

3 dozen deputies hired with troubling records

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Rene Lozano Jr. once lost control of his patrol car while chasing a traffic violator. The vehicle slammed into a utility pole, fatally injuring a rookie officer riding with him.

A bullet narrowly missed another officer's head when Lozano's pistol accidentally discharged.

He was the passenger in a stolen Mercedes-Benz driven by a friend. The bolt cutters used to steal the car were stashed under the seat.

And he once was fired for making false statements about his arrest on charges of driving while intoxicated, a case that ultimately was dismissed because the arresting officer was unable to testify.

That was all before Lozano began his career as a Dallas County deputy constable in 2007. He could not be reached for comment.

A Dallas Morning News investigation discovered that some constables attract peace officers with troubled histories like magnets. At least three dozen deputy constables in Dallas County were terminated from previous law enforcement jobs, resigned while under investigation or were disciplined for serious infractions. Others fit the profile of "gypsy cops" who repeatedly bounced from one job to the next in a downward career spiral.

The two precincts that are the focus of a criminal investigation by a special prosecutor into allegations of wrongdoing - the Precinct 5 constable's office under Jaime Cortes and Precinct 1 Constable Derek Evans' office - had the most by far, each more than the remaining three precincts combined. At least 13 of the 38 deputy constables employed

by Precinct 5 in early 2010 had experienced serious problems in previous law enforcement jobs, as did 14 of the 55 licensed peace officers in Precinct 1.

Commissioner Mike Cantrell said no one in law enforcement should be hiring officers with those sorts of problems.

"It's kind of shocking. You wonder what kind of oversight those guys are given," he said.

County Judge Jim Foster said he believes Evans and Cortes, who resigned as Precinct 5 constable in July, deliberately overlooked problems.

"They had to ignore the system in order to get their buddies to carry out their mission - which is to promote their personal agenda," Foster said. That agenda, he said, includes doing whatever they felt was necessary to remain in office.

Eighty deputy constables who primarily worked in traffic positions are slated to lose their jobs on Tuesday because of budget cuts when commissioners approve the 2011 budget. Those include some of the deputies identified by The News as having troubled work histories. It was agreed that layoffs will be based on seniority, not the deputies' performance. Some commissioners still are pushing to save the positions in advance of Tuesday's vote.

The troubled backgrounds of some deputy constables run the gamut.

Several former employers questioned whether the men and women later hired by Dallas County constables could be trusted to tell the truth. In one instance, a deputy's former superiors worried that if a defense attorney found out he'd been suspended for lying, it could be "devastating" to any high-profile criminal cases that relied on the credibility of his testimony.

A former Dallas police officer who was terminated after his back-up pistol accidentally discharged, in what a fellow officer described as "a careless disregard for even the most basic safety practices in handling his weapon," found a new career as a deputy constable. So did a former Dallas County sheriff's sergeant who was busted to jailer for

sexual harassment. As did another one-time jailer who resigned while under investigation for insubordination - after he'd already been disciplined for using excessive force and sleeping while on duty.

At least four deputy constables had criminal records.

Some of those deputies have found themselves in trouble again.

The deputy suspended for lying was accused recently of assaulting a teenager with a baton at an off-duty job. A deputy who arrested a 15-year-old girl instead of the teenage boy actually named on a truancy warrant once was fired for "willful disregard of supervisors' directive and gross safety violations." And a deputy with a criminal record was accused of falsely claiming he had the appropriate court documents during an unauthorized foreclosure attempt.

"The best predictor of an officer's future conduct is their past conduct. Some of it is startlingly telltale," said Eugene O'Donnell, professor of law and police studies at John Jay College of Criminal Justice in New York. Hiring someone with a troubled past, he said, "raises questions about the leadership."

It also could end up costing the county. Discovering that a deputy accused of sexual harassment or excessive force was hired despite a history of similar behavior, for example, is not likely to play well with a judge or jury, law enforcement experts say.

The News first raised questions about the quality of background checks for deputies in an investigation earlier this year that focused on Howard Watson, a Cortes senior deputy accused of, but never prosecuted on charges of, sexually abusing a former foster child while she was still a minor and fathering her children, as well as criminal charges, in California.

The News subsequently began investigating the work histories of more than 200 deputy constables who were employed by Dallas County at the beginning of the year, relying on sources of information that could have been available to constables: interviews with

previous employers, state records and open records requests filed with law enforcement agencies in Texas and other states.

Deputies with troubling work histories were identified in each of Dallas County's five constable precincts. And with the exception of Ben Adamcik in Precinct 3, the constables who were in office when the investigation began were responsible for hiring most - or all - of those deputies.

Dr. Mattye Mauldin-Taylor, Dallas County's human resources director, said that constables ultimately are responsible for checking references and for whom they hire.

And, she said, "I guarantee you, if you see people with problems in their backgrounds who are being hired, it's not because of a shortage of applicants."

Trouble in every post

Troubles have followed Rene Lozano Jr. ever since he put on a badge.

As a young Cockrell Hill police officer in 1999, according to police reports, Lozano lost control of his patrol car during a high-speed chase that ended up in Dallas. The reports indicate he pursued a traffic violator through a red light, swerved to avoid a car that had entered the intersection, and struck a utility pole. A fellow officer, Tiffany Hickey, 20, later died of her injuries.

"Suspect Lozano was negligent in causing the death of complainant Hickey in that he was speeding over the limit, disregarded the red signal light, and took faulty evasive action when police vehicle collided with utility pole," a Dallas police investigator wrote in a report on the incident.

A grand jury chose not to indict Lozano for negligent homicide.

He later applied for a job with Dallas Area Rapid Transit. An interoffice memo stated that a DART attorney believed Lozano had "made poor decisions on the date of the accident" but did not advise against his employment.

After being hired by DART in 2001, Lozano repeatedly ran afoul of superiors.

One evaluator wrote that Lozano "must understand that there are people whom will not heed him as a police officer no matter how many people he puts in jail."

In 2003, he was instructed to undergo remedial training after his pistol accidentally discharged as he was struggling with a suspect. The bullet narrowly missed the head of another officer.

In 2005, a superior counseled him about an incident in which he was accused of yelling and screaming at a motorist. Several months before, he'd been questioned by Addison police after they stopped a stolen car in which he was a passenger.

The 2005 black convertible Mercedes-Benz SL500 recently had been stolen from a dealership in Dallas and was being tracked by GPS. The window sticker and delivery documents still were in the car.

Lozano told police that the driver, a friend he'd known for about three years, claimed that his grandmother had purchased the car for him. Lozano was not carrying his badge, police identification or gun.

The bolt cutters used to cut the hole in the fence at the dealership were under the passenger seat, according to police documents.

The next year, Lozano faced a DWI charge in Dallas after an accident.

Lozano had bloodshot eyes, breath smelling of alcohol and "unsteady balance," according to a Dallas police report. Lozano refused to submit to a breath or blood test.

DART launched an internal affairs investigation. According to DART documents, Lozano accused the officer who arrested him of making false statements. He claimed during a hearing that he did not have four beers in 15 minutes, as the arrest report stated. Lozano also said he was taking medication for a broken nose, which affected his inability to follow the officer's commands.

A DART supervisor who reviewed a videotape of the incident concluded that the Dallas officer had cause to arrest Lozano and that DART "had grounds to terminate your employment."

While his DWI case was still pending, Lozano was hired by Constable Jaime Cortes as a reserve deputy in late 2007.

The case was dismissed in February 2008 after the Dallas County district attorney's office said the arresting officer could not testify "due to an unavoidable, unforeseeable scheduling conflict."

About five months later, Lozano was hired as a full-time deputy in Precinct 5. He is among the deputies who may lose their jobs.

Jobs left under cloud

Precinct 1 Deputy Constable Jamie Powell racked up several policy violations before he left the Arlington Police Department in 2000.

In September 2000, according to police documents, he stopped Janet Hernandez for speeding. A computer check also showed that she had a misdemeanor traffic warrant, and she didn't have her driver's license with her. Powell chose not to issue her a citation or to arrest her.

But he did show up later at the apartments where Hernandez worked, she alleged, claiming that he was just making sure she got there and wasn't lying to him about where she worked.

Hernandez alleged that Powell made several suggestive comments, asking if she wore a thong and if she would lift up her dress so he could see what she was wearing. At one point he asked if she wanted to have sex in a maintenance room. Hernandez, a mother of four, said Powell was in the office for two or three hours with his squad car parked out front, responding to calls on his portable radio.

At one point, Powell left to respond to a burglary of a vehicle call, but came back. Powell told investigators he wanted to discuss with Hernandez the lack of warning signs at the pool, after he saw a young girl swimming by herself. Investigators, however, learned that the pool had several warning signs that "appear to have been up for several months."

About a week later, Hernandez alleged, Powell returned claiming that he was investigating a shooting. Hernandez contacted police after the second incident.

Powell, who could not be reached for comment, at the time denied saying anything sexual to Hernandez or asking her to have sex.

He faced several allegations of misconduct and was notified in early 2001 that the department intended to dismiss him. He turned in a terse letter of resignation the next day.

Investigators concluded that Powell had made several sexual comments and unwelcome sexual advances toward Hernandez. Three of the four allegations against him, including "untruthfulness" and "conduct unbecoming," were sustained.

However, an allegation that he'd engaged in "official oppression" was not sustained, apparently because Powell had not specifically asked for sex in trade for not arresting Hernandez or issuing her a citation.

Evans hired Powell in late 2007.

In another Precinct 1 case, Deputy Constable Christopher Mason's troubles began long before he became a peace officer in Texas.

Mason's Wisconsin criminal history shows an arrest for battery and two misdemeanor convictions for disorderly conduct before he became an investigator with the Milwaukee County district attorney's office in 1997. He left that job three days after he was named in a Milwaukee Police Department offense report in 2004.

Mason said those were altercations when he was a young man in college and "hadn't matured."

Mason, who was president of a police motorcycle club known as the "Renegade Pigs" at the time, allegedly got into a dispute with a deputy sheriff who was the club's treasurer. The deputy claimed that Mason threatened him, attacked him, and ripped off his club vest.

Mason said the deputy initiated the confrontation. He said that during an altercation, "I grabbed him and I pulled his colors off his back; I tucked them up under my arm and walked away."

After a special investigation, the district attorney chose not to prosecute the case. He wrote that both men could have been charged with disorderly conduct but that the best idea from the outset was that "the parties should settle their differences when they are sober."

Mason later joined the Hobbs, N.M., police department, where he worked for almost two years. He left the McKinney police force after two months when he did not complete required training. He worked for a security company for about three months, and also as a Dallas County jailer for about four months, before becoming a Precinct 1 deputy constable in October 2007.

Mason said if you disqualified everyone with something in their past, "you have no cops on the street." He said he was a good cop.

Powell and Mason also are among those whose positions may be eliminated.

'Disciplined 11 times'

But Precincts 1 and 5 are not the only constable precincts where deputies with troubled work histories have landed.

While working as an Addison police officer in 2001, Precinct 3 Deputy Constable Vance Johnson was reprimanded for chasing after a pickup whose occupants had dragged a string of Christmas lights off his Rowlett lawn.

"During this pursuit, both vehicles involved reached excessive speeds on public roadways, thus endangering yourself, the suspects and the general public," according to his written reprimand. "The decision to hold the suspects at gunpoint following the pursuit for this misdemeanor offense demonstrated a lack of sound judgment."

During the nearly 20-mile chase, Johnson talked by cellphone with police dispatchers in three cities. Johnson was recorded as he yelled at the unarmed suspects to "Get out of the car or I'll shoot you!" A short time later, he ordered them to kneel and face away from him, telling one of them, "That's a good way to get shot! You see what I got in my hand? This ain't a toy!"

Johnson, who is among those slated to lose their jobs, told The News he called his lieutenant during the chase was told to continue. "I was doing everything by our policy," he said.

In 2005, Johnson was reprimanded and ordered to attend anger management counseling after a Christmas party confrontation with a man he believed was abusive to his girlfriend.

The man told investigators that Johnson was enraged "and made numerous threatening remarks to him about 'making his life a living hell' and getting the district attorney 'after him.' "

An Addison police sergeant reviewed a patrol car videotape. He concluded that the boyfriend was "cooperative and respectful throughout the encounter" and that Johnson had violated the department's code of conduct.

"There is not a conclusive way to prove that Officer Johnson was intoxicated, or that he used profane language," the sergeant wrote. "But it is plain to see that he was

discourteous, derisive, threatening, and lost control of his temper, and that he conducted himself in a way which reflects very unfavorably on the department."

Johnson was suspended for a day without pay in 2007 after confronting another officer who'd checked out a patrol car that already was assigned to him.

According to a police account, Johnson continued to "verbally attack" the other officer even after he walked away, calling him a "[expletive] moron." Two other officers reported that they felt the argument "was going to turn physical with Officer Johnson being the aggressor" and broke up the confrontation.

Johnson also was ordered to visit the departmental psychologist to determine his "fitness for continued employment at an Addison Police officer."

"A review of your disciplinary record with our department reflects that since the start of your employment in 2001, you have been disciplined 11 times," Addison Police Chief Ron Davis wrote in July 2007. "I have elected to give you notice that any future conduct problems requiring disciplinary action over the next two years may result in your termination."

Johnson told The News he was disciplined because the chief didn't like him and that his troubles at the agency were because of politics. "He wanted me gone," he said about the chief.

Johnson turned in his resignation in December 2007 to "run my pool business full time" and joined the Precinct 3 staff about three months later.

Adamcik, the Precinct 3 constable, said his background investigator didn't know about the 2001 chase that was documented in the records obtained by The News.

Adamcik said he hired Johnson because he was a "great officer" when he worked at the precinct under the previous constable and "even Addison said he was a good officer."

"You try to find people you can control," Adamcik said.