



LEGAL DEFENSE TRUST TRAINING BULLETIN

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“THE UNTOUCHABLES”---NO MORE?

This evening I sat down with a legal newspaper, the Los Angeles Daily Journal, Wednesday, October 27, 1999. On page 6, I found an article entitled “The Thin Blue Lie--Current Police Scandals Recall a Decade-Old Saga of Complicity and Corruption.”

Immediately I tensed, and braced myself for another assault on the profession I have loved for 33 years. The article was written by Thomas A. Hagemann, now a white-collar criminal defense attorney in Houston. It turns out that his connections to “L.A. Police Scandals” dates back a decade, when he was the Assistant United States Attorney placed in charge of, at least then, the most notorious police scandal of the times-- “Majors II”. Majors II involved the corruption of a team of narcotic detective veterans, and their sergeants, in the Los Angeles Sheriff's Department. The case unfolded during investigation by a combined team of Sheriff's people and FBI, to reveal veteran dope cops “skimming” tens of thousands of dollars off of cash seizures from crooks, after obtaining the crooks' all-important disclaimer: “I've never seen that money before” or “I don't know where that money came from-- it's not mine”. The lion's share of the seizures followed proper distribution back to the Department pursuant to asset forfeiture protocol. But, considering the level of the crooks Majors II dealt with, and the frequency of their “swoops”, single “skims” of twenty or thirty thousand dollars can add up fast. The question is, when is it enough to corrupt?

The early 60's television drama was a favorite of mine: “The Untouchables”. Bob Stack as Elliott Ness, leading his team of clean-handed and pure of spirit agents in all-out war on organized crime, shooting it out with the Mafia, knocking over stills, and crashing

speakeasies. The term “untouchable” of course refers to the immunity of Ness and his men of corruption, in a time when police were perhaps, the most corruptible in modern history. It was great stuff. It seems that, to every last man and woman who has stood to be sworn after months of police academy training, we believe that we, and all our brothers and sisters in the Thin Blue Line, are “untouchable”. That means that we are “incorruptible”. When we hear that some of our brethren have moved the line, and are corrupted by the spoils of crime, it makes us feel sick, deep in the gut.

So when I forced myself to read on in Mr. Hagemann's article, I could feel it starting, again; and there it was, again: the “code of silence”. The article detailed how the prosecutors and investigators cracked open the Majors II scandal--and how they “turned” the sergeant, Robert Sobel, into a government witness against the team that he led, and those with whom he had shared, perhaps hundreds of thousands of dollars of dirty money.

About half way through the article, Hagemann begins to describe, based on his interviews with Sobel, the process of police corruption:

To hear Sobel (and the other deputies who cooperated later) tell it, something akin to corruption starts the minute a fresh-faced cadet hits the mean streets, as the clarity of the police academy and the training manual fades in the distance. An arrestee gives you some lip; you ratchet the cuffs down a little tighter. That doesn't help. The next time, always remembering the time

before, you toss the arrestee against the car with a little more gusto. Little things, little steps, little decisions made each day. Lines get blurred.

As the months passed and I spent many days listening to Sobel, I realized how much of the story of police corruption revolved around drugs. The temptation to skim came from the constant contact with outlandish sums of untraceable drug proceeds. The temptation to take "extraordinary measures" to put away dope dealers came, in part, from the intensity of the rhetoric about the "war on drugs". Narco-wars require narco-warriors.

The article then focused on the author's question: "What is to be done?" After reeling through the obvious answers, better screening of applicants, better and more training, zealous supervision, and prosecution of corruption, Hagemann concludes: "Nothing can be done".

He writes that there are three reasons for this "dead-end". The first is that police must necessarily have extraordinary power, if they are to do so what society asks of them--and, power corrupts. Second, a code of silence exists--but it begins because cops go where no one else goes; they see what no one else sees; they do what no one else does. Those who do not go, see and encounter what cops do, would not understand--so they are not told. Hence, the "code" is an inevitable part of police work. A "conspiracy of silence" begins, but there is nothing evil, nor corrupt about it--at least in the beginning. Finally, Mr. Hagemann notes, "If you ask enough people--good, bad or indifferent people-- to go into a room with a bag of apparently untraceable cash, someone will unzip the bag and take a bundle. If you ask enough people to risk their lives in a high speed chase, sooner or later, someone is going to beat the living hell out of a suspect. That is no excuse; that is however, a fact."

Mr. Hagemann leaves us there. And if we accept his conclusion about the inevitability of police corruption, then we have never been, nor will we ever be, untouchable. But somehow, if we can come to

understand the process *within the profession*; if we can recognize the ways in which we begin to slowly, even imperceptibly, move the line, whether by "extraordinary measures" to deal with crooks and gangs, or using just a little more force than the situation requires, or forgetting our commitment just once in awhile--all for the "right" reasons, of course, we may yet remain, *untouchable*.

If there are any questions or comments raised by this article, feel free to give us a call at the Riverside Sheriff's Association, Legal Defense Trust, at (909) 653-5152 or at our Pasadena office at (626) 683-5600.

Stay safe!

- Michael P. Stone

