Cops frequently allowed to trade licenses for plea deals

Christopher Collins; Abilene Reporter-News, Texas

Sept. 07--ABILENE, Texas -- [Ed. note: This story is the third in an ongoing series investigating misconduct at Big Country law enforcement agencies. Visit reporternews.com/abovethelaw for more stories, stats, videos and more.]

Big Country law enforcement officers sentenced for criminal offenses rarely do any prison time, and sometimes are allowed to trade in their professional licenses in return for lenient sentences, a Reporter-News investigation found.

The six-month probe found that officers charged with offenses such as driving while intoxicated, planting evidence, bribery and rape were offered plea deals by prosecutors, sometimes at the urging of the Texas Commission on Law Enforcement, which regulates law enforcement agencies in the state.

Generally, officers who plead guilty as part of a deal are sentenced to probation, despite the fact that some of the offenses carry a maximum punishment of decades in prison. Of the 15 Big Country officers sentenced in criminal cases since 2008, only two have been sent to prison.

One of those prison sentences, in which an officer was convicted of bribery, was only for six months. The other, a child molestation case, drew a 50-year term.

"When you’re dealing with police officers who have broken the law, most of them are going to want a deferred adjudication,” said Jones County District Attorney Joe Edd Boaz, who has tried at least two police misconduct cases and is currently prosecuting a third. “Whenever you have a dirty cop, it’s already a bad situation. You have to make the best of a bad situation.”
A PERMANENT SURRENDER

In about a quarter of the Big Country misconduct cases in which cops were sentenced, officers were allowed to trade in their professional licenses in exchange for leniency in sentencing. This process is termed a “permanent surrender” of a license, said Laura LeBlanc, spokeswoman for the Texas Commission on Law Enforcement.

Through this system, bad cops are prevented from working in law enforcement ever again, but also may bear the full brunt of the law.

LeBlanc said her agency encourages prosecutors to offer deals to some officers faced with criminal offenses. Not only does it cut down on trial costs, but it keeps the commission from having to take action on an officer’s license after a conviction occurs.

“It saves time for us,” LeBlanc said.

The number of permanent surrenders of licenses in the state was at its highest in 2011, in which 81 of the agreements were made. As of this month, there had been 71 surrenders made this year.

In 2012, TCOLE opened a case against 64-year-old Terrell Dickerson, accused of raping a female coworker while he was a captain at the Erath County Sheriff’s Office.

Court records indicate Dickerson and the woman were touring the construction site of a new jail when he pulled down her pants and raped her. “I can burn you. Remember this is OK,” Dickerson is reported to have told the woman.

After being indicted, Dickerson was offered a deal by prosecutors. Though he faced a charge of second-degree felony sexual assault -- which carries a maximum punishment of 20 years in prison -- Dickerson was allowed to plea to a lesser offense, official oppression, a Class A misdemeanor. After giving up his license, the man was sentenced to two years probation.

Rob Christian, Hood County district attorney, served as a special prosecutor in the case. He said one reason he offered Dickerson the deal was to shield the public from the sordid details of the case.

During an interview, Christian said he “didn’t want to go into” the specifics of Terrell’s prosecution, but called the deal “appropriate.”

Also in 2012, Shackelford County sheriff’s deputy Steve Huckabay was charged with aggregate theft. He pleaded guilty to the offense, gave up his license and was sentenced to six months probation.
In 2013, Coleman Police Department officer Gary Berry was charged with stealing a gun from an evidence lockup and was sentenced to two years probation after trading in his license as part of a plea deal.

LET’S MAKE A DEAL

Though District Attorney Boaz said he thinks cops should be held to a higher legal standard, the prosecutor has offered plea deals to at least two police officers.

In the 2011 case of William Glass, a Haskell police officer who planted methamphetamine on an innocent person after a traffic stop, Glass accepted Boaz’s plea deal of seven years probation. While at the department, Glass also was accused of ordering the illegal strip search of two women and a juvenile girl at the county jail.

In 2009, Hamlin police officer Joshua Coffee was charged with two felony counts of theft of a firearm, harassment and possession of marijuana. Boaz’s office offered a deal of two years court supervision, part of a pre-trial diversion program, if Coffee gave up his license.

All of the charges except the misdemeanor marijuana charge were dropped when Coffee accepted the deal, which included a provision that Coffee’s criminal record will be expunged if he completes the program.

But not everyone in the legal community agrees with this practice. David Gonzales, a defense attorney and law professor University of Texas at Austin, said law enforcement officers “should be held to a higher standard.”

”The amount of power and discretion that we give police officers in our country is incredible,” he said. “And when you break that trust, we expect more than just turning in your license.”

In exclusive Reporter-News interviews, both Glass and Coffee maintained their innocence, saying that they didn’t have the resources to fight the charges leveled at them. Glass said that in his case, Boaz pushed a deal on him, whereas Coffee said that the deal was his idea in his own case.

”They said ‘We want you to take this plea to get out of Haskell. So I took that,” Glass said. “It was the hardest thing I’ve done. Now I’m screwed and there goes my career.”

Coffee, on the other hand, said he suggested the trade of his professional license for a reduced sentence because he had no interest in continuing to work in law enforcement.

”I told them they could take that license and shove it up their ass,” he said. “I didn’t want to be a police officer ever again, so I didn’t really care.”
But the plea deal may have been the result of a flubbed investigation by authorities, according to a court transcript of Coffee’s hearing obtained by the Reporter-News.

In the transcript, 259th District Court Judge Brooks Hagler noted that the deal was the result of “what I would consider to be a series of problems or... issues with these cases,” a reference to an off-the-record conversation he had with Boaz and Coffee’s attorney.

“’That would be accurate, your honor,” Boaz replied.

Later, the judge noted how good a deal Coffee was getting, saying, “The pretrial diversion, Mr. Coffee, especially for someone in your shoes is really -- it’s a great opportunity for you. Do you understand that?”

“Yes, sir,” Coffee replied.

SENTENCES CUT SHORT

In Brown County, two jailers who brought contraband into the jail for inmates accepted plea deals of two years probation after agreeing to give up their professional licenses. But Joshua Crowder and Jason Behler didn’t serve the whole two years -- a district court judge ordered that their probation should end after only seven months, “in the best interests of both society and the defendant(s),” according to court papers.

In addition to the cases of Crowder and Behler, court documents show that at least one other Big Country officer had his probated sentence ended early.

In 2008, Hardin-Simmons University police officer Michael Tipton pleaded guilty to a charge of deadly conduct after firing a gun at a home with five people inside of it. The man was sentenced to six years probation, but only served a little more than four years before a court order cut the sentence short.

“It is outrageous that someone who has something to trade, whether police officer, lawyer, doctor, or any other licensed professional, get treated more leniently than others,” said David Dow, a law professor at the University of Houston. “If anything, those who have received something of value from the government should be held to a higher standard, not a lower one.”

CHARGES DROPPED

In at least half of the 64 Big Country criminal misconduct cases opened by TCOLE since 2009, initial charges brought against Big Country law enforcement officers were not filed or were dismissed by district attorneys’ offices. The reasoning for dropping charges, however, is not always apparent.
"A police officer loathes to file a case against another police officer," said David Gonzales, the UT law professor. “As a result, they err on the side of not filing cases unless there is overwhelming evidence of guilt.”

Though TCOLE can temporarily suspend the license of an officer charged with a felony, it cannot take final action until an officer is convicted, meaning officers charged with misconduct are allowed to stay in the workforce if charges against them aren’t filed with the DA’s office or are dismissed.

In 2009, Brownwood police officer Michael Clark was charged with assault family violence, public intoxication and disorderly conduct, according to court documents.

The incident was in connection with a fight Clark -- who was married at the time -- had with his girlfriend, Assistant Chief of Police James Fuller said. The more serious assault charge was dropped when Clark pleaded guilty to public intoxication and disorderly conduct, court documents indicate.

Following the incident, Clark resigned from the Brownwood PD and was hired by the Seymour Police Department in North Texas, where he continues to work.

In 1995, TCOLE implemented rules barring officers convicted of Class C misdemeanors -- such as public intoxication and disorderly conduct -- from staying in the workforce. But those requirements were lowered in 2001, keeping only officers convicted of Class B misdemeanors and above from working.

The agency has adopted special rules, however, regarding officers convicted of domestic abuse. If Clark had been convicted on the assault family violence charge, he would have been barred from working in law enforcement.

"We were told that that situation (in Brownwood) had been cleared and he had been vindicated,” said Seymour Police Chief Mike Griffin when asked about Clark’s criminal history.

Court records do not bear out any vindication on the charges that were not dropped.

Fuller said he was contacted by the Seymour Police Department before Clark was hired there, part of a state-required background check. He recalled the Seymour employee conducting the check telling him that it didn’t matter what infractions Clark had committed while in Brownwood -- the agency was going to hire him regardless.

"It was a very short phone call,” Fuller said.
When asked about that allegation, Griffin said, “I’m not going to say (the background check) couldn’t have been done better.”

Clark did not return Reporter-News requests for comment.

In 2009, a Sweetwater police officer was charged with driving while intoxicated, but was allowed to continue working for the department after charges against him were dismissed.

Also in 2009, a charge against a Haskell County Sheriff’s Office jailer was dropped. She was charged with giving oral sex to a prisoner at the Rolling Plains Detention Center. She pleaded guilty to a separate charge of providing a cellphone to an inmate and was sentenced to six years probation.

In 2010, charges against a Shackelford County sheriff’s deputy were dropped. He was charged with operating a security company without a license and impersonating a security guard. He resigned shortly after and is now employed at a law enforcement agency out of the area.

If you have any tips or leads regarding police misconduct in the Big Country, please submit them at reporternews.com/abovethelaw. Submissions may be made anonymously.

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