

Dallas Morning News—June 28, 2005

Staff Writer—Robert Tharp Staff writer Jason Trahan contributed to this report.

2 MORE SETTLEMENTS FINALIZED IN FAKE-DRUG ARRESTS

Dallas: Scandal's cost now near \$8 million; 3 other lawsuits remain

The cost to taxpayers for the 2001 Dallas police fake-drug scandal has risen to nearly \$8 million after city officials quietly approved two more settlements related to a series of fraudulent drug arrests.

City leaders have agreed to pay \$460,000 to Betty Ann Jenkins to settle her federal lawsuit. Ms. Jenkins pleaded guilty to her drug charge in 2001. She has said she feared a jury would not believe her word against that of Mark Delapaz, a former narcotics detective, and had hoped to receive probation and drug treatment. Instead, she was sentenced to 15 years in prison.

Ms. Jenkins served more than four months in prison before a lab test found that the drugs Mr. Delapaz claimed were seized from her were little more than crushed pool chalk.

Ms. Jenkins' attorney, **Don Tittle**, said his client is elated by the settlement and plans to use it to put her life back together.

"It's going to change her life," **Mr. Tittle** said. "She just couldn't believe it."

The city also approved a jury trial award of \$406,500 to Abel Santos. As the losing party in the trial, the city was ordered to pay an additional \$79,000 in attorney fees.

The latest round of settlements brings the city closer to closing a chapter on the scandal. Three lawsuits related to more than two dozen bogus arrests remain active.

In April, Mr. Delapaz was convicted of lying to a judge about a search warrant and was sentenced to five years in prison. He remains free on bail while appealing his conviction.

Prosecutors say they plan to try Mr. Delapaz on more than 10 other felony indictments related to his work with a group of crooked confidential informants that resulted in the arrests of innocent people. Three other former officers and five informants also face criminal charges.

Two police officers still on the force are the subjects of internal investigations. Dallas Police Chief David Kunkle reviewed Sgt. Jack Gouge's case in a hearing Friday but as of Monday had not made a decision on any discipline. Sgt. Gouge was Mr. Delapaz's direct supervisor and signed off on the detective's reports.

Senior Cpl. Larry Moses, whose testimony in Mr. Delapaz's federal trial conflicted with other statements he has made about his role in one of the drug busts, is the only other officer under internal affairs investigation for his role in the arrests. A police spokeswoman said Monday that no hearings had been held or scheduled in his case.

Dallas Morning News–May 21, 2005

Staff Writer–Robert Tharp

MAN AWARDED \$406,500 FROM FAKE-DRUG ARREST

Bulk of jury decision was for mental anguish in phony setup

Federal jurors deliberated about four hours Friday before awarding \$406,500 to a 30-year-old man falsely arrested by Dallas police in the fake-drug scandal.

The bulk of the award was for mental anguish suffered by Abel Santos after crooked police informants fabricated phony drugs and set him up for arrest in July 2001. He was jailed for nearly four months.

Mr. Santos' attorney, **Don Tittle**, said the judgment was "satisfying" because the two sides had failed to reach an acceptable monetary settlement that would have avoided a trial. He declined to discuss how much city officials had offered Mr. Santos to settle, but he said it was significantly lower than the amount the jury awarded.

Mr. Santos, who moved to the United States with his family when he was 10 and was deported to Mexico after his arrest, was one of a handful of victims of the police scandal who did not reach settlements with the city. His is the first of those cases to go before a jury.

The city has agreed to pay out \$6.75 million in settlements to 19 other people wrongly arrested during the scandal.

The city's price tag from the Santos judgment could increase significantly in the coming weeks. As the loser in the court battle, the city will be required to pay Mr. Santos' legal fees, as well as those of co-defendants Mark Delapaz and Eddie Herrera, the police officers who arrested Mr. Santos.

City officials could not be reached for comment late Friday.

Evidence in the trial mirrored Mr. Delapaz's criminal trial earlier this year in which a jury convicted him of lying to a judge in order to obtain a search warrant. He was sentenced to five years in prison but remains free while the case is under appeal.

During that criminal trial, Department of Public Safety investigators who conducted a probe into the scandal described how details of drug busts described in Mr. Delapaz's reports were improbable and that they believe Mr. Delapaz lied about key details in his arrest reports.

Mr. Delapaz and former narcotics division colleagues Mr. Herrera, David Larsen and Jeffrey Haywood refused to testify in the trial, citing their Fifth Amendment right against self-incrimination. The officers' former supervisor, Sgt. Jack Gouge, also declined to testify.

Mr. Herrera, Mr. Larsen and Mr. Haywood face state charges for their roles in the bogus drug cases. No trial dates have been set in those cases. Six confidential informants are also facing criminal charges stemming from the scandal.

Dallas Morning News—February 18, 2005

Staff Writer—Matt Stiles

FAKE DRUG CASES SETTLED

City to pay \$5.6 million in lawsuits stemming from false arrests

Dallas has agreed to pay about \$5.6 million to settle most of the federal lawsuits stemming from the police fake-drug scandal, said several people familiar with the deals.

The settlement includes 16 of the 24 plaintiffs who have filed lawsuits alleging that narcotics officers and their supervisors violated their civil rights in the series of 2001 arrests in which paid police informants planted bogus drugs on innocent people.

City Attorney Madeleine Johnson, who has supervised the settlement talks and is expected to announce the settlements today, could not be reached for comment.

The cost to dispose of the cases before trial would be one of the largest legal payments by the city in recent memory. The city agreed several years ago to pay \$5.5 million after several police supervisors sued after demotions by former Chief Terrell Bolton.

The cost of the fake-drug cases could grow if the remaining plaintiffs settle or win claims before juries. "This is a great start to closing the chapter and putting the litigation behind everyone," said plaintiffs attorney **Don Tittle**, who got agreements for 12 of his 19 clients but declined to disclose the amounts. "But it's not over until the city decides to address the remaining cases of the other victims," he said. "Until those cases are resolved, the city still faces some tremendous financial exposure."

The settlements, which were partially revealed last month, are no surprise. Two lawyers hired by the city to investigate the scandal released a scathing report stating that poor police supervision and shoddy detective work in the department's narcotics division led to the false arrests.

Those arrests fit a pattern in which a cadre of corrupt informants hired by narcotics officers planted bundles of a white powder, sometimes billiards chalk, on immigrants, most of whom were Hispanic. That led detectives to make false felony arrests.

Three informants went to federal prison for the scheme. They and others also face related criminal charges in state court.

Several former narcotics officers are accused of evidence tampering related to police reports. The detective at the center of the arrests, former Senior Cpl. Mark Delapaz, is scheduled to go on trial Feb. 28. No official has alleged that officers knowingly jailed innocent people.

Sources said the settlement payouts to specific plaintiffs varied greatly, from about \$100,000 to nearly \$500,000.