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DAMACIO DIAZ

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT of CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAMACIO DIAZ,

Defendant

) Case No.: 15-CR-00326 LJO SKO

)
)
) **DEFENDANTS SENTENCING**
) **MEMORANDUM**

) Date: October 3, 2016

) Time: 10:45 a.m.

) Honorable Lawrence O'Neill

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Coach Damacio Diaz with his son's Nicholas and Christopher

Persevere: to persist in anything undertaken; maintain a purpose in spite of difficulty, obstacles, or discouragement; continue steadfastly.

“If you are going through hell, keep going.”
Winston Churchill

I. INTRODUCTION

Seventy-six years ago, Leopoldo Diaz was born in La Sara, Texas, to parents who came to the United States from Mexico, like many, in search of a better life. Leopold was the first of 14 siblings to be born in the Rio Grande Valley of Texas. Their family struggled to survive harvesting cotton in the blistering hot fields and working for cents on the dollar in any manual labor job available at that time. Regrettably, overcome by the burdens of stress and inability to

1 feed and maintain fourteen children, Leopoldo's father abandoned his wife and children. On that
2 day, Leopoldo became a man. After his father left, Leopoldo and his mother decided to pack
3 everyone and their meager family belongings into their car and drive west. By this time,
4 Leopoldo was forced to drop out of school in the eighth grade to help support the family.
5

6 The family ultimately ended up in the township of McFarland, California, where Leo and
7 his mother were offered work in the nearby potato fields. I am told that all of Leopoldo's
8 siblings view him more as a father figure than as a brother. Having to labor in the San Joaquin
9 Valley harvesting its abundant fields of fruits and vegetables alongside his mother and siblings
10 was a necessity to survive. Because he took his role as a father figure seriously, Leopoldo set
11 aside the ritualistic teenager lifestyle of dating and hanging out with his friends. Waking up
12 early each morning to work all day was the only lifestyle that he was determined to undertake.
13

14 This could have been a tragic story. Instead, his is a story of perseverance, drive and
15 determination. Leopoldo Diaz began his childhood with a tremendous amount of grief and
16 personal hardship, but through it all, he triumphed and overcame all obstacles that he confronted.
17 This is the type of man Leopoldo Diaz is.
18

19 It wasn't until the age of 24 when Leopoldo met a stunning young lady by name of
20 Juanita. Not only was Juanita a beautiful woman, but like him, hard headed and hard working.
21 He saw past her outer beauty and had the prescience of mind to know that she would be a
22 wonderful bride and an even better mother.
23

24 Together, Juanita and Leopoldo raised seven children. Their personal drive and
25 determination was instilled in each of their children. All seven children have earned their
26 Bachelor of Arts Degrees, some have earned their Master's, all of their children reside in
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1 McFarland, and all are either school principals or teachers. They built a strong close knit family
2 that they are proud of.



9 Last year, in the city of McFarland, the name family Diaz immediately evoked thoughts of
10 consecutive state cross country championships, city pride, a Disney movie and yes, Kevin
11 Costner (who portrayed Coach Jim White). This might have been true one year ago. However,
12 since that time, former BPD officer Damacio Diaz was Indicted by a federal grand jury for
13 various charges to include a distribution count. This certainly dealt a heartfelt blow both Juanita
14 and Leopoldo. That sense of small town pride has now been tarnished by the Damacio Diaz'
15 indiscretions. Those of us who are parents can only imagine how deeply upset, heart broken,
16 humiliated and embarrassed both Leopoldo and Juanita feel; especially now that each are now in
17 the twilight of their lives.

20 The theme of this sentencing is one of perseverance. As noted from the Winston
21 Churchill quote in the beginning of this memorandum, since his arrest, Damacio Diaz and his
22 family, are certainly going through hell. However, the story of Damacio's father, Leopoldo, is
23 truly one of perseverance. The obstacles overcome not only by Leopoldo, but his children as
24 well, is an example of this family's steadfast approach to life. If Damacio has learned one thing
25 throughout his life, it is indeed his innate stubbornness to fight and continue fighting until he's
26 reached success. Damacio is now in the fight of his life. Not only is his liberty at stake, but also

1 the long term welfare of his children and the possibility of being raised in their formative years
2 without a father.

3 As to the above, the antagonist would likely say, “he should have thought about this
4 before he committed the crimes for which he is charged.” To the antagonist I respond, if our God
5 were any more generous we would all have been given a crystal ball at birth. Instead, we were
6 given the gift of hind sight as a learning tool to avoid committing similar mistakes in the future.
7 Even good people make mistakes; this includes Damacio Diaz.
8

9 In preparing this sentencing statement, it was important that the court develop an
10 understanding of Damacio’s life from birth to the present. After discussing the purpose of a
11 sentencing statement to Damacio it became apparent to me that his life experiences are best
12 explained by him. The following paragraphs were written by Damacio per his belief that this
13 court should know his story first hand from his mind and his heart, from pen to paper. These are
14 Damacio’s words.
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18 **II.**
DAMACIO’S STATEMENT
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20 **CHILDHOOD IN McFARLAND**

21 My name is Damacio Diaz and the following is a short biography of my life and the
22 circumstances which have led me to where I am today I am one of seven children born into the
23 Diaz family and we are all one year apart from each other. I was born and raised in McFarland,
24 California and that is where I currently reside. My five brothers, one sister, and I were raised by
25 two wonderful, God fearing parents, who instilled in us the values of loving God, family, and
26 education. My parents were field laborers most of their lives and struggled to meet the financial
27 needs of raising seven children. Even though we didn’t have much during our childhood, we
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1 always had parents who were involved in our daily activities and never hesitated to discipline us
2 when we went astray. We didn't have what most kids consider to be normal things and we
3 weren't raised like most other kids. I don't remember ever having a store bought toy or game
4 when I was little. My father purchased our first television (19" black and white) when I was 12
5 years old.
6

7 Even though we weren't able to have the material things other kids our age had, we had a
8 great upbringing and leaned on each other for support. Because our parents were field workers,
9 we learned to value their time and gained much respect for them from an early age. My dad
10 became the foreman of a farming company and because of his position, he was able to acquire
11 jobs for us, his children. I began working in the fields at the age of 8 years old. Every single
12 summer, Christmas break, Easter break, Thanksgiving break and weekend was spent working in
13 the fields. My mom and dad always had us working in the fields. That was the norm for us. We
14 worked before school and after school. We were known, by our friends and other kids at school,
15 as the Diaz field workers.
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18 Back in the 80's, our school district called a lot of Fog Delays in the winter time due to
19 the foggy conditions in our area. School wouldn't begin until 10am. Most kids loved the foggy
20 delay schedules because they could sleep in. We hated them. My mother would wake us up at
21 5am and check to see if a fog delay had been called by the school district. If so, she would yell
22 at us to get ready and we would leave to work at 5:30am. We would work in freezing conditions
23 until about 9:45am. She would then take us to school and drop us off in the same clothes we
24 wore to the fields. Sometimes we were wet and muddy. Everyone knew we had been working
25 in the fields. As you can probably imagine, it was a little embarrassing for us during our teenage
26 years. In the afternoon, as soon as school was out, my mom would pick us up at the front of the
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1 school and we'd drive back out to the fields. My siblings and I worked until sundown. We did
2 anything and everything that was available to us. We picked just about every fruit available in
3 the Central Valley. (Peaches, Nectarines, Kiwi's, Apricot, Plums, Grapes, Watermelons, Melons,
4 etc.) We pruned everything from nut trees, to grape vines, to fruit trees. We learned how to
5 maintain and sustain an orchard or field and how to properly train the tree or vine to produce the
6 most amount of fruit or nut possible. After work, we would run to our coach's house for our
7 evening practice. On days we had to work after school, Coach Jim White would hold a second
8 practice for the Diaz brothers. He would get on his bike and take us out for our 7 to 9-mile
9 workout.
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12 My parents were just as hard on us at home. We each had designated chores in the home
13 that were expected to be completed every day. My Mom was, and still is, a clean freak so she
14 would constantly conduct inspections on our chores to make sure we were doing them to her
15 standard. After working in the fields and making sure our chores were completed to her
16 satisfaction, my mom would have us complete our homework. Neither of my parents had the
17 privilege of finishing school. My dad made it to 7th grade and my mom only made it to 3rd
18 grade. Because of their family's financial limitations growing up, they both dropped out of
19 school and spent their lives working alongside their families. Even though they did not receive
20 an academic education, my parents, especially my dad, truly valued education. Dad always
21 insisted we take full advantage of receiving a good education. He constantly preached that the
22 way for us to break the cycle of poverty and to make it out of the fields would be by receiving a
23 good education. Having personally experienced working in blistering hot conditions during the
24 summer time or sometimes in freezing conditions during the winter, for minimal pay, was
25 probably one of the best things that ever happened to me and my siblings. Every single one of us
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1 graduated high school with honors and attended a university. All seven of us Diaz children
2 earned our Bachelor of Arts Degrees, and four of us have since received a Master's Degree or
3 higher. We never hesitate in giving our parents all the credit because they were the ones who
4 taught us the value of education and who instilled in us the value of having a strong work ethic.
5

6 During my 5th grade year, I began following my older brother's footsteps and joined the
7 McFarland Cross Country and Track Team. I was not very fast but quickly learned to love
8 running, especially longer distances. By the following year, 6th grade, I had significantly
9 improved and began having some success. Winning races became contagious and I worked
10 harder and harder to be the best. I eventually was part of the 4-man team that won the California
11 State Track Meet. We qualified to the National Track Championships in Eugene, Oregon. My
12 three teammates and I ended up running the best races of our lives and we became National
13 Champions in Track. We were honored by the National Track Committee and were allowed to
14 meet and run with the Olympians who were carrying the Olympic Torch for the 1986 Summer
15 Olympic Games.
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HIGH SCHOOL / CROSS COUNTRY

By the time I reached High School, running was definitely a priority in my life but as required by my parents, I was still very active in our church and in school. My parents wouldn't accept anything less than all of us doing our very best in school. Even though my mother didn't speak English proficiently, she never hesitated in contacting our teachers if one of us wasn't performing as expected. We all constantly maintained high GPA's and were consistently on the Honor Roll. My love for running trumped everything else though. I made the High School Cross Country Varsity Team on my first race as a freshman. I was running and competing against kids much older than me. That only gave me a greater desire to become faster and stronger.

Under the guidance and leadership of our coach, Mr. Jim White, and the mentorship of my older brother, David Diaz, I never competed in the underclassmen races. I always ran against

1 the strongest and the best. In 1987, the State of California had its first ever High School Cross
2 Country meet. McFarland High School, which is primarily composed of children born to
3 immigrants and farm laborers, was not considered to have any chance of competing against the
4 much larger and much more affluent teams throughout the state. We didn't even have the proper
5 racing shoes or uniforms and definitely didn't have some of the luxuries some of the other teams
6 had. But what we did have, that most other kids didn't, was the knowledge that no one had
7 outworked us. We trained longer and harder than anyone else. We were well disciplined and
8 had a genuine desire to win for our coach and for each other. All of us were born into poverty
9 and things didn't come easy for us. Having to sacrifice some of the things other kids did for fun
10 because we had to work in the fields to help our families gave us a competitive edge over other
11 runners. On that day, in 1987, against all the odds, we the McFarland High School Cross
12 Country Team, beat all the other much more accomplished teams and won the California State
13 Title. We were the underdogs that no one had given a chance. We were the poor Mexican kids
14 who didn't have matching racing shoes or warm ups. But, after that day, we were State
15 Champions.
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19 Mr. White had always taught us "It's all in the Attitude." He spent countless hours often
20 talking about how we could not control circumstances and things around us. We couldn't control
21 the fact that we were born poor, or that some of us didn't have a father in the home, or a bed to
22 sleep on. But what we could control, and no one could ever take from us, was our attitude. How
23 we reacted to our circumstances and how we performed based on our situation solely rested on
24 our shoulders. That was true then and is still true today. My life and how I live it is greatly
25 affected by My Attitude.
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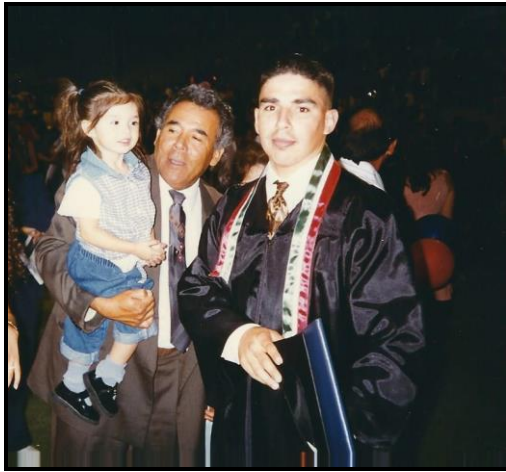
1 My senior year in high school, Mr. White was selected as the National High School Boys
2 Cross Country coach and was able to take a team of runners, from all over the country, to race in
3 Germany. I was fortunate in being part of the USA high school national cross country team. My
4 family, my church, and my town were all so proud. Me, a poor young boy who was known as a
5 field worker, was boarding an airplane and flying to the other side of the world, representing the
6 United States in an international Cross Country race.
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COLLEGE / ROTC

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17 After graduating high school, I attended College of the Sequoias and ran Cross Country
18 and Track. Two years later, I transferred to Fresno State. That same year, at 20 years old, I got
19 married. Having to juggle marriage, college studies, running, and a part time job proved to be
20 married. Having to juggle marriage, college studies, running, and a part time job proved to be
21 too much to handle. I definitely was not quitting school and couldn't quit my part time job
22 because we were now expecting a baby. I decided running would have to take a back seat for the
23 moment. As I continued my studies, I enrolled in the Fresno State Army Reserve Officer
24 Training Candidate (ROTC) program. In 1996, I graduated from Fresno State with a Bachelor of
25 Arts degree in Criminology with a minor in Military Science. The day after my graduation, I
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1 was commissioned as a 2nd Lieutenant in the United States Army Reserve and was assigned to a
2 Military Police Unit where I served as a platoon leader.



12 **EARLY YEARS AS A POLICE OFFICER**

13 In August of 1996, I was hired by the Tulare Police Department and began the
14 Tulare/Kings County Police Academy. At the police academy graduation, in December 1996, I
15 received the physical fitness award and the report writing award. I became a fully sworn police
16 officer and began my career in Law Enforcement.

17
18 Being a police officer was more than I could ever have expected. I absolutely loved my
19 job and never thought I would do anything else for the rest of my life. Because I was raised in a
20 Christian home with parents who were very strict and expected us to always do the right thing, I
21 never was exposed to bad elements. I never used foul language growing up. I never stole from
22 anyone or any place. I did not get involved in causing trouble. I never consumed alcohol,
23 tobacco, or drugs, nor did I hang out with bad elements. Between the watchful eye of my
24 parents, my coach, and my close circle of friends and teammates, I didn't have the typical
25 temptations or exposure that other kids might have had to deal with. Especially having been
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1 raised in a small rural town like McFarland where gangs and juvenile delinquency was rampant.
2 It wasn't until I became a police officer that I truly began seeing what the real world was like.

3
4 I had never seen my parents argue, let alone fight. Both my parents were involved in our
5 daily lives. My dad was as close to perfect as a man could be. I wouldn't be exaggerating if I
6 told you I was totally shocked as to how people treated each other and how they acted towards
7 police officers. It was an eye opener for me.

8
9 I had a great 2 years at the Tulare Police Department. During that time, my wife and I
10 had our second child. Looking to work in a bigger city with more action and better pay, I
11 applied with the Bakersfield Police Department. I was hired by the Bakersfield Police
12 Department in July, 1998. Within a year and a half at BPD, I was selected to the Gang Unit. It
13 was called the Special Enforcement Unit at that time. In 1998 – 1999, there was a large spike in
14 gang related homicides and the city administration wanted the gang unit to make an impact. Our
15 objective was to simply attack the various gangs and arrest as many gang members and gang
16 associates as possible for whatever crimes we discovered. I spent several years in the gang unit
17 and enjoyed that type of work. My wife and I had our third child during that time. We were the
18 parents of 3 young daughters now.
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1 During my time as a gang officer, my marriage began to crumble and my wife and I
2 decided to divorce. That was one of the hardest decisions I had to make because I recognized
3 our decision to end our marriage would greatly affect our 3 young daughters. Looking to change
4 the non-stop pace, inconsistent work schedules, and long work hours of a gang officer, I chose to
5 transfer back to patrol to work a more stable and consistent shift. Our daughters lived with me
6 during the daytime and with their mother during the evening and night. Being home during the
7 daytime allowed me to be able to take the girls to daycare and pre-school and then to pick them
8 up when they were out. For the next few years, I strictly worked midnights until I was selected
9 to become the Police Activities League representative.
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12 As the PAL representative, I supervised 11 other civilian employees and organized all the
13 activities PAL had to offer. We had numerous sports programs, after school tutoring programs,
14 arts/crafts programs, dance, and community volunteer programs. I was able to interact with kids
15 and families who normally didn't have positive relationships with police officers. I grew to
16 appreciate and understand their perspective and provided them with an ulterior view of the police
17 department.
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Several years had passed since my divorce and during my time as the PAL officer, I met and fell in love with Courtney, my current wife. We dated for 2 years and then got married.

A little after a year at the Police Activities League, I promoted to Detective. I was still fairly young at that time and a lot of older police officers resented me getting promoted so young. I didn't let their negative comments affect me and kept my focus. I had a plan for my future and was on my way. I spent the next 10 years as a detective for the Bakersfield Police Department. I held various investigative assignments including: General Investigations, Sex Crimes, Burglary, Financial Crimes, Vice, Narcotics, DEA Task Force, HIDTA (High Intensity Drug Trafficking Area Task Force), Robbery, and Homicide. I also acted as the Police Information Officer (PIO) to all Spanish Language media outlets.

Courtney and I began to have children and are the proud parents of 2 boys and a girl. So in all, I have 4 daughters and 2 sons. Less than a year after Courtney and I married, my first 3 daughters, who were 5, 7, and 9 years old respectively, chose to live with me. Their mother wasn't in complete agreement but knew it was for their betterment. For the past 10 years, I have

1 raised and cared for them. They visited their mother periodically but I was their primary parent.
2 Courtney and I have raised all 6 children.



17 My career in law enforcement was very positive for most of the 19 years 8 months I was
18 a police officer. I was well liked, respected, and trusted by my peers, the administration, and the
19 courts. I was asked by several police administrators to test for promotion several times during
20 my tenure as a detective. I elected not to test at that time as I really enjoyed the various
21 challenges of investigations.
22

23 Some of the most gratifying cases I investigated were as a Sex Crimes Detective. Even
24 though those type of investigations are extremely challenging and often times lack physical
25 evidence or independent witness testimony, they gave me the most satisfaction as a police
26 officer. I was fortunate in being able to help children and women who were sometimes viciously
27 targeted and violated by perpetrators who took advantage of their trust. When an
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1 innocent/helpless child or teenager is assaulted, usually by someone they know and trust, those
2 scars can last a lifetime and cause drastic changes in that person. I especially enjoyed being
3 there to help them deal with their circumstance and help prepare them for the hard battles ahead.
4

5 **BPD UNDERCOVER OPERATIONS**

6 When I transferred to Vice, I had the opportunity to work undercover for the first time.
7 Even though most Vice investigations are not considered high profile and usually not felonious
8 cases, they are extremely important and necessary. The citizens who live in those communities
9 and the businesses who provide services in those communities are greatly affected by the types
10 of elements illegal prostitution and illegal gambling bring. The types of crimes, occurring in the
11 streets and alleys of these neighborhoods significantly affects their standard of living.
12

13 Several of the investigative positions I held were high profile assignments that required a
14 great deal of knowledge, experience, and respect. Those positions were hard to come by and
15 pursued by a great number of investigators throughout the various police departments in Kern
16 County. The Bakersfield Police Department Administration as well as Administrators from the
17 various Federal Agencies were in agreement that I was perfectly suited for those assignments. I
18 was highly trusted to perform my duties with respect and integrity. I was chosen by DEA Special
19 Agent in Charge Carl Beckett to be a member of the Drug Enforcement Administration Task
20 Force. I transferred to the DEA Task Force in 2011 and immediately began making a positive
21 impact. I was in charge of or played a primary role in several Organized Crime Drug
22 Enforcement Task Force (OCDETF) cases which resulted in large quantities of illegal narcotics,
23 weapons, and currency being seized as well as arresting and convicting key players in various
24 Mexican drug trafficking organizations(M-DTO).
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1 Just over a year later, I was selected to transfer to the Tri-County Drug Task Force known
2 as HIDTA. HIDTA, which primarily operates under the jurisdiction and control of Homeland
3 Security, gave us an opportunity to investigate cases throughout the United States that had some
4 type of connection or relation to drug organizations in the Central Valley. I transferred to
5 HIDTA in 2012 and having the most investigative experience and qualifications of all the
6 members of the unit, was asked by the Unit Commander and Unit Sergeant to take a leadership
7 role in the unit. I was specifically asked by Sergeant Greg Jehle to be the Agent in Charge of all
8 large quantity narcotics cases. He also specifically asked me to be the direct handler of several
9 valuable informants being utilized by the unit. Sergeant Jehle wanted me to lead the unit in a
10 different direction specifically trying to connect some of the drug organizations we were
11 investigating with organizations in the mid-west and east coast.
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14 I was fortunate in being able to work undercover, buying, selling, and arranging for the
15 sale of large quantities of narcotics. We travelled up and down California and to several states
16 including, Arizona, Texas, New Mexico, Nevada North Carolina and Washington. Sometimes
17 we were accompanied by a supervisor and sometimes I was in charge. We had a lot of success
18 and were often recognized by our superiors and various organizations for our work and the
19 impact it had on disrupting drug organizations.
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22 **MY EVENTUAL DOWNFALL**

23 One of my partners in the HIDTA unit became one of my closest friends and later also
24 became my worst nightmare. He was very charismatic, charming, and savvy. He often talked
25 about the amount of money our targeted drug dealers were making and the amount of money we
26 were paying informants. His name is Patrick Mara. We spent hundreds and possibly thousands
27 of hours together discussing everything from our personal to professional lives to future plans for
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1 ourselves and families. He eventually told me about an agreement he had with an informant
2 named Sergio Avalos. Pat Mara told me Sergio Avalos was giving him monetary gifts as part of
3 their arrangement as Handler and Informant.
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5 During that time, I was the primary handler of a narcotics informant named Guillermo
6 (Memo) Magallanes. Memo was very untrusting of other narcotics detectives. He had worked
7 as an informant for other officers and agencies but was left with very negative feelings about
8 how he was treated and handled. Memo grew to enjoy working with me and made it very clear
9 to me and others that he would only work with me.
10

11 Over time, Memo's personality and characteristics began to put me at ease and caused me
12 to become complacent. That was my first mistake and the beginning of my downfall. I grew to
13 like Memo and we developed a friendship that went beyond that of a police officer and
14 informant. Memo would call me at all hours of the day and night and tell me about his drug
15 dealing business, his marital/domestic issues, problems with several other girlfriends, etc. I
16 would meet with him in designated areas by ourselves, without a secondary detective present.
17 That was in clear violation of our unit's informant policy. At the time, I began to slowly cross
18 the line without even realizing the danger I was approaching. I began to see Memo as "my
19 friend" and not as "an informant". As the months progressed, Memo began to learn personal
20 details about my life and my family. He often would talk about finances with me and promised
21 to "take care of me" when he finally retired from drug dealing. He never was specific about
22 what that meant but often joked about how he really appreciated the way I dealt with him and
23 how I showed him respect. He said he would never forget the respect I showed him and would
24 treat me right in the future, when he was finally done with the "dope game".
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1 One hot afternoon, Memo and I were sitting in my car talking about potential drug
2 organizations he could infiltrate. He had a very large wad of money in his shorts pocket and
3 pulled it out to show me how much money he had made that morning. I estimate he had
4 somewhere between 10 and 15 thousand dollars. I talked to him about being smarter and not
5 carrying that amount of cash with him. At the end of our visit, after Memo had returned to his
6 vehicle and left, I discovered he had left a small wad of cash in the passenger door side pocket. I
7 reached over and counted it. It was just under a thousand dollars. I immediately called Memo to
8 tell him he had left money behind. He laughed and said it was a gift to me. He told me to take
9 my wife out on a date or buy my kids something. I softly and half-heartedly insisted he drive
10 back to get his money but didn't argue with him too much when he insisted I keep it. I will
11 never forget that day. It is a day I truly regret and a decision that has changed my entire life.

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14 What happened in the following weeks and months is obvious. I allowed myself to be
15 seduced and manipulated by a drug dealing, smooth talking, street smart individual that had me
16 in the grip of his hand. I was totally at his mercy. I knew what I had done was wrong. There
17 was no question about it. I had been raised by Christian parents who taught me to do the right
18 thing, always. I had morals and integrity and was a Christian who had a personal relationship
19 with God. I didn't do bad things, period. But here I was, a well-respected police officer who
20 had crossed the line without realizing how far across I was. And to top it off, Memo, a drug
21 informant had complete control of me because I knew he could hurt me, my career, and future at
22 any given time.

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25 Memo, leaving money in my car became the norm. Every couple of weeks, during one of
26 our meetings, he would leave a wad of cash in the passenger side door pocket or in the center
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1 console of my vehicle. He never gave me the cash directly but always left it in the car before he
2 exited. I never asked him for money; he simply left behind whatever he felt that day.

3 By this time, I had already confided in my partner, Pat Mara, about Memo's gifts. Pat
4 Mara also confided in me that he too was receiving regular monetary gifts from his informant,
5 Sergio Avalos. As time went on, Pat Mara also told me about some connections he had with
6 friends of his who sold drugs. He told me he and Sergio Avalos had already had several dealings
7 with one of Pat Mara's friends. Instead of seizing and booking some drug seizures, he had
8 instead taken the seized drugs to his friend who paid him for the drugs. It didn't take a lot of
9 convincing by Pat Mara to get me to jump on board with his scheme. I agreed to assist him in
10 not booking a seizure of narcotics and allowed Pat Mara to take it to his friend, who would later
11 sell it. I was not involved in the dealings with Pat Mara's friend as Pat dealt with him directly.
12 But I do acknowledge I played an important role in this scheme.

16 ACCEPTING THE CONSEQUENCES

17 **“It is possible to authentic, yet authentically flawed. That is what happened to Damacio
18 Diaz....this might come with some degree of prejudice, but not blindness.”**
19 **Pastor Saul Gonzalez**

20 I don't want the above to seem as though I am passing the buck or putting all the blame
21 on Pat Mara or Memo or anyone else. I am solely responsible for my actions and have no one to
22 blame but myself for crossing the line, using poor judgement, and simply breaking the law. I
23 allowed myself to lose focus and fell into a cycle of sin and greed that led me into the depths of
24 the drug trafficking world.

25 This type of behavior, which happened in 2013 and 2014, went completely against who I
26 am, who I was, and what I believe in. I don't have an excuse for the type of behavior I engaged
27 in. I am in no way trying to minimize or justify my actions. I was wrong and am totally
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1 “McFarland USA” was made and has been played in 54 countries. This movie put the Diaz
2 family on the map and the town of McFarland in the spot light.

3
4 I was placed on Administrative Leave a few weeks after the movie was released. The
5 fact that I was home, gave me the opportunity to travel with my coach and 2 brothers all over
6 California and to many different parts of the country. When the movie came out, we were
7 sought after by many schools, churches, community groups, and organizations. People from all
8 over the world could relate to our story. They understood our story was similar to their story.
9 We were born with limited means but never let that hinder us. With hard work, a steady focus,
10 and perseverance we were able to overcome the obstacles and achieve success in the running
11 world and also in life. These different organizations requested we be the keynote speakers at
12 their schools or events. Since the release of McFarland USA, my brothers and I have traveled to
13 over 50 locations to be motivational speakers. Some of the speaking engagements have been for
14 audiences as small as 200 people and others have been for audiences over 3000 people. We have
15 gone as a group (The Diaz Brothers) or have gone individually representing the whole team and
16 family.
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TURNING A BAD CHOICE INTO A TEACHING OPPORTUNITY

**“In life we learn about our mistakes. You can make a mistake and still recover.”
Pastor Saul Gonzalez**

These speaking engagements have given me the opportunity to specifically address one’s behavior, actions, and choices. I often address how the choices we make, whether good or bad, will greatly affect our future. I have talked about how someone can fall from grace and make poor decisions knowing the wrongfulness of their behavior and knowing the consequences. I have talked a lot about peer pressure and how to avoid those people around you who often speak negatively or hint about doing things you know to be wrong. I have never hesitated to use my life and the consequences of my behavior as an example. I always emphasize that making a mistake or using poor judgement doesn’t have to be the end. Just because you have fallen does not mean it is over. There is always something you can do to reverse the path you’re on. I reiterate that “It’s all in your attitude.” Only you can change your future. But in order to change directions and proceed to a positive and productive life means you have to be willing to accept

1 where you're currently at and acknowledge that you are there because of your poor decisions and
2 choices.



13 I have seen, first hand, how my words and comments have affected the audience and how
14 they have reacted to my story. I don't know how many letters, emails, phone calls, or personal
15 visits I have received by parents, coaches, business professionals, and kids who have told me
16 how greatly impacted they were by my words and my willingness to talk about my downfall.
17 Motivating and inspiring others to work hard, keep their focus, and take advantage of the doors
18 that open for them is something I have grown to love. I plan to continue speaking to kids and
19 young adults hoping to inspire them to achieve their goals and dreams.
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22 The following are a few recognitions I have recently received. Attached to this narrative
23 are additional photo copies of numerous other certificates, commendations and recognitions.

24 On March 8, 2015, I was recognized by the Mayor and City Council of McFarland for my
25 continued dedication and commitment to the community and citizens of McFarland.

26 On October 8, 2015, I was inducted into the College of Sequoias Hall of Fame. One of the many
27 reasons the COS Foundation chose me as an inductee was because of my continual positive
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1 impact on students, families, and communities through my motivational and inspirational
2 speaking.

3
4 On May 27, 2016, I was inducted into the Latin American International Sports Hall of
5 Fame for my accomplishments as a Latino athlete and the impact my life story has had on
6 countless Latino students.

7 In June 2016, I received a Certificate of Recognition from Devon Mathis, 26th Assembly
8 District California State Legislature for my induction into the Hall of Fame.

9
10 I am no longer a police officer. I am not angry or bitter about it at all. I still love the
11 profession and have the highest respect for police officers and public servants. That will never
12 change. I truly believe God has a greater plan for me and I plan to make the best out of my
13 current predicament. No matter where I may be, I will always do everything in my power to
14 positively influence those around me. In 1993, my dad was fortunate enough to start his own
15 company, Rio Grande Farm FLC, Inc. He farms almonds and is a farm labor contractor. His
16 company has been successful and has flourished but he has significantly taken steps to downsize
17 over the past 5 years. Dad is almost 77 years old and is at the brink of retiring.

18
19 The timing of my current situation is very interesting. I have been fortunate in being able
20 to work alongside my dad and have learned a great deal about his business. I have met numerous
21 farmers and consultants and have begun building relationships that I hope will propel me into the
22 future as a farmer and farm labor contractor. My dad and I have had long talks and have agreed
23 that I will continue with the company upon his retirement. He will continue working alongside
24 me for the next year or so to make sure I fully understand the business.

25
26 Unfortunately, my dad fell off of an 18-foot rooftop 6 weeks ago. He shattered his lower
27 leg and foot in 9 pieces. Thank God he survived. He is now completely immobile. He has
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1 numerous pins and rods sticking out of his foot and leg and needs to be wheeled around in a
2 wheelchair. He also has a Staff Infection where one of the rods is sticking out and the doctors
3 are attacking that infection aggressively. This injury has taken its toll on dad. He has never been
4 sick or injured before and is having a very hard time being caged up in the home. As a result of
5 his injury and the vast amounts of medication he is having to take, he has not been himself lately.
6 He has been unable to go out to the orchards to meet with the numerous farmers and supervisors
7 who have heavily relied on his tree expertise and knowledge.
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10 I have had to unexpectedly jump in with both feet and learn as I go. I am supervising
11 several work crews who work in various areas throughout Tulare and Kern Counties. I am in
12 charge of all payroll and timesheet concerns and workman's comp issues. I have basically taken
13 over the business a year or more before I was ready to. But this is the hand we have been dealt
14 and we will do everything in our power to make it a success.
15

16 **FINAL CHAPTER**

17 **“True success is not derived by perfection, but how we correct ourselves and how we**
18 **ourselves shape and mold us into better people.” Pastor Saul Gonzalez**

19 Despite what many believe about me, this is not the final chapter of my life. I realize that
20 incarceration is likely and am aware that my wife and children will have to go through life
21 without my presence, although I do hope our physical separation will be brief.

22 I have had an opportunity to read the Government's sentencing statement. I read with
23 particular interest the portion which noted that I should not be given a reduced sentence based
24 upon my cross country accomplishments of 25 years ago. What I have written here shows that I
25 am not resting upon my laurels as an athlete during my youth. Instead, I have given the court a
26 broad perspective of my life and what it took for me to get to where I was prior to making a
27 terrible life changing decision. I have indeed turned my life around and swear that I will never
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1 be that person that I was for nearly two years. Those two years as a bad police officer was an
2 aberration for me. Those two years of bad choices erased an entire lifetime of living good and
3 honorably. Even of more significance is that I feel the tremendous burden of shame and
4 humiliation that I have brought upon the name of a great family. A family of leaders and
5 educators.
6

7 All in all, the next chapter in my life will be directed towards addressing the youth of our
8 community and using myself as an example of what not to be. I want folks to think of me before
9 they make a bad choice and realize that no one is above the law and that we are all accountable
10 for our actions.
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13 Thank you, your Honor, for your patience and compassion in this matter.

14 Respectfully,

15 Damacio Diaz
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**III.
REPORT
DR. GREG HIROKAWA
CLINICAL PSYCHOLOGIST**

Dr. Greg Hirokawa was retained to prepare a psychological evaluation and risk assessment on Damacio Diaz, (Exhibit A, Hirokawa Report). The purpose was to assist the court in providing additional information as to the reason behind Damacio's indiscretions. The idea is not to place any blame upon the Bakersfield Police Department because Damacio accepts full responsibility for his actions and his conduct. Dr. Greg Hirokawa is a well-respected clinical psychologist who has entered private practice after serving 22 years as Chief of Mental Health for the California Department of Corrections and Rehabilitation. Dr. Hirokawa has interviewed thousands of inmates as well as law enforcement officers via the Workers Compensation system.

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RISK ASSESSMENT

The Level of Service Inventory-Revised (LSI-R) risk/need assessment instrument was chosen "because it yields a good assessment of risk for future criminal and hostile behavior." Mr. Diaz was administered this examination. As such, he scored "outside the areas of concern," meaning that he poses a "minimum risk to the community for future criminal behavior." Dr. Hirokawa further noted that Damacio has the necessary family support and motivators to maintain a positive lifestyle during and after incarceration.

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RECOMMENDATIONS

Based upon his extensive face to face evaluation, and having reviewed the PSI, offense reports and statements by family members, Dr. Hirokawa has conveyed a sentence recommendation for "below minimum." His recommendation is further based upon his research on how good cops turn bad and the current law enforcement practices of narcotics that contribute to deviant behavior.

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**IV.
POLICY VIOLATIONS
RULE CHANGE RECOMMENDATIONS**

A large part of acknowledging wrongdoing apart from entering a plea of guilty to a charge(s), is also taking steps to deter future individuals from meeting a similar fate. Shortly after entering a plea in this case, Damacio sat down to prepare an extensive white paper describing various policies and rules which were routinely violated by members of Bakersfield Police Department special operations group members (Exhibit B, Policy Recommendations). Within the context of said document, Damacio discusses nine specific areas that were violated, presumably, by himself and other special operation members. He does not mention anyone specifically, although we do know that Patrick Mara was also complicit in these violations. After discussing the violations, Damacio then sets forth critical and vital recommendations to the BPD on how to curtail deviant behavior in order to prevent future officers from engaging in similar behavior in the future. Also, his recommendations are significant in that, if his recommendations are given serious consideration, these steps will instill and foster public trust in law enforcement.

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**V.
CONCLUSION**

This court has been provided a significant amount of information to consider in rendering a fair and just sentence. The guideline recommendation in this case is 262 to 327 months. The PSI recommendation is 180 months, an 82 month downward variance. The Government filed a Sentencing Statement objecting to the PSI downward variance suggesting that the factors cited by the USPO in supporting the downward variance were factors which the Guidelines are reluctant to recognize as basis to depart. In turn, a reply was filed outlining legal reasons

1 supporting the downward variance, and then some. The purpose behind the extensive statement
2 in mitigation is to demonstrate to the court the numerous reasons why a significant downward
3 variance, even further down from the 180 months suggested by USPO, is warranted. Hence, the
4 court is now aware of Damacio's history and characteristics and other factors within the purview
5 of 18 USC §3553(a). Moreover, the court has been provided a psychological evaluation and risk
6 assessment. As such, it is our request that the court carefully take all these factors into
7 consideration when fashioning a just sentence under the Guidelines.
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10 The Supreme Court has made it clear that the Guidelines are to be the sentencing court's
11 "starting point and ... initial benchmark." *Gall v. United States*, 552 U.S. 38, 49, 128 S.Ct. 586,
12 169 L.Ed.2d 445 (2007). Federal courts understand that they "must begin their analysis with the
13 Guidelines and remain cognizant of them throughout the sentencing process." *Peugh*, 133 S.Ct.,
14 at 2083.

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16 The Guidelines are "the framework for sentencing" and "anchor ... the district court's
17 discretion." *Id.*, at 133 S.Ct., at 2083, 2087 "Even if the sentencing judge sees a reason to vary
18 from the Guidelines, 'if the judge uses the sentencing range as the beginning point to explain the
19 decision to deviate from it, then the Guidelines are in a real sense the basis for the sentence.'" *Id.*,
20 133 S.Ct., at 2083.

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22 Consistent with the principle that "the punishment should fit the offender and not merely
23 the crime," *Williams v. New York*, 337 U.S. 241, 247, 69 S.Ct. 1079, 93 L.Ed. 1337, the
24 sentencing guidelines provide the District Court policy "under which a sentencing judge could
25 exercise a wide discretion in the sources and types of evidence used to assist him in determining
26 the kind and extent of punishment to be imposed within limits fixed by law," *id.*, at 246, 69 S.Ct.
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1 1079, particularly “the fullest information possible concerning the defendant's life and
2 characteristics,” *id.*, at 247, 69 S.Ct. 1079.

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4 That principle is codified at 18 U.S.C. § 3661, which provides that “[n]o limitation shall
5 be placed on the information” a sentencing court may consider “concerning the [defendant's]
6 background, character, and conduct,” and at § 3553(a), which specifies that sentencing courts
7 must consider, among other things, a defendant's “history and characteristics,” § 3553(a)(1). The
8 Guidelines, which Booker made “effectively advisory,” 543 U.S., at 245, 125 S.Ct. 738, “should
9 be the starting point and the initial benchmark,” but district courts may impose sentences within
10 statutory limits based on appropriate consideration of all of the § 3553(a) factors, subject to
11 appellate review for “reasonableness,” *Gall v. United States*, 552 U.S. 38, 49–51, 128 S.Ct. 586,
12 169 L.Ed.2d 445.

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14 Based upon the foregoing, the court is asked to exercise its discretion and impose a
15 minimal sentence.

16
17 Dated: September 27, 2016

/s/ David A. Torres

David A. Torres
Attorney for Damacio Diaz

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September 27, 2016

The Honorable Lawrence J. O'Neill
Chief United States District Judge:

Name: Damacio Garza Diaz
Date of Birth: March 9, 1972

A psychological evaluation was requested by Mr. Torres, the defendant's attorney, for purposes of providing the Court with additional information about Mr. Damacio Diaz for his upcoming sentence hearing and hope it will be helpful to the Judge. I conducted a face-to-face psychological evaluation and criminal risk assessment on Mr. Damacio Diaz in my Bakersfield office. I reviewed the literature on good cops turning bad, and his Presentence Investigation report.

At the outset of the evaluation, the nature and purpose of this evaluation was explained to Mr. Diaz. He was informed about the referral questions to which I was providing my professional opinion, as well as the procedures that would be employed. I explained to him that my role was to develop sentencing recommendations based upon accompanying risk. He was also informed that the examination was not therapy, and that forensic examinations are not covered by therapist-patient privilege, but may be covered under other legal privileges. Mr. Diaz indicated a full understanding this information and agreed to proceed with the assessment. His identification was based upon his California Driver's License.

Background

I am a Clinical and Forensic Psychologist in private practice and am retired with the California Department of Corrections and Rehabilitations (CDC-R). I have been with CDC-R for the past 22 years. I was the Chief of Mental Health at Corcoran and North Kern State Prison for over ten years. I was a Forensic evaluator for the Mental Disorder Offender (MDO) unit where I evaluated mentally ill inmates convicted of violent and/or sex offense prior to their release from prison in assessing dangerous to the community. I have assisted Judges in determining whether an inmate was suitable for prison (Z-cases). I also evaluate and treat law enforcement officers through the Workers' Compensation system.

Charges and Convictions

On May 31, 2016, the defendant pled guilty to three counts of a sixteen-count Indictment. Count 3 charges Federal Programs Bribery, in violation of 18 U.S.C. § 666(a)(1)(B); Count 10 charges Possession and Attempted Possession With the Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §§846, 841(a)(1) and (b)(1)(A); and Count 15 charges Making and Subscribing a False Income Tax Return, in violation of 26 U.S.C. § 7206(1).

Method:

Clinical interview with Mr. Diaz on 9/26/16

Letter from Mr. Diaz related to undercover narcotic duties 9/26/15

Presentence Investigation Report

Letter of impact from his wife on 9/26/16

A Darker Shade of Blue: From Public Servant to Professional Deviant; Law Enforcement's Special Operations Culture by Louis Silverii, December 2011, University of New Orleans, Doctoral Dissertation.

Mitigating Factors:

The mitigating factors in this case include the defendant's positive community involvement, family support and responsibilities, military service, and non-existent prior criminal record, providing substantial assistance in a case against one of Pat Mara's friend who would receive the drugs, minimal risk for recidivism, and clearly accepts responsibility for his behavior.

Also for the Court's consideration is how a good cop can go bad and the dynamics involved in Mr. Diaz case and similarly noted by Dr. Stirelli in his doctoral dissertation. The goal is not to blame the Department, but help the Court understand the nature of Drug Cops and how it can lead up to deviant behavior. In addition, the collateral damage that is suffered by Mr. Diaz' family, most importantly his father, wife and children. Lastly, Mr. Diaz provided some insightful recommendations related to policy which can benefit others in preventing them from going down the same path.

Risk Assessment:

Level of Service Inventory-Revised (LSI-R) is a risk/need assessment instrument that was designed to assist in assessing the risk of re-offending, thereby allowing agencies to assign appropriate levels of risk/need and develop intervention/case-plans accordingly (Bonta, Andrews, 2001). This instrument was chosen because it yields a good assessment of risk for future criminal and hostile behavior and can be used in conjunction with the other assessments and interview data to support and overall risk assessment statement.

Mr. Diaz scored outside the areas of concern. The absence of a pattern of significant risk factors that are usually associated with persistent criminal and violent behavior patterns rendered a score outside the area of concern for this measure. The medium risk score on Alcohol and Drug problem

section reflects Mr. Diaz singular alcohol usage rather than a more complex multi-substance addiction. As a result, this measure indicates a minimum risk to the community for future criminal behavior. Mr. Diaz has the necessary family support and motivators to maintain a positive lifestyle during and after incarceration.

Collateral damage:

- According to Mr. Diaz, “I have lost so much since my arrest on November 20, 2016. My arrest was very public by broadcasting, releasing, and leaking information to the media. Some of the information they released was completely false with an agenda to make me the fall guy (scapegoat) and to take advantage of the media hype due to the McFarland USA movie I was a part of.

Almost immediately after I was arrested, the police department took steps to terminate my employment. I soon found myself without a paycheck and without a way to support my family. Because my arrest was so public, I found it very difficult to obtain employment in Kern County. Everyone knew who I was and what had happened. We didn't know what we were going to do. We have 4 children at home. I spoke with my father about my predicament and he offered me the opportunity to come and work for him. My dad is a farmer who farms almonds and is also a farm labor contractor.

I immediately accepted and began working for him the following day. Even though I was raised working in the fields and already had some experience doing that type of work, supervising various crews and dealing with the everyday problems that arise from dealing with people and their personal problems was something that I had to quickly learn. Things were progressing nicely. I was meeting numerous farmers who hired us to provide the labor force for them, I was learning all the different type of work my father's crews did, and I was beginning to get used to how my dad ran his business on a day to day basis.

- On June 4th, 2016, my dad fell off of a rooftop, 22 feet high. He fell backwards onto the concrete pavement. My dad is 76 years old and already a bit fragile. How he survived is a miracle. My dad landed on his lower side and shattered his left leg into numerous pieces. I wasn't present when it happened but was notified immediately and I took him to the emergency room. The ER doctor said the leg was so badly damaged there was nothing he could do. He sent my dad to an orthopedic specialist. Eventually, numerous pins and rods were inserted into his leg. Because of his advanced age, the orthopedic doctor had some concerns about how well the leg would heal.

Three months have since passed since my dad's fall. He is confined to a wheel chair and cannot leave the house on his own. My mother is also advanced in age and between the both of us, we take care of my dad. My mom cooks and prepares all of his meals. She also bathes him in an outside shower we constructed for him. I remove his bandages twice a day and clean the wounds around the rods and pins. Taking him to the doctor appointments are the only times he has left the house the past 3 months.

I spent so much time the past 20 years building my career in law enforcement that I neglected spending time with my father. I now realize how much wisdom he has to offer and truly look forward to driving to his house every morning as I prepare to go to work. My dad and I have gotten so close this past year and we have come to depend on each other for many things. He is the first person I turn to when I have something I need to discuss and figure out. He is the one I come to when I need wisdom and advice.

We recently met with the orthopedic specialist on Thursday, September 22, 2016. My dad was told his leg was not healing like we hoped and he would need further surgeries, including a bone graft. This was bad news because my dad will continue to be confined to a wheelchair for another 6 to 8 months, at a minimum. After that, he has a long, hard road towards recovery.

- If I were to be incarcerated, my dad's business would suffer greatly and would most likely be over. My dad cannot and will not be able to ever walk in an orchard or field again. His leg and foot was so badly damaged that any type of uneven ground will be problematic for him in the future. Both my parents are elderly and have worked very hard, in very tough conditions, to have all that they have now. My parents have been the only people who have been able to help me out during this horrible crisis. When I was arrested and had to come up with a half million-dollar bail, my parents put up their property to cover my bail. When the government put a lean on my property and threatened to seize it unless I paid \$129,000, my parents were the ones who scraped everything they had to put that money together.
- My parents have pretty much spent everything they had in savings to take care of my problems. If their business suffers, my parents will be left with no way to earn money and no way to continue living the way they do now.
- My wife will be a single mother having to work, take care of kids, and run our ranch on her own.
- My children will be without a father in their everyday lives and I know the risks of kids being raised without a father in the home. My parents will lose their business and their primary source of income.
- One of my biggest fears is that one or both of my parents will become sick and I won't be around to assist them and take care of their everyday needs. I greatly fear that they will pass away without me having the opportunity to be at their side.
- I lost some of the respect from my wife and family and brought shame and underserved negative public attention to my wife, my parents, and family.
- I lost my job as a police officer and my career in law enforcement.
- My reputation within the law enforcement community and the city of McFarland was ruined.

- There have been over 100 stories about me in the local media within the past year. Some of the media stories have been greatly exaggerated or completely false.
- Finding employment, with somewhat similar pay, has become impossible.
- The FBI seized my wife's vehicle, even though it was purchased well before I transferred to narcotics and even though I rarely drove it.
- I have been humiliated on social media by people who think they know what they're talking about and who base their gossip on the media stories.
- I lost every single one of my friends who are in law enforcement. For just about half of my life, I was a police officer. All of my close friends, the people I relied on and trusted to have my back and even take a bullet for me, abandoned me at the most critical time in my life. Not one single officer has called, emailed, texted, or made any effort to reach out to me. That really put things into perspective. I quickly came to realize that the most important people were my wife, children, and immediate family. Those were the only ones I could truly depend on."

Effect upon wife, Courtney Diaz:

"My husband and I have been married just over ten years. Any marriage can be tough at times, but the stress of being a cop's wife is at a completely different level. You worry constantly about his safety and the line of work he's doing. The stress escalated drastically when he began working in the vice and narcotics units. Those particular units, let's face it, are operated differently. I felt like I never really quite knew what he was doing during those long hours. Many times I would text or call and get no response for hours. At first I would get angry. Then unthinkable scenarios would flash through my mind. Has something gone wrong? Is he coming home to the kids and me tonight? When he finally did come home, I went back to being angry. He had become a completely different person than the man I married. He didn't have the common decency, love, or respect for me that he once had. I found out he often went out drinking instead of coming home after his shift or the case he was working. His family was no longer a priority. He began to shut me out due to his deep involvement with the unit, and I began to shut him out because of my anger, resentment, and lack of trust towards him. All lines of communication broke down, and we pretty much became roommates instead of husband and wife. This job and lifestyle took a devastating toll on our relationship.

After four long years in the vice and narcotics units, he transferred to the homicide unit. Slowly I started to see my husband transform back into the man I fell in love with so many years before. He was no longer the absentee husband and father but rather just the opposite. We started communicating again about our hopes, dreams, and desires for our future. He dreamed about owning property and raising our children away from the city life. We moved to McFarland with my in-laws in order to save money and build our home. There's not a whole lot to do in McFarland, and that was the best thing we could have done for our family. We were all able to reconnect and repair the damage that had been done.

My husband became extremely involved in our children's lives. He has really taken an active role in their upbringing. He takes our children to school each morning and picks them up in the afternoon. I'm a school teacher in Bakersfield, which is thirty minutes away, and I have to leave the house by 6:30 in the morning and don't return home until around 4:30. It's extremely difficult for me to miss work so my husband goes to most of our children's awards assemblies, on school field trips, and stays home with them when they are sick. He has become such a hands-on Dad. He has coached their baseball teams, basketball teams, and is currently coaching them for cross country. He is an integral part of their everyday lives.

It would be devastating for my children to have to be without their father. Their upbringing would be greatly affected if their father was absent from their day to day lives. I would also be greatly affected. I have nobody else who can do what he does and step into our everyday lives. I don't have anyone who can take my children to school, pick them up, or go to their events. By the time I get home, it's time to cook dinner, help with homework, make sure everyone has bathed, lay out clothes for the next day, and get everyone to bed. While I'm doing this, my husband is feeding over 60 animals on our ranch, doing all the watering, and making sure our finances are in order. I can't express to you enough how much we are a team. Both of our presence are necessary regarding the care of our children and the success and maintenance of our household.

My husband was born and raised in church, but while working undercover, he was a lost soul living in the dark. He has rekindled his relationship with God and found the light again. He has become a man of God that his family can once again admire. This all happened long before any charges were brought against him. I guess what I'm trying to say is he has changed. We are a united couple again who just want to raise our children."

Undercover Narcotic Officer Duties

According to Mr. Diaz, "When I transferred to narcotics, I lost my way and got sucked into this underworld of deceit and wrongdoing."

"As a narcotics detective who worked undercover and constantly interacted with informants and drug dealers, I became accustomed to living a double life. My wife and family were completely unaware of exactly what I did or how dangerous and risky my job had become. I never told my wife about my daily activities and always downplayed the role of an undercover detective when she or other members of my family would compare my job to that of a TV detective. When I first transferred to the unit, my bosses and senior detectives instructed me to never tell my family about what I was doing because it would possibly cause marital problems and other trust related concerns. I was taught that the less my wife and family knew about what I was doing, the easier it would be to explain myself should any questions arise.

The fact of the matter is, I was living a double life. When I initially began working undercover and buying street level narcotics, I began to receive a lot of praise from my supervisors and my peers. The DEA boss as well as my BPD Sergeant often invited me out drinking and would tell me how natural I was as an undercover and how far I could go by continuing to dive into the underworld of narcotics trafficking. Along with those praises and accolades came a lot of pressure to continue performing and producing high level results. I would sometimes be expected to do

things that were unnatural in the real “dope world.” My bosses expected and wanted me to set up large scale takedowns without putting in the work to earn the trust of some of those high level traffickers. Spending the necessary money to buy smaller quantities, which eventually would lead up to the larger quantities, became a problem because those in the higher positions within the police department didn’t understand how narcotics investigations were accomplished and refused to release some of the necessary funds to accomplish those larger scale takedowns.

In order to continue operating in that manner, I began taking a few shortcuts to satisfy and keep the bosses happy. I quickly learned that it didn’t matter what really happened or what we had to do to get there so long as the takedown in the end resulted in large seizures of currency and drugs. During my time in the narcotics units, the majority of the cases resulting in large seizures of money and drugs were cases that I brought to the unit. When the takedowns happened and we seized a lot of money and drugs, some of the department administrators, including the lieutenants, captains, and chief, were very quick to come down to our office and take pictures with me and the other detectives. The bosses would sometimes pose in front of the camera holding some of the weapons we seized while standing in front of big piles of drugs and money. I was constantly congratulated and told how great I was doing. At the same time, they would tell me they didn’t care what I had to do so long as I kept bringing in these types of cases.

While I was assigned to HIDTA, we were constantly allowed to go wherever we wanted and do whatever we wanted. Our Sergeant was an absentee. He wasn’t the type of man who liked to tell you what to do. He was a “hands off” type of person who only cared about the end result. My partner and I were given so much rope that we eventually hung ourselves. We started out doing small things like cutting corners, bending the rules, fudging on paperwork and informant payment receipts, and that eventually led to not booking narcotics. After a short time in the HIDTA unit, I found myself completely stuck in this dilemma that felt like quicksand. I didn’t know how to and couldn’t dig my way out. My partner and I were involved in things that seemed to suck me in deeper and deeper. I didn’t know how to get out of it. I often thought about talking to someone in high authority in the department about what we were doing but I knew I would surely be fired and possibly even arrested. I considered talking to my father about it but didn’t want to disappoint him and make him think I was a dirty cop. I talked to my partner several times about my fears and concerns but he kept telling me we were taken care. He often said things that led me to believe he was using some of the money we made and was taking care of the bosses. In turn, they would take care of us. Even though I knew what I was doing was wrong, I kept on because I felt I had no options. I had already crossed the line and had no other choice but to continue on until I could eventually leave the unit. I couldn’t even tell my wife what I was up to even though she knew something was going on.

It was during this same time period when I began drinking excessively to the point where I was getting drunk on regular basis. Often times, I was out drinking with my partner and other members of the unit, including the bosses. One particular boss was an alcoholic who drank on duty all the time. He lived about a mile from where I lived and I often was tasked with driving him home. I estimate I drove him home between 20 and 30 times in a year’s period. Most of the time we left his vehicle in the parking lot of the bar where we were drinking and I would pick him up in the morning on my way to work. Other times, I would drop him off at home and then drive back to the bar with another detective who would then drive his vehicle home. This was a routine. I had

gone from a person who never drank any alcoholic beverages to one who drank on a daily basis. One night, after dropping my boss off at his home, I was pulled over by a marked police unit from our department. The patrol officer and his partner immediately recognized how intoxicated I was and joked about it with me. One of the officers entered my vehicle and drove me home while the other officer followed us. That was a very low point in my life.

The drinking created many problems for me at home and at work. I started lying to my wife about where I was or what I was doing. I began mixing up my lies and dug myself deeper and deeper to the point where she no longer trusted me. I neglected doing paperwork and reports for work and when I finally got around to doing them had forgotten important details and had to guess. My boss would sometimes ask me to write police reports for my partner because he was too drunk to remember all the details or because I was a better report writer and would be able to paint a colorful picture in my writings. Things were very sloppy within the unit; however, we were very successful in our seizures and arrests. We led the Eastern District of the United States with the quantity of seizures both years I was in the unit and that is all that really mattered to our superiors.

Falling into this trap of bad behavior and risking your career and freedom can easily be avoided by following a few simple recommendations. The sole reason for this letter is to attempt to prevent any future officer, who might find themselves in similar circumstances as I did, from giving in to the peer pressure, the temptation, or thinking they can get away with bending or breaking policy. I know, from firsthand experience, how bending the rules on insignificant situations can eventually lead to much worse things like violating department policy and even breaking the law.

A Darker Shade of Blue: From Public Servant to Professional Deviant; Law Enforcement's Special Operations Culture, by Louis Silverii, University of New Orleans, Doctoral Dissertation.

“The sacredness of the (law enforcement) profession creates social autonomy protected by the officers' code of silence. Operating in this vacuum apart from public accountability fosters an environment for behavior outside of laws the institution is charged with enforcing. My research shows the process of occupational socialization ushers officers into a state of becoming blue, or the enculturation of expectant behavior and actions. I confirm that assignments into the Special Operations Group (SOG) facilitate a subculture separate and apart from the institutional ideals (Librett, 2006) and encourage a darkening of the shade of blue identifying officers with a labeling of deviance. While previous research identifies the code of silence as a by-product of the policing culture, my research identifies it as fundamental for maintaining the covenant of the dark blue fraternity.”

Dr. Silverii served over twenty years in law enforcement and 12 years in narcotics and 3 with the Drug Enforcement Agency (DEA). His highest position obtained was Chief of Police. He is author of the book Cop Culture; when Good Officers turn Bad.

Dr. Silverii studied four research questions:

1) Does assignment into the SOG cause perceptual changes specific to organizational allegiance that are detrimental to providing quality service to the public?

- 2) Does a liminal state of ideological transition occur during the SOG socialization process preventing the transfer back into more traditional roles of policing?
- 3) What are the effects of occupational socialization on the personal lives of law enforcement officers assigned to SOG?
- 4) What are the effects of occupational socialization on the professional careers of law enforcement officers assigned to SOG?

“In my opinion, it does not appear that the subculture of deviance is a result of personal or moral defect. There is an occupational dynamic associated with segregating specialized skill sets of Operators in an environment dominated by hegemonic masculinity.”

Dr. Silverii’s findings are consistent with Mr. Diaz’ experiences and how certain aspects of the law enforcement culture, especially the SOG undercover narcotics, can turn a good cop to bad.

‘Perceptual changes leading to deviance and violence occur for law enforcement officers during a trajectory of liminal thresholds. The experiential depth of cultural commitment spent behind the thin blue line promotes the crossing of perceptual thresholds along a path of antisocial conduct. The more years invested in the profession of policing, the more exposed to violence, and the more engaged in deviant behaviors the officer becomes, the greater his opportunity for liminal transitions leading to a disenfranchisement of the organization’s core ideology. The following studies describe how officers begin a journey of idealistic public servant that may devolve into professional deviants.

Studies by Obst, Davey and Sheehan (2005), Manning (1980), Ulmer (1994), and Librett (2006) describe trajectory of evolutionary periods in the careers of law enforcement officers. Obst, Davey and Sheehan (2005) show a causal relationship between attending a police training academy and increased alcohol consumption. Their longitudinal study uses a survey and structured interviews to examine police recruits for tracking increases in consumption patterns throughout their first twelve months in law enforcement. The survey verifies that as police training and experience increases so does the risk of harm from consuming alcohol.

Obst, Davey and Sheehan (2005) claim this increase is caused by the indoctrination of recruits into a culture of alcohol consumption driven by peer socialization, desire for acceptance and social clustering networks.

Canberra (1996) studied police as they compared to other occupations including transportation, health care, metal fabrication, hospitality and emergency services. Consistently, police officers reported higher consumption of alcohol rates than other professions. This research focuses on the culture’s need to consume alcohol as an element of socialization. Obst, Davey and Sheehan (2005) shows drinking subcultures are characterized by an environment stressing teamwork and peer pressure, and alcohol use is integrated into the job with a permissive attitude towards consumption. The nature of work leads to drinking off duty with peers to relax and debrief.

The permissive use of alcohol is not the only reason officers focus on the clustering aspects of socialization, the practice of consumption plays a role in solidifying peer relationships. Obst, Davey and Sheehan (2005), Canberra (1996), and Barker (2005) show the profession of law enforcement does impact the individual officer's level of risk for alcohol problems. The process of induction and enculturation suggests a strong correlation to influencing the officer's alcohol consumption and further validates the unique environment within which police officers operate, both professionally and personally. Further, they propose the act of consuming alcohol may serve as a gateway for more serious antisocial behaviors.

Janis' (1972) discusses the effects of groupthink on the deterioration of moral judgment and dehumanizing others to gain favorable opinion of those most like them. The components of groupthink are similar to the SOG subculture and are included to show the unique nature of "belonging". An example of the outcomes produced by a homogenous group binding together under the pretense organizational unity is policing's romanticism of its cultural similarities to the gang culture. Law enforcement promotes itself as the largest street gang in America and refers to itself as the Bad Boys.

To understand how once idealistic individuals fall victim to the professional deviance promoted by groupthink, Ulmer's (1994) work on labeling links associations with deviant careers leading individuals to become identified with that subculture. The identification with the label of deviance creates a deep commitment to the actions and association of that group. Ulmer (1994) argues that deviant careers and labeling processes can heavily influence career trajectories and claims disciplinary penalties imposed to deter deviance, can actually foster it. In addition, placement in an environment where deviance is the influencing force may lead to the development of deviance as a self-concept. This phenomena is similar to the officers assigned to SOG; although they serve in an elite unit of law enforcement, they are seen by non-SOG as "others". Because the SOG conducts legitimate policing functions using covert operations unknown to their fellow officers, they are perceived as "gray" cops existing too close to the unethical edge. Ulmer (1994) shows the effects of associating with a stigma of deviance may lead to an irretrievable investment into the label, thus strengthening the level of personal commitment to the career path, i.e. a darker shade of blue.

A final source of structural commitment or the external influence is the difficulty of terminating the line of action. The original target of Ulmer's (1994) study was the ethnography of a former outlaw motorcycle club (OMC) member who gave examples of the difficulty of getting out of the club. The subject in Ulmer's (1994) study explained that quitting an OMC often involves violent beatings, stabbings, shootings and the physical torture of removal by cutting off all club related tattoos. Similar to Ulmer's (1994) account of the OMC's difficulty exiting the club, my professional observations also show difficulty in terminating assignments into SOG except by poor performance reviews, disciplinary actions, or resignation. This makes leaving the SOG with honor a rare option and exposes the officer to a continuing deviant identity, making the liminal change of ideology possible. These examples demonstrate the effects of associating with a stigma of deviance leading to an irretrievable investment into the label, thus strengthening the level of structural commitment to the career path.

This review illustrates liminality and groupthink by finding oneself in a suspended state of being, or a transitioning phase of being neither here nor there relative to the personal identity versus the collective persuasion of an identity unaligned with organizational ideals. The research of Ulmer (1994), Obst, Davey and Sheehan (2005), Manning (1980) and Janis (1972) demonstrates the power of ideological transitioning within the law enforcement community and provides the conceptual basis for understanding the detrimental personal effects of becoming blue.

Cadets attending academy training unwittingly experience a liminal state during the occupational socialization process. The liminality is made possible by the vulnerable status of officers as the enculturation process overwhelms conventional norms with tradition, identification with deviance and a fraternity based upon secrecy.

These professionals pride themselves in running towards danger while others flee, but it is the emotional and psychological toll suffered while they run. The SOG Operator prepares for the physical demands of the assignment by regular and strenuous training, but it is the undetected effects described by Girodo (1997; 2002) causing the most personal and social harm.

The United States law enforcement profession employs over 800,000 municipal, county, state and federal law enforcement officers. From these ranks emerge the SOG without clear or consistent qualifications for selection and whose professional standards vary between jurisdictions. Girodo (1997) examines the most desirable characteristics required to choose a successful undercover agent. Since World War II, the United States government has worked to identify characteristics of an effective undercover agent for national and law enforcement interests. The duality of expectation begins when an officer is recruited based on performance measures to include good judgment and integrity and then asked to falsify his identity to misrepresent himself to others for the sake of detecting crime, and then is unable to return home to regular family life.

Girodo's (1997) study of two hundred and seventy-one undercover agents demonstrates that chronic exposure to undercover work causes psychological symptoms and that those agents with cognitive traits such as extroversion and emotionality are prone to excessive drug and alcohol use. He observes that undercover work becomes associated with an erosion of psychological, behavioral, and moral standards jeopardizing both health and police operations. Through the course of his observations and structured interviews, he identifies the conflict of living a double life. This causes SOG Agents who were under examination in Girodo's (1997) study to experience elevated symptoms resembling those of psychiatric outpatients.

In addition to his work describing the psychological harm associated with undercover operations, Girodo (2002) studied agents disassociation from self-identity and unprompted reappearances of altered identities developed for conducting undercover operations. He shows the occupational maladjustment, psychiatric disturbances and personality changes associated with undercover work. Those at highest risk for suffering this effect are the elite units within law enforcement such as SOG, who serve outside the traditional boundaries of policing. The acts of establishing deviant networks give rise to stress disturbances, corruption and perceptions of "self as unreal", along with paranoia and other troubles. Girodo (1997) also explores an element related to SOG length of time spent in assignment as linked to higher rates of corruption, disciplinary infractions and social detachment. This time-in-assignment effect is related to the occupational socialization trajectory

model influencing an officer's commitment to deviance as stages of liminality occur throughout the experiential course of a career.

Girodo (1997) and Fitzgerald (2002) illustrate that living on the fringe develops an antisocial effect on the officers that may lead to deviant, subcultural allegiance to principles separate and apart from organizational priorities. While Girodo (1997) focused on United States federal government undercover trainees, Fitzgerald (2002) applies her research to a municipal police department's undercover agents in the field of operation. By embedding herself into the police culture as a participant observer, she studies the SOG's close affiliation with the criminal lifestyle and the exposure to the drug culture to determine if they were impacted in beliefs, attitudes and behaviors.

Fitzgerald (2002) demonstrates through survey and interviews that while a patrol officer's performance is measured by anonymous activities such as writing tickets to motorists and making arrests, the undercover agent's performance is based on the ability to misrepresent himself for the purpose of establishing criminal networks leading to intelligence and arrests. Her results were similar to an earlier embedded study by Farkus (1983) of the Honolulu Police Department showing that agents experience stressors from undercover work manifesting itself as anxiety, loneliness, isolation, relationship problems and paranoia.

The phrase "don't be sheep" was shared in several interviews in different states, and I used it personally to end correspondence to other SOG during my career. The phrase to most people would seem pointless, but to those understanding their position in society's margins, it is a powerful reminder of their place in this world. It originates from a book on the psychological cost of killing and is an analogy of where law enforcement stands within a society. To law enforcement, peaceful and productive citizens are the sheep who never purposefully intend to harm another. Wolves, on the other hand are the violent chronic offenders preying on society. Sheepdogs are society's warriors standing in the gap when the wolves viciously attack the sheep. Sheepdogs remain in the margins until needed, but the mainstream flock of sheep never fully accepts them.

Their research is also consistent with the observations relative to social clustering, peer acceptance and groupthink. The cultural synergy leads SOG Operators to blend for acceptance even if it requires uncharacteristic antisocial behavior such as chronic alcohol consumption. This is yet another emerging code supporting the trajectory of socialization theme, as SOG enmeshes the drinking of alcohol with personal and professional activities.

The duality of conflict in becoming blue exists between loyalties to the subcultural fraternity or the institutional ideals of duty, honor, and service. The process of disengaging from the law enforcement institution intensifies the process of socialization. My research demonstrates the gang like clustering characteristics of the SOG. During an interview with a Florida SWAT Operator, he detailed the expectations of acceptance into the SOG. I ask a follow up question: "Like a club?" and he immediately snaps back: "More like a gang. You got rules and if you don't follow they kick your ass out. You run your face and you get blackballed. You learn the rules fast. It's great if you fit in, it sucks if you don't." His accounts reflect my own experience and illustrate the difference between assignment into SOG and acceptance by SOG.

Feldman (1976) and Ashford and Saks (1996) explain the negative impact of organizational isolationism for creating dissatisfaction and termination of employment. I ask a retired Louisiana SOG about the toughest part in working with non-SOG. His reply is a typical effect of the isolationist tactic; "I feel like I'm on a deserted island but I see everyone. No one sees me and probably don't give a rats ass who I am." SOG who becomes a darker shade blue, continue through liminal phases as they progress along the trajectory of socialization. An undercover narcotics agent in Arizona shares his struggles over maintaining the integrity he desires versus getting pulled into a lifestyle he wants to avoid:

I'm not like some of these cats who just do it for the rush, or the pain. They live to chase women and tell war stories after each night of partying. Hell, I find myself at the center of these stories, and I'm like, this ain't the me I want to be. He exemplifies the strain of subcultural socialization when he states: Just the peer pressure ... is crazy. Worse than any college frat I saw. I used to think if it's that bad then the guys should just quit. Then I realized that you can't. In a way you're trapped. It's a dishonor to quit. The three SOG all use powerful expressions (ex: like a gang, on a deserted island, ain't the me I want to be) that illustrate the internal difficulties of SOG socialization. SOG learn that exclusive membership to this subculture comes at a price. The unity of SOG creates an atmosphere of resilience and dependence upon each other. Operators cannot call upon the staff of the regular police to assist in most covert operations.

The trajectory of socialization is a complex process and includes many stages of liminal transitions occurring before full acculturation. During this process, the Operators develop an identity influenced by the fringe lifestyle of their peers. Part of this identity includes the expectation of entitlements associated with the assignment. Characteristics present themselves as organizational autonomy, disassociation with traditional uniformed police. Other characteristics include the mystique of SOG operations fanaticized by media portrayals, close association with living on the edge and risk taking, and the self-identification as existing outside the law. This attitudinal persona creates a loyalty to the SOG and a divide from others who threaten the existence, while hating the others to protect the fraternity comes easily. After fully actualizing the trajectory of socialization and the Operator assimilates into the subculture of the SOG, the individual perspective fades into a pack mentality. Prior individual creativity and initiative is replaced by following the rules, both formal and informal, and an ironclad code of silence. The ideological shifts manifest into various forms. While some may serve to improve an Operator's ability to cope with the stresses of the assignment, others become a detriment to their personal and professional lives. This ideological transformation ensures that Operators adhere to the expectant rules and behaviors that informally persist within the SOG to maintain internal and isolationist integrity.

Obst, Davey and Sheehan (2005) show the influence of academy training as the civilian is introduced to a culture where individual characteristics are forfeited for the sake of homogeneous cohesion. They show the cadet willing to engage in risky behavior for the chance to establish personal relationships and peer clustering. Canberra's (1996) study of risk taking behavior examines the post-academy phase, and that the behavior learned in the academy engrains itself into a continuation of evolving countercultural ethos. My third liminal benchmark relates to Feldman's (1976) actualization stage and Van Maanen's (1975) encounter stage where the reality of the culture begins to identify the identity of the officer.

Beginning from a civilian perspective of no experience in the policing profession, the officer can only enter, learn, and train once. These first three liminal trajectory transitions slides the officer along the scale towards becoming a solid blue shade. The officer, socialized to remain silent, begins to formulate the thin blue line's concept of "us versus them." My analysis, similar to Barker (2005) and Fitzgerald (2002) shows perceptual changes to be detrimental to the personal lives of Operators as evidenced by divorces, alcohol abuse, and the detachment from traditional social networking anchors. It is difficult to determine whether the quality of professional services is affected because of the subcultural characteristics. These challenges arise due to the nature of the SOG mission. The assignment requires Narcotics Operators to frequently associate with felons and drug dealers for the purpose of gaining criminal intelligence and arranging undercover operations. These associations involve the nurturing of relationships with confidential informants to establish a basis of trust between them. The difficulty is with determining whether the professional effectiveness is measured by the levels of associational depth with their criminal networks for disrupting criminal activity, or by the standards applied to the non-SOG for assessing the Operators conformance to traditional social expectations.

I found, as did Janis' (1972) examination of cohesive groups, that Operators may devolve into a deviant subcultural fraternity when associated with a purposeful segregation from the mainstream policing population, the homogenous environment of a high skill set unit assigned to a unique mission, and an autonomous culture of limited institutional accountability. Also reported by Ulmer (1994), the slide into deviance may be attributed to the daily exposure to the criminal elements they investigate, and the need to imitate the criminalistic, fringe lifestyle for the purposes of covert surveillance and undercover purchasing investigations. This exposure is similar to Ulmer's (1994) labeling of deviance through an investiture of the exposure to antisocial actions.

The descriptive findings express the negative effects of occupational socialization on the personal lives of law enforcement officers assigned to SOG. Queen (2005) and Librett (2006) describe the harmful results for families and friends as the Operator's commitment to the assignment requires them to choose the fraternity over the civilian networks. Feldman's (1975) "role management stage represents these costly effects as detailed by Johnson (1991) and Neidig, Russell and Seng (1992) report of law enforcement as aggressor or victim of domestic violence, alcoholism, divorce and Quinnet's (1998) account of an officer suicide rate over three times the national average.

The characteristics associated with SOG fringe and deviant behavior suggests that their personal lives are limited to associations within that restricted sphere of companions. Most admitted to isolation from mainstream society, diminished relations with family and friends, and the desire to remain in the company of their SOG "brothers." My analysis based on the Operators' admissions to the chronic use of alcohol, infidelity, and attraction to violence and risk taking show behavior non-conducive to traditional civilian interpersonal relationships to include wife, children, family, and social associations beyond those of law enforcement. The detachment from civilian moral anchors is consistent with the works of Johnson (1991) and Neidig, Russell and Seng (1992), Quinnet (1998), Queen (2005) and Librett (2006).

The subculture of the SOG fosters this homogenous membership of white alpha male Operators, who by the covert nature of their assignment are allowed extending degrees of latitude. This curiosity created by the secreting mystique of the SOG lends itself to an environment

nonconductive to traditional core values of duty, honor, and service. The detrimental aspect of this term is directed to the Operator, who may suffer great personal and professional expense by participation in the hedonistic subculture.

The question begs to be asked; “Why does SOG participate in deviant activities?” Because it can. Manning’s (1980) assessment of police violence as a societal necessity is accurate, but the SOG Operator does not have the luxury of his theoretical perspective. Society submits to this violence as long as it is not too severely dispensed; not exposed through media; or, not used against someone closely associated to them. The SOG, whose mission is to pursue the most violent criminals, are afforded operationally creative liberty to deliver their tactics centering on force meeting force. SOG Operators, just as I did, quickly realized the usefulness of violence as a resource.

It is my interpretation that the effects of groupthink, pack mentality and attractiveness to the perceived freedom of the others’ worldview, entices officers with certain personal characteristics to become SOG Operators. Occupational socialization is a powerful influence, and when metered out in unassuming stages of trajectories, it becomes difficult for detecting or preventing the detrimental effects.

Officers selected into the SOG are not made aware of the mental, physical and social effects of the subcultural socialization. Peer clustering is a behavioral pattern practiced through a lifetime of social interactions. The patterning of behaviors change to reflect the synergy of individuals interjected into the social arena.

I find that the subcultural SOG is a reflection of the manifestation of specialized skill set selection, the collective personal characteristics transformed during periods of liminal opportunities uniquely experienced in the SOG mission, and the institutionally autonomous operational environment of violence, silence, and risk. The SOG Operators were often dedicated to a fault, by committing themselves to the ideals of the SOG in the esprit de corps instead of the institutional core values.

Dr. Silverii’s Recommendations

I address two issues relative to the SOG’s subcultural disengagement from the core institutional ideas and mission. The first is the personal and the second is the professional effects on Operators. To lessen the personal impact of the subcultural effects, the individual officer willing to enter the SOG should be encouraged to have the full support of his social network system. His immediate and extended families, friends; both civilian and police peers, church and community service groups will anchor the individual in the civilian world. Law enforcement agencies should educate Operators about the detrimental effects of terminating these civilian social anchors, and encourage network building within the community.

If the officer accepts assignment into the SOG, law enforcement agencies need to encourage boundaries and limitations for SOG personnel. The SOG business office should be regarded as a professional work environment. The Operator will spend more time in that office socializing with his cohorts both on and off duty than with their respective families. This practice shows dedication to the team, but in actuality begins the process of selecting fraternity over family. The degree of personal relationships with other Operators should be limited for maintaining a healthy separation of work versus play expectations by the peer group. The main factor for minimizing the detrimental

effects to the officer's personal life is maintaining objective distance from the subculture of the SOG.

There is a point of diminishing professional work efficiency for the SOG in relationship to time-in-assignment. There is a peak window of opportunity between the energetic naïve rookie and the "been there done that" veteran. The Operator should be limited to an established number of service years in the SOG, as long as the service is productive and free of disciplinary actions. I spent twelve years in a multijurisdictional narcotics task force, with three of those years operating as an agent with the Drug Enforcement Administration Task Force. The subjects of my study also appear to slide deeper into a commitment of social deviance as their career longevity increases and the experiential intensity rises. While transferring Operators out of SOG might sacrifice a level of expertise, the ability to sustain an ethically high level of legitimate performance may be enhanced. The assignment over time becomes damaging y allowing the Operator, while initiating dangerous investigative cases, to cause irreparable personal harm. An alternative to the officer rotational practice based on time-in-assignment is the rotation of command staff every two years to ensure a fresh perspective. The commander should come from outside the ranks of the SOG.

A third alternative is to institute a strict hierarchical command structure with mid to upper level authorization afforded to a non-SOG supervisor. Placing administrative oversight outside the realm of SOG allows the Operators to train and conduct missions, but provides a constant reminder that they serve under the authority of the institution to support the core values of duty, honor and service.

A third suggestion is determining if policing's chief executives are aware of the deviant subcultures operating within the ranks of their agencies. There is an unofficial tolerance for the SOG since it is necessary for investigating the seriously chronic and violent offenders. If deviance is allowed within an organization because commanders do not have the SOG background for understanding the complexity of the subculture, it is the failure of the institution's executive level command. Conversely, commanders having SOG experience, yet allowing operational latitude because of a relational history also demonstrate executive level failure.'

Cops in prison

Mr. Diaz is likely to have safety issues in prison due to having been in law enforcement, but also as an undercover narcotics detective, who lied to gain the trust of criminal. His notoriety due to the Disney movie and media will make him a high profile target for other inmates. He will not know who to trust and will have to maintain his vigilance while incarcerated.

Recommendations

The following sentence recommendation for below minimum sentencing is based upon the literature on how a good cop turns bad and the current law enforcement practices of narcotics that contribute to deviant behavior. Although Mr. Diaz accepts full responsibility for his behavior, these are factors that should be considered along with the consequences upon his family.

The mitigating factors in Mr. Diaz' case include the defendant's positive community involvement, family support and responsibilities, military service, and non-existent prior criminal record,

providing substantial assistance in a case against one of Pat Mara's friend who would receive the drugs, minimal risk for recidivism, and clearly accepts responsibility for his behavior.

Also for the Court's consideration is how a good cop can go bad and the dynamics involved in Mr. Diaz case and similarly noted by Dr. Silverii in his Doctoral dissertation. The goal is not to blame the Department, but help the Court understand the nature of Drug Cops and how it can contribute to deviant behavior. In addition, the collateral damage that is suffered by Mr. Diaz' family, most importantly his father, wife and children. Lastly, Mr. Diaz provided some insightful recommendations related to Departmental policy which can benefit good cops turning to bad.

Greg Hirokawa, Ph.D.
Clinical and Forensic Psychologist
PSY 14394

TO: Lyle Martin, Bakersfield Police Department Assistant Chief

FROM: Damacio Diaz

DATE: 31 AUGUST 2016

Subj: Suggested Revisions to BPD Narcotics Unit Protocol

INTRODUCTION

The following is a summary of some of the policy violations I was involved in while working as a narcotics detective with the Bakersfield Police Department, specifically while assigned to the BPD Narcotics Unit and to the HIDTA (High Intensity Drug Trafficking Area) Task Force. The reason for this letter is to provide you with first hand admissions and examples of some of the policies which were violated by me and others. Also to provide recommendations on reviewing and possibly modifying some of the current policies, practices, and procedures of the BPD narcotics unit to ensure no future officer or detective will be able to engage in similar activity. I will also provide my opinion on practices which should be reviewed, changed, or completely done away with within the BPD narcotics unit.

This, in no way, is intended to put blame on any individual, unit, or supervisor. I am solely responsible for my actions, my choices, and my poor judgement. It is not the intent of this letter to name any other officer or detective who might have engaged in questionable behavior. The sole reason for this letter is to attempt to prevent any other officer, who might find themselves in similar circumstances as I did, from giving in to the peer pressure, the temptation, or thinking they can get away with bending or breaking policy. I know, from firsthand experience, how bending the rules on insignificant situations can eventually lead to much worse things like violating department policy and even breaking the law.

POLICY VIOLATIONS

- 1) **It is a policy of the Bakersfield Police Department to never meet with a registered or unregistered informant alone.**

I understand the reason for this policy, however; I often met with informants alone. Immediately after transferring to the narcotics unit, I learned that it was common practice within the unit to meet with informants alone. I saw it many times and discussed it with other detectives many times. Some of the reasons for meeting informants alone were:

- a. Because the other detectives were too busy or the detective didn't want to bother another detective to take time out of their busy schedules to accompany them to meet with an informant.
- b. Because some informants were not comfortable being around certain detectives (non-trust of white officers by Hispanic or Black informants) and it was easier to openly talk to the informant if they were alone.
- c. Because some detectives didn't want anyone else knowing who their potential targets were. Trust was lacking among detectives in the same unit.
- d. Because some detectives had personal dealings with an informant and didn't want anyone else to be around when the detective and the informant met.

- 2) **It is a policy of the Bakersfield Police Department to always have two detectives present when paying an informant.**

This also was rarely practiced. I personally paid informants alone many times. I would simply have another detective sign the witness form at a later time. I also signed the witness

form, indicating I was present and witnessed the payment to the informant by another detective, many times when in fact I was not present during said transaction. Because we were all friends and worked together, we often backed each other up and signed each other's forms after the fact. Often times, signing the forms was done days or weeks after the actual transaction took place. Having to turn in the forms on a monthly basis made it much easier to procrastinate on filling out the forms.

- 3) **Requesting funds from the unit sergeant to purchase drug samples (control buys) was often times inflated. Because the BPD narcotics unit pays informants so poorly, it was sometimes necessary to inflate the cost of the sample buy to have extra money to pay the informant.**

From the very beginning, I learned informants who were treated right and promptly paid were much easier to handle than those who were disgruntled and mistrusted the detective. It was a common practice within the narcotics unit to request an additional amount from the unit sergeant to cover the payment to the informant. For example, if the informant was going to purchase a ½ ounce of crystal meth from a drug trafficking target and the street value of the ½ ounce was \$300.00, the detective would put in a request for \$400.00. The sergeant would approve the request and give the detective the money. Now the detective would have an extra \$100.00 (off the books) to give to the informant. This is in addition to whatever the sergeant previously approved the informant would get paid for the control buy. The informant was happy and the sergeant had no idea what was happening. This practice was obviously much easier when the unit sergeant was either inexperienced, uninvolved, or unfamiliar with the current trends or street values.

- 4) **Within a few days of working in the narcotics unit, I was taught that because “control buys” were never prosecuted and the actual sample never tested, no one would ever know whether the actual sample was booked into the property room or if the item booked was something other than narcotics.**

There were times when the sample booked into the property room was something other than narcotics. Or often times, the sample was not booked in its entirety. Sometimes the detective would allow the informant to keep part of the control buy, as a form of payment for information he/she provided or for the informant making the buy.

- 5) **In an effort to catch bigger targets and seize larger quantities of narcotics, it was normal practice to allow certain informants to continue trafficking narcotics while at the same time working as police informants.**

The detective(s) would often times offer the informant advice, information, or even protection to help them remain actively involved in the drug game so they would provide valuable information on other targets. Often times, their competition was targeted to give the informant more freedom to operate and obtain valuable information.

- 6) **Sometimes, informants were not registered as informants to prevent any type of paper trail or because the unregistered informant had concerns about certain officers or detectives knowing they were informants.**

Whenever that unregistered informant provided information which led to the targeting of another drug trafficker, that “tip” or information was documented as having come from another registered informant and the sergeant was lead to believe the information came from the registered informant, when in fact it came from the unregistered informant, who was actually a drug trafficker. No one ever questioned or confirmed exactly where the information came from. Compensation to the unregistered informant was done in the form of favors from the detective, protection from other officers or agencies, or monetary payments off the books.

- 7) **Using patrol officers to conduct traffic stops on suspected drug traffickers, who the detective previously confirmed were transporting a quantity of narcotics, was sometimes done without the involvement of the entire narcotics unit and without the knowledge of the narcotics sergeant.**

Only certain “trusted” officers/detectives were allowed to have any involvement in the traffic stop and drug seizure. Sometimes the patrol officer making the traffic stop was fully aware of what was transpiring and sometimes the patrol officer making the traffic stop was only provided partial information. The patrol officer would arrest the driver for minor violations and the detectives would seize the narcotics. The patrol officer would complete a report on the traffic stop and minor violation arrest but would make no mention of any narcotics or the involvement of narcotics detectives. Other times, the patrol officer seized part of the total amount of narcotics present in the vehicle and arrested the suspect for transportation of narcotics but the rest of the narcotics in the vehicle were not seized by the

officer and were not mentioned in the police report. The unmentioned narcotics were instead seized by the detective. All patrol officers involved, who were in on what was taking place, were later compensated for their part. The patrol officers who didn't have prior information and were not part of the whole operation were never compensated and never told what was actually going on. They were left in the dark.

8) **During a “reverse operation,” a quantity of narcotics was checked out of the property room to show to a potential buyer who was interested in purchasing narcotics.**

After the reverse operation was completed, the narcotics were returned to the property room; however, the packages were no longer the same packages originally checked out. The original narcotic packages had been switched with a counterfeit substance packaged in similar fashion. The packaging of the counterfeit substance was made to look like the original packages checked out. The original narcotics were kept by the detective.

9) **Drinking on-duty.** It is not uncommon for narcotics detectives to meet at predesignated locations, be it someone's house, local bars or restaurants, to consume alcoholic beverages while on-duty. I was not much of a drinker prior to transferring to the narcotics unit but after gaining the trust of some of the more senior detectives in the unit, I was invited and regularly met with several other detectives to drink alcohol during work hours. These drinking sessions became a regular occurrence. Sometimes, we were accompanied by the narcotics sergeant, although, it was usually just a select group of detectives. Drinking alcoholic beverages during surveillances was also a common occurrence. Prior to

beginning the “follow” of a target, certain detectives would stop at a gas station or liquor store to load up for the long surveillance follow. Sometimes certain detectives would pair up in the same vehicle to conduct the follows and both would consume. Every time detectives were involved in assisting the Sheriff’s Department with Marijuana Cultivation Operations, we would load up an ice chest full of alcoholic beverages and consume during the operation.

POLICY RECOMMENDATIONS

I have outlined some of the common practices, behaviors, and policy violations I and other detectives in the narcotics unit committed on a regular basis. Now I would like to provide you with some ideas and recommendations on possible ways to curtail that behavior and prevent detectives from committing the same mistakes I made.

Referencing item #1 - detectives often met with informants alone. In order to prevent that from continuing to occur, the unit sergeant should be much more involved in the day to day activities of the unit. Simply engaging the detective and having a conversation about the contents of the informant meet and asking specific questions including: who was present, where it took place, what time it occurred, and what was discussed, will most likely deter the detective from even considering meeting the informant alone. Having conversations about the meet with both detectives who were present with the informant at separate times will let detectives know the sergeant is on top of things and they will not risk violating the policy. Having the sergeant periodically call an informant to inquire about the meet will also prevent informant policy violations from occurring because the detectives will know the sergeant might be calling their informant. The sergeant should often discuss and remind detectives of the dangers of meeting informants alone during weekly unit briefings. Having the topic briefed on a regular basis will

indicate to detectives the sergeant will become aware if someone violates the policy. Conducting “spot checks” by unexpectedly showing up or accompanying the detective to meet with the informant will also add the sense that the sergeant is engaged in their day to day activities. Having worked in various narcotics units and task forces for several years, I know from experience, that a narcotics sergeant will be much more successful if he/she is involved and engaged in the day to day activities of a narcotics detective. Most days, the narcotics sergeant remained in the office or at the police building and was completely unaware of where the detectives were or exactly what was going on within the unit.

Referencing item #2 – detectives often paid informants alone. This can be avoided by changing the policy and making it so a sergeant must be present during every transaction when an informant is being compensated monetarily. Informants are not paid often and having the sergeant present to personally witness the transaction would not be overly burdensome on the sergeant. The two detectives should still be the ones signing the payment form and paying the informant; however, there should be an additional line for the sergeant to sign indicating he too witnessed the transaction. This will prevent any question that the informant was paid and how much he/she received. Having such forms turned in at the end of shift, prior to the detective going home, will ensure the detectives fill out the forms while the information is still fresh in their mind. Waiting days or even weeks to turn in the required forms sometimes creates problems such as the detective confusing dates, times, case numbers, or even what amount was paid to which informant.

Referencing item #3 – Having a sergeant in charge of the narcotics unit who actually has experience working narcotics and is familiar with the current trends and street values will obviously make it much more difficult for a detective to consider inflating the price of a sample buy. Changing the policy so a sergeant must be present during a narcotics purchase, no matter how big or small, will also ensure policy is followed when informants are sent in to conduct a control buy. The sergeant should always be present during the initial meet with the informant (prior to the informant being sent in to conduct the buy) when the money and instructions are provided to the informant. The sergeant should also make an effort to be present after the control buy, when the detective debriefs the informant and collects the sample buy. Having the sergeant present will ensure department policy is followed and will make the sergeant aware of any issues or concerns the informant might have regarding the target, the location, or the operation plan. The sergeant should have conversations with the detective and the informant about current trends, street values, and possible concerns on an informal basis. These informal conversations will educate the sergeant and also give the detective and the informant the impression the sergeant is knowledgeable, interested, and in charge.

Referencing item #4 – not testing control buys. I understand the reason and necessity to not prosecute suspects involved in “control buys”; however, every single property item, containing a narcotic substance, should be tested to ensure it is actually a narcotic. The likelihood of an officer or detective manipulating a control buy, knowing it is going to be photographed, weighed, and tested, will be significantly reduced if a policy is implemented requiring this practice to be followed. Because of financial concerns, I don’t think it is necessary for the control buy to be sent to the District Attorney’s Crime Lab for examination; however, someone in the property room or

the department's crime lab, who has the knowledge and training, should perform a "field test or presumptive test" on every control buy booked into the property room to determine if the control buy actually contains a narcotics substance. That practice alone will be a big deterrent for any type of abnormal behavior by an officer or detective booking a control buy. I am familiar with several experienced informants who have worked for various BPD detectives who gave the detective a bindle/baggie containing counterfeit drugs after the control buy. These informants are aware of the BPD policy to not prosecute suspects involved in control buys. They are also aware of the practice to not send control buys to the Crime Lab for testing. Therefore, they take it upon themselves to make a counterfeit bindle/baggie and hide it on their person prior to the buy. Most detectives do not pat down or search informants prior to the control buy because they don't want to offend the informant or give them the impression they are not trusted. The informant's bindle/baggie contains a substance that resembles narcotics but is something other than narcotics. The detective never bothers to check the "drug sample" and never becomes aware it is not narcotics. The informants are "con-artists" and will take advantage of some officers/detectives. After the control buy, the informants give the bindle/baggie containing the counterfeit substance to the detective and keep the sample they purchased for their own personal use or to sell at a later time. A presumptive test would inform the detective that the control buy was not narcotics. The detective would need to follow up to determine if the informant switched bindles or if the drug trafficker sold them "bunk dope".

Referencing item #5 – allowing certain informants to continue operating as drug traffickers while at the same time working as police informants. The practice is much more common than anyone would like to admit. The entire time I was assigned to the narcotics unit, there were certain

informants that were given the freedom to operate and transact throughout the city and beyond. Putting the informants name, address, and other information into the WSIN (Western States Information Network) database would give the detective another added method to ensure the informant would be protected. If another officer or unit from within the department or from another agency came across information that the informant was involved in narcotic sales, they would check the WSIN database and learn the informant was already in the WSIN database. They would contact the detective who put his name in the database and that detective would instruct them to back off.

A senior detective or sergeant should constantly have discussions with detectives about their informants to determine whether the informant is following the rules and abiding by the informant contract. If and when another officer or detective obtains information that a particular informant is actively involved in any crimes, that officer/detective should immediately inform the narcotics sergeant and should be allowed to actively pursue that information to determine its veracity. The handler of the informant in question should not take it personally or interfere with another detective actively investigating the informant. The sergeant should have weekly briefings/meetings with all the detectives in the unit to discuss their informants and potential targets. The sergeant should regularly discuss team unity and discourage secretive competition amongst the detectives. Instead, he should encourage detectives to work together and help each other out. Detectives should be encouraged to allow other detectives to use/work with their informants. The informants should be made to work with other detectives. Especially if the informant is working off a criminal case. That informant should have no say in who he/she desires to work for.

Referencing item #6 – Initiating investigations from unregistered informants. For several reasons, some drug traffickers agree to become “police helpers” for certain detectives but do not want to be known as informants and do not want any type of informant paperwork to be completed. Those individuals have a large distrust of law enforcement in general but have a semi-trusting relationship with a particular detective. They agree with the detective to provide valuable information on other drug trafficking organizations or other drug traffickers within their own organization with the promise that no one, other than the detective, will ever know where that information came from. When the detective briefs the other members of the unit or the sergeant, he makes it appear as if the information came from a reliable informant known to the unit. No one ever questions the truthfulness of the information because that “reliable informant” is often providing valuable information. What the others may not know is that a large percentage of the information disseminated in the past, by this particular detective, may have in fact come from the unregistered “police helper.”

In order to continue receiving valuable information from the unregistered informant that often leads to drug seizures and arrests, the detective needs to compensate that unregistered informant. Many times, the compensation is made in the form of “favors” to the unregistered informant. There are several ways a detective can offer favors to an unregistered informant.

- a) Favors may be made by assisting the unregistered informant with a personal problem such as a domestic situation with a spouse, girlfriend, or family member.
- b) Favors may be done in the form of having a vehicle, which was impounded by another officer and is currently being stored, be released by the traffic division. The detective will simply contact a trusted friend in the traffic division and request the impounded vehicle be

released. Often times the traffic officer will be told there is a narcotics investigation which requires the vehicle to be released. That vehicle may be the unregistered informant's or someone who is important to him/her.

- c) Favors may be made by targeting a drug competitor who is affecting the profit margin of the unregistered informant.
- d) Favors may be made by contacting an Immigration/Customs Agent and having them assist in obtaining a temporary or permanent visa for the unregistered informant or a family member.
- e) Favors may be made in the form of protecting the unregistered informant from other officers or other investigation units who may have desired to initiate investigations into the unregistered informant's drug trafficking operation, including his "runners," "mules," or family members. This can be done by using WSIN to become aware if someone else is looking into the unregistered informant. Constantly speaking with other detectives and officers who you know are proactive will usually make you aware if your unregistered informant's name has come up. If you become aware that your unregistered informant is being looked at, you would normally make the unregistered informant aware of the investigation and advise him/her on what steps to take in order to avoid being arrested.

Referencing item #7 – Sometimes detectives contacted certain patrol officers and requested they conduct traffic stops on vehicles whom the detectives had prior knowledge the drivers were transporting a quantity of narcotics (wall stops). The reason certain patrol officers were contacted via their personal cell phone was because the patrol officer was trusted and the detectives knew they wouldn't ask too many questions and would go along with whatever the detective asked them

to do. The patrol officer was asked to conduct a traffic stop on a certain vehicle at a predesignated location. Prior to the traffic stop, the detective would already know who the driver was and whether the driver had a valid California license and whether the driver was in the country illegally. The patrol officer was told to contact the occupant(s) and remove the occupants from the vehicle. Once the driver was placed under arrest for driving without a valid license, the patrol officer was told to request a tow truck for the traffic impound. Prior to the tow truck arriving, a detective would search the vehicle and seize the narcotics. The driver was not charged with the narcotics and only charged with the traffic violations. Most times, an immigration hold was placed on the driver by the ICE agent reviewing all booked subjects into the county booking facility. The patrol officer was told to never mention anything about the detectives or the narcotics which were seized. Sometimes the officer was given a monetary gift for his cooperation in the traffic stop.

Detective vehicles do not have GPS devices installed and a detective can go anywhere and do whatever they want without anyone really knowing where they are. Having a GPS device in the detective's vehicle, which can be accessed by a watch commander or narcotics sergeant at any time, would be a big deterrent in detectives involving themselves in illegal activities. Patrol sergeants should conduct periodic training with patrol officers explaining the concept of a "wall stop" and make it clear to every patrol officer that "wall stops" should only be conducted with the prior approval of the patrol sergeant. The police department would benefit from having a written policy which clearly states that any detective wishing a patrol officer conduct a "wall stop" need prior approval from the patrol officer's direct sergeant. And that any patrol officer conducting the traffic stop for the detective verbally code off on the appropriate radio channel. The policy should also clearly state that a patrol sergeant should approve the arrest of the suspect targeted in the "wall

stop” in person, meaning the patrol sergeant should respond to the location of the “wall stop” to ensure policy was followed.

Referencing item #8 - Checking out narcotics from the property room for a reverse operation. During a reverse operation, it is necessary to check narcotics out of the property to be used in the operation. Sometimes, the property clerk checking the narcotics packages out isn't the same property clerk when the packages are being checked back in. The property clerks have no idea what is in the packages being returned to the property room. All they are concerned with are whether the case numbers match and whether the property numbers on the packages being checked back in match the property log.

In order to avoid the likelihood of the detective, officer, or property clerk making any mistakes or there being any question that the item being returned is the same item that was originally checked out, a property room manager should be present, along with the property clerk filling out the paperwork. The narcotics sergeant should also be present with the detective requesting the item. The property room manager and the narcotics sergeant should both be present during the check-out and again when the item is being returned. A presumptive test should be performed on every package being re-booked to ensure it contains a narcotic substance.

Referencing item #9 – Drinking on-duty. Drinking during work hours may occur even when detectives are not assigned to vice/narcotics but it is much more prevalent among detectives assigned to vice/narcotics. I worked as a BPD detective for over 10 years and periodically became

aware of a detective assigned to units other than narcotics sometimes drinking during work hours. But when I was transferred to Vice and then to Narcotics, I saw how this sort of behavior was normal. After a short while of being in the unit, I was invited to participate in some of the afternoon social gatherings where detectives would congregate to drink alcoholic beverages. These social gatherings were usually in small bars or restaurants. Sometimes, the unit sergeant(s) would be present. I also learned that drinking during “follows” or while on surveillance was common amongst certain detectives.

In order to deter this type of behavior, the narcotics sergeants should take a more proactive role in discussing the seriousness of drinking while on duty. The sergeants should immediately contact an officer or detective whom they suspect of having consumed alcoholic beverages and take the appropriate action. Sergeants should never participate in social gatherings when drinking is taking place during work hours. This will only encourage detectives to continue with that behavior. If a sergeant learns that a detective has an ice chest in their vehicle or is constantly stopping at liquor stores or gas stations prior to long surveillance operations or follows, the sergeant should carefully and un-accusatorily meet with the detective to attempt to find out if the detective is in possession of alcoholic beverages. If so, appropriate action should take place immediately.

These are some of the behaviors I and others engaged in during my tenure in the narcotics unit. The lax environment, the unwillingness of supervisors to become involved in the day to day activities, and the attitude that this is how narcotics detectives behave is what encouraged this type of bad behavior. Even though I am no longer a police officer, I have a great deal of respect and

admiration for those who continue to walk the beat. I pray no other BPD officer will ever have to go through the humiliation and personal attacks I received based on my poor choices and actions. If these suggestions will be considered and prevent another officer from walking down that slippery slope and eventually crossing the line, then this letter was worth writing. If you should have any questions of me or would like to discuss it in more detail, please feel free to contact me at your convenience.

Respectfully,

Damacio Diaz