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COCAINE AND UNDERCOVER COPS

MOST BUSINESSES IN SANTA Cruz would be more than happy to add another couple of customers to their clientel. This was probably the feeling at Hair Hair, a hairdressing salon on River St. in Santa Cruz, when two or three new customers began to patronize the place on a consistent basis a little over two months ago. Unfortunately this new business turned out to be the least profitable imaginable. During the last two months Santa Cruz

Police Department narcotics agents, acting on what is officially described as an anonymous tip, began to patronize Hair Hair on a regular basis. In addition to purchasing the usual coiffure services, these officers also bought on the premises small amounts of cocaine. Over the course of these two months cocaine was intentionally bought, according to police sources, from most of the employees at Hair Hair. The upshot of

these unusual transactions was the arrest of the owner and several of the employees of Hair Hair on charges of possession of cocaine and possession of cocaine with intent to sell.

In many ways the Hair Hair bust is a text book case of what narcotics enforcement is all about. Undercover work is, by the very nature of the crime, essential in policing drug laws. Most undercover work is conducted, at least in Santa Cruz County, as

specific operations, as in the case of Hair Hair, or as part of the local law enforcement agencies intelligence gathering efforts. Both the SCPD and the Sheriff's Dept. perceive cocaine abuse as a growing problem and have increased efforts to suppress trade in the stuff. Naturally much of this effort will entail undercover investigation and the use of informants, paid or otherwise.

The Sheriff's Dept. has a narcotics detail and assigns officers to specific undercover operations as cases arise. Occasionally they will draft in officers from out of

county agencies for undercover work if this is considered necessary. The SCPD generally has two officers assigned to undercover work, but rarely, if ever, have anyone in really deep cover.

Estimating the level of activity among this particular group of cops is difficult. They are, not surprisingly, extremely close mouthed about their activities. Lt. Dan Fite, head of the investigation unit of the SCPD, does note this, however, "We are not buying dope on the streets every day."

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WHILE DOPE BUYING MAY not be a daily duty of the undercover detail, gathering dope related intelligence certainly is. The Sheriff's Dept. think they have a fairly accurate picture of what is moving around in Santa Cruz County. Chief George Foster of the Sheriff's investigation unit reckons, "We have a pretty good intelligence operation and know, more or less, what is going on. The problem is taking action under the restraints imposed by the legislature." Foster is referring to the current interpretations of the search and seizure laws. These are, of course, critical in making narcotics arrests. But the complexity of these laws and the need to scrupulously observe them to obtain a conviction means a lot more time has to be spent on a case than would have been necessary in the past. "A lot more man hours have to be spent on a (suspected) individual; you need a lot more information."

Inevitably much of this information comes from informers. Information is given to the police for a variety of reasons. Sergeant Bruce Simpson of the Sheriff's Dept. notes that informants "run from wives mad at husbands to dope users getting even after being burned." One local attorney, with a lot of experience in drug related criminal cases, recalls one occasion when a bouncer at the now defunct Rapid Transit disco found religion and decided his heavy cocaine habit was bad for him.

Unfortunately for his erstwhile sniffing buddies he came to a similar conclusion as regards their cocaine ways: he turned every man jack of them into the cops.

The Sheriff's Dept. and the SCPD have differing policies when it comes to paying cold cash for information. Bruce Simpson states flatly that informants are never paid. The SCPD on the other hand does pay informants. "It's generally in the \$10 to \$20 range," says Lt. Fite, which seems to be a remarkable bargain

in these inflationary times. He adds that money is never handed over until the information received pans out and that informants are never, under any circumstances, given drugs in exchange for information.

Much more common is the informant already charged with a crime who wants to rat on his criminal brethren in exchange for a reduced charge, sentence, or, at the least, for a more benevolent attitude on the part of the D.A. Both the Sheriff's and the SCPD frequently make, with the

cooperation of the D.A., such deals. It is, as a local public defender notes, a well established barter system. Like most commodity markets these days, there are a few regulations imposed. The SCPD will not, for example, make any such deals with anyone charged with a violent crime. "If you've got a guy charged with armed robbery," Fite says, "and he says 'If you reduce the charge to petty theft I'll give you information about a coke dealer,' we wouldn't do it. We do not make deals where violent crime is concerned."

A third species of drug related information is obtained by the police from what is ungraciously termed "citizen informants." These differ from anonymous tipsters as they often provide information on a continuing basis. They do this, evidently, solely for reasons of civic responsibility. One such citizen informant recently played a crucial role in the arrest of Daniel Braglia on charges of possession of ten grams of heroin. This

arrest occurred after a local motel owner reported to the Santa Cruz police heavy foot traffic to and fro from the room of a character who was also the improbable owner of a new Cadillac. Although police arrived too late to arrest the fellow when their suspicions were first aroused, an arrest was made when he came back to Santa Cruz and checked into the same motel. (There seems to be a lesson here.)

Although working the narcotics detail is regarded as pretty much like any other detective work among the local law enforcement officers, undercover agents are considered to have, so to speak, a short shelf life. This is especially a problem for the SCPD. Santa Cruz is a small town and members of the SCPD become well known rapidly. This becomes a problem, says Lt. Fite, when a case involves, as with Hair Hair, the investigation of a business. Another area of difficulty for it, Fite is trying to make headway among the young arrests (aside from the

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UNDERCOVER AGENTS ARE CONSIDERED TO HAVE A SHORT SHELF LIFE.

the bus station on Soquel Ave. Although all police agencies profess to be after dealers and not users, the dealing that goes on near the bus station is considered pernicious because of the age of the people involved. "Street dealers are difficult to deal with," says Fite. "It's hard to buy dope from them when the undercover officer is a 28 year old guy with a beard."

All the county law enforcement agencies say they cooperate closely with one another when it comes to undercover work. Sheriff's deputies were, according to sources in the Sheriff's Dept., involved in the Hair Hair bust, though this is

denied by the SCPD. Efforts are also made to keep each other informed as to what undercover operations are being conducted to prevent foul ups. Whether this habit extends to out of county agencies conducting operations in the county is hard to determine.

Certainly the Drug Enforcement Agency has conducted undercover operations in Santa Cruz County and on at least one case a major undercover operation was mounted by the DEA within the city of Santa Cruz without any knowledge of this on the part of the SCPD. Lt. Fite took great exception to this. It happened when the

DEA netted Zuniga (of burrito fame) and a cool kilo of coke. Lt. Fite's objections are not entirely based on petty jurisdictional jealousies. He points out that had things gone sour and shooting broken out, the SCPD would arrive on the scene to find half a dozen armed, long-haired, bearded men (DEA agents) as well as the other side in an armed confrontation.

Though most narcotics arrests (aside from the ones made by virtue of a fortuitous discovery) involve some sort of undercover agent purchasing drugs, entrapment is rarely used as a defense. "It's a total loser as a defense,"

says attorney Jim Jackson. "You walk into court and say 'We did it, but...'" Entrapment is not considered an adequate defense because usually the person selling drugs to an officer already has them in his possession which is, after all, a crime.

Defense attorneys do make a bigger noise about undercover use of informants in defense of their clients. Attorney Mitchel Page notes that "just about the only kind of narcotics case we get is one where someone has been befriended and then betrayed." Both Page and Jackson try and cast doubt on any witness who is

trying to beat a rap by informing. "What you do," says Jackson, "is say to the jury, 'Look, this guy has made a deal,' and hope the jury won't believe him." Jackson however added to this: "But really how are you going to catch narcotics without informants and deals?"

Jackson, for one, believes that cocaine will not warrant serious criminal penalties in a few years time. "Ten years ago, he says, 'pot was a big deal. Now no one gives a shit. I suspect in a few years the same thing will happen with cocaine.'" This view is not shared by either Jackson's colleague Mitchel

Page, or by Lt. Fite. Fite says bluntly that cocaine is not a victimless crime and would like to see more emphasis on narcotics enforcement.

No one is optimistic about the success of narcotics enforcement. "In my estimation," says Page, "they (the police) never even get close to the top." Lt. Fite agrees. "We are, at best, scratching the tip of the iceberg." Chief Foster has an even grimmer assessment of narcotics enforcement in the county. "With the population we have, and the number of officers we have, we are just barely keeping our heads above water."