

The Ben Peech story moves forward

by Dave FEATHERLY

"I hate him."

A WHP employee was speaking with a Captain of the South Dakota Highway Patrol and the name "Ben Peech" came up. Asked if the Wyoming guy knew Peech and told he knew him, the Captain said, "I hate him."

The guy from down here knows Ben Peech well and thinks the world of him. He's witnessed Ben in action many times and credits him with being able to handle difficult situations with calm and professionalism. He wondered why someone from anyone state would dislike Peech.

"I hate him because he's got such a reputation on I-80 that the drug traffickers are using I-90 across South Dakota to transport their drugs. Now we've got the problem." Maybe now they can return to I-80.

Since the last issue of the Cheyenne Herald hit the streets and website, I've heard from several WHP employees - across the state of Wyoming. They have been effusive in their praise of Ben Peech.

Note: I was called by a person who has a different view of Ben and other members of law enforcement. That story will run in the next issue - if he will grant me a full interview, which he said he would do.

There was a letter to the editor in the Casper Star-Tribune (November 16, 2007) in which a retired WHP trooper made several critical references to Ben Peech and his actions, including the linked accusation that Ben had become "scum" by taking scum off the interstates in the way that he has.

I respectfully disagree.

He said that reading the "articles" about Ben Peech had made his "blood boil." The retired trooper worked motor carrier enforcement so that might have given him a skewed vision of what really happens on the interstates with drug runners and the truly "bad guys". Even though admitting that "I obviously don't know all the facts surrounding the current situation involving Trooper Peech," he went on to excoriate Ben Peech for his successful interdiction of \$3.3 million of drug money.

That insider, whose duties involved weight infractions, tire chains and height restrictions, just doesn't get it. He, again after admitting that he didn't have all the facts, wrote that Peech had a "win at all costs" attitude and allowed that to "override real justice." Real justice? Drugs on the road?

Because this letter is indicative of what uninformed people, or those obedient to the staff at WHP, might think, I am using it extensively as a point of reference. The Laramie retiree's allegations against Ben Peech included that Ben hadn't "notified his supervisor of what was going on." Ben did - both before and after the stop. Had the supervisor been so interested in how the stop was going to go down, he could have drug his lazy ass out on that snowy night in early April and rode with Ben.

The last word Peech had received from DEA before the stop was that there was \$2.5 million in the Dodge. Why didn't that provoke enough interest in the supervisor (the previous biggest cash interdiction in Wyoming was \$271,000) to want to in on the stop? Because he knew Ben was the knowledgeable and seasoned trooper and that was why DEA called him directly instead of the supervisor.

The letter writer, again after admitting he did not have all the facts, also wrote that Ben called in a false REDDI that night, of which Ben Peech quickly admitted and told his superior that night. But he didn't do it so he had an excuse to pull over the driver with \$3.3 million and two pit bulls in his truck box - he did it to provide "cover" for his being on the highway during a time he should have been off duty.

By the way, I have been told by several WHP employees that false REDDIs or "potential" REDDIs that prove to be false are fairly common and that no one has ever been prosecuted for such an action.

The letter writer also repeated, again without the facts, that Peech asked a dispatcher to "lie and cover up for him." Ben has readily admitted telling the dispatcher that he was working a covert stop with DEA and asked that the REDDI he had called him not be attributed to him. REDDI reports are supposed to be anonymous and not linking it to Ben would not have been unusual.

Would it have been a lie to handle *that* REDDI call as others that night were handled? The DEA agent who also called in a false REDDI that night was investigated and has been cleared of any wrongdoing.

This friend of a WHP officer wrote that Peech had "failed to investigate a real REDDI report." Where do you think he got that information? It's untrue. A sheriff's deputy (K-9 unit) on the interdiction with Ben that night confirmed that Peech *did* leave his position on I-80 and investigated the REDDI given him by dispatch.

Then: "Just those four simple straightforward facts demonstrate to me his lack of integrity and respect for not only himself but for the Wyoming Highway Patrol and the people of the state of Wyoming."

Straightforward facts? Ignorance is bliss, isn't it? The guy is entitled to his opinion but he knows none of the facts. He is basing his opinion on what an officer friend of his at WHP told him. But the facts don't support his conclusions.

I just can't wrap my arms around a sympathetic view of drug cartels that ship large amounts of marijuana, methamphetamine, Ecstasy, cocaine or heroin over our interstates - or cash gained from drug transactions coming through Wyoming in the box of a new Dodge Dually.

Ben Peech has filed an appeal on his termination and both sides will have an opportunity to present their cases in that setting very soon. One former WHP employee who was terminated in violation of ADA protection (if it only applied to the State, which it doesn't) described his appeal as a "can't win" experience - facing a room full of those certain to favor the other side. Another and current DOT employee simply decided not to file an appeal, believing it to be a waste of time.

The United States Court of Appeals, 8th Circuit Court (which includes Nebraska), has ruled that possession of a large amount of cash is enough evidence to justify confiscation of that cash. In fact, they claim that the existence of the cash is *INDICATION* that some crime has occurred. See *U.S. v. \$124,700 in U.S. Currency* (05-3295). A plausible explanation for having this sum of cash was offered at that trial but the Appeals Court ruled that "possession of a large sum of cash is strong evidence of a connection to drug activity" and cited *\$84,615 in U.S. Currency*, 379 F.3d 501-502 as precedent. Similar cases include *U.S. v. Dodge Caravan Grand SE/Sport Van*, 387 F.3d 758, 761, *U.S. v. U.S. Currency in the Amount of \$150,660*, 980 F.2d 1200, 1206 and *U.S. v. \$117,920 in U.S. Currency*, 413 F.3d 826, 829.

Established case law is that the transport of large sums of cash, especially when that cash has been determined to have the odor of illegal drugs from a dog sniff, is tantamount to that cash being acquired by virtue of illegal drug transactions - or another criminal act(s).

... a continuing series

"Because I said so." That line was used in a letter to Ben Peech to justify his not being given permission to be a participant in a seminar in Oregon to which he had been invited as a panelist and speaker.

WHP employees have told me that the WHP and/or WyDOT does not allow disagreement. "It's my way or the highway," is used on those who dare to question a decision. "Don't let the door hit you on the a-- on the way out" was another way to handle anyone challenging a decision.

Ben Peech refers to his ability to make drug interdictions that stand up on appeal to being "his niche." It is easy to understand how a highway patrol trooper could develop a unique ability to assess a situation involving illegal drugs better and faster than, say, a trooper whose career duties were to spot overweight trucks - at which he would probably get very adept.

Those in communications with me after this story broke on our pages agree on two things: One, Ben Peech was exceptional at what he did *and* that the head of WyDOT is vindictive and demands fealty and obedience of his every order. With the support of a disconnected Governor, who also has heads of other law enforcement agencies putting pressure on him to quell the efforts of the troopers to organize and gain collective bargaining power, a department head can do pretty much whatever he wants. And when his advanced education was purchased, not earned, a volatile situation can be created.

Assuming this appeal goes to District Court, the dirty laundry aired will make for great journalism and reading but it will also generate a sordid story of mismanagement within the WHP and tawdry details of uneven handling of troopers for infractions or violations of department rules and regulations.

Will that happen? It very likely will because the department and the other law enforcement agencies in support of smothering the attempt of troopers to organize have to choose between capitulating and allowing an effort to organize to continue or to risk costing taxpayers a great deal of money. It is not their money so they are most likely to take that course.

The Governor had an opportunity to prevent the termination of Ben Peech. If the reasons for terminating Ben Peech are those provided to the retired highway patrolman by WHP staff, they do not hold water. If they were something different than what was put into the Intent to Dismiss and Final Termination notice to Ben Peech, the WHP will have a hard time introducing other violations or actions by Peech at District Court.

Will Ben Peech be supported by national law enforcement groups as he moves forward? Without a doubt. This is a bed made by supervisors in the WHP. Ben Peech did nothing different in this bust and cash interdiction than he had done many times in the past.

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