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September 27, 2016

The Honorable Lawrence J. O'Neill
Chief United States District Judge:

Name: Damacio Garza Diaz
Date of Birth: March 9, 1972

A psychological evaluation was requested by Mr. Torres, the defendant's attorney, for purposes of providing the Court with additional information about Mr. Damacio Diaz for his upcoming sentence hearing and hope it will be helpful to the Judge. I conducted a face-to-face psychological evaluation and criminal risk assessment on Mr. Damacio Diaz in my Bakersfield office. I reviewed the literature on good cops turning bad, and his Presentence Investigation report.

At the outset of the evaluation, the nature and purpose of this evaluation was explained to Mr. Diaz. He was informed about the referral questions to which I was providing my professional opinion, as well as the procedures that would be employed. I explained to him that my role was to develop sentencing recommendations based upon accompanying risk. He was also informed that the examination was not therapy, and that forensic examinations are not covered by therapist-patient privilege, but may be covered under other legal privileges. Mr. Diaz indicated a full understanding this information and agreed to proceed with the assessment. His identification was based upon his California Driver's License.

Background

I am a Clinical and Forensic Psychologist in private practice and am retired with the California Department of Corrections and Rehabilitations (CDC-R). I have been with CDC-R for the past 22 years. I was the Chief of Mental Health at Corcoran and North Kern State Prison for over ten years. I was a Forensic evaluator for the Mental Disorder Offender (MDO) unit where I evaluated mentally ill inmates convicted of violent and/or sex offense prior to their release from prison in assessing dangerous to the community. I have assisted Judges in determining whether an inmate was suitable for prison (Z-cases). I also evaluate and treat law enforcement officers through the Workers' Compensation system.

Charges and Convictions

On May 31, 2016, the defendant pled guilty to three counts of a sixteen-count Indictment. Count 3 charges Federal Programs Bribery, in violation of 18 U.S.C. § 666(a)(1)(B); Count 10 charges Possession and Attempted Possession With the Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §§846, 841(a)(1) and (b)(1)(A); and Count 15 charges Making and Subscribing a False Income Tax Return, in violation of 26 U.S.C. § 7206(1).

Method:

Clinical interview with Mr. Diaz on 9/26/16

Letter from Mr. Diaz related to undercover narcotic duties 9/26/15

Presentence Investigation Report

Letter of impact from his wife on 9/26/16

A Darker Shade of Blue: From Public Servant to Professional Deviant; Law Enforcement's Special Operations Culture by Louis Silverii, December 2011, University of New Orleans, Doctoral Dissertation.

Mitigating Factors:

The mitigating factors in this case include the defendant's positive community involvement, family support and responsibilities, military service, and non-existent prior criminal record, providing substantial assistance in a case against one of Pat Mara's friend who would receive the drugs, minimal risk for recidivism, and clearly accepts responsibility for his behavior.

Also for the Court's consideration is how a good cop can go bad and the dynamics involved in Mr. Diaz case and similarly noted by Dr. Stirelli in his doctoral dissertation. The goal is not to blame the Department, but help the Court understand the nature of Drug Cops and how it can lead up to deviant behavior. In addition, the collateral damage that is suffered by Mr. Diaz' family, most importantly his father, wife and children. Lastly, Mr. Diaz provided some insightful recommendations related to policy which can benefit others in preventing them from going down the same path.

Risk Assessment:

Level of Service Inventory-Revised (LSI-R) is a risk/need assessment instrument that was designed to assist in assessing the risk of re-offending, thereby allowing agencies to assign appropriate levels of risk/need and develop intervention/case-plans accordingly (Bonta, Andrews, 2001). This instrument was chosen because it yields a good assessment of risk for future criminal and hostile behavior and can be used in conjunction with the other assessments and interview data to support and overall risk assessment statement.

Mr. Diaz scored outside the areas of concern. The absence of a pattern of significant risk factors that are usually associated with persistent criminal and violent behavior patterns rendered a score outside the area of concern for this measure. The medium risk score on Alcohol and Drug problem

section reflects Mr. Diaz singular alcohol usage rather than a more complex multi-substance addiction. As a result, this measure indicates a minimum risk to the community for future criminal behavior. Mr. Diaz has the necessary family support and motivators to maintain a positive lifestyle during and after incarceration.

Collateral damage:

- According to Mr. Diaz, "I have lost so much since my arrest on November 20, 2016. My arrest was very public by broadcasting, releasing, and leaking information to the media. Some of the information they released was completely false with an agenda to make me the fall guy (scapegoat) and to take advantage of the media hype due to the McFarland USA movie I was a part of.

Almost immediately after I was arrested, the police department took steps to terminate my employment. I soon found myself without a paycheck and without a way to support my family. Because my arrest was so public, I found it very difficult to obtain employment in Kern County. Everyone knew who I was and what had happened. We didn't know what we were going to do. We have 4 children at home. I spoke with my father about my predicament and he offered me the opportunity to come and work for him. My dad is a farmer who farms almonds and is also a farm labor contractor.

I immediately accepted and began working for him the following day. Even though I was raised working in the fields and already had some experience doing that type of work, supervising various crews and dealing with the everyday problems that arise from dealing with people and their personal problems was something that I had to quickly learn. Things were progressing nicely. I was meeting numerous farmers who hired us to provide the labor force for them, I was learning all the different type of work my father's crews did, and I was beginning to get used to how my dad ran his business on a day to day basis.

- On June 4th, 2016, my dad fell off of a rooftop, 22 feet high. He fell backwards onto the concrete pavement. My dad is 76 years old and already a bit fragile. How he survived is a miracle. My dad landed on his lower side and shattered his left leg into numerous pieces. I wasn't present when it happened but was notified immediately and I took him to the emergency room. The ER doctor said the leg was so badly damaged there was nothing he could do. He sent my dad to an orthopedic specialist. Eventually, numerous pins and rods were inserted into his leg. Because of his advanced age, the orthopedic doctor had some concerns about how well the leg would heal.

Three months have since passed since my dad's fall. He is confined to a wheel chair and cannot leave the house on his own. My mother is also advanced in age and between the both of us, we take care of my dad. My mom cooks and prepares all of his meals. She also bathes him in an outside shower we constructed for him. I remove his bandages twice a day and clean the wounds around the rods and pins. Taking him to the doctor appointments are the only times he has left the house the past 3 months.

I spent so much time the past 20 years building my career in law enforcement that I neglected spending time with my father. I now realize how much wisdom he has to offer and truly look forward to driving to his house every morning as I prepare to go to work. My dad and I have gotten so close this past year and we have come to depend on each other for many things. He is the first person I turn to when I have something I need to discuss and figure out. He is the one I come to when I need wisdom and advice.

We recently met with the orthopedic specialist on Thursday, September 22, 2016. My dad was told his leg was not healing like we hoped and he would need further surgeries, including a bone graft. This was bad news because my dad will continue to be confined to a wheelchair for another 6 to 8 months, at a minimum. After that, he has a long, hard road towards recovery.

- If I were to be incarcerated, my dad's business would suffer greatly and would most likely be over. My dad cannot and will not be able to ever walk in an orchard or field again. His leg and foot was so badly damaged that any type of uneven ground will be problematic for him in the future. Both my parents are elderly and have worked very hard, in very tough conditions, to have all that they have now. My parents have been the only people who have been able to help me out during this horrible crisis. When I was arrested and had to come up with a half million-dollar bail, my parents put up their property to cover my bail. When the government put a lean on my property and threatened to seize it unless I paid \$129,000, my parents were the ones who scraped everything they had to put that money together.
- My parents have pretty much spent everything they had in savings to take care of my problems. If their business suffers, my parents will be left with no way to earn money and no way to continue living the way they do now.
- My wife will be a single mother having to work, take care of kids, and run our ranch on her own.
- My children will be without a father in their everyday lives and I know the risks of kids being raised without a father in the home. My parents will lose their business and their primary source of income.
- One of my biggest fears is that one or both of my parents will become sick and I won't be around to assist them and take care of their everyday needs. I greatly fear that they will pass away without me having the opportunity to be at their side.
- I lost some of the respect from my wife and family and brought shame and underserved negative public attention to my wife, my parents, and family.
- I lost my job as a police officer and my career in law enforcement.
- My reputation within the law enforcement community and the city of McFarland was ruined.

- There have been over 100 stories about me in the local media within the past year. Some of the media stories have been greatly exaggerated or completely false.
- Finding employment, with somewhat similar pay, has become impossible.
- The FBI seized my wife's vehicle, even though it was purchased well before I transferred to narcotics and even though I rarely drove it.
- I have been humiliated on social media by people who think they know what they're talking about and who base their gossip on the media stories.
- I lost every single one of my friends who are in law enforcement. For just about half of my life, I was a police officer. All of my close friends, the people I relied on and trusted to have my back and even take a bullet for me, abandoned me at the most critical time in my life. Not one single officer has called, emailed, texted, or made any effort to reach out to me. That really put things into perspective. I quickly came to realize that the most important people were my wife, children, and immediate family. Those were the only ones I could truly depend on."

Effect upon wife, Courtney Diaz:

"My husband and I have been married just over ten years. Any marriage can be tough at times, but the stress of being a cop's wife is at a completely different level. You worry constantly about his safety and the line of work he's doing. The stress escalated drastically when he began working in the vice and narcotics units. Those particular units, let's face it, are operated differently. I felt like I never really quite knew what he was doing during those long hours. Many times I would text or call and get no response for hours. At first I would get angry. Then unthinkable scenarios would flash through my mind. Has something gone wrong? Is he coming home to the kids and me tonight? When he finally did come home, I went back to being angry. He had become a completely different person than the man I married. He didn't have the common decency, love, or respect for me that he once had. I found out he often went out drinking instead of coming home after his shift or the case he was working. His family was no longer a priority. He began to shut me out due to his deep involvement with the unit, and I began to shut him out because of my anger, resentment, and lack of trust towards him. All lines of communication broke down, and we pretty much became roommates instead of husband and wife. This job and lifestyle took a devastating toll on our relationship.

After four long years in the vice and narcotics units, he transferred to the homicide unit. Slowly I started to see my husband transform back into the man I fell in love with so many years before. He was no longer the absentee husband and father but rather just the opposite. We started communicating again about our hopes, dreams, and desires for our future. He dreamed about owning property and raising our children away from the city life. We moved to McFarland with my in-laws in order to save money and build our home. There's not a whole lot to do in McFarland, and that was the best thing we could have done for our family. We were all able to reconnect and repair the damage that had been done.

My husband became extremely involved in our children's lives. He has really taken an active role in their upbringing. He takes our children to school each morning and picks them up in the afternoon. I'm a school teacher in Bakersfield, which is thirty minutes away, and I have to leave the house by 6:30 in the morning and don't return home until around 4:30. It's extremely difficult for me to miss work so my husband goes to most of our children's awards assemblies, on school field trips, and stays home with them when they are sick. He has become such a hands-on Dad. He has coached their baseball teams, basketball teams, and is currently coaching them for cross country. He is an integral part of their everyday lives.

It would be devastating for my children to have to be without their father. Their upbringing would be greatly affected if their father was absent from their day to day lives. I would also be greatly affected. I have nobody else who can do what he does and step into our everyday lives. I don't have anyone who can take my children to school, pick them up, or go to their events. By the time I get home, it's time to cook dinner, help with homework, make sure everyone has bathed, lay out clothes for the next day, and get everyone to bed. While I'm doing this, my husband is feeding over 60 animals on our ranch, doing all the watering, and making sure our finances are in order. I can't express to you enough how much we are a team. Both of our presence are necessary regarding the care of our children and the success and maintenance of our household.

My husband was born and raised in church, but while working undercover, he was a lost soul living in the dark. He has rekindled his relationship with God and found the light again. He has become a man of God that his family can once again admire. This all happened long before any charges were brought against him. I guess what I'm trying to say is he has changed. We are a united couple again who just want to raise our children."

Undercover Narcotic Officer Duties

According to Mr. Diaz, "When I transferred to narcotics, I lost my way and got sucked into this underworld of deceit and wrongdoing."

"As a narcotics detective who worked undercover and constantly interacted with informants and drug dealers, I became accustomed to living a double life. My wife and family were completely unaware of exactly what I did or how dangerous and risky my job had become. I never told my wife about my daily activities and always downplayed the role of an undercover detective when she or other members of my family would compare my job to that of a TV detective. When I first transferred to the unit, my bosses and senior detectives instructed me to never tell my family about what I was doing because it would possibly cause marital problems and other trust related concerns. I was taught that the less my wife and family knew about what I was doing, the easier it would be to explain myself should any questions arise.

The fact of the matter is, I was living a double life. When I initially began working undercover and buying street level narcotics, I began to receive a lot of praise from my supervisors and my peers. The DEA boss as well as my BPD Sergeant often invited me out drinking and would tell me how natural I was as an undercover and how far I could go by continuing to dive into the underworld of narcotics trafficking. Along with those praises and accolades came a lot of pressure to continue performing and producing high level results. I would sometimes be expected to do

things that were unnatural in the real “dope world.” My bosses expected and wanted me to set up large scale takedowns without putting in the work to earn the trust of some of those high level traffickers. Spending the necessary money to buy smaller quantities, which eventually would lead up to the larger quantities, became a problem because those in the higher positions within the police department didn’t understand how narcotics investigations were accomplished and refused to release some of the necessary funds to accomplish those larger scale takedowns.

In order to continue operating in that manner, I began taking a few shortcuts to satisfy and keep the bosses happy. I quickly learned that it didn’t matter what really happened or what we had to do to get there so long as the takedown in the end resulted in large seizures of currency and drugs. During my time in the narcotics units, the majority of the cases resulting in large seizures of money and drugs were cases that I brought to the unit. When the takedowns happened and we seized a lot of money and drugs, some of the department administrators, including the lieutenants, captains, and chief, were very quick to come down to our office and take pictures with me and the other detectives. The bosses would sometimes pose in front of the camera holding some of the weapons we seized while standing in front of big piles of drugs and money. I was constantly congratulated and told how great I was doing. At the same time, they would tell me they didn’t care what I had to do so long as I kept bringing in these types of cases.

While I was assigned to HIDTA, we were constantly allowed to go wherever we wanted and do whatever we wanted. Our Sergeant was an absentee. He wasn’t the type of man who liked to tell you what to do. He was a “hands off” type of person who only cared about the end result. My partner and I were given so much rope that we eventually hung ourselves. We started out doing small things like cutting corners, bending the rules, fudging on paperwork and informant payment receipts, and that eventually led to not booking narcotics. After a short time in the HIDTA unit, I found myself completely stuck in this dilemma that felt like quicksand. I didn’t know how to and couldn’t dig my way out. My partner and I were involved in things that seemed to suck me in deeper and deeper. I didn’t know how to get out of it. I often thought about talking to someone in high authority in the department about what we were doing but I knew I would surely be fired and possibly even arrested. I considered talking to my father about it but didn’t want to disappoint him and make him think I was a dirty cop. I talked to my partner several times about my fears and concerns but he kept telling me we were taken care. He often said things that led me to believe he was using some of the money we made and was taking care of the bosses. In turn, they would take care of us. Even though I knew what I was doing was wrong, I kept on because I felt I had no options. I had already crossed the line and had no other choice but to continue on until I could eventually leave the unit. I couldn’t even tell my wife what I was up to even though she knew something was going on.

It was during this same time period when I began drinking excessively to the point where I was getting drunk on regular basis. Often times, I was out drinking with my partner and other members of the unit, including the bosses. One particular boss was an alcoholic who drank on duty all the time. He lived about a mile from where I lived and I often was tasked with driving him home. I estimate I drove him home between 20 and 30 times in a year’s period. Most of the time we left his vehicle in the parking lot of the bar where we were drinking and I would pick him up in the morning on my way to work. Other times, I would drop him off at home and then drive back to the bar with another detective who would then drive his vehicle home. This was a routine. I had

gone from a person who never drank any alcoholic beverages to one who drank on a daily basis. One night, after dropping my boss off at his home, I was pulled over by a marked police unit from our department. The patrol officer and his partner immediately recognized how intoxicated I was and joked about it with me. One of the officers entered my vehicle and drove me home while the other officer followed us. That was a very low point in my life.

The drinking created many problems for me at home and at work. I started lying to my wife about where I was or what I was doing. I began mixing up my lies and dug myself deeper and deeper to the point where she no longer trusted me. I neglected doing paperwork and reports for work and when I finally got around to doing them had forgotten important details and had to guess. My boss would sometimes ask me to write police reports for my partner because he was too drunk to remember all the details or because I was a better report writer and would be able to paint a colorful picture in my writings. Things were very sloppy within the unit; however, we were very successful in our seizures and arrests. We led the Eastern District of the United States with the quantity of seizures both years I was in the unit and that is all that really mattered to our superiors.

Falling into this trap of bad behavior and risking your career and freedom can easily be avoided by following a few simple recommendations. The sole reason for this letter is to attempt to prevent any future officer, who might find themselves in similar circumstances as I did, from giving in to the peer pressure, the temptation, or thinking they can get away with bending or breaking policy. I know, from firsthand experience, how bending the rules on insignificant situations can eventually lead to much worse things like violating department policy and even breaking the law.

A Darker Shade of Blue: From Public Servant to Professional Deviant; Law Enforcement's Special Operations Culture, by Louis Silverii, University of New Orleans, Doctoral Dissertation.

"The sacredness of the (law enforcement) profession creates social autonomy protected by the officers' code of silence. Operating in this vacuum apart from public accountability fosters an environment for behavior outside of laws the institution is charged with enforcing. My research shows the process of occupational socialization ushers officers into a state of becoming blue, or the enculturation of expectant behavior and actions. I confirm that assignments into the Special Operations Group (SOG) facilitate a subculture separate and apart from the institutional ideals (Librett, 2006) and encourage a darkening of the shade of blue identifying officers with a labeling of deviance. While previous research identifies the code of silence as a by-product of the policing culture, my research identifies it as fundamental for maintaining the covenant of the dark blue fraternity."

Dr. Silverii served over twenty years in law enforcement and 12 years in narcotics and 3 with the Drug Enforcement Agency (DEA). His highest position obtained was Chief of Police. He is author of the book Cop Culture; when Good Officers turn Bad.

Dr. Silverii studied four research questions:

1) Does assignment into the SOG cause perceptual changes specific to organizational allegiance that are detrimental to providing quality service to the public?

- 2) Does a liminal state of ideological transition occur during the SOG socialization process preventing the transfer back into more traditional roles of policing?
- 3) What are the effects of occupational socialization on the personal lives of law enforcement officers assigned to SOG?
- 4) What are the effects of occupational socialization on the professional careers of law enforcement officers assigned to SOG?

“In my opinion, it does not appear that the subculture of deviance is a result of personal or moral defect. There is an occupational dynamic associated with segregating specialized skill sets of Operators in an environment dominated by hegemonic masculinity.”

Dr. Silverii’s findings are consistent with Mr. Diaz’ experiences and how certain aspects of the law enforcement culture, especially the SOG undercover narcotics, can turn a good cop to bad.

‘Perceptual changes leading to deviance and violence occur for law enforcement officers during a trajectory of liminal thresholds. The experiential depth of cultural commitment spent behind the thin blue line promotes the crossing of perceptual thresholds along a path of antisocial conduct. The more years invested in the profession of policing, the more exposed to violence, and the more engaged in deviant behaviors the officer becomes, the greater his opportunity for liminal transitions leading to a disenfranchisement of the organization’s core ideology. The following studies describe how officers begin a journey of idealistic public servant that may devolve into professional deviants.

Studies by Obst, Davey and Sheehan (2005), Manning (1980), Ulmer (1994), and Librett (2006) describe trajectory of evolutionary periods in the careers of law enforcement officers. Obst, Davey and Sheehan (2005) show a causal relationship between attending a police training academy and increased alcohol consumption. Their longitudinal study uses a survey and structured interviews to examine police recruits for tracking increases in consumption patterns throughout their first twelve months in law enforcement. The survey verifies that as police training and experience increases so does the risk of harm from consuming alcohol.

Obst, Davey and Sheehan (2005) claim this increase is caused by the indoctrination of recruits into a culture of alcohol consumption driven by peer socialization, desire for acceptance and social clustering networks.

Canberra (1996) studied police as they compared to other occupations including transportation, health care, metal fabrication, hospitality and emergency services. Consistently, police officers reported higher consumption of alcohol rates than other professions. This research focuses on the culture’s need to consume alcohol as an element of socialization. Obst, Davey and Sheehan (2005) shows drinking subcultures are characterized by an environment stressing teamwork and peer pressure, and alcohol use is integrated into the job with a permissive attitude towards consumption. The nature of work leads to drinking off duty with peers to relax and debrief.

The permissive use of alcohol is not the only reason officers focus on the clustering aspects of socialization, the practice of consumption plays a role in solidifying peer relationships. Obst, Davey and Sheehan (2005), Canberra (1996), and Barker (2005) show the profession of law enforcement does impact the individual officer's level of risk for alcohol problems. The process of induction and enculturation suggests a strong correlation to influencing the officer's alcohol consumption and further validates the unique environment within which police officers operate, both professionally and personally. Further, they propose the act of consuming alcohol may serve as a gateway for more serious antisocial behaviors.

Janis' (1972) discusses the effects of groupthink on the deterioration of moral judgment and dehumanizing others to gain favorable opinion of those most like them. The components of groupthink are similar to the SOG subculture and are included to show the unique nature of "belonging". An example of the outcomes produced by a homogenous group binding together under the pretense organizational unity is policing's romanticism of its cultural similarities to the gang culture. Law enforcement promotes itself as the largest street gang in America and refers to itself as the Bad Boys.

To understand how once idealistic individuals fall victim to the professional deviance promoted by groupthink, Ulmer's (1994) work on labeling links associations with deviant careers leading individuals to become identified with that subculture. The identification with the label of deviance creates a deep commitment to the actions and association of that group. Ulmer (1994) argues that deviant careers and labeling processes can heavily influence career trajectories and claims disciplinary penalties imposed to deter deviance, can actually foster it. In addition, placement in an environment where deviance is the influencing force may lead to the development of deviance as a self-concept. This phenomena is similar to the officers assigned to SOG; although they serve in an elite unit of law enforcement, they are seen by non-SOG as "others". Because the SOG conducts legitimate policing functions using covert operations unknown to their fellow officers, they are perceived as "gray" cops existing too close to the unethical edge. Ulmer (1994) shows the effects of associating with a stigma of deviance may lead to an irretrievable investment into the label, thus strengthening the level of personal commitment to the career path, i.e. a darker shade of blue.

A final source of structural commitment or the external influence is the difficulty of terminating the line of action. The original target of Ulmer's (1994) study was the ethnography of a former outlaw motorcycle club (OMC) member who gave examples of the difficulty of getting out of the club. The subject in Ulmer's (1994) study explained that quitting an OMC often involves violent beatings, stabbings, shootings and the physical torture of removal by cutting off all club related tattoos. Similar to Ulmer's (1994) account of the OMC's difficulty exiting the club, my professional observations also show difficulty in terminating assignments into SOG except by poor performance reviews, disciplinary actions, or resignation. This makes leaving the SOG with honor a rare option and exposes the officer to a continuing deviant identity, making the liminal change of ideology possible. These examples demonstrate the effects of associating with a stigma of deviance leading to an irretrievable investment into the label, thus strengthening the level of structural commitment to the career path.

This review illustrates liminality and groupthink by finding oneself in a suspended state of being, or a transitioning phase of being neither here nor there relative to the personal identity versus the collective persuasion of an identity unaligned with organizational ideals. The research of Ulmer (1994), Obst, Davey and Sheehan (2005), Manning (1980) and Janis (1972) demonstrates the power of ideological transitioning within the law enforcement community and provides the conceptual basis for understanding the detrimental personal effects of becoming blue.

Cadets attending academy training unwittingly experience a liminal state during the occupational socialization process. The liminality is made possible by the vulnerable status of officers as the enculturation process overwhelms conventional norms with tradition, identification with deviance and a fraternity based upon secrecy.

These professionals pride themselves in running towards danger while others flee, but it is the emotional and psychological toll suffered while they run. The SOG Operator prepares for the physical demands of the assignment by regular and strenuous training, but it is the undetected effects described by Girodo (1997; 2002) causing the most personal and social harm.

The United States law enforcement profession employs over 800,000 municipal, county, state and federal law enforcement officers. From these ranks emerge the SOG without clear or consistent qualifications for selection and whose professional standards vary between jurisdictions. Girodo (1997) examines the most desirable characteristics required to choose a successful undercover agent. Since World War II, the United States government has worked to identify characteristics of an effective undercover agent for national and law enforcement interests. The duality of expectation begins when an officer is recruited based on performance measures to include good judgment and integrity and then asked to falsify his identity to misrepresent himself to others for the sake of detecting crime, and then is unable to return home to regular family life.

Girodo's (1997) study of two hundred and seventy-one undercover agents demonstrates that chronic exposure to undercover work causes psychological symptoms and that those agents with cognitive traits such as extroversion and emotionality are prone to excessive drug and alcohol use. He observes that undercover work becomes associated with an erosion of psychological, behavioral, and moral standards jeopardizing both health and police operations. Through the course of his observations and structured interviews, he identifies the conflict of living a double life. This causes SOG Agents who were under examination in Girodo's (1997) study to experience elevated symptoms resembling those of psychiatric outpatients.

In addition to his work describing the psychological harm associated with undercover operations, Girodo (2002) studied agents disassociation from self-identity and unprompted reappearances of altered identities developed for conducting undercover operations. He shows the occupational maladjustment, psychiatric disturbances and personality changes associated with undercover work. Those at highest risk for suffering this effect are the elite units within law enforcement such as SOG, who serve outside the traditional boundaries of policing. The acts of establishing deviant networks give rise to stress disturbances, corruption and perceptions of "self as unreal", along with paranoia and other troubles. Girodo (1997) also explores an element related to SOG length of time spent in assignment as linked to higher rates of corruption, disciplinary infractions and social detachment. This time-in-assignment effect is related to the occupational socialization trajectory

model influencing an officer's commitment to deviance as stages of liminality occur throughout the experiential course of a career.

Girodo (1997) and Fitzgerald (2002) illustrate that living on the fringe develops an antisocial effect on the officers that may lead to deviant, subcultural allegiance to principles separate and apart from organizational priorities. While Girodo (1997) focused on United States federal government undercover trainees, Fitzgerald (2002) applies her research to a municipal police department's undercover agents in the field of operation. By embedding herself into the police culture as a participant observer, she studies the SOG's close affiliation with the criminal lifestyle and the exposure to the drug culture to determine if they were impacted in beliefs, attitudes and behaviors.

Fitzgerald (2002) demonstrates through survey and interviews that while a patrol officer's performance is measured by anonymous activities such as writing tickets to motorists and making arrests, the undercover agent's performance is based on the ability to misrepresent himself for the purpose of establishing criminal networks leading to intelligence and arrests. Her results were similar to an earlier embedded study by Farkus (1983) of the Honolulu Police Department showing that agents experience stressors from undercover work manifesting itself as anxiety, loneliness, isolation, relationship problems and paranoia.

The phrase "don't be sheep" was shared in several interviews in different states, and I used it personally to end correspondence to other SOG during my career. The phrase to most people would seem pointless, but to those understanding their position in society's margins, it is a powerful reminder of their place in this world. It originates from a book on the psychological cost of killing and is an analogy of where law enforcement stands within a society. To law enforcement, peaceful and productive citizens are the sheep who never purposefully intend to harm another. Wolves, on the other hand are the violent chronic offenders preying on society. Sheepdogs are society's warriors standing in the gap when the wolves viciously attack the sheep. Sheepdogs remain in the margins until needed, but the mainstream flock of sheep never fully accepts them.

Their research is also consistent with the observations relative to social clustering, peer acceptance and groupthink. The cultural synergy leads SOG Operators to blend for acceptance even if it requires uncharacteristic antisocial behavior such as chronic alcohol consumption. This is yet another emerging code supporting the trajectory of socialization theme, as SOG enmeshes the drinking of alcohol with personal and professional activities.

The duality of conflict in becoming blue exists between loyalties to the subcultural fraternity or the institutional ideals of duty, honor, and service. The process of disengaging from the law enforcement institution intensifies the process of socialization. My research demonstrates the gang like clustering characteristics of the SOG. During an interview with a Florida SWAT Operator, he detailed the expectations of acceptance into the SOG. I ask a follow up question: "Like a club?" and he immediately snaps back: "More like a gang. You got rules and if you don't follow they kick your ass out. You run your face and you get blackballed. You learn the rules fast. It's great if you fit in, it sucks if you don't." His accounts reflect my own experience and illustrate the difference between assignment into SOG and acceptance by SOG.

Feldman (1976) and Ashford and Saks (1996) explain the negative impact of organizational isolationism for creating dissatisfaction and termination of employment. I ask a retired Louisiana SOG about the toughest part in working with non-SOG. His reply is a typical effect of the isolationist tactic; "I feel like I'm on a deserted island but I see everyone. No one sees me and probably don't give a rats ass who I am." SOG who becomes a darker shade blue, continue through liminal phases as they progress along the trajectory of socialization. An undercover narcotics agent in Arizona shares his struggles over maintaining the integrity he desires versus getting pulled into a lifestyle he wants to avoid:

I'm not like some of these cats who just do it for the rush, or the pain. They live to chase women and tell war stories after each night of partying. Hell, I find myself at the center of these stories, and I'm like, this ain't the me I want to be. He exemplifies the strain of subcultural socialization when he states: Just the peer pressure ... is crazy. Worse than any college frat I saw. I used to think if it's that bad then the guys should just quit. Then I realized that you can't. In a way you're trapped. It's a dishonor to quit. The three SOG all use powerful expressions (ex: like a gang, on a deserted island, ain't the me I want to be) that illustrate the internal difficulties of SOG socialization. SOG learn that exclusive membership to this subculture comes at a price. The unity of SOG creates an atmosphere of resilience and dependence upon each other. Operators cannot call upon the staff of the regular police to assist in most covert operations.

The trajectory of socialization is a complex process and includes many stages of liminal transitions occurring before full acculturation. During this process, the Operators develop an identity influenced by the fringe lifestyle of their peers. Part of this identity includes the expectation of entitlements associated with the assignment. Characteristics present themselves as organizational autonomy, disassociation with traditional uniformed police. Other characteristics include the mystique of SOG operations fanaticized by media portrayals, close association with living on the edge and risk taking, and the self-identification as existing outside the law. This attitudinal persona creates a loyalty to the SOG and a divide from others who threaten the existence, while hating the others to protect the fraternity comes easily. After fully actualizing the trajectory of socialization and the Operator assimilates into the subculture of the SOG, the individual perspective fades into a pack mentality. Prior individual creativity and initiative is replaced by following the rules, both formal and informal, and an ironclad code of silence. The ideological shifts manifest into various forms. While some may serve to improve an Operator's ability to cope with the stresses of the assignment, others become a detriment to their personal and professional lives. This ideological transformation ensures that Operators adhere to the expectant rules and behaviors that informally persist within the SOG to maintain internal and isolationist integrity.

Obst, Davey and Sheehan (2005) show the influence of academy training as the civilian is introduced to a culture where individual characteristics are forfeited for the sake of homogeneous cohesion. They show the cadet willing to engage in risky behavior for the chance to establish personal relationships and peer clustering. Canberra's (1996) study of risk taking behavior examines the post-academy phase, and that the behavior learned in the academy engrains itself into a continuation of evolving countercultural ethos. My third liminal benchmark relates to Feldman's (1976) actualization stage and Van Maanen's (1975) encounter stage where the reality of the culture begins to identify the identity of the officer.

Beginning from a civilian perspective of no experience in the policing profession, the officer can only enter, learn, and train once. These first three liminal trajectory transitions slides the officer along the scale towards becoming a solid blue shade. The officer, socialized to remain silent, begins to formulate the thin blue line's concept of "us versus them." My analysis, similar to Barker (2005) and Fitzgerald (2002) shows perceptual changes to be detrimental to the personal lives of Operators as evidenced by divorces, alcohol abuse, and the detachment from traditional social networking anchors. It is difficult to determine whether the quality of professional services is affected because of the subcultural characteristics. These challenges arise due to the nature of the SOG mission. The assignment requires Narcotics Operators to frequently associate with felons and drug dealers for the purpose of gaining criminal intelligence and arranging undercover operations. These associations involve the nurturing of relationships with confidential informants to establish a basis of trust between them. The difficulty is with determining whether the professional effectiveness is measured by the levels of associational depth with their criminal networks for disrupting criminal activity, or by the standards applied to the non-SOG for assessing the Operators conformance to traditional social expectations.

I found, as did Janis' (1972) examination of cohesive groups, that Operators may devolve into a deviant subcultural fraternity when associated with a purposeful segregation from the mainstream policing population, the homogenous environment of a high skill set unit assigned to a unique mission, and an autonomous culture of limited institutional accountability. Also reported by Ulmer (1994), the slide into deviance may be attributed to the daily exposure to the criminal elements they investigate, and the need to imitate the criminalistic, fringe lifestyle for the purposes of covert surveillance and undercover purchasing investigations. This exposure is similar to Ulmer's (1994) labeling of deviance through an investiture of the exposure to antisocial actions.

The descriptive findings express the negative effects of occupational socialization on the personal lives of law enforcement officers assigned to SOG. Queen (2005) and Librett (2006) describe the harmful results for families and friends as the Operator's commitment to the assignment requires them to choose the fraternity over the civilian networks. Feldman's (1975) "role management stage represents these costly effects as detailed by Johnson (1991) and Neidig, Russell and Seng (1992) report of law enforcement as aggressor or victim of domestic violence, alcoholism, divorce and Quinnet's (1998) account of an officer suicide rate over three times the national average.

The characteristics associated with SOG fringe and deviant behavior suggests that their personal lives are limited to associations within that restricted sphere of companions. Most admitted to isolation from mainstream society, diminished relations with family and friends, and the desire to remain in the company of their SOG "brothers." My analysis based on the Operators' admissions to the chronic use of alcohol, infidelity, and attraction to violence and risk taking show behavior non-conducive to traditional civilian interpersonal relationships to include wife, children, family, and social associations beyond those of law enforcement. The detachment from civilian moral anchors is consistent with the works of Johnson (1991) and Neidig, Russell and Seng (1992), Quinnet (1998), Queen (2005) and Librett (2006).

The subculture of the SOG fosters this homogenous membership of white alpha male Operators, who by the covert nature of their assignment are allowed extending degrees of latitude. This curiosity created by the secreting mystique of the SOG lends itself to an environment

nonconductive to traditional core values of duty, honor, and service. The detrimental aspect of this term is directed to the Operator, who may suffer great personal and professional expense by participation in the hedonistic subculture.

The question begs to be asked; “Why does SOG participate in deviant activities?” Because it can. Manning’s (1980) assessment of police violence as a societal necessity is accurate, but the SOG Operator does not have the luxury of his theoretical perspective. Society submits to this violence as long as it is not too severely dispensed; not exposed through media; or, not used against someone closely associated to them. The SOG, whose mission is to pursue the most violent criminals, are afforded operationally creative liberty to deliver their tactics centering on force meeting force. SOG Operators, just as I did, quickly realized the usefulness of violence as a resource.

It is my interpretation that the effects of groupthink, pack mentality and attractiveness to the perceived freedom of the others’ worldview, entices officers with certain personal characteristics to become SOG Operators. Occupational socialization is a powerful influence, and when metered out in unassuming stages of trajectories, it becomes difficult for detecting or preventing the detrimental effects.

Officers selected into the SOG are not made aware of the mental, physical and social effects of the subcultural socialization. Peer clustering is a behavioral pattern practiced through a lifetime of social interactions. The patterning of behaviors change to reflect the synergy of individuals interjected into the social arena.

I find that the subcultural SOG is a reflection of the manifestation of specialized skill set selection, the collective personal characteristics transformed during periods of liminal opportunities uniquely experienced in the SOG mission, and the institutionally autonomous operational environment of violence, silence, and risk. The SOG Operators were often dedicated to a fault, by committing themselves to the ideals of the SOG in the esprit de corps instead of the institutional core values.

Dr. Silverii’s Recommendations

I address two issues relative to the SOG’s subcultural disengagement from the core institutional ideas and mission. The first is the personal and the second is the professional effects on Operators. To lessen the personal impact of the subcultural effects, the individual officer willing to enter the SOG should be encouraged to have the full support of his social network system. His immediate and extended families, friends; both civilian and police peers, church and community service groups will anchor the individual in the civilian world. Law enforcement agencies should educate Operators about the detrimental effects of terminating these civilian social anchors, and encourage network building within the community.

If the officer accepts assignment into the SOG, law enforcement agencies need to encourage boundaries and limitations for SOG personnel. The SOG business office should be regarded as a professional work environment. The Operator will spend more time in that office socializing with his cohorts both on and off duty than with their respective families. This practice shows dedication to the team, but in actuality begins the process of selecting fraternity over family. The degree of personal relationships with other Operators should be limited for maintaining a healthy separation of work versus play expectations by the peer group. The main factor for minimizing the detrimental

effects to the officer's personal life is maintaining objective distance from the subculture of the SOG.

There is a point of diminishing professional work efficiency for the SOG in relationship to time-in-assignment. There is a peak window of opportunity between the energetic naïve rookie and the "been there done that" veteran. The Operator should be limited to an established number of service years in the SOG, as long as the service is productive and free of disciplinary actions. I spent twelve years in a multijurisdictional narcotics task force, with three of those years operating as an agent with the Drug Enforcement Administration Task Force. The subjects of my study also appear to slide deeper into a commitment of social deviance as their career longevity increases and the experiential intensity rises. While transferring Operators out of SOG might sacrifice a level of expertise, the ability to sustain an ethically high level of legitimate performance may be enhanced. The assignment over time becomes damaging y allowing the Operator, while initiating dangerous investigative cases, to cause irreparable personal harm. An alternative to the officer rotational practice based on time-in-assignment is the rotation of command staff every two years to ensure a fresh perspective. The commander should come from outside the ranks of the SOG.

A third alternative is to institute a strict hierarchical command structure with mid to upper level authorization afforded to a non-SOG supervisor. Placing administrative oversight outside the realm of SOG allows the Operators to train and conduct missions, but provides a constant reminder that they serve under the authority of the institution to support the core values of duty, honor and service.

A third suggestion is determining if policing's chief executives are aware of the deviant subcultures operating within the ranks of their agencies. There is an unofficial tolerance for the SOG since it is necessary for investigating the seriously chronic and violent offenders. If deviance is allowed within an organization because commanders do not have the SOG background for understanding the complexity of the subculture, it is the failure of the institution's executive level command. Conversely, commanders having SOG experience, yet allowing operational latitude because of a relational history also demonstrate executive level failure.'

Cops in prison

Mr. Diaz is likely to have safety issues in prison due to having been in law enforcement, but also as an undercover narcotics detective, who lied to gain the trust of criminal. His notoriety due to the Disney movie and media will make him a high profile target for other inmates. He will not know who to trust and will have to maintain his vigilance while incarcerated.

Recommendations

The following sentence recommendation for below minimum sentencing is based upon the literature on how a good cop turns bad and the current law enforcement practices of narcotics that contribute to deviant behavior. Although Mr. Diaz accepts full responsibility for his behavior, these are factors that should be considered along with the consequences upon his family.

The mitigating factors in Mr. Diaz' case include the defendant's positive community involvement, family support and responsibilities, military service, and non-existent prior criminal record,

providing substantial assistance in a case against one of Pat Mara's friend who would receive the drugs, minimal risk for recidivism, and clearly accepts responsibility for his behavior.

Also for the Court's consideration is how a good cop can go bad and the dynamics involved in Mr. Diaz case and similarly noted by Dr. Silverii in his Doctoral dissertation. The goal is not to blame the Department, but help the Court understand the nature of Drug Cops and how it can contribute to deviant behavior. In addition, the collateral damage that is suffered by Mr. Diaz' family, most importantly his father, wife and children. Lastly, Mr. Diaz provided some insightful recommendations related to Departmental policy which can benefit good cops turning to bad.

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