

Section One: Commission Activities

Chapter One

HISTORY OF COMMISSION

Origin of Commission

On April 25, 1970, *The New York Times* printed a story presenting lengthy and detailed accusations of widespread corruption in the Police Department. The story charged that police officers received systematic payoffs from gamblers, narcotics peddlers, and other law violators, and that the police hierarchy as well as officials of the City administration had been informed of specific charges of serious corruption and failed to take any action.

Mayor John V. Lindsay responded to the allegations by appointing a committee to investigate them.* The committee met several times and reported by letter** to the Mayor that a full-time citizens' commission was needed to investigate the problem. The committee said that it had received 375 complaints in response to a public plea by the Mayor for information and that the regular duties of the committee members prevented their devoting sufficient time to an independent investigation. Moreover, the committee noted the reaction among some segments of the public that an investigation of allegations of police corruption should not be conducted by those who conceivably might be responsible for the conditions they were supposed to examine.

In response to the Rankin Committee's recommendation, the Mayor, on May 21, 1970, issued an executive order† appointing this

* The committee was headed by Corporation Counsel J. Lee Rankin and its members were Frank S. Hogan and Burton B. Roberts, District Attorneys of New York and Bronx Counties, respectively; Commissioner of Investigation Robert K. Ruskin and Police Commissioner Howard R. Leary.

** Appendix, Exhibit 1.

† Appendix, Exhibit 2.

Commission* and charging it with the tasks of determining the extent and nature of police corruption in the City, examining existing procedures for dealing with corruption, recommending changes and improvements in these procedures, and holding whatever hearings were deemed appropriate.

The City Council passed a bill** giving the Commission power to issue subpoenas and authorized \$325,000 in funds to last through December 31, 1970. On July 25, the Board of Estimate ratified the authorization of funds. On the same date a legal challenge to the Commission's legitimacy was rejected by the courts.

Purposes and Goals

The Commission's efforts were directed first at conducting investigations to identify the patterns of corruption, if any, which existed within the Police Department. Although using traditional law enforcement investigative techniques, Commission investigators did not set out to seek evidence for criminal charges against individuals but instead concentrated on the broader problem of identifying the nature and extent of corruption in the Department. Information which afforded a basis for criminal prosecution was turned over to the appropriate district attorney.

Once the Commission had determined the existence and extent of patterns of corruption, it could evaluate whether proper supervisory action had been taken by those in authority, including the police hierarchy, and devise recommendations to meet the problems found in the investigation.

* The formal title of the Commission is: Commission to Investigate Allegations of Police Corruption and the City's Anti-corruption Procedures. Whitman Knapp was named as its chairman and Arnold Bauman, Joseph Monserrat, Franklin A. Thomas and Cyrus R. Vance were named as commissioners. In February, 1971, Mr. Bauman resigned to devote full time to his private law practice. He was replaced by John E. Sprizzo.

** Appendix, Exhibit 3.

Just as the Commission's investigation was getting under way in September, 1970, Commissioner Leary resigned and was replaced in October by Patrick V. Murphy.

This change necessitated a shift in the Commission's emphasis. Commissioner Murphy announced in no uncertain terms that it was his intention to institute major reforms in an all-out attack upon a corruption problem which he acknowledged to be of top priority. He quickly began to replace personnel in supervisory positions and institute changes in the Department which seemed to address some of the major problems the Commission's investigation was beginning to uncover. For the Commission, fixing responsibility at the command level and focusing upon managerial and organizational reforms assumed less importance while the Department was in the midst of this necessarily lengthy reform effort.

The job of investigating and exposing patterns of corruption remained. Its importance was emphasized by the fact that even the new Police Commissioner seemed to adopt an ambivalent public position on the actual extent of the conditions he pledged himself to eradicate. He often spoke in terms implying that corruption was limited to a few aberrant members of the Department, and this view was echoed by others engaged in the anti-corruption effort.

Assembling a Staff

Plans called for a chief counsel, six associate and assistant counsel, approximately a dozen field investigators, and a small stenographic and clerical staff. Recruiting and organization proceeded through August and most of September, 1970. Although limited investigations were begun in August, it was not until the first week in October that a full investigative staff was assembled.

Whether the Commission's efforts were to succeed clearly depended upon the competence and experience of its investigators, all but one of whom had formerly been investigators for various federal

agencies.* Of the investigators, only two (a former uniformed patrolman and a federal agent who had been a detective on the New York County District Attorney's squad) had any prior experience with the New York Police Department. The former patrolman left the Commission in October, 1970, leaving the staff with virtually no investigators experienced in actual police work.

Although the investigative personnel lacked police experience, the Commission counted on the fact that skilled investigators could familiarize themselves quickly with the workings of the Department. From the outset, individuals of long experience with the Department had pointed out that the intense group loyalty that existed among police officers would make it extremely difficult to find policemen or former policemen who could bring enthusiasm to the job of investigating corruption among men who were or had been their comrades.

The decision to use investigators from outside the Police Department proved to be a sound one. In the course of its investigation, the Commission confirmed the impression that, with some outstanding exceptions, policemen operating in the climate of opinion that prevailed in the Department did not make the most effective investigators of other policemen.

Investigative Activities

As the end of 1970 approached, the Commission's investigation was just getting under way but subpoena power and funds had been provided only through December 31. The City was in dire fiscal trouble and it seemed clear to the Commission that members of the City Council and Board of Estimate, who had been considerably less than unanimous in their enthusiasm over the creation of the Commission, would

* The Commission's investigative staff consisted of three former FBI agents, two former Immigration Service agents, one former U.S. Army counterintelligence agent, one former New York City policeman, and, on loan from their respective agencies for the duration of the Commission's work, two Internal Revenue Service Intelligence agents, two Internal Revenue Service Inspection agents, one Federal Narcotics agent and one Postal Inspection agent.

be reluctant to authorize any expenditure of City funds to extend the Commission's life. The Commission therefore approached the U.S. Justice Department's Law Enforcement Assistance Administration (LEAA) and received the promise of a grant which would enable the Commission to continue for another six months. With the cooperation of the Mayor and Commissioner Murphy, the grant was approved and a bill was passed by the City Council extending the Commission's subpoena power for the same period.

On July 1, 1971, upon the expiration of the six-month period for which funds and subpoena power had been provided, the Commission cut its staff from approximately thirty to approximately six, including two attorneys and two investigators.* Several of the most important investigations were not completed but further governmental funds were unavailable in substantial amounts, help could not be sought from private sources without revealing confidential investigations and most staff members had commitments elsewhere. No attempt was made to gain further subpoena power and the Commission continued operations out of unspent monies and a small additional grant from LEAA.

An interim report was issued on July 1, 1971, setting forth in general terms the factual findings of the Commission's investigation to that date.**

During the summer of 1971, despite its limited staff, the Commission carried forward some of its most productive investigations, aided

* In May, 1971, Assistant Attorney General Will Wilson, who headed the Justice Department's criminal division and had greatly assisted the Commission in recruiting federal agents and obtaining federal funds, assigned two additional lawyers from the Organized Crime Strike Force and the Racketeering Section to act as liaison with the Commission and to assist in its work. These assignments, which lasted through August and October, 1971, were made in recognition of the fact that in March, 1971, the Commission detailed one of its supervisory attorneys and two investigators to work exclusively with federal authorities on a criminal investigation arising out of the Commission's work. This investigation is discussed on pp. 48-50.

** Appendix, Exhibit 4.

somewhat by the impression on the part of the general public and the rank and file of the Police Department that the investigation was over.

The Commission worked increasingly with various law enforcement agencies to insure that the results of its investigation could be translated, insofar as possible, into criminal and departmental cases. Since much of the investigative effort was concentrated in Manhattan, particularly close liaison was maintained from the outset with the United States Attorney's Office for the Southern District of New York and later with the District Attorney's Office of New York County. The Police Department Internal Affairs Division, which came under the command of Assistant Chief Inspector Sydney Cooper on July 31, 1971, was also brought in on a number of matters and provided effective assistance.

In all, the Commission's investigation lasted for nine months using approximately ten to twelve investigators and continued for another three months using two and sometimes only one investigator.

Public Hearings

The Commission recognized the dangers inherent in public hearings, which would inevitably lead to public attention being focused on the most sensational aspects of the testimony. Nevertheless, the persistent tendency of public officials in and out of the Department to characterize police corruption in terms of a few "rotten apples" and the apparent ignorance of large segments of the public of the dimensions of the problem of police corruption led to the decision that public hearings were essential. The Commission felt that the public was entitled to hear and evaluate witnesses rather than being asked to accept determinations based upon testimony taken behind closed doors.

In October, 1971, the Commission held nine days of public hearings during which it heard testimony from fifteen witnesses.* Three police officers detailed their own corrupt activities. Three Commission

* Commission Chairman Whitman Knapp's opening statement at the First Public Hearings appears as Exhibit 5 in the Appendix.

agents testified to the results of various investigations. A police officer experienced in anti-corruption work and the chairman of the New York State Commission of Investigation testified about their work in the corruption field. A gambler, a tow truck driver, and five members of the business community described police corruption which they had encountered. Tape recordings and films made in undercover operations were presented during the testimony of various witnesses.

In December, 1971, a second set of hearings was held lasting five days.* The purpose of these hearings was to provide a public airing of the circumstances surrounding the handling of charges of corruption made in 1967 and 1968 by Officers Frank Serpico and David Durk, the two men whose experiences had provided the basis for much of *The New York Times* article which had prompted the creation of the Commission. During these hearings, testimony was heard from the two police officers who had made the charges, the former Police Commissioner, the former Commissioner of Investigation, various high ranking police officers, the District Attorney of Bronx County and a mayoral aide.

Insofar as possible, names of individuals allegedly involved in corrupt actions but not yet tried for them were not used in either set of hearings. Opportunity was provided for rebuttal testimony and two police officers took advantage of this opportunity, one to deny implications of his own involvement in corrupt activities and the other to disagree generally with the Commission's efforts.

After the conclusion of the hearings in December, the Commission devoted its time to the preparation of its report and to cooperative efforts with the Police Department and various federal and state prosecutors. Additional funds were obtained from federal, state and private grants which made it possible for the Commission to continue during its hearings and in the preparation of the report. Expenditures for the Commission's activities totaled \$749,120.**

* Chairman Knapp's opening statement at these hearings appears as Exhibit 6 in the Appendix.

Chapter Two

METHODS OF INVESTIGATION and SOURCES OF INFORMATION

Initial Steps

In assessing the degree and patterns of corruption in the Police Department the Commission staff relied upon a wide variety of methods and sources. At the outset, information was gathered from examining complaints and conducting interviews. In all, the Commission received more than 1,700 written or telephoned complaints, 375 of which had been forwarded by the Rankin Committee. Most complaints coming from the public were not appropriate for investigation by the Commission's limited staff, and many of them were either crank complaints or too vague to be of any use. Many, however, presented unbelievable fashion facts which were repeated often enough to give some indication of patterns of police behavior.

Various facets of police corruption were discussed with members of the business community, current and former members of the Police Department, individuals engaged in illegal activities, citizens in high crime areas, and others with relevant knowledge or experience. Commission staff members conducted hundreds of interviews of this sort and soon learned that a vast majority of ordinary citizens—in and out of the Department—shared a somewhat fatalistic belief that the Police Department was permeated with corruption.

Almost any conversation held on a confidential or informal basis with a member of the public, particularly a ghetto resident, elicited a strong opinion that police corruption was widely prevalent and, almost invariably, an illustrative story based on personal experience. Practically no one, however, was willing to allow his information to be used—much less to testify himself. In particular, members and former

members of the Department were unwilling even to allow their words to be repeated on an anonymous basis for fear of being recognized as a source of information.

Nevertheless, information received on a confidential basis from many sources gave the Commission staff, at a fairly early stage of its investigation, a pretty clear picture of the patterns of corruption in the Department: organized and systematized payoffs from gamblers to plainclothesmen, payments of large amounts of money by narcotics violators, regular payments by companies engaged in various industries having contacts with the police, payments by tow truck operators, grocery store owners, prostitutes, and many others were detailed enough times and with enough repetitive similarity to indicate that such patterns not only were widely believed to exist but actually did.

Field Investigations

The Commission had, of course, a larger obligation than simply to compile allegations obtained in complaints and confidential interviews. Commission personnel conducted field investigations for the purpose of producing hard evidence of the extent of corruption in the Department. In doing so, they focused upon a number of areas where the opportunity for corruption seemed to present itself. Investigators were assigned to look into illegal activities such as narcotics, gambling, loansharking, prostitution, Sabbath law violations, alcohol violations, and homosexuality. Businesses susceptible to corruption such as the construction industry, drinking places, parking lots, food stores, hotels, taxicabs, tow trucks, trucking companies, and street vendors were also examined.

In their field work Commission agents employed standard investigative techniques. They conducted surveillances to observe areas of open violation of the law ranging from narcotics to illegal parking. They gathered information from paid informants, sometimes from the underworld. They conducted undercover interviews which were sur-

repeatedly recorded with the aid of electronic recording equipment. They reviewed cases of police corruption in the hope that individuals involved in them might be willing to give information. They posed as customers and law violators and capitalized on instances where they were mistaken for police officers. They persuaded some individuals who provided information to obtain further evidence by participating in electronically recorded conversations under the supervision and surveillance of Commission agents.

Commission investigators were limited in their ability to make use of electronic investigative aids. The law permits such an investigator to use electronic equipment which will enable him to overhear and record a conversation only when one of the participants to the conversation consents to its being overheard. One of the most valuable anti-corruption investigative tools, using an electronic device to overhear or record a telephone or face-to-face conversation involving people who are unaware that the conversation is being monitored, can only be used by regular law enforcement officers after obtaining a warrant.

The Commission also lacked another weapon which is probably the most useful one in investigations of this sort—the power to compel testimony by granting immunity from prosecution.

Indeed, for much of its life, the Commission lacked even the power to subpoena a police officer who chose not to testify. Lawsuits challenging the Commission's authority to issue subpoenas were instituted by some police officers in the fall of 1970. Although these suits were ultimately decided in the Commission's favor, the Commission was restricted in its use of subpoenas until the appeal process was completed in late April, 1971.

In addition, the temporary nature of the Commission operated to frustrate its efforts because potential witnesses were well aware that the police officers against whom they were being asked to testify would

probably still be on the job long after the Commission had ceased to exist.

Commission investigators, however, possessed certain advantages over traditional law enforcement officers. Since they were not primarily engaged in making criminal cases, they were not obliged to spend their time developing evidence against specific individuals. Some witnesses felt freer to talk to Commission personnel because, where necessary, assurance could be given that the information would not be used in a criminal prosecution. The investigators' backgrounds as federal officers aided them in that many witnesses who would refuse to talk to a policeman were willing to talk to an investigator with no apparent ties to the Department. This attitude, which reflected a deep-seated mistrust of the Department's ability to police itself, was repeatedly encountered during the investigation.

Commission investigators ran up against a virtual stone wall when they attempted to obtain information from legitimate businesses obviously involved in payments to the police. Businessmen refused to cooperate or to give information. Some small grocery store owners were willing to relate their experiences and even cooperate in attempts at undercover surveillances, but bar owners, construction supervisors, hotel managers, and other similarly situated businessmen refused to cooperate until the Commission subpoenaed records which reflected illegal payments. At this point representatives of certain hotels and of the construction industry agreed to cooperate more fully.

The surveillances conducted by the investigators focused not only upon specific meetings where bribes or conversations relating to them were discussed but also upon conditions indicating the extent of corruption. For example, investigators observed and photographed gambling spots, construction sites, and bars catering to prostitutes and homosexuals. The openness of illegal activities at such establishments, coupled with the occasional appearance of police officers who took no action, indicated either corruption or extremely lax police effort.

Occasionally a general surveillance of this type produced more direct evidence, like the instance in January, 1971, when Commission agents observed police officers in four patrol cars removing packages of meat from a meat packing plant at 3:00 A.M. one Sunday morning in Greenwich Village.

Document Analysis

In addition to the street investigations conducted by the investigators, the Commission served 296 subpoenas *duces tecum* to obtain records from various businesses. Financial questionnaires were obtained from ranking police officers. Police records concerning known gamblers, arrests, and other data were examined. Surveys were sent to members of the construction industry and associations representing Spanish-speaking grocery store owners. Literature relating to problems of corruption and police management was collected and analyzed.

Interviews of Supervisors

In late 1970 and early 1971 supervisory police officers assigned to anti-corruption work and other sensitive posts were interviewed in an attempt to examine the Department's anti-corruption procedures. The continuing reorganization undertaken by Commissioner Murphy made it necessary for the Commission to conduct a second round of interviews in the summer of 1972. By that time all of the personnel and most of the procedures were found to have been changed.

Investigations by Others

The Commission also drew upon the findings of other commissions and law enforcement agencies. When the Commission was appointed, the State Commission of Investigation was already well into a year-long investigation of the narcotics trade in New York, including problems of police corruption. Their public hearings and resultant findings, based chiefly on cases investigated by the New York Police Department, indicated patterns of corruption in narcotics which paralleled the conclusions drawn by Commission investigators. Similarly, the New

York State Joint Legislative Committee on Crime, headed by Senator John Hughes, produced studies with respect to gambling and the courts which provided valuable information. Cases handled by the Police Department, federal law enforcement agencies and the various District Attorneys also provided insights into patterns of corruption.

Executive Hearings

The Commission conducted private hearings in executive session throughout the investigation and heard testimony from 183 witnesses, ranging from high City and police officials to underworld figures. One hundred thirteen police officers were subpoenaed; seventy-nine of them testified and an additional twenty-two testified without subpoena. Sixty-eight civilians were subpoenaed, and all but one testified; fifteen civilians also testified voluntarily. Additionally, 116 subpoenaed witnesses (104 civilians and twelve policemen) testified informally before Commission staff members.

Police Witnesses

Throughout its investigation the Commission staff sought to find police officers actually engaged in corrupt activities who could be induced to describe openly and for the record their activities and their knowledge of the patterns of corruption observed during their careers. We were informed by people experienced in police work that no police officer had ever given such information and that none ever would, even if he himself were caught in a corrupt act and were offered immunity in exchange for his testimony. The tradition of the policeman's code of silence was so strong, we were advised, that it was futile to expect such testimony from any police officer. The most that could be expected was anonymous information or, if we were extremely lucky, testimony given under oath on an anonymous basis. All of the experienced people with whom we spoke agreed that if even one police officer could be induced to give inside information based upon personal experience, the testimony would be of inestimably greater value than any other evidence the Commission might uncover.

The search for a corrupt officer who would speak frankly and openly uncovered not one but five. However, the first and potentially most productive of these proved to be too valuable to keep to ourselves. Robert Leuci was a detective who had spent eleven years on the force and who had been assigned to the elite Special Investigation Unit (SIU) of the Narcotics Division. He had met police officers Durk and Serpico in 1970 and led them to believe that he would back up their charges that SIU had not adequately pursued certain narcotics cases. In the fall of 1970 Durk arranged for meetings between Leuci and various assistant district attorneys, the State Commission of Investigation, and the staff of this Commission. In these meetings Leuci's statements were inconclusive and not susceptible to investigation. He subsequently indicated that his purpose in submitting to questioning had been to discover how much information the Commission and other agencies possessed.

In February, 1971, Leuci was again interviewed by the Commission staff, and this time he was convinced to tell all he knew about corruption in SIU and to help the Commission expose it.

Leuci told of a Narcotics Division infested with corruption. Drawing on personal experiences as well as those he observed and discussed with fellow officers, he described enormous payoffs by narcotics violators, illegal wiretaps used to facilitate shakedowns, involvement of supervisory personnel in narcotics graft, and arrangements between police officers and organized crime members which gave the latter protection from arrest and advance knowledge of legitimate investigations involving them.

Leuci worked with Commission agents for about one month and obtained a number of incriminating tape-recorded conversations with police officers. It quickly became apparent that he had incalculable value as an undercover agent. His work, if allowed to continue for as long as it was productive, could result in criminal prosecutions which might well expose a network of narcotics related corruption involving many police officers and stretching outside the Department.

However, an investigation calculated to accomplish this end would, if successful, last for many months, even years, and would require concentrating on obtaining evidence in specific cases rather than on gathering information for the purpose of identifying patterns of corruption. Because the Commission's investigation was due to end in a few months, we decided that Leuci should be turned over to law enforcement authorities with the time and manpower necessary for such an investigation.

In March, 1971, Assistant United States Attorney General Wilson and Whitney North Seymour, Jr., United States Attorney for the Southern District of New York, were apprised of Leuci's activities to date and advised that the Commission was willing to forego any use of Leuci or the information he had provided in favor of an investigation directed at criminal prosecutions. The Commission also offered to refrain from revealing or further pursuing certain investigations into narcotics and related corruption which might draw attention to Leuci, and to allow the attorney and the two agents who had been working with Leuci to devote their full time to the proposed investigation. The Commission's offer was accepted.

The following month Commissioner Murphy and First Deputy Commissioner William H. T. Smith were informed of the investigation and arrangements were made to transfer Leuci back into SIU where he could work most effectively. The Commissioner agreed to keep his knowledge of the investigation entirely confidential and to give his full assistance whenever requested to do so.

The investigation was pursued with great success by the original investigative team aided by personnel from Mr. Seymour's office and, as the scope of the investigation broadened, by agents of the Federal Bureau of Narcotics and Dangerous Drugs, and a few carefully selected police officers. By the spring of 1972 federal authorities were confident that the investigation would result in far-ranging indictments involving organized crime members, police officers, and others in the criminal justice system including even judges.

However, Detective Leuci's participation in the investigation came to an end in June, 1972, when a story printed in *The New York Times* precipitated a general disclosure of his activities. Six indictments have so far been returned alleging corruption on the part of four police officers, an assistant district attorney, three lawyers, a bail bondsman and a private investigator. Other indictments are anticipated, but some of the most important cases have undoubtedly been aborted by the premature disclosure of the investigation.

The Commission could not, of course, call Leuci as a witness in its public hearings since at that time he was still working as a federal undercover agent. Moreover, findings in other Commissions investigations were withheld during the hearings so as to avoid areas where the focusing of attention might threaten his undercover activities.* With his exposure some of the information disclosed by Leuci and certain of the results of his undercover work can now be discussed and have been included, where relevant, in this report.

A second police officer who agreed, under significantly different circumstances, to cooperate with the Commission was Patrolman William Phillips. Phillips was a decorated police officer with fourteen years' service who had made arrests in every precinct in Manhattan. He had served as a foot patrolman and in a radio patrol car in the Nineteenth Precinct in mid-Manhattan, as a plainclothesman in the Sixth Division in Central Harlem, as a member of the Youth Squad assigned to southern Manhattan, as a detective in the Seventeenth Precinct squad in midtown and, finally, as a patrolman in the Twenty-fifth Precinct in East Harlem, which was the headquarters for organized crime figures running illegal gambling operations throughout Harlem. According to his own admission, he had been thoroughly corrupt throughout his career.

* Paul Curran, chairman of the State Commission of Investigation, also agreed to limit certain of his investigations into narcotics corruption when informed of Leuci's work by the Commission and Mr. Seymour.

Despite the fact that he had had only one brush with disciplinary authority—resulting in his demotion from detective—Phillips' entire career had been one of virtually unrelieved corruption. He had, in his own words, been a "super thief." He told of having participated in comparatively petty graft involving construction sites, bars, restaurants, garages, bowling alleys, and other establishments making regular payments to officers on patrol. He had participated in organized shakedowns of gamblers which in one six-month period had netted him \$6,000 to \$8,000. He had dealt with organized crime figures who ran widespread gambling operations and paid for the ability to do so unmolested. He had engineered innumerable "scores" of gamblers, pimps, loan sharks, illegal liquor dealers, and other violators who had paid him as much as several thousand dollars for their freedom following arrest. He had arranged for the alteration of testimony in criminal trials. He had also collected all the traditional emoluments considered by policemen to be their due, from free hotel rooms—or, in Phillips' case, suites—to the traditional free meals—which again in his case had often consisted of dinner at Le Pavillon rather than a free hot dog. He knew all the illegal operations within his area of responsibility and was intimately familiar with the technical regulatory rules which could be used to shake down businesses subject to such rules.

Phillips' knowledge of corruption in the Department was not limited to his own experience. In fourteen years on the force, he had made innumerable friends who had, in the course of their own careers, scattered throughout the Department. He maintained contacts with many such officers and, through them, was quite well aware of conditions in other commands and areas. His use of the Department grapevine was revealing. He demonstrated on several occasions his ability to check on the reliability of any police officer. Invariably, he could find out if an officer could safely be approached with a corrupt proposal simply by placing a phone call to an acquaintance in the officer's command.

Phillips asserted that he drew a firm line reflecting the traditional notion in the Department of "clean" and "dirty" money, and the Commission found no evidence to contradict him. He said that he had never taken money in connection with narcotics or illegal guns because he found narcotics traffic abhorrent and an illegal gun could someday be used against him or another police officer. In addition, on grounds of self-protection rather than morality, he claimed to have followed a general rule of avoiding prostitutes because of their notorious unreliability. He proved the wisdom of this rule when he finally was caught because he ignored it.

Phillips was induced to testify not through appeals to his better nature but rather as a direct result of his being caught by Commission agents in the course of his involvement in the payment of some \$11,000 in bribes by a midtown madam. Under this pressure, Phillips agreed to tell what he knew about corruption in the Police Department and to work as an undercover agent for the Commission.

From the outset, it was made absolutely clear to him that his chances of ultimately obtaining immunity from prosecutors with authority to grant it depended upon his veracity. He knew that he would be called upon to testify both before the Commission and in criminal trials resulting from his work, and that defense counsel in those criminal trials would cross-examine him in detail. He was, therefore, made acutely aware of the fact that if he strayed from the truth in an attempt to cover up his activities or to curry favor with the Commission it was virtually inevitable that any such misstatement would be uncovered.

The Commission staff selected certain situations from those described by Phillips which it felt were appropriate for investigation, and he began five months of undercover work. Having agreed to cooperate, Phillips displayed the same ingenuity—and courage—in exposing corruption that he previously had shown in practicing it.

In the two days following his first interview with Commission personnel, Phillips, wearing a transmitter and under surveillance by Commission investigators, contacted seven gamblers operating in East Harlem who were central figures in the Harlem bookmaking and numbers rackets. For several months he collected payments from these and other similar individuals on a regular basis. Several of these individuals, seven of whom have now been indicted by the federal government, were important members of organized crime who had for years been sought by federal law enforcement agencies. Recorded conversations with them demonstrated that payoffs to police were a regular part of their business.

After this start, Phillips continued his undercover work in a variety of situations.

He participated in meetings where an East Harlem organized crime figure, in order to protect a high stakes dice game, paid a lieutenant and, through Phillips, the patrolmen manning patrol cars in the mobster's area. That lieutenant, eight patrolmen and two civilians are now under federal indictment.

After spreading a rumor that he knew an underworld figure anxious to set up a large dice game in midtown Manhattan, Phillips was contacted by members of two plainclothes divisions who set up with him a monthly protection scheme and discussed, in lengthy tape-recorded conversations, the workings of organized graft among plainclothesmen. The operation was terminated after a few preliminary payments, since the Commission was not in a position to go into the gambling business. As a result of this investigation, four police officers and one civilian middleman have been indicted by a New York County Grand Jury.

A police officer had previously told Phillips about accepting \$2,000 to cover up two mobsters' connections with a murder. Phillips engaged the officer in a conversation in which the story was recorded by Com-

mission agents. The recording was turned over to the New York County District Attorney and gave rise to an investigation which resulted in five indictments and the reopening of the murder case. Those indicted included three police officers, two retired detectives, and the two men who had paid the bribe—one of whom was also charged with the murder.

Phillips also exploited his acquaintances in organized crime. He was arranging, in cooperation with federal narcotics agents, to participate in illegal shipments of quinine into the country for purposes of cutting narcotics when the operation was aborted because Phillips' underworld contact became the victim of a gangland-style slaying.

A plainclothesman in Queens who was purported to be the bagman for his division took money from Phillips, ostensibly on behalf of fellow officers, to allow a card game to be established in his area. In one tape-recorded conversation during these negotiations, the plainclothesman also told Phillips how he had taken part in an \$80,000 payoff in a narcotics case. The case is under investigation by the United States Attorney for the Eastern District of New York.

Phillips accepted money, under Commission surveillance, from two notorious underworld loansharks and cooperated with federal authorities in an investigation of their activities.

Phillips engaged a number of police officers, including a captain, a lieutenant, a PBA delegate, a former narcotics detective, and the chauffeur of an assistant chief inspector, in conversations which further corroborated his descriptions of corrupt activities within the Department.

When Phillips had exploited most of the investigative opportunities available to him as a patrolman, the Commission decided to enlist the aid of Commissioner Murphy in transferring him to a plainclothes division. He attended plainclothes classes at the Police Academy with

thirty-four other experienced officers who were part of a program intended to place in plainclothes divisions men of long service who presumably would have a stabilizing and anti-corruptive effect. Phillips reported that the attitudes of these thirty-four officers reflected, in about equal parts, a determination to "hide" so as to avoid being implicated in corruption and eager anticipation of the profits to be derived from it.

Phillips was assigned to the First Division in southern Manhattan and continued his work for the Commission. However, shortly after his transfer, and shortly before the Commission's public hearings, his role was discovered and his undercover activities came to an end.

Phillips' work provided the Commission with invaluable information on the patterns of corruption in the Department. He participated in a total of sixty-nine operations in which tape-recorded conversations involving corruption were obtained. In these recorded conversations it was clear that the participants assumed that police officers were almost uniformly tolerant of, if not involved in, the kinds of corrupt practices in which they themselves were involved. They talked openly not only about their own activities but about conditions in various commands and provided solid corroboration of descriptions by Phillips and other police officers who had talked to investigators on an anonymous basis about the widespread nature of corruption in the Department and the forms it takes.

Phillips' career gave the Commission insights into matters beyond facts indicating the nature and extent of police corruption. It demonstrated, for example, that a corrupt police officer does not necessarily have to be an ineffective one. Phillips possessed qualities of aggressiveness, courage, imagination, intelligence, and a highly developed knowledge of street conditions and the law. These qualities served him well in all his activities in the Police Department—both legitimate and corrupt. Among his fellow officers Phillips stood to gain approval, or at

least grudging admiration, both for tough, aggressive police action and for skillful extracurricular money making. He was adept at both.

Phillips himself asserted that few of his comrades embraced corruption with his enthusiasm—and it is clear that the shock expressed by many police officers at the disclosures made in Phillips' public testimony was quite genuine. However, he reported that it was common for fellow patrolmen to pay the officer in charge of assignments for the privilege of being assigned temporarily as his partner. According to Phillips, those whose scruples, timidity or lack of expertise prevented them from attempting to match him in his corrupt endeavors were often quite willing to share the benefits of those endeavors on an occasional basis. One thing is certain—no fellow police officer with whom Phillips served ever turned him in.

Although Phillips' work for the Commission was not directed at making criminal cases, his efforts have, nevertheless, resulted to date in indictments of thirty-one individuals. Six federal and six New York County indictments have named a total of seventeen police officers; and fourteen other persons, most of whom are organized crime members, have also been indicted as a result of his undercover work for the Commission. More indictments flowing from his investigations are anticipated.*

A third cooperative police witness was Waverly Logan. Logan was a police officer of two-and-a-half years' experience who had served for eleven months on the Preventive Enforcement Patrol (PEP) Squad,

* The first criminal trial resulting from Phillips' work ended in the conviction of an underworld figure in the United States District Court for the Southern District of New York. Then, on March 20, 1972, Phillips was himself indicted for murder by a New York County grand jury. The crime of which he was accused was the double murder of a pimp and a prostitute which had remained unsolved since its commission in 1968. Phillips had attracted attention to himself in this regard by his public testimony before the Commission and subsequent detailed statements to police investigators to the effect that he had shaken down the pimp in 1965. The charge against Phillips was brought to trial in New York County Supreme Court in August of 1972 and resulted in a hung jury, with ten jurors voting for acquittal. A second trial is presently scheduled to begin in early January, 1973.

an elite group of twenty officers set up to deal with ghetto problems, particularly in narcotics. In June, 1971, he had been dismissed from the Department for corruption. Logan had consented to take part in an interview on WNEW-TV in which he described in general terms his experiences on the PEP Squad involving corruption in narcotics. Afterwards, Commission staff members interviewed Logan and persuaded him to testify in specific terms about corruption he had participated in and witnessed.

Logan described patterns of corruption he experienced in his early days as a patrolman which echoed those already familiar to Commission personnel—payoffs from gamblers and businessmen, thefts by policemen from burglarized premises, acceptance of gratuities, and the like.

Logan's testimony about the PEP Squad described a deepening involvement in corruption which culminated in the acceptance of narcotics payoffs by the whole squad in amounts of as much as \$3,000 per month per man. Logan had been dismissed from the police force and, after his television appearance, was obviously in no position to work in an undercover capacity against police officers. However, he worked in several situations to obtain tape recordings and films of open narcotics and illegal liquor transactions and introduced the Commission's staff to two narcotics addicts who had worked with him as police informants. These informants worked for the Commission and obtained tape recordings of transactions with police officers who sold them narcotics in exchange for what the policemen obviously assumed to be stolen merchandise. Ten such meetings with ten police officers took place over a three-week period. An attempt was made at this point to broaden the activities of the informants by having them work with agents of the Federal Bureau of Narcotics and Dangerous Drugs but the informants' undercover roles became known and subsequent operations proved largely fruitless. Two of the police officers who engaged in transactions with the two informants were indicted in federal court in the Southern District of New York. Three others have been sus-

pending and charged with departmental violations. Departmental charges are pending against two officers, and two others have resigned, one without permission, before charges could be filed against them.

Patrolman Edward Droge was the fourth police officer who agreed to testify. Droge was a young police officer assigned to patrol duty in Brooklyn when he became involved in accepting a \$300 bribe from a narcotics defendant in a minor case. The defendant's lawyer contacted the Commission, and investigators conducted a tape-recorded surveillance implicating Droge. Not knowing that his illegal action had been discovered, Droge took a leave of absence from the Department and enrolled in a California university where he was contacted, informed of his predicament, and persuaded to cooperate.

Droge agreed to testify regarding his experiences with corruption during his four years in the Department. Again, the patterns were the same as those described by other police officers, involving illegal payments from gamblers, narcotics dealers, businessmen, and others, as well as instances of police theft and acceptance of various gratuities. Droge was neither as experienced nor as aggressive as Phillips, but his testimony was more typical of the involvement of the average police officer. He agreed to operate in an undercover capacity insofar as he was able. Droge's use as an undercover agent was limited because he was now a newly assigned and consequently untested member of a plainclothes unit and the Commission's public hearings were only a few weeks off. On one occasion Droge attempted to engage two police officers with quite notorious reputations in a transaction involving protection payments for an imaginary gambler. The officers apparently became suspicious and reported the matter to their superiors. The result was a meeting observed and recorded by agents both of the Commission and the Department, with each group unaware of the other's involvement until they met and recognized each other.

A fifth police officer, Patrolman Alfonso Jannotta, gave information and worked undercover but was unable to testify because of ill

health. Jannotta, who had been in the Department for five years, was assigned to a radio patrol car in the Nineteenth Precinct in mid-Manhattan. He and his partner took a \$30 payoff from a tow truck operator who was working as a Commission operative. The transaction was tape-recorded by Commission agents and filmed by a local television station which had made its equipment and personnel available to the Commission. Jannotta and his partner noticed the cameras, became suspicious, and Jannotta telephoned the tow truck operator to arrange a concocted story to be used in the event of an investigation. The telephone conversation was recorded by Commission agents. Jannotta was confronted with the evidence against him and agreed to tell what he knew about corruption. He told of sporadic participation in low level corruption involving construction sites, bars, tow trucks, and the like. He said that his yearly illegal take was less than \$1,000. Jannotta, working with Commission agents, obtained a tape-recorded conversation with the police officer who had been involved with him in the payoff from the tow truck operator. Jannotta proved unwilling or unable to provide further cooperation with the police or the district attorney's office in making criminal cases and both he and his partner were indicted by a New York County Grand Jury.

Other police officers, including plainclothesmen and detectives, who had themselves been involved in corrupt activities, spoke to the Commission staff on a strictly confidential basis. They described patterns of corruption which lent added credibility to the testimony of police witnesses who spoke openly. One of these officers testified anonymously in public hearings held by the State Commission of Investigation and described patterns of corruption in narcotics enforcement which were similar to those described by Detective Leuci, Patrolman Logan and other Commission sources.

Honest police officers also provided the Commission with information about patterns of corruption in the Department. Captain Daniel McGowan has been a member of the Department for twenty-five years

and had spent most of his distinguished career assigned to various anti-corruption units. Early in 1971 he provided information to the Commission regarding the handling—or mishandling—of corruption investigations particularly those involving allegations of corruption on the part of police officers which had been referred by federal law enforcement agencies. Although Captain McGowan testified at the Commission's public hearings, some of his most important information could not be presented because it would have focused attention upon conditions in SIU and jeopardized the federal investigation then under way involving the undercover work of Detective Leuci. Captain McGowan testified about his knowledge of conditions in the Department and confirmed the accuracy of the testimony of Officers Phillips, Logan and Droge. Other police officers, experienced in anti-corruption work privately confirmed the patterns testified to at the public hearings.

Another police officer who testified about his own experiences with corruption was Frank Serpico, whose charges of police mishandling of corruption had been presented in *The New York Times* story in April, 1970, which ultimately led to the creation of this Commission. Officer Serpico had refused to participate in corrupt activities but testified to patterns of corruption, particularly among plainclothesmen, which he had observed and which exactly paralleled the patterns described by the other Commission informants and witnesses.