

DA unit rarely prosecutes public officials

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The specialized unit Dallas County District Attorney Craig Watkins assigned to look into allegations of corruption against two elected county constables has little success with such cases and in fact has rarely prosecuted elected officials since its inception three decades ago.

The Dallas Morning News found that a majority of cases the unit handles - including investigations into wrongdoing by school employees, medical professionals, police officers and attorneys - typically result in lenient sentences that leave many offenders without a criminal record.

Under Watkins' administration, the unit apparently has not won convictions against any elected officials. And its controversial involvement in the long-running constable investigation has drawn fire from critics and some legal experts.

Watkins has been accused of using the public integrity unit to settle political scores and protect political allies. Some legal ethicists suggest that his elastic rationale for when the unit should or shouldn't investigate elected officials is troubling.

In some instances, Watkins turned over investigations of elected officials to special prosecutors because his office represented them in civil matters. In other cases, he declined to do so when confronted with virtually the same potential conflict of interest.

In October, the public integrity unit targeted County Commissioner Maurine Dickey, one of Watkins' political rivals who has battled with him over his budgets.

The outcome of the criminal inquiry, which Dickey said involved a vegetable and butterfly garden at her county office property, is unclear. Dickey said Watkins was harassing her and accused him of abuse of power and official oppression.

Watkins declined to be interviewed about the unit. The News submitted detailed questions in writing. His office did not respond to those specific questions, but issued a two-page general response.

The statement described the public integrity division as "an integral part of the District Attorney's plan to bring back confidence in the criminal justice system."

Earlier this month, former Constable Jaime Cortes and Constable Derick Evans were indicted on campaign finance charges presented by special prosecutor Ted Lyon. Lyon's appointment came after months of protracted legal struggles between Watkins and commissioners over the investigation. Only three years earlier, Watkins willingly sought a special prosecutor to investigate charges against another constable.

Southern Methodist University law professor Fred Moss said that claiming a conflict in some cases involving elected officials but not others raises questions. Moss said that it's possible the facts in each case may not be as similar as they appear but that the district attorney's office should explain what the differences are.

He was critical of Watkins' decision to submit grand jury testimony to a civil judge in an attempt to halt the county commissioners' separate investigation of Cortes and Evans. Moss said that showed poor judgment and that such decisions detract from Watkins' accomplishments in office.

Examining unit's cases

The News asked to review closed cases handled by the district attorney's public integrity unit for a six-year period from Jan. 1, 2004, through Dec. 1, 2009. That included cases handled by Republican Bill Hill, who served as district attorney until Watkins assumed office in January 2007.

The district attorney's office sought to block release of that information and asked for an opinion from the Texas attorney general. After the attorney general's office ruled in The News' favor, reporters were allowed to examine the records of 218 defendants - 98 under Watkins' administration and 120 under Hill's.

Among the findings:

- At least four out of every five defendants prosecuted by the district attorney's public integrity division received probation or deferred adjudication. The latter disposition means they will not have a criminal record if they successfully complete probation.
- At least 90 percent of defendants pleaded guilty or entered into a plea agreement, avoiding a trial.
- About 40 percent of the defendants were employees of a government agency or school district. Only four of the 83 defendants who worked for a government agency or school district received any jail time.

The majority of those cases involved low-ranking employees whose crimes involved small bribes or thefts: a DISD substitute teacher who stole a laptop; a Dallas garbage worker who accepted food and drinks from a business in exchange for free garbage disposal; and a Hillcrest High School security officer who pawned two handheld radios.

Among the most high-profile cases: Micah Causey, a former DART assistant vice president accused of stealing more than \$100,000 in agency funds, who received a probated sentence in 2005; and Steve Halpin, Mesquite High School's former football coach accused of pawning dozens of items that belonged to the school district, who received a deferred sentence in 2009.

Christie Williams, who worked as a Dallas County public integrity prosecutor in the late 1990s, said deferred sentences or probation are routine in cases involving first-time offenders charged with nonviolent offenses. And those prosecuted by the public integrity unit, she said, are less likely to re-offend because they have a career, tend to be older, and have "a lot more at stake."

The public integrity division also prosecuted a handful of law enforcement officers, including a Dallas police officer accused of taking weekly payments from an immigrant in a protection racket and a Department of Public Safety trooper accused of helping applicants obtain commercial driving licenses after they'd failed driver tests.

Dozens of cases involved state licensing requirements for certain professions or jobs. Either the defendants were impersonating licensed professionals or law enforcement officers, or their licenses were not in order.

Roughly a quarter of the defendants were accused of obtaining or trying to obtain prescription drugs under false pretenses, including doctors, nurses, pharmacists, and pharmacy employees.

The district attorney's written statement said each defendant prosecuted was sentenced "within the range of punishment as provided by the law."

Watkins' spokeswoman said the office under Watkins has "successfully pursued prosecutions" of two elected officials: a former constable who was accused of misconduct in office and a current civil district judge who was accused of driving while intoxicated. However, former Constable Mike Dupree was prosecuted by the Texas attorney general, and the prosecutor in Judge Bruce Priddy's case appeared to not work for the public integrity unit.

How unit operated

Historically, investigations into local elected officials in Dallas County have been a hit-and-miss proposition.

Dallas attorney Ted Steinke, who served as the first chief of the public integrity division when it was created about 30 years ago, said the unit was created primarily to investigate allegations of election fraud. Its duties expanded into investigating police officers, allegations of misconduct by professionals such as attorneys and doctors, and allegations against elected officials.

What the unit does, or doesn't do, he said, reflects the will of the elected district attorney, who sets the policy goals of the office.

Under Hill, Watkins' immediate predecessor, the public integrity unit investigated and prosecuted former Constable Aurelio Castillo. The Democrat was indicted in October

1997 on charges of bribery and unlawfully accepting a corporate campaign contribution. Castillo later received a pardon because of a paperwork mistake.

But Hill sought outside help when confronted with allegations of misconduct by another elected official. In 2003, he appointed a special prosecutor from another county to investigate allegations against former Sheriff Jim Bowles, a Republican colleague.

At the time, Hill noted that his office had an ongoing relationship with Bowles and his staff, which included representing him in litigation. By turning the investigation over to someone else, he wrote, "we will assure a neutral, impartial, and objective review of all the circumstances."

Bowles later was indicted on charges that he misused campaign contributions, but the case was thrown out by a judge who ruled that prosecutors had overreached by indicting Bowles for conduct that was not a crime.

Clark Birdsall, a former public integrity prosecutor who worked on the Castillo case, said the unit was well-funded under District Attorney John Vance, who served from 1987 to 1998, but did not have the same support beginning with Hill's administration.

The unit has never been a popular section of the district attorney's office, he said, in part because targeting powerful people such as cops, judges and city attorneys "generates a certain animosity" and can be politically risky.

Kimberly Gott Judin was Watkins' choice to head up the public integrity unit when he took office in 2007. She said the office could have used more funding and that it turned to outside agencies for help, including the attorney general's office, "if we needed more resources."

In 2000, the public integrity unit had funding for three prosecutors, two investigators and one clerk, according to the county budget office. Since the 2010 fiscal year, two prosecutor positions were cut as a budget savings move, the budget office said. However, the district attorney has the discretion to move staff to various divisions if

needed. The district attorney's office did not respond to questions about its current staffing.

Judin said there "weren't many big complex cases brought to us" during her 16 months in the unit" and no cases that went to trial.

Some elected officials were investigated, she said, but the cases never went anywhere for various reasons - the complaint was deemed frivolous, the official left their position or they were going to be prosecuted by the federal government.

Such investigations were never commented upon, she said, so that the unit would not be used as a "political tool" to discredit candidates prior to an election.

Paul Coggins, a former U.S. attorney for the Northern District of Texas, said that public corruption cases are a high priority for federal officials, but "there has to be some kind of federal hook to get involved."

Almost every level of government accepts federal funds of some kind, he said, and that usually is enough to justify federal involvement.

Federal investigations

The highest profile cases involving elected officials in Dallas County often have been investigated and prosecuted by federal authorities. Those include an investigation into corruption at City Hall that resulted in more than a dozen convictions in recent years - including a lengthy prison term for former Mayor Pro Tem Don Hill; a federal investigation that led to the conviction of former DISD chief technology officer Ruben Bohuchot in 2008; and a federal investigation in the late 1990s that landed former DISD Superintendent Yvonne Gonzalez in prison for embezzlement.

Eric Mountin, a federal prosecutor in Florida, supervised the public integrity unit for about three years under Hill, beginning in 2000. He said that big cases were rare, if not nonexistent, and no elected officials were indicted during his time with the unit.

"I would not be so naive as to say that that means an absence of corruption in Dallas County," he said.

Mountin said the public integrity unit did not initiate or investigate cases on its own. Cases typically were referred to the district attorney's office for prosecution by local law enforcement agencies "that had a more sophisticated ability to investigate than us," he said.

Big cases, he said, inevitably became "part of a larger prosecution that was handled by the federal government."

Mountin said he would not have wanted to investigate the Dallas County constable corruption allegations without outside help because of limited manpower and the question of potential conflicts.

Williams, the public integrity prosecutor in the late 1990s, said she looked into cases involving public officials but nothing came of them. She said complaints were presented to grand juries that decided not to issue indictments.

Investigations into elected officials typically were conducted behind the scenes, she said, because they "have a greater interest in their privacy."

Watkins' public integrity unit investigated constable corruption allegations from at least mid-2009 until June 2010, although the county auditor forwarded information to the district attorney's office as early as February 2008.

Before the investigation was turned over to a special prosecutor, the public integrity unit's work resulted in two arrests - that of Howard Watson, a lieutenant in Cortes' office, on several felony charges, and Watson's wife.

Lyon, the special prosecutor, praised the unit's work. He said he received 27 banker boxes of material from the district attorney and "saw nothing to indicate there was anything other than a diligent pursuit of the evidence."