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## AUTHORITIES GO FISHING FOR JAILHOUSE CONFESSIONS

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The homicide detective thought he knew the identity of a murderer but couldn't prove it. To make his case, he wanted a confession. But his suspect wouldn't talk.

Los Angeles Police Detective Philip Sowers did what one prosecutor said a lot of detectives do. He turned to the **informant** tank at Los Angeles County Jail for help.

Sowers arranged for jailers to place his suspect, who was not an **informant**, in the special section of the jail reserved for **informants** -- inmates who habitually tell police that other inmates have confessed to murders or other serious crimes.

Within days, Sowers had reports from four **informants**, known to detectives as "friendlies," that his suspect had confessed.

Some **informants** have long claimed that detectives helped them obtain confessions by placing them with murder suspects. But prosecutors, jailers and detectives such as Sowers have now confirmed the practice, mainly in interviews and in previously unreported testimony.

Jailhouse **informants** typically are career criminals -- drug abusers, burglars, forgers, robbers and the like. In exchange for their information, they hope police and prosecutors will repay them with early releases, but they often are forced to settle for simple comforts, such as milk and cookies, that otherwise would be out of reach in jail.

Using them is dangerous, however, because in their quest for rewards, **informants** sometimes make up the confessions they report. If they are convincing -- and some of them are -- they can create difficulties even for conscientious detectives trying to sort fact from fiction. Ultimately, they can be responsible for convicting innocent people.

Innocence or guilt is not something that keeps **informants** awake nights. Like some police and prosecutors, most tend to believe that anyone arrested for a crime must be guilty. As one **informant**, Stephen Vulpis, put it: "Me and every other (**informant**) I've talked to have the same policy. The guy's guilty. Who gives a damn?"

Just how often jailed suspects are thrown in with these **informants** remains difficult to say. Placement of suspects with **informants** seldom comes to public attention, in part because many defense lawyers are ill-equipped to prove they have taken place, and because police and jailers have little interest in calling attention to them.

In some ways, such placements have been law enforcement's dark secret, violating the policy of the Los Angeles County Sheriff's Department, which runs the county's jails, and sometimes the constitutional rights of people accused of crimes.

In a series of rulings dating back 26 years, the U.S. Supreme Court repeatedly has declared it illegal to use **informants** to "deliberately elicit" confessions from suspects charged with crimes.

Last summer, The Times obtained a "confidential" memorandum saying that some senior officials in the Los Angeles County district attorney's office suspected in 1987 that sheriff's deputies may have broken the law by deliberately placing **informants** in cells with defendants "from whom law enforcement could use a confession."

But the Sheriff's Department promptly denied the practice. "Our position," Assistant Sheriff Dick Foreman said at the time, "is that we did not ever put a so-called jailhouse **informant** next to another inmate."

Since then, however, jailers in charge of **informant** housing have told The Times they placed suspects with **informants** dozens of times at the request of detectives.

In addition, a review of scores of cases in which **informants** testified from 1978 to 1989 turned up nine in which detectives or jailers admitted knowingly placing **informants** with jailed suspects.

In most of the cases, the **informants** claimed to have heard confessions. In some, the jail placements were deemed illegal by judges and the alleged confessions ruled inadmissible. In others, **informants** were allowed to testify, and the suspects were convicted. What weight judges and juries gave the **informants'** accounts is impossible to say.

The review of cases turned up many more instances in which it was not evident whether **informants** were deliberately placed with suspects or wound up with them as a result of jail overcrowding or mere chance.

During the decade reviewed, **informants** testified in about 200 cases in Los Angeles County. In hundreds more cases, **informants** provided information to police but did not testify. Defense lawyers say even the threat of having an **informant** testify about an alleged confession prompts many defendants to plead guilty to lesser charges that carry lighter sentences.

Behind the U.S. Supreme Court's rulings is the concept that, once someone has been charged, he is constitutionally entitled to a lawyer when he is being questioned by police. Police cannot interfere with this right by indirectly questioning a suspect through a secret "agent."

Thus, a confession reported by an **informant** who is placed in a cell with a suspect, and questions him, is inadmissible as evidence against the accused. But if the **informant** merely listens to the suspect and makes "no effort to stimulate conversations about the crime charged," any confession he reports is admissible.

This standard has been widely criticized by people outside law enforcement as unrealistic.

"How much incentive does the undercover agent really have to recall carefully, and report carefully, the flow of conversation?" asked Yale Kamisar, a specialist in criminal procedure at University of Michigan Law School. "He is much more motivated to deliver the target than to recall how he managed to do it."

**Informant** testimony is, in fact, often punctuated by claims that confessions were spontaneously blurted out.

Retired Sheriff's Sgt. Richard Shockcor indicated in a recent interview that he understood the Supreme Court's distinctions when he was in charge of **informant** housing in the county jail system from 1982 to 1986.

Shockcor said he turned down many detectives unschooled in the nuances of the law who specifically asked him to place an **informant** with a suspect so the **informant** could ask questions. But Shockcor said he was able to accommodate the more knowledgeable detectives, who would simply ask him to place an **informant** with a suspect and leave it at that.

"Anything can be done," Shockcor noted, "if it's done right." He estimated that "half a dozen" detectives did it right each year.

Before some of the legal niceties were spelled out by the Supreme Court in a 1980 decision, deliberate placements were common, said Sheriff's Sgt. Frank Gomez, who worked in a section of the jail housing **informants** from 1978 to 1980. Typically, Gomez explained, **informants** became interested in a case when they found a newspaper story about a murder in their neighborhood. Then they would beg jailers for extra time on pay phones, apparently to call friends who could plug them into gossip about the crimes.

"They would lay out the whole crime to the homicide investigators to establish . . . credibility," Gomez said, "then . . . say . . . 'Let me get close to (the suspect) and I'll get you a confession.' "

Gomez said he and his fellow jailers felt "it was incumbent on us to cooperate with the homicide investigators" and arrange placements with suspects when asked.

Detective Sowers said he received cooperation in 1986 when he told a jailer he wanted an inmate -- classified as ordinary and housed at Men's Central Jail -- transferred to the **informant** tank in the Hall of Justice Jail. Sowers said he arranged the transfer with no questions asked. "That's how easy it was," he said. He said he hoped the inmate -- the suspect in the murder he was investigating -- would talk to the **informants**.

"This was not something I came up with," he said. "It's something I know other detectives have done on numerous occasions."

In another questionable practice that authorities say has been halted, **informants** who caused disruptions and alienated jailers in the Hall of Justice **informants'** tank for years were transferred to higher security, protective custody sections of the larger Men's Central Jail, three-quarters of a mile away.

Life is more restricted at Men's Central. But, for **informants**, there also were more opportunities to report confessions and win rewards. Their neighbors in the high-security areas were the very inmates who were the sweetest targets -- people accused of the most serious crimes.

Among them was Ray Buckey, who was awaiting trial in the McMartin Pre-School molestation case in 1984 when a longtime jailhouse **informant** was placed in his cell. (The **informant** claimed Buckey confessed.)

Harold Ray Memro, now on Death Row, was housed with **informants** from 1985 to 1987 while awaiting retrial for the murders of three children. (Three **informants** claimed he confessed.)

In most of these cases, it is unclear whether the moves to Men's Central Jail were engineered by detectives or by jailers at the Hall of Justice **informants'** tank, who simply wanted to maintain what one Men's Central jailer derisively called a "country club atmosphere" by getting rid of troublemakers. After repeated complaints from defense attorneys, **informants** housed in Men's Central eventually were returned to the **informants'** tank.

"It seemed like the more (**informants**) we had (at Men's Central Jail), the more problems we'd have," said Deputy Thomas Halstead, part of a team of jailers who took over responsibility for housing **informants** in the jail system in 1986. "You'd always be getting calls from (a defense attorney) saying he wanted his client off the row because we had (**informants**) there. And he was right. We did."

Halstead's partner, Deputy Charles Brittain, said he also was troubled. "It just wasn't right," he said. Brittain said he was concerned that **informants** might be faking confessions, while convincing detectives they were being truthful.

Brittain said he believes investigators who relied on **informants** tended to be lazy -- anxious to pick up a reported confession as an easy way to prove a case.

While they sent most of the **informants** in Men's Central back to the **informant** tank at the Hall of Justice, Halstead and Brittain said they continually encountered resistance. Jailers at the Hall of Justice treated incoming **informants** as if they were Ping-Pong balls and paddled them right back, they said. The back-and-forth intensified until superior officers stepped in "well into 1987," Brittain said. Although Halstead and Brittain officially won the battle then, the game continues to some extent today.

"It's a continuing problem," Halstead said, "but it's not that big a deal."

The question of who gets housed in the **informants'** tank and in the high-security areas at Men's Central primarily is decided by those jailers -- now Halstead and Brittain -- who compose the Sheriff's Department "jail liaison" unit. The unit functions as an intelligence-gathering operation in the jail, maintaining contacts between jailers and detectives.

In classifying the inmates -- and deciding where they should go within the jails -- Halstead and Brittain say they carefully screen anyone who wants to get into the **informant** tank. Their fear is that an enemy of an **informant** might pretend to be one himself in order to slip in and kill the **informant**.

Halstead and Brittain said they do not knowingly place **informants** with suspects. But they acknowledge that there are other deputies involved in classifying inmates in the vastly overcrowded county jail system whom detectives can use to arrange placements. In addition, records show at least one detective from sheriff's homicide has admitted lying -- telling Halstead that a suspect was an **informant** who belonged in the **informant** tank, when the inmate was not.

Even when they are not deliberately placed, **informants** can meet murder suspects while routinely being transported to court on jail buses. They also encounter them in courthouse holding cells as they await appearances before a judge.

Once an **informant** establishes that he has met a suspect, he can use a variety of techniques to fabricate a confession.

Traditionally, authorities have considered an **informant's** account corroborated if they can show the **informant** was with the suspect in jail and reported facts about the crime that only the criminal or law enforcement officers investigating the case should know.

**Informants** can easily beat this system, however. Say an **informant** asks a suspect why he is in jail. The suspect tells the **informant** he is accused of strangling John Jones with a rope. The **informant** lies, telling police the suspect admitted strangling Jones with a rope. The fact that a rope was used becomes very important to the police. Use of a rope has not been publicized and, theoretically, should be known only to police and the killer. So the police consider the **informant's** account corroborated. However, the police ignore the fact that they told the accused a rope had been used.

In some of the cases examined by The Times, key pieces of information were passed this way -- from detectives to the suspect, and then, perhaps innocently, from the suspect to the **informant**, and finally, from the **informant** back to the police.

For years, defense lawyers claimed to no avail that this kind of corroboration was insufficient. In late 1988, they were proven correct in dramatic fashion. Leslie White, a particularly resourceful **informant**, demonstrated for jailers that he didn't even have to meet a suspect to report convincingly that the suspect had confessed.

Using a jail telephone, White posed as a police officer to gather inside information about a murder from law enforcement agencies. Then he posed as a prosecutor claiming to want to interview White and the murder suspect at an outlying courthouse. That way, White was able to arrange for himself and the accused murderer to be bused to the courthouse -- a move that would have created an official record the two had met.

White, a 32-year-old kidnaper and robber who has been in and out of jails since he was 8 years old, later said he used this and other methods to commit perjury in 12 felony cases.

In a still-growing scandal, another **informant**, Stephen Jesse Cisneros, said he perjured himself by making up confessions in five other cases.

The district attorney's office reacted to White's demonstration by calling for a new corroboration standard, requiring more "concrete" evidence that a suspect had confessed. As a result, use of jailhouse **informants** in court has been nearly eliminated.

As in most of the other cases found by The Times, the case in which Detective Sowers arranged to have the murder suspect placed in the **informant** tank was brought to light by a defense lawyer. The lawyer was trying to keep the alleged confession from being used against his client in court.

Ralph Peretz, the lawyer for Sowers' suspect, is a former prosecutor and a defense attorney who had seen the **informant** system from all sides. "It stinks," he said of the system.

"You . . . know," he asked Sowers at a preliminary hearing in 1987, "that if you put somebody in the tank, that within five minutes . . . the other inmate is going to descend on them trying to get information, correct?"

"Sometimes," Sowers answered, "it takes longer than five minutes."

According to police reports, **informants** questioned Peretz's client as soon as he entered their cellblock. Prosecutors said one of them, Anthony Cornejo, was an admitted perjurer who had nonetheless been used to testify to a confession in a death penalty case.

According to Cornejo and three other **informants**, Peretz's client confessed to murdering his landlady. Before the **informants** called detectives, there was so little evidence against Peretz's client that Deputy Dist. Atty. Richard Seldeen, now retired, said he initially refused to file the murder charge. But the former prosecutor recalled in an interview that "(Detective) Sowers was 100% sure he had the right guy," and police went to another prosecutor willing to file the case.

After the suspect was charged, Sowers testified, he spoke to sheriff's officials in the jail to arrange the suspect's transfer to the **informant** tank.

Seldeen, the former prosecutor, said he understood this kind of transfer was something "that a lot of police officers used to get incriminating statements."

Even though jail policy is to house only **informants** in the **informants'** tank, Sowers testified that the suspect "wasn't an **informant** for anybody that I knew of. . . . I never told the sheriff he was an **informant** or to put him there for that reason."

Trying to determine how his client wound up in the **informant** tank, Peretz said he obtained a court order requiring the Sheriff's Department to show him the "inmate special handling request" form used for recording the reason for such moves. But the Sheriff's Department never complied with the order, Peretz said, telling his investigator the form could not be found.

Sheriff Sherman Block recently issued a statement through a spokesman refusing to let The Times view the form, refusing to discuss the placement of suspects with **informants** and refusing to authorize any underlings to discuss it pending the outcome of a county grand jury investigation into possible misuse of **informants** by law enforcement.

But jailers who seemed unaware of Block's position agreed to be interviewed by The Times. One of them readily retrieved the form, which indicated that Sowers' suspect was an **informant** for the Los Angeles Police Department on a murder case and had been classified as an **informant** in need of protection at Sowers' request. Told of this in an interview, Sowers maintained he had not provided such information and did not know how it wound up on the form.

"Whatever information was filled out on that card was up to that particular (jailer)," Sowers said.

Sowers said he hoped for reports of a confession or other incriminating information but believed the transfer was lawful since he did not arrange for the **informants** to question the suspect.

But Peretz argued in the preliminary hearing that his client's rights had been trampled, likening what happened to authorities placing food in front of hungry men -- the hungry men being the **informants** -- and his client being "our plate of food here."

Municipal Judge James E. Satt agreed with Peretz.

"Knowing that those people were snitches, Officer Sowers put him in that tank with the express hope - I guess would be the best I can say -- that he would talk to those people," the judge said, "knowing that if he did, (Sowers) is certainly going to get a phone call within a short period of time. He (Sowers) admitted all that. . . . I don't think you can do that."

The judge barred the **informants** from testifying. Without them, the district attorney's office had no case, and, in 1987, it was dropped for lack of evidence.

"As far as we're concerned, Sowers did nothing that was wrong," said Cmdr. William Booth, chief spokesman for the Police Department. Placing suspects with **informants** is "a tactic that is not ruled out by our policy."

In some of the other cases found by The Times:

\* Los Angeles Sheriff's Department Homicide Detective William James Patterson testified in 1984 that it was a simple matter for him to have an **informant** placed in the cell of an accused murderer in 1982. "I just discussed it with the sergeant (who) was in charge and told him what I wanted," the detective testified. "There was no problem for me." According to the **informant**, Patterson's suspect confessed.

The suspect, Robert Edward Stansbury, was convicted after a lengthy jury trial of molesting and killing a 10-year-old Baldwin Park girl he had enticed to come aboard his ice cream truck. The impact of the **informant's** testimony on the jury is unclear. Stansbury is on Death Row.

\* Sheriff's Homicide Detective Sgt. Janet Stewart admitted last year that she lied to jailers to have a murder suspect classified as an **informant** and placed in the **informant** tank.

Stewart, now retired, testified that she lied in 1987 because she believed Deputy Halstead otherwise would have refused to put her suspect in the **informant** tank.

She testified that her aim in deceiving Halstead was to promote discord between her suspect, Edward Charles Harris, and his co-defendant in a murder case, not to obtain a reported confession. But she acknowledged that she knew she was putting Harris in a position where **informants** could easily claim he had confessed. At least one did, although he did not testify at the trial.

Harris is now being retried after his first trial ended in a hung jury.

\* Halstead himself testified that, before he began his present assignment in charge of **informant** housing, he placed an **informant** in the same cell as McMartin Preschool molestation defendant Ray Buckley. The **informant** subsequently testified that Buckley confessed.

At the time, Halstead was working as a "regular deputy" in a high-security section of Men's Central Jail known as the "hospital," which is used to house inmates with prosthetic devices and illnesses such as the flu. Certain healthy inmates, including law enforcement officers and members of their immediate families who are accused of crimes and people involved in high-profile cases such as Night Stalker Richard Ramirez and Buckley, also may be housed there.

Halstead testified at Buckley's preliminary hearing that he moved George Freeman, a jailhouse **informant**, into the same cell as Buckley, who then had only recently been charged in the molestation case. Halstead made the move, he testified, because he anticipated overcrowding in the "hospital" section as the result of a flu outbreak and because he felt Freeman was the only inmate in the area who probably would not beat up Buckley. He testified he knew Freeman was an **informant** but didn't tell Buckley.

He also testified that he didn't tell Freeman to ask Buckley questions. Instead, the deputy testified, he told Buckley that Freeman was there to keep an eye on him in case Buckley tried to kill himself.

Buckley had been on what is called a "suicide watch," which meant jailers looked in on him every 15 minutes rather than every half-hour, as is customary in the section, Halstead testified. Halstead acknowledged, however, that Buckley had been removed from the "suicide watch" several days before Freeman was moved.

Because Freeman was a known **informant**, Halstead testified he did not make the decision to place him with Buckley on his own. He said he obtained permission in advance from Deputy Al Henley, then a member of the "jail liaison" unit in charge of **informant** housing.

Henley, who did not testify in the McMartin case, denied it when asked by The Times.

When told that Henley denied giving permission, Halstead seemed unperturbed: "Let's put it this way. Somebody above me approved that. Now, if I testified it was Al Henley at the time, that was just my best recollection."

Although Buckley's defense lawyer contended that Halstead had violated Buckley's rights, a judge disagreed and allowed Freeman to testify at Buckley's trial.

Buckley was acquitted of 40 charges, but jurors could not agree on 13 others. The district attorney's office has decided to retry him. Prosecutors have said, however, they will not call Freeman this time. While testifying against Buckley in the first trial, Freeman admitted perjuring himself on other matters.

\* Claims that **informants** are used to "baby-sit" an allegedly suicidal suspect and not to garner a confession are met with disbelief by some defense attorneys. "That's such a joke," said Michael Judge, a high-ranking administrator in the county public defender's office. "A suicide watch, for Christ's sake! . . . How gullible do they expect the people to be?"

But the claim also figured in a 1982 case, when Leslie Vernon White testified as a prosecution witness. In an account that was not challenged in court, White testified that Sheriff's Sgt. Dave Bullis placed a man accused of shooting a police officer in White's cell and told White to keep an eye on him because the man was suicidal.

Bullis, since retired, did not testify in the case and declined to be interviewed, saying he had "been retired too long."

While keeping an eye on his new cellmate, Michael James Moore, White testified, the cellmate confessed to shooting the police officer and confided that he planned to beat the charge in court by acting crazy.

To illustrate the alleged plan, White testified that Moore inflated a trash bag with air, knotted it, left it in a corner, and when a jailer asked why it was there, deadpanned, "It gets cold in here at night. I'm saving some hot air for later." When the jailer left, White testified, Moore laughed for 10 minutes, then asked White if he thought that sort of fakery would work.

A jury rejected Moore's insanity claim.

Although a three-judge panel of the state Court of Appeal ruled in 1985 that Moore was entitled to have his sanity claim retried because the judge had given the jury a faulty instruction, the court explicitly rejected Moore's argument that authorities had illegally used White as their agent to "deliberately elicit" a confession.

The appellate court found that, although it was true Moore had been placed in White's cell, "no evidence was adduced that White was asked to remember anything (Moore) said to him, or that White was even asked to talk with (Moore)."

The appellate court apparently was unaware that only a month before Moore was placed with White, a member of the jail liaison unit had filled out an "inmate special-handling request" card on White. In a long narrative, it noted that White "has given information and testimony in numerous cases against other inmates (and) his memory is like a steel trap."

White since has said in an interview that he fabricated the testimony about the trash bag and Moore's alleged plot to pretend insanity.

After declining the opportunity to have the sanity phase of his case retried, Moore killed himself in prison by overdosing on a prescription drug.

\* Sheriff's Sgt. Edward Dvorak told detectives from the Los Angeles police internal affairs section, in a tape-recorded interview in 1983, that jailers that year had used a suicide ruse to fool former policeman Richard Ford.

Ford eventually was convicted of murder and attempted murder and sentenced to life imprisonment.

At the time, however, Ford was charged with attempted murder and was only a suspect in other crimes. He was housed in the jail's "hospital" section. An **informant** who was in the adjacent cell reported that he and Ford conversed through a three- or four-inch hole inmates had dug through the cinder block wall connecting the cells.

But through an apparent mix-up, Ford was moved elsewhere. When authorities realized the mistake, they moved him back.

"Ford was curious why he got moved back . . .," Dvorak told internal affairs detectives on tape. "We told the **informant** to tell him that the deputy is worried that Ford may try to commit suicide or something, so they put him (there) so that he could be watched."

Dvorak added: "Apparently the same day, a psychologist showed up to talk to (Ford) so it all fell together -- so he is not suspicious as far as what's going on."

