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## City rarely prosecutes civil rights complaints

**A report shows officers rarely are taken to court over alleged offenses, here or elsewhere**

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WASHINGTON - Houston is a prime example of a national trend that shows law enforcement officials hardly ever are taken to court over allegations of violating people's civil rights, according to a study of federal records.

Federal prosecutors nationwide decline to prosecute about 98 percent of the cases against police officers, prison guards and other government officials, according to U.S. Justice Department records analyzed in a report by the Transactional Records Access Clearinghouse.

TRAC, an independent, nonprofit research institute at Syracuse University, files hundreds of Freedom of Information requests a year and provides federal data to news organizations in an online database.

The federal Southern District of Texas, dominated by Houston, gets the nation's largest number of FBI investigations of police abuse and other civil rights complaints, and has one of the lowest prosecution rates, according to the report.

The U.S. Attorney's Office declines to take action on 99.3 percent of the cases in the Houston region, the study found, and four Texas districts were ranked among the five districts nationwide with the largest number of cases received from the FBI from 1986 to 2003.

Factors including failure by the FBI to investigate each case fully account for the results, David Burnham, co-author of the report, said Tuesday.

Prosecutors considered 43,331 complaints and prosecuted 690 in the 17-year period, according to the records. Almost two-thirds of the officers prosecuted were convicted.

"The data raises the question of whether we have appropriate accountability," Burnham said.

Justice Department officials have said that civil rights cases against law enforcement officers are difficult to prosecute because of problems with the interpretation and perception of the law against civil rights abuses carried out "under the color of law."

The most common cases involve drug and immigration charges against civilians, the study showed. But "the victims of most official misconduct cases tend to be unsympathetic while the defendants often are well-respected members of the community," the Justice Department's civil rights division told Congress a few years ago.

"As a result, virtually all of these cases require extensive and time-consuming investigative efforts on the part of both the lawyers and the investigators," the government said.

"The political reality here is that people feel reluctant dealing with (criminal charges) against cops," Burnham said.

Officials of the Justice Department civil rights division in Washington were unavailable for comment Tuesday. Representatives of U.S. Attorney Mike Shelby in Houston did not return calls from the Chronicle.

A law dating to the late 1800s makes it a crime for law enforcement officers to deprive suspects of their rights. Federal authorities use it to charge officers alleged to have misused their power, said George Strickler Jr., a law professor at Tulane University.

"They are pretty rare and usually arise only in very highly publicized cases," he said, citing the 1992 Los Angeles police beating of Rodney King.

The study was part of a project that found civil rights prosecutions have dropped under President Bush. Justice Department spokesman John Nowacki disputed the finding, citing different, more favorable figures.

TRAC received its data under Freedom of Information Act requests. The study was underwritten by the Carnegie Corp. of New York, the John S. and James L. Knight Foundation and the Leadership Conference on Civil Rights Education Fund.

### PROSECUTING COMPLAINTS

- Federal judicial districts that declined to prosecute all civil rights complaints against law officers, 1986-2003: Sacramento, Calif., Springfield, Ill.
- Large districts that rejected 99 percent of all cases: Houston, New Orleans, San Antonio, Tyler, Fort Worth

Source: Transactional Records Access Clearinghouse at Syracuse University