19	20	21
Bal 2,520	Receipt 2,000 2253 -3,000 Bal 1,520	Receipt 5,000 Receipt 5,000 2253 -5,000 2253 -5,000 Bal 1,520	Bal 1,520	2253 -2,300 Bal -780	Receipt 4,340 2452 -2000 Bal 1,560	Bal 1,560
22	23	24	25	26	27	28
Bal 1,560	Receipt 5,000 2253 -5,000 Bal 1,560	Receipt 5,000 2253 -5,000 Bal 1,560	Bal 1,560	Bal 1,560	Receipt 1,400 2253 -1,000 2452 -400 Bal 1,560	Bal 1,560
29	30	31				
Bal 1,560	Bal 1,560	Bal 1,560				

2001

August

*Sun**Mon**Tue**Wed*
1*Thu*
2*Fri*
3*Sat*
4

Bal 1,560

Receipt	5,000
Receipt	1,500
2253	-700
2253	-1,000
2253	-1,000
2253	-4,000
Bal	1,360

Receipt	19,000
2253	-17,000
2452	-2,000
Bal	1,360

Bal 1,360

5

6

7

8

9

10

11

Bal 1,360

Bal 1,360

Receipt	9,000
2253	-9,000
Bal	1,360

Receipt	1,000
2253	-1,000
Bal	1,360

Bal 1,360

Bal 1,360

Bal 1,360

12

13

14

15

16

17

18

Bal 1,360

Bal 1,360

Receipt	15,000
2253	-12,000
2452	-3,000
Bal	1,360

Receipt	10,000
2253	-5,000
CB	-800
2452	-2,000
Bal	3,560

Bal 3,560

Bal 3,560

Bal 3,560

19

20

21

22

23

24

25

Bal 3,560

Receipt	5,000
2459	-2,000
2459	-5,000
Bal	1,560

Bal 1,560

Bal 1,560

Receipt	4,000
Receipt	4,000
2253	-4,000
2459	-4,000
Bal	1,560

Receipt	11,000
2253	-5,900
2452	-1,100
2459	-4,000
Bal	1,560

Bal 1,560

26

27

28

29

30

31

Bal 1,560

Bal 1,560

Receipt	750
Bal	2,310

Receipt	6,000
2253	-6,000
2452	-750
Bal	1,560

Bal 1,560

Bal 1,560

2001

September

*Sun**Mon**Tue**Wed**Thu**Fri**Sat*

1

Bal 1,560

2

Bal 1,560

3

Bal 1,560

4

Receipt	7,000
Receipt	18,000
2459	-7,000
2452	-5,750
2253	-12,800
Bal	1,010

5

Bal 1,010

6

Bal 1,010

7

Receipt	1,700
2253	-2,200
Bal	510

8

Bal 510

9

Bal 510

10

Bal 510

11

Bal 510

12

Bal 510

13

Bal 510

14

Bal 510

15

Bal 510

16

Bal 510

17

Bal 510

18

Receipt	2,000
CB	-750
2344	-50
Bal	1,710

19

Bal 1,710

20

Bal 1,710

21

Bal 1,710

22

Bal 1,710

23

Bal 1,710

24

CB	-800
Bal	910

25

Bal 910

26

Bal 910

27

Bal 910

28

Receipt	5,000
Bal	5,910

29

Bal 5,910

30

Bal 5,910

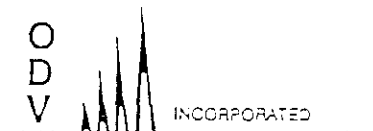
2001

October

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3	4	5	6
Bal 5,910	CB -3,500 2344 -100 Bal 2,310	Bal 2,310	Bal 2,310	Bal 2,310	Bal 2,310	Bal 2,310
7	8	9	10	11	12	13
Bal 2,310	Bal 2,310	Receipt 10,000 CB -6,500 2344 -100 Bal 5,710	Bal 5,710	Receipt 6,000 Bal 11,710	CB -6,500 2344 -100 Bal 5,110	Bal 5,110
14	15	16	17	18	19	20
Bal 5,110	Bal 5,110	Receipt 2,000 CB -4,100 2344 -100 Bal 2,910	Bal 2,910	Bal 2,910	Bal 2,910	Bal 2,910
21	22	23	24	25	26	27
Bal 2,910	Receipt 6,000 CB -500 CB -4,000 2344 -100 Bal 4,310	Bal 4,310	Receipt 7,000 CB -1,900 2253 -100 Bal 9,310	2253 -500 CB -2,700 2253 -100 Bal 6,010	Bal 6,010	Bal 6,010
28	29	30	31			
Bal 6,010	Bal 6,010	CB -4000 2344 -100 Bal 1,910	Bal 1,910			

2001

ATTACHMENT C-11

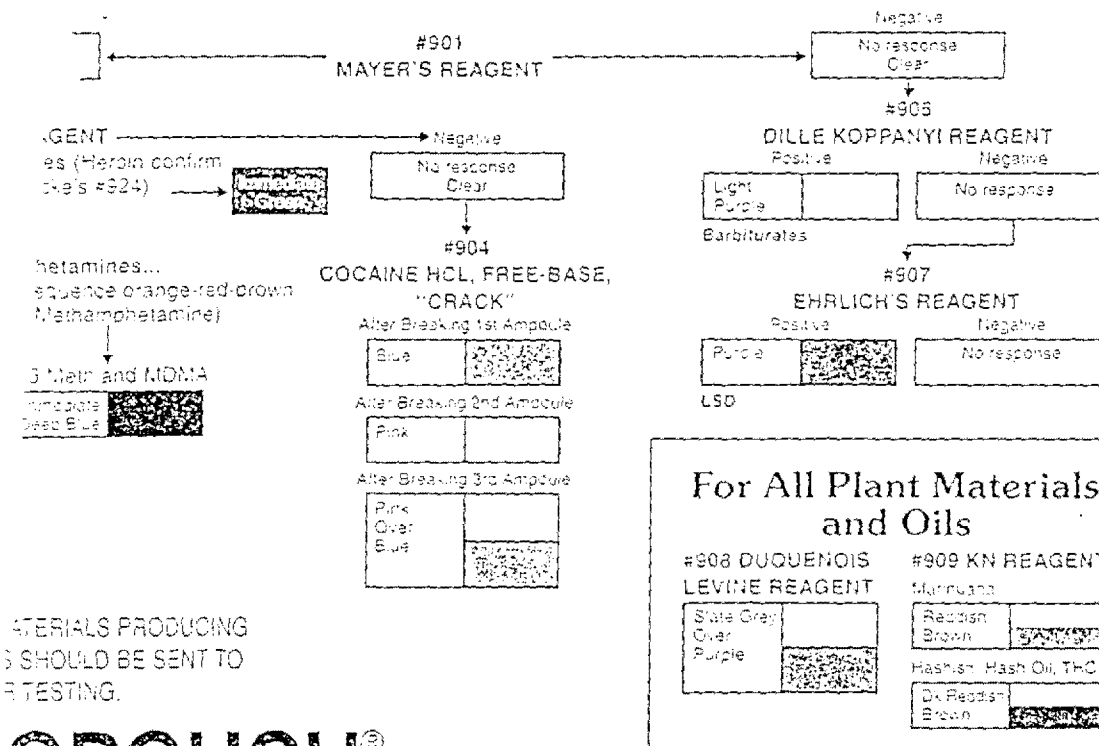


1-800-422-3784
(207) 743-7712
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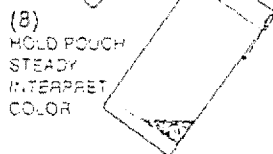
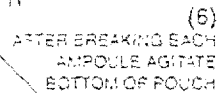
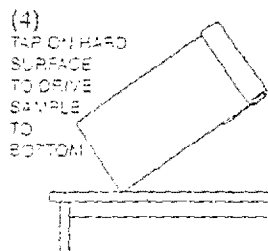
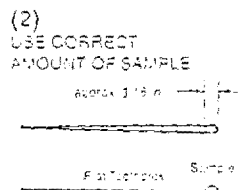
JACK S. THORNDIKE
National Sales Manager
800-733-2853 Access 55

Testing Procedure for the Major Drugs of Abuse



POUCH®

PROCEDURE



- Do's and Don'ts -

Do...

1. Use care in removing and replacing clips.
2. Be sure measuring device is clean.
3. Use correct amount of suspect material.
4. Hold the test unit away from your face when loading, breaking ampoules, and agitating.
5. Apply pressure at the liquid level to break ampoules.
6. Mix reagent and sample thoroughly.
7. Compare the colors in a well-lighted area. Observe the colors formed immediately to NO MORE THAN ONE MINUTE after breaking the last ampoule.
8. Dispose of used test units promptly and safely.
9. Store used test units in a poly bag or neutralize until disposed.
10. Flush all spilled reagents with water.
11. Treat burns from spilled reagents as any other burn.
12. Dispose of used #903 test units promptly and in a separate container from #904, #907, or #908.

Don't...

1. Do Not crush the broken pieces of glass ampoule once broken. This will help avoid piercing the fingers and spilling reagent through a punctured pouch.
2. Do Not shake the test units up and down to mix, or hold your face over the unit when loading or agitating.
3. Do Not compare the colors in poor light such as under mercury or sodium vapor area lighting.
4. Do Not hold the unit in front of colored surfaces for comparison.
5. Do Not store used test units on person or in clothing.
6. Do Not dispose of test units where accessible to children.
7. Do Not ignore spilled reagents.
8. Do Not dispose of un-neutralized #903 with #904, #907 or #908.
9. Do Not place liquids directly into the pouch.
10. Do Not remove ampoules from the pouch.

PREPARATION OF SUSPECT MATERIAL

RETAIN SUFFICIENT SAMPLE OF SUSPECT MATERIAL FOR EVIDENTIAL ANALYSIS BY THE FORENSIC LABORATORY OR TOXICOLOGIST.

- Capsules** Open the capsule, remove sufficient material for the test using a flat toothpick or other suitable device.
- Compressed** Possibly hashish. Cut or scrape the block into pieces to provide small flakes for testing.
- Fluid, Oils** Spread on a nonporous surface, allow to dry. Scrape to provide material for testing. Or...Absorb some on an uncolored, unscented tissue - allow to dry and use the tissue to test the unknown. A single drop of oil suspected of being hash oil is sufficient.
- Plant** A pinch of dry, powdered plant material or 4-6 flakes of fresh plant material is sufficient.
- Tablets** Crush tablet to a fine powder between a fold of paper, remove sufficient material for the test using a toothpick or other suitable device.

A great deal of effort has gone into the preparation of the charts for color comparisons; colors described or printed are relative. Responses will be affected by purity and/or size of the sample, testing conditions, temperature, how well the sample has been mixed with the reagent and a number of other factors. Only if the TESTING SEQUENCE is followed, and common sense added to reading color responses, will the results be conclusive.

INDIVIDUAL TEST INSTRUCTIONS

PROCEDURE A for 1 ampoule tests (1, 2, 3, 6, & 26):

1. Remove the clip. 2. Place sample in the pouch.
3. Place clip carefully. 4. Break the ampoule. Mix.
5. Observe color development.

PROCEDURE B for 2 ampoule tests (5, 9, 14, 24, 25, & 27):

1. Remove clip. 2. Place sample in pouch. 3. Replace clip carefully. 4. Break left (print facing you) ampoule. Mix well. 5. Observe any color formed. 6. Break the right ampoule and mix well. 7. Observe color.

PROCEDURE C for 3 ampoule tests (4, 7, 8, & 23):

1. Remove clip. 2. Place sample in pouch. 3. Replace clip carefully. 4. Break left (print facing you) ampoule. Mix well. Observe any color formed. 5. Break the center ampoule and mix well. Observe any color formed. 6. Break right ampoule, agitate for 2 to 3 seconds and hold the pouch steady. 7. Observe color.

Reagent 1 Mayer's Reagent (1 ampoule) A test for general narcotic compounds, and a suggested starting point for sequential testing (see the chart selector on the front side). (Use procedure A) The formation of a white to cream-colored gelatinous precipitate is indicative of the presence of one of the general narcotic compounds (for the amphetamines). Proceed to Test #2 (Marquis Reagent), a test for opiates. If no precipitate is formed, proceed to Test #5 (Dille-Koppanyi Reagent), a test for barbiturates.

CONTENTS: tri-iodo mercurate solution in water. **ANTIDOTE:** Immediate dilution with water followed by INDUCED VOMITING using 2 tablespoons of syrup of ipecac. Seek medical advice.

Reagent 2 Marquis Reagent (1 ampoule) A test for opiates and amphetamine type compounds. (Use procedure A) Color responses: Violet to reddish-purple is indicative of the opiates. Proceed to Test #924 Mecke's for confirming heroin and morphine. An orange to red to brown sequence within 12 seconds may indicate the presence of an amphetamine. Brown may indicate demerol. Red may indicate the presence of cocaine. Black may indicate MDMA (Ecstasy).

CONTENTS: concentrated sulfuric acid with formaldehyde. **ANTIDOTE:** Immediate dilution with water is recommended. DO NOT induce vomiting. Seek medical advice.

Reagent 4 Cocaine Salts and Base (3 ampoules) A test for cocaine HCl or cocaine base. (Use procedure C) Observe the color formation after breaking the left ampoule. Cocaine HCl

and cocaine base will produce an immediate blue precipitate or blue flakes in a pink field. After breaking the middle ampoule the blue converts to pink. After breaking the right ampoule, agitate briefly and hold the pouch steady. The solution should be pink over blue if cocaine HCl or cocaine base is present. **CONTENTS:** cobalt thiocyanate, chloroform, and HCl.

ANTIDOTE: Immediate dilution with water is recommended. DO NOT induce vomiting. Seek medical advice.

Reagent 5 Dille-Koppanyi Reagent (2 ampoules) A test for barbiturates. (Use procedure B) A purple or reddish-violet color indicates the presence of a barbiturate. A pale, blue color is a negative response. **CONTENTS:** cobalt acetate in isopropanol and isopropanol-amine. **ANTIDOTE:** Immediate dilution with water followed by INDUCED VOMITING using 2 tablespoons of syrup of ipecac. Seek medical advice.

Reagent 7 Modified Ehrlich's Reagent (3 ampoules) A test for hallucinogens. Note: Since the active ingredient in hallucinogens may be present in very small quantities, a larger sample may be necessary to produce a color response that can be compared easily. (Use procedure C) Colors: A slowly-developing (30 - 60 seconds) purple color is indicative of the presence of LSD or other ergot alkaloids. Break the third ampoule and gently agitate. The color will intensify in the presence of LSD. **CONTENTS:** concentrated hydrochloric acid, phosphoric acid, and p-dimethylamino benzaldehyde. **ANTIDOTE:** Immediate dilution with water is recommended. DO NOT induce vomiting. Seek medical advice.

Reagent 8 Duquenois-Levine Reagent (3 ampoules) A test for marijuana, hashish, hash oil, THC and residues of THC in smoking paraphernalia. Break left ampoule and agitate one minute (typically no color forms). Break middle ampoule, agitate, and allow blue-violet color to develop (DO NOT allow color to get too rich). Break right ampoule and agitate 5 seconds only. Hold pouch steady and allow colors to separate. Slate-grey upper level over a purple lower level is a positive for marijuana, hashish, hash oil, and THC. Plant material failing to give a positive response to Duquenois-Levine or KN below should be examined by a forensic laboratory since many drugs can be sprayed on plant material other than marijuana (PCP on parsley for example). **CONTENTS:** vanillin solution in alcohol, concentrated hydrochloric acid, and chloroform. **ANTIDOTE:** Immediate dilution with water is recommended. DO NOT induce vomiting.

Reagent 9 KN Reagent (Fast Blue B Salt) (2 ampoules) A test for marijuana, hashish, hash oil, THC and residues of THC in smoking paraphernalia, and green plant material. (Use procedure B) Mix vigorously for AT LEAST 30 seconds. Allow reagents to separate (layer). Observe the color in the bottom layer. Orange-red (reddish brown) to a very dark reddish brown is indicative of the presence of marijuana, hashish, THC and other cannabis products. Strong samples will produce a very dark red color. ANY OTHER COLOR IN THE BOTTOM LAYER IS A NEGATIVE RESPONSE. **CONTENTS:** Fast Blue B Salt in a chlorinated hydrocarbon and an aqueous solution of sodium hydroxide. **ANTIDOTE:** Immediate dilution with water is recommended. DO NOT induce vomiting. Seek medical advice.

Reagent 23 Sodium Nitroprusside for Methamphetamine (3 ampoules) (Use procedure C) Place a very small amount of suspect material into the pouch. An immediate dark blue color indicates the presence of methamphetamine. Note: a similar reaction occurs with "XTC" (MDMA). Distinguish in Marquis Reagent #2: "XTC" will form a purple/black color while meth is a rapid orange, to red, to brown within 12 seconds. A negative test (no meth present) is pink slowly turning to a reddish-brown color. Protect from direct exposure to sunlight and temperatures over 130° F as this may destroy the active ingredient. **CONTENTS:** Water, Sodium nitroprusside, Sodium carbonate. **ANTIDOTE:** If swallowed, INDUCE VOMITING. Seek medical advice.

Reagent 24 Mecke's (Modified) Reagent A test for Heroin. (2 ampoules) (Use procedure B) After breaking left ampoule, agitate well for 30 seconds. Various colors may be generated at this point. After breaking right ampoule, agitate for 5 seconds. Solution turns green in the presence of heroin. Add neutralizer #910 prior to disposal. CAUTION! Contains Corrosive Acid (sulfuric acid in both ampoules). Keep out of the reach of children. Do Not Store after breaking ampoules. Do not hold close to the face when breaking ampoules or agitating. Promptly dispose. **ANTIDOTE:** Immediate dilution with water. DO NOT induce vomiting. Seek medical advice.

*Note sole exception: A slowly developing purple (4-5 seconds) in the first ampoule may indicate MDMA ("XTC") going to a deep brown in the second ampoule.

NarcoPouch® Field Test Information Update

Revised 04/20/01

This information update is designed to answer the more *frequently asked questions (FAQ)* concerning field testing as well as discuss the suggested testing procedures for some new substances found on the street.

FAQ – What are the proper storage procedures and shelf life for the field tests?

All field tests should be stored out of direct UV rays. You may keep them in a glove compartment, trunk of the car, briefcase, desk drawer or cabinet. By following these procedures, the shelf life should be in excess of five (5) years.

FAQ – Is it necessary to wear disposable gloves and what are the recommended disposal practices for the field tests?

The use of gloves is highly recommended no matter the circumstance. Every person has small cuts or scrapes on their hands. For this reason, do not allow yourself the misfortune of having any substance absorbed through these open wounds. Due to the small volume of solvents and reagents within each ampoule, it is an acceptable practice to simply dispose of the used test in the Department garbage. Our recommendation is to place the used field test in the palm of your gloved hand and simply pull the glove inside out. This will wrap the test inside the latex and make for a better disposable item. Upon completion of the test, wash your hands thoroughly to ensure there is no transfer of substance from your hands into your system.

Do not forward used field tests to the Crime Lab! Always record your results while testing!

FAQ – How can I prevent being cut by the glass ampoules?

This problem was far more frequent a number of years ago before the advent of the 360° wrap-around plastic safety harness. Glass used to be driven through the back of the horseshoe-shaped harness and would lodge in the Officer's index finger. However, six (6) years ago ODV started utilizing this new wrap-around system. This new system now forces the glass up and down within the harness and prevents accidental cuts. It is important to remember when breaking the ampoules, simply squeeze the ampoule at the middle of the harness. After the initial *popping* of the glass, DO NOT continue to grind the glass ampoule into smaller pieces. All you want to do is simply release the solvents and reagents into the test with this simple popping method. If you do not feel comfortable squeezing the harness between thumb and forefinger, lay the test on a hard surface and *pop* the middle of the ampoule using the round portion of a pen. Whichever method you use to break the ampoules, be sure to agitate and observe the color changes immediately upon breakage of ampoules.

FAQ – Can field tests be used to determine the purity of substances?

Definitely NO! There are far too many variables when field testing a substance. The colors represented on the front of the test simply act as a guideline to the family of colors you will observe if the presumptive test were positive. These variables will include the purity of the substance being tested, the amount of material being tested and the agitation method used during testing. For these reasons, field tests are designed as confirmation of probable cause only. Only a Crime Lab can give a reliable purity analysis of any controlled substance.

FAQ – How important is agitating the test and what is the correct procedure?

There are two important factors to a successful field test: the amount of suspect material being tested and proper agitation. After breakage of the ampoule, simply hold the test firmly between thumb and forefinger of one hand and slap the bottom of the test back and forth using the forefinger of the other hand. This will ensure that the solvents and reagents properly react with the controlled substance.

Substance	Substance Amount	Primary Test	Color Reaction	Confirming Test	Color Reaction 2 nd Test or Notes
2C-B (Nexus)	o	902	Bright Green		
Amphetamines	O	902	Orange to Brown (within 12 seconds)	923	After breakage and agitation of all three ampoules – Pink slowly changing to reddish Brown
Barbiturates	O	905	Light Lavender		
Cocaine HCl	O	904B	1 st ampoule - Blue Presence 2 nd ampoule - Pink 3 rd ampoule - Pink over Blue	NOTE: ** You must have a positive reaction in all three ampoules to have a positive field test. If either of the first two ampoules is negative ... STOP TESTING.	
Crack	o	904B	1 st ampoule - Blue color adhering to Crack itself (Note: Crack will not dissolve) 2 nd ampoule - Pink 3 rd ampoule - Pink over Blue	** Same caution as above.	
Ephedrine	O	927	1 st ampoule - not significant 2 nd ampoule - Blue/Violet		
GHB		Not Available call 1-800-422-3784 for an update or visit our web site www.odvine.com (if the material is in a non-carbonated liquid, shake in a closed container and note the effervescence if GHB is present)			
Hashish	equivalent to one strand of tobacco	908	1 st ampoule - Clear to Dusty 2 nd ampoule - Blue/Violet 3 rd ampoule - layering with dark Blue/Violet to Purple in the lower layer	909	1 st ampoule - Clear to Dusty field color 2 nd ampoule - layering with dark tomato paste Red color on the bottom
Hash Oil	dip a Q-tip 1/8" into oil and air dry for 45 seconds	908	1 st ampoule - Clear to Dusty 2 nd ampoule - Blue/Violet 3 rd ampoule - layering with dark Blue/Violet to Purple in the lower layer	909	1 st ampoule - Clear to Dusty field color 2 nd ampoule - layering with dark tomato paste Red color on the bottom
Heroin - Black Tar •		924	1 st ampoule - light Tan color 2 nd ampoule - light to medium Green	922	1 st ampoule - light Tan color 2 nd ampoule - Purple
Heroin - Brown	o	924	1 st ampoule - light Tan color 2 nd ampoule - light to medium Green	922	1 st ampoule - light Tan color 2 nd ampoule - Purple
Heroin - White	O	924	1 st ampoule - Clear 2 nd ampoule - light to medium Green NOTE: If cut with Quinine the 1 st ampoule will be fluorescent Yellow	922	1 st ampoule - Clear 2 nd ampoule - Purple
Ketamine	O	925	1 st ampoule - Clear 2 nd ampoule - Lavender		
LSD	o	907	1 st ampoule - Clear 2 nd ampoule - light Purple 3 rd ampoule - darker Purple	NOTE: If in blotter acid form, enter one square of blotter paper. If in liquid form, mix liquid, moisten a corner of white porous paper, air dry, and enter into test pouch.	
Marijuana	equivalent to three strands of tobacco	908	1 st ampoule - Clear to Dusty 2 nd ampoule - Blue/Violet 3 rd ampoule - layering with a Purple	909	1 st ampoule - Clear to Dusty field color 2 nd ampoule - layering with a tomato paste Red color on the bottom

			3 rd ampoule - immediate dark Blue	
Methadone	o	906	1 st ampoule - dark Blue	
Methamphetamine	•	923	1 st ampoule - Clear 2 nd ampoule - Tan (same color as liquid in ampoule) 3 rd ampoule - immediate dark Blue	902 1 st ampoule - Orange to Brown within 12 seconds
Methaqualone	o	914	1 st ampoule - Pink 2 nd ampoule - Blue	
Opiates	o	924	1 st ampoule - Clear 2 nd ampoule - light to medium Green	922 1 st ampoule - Clear 2 nd ampoule - Purple
Oxycodone	o	922	1 st ampoule - no color 2 nd ampoule - Yellow	925 1 st ampoule - Clear 2 nd ampoule - dark Lavender
PCP	o	914	1 st ampoule - Pink 2 nd ampoule - Blue	
Pentazocine	o	926	1 st ampoule - Blue	
PMA	o	926	1 st ampoule - weak Green	906 1 st ampoule - Brown
Psilocybin	Fresh Mushroom: Cut the mushroom stem in half - turn fleshy middle toward you - if active ingredient is present a blue/violet color develops. Dried Mushroom: Cut the mushroom cap in half - place the cut half over a white piece of paper and tap the dried mushroom - if psilocybin is present, dried purple spores will fall onto the piece of paper.			
Pseudoephedrine	o	927	1 st ampoule - Clear 2 nd ampoule - Blue/Violet	
Ritalin		Not Available		
Red Rock Opium		No Opium Present - This is in fact "Dragon's Blood" Incense (no opium-like reactions in tests) - send to lab		
Rohypnol (Roofies)	o	925	1 st ampoule - Clear 2 nd ampoule - Lavender	
Talwin	o	926	1 st ampoule - Blue	
Valium	o	925	1 st ampoule - Clear 2 nd ampoule - Lavender	

NarcoPouch® Safety & Procedure Tips

NOTE: Field tests are designed to confirm your probable cause. Do not use field tests as the sole element of your probable cause. Whenever you have results that are questionable, always err on the side of an inconclusive reading and forward your suspected material to the Crime Lab for verification.

Due to the variations in quality and quantity of substances, be aware that the colors you obtain are designed to only match the family of colors described on the front of the test pouch. Be certain to agitate the pouch thoroughly after breakage of each ampoule.

Do not keep the field tests as part of your evidence package, due to the colors not remaining for long periods of time. Also, you are not able to show multiple ampoule test results (Cocaine HCl and Crack Test). Always dispose of the field tests following your presumptive test. Take good notes showing the resultant color reactions in each ampoule.

As a safety precaution, always use disposable gloves and wash your hands thoroughly following the completion of your field test.

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VISIT US AT OUR WEB SITE: www.odvinc.com • E-mail: Larry@odvinc.com

POSITIVE REACTIONS WITHIN THE COCAINE/CRACK REAGENT #904B

It is extremely important to receive a positive reaction after the breakage of each of the three (3) ampoules within the Cocaine Reagent #904B. This multiple ampoule test will eliminate all Base Caines (Lidocaine, Dibucaine, Tetracaine, etc.) from testing positive if you follow these three simple steps.

1. After breakage and agitation of the 1st ampoule, you must see a blue presence. For Cocaine HCl this may be a blue solution, blue line along the bottom seam of the pouch or blue in the corner. Crack will not dissolve in the #904B chemistry. Therefore, Crack will appear as a pink solution with the blue color adhering to the fragments of Crack you have placed into the test.
2. After breakage and agitation of the 2nd ampoule, you will view a solid pink solution.
3. After breakage and agitation of the 3rd ampoule, tap the test on a hard surface along its side, then gently roll the test back to a 45° angle in the opposite direction. Allow the colors to separate into a pink over blue layering.

DO NOT allow yourself to skip a step while testing for Cocaine HCl or Crack. Be sure you see all three (3) color reactions before determining the substance to be positive.

NEW SUBSTANCES

PMA (4-methoxyamphetamine) – This powerful stimulant is cheaper and easier to manufacture as well as being much more dangerous than Ecstasy. This tablet has been most commonly found in a double stacked configuration with the Mitsubishi logo (similar to the most popular Ecstasy tablets). PMA will give no color reaction within either the Marquis Reagent #902 or Methamphetamine Reagent #923. However, you can test these tablets using the Talwin Reagent #926 (weak Green).

Oxycodone or Oxycontin – This substance is an opiate, narcotic analgesic, used primarily in the treatment of pain. The most common brand names associated with the substance are:

Endocet, Oxyset, Oxycocet, Percocet, Percocet-Demi, Percocet-5, Roxicet, Roxilox, Tylox.

Physical dependence does occur. Due to the euphoric effects, it can be addictive and withdrawal symptoms can be severe. Fortunately, Oxycodone will not react like a standard Opiate in either the Marquis Reagent or Mecke's Reagent. To test this substance, we recommend using the Opiates Reagent (#922 pouch, #7622 tube). In the 1st ampoule you will obtain no reaction and in the 2nd ampoule, you will receive an immediate yellow color reaction. Due to the distinct marking on the tablets, we also recommend contacting your State Poison Control Center, State Crime Lab, Local Crime Lab or your local pharmacist. Oxycodone (Oxycontin) is a Schedule II substance.

PAST NEWSLETTERS

Many agencies have been calling to request past issues of our Narcotic Product News. There have been a total of nine (9) editions to date. If you require copies of the past newsletters, please contact our web site @ www.odvinc.com. Click on the NEWSLETTER section and print or download the copies you require. See the Drug Identification Bible page available from ODV at \$33.00 plus shipping.

HELPFUL WEB SITES

www.erowid.com Great general site discussing all substances, their abuse and appearance.

www.dancesafe.com Specific site covering MDMA (Ecstasy) and PMA (discussed above).

TECHNICAL HOTLINE – 24/7 24 HOURS A DAY, 7 DAYS A WEEK

ODV is pleased to offer 24 hour/7 day a week technical support for all of your field testing questions. During standard business hours Monday to Friday (excluding Holidays) you can call: 1-800-422-3784. During evenings, weekends or Holidays you can call: 1-800-733-2853 Access Code 55.

FAX to Dave Wolfgruber, NJ State Patrol Board, 1-609-292-0129 Feb. 23, 2001
These results were obtained using ODV 904B for Cocaine, 908 Duquenois-Levine for Marijuana,
and 924 Mecke's for Heroin

Accuracy Data for NarcoPouch Field Testing at NYPD

Originally Prepared for Nadia Chanza, DA
By Lawrence Dow, President ODV, Inc.
May 7, 2000

The accuracy results obtained by NYPD have been nothing short of fantastic since the inception of the program in 1996.

Results obtained from 51,181 combined tests of Cocaine and Heroin indicate a false positive rate of 0.39% or less than 4 per 1000 tests.

In Bronx County the false positive rate was 0.21% or 24 out of 11,608 (obviously even better than the over all numbers).

All three tests combined yielded a total 58,182 tests with 206 false positives for a rate of 0.35%.
Bronx County ran 13,575 tests total with 26 false positives for a rate of 0.19%.

Marijuana alone in Bronx County yielded 2 false positives out of 1,967 tests for a rate of 0.1%.

ATTACHMENT C-12

Memorandum



CITY OF DALLAS

DATE June 15, 1992

TO William M. Rathburn
Chief of Police

SUBJECT Investigation of Narcotics Division

Subsequent to the incident on December 11, 1991, during which Narcotics Detective Larry Bromley was killed, the Special Investigations Bureau was directed to initiate an investigation based on information that other suspects may have been involved in the robbery and allegations of possible misconduct by Narcotics Division detectives.

INTRODUCTION TO ALLEGATIONS

The allegations regarding possible misconduct were brought to the attention of Lieutenant C. E. Epperson, who at the time was the Crimes Against Persons Lieutenant initially in charge of the shooting incident. As part of the shooting investigation Lieutenant Epperson conducted an interview with James Moore, the father of one of the deceased suspects, Fred Moore. James Moore advised Lieutenant Epperson of information about other suspects being involved in the December 11, 1991, incident. Mr. Moore further advised Lieutenant Epperson that he had been told by a person he would identify only as "C.W." that Detective Bromley may have been "set up" by other detectives participating in the operation on December 11, 1991.

In regard to the identities of the other suspects involved in the attempted robbery of Detective Bromley it became apparent that Mr. Moore did not have any first hand information as to who was involved or the circumstances leading up to the shooting incident. This was confirmed during subsequent interviews with him. During these same interviews Mr. Moore advised that he had fabricated the name "C.W." as his source of information regarding the "set up" of Detective Bromley. Mr. Moore would only maintain that he had heard rumors about narcotics officers "ripping off" drug traffickers. Mr. Moore could not identify any source of the rumors nor could he name any narcotics officers who he thought had engaged in any misconduct.

C-12

SECRET

CIU 000005

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The second source of allegations reported by Lieutenant Epperson came in the form of an anonymous phone call. He stated that at approximately 10:00 p.m. on December 17, 1991, he received an anonymous phone call on his unlisted number at his residence.

During this call the caller advised that if he would check on the amounts of money and drugs seized from suspects and subsequently placed in the property room, he would find discrepancies. Lieutenant Epperson further stated the caller indicated that if he would contact informants to verify the amounts of money they actually received versus the amount of money documented on the informant pay sheets he would also find discrepancies. Lieutenant Epperson indicated that the anonymous caller stated these checks should be conducted on the officers involved in the operation during which Detective Bromley was killed as well as on Sergeant McCoy's squad. During a subsequent interview Lieutenant Epperson stated that the only actual name mentioned during this phone call was "McCoy and his boys....."

It is my understanding that when Lieutenant Epperson originally reported this phone call to Chief Rathburn he indicated he had received "numerous calls". During subsequent interviews Lieutenant Epperson has stated he only received one phone call. Our efforts to determine the identity of the caller have been unsuccessful.

On February 28, 1992, during an interview with Sergeant T. L. Martin and me, Lieutenant Epperson additionally indicated that he had informed Deputy Chief Pam Walt about the phone call immediately prior to his briefing with Chief Rathburn. This was not consistent with Chief Walt's previous statements regarding when she was made aware of the call. During this same interview Lieutenant Epperson was asked if he would voluntarily submit to a polygraph examination regarding the phone call and he declined.

INVESTIGATIVE GOALS AND OBJECTIVES

It was determined that the Intelligence Division would conduct a concurrent investigation in cooperation with the Crimes Against Persons Bureau. The Intelligence Division's focus was to determine if there were other suspects involved in the drug transaction/robbery of Detective Bromley as well as the possibility that Detective Bromley was "set up". Another objective of the Intelligence Division's investigation was to determine the accuracy of the allegations mentioned in the anonymous phone call to Lieutenant Epperson.

INVESTIGATIVE TEAM ASSEMBLED - RECORDS SEIZED

On December 19, 1991, a team was assembled consisting of Detectives David Clark, Ron Pettie, Truly Holmes, and Dwayne Bishop of the Intelligence Division and Catherine Arnott-Thornton of the Internal Affairs Division. Sergeant Martin was designated as the immediate supervisor with Lieutenant K. W. Lybrand in command of the investigation.

It was determined that in order to conduct a thorough and objective investigation, the Intelligence Division would need ready access to records concerning informants maintained by the Narcotics Division. In light of the potential seriousness of the allegations of misconduct and in order to ensure that the records were uncontaminated, the Intelligence Division took immediate custody of the records on December 19, 1991. These records included the original Confidential Informant Files, the original Expense Reports from June - December of 1991, and a copy of the Narcotics Division Standard Operating Procedures.

ROBBERY INVESTIGATION

In connection with the Bromley incident an extensive investigation has now been completed. This investigation revealed Detective Bromley came into contact, through a confidential informant and two other individuals, with Jerry Taylor (deceased) who was the primary planner of a scheme to rob and shoot Bromley while posing as a drug dealer attempting to sell two kilograms of cocaine.

This investigation included locating and interviewing in excess of forty (40) potential witnesses, obtaining a total of thirteen (13) sworn affidavits and personal visits to approximately twenty-five (25) separate locations, including an out of state trip to Magnolia, Arkansas. In addition, a thorough review of witness information obtained by the Crimes Against Persons Bureau was conducted, and numerous discussions were held with Crimes Against Persons detectives to exchange information and to ensure a coordinated effort. As the investigation progressed, several briefings were conducted for the U. S. Attorney's Office, and the Dallas County District Attorney's Office to ensure the most effective route of prosecution.

Detectives began the investigation by interviewing Lieutenant Epperson and reviewing the tape recordings of his conversations with Mr. James Moore (father of the deceased suspect Fred Moore). In Lieutenant Epperson's memorandum to

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Chief Rathburn he stated Mr. Moore had mentioned four suspects who had been involved in the robbery attempt; Artis Taylor, Calvin Moore, Jesse Robinell and "Pee Wee". Mr. Moore also stated that much of the robbery planning took place at the Piper residence located 3131 Morgan St., next door to his (James Moore) residence on Morgan Street.

Additional information to begin the investigation was obtained from Detective S. L. McNear, #2371, Crimes Against Persons Bureau. Detective McNear provided two telephone numbers retrieved from Detective Bromley's pager the night of his death. Detective McNear had also interviewed one of Detective Bromley's confidential informants who provided a telephone number for a suspect known at that time only as "Sergio" and two telephone numbers for a subject known at that time only as "Sam". One of the telephone numbers for "Sam" was identical to a telephone number retrieved from Detective Bromley's pager.

The assigned Detectives began their investigation by trying to identify the suspects. Sergio Regalado, was identified using the telephone number provided by Detective Bromley's confidential informant. Additional information on suspect Regalado was obtained from the Lewisville Police Department and the Lewisville Independent School District. Samkaunge Ncomo, "Sam", was identified using his telephone number, and drivers license records. Suspects Ncomo and Regalado were living in Lewisville, Texas, and student's at Lewisville High School.

After listening to tape recordings of conversations between Lieutenant Epperson and Mr. James Moore it was determined that Mr. Moore stated one of the suspects name was Jesse Ravenell (not Robinell). A household drivers license check revealed a Jesse James Ravenell living on Morgan Street. A similar drivers license check revealed the residence at 3131 Morgan to have several licenses issued to persons with the name Piper. Additionally, one of the phone numbers on Detective Bromley's pager came back to a phone number at the Piper residence.

On December 30, 1991, detectives went to 3131 Morgan to interview the residents. Statements were taken from three subjects, Mr. Bryan Piper, Mr. Ryan Piper, and Mr. Corey Stafford. These three subjects were present at 3131 Morgan on December 11, 1991, when planning of the robbery took place. These subjects were not involved in the offense. From these statements correct identification of the remaining suspects was accomplished. The suspects were Curtis Taylor

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III (nickname "Biscuit",) and Kevin Moore. The nickname "Pee Wee" was attributed to Jesse James Ravenell. Several addresses were obtained for suspect Kevin Moore but once visited were determined to be wrong. Suspect Curtis Taylor III, (the deceased suspect J. B. Taylor's brother), was determined to live with his family and that address was already known to be 6540 Leaning Oaks Street.

On January 2, 1992, detectives began attempting to contact and interview all persons believed to have been at 3131 Morgan on December 11, 1991. Ms. Lynette Piper was interviewed and an affidavit taken. Ms. Piper had heard the suspects discussing the robbery at 3131 Morgan. She had also heard several of the suspects discussing the offense approximately one week prior to December 11, 1991. Ms. Piper stated she believed the Tech 9mm used in the robbery was provided by Curtis Taylor III's brother-in-law. Detectives attempted to pursue the information regarding the possible source of the weapon in order to determine if the supplier could be charged as an accomplice. Ms. Piper could not recall the name of the brother-in-law but she stated his name was listed in the funeral program used during Jerry B. Taylor's funeral. Detectives obtained a copy of the program from the funeral home. Mr. Myron Jefferson was listed on the program and determined to be married to Ms. Theresa Taylor, Curtis Taylor III's sister. He was believed to have been the source of the weapon. Mr. Myron Jefferson was located and interviewed at the Grand Prairie Municipal Jail. Mr. Jefferson denied having any knowledge of the robbery or the Tech 9mm weapon.

On January 27, 1992, Curtis Taylor III, called detectives from jail and requested a meeting during which he stated that a person known to him as "Dee Love" had furnished the Tech 9mm pistol in exchange for money from the robbery.

Detectives spoke with Curtis Taylor's mother, Ms. Beatrice Sanchez, in an attempt to identify, "Dee Love". Ms. Sanchez stated he was her daughter's, Ms. Tina Taylor's boyfriend. "Dee Love" was identified through apartment records and drivers license records as Derrick Neal. It was learned that subject Neal was to report to Arkansas to serve a sentence on a drug conviction.

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On January 31, 1992, Derrick Neal was located incarcerated in Magnolia, Arkansas. Mr. Neal was awaiting transfer to the Arkansas Department of Corrections to serve a six (6) year sentence for a narcotics conviction. Interviews continued with various members of the Taylor family to ascertain Derrick Neals' involvement in the offense. Detectives contacted Ms. Ida Neal, Derrick Neal's mother. She consented to let officers look through Derrick Neal's effects, left behind when he went to jail. Detectives met her at a storage facility with negative results.

On February 13, 1992, Detectives traveled to Magnolia, Arkansas to interview Derrick Neal in the Columbia County jail. During the interview Mr. Neal stated that the gun was taken without his knowledge or permission. Mr. Neal stated a former girlfriend, Ms. Rosiland Terrell, purchased the gun. On February 14, 1992, Ms. Terrell gave an affidavit stating she did indeed purchase the gun in 1990 from a North Dallas pawn shop and that it was later apparently stolen from their residence. At this point, it can not be determined with certainty who supplied the weapon, and there is insufficient evidence to charge either Derrick Neal or Myron Jefferson.

On January 3, 1992, an affidavit was taken from Ms. Tameka Moss, the girlfriend of Kevin Moore. Ms. Moss was determined to have been at 3131 Morgan on December 11, 1991. Ms. Moss indicated that she witnessed all five (5) of the suspects discussing their plans to carry out the robbery.

On January 6, 1992, Detectives interviewed Samkaunge Ncomo at Lewisville High School. It was learned that suspect Ncomo had conversed with Sergio Regalado at school concerning a drug transaction between the two. Mr. Ncomo was put into contact with Detective Bromley, and in turn introduced Detective Bromley to J. B. Taylor, a former schoolmate and friend of Mr. Ncomo's. Sergio Regalado was interviewed at his apartment in Lewisville, Texas. Mr. Regalado stated he put Mr. Ncomo into contact with another individual with the understanding he would receive \$500.00 per kilogram of cocaine sold.

It was later determined that the link between Detective Bromley and J. B. Taylor was a confidential informant who was attempting to work off a case. The confidential informant owned a garage in Lewisville and Sergio Regalado knew an employee who worked there.

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Mr. Regalado approached the confidential informant about the proposed drug transaction and gave the confidential informant Mr. Ncomo's phone number. The confidential informant called Detective Bromley and he (Bromley) instructed the confidential informant to call Mr. Ncomo and state that "Rusty" (Detective Bromley's undercover name) would contact him. Contact was made between Detective Bromley and Mr. Ncomo. Mr. Ncomo eventually told Detective Bromley that he should contact his associate, J. B. Taylor, because he could provide the large quantity of drugs.

On January 7, 1992, Detectives took an affidavit from Mr. Weldon Kingsby, a witness present at 3131 Morgan on December 11, 1991. Mr. Kingsby indicated that he had heard the suspects planning the robbery and that he had been invited to participate in the offense. He stated he declined to participate and there was no evidence found to indicate he was involved.

On January 8, 1992, Detectives interviewed Mr. Lembarg Terry. Mr. Terry stated he was present at 3131 Morgan, on December 11, 1991. Additionally Mr. Terry stated he followed the suspects to the Bennigan's Restaurant and was present during the shooting. Detectives took a affidavit from Mr. Terry and took him to the offense scene where they were provided an account of his position during the shootings and what he witnessed on the night of Detective Bromley's death.

On January 9, 1992, Detectives met with representatives of the United States Attorney's Office to discuss possible federal prosecution of suspects involved in the offense. On January 11, 1992, Detectives met with Mr. Mike Gillette, Dallas County District Attorney's Office. The discussion involved possible charges against the suspects including drug conspiracy, aggravated robbery and attempted capital murder. The United States Attorney's Office later advised it was their opinion that State, rather than Federal charges, would offer a much greater opportunity for successful prosecution under the circumstances.

Detectives then began investigating possible conspiracy to deliver drug charges on suspects Ncomo and Regalado. It had been determined that Narcotics Detectives had met with suspect Ncomo on December 2, 1991, in an attempt to purchase drugs. Negotiations took place during the meeting, however, no transaction occurred. The following day suspect Ncomo reportedly contacted Detective Bromley stating he could not

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provide the large amount of drugs so Detective Bromley should contact his source, (J. B. Taylor). The conversation at the meeting was overheard on the I-COM Systems by all officers at the scene. Corroborating testimony from officers present was needed to pursue the conspiracy charges. All officers present including several Tactical Division officers, were interviewed. Based on the officers testimony Regalado and Ncomo were filed on for conspiracy to deliver cocaine. Mr. Regalado and Mr. Ncomo were both arrested on February 5, 1992, and indicted for conspiracy to deliver cocaine on February 12, 1992.

Detectives also began attempting to discover how the stolen police shotgun had come into possession of the suspects. Earlier information received from witnesses indicated suspect Ravenell had broken a window out of a police vehicle and the gun was taken. The burglary of a motor vehicle report by the Northwest Operations Bureau did not match the reported circumstances.

Detectives learned the stolen shotgun report had the wrong inventory number. A shotgun had been stolen under circumstances described by suspect Ravenell in October 1991. The proper report was located and suspect Ravenell gave a voluntary statement admitting the burglary of the police car. The case was filed and cleared by his arrest.

On January 15, 1992, Detectives prepared probable cause affidavits and warrants on the aggravated robbery suspects. On January 16, 1992, Curtis Taylor III and Jesse James Ravenell were arrested. Both gave voluntary statements acknowledging their roles in the aggravated robbery. Attempts to apprehend suspect Moore were unsuccessful. A wanted bulletin was prepared and he was placed into the ACES Computer System. On February 4, 1992, while attempting to serve a related grand jury subpoena, Detectives located and arrested Kevin Moore.

With the assistance of the Dallas County District Attorney's Office video tapes from local news stations were subpoenaed, so that Detectives could review footage that might show the suspects at the crime scene. Video tapes were received from Channels 5, 8, and 11. Channel 4 eventually provided their

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tape after a court hearing where the presiding judge ordered them to comply with the subpoena. Suspect Curtis Taylor, as well as Derrick Neal were both observed to be present at the scene during news coverage of the shooting.

Detectives also went to the Physical Evidence Unit and provided them with the names of additional suspects involved in the robbery in an attempt to identify any unidentifiable fingerprints collected at the scene. The Physical Evidence Unit reported that a heretofore unidentified fingerprint from the offense scene was identified as Jesse Ravenell's. The fingerprint was recovered from Frederick Moore's vehicle. The Unit reported no more identifiable prints exist.

Ms. Demetris Nobles was reported to be suspect Curtis Taylor's girlfriend. Ms. Kathy Nobles was Frederick Moore's girlfriend. They were both interviewed and confirmed that all five (5) suspects were together on the night of December 11, 1991. According to their accounts, all suspects were at the Nobles' residence, 2906 Mojave Drive, the night of December 11, 1991. They did not supply any additional significant information.

On January 24, 1992, Detectives reviewed scene photos to ascertain where the keys to Frederick Moore's vehicle were recovered. Scene photos #116, and #117, revealed that the keys were located in the ignition of the vehicle. This supported the earlier witness statements that the suspects plan was to have J. B. Taylor and Fred Moore enter Bromley's vehicle, and force him to drive to a secluded location, while the other three (3) suspects entered Fred Moore's vehicle and followed them.

In regard to the actual attempt to rob Detective Bromley, this investigation resulted in the arrest and Grand Jury indictments of three accomplices to the robbery. According to witnesses statements and testimony, the three accomplices, Jesse Ravenell, Curtis Taylor (brother of deceased Jerry Taylor), and Kevin Moore all participated in the planning and execution of the attempted robbery on December 11, 1991.

From witness information and the suspects written statements the investigating officers were able to determine the correct sequence of the following events: On the morning of December 11, 1991, the deceased suspects, Fred Moore and Jerry Taylor, went to 3131 Morgan Street to use the phone.

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Through out most of the morning hours and into the evening hours Jerry Taylor and Fred Moore had phone conversations with Detective Larry Bromley. During the course of these phone conversations at 3131 Morgan Street, the suspects Curtis Taylor III, Jesse James Ravenell and Kevin Lynn Moore arrived and discussions were held between the five suspects about how the "robbery" would be committed later that evening.

All of the five suspects left in Fred Moore's car and went to Jerry and Curtis Taylor's mother's residence at 708 N. Clinton, where Jerry Taylor obtained a Tech 9mm semi-automatic weapon.

All of these suspects arrived at 4345 Camp Wisdom Road and went into the Two Pesos Restaurant to wait on Detectives Bromley and Hall. According to the suspects' written statements a plan was formed where the suspects Jerry Taylor and Fred Moore would force Detectives Bromley and Hall to drive away from the area to a park or secluded roadway. The suspects Curtis Taylor, Kevin Moore and Jesse Ravenell would remain on foot in the parking lot until the Detectives were driven away. The remainder of the suspects would then get into Fred Moore's car and follow the suspects Fred Moore and Jerry Taylor. The keys to Fred Moore's car were left in the ignition. The police shotgun was left in the trunk and would be used on Detectives Bromley and Hall after they had been driven away to a deserted location. All three of the suspects gave written and oral, taped statements admitting to these facts.

In addition to the charge of aggravated robbery, Jesse Ravenell was filed on and indicted for burglary of a motor vehicle arising from the stolen police shotgun that was recovered from the trunk of Jerry Taylor's vehicle the night of December 11, 1991. Through witnesses statements detectives were able to show Ravenell was in possession of the stolen shotgun on several occasions prior to and on December 11, 1991. Following his arrest, Jesse Ravenell gave a written voluntary statement in which he admitted to the offense.

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As previously mentioned, during this phase of the investigation, the assigned detectives have conducted exhaustive interviews with virtually everyone who had any knowledge of the purported cocaine transaction and the subsequent plan to commit the robbery. It is important to note that there was absolutely no evidence found or information developed which would support the notion that Detective Bromley was "set up" by fellow officers. It is the opinion of the detectives assigned to this investigation that there was no conspiracy on the part of the officers participating in the operation on December 11, 1991, to bring harm to Detective Bromley.

INVESTIGATION OF CRIMINAL ALLEGATIONS

It was the objective of the second phase of this investigation to address the allegations of possible misconduct with regard to the improper disposition of money and/or drugs.

RANDOM CASE INVESTIGATIONS

The initial approach used in this phase was to select a sample of cases from the Narcotics Division's Morning Report and conduct an audit of all available related documentation. This sample was a somewhat random cross-section, but was selected to ensure inclusion of officers involved in the December 11, 1991 incident as well as the officers working under the immediate supervision of Sergeant David McCoy. A total of thirty-three (33) cases were selected and audited. (See Appendix A for identification of individual service numbers).

Intelligence Division detectives obtained and examined all available reports and documents regarding arrests and/or seizures in the target cases. These documents included

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Arrest Reports, Search Warrants, Expense Reports, Activity Reports, Confidential Informant Payment Forms, as well as Property Tags, and any other paperwork related to the disposition of seized money or drugs. All of these items were checked and verified against each other and only one questionable item was found. This item was the informant's signature on one of the Confidential Informants Payment Forms which appeared somewhat inconsistent with other signatures by this same confidential informant (see payment form dated 10-22-91, signed by C.I. #1161).

DRUG EVIDENCE PROCEDURES

A random sample of cases were selected for manual checks of the drug evidence in the Drug Evidence Unit. (See Appendix B for identification of individual cases examined in this manner). In these instances, in order to avoid contaminating the chain of custody on pending cases we limited the selection to instances where there were no pending charges. These drug samples were actually weighed and field tested by Intelligence detectives in order to verify the contents and the amounts. No discrepancies were revealed regarding the contents identification as reported by the Narcotics Division detectives who conducted the original field tests and placed the drugs in the property room.

Some minor differences were found in weighing the drugs, these were attributed to inconsistency in which officers entered weight amount on the drug property bags. The Property Division Standard Operating Procedure directs officers to list the total weight of the drug and the bag on the drug evidence tag. In some cases officers listed the weight of the drugs only. Property Division personnel use the weight listed by the officer for entry into the computer system. Additionally, it is possible some contents of a bag were used in initial field testing.

CONFIDENTIAL INFORMANT REVIEW AND FOLLOW-UP

The second phase of the investigation also involved selecting a sample of forty-four (44) active confidential informants to be personally contacted by Intelligence Division detectives and interviewed in an attempt to verify dollar amounts reflected on the Informant Payment Forms and subsequently charged to Expense Reports. Of the forty-four (44) informants selected, thirty (30) were located and interviewed. Those informants which reported all information as accurate are included in Appendix C.

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Those interviews which resulted in exceptional information are discussed in the following paragraphs.

#609 - Originally recruited by Narcotics Detectives Hinojo and Ozga on or about January 1990. This particular C.I. was cooperating in exchange for money and was successful in earning \$2,344.00 in 1990 for fifty-two (52) cases and \$2,365.00 in 1991 for thirty (30) cases. This subject was located in the Dallas County Jail currently awaiting transfer to the Texas Department of Corrections after receiving a thirty (30) year conviction for aggravated robbery. The jail interview was conducted and subject verified all signatures and money amounts on the pay out sheets. Subject did, however, advise that it was common to sign the pay out sheets where the amount to be paid would be blank. Currently classified as inactive.

#864 - Narcotics Detective Adamick registered this informant on February 14, 1990 and shared this subject with Detectives D. Claggett and S. Claggett. This C.I. earned \$9,750.00 from 6-24-90 to 11-19-90; \$4,900.00 in 1991; and \$1500.00 for one incident in 1992. Detective Holmes interviewed this C.I. on February 12, 1992 at which time she explained that she has been an informant for various agencies from all levels, federal, state, and local, and that the Dallas Police Narcotics Detectives with whom she'd worked have been the "most by the book" officers she's ever known. She further stated that she knows of no inappropriate activities by anyone in the Narcotics Division. Subject verified several pay out forms signatures except for two, dated 10-25-91 and 10-9-91 for \$350.00 and \$300.00 respectively. She explained that she is suffering from AIDS and was in bed ill on the two days in question and that she instructed her sixteen year old daughter, Christina Milan, to meet with Narcotics Detectives, Adamick and S. Claggett, sign the pay out form and collect the money. She did, in fact, receive the documented amount of money, however, her daughter verified that she signed her mother's name to the pay out forms. On March 25, 1992, Detectives Holmes and Arnott-Thornton obtained a voluntary affidavit from this C.I. regarding these two incidents.

#961 - On or about July 30, 1990, this C.I. was documented by Narcotics Detectives Hollingsworth and was used those times in 1990 and earned \$200.00. In April 1991, subject was assigned to work with an uncover officer named Rodney Turner. Subject earned \$2,925.00 through June 28, 1991 for thirty-two (32) separate operations. For the remainder of 1991 subject worked for Narcotics Detectives Baird and Smith and cooperated on an additional sixty-three (63) operations at an earning of \$7,105.00. After many attempts to contact this

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C.I. at his residence, his place of employment, and through his out-of-town family members, subject finally telephoned Detective Holmes on the afternoon of March 9, 1992 and agreed to an interview at 3:30 p.m. Detectives Holmes and Clark met with this C.I. and he explained the following:

That he has been a C.I. for money for the officers of the Dallas Police Narcotics Division since the summer of 1990. That in 1991 he was assigned to work with Officer Rodney Turner and felt that Officer Turner had shorted him money on numerous cases. That most of the time Officer Turner would have him sign blank pay out forms and after the "bust" he would pay the C.I. a lesser amount of money than agreed on.

This subject reiterated that with the exception of only a few times, Officer Turner was always alone when he paid him and the pay out forms were always blank when he signed them. This is reinforced by the discovery of the pay out form dated 6-28-91 signed by both, C.I. #961 and Officer Turner, but void of any amount paid. (NOTE: Officer Turner's monthly expense report for the month of June 1991 reveals that he supposedly paid C.I. #961 \$200.00 on this particular date). Subject didn't remember exactly how much he was paid but agreed the amount should have been around \$200.00 for that particular "bust".

On Wednesday, March 11, 1992, C.I. #961 contacted Detective Holmes and requested another meeting. Later that afternoon Detectives Holmes and Clark met with him and he revealed the following: That when reviewing the signatures on the pay out forms in the previous interviews, he noticed that several of the "busts" that occurred in the Southeast area of Dallas were actually not his, even though the pay out forms bore his signature. The subject believes that the Southeast "busts" were probably conducted by his girlfriend, Ms. Cantrell, and he (C.I. #961) was credited with them and the pre-signed blank pay out forms were utilized to cover the expenses. (NOTE: This is supported by the sworn affidavits obtained from Ms. Cantrell which includes the fact that she was an unauthorized C.I. for Officer Turner on 40 or 50 "busts".)

Further, C.I. #961 advised that Officer Turner maintained an intimate relationship with a topless dancer named Tina Badgley who is believed to be a heavy cocaine abuser.

Detectives Holmes, Clark and Arnott-Thornton identified, located, and interviewed Tina Badgley and she admitted to having had sex with Officer Turner under threat of being arrested on outstanding warrants.

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C.I. #961 further provided the identity of another and independent source of information who may be knowledgeable of inappropriate activities by Officer Turner named Tommy Jordan, Security Officer of the White Rock Apartment Homes. The information from Ms. Badgley and this C.I. has resulted in the initiation of a related public integrity investigation focusing on the actions of Officer Rodney Turner. That investigation is currently on-going.

C.I. #1053 began working for the Narcotics Division on January 24, 1991, assigned to Detective Keating. The confidential informant was paid one time by Detective Keating for a total sum of \$100.00. The informant was contacted by Detective Arnott-Thornton via telephone on February 21, 1992. The informant stated he was paid \$75.00. On March 2, 1990, Detective Arnott-Thornton met personally with the informant. The informant verified his signature of the pay sheet which read \$100.00. The informant stated that Detective Keating was accompanied by an additional officer who was present during the payment.

C.I. #1161 began working for the Narcotics Division in October of 1991. He was assigned to Detective Adamcik. A one time pay sheet was located in his file (dated 10-22-91) that showed him to have received \$400.00 for a "buy bust" operation. On 2-20-92 Detectives Clark and Arnott-Thornton interviewed this suspect while he was in the Dallas County Jail. This C.I. was in jail as a result of being a "hostile" witness in a drug case. When interviewed, C.I. #1161 stated he was paid \$300.00 and not \$400.00 as the pay sheet indicated. During the interview the C.I. also stated that the signature on the pay sheet was not his, and denied seeing or signing a pay sheet.

On 2-21-92 this subject was re-interviewed at the Dallas County Courthouse and gave a sworn affidavit stating that he had not received more than \$300.00. His affidavit also stated he had not signed any pay sheet receiving money. Detectives Clark and Arnott-Thornton also took a number of handwriting samples from this subject to be submitted at a later date to the Forensic Science Lab of Dallas County.

On 2-24-92 Detective Clark talked to the informant at his residence in Van, Texas. He was asked if he would take a polygraph test regarding these facts and he agreed that he would.

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Between 2-24-92 and 3-9-92 the informant moved to Louisiana. On 3-9-92 the Detectives Clark and Arnott-Thornton went to Louisiana to further interview the informant. According to the pay sheet, Detective Alan Adamcik had paid the informant and Detective Michael Keating was present when payment was made. According to the informant, Detective Adamcik, did not pay him, but that he was in fact paid by Detective S. B. Claggett. On 3-9-92 Detective Clark showed the informant a picture line-up which included Detectives Claggett, Adamcik and Keating. He was unable to identify any of the officers. It should be noted that the only pictures available were pictures from personnel files that were several years old. The informant also stated that both Detective Claggett and Adamcik had full beards during this time period. On 3-11-92 Detectives Clark and Arnott-Thornton went to the Forensic Science Lab and supplied the questionable signature as well as standards and exemplars belonging to this informant. On 3-23-92 the document analysis report was returned and found to be inconclusive. The detectives were told that there was a possibility this informant did not sign the questionable signature, but it was not certain. On 4-10-92 Detectives Clark and Holmes interviewed Detectives Claggett, Adamcik and Keating. At the time of the interview Detective Keating stated he did not recall seeing who had actually paid the informant. Detective Keating acknowledged his signature on the pay sheet as a witness but could not recall the incident.

Detective Claggett stated that he did not believe he paid the informant. He stated it did not seem likely since he would not have known how much money to pay him. When Detective Adamcik was interviewed he stated he did not actually recall paying the informant. When questioned about the questionable signature Detective Adamcik stated on three separate occasions that he may have actually signed the informants name. Detectives Clark and Arnott-Thornton recontacted the informant on 4-11-92 to set up a time and place for a possible polygraph. Detectives found that this informant had been in a car accident and would be in a body cast until approximately the middle of June. At this time, due to a lack of evidence indicating criminal intent on the part of the officers, there is not enough evidence to pursue a criminal case against any of the involved officers. Recommendations and investigation results have been sent to the Internal Affairs Division. Detective Arnott-Thornton will direct that investigation.

Upon finding discrepancies during the confidential informant pay sheets it was decided visual signature checks would be conducted for the calendar year 1991 for all detectives. This required comparison of all confidential informant pay sheets to the Informant Admonishment Form. Additionally

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multiple pay sheets belonging to the same informant would be compared to one another. Approximately 750 pay sheets were compared. (See Appendix D for listing of confidential informants and number of pay sheets). Any exceptional occurrences resulted in personal interviews already discussed in the informant interview section of this report.

ALLEGATIONS AGAINST OFFICER RODNEY TURNER

As previously mentioned, during this investigation a subsequent public integrity investigation (related to C.I. #961) has been initiated concerning an officer no longer in the Narcotics Division. The following information summarizes the allegations contained in Public Integrity Investigation #92-24, regarding Officer Rodney Turner. A separate and complete investigative report is forthcoming.

On May 24, 1992, Ms. Tina Badgley gave a sworn affidavit to Detectives Clark and Arnott-Thornton. She stated that she had met Officer Turner after he left the Narcotics Division and was assigned to the Northeast Patrol Bureau. In her affidavit she stated that without her permission, Officer Turner came into her apartment. She indicated Officer Turner was in uniform and threatened to place her in jail for unpaid tickets. She stated that he told her she would not be arrested if she had sex with him. She stated she did have sex with him to avoid arrest.

There were no witnesses to this incident and insufficient evidence is available for criminal prosecution at this time. This allegation will be referred to the Internal Affairs Division.

On March 26, 1992, Detectives Clark and Arnott-Thornton interviewed Donna Cantrell. Ms. Cantrell provided a sworn affidavit regarding Officer Turner. She stated that she met and worked with Officer Turner while he was assigned to the Narcotics Division. Ms. Cantrell lived with Confidential Informant #961, who was a documented confidential informant for the police department. She stated that on at least fifty (50) occasions Officer Turner took her to various locations to buy narcotics. She stated Officer Turner would give her the money to buy the drugs and then pay her for buying them.

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Detectives Clark and Arnott-Thornton found that Donna Cantrell was on parole for narcotic violations during this time. Detectives Clark and Arnott-Thornton also learned that Donna Cantrell was not a documented informant with the police department, and that there had not been any paperwork generated in regard to the drugs she stated she had purchased for Officer Turner. Apparently Officer Turner attributed the controlled buys made by Ms. Cantrell to C.I. #961, for administrative (paperwork) purposes.

Donna Cantrell also reported that Officer Turner had offered her money in exchange for sex.

At the time these incidents are alleged to have occurred there were not any other witnesses present, and there is insufficient evidence for criminal prosecution.

These allegations have also been referred to the Internal Affairs Division.

On May 30, 1992, Detectives Clark and Arnott-Thornton obtained a sworn affidavit from Mr. Ronald Jerome Eubanks. Mr. Eubanks stated that during a period of time beginning in March of 1990, he paid Officer Turner at least \$5000.00. Mr. Eubanks stated he was selling narcotics where Officer Turner lived and was acting as security for the apartments. Mr. Eubanks stated that he paid the \$5000.00 to Officer Turner for "protection" for his drug business. He stated the money he paid Officer Turner was to prevent him from being arrested. He also stated that on one occasion he gave Officer Turner a baggie of marijuana.

The investigation of these allegations also revealed insufficient evidence for criminal prosecution, and they have been referred to the Internal Affairs Division.

During the course of this investigation Detectives Clark and Arnott-Thornton learned of another incident involving Officer Turner while assigned to the Narcotics Division.

It was determined that on July 5, 1991 Officer Turner left the Narcotics Division to return to the Northeast Patrol Bureau. It was discovered that when Officer Turner left the Narcotics Division he had \$1497.00 in cash he had checked out of the Narcotics Division's Confidential Funds. It was also found that he kept this money until threatened with administrative action, and did not return the money until August 22, 1991.

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Officer Turner did return a portion of money prior to August 22, but failed to return the full amount until August 22, 1991.

Evidence has been revealed that indicates Officer Turner spent the city money for personal use, thus could not return it when he should have.

This is a violation of the Texas Penal Code 39.01, Official Misconduct Felony 3rd degree. Prosecution of this case has the support of Assistant District Attorney Ted Steinke of the District Attorney's Office and will be filed.

In summary, while the second phase of this investigation is expected to result in the criminal prosecution of Officer Turner, several concerns of an administrative nature have been identified and referred to the Internal Affairs Division.

ADMINISTRATIVE CONCERNS

There have been some administrative concerns which have been noted and should be addressed by the Internal Affairs Division or the Narcotics Division chain of command. At least one informant (#609) reported having signed blank payment sheets and several believed that multiple payments were combined onto one payment sheet. Several concerns were noted in individual confidential informant files. Informant sheets were not complete and had not been kept current (#952, #1159). Several payments which appeared on expense reports had not been entered on the payment summary sheets contained in the individual files (#923, #1085, and #1105). In one file (#641) detectives kept their own individual payment summary sheets resulting in an inaccurate chronology of payments. In another case an informant was paid (#1085) and inaccurately identified (#1105) and no entry of payment could be found on either payment summary sheet.

One informant (#1123) was apparently paid one month prior to completing an admonishment form. Two informants signed payment sheets using false or alias names (#721, #1123), and in one case a family member signed for the informant (#864) on a payment sheet.

The carryover of large sums of money from month to month appears routine. It was not uncommon for officers to carry a thousand dollars or more from month to month.

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The last subject of administrative concern involves procedural inconsistencies in weighing drug evidence. It is apparent that different techniques are utilized to weigh drugs.

RECOMMENDATIONS

I recommend that the Narcotics chain of command review the investigative report and develop uniform procedures and require compliance with these procedures as pertains to evidence, finances, and informants.

In service training should be conducted to make all Narcotics personnel aware of the procedures. Care should be taken to adequately train personnel who work in Narcotics on a special assignment basis.

All areas surrounding the working of confidential informants should be given close scrutiny, particularly in the manner in which informants are paid. Thought should be given to supervisors initialing completed informant payout sheets prior to the informant signing and initialing a second time after the payment had been made. This recommendation was made to the Narcotics chain of command during this investigation and may have been adopted.

I would also recommend that consideration be given to require detectives to "zero" out each month. This would allow for immediate discovery of any inconsistencies and would help ensure the integrity of the expense system.

CONCLUSION

In the original information supplied to Lt. Epperson, Sgt. David McCoy's squad was singled out as possible violators of departmental regulations as well as state law. During this investigation there has been no evidence developed that supports this allegation. Sgt. McCoy's squad as well as the entire Narcotics Division has undergone close scrutiny during the course of this investigation.

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In spite of the number of administrative concerns I have pointed out, most do not appear to be widespread or standard procedure but are pointed out to allow the Narcotics chain of command to establish procedures and guidelines to address future activities.



K. W. Lybrand
Lieutenant of Police
Special Investigations Bureau

pdr

Memorandum



CITY OF DALLAS

DATE June 18, 1992

TO William M. Rathburn
Chief of Police

SUBJECT Executive Summary

Please allow this report to serve as an executive summary of the attached investigation. This summary should not stand alone but is an overview of the investigation assigned to the Special Investigations Bureau.

Investigation of Robbery of Detectives Bromley and Hall

The investigation into the attempt robbery of Detectives Bromley and Hall brought to light that a narcotics delivery was never planned by the suspects. This incident was to be a robbery after which Detectives Bromley and Hall would be driven to a remote area and shot.

Five additional subjects were identified as participating in the set up of the detectives. Three of these subjects have been filed on and arrested for Aggravated Robbery.

All three have court dates in August 1992. Two subjects were filed on and arrested for Conspiracy to Deliver and have court dates on June 29, 1992.

Set Up of Detective Bromley by other Police Officers

In looking into the possibility of a set up of Detective Bromley by other detectives, no evidence was found to support this allegation. The source of this information admitted to investigating detectives that he lied about the source of his information. There is no substance to street rumors that this incident was set up by other officers.

Allegations of Criminal Activity Involving Narcotics Division

The criminal violations were two-fold:

- 1) Detectives forging confidential informant signatures
- 2) Misuse of City money

The first allegation was not pursued because Forensic's could not positively state that the confidential informant did not sign his own name and because Assistant District Attorney Gillette did not believe criminal intent was present on the part of the involved detectives.

The second allegation is ready for filing and will be done so at the direction of the Chief of Police. This allegation involves one police officer.

During this investigation several administrative concerns have been identified and are addressed in this summary.

Action of Police Employees During the Bromley Investigation

During the investigation of the robbery of Detectives Bromley and Hall, Lt. Charles Epperson was interviewed. This interview was conducted because Lt. Epperson had been given information in person and by phone alleging improper actions by police officers, some of which was criminal.

Lt. Epperson gave information to Special Investigations Bureau detectives regarding the allegations as described to him. It should be noted that two discrepancies surfaced. Lt. Epperson stated in a meeting with Chief Rathburn and Lt. Ron Waldrop that he had received multiple phone calls regarding improper actions by police officers. However, in the interview with Special Investigations Bureau detectives, Lt. Epperson stated he received only one phone call.

Lt. Epperson also stated that he briefed Deputy Chief Pam Walt about the phone calls just prior to going to the meeting with Chief Rathburn. Deputy Chief Walt advised detectives that Lt. Epperson did not inform her of the phone call and that she was not present at the meeting with Chief Rathburn on this occasion.

Handling of Drug Evidence

The second administrative area of concern is regarding the handling of drug evidence. In checking the narcotics which had been placed into the Drug Evidence Unit it was apparent that the weighing of drugs was not uniform. This led to inaccurate weights being logged and created the image that something had happened to the drugs after being placed in the Evidence Unit. The variations in weight were slight and can be attributed to some detectives weighing the drugs only while others weigh the entire package.

Confidential Informants

This is the primary area of administrative concern. Following is a list of items which should be addressed to ensure the uniform, legal and safe use of informants:

- 1) Informants signing blank pay sheets.
- 2) Payment through family members to Confidential Informants.
- 3) Payment by one detective.
- 4) Witness officer too far away to accurately report transaction.
- 5) Use of unregistered Confidential Informants.
- 6) Payment to an individual using another Confidential Informant's number.
- 7) Detectives signing for informants.
- 8) Combining multiple Confidential Informant payments on one pay sheet.
- 9) Informant sheets not complete or accurate.
- 10) Payments not entered on payment summary sheet.
- 11) Detectives keeping their own payment summary.
- 12) Paying Confidential Informants and completing receipts on later dates.
- 13) Informants signing false or alias names.
- 14) Purchase of meals for detectives when taking informants out.
- 15) Paying Confidential Informants with detective's own money.
- 16) Confidential Informant files kept in detectives desk. .

Financial Procedures

There is evidence that detectives have been allowed to carry over large sums of money from month to month. This practice can contribute to detectives using city money for personal matters.

Recommendations

I recommend that the Narcotics chain of command review the investigative report to develop uniform procedures and require compliance with these procedures as pertains to evidence, finances, and informants.

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Executive Summary
June 18, 1992

In service training should be conducted to make all Narcotics personnel aware of the procedures. Care should be taken to adequately train personnel who work in Narcotics on a special assignment basis.

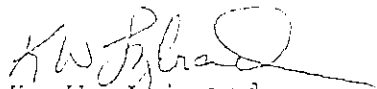
All areas surrounding the working of confidential informants should be given close scrutiny, particularly in the manner in which informants are paid. Thought should be given to supervisors initialing completed informant payout sheets prior to the informant signing and initialing a second time after the payment has been made. This recommendation was made to the Narcotics chain of command during this investigation and may have been already adopted.

I would also recommend that consideration be given to require detectives to "zero" out each month. This would allow for immediate discovery of any inconsistencies and would help ensure the integrity of the expense system.

CONCLUSION

In the original information supplied to Lt. Epperson, Sgt. David McCoy's squad was singled out as possible violators of departmental regulations as well as state law. During this investigation there has been no evidence discovered that supports this allegation. Sgt. McCoy's squad as well as the entire Narcotics Division has undergone close security during the course of this investigation.

In spite of the number of administrative concerns I have pointed out, none of these appear to be widespread or standard procedure but are pointed out to allow the Narcotics chain of command to establish procedures and guidelines to address future activities.



K. W. Lybrand
Lieutenant of Police
Special Investigations Bureau

pdr

ATTACHMENT C-13

Narcotics Assessment Team
Narcotics Division
Dallas Police Department
February 20, 1992


Chief William M. Rathburn
Dallas Police Department
Dallas, Texas


Dear Chief Rathburn,


The Narcotics Assessment Team has had a truly pleasant and enlightening experience "living" with the Dallas Police Department family. Each person the Team worked with was helpful, courteous, and most importantly, eager to assist in this endeavor. You have reason to be proud of your organization.

We wish to express our admiration for the bold step of allowing an outside, independent review of your Narcotics Division. We have attempted to gain sufficient insight into the training, planning, and organization of Narcotics Operations personnel to be able to offer constructive suggestions for improvement. During our review we also gained some insight into the overall morale of the Division and the Department. It quickly became evident that the desire of each person we encountered is to improve and strengthen the Department. It is our sincere hope that the information contained in our findings will help achieve the goal of excellence we are confident you and the members of your Department shall achieve.

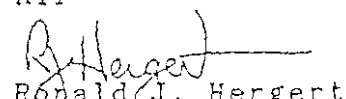
Sincerely,


Gregory D. Clark
San Diego PD


Emilio T. Garcia
DEA


Terry Torrence
Metro-Dade PD


Alexander J. D'Atri
ATF


Ronald J. Hergert
Phoenix PD

DALLAS NARCOTICS DIVISION

ASSESSMENT REPORT

Assessment Team Members:

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Narcotics Task Force
San Diego, California

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Bureau of Alcohol, Tobacco & Firearms
Florida/Caribbean Organized Crime
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Office of Training, FBI Academy
Quantico, Virginia

Ronald J. Hergert, Lieutenant
Phoenix Police Department
Drug Enforcement Bureau
Phoenix, Arizona

Terry Torrence, Lieutenant
Metro-Dade Police Department
Headquarters Narcotics Section
Miami, Florida

Summary:

At the request of Dallas Police Department Management, the above assessment team members assembled in Dallas, Texas on Monday, February 10, 1992, to conduct an assessment of the policies and procedures being utilized by members of the Dallas Police Department Narcotics Division in selected enforcement operations. From that date, through Thursday, February 20, 1992, the assessors gathered information through personnel interviews, existing policy and procedure review, observation of actual enforcement operations, and review of completed case documentation.

In accordance with direction provided by department managers, the assessment team focused attention on three primary areas:
1) Buy-bust operations; 2) Search warrant operations; and
3) Training.

The Assessment Team found, overall, that the proposed changes and additions to Narcotics Division procedures, developed prior to this study, were very good. The

Assessment Team has recommended, in specific detail, some additional changes that may serve to enhance these procedures further. The team believes that these changes are needed to overcome the current lack of standardization of practices in the Narcotics Division. The recent expansion of the division brought with it the addition of officers inexperienced in the field of narcotics investigation. These recommendations are offered to give those new officers and supervisors the minimal tools needed to perform their duties.

The following report documents the findings and recommendations of the Assessment Team:

BUY-BUST PROCEDURES

In examining this issue, assessment team members reviewed existing Standard Operating Procedures; new procedures drafted by the Dallas Police Department, not yet implemented; and reports documenting previous operations conducted by Narcotics Division personnel. Team members also interviewed several Narcotics Division supervisors and detectives to gain their input regarding the policies and procedures currently used on buy-bust operations.

The assessors found the existing Standard Operating Procedures (SOP) manual to provide only general guidance for the conducting of buy-bust operations. Changes to this manual, already proposed by Narcotics Division management, represent a vast improvement and appear to cover most important areas adequately. In reviewing this proposed policy, team members found it to be comprehensive and thorough. Some minor points were noted that may warrant amendment. The Assessment Team offers the following suggestions:

- * Operational plans for buy-bust operations involving use of a "flash roll" should be reviewed and approved by a lieutenant or higher level supervisor.

Page 3, item number 6 of the proposed policy delegates ultimate responsibility for the successful conclusion of operations to the immediate supervisor of the undercover officer who initiates a respective case. The Assessment Team submits that this responsibility should more appropriately be delegated to the level of lieutenant. Required review, and approval, of operations plans at this level would serve to promote greater consistency and standardization within the unit.

- * This reviewing supervisor should be responsible for ensuring that the operational plan employs strategies that minimize risks to personnel and maximize security of the "flash roll".

- * The supervisor overseeing an actual "buy-bust" operation shall ensure that the approved operational plan is not deviated from in an unsafe manner.

The proposed buy-bust policy (attachment 11, subsection C, item 6) indicates that officers should be wired "when practical" during the "flash". The assessors recommend that this language be strengthened to mandate that undercover personnel be "wired" when conducting "flash" operations.

The proposed policy also promotes the use of "surprise flashes" over "planned flashes" when possible (page 7, policy 6). It is the assessors' opinion that "surprise flashes" are not necessarily safer, or more desirable than, "planned flashes" involving advance notice to suspects. The policy should provide direction to assist personnel in deciding which approach is most appropriate under given sets of circumstances. The assessors offer the following observations:

- * Use of a "surprise flash" may create in a suspect's mind the expectation that the undercover operative will have the money with him in like fashion in subsequent meetings. This may influence the suspect to believe that the officer is careless and an easy mark for a "rip". In order to avoid this, the undercover must take care to convey to the suspect that the money will not be with him in the future until after "product" is seen.
- * Undercover operations tend to be most effective when undercover personnel behave as suspects would in similar circumstances. Suspects rarely show their money early in negotiations without pushing to see product or receive samples first. By showing money too soon, an operative may sacrifice his credibility with a suspect and send up a "red flag". It is generally more desirable for undercovers to demonstrate reluctance to "flash" money and aggressively negotiate with suspects to have them show product or provide samples first to verify their credibility as dealers able to deliver the product being negotiated for.

As part of this assessment process, team members reviewed actual prosecution reports regarding buy-bust arrests previously performed by Narcotics Division personnel. Team members noted the use of tactics, in some cases, which were not in accordance with those outlined in the newly proposed policy. The following examples were observed:

- * "Flash roll" shown more than once.
- * Undercover officer agrees to "trip" (travel) with suspect(s) to new location, while in possession of "flash".

- * More defendants than officers present during showing of "flash".
- * No electronic surveillance of undercover during "flash" conducted inside motel room, out of vision of covering personnel.
- * Apparent over-willingness on the part of undercover officers to acquiesce to defendants requests, sometimes placing safety of personnel and/or "flash" in jeopardy.

The assessors submit that, in the planning and execution of "buy-bust" operations, emphasis should be placed on the use of tactics that maximize officer safety. Reviewing supervisors must be held accountable for ensuring that operations are not conducted which employ unsafe tactics. In order for this philosophy of "officer safety first" to become institutionalized within the Narcotics Division, it must be promoted and stressed from the "top down". In interviews of division personnel, team members sensed, from employees at varying levels, a perception on their part that upper management places primary emphasis on making arrests and seizures, and that issues of officer safety come second.

TRAINING

The assessors submit that although the newly proposed policies and procedures for the conducting of "buy-bust" and search warrant operations represent a vast improvement over those in place in the past, they, by themselves, will not result in improved operations unless all employees are made aware of, and held accountable for ensuring compliance.

To attain this desired level of compliance, all division employees, from supervisors down to line-level personnel, must receive thorough training. It is important that this training stress the rationale for specific procedures to increase the likelihood that employees will "buy in" to the policies and adopt them for use. It is equally important that this training convey to supervisory employees what their specific responsibilities are for ensuring that these procedures are followed by employees within their respective spans of control.

The assessors recommend the following:

- * As a prelude to implementation of the proposed new policies and procedures, upper division management should conduct a meeting with all division supervisors to convey the philosophy, mission, goals, and objectives of the Narcotics Division. It is critical that

supervisors, at all levels, be informed of, and be held accountable for the carrying out of, their specific responsibilities toward attainment of these ends.

The assessors stress that supervisors, at all levels, must be held responsible for the diligent assessment and management of operational risk. The conveying of this responsibility to all supervisors can only be accomplished through training.

- * The assessors recommend that division lieutenants and sergeants meet together periodically to discuss such topics as policy issues, procedures, operation tactics and planning, and other issues relating to the work performed by division personnel. This interaction among supervisors is needed to develop consistency and standardization of division operations.
- * Upon initial assignment to the Narcotics Division, all police officers, detectives, and sergeants should attend a two-week basic narcotics investigators school which will include all the topics covered in the previous one-week school with the addition of more practical exercises in such things as "buy-busts", "flash-roll" utilization, vehicle involved arrests, and raid planning and execution processes.
- * After completing the basic narcotics training school, each new officer should be teamed with a senior detective who will function as that individual's training officer for a minimum of three months.

In order to standardize the training which each officer receives during this period, a formal training instrument should be adopted for use. Once completed, this document should be retained as a permanent record in an appropriate file. (A copy of the training manual currently used by the Phoenix Police Department Drug Enforcement Bureau is included with this report as attachment D).

- * Those senior detectives selected to function as trainers for newly assigned personnel should receive appropriate training in the proper methods of instructing others and the appropriate use of the training instrument. Selection of the right people to serve as trainers is critical to the success of any training program.

Squad sergeants should closely monitor the progress of trainees and ensure that training instruments are properly prepared. Before being filed, completed instruments should be reviewed and approved by a lieutenant. This review is needed to promote and maintain consistency within this training program.

- * The assessors recommend that personnel of the newly formed street squads be intermingled with senior detectives of the enforcement squads for a ninety-day training period. This also would serve to enhance morale and cohesiveness and foster team spirit within the division.
- * The assessors recommend that Narcotics Division management move to improve the tactical experience of personnel assigned to the newly formed Street Squads. This training is needed to standardize procedures used during search warrant entry and execution.

In order to accomplish the above, the assessors recommend that an experienced tactical officer be assigned to work with the Street Squads for a minimum ninety-day period. This officer would not be involved in narcotics investigation; his sole purpose would be to train personnel in the proper planning, briefing, and entry tactics.

Furthermore, the assessors recommend that specific hands-on search warrant training scenarios be developed and that each Street Squad be mandated to train together on entry and execution techniques at least quarterly.

SEARCH WARRANTS

The assessors immediately noted the high number of search warrant services conducted by Narcotics Division personnel. It is apparent that this investigative strategy is highly promoted within the Narcotics Division and often serves as the "investigative method of first approach". Persons interviewed by the assessors often cited the number of search warrants served per given unit of time as a measurement of the Narcotics Division's productivity. The number of search warrants served by individual officers during given time intervals was also cited as an important productivity measurement.

The assessors offer the observation that narcotics search warrant entries are among the most inherently hazardous exercises narcotics investigators are called upon to perform. Weapons are often on the premises, suspects are often users prone to violence or unpredictable behavior, and serving personnel are often armed with minimal intelligence regarding the individuals or premises involved.

Through interviews of Narcotics Division personnel, the assessors observed that a significant portion of the search warrants served by the Narcotics Division are based upon controlled purchases made by informants. In these instances, intelligence known about the sellers and premises is often limited to that which is conveyed by an informant to his or

her control officer. The quality of this intelligence will vary in accordance with the observation skills, intelligence, and diligence of the informant. In many cases, these abilities will be lacking and the intelligence will be lacking as well.

The assessors noted that existing SOP and the proposed policy do not include detailed procedures for the proper conducting of controlled contraband purchases by informants. The assessors recommend that detailed procedures regarding this process be developed and followed. The following points should be included:

- * The control officer should always search an informant before sending him or her into a location to make a purchase. Personnel interviews indicate that this basic practice is not currently being followed. Some personnel even expressed a lack of understanding regarding the merits of this practice.
- * The informant should not be allowed to possess any funds other than those provided to make the controlled purchase. The serial numbers of these bills should be recorded by the control officer.
- * If at all possible, the control officer, or another officer assigned this responsibility, should observe the informant enter the premises where the controlled purchase is made.

The above recommendations become increasingly important in light of a recent Texas court decision which deals with the issue of confidential informants. According to representatives of the District Attorney's Office, this case, *Bodin v. State*, will make it increasingly difficult for officers to maintain the confidentiality of their informants. They agreed that the adoption of standardized procedures requiring the searching of informants and actual observation of informants as they enter premises to make controlled purchases would enhance their ability to avoid being ordered by a trial court to divulge an informant's identity in the face of a *Bodin* challenge by the defense. A Dallas Police Department Law Bulletin regarding this issue is included with this report as attachment E. The District Attorney also advocates that agreements with informants be in writing and coordinated through their office. They have provided a copy of an agreement form they would like to see adopted for use by Narcotics Division personnel (see attachment F).

The assessors reviewed the proposed policies on search warrants and, for the most part, agree with the mandated changes. The assessors noted, however, that the proposed SOP provides very little specific direction to personnel regarding issues such as search warrant case documentation,

evidence collection, and suspect interview requirements. Through personnel interviews, assessors noted that there appears to be little consistency or standardization in these areas among the various investigative squads. In order to achieve this desired standardization, the assessors recommend that the Narcotics Division adopt detailed procedures to be included in the Standard Operating Procedures Manual.

Search warrant procedures of the Federal Drug Enforcement Administration (D.E.A.), the Phoenix Police Department Drug Enforcement Bureau, and the Metro-Dade Police Department are included with this report as attachments A, B, and C respectively. The assessors recommend that components of these policies be adopted for use by the Dallas Police Department Narcotics Division. At minimum, the following issues should be addressed by this policy:

- * Specific responsibilities of affiant (case agent), e.g., reading of search warrant to occupant/s, preparation of primary case documentation, interviewing and recording of statements of suspects, etc.;
- * Specific responsibilities of finder (recorder), e.g., inventory of seized items to include description of item, location found, time found, and documentation of chain of custody;
- * Specific responsibilities of searching officers;

The assessors observed that little emphasis appears to be placed on the overall quality of search warrant investigations. To enhance the prosecution of these cases, greater emphasis needs to be placed on such areas as: collection of evidence other than actual contraband, interviews of suspects, proper documentation regarding evidence collection, e.g., photographs and diagrams depicting premises layout and locations where evidence and suspects are found.

To further enhance investigation quality, case officers should be required to complete detailed reports which document all phases of the investigation. The case officer should also be required to retain a case file which will serve as a retention point for peripheral reports such as crime scene diagrams, photographs, and personal case notes. These case files should be maintained in a central repository in the Narcotics Division.

As has been previously noted, the assessors sensed a perception among division personnel that management emphasis regarding search warrants is on quantity, rather than quality. The recommendations made above call for this emphasis to shift to a balance between those two issues.

The assessors also strongly recommend that Narcotics Division managers strongly emphasize the importance of officer safety during search warrant operations. Through personnel interviews, assessors learned that it is not uncommon for any one Narcotics Division Squad to serve more than three search warrants during a single shift. The assessors caution that the execution of multiple warrants during a given shift increases the potential for errors associated with officer fatigue or inattention. Of course, the ability of case officers to perform the quality investigative steps outlined in previous recommendations is also lessened when pressure is presented to expedite searches so that additional warrants can be served at other locations.

In keeping with the above, the assessors recommend that Narcotics Division policy limit the number of search warrant services any one squad can perform during a given shift at three.

EQUIPMENT

Assessment team members were generally impressed with the quality and quantity of specialized equipment which is available to narcotics division personnel. The following limited recommendations are offered:

- * Computer equipment dedicated to the management of narcotics intelligence information is needed to make this information useful. Personnel interviews indicate that suspects or locations have been targeted by different investigative units which were not aware of each others intelligence.
- * It is the assessors' opinion that more portable radios should be added to the division's inventory. Ideally, each detective should have an assigned radio. If this is not possible, enough additional radios should be obtained to permit more than one to be used during search warrants.
- * The proposed SOP recommends utilization of night vision equipment on nighttime surveillance operations. The assessors concur with this recommendation.
- * The assessors recommend that the detention and processing facilities available to Narcotics Division Personnel be expanded. Currently, only two holding/interview rooms and one telephone are available to the entire Narcotics Division for processing arrestees.

ATTACHMENT C-14

COPY

Memorandum



CITY OF DALLAS

DATE February 28, 1992

TO Mr. William M. Rathburn
Chief of Police

SUBJECT Analysis of the Narcotics Division Buy Bust, Flash Roll Funds, and
Search Warrant Procedures

Chief Hatler and I analyzed the Narcotics Division's policies on buy busts, the use of the flash roll funds, and the execution of search warrants in January 1992. We have also reviewed the recommendations made by the Narcotics Assessment Team and made responses (attachment 16). Applicable Narcotics Assessment Team recommendations have been assimilated into our proposed policy changes. Although we found no major problems with any of these policies, we have identified some areas that need more documentation, control, training, or equipment. We also recommend several of the current practices be incorporated into the applicable sections of the Narcotics Division's Standard Operating Procedures.

During the original analysis, we surveyed sixteen cities (attachment 4), interviewed numerous narcotics supervisors and investigators, reviewed our activity, and researched applicable written material relating to safety, operational plans, and training. The following sections will address our analysis and the Narcotics Assessment Team recommendations.

ACTIVITY ANALYSIS

In analyzing our buy-bust operations, we looked at the division's activity from June 1 through December 11, 1991 (attachments 1&2). The division conducted 711 operations which included search warrants, reversals, and buy busts. During these operations, we arrested 837 people and seized 347 weapons. The 347 weapons were seized in 190 of the 711 operations. 87 of the 711 operations resulted in 28 grams or more of cocaine being seized. The 87 operations resulted in 155 people being arrested and 90 weapons being seized. All 90 weapons were seized from 36 of the 87 operations.

In comparison, there were 138 buy bust operations that resulted in 248 arrests and the seizure of 36 weapons. All 36 weapons were seized from 23 of the 138 buy bust operations. 44 of the 138 operations resulted in 28 grams or more of cocaine being seized. These 44 operations resulted in 97 arrests and 24 weapon seizures. All 24 weapons were seized from 14 of the 44 operations.

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The chart below reflects that there is a greater likelihood of the suspects being armed when the quantity of cocaine is more than 28 grams.

OPERATIONS WITH WEAPONS*

	Division	Buy-Bust
# Operations	711	138
# Operations with Weapon Seizures	190	23
% of Operations with Weapon Seizures	26.7%	16.7%

COCAINE - 28 GRAMS OR MORE

# Operations	87	44
# Operations with Weapon Seizures	36	14
% of Operations with Weapon Seizures	41.3%	31.8%

*Three incidents resulted in weapon discharges

Although thorough and comprehensive plans should be made on all operations, this data reflects another aspect that should be considered on operational plans. Everyone should be treated as potentially being armed but there is a greater likelihood of a rip off as the money and amount of narcotics involved increases.

BUY-BUST S.O.P.

A buy-bust is an operation in which an undercover officer negotiates a purchase of narcotics with the intention of causing the immediate arrest of the suspect at the time the narcotics are delivered. Safety, not the arrest of the suspect, is absolutely the most important factor to be considered in these operations. Therefore, advanced planning and adherence to the plan of operation are critical if a buy-bust is going to be successful. Operational plans will include plans for contingencies in the event of unexpected actions by the suspects. A Narcotics Division supervisor will be the final authority for all buy-bust operations. The supervisor in charge of the actual operation will ensure that the approved operational plan or contingency plan is not deviated from in an unsafe manner.

After analyzing our current buy-bust policy, we have determined that we have a good policy but there are several practices conducted which are not in writing. In order to ensure these practices are utilized by all division personnel, they have been incorporated into the proposed buy-bust policy. Some of the more critical areas incorporated are as follows:

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1. Suspects should be identified to the greatest extent possible. Pictures and criminal histories of the suspects and associates should be obtained if possible. The suspect's propensity to use weapons will also be determined.
2. The operation location should be selected so that the undercover officers will have the advantage.
3. Equipment needs will be determined and equipment will be checked.
4. The undercover officer and the supervisor will determine, if possible, if the suspect is inclined to use counter surveillance or scanners during drug transactions.
5. The undercover officer's supervisor will determine the manpower needed for the operation. Sufficient manpower will be obtained for fixed surveillance, cover teams, arrest teams, and moving surveillance, if appropriate.
6. The supervisor in charge of the briefing and the operation will be a Narcotics Division supervisor, preferably the supervisor of the undercover officer involved in the operation. The supervisor in charge is ultimately responsible for the successful conclusion of the operation.
7. The supervisor overseeing the actual operation will ensure that the approved operational plan or contingency plan is not deviated from in an unsafe manner. The criteria for judgement will be those facts apparent to the controlling supervisor prior to and during the operation.
8. The supervisor in charge and the undercover officer will conduct a briefing with all personnel who will be involved in the operation. If any member of the operation leaves before or during the briefing, it will be the operations supervisor's responsibility to ensure they receive all the necessary briefing information. Issues to be covered during the briefing include, but are not limited to:
 - A. Synopsis of the investigation,
 - B. Objectives of the investigation,

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- C. Diagrams or maps of the operation location,
 - D. Photographs of suspects, history of suspects, description of suspect and UC vehicles, and the suspect's modus operandi,
 - E. Information about weapons, booby traps, and other officer safety concerns,
 - F. Demonstration of audio, visual, and electronic signals for arrest, trouble, and shut-down indicators,
 - G. Contingency plans for arrest and emergency situations, including specific responsibilities.
 - H. Officers will be specifically assigned responsibilities, including cover, arrest, surveillance and communications assignments,
 - I. Surveillance officers will be assigned so that all actions of the suspects and undercover officers can be observed to the greatest extent possible,
 - J. All participants will be advised of communication resources which will be utilized.
 - K. All personnel will visually observe all non-uniformed personnel who will be involved in the operation.
9. The undercover officer and supervisor will determine audio and electronic signals for arrest, trouble, and operation shut-down contingencies.
10. The supervisor will also discuss with the undercover officer, the procedures which will be followed in the event the undercover officer is held at gunpoint, robbed, or taken hostage.
11. Cover and arrest responsibilities will be assigned in such a manner to minimize the potential that any officer will be caught in a cross-fire situation.
12. During the briefing, the supervisor will give specific instructions concerning all actions which will and will not be taken by the undercover officers.
13. The operations supervisor will establish a time limit for the operation. The supervisor may modify the time limit dependent upon existing circumstances.
14. The surveillance team will be in place before the scheduled time of the operation.

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15. If possible, raid jackets and vests will be worn by all officers involved in the arrest. All other officers will put a raid jacket on as soon as possible.
16. The undercover officer, the location, or the UC vehicle, will be wired if at all possible.
17. The operation supervisor, and other officers as required, will monitor transmissions from the undercover officer's wire.
18. The operation will be conducted within the view of the operation supervisor if possible.
19. The operation supervisor will verbally or by signal direct the actions of all officers involved in the operation.
20. All personnel will keep the operation's supervisor apprised of their observations of the actions of the suspects and undercover officers.
21. When the operations supervisor gives the command to arrest the suspects, the arrest team will move-in and the undercover officers will assume a passive role. The undercover officer will not participate in the arrest, except to protect his/her life or the life of members of the arrest team.
22. The undercover officer will not deviate from the operation plan without approval from the operations supervisor, unless urgent circumstances (officer safety) dictate otherwise.
23. All personnel should look for danger signs indicative of a possible robbery, assault, or rip-off. Signs include, but are not limited to:
 - A. Suspect eagerness,
 - B. Drug prices are inconsistent with current street prices,
 - C. Suspect is pre-occupied with the flash-roll,
 - D. Suspect wants to make last minute changes in the transaction,
 - E. Unknown or unanticipated suspects become involved in the operation,

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- F. Suspect's obvious inability to complete the transaction,
- G. Quality of dope sample is poor or less than amount agreed upon,
- H. Suspect refuses or fails to supply a sample of the contraband,
- I. Suspect appears to be stalling the transaction,
- J. Suspect is a chronic drug user.

- 24. The undercover officer or the operations supervisor will call-off the operation if circumstances indicate that the operation will not be safely completed as anticipated.

In addition to the current practices being incorporated into the Buy-Bust S.O.P., the four items listed below are either new or modified practices. They will all be added to the S.O.P. and become mandatory.

- 1. All personnel will be given a copy of the Briefing Information Sheet.
- 2. During the operation, at least 1 surveillance officer should utilize binoculars, if their use will not jeopardize the operation.
- 3. The operations supervisor will critique the operation with participants and attach a copy of the critique to the Briefing Information Sheet.
- 4. The undercover officer will complete an Intelligence Report and give it to the operations supervisor. The Intelligence Report, the Briefing Information Sheet, and the Critique Sheet will be reviewed by the operation supervisor's lieutenant. The reports will be maintained by the Narcotics Division Intelligence Unit.

By adding all the above to the Buy-Bust S.O.P., we will ensure every aspect is considered when planning, executing, and critiquing the operation. Attachment 8 is the current Buy-Bust S.O.P., attachment 14 is General Order 305.09 (Stake-outs and High Risk Apprehension Operations) and is referred to by both the current and proposed Buy-Bust S.O.P.s. Attachment 9 is the proposed Buy-Bust S.O.P.

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FLASH ROLL FUNDS S.O.P.

When an undercover officer is killed, it is usually as a result of the flash roll. The drug dealer is after the undercover officer's money and will do anything to get it. For these reasons, operational plans for buy-bust operations involving the use of a flash roll will be reviewed by a Lieutenant or Acting Section Commander.

Officers assigned to multi-agency task forces will not be required to have departmental review of task force operation plans but will be advised to contact a Narcotics Division supervisor immediately if they feel their safety is in jeopardy.

Narcotics officers realize that there are no simple "buy-bust" scenarios. Buy-busts are the most dangerous operations in drug law enforcement. The most critical time is when the drugs and money are at the same location at the same time.

We have reviewed our Flash Roll Funds S.O.P. and have added several current practices to it. By putting current safety practices in writing, it will assist our personnel in remembering critical areas of concern. The following are some of the current practices incorporated into the proposed Flash Roll Funds S.O.P.

1. Lieutenants can approve the use of flash funds up to \$50,000.00. The Narcotics Division Commander must approve the use of flash funds in excess of \$50,000.00.
2. When feasible show Flash Roll in a well lighted area such as a parking lot, shopping center, restaurant, etc., or other location which tends to give an advantage to the officers.
3. The suspect should be shown the flash roll only one time.
4. After the initial flash, the money should be removed from the location of the negotiations, and the suspect should know that the money has been removed.
5. The undercover officer should not agree to travel with the suspect(s) to a new location while in possession of the flash roll.
6. The flash roll should never be moved to a second location known to the suspect.

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7. "Surprise flashes" are not necessarily safer or more desirable than "planned flashes" involving advance notice to the suspects.

Use of a "surprise flash" may create in a suspect's mind the expectation that the undercover officer will have the money with him in like fashion in subsequent meetings. This may influence the suspect to believe that the officer is careless and an easy mark for a "rip". In order to avoid this, the undercover officer must take care to convey to the suspect that the money will not be with him in the future until the "product" is seen.

Undercover operations tend to be most effective when undercover officers behave as suspects would in similar circumstances. Suspects rarely show their money early in negotiations without pushing to see product or receive samples first. By showing money too soon, an operative may sacrifice his credibility with a suspect and send up a "red flag". It is generally more desirable for undercover officers to demonstrate reluctance to "flash" money and aggressively negotiate with suspects to have them show product or provide samples first to verify their credibility as dealers able to deliver the product being negotiated for.

8. Officers should minimize the amount of time the suspect is in the presence of the flash roll.
9. Officers should name and control the location of the flash.
10. A supervisor and cover officers will accompany the undercover officer who will show the flash roll. The supervisor will ensure that sufficient manpower is available to ensure the safety of the undercover officers and the security of the flash roll.

In addition to putting these current practices into the Flash Roll Funds S.O.P., the following modifications are of critical importance for the safety of our officers and security of the flash roll.

1. The reviewing supervisor is responsible for ensuring that the operational plans employ strategies that maximize the safety of the officers involved and provide for the security of the flash roll.

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2. Officers should avoid, whenever possible, showing the money to more than one (1) suspect.
3. At least two (2) officers will be present when the flash roll is shown to the suspect.

Attachment 10 is the current Flash Roll Funds S.O.P. and attachment 11 is the proposed S.O.P. with the items listed above incorporated into it.

EXECUTION OF CONTROLLED SUBSTANCE SEARCH WARRANTS S.O.P.

Several changes need to be made in our current S.O.P. regarding the execution of narcotics search warrants. In 1990, the Tactical Division executed 72.2% of our search warrants and 57.5% in 1991. Since July 1, 1991, they helped on 46.3% (attachment 3). At the present time, the Tactical Division has so many other commitments, their availability to assist on the execution of our search warrants has gone down. With the implementation of the Street Squads the number of search warrants executed is expected to increase drastically. This makes it necessary for us to analyze the way we execute our search warrants. The primary consideration should be officer safety. Currently the only requirement in our S.O.P. for the use of the Tactical Division is when armed resistance is likely.

Narcotics Division supervisors consider a number of different factors when determining if the Tactical Division will be utilized. The factors presently considered are as follows:

1. When prior knowledge, either CI, personal or historical, indicates the suspects to be heavily armed (automatic weapons),
2. When the location is heavily fortified or has warning devices and the suspects are armed,
3. When the suspect(s) or location have a prior history of violence,
4. When the CI indicates that there could be armed resistance, or
5. When narcotics personnel believe that the deployment of diversionary devices are needed for the protection of the entry team.

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We are also considering the use of diversionary devices by our personnel under certain conditions. The use of these devices by the Tactical Division has been very successful and police shootings have been minimized. The Tactical Division routinely utilize diversionary devices during entry on narcotics search warrants. These devices are utilized when one of the following exists:

1. When information is developed that the suspects are heavily armed, violent, or barricaded,
2. If no prior knowledge of the suspects being heavily armed, violent, or barricaded, is received but the entry team has difficulty entering the door, or
3. When the entry team is inside the location and encounters hostile fire and uses the device to safely evacuate the location.

Narcotics Division personnel will only be allowed to use the diversionary devices for the purposes of number two and three listed above. These changes have been incorporated into the proposed S.O.P.

We need to be able to deploy a diversionary device, at the command of a supervisor, if an entry team is unable to force open the door or receives gun fire once inside the location. No amount of prior planning and intelligence can ensure that an entry can be made quickly and without hostile fire. By allowing our supervisors to utilize diversionary devices it will allow safer entry and a means of removing themselves from a deteriorating situation.

The Tactical Division has several years experience utilizing these devices and officers certified to train our officers. Each Narcotics Division supervisor and one member from their squad will receive sixteen (16) hours training on the use of the diversionary devices. We will also have some of our supervisors receive twenty-four (24) hours of training and be certified instructors for the division. The use of diversionary devices by the Narcotics Division will greatly enhance the safety of our officers and reduce the likelihood of an officer or suspect being injured or killed.

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In addition, we would like to eliminate the mandatory use of uniform patrol officers while serving warrants. The majority of the time there is considerable delay in obtaining patrol officers to accompany our squads on search warrants. Our current S.O.P. requires that a uniformed officer be part of the entry team. This practice is not only dangerous to the untrained officer, but to the members of the entry team and the suspects. The increased level of warrants generated by the Street Squads will put an additional burden on patrol. Our officers are easily recognized by our hats and raid jackets.

Numerous times when tactical officers are used to execute a search warrant they are dressed in their blacks and no uniformed patrol officers are present. The attached proposal amends our S.O.P. to reflect the use of uniform patrol as much as possible when they are available.

Attachment twelve (12) is our current S.O.P. on the Execution of Controlled Substance Search Warrants and attachment thirteen (13) is the proposed S.O.P. and incorporates all the above mentioned changes.

TRAINING/ASSET SEIZURE/INTELLIGENCE/DIVERSIONARY/ LIEUTENANT

Currently, the Narcotics Division training is done by the Unit or Section Commanders. Some of the specialized courses such as the Basic Investigators School (attachment 5) offer an established curriculum but other unit level training is left up to the Section Commanders. This method often leads to inconsistent training goals and a lack of proper documentation.

We recommend an additional lieutenant's position be added to the Narcotics Division. This fourth position would organize, schedule, coordinate, and document all training conducted in the proposed 1992 training schedule (attachment 6).

In addition, when the Street Squads were formed, the Division Commander assumed the responsibility of the Asset Seizure/Intelligence Unit and the Administrative/Diversiionary Unit. This lieutenant will assume the responsibility of these critical functions in addition to his training duties. This would give the Division Commander more time to monitor field operations.

There is a vacant lieutenant's position in the Records Division. If this position is not going to be used, we recommend it be transferred to the Narcotics Division. Once approved, the necessary paperwork will be done to have that number transferred to the Narcotics Division and filled as soon as possible.

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TRAINING

The following training is given to the Narcotics Division employees.

1. Basic Narcotics Investigations (55 hours)
2. Narcotics Division Practical Firearms Training (2 hours every other month)
3. Forced Entry Search Warrant Training (4 hours conducted quarterly)
4. Police Drug Corruption - Prevention (4 hours)
5. Officer Involved Shootings (4 hours)

Thirty six (36) of these hours relate to buy-bust and search warrant training. Attachment 5 gives a breakdown of the current training curriculum.

A weakness identified is that sometimes a member of a squad may be absent for various reasons when their squad receives the Practical Firearms Training or the Forced Entry Search Warrant Training. In the future, it will be mandatory that all members of a squad go through the training at the same time as a unit.

In addition to the training conducted by our trainers, there are several courses attended outside our department. Some of these include; Gang Seminars, Asset Forfeiture Training, Texas Narcotics Officers Association Seminars, Asian Organized Crime Conference, Narcotics and Dangerous Drug Enforcement, Jamaican Organized Crime Conference, Clandestine Laboratory Investigations and the Narcotics Unit Supervisor's Course.. These courses as well as others not listed are tools needed to ensure we stay abreast of current trends and practices. We must continue to seek outside training in all subject matters.

In the past, these schools were funded from the Department's Confiscated Funds Account but they are not currently available to be used in this manner. In order to continue getting an adequate amount of outside training, we recommend that our training budget be increased from \$5950 to \$40000. These funds should come from the Confiscated Funds Account.

In an effort to enhance the safety of our officers on buy-busts and search warrants, we plan on increasing our training in several areas. This training will be documented and attendance will be mandatory.

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In concurrence with the Assessment Review Committee's recommendations, we are increasing our Basic Narcotics Investigation's School from fifty-five (55) hours to eighty (80) hours. We will be increasing training in the areas of buy-busts, search warrants, and flash roll utilization.

Other training will include four hours regarding the S.O.P. changes and will be given by the Division Commander to all supervisors. Then every quarter each squad (as a unit) will receive eight (8) hours of buy-bust training and eight (8) hours of search warrant training. In addition, they will receive two (2) hours of practical firearms training every other month. This training will consist of various scenarios actually being conducted with role players as the suspects. Input will come from all levels of the division on what the scenarios should be as well as to the most appropriate way to successfully conduct them.

The other training needed as a result of these S.O.P. changes relates to the approval to use the diversionary devices when executing search warrants as mentioned earlier. The Tactical Division will conduct sixteen (16) hours of training for the supervisors and senior corporals authorized to use the devices. They will also give twenty four (24) hours of instruction to our trainers so we can conduct our own training in the future.

The Assessment Review Committee also recommended that a formal training program be developed and implemented by the Narcotics Division. Lieutenant Jacob Moore will form a committee comprised of approximately six (6) division members to consider the most efficient method to accomplish standardized, formal training of future division members. Once this has been accomplished, Lieutenant Bob Owens will develop a school to assist the trainers in the proper method of instructing others and the appropriate use of any training instruments developed by the committee.

The Assessment Review Committee also recommended that a tactical officer be assigned to the Street Squads for a ninety (90) day period. We believe it would be better to assign six (6) tactical officers, one per squad, for thirty (30) days to provide evaluation and/or assistance in planning, briefing, and entry tactics.

EQUIPMENT ANALYSIS

The Narcotics division has numerous pieces of equipment used for communication purposes, one Varo High Performance Night Vision Device and several binoculars (attachment 7). The ICOMS are used to monitor undercover officer's transmissions while they are transmitting by way of a body microphone, body pager, or letter transmitter. The undercover officer cannot receive verbal transmissions on their body apparatus.

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Usually, the normal procedure is for the operation to use ICOMS for monitoring the undercover officer's transmission, a briefcase receiver is used to enhance the transmission capabilities and to record the undercover officers transmissions. They also carry handy talkies to communicate with members of the operation as well as mobile phones. At one time, you could have transmissions coming from the undercover officers over the ICOM as well as from other members over the radio or by phone. It is absolutely essential that the officers covering the operation be in pairs and communicate between themselves as well as with the other members of the operation.

Love Field has four low light binoculars that help increase night vision and one night vision device. This equipment is rather expensive, approximately \$550.00 for the binoculars and \$5,500.00 for the night device. The Love Field Task Force has used this night time equipment for approximately one (1) year and are very satisfied with the results.

EQUIPMENT NEEDS

The Narcotics Assessment Review Committee recommended that we obtain computer equipment for an Intelligence Information System. Through a donation from the Hoblitzelle Foundation, the Narcotics Division is currently acquiring a computer network consisting of a file server, eight (8) work stations and an Intelligence Management Software Package which will facilitate the manipulation of both operational and administrative narcotics intelligence information. Delivery of this equipment is expected to begin in 3-4 weeks.

The committee also recommended that we should increase the number of portable radios. Ideally each detective should have an assigned radio. Currently we have 42 portable radios and several of our operations include either Patrol or Tactical Officers who have radios. We do not recommend obtaining a radio for each detective but do recommend obtaining twelve (12) secure channel or encrypted portable radios. The drug dealing community has increased their level of sophistication in counter surveillance and electronic monitoring of police communications. The addition of twelve (12) secure channel radios would be adequate to enable two simultaneous operations. The cost of each radio, including necessary programming, is \$2,352. The total cost for this equipment is \$28,230.

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After analyzing our current equipment, the following items need to be sought after and analyzed for practicality of usage by the entire Narcotics Division:

1. Additional Night Vision Equipment
2. Cameras for Monitoring Activity Inside Vehicle

Since several of our operations are conducted at night, we need to look at getting additional night vision devices and low light binoculars. This equipment would enhance our officers safety as well as other personnel in or around our operation.

Currently, there is a line of technology where cameras are designed for fitting inside a vehicle and monitoring the activity inside it. We need to look at this equipment and see if it is practical for our operations.

Lieutenant Jacob Moore is currently looking for the above equipment. Once we have it located and analyzed, recommendations will be forthcoming on obtaining what we need.

The increase in support equipment in the Narcotics Division has outstripped the equipment officer's ability to provide care and maintenance. We recommend the addition of a trained Civilian Police Technician 10 to assist the equipment officer in providing the expertise necessary to properly maintain sophisticated electronic equipment. There are currently five (5) vacant C.P.T. 10 positions in Field Operations and one (1) vacant C.P.T. 10 position in the Identification Division. With approval, one of these P.I. numbers will be transferred to the Narcotics Division and filled as soon as possible.

The Assessment Review Committee recommended the expansion of the detention and processing facilities available to Narcotics Division personnel. Senior Corporal Paul Schuster, Planning Division, had already been contacted to locate alternate detention and processing facilities. Senior Corporal Schuster submitted a recommendation through his chain of command in mid-January citing two possible locations. (attachment 17)

1.) Decentralization of the Park Police function has created an available vacant area in the former Park Police headquarter building at 3112 Canton Street.

2.) The Crime Prevention Unit at 2020 N. Lamar Street anticipates relocation of their present suite which will result in a vacancy of their currently leased office space.

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We have evaluated these two sites and prefer 3112 Canton. If approved, Lieutenant Goelden will coordinate structure modifications through Senior Corporal Schuster.

CITIES TO BE VISITED

In doing this analysis, we have identified several cities throughout the United States that have addressed various issues concerning narcotics operations. Some of them have good written policies relating to their operations while others have dealt with corruption issues and rotation policies. We recommend that the Division Commander or his representative visit the cities listed on attachment 18 in the near future. Their entire operations need to be analyzed to see if we can improve in any area or learn from any mistakes they may have made in the past. The estimated cost for two individuals to visit these cities is \$12,026.

SUMMARY

In order to better equip, train, provide written guidelines, and enhance the overall effectiveness of our buy-bust and search warrant operations, all the recommendations mentioned previously and summarized on attachment 18 should be approved.

Even with the implementation of these recommendations, we need to remember that narcotics operations, particularly buy-busts, are the most dangerous in law enforcement. The additional guidelines will provide more structure to be followed and certain rules to be applied while allowing for some flexibility. It is virtually impossible to anticipate all the planning and actions of the suspects involved in these operations. Therefore, limited flexibility is an operational necessity.

John E. Ferguson

John E. Ferguson
Captain of Police
Narcotics Division
Special Investigations Bureau

jef:memo

ATTACHMENTS

ATTACHMENT 1

Division Activity

June 1 - December 11, 1991

# Operations	711*
Cocaine Seized (grams)	62,229
Marijuana Seized (grams)	1,026,748
# Arrested	837
# Weapons Seized	347
-Handguns	261
-Shoulder	68
-Automatic	18

# Operations with 28 grams or more of Cocaine	87**
# Arrested	155
# Weapons Seized	90
-Handguns	63
-Shoulder	22
-Automatic	5

* 190 involved weapons being seized (26.7% of total operations)

** 36 involved weapons being seized (41.3% of operations with
28 grams or more of cocaine)

ATTACHMENT 2

Buy Bust Activity

June 1 - December 11, 1991

# Operations	138*
Cocaine Seized (grams)	38,881
Marijuana Seized (grams)	264,352
# Arrested	248
# Weapons Seized	36
-Handguns	31
-Shoulder	1
-Automatic	4
 # Operations with 28 grams or more of Cocaine	 44**
# Arrested	97
# Weapons Seized	24
-Handguns	23
-Shoulder	1
-Automatic	3

* 23 involved weapons being seized (16.7% of total operations)

** 14 involved weapons being seized (31.8% of operations with
28 grams or more of cocaine)

ATTACHMENT 3

Search Warrants Executed

	DIVISION	TACTICAL ASSISTANCE	%
1990	979	707	72.2%
1991	805	463	57.5%
July - December 1991	382	177	46.3%

CITIES SURVEYED

Written Policy

Austin, Texas
Baltimore, Maryland
Columbus, Ohio
Fort Worth, Texas
Houston, Texas
Los Angeles, California
Phoenix, Arizona
San Jose, California
Seattle, Washington
Tucson, Arizona

No Written Policy

Boston, Massachusetts
El Paso, Texas
Oklahoma City, Oklahoma
Portland, Oregon
San Antonio, Texas
San Diego, California

CURRENT TRAINING

	<u>Hours</u>
Basic Narcotics Investigation	
Introduction	1
*Integrity	3
Street Drug Identification & Effects	7
*Working Undercover	2
C.I. Administration	1
*Confidential Informants	2
Search Warrants	2
Tactical Classroom	2
Tactical Practical	4
Clandestine Labs	4
Consent Search	1
Affirmative Link & Prosecution Classes	3
*Body Microphone Equipment	1
*Street Buy Busts	2
*Range & Practical Exercises	8
.Shotgun	
.Undercover Negotiations	
.Buy Bust Scenario	
Search Warrant Practical	1
Hotel/Motel Operations	1
DEFW/K-9	1
Courtroom Testimony	1
*Reversal Operations	3
State/Federal Seizures	2
Jamaican Drug Gangs	1
New Techniques	1
Exam/Critique	1
Total	55
Police Drug Corruption - Prevention	4 Hours
*1 Narcotics Division Practical Firearms Training	2 Hours
2 Forced Entry Search Warrant Training	4 Hours
Office Involved Shootings	4 Hours
*Applicable to Buy/Bust Operations	
1 Conducted every other month	
2 Conducted Quarterly	

PROPOSED TRAINING 1992

Basic Narcotics School (80 hours): March, July, and November

MP5 Familiarization School (18 hours): March and September

Narcotics Training for Patrol (16 hours): February, May, July, and November

MP5 Qualifications (1 hour): June and December

Pistol, Shotgun, and MP5 Practical Firearms Training (2 hours):
January, February, March, April, May, June, July, August,
September, October, November, and December

*Buy-Bust Arrest Practical Situations (8 hours): February, March,
April, May, July, August, October, and November

*Search Warrant Practical Situations (8 hours): January, February,
May, June, August, September, November, and December

*Quarterly Classroom Training (4-8 hours) - Courtroom Testimony,
Officer Involved Shootings, Maintaining Integrity in a
Narcotics Unit: February, March, May, June, July, August,
November, and December

*Dallas Fire Department Drug Recognition Training (1 hour):
January, February, March, April, May, June, July, and August

* Additional or Increased Training

ATTACHMENT 7

CURRENT EQUIPMENT

12 ICMS - 5 Watts of Power with K-CM7
42 Handy Talkies - 6 Watts of Power
2 Aid Repeaters - two watts (Love Field has additional one)
2 Briefcase Receivers - Enhances watt power from repeater or
body microphone.
3 Body Mic's - One Watt - Tapes to Body
13 Body Pager Mic's - 1/2 Watt
Letter Transmitter
19 BINOCULARS - 10 (11X80) - 8 (10X50) - 1 (7X50)
4 Low Light Binoculars
1 Varo High Performance Night Vision Device
16 Shotguns
5 MP5 Automatic Weapons
30 Heavy Body Armor
3 VCR Cameras

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Buy-Bust	Procedure 5030	1 of 1

"Buy-Bust" Arrests

- a. The same procedures as outlined for execution of forced entry search warrants will be applicable to "buy-bust" arrest(s), with the exception of (h) and (i) requiring raid jackets and uniformed officers.
- b. Officers involved in the "buy-bust" arrests, with the exception of undercover officers, should have DPD Raid Jackets with them, and should put them on as soon as possible, without endangering the surreptitious nature of the operation.
- c. As soon as possible, the Communications Division should be notified by radio that a "buy-bust" arrest has been made the location of the operation. It will be the responsibility of the Supervisor in charge to have someone assigned to this task and ensure that it is accomplished.
- d. As soon as safely possible after the arrest, all weapons should be secured as a precaution to prevent a mis-identification by any responding field element.
- e. The Supervisor in Charge should also be aware of and follow the guidelines in General Order 305.09; Stake-outs, Surveillances, and High Risk Apprehension Operations.

Field Operations

Section 5000

Page

Buy-Bust Procedures

Procedure 5030

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A buy-bust is an operation in which an undercover officer negotiates a purchase of narcotics with the intention of causing the immediate arrest of the suspect at the time the narcotics are delivered. Safety, not the arrest of the suspect, is absolutely the most important factor to be considered in these operations. Therefore, advanced planning and adherence to the plan of operation are imperative for a buy-bust to be successful. Operational plans will include plans for contingencies in the event of unexpected actions by the suspects. A Narcotics Division supervisor will be the final authority for all buy-bust operations. The supervisor overseeing the actual operation will ensure that the approved operational plan or contingency plan is not deviated from in an unsafe manner.

I. Pre-Operation Planning

- a. Suspects should be identified to the greatest extent possible. Pictures and criminal histories of the suspects and associates should be obtained if possible. The suspects' propensity to use weapons will also be determined.
- b. The operation location should be selected so that the undercover officers will have the advantage. Preferable locations are shopping centers, parking lots, restaurants, or other locations which offer the advantage to the officers.
- c. Maps or diagrams of the operation location will be prepared.
- d. Equipment needs will be determined and equipment will be checked. Equipment includes, but is not limited to:
 1. Radios/Handie-Talkies
 2. Video Equipment/Cameras
 3. Body armor
 4. Flashlights
 5. Body Mics
 6. Weapons
 7. Binoculars/Night Scopes
 8. Tape Recorders
 9. Portable Phones
 10. Surveillance Van
 11. Slammer
 12. Raid Jackets

- e. The undercover officer and the supervisor will determine, if possible, if the suspect is inclined to use counter surveillance or scanners during drug transactions.
- f. The undercover officer's supervisor will determine the manpower needed for the operation. Sufficient manpower will be obtained for fixed surveillance, cover teams, arrest teams, and moving surveillance, if appropriate.
- g. The supervisor of the undercover officer will insure that a check is made within the department and with other agencies to determine if the suspects may be other undercover officers.
- h. The undercover officer and supervisor will determine audio, visual, and electronic signals for arrest, trouble, and operation shut-down contingencies.
- i. The supervisor will also discuss with the undercover officer, the procedures which will be followed in the event the undercover officer is held at gunpoint, robbed, or taken hostage.
- j. All buy-bust operations will be considered to be high risk apprehensions and will be handled in accordance with General Order 305.09.

II. Pre-Operation Briefing

- a. The supervisor in charge of the briefing and the operation will be a Narcotics Division supervisor, preferably the supervisor of the undercover officer involved in the operation. The supervisor in charge is ultimately responsible for the successful conclusion of the operation.
- b. The supervisor overseeing the actual operation will ensure that the approved operational plan or contingency plan is not deviated from in an unsafe manner. The criteria for judgement will be those facts apparent to the controlling supervisor prior to and during the operation.
- c. The supervisor in charge and the undercover officer will conduct a briefing with all personnel who will be involved in the operation. If any member of the operation leaves before or during the briefing, it will be the operations supervisor's responsibility to insure they receive all the necessary

briefing information. Issues to be covered during the briefing include; but are not limited to:

1. Synopsis of the investigation,
 2. Objectives of the investigation,
 3. Diagrams or maps of the operation location,
 4. Photographs of suspects, history of suspects, description of suspect and UC vehicles, and the suspect's modus operandi,
 5. Information about weapons, booby traps, and other officer safety concerns,
 6. Demonstration of audio, visual, and electronic signals for arrest, trouble, and shut-down indicators,
 7. Contingency plans for arrest and emergency situations, including specific responsibilities,
 8. Officers will be specifically assigned responsibilities, including cover, arrest, surveillance and communications assignments,
 9. Surveillance officers will be assigned so that all actions of the suspects and under cover officers can be observed to the
 10. All participants will be advised of communication resources which will be utilized,
 11. All personnel will visually observe all non-uniformed personnel who will be involved in the operation.
- d. All personnel will be given a copy of the Briefing Information Sheet.
- e. Cover and arrest responsibilities will be assigned in such a manner to minimize the potential that any officer will be caught in a cross-fire situation.
- f. During the briefing, the supervisor will give specific instructions concerning all actions which will and will not be taken by the undercover officers.

- g. The operations supervisor will establish a time limit for the operation. The supervisor may modify the time limit dependent upon existing circumstances.
- h. The Special Operations Bureau will be involved in the arrest if armed resistance is expected.
- i. The operations supervisor will insure that a Communication Division supervisor is advised of the location and time of the operation.

III. Operation

- a. The surveillance team will be in place before the scheduled time of the operation.
- b. If possible, raid jackets and vests will be worn by all officers involved in the arrest. All other officers will put a raid jacket on as soon as possible.
- c. The undercover officer, the location, or the UC vehicle, will be wired if at all possible.
- d. The operation supervisor, and other officers as required, will monitor transmissions from the undercover officer's wire.
- e. During the operation, at least 1 surveillance officer should utilize binoculars, if their use will not jeopardize the operation.
- f. The operation will be conducted within the view of the operation supervisor, if possible.
- g. The operation supervisor will verbally or by signal direct the actions of all officers involved in the operation.
- h. All participants will look for counter surveillance activities.
- i. All personnel will keep the operations supervisor apprised of their observations of the actions of the suspects and undercover officers.

- j. When the operations supervisor gives the command to arrest the suspects, the arrest team will move-in and the undercover officers will assume a passive role. The undercover officer will not participate in the arrest, except to protect his/her life or the life of members of the arrest team.
- k. The undercover officer will not deviate from the operation plan without approval from the operations supervisor, unless urgent circumstances (officer safety) dictate otherwise.
- l. All personnel should look for danger signs indicative of a possible robbery, assault, or rip-off. Signs include, but are not limited to:
 - 1. Suspect eagerness,
 - 2. Drug prices are inconsistent with current street prices,
 - 3. Suspect is pre-occupied with the flash roll,
 - 4. Suspect wants to make last minute changes in the transaction,
 - 5. Unknown or unanticipated suspects become involved in the operation,
 - 6. Suspect's obvious inability to complete the transaction,
 - 7. Quality of dope sample is poor or less than amount agreed upon,
 - 8. Suspect refuses or fails to supply a sample of the contraband,
 - 9. Suspect appears to be stalling the transaction,
 - 10. Suspect is a chronic drug user.
- m. The undercover officer or the operations supervisor will call-off the operation if circumstances indicate that the operation will not be safely completed as anticipated.
- n. As soon as possible, the Communications Division will be notified that a buy-bust arrest has been made, and be given the location of the operation.
- o. As soon as possible after the arrest, all weapons should be secured to prevent mis-identification by responding field elements.

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IV. Post Operation

- a. The operations supervisor will critique the operation with participants and attach a copy of the critique to the Briefing Information Sheet.
- b. The undercover officer will complete an Intelligence Report and give it to the operations supervisor. The Intelligence Report, the Briefing Information Sheet, and the critique sheet will be reviewed by the operation supervisor's lieutenant. The reports will be maintained by the Narcotics Division Intelligence Unit.

BRIEFING INFORMATION SHEET

DATE _____ OPERATIONS SUPERVISOR _____
UNDERCOVER OFFICER (s) _____
LOCATION _____
LOCATION CODES _____
TYPE/AMOUNT of DRUGS _____
AMOUNT of MONEY INVOLVED _____ CONTAINER _____
COUNTER SURVEILLANCE YES _____, NO _____, UNK. _____
SCANNER YES _____, NO _____, UNK. _____
WEAPONS YES _____, NO _____, UNK. _____
TYPE OF WEAPONS _____
RADIO CHANNEL _____ ICOM CHANNEL _____ TRANSMITTER FREQUENCY _____
BACKGROUND INFORMATION _____

DESCRIPTION OF OPERATION _____

CONTINGENCY PLANS _____

MAP/DIAGRAM/PICTURES ATTACHED YES _____, NO _____
OTHER AGENCY INVOLVEMENT CHECKLIST: DEA _____, DSO _____, DPS _____,
FBI _____, OTHER(list) _____
NEAREST TRAUMA CENTER _____
ARREST SIGNALS AUDIO _____
VISUAL _____
ELECTRONIC _____
TROUBLE SIGNAL AUDIO _____
VISUAL _____
ELECTRONIC _____
SHUTDOWN SIGNAL AUDIO _____
VISUAL _____
ELECTRONIC _____

SUSPECTS

Page 2

#1 Name _____

Description _____

Address: _____

Vehicles: _____

Rap Sheet Attached Yes____, No____, Picture Yes____, No____

History of Violence Yes____, No____, Unk.____,

#2 Name: _____

Description: _____

Address: _____

Vehicles: _____

Rap Sheet Attached Yes____, No____, Picture Yes____, No____

History of Violence Yes____, No____, Unk.____

#3 Name: _____

Description: _____

Address: _____

Vehicles: _____

Rap Sheet Attached Yes____, No____, Picture Yes____, No____

#4 Name: _____

Description: _____

Address: _____

Vehicles: _____

Rap Sheet Attached Yes____, No____, Picture Yes____, No____

History of Violence Yes____, No____, Unk.____

#5 Name: _____

Description: _____

Address: _____

Vehicles: _____

Rap Sheet Attached Yes____, No____, Picture Yes____, No____

History of Violence Yes____, No____, Unk.____

OPERATION SUPERVISOR		
NAME _____	ELEMENT _____	PAGER _____
MOBILE PHONE _____	VEHICLE _____	

SURVEILLANCE

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
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MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____

ARREST PERSONNEL

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ ELEMENT _____
ASSIGNMENT _____

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NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ ELEMENT _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ ELEMENT _____
ASSIGNMENT _____

UNIFORMED PERSONNEL

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ ELEMENT _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
ASSIGNMENT _____

ACTIVE UNDERCOVER ROLES

NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ ELEMENT _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ ELEMENT _____
ASSIGNMENT _____
NAME/s _____ ELEMENT _____ PAGER _____
MOBILE PHONE _____ VEHICLE _____
ASSIGNMENT _____

PAGE 5

DATE _____ LOCATION _____

OPERATION SUPERVISOR

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Flash Roll Funds	Procedure 5128	1 of 2

Flash Roll Funds

Defined as those funds used for purposes of "Flash" or "Show" only. It is not established to purchase evidence, services or specific information, but only to convey the intention to do so.

- a. A Flash Roll Fund will be stored in the Narcotics Division safe to ensure availability to Narcotics Division personnel. An additional Flash Roll Fund will be maintained by the Budget and Grant Control Section of the Planning and Budget Division. Serial numbers of the bills from both Flash Roll Funds will be recorded and maintained by the Budget and Grant Control Section.
- b. Requesting Flash Roll Fund
 - (1) The Flash Roll Fund maintained by the Budget and Grant Control Section will be available only by memorandum from the Narcotics Division Commander. Monies checked out from the Budget and Grant Section will be returned no later than the following working day they were checked out.
 - (2) Flash Roll Fund maintained by the Narcotics Division will be stored in a locked fire safe within the Narcotics Division safe. The keys for the fire safe will be maintained by the Narcotics Division Lieutenants. Supervisors requiring Flash Roll Funds will request the funds from a Narcotics Division Lieutenant.
 - * (3) Monies used will be documented in the Flash Roll Fund, log book when drawn and returned. Monies drawn will be returned immediately upon completion of the flash operation. When money is checked in and out it will be counted and witnessed by another supervisor.
 - (4) Auditing of the Flash Roll Fund will be conducted by the Budget and Grant Control Section on a monthly schedule.

c. Security Precautions

- * (1) A Narcotics Division officer must conduct the flash, not a confidential informant.
- (2) Flash Roll Funds will be transported in a container that hampers theft.
- (3) Minimize the time between calling the suspect to set up the "Flash" and allowing the suspect to view the money.
- (4) Restrict the number of suspects who will view the flash roll.
- (5) The suspect will not be allowed to remove Flash Roll Funds from the viewing area.
- (6) Show Flash Roll in a well lighted area to allow the cover team to easily observe the transaction.
- (7) When practical electronically wire the office, area, or vehicle.
- (8) Ensure sufficient manpower, firepower and equipment (including a chase car with communication capability) during the operation.

*Revised 7-15-91

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Flash Roll Funds	Procedure 5120	1 of 3

Flash Roll Funds

Defined as those funds used for purposes of "Flash" or "Show" only. It is not established to purchase evidence, services or specific information, but only to convey the intention to do so.

- a. A Flash Roll Fund will be stored in the Narcotics Division safe to ensure availability to Narcotics Division personnel. An additional Flash Roll Fund will be maintained by the Budget and Grant Section of the Planning and Budget Division. Serial numbers of the bills from both Flash Roll Funds will be recorded and maintained by the Budget and Grant Control Section.
- b. Requesting Flash Roll Fund
 - (1) The Flash Roll Fund maintained by the Budget and Grant Control Section will be available only by memorandum from the Narcotics Division Commander. Monies checked out from the Budget and Control Grant Section will be returned no later than the following working day they were checked out.
 - (2) Flash Roll Fund maintained by the Narcotics Division will be stored in a locked fire safe within the Narcotics Division safe. The keys for the fire safe will be maintained by the Narcotics Division Lieutenants. Supervisors requiring Flash Roll Funds will request the funds from a Narcotics Division Lieutenant.
 - (3) Monies used will be documented in the Flash Roll Fund, log book when drawn and returned. Monies drawn will be returned immediately upon completion of the flash operation. When money is checked in and out, it will be counted and witnessed by another supervisor.
 - (4) Auditing of the Flash Roll Fund will be conducted by the Budget and Grant Control Section on a monthly schedule.
 - (5) Lieutenants can approve the use of flash funds up to \$50,000. The Narcotics Division Commander must approve the use of flash funds in excess of \$50,000.

c. Security Precautions

- (1) A Lieutenant or Acting Section Commander is required to approve operational plans involving the use of a flash roll, however, responsibility for the safety of the operation must remain with the supervisor at the scene.
- (2) Officers assigned to multi-agency task forces will not be required to have departmental review of operational plans. Task force officers should contact any Narcotics Division supervisor immediately if they feel their safety is in jeopardy.
- (3) The reviewing supervisor is responsible for ensuring that the operational plans employ strategies that maximize the safety of the officers involved and provide for security of the "flash roll".
- (4) A Narcotics Division officer must conduct the flash, not a confidential informant.
- (5) Minimize the time between calling the suspect to set up the "Flash" and allowing the suspect to view the money.
- (6) Officers should avoid, whenever possible, showing the money to more than 1 suspect.
- (7) The suspect will not be allowed to remove Flash Fund Rolls from the viewing area.
- (8) When feasible, show Flash Roll in a well lighted area such as a parking lot, shopping center, restaurant, etc., or other location which tends to give an advantage to the officers.
- (9) When practical, electronically wire the officer, area or vehicle.
- (10) Ensure sufficient manpower, firepower and equipment, (including a chase car with communication capability) during the operation.
- (11) The suspect should be shown the flash roll only one time.
- (12) After the initial flash, the money should be removed from the location of the negotiations, and the suspect should know that the money has been removed.

- (13) The undercover officer should not agree to travel with the suspect(s) to a new location while in the possession of the flash roll.
- (14) The flash roll should never be moved to a second location known to the suspect.
- (15) "Surprise flashes" are not necessarily safer or more desirable than "planned flashes" involving advance notice to the suspects.

Use of a "surprise flash" may create in a suspect's mind the expectation that the undercover officer will have the money with him in a like fashion in subsequent meetings. This may influence the suspect to believe that the officer is careless and an easy mark for a "rip". In order to avoid this, the undercover officer must take care to convey to the suspect that the money will not be with him in the future until the "product" is seen.

Undercover operations tend to be most effective when undercover officers behave as suspects would in similar circumstances. Suspects rarely show their money early in negotiations without pushing to see product or receive samples first. By showing money too soon, an operative may sacrifice his credibility with a suspect and send up a "red flag". It is generally more desirable for undercover officers to demonstrate reluctance to "flash" money and aggressively negotiate with suspects to have them show product or provide samples first to verify their credibility as dealers able to deliver the product being negotiated for.

- (16) Officers should minimize the amount of time the suspect is in the presence of the flash roll.
- (17) Officers should name and control the location of the flash.
- (18) At least 2 officers will be present when the flash roll is shown to the suspect.
- (19) A supervisor and cover officers will accompany the undercover officer who will show the flash roll. The supervisor will ensure that sufficient manpower is available to ensure the safety of the undercover officers and the security of the flash roll.

Field Operations	Section 5020	Page
Execution of Search Warrant	Procedure 5020	1 of 3

Execution of Controlled Substance Search Warrants

This procedure will be utilized for executing Controlled Substance Search Warrants involving the use of forced entry or where armed resistance is likely:

- a. Advance planning is a prerequisite for a successful raid. Intelligence information gathered through prior surveillance or through informants will dictate the manner and means of executing the warrant. In all cases, the location where the warrant will be executed should be scouted for the best means of approach, the presence of "good eyes", where to park raiding team's vehicles, etc.
- * b. A Narcotics Division Supervisor, not below the rank of sergeant, will accompany the officers during the execution of all forced entry search warrants. In situations where a Narcotics Division Supervisor is not available, another Division Supervisor may substitute with the approval of the Narcotics Division Unit or Division Commander.
- c. The Supervisor in charge of the raid will hold a briefing with all members of the raiding team prior to the execution of the warrant. Assignments will be made for each member of the team and that member will be responsible for carrying out the assignment.
- d. At least one portable two-way radio, tuned to a Dallas Police Broadcast frequency, will be with the officers executing the search warrant.

*Revised 7-15-91

- e. Bullet-proof vests will be worn for protection.
As many of the heavy vests that are available will be worn by the officers executing the search warrant. In any event, members of the raiding team who have the responsibility for initial entry into the structure designated by the warrant will wear the heavy vests in lieu of other members if there is not sufficient supply.
- f. Slammers will be required to wear the ballistic face masks when forced entry is required. The only exception to this will be when supervisor discretion dictates that the protective goggles should be worn to prevent glass fragments or other objects from injuring the entry team.
- g. At least one shotgun or MP5K will be carried on each raid. Weapon selection will be at the discretion of the Narcotics Supervisor in charge. The member of the raiding team carrying the shotgun or MP5K will wear a bullet-proof vest and should be one of the first officers to enter the structure. The MP5K will be carried by Narcotics Division Supervisors and Detectives who are authorized to utilize that weapon. More shotguns may be taken if advance information indicates armed resistance.
- h. All plain clothes members of the raiding team will wear Dallas Police Department nylon raid jackets or authorized "raid t-shirts".

- i. A uniformed officer will be utilized to assist in the execution of a search warrant. * At least one uniformed officer will accompany the entry team. Tactical Officers will be utilized where armed resistance is likely. A uniformed patrol officer may also be called to assist even when the Tactical Division is utilized.
- j. The Supervisor in charge of the raiding team will ensure that a member of the raiding team notifies the On-Duty Communications Supervisor of the location where the warrant will be executed and the approximate time it will be executed. He will also ensure that a "Code 99" message is sent over the Mobile Data Terminal System to all elements in the affected patrol division.
- k. All prisoners will be handcuffed immediately upon being taken into custody. The only exceptions will be where safety or common sense dictates to do otherwise; such as processing injured, handicapped, very young, or aged persons, or in hazardous situations where officers' and/or prisoners' safety is compromised.
- l. Once prisoners are taken into custody, the Supervisor in Charge will specifically designate one (or more, if required) officers to take custody of the prisoner(s), and that officer will have no other duties assigned at the scene. In instances where a search and seizure is made, but the person(s) present are not to be placed under arrest, an officer will still be designated to keep them under surveillance and control during the time the officers are at the scene.
- ** m. If a narcotics search warrant is to be executed in a legitimate business location and the Tactical Division is being utilized, the Narcotics Division Commander must be advised prior to the warrant execution.
- *** n. Once the search is completed, the Narcotics Division supervisor in charge will ensure that the location is secure. This will be done by turning the location over to a responsible person, apartment manager, security, maintenance person, family member, friend, etc., or by physically blocking the points of entry to discourage entry by unauthorized persons.

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Search Warrant Procedures	Procedure 5020	1 of 5

SEARCH WARRANT PROCEDURES

This procedure will be utilized for executing Controlled Substance Search Warrants involving the use of forced entry or where armed resistance is likely. In all circumstances, officer safety will be the primary concern when executing controlled substance search warrants.

- A. Advance planning is a prerequisite for a successful raid. Intelligence information gathered through prior surveillance or through informants will dictate the manner and means of executing the warrant. In all cases, the location where the warrant will be executed should be scouted for the best means of approach, the presence of "good eyes", where to park raiding teams's vehicles, etc.

**** 1. Tactical Officers will be utilized to execute search warrants under the following conditions:**

- a. Information indicates the suspect(s) will resort to the use of weapons when confronted,
- b. When prior knowledge, either CI, personal or historical, indicates the suspects to be heavily armed (automatic weapons),
- c. When the location is heavily fortified, bars on doors/windows, or has warning devices and the suspects are armed and resistance is likely,
- d. When the suspect(s) or location have a prior history of violence,
- e. When the CI indicates that there could be armed resistance,
- f. When narcotics personnel believe that the deployment of diversionary devices are needed for the protection of the entry team, or
- g. At the discretion of the narcotics supervisor.

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Exceptions to section (1) must be approved by a

2. Uniform officers, when available, may be used to assist in the execution of a search warrant. However, they will not be used as part of the entry team.
3. Specially trained Narcotics Division personnel will carry Diversionary Devices and deploy them only at the direction of the raid team supervisor. The devices will be deployed only under the following circumstances:
 - Difficulty on entry (door will not open)
 - Armed resistance is encountered

When a device has been deployed the commander of the Narcotics Division will be notified immediately and a memo outlining the circumstances will be submitted to him/her following the operation.

The device will not be deployed under the following conditions except to save a life:

- When small children have been seen at the location
 - When elderly or handicap persons are believed at the location (When they are not suspects)
4. A Narcotics Division Supervisor, not below the rank of sergeant, will accompany the officers during the execution of all forced entry search warrants. In situations where a Narcotic Division Supervisor is not available, another Division Supervisor may substitute with the approval of the Narcotics Division Unit or Division Commander.
 5. The Supervisor in charge of the raid will hold a briefing with all members of the raiding team prior to the execution of the warrant. Assignments will be made for each member of the team and that member will be responsible for carrying out the assignment. A Briefing Information sheet will be filled out on all Search Warrant Operations.
 6. At least one portable two-way radio, tuned to a Dallas Police Broadcast frequency, will be with the officers executing the search warrant.

7. A fire extinguisher will be taken on all warrants.
8. Bullet-proof vests will be worn for protection. As many of the heavy vests that are available will be worn by the officers executing the search warrant. In any event, members of the raiding team who have the responsibility for initial entry into the structure designated by the warrant will wear the heavy vests in lieu of other members if there is not sufficient supply.
9. Slammers will be required to wear the ballistic face masks when forced entry is required. The only exception to this will be when supervisor discretion dictates that the protective goggles should be worn to prevent glass fragments or other objects from injuring the entry team.
10. At least one shotgun or MP5 will be carried on each raid. Weapon selection will be at the discretion of the Narcotics Supervisor in charge. The member of the raiding team carrying the shotgun or MP5 will wear a bullet-proof vest and should be one of the first officers to enter the structure. The MP5 will be carried by Narcotics Division Supervisors and Detectives who are authorized to utilize the weapon.
11. All plain clothes members of the raiding team will wear Dallas Police Department nylon raid jackets or authorized "raid t-shirts". The bullet-proof vest with the word "POLICE" visible is acceptable.
12. The Supervisor in charge of the raiding team will ensure that a member of the raiding team notifies the On-duty Communications Supervisor of the location where the warrant will be executed.
13. Unless unusual circumstances exist and Division Commander approval is obtained, squads will not run an excess of three (3) search warrants per shift.
14. All prisoners will be handcuffed immediately upon being taken into custody. The only exceptions will be where safety or common sense dictates to do otherwise; such as processing injured, or in hazardous situations where officers' and/or prisoners' safety is compromised.

one (or more, if required) officers to take custody of the prisoner(s), and that officer will have no other duties assigned at the scene. In instances where a search and seizure is made, but the person(s) present are not to be placed under arrest, an officer will still be designated to keep them under surveillance and control during the time the officers are at the scene.

16. If a narcotic search warrant is to be executed in an open legitimate business location and the Tactical Division is being utilized, the Narcotics Division Commander must be advised prior to the warrant execution.
17. The sergeant will ensure that after suspects are secured, they will be advised of their rights, informed of the nature of the search warrant and interviewed/recorded as appropriate.
18. The sergeant will ensure that a diagram of the floor plan is preserved along with a notation of the entry order of officers and assigned tasks.
19. The case officer is responsible for preparation of primary case documentation.
20. The sergeant will be responsible for documenting the time of warrant execution and ensuring that all departmental reports are completed.
21. After entry, a search team will make a systematic search of the house for items listed in the search warrant.
22. Searching officers will be responsible for notifying the designated evidence technician of the location of contraband so that chain of custody can be preserved.
23. A squad member will be designated as evidence technician and be responsible for seizing, documenting, packaging, photographing, invoicing and delivering drug evidence to the appropriate narcotics lock box.
24. Designated prisoner teams will secure and evacuate suspects from the scene as soon as practical.
25. Once the search is completed, the Narcotics Team in charge will ensure that the

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the location over to a responsible person, apartment manager, security, maintenance person, family member, friend, etc., or by physically blocking the points of entry by unauthorized persons.

26. After the conclusion of the operation, the operations supervisor will fill out the Search Warrant Critique sheet.
 27. The undercover officer will complete an Intelligence Report and give it to the operations supervisor. The Intelligence Report, the Search Warrant Briefing sheet, and the critique sheet will be reviewed by the operations supervisor's lieutenant. The reports will be maintained by the Narcotics Division Intelligence Unit.
- B. When possible, utilizing search warrant information from a confidential informant, officers should search the informant prior to sending them into a location to make a purchase. This will assist officer's efforts to maintain informant confidentiality when issues of credibility are raised.
1. When possible, the control officer, or another officer assigned this responsibility, should observe the informant enter the premises where the controlled purchase is made.
 2. Confidential informant agreements to work off a pending case will be in writing and coordinated through the District Attorney's office.

Search Warrant Briefing Sheet

Date _____ Supervisor _____

Detective _____

Location _____

Weapons Yes _____ No _____ Unk _____ Type _____

Barricades Yes _____ No _____ Unk _____ Type _____

Dogs Yes _____ No _____ Unk _____ Type _____

Children Yes _____ No _____ Unk _____ Ages _____

Elderly/Handicapped Yes _____ No _____ Unk _____

Background Info _____

Diagram/Pictures attached Yes _____ No _____

Suspects

Name _____ DOB _____

Description/Picture _____

Name _____ DOB _____

Description/Picture _____

History Violence Yes _____ No _____

Personnel Involved/ Assignments

Entry Team

Perimeter Team

Slammer	
# 1	
# 2	
# 3	
# 4	
# 5	
# 6	
# 7	
# 8	

Search Warrant Critique Sheet

Date _____ Location _____

Supervisor _____

prisoner immediately before the first available magistrate in any case where such action would be in the best interest of the departmental investigation of a criminal case.

2. The Dallas County Sheriff's Office has agreed to ensure all prisoners incarcerated in the Lew Sterrett Facility are magistrated without unnecessary delay.
 3. However, the investigator having responsibility for the prisoner will assure the magistrating process is accomplished.
- B. Persons arrested on charges over which the Municipal Courts have jurisdiction will be processed in accordance with the Legal Services Division Standard Operating Procedure which will be available for reference.
- C. Prisoners eligible for immediate release need not be taken before a magistrate.

305.09 Stake-outs and High Risk Apprehension Operations

A. Definitions

1. Stake-out

This is an operation in which officers assume concealed or covert positions in anticipation of a criminal act for the purpose of apprehending the persons involved.

2. Surveillance

Surveillance is the continuous observation of persons, places and things for the purpose of gathering information.

3. High Risk Apprehension

This is any planned arrest in which there is good reason to believe that the person(s) to be arrested may be armed and intent upon resistance.

B. Objectives

1. To apprehend the suspect(s) with a minimum risk to persons and property.
2. To obtain information concerning the activities and identities of individuals.
3. To protect any informant(s) who may be involved.

C. Procedures

1. All surveillances, stake-outs and high risk apprehensions must have prior approval of a supervisor.
2. The supervisor in charge will develop a plan for the operation. This plan will include but not be restricted to:
 - a. Staffing with sufficient personnel to ensure safety of all persons involved and successful completion of the objective.
 - b. Briefing of all personnel as to the objectives, and fully informing them of the nature

of their assignment and their individual responsibilities.

- c. Ensuring that all personnel are familiar with any specialized equipment to be used.
- d. Ensuring, when necessary, that all personnel have distinctive and/or protective clothing available in the event an arrest/confrontation is necessary.
- e. Arranging for uniformed police officers to be available if an arrest or pursuit is anticipated.
- f. Providing for adequate communication capabilities for all units and personnel involved.
- g. Providing relief for personnel if the operation is prolonged.
- h. Remaining aware of and providing for the safety of all persons involved.

3. Unless there is a clear possibility of compromising the operation, the following organizations will be notified:

- a. Communications Division
- b. Patrol Division where the operation is to take place.
- c. Any other Departmental unit which may be involved/affected by the operation.
- d. This notification should include the nature of the operation, number of personnel involved, supervisor in charge, vehicles involved if possible, dress of officers involved and any other information necessary for the safety of the officers involved and any other officers who may respond as back-up in an emergency situation.

D. Requests for Tactical Assistance During Stake-Out and High-Risk Apprehension of Suspects

1. Utilization of the Tactical Division

- a. When information has been received that a violent crime is likely to occur, the officer receiving the information will notify his supervisor who will notify the Tactical Division.
- b. Examples of the types of offense situation to which the Tactical Division will respond and will have primary command responsibility are armed robbery, hostage situations, barricaded persons, kidnapping or any other violent crime involving

an armed suspect. Routine stake-outs, surveillances, drug raids, and fugitive unit apprehensions, for example, will not require that the Tactical Division be called.

- c. Division/Section supervisors may request the presence of the Tactical Division personnel in situations other than the extreme instances of D. 1. b. Supervisors may request assistance in conducting routine stake-outs and surveillances. In these instances, the requesting division/section will retain command responsibility.

- d. Consideration of such factors as type of information, the time element involved, risk of persons involved, anticipated length of operation, etc., will be made by the requesting division/section supervisors to determine if a situation warrants requesting the assistance of the Tactical Division.

E. Procedure

1. If the Tactical Division is needed, a supervisor in that division will be notified.
2. When the Tactical Division responds to a request, it will be the responsibility of the Tactical Division to coordinate the efforts of the operation.
 - a. The requesting division will be in charge of the scene until the Tactical Division arrives.
 - b. Upon their arrival, the Tactical Division personnel will take charge of the scene, except in those instances in D. 1. c, where command responsibility remains with the requesting unit.

3. Informants

- a. Sole responsibility for dealing with any informants involved rests with the requesting unit personnel who originally developed the information.
- b. Tactical Division personnel will be provided information about informants only on a need-to-know basis. The identity of an informant does not necessarily have to be revealed.

- F. Where applicable these procedures will be incorporated into Division Standard Operating Procedures, along with any additional special considerations unique to a particular division/section.

305.10 Misdemeanor Citations

- A. Generally, the misdemeanor citation will be used in every case of violations of the traffic code or non-traffic city ordinances wherein the officer is authorized to release the person charged on his own recognizance at the scene of the arrest.

- B. A prisoner arrested for a Class C Misdemeanor only who requires medical treatment will be taken directly to Parkland Memorial Hospital. The prisoner will be issued a citation (traffic or non-traffic), and/or any necessary offense/incident report will be prepared. No prisoner under these circumstances will be booked into jail unless an unusual situation exists and with supervisory approval. Also, the arresting officer must justify placing the person in jail on the arrest report.

- C. The misdemeanor citation may also be used in any other instance of charging an individual with a violation of a non-traffic city ordinance as currently authorized by accepted procedures or as may be authorized in the future. These violations will include, but are not limited to, the following:

1. Unauthorized collection of trash.
2. Fireworks violations.
3. Anti-litter ordinance.
4. Animals running at large.
5. Advertising by holding signboards on public property.
6. Loud speaker violations.
7. Abandonment of refrigerators.
8. Sleeping in public places.
9. Operating motor vehicles in unauthorized area of public parks.
10. Disorderly conduct.
11. Theft, when the value of the item (including shoplifts) is less than \$20.
12. Theft of Service, when the theft of service is less than \$20.
13. Reckless Damage (or Destruction), when the loss in a criminal mischief offense is less than \$200.

NOTE: "Reckless Damage" is often the preferred charge, as opposed to Criminal Mischief, because intent does not have to be proven and no specific monetary amount of the damage is required.

- D. In lieu of a jail arrest, officers may issue a non-traffic citation for Municipal Court to the suspect in the above offenses after first establishing positive identification then checking the suspect by telephone for outstanding warrants (in all cases), and prior arrests (in the case of all thefts).

- E. When a citation is issued for B.12 "Theft", B.13 "Theft of Service", or B.14 "Reckless Damage" (or

INTELLIGENCE
Dallas Police Department
Narcotics Division

ATTACHMENT 15

Date:

SUBJECT

VEHICLE

Name:

Make:

Model:

Alias/Nickname:

Year:

Color:

Doors:

Address:

Telephone:

Lic:

State:

Yr:

ASSOCIATES

Race:

Sex:

DOB/Age:

Ht:

Wt:

Hair:

Eyes:

Name:

Race:

Sex:

DOB:

SS.#:

TxDL:

INFORMATION

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SOURCE

Source:

Completely

Usually

Unk:

Reliable:

Reliable:

Information:

Confirmed:

Possibly True:

Cannot Be Judged:

Investigation By:

VCD#:

NAD 000785

Analysis of Narcotics Assessment Team Report

The report submitted February 20, 1992, by the Narcotics Assessment Team has been reviewed. A total of twenty-seven (27) recommendations have been identified. Those recommendations and a report on the current and proposed status of each item are listed below.

BUY-BUST PROCEDURES

RECOMMENDATION #1

Operational plans for Buy-Bust Operations involving use of a "Flash Roll" should be reviewed and approved by a Lieutenant or higher level supervisor who is ultimately responsible for the successful conclusion of the operation.

Response to Recommendation #1

It is recommended that authority for operational plan review not extend in rank higher than a Lieutenant or Acting Section Commander. The responsibility, however, for the safety of the operation must remain with the supervisor at the scene.

Officers assigned to multi-agency task forces will not be required to have departmental review of task force operation plans but will be advised to contact a Narcotics Division supervisor immediately if they feel their safety is in jeopardy.

This has been incorporated into the proposed flash roll funds policy.

RECOMMENDATION #2

The reviewing supervisors should be responsible for ensuring that the operational plan employs strategies that minimize risks to personnel and maximize security of the "flash roll".

Response to Recommendation #2

The proposed flash roll funds policy has been worded to reflect this recommendation.

RECOMMENDATION #3

The supervisor overseeing an actual "buy-bust" operation shall ensure that the approved operational plan is not deviated from in an unsafe manner.

Response to Recommendation #3

This has been incorporated into proposed buy-bust policy by enhancing the condition of this supervisory responsibility.

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Analysis of Narcotics Assessment Team Report
Page 2

RECOMMENDATION #4

Language in the proposed buy-bust policy should be strengthened to mandate that undercover personnel be "wired" when conducting "flash" operations.

Response to Recommendation #4

We agree that electronic monitoring of undercover officers is essential to officer safety and case development. Dealers, however, are becoming increasingly aware of "wires" and are routinely patting down drug buyers. We recommend that "wires" be mandated only when they do not jeopardize the safety of the undercover officer.

Current buy-bust policy states that the undercover officer, the location or the undercover vehicle, will be wired if at all possible. We recommend that this remain unchanged and will be emphasized in training.

RECOMMENDATION #5

Narcotics Division policy should provide direction to assist personnel in deciding whether "planned flashes" or "surprise flashes" are the most appropriate technique under given sets of circumstances.

Response to Recommendation #5

This has been incorporated into the proposed flash roll funds policy.

RECOMMENDATION #6

In order for the philosophy of "officer safety first" to become institutionalized within the Narcotics Division, it must be promoted and stressed from the "top down" in all division operations.

Response to Recommendation #6

Officer safety as a philosophy is contained throughout Narcotics Division policy. Management is aware that although this has always been a consideration, it should continue to be emphasized whenever possible in written and verbal communication in all division matters.

TRAINING

RECOMMENDATION #7

As a prelude to implementation of the proposed new policies and procedures, upper division management should conduct a meeting with all division supervisors to convey the philosophy, mission, goals and objectives of the Narcotics Division.

Response to Recommendation #7

Prior to implementation of the proposed policy changes, a minimum of four (4) hours training will be provided to all supervisors by the Division Commander outlining specific additions/deletions, goals, and philosophy of the Narcotics Division.

RECOMMENDATION #8

Division lieutenants and sergeants should meet together periodically to discuss such topics as policy issues, procedures, operation tactics and planning, and other issues relating to the work performed by division personnel.

Response to Recommendation #8

Due to the nature of the work done in the Narcotics Division, lieutenants and sergeants are in constant contact. The Division Commander will continue to hold a meeting with all Sergeants and a meeting with all officers on alternating months. The Division Commander will meet with lieutenants and all division members on an as needed basis. Topics such as policy issues, procedures, operation tactics and planning will be stressed in these meetings.

RECOMMENDATION #9

Upon initial assignment to the Narcotics Division, all police officers, detectives and sergeants should attend a two-week Basic Narcotics Investigators School which will include all the topics covered in the previous one week (seven day) school with the addition of more practical exercises in such things as "buy-busts", "flash-roll" utilization, vehicle involved arrests, and raid planning and execution processes.

Response to Recommendation #9

The Basic Narcotics Investigators School will be expanded to two (2) weeks to include the recommended topics and is tentatively scheduled for late March.

RECOMMENDATION #10

After completing the Basic Narcotics Training School, each new officer should be teamed with a senior detective who will function as that individual's training officer for a minimum of three (3) months. In order to standardize the training each officer receives during this period, a formal training instrument should be adopted for use and retained as permanent record in an appropriate file.

February 28, 1992
Analysis of Narcotics Assessment Team Report
Page 4

Response to Recommendation #10

Lieutenant Jacob Moore will assemble a committee comprised of approximately six (6) division members to consider the most efficient method to accomplish standardized, formal training of future division members.

RECOMMENDATION #11

Senior detectives selected to function as trainers for newly assigned personnel should receive appropriate training in the proper method of instructing others and the appropriate use of the training instrument.

Response to Recommendation #11

Upon creation of a new detective training program, Lieutenant R.F. Owens will develop a school to assist trainers in methods of instruction and the proper use of training instruments created by the Training Review Committee.

RECOMMENDATION #12

Personnel of the newly formed street squads should be intermingled with senior detectives of the enforcement squads for a ninety-day (90) training period.

Response to Recommendation #12

After completion of Basic Narcotics School, but prior to individual squad training, current street squad members were intermingled with senior detectives of other enforcement squads for a 3-4 week period to learn various division functions.

We do not concur with the recommendation for street squads to spend any additional time with other enforcement squads. Street squads perform a significantly different function than mid and upper level enforcement squads, which is evidenced by their differing investigative techniques. Implementation is not recommended.

RECOMMENDATION #13

The tactical experience of the newly formed street squads should be improved by temporary assignment of an experienced tactical officer to the street squads for a minimum ninety-day (90) period.

Response to Recommendation #13

We recommend that the Tactical Division assign six (6) experienced tactical officers to the Narcotics Division for a thirty (30) day period.

One tactical officer should be paired with each Street Squad to provide evaluation and/or assistance in planning, briefing, and entry tactics.

RECOMMENDATION #14

Specific hands-on search warrant training scenarios should be developed for use in mandated quarterly street squad training.

Response to Recommendation #14

Since their inception November 1, 1991, street squads have received practical training on execution of search warrants. This training has involved scenarios in which squads were confronted with varying situations and circumstances.

To provide ongoing training, division members will be scheduled to receive two (2) hours of firearms training every other month. Additionally, division members will be scheduled to receive quarterly training to consist of eight (8) hours on search warrants and eight (8) hours on buy-busts. Scenarios such as those recommended above will continue to be an integral part of the search warrant training.

SEARCH WARRANTS

RECOMMENDATION #15

The control officer should always search an informant before sending him or her into a location to make a purchase.

Response to Recommendation #15

We agree with this recommendation, but believe that there could be times when a search is not practical due to the nature of the informant/officer contact. We recommend that officers should search an informant before sending them into a location to make a purchase when possible. This has been incorporated in the proposed search warrant policy.

RECOMMENDATION #16

The informant should not be allowed to possess any funds other than those provided to make the controlled purchase and whose serial numbers have been recorded by the control officer.

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Response to Recommendation #16

Informants generally do not have any money other than that which is required to make a drug purchase. To prohibit possession of other funds by the

informant places division personnel in the position of confiscating an individuals personal property. We feel this unnecessarily exposes the Department to liability. We do not recommend implementation of this procedure.

RECOMMENDATION #17

If at all possible, the control officer, or another officer assigned this responsibility, should observe the informant enter the premises where the controlled purchase is made.

Response to Recommendation #17

This recommendation has been incorporated into the proposed search warrant policy.

RECOMMENDATION #18

The Dallas County District Attorney's office advocates that agreements with informants be in writing and coordinated through their office. The District Attorney's office has submitted an agreement form for use by Narcotics Division personnel.

Response to Recommendation #18

The agreement form currently used in the Narcotics Division was authored by the District Attorney's office. We will adopt the amended form and continue to coordinated informants working off their cases through the District Attorney's office. This has been incorporated into the proposed search warrant policy.

RECOMMENDATION #19

The Narcotics Division should adopt detailed Standard Operating Procedures regarding specific responsibilities of affiant (case agent), e.g., reading of search warrant to occupants, preparation of primary case documentation, interviewing and recording of statements.

Response to Recommendation #19

Duties of the case officer and/or appropriate supervisor have been outlined in the proposed search warrant policy.

RECOMMENDATION #20

The Narcotics Division should adopt detailed Standard Operating Procedures regarding specific responsibilities of the finder, e.g., inventory of seized items to include description of item, location found, time found, and documentation of chain of custody.

Response to Recommendation #20

This responsibility has been outlined in the proposed search warrant policy.

RECOMMENDATION #21

The Narcotics Division should adopt detailed Standard Operating Procedures regarding specific responsibilities of searching officers.

Response to Recommendation #21

This responsibility has been outlined in the proposed search warrant policy.

RECOMMENDATION #22

Case officers should be required to complete detailed reports documenting all phases of the investigation and retain a case file in a central repository which will include peripheral reports such as crime scene diagrams, photographs and personal case notes.

Response to Recommendation #22

Search warrants and copies of District Attorney's prosecution reports are currently maintained by the Narcotics Division. The addition of new Intelligence management software will further enable the Intelligence Officer to maintain intelligence reports, morning reports, drug complaints, proposed briefing information sheets and incident critique forms. Records Division maintains arrest reports.

As newly created forms are implemented and software becomes operational, we will continue to assess the most efficient method of document retention and retrieval, and make recommendations regarding additional storage needs.

RECOMMENDATION #23

Limit the number of search warrant services any one squad can perform during a given shift at three (3).

Response to Recommendation #23

Except for unusual circumstances such as a "round up", squads currently do not run an excess of three warrants per shift. We recommend that the Division Commander reserve the authority to allow personnel to exceed three warrants per shift during "round up" or similar situations. This has been incorporated into the proposed search warrant policy.

EQUIPMENT

RECOMMENDATION #24

Computer equipment dedicated to the management of narcotics intelligence information is needed to make this information useful.

Response to Recommendation #24

Through a donation from the Hoblitzelle Foundation, the Narcotics Division is currently acquiring a computer network consisting of a file server, eight (8) work stations and an Intelligence Management Software package which will facilitate the manipulation of both operational and administrative Narcotics Intelligence information. Delivery of network equipment is expected to begin in 3-4 weeks.

RECOMMENDATION #25

More portable radios should be added to the division's inventory. Ideally each detective should have an assigned radio. If this is not possible, enough additional radios should be obtained to permit more than one to be used during search warrants.

Response to Recommendation #25

Currently we have 42 portable radios and several of our operations are conducted with Patrol or Tactical Officers who have radios. We do not recommend obtaining a radio for each detective but do recommend obtaining twelve (12) secure channel portable radios. Drug dealers have increased their level of sophistication in counter surveillance and electronic monitoring of police communications. The addition of twelve (12) secure channel radios would be adequate to enable two simultaneous operations. The cost of each radio, including necessary programming, is \$2,352. The total cost for this equipment is \$28,230.

RECOMMENDATION #26

Night vision equipment should be used on nighttime surveillance operations.

Response to Recommendation #26

Due to ambient lighting conditions present at nighttime in urban areas, night vision equipment will not always function properly. Lieutenant Jacob Moore is researching available night vision equipment to determine the current state of the art. Once his evaluation is complete and night vision equipment is obtained, we recommend that discretion be allowed in the use of

night vision surveillance equipment so that the safety of the operation is not jeopardized. This has been incorporated in to the proposed buy-bust policy.

RECOMMENDATION #27

Detention and processing facilities available to Narcotics Division personnel should be expanded.

Response to Recommendation #27

Senior Corporal Paul Schuster, Planning Division, had been contacted to locate alternate detention and processing facilities. Senior Corporal Schuster submitted a recommendation through his chain of command in mid-January citing two possible locations. (attachment 17)

1.) Decentralization of the Park Police function has created an available vacant area in the former Park Police headquarter building at 3112 Canton St..

2.) The Crime Prevention Unit at 2020 N. Lamar St. anticipates relocation of their present suite which will result in a vacancy of their currently leased office space.

We have looked at these facilities and recommend that we obtain the vacant space at 3112 Canton. Once approved, structure modifications will be coordinated through Senior Corporal Schuster.

Memorandum



CITY OF DALLAS

DATE January 17, 1992

TO Mary Suhm, Executive Assistant Director
Office of AdministrationThru: Deputy Chief W. T. McClain
Staff Services Bureau

SUBJECT Narcotics Hold Over Facility

In response to the Narcotics Division request to lease a 2,500 square foot building for hold-over interrogation of suspects, it has been requested that an alternative option be offered.

The Narcotics lease proposal is for a small metal building at 1726 Chestnut. The owner would lease the building for \$750 per month, \$9,000 yr., and additional utility costs would be billed to the city. The Narcotics Division would have the General Services Department renovate the building to contain six interrogation rooms, two offices, and would add air-conditioning at a cost of \$25,000.

There are two alternative options the Narcotics Division may be able to explore. One is a city owned facility and the other is a lease under renegotiation.

- ☐ The former Park Police building, 3112 Canton, was recommended under reorganization to house part of the Hit and Run Investigations of Traffic to allow expansion of Central Patrol. This proposal was never implemented by the affected divisions. The Tactical Reserve / Alarm Unit which shared the building with the Park Police is using half of the available space. The Narcotics Division could build six interrogation rooms in the former Park Police Sergeants' office and the former detail or locker room could provide space for measuring drugs and other office requirements. (See Attachment-"A")
- ☐ The second alternative site would be the West End Garage lease facility at 2020 N. Lamar. The Police Department has a 20 yr. lease at this site for \$1(One-Dollar) a year. The facility is currently shared by the Crime Prevention and Central Patrol CBD Units. The owner of the building is requesting to move these units to another side of the building so that an adjoining club can expand into the current leased space. The owner would finish out the new space to Police specifications and this space is slightly larger than the current 4,003 SF. The garage above has an emergency fire exit which adjoins the new space. The Narcotics Division would probably want to negotiate parking in the garage as the current lease does not include parking. (Existing units use a public city lot across the street.) This second alternative may be unacceptable to existing units and the Narcotics Division. (See Attachment-"B")

Paul M. Schuster
Paul M. Schuster, #4931
Senior Corporal
Planning Division

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ATTACHMENT A

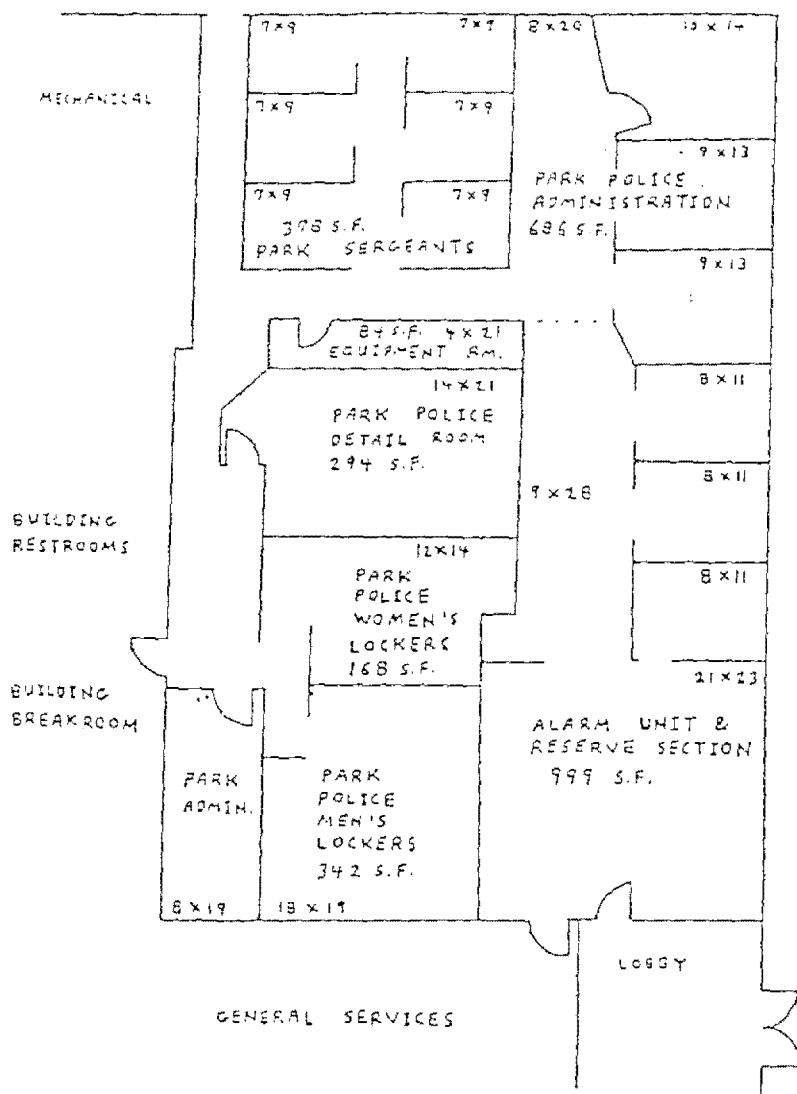
3112 CANTON BUILDING

DEPLOYMENT DIVISION

ALARM & RESERVE SECTION 999 S.F.

PARK POLICE SECTION 1,952 S.F.

2,951 S.F.



CRIME PREVENTION DIVISION

ATTACHMENT
"B"

STAIRWAY
TO
GARAGE

RECEPTION

OFFICE

RAMP UP

EXIT RAMP

NEW
SPACE

(NOT TO
SCALE)

APPROX. 4,003 S.F.

6' TRX. CONC. WALL

FINISH FLOOR = 31.25'

LOUL

WALL

WALL

KITCHEN

BATH

R.M.

LT.

CART.

MEAL/STORAGE

COMPUTER

VTR-9

11-10
11-11
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RECOMMENDATIONS

Implement

- Proposed Buy-Bust Policy
- Proposed Flash Roll Funds Policy
- Proposed Search Warrant Policy

Training

- Add Training/Asset Seizure/Intelligence Lieutenant
- Increase Training Budget from \$5950 to \$40000
- Increase Basic Narcotics Investigation's School from 55 hours to 80 hours
- 4 Hours Training on S.O.P. Changes
- 8 Hours Buy-Bust Training Every Quarter (Mandatory as a unit)
- 8 Hours Search Warrant Training Every Quarter (Mandatory as a unit)
- Diversionary Device Training
 - 16 Hours - Users
 - 24 Hours - Instructors
- Establish Committee to Develop Standardized Training Program for New Members
- Assign Six Tactical Officers to the Street Squads for Thirty (30) Days

Equipment

- Add Police Technician 10
- Obtain Hold Over Facility
- Obtain and Develop Intelligence Computer Network
- Purchase 12 Secure Capable Handy Talkies (\$28,230)
- Obtain Night Vision Equipment After Determining Needs
- Search for a Camera for Monitoring Activity Inside Vehicle (If applicable for our operations)

CITIES to be VISITED

<u>CITY</u>	<u>POPULATION</u>	<u>INDEX CRIME PER 10000</u>
Phoenix	987,000	107
San Diego	1,106,000	92
Los Angeles	3,536,000	73
Baltimore	736,000	106
Washington	607,000	108
San Antonio	999,000	117
Houston	1,630,000	113
Miami	359,000	190
Metro Dade	1,037,000	249