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Why cops lie

Peter Keane

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Police officer perjury in court to justify illegal dope searches is commonplace. One of the dirty little not-so-secret secrets of the criminal justice system is undercover narcotics officers intentionally lying under oath. It is a perversion of the American justice system that strikes directly at the rule of law. Yet it is the routine way of doing business in courtrooms everywhere in America.

Count this as one more casualty of the "war on drugs." It is simply additional collateral damage from using the American criminal justice system as the battlefield of that war. It stands alongside the wasteful wreckage of hundreds of thousands of imprisoned Americans locked up for drug use, and the destruction of Mexico as a functioning state because of criminal cartels enriched through outlawed American drug use. The corruption of America's police officers as the most identifiable group of perjurers in the courts is one more item on that list.

Why do police, whom we trust as role models of legal conduct, show contempt for the law by systematically perjuring themselves?

The first reason is because they get away with it. They know that in a swearing match between a drug defendant and a police officer, the judge always rules in favor of the officer. Often in search hearings, it is embarrassingly clear to everyone - judge, prosecutor, defense attorney, even spectators - that the officer is lying under oath. Yet nothing is done about it. There are rare cases in which the nature of the testimony and the physical evidence make it absolutely impossible to credit an officer's version and the judge must rule the search illegal. When this happens, the judge rules hesitatingly and grudgingly for the defense. Indeed, judges sometimes apologize to the officer for tossing out illegally seized evidence where the cop has just committed felony perjury in the judge's presence.

Another reason is the nature of most drug cases and the likely type of person involved. Usually police illegally enter a home, search it and find drugs. Like the recent scandal in San Francisco concerning the Henry Hotel residents, the defendant is poor, uneducated, frequently a minority, with a criminal record, and he does have drugs. Police know that no one cares about these people.

But the main reason is that the job of these cops is chasing drugs. Their professional advancement depends on nabbing dopers. The dominant culture they grew up with is popular mythology glorifying rogue cops like Popeye Doyle from the 1975 film "The French Connection." It's reinforced by San Francisco's own sorry history of infamous undercover narcotics officers promoted to top levels in the department despite contempt for the law shown by bullying, brutality and perjury in carrying out illegal searches and arrests. So the modern narcotics officer is just following a well-worn path.

Maybe the video tape scandal from the Henry Hotel will help change this culture. I hope so.

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