

Three Los Angeles police found guilty of framing suspects

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On November 15 a Los Angeles jury returned guilty verdicts against three of four Los Angeles Police Department (LAPD) Rampart Division officers charged with framing suspects and fabricating evidence.

The cases were the first criminal trials arising from the LAPD Rampart Division scandal. The scandal, the worst in LAPD history, began in September, 1999 when former Rampart "CRASH" unit officer Rafael Perez began to reveal to investigators that framing suspects, planting guns, carrying out beatings and even murders was business as usual at LAPD anti-gang CRASH units.

Perez' allegations have resulted in approximately one hundred criminal cases being dropped or reversed, and the filing by police victims of dozens of civil lawsuits seeking monetary damages and, in some cases, orders requiring LAPD to change its illegal practices.

Perez pleaded guilty to stealing \$1 million of cocaine and was sentenced to five years. He was otherwise given immunity regarding his Rampart revelations.

In the case just decided, sergeants Brian Liddy and Edward Ortiz were charged with planting a gun on a suspect in 1996. Sergeant Liddy and Officer Michael Buchanan were charged with falsely accusing another suspect of running into them with a car, also in 1996. Another charge involved rubbing a suspect's hand on a gun to get a fingerprint. All four officers were charged with conspiracy to obstruct justice and filing false reports.

The jury found Liddy, Ortiz and Buchanan guilty of conspiracy and filing false reports with respect to the car incident. The jury found insufficient evidence to prove beyond a reasonable doubt that the defendants planted the gun. The fourth officer, Paul Harper, was acquitted of all charges.

Prior to the verdict, most legal observers believed the

prosecution faced substantial hurdles in obtaining a conviction, many of their own making. The judge in the case, who had praised Perez as an exemplary officer three years ago, did not make it easy. Most evidentiary rulings went in favor of the defense.

Most damaging was a ruling forcing the prosecutors to proceed to trial without five witnesses who were not disclosed to the defense in a timely manner. Most judges would grant a trial continuance under those circumstances to avoid prejudice to either side. But Judge Jacqueline Connor instead excluded the witnesses, denying a trial continuance. Prosecutors from the Los Angeles County District Attorney's Office blamed the untimely disclosure on lack of timely cooperation from the LAPD.

Most importantly, the most critical prosecution witness, Rafael Perez, was not called to testify—by either side. This forced the prosecutors to rely on gang members and pro-defense, reluctant cops as witnesses.

Before the trial Perez was accused of three murders by a spurned ex-girlfriend, Sonya Flores. The District Attorney's Office would not give Perez immunity as to those allegations, meaning he would have had to take the constitutional privilege against self-incrimination if asked about those allegations at trial. If the judge had permitted questions about Flores' allegations, a mistrial might well have resulted. After the close of evidence, but before the verdict came in, Flores recanted her murder allegations against Perez.

All four officers had high-priced and well-known criminal defense counsel. Defense lawyers claimed the prosecution was afraid to call Perez because it feared that the defense would shred his credibility. But then the defense itself declined to call Perez to the stand.

The judge permitted jurors to propose questions to witnesses. Those questions indicated the jurors were

skeptical that the police witnesses, including the defendants, could remember some things in precise detail while uniformly claiming lack of recall as to other matters. Following the verdict, several jurors commented they could actually see the “code of silence”—police lying to protect their own—operating in front of their eyes.

The jurors also found offensive the claims of defense counsel that the defendants were heroes in the war against gangs and crime—the standard canard that is wheeled out when officers are sued or criminally charged.

The convicted officers now face one-to-four years in jail at sentencing, now set for January. This means that the officers will end up serving little, if any, time in prison. According to Perez, these same officers were involved in many other incidents of misconduct, for which they have not been charged.

The next criminal case set for trial is for attempted murder against Perez' former partner, Nino Durden. Durden shot 23-year-old Javier Ovando, who served two years in prison before his case was reversed. Ovando is paralyzed as a result of his shooting at Durden's hands.

In other recent developments, Los Angeles and the United States Department of Justice reached agreement to settle the Justice Department's threat to bring a civil rights “pattern and practice” case against Los Angeles in federal court. Under the settlement, a federal judge will oversee implementation of agreed-upon reforms through an appointed monitor. The reforms include tracking of complaints against officers and a bar against stopping motorists on the basis of race or ethnicity. Los Angeles Mayor Riordan and Police Chief Bernard Parks had opposed the settlement, but the City Council voted 11-2 to accept it.

The day after the Rampart verdict, the “Rampart Independent Review Panel,” consisting of 200 lawyers and business leaders assembled by the Los Angeles Police Commission's Inspector General, issued its report on the Rampart scandal. The Panel cited weak civilian oversight, a pro-police, meddling mayor and police department resistance to reform as causes of the scandal, conclusions that hardly required a six-month investigation—they were readily apparent for anyone to see.

Predictably, the panel recommended the same

reforms called for by the Christopher Commission ten years ago in the wake of the Rodney King beating—a stronger Police Commission and civilian oversight, plus better training, tracking and investigation of officer misconduct.

The panel report sugar-coats what the Perez revelations revealed—that the Los Angeles Police Department had incipient fascist gangs, if not death squads, which operated with no regard for democratic rights or constitutional protections.

These officers were part of a larger assault on the working-class, largely minority population, aimed at intimidating and terrorizing it while the assault on living standards and democratic rights was escalated. Prosecutors and court judges routinely promoted and rewarded police misconduct, as hundreds of innocent persons were railroaded and tossed into prison.



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