

Section Two: Patterns of Police Corruption

Chapter Three

INTRODUCTION

At the time of the Commission's investigation, police corruption was found to be an extensive, Department-wide phenomenon, indulged in to some degree by a sizable majority of those on the force and protected by a code of silence on the part of those who remained honest.*

Police Corruption: A Historical View

The Commission's findings were hardly new. As long ago as 1844, when the state legislature created the New York police force as the first municipal police department in the country, historians record an immediate problem with extortion and other corrupt activities engaged in by police officers.

Since that time, the New York Police Department has been the subject of numerous corruption scandals followed by investigations. In each case, the investigators turned up substantial evidence of corruption, which was greeted by public expressions of shock and outrage. While some reforms usually followed each of these periodic scandals, the basic pattern of corrupt behavior was never substantially affected and after the heat was off, it was largely back to business as usual.

In March, 1894, in response to allegations of police corruption made by commercial and reform organizations, a New York State Senate committee, financed by private organizations because of the state's refusal to provide funding, conducted an investigation of the New York Police Department. The committee, known as the Lexow Committee, found systematic police extortion of "disorderly houses," systematic

* The Commission's investigation ended on October 18, 1971, the day the first public hearings began. In discussions of the existence and extent of corruption, this report speaks as of that date—unless otherwise clearly indicated.

payoffs by gambling operations to policemen throughout the City, and payoffs by organized confidence games. The committee also found that small grocery stores, builders, and "all classes of persons whose business is subject to the observation of the police, or who may be reported as violating ordinances, or who may require the aid of the police, all have to contribute in substantial sums to the vast amounts which flow into the station-houses . . ."

Seventeen years later, following the Times Square murder of a gambler who had reported police corruption to the newspapers, the Board of Aldermen (predecessor of the City Council) appointed a committee, headed by Henry Curran, to investigate the police. The committee found that corruption and inefficiency in the Department were in large part due to administrative methods which made intelligent direction and accountability impossible. The committee found systematic monthly police extortion of gambling and brothel operations, made possible by weak discipline and a failure of supervision within the Department. It found that the Department was hostile to civilian complaints, and that the police commissioner was not aware of the most important complaints. The aldermanic committee recommended, among other things, the establishment of an internal security squad, composed of men other than policemen, to secure evidence of police corruption.

A citizens' committee working at the same time reported that "corruption is so ingrained that the man of ordinary decent character entering the force and not possessed of extraordinary moral fiber may easily succumb." That committee recommended, among other things, separation of vice control from the constabulary forces of the police.

Some twenty years later, on January 25, 1932, Samuel Seabury, counsel to a committee appointed pursuant to a joint resolution adopted by the state legislature, reported the same condition of police corruption to committee chairman Samuel H. Hofstadter. The committee was granted special powers to grant immunity to witnesses and found

that the Police Department was deeply involved in extorting large sums from speakeasies, bootleggers, and gamblers.

On September 15, 1950, Harry Gross, the head of a mammoth New York City gambling syndicate, was arrested and subsequently agreed to cooperate with the district attorney. Having indicated his willingness to tell the district attorney and the grand jury about the police officers who protected his bookmaking operation, he was brought in for questioning. After giving his early background, he told of his first arrangements with members of the Police Department in the early 1940's.

He had been operating in the area of Flatbush and Church Avenues. Two plainclothesmen apprehended him while he was making book. They told him he was operating like a small-timer by cheating (making book without police protection). From this point, his payoff system snowballed. As Gross opened new spots he met and paid more police officers. He quickly reached the point where payments to each division's plainclothes squad were insufficient. He needed protection from squads having boroughwide and citywide jurisdiction over gambling. At the height of his operation, the payoff system was substantially as follows:

On the first and fifteenth of each month Gross paid the plainclothes squad in every division in which he had a gambling spot. In addition, he paid a set fee for each telephone he used in a given division. There were extra payments to precinct plainclothesmen and precinct commanders. The borough plainclothes squads were paid for each location in their jurisdiction. The chief inspector's squad and the police commissioner's squad, having citywide jurisdiction, were paid off for all locations. Inspectors in charge of divisions received regular payments as did lieutenants in charge of plainclothes squads.

The intricate workings of the system need not be detailed. Payoffs were made to each squad which had responsibility for the suppression

of gambling. In addition, hundreds of personal gifts of television sets, suits, furs, jewelry, theater tickets, and cars were given to members of the Department. The payoff system was most notable for its sheer magnitude: One million dollars was paid annually to the police for protection, in addition to numerous personal gifts.

Gross told the story of this operation to a grand jury. He named the men he paid, where he met them, and how he made his contacts.

In May, 1951, the grand jury filed an indictment charging twenty-one police officers with conspiring to protect the Gross syndicate. Fifty-seven other police officers were named in the indictment as co-conspirators but not as defendants because there was insufficient corroborative evidence against them to meet the requirements for a criminal prosecution.

Gross took the witness stand in Kings County Court, identified all the defendants as men he knew, and testified to the point where he implicated the defendants in the conspiracy. Then he refused to continue. In an extremely dramatic courtroom incident, he was held in contempt for refusing to obey directives to answer questions. The district attorney was left with no alternative but to ask the court to dismiss the indictment. The trial had begun and, under the constitutional ban against placing a defendant in double jeopardy, the defendants could not be retried and were free. On September 27, 1951, in the Court of Special Sessions, Gross received twelve one-year sentences on his plea of guilty to sixty-five counts of bookmaking.

Studies of police corruption in other cities have likewise uncovered systematic police extortion of bookmakers, mutuel racehorse policy operators, brothels and prostitutes, and legitimate businesses.

It seems that the pressures upon policemen, the nature of the job, and the inevitable temptations are similar enough in any large municipal police department at any time to give rise to the kinds of problems found by this Commission and its predecessors.

Grass-Eaters and Meat-Eaters

Corrupt policemen have been informally described as being either "grass-eaters" or "meat-eaters." The overwhelming majority of those who do take payoffs are grass-eaters, who accept gratuities and solicit five- and ten- and twenty-dollar payments from contractors, tow-truck operators, gamblers, and the like, but do not aggressively pursue corruption payments. "Meat-eaters," probably only a small percentage of the force, spend a good deal of their working hours aggressively seeking out situations they can exploit for financial gain, including gambling, narcotics, and other serious offenses which can yield payments of thousands of dollars. Patrolman William Phillips was certainly an example of this latter category.

One strong impetus encouraging grass-eaters to continue to accept relatively petty graft is, ironically, their feeling of loyalty to their fellow officers. Accepting payoff money is one way for an officer to prove that he is one of the boys and that he can be trusted. In the climate which existed in the Department during the Commission's investigation, at least at the precinct level, these numerous but relatively small payoffs were a fact of life, and those officers who made a point of refusing them were not accepted closely into the fellowship of policemen. Corruption among grass-eaters obviously cannot be met by attempting to arrest them all and will probably diminish only if Commissioner Murphy is successful in his efforts to change the rank and file attitude toward corruption.

No change in attitude, however, is likely to affect a meat-eater, whose yearly income in graft amounts to many thousands of dollars and who may take payoffs of \$5,000 or even \$50,000 in one fell swoop (former Assistant Chief Inspector Sydney Cooper, who had been active in anti-corruption work for years, recently stated that the largest score of which he had heard—although he was unable to verify it—was a narcotics payoff involving \$250,000). Such men are willing to take

considerable risks as long as the potential profit remains so large. Probably the only way to deal with them will be to ferret them out individually and get them off the force, and, hopefully, into prisons.

Pads, Scores and Gratuities

Corruption payments made to the police may be divided into "pad" payments and "scores," two police slang terms which make an important distinction.

The "pad" refers to regular weekly, biweekly, or monthly payments, usually picked up by a police bagman and divided among fellow officers. Those who make such payments as well as policemen who receive them are referred to as being "on the pad."

A "score" is a one-time payment that an officer might solicit from, for example, a motorist or a narcotics violator. The term is also used as a verb, as in "I scored him for \$1,500."

A third category of payments to the police is that of gratuities, which the Commission feels cannot in the strictest sense be considered a matter of police corruption, but which has been included here because it is a related—and ethically borderline—practice, which is prohibited by Department regulations, and which often leads to corruption.

Operations on the pad are generally those which operate illegally in a fixed location day in and day out. Illegal gambling is probably the single largest source of pad payments. The most important legitimate enterprises on the pad at the time of the investigation were those like construction, licensed premises, and businesses employing large numbers of vehicles, all of which operate from fixed locations and are subject to summonses from the police for myriad violations.

Scores, on the other hand, are made whenever the opportunity arises—most often when an officer happens to spot someone engaging in an illegal activity like pushing narcotics, which doesn't involve a

fixed location. Those whose activities are generally legal but who break the law occasionally, like motorists or tow-truck operators, are also subject to scores. By far the most lucrative source of scores is the City's multimillion-dollar narcotics business.

Factors Influencing Corruption

There are at least five major factors which influence how much or how little graft an officer receives, and also what his major sources are. The most important of these is, of course, the character of the officer in question, which will determine whether he bucks the system and refuses all corruption money; goes along with the system and accepts what comes his way; or outdoes the system, and aggressively seeks corruption-prone situations and exploits them to the extent that it seriously cuts into the time available for doing his job. His character will also determine what kind of graft he accepts. Some officers, who don't think twice about accepting money from gamblers, refuse to have anything at all to do with narcotics pushers. They make a distinction between what they call "clean money" and "dirty money."

The second factor is the branch of the Department to which an officer is assigned. A plainclothesman, for example, has more—and different—opportunities than a uniformed patrolman.

The third factor is the area to which an officer is assigned. At the time of the investigation certain precincts in Harlem, for instance, comprised what police officers called "the Gold Coast" because they contained so many payoff-prone activities, numbers and narcotics being the biggest. In contrast, the Twenty-Second Precinct, which is Central Park, has clearly limited payoff opportunities. As Patrolman Phillips remarked, "What can you do, shake down the squirrels?" The area also determines the major sources of corruption payments. For instance, in midtown Manhattan precincts businessmen and motorists were major sources; on the Upper East Side, bars and construction; in the ghetto precincts, narcotics, and numbers.

The fourth factor is the officer's assignment. For uniformed men, a seat in a sector car was considered fairly lucrative in most precincts, while assignment to stand guard duty outside City Hall obviously was not, and assignment to one sector of a precinct could mean lots of payoffs from construction sites while in another sector bar owners were the big givers.

The fifth factor is rank. For those who do receive payoffs, the amount generally ascends with the rank. A bar may give \$5 to patrolmen, \$10 to sergeants, and considerably more to a captain's bagman. Moreover, corrupt supervisors have the opportunity to cut into much of the graft normally collected by those under them.

Sources of Payoffs

Organized crime is the single biggest source of police corruption, through its control of the City's gambling, narcotics, loansharking, and illegal sex-related enterprises like homosexual afterhours bars and pornography, all of which the Department considers mob-run. These endeavors are so highly lucrative that large payments to the police are considered a good investment if they protect the business from undue police interference.

The next largest source is legitimate business seeking to ease its way through the maze of City ordinances and regulations. Major offenders are construction contractors and subcontractors, liquor licensees, and managers of businesses like trucking firms and parking lots, which are likely to park large numbers of vehicles illegally. If the police were completely honest, it is likely that members of these groups would seek to corrupt them, since most seem to feel that paying off the police is easier and cheaper than obeying the laws or paying fines and answering summonses when they do violate the laws. However, to the extent police resist corruption, business interests will be compelled to use their political muscle to bring about revision of the regulations to make them workable.

Two smaller sources of payments to the police are private citizens, like motorists caught breaking the law, and small-time criminals like gypsy fortune tellers, purse-snatchers, and pickpockets who may attempt to buy their freedom from an arresting officer.

Organization of the Department

To understand police corruption in New York and have some idea of how such corruption involves supervisors and commanders as well as the rank and file, one must first know a little about how the Department is organized. The following brief account is by no means complete, but it should suffice to provide some understanding of the Department's organization.*

Patrol Force: Of the thirty thousand men and women in the New York Police Department, approximately two-thirds are assigned to the Patrol Services Bureau, which is headed by the Chief of Patrol. The patrol force is divided into seven borough commands: Manhattan North, Manhattan South, Brooklyn North, Brooklyn South, Queens, Bronx, and Staten Island. Each borough command supervises several divisions,** which are, in turn, subdivided into seventy-four precincts. Most uniformed patrolmen are assigned to the precincts, where they are supervised by sergeants. The sergeants in turn report to lieutenants, and the lieutenants to precinct commanders, who are generally captains although they may be of higher rank.

Plainclothes: The Department's 450 plainclothesmen are patrolmen, sergeants, lieutenants, and captains who wear civilian clothes and work primarily in the areas of gambling, narcotics, and such vices as prostitution and pornography. At the time the Commission's investi-

* Exhibit 8 of the Appendix is a map showing the geographical organization of the Department as of January, 1972.

** Except in Staten Island, where there is no division. Staten Island Borough Command directly supervises the island's three precincts.

gation began, plainclothesmen, like the patrol force, were assigned to precinct, division, and borough commands. However, plainclothes has since been reorganized several times with control now centralized in a special Organized Crime Control Bureau under a deputy commissioner.

Detectives: The 3,000-man Detective Bureau is headed by the Chief of Detectives who, like the Chief of Patrol, reports to the Chief Inspector who reports to the Police Commissioner. At the time of the Commission's investigation, detective squads were assigned to precinct, division, and borough commands. But the Detective Bureau has since been reorganized, and detectives are now assigned to specialized squads within detective districts, which are coterminous with patrol divisions.

The Commissioner's Office: At the top of this vast pyramid is the Police Commissioner, who is assisted by seven deputy commissioners. The Commissioner is appointed by the Mayor to a five-year term designed to overlap the four-year term of the Mayor. Of the twelve Commissioners appointed during the last forty years, only two have served the full term to which they were appointed. One of these served for eleven years. The other eleven served an average of twenty-three months each.

Patterns

In its investigation into police corruption, the Commission found that each area under investigation had its own distinctive patterns. Each is therefore discussed in a separate chapter which describes what the Commission investigation found, the reasons for the payoffs, the methods of paying, and, where appropriate, setting forth the Commission's comments.