

Detroit loses drug war to cop miscues - Combating Dope: Napoleon'S Flawed Strategy

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DETROIT -- In a surprise predawn raid at the west-side home of Noe Flores, **Detroit** police narcotics officers kicked in the door looking for **drugs** .

Flores led officers **to** a stash of marijuana, more than \$4,000 in cash and 55 pounds of cocaine -- enough of the illicit white powder **to** land him in prison for life.

But Flores didn't spend a day in prison. Instead, four months after the August 1999 raid, he walked free when Wayne County Circuit Court Judge Carole F. Youngblood dismissed the case because of mistakes made by the officers.

Police failed **to** take a Spanish-speaking officer **to** explain Flores' constitutional rights **to** him -- even though they knew he was Hispanic.

The raiding party also failed **to** leave a copy of the 10-page search warrant and an inventory of what they seized, as required by law.

Mistakes like these have caused hundreds of suspected **drug** dealers and users **to** go free, according **to** a **Detroit** News analysis of 4,132 **drug** cases since 1999.

When Benny Napoleon took the helm of the police department in July 1998, he pledged an all-out **war** on the **drug** trade. He reorganized the police department **to** double the size of a new Narcotics Bureau **to** 400 officers.

But The News' analysis of **drug** cases before and after the reorganization indicates police haven't made a dent in the **drug** trade. In 1996 and 1997, the two years before the reorganization, police took on 6,267 narcotics cases. In 1999 and 2000, the numbers dropped **to** 4,132.

Not only did the number of cases decline, more officers skipped court appearances and 99 percent of the cases were for relatively minor **drug** offenses.

Although police boast of confiscating more than \$157.9 million worth of **drugs** , 3,617 weapons and 633 vehicles from an average of 1,100 raids each of the past two years, state and federal experts say **drug** supplies in the city remain plentiful and narcotics-related deaths are rising.

In all **drug** cases brought **to** court in the Napoleon years, The News found:

* Some 638 cases were lost because police mishandled evidence, failed **to** show up in court or simply couldn't support their charges.

- * Only two cases resulted in convictions on the state's most serious **drug** charge, which carries a mandatory life sentence and is aimed at major traffickers.
- * More than 99 percent of all cases involved fewer than 50 grams of **drugs** .
- * One of every five **drug** cases is either dismissed or defendants are acquitted.
- * Two of every three defendants receive only probation.
- * Nearly 65 cases were dismissed because prosecutors could not proceed with the evidence police provided.

Strategy criticized

The court records paint a disturbing picture of a **drug war** with few major victories and an approach some say is inherently flawed.

In fact, Napoleon's strategy **to** clean up neighborhoods by putting traffickers behind bars through repeated raids and beefed-up surveillance may be part of the problem, a criminal justice expert said. **Detroit** 's approach is counter **to** prevailing police practices, said Stephen Mastrofski, a former police officer and professor of criminal justice at George Mason University in Fairfax, Va.

"In recent years, the trend has been **to** shrink the size of headquarters units and increase the power of precinct enforcement," Mastrofski said. "There is not a lot of evidence of long-term success for (raids)."

Napoleon cancelled an interview with The News earlier this week because of illness and did not reschedule.

But department spokeswoman Paula Bridges pointed **to drug** seizures and the confiscation of weapons and cars as indicators of the success of Napoleon's strategy.

"Based on investigative feedback, many sources for buying and selling **drugs** were eliminated based on (our) increased street enforcement," she said.

Yet several experts counter that street enforcement and raids, though a necessary part of an overall **drug** strategy, are not the way **to** reach major traffickers.

"Going after the low-level guys is like taking tissue from a pop-up box," said Eli Silverman, a professor and author at the John Jay College of Criminal Justice in New York. "Every time you take a tissue, another one pops up in its place."

Seizing **drugs** and confiscating cars and weapons shows police activity -- not results, Silverman said.

He compared raiding **drug** houses **to** fishing. "If you fish where the small fish are, you catch small fish. The bigger fish are smarter and tougher **to** catch," Silverman said.

Because of the lesser charges police bring from raids, judges cannot order prison sentences because of legislative mandates. Instead, they fashion sentences using combinations of probation, fines and jail time or lifetime probation. In the past three years, for instance, 1,061 cases ended in lifetime probation for defendants, as the Legislature requires.

Officers miss court dates

Drug supplies have held steady, in part because of the police's inability **to** shut down major **drug** operations.

Police have lost cases for barging into buildings too quickly, for flawed search warrants and lack of evidence. Chiefly, though, felony **drug** cases ended because police skipped court.

Christopher Mobley, 27, escaped a possible life sentence last year for dealing more than 650 grams of cocaine when a police sergeant failed **to go to court**.

In another case involving more than 650 grams of cocaine in 1998, Demetric Redmond, 27, was freed when a judge threw out the case because of credibility problems with an informant and the search warrant.

Police charged Debra Williams after officers found two kilograms of cocaine and marijuana in a home from which she was being evicted. Police, however, could not link her **to the drugs** even though she was the only person there when they arrived.

At times, police have problems putting even small-time dealers out of business.

Take the case of Detroit Scott Bruner.

The 22-year-old, charged as a habitual offender because of a previous **drug** conviction, faced the possibility of at least 15 years in prison in August when police found 130 grams of cocaine in his Cadillac Escalade. But three weeks after Bruner's arrest, a judge dropped the felony dealing charge because the officers who nabbed him failed **to show in court**.

Chief Wayne County Circuit Court Judge Michael Sapala is dismayed that hundreds of cases have been dismissed because police have failed **to appear for court dates**.

"That is a terrible number," Sapala said. "There has always been a problem with police officers showing up. I know (Wayne County Prosecutor) Mike Duggan and his people are working harder **to minimize the dismissals and get better cases going in**. They are always trying **to work on the coppers to get them to show up**."

Big busts rare

Michigan has the toughest punishment in the nation for large-scale **drug** dealing, with mandatory life sentences for those who peddle 650 grams or more of hard **drugs** . But it is rare for **Detroit** police **to** find such **drug** dealing. Court records show only two people sentenced **to** mandatory life terms for dealing **drugs** in bulk since late 1998.

Time and again, accused **drug** traffickers escaped unscathed, while police raids netted small-time dealers and junkies.

Duggan deflected criticism of Napoleon and the department's raid strategy. His office and Wayne County judges share the blame for not properly supporting police efforts, he said.

"In the prosecutor's office, we think we have done a terrible job of following up the police raids and shutting down **drug** houses for good," Duggan said. "We did not use the forfeiture law **to** seize those (**drug**) houses and padlock them."

Duggan said his office is now moving **to** have the city of **Detroit** tear down documented **drug** houses.

Judges, he added, are ignoring state sentencing guidelines and giving lighter sentences, which cripples the police department's ability **to** use the threat of long prison terms **to** get witnesses **to** cooperate in cases against the bigger dealers.

Success unsupported

Napoleon and his top executives say the department's anti- **drug** efforts have cut into the illegal narcotics trade.

"Narcotics efforts were phenomenal in 1999, which led **to** a decrease in activity among **drug** dealers the following year," department spokeswoman Bridges said in a statement **to** The News.

That claim, however, is not supported by the Michigan Department of Community Health or the **Detroit** office of the U.S. **Drug** Enforcement Administration.

"I think they disrupted the markets they can see," said Richard F. Calkins, a researcher for the Michigan Department of Community Health. Calkins, who has tracked the state's **drug** trends the past two decades, said police must break up **drug** markets **to** have any effect on use.

Some of the casualties of the city's failed **drug war** are showing up in morgues.

"The heroin deaths have been going up," Calkins said. "We thought cocaine (deaths were) stable or going down. But last year, the deaths went up."

The number of people dying with cocaine in their systems in **Detroit** and Wayne County was up 18 percent for the first nine months of 2000 compared **to** 1999, Calkins said. The complete figures for last year are not yet available.

Calkins said marijuana use in Metro **Detroit** appears steady while heroin and cocaine use are increasing. Police have had little impact on **drug** supplies because "they probably have arrested a lot of people, but there's somebody out there **to** replace them."

Susan Feld, spokeswoman for the **Drug** Enforcement Administration's office in **Detroit** , said **drug** prices, which the agency uses as a barometer for the **drug** supply, have been about the same in the state since 1998.

"That tells us there's no major change in availability," she said. **Drugs** , like other consumer products, follow the market principles of supply and demand, Feld said. If the supply is steady, so is the price.

Minister Malik Shabazz, a longtime **Detroit** activist who sees the impact of illegal narcotics trade on the city's streets and neighborhoods, said he wants the police department **to** target major dealers better. Shabazz has declared his own **war** on **drugs** by leading community marches in **drug** -infested neighborhoods.

"I would like **to** see more targeting of the suppliers," he said. "I applaud police for getting the individuals selling dope on the street corner or in the houses. But I want **to** see more of an effort **to** get at the rich people behind the **drugs** ."

About this series

Today: **Detroit** Police Chief Benny Napoleon's three-year-old policy of raiding **drug** houses across the city hasn't made a dent in the **drug** trade, residents and experts say.

Monday: Cases against suspected **drug** dealers are falling apart once they reach court.
Caption: James Ford worries his 14-year-old son might encounter the crack heads and prostitutes in their neighborhood.

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