

Chapter Five**NARCOTICS**

“Police officers have been involved in activities such as extortion of money and/or narcotics from narcotics violators in order to avoid arrest; they have accepted bribes; they have sold narcotics. They have known of narcotics violations and have failed to take proper enforcement action. They have entered into personal associations with narcotics criminals and in some cases have used narcotics. They have given false testimony in court in order to obtain dismissal of the charges against a defendant.”

**— Donald F. Cawley, Commander,
Inspections Division
Testifying before the State
Commission of Investigation,
April, 1971**

Corruption in narcotics law enforcement has grown in recent years to the point where high-ranking police officials acknowledge it to be the most serious problem facing the Department. In the course of its investigation, the Commission became familiar with each of the practices detailed by Chief Cawley, as well as many other corrupt patterns, including:

Keeping money and/or narcotics confiscated at the time of an arrest or raid.

Selling narcotics to addict-informants in exchange for stolen goods.

Passing on confiscated drugs to police informants for sale to addicts.

“Flaking,” or planting narcotics on an arrested person in order to have evidence of a law violation.

“Padding,” or adding to the quantity of narcotics found on an arrested person in order to upgrade an arrest.

Storing narcotics, needles and other drug paraphernalia in police lockers.

Illegally tapping suspects' telephones to obtain incriminating evidence to be used either in making cases against the suspects, or to blackmail them.

Purporting to guarantee freedom from police wiretaps for a monthly service charge.

Accepting money or narcotics from suspected narcotics law violators as payment for the disclosure of official information.

Accepting money for registering as police informants persons who were in fact giving no information and falsely attributing leads and arrests to them, so that their "cooperation" with the police may win them amnesty for prior misconduct.

Financing heroin transactions.

In addition to these typical patterns, the Commission learned of numerous individual instances of narcotics-related corrupt conduct on the part of police officers, such as:

Determining the purity and strength of unfamiliar drugs they had seized by giving small quantities to addict-informants to test on themselves.

Introducing potential customers to narcotics pushers.

Revealing the identity of a government informant to narcotics criminals.

Kidnapping critical witnesses at the time of trial to prevent them from testifying.

Providing armed protection for narcotics dealers.

Offering to obtain "hit men" to kill potential witnesses.

There is a traditional unwritten rule among policemen that narcotics graft is "dirty" money not acceptable even to those who take "clean" money from gamblers, bar owners, and the like. However, more relaxed attitudes toward drugs, particularly among young people, and the enormous profits to be derived from drug traffic have combined to make narcotics-related payoffs more acceptable to more and more

policemen. According to officers in the Narcotics Division, the widespread narcotics corruption in the unit was well known to both the men and their superiors, all of whom tolerated it at least to the extent that they took no action against those known to be corrupt.

Before the Commission's hearings, the Police Department and other agencies had uncovered individual instances of participation by police officers in the narcotics racket. They had also acquired information indicating substantial participation by members of the Department in narcotics operations that extended from street pushing to large quantity distribution.

As former Supervising Assistant Chief Inspector Chief McGovern pointed out in his testimony before the State Commission of Investigation (SCI), narcotics corruption involves "the largest single category of complaints concerning misconduct by policemen" and is not limited to any one division of the Department. In the course of its investigation this Commission looked into many allegations concerning narcotics-related corruption in various parts of the Department and found Chief McGovern's observation to be correct. However, the principal target of the Commission's investigation in this area was the Narcotics Division, which had the primary responsibility for narcotics law enforcement at the local level. At the time of the investigation, the division was a separate unit within the Detective Bureau, and had a complement of 782 men divided into two main groups, each with a different level of responsibility.

The field unit, which consisted of seven groups assigned to various critical locations, was charged with the enforcement of narcotics laws at the street level. Some of these groups worked out of precinct houses and others from independent locations. The field groups generally operated in sub-groups of four men.

The other main unit of the Narcotics Division was the Special Investigation Unit (SIU), to which approximately seventy-five officers

were assigned. SIU's responsibility was to initiate long-term investigations of narcotics wholesalers in an effort to apprehend those responsible for high-level drug distribution in the City.

In 1968, allegations of irregularities in the Narcotics Division led to an investigation by the Department's Internal Affairs Division. As a result of this investigation, many members of the division, including almost the entire staff of SIU, were gradually transferred out of the Division. However, three years later, this Commission's study of narcotics-related corruption revealed that both sectors of the Narcotics Division were still pervaded by corruption. Within the past year, there has been a nearly one hundred percent turnover in Narcotics Division personnel, but as the present commander of the Division recently told the Commission, the problem of corruption remains.

Patterns of Corruption in Narcotics Law Enforcement

The most common form of narcotics-related police corruption is not the systematic pad common in other areas such as gambling, but the individual score of money, narcotics, or both, seized at the scene of a raid or arrest.

Extortion and Bribe-Taking

In many cases police officers actively extort money and/or drugs from suspected narcotics law violators. Recently, for example, the motel room of a "dealer" (actually a federal undercover agent who was recording the conversation) was raided by two detectives and one patrolman. They found \$12,000 in cash on the premises and demanded that the "dealer" surrender \$10,000 to avoid arrest. The "dealer" was finally able to persuade them to leave him \$4,000 as getaway money. The detectives later paid a \$1,000 finder's fee to another detective who had alerted them to the "dealer's" presence in town.

In June, 1972, a dismissed plainclothesman who had been assigned to the Narcotics Division was convicted in New York County and sen-

tenced to up to four years in prison for his part in an extortion scheme which involved six members of the Narcotics Division. According to testimony at the trial, he and two other police officers contacted a restaurant owner and demanded \$6,000, threatening to arrest his daughter-in-law on a narcotics charge unless he paid them. They further threatened to send the woman's two children to a foundling home in the event of her arrest. The restaurant owner paid them what they asked.

Within a few months, the same policeman, along with some other members of the unit, again approached the man and demanded an additional \$12,000. The man told them to return in a few days, and in the interim he arranged for police surveillance of the next transaction. The plainclothesman was arrested when he accepted a down payment in marked money.

Two of the Commission's informants in the narcotics area were hard-core heroin addicts who, as registered police informants, were able to witness and sometimes record many instances of police profiteering on the street level. While these informants' credibility is necessarily suspect, there is ample evidence from other sources that the extortion practices they described were common occurrences in the Narcotics Division at the time of the Commission's investigation.

They told of participation in police shakedowns of narcotics "cribs" and said that it was standard practice for an informant to find a location where drugs were being sold in large quantities, and by attempting to make a buy with a large denomination bill, to induce the seller to reveal the hiding place of his cash supply. (Sellers in stationary locations try to keep as little money as possible on their person in order to minimize losses in case of an arrest or shakedown.) On leaving, the informant would arrange to return later to make another buy. On his next visit, as the seller opened the door, the police would crash in behind the informant. If the police felt they could score without risk, they would take whatever money and narcotics were

available and let the seller go. If the amount of money was small, they would usually arrest the seller but still keep most of the narcotics, turning in only the amount necessary to charge a felony or misdemeanor as the case might be.

The informants stated that three out of every four times they went out on a raid with plainclothesmen from the Narcotics Division, no arrests were made and scores ranged from a few hundred dollars to as much as \$20,000 on one occasion, with the informants getting some money and quantities of drugs as compensation.

The Commission found that, even without prompting from the police, it was quite common for an apprehended suspect to offer to pay his captors for his release and for the right to keep part of his narcotics and cash. This was especially true at higher levels of distribution where the profits to be made and the penalties risked by a dealer were very high. One such case was that of a suspended Narcotics Division detective who was recently indicted in Queens County and charged with taking bribes to overlook narcotics offenses. The indictment alleged that this officer accepted \$1,500 on one occasion for not arresting a suspected drug pusher who was apprehended while in possession of \$15,000 worth of heroin. There is evidence that on another occasion this detective was paid \$4,000 by a different narcotics pusher for agreeing not to confiscate \$150,000 worth of heroin. The detective has pleaded guilty to attempting to receive a bribe, and his sentence is pending.

Even after arrest, a suspect would sometimes try to pay the arresting officer to leave him enough money for his legal expenses, or to downgrade the arrest by holding back a large part of the seized narcotics, or to make sure that his case would be a "throw-out" in court. Police officers have accomplished this favor by writing up an ambiguous complaint which did not explicitly link the evidence seized in the arrest to the defendant. For example, an officer's affidavit could aver that

narcotics had been discovered not on the defendant's person, but on the ground near his feet. In such a case, of course, the evidence would be inadmissible against the defendant and the case would be thrown out.

The opportunity for an arresting officer to score does not end at the scene of an arrest. As suspended patrolman William Phillips told the Commission in the course of his testimony about similar fixed arrest affidavits in gambling cases, "It's never too late to do business." That is, a police officer who is skillful or experienced enough can write an affidavit which appears to be very strong, but is still open-ended enough to work in favor of a defendant when coupled with appropriate testimony from the arresting officer. For example, an officer could state in his complaint that the suspect threw the evidence to the ground at the approach of the police. Should that officer later testify that he lost sight of the evidence as it fell, the evidence and the case could well be dismissed. The Commission learned that it was not uncommon for defense attorneys in narcotics cases to pay policemen for such favors as lying under oath and procuring confidential police and judicial records concerning their clients' cases.

It was, of course, beyond the scope of this Commission to seek out evidence of narcotics-related crime among agencies and officials outside the Police Department. However, the temptation of a police officer to profit illegally from a narcotics arrest could not be examined completely apart from his awareness or suspicion of corruption among those charged with the prosecution and adjudication of cases he has made. Evidence uncovered by the United States Attorney's Office in Manhattan in a current investigation of bribery by heroin dealers confirms the fact that corruption in narcotics law enforcement goes beyond the Police Department and involves prosecutors, attorneys, bondsmen, and allegedly even certain judges. While this fact does not excuse the illegal conduct of policemen who accept bribes, it does serve to illustrate the demoralizing environment in which police are expected to enforce narcotics laws.

The experience of one Narcotics Division detective who worked as an undercover agent for the U.S. Attorney's Office illustrates the pressures many police officers face after making a legitimate narcotics arrest. In a secretly recorded conversation, an attorney for a defendant in a narcotics case offered the detective various amounts ranging from \$15,000 to \$30,000 to give false testimony on behalf of his defendant. In an earlier recorded conversation, a co-defendant who had won a dismissal of charges told the detective that he had paid the attorney \$20,000 to fix the case.

The belief that an officer's efforts to enforce narcotics law have been or may be nullified by dealings higher up in the legal system has in some instances caused members of the Department to rebel against such corruption. Unfortunately, it seems to be much more common for policemen exposed to such high-level corruption to try to get in on the profits. Such was the case of one Tactical Patrol Force officer who was apparently so confident of the acceptability of bribery that he attempted to arrange for a significant narcotics violator to bribe an assistant district attorney. He later pleaded guilty to bribery and resigned from the force after having served in the Department for eighteen years.

Illegal Use of Wiretaps

An extortion attempt by police officers is sometimes the end product of careful surveillance of a target, often by means of wiretaps. The wiretap is an essential tool in the Police Department's efforts to make cases against narcotics law violators. One state official with extensive experience in the enforcement of narcotics laws told the Commission that he didn't know of a single significant narcotics case prosecuted in the New York State courts without evidence or leads obtained through wiretapping, legal or illegal.

Theoretically, police may not secretly tap a suspect's telephone without a warrant. However, since strict constitutional safeguards

and a certain amount of red tape surround the procedure for obtaining a warrant, it was not uncommon for Narcotics Division detectives to monitor and record the conversations of suspects without the required court order.

Since the Police Department has no official record of a wiretap installed without a warrant, no arrest is officially expected. Thus, information obtained by means of illegal taps can be used as easily to extort money and drugs from suspects who have been overheard as to make cases against them. Two Narcotics Division detectives were recently observed by a federal undercover agent as they engineered just such a score. The detectives illegally tapped the telephone conversations of a suspect in order to determine the extent of his dealings in narcotics. They then confronted the suspect with the evidence they had against him and threatened to arrest him unless he paid them \$50,000. The suspect acceded to their demand and was given his freedom. The undercover agent, a former member of the Narcotics Division, told the Commission that in his experience the case is not unique.

Stealing Money and Narcotics

A score in the narcotics area is by no means dependent upon a suspect's offer or agreement to pay off the police. Most often a police officer seeking to score simply keeps for himself all or part of the money and drugs confiscated during a raid or arrest. One former member of the Narcotics Division recently assigned to other duties told the Commission that in his experience eighty to ninety percent of the members of the Narcotics Division participated in at least this type of score. While it was not possible for the Commission to verify this estimate, Commission investigators did ascertain that the holding back of money or narcotics contraband is very common and not limited to the Narcotics Division or other special squads.

The Commission learned of several sizable scores made by policemen during narcotics arrests. One such score was described by a plain-

clothesman in a secretly recorded conversation with Patrolman William Phillips. He told Phillips of an arrest he had made where \$137,000 was turned in to the Department while three policemen split an additional \$80,000.

Captain Daniel McGowan, then assigned to the Department's Public Morals Administrative Division, testified before the Commission about one matter he had investigated involving the arrest of several people and the confiscation of \$150,000. Of this amount, McGowan stated, only \$50,000 was turned in, the arresting officers keeping \$100,000 for themselves.

Dismissed Patrolman Waverly Logan testified before the Commission about similar stealing, albeit on a lesser scale, by members of the elite Preventive Enforcement Patrol (PEP) Squad. Logan told the Commission that in his experience it was very common for arresting officers to keep confiscated money and drugs for themselves, and he gave many examples of the practice. After one narcotics arrest, for example, Logan and two other patrolmen vouchered \$200 and held back \$300 to divide among themselves. Later, Logan said, he discovered that one of the arresting officers had pocketed still another \$500 which he had seized during the arrest. After another arrest during which Logan had scored \$200, he watched from the precinct house window as another patrolman and a sergeant from his squad searched the suspect's car. The sergeant took a black fur coat from the trunk of the car and hid it in his own, while the patrolman walked away with a stereo tape device and several tape cassettes. Other situations described by Logan indicate that theft by police of furnishings and other personal property from premises where a narcotics raid had taken place were not uncommon.

Logan testified that his PEP Squad sergeant taught him the various techniques of scoring, and that such scoring was standard police procedure among his fellow officers. Logan told of one arrest he made

where he did turn in all the money and contraband that he had seized. At the precinct station house where he vouchered the evidence, no one would believe that he was turning in the full amount of money confiscated. No matter how much money an arresting officer vouchered, Logan testified, other officers always assumed that he had kept back some for himself. As a result, in Logan's words:

“When you're new, you turn in all the money. But when you're working on the job awhile, you turn in no money. That's been my experience, that you don't voucher no money, or you voucher very little of what you made when a boss is there, and the boss is straight.”

At the Commission hearings, Waverly Logan also described the attitude of some members of the Department that even if narcotics bribes are “dirty money,” thefts from arrested drug dealers are “clean”:

“[T]he general feeling was that the man was going to jail, was going to get what was coming to him, so why should you give him back his money and let him bail himself out. In a way we felt that he was a narcotics pusher, we knew he was a narcotics pusher, we kind of felt he didn't deserve no rights since he was selling narcotics.”

This rationalization, certainly a departure from the unwritten rule that not even a “bad cop” would make money in narcotics, was repeated in various terms by other police officers. One former detective in the Narcotics Division told the Commission that money taken from a narcotics dealer or pusher is considered to be “clean” by police officers because no innocent person is directly injured by such a score. Former Detective Frank Serpico testified about the same attitude in hearings before the SCI. “Something that is accepted in narcotics,” Serpico said, “is the fact that . . . if you were to make an arrest and there were large sums of money, that the money would be confiscated and not vouchered and the rationale there is the City is going to get it anyway and why shouldn't they.” Serpico said that policemen who

take money in this way do not worry that the arrested person will complain, because a narcotics team usually consists of four men, and "[t]he feeling is that it is his word against theirs."

Waverly Logan, on the other hand, apparently was bothered by the fact that arrested suspects might complain about having their money stolen by the police. Although he continued to make scores, Logan testified that he began to let suspects go after he had taken their money, so that they would be less likely to complain. This practice was in keeping with the philosophy of scoring taught to Logan by his sergeant: "[W]hen you are scoring a guy, try to leave him happy. If you leave a guy happy, he won't beef, won't make a complaint against you." Logan explained in his testimony that this could be accomplished even after a large amount of money was taken from a suspect by releasing him with enough of his narcotics to get him back into business.

It is clear from evidence assembled by this Commission and by other investigatory agencies that Waverly Logan's experiences and attitude with respect to holding back money and drugs are not unique in the Department. During the SCI public hearings on police corruption in narcotics law enforcement, a former Narcotics Division patrolman who had been convicted for supplying a heroin addict with narcotics to sell on the streets for him was asked to reveal the source of his heroin supply. He testified that one of the ways in which he obtained narcotics was to take it from dope addicts in the street, without making an arrest.

"Q. Was this a common thing in the Narcotics Division?"

"A. That's where I learned it from.

"Q. You learned it from other members of the Narcotics Division?"

"A. Yes.

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"Q. Would you say this practice was generally known not only to the patrolmen and detectives, but by superiors?"

"A. I would.

“Q. And on what basis do you make that statement?”

“A. Being an ex-officer and knowing the routine of the office. It was pretty general knowledge what went on in the streets.

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“Q. In addition to obtaining narcotics in the fashion you just described, were there ever occasions where you would make an arrest but hold back the amount seized?”

“A. That is true.

“Q. Was that practice also common with the Narcotics Division?”

“A. It was.”

Another detective, assigned to a squad in Queens, had been a full partner in a narcotics wholesale enterprise, and testified at the same hearings that when he decided to join the partnership, he discussed with fellow officers the fact that at least part of his heroin supply would come from holding back large quantities of heroin from important narcotics arrests.

In addition to sale at a profit, either directly or through addict-pushers, drugs seized and retained by police officers were put to a variety of illegal uses by police, including payment of finder's fees to police informants and payment to addicts for merchandise stolen to order for policemen. Narcotics retained from prior arrests are also used for “padding,” that is, for adding to the quantity of narcotics found on a subsequently arrested person, thus enabling the arresting officer to upgrade the charge to a felony. It is also common to use illegally retained narcotics to “flake” a narcotics suspect, that is, to plant evidence on a person in order to make a narcotics arrest.

Flaking and Padding

Flaking and padding sometimes result from the frustration a police officer feels when he is unable to catch a known narcotics law violator in the actual commission of a crime. An obvious danger is that an officer who can rationalize the illegal arrest of a known nar-

cotics dealer is not far from making easy arrests of persons merely suspected of dealing in narcotics. Traditionally this danger has been magnified by the fact that certain commands in the Narcotics Division required a minimum number of felony arrests per month, usually four, from each officer who hoped for promotion or wished to avoid a transfer back to uniform.

Waverly Logan, in his testimony before the Commission, told of an occasion when he flaked a suspect. He had arrested a suspected narcotics seller and planted four bags of narcotics on him. At the precinct house the prisoner told two narcotics detectives how the arrest had been made. One of the detectives then took Logan aside and carefully instructed him on how to write up the complaint in order to make the case stick.

Former Patrolman Edward Droge explained that padding is sometimes prompted by the fact that smart dealers, who know that the possession of certain amounts of narcotics constitutes a felony rather than a misdemeanor charge, make sure that the quantity of narcotics they carry is somewhat less than the felony amount. When an arrest is made that involves narcotics just short of the felony amount, Droge said, an officer merely has to add a few bags from his own supply. During the SCI public hearings on police corruption, one patrolman testified that padding can also be accomplished by mixing the seized narcotics with adulterants such as quinine and mannitol.

Possession and Sale of Narcotics

Former Assistant Chief Inspector Sydney Cooper, who commanded the Department's Internal Affairs Division and later headed the Special Force established to investigate cases referred to the Department by our Commission, said in a televised interview in August, 1972:

“We have had cases where allegations were made and the investigations disclosed that policemen became active entrepreneurs in narcotics operations. They were either suppliers of drugs [or] they themselves were sellers of drugs; or they ran shotgun.”

The Commission found that police officers were involved in possession and sale of narcotics in a variety of ways, including financing transactions, recruiting informants and addicts as pushers, and share-selling, where the pusher is given drugs on consignment and retains part of the proceeds as payment. In addition, the Commission found it common for police officers to use narcotics as a medium of exchange for goods and services.

The Commission's two addict-informants reported that while acting as registered police informants they had carried on a lively business selling various items to the police for narcotics. Goods sold included guns, liquor, beer, tires, typewriters, clothes, cigarettes, power tools, and other specialty items. The informants stated that in most instances the merchandise was stolen and that the police knew that the items were "hot." On some occasions, the informants purchased merchandise and sold it to the police for narcotics because they could receive more narcotics from the police than the cash expended on the merchandise would have purchased directly. If they had to steal and hock or fence merchandise to get cash for narcotics, the amount of merchandise required would increase four- or fivefold as opposed to selling the goods to police officers for more or less the direct equivalent value in narcotics.

The informants explained that obtaining their narcotics by selling merchandise to police officers greatly reduced their risk. Obviously not only would the police not arrest them for the transaction, but after having committed crimes under police auspices, they would run much less risk of arrest for crimes committed on their own account.

The Commission was able to verify the allegations that merchandise-for-drugs transactions between police officers and addicts were commonplace. The informants, wearing microphones and transmitters, were observed, and in some instances filmed, by Commission agents as police officers approached them and placed their orders. In each

instance at least two Commission agents were on hand for surveillance of the transaction, and the conversations between the police and the informants were recorded on tape. The merchandise the informants traded for narcotics was supplied by the Commission.

One plainclothesman, in the middle of a narcotics-for-cigarettes transaction ordered a gasoline powered mini-bike. The informant explained that it was still daylight and that he could not conveniently and easily steal a mini-bike in Central Park until sundown. The officer indicated he didn't care about the informant's troubles in obtaining a mini-bike, he just wanted it and, emphatically, that night. The Commission could hardly have permitted its agents to participate in a robbery or larceny, so, since no funds were available to purchase a mini-bike, that particular transaction was not consummated.

On another occasion, while the two informants were stationed outside headquarters with a bag of merchandise, the Commission filmed and recorded a dozen or more police officers approaching them to ask what was available.

Later the same morning, one patrolman was recorded on film opening the trunk of his car and instructing the informants to put in four bottles of liquor that he was purchasing. The patrolman went into headquarters, came down again, directed the informants to enter his car, and drove around the block. While driving around the block he gave each of the informants a bag containing a white powder which was later found to be heroin valued at about \$30. Commission agents observed the two informants leaving the car and immediately took the narcotics from them for analysis.

Among the completed drugs-for-merchandise transactions were several involving whiskey and other alcoholic beverages. In one of these a narcotics plainclothesman gave the two Commission informants a written list specifying thirty-one quart bottles by brand name. He

told them to make sure to "come through because I need them for my daughter's wedding shower." The patrolman paid for the liquor with a quantity of white powder containing heroin, starch, quinine, and mannitol.

The police officers who dealt with the informants made little effort to conceal what they were doing. One police officer in uniform met with the informants in a doorway two houses east of the Twenty-Eighth Precinct in Harlem, took from them two large bags containing eight quart bottles of whiskey, and walked back into the station house. He passed the patrolman on guard duty at the doorway and returned shortly to pay the informants with narcotics he said he had just removed from his station house locker. Earlier, when this officer had consummated a similar transaction while in plainclothes and was asked by one of the informants if he wanted the whiskey surreptitiously placed in his car, he grabbed the whiskey and stated, "I am going to walk down the street like I own it."

In all, ten transactions involving the sale of supposedly stolen merchandise to police officers in return for narcotics were recorded by Commission personnel within a period of a few weeks. The police involved included men assigned to the Narcotics Division as well as to local precincts. In addition, approximately twenty additional transactions which the informants said they could arrange were not consummated because of reported changes of plans by police officers, inability to muster sufficient Commission personnel to monitor the transactions properly, or the excessive expense of the items ordered. One scheduled sale was, according to the informants, postponed by the plainclothesman involved because he had to attend a Department anti-corruption meeting.

A police officer who pays in narcotics to have addict-informants steal for him or supply information to him is not far from the realization that he can pay in drugs to have informants push heroin for him.

One witness told the Commission in private that before he had been rehabilitated and took over the leadership of a drug program, he had been a very heavy user-pusher. For a while during this period he had become one of several share sellers for a group of three police officers, two of whom were still on the force as detectives in SIU at the time the witness testified. Although the association had been terminated for more than a year, the former addict said he lived in constant fear of these police officers.

Another similar case which resulted in the conviction of a police officer involved a young woman, the addict mother of several children, who had been arrested on information supplied by her mother and her boyfriend, who hoped she would be treated. The arresting officer, a member of the Narcotics Division, persuaded her to become an informant and continued to supply her with large quantities of narcotics. The arresting officer later introduced her to a "gangster"—actually another member of the Narcotics Division—and together, by threatening to harm her children, they forced her into becoming a share-seller pusher.

Eventually her boyfriend complained to the Internal Affairs Division and an arrest was made. At one point during the investigation, the patrolman kidnapped the victim and held her in captivity while trying to frighten her into refraining from testifying against him.

This patrolman obtained the narcotics he was supplying for sale in part from holding back narcotics seized in arrests and from taking narcotics from addicts in the street without making arrests. As he testified at the SCI public hearings on narcotics-related police corruption, he obtained the balance of the drugs he was pushing from a fellow police officer. The other patrolman asked no questions when he was approached for drugs because "it was a pretty regular thing for one officer to give narcotics to another officer." The patrolman also stated that he had chosen this particular fellow officer to ask for narcotics merely because he knew him better than some of the others, but that

he could well have approached many other men in the unit and made the same request.

Several policemen have been investigated and prosecuted in the past three years for their involvement in large-quantity narcotics businesses. In the case of one police officer who was convicted for selling narcotics, it was clear from the evidence that during the period covered by the charges, from the summer of 1970 to December, 1970, he had been a wholesaler of substantial amounts of cocaine. The conviction was obtained largely through the cooperation of another arrested former policeman, who on several occasions had acted as a distributor for him. The evidence included a secretly-recorded conversation in which the defendant discussed the possible effects of his distributor's arrest on his cocaine operation, the possibility of fixing the colleague's case, and the desirability of killing the informant who was responsible for the arrest.

Another police officer, while under investigation by the Police Department and the Federal Bureau of Narcotics and Dangerous Drugs, recently arranged a significant heroin transaction for a federal undercover agent who had been introduced to the police officer as a potential customer. Until his recent arrest and conviction on an unrelated charge of narcotics possession, this patrolman is believed to have been involved in the interstate transport of large quantities of heroin.

One probationary patrolman was recently sentenced to ten years in prison for selling narcotics and to a concurrent five-year term for the possession of a large quantity of narcotics. The patrolman had aroused departmental suspicions because he was often seen in the company of known narcotics addicts. He was finally arrested when he sold fifty bags of heroin to a Police Department undercover agent.

A former Narcotics Division detective, while a member of the force, financed a narcotics wholesale business that dealt in one-eighth kilo

quantities of heroin. He obtained some of the heroin he used for resale from an underworld connection, a wholesaler in narcotics.

In the SCI public hearings this police officer testified that he tried to protect his investment by providing armed protection for drug deliveries. He would watch the transactions from a convenient vantage point, he said, prepared to intervene with a loaded weapon in the event of trouble from outsiders, or to intercede with fellow police officers in the event of a threatened arrest.

For his participation in this multi-kilo heroin operation, the officer was indicted in Queens County and charged with conspiracy to sell heroin and with four counts of official misconduct. He pleaded guilty to one count of official misconduct, a misdemeanor, and was sentenced to one year of probation.

Miscellaneous Narcotics-Related Corruption

Policemen have been involved in many other illegal activities connected with narcotics traffic. They have tipped off narcotics dealers to impending arrests and raids and have sold the contents of confidential police files to narcotics suspects. Some police officers have accepted bribes to provide information on the existence, duration, and results of telephone taps, and a few even have collected a monthly fee to guarantee suspected narcotics law violators freedom from taps by the Police Department. In addition, policemen have interceded for known narcotics criminals—both with their fellow officers, and in at least one instance, with an assistant district attorney.

An investigation conducted by local authorities in Brooklyn, which led to the exposure of a narcotics wholesale ring that was responsible for the monthly distribution of 1.5 million dollars' worth of heroin, revealed that a New York City patrolman provided armed protection as the ring made its deliveries.

In at least one case, a policeman has provided rental automobiles for a known narcotics criminal, so that any law enforcement officer suspecting one of the vehicles and checking the license plate would discover only that the car was rented to a police officer.

Members of the Narcotics Division have helped known narcotic violators win amnesty or leniency from district attorneys' offices by fraudulently registering them as police informants and attributing arrests and leads from other sources to these "informants" on official Department records.

Captain Daniel McGowan testified before the Commission about another serious instance of narcotics-related police crime. "[W]e received the information from three separate independent sources," Captain McGowan testified, "that a member of our Narcotics Bureau learned the identity of an East Harlem character who was an informant for the Federal Narcotics Bureau and the allegation was that he passed this information on to the organized crime people in that area, that the informant was subsequently taken upstate and murdered, and the detective was paid \$5,000."

The Commission observed and taped one conversation between a plainclothesman and a registered informant that revealed an especially brutal instance of police misbehavior. The conversation concerned a quantity of heroin seized and not turned in by the officer at the time of an arrest a few days earlier. Since no part of the narcotics had been reported through official channels, the officer would never receive a lab report on the nature, strength, and purity of the narcotics. As the conversation progressed, it became clear that the police officer had given the addict a certain quantity of the untested drugs earlier in the day to test on himself to make sure that it was safe for sale to others. If the drug had been pure heroin, causing the addict to take an overdose, or if it had been a dangerous substance, the addict would have been unlikely to complain even if he had survived.

Comments

It is extremely difficult to estimate the effect of police corruption on the volume of narcotics traffic in New York City. The SCI, upon completing a thorough analysis of the performance of the Narcotics Division in recent years, concluded that in a great number of cases the Department's enforcement effort in narcotics has been completely wasted. However, as the SCI explained in its 1972 Annual Report, this failure was due to a variety of factors besides corruption, including the congestion of the courts and the Narcotics Division's chronic shortage of modern equipment and adequate training and supervision.

In his statement of April 20, 1971, before the SCI, Police Commissioner Murphy insisted that "corruption is not a significant factor either in the incidence of narcotics addiction or in the volume of narcotics traffic." Whatever the validity of his conclusion, Commissioner Murphy correctly pointed out in his statement that the international market structure of narcotics distribution, together with large-scale demand for illegal drugs and the high profitability of narcotics dealing severely limit the ability of local police to deal with the narcotics problem. This would be true even of the most honest and efficient police force.

It is also true, however, that the public depends very heavily on the local police for protection against narcotics-related crime. The role of the policeman in combating this crime is a vital link in the total federal, state, and local response to the narcotics crisis, and this link is certainly being eroded by the growing corruption problem in the Department. The SCI, which observed that the operations of the Narcotics Division in recent years would have been ineffective even in the absence of corruption, went on to say in its Annual Report that "[w]ith the added ingredient of corruption, local enforcement became a tragic farce."

Of course, it is unfair of some City residents to assume that the existence anywhere of conspicuous narcotics trading proves that police-

men are either directly involved or are being paid to close their eyes to the illegal activity. Very often, it is not police corruption, but the overcrowding of the courts and the penal system, and the difficult standard of proof required to convict an arrested suspect that are to blame for the apparent non-enforcement of narcotics laws. Nevertheless, there is enough affirmative evidence of narcotics-related police corruption to justify a loss of public confidence in the Department and to diminish the self-esteem of its members. To some extent the public may understand, if not condone, police involvement in so-called victimless crimes such as gambling. But the complicity of some policemen in narcotics dealing—a crime considered utterly heinous by a large segment of society—inevitably has a devastating effect on the public's attitude toward the Department.

As long as society deems it necessary to invoke criminal sanctions in the narcotics area, the Commission believes that the Department must continue to assume responsibility for the enforcement of laws forbidding the sale and possession of narcotics. Of course increased study and attention should be given to ways other than criminal sanctions for dealing with narcotics addiction, but meanwhile, the Department must direct its attention to ways of improving the efficiency and integrity of its anti-narcotics units.

After its year-long study of the operations of the Narcotics Division, the SCI pointed out a number of specific areas in which it felt the Department could improve the effectiveness of its narcotics law enforcement efforts. Among other improvements, the SCI recommended increased supervision and coordination of investigative activities, stricter control of procedures for handling contraband, and the elimination of the quota system as a method of evaluating police performance. The SCI also recommended that the Department's enforcement efforts be directed away from indiscriminate drug loitering arrests and toward making good cases against high-level drug distributors.

In the past year the Department has instituted many salutary changes in narcotics law enforcement, including many of the improvements proposed by the SCI. For example, the Department has to some extent done away with the traditional distinction between SIU and the field units. Now the primary mission of both is to conduct long range investigations leading to the arrest of those responsible for drug distribution at the highest levels. Investigations are to be closely directed and coordinated from headquarters—a change which should result in less free-lancing by individual teams of investigators and therefore less opportunity for officers to exploit an arrest or raid situation for their own profit.

With an influx of new sergeants into the division, the ratio of supervisors to investigators has dropped to one to six. Thus each investigator will be under closer supervision in the field. This should lessen the opportunity for scoring by investigators. It should also provide a police officer's superiors with a method of rating his field performance that is more dependable and certainly less subject to abuse than the discredited quota system. Sergeants are now expected to accompany their men on important arrests, and in some cases, to make the actual arrest and take custody of the seized narcotics. New handling and reporting procedures have been designed to make it much more difficult for an officer who has confiscated narcotics to avoid turning them in to the Department.

When a police officer keeps for himself a portion of confiscated narcotics he is not always acting from corrupt motives. The Department's practice in the past of not providing money to pay informants, who usually are addicts themselves, created great pressure on police officers to use seized narcotics to pay for information. Money is now being made available for paying informants and this temptation, which often can be the first step to more serious illegal behavior, should be reduced as a result.

These and other improvements represent an important step in making narcotics graft less accessible to police officers. But as Chief Inspector William T. Bonacum, the commander of the Narcotics Division, recently told the Commission, such changes are meaningless unless the desire of his men to score in the narcotics area can be eliminated. To this end, Chief Bonacum has been conducting regular anti-corruption meetings with his men to keep them aware of the dangers of corruption and to instill in them the desire to make their division corruption-free. In addition, he meets regularly with individual members of the division to discover their problems and to keep them personally apprised of division policies. A complete change in attitude from the toleration of corruption that the Commission found to be prevalent in the division is necessarily a long-range goal. In the meantime, the Department can help to suppress narcotics corruption by dealing effectively with corruption in other areas, where it is usually considered less serious. Unchecked corruption anywhere in the Department creates a climate of permissiveness that makes it easier for a police officer to overcome his natural reluctance to become involved in narcotics traffic.