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## Immigrant bodega owners get a lesson in American justice

By Radley Balko

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Several years ago, Philadelphia Daily News reporters Barbara Laker and Wendy Ruderman won a Pulitzer Prize for their reporting on a rogue group of narcotics cops who were raiding, robbing and generally terrorizing the city's bodegas, most of which are owned by immigrants. There were allegations of sexual assault. The story, which Laker and Ruderman have now told in a book, should have been a much bigger national scandal.

I'm late to this, but earlier this month, U.S. Attorney Zane David Memeger closed his investigation. He didn't explicitly clear the officers. Instead, his office neglected to bring charges until the statute of limitations had run out. In fact, it's far from clear that Memeger's office conducted much of an investigation at all. The Daily News couldn't find a single victimized bodega owner who had been asked to testify in front of a grand jury. A few had talked briefly to FBI investigators but never heard back.

It looks like one of the officers has at least now lost his job, and others have received light suspensions. The office of Philadelphia District Attorney R. Seth Williams also says it will now investigate additional allegations of sexual assault. But there was ample evidence already that these cops committed crimes. More than 20 bodega owners of varying nationalities, few of whom were acquainted, came forward with very similar stories, all about the same group of cops. It's an outrage that all of the cops involved aren't in prison, much less that all but one of them are still collecting paychecks.

Over at Cato, Walter Olson conjures up appropriate indignation.

The story shocked others, too, especially given corroborative accounts from other bodega owners who reported that police had begun the raids by taking care to disable cameras, in one case allegedly by smashing them with metal rods or hammers, in another case destroying a computer that had retained images of the raid. Money, cigarettes, and other property typically vanished during the raid without account, and some owners were brutalized as well. The Philadelphia Daily News investigated extensively and found that because one surveillance camera had a concealed backup hard drive, it retained video of an invading officer actually reaching up to cut its wires. . . .

A few questions:

\* If you were an immigrant shopkeeper, what lessons would you draw from this about America's promise of equality under the law?

\* Does it still seem like minor harmless nannyism to pass laws banning things like mini-zip-lock bags as potential drug paraphernalia, laws that are widely ignored and may even be unknown to the regulated parties, given that it allows police like this a perfect basis to go to a judge and obtain formally valid search warrants? [Note: The mini zip-lock bags were the alleged reason for the raids.]

\* Note that the former head of the Dominican grocers association is running for the Pennsylvania legislature, perhaps an indication that with the law having failed to protect them from oppression, some groups feel they have little choice but to turn to politics. What do we tell groups that lack the collective means or will to assert themselves in politics? That we will offer them no way to protect themselves from predation?

The local police union has backed the cops from the beginning. In fact, not only has the union defended their abuse, the union leadership also lashed out at Laker and Ruderman for breaking the story.

Over at his personal blog, Olson poses one more question:

If we told these immigrant store owners that the American legal system works, would they believe us?

I'm not really sure why we'd try to tell them that. It clearly doesn't. I want to refer to these thugs as "rogue cops," but given that they've thrived in a system that not only allowed their misconduct to occur but also helped them cover it up, and that even once their thuggishness was exposed still won't hold them accountable in any meaningful way, how rogue can they really be? Keep in mind, this was considered one of the "elite" units within the department. Back in 2009, the Daily News found that even as complaints against the cops began to mount, no one within the department questioned them. Judges and supervisors gave little scrutiny to their warrant requests. No one asked why the city's elite cops were spending so much time busting up bodegas owned by immigrants with no criminal record over *zip-lock bags* — and why they weren't finding any contraband. Not only wasn't anyone asking questions, as the complaints piled up, at least one of the cops was promoted.

But let's get back to Memeger. What has his office been doing all this time while it *wasn't* investigating the bodega story? Here are a few of the actions Memeger's office celebrated last month with press releases: two indictments for possessing (not creating or distributing) child porn, an obstruction of justice charge against the wife of a man indicted for white collar crimes because she allegedly made false statements to investigators, one conviction for shining a laser pointer at a police helicopter and an indictment for failure to file a federal income tax return. A few other particularly noteworthy items: Memeger also indicted one man for threatening a U.S. congressman and another for threatening a federal law enforcement official. Memeger also issued four indictments of immigrants for illegally reentering the United States after deportation. Think about the message *that* sends to immigrants. Memeger has the time and resources to indict

immigrants who are trying to reenter the country. And he has the time and resources to pursue people who allegedly threaten law enforcement or a member of the political class. But he just doesn't have the time or the resources to pursue charges against a bunch of cops who robbed, threatened and assaulted immigrant bodega owners.

A few highlights from March: Six indictments for illegal reentry, an indictment (and from the looks of it, a long investigation) for selling pharmaceuticals (Viagra-like drugs and growth hormone) without a license, an indictment of a doctor for illegally prescribing prescription drugs, an indictment for illegally obtaining oxycodone, an indictment for possession of more than 50 grams of cocaine and an indictment for violating federal laws against spam e-mail. Memeger's office also sent out a press release celebrating the sentencing of several companies his office had convicted for hiring undocumented immigrants.

Yes, Memeger's office has indicted people for more serious crimes over the past couple of months and presumably over the five years during which his office let the statute of limitations expire on the Philadelphia cops. We don't know what went on between Memeger's office and the FBI officials who investigated the case. But you do have to start to wonder about priorities. I've praised the Obama administration for its willingness to use the Justice Department's Civil Rights Division to investigate police brutality and corruption. But that only makes what has happened in Philadelphia all the more difficult to comprehend.

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