

**The KNAPP
COMMISSION
REPORT on
POLICE
CORRUPTION**

On May 21, 1970, John V. Lindsay, Mayor of New York, issued an executive order appointing the Knapp Commission and charging it with the task of determining the extent and nature of police corruption in the city, examining existent procedures for dealing with corruption, recommending changes and improvements in these procedures, and holding whatever hearings were deemed appropriate.

This book contains the Commission's report to the Mayor, with summary and principal recommendations, submitted December 26, 1972.

The Commission found corruption to be widespread, although by no means uniform in degree. "Corrupt policemen," the report states, "have been described as falling into two basic categories: 'meat-eaters' and 'grass-eaters.' As the names might suggest, the meat-eaters are those policemen who . . . aggressively misuse their police powers for personal gain. The grass-eaters simply accept the payoffs that the happenstances of police work throw their way. Although the meat-eaters get the huge payoffs that make the headlines, they represent a small percentage of all corrupt policemen. The truth is, the vast majority of policemen on the take don't deal in huge amounts of graft.

"And yet, grass-eaters are the heart of the problem. Their great numbers tend to make corruption 'respectable.' They also tend to encourage the code of silence that brands anyone who exposes corruption as a traitor. At the time our investigation began, any policeman violating the code did so at his peril. The

THE KNAPP COMMISSION

REPORT ON

POLICE CORRUPTION

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POLICE CORRUPTION

George Braziller *New York*

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FOREWORD

This report was submitted to Mayor John V. Lindsay on December 26, 1972, bringing to a close the Knapp Commission's two and one half year investigation into corruption in the New York Police Department.

Informally named for its chairman, Whitman Knapp, the Commission was made up of five private citizens appointed by the Mayor. It was established after serious charges of police corruption had been made in the press. A committee of law enforcement officials, named by the Mayor to examine these charges, had recommended that the job of looking into corruption in the Department could best be done by an independent citizens commission with a full-time staff of its own. Both the Commission and the staff it assembled were composed of people whose preconceptions, if any, were sympathetic to the police. Three of the five commissioners and six of the eight staff attorneys were former prosecutors. The twelve investigators all had extensive backgrounds in law enforcement.

The Commission investigated the extent and patterns of corruption in the Department, held public hearings and, finally, issued the recommendations and findings contained in the report which follows. The report is divided into two main sections. The first, originally issued on August 3, 1972, is a summary of the Commission's investigative findings and a presentation of its principal recommendations. The second is the main report, containing a history of the Commission's activities, a topic-by-topic analysis of corruption in the Department and analyses of the anti-corruption efforts of the Department and related agencies. A short interim report, issued on July 1, 1971 is included in the appendix.

A word about a few things that are not in this report. Police officers, wounded by criticism which they feel was generated by the Commission's disclosures rather than by the conditions which were disclosed, have objected that too little attention was paid to the good work they do and to corruption elsewhere in a society from which they feel singled out. Both subjects are, in fact, dealt with in the Commission's report. Neither is dwelt upon at length because, quite simply, it was not the Commission's job to do so. The Commission was charged with investigating a single problem, corruption, in a

single city agency, the Police Department. Having found police graft to be a serious problem, it was obliged to focus in its report upon the reasons for its finding and the steps that are being and might be taken by way of remedy. The heroism and distinction with which countless police officers, whether or not they accept graft, perform their difficult and dangerous jobs is relevant to a study of graft only in shedding light upon police attitudes having a bearing upon the problem of corruption. Similarly, the obvious fact that corruption is not found only among policemen must be recognized in order to put police corruption in something of a proper perspective. However, the Commission had neither the legal authority nor the resources to investigate other governmental agencies, much less society as a whole. However great the need may be for further investigations, that need affords no excuse for discounting or ignoring the results of this one.

Another thing the report is not is a blanket indictment of all police officers. This charge has been made by some who misinterpret in order more easily to attack—even at the cost of perpetuating in the public mind the very impression to which they object. When the president of the Patrolmen's Benevolent Association complains that the Commission report condemns the entire police force many people accept his characterization—and tend to believe it. Anyone seriously interested in evaluating the Commission's efforts must begin—as the PBA president did not before making his public observations—by reading the report.

The report describes in specific detail patterns of corruption which no knowledgeable police officer or law enforcement official has challenged, which the Department's new leadership acknowledges, and which recent indictments confirm. In helping to bring these patterns out into the open, the Commission has made its contribution to the vigorous efforts now being made to deal with a problem that for too long could not adequately be met because those in a position to do something about it could not—or would not—recognize it for what it was.

MICHAEL F. ARMSTRONG

**Commission to Investigate Allegations of Police Corruption
and the City's Anti-Corruption Procedures**

COMMISSION REPORT

**(With Summary and Principal Recommendations,
Issued August 3, 1972)**

WHITMAN KNAPP
Chairman

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WHITMAN KNAPP, Chairman
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December 26, 1972

Honorable John V. Lindsay
Mayor
City Hall
New York, New York

Dear Mr. Mayor:

In submitting this our final report, I should like to express the appreciation of the Commission for the support received from you and your Administration. It would be unrealistic to assume - and I don't suppose anyone does assume - that there were never differences of opinion between the Commission and the Mayor's office. However, you made it clear that it was our function to exercise our own judgment, and you supported us in the exercise of that judgment whether or not it agreed with yours.

Any enterprise as complex as this one requires the cooperation of many areas of city government. Such cooperation was forthcoming, notably from the Corporation Counsel, the Mayor's Criminal Justice Coordinating Council, the Bureau of the Budget, the Department of Personnel, and the Police Department itself. In addition, as outlined more fully in the report, significant assistance was provided - often at your urging - from a variety of independently elected public officials and from officers and agencies of the federal and state governments.

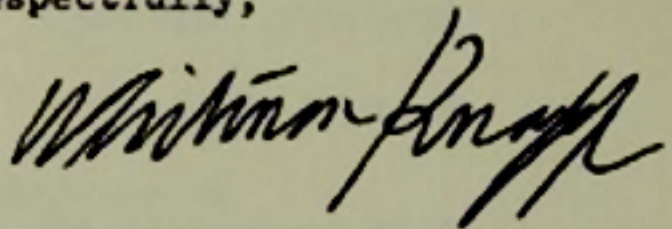
Speaking for myself rather than for the Commission, I should like to call attention to the outstanding services rendered by my fellow Commissioners. I don't suppose there is any way they can get the public recognition that is their due. Pursuant to our joint decision, all the noise was made by me. However, responsibility was

- 2 -

always shared in common and all significant actions - not infrequently agreed upon over my initial dissent - were jointly authorized. It was truly a partnership enterprise.

In closing, may I express the hope that the ultimate benefits to the Department will justify your unprecedented step, as Mayor of a city, of creating an independent commission to investigate a police department responsible to you.

Respectfully,

A handwritten signature in cursive script, appearing to read "Winston P. King". The signature is written in dark ink and is positioned to the right of the typed word "Respectfully,".



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

December 27, 1972

Honorable Whitman Knapp
United States District Court
United States Courthouse
Foley Square
New York, New York 10007

Dear Judge Knapp:

We have come a long way since the Serpico case in 1967 raised allegations of corruption which began the process which culminated in my appointment of your Commission. That was more than five years ago, and for the last 2 1/2 years, the Commission has worked diligently to create greater public understanding and a climate for action. As you have pointed out, this is the first time in the history of New York that a Mayor has created an independent commission to investigate corruption of the City's police. Although one would think that this project would win wide support, you and I will remember the strong opposition to the creation of the Commission and the renewal of your subpoena powers. Those were important political battles that required the most intensive efforts of my Administration to sustain the authority of the Commission.

With full independence, you conducted your own inquiry and reached your own conclusions. Your procedures, hearings and findings have, at times, been controversial, and even painful, and no single observer will agree with all of your conclusions. There may well be conclusions which I cannot agree with. But you have performed a vital task for our City and its police, focusing full public scrutiny and debate on one of government's more sensitive areas.

At the same time, Police Commissioner Patrick V. Murphy has been waging a tough, persistent campaign against corruption in the Police Department. With my full support, Commissioner Murphy has been taking dramatic steps to reform the practice, procedures and codes of conduct of

the Department. That has been the hardest fight of all -- to improve supervision and the daily actions of 30,000 police officers. No Police Commissioner in our City's history has set such high standards of integrity and accountability -- and few have taken on such formidable obstacles.

These combined efforts have resulted in enormous progress. There is good reason to believe that the problems faced by Patrolman Serpico six years ago would not recur today. But it is just as obvious that the problem of police corruption is not yet fully solved. Last week's startling revelations that hundreds of pounds of narcotics were stolen from the Police Department, going back over a ten year period, shows how deep this problem is and how much work remains to be done.

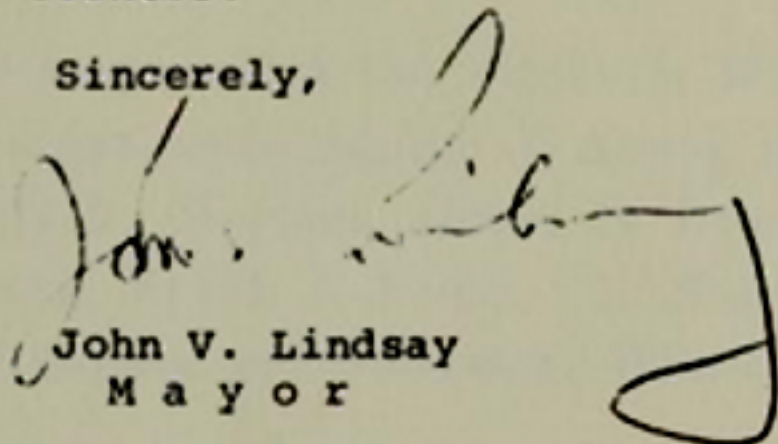
But we have made a substantial start. I believe that never before in our City -- not in the 80 years since serious investigations into police corruption have been conducted -- has there been a more forthright, rigorous, and sustained attack on this problem. No goal has had higher priority in my Administration than protecting the integrity of the administration of criminal justice. Against considerable political opposition, we have insisted that the Police Department be accountable to the elected civilian leadership of the City and to the public. This has not been easy. But in seven years of fighting for improved police productivity and professionalism, I believe that we have proved that it is essential for the Mayor to demand accountability for the policies and performance of the City's police. I consider this seven year effort, and particularly the focus on corruption of the past 2 1/2 years, aided by the work of your Commission, to be one of the most important accomplishments of my Administration.

I am determined that this work continue in the years to come. That will require the continuing courageous leadership of police commissioners like Pat Murphy, and the strong support of the Mayor in what will not always be a popular or easy effort.

And it will mean some real legislative creativity in Albany if the promise of your report is to be fulfilled and the historical cycle of corruption that has persisted for almost a century is to be truly broken for the first time. As your report shows in detail, the State government, through its outmoded and unrealistic criminal laws, must bear its share of the responsibility for the continued opportunities for corruption. It is therefore essential that we intensify our efforts to win reforms in next year's State Legislature to remove these unfair burdens from our police.

For your personal role in leading this historic Commission, and for the diligent work of your fellow Commissioners and your able staff, you have my warm thanks and those of all New Yorkers.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read "John V. Lindsay". The signature is written in a cursive style with a large, sweeping flourish at the end.

John V. Lindsay
M a y o r

ACKNOWLEDGMENTS

The people responsible for the day-to-day work of the Commission were, of course, the members of its full-time staff, headed by our chief counsel, Michael F. Armstrong. Mr. Armstrong was the architect of the investigation, the public hearings, and this report.

The rest of the Commission's staff personnel changed as we moved from one phase to another and consisted of a maximum of thirty people during the investigation, about half that number during the hearings, and no more than six for the writing of this report.

Commission attorneys, whose various functions included supervising the investigations and preparing the hearings were Associate Counsel Nicholas Figueroa, Julius S. Impellizzeri, Otto G. Obermaier, Paul K. Rooney, Nicholas Scoppetta, Milton L. Williams and Assistant Counsel Lisa L. Barrett. In addition, the Commission was ably assisted by two volunteer attorneys, Warren H. Colodner and Paul Ford; by two attorneys on loan from the U.S. Department of Justice, John W. Sweeney, Jr., and Stephen Stein, who was replaced by David Ritchie; and by law students Patricia Farren and Susan Lissitzyn.

The investigators, whose efforts provided the witnesses for the hearings and the basis for our findings, were Adolph J. Alessi, Brian M. Bruh, George J. Carros, Ralph A. Cipriani, James P. Donovan, Mark K. Hanson, Seymour Newman, Frank J. Nemic, Jr., Ralph A. Parente, James Rogers, Patrick J. Stokes and Gordon E. White.

While the preparation and editing of this report was a group effort of the Commission and its staff, a large part of the writing was done by Margo Barrett, assisted by researcher and editorial assistant Anne C. Beane.

Members of the administrative and clerical staff, who supported the Commission in all phases of its activities, were Josephine Amal-

bert, Carol Ash, Anita Kennedy, Natalie D. Marra, Nathania Miles, Denise Morrissey, Arney Rosenblat, William C. Spitzner, Veri Sweete and Nettleton G. Wells.

The Commission is also indebted to Professor Herman Goldstein of the University of Wisconsin, who acted as a consultant to the Commission and gave us valuable help in charting our course.

The Commission received help in its investigation from many people in law enforcement agencies, in particular, Assistant U.S. Attorney General Will Wilson, U.S. Attorney for the Southern District of New York Whitney North Seymour, Jr., Bronx District Attorney Burton B. Roberts, New York District Attorney Frank S. Hogan, and many members of the New York Police Department, including Commissioner Patrick V. Murphy, First Deputy Commissioner William H. T. Smith, Assistant Chief Inspector Sydney Cooper, Inspectors Harold Hesse and John Clark, and Captains Daniel McGowan and Patrick Murphy.

Martin Danziger and Joseph A. Nardoza of the Justice Department's Law Enforcement Assistance Administration, were instrumental in helping the Commission obtain federal funds which enabled it to continue its work.

Many City officials gave assistance and guidance to the Commission, in particular, Norman Redlich, Corporation Counsel; Henry S. Ruth, Jr., Director of the Mayor's Criminal Justice Coordinating Council; Thomas J. Cuite, Vice Chairman and Majority Leader of the City Council; and Arthur G. Fox and Denis J. Conroy of the Division of Administrative Services, Law Department.

Others to whom the Commission is indebted for advice and assistance are James Ahearn, Joseph Armstrong, William Browne, Bernard Cohen, Mary Forcellon, Lawrence S. Goldman, Irving Hest, Kenneth Kemper, David McCall, Warren Pfaff and Robert Rice.

Six of the Commission's twelve investigators were lent to us by federal agencies. The Commission is indebted to the Federal Bureau of Narcotics and Dangerous Drugs, the United States Postal Service and, particularly, the Internal Revenue Service, which supplied four of its best agents and, during a period when the Commission was in financial need, declined to accept the usual salary reimbursements.

The Commission worked in cooperation with and received valuable assistance from the State Commission of Investigation and its Chairman Paul J. Curran, and the New York State Joint Legislative Committee on Crime, chaired by the late Senator John H. Hughes.

Particular thanks is due the following private foundations which made funds available to the Commission: Edna McConnell Clark Foundation, Field Foundation, Fund for the City of New York, Howard Z. Leffel Fund in Community Funds, Inc., The J. M. Kaplan Fund Inc., Joint Foundation Support, Inc., on behalf of the Bernhardt Foundation and the Joyce and John Gutfreund Foundation, New York Community Trust, The New York Foundation, New World Foundation, The Rosenblat Charitable Trust and The Stern Fund.

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**SUMMARY AND PRINCIPAL
RECOMMENDATIONS**

(Issued August 3, 1972)

P R E F A C E

The Commission's Mandate

The Commission was established in May, 1970 by Executive Order of Mayor John V. Lindsay. The Mayor acted upon the recommendation of an interdepartmental committee he had appointed in response to an article appearing in *The New York Times* on April 25 which charged widespread police corruption and official laxity in dealing with such corruption.

We were given the basic tasks of determining the extent and nature of police corruption in the City, examining existing procedures for dealing with corruption, and recommending changes and improvements in those procedures.

Commissioner Leary resigned in August, 1970 and was replaced in October by Commissioner Patrick V. Murphy. Almost immediately, Commissioner Murphy announced—and began to carry into effect—an intention to make sweeping changes in departmental procedures for dealing with corruption. This development had an important effect on the nature of our task. The extent and nature of corruption still had to be determined, but suggesting changes in procedures for dealing with corruption was reduced in importance. It became more important to make our findings on patterns of corruption clear to the public, so that the public would encourage the new Commissioner in his announced intentions of reform, and would support him in putting them into effect.

The ability to carry out our mandate was enhanced by the nature of our appointment. Our authority was derived from the Mayor who, as the City's chief executive officer, is ultimately responsible for the conduct of the Department we were called upon to investigate. This

was the first time—in this or perhaps any other city—that the official ultimately responsible for a police department's conduct had authorized public investigation of allegations of police corruption.

The fact that the Mayor appointed us encouraged cooperation between the Department and us. This did not mean that serious differences did not arise between our Commission and the Department but, as the investigation progressed, cooperation became increasingly real and fruitful. While it is too early to say to what extent our investigation will help to bring about permanent changes in the Department, it may well turn out that any such change will result in part from the cooperation that has existed between us.

SUMMARY

The Extent of Police Corruption

We found corruption to be widespread. It took various forms depending upon the activity involved, appearing at its most sophisticated among plainclothesmen assigned to enforcing gambling laws. In the five plainclothes divisions where our investigations were concentrated we found a strikingly standardized pattern of corruption. Plainclothesmen, participating in what is known in police parlance as a "pad," collected regular bi-weekly or monthly payments amounting to as much as \$3,500 from each of the gambling establishments in the area under their jurisdiction, and divided the take in equal shares. The monthly share per man (called the "nut") ranged from \$300 and \$400 in midtown Manhattan to \$1,500 in Harlem. When supervisors were involved they received a share and a half. A newly assigned plainclothesman was not entitled to his share for about two months, while he was checked out for reliability, but the earnings lost by the delay were made up to him in the form of two months' severance pay when he left the division.

Evidence before us led us to the conclusion that the same pattern existed in the remaining divisions which we did not investigate in depth. This conclusion was confirmed by events occurring before and after the period of our investigation. Prior to the Commission's existence, exposures by former plainclothesman Frank Serpico had led to indictments or departmental charges against nineteen plainclothesmen in a Bronx division for involvement in a pad where the nut was \$800. After our public hearings had been completed, an investigation conducted by the Kings County District Attorney and the Department's Internal Affairs Division—which investigation neither the Commission nor its staff had even known about—resulted in indictments and charges against thirty-seven Brooklyn plainclothesmen who had participated in a pad with a nut of \$1,200. The manner of operation of the pad involved

in each of these situations was in every detail identical to that described at the Commission hearings, and in each almost every plainclothesman in the division, including supervisory lieutenants, was implicated.

Corruption in narcotics enforcement lacked the organization of the gambling pads, but individual payments—known as “scores”—were commonly received and could be staggering in amount. Our investigation, a concurrent probe by the State Investigation Commission and prosecutions by Federal and local authorities all revealed a pattern whereby corrupt officers customarily collected scores in substantial amounts from narcotics violators. These scores were either kept by the individual officer or shared with a partner and, perhaps, a superior officer. They ranged from minor shakedowns to payments of many thousands of dollars, the largest narcotics payoff uncovered in our investigation having been \$80,000. According to information developed by the S.I.C. and in recent Federal investigations, the size of this score was by no means unique.

Corruption among detectives assigned to general investigative duties also took the form of shakedowns of individual targets of opportunity. Although these scores were not in the huge amounts found in narcotics, they not infrequently came to several thousand dollars.

Uniformed patrolmen assigned to street duties were not found to receive money on nearly so grand or organized a scale, but the large number of small payments they received present an equally serious if less dramatic problem. Uniformed patrolmen, particularly those assigned to radio patrol cars, participated in gambling pads more modest in size than those received by plainclothes units and received regular payments from construction sites, bars, grocery stores and other business establishments. These payments were usually made on a regular basis to sector car patrolmen and on a haphazard basis to others. While individual payments to uniformed men were small, mostly under \$20, they were often so numerous as to add substantially to a patrolman's

income. Other less regular payments to uniformed patrolmen included those made by after-hours bars, bottle clubs, tow trucks, motorists, cab drivers, parking lots, prostitutes and defendants wanting to fix their cases in court. Another practice found to be widespread was the payment of gratuities by policemen to other policemen to expedite normal police procedures or to gain favorable assignments.

Sergeants and lieutenants who were so inclined participated in the same kind of corruption as the men they supervised. In addition, some sergeants had their own pads from which patrolmen were excluded.

Although the Commission was unable to develop hard evidence establishing that officers above the rank of lieutenant received pay-offs, considerable circumstantial evidence and some testimony so indicated. Most often when a superior officer is corrupt, he uses a patrolman as his "bagman" who collects for him and keeps a percentage of the take. Because the bagman may keep the money for himself, although he claims to be collecting for his superior, it is extremely difficult to determine with any accuracy when the superior actually is involved.

Of course, not all policemen are corrupt. If we are to exclude such petty infractions as free meals, an appreciable number do not engage in any corrupt activities. Yet, with extremely rare exceptions, even those who themselves engage in no corrupt activities are involved in corruption in the sense that they take no steps to prevent what they know or suspect to be going on about them.

It must be made clear that—in a little over a year with a staff having as few as two and never more than twelve field investigators—we did not examine every precinct in the Department. Our conclusion that corruption is widespread throughout the Department is based on the fact that information supplied to us by hundreds of sources within and without the Department was consistently borne out by specific observations made in areas we were able to investigate in detail.

The Nature and Significance of Police Corruption

Corruption, although widespread, is by no means uniform in degree. Corrupt policemen have been described as falling into two basic categories: "meat-eaters" and "grass-eaters." As the names might suggest, the meat-eaters are those policemen who, like Patrolman William Phillips who testified at our hearings, aggressively misuse their police powers for personal gain. The grass-eaters simply accept the payoffs that the happenstances of police work throw their way. Although the meat-eaters get the huge payoffs that make the headlines, they represent a small percentage of all corrupt policemen. The truth is, the vast majority of policemen on the take don't deal in huge amounts of graft.

And yet, grass-eaters are the heart of the problem. Their great numbers tend to make corruption "respectable." They also tend to encourage the code of silence that brands anyone who exposes corruption a traitor. At the time our investigation began, any policeman violating the code did so at his peril. The result was described in our interim report: "The rookie who comes into the Department is faced with the situation where it is easier for him to become corrupt than to remain honest."

More importantly, although meat-eaters can and have been individually induced to make their peace with society, the grass-eaters may be more easily reformed. We believe that, given proper leadership and support, many police who have slipped into corruption would exchange their illicit income for the satisfaction of belonging to a corruption-free Department in which they could take genuine pride.

The problem of corruption is neither new, nor confined to the police. Reports of prior investigations into police corruption, testimony taken by the Commission, and opinions of informed persons both within and without the Department make it abundantly clear that police corruption has been a problem for many years. Investigations

have occurred on the average of once in twenty years since before the turn of the century, and yet conditions exposed by one investigation seem substantially unchanged when the next one makes its report. This doesn't mean that the police have a monopoly on corruption. On the contrary, in every area where police corruption exists it is paralleled by corruption in other agencies of government, in industry and labor, and in the professions.

Our own mandate was limited solely to the police. There are sound reasons for such a special concern with police corruption. The police have a unique place in our society. The policeman is expected to "uphold the law" and "keep the peace." He is charged with everything from traffic control to riot control. He is expected to protect our lives and our property. As a result, society gives him special powers and prerogatives, which include the right and obligation to bear arms, along with the authority to take away our liberty by arresting us.

Symbolically, his role is even greater. For most people, the policeman is the law. To them, the law is administered by the patrolman on the beat and the captain in the station house. Little wonder that the public becomes aroused and alarmed when the police are charged with corruption or are shown to be corrupt.

Departmental Attitudes Towards Police Corruption

Although this special concern is justified, public preoccupation with police corruption as opposed to corruption in other agencies of government inevitably seems unfair to the policeman. He believes that he is unjustly blamed for the results of corruption in other parts of the criminal justice system. This sense of unfairness intensifies the sense of isolation and hostility to which the nature of police work inevitably gives rise.

Feelings of isolation and hostility are experienced by policemen not just in New York, but everywhere. To understand these feelings

one must appreciate an important characteristic of any metropolitan police department, namely an extremely intense group loyalty. When properly understood, this group loyalty can be used in the fight against corruption. If misunderstood or ignored, it can undermine anti-corruption activities.

Pressures that give rise to this group loyalty include the danger to which policemen are constantly exposed and the hostility they encounter from society at large. Everyone agrees that a policeman's life is a dangerous one, and that his safety, not to mention his life, can depend on his ability to rely on a fellow officer in a moment of crisis. It is less generally realized that the policeman works in a sea of hostility. This is true, not only in high crime areas, but throughout the City. Nobody, whether a burglar or a Sunday motorist, likes to have his activities interfered with. As a result, most citizens, at one time or another, regard the police with varying degrees of hostility. The policeman feels, and naturally often returns, this hostility.

Two principal characteristics emerge from this group loyalty: suspicion and hostility directed at any outside interference with the Department, and an intense desire to be proud of the Department. This mixture of hostility and pride has created what the Commission has found to be the most serious roadblock to a rational attack upon police corruption: a stubborn refusal at all levels of the Department to acknowledge that a serious problem exists.

The interaction of stubbornness, hostility and pride has given rise to the so-called "rotten-apple" theory. According to this theory, which bordered on official Department doctrine, any policeman found to be corrupt must promptly be denounced as a rotten apple in an otherwise clean barrel. It must never be admitted that his individual corruption may be symptomatic of underlying disease.

This doctrine was bottomed on two basic premises: First, the morale of the Department requires that there be no official recogni-

tion of corruption, even though practically all members of the Department know it is in truth extensive; second, the Department's public image and effectiveness require official denial of this truth.

The rotten-apple doctrine has in many ways been a basic obstacle to meaningful reform. To begin with, it reinforced and gave respectability to the code of silence. The official view that the Department's image and morale forbade public disclosure of the extent of corruption inhibited any officer who wished to disclose corruption and justified any who preferred to remain silent. The doctrine also made difficult, if not impossible, any meaningful attempt at managerial reform. A high command unwilling to acknowledge that the problem of corruption is extensive cannot very well argue that drastic changes are necessary to deal with that problem. Thus neither the Mayor's Office nor the Police Department took adequate steps to see that such changes were made when the need for them was indicated by the charges made by Officers Frank Serpico and David Durk in 1968. This was demonstrated in the Commission's second set of public hearings in December 1971.

Finally, the doctrine made impossible the use of one of the most effective techniques for dealing with any entrenched criminal activity, namely persuading a participant to help provide evidence against his partners in crime. If a corrupt policeman is merely an isolated rotten apple, no reason can be given for not exposing him the minute he is discovered. If, on the other hand, it is acknowledged that a corrupt officer is only one part of an apparatus of corruption, common sense dictates that every effort should be made to enlist the offender's aid in providing the evidence to destroy the apparatus.

The Commission's Actions

The Commission examined and rejected the premises upon which the rotten-apple doctrine rested. We concluded that there was no justification for fearing that public acknowledgment of the extent of corruption would damage the image and effectiveness of the Depart-

ment. We are convinced that instead of damaging its image a realistic attitude toward corruption could only enhance the Department's credibility. The conditions described in the Commission's public hearings came as no surprise to the large numbers of City residents who had experienced them for years. If, then, the Department makes it a point to acknowledge corrupt conditions the public already knows to exist, it can hardly damage its image. On the contrary, it can only promote confidence in the Department's good-faith desire to deal with those conditions.

The Commission looked at the question of morale in much the same way. We did not—and do not—believe that the morale of the average policeman is enhanced by a commanding officer who insists on denying facts that the policeman knows to be true. We believed—and continue to believe—that such false denials can only undercut the policeman's confidence in his commander. If a policeman listens to his commander solemnly deny the existence of an obvious corrupt situation, the policeman can draw only one of two conclusions: Either the commander is hopelessly naive or he is content to let the corruption continue.

Once we had rejected the premises of the rotten-apple doctrine, the Commission determined to employ one of the techniques that adherence to the doctrine had made impossible, namely to persuade formerly corrupt police officers to work with us in providing evidence of continuing corruption.

The mere decision to use the technique did not automatically produce a body of officers able and eager to assist us in this manner. Indeed, knowledgeable persons assured us that the code of silence was so strong that we would never find a corrupt officer who could be persuaded to assist in exposing corruption. We ultimately did persuade four officers, including Detective Robert L. Leuci and Patrolmen William Phillips, Edward Droge and Alfonso Jannotta to undertake undercover work. Of these, all but Detective Leuci did so under

the compulsion of having been caught by Commission investigators. Patrolmen Phillips and Droge testified at public hearings held in October 1971. Patrolman Jannotta was unavailable due to illness at the time of the hearings. The information disclosed by Detective Leuci was so vital that we did not, since our time was limited, feel justified in keeping it to ourselves. Leuci and the Commission staff members who had debriefed him and worked with him on his initial undercover operations were turned over to the Federal Government for the long-term investigation which was required. Leuci's work as a Federal undercover agent is now resulting in the series of important narcotics-related indictments being obtained by United States Attorney Whitney North Seymour, Jr.

Success in persuading these officers to assist in the investigation was a first step in demonstrating that the rotten-apple doctrine was invalid. Patrolman Phillips' three days of testimony about systematic corruption in various parts of the Department, corroborated by tape-recorded conversations with many police officers and others, was in itself enough to make the doctrine seem untenable. Patrolman Droge described how departmental pressures gradually converted an idealistic rookie into an increasingly bold finder of bribes and payoffs. Former Patrolman Waverly Logan, who volunteered to testify about corruption in which he had been involved, corroborated Droge's testimony and went on to tell about policemen in Harlem who received monthly as much as \$3,000 each in narcotics graft. Patrolman Logan also introduced the Commission to two addicts who were willing to work with us in obtaining evidence to corroborate these assertions. The Commission's work with these addicts produced movies and recorded conversations of policemen selling narcotics. Some of the narcotics were paid for with merchandise the policemen believed to be stolen. Captain Daniel McGowan, a police officer of unquestioned integrity and experienced in anti-corruption work, testified that the picture of corruption presented by Patrolmen Phillips, Droge and Logan was an accurate one. In addition, there was testimony from, among others, a Harlem gambler,

Commission agents describing their investigations, and witnesses in the business community revealing corrupt police dealings with the hotel and construction industries. Recorded conversations and movies documented instances of police corruption, including gambling and narcotics payoffs, fixing court cases and shaking down a tow-truck operator. The cumulative effect of these two weeks of testimony made it not only unrealistic but absurd for anyone thereafter to adhere to the rotten-apple doctrine, either publicly or privately.

The doctrine did not die easily. Institutional pressures within the Department seemed to force the high command to continue giving lip service to the doctrine even when speaking out against corruption. Commissioner Murphy in his early statements about corruption regularly included a pointed statement indicating that the corruption in the Department was limited to a few officers. On one occasion he went so far as to imply that there were no more than about 300 corrupt police officers in the entire Department. After Patrolman Phillips had completed two of his three days of testimony at our public hearings, Commissioner Murphy found it necessary to discount his testimony of widespread corruption, referring to him as a "rogue cop."

However, one week later, after Phillips had completed his testimony and had been followed by Patrolmen Logan and Droge and others, the Department, speaking through First Deputy Commissioner William H. T. Smith, forthrightly rejected the rotten-apple doctrine by name. Smith defined it as standing for the proposition that "police departments are essentially free of corruption except for the presence of a few corrupt officers who have managed to slip into police service and also into key assignments such as gambling investigations, despite rigorously applied screening procedures designed to keep them out." He said that traditional police strategy had been to react defensively whenever a scandal arose by "promising to crack down on graft, to go after the 'rogue cops,' to get rid of 'rotten apples.'" Smith said the Department now rejected this approach "not just on principle,

but because as a way of controlling corruption it had utterly failed.” He acknowledged that the result of adherence to the theory had been a breakdown in public confidence: “. . . they [the public] are sick of ‘bobbing for rotten apples’ in the police barrel. They want an entirely new barrel that will never again become contaminated.”

Changing Departmental Attitudes

The public hearings, in addition to helping bring about official abandonment of the rotten-apple doctrine, have had dramatic effect on the way members of the Department discuss corruption. This change was graphically described shortly after our hearings by former Assistant Chief Inspector Sidney C. Cooper in colorful language: “Not very long ago we talked about corruption with all the enthusiasm of a group of little old ladies talking about venereal disease. Now there is a little more open discussion about combatting graft as if it were a public health problem.” In short, the first barrier to a realistic look at corruption has been overcome: The problem has been officially, and unofficially, acknowledged.

Some time after the public hearings were over, it was revealed that Detective Leuci had been doing undercover work for the Federal Government for over a year and a half, and that he had been doing it with both the knowledge and protection of the Department’s high command. News also began to spread throughout the Department that other formerly corrupt policemen were doing undercover work for the Department’s Internal Affairs Division and for at least one District Attorney’s office. These revelations had considerable impact, both direct and indirect, upon attitudes toward corruption within the Department.

To put the direct impact in proper perspective, it should be pointed out that any criminal activity, within a police department or elsewhere, cannot thrive unless all of its participants are able to maintain confidence in each other. Patrolman Phillips’ testimony made

this very clear. In testifying about his own corrupt activities, he described how he could, by making a few telephone calls within five or ten minutes, "check out" the reliability of any other officer whose assistance he might require in a corrupt enterprise. By way of illustration, he described instances where he had been similarly checked out while doing undercover work for the Commission. This ability to check out, and rely upon, an officer with whom one has had no previous contact rested on the assumption—unchallenged before the advent of our Commission—that no police officer who had once become involved in corruption could ever be persuaded to disclose the corruption of others. The actions of Detective Leuci and Patrolmen Phillips and Droge and of others as yet unnamed who are presently working undercover have undermined this assumption.

Even more important was the indirect effect produced by general knowledge that the undercover activities of these formerly corrupt policemen had been known to—and protected by—the Department's high command. Traditionally, the rank and file have shown a deep cynicism, well justified by history, concerning pronouncements of new police commissioners. They carefully examine the new commissioner's every word and action, searching for "messages": Does he mean business? Can he stand up against institutional pressures?

The initial lack of clarity in Commissioner Murphy's statements on the rotten-apple theory and his "rogue cop" reaction to the first widely publicized defiance of the code of silence were interpreted by some as suggesting a lack of commitment to total war on corruption. However, the Department's final repudiation of the doctrine, and the general knowledge that the Department was using and protecting policemen who had agreed to do undercover work, gave reassurance to the doubters.

In short, we believe that the Department's recent reactions to the Commission's activities have promoted realistic self-criticism within

the Department. This spirit of self-criticism is an encouraging sign. For one thing, it is becoming less unusual for police officers to report evidence of police corruption. If this tendency continues, the day may be approaching when the rookie coming into the Department will not be pressured toward corruption, but can count on finding support for his desire to remain honest.

The present situation is quite like that existing at the close of previous investigations. A considerable momentum for reform has been generated, but not enough time has elapsed to reverse attitudes that have been solidifying for many years in the minds of both the public and the police.

After previous investigations, the momentum was allowed to evaporate.

The question now is: Will history repeat itself? Or does society finally realize that police corruption is a problem that must be dealt with and not just talked about once every twenty years?

Both immediate and long-term actions are mandatory. The reforms already initiated within the Department must be completed and expanded; there must be changes, both legislative and administrative, to curb pressures toward police corruption and to facilitate its control; and the momentum generated by the events before and during the life of this Commission must be maintained.

A PLAN FOR IMMEDIATE ACTION

We are convinced that there is an immediate need for a supplement to the agencies currently charged with combatting police corruption.

A basic weakness in the present approaches to the problem of police corruption is that all agencies regularly involved with the problem rely primarily on policemen to do their investigative work. The

Department relies exclusively on its own members. The District Attorneys in the five counties and the Department of Investigation, although they have a few non-police investigators, depend primarily upon policemen to conduct investigations. In the case of the District Attorneys, there is the additional problem that they work so closely with policemen that the public tends to look upon them—and indeed they seem to look upon themselves—as allies of the Department.

At the present time a citizen wishing to complain about a policeman knows that his complaint will ultimately be investigated by other policemen. This discourages complaints, because many New Yorkers just don't trust policemen to investigate each other.

We saw much evidence of this distrust. Many people—sometimes represented by experienced lawyers—brought the Commission evidence of serious corruption which they said they would not have disclosed to the police or to a District Attorney or to the City's Department of Investigation. Even today, complainants who call the Commission and are told that the investigation has ended often refuse to take down the phone numbers of these agencies. It makes no difference whether or not this distrust is justified. The harsh reality is that it exists.

This distrust is not confined to members of the public. Many policemen came to us with valuable information which they consented to give us only upon our assurance that we would not disclose their identities to the Department or to any District Attorney.

Any proposal for dealing with corruption must therefore provide a place where policemen as well as the public can come with confidence and without fear of retaliation. Any office designed to achieve this must be staffed by persons wholly unconnected with the Police Department or any other agency that routinely deals with it. Our experience is illustrative. Our investigative staff was wholly drawn from non-police sources. Four investigators were lent to us by the Bureau of Internal Revenue, one by the Bureau of Narcotics and

Dangerous Drugs, and one by the Post Office Department. We also obtained the services of ex-members of the FBI, of Army Intelligence and of the Immigration Service. A new office could be similarly staffed.

Further, any proposed office must have jurisdiction going beyond the Police Department. In recent months there have been numerous accusations of corruption among prosecutors, lawyers, and judges. There is need for a public demonstration that society is genuinely committed to a war on corruption and is not simply indulging in a foray against the police. An office is therefore needed where everyone—including the policeman—can go with a corruption complaint against anyone involved in the criminal process. A City agency is inadequate to this task since prosecutors and judges are not all subject to City jurisdiction.

Any new office must also have authority to prosecute corruption cases in order to insure its independence of the agencies which may come under its scrutiny. This does not mean that it may not cooperate with local or Federal authorities as the Commission did with good results. There should, however, be independent access to grand juries and the right to issue subpoenas and grant immunity. In addition, there must be City-wide jurisdiction. Corruption patterns do not stop at county lines, and jurisdictional niceties have often severely hampered corruption investigations. Moreover, District Attorneys' offices are reluctant to encroach upon each other's jurisdictions, much less investigate each other's personnel.

Finally, there is a need for an office that can be established immediately, without the delays that would be inevitable should implementing legislation be required.

To meet these needs, we recommend that the Governor, acting with the Attorney General pursuant to §63 of the Executive Law, appoint a Special Deputy Attorney General with jurisdiction in the five counties of the City and authority to investigate and prosecute all crimes involving corruption in the criminal process.

The powers of such Deputy Attorney Generals are traditional and well established. They include the power to use the grand jury and employ all investigative techniques incident to grand jury proceedings. They also include the power to suggest grand jury presentments and make other public reports.

The proposed Special Deputy Attorney General should use these powers to the widest extent. While he should provide a well-publicized channel for the reception of complaints, his activities should not be complaint oriented. He should concentrate on the identification and elimination of patterns of corruption, and should keep the public advised of conditions requiring administrative or legislative change.

We recommend that the Governor specify that this Special Deputy Attorney General be limited to a term of five years. It should be possible at the end of five years to make an informed judgment of whether this special Deputy Attorney General should continue to supplement regular anti-corruption efforts in the criminal justice process.

A PLAN FOR ANTI-CORRUPTION ACTION IN THE POLICE DEPARTMENT

Although the Commission believes that an anti-corruption agency outside the Police Department is required at this time, the Department's own anti-corruption effort must also be strengthened. Two actions are necessary for improvement. First, departmental doctrine that every commander is responsible for rooting out corruption in his command must be strictly adhered to in practice by requiring command accountability, as emphasized in many reforms ordered by Commissioner Murphy. Second, the Commission recommends that the Inspectional Services Bureau, which includes the anti-corruption agencies in the Department, be reorganized along the lines of the Inspections Office of the Internal Revenue Service. The Inspections Office is responsible to the Commissioner of Internal Revenue, but it plays no

part in the collection of revenues. Its sole responsibility is to seek out evidence of corruption and to assist in the prosecution of Bureau agents and civilians who become involved in corruption. Its agents expect to spend their careers in the Inspections Office. Therefore, no inspections officer need ever contemplate the possibility of serving in a unit with or commanded by someone he has investigated. An Inspectional Services Bureau similarly organized would place full responsibility upon the Commissioner and at the same time provide him with an anti-corruption arm which is unhindered by the various handicaps we have discussed.

OTHER RECOMMENDATIONS

A significant reduction in police corruption can be achieved if the momentum for reform is maintained and if the following objectives are vigorously pursued:

First, corrupt activity must be curtailed by eliminating as many situations as possible which expose policemen to corruption, and by controlling exposure where corruption hazards are unavoidable.

Second, temptations to engage in corrupt activity on the part of the police and the public must be reduced by subjecting both to significant risks of detection, apprehension, conviction and penalties.

Third, incentives for meritorious police performance must be increased.

Fourth, police attitudes toward corruption must continue to change.

Fifth, a climate of reform must be supported by the public.

Commissioner Murphy has instituted a host of managerial changes aimed at achieving all the above objectives. In the recommendations

which follow, we single out some that need particular support and others that have not yet been implemented. But we concentrate mainly on reforms which require action by others than the Commissioner.

Reducing the Opportunities for Corrupt Activity

Changing Laws

The laws against gambling, prostitution, and the conduct of certain business activities on the Sabbath all contribute to the prevalence of police corruption in obviously different degrees of seriousness. However, they have one characteristic in common—they are laws which are difficult to enforce because the “victims” of these crimes are usually willing participants and seldom complain to the police. Consequently, if a police officer for whatever motive decides to condone a violation, he need only fail to report it. Such a situation is an invitation to corruption. To curtail the opportunities for corruption fostered by these laws, the Commission makes the following recommendations:

Gambling. The criminal laws against gambling should be repealed. To the extent that the legislature deems that some control over gambling is appropriate, such regulation should be by civil rather than criminal process. The police should in any event be relieved from any responsibility for the enforcement of gambling laws or regulations.

Sabbath laws. The present Sabbath laws should be repealed as they have been in a number of states. To the extent they are retained, enforcement should not be a police function.

Prostitution. Although our evidence with respect to police corruption resulting from prostitution was not as strong as in other areas, the Commission believes that prostitution is a corruption hazard. It has been suggested that one way to eliminate the hazard would be

to legalize prostitution, but this has usually included some regulatory control and other countries which have taken this approach do not seem to have eliminated the related police corruption. To the extent that prohibition or regulation of prostitution is deemed necessary or desirable, the Commission can suggest no alternative agency for enforcement.

Narcotics

The Commission believes that the police must continue to assume responsibility for enforcement of laws forbidding narcotics sale and possession as long as society deems it necessary to invoke criminal sanctions in this area. However, increased study and attention should be given to ways other than criminal sanctions for dealing with the addict.

The laws against marijuana are particularly controversial because of their growing unenforceability and the conviction of many that they are undesirable. However, the Commission has not found evidence that the marijuana laws are a distinct factor in police corruption.

Regulated Industries

Any industry subject to regulations whose enforcement is entrusted to the police presents a serious corruption hazard. Our investigations focused in particular upon the construction industry, and bars and other premises having liquor licenses which are subject to detailed and intricate regulations which are highly conducive to corruption. We believe that many opportunities for corruption can be eliminated by making such laws more reasonable.

The Commission recommends that in any area where a regulatory agency has jurisdiction, police officers should, insofar as possible, be relieved of the responsibility of enforcement unless (1) the agency requests police assistance or (2) a threat to order exists and must

be dealt with on an emergency basis. Moreover, there must be publicly recognized means for waiving regulations where necessary, for example in construction, but we recommend that the police have no responsibility in this connection. We recognize that this approach will not in itself eliminate corruption but may simply transfer its hazards from the police to some other agency. But we believe that corruption in other agencies—undesirable as it is—has far less impact upon the body politic than corruption among the police.

The progression found again and again in the course of our investigation, from the acceptance by a police officer of petty graft to more serious corruption, makes it desirable to remove as many sources of such petty graft as possible. By eliminating the opportunity for petty graft, the Department can change the current attitude that such graft is an accepted part of the police job. This attitude makes it easier for a police officer to accept or solicit graft of a more serious nature when the opportunity presents itself. Moreover, policemen are more likely to pursue vigorously a corrupt public official who is not one of their own.

Finally, as a simple matter of efficiency there is no justification for using the police—with all their powers and prerogatives—in the enforcement of many miscellaneous regulations. It is ridiculous to have an armed police officer wasting his time (and that of his partner and supervising sergeant) checking restaurant washrooms to find out whether they are properly supplied with soap. We believe that the police should be taken out of bars and restaurants and away from building sites and returned to their principal job of protecting lives and property.

Reducing the Temptations and Increasing the Risks

Penalizing Bribe Givers

The Commission was struck by the apparent immunity from arrest enjoyed by givers as opposed to the takers of bribes. If the Police Department procedures in the past have been inadequate to apprehend members of the force who accept bribes, efforts to bring to justice those who give them have been almost non-existent.

Recently, a campaign was initiated to publicize the fact that the Police Department would hereafter arrest anyone offering a bribe. The Department has in fact increased its activity in this area. Bribery arrests in 1971 were up 440% over 1968 but the absolute numbers are still small. Further, the message conveyed by bribery arrests will be much stronger if the arrested bribers include individuals of some standing in the community like lawyers, hotel managers, restaurant or nightclub managers, and construction superintendents. The publicizing of such bribe arrests will deter offers of bribes and afford a legitimate excuse for refusing to pay them.

An effective way to supplement a campaign against bribers is to let it be known that specially assigned policemen will be used to apprehend bribers. In several instances, Commission investigators received offers of bribes from gamblers, bar owners, and prostitutes who mistook them for policemen. In one case, two investigators entered a bar for the purpose of checking records. Before they could make their request, the bartender informed them that the precinct captain had already been paid and asked them what they wanted. Experiences such as this indicate that this approach can be effective.

Procedures to Facilitate Corruption Investigations

Personnel Records. This Commission was hampered in its investigations by the lack of an efficiently organized system of personnel records. There is no centrally located personnel file for each police

officer. For example, his applicant record, his Academy record, his service record, his disciplinary record and his award record, his medical record, his marksmanship record, his continuing education and training record, and his examination scores and promotion records are all maintained in different places. In order to check the record of an individual officer we found it necessary to go to as many as twelve different locations and search fourteen different files, since there was not even a central index to the various personnel files. It was not uncommon in these searches to discover all or part of a record missing or misfiled. Some records, maintained only at the precinct or unit headquarters level, are virtually inaccessible to investigators without alerting the subject of the investigation.

The Department has had a stated intent for several years of creating a central personnel file for each member of the Department. A centralized index summarizing the dispersed records is in the initial stages of construction. Both steps are necessary. The system of personnel records centralization should provide for two sets of records. One set of confidential records should contain all facts and allegations concerning a police employee's career. It should be maintained by the Internal Affairs Division and located in their headquarters. Access to this confidential set of records should be rigidly controlled to maintain the integrity of the files, and the files should be so structured as to make the unauthorized removal of a record difficult and obvious. Their principal use would be in investigations. A second set of accessible personnel records duplicating the first should be located at Police Headquarters, but this set should omit unsubstantiated allegations. This second set could be maintained by the Chief Clerk's staff or the Personnel Bureau or any other unit which could provide response to legitimate inquiries.

Both the quality and accessibility of photographs of police officers on active duty increase the difficulties faced by investigators of possible corrupt activities. Our investigators found that the pictures

maintained in the files frequently appeared to be many years old and were taken in a rigid pose not conducive to ready identification. Moreover, investigators, including the Department's own, must go to a central photographic file in order to obtain photographs of suspected police officers and often must engage in elaborate subterfuges to conceal their interest in a particular individual.

The Commission recommends that two photographic files of police employees be maintained, one at the Internal Affairs Division and the other with the accessible central personnel file. The rule that photographs be taken every five years should be enforced, and the photographs should include several poses.

Complaints of Corruption. A complaint from a citizen or a police officer is one starting point for detecting corruption and apprehending corrupt officers. Such complaints must be encouraged by informing the public specifically how and where to make complaints and what details are necessary for action. More effective procedures must be established, with strong controls for insuring that complaints get immediately recorded wherever in the Department they may be received. These actions are necessary to mesh with the new departmental procedures for ensuring adequate complaint follow-up.

Line-ups. Commission investigators had one experience where they were called upon to identify allegedly corrupt officers in a line-up. The line-up was conducted in such a way that our investigators were exposed to full view before a number of police officers not connected with the case and, indeed, the suspects themselves. While such conditions did not deter our professional investigators, it was apparent to them that they would have intimidated civilian witnesses. Line-up procedures should insure that a complaining witness can identify an officer in a manner that protects the witness' anonymity.

Treatment of Cooperative Police Witnesses. If the Department is to use formerly corrupt policemen as undercover agents, it must

be prepared to keep them on duty at full pay during the time that they are serving as agents and witnesses. When their services are no longer required, the Police Commissioner should allow them to resign in good standing as he did Patrolman Droge.

Enforcement Responsibility

Departmental Action Against Infractions Indicative of Corruption. Anti-corruption investigators often know the identities of corrupt police officers and from observing their behavior can be certain of the fact that they are engaged in corrupt activities. Proving a criminal case, however, is a different matter, since corrupt activities are inherently covert and involve mutually trusting parties. Although a more vigorous and effective effort to make criminal cases is certainly desirable and possible, one solution to the corruption problem may lie elsewhere.

There are a number of regulations and procedures in the Department that call for disciplinary punishment for a variety of infractions related to corrupt behavior, such as the regulation against associating with gamblers, criminals, or persons engaged in unlawful activities except in the discharge of official duty or with the permission of the Police Commissioner. The rules require that the fact and purpose of such a meeting in the course of duty be recorded. Whenever this kind of meeting is observed and has not been recorded, the excuse commonly given by the officer is that he was attempting to get information from an informant and had merely forgotten to report the matter. Invariably, no charges are brought for such infractions if the commander is satisfied with the excuse given in the particular case. Such rules as this one are designed to deter corruption. Yet their uneven enforcement undermines the achievement of this goal.

The Commission recommends that the required reporting procedures be strictly enforced and that Departmental charges be brought against violators in all instances. The validity of the excuse for such

meetings should bear only upon the penalties imposed. However, since it would be unfair to change the enforcement policy abruptly, the Department should publicize its intention to punish with maximum severity any infraction of these rules. The threat of severe penalties may have a deterrent effect on an officer who knows how difficult it is to prove a corrupt conversation between him and a gambler or other criminal but who also knows how easy it is to prove the simple fact of the meeting.

Expanded Penalties in Department Hearings. Perhaps the most troublesome issue in the disciplining of policemen found guilty in Departmental hearings is the inappropriateness of the available penalties. The Administrative Code provides no gradations of penalty between outright dismissal from the force and a fine of 30 days pay or vacation followed by a year's probation. The Commission recommends that the disciplinary alternatives available to the Police Commissioner be broadened. Penalties under the Administrative Code should be changed so that there are penalties available between dismissal and a thirty-day fine.

The Police Commissioner can now reduce any officer above the rank of captain to captain. The Commission further recommends that provision be made for a penalty of reduction of one civil service rank after conviction on serious charges. This would mean that captains, and officers above captain, could be reduced to lieutenants and removed from command posts, lieutenants could be reduced to sergeants, and sergeants could be reduced to patrolmen.

This latter recommendation of rank reductions is necessary to provide meaningful penalties for failures to exercise supervisory and command responsibilities. At present, the usual penalty for such failure is transfer to a new assignment. Such a light penalty does little to motivate superior officers to move vigorously to eradicate corruption and laziness.

Hearing Officers. The Commission urges that the City Council approve the pending bill providing for additional Hearing Officers in departmental trials. The present requirement that only Deputy Commissioners can conduct such trials has created an unnecessary backlog.

Pensions. Another serious defect in the Department's disciplinary options is the present law requiring that any officer dismissed from the Department automatically forfeit his pension regardless of the nature of the offense bringing about his discharge, or how many years he may have worked to earn his pension, or how exemplary his prior record may have been. Although a Police Commissioner should be able to dismiss any policeman found to be corrupt, it by no means follows that a single act of corruption justifies what may amount to a fine of several hundred thousand dollars, the commuted value of many officers' vested pension rights. No civilian would be subjected to a comparable penalty.

The result of the present forfeiture rule has been that the courts on appeal have directed the reinstatement of patently unfit officers because they could not tolerate the injustice involved in the forfeiture of vested pension rights.

The solution recommended by the Commission is to separate considerations of pension from departmental disciplinary proceedings. Disciplinary proceedings within the Department should be concerned solely with the question of whether the offense has been established and whether the offender should be removed from the force or suffer some lesser departmental punishment. In the event of dismissal, and upon recommendation of the Police Commissioner, there should be a wholly separate proceeding conducted by the Corporation Counsel to determine whether the offender should be deprived of his accumulated pension rights.

Under present procedures, officers suspected of misconduct are permitted to put in their retirement papers and retire thirty days later,

at which time they become immune to departmental disciplinary proceedings and become eligible to receive their pensions. This results in a thirty-day race, with a suspected officer seeking to retire before charges can be brought against him. The statute of limitations for beginning a pension proceeding should commence to run the day the officer is separated from the Department—either by disciplinary action or by resignation—and there should be no arbitrary period of time for the completion of such a proceeding. The normal rules for civil actions where issues of comparable importance are customarily decided should apply to such a proceeding.

Until these new procedures are adopted, the thirty-day limitation should immediately be extended to ninety days by passage of the bill to that effect now pending before the City Council.

Effect of Disciplinary Records upon Promotions. Officers with lengthy records of disciplinary infractions have, in the past, been promoted to supervisory and command ranks—even repromoted after demotion. The system of departmental recognition provides for the Department of Personnel to add extra points to the scores of officers taking a promotion examination. But a disciplinary record is never counted by imposing specified negative points for convictions of various rule infractions. The Commission recommends that revisions be made in the formal system of promotion points to include both positive points for good performance and negative points for convictions of rule infractions.

Changing Procedures Which Encourage Corruption

Policemen sometimes engage in corrupt practices because alternative means of solving problems are not available or are too bothersome. For example, expense money is inadequate or too slow in being paid and procedures for handling contraband are too complex and too time-consuming. These situations, and others like them, can be readily corrected. Many such improvements have already been ordered by Police Commissioner Murphy.

Reimbursement of Expenses. Although plainclothesmen have traditionally been faced with the greatest temptation for corruption because of the nature of their work, the Department has made their job even more difficult by not giving them sufficient funds to do it properly. A plainclothesman incurs various expenses in the course of doing his job, but the Department has in the past allowed him only \$100 per month. To facilitate the work of plainclothes officers, an expense advance should be provided, the amounts allowed should be flexible, and reimbursement for expenses should be prompt.

Arrest Quotas. The existence of informal arrest quotas is an inducement to a particular kind of corruption, the arrest of individuals not actually apprehended in the commission of the charged crime. Testimony before the State Investigation Commission in its investigation of narcotics described a pattern of requiring a quota of four felony arrests per month and concluded that this requirement led to "flaking" of individuals—the planting of narcotics upon a suspected individual. Our investigation confirmed the existence of such an informal quota as well as similar flaking in policy arrests. The Commission also found that plainclothesmen assigned to prostitution details were faced with the necessity of producing a stipulated number of arrests a night and, in order to do so, often arrested persons they considered to be "obvious" prostitutes, without obtaining sufficient legal evidence.

The emphasis on quality arrests which the Department has now established should be pressed vigorously, and steps should be taken to insure that individual commanders do not replace formal quotas with informal quotas.

Informants. Abuses with respect to the use of informants have, in the past, been facilitated by the loose control exercised over them. According to Departmental Rules and Regulations, informants must be registered to an individual police officer. But in fact the Commis-

sion has found that this rule is not enforced and informants deal with a number of police officers. This leads to corruption because officers will not usually engage in illegal activities, such as selling narcotics, with informants registered to them. The Commission recommends that rules requiring the registration of informants be enforced. We further recommend that officers be required to report all contacts with informants.

Paid Informants. At the present time, it is the policy of the Department that informants are not paid. This leads to corruption because of the temptation to reward informants with narcotics or other contraband. The Commission recommends that realistic appraisal be made of the funds necessary to maintain the Department's registered informants and that adequate funds be made available to the Department for this purpose. Procedures for accounting for the expenditure of these funds should be simplified to the maximum extent possible and should be no more complicated than a regular expense report.

Gratuities. Although the acceptance of "any valuable gift" is against Departmental regulations, the rule has not been enforced with any regularity. Maintaining that a free cup of coffee is the acceptance of graft while finding no wrongdoing when a Chief of Detectives accepts a meal for himself and guests worth \$84 promotes an attitude of cynicism in the Department leading to corruption. The Commission recommends that the Department bring practice and policy into accord, and enforce diligently whatever policy is finally adopted. If the Department decides to permit policemen to accept free meals and goods, the Commission urges that all such gratuities be reported in memorandum books or on Daily Field Activity Reports, which should be reviewed daily by supervisory officers. Supervisory personnel should then be held responsible for insuring that such privileges are not abused.

Sleeping Accommodations. Since there are many occasions, such as a morning court appearance after a night of duty, when it is difficult

for an officer to return home to sleep, the Department should acknowledge this fact and arrange for sleeping accommodations. The City should make appropriate arrangements to reimburse hotels to permit officers to occupy hotel rooms on a space-available basis.

Management Procedures

The Department will always have to cope with opportunities and temptations for corruption. In part, the Murphy administration's strategy for doing so is to reduce exposure to corruption hazards and to fix responsibility and insure individual accountability. Many steps have been taken in these directions, and others are required.

Field Activity Reporting. To make the concept of accountability work it is important to have an officer's account of what he did while on duty—to be compared with what he was supposed to do. The necessity for having on record an account of a policeman's daily doings that can be verified or proved false was made clear to this Commission when it subpoenaed several dozen memorandum books of policemen about whom questions had been raised. At that time the only record of a police officer's activities was his memorandum book, and he kept the only copy in his possession. We discovered that these books were uniformly useless, not just because they contained falsifications but because they were full of blanks. Under the memorandum book system, many patrolmen customarily leave large blanks and/or perhaps spend an hour or two a week reconstructing (or inventing) their activities. Since memo books are retained by the officers, it is easy to go back and add entries to provide an account of an officer's daily activities when an investigation of his activities creates a need to do so. To provide an improved record, the Department is now experimenting in twelve precincts with Daily Field Activity Reports for all patrolmen and is requiring them from plainclothes officers assigned to the Organized Crime Control Bureau (OCCB). These reports are filled out in triplicate, turned in every day, and signed by a superior officer. Whether or not the experimental Daily Field Activity Report form is satisfactory, there is a clear need for all field officers including

detectives to prepare during their tour a reporting form or book specifying where the officers were and what they were doing at specific times. At least two copies of this daily report should be submitted at the end of each tour for supervisory scrutiny and signature. One copy should be retained by the Department and one by the officer. Other copies should be prepared as required for administrative review, as is now done in the OCCB.

Arrest Procedures. Corruption in connection with the arrest of an offender is facilitated by the reporting form used by the Department to record arrests. The Commission found that, particularly in gambling arrests, the description of the alleged offense is often written by the police officer in such ambiguous terms that he can later testify in a manner exculpating the defendant. This fact enables a police officer to make himself available for a change of testimony in exchange for financial consideration. A forced-choice arrest form which removes the possibility of a change of testimony in key areas involving search and seizure and the legality of an arrest is necessary and should be adopted after field experimentation.

Name Tags. We have already referred to the fact of police isolation from the community. To many citizens, the police officer on the street is the nameless embodiment of authority. The present badge numbers cannot be easily read. The Commission recommends that the uniformed officers in the department be required to wear name tags on the outside of their uniforms. This is standard practice for identifying individuals who deal with the public like doctors on hospital staffs, bank tellers, and airline personnel. Men and women in the armed services of the United States have worn name tags for years.

Reducing the Susceptibility to Corruption

There are two general approaches to reducing the susceptibility to corruption among police officers. The first is to improve screening and selection methods and standards. The second approach requires no less than a change in police attitudes.

Background Investigations. To prevent the few situations that have arisen in which unsuitable candidates were admitted to the force and sent out to the field before their full background investigations had been completed, there should be established in practice, as well as by rule, an absolute ban against the swearing in of police officers until their background investigations have been finished and reviewed.

Lateral Entry to Supervisory Ranks. A controversial reform in police practice involves the infusion of new blood at supervisory levels. Currently, all supervisory and commanding officers must rise through the ranks, and the officer-enlisted man relationship which contributes to a sense of discipline in the military is often entirely lacking. The quality of superior officers is necessarily limited by the refusal of the Department to accept supervisory personnel from outside its own ranks. If, as it appears to the Commission, the Department is imbued with an attitude of tolerance towards corruption, officers rising through the ranks cannot help but be conditioned by this prevailing attitude. Moreover, many superior officers are, rightly or wrongly, the subject of rumors as to their own past corrupt activities. The Commission recommends that provision for lateral entry to the Department be established by amendments to the present Civil Service regulations to permit individuals of outstanding qualifications from other law enforcement agencies to assume supervisory ranks.

Police College. A long-range reform which could facilitate lateral entry into all police departments would be the establishment of a National Police Academy at a college level. Suggestions for a National Academy have usually revolved around the idea of retraining officers already on the job. A national, Federally-funded academy patterned after the military service academies would provide a free college education for highly qualified young men and women who wish to make a profession out of police service. Application to the college should be open to any high school graduate. Entrance to the college, however, should be delayed until after the appointee has served one year, after

completion of training, in any police department. Following a regular four-year education leading to a bachelor's degree and including on-the-job training in several police departments, a graduate should return to the city where he originally served and assume the rank of sergeant. He would have a four-year obligation in that Department. As in the military service, provision would also be made for education in the same college of officers rising from the uniformed force through an officers' candidate school along the lines of the British Police College. An academy of this sort would add to the professionalism of police service.

Partners for New Officers. Under Commissioner Murphy, the Department is providing, for the first time, thorough training for all ranks in dealing with the hazards of corruption and the proper response to them. To supplement this, the Commission recommends that the Department develop a new approach for the first field assignment of new recruits. After their first assignment to a model precinct, officers should be assigned a senior "training" patrolman as their partner. Specially selected and carefully screened patrolmen with considerable experience, both in the Department and in the particular precinct or unit, should be used for this purpose. A precinct training syllabus should be provided to cover all phases of police work within the precinct.

Master Patrolmen. For men of patrolman rank, the Commission recommends a system of promotion to create a new classification of Master Patrolman. These Master Patrolmen would be promoted from the ranks of veteran patrolmen and would be given responsibilities for training new recruits.

Enlisting Public Support

Progress Reporting. If concerned citizens are to be encouraged in bringing reports of corruption to the attention of the Police Department, they must be promptly informed of the final disposition of their

complaints. This will give the aggrieved citizen who feels that the action taken was inadequate an opportunity to seek a remedy from other agencies.

Publication of Statistics. Besides providing specific information to complainants, general information concerning corruption should be provided to the public. Raw data concerning disciplinary actions is difficult to collect because it exists only in individual records. Furthermore, statistics relating disciplinary dispositions to charges are not even compiled. A monthly report should be prepared and made available to all communications media showing the changes and dispositions of all departmental actions against corrupt officers by rank and command. Such a report would be complementary to the Department's publication of bribery arrests. Similar reports are published in other cities, and in some the names of the accused officers are included.

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The remaining sections of the Commission's report, which are to be issued shortly, set forth in detail the substantive findings upon which these recommendations are based.

August 8, 1972