

Chapter Four

GAMBLING

"You can't work numbers in Harlem unless you pay. If you don't pay, you go to jail . . . You go to jail on a frame if you don't pay."

—Numbers Operator, Executive Session, January 15, 1971

Policemen, especially those in plainclothes units, were found to shake down gambling operations throughout the City on a regular, highly systematic basis. The collection of tribute by police from gamblers has traditionally been extremely well organized and has persisted in virtually unchanged form for years despite periodic scandals, departmental reorganizations, massive transfers in and out of the units involved, and the folding of some gambling operations and the establishment of new ones.

The Commission received numerous complaints of illegal gambling operations, most allegedly located in ghetto neighborhoods. In those areas where Commission investigators went to check out these allegations, they found the situation to be just as described, with some neighborhoods having a numbers spot every block or two. Investigators also found numerous bookmaking operations and some high-stakes, organized card and dice games. The operators of these games apparently had little fear of police intervention in their enterprises, and their confidence was well-founded. Payments to police insured that their operations would be protected from police action, except for token arrests made to give an appearance of activity.

Reasons for Gambling Payoffs

In New York State it is perfectly legal to buy a ticket in the state-run lottery or to place a bet on a horse either at the racetrack or at a state-run betting parlor, and other forms of legalized gambling have been proposed. Although gambling was considered morally objectionable at the turn of the century when most laws against it were passed,

that attitude has largely evaporated, with most citizens, public officials, and policemen feeling that there is nothing wrong with it. There is, therefore, no public pressure to crack down.

The courts, too, take a lenient view of gambling offenses, dismissing a high percentage of cases and imposing light fines in most others.

A State Commission of Investigation study of eighty-eight gambling arrests made during one year at a Bronx social club revealed that forty-seven of the arrests—slightly over one-half—resulted in conviction, and of these, one resulted in a jail sentence—and then only because the convicted gambler chose to go to jail for five days rather than pay a \$50 fine. In the remaining forty-five convictions, the offenders were either given conditional discharges or ordered to pay fines ranging from \$25 to \$250.

A similar study by the Policy Sciences Center, Inc., came up with comparable figures. This study analyzed 356 numbers bank arrests made in Bedford-Stuyvesant over the past ten years. Such arrests can be assumed to have greater impact on the gambling power structure, because an arrest in a policy bank involves a greater number of slips and larger money volume, yet the courts did not show significantly greater punishments for such offenses. Of the 356 arrests, 198 resulted in dismissals, sixty-three in acquittals, and ninety-five in convictions. Of the ninety-five convictions, twelve resulted in suspended sentences, seventy-seven in a fine/time option, and six in jail sentences. Of the six jail sentences, one was for one year and the other five averaged seventeen days.

Our study of 108 gambling arrests made by the plainclothes squad in one division over a five-month period showed that, of fifty convictions, not one resulted in a jail sentence: two resulted in conditional discharge; forty-seven in fines of under \$300; and one in a \$500 fine. (Five were pending.)

Police officers, sharing the general attitude that gambling does no harm, themselves regard gambling money as "clean" graft. But, despite the changed attitudes toward gambling, most forms of gambling remain illegal, and corrupt policemen at the time of the investigation considered gamblers fair game.

As for gamblers, they were found to regard payments to the police as a necessary business expense. They often pointed out that a numbers operation couldn't exist unless it was under police auspices. As one gambler told the Commission, the police "are the insurance company, and unless you pay your monthly rent, you can't operate."

Plainclothesmen and Gambling

At the time of the Commission's investigation, plainclothesmen bore primary responsibility for enforcing anti-gambling laws, and it was among plainclothesmen that the Commission found the most pervasive and systematic police corruption, particularly in relation to gambling. The Commission received its information about plainclothes payoffs from gamblers, former and current plainclothesmen, police supervisors and anti-corruption officers; law enforcement officers outside the Department, and, most significantly, from tape-recorded conversations with plainclothesmen actually going about the business of setting up or receiving payments.

At the start of the Commission's investigation, plainclothes units were assigned to precinct, division and borough commands. By February, 1971, borough and precinct units had been eliminated. Finally, in November, 1971, division plainclothes units were merged with the central Public Morals Division and placed under the new Organized Crime Control Bureau, headed by a deputy commissioner.* Reorgan-

* The Thirteenth Division in Brooklyn, which was at that time the subject of a major anti-corruption investigation, was left intact in order not to jeopardize the investigation. The public explanation for leaving this one division out of the reorganization was that it was to be a "control" against which the performance of the new OCCB could be measured.

izations have not in the past made any noticeable dent in plainclothes corruption, and it remains to be seen whether the latest attempt will be successful.

The Pad

The heart of the gambling payoff system was found to be the plainclothes "pad." In a highly systemized pattern, described to the Commission by numerous sources and verified during our investigation, plainclothesmen collected regular biweekly or monthly payoffs from gamblers on the first and fifteenth of each month, often at a meeting place some distance from the gambling spot and outside the immediate police precinct or division. The pad money was picked up at designated locations by one or more bagmen who were most often police officers but who occasionally were ex-policemen or civilians. The proceeds were then pooled and divided up among all or virtually all of the division's plainclothesmen, with each plainclothes patrolman receiving an equal share. Supervisory lieutenants who were on the pad customarily received a share and a half and, although the Commission was unable to document particular instances, any commanding officer who participated reportedly received two full shares. In addition, the bagman received a larger cut, often an extra share, to compensate him for the risk involved in making his collections. Some bagmen made extra profits by telling gamblers there were more plainclothesmen in the division than there actually were, collecting shares for these non-existent men and pocketing the proceeds. Division plainclothesmen generally met once a month to divide up the money and to discuss matters concerning the pad—*i.e.*, inviting plainclothesmen newly assigned to the division to join, raising or lowering the amounts paid by various gamblers, and so forth. A man newly assigned to plainclothes duty in a division would be put on the pad after he had been with the division for a specified period, usually two months, during which time the other members would check him out and make sure he was reliable. This loss of revenue was customarily made up to him when he was transferred out of the division at which time he would receive severance pay in the

form of two months' payments after his transfer. Plainclothesmen who put a new gambling operation on the pad were entitled to keep the entire first month's payment as a finder's fee.

This pattern of collection and distribution appeared to Commission investigators to be quite standardized. It was evident in the four Manhattan divisions and the one Queens division which were the focus of the Commission's investigation. Evidence of the same patterns was also turned up in the other Manhattan division and in one division each in Brooklyn and the Bronx, for a total of eight divisions out of the sixteen divisions and Staten Island.* In addition, the Commission received allegations of similar pads in most of the other divisions in the City.

William Phillips, then recently assigned as a plainclothesman in the division covering lower Manhattan, testified on the basis of his own experiences and conversations with fellow plainclothesmen that the average monthly share per man ranged from \$400 to \$500 in midtown Manhattan divisions, to \$800 on the Upper West Side, \$1,100 in lower Manhattan, and \$1,500 in Harlem. He stated that the reported "nut" (share per man) in two Queens divisions was \$600, that in the three Bronx divisions it was \$600, \$800, and \$900, and that in one Brooklyn division it was \$800. These figures corroborated quite precisely those received by the Commission from the many sources willing to talk privately but who did not want to take the risk of public testimony, and further corroboration has come from similar sources since the Commission's hearings.

The pad was a way of life in plainclothes. According to Patrolman Phillips, the pad was openly and endlessly discussed whenever plainclothesmen got together. The Commission found no reason to doubt Phillips' opinion, echoing that held by other knowledgeable police officers and informants: "In every division in every area of plain-

* There is no division in Staten Island. The three precincts in that borough report directly to borough command.

clothes in the City, the same condition exists. There is a pad in every plainclothes precinct and division in the City of New York."

Revelations made before and after the Commission's investigation bore out the consistent nature of plainclothes gambling pads. Prior to the Commission's existence, Patrolman Frank Serpico told about his experience in a Bronx plainclothes division in 1967 and 1968 and described an almost identical pattern of payoffs. In May, 1972, after the Commission's hearings, Kings County District Attorney Eugene Gold announced the indictment of virtually an entire division plainclothes squad in Brooklyn, which collected payments from gamblers without interruption during the Commission's public hearings in precisely the same fashion being described by Commission witnesses. The indictments and related departmental charges involved a total of thirty-six current and former plainclothesmen, twenty-four of whom were indicted. According to Mr. Gold, at one time twenty-four of twenty-five plainclothesmen in the division were on the pad. It is highly significant that this investigation was carried out without the Commission's knowledge, and yet, like the information given by Frank Serpico, it revealed a pattern of share payments, severance pay, and bagmen that matched in detail the patterns described by Patrolman Phillips and other Commission witnesses and informants.

The corrupting influence of gambling operations is not limited to plainclothes. Gambling pads of various sorts were also found to exist in the uniformed patrol force.

Generally, where such pads existed among uniformed men, the sector car had its own pad, the sergeant theirs, and the desk lieutenant and precinct commander had their own personal pads if they were so disposed. (Precinct commanders who received graft almost always designated a patrolman, "the captain's man," to make their pickups, and in some instances, when a corrupt captain was transferred out and an honest one took over, the captain's man continued to collect payments "for the captain" and kept the money.)

At the time of the investigation, certain precincts in areas with widespread gambling had special gambling cars (patrol cars with the words "gambling car" painted on them) to which two uniformed patrolmen were assigned with the ostensible mission of harassing gamblers. According to Phillips, these patrolmen were notorious for the extensiveness of their pads.

Different Kinds of Gambling and Different-Sized Payoffs

There are three major forms of illegal gambling in New York: numbers, bookmaking, and card and dice games. The size of a payoff was found to vary considerably according to the nature of the gambling operation, with the most lucrative and conspicuous operations paying the highest monthly tariff. Conspicuousness plays an important role in determining the amount of the payoff because the more overt a gambling operation is, the easier it is for police to make arrests and generally harass employees and players. Also, highly conspicuous operations are more likely to generate citizen complaints, which can put the police in a compromising position. Numbers is by far the most conspicuous of the three, depending as it does on numerous permanent locations, large numbers of players coming and going, and crowds gathering outside to hear results. Bookmakers who operate on street corners or from telephone booths are also fairly conspicuous, although bookies who operate from apartments using telephone answering services or elaborate electronic equipment designed to prevent detection often escape police notice and thus the pad. High stakes card and dice games, which involve many players, were generally found to pay if they stayed in one location, but "floating" games are less conspicuous and often didn't pay.

For intelligence purposes, the Police Department maintains two special sets of files relating to gambling. One of these is a file on "known gamblers," individuals who generally have a long history of gambling arrests. The files contain their pictures, arrest records, and any other pertinent data the Department may have collected. The

Department also maintains files on known gambling combines, which contain whatever information the Department may have on given gambling operations, including the location and the names and functions of employees. These files, which are intended to aid in gambling enforcement, often influenced the size of the payment a given gambler made to the police, the payment rising accordingly to the number of known gamblers employed by the combine.

Numbers

In many New York neighborhoods, there are spots every block or two, in candy stores, tobacco stores, unadorned storefronts, and first-floor apartments, where one can place a 25¢, 50¢, or \$1 bet on a number. Various kinds of bets may be placed on one to three digits. The winning number each day is determined by a complicated formula based on the amounts of money wagered and paid out at various racetracks. In essence, the numbers game is a lottery, with odds ranging from 10-1 to 1000-1, depending on whether one bets on one, two, or three digits. The payoff ranges from 6-1 to 600-1, with the game's sponsors keeping forty per cent of the amount bet to cover their operating expenses and profits.

Bets are taken by numbers runners, who either collect bets door-to-door, or accept them at a fixed location which may be anything from a street corner to a store to a first-floor apartment. For his services, the runner receives a percentage of the amount bet with him. Before the first race is run at whatever track is being used to determine the winning number, all betting slips and the money bet are collected from the various runners and taken either directly to the "bank" or to a "drop" from which they will later be taken to the bank. At the bank, clerks with adding machines tally the day's take and figure the money owed to winners, which is sent by messenger back to the runners, who then take ten percent of the winnings as a tip and pass on the remainder to the winners.

The banker in a numbers operation is the central figure in the setup. Until recently, almost all bankers were organized crime figures from outside the ghetto.* But there has been a growing trend toward numbers operators from within the ghetto becoming bankers themselves. A banker usually has working for him several "controllers," each of whom in turn controls a number of runners.

The Commission's gambling investigation in Harlem was initiated by a citizen complaint, referred to the Commission by the Department of Investigation, alleging that an unidentified gambler, driving an auto with a specific license plate number had given money to a police officer in a sector patrol car. Commission investigators then followed the auto in question and established a pattern of regular stops at various gambling spots which always ended at a specific spot located in a rear apartment in a residential building on a main thoroughfare in the division. The investigators then made observations at that location and filmed the coming and goings of apparent customers and members of the gambling combine. They observed that certain men would stand in front of the spot acting as lookouts, that there was an unusually heavy flow of people in and out of the hallway, and that there was a heavier flow of people in the early afternoons when it was alleged that single action play was being accepted.

From police records and the later testimony of division personnel in Commission executive hearings, it became clear that the police were aware of the spot's existence and business. Police records indicated a significant number of arrests in the vicinity of the spot including the frequent arrest of the presumed operator of the spot. Yet the business went on seemingly unhampered by police arrests. A very graphic example of this lack of effectiveness was displayed at the Commission's public hearings in the form of a film showing a police raid on the premises. A large number of people were seen constantly

* As a result of the Commission's investigation, the FBI, in October, 1971, raided several policy operations in East Harlem resulting in federal indictments of eight individuals associated with organized crime. The FBI raid uncovered one bank and five numbers spots, one of which also made book on sporting events.

going in and out of the hallway; police officers were seen arriving in front of the building, entering the hall, and leaving with one man. Then a single man was seen to leave the hall, look up and down the street, and wave a handkerchief. Apparently this was a prearranged signal because a number of people then left the hall and dispersed on the street. The normal pattern of comings and goings then resumed.

The man designated in police combine records as the operator of the spot was first arrested in 1948 and since then has been arrested fifty-one times. These cases led to twenty-six dismissals, six acquittals and seventeen convictions (three were pending). Of the seventeen convictions only two resulted in a mandatory jail term: In two cases the operator received probation, in three cases a suspended sentence and in eleven cases a sentence of fine or time; in one case he received a fifteen-day sentence and in a second he received a choice of \$250 fine or thirty days in jail and a mandatory thirty days in jail. These two sentences did not seem to reflect a growing judicial impatience with his recidivism because his last four convictions in 1969 resulted in fine or time sentences despite the fact that he had at that time a record of forty-five arrests and thirteen convictions. It was learned from an informant in this operation that this alleged operator was only the overseer of the operation and that the actual boss of the spot was a man with a very scanty arrest record. The informant also stated that the boss would oversee the operation when the operator was arrested and that at such times the police would never raid the spot.

When someone decides to start a numbers operation, the first thing he does is to get in touch with the other gamblers in the area, to clear his operation with them and make sure he's not encroaching on their territory. Next, he will get in touch with the police, either directly or through other gamblers working in the same neighborhood. Or he may simply start taking bets and wait for the police to come to him.

One ex-gambler, working as an informant for the Commission, made inquiries about setting up a numbers operation in Harlem. While

wearing a transmitter monitored by Commission investigators, he spoke to several other gamblers with operations in the division who told him that they were on the pad and that they could get him on with the help of another gambler who acted as contact man for the division.

Gamblers were found to pay policemen amounts which varied according to the nature of their operations. One ambulatory runner, who moved from place to place in Harlem collecting bets in hairdressers' shops, candy stores, and apartment house hallways, paid \$200 a month to division plainclothesmen while an operator of a permanent spot paid \$600 a month. Another gambler, who ran a fixed spot, told the Commission he paid \$750 a month to division plainclothes and \$300 to borough, as well as \$196 to the detective squad, \$180 to the precinct sergeants, \$60 to the precinct desk officers, \$60 to the precinct gambling car when there was one, and \$120 a week to the local patrol car, for a total of \$1,600 a month. At another Harlem spot, several police cars stopped by every morning except Sunday* at around 7:00 a.m., and the lookout gave money to the patrolmen in the car.

When borough plainclothes squads were eliminated in February, 1971, Queens division plainclothesmen reportedly demanded, in addition to their own monthly share, the entire monthly share that had been going to borough plainclothes. Queens numbers operators held a meeting to discuss the demand and present a unified front. It was agreed that they would increase the monthly payment by an average of \$200 to \$300. According to one source, this meeting of numbers operators to resolve a common problem was most unusual in Queens, which the source stated was the only borough where policy operators did not have some sort of unity.

* There are no horse races on Sunday, and thus no number.

Uniformed men also scored gamblers on a catch-as-catch-can basis. Patrolman Droge testified about some well-known gamblers in one precinct he worked in, who used to drive around the precinct in a car. Police officers were constantly on the lookout for them, because it was their custom to throw \$8 into a police car whenever they came across one.

In Queens, one gambler operating from a fixed spot told the Commission that he paid \$2,100 a month, while the operator of a smaller game without a fixed location said that he paid \$1,200, split evenly between division and borough. Another Queens gambler, whose spot was said to have been found for him by the police, reportedly paid \$1,750 a month for as long as he operated the spot. He later gave up the spot and changed his operation to an ambulatory one, whereupon the police lowered the price to \$1,200 a month. Gamblers who operated without a spot often escaped making pad payments at the precinct level, although they were always subject to scores by men from the precinct.

In return for these payments, gamblers were protected from all police action at precinct, division, and borough levels, with the exception of occasional token arrests. These payments did not protect them from action by the Public Morals Administrative Division (PMAD) of the First Deputy Commissioner's office, a unit which Phillips said was generally feared by corrupt police officers. If PMAD made an arrest at a gambling spot, to protect themselves division and borough plainclothesmen would then make follow-up arrests at the same spot.

But there are indications that a partial pad may also have existed in PMAD involving some members of the unit. Patrolman Phillips, while working undercover for the Commission, was told by a plainclothes patrolman that arrangements could be made with PMAD to protect a gambling operation at least partially. In addition, a former controller in a Harlem combine stated that he had

been approached by a PMAD plainclothesman who sought to put him on what he said was a PMAD pad. The gambler refused even to discuss the pad with the plainclothesman until he had had him checked out by other plainclothesmen he knew, because he wanted to make sure that the PMAD plainclothesman was not setting him up for a possible bribery case. The check indicated that the plainclothesman was corrupt and he put the gambler on what he claimed was a PMAD pad for \$185 a month with \$25 extra for himself.

Most often, when plainclothesmen needed a token arrest to meet arrest quotas or to give the appearance of activity, they would tell the operator of a spot and arrange a time and place for the arrest. The operator would then select someone to take the arrest, who was usually either one of his employees who had a relatively clean arrest record or an addict who was paid for his trouble. Whoever took the arrest would put a handful of bogus policy slips in his pocket and meet the plainclothesman at the designated time and place, where, often as not, he would get into their car without even waiting to be asked.

Alternatively, when police needed a gambling arrest, they would pick up someone known to them as a gambler and plant phony numbers slips on him (a practice known as "flaking"), then arrest him. They were rather casual about this, sometimes flaking bookmakers with numbers slips or numbers runners with bookmaking records, a practice which infuriated the gamblers more than being arrested. When police decided to score gamblers, they would most often flake people with gambling slips, then demand \$25 or \$50 for not arresting them. Other times, they would simply threaten a flake and demand money. As mentioned above, they also scored people after arrest by offering to change their testimony at trial. When this happened, the take was higher, usually several hundred dollars.

Another method plainclothesman used to score gamblers was to arrest a gambler, then take money from him for writing up the arrest

affidavit in such a way that he would be acquitted. If, for instance, the arresting officer stated he found numbers slips *near* the suspect, perhaps on a radiator or a counter, rather than on his person, defense counsel could make a motion for dismissal and the judge would have no choice but to throw out the case. At other times, officers would make their complaints sufficiently vague so that acquittal or conviction depended on their testimony at trial. One such affidavit reads, "Depo-
nent states that the Defendant had in his possession *on a counter* [emphasis added] in the said premises a total of 118 slips of paper bearing a total of 842 plays MRHP [mutuel racehorse policy] with amounts wagered and identities." When officers had filed ambiguous affidavits like the one above, they would often score the suspect for whatever they could get, then change their testimony so that he was acquitted.

Another common method of scoring numbers operators consisted of policemen confiscating the gambler's numbers slips, which are known as "work." The police officer would then offer to sell the work back to the gambler. Such scores generally involved sizable amounts of money, because it is vitally important to the operator to have his work, so that he can know who the winners are in the day's play and pay them—and only them. If a police officer kept the work, many players would claim that they had the winning number, and the numbers operator would have to pay them all off at 600-1, or not pay any of them, which would ruin his future business since he would get a reputation for welshing on bets.

In his testimony at the public hearings, ex-Patrolman Waverly Logan described an incident in which two uniformed officers walked up to a policy bank and simply rang the bell, whereupon the operator opened the door. The two officers then arrested the banker and took him to the precinct house, where he was booked. Logan testified that plainclothes officers at the precinct said they had known all along where the bank was and were just waiting to raid it.

Bookmaking

Payoffs to police by bookmakers were found to follow roughly the same pattern as those made by numbers operators with certain modifications resulting from the distinctive nature of bookmaking. Bookies in New York City have two quite different methods of operation. There are "street bookies," who work in specific—usually poor—neighborhoods, collecting their bets either at fixed locations or by making rounds of stores, bars, apartment houses, and certain designated street corners. The amounts wagered with a street bookie are generally small. Because he works the same neighborhood every day and visits the same locations, his operations are fairly obvious to the police and, at the time of the investigation, he had to be on the pad to stay in business. How much a street bookie paid was found to depend on whether or not he worked out of a fixed spot, on how large his operation was, and on whether he had others working for him.

The telephone bookie operates a more sophisticated service, generally involving larger wagers. The simplest kind of telephone bookmaking operation involves the bookie stationing himself in a pay telephone booth where he receives his bets. Generally, bookies who operate this way change phones frequently. Since most bettors who deal with these bookies place bets regularly, it is a simple matter for the bookie to tell his customers when they call to place a bet that he is changing locations and to give them the new phone number. Since this kind of telephone bookie can work out of a phone booth in Brooklyn one day and out of one in the Bronx the next, he is never put on any division's pad, although at the time of the investigation such bookies were often scored by any policeman who caught them at work.

One telephone bookie who worked out of various pay phones told the Commission that he had been arrested three times in the last three years. Following the first arrest, the bookie paid \$750 to the arresting plainclothesman, who told him he split the money with his partner and with his supervising lieutenant. The case against the bookie was dis-

missed in court. In the second case, the bookie paid the arresting officers \$500 at the time of the arrest and \$50 a month for four months, after which the court case was dismissed and he stopped paying. The third and most serious case involved a felony arrest for bookmaking made by a special plainclothes detail from the borough command set up to go after policy banks. The bookie said that he paid \$2,500 to borough plainclothes and ultimately received a \$300 fine upon conviction.

Phillips testified about another telephone bookie who regularly worked out of two pay telephones in Harlem. "He has two telephones on the corner and it's his private office," Phillips said. "He's there all day long, him and his associate, answering phones, making callbacks." Because his operation was on the street and stationary, this bookie of course paid off the police.

The more sophisticated telephone bookie uses more elaborate systems. He can employ a telephone answering service to take down bettors' phone numbers, then call them back. Or he can use a variety of complicated electronic devices, some of which are almost impossible to trace. Because the risk of police detection is nil for bookmakers using sophisticated telephone devices, they are not targets of police pads and are rarely scored.

At the time of the Commission's investigation, bookies interviewed in Queens and Manhattan North said they paid amounts ranging from \$750 to \$800 a month to division plainclothesmen and an equal amount to plainclothesmen assigned to borough, with all payments doubled at Christmas.

Bookies either made their pad payments directly to the police bagman, or one bookmaker collected from the others and turned the entire amount over to the police, after taking a cut for his trouble. Street bookies, who made pad payments to the police, were less likely to be scored than telephone bookies.

Card and Dice Games

Operators of card and dice games also paid the police in a similar pattern of pads and scores. High stakes organized games generally made pad payments to various units of policemen, from the precinct level on up as high as they could reach. These were expensive games, where thousands of dollars were bet and where players could win or lose \$15,000 in an evening.

Patrolman Phillips testified about one such dice game, operated by a gambler named Joe Tough Guy in the Twenty-Fifth Precinct in East Harlem, who made pad payments to division plainclothesmen and to uniformed sergeants and sector car patrolmen. Shortly after the sector car pad of \$50 per car per month was established, a lieutenant in the precinct heard about it and approached Phillips to discuss enlarging the pad to include the precinct's lieutenants. While wearing a transmitter monitored by Commission investigators, Phillips attended a meeting between the lieutenant and a representative of the gambler, during which they negotiated a pad of \$100 a month for the lieutenants. There was some discussion about also including two captains assigned to the precinct, but no definite arrangements were made.

As a result of these tape recordings, which were turned over to the United States Attorney's Office, federal indictments have been returned against the lieutenant, two gamblers, and eight sector car patrolmen.

Patrolman Droge testified at the public hearings about another card game, held regularly four nights a week in one precinct where he was assigned. On nights when the game was played, sector cars on two shifts would park across the street from the game and wait for the gamblers to send someone across the street with \$10. Droge also testified that if the messenger was slow in coming out with the money, the cops would honk the horn "to speed things up."

The Commission was also told of a dice game in Harlem, whose operator paid \$200 a month to the sector car bagman, although the police did not know the location of the game and he wouldn't tell them.

Eventually, the Commission decided to set up a bogus dice game. Phillips spread a rumor that he knew a gambler who wanted to set up a floating game. He was introduced through an intermediary to plainclothes patrolmen from the Third and Fourth Divisions in mid-Manhattan. The negotiations that followed were monitored by means of a transmitter worn by Phillips. The plainclothesmen first asked for \$2,000 for each division, then later they upped the ante to \$4,000 each, explaining that the two divisions had thirty plainclothesmen each, all of whom were on the pad. They explained that Manhattan South Borough Command would also have to be paid, even though it no longer had a plainclothes squad. Phillips also discussed with the two plainclothesmen the possibility of getting on the pad with PMAD, and the plainclothesmen stated that it could be done, but that it would only be a partial pad, including some but not all of the PMAD plainclothesmen. Phillips made various payments totalling \$500 to these officers for their efforts in scouting for suitable locations and making arrangements for the pad.

At about the time all arrangements had been made, Phillips was transferred to the First Division. Because the Commission had the information it wanted and because it was reluctant to pay several thousand dollars, Phillips used his transfer as an excuse for telling the Third and Fourth Division plainclothesmen that he was moving the game to his new division. Evidence gathered during the operation was turned over to the New York County District Attorney's Office and resulted in indictments against four policemen and one civilian.

Phillips, again wearing a transmitter, also approached a plainclothesman whom he knew to be the bagman for the Sixteenth Division

in Queens about setting up a game there. This time the game was to be cards rather than dice, because card games have traditionally paid smaller pads than dice games and would fit more comfortably into the Commission's budget. The bagman told Phillips that a card game in the Sixteenth would cost \$1,500 to division and explained that that amount covered all the plainclothesmen but only some of the bosses. Phillips then paid the bagman \$50 for checking out possible locations. At this point, Phillips' cover was blown, and this particular investigation came to a halt.

In the City's poorer neighborhoods, dice and card games and dominoes are played in the street for money on summer nights. These are generally informal games, played for low stakes, and they do not make pad payments. However, policemen can and do occasionally score the players for \$2 and \$5.

Comments

The most obvious effect of gambling corruption is the fact that gambling operations all over the City are allowed to operate openly and almost completely unhindered by police action. For most people, who do not regard gambling as a great moral evil, this in itself is not particularly alarming. What is alarming is that plainclothes units serve as an important breeding ground for large-scale corruption in other areas of the Department. Some officers who have managed to stay honest before being assigned to plainclothes are initiated into corrupt practices while in plainclothes units and go on to practice what they learned there for the rest of their tenure in the Department. Others, who have indulged in minor corruption before assignment to plainclothes, learn how to expand their activities.

But perhaps the most important effect of corruption in the so-called gambling control units is the incredible damage their performance wreaks on public confidence in the law and the police. Youngsters raised in New York ghettos, where gambling abounds, regard the law

as a joke when all their lives they have seen police officers coming and going from gambling establishments and taking payments from gamblers. Many ghetto people who have grown up watching police performance in relation to gambling and narcotics are absolutely convinced that all policemen are getting rich on their share of the profits of these two illegal activities. While it is certainly not true that all police officers, or even a majority, get rich on gambling and narcotics graft, the fact that a large number of citizens believe they do has a tremendously damaging effect on police authority.

The Department announced in January, 1972, that, as of February 1, anti-gambling enforcement efforts would be concentrated on high-level figures in gambling combines and that low-level runners would no longer be arrested except when complaints were received. In another move to limit opportunities for corruption, the Department also laid down the rule that uniformed patrolmen may no longer make gambling arrests unless a superior officer is present.

The Commission feels that these are eminently sensible reforms insofar as they will tend to limit corruption. However, gambling is traditional and entrenched in many neighborhoods, and it has broad public support. In view of these factors and the severe corruption hazard posed by gambling, the Commission feels that gambling—including numbers and bookmaking—should be legalized. To the extent that the legislature feels that the state should impose controls on gambling, such regulation should be by civil rather than criminal process.