

Racial gaps in arrest data spark new scrutiny of DEA

NEW YORK (The Washington Post) — Johansí Lopez was arrested earlier this year as part of a routine drug enforcement operation in upper Manhattan, but his case has touched off a fierce debate here over whether certain tactics used by federal law enforcement disproportionately target minorities.

Lopez, 32, was charged alongside six others with conspiracy and related offenses after attempting to rob what they believed was a Harlem stash house holding around \$800,000 worth of heroin and cocaine, authorities say. It was, in fact, a government setup with federal agents waiting to intercept them - what's called a "reverse sting." Lopez's lawyers say his arrest was

part of an alarming trend within the Drug Enforcement Administration and other agencies that has, they contend, produced racially biased results - not only in New York but also in other major U.S. cities where federal law enforcement is working aggressively to reduce violent crime.

In the last decade, none of the 179 defendants arrested in DEA reversing cases in the Southern District of New York were white, according to an accounting by the Federal Defenders of New York, a nonprofit legal defense group that represents Lopez. All but two were black and Latino, the data show.

DEA officials vigorously defend the agency's use of reverse stings and its strict adherence to Justice Department guidelines prohibiting racial profiling, saying these operations undermine major drug traffickers, reduce violence and, ultimately, save lives. Lopez and

his co-defendants were armed and dangerous and conspired to commit a serious crime, authorities say.

Critics call the practice a form of entrapment, and the judge in Lopez's case, Jed Rakoff, seemed troubled early on by the arrest disparity data cited by his lawyers. In November, Rakoff

took the surprising step of ordering the Manhattan U.S. attorney's office to disclose to defense attorneys the DEA's practices and procedures for conducting such operations. The order required authorities to produce internal documents detailing how and when reverse strings should be originated, as well as all materials showing

how Lopez and his co-defendants were identified and evaluated before their arrests.

Rakoff's decision reflects a shift in judicial thinking happening elsewhere in the United States. Though experts say his finding was a first in New York,

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although these (decisions) have emerged in the context of a particular type of policing program, the reverse—sting operations, they could potentially set a more generous defendant-friendly standard for selective policing more broadly.”

reverse stings started in 1905. Authorities began using reverse stings in the 1990s to combat a surge in drug-related robberies in Miami. The technique proved successful and was adopted elsewhere.

In 2014, the Federal Criminal Justice Clinic at the University of Chicago Law School, detecting racial disparity, set out to challenge how law enforcement employed reverse sting: Led by the program's director, Alison Siegler, the team gathered data on 43 arrests in the Northern District of Illinois, revealing multiple instances in which the Bureau of Alcohol, Tobacco, Fire-arms and Explosives departed from its targeting criteria pertaining to people of color and the requirement that suspects have a history of criminal violence.

Their work resulted in dismissal of the most serious charges against 27 defendants, and many of their clients received comparatively generous plea deals that included time served.

USA Today reported that year that across the United States, 91 percent of defendants busted in ATF slush-house stings were minorities, raising broader questions about the practice. The reporting prompted an angry response from one senior ATF official, who insisted "there is no profiling going on here" and that the agency was targeting "the worst of the worst."

The DEA maintains a similar position about the data recently unearthed in New York. In a statement, special agent in charge Ray Donovan, who oversees the agency's field office there, said its investigators focus on "individuals and organizations who are major traffickers responsible for distributing millions of dollars worth of illicit drugs fueling the worst drug crisis in history to date." The 46 cases highlighted by Lopez's defense team, which date to 2009, involve "high-level and often violent targets" with access to deadly weapons, he added.

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**GUAM BOARD OF
EXAMINERS FOR
DENTISTRY**

**Regular Meeting,
Wednesday, December 18, 2019
at 3:00 PM**

at the Terkile Professional Building, 194
Herman Corner Avenue, 2nd Floor, Suite 209
Health Professional Licensing Office Board
1008 Room, Hagåtña, Guam.

For more information, please contact the
Board Office at 735-7476, ext. 13. Director

\$6M transferred from 2019 'lapsed' funds

By John O'Connor
john@postguam.com

About \$6 million in lapsed funding from fiscal 2019 has been transferred out of more than a dozen agencies to pay for operations in other agencies, cancer screening and related services, and for retiree insurance.

Gov. Lou Leon Guerrero called a press conference Tuesday morning on the transfers, which are part of the authority granted to her by the fiscal 2019 budget law. She was joined by Speaker Tina Muña Barnes and Sen. Louise Muña.

The Guam Cancer Trust Fund received \$500,000 out of the funding pot.

"I also wanted to make good on my word to Sen. Louise Muña on funding the cancer trust fund that you're so very diligent about, and also reporting to my speaker here to make sure that everything is done within the regulations of the budget bill," Leon Guerrero said.

The Guam Fire Department also

received about \$432,000. The listed purpose was "operations." The Guam Daily Post requested more specific details from GFD but the department had not responded by press time.

The Department of Revenue and Taxation and Office of Veterans Affairs received about \$15,000 and \$49,000, respectively, from the transfers.

However, the majority of the transfers went to pay about \$5.2 million in retiree health, dental and life insurance which was underbudgeted.

Always underbudgeted

That shortfall was discussed during the special economic service meeting between lawmakers and government finance officials on Nov. 18.

"We actually have a \$5.2 million bill, for the lack of a better word," Bureau of Budget and Management Research Director Lester Carlson said during the meeting. "We have claims that we have to address that the premiums were insufficient to cover."

In fiscal 2018, former Gov. Eddie Calvo used his transfer authority to fill a \$5.6 million gap in retiree insurance payments, Carlson said at that time.

"Every year it's underbudgeted," he added.

Carlson was also at Tuesday's press conference. GovGuam has about \$4 million more for retiree insurance in fiscal 2020, which narrows the gap, he said.

Excess revenue planned for deficit reduction

The \$5.2 million fiscal 2019 retiree insurance liability would otherwise add to the \$83 million cumulative deficit, Leon Guerrero said on Tuesday.

There is about \$22 million in potential excess revenues for fiscal 2019. However, Leon Guerrero has cautioned against calling the amount a surplus because of the government of Guam deficit that has rolled over from past years.

GPD and DOC lapsed funding taken
From the lapsed funds, about

\$243,000 each was taken from the Guam Police Department and the Department of Corrections.

Leon Guerrero said GPD has \$1.7 million in lapsed funding and a \$3 million budgetary increase for fiscal 2020.

"So they have a total of about \$4.7 million that they can use for personnel funding," the governor said. She said her office is working very closely with Police Chief Stephen Ignacio and the Department of Administration to get the recruitment processes going for new officers.

GPD may see about 28 recruits from a current graduating cycle, Leon Guerrero said.

Carlson said DOC has \$1.5 million in appropriations that the governor has recognized would go into personnel.

"We prudently went through the lapses to ensure that the maximum amount of continuing operational capacity for DOC and GPD was secured while still being able to pay our obligations," he said.

Attorneys warned after sentencing delay in drug case

By Nick Delgado
nick@postguam.com

A Superior Court of Guam judge was not happy when a sentencing hearing for a drug defendant was delayed after the attorneys on both sides failed to follow her court order.

Sentencing was set on Tuesday for

Kevin John Crisostomo, who pleaded guilty to drug charges earlier this year. However, the hearing was delayed after both defense attorney Stephen Hattori and the Office of the Attorney General of Guam failed to file their sentencing memorandums.

Crisostomo faces six months to four years in prison, according to the plea agreement.

"You have to obey a court's order when I say prepare a sentencing order. You are just going to sit there and argue six months, Mr. Hattori?" said Judge Anita Sukola. "You were ordered! Que pasa? What's going on?"

You, too, AG!"

Assistant Attorney General Steven Haderlie was the prosecutor who attended Tuesday's hearing.

"We are working on it," Haderlie said. "Give me something in writing," Sukola said. "It was due last Friday. Your office (AG) has a habit of not filing timely, and you keep riding on that."

Attorney Hattori said he would file his documents by the end of the day.

"What good is it to have rules when neither the defense nor the AG follows it, and you know who it hurts in the end: the defendant," Sukola said.

Sentencing has been scheduled for

Dec. 18.

On Jan. 26, officers with the Guam Police Department received a complaint of a vehicle stolen from a residence in Dededo. The victim told police that when he went to sleep, his Toyota Corolla was parked outside his home with the car key hidden under the driver's seat.

Police found the car when it ran out of fuel. Crisostomo was identified as the driver. During a search, police reportedly discovered "a metal mint container containing six straws with a crystallized substance that tested positive for methamphetamine."

THE GUAM BOARD OF MEDICAL EXAMINERS

Regular Board Meeting

Friday, December 13, 2019 at 4:00 p.m.
at the Terlaje Professional Building, 194 Hernan Cortez Avenue 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagåtña, Guam.


For more information please contact the Board office at 735-7404 thru 11. Persons with disabilities needing special accommodations may call the ADA Coordinator at 735-7172.

GUAM BOARD OF EXAMINERS FOR DENTISTRY

Regular Meeting,
Wednesday, December 18, 2019
at 3:00 PM

at the Terlaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagåtña, Guam.

For more information, please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.




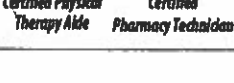


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