

U.S. Attorney's Report to the District

When Cops Become Defendants

The primary mission of the U.S. Attorney's Office is the fair and just enforcement of our nation's federal laws. We could not even begin to fulfill that mission without the dedicated service of our partners in federal, state and local law enforcement. One of the great privileges of serving in the U.S. Department of Justice is the opportunity it provides to work hand-in-hand with the people who put their lives at risk every day in order to keep our communities safe.

The high regard that we hold for those in law enforcement makes it particularly hard to confront those cases in which officers break the law and fail to live up to the examples set by their peers. Some of the most difficult prosecutions we handle are cases in which we bring criminal charges against members of law enforcement. But difficult as they are, such cases are among the most important that we prosecute, and we are well-suited to handle them.

These cases are important because ensuring that *all* people are accountable to the law is critical to the credibility of the justice system in which we function. Respect for the law breaks down when it appears police officers can violate the law with impunity. Our office is well-suited to handle such cases because we have the resources and the expertise to conduct these investigations, and because we are independent from the political and administrative influences that can hamper a thorough investigation into police misconduct. As an appointee of the President, I have broad discretion and the ability to pursue unpopular prosecutions without fear of repercussions.

We have been particularly active in recent months with cases involving law enforcement defendants. Last month a U.S. Postal Inspector was sentenced to three years in prison for stealing mail and trafficking in marijuana. The month before that, a Deputy U.S. Marshal stationed in Miami pleaded guilty to conspiring to commit armed robberies of marijuana dealers in this district. In November, our office obtained an indictment against a veteran Bakersfield Police Department detective on narcotics and corruption charges. Earlier in 2015, a Sacramento County Sheriff's Deputy was convicted of illegal gun trafficking after a jury trial; a Fresno PD detective was sentenced to two years in a corruption case; a San Joaquin County Correction Officer was charged in a firearms case; a Yuba City PD officer was charged in a narcotics case; and the Deputy Chief of the Fresno Police Department was charged in another drug case. Other members of law enforcement have been convicted in this district recently in civil rights and mortgage fraud cases.

Prosecuting law enforcement officers poses challenges unlike those in other cases, and not all prosecutions are successful. Despite two lengthy trials conducted together with colleagues from the Civil Rights Division, for example, four police officers charged in an excessive force case were acquitted in 2014.

In investigating these cases, we rely heavily on the FBI, often together with other federal agencies such as DEA, ATF, IRS, or Homeland Security Investigations, depending on the nature of the conduct. In 2014, when we prosecuted an FBI Special Agent in a case involving the illegal structuring of financial transactions, agents from the U.S. Department of Justice's Inspector General played a key role. But we also rely upon some of the very same state and local law enforcement agencies that employ our defendants. Indeed, some of our most tenacious investigators in these cases are from those agencies. Because community trust is the critical currency with which a law enforcement agency operates, no one has a greater interest in seeing law enforcement malfeasance rooted out than the affected agency itself. Officers feel a deep sense of betrayal when a colleague violates that trust. The badge that is tarnished by the crime is their badge, too.

When an Anderson Police Officer was sentenced to prison recently in this district for sexually assaulting a woman he had arrested, one of the victims who addressed the court was the Chief of the Anderson Police Department. He spoke movingly and with passion about the harm that the defendant's conduct had caused to the reputation and morale of the entire agency.

Our office prosecutes many types of crimes. Few are more important than those involving crimes by members of law enforcement.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

United States Attorney

Benjamin B. Wagner