

Constable inquiry points up dysfunction

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Dallas County Precinct 1 Constable Derick Evans and former Precinct 5 Constable [Jaime Cortes](#) face criminal charges after a long and controversial investigation.

But they aren't the only casualties.

Disputes over how the investigation was handled wreaked political havoc, tarnished reputations and reflected poorly on the effectiveness of county government. But in county government, avoiding embarrassing episodes like the constable investigation isn't so easy.

Structural weaknesses limit the Commissioners Court's power to deal with allegations of abuse involving other officeholders who are independently elected. Commissioners can do only what state law specifically allows.

Politics also hampered the investigation's progress and contributed to the appearance of a dysfunctional county government. Unlike in cities and school districts, political parties factor heavily in county government.

As a result, county officials at many levels, including District Attorney [Craig Watkins](#), were drawn into the morass, and few emerged unscathed. And the mess remains for the new Commissioners Court to deal with next month.

The Dallas Morning News first began investigating the constables' activities nearly two years ago, reporting on questionable towing practices, campaign fundraising, off-duty business relationships, SWAT teams and the unprecedented expansion of their law-enforcement duties.

Constables who once supervised a handful of deputies and primarily served court papers built up sizable law enforcement fiefdoms - all with the commissioners' blessing and minimal oversight.

Urban affairs expert Terrell Blodgett said the structure of county government produces "fragmented accountability" and needs to be overhauled.

He said its limited and fragmented powers can be traced to "distrust of the Reconstruction government after the Civil War." That government, he said, had centralized authority that was "trying to go for a strong governor and strong executive power," which Texans opposed.

Liability

Even though commissioners have no control over elected officials like constables, the county is on the hook for any litigation they generate, said Kevin Lawrence, deputy executive director of the Texas Municipal Police Association, which represents law enforcement officers.

"Let's face it, the county form of government is really archaic. It is so outdated," Lawrence said. "It is in the county's best interest to have some system in place where somebody can overrule an individual elected official."

Blodgett said the first step should be to eliminate about 90 percent of county elected offices and make them appointed positions - not only the constables, but also the sheriff, the tax assessor-collector and others.

Having elected law enforcement officials in particular can be problematic. Some criminal justice experts point out that a city police chief, for example, has many levels of oversight - a city manager, council members and a mayor. Sheriffs and constables, however, can largely operate their offices as they see fit.

Blodgett, a former city manager and a professor emeritus in Urban Management at the University of Texas' LBJ School of Public Affairs, said he would make the Commissioners Court "truly a legislative body and a governing body that has control of the budget and the activities of those parts of county government."

Blodgett also suggested that citizens might [benefit](#) if county elections were nonpartisan, like city races, so that party politics play less of a role in governance.

Reducing the number of elected offices would be difficult, perhaps impossible, because it would need the support of state legislators and constitutional amendments. Efforts to reduce the scope of county government in the past have been strongly resisted. And for now, deeply partisan politics are an integral part of the process in Dallas County.

Almost 3 years

Such political factors weighed heavily on the constable investigation.

Allegations against Evans and Cortes, both Democrats who were appointed to their posts by commissioners, were first reported to Watkins, also a [Democrat](#), in early 2008. But it took about three years for the investigation to result in indictments. Along the way, progress was hampered by delay, strategic blunders, legal and political maneuvering, and a total breakdown in communication and cooperation among county officials.

When Watkins refused to tell commissioners whether he was investigating, they hired their own investigator, prompting Watkins to go to a judge to try - unsuccessfully - to shut it down.

County Judge Jim Foster may have ruined potential evidence by ordering a pre-dawn raid of Cortes' office in which his county computer hard drive was taken without a warrant or subpoena.

The county's expensive special investigation produced detailed reports that were publicly released, giving disgruntled deputies a roadmap for how to sue the county, which they promptly did.

Faced with liability and unable to figure out how to structure constable towing contracts, the commissioners decided to ax the constable traffic units, leaving dozens of deputies without jobs.

The saga has cost the county at least \$600,000 so far, and the political repercussions were quickly evident. Watkins, who had enjoyed tremendous national attention for his mission to free the wrongly convicted, narrowly won re-election over an opponent who repeatedly criticized his handling of the investigation.

Foster was voted out of office after losing support within the Democratic Party for, in part, opposing Watkins and pushing hard for an investigation of Evans and Cortes, at times ineptly. He aligned himself with Kenneth Mayfield and Maureen Dickey, two [Republican](#) commissioners. Both suffered blowback for criticizing Watkins' response to the allegations, and some see that as a contributing factor in Mayfield's defeat in November.

Cortes resigned and faces felony charges, while Evans also faces felony charges that could result in his removal from office. A third constable, Roma Skinner, was voted out after about three decades in office and a fourth constable, Michael Gothard, remains under investigation for unrelated accusations of misconduct.

But the election results and the indictments issued last week are unlikely to be the final chapters in the controversy. A new county judge and a new commissioner, joining three incumbents, will be confronted with the aftermath beginning in January.

They'll confront a familiar problem: While commissioners set budgets, their control doesn't extend much further.

"A lot of it is about management. But constitutionally, we only have so much power over elected officials," said [John Wiley Price](#), the longest-serving commissioner who will exert even greater influence over the new court.

Blodgett said conflicts between commissioners and other elected officials crop up in Texas over budgets and oversight every year. Many officials, he said, hide behind the constitutional provisions of their office, saying, "The same people who elected you elected me."

"As long as you have that, you're not going to be able to have any real accountability," Blodgett said.

Price said the court is moving forward with changes, and he pointed out that constables and their staffs constitute less than 5 percent of the county workforce.

Next week, the commissioners will proceed with changes to how deputy constables are hired, Price noted. He also said he wants to consider transferring some constable functions to the Sheriff's Department, a much larger agency.

"Every opportunity we get we will tweak the system," he said.