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LOOKS
AT POLICE CORRUPTION

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The Knapp Commission, formed to investigate allegations of police corruption in New York City, stated in its report: "We found corruption to be widespread." They were right. The Commission also stated that: "A newly assigned plainclothesman was not entitled to his share for about two months, while he was checked out for reliability, but the earnings lost by the delay were made up to him in the form of two month's severance pay when he left the division Corruption in narcotics enforcement lacked the organization of the gambling pads, but individual payments known as 'scores' were commonly received and could be staggering in amount." Again, the Commission was right.

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

on about them.”¹ In this statement, the Commission was not quite right. The administrative system did not provide any workable steps for honest men to take to prove that their suspicions were correct, nor did the system provide any way for men to use their knowledge to expose the corruption without being labelled a “stool pigeon” or “snitch.” Thousands of men in the department, however, did with difficulty keep their own activities and those of their subordinates “clean.” To extend responsibility beyond that perimeter was to invite unbearable pressures.

I terminated my own job with the New York Police Department by retiring in 1964. Seven years later, in December, 1971, Commissioner Patrick V. Murphy called a press conference to announce the formation of the Organized Crime Control Bureau which I had agreed to head as a Deputy Commissioner. Commissioner Murphy had decided to place all anti-corruption units under one bureau, and because he took public responsibility for my appointment, he also removed any insulation from direct responsibility for any corruption that continued to exist in the Department.

When Commissioner Murphy announced that anti-gambling enforcement would be part of the responsibilities of the Bureau, his statement did not escape the attention of some cynical members of the press. My wife, who was sitting unidentified among the reporters, heard one of them sneer, “And now all the green stuff goes into one pot.” Any knowledgeable policeman would recognize the sizeable gamble that Commissioner Murphy and First Deputy Police Commissioner William H. T. Smith were taking with both the centralization move and with my appointment. Personally, I had opposed the centralization.

For generations, policemen had extracted millions of

¹ Whitman Knapp, et al, *Report of the Commission to Investigate Alleged Police Corruption* (City of New York)(New York: George Braziller, 1972), pp. 1-3.

dollars from gamblers. Yet, unlikely as it may seem, during my twenty-seven years in the Department, no one ever approached me to talk about the possibility of a bribe, although the Department was permeated with corruption. Many wise men have observed that virtue often exists not so much from sanctity as from a lack of opportunity or a fear of the consequences of evil. I know that I am not a saint, and perhaps it is true that the reason I never took a bribe stemmed more from fear or lack of opportunity than from innate virtue. Whatever the reasons for my not taking a bribe may have been, they are not germane to this paper. I write as an imperfect man for imperfect men who happen to be administrators in imperfect police departments that serve in an imperfect society. That society shares my conviction that a good policeman cannot be a corrupt policeman and that a corrupt department cannot be an effective policing organization.

The sophisticated and learned are generally resigned to the inevitability of corruption. However, I think only three things are required to achieve minimal organizational corruption: 1. an internal administration determined to eradicate corruption and corruptive forces, 2. top administrators who are personally honest and are determined their men will also be honest, and 3. administrators who are willing to pay the price for virtue.

Examples of police venality are easy to find and spread over a broad spectrum. They provide police and public alike with a vivid but dismal picture of law enforcement practices:

A jury believed and a prosecutor proved that a vice patrolman would murder a pimp and a whore.

Three policemen accepted two thousand dollars from a narcotics dealer in lieu of arresting him for murder. The general disgust with this transaction stemmed principally from the small amount of the bribe.

Policemen conspired to steal all the hard narcotics in police custody and sold them to a major Brooklyn drug dealer.

A police captain acquainted with a Mafia leader's chauffeur approved an application for the bodyguard to obtain a pistol permit. Another captain, assigned to investigate the approved application, cleared the first captain of any complicity in the face of documentary evidence to the contrary. Indeed, at most meetings of important Mafiosi, a gun is carried with a legal permit, not infrequently by an active or retired policeman.

A police lieutenant entered the business premises of a major Mafia figure to tell him that his wires were "up" or tapped.

A retired police officer, working as a private investigator for major narcotics figures, learned that a certain person was working for the government and revealed the person's identity to the narcotics dealers.

In Brooklyn, the "split man," or the administrator of a "pad," set fire to his automobile and claimed to his fellow thieves that the ten thousand dollars that had been collected were destroyed in the blaze.

A police undercover agent on an official investigation into the activities of a major loan shark was completely surprised with the shark produced a piece of paper with his badge number on it. The agent fortunately capitalized on his department's bad reputation by admitting he was a policeman who was on the move to make additional income.

A police officer recruited other police officers to join him on a "hit" of a major narcotics dealer for the purpose of stealing and merchandising heroin.

As corrupt as these examples are, it is shocking to realize that in each instance police executives and commanders generally avoided accountability for the actions of

their subordinates. I submit that it was even more villainous for a commander to administer a system that corrupts the men working for him, whether or not he personally participated in the proceeds. I also believe that it was just as villainous for New York prosecutors to believe (as most of them did) that police testimony in gambling prosecutions had been perjured for years and never to initiate action to establish perjury. Although I do not know what rationale existed for this negligence, I suspect that prosecutors do not want to see their conviction rates decrease. Nor can I excuse judges from negligence. They knew as well as I knew that in terms of physical locations, the courthouse is ranked as the number one site of police corruption. Generally, judges and the Bar Association did nothing to reestablish integrity around courtrooms.

Amid all this corruption, how does one live without becoming corrupt? When a general tolerance of corruption permeates the entire criminal justice system, what, if anything, can a police administrator do?

A Rookie's First Day of Work

Seldom, if ever, does a young policeman enter a new division of a police department manned by other new men where traditions and value patterns are as yet unformed. He enters a group somewhat timidly after the division's behavior patterns, values, and traditions have firmly evolved. Until recently, he was ill-equipped by training and education to become an effective policeman. Consequently, the newcomer was seldom disposed to challenge any generally accepted behavior pattern he encountered. Traditions were challenged at his peril. Because he had not received adequate training, the young officer needed on-the-job training and free communication with other officers. A policeman who knows only what he is able to ascertain knows little indeed. The young, inexperienced

officer needs his colleagues. He tends to be in awe of them and will seldom challenge the street-wise policeman or sergeant. With remarkably little resistance, he will accept the modus operandi of his peers. At the Police Academy in New York, it required six months to condition a recruit in the desirable attitudes; at a precinct, it took the street cop about three hours to change them. When an old timer deigns to speak to a rookie at all, he displays great tolerance and humaneness, but when he speaks, he speaks with an omniscience that comes from infinite wisdom. When he says, "Now look, kid, forget that shit you learned in the Academy, the real score is..." in ninety-nine cases out of a hundred, the recruit believes the old timer.

I entered the New York City Police Department in 1939. Looking back, I think the Department would have "got me" as a rookie had I not left for the Army Air Corps in 1942. During those stormy, first years, the most common accusation—one that made me cringe—was an allegation of "no guts." My war experience was helpful to me, because the Air Corps was a relatively moral operation. My combat experience made it impossible when I returned to the Department for non-veterans in the Police Department to accuse me, as an ex-veteran, of cowardice. I was able to question their "guts." I was no longer a twenty-four year old rookie; I was a twenty-nine year old veteran who could tell any crooked cop to go to hell.

Corruption studies often overlook three basic facts. First, that a high degree of trust is required between policemen; second, that police officers generally work without on-the-spot supervision, and third, that a policeman also feels differing degrees of loyalty to people and groups outside of the department. If his impartial and objective enforcement actions are in accordance with official norms, he is constantly colliding with his sense of loyalties. Should he arrest the bingo operators at a church

social or the Little Leaguers selling raffle tickets? Should he arrest his brother who has committed a felony? Should he report crimes and rule infractions committed by fellow officers? The conflict in loyalties and the conflict between official behavior and actual behavior were never discussed in the Police Academy (nor are they discussed much today), but the rookie must deal with these conflicts during his first day on duty. From the first hour the maturation process begins; it is not blatant, and even during the worst of times, it is not always unfair. On his first tour, forces pull the rookie in different ways and directions. Most of his early decisions do not involve "money-corruption," but they do involve the patterns for behavior that cannot be publicly admitted. The stage is set on that first day for the rookie to make future decisions that will involve money.

I became a civilian telephone operator in 1939 while awaiting my appointment as a patrolman in 1940. At the Police Academy, recruits were taught that every man on foot patrol was to signal his precinct once every hour, and the radio-equipped patrol cars were to call once every half-hour. The dire consequences of overlooking calls was explained not only from a disciplinary view but also in terms of negligence when, for example, an officer might be lying undiscovered and wounded in a dark alley. On my first tour, I was assigned to a telephone switchboard in a Brooklyn precinct from midnight to eight o'clock in the morning. By three o'clock all policemen had signalled their locations and telephone numbers to me. Obviously, patrol had been abandoned, and obviously, I was to call them in case of trouble or an alert. As young and naive as I was, I knew that the desk officer, a lieutenant, did not want me to inform him that patrolling had stopped. I also knew that duty required that I notify him. In the world of "guts," I had to assume the risk of not telling the lieutenant. I was expected to disobey the rule by the

man under whose supervision I was working. "Hell," I thought, "I don't know these guys, but if I get caught breaking rules, I'll be passed over when police appointments are made." To this day, I do not really know what the right thing to do was.

About one o'clock someone in a car called the lieutenant to ask if he wanted anything. "Hey, kid," said the lieutenant, "want anything?" I was hungry and said I wanted coffee and a hamburger. I asked how much they would cost. "Forget it," replied the lieutenant. I got the food, and later around six-thirty in the morning, a radio car brought corn muffins, jelly, doughnuts, coffee cake, and coffee in quart and two-quart milk tins. There was a quart of milk and some sugar in a bowl, but there was no bill. Was the food in payment for the risks I was expected to take?

A Personal Code of Ethics

The compromises one is forced to make to avoid pariah status increase steadily but never quickly enough at one time to force a confrontation over any one issue. Ethical and moral decisions beset a police officer in almost every action he contemplates. Unfortunately, most officers try to ignore or fail to cope with the complexities of morality or ethics. My assignment as a switchboard operator in a precinct was a lucky one—it gave me a chance to become knowledgeable about and acclimated to police behavior before I had to make really critical choices. I had time to formulate a code of ethics that I could live with and at the same time permit the department to live with me. My code was simple, realistic, meaningful, and difficult to follow faithfully, but it is better than the childish, superficial, impractical series of glittering clichés of the *Law Enforcement Code of Ethics*.

My code had six canons: 1. I would not drink any alcohol when I worked, 2. I would not use force to

obtain information from anyone, 3. I would not take money or anything of monetary value from anyone as a result of, or in the course of, my work, 4. I would try to be an impartial, objective enforcer granting no favor or special consideration based on any perceived or claimed privileged status of an offender, 5. I would be polite and civil at all times to the public and, when I was promoted, to my subordinates, and 6. Not only would I adhere to these canons, I intended that my future subordinates would abide by them also.

Purists might argue that I had left myself some room to maneuver within these guidelines, but living with my code gave me an endless series of problems and a reputation for rigidity that caused my peers and superiors to shake their heads. Using the code did not make many friends for me. When I tried to be impartial with the news media, in accordance with canon four, the *New York Daily News* called me, "Show-'em-no-mercy-McCarthy," and the *Herald Tribune* labelled me a "zealot."

A Patrol Officer on Field Assignments

No one can be fully prepared for the shock that assignment to the field forces brings. Corruption depicted by the Knapp Commission existed when I was a rookie, and from stories I have heard, it was worse in the 1920s. Initially, almost all of my assignments were to fixed posts, specifically designated locations where one did no visible good and no police work. I was infinitely bored, except when I was occasionally assigned to radio motor patrol. When going in uniform to and from the station house, I learned to select circuitous routes to avoid stumbling into street bookmakers and their clients. I also learned that drunkenness was common among policemen. Becoming an alcoholic was easy because no self-respecting policeman ever paid for a drink in his own precinct. Drinking superiors often would direct patrolmen to bring them

"flutes," which were Coca-Cola bottles filled with whiskey.

The senior man who provided me with my on-the-job training was the most amoral man I have ever met. He was an active, aggressive extortionist to whom a tour of patrol was an exciting eight-hour pursuit of opportunities to separate people voluntarily or involuntarily from their valuable possessions. On one night, fire had destroyed part of a sporting goods store, and he was assigned to guard it from midnight until the owners arrived later in the morning. As soon as he was on duty, he called a relative with a truck, and they left in the store only merchandise that they could not carry away. His daring was legendary in the Department, because he went beyond the bounds of acceptable behavior. It was generally thought that his behavior would be discovered, and it was. When a proprietor found him burglarizing his store, my mentor's attempt to escape resulted in his death.

I gave my first summons to a union official who habitually parked his car in front of a fire hydrant. The union official was outraged, and later detectives at the station house patiently explained to me that the official was a "good guy" who wanted to give me a "hat," a tip usually given for a specific, if often unarticulated, purpose. The "hat" required a face-to-face exchange of money for an understanding. No member of the Department was bound by another man's understandings. Other policemen could but did not issue summons to the union official for illegal parking. No one ordered me to pick up the "hat," and I did not meet the "good guy."

During the most corrupt of times, I never received an order not to arrest anyone. I was never ordered to do anything dishonest, and I was never harassed by my superiors or peers, although implicit pressures did exist for conformance to the behavior patterns of the majority. On the other hand, policemen who attempted to extort valuables from people on a scale not generally approved,

or who, for one reason or another, were caught red-handed, received transfers, complaints, charges and specifications. Law enforcement administrators, even in the most corrupt departments, appreciate and need the honest cop. He can be used to demonstrate to the corrupters how much more costly it is to operate without protection. In New York, Chicago, Boston, New Orleans and Philadelphia during the most corrupt times, honest cops have been used to retard or diminish blatant corruption and to seal off patterns or places of corruption when an external threat like the Knapp Commission is seen. However, the "honest" cops did not dare transgress certain implicit limits; whatever their rank, they could not probe every labyrinth of corruption in the organization. To have done so would have inevitably unseated the police and political administrators who had unleashed the "honest" man.

Christmas was a season of incredible confusion, friction and greed. Police hunted and trapped those people in the precinct who could be separated from goods, services or money. The voluntariness and size of a contribution was dependent upon the degree to which the giver was involved in illegal activities and upon the degree of authority the officer could persuade the contributor he had. In many cases, the value of gifts had been so stabilized by custom that overt extortion was not needed. Sergeants and lieutenants usually approached their contributors indirectly. Captains and inspectors operated indirectly through "bagmen" if they were cautious, or directly if they were so greedy that they would not give some of their proceeds to the "bagmen." A good "bagman" could collect more than a non-aggressive captain could, even after a cut was deducted for the "bagman."

Stories told by the older policemen convince me that more corruption existed during Prohibition than during any Christmas season I saw. Policemen did not dare to "coop," or sleep on duty, for fear a liquor delivery would

be made to a speakeasy on their beat. One man sorrowfully confessed that he never had time to work bookmakers because making sure that he lost no speakeasy money took all of his time. Besides, he added, bookmaker returns were so meager that they did not justify the effort to get them.

Free meals, free drinks, free coffee and free admissions were always expected, although restrictions existed as to who was entitled to them. Inevitably, some men would "spoil" a place by constantly making requests. For example, one man was detected leaving the Automat with a bag of sandwiches and cakes, the ultimate destination of which must have been his home.

Gamblers were prime targets for enterprising policemen from the 1930s to the 1950s, but no one was beneath official notice. Regular payoffs were the rule. Peddlers were "ripped off" on a "pad" basis for years until the 1970s when the Division of Internal Affairs was able to "turn" a sergeant and make cases against all the participants. We rounded up bums every day in an attempt to reduce the visibility of these unfortunate people. One day at round-up, one bum protested, "But officer, I paid my dues for this week."

Other targets of opportunity — corpses or DOAs, unconscious drunks, and motorists — offered an occasional windfall to an enterprising officer. I remember my first "open door." I had discovered an unlocked door in what was a shoe factory or warehouse, and when I signalled the station house, the police arrived like locusts. Boxes of merchandise were carried to the police cars. My feeble protests to the sergeant resulted in my being reassigned to another beat on the other side of the precinct. Pistol permits were also lucrative sources of revenue for those who processed them.

The Range of Corruption

Is this magnitude and variety of corruption unique to New York City? It is not. New York City simply happens to have been more candid in admitting the existence of corruption and more energetic in attempting police reform than other cities. To a greater or lesser degree, corruption exists in many other communities and is affected by similar compulsions and forces. The strength of these forces and the patterns of corruption may vary for every man entering a police organization, but even in relatively non-corrupt police forces, the dynamics of policing and corruption are such that the least loss of control or change in philosophy by the administrator will result in an acceleration of corruption.

Police administrators generally fail to recognize (or admit) the seriousness of the threat of corruption. Nor will they admit the extent to which they corrupt their own employees or the extent to which they should be held accountable for the debasement of the men who work for them. Police chiefs must recognize the dimensions of the threat especially in departments known for integrity. A chief must care whether or not his officers are corrupt or being corrupted, before the corruption results in shakedowns and scandals that will threaten the chief's tenure.

Small towns and rural communities need not pride themselves on the absence of corruption. Their police officers may not each make \$15,000 a year in graft, and opportunities to make an illegal dollar may be limited. When police in a small town are good, they are very, very good, but when they are bad, they are horrid. Corruption in small towns is easy to ascertain. Check the merchandising operation of liquor in dry counties—if alcohol flows easily, then there is corruption. Check the motorists' citation policies in small communities. Are the fines from them financing the town's essential services? Are the

tickets of residents "fixed?" Is gambling illegal, and if so, do one-armed bandits and card games with stakes exist at the country club, or are bingo games played in the churches? Small communities also may serve as vice outlets for a core city: Newport, Kentucky serves Cincinnati, Ohio, as Cicero serves Chicago. Although corruption may be more spectacular in police agencies in large cities and vice outlets, no police department is invulnerable to corruption.

From 1920 to 1970, police commanders and supervisors cannot escape the full measure of responsibility for the debasement of thousands upon thousands of somewhat above average men. A policeman's physical death from gunfire in the line of duty has usually been ritualized in a public funeral elaborate enough to send him to Valhalla. However, thousands of corrupted men who might be better off dead receive little notice either from the public or from their victims. I can recall since 1939 an endless carnage of thousands of men who have lost all sense of human worth and human values. Broken homes, alcoholism, and estranged children were the most common results of their loss of moral values. Burglars' bullets have killed a few police, but timid, cowardly, corrupt superiors have killed thousands of other men. Sid Cooper, former commander of the Division of Internal Affairs in the New York City Police Department reputedly said that the police hierarchy "talked about corruption with all the enthusiasm of a group of little old ladies talking about venereal disease."

As long as members of the police hierarchy are unwilling to acknowledge the breadth and depth of corruption, they will not commit the resources to investigations that may prove them wrong. No knowledgeable police commander should be under any illusions as to the reality of corruption. When a police chief holds a mirror up to his department, he usually only sees a slightly

blemished image. He is unable to see the really repulsive image a corrupt department presents because it would destroy his own self-esteem.

Robert Williams has said in his book, *Vice Squad*, that the existing corruption at any given time in any given place is exactly what the body politic wants. Many other discerning writers, including James Q. Wilson, have observed that the corruption of police forces is necessary and often utilitarian, given the heterogeneous population, culture, and the characteristic frictions of most American communities. Were Americans more like the people of Great Britain with their more homogeneous set of values, the law would reflect more nearly the values of the largest part of the population, and corruption would be less likely to exist. The more homogeneous a community's population and value system, the more likely a police department will remain relatively free of corruption. Heterogeneous communities will tend to remain perpetually beset with corruption.

Other writers have discussed the apparent cyclical nature of police corruption. Corruption is not very cyclical at all. What is cyclical is its periodical exposure. The dynamics of corruption are such that the major force thrust of any closed system like corruption is expansion and growth. Freed from administrative restraint, it will spread across the entire spectrum of police activities and will carry an increased probability of exposure. The administrative force required to diminish the quantity and variety of corrupt behavior by fifty percent for example is immeasurable. A comparable increase can be achieved by benign neglect. In a relatively stable, middle- or upper-class, and homogeneous community, there is less likelihood of persistent or extensive police corruption. Consequently, there is less likelihood of corruption erupting periodically and extensively. I do not ascribe virtue per se to the middle- or upper-classes or to their value systems. I do maintain that they

and their children are less involved than other groups in illegal activities that concern police.

Because the social forces in a given community at a given time are unique, police corruption will vary from community to community, from time to time, and even from precinct to precinct. The cures, therefore, must be prescribed on an individual basis after an accurate diagnosis of the nature of the corruption. For example, stealing property from DOAs was relatively common in one precinct in New York City while in another precinct which was more corrupt by my standards, it was just not done. One explanation for this difference may be that the first precinct was non-residential. In the second precinct which was residential, the dead were usually surrounded by family and friends, making it less feasible for the police to steal.

The Police Administrator and Corruption

A police administrator should begin to identify the specific forces that condition patterns of corruption. Until he recognizes the incentives and deterrents of corruption, he is unlikely to discover the resulting patterns of corruption. Without that knowledge, he can never know what corrective administrative measures are necessary for real change. For example, in a police department that does not give an added legitimate compensation to officers at or around Christmas, that department has provided a greater incentive for shakedowns than departments with legitimate bonuses. The administration may expend great effort to stop extortion. It may catch a few extortionists as a deterrent, but corruption will remain a potent hazard. Most policemen need additional money at Christmas, and few are able to save enough to meet the need. The incentive to extort or accept money increases in direct proportion to the need for money.

If a spectrum is supposed on which at the left of the

horizontal axis we assume complete integrity and on the right, complete corruption, the distribution of men will be in a perfect Bell Curve. The center of the Curve will be skewed left or right depending upon the integrity or lack of it existing at any given time. Acts of men outside the range of the central ninety percent, whether their acts are indicative of integrity or corruption, are the deviants. The deviant officer on the integrity side of the Curve must be prepared to find himself shut off from the fountain of information of publicly inadmissible reality that police gossip generates. The corrupt deviant, on the other hand, has free access to all this information, and in many instances is the source of it. The job of the good administrator is to push the center of the Curve towards the integrity side of the spectrum, and at worst, to keep it from moving to the corruption side. I deem the failure to get the hump of the Curve moving left to be a confession of administrative ineptitude.

The quid pro quo in most corrupt acts is probably not money but good will, especially in the evolution and growth of a corruption pattern. The police chief, being realistic and flexible, often initiates corrupt practices for the sake of good will. City Hall may want revenue, the mayor may want arrests, and the police chief had best satisfy both needs because the chief may want an increased budget or staff. Chiefs unfortunately seldom have the power or tenure to resist outside pressures on the integrity of an impartial enforcement process. The initial compromises, although seldom fatal, provide the climate for subsequent corruption.

Many chiefs are not concerned enough with the corrosive forces resulting from administrative compromises and acting on the integrity of their men, but are more interested in diminishing their own responsibility and accountability for corruption. As a result, a chief tends to apply a cosmetic approach to a corruption investigation—

find a victim quickly, fire him, hold a press conference, and close the investigation without finding any new leads. That the "bad apple" excised cannot contaminate others is true enough, but if "good apples" remain in the barrel long enough, they will eventually spoil. The administrator who does nothing but worry that he is not accused of corruption and constructs the necessary insulation to insure that he cannot be held personally responsible insures that corruption will become a dominant way of life in his department.

What a command hierarchy often seeks are dishonest vice investigators who cannot be bribed but who will arrest prostitutes and homosexuals no matter how much perjury is required. One can sense, therefore, the basis of my disagreement with the philosophy embodied in the operational concepts of a special prosecutor for corruption and most internal affairs units. Maurice Nadjari, I fear, never understood that my interest was in reforming police officers, not, in prosecuting them. I was not adverse to using the threat of prosecution as a tactic or strategy in reform. The effectiveness of special prosecutors is unfortunately measured by the number of their indictments and convictions. They generally fail to reform the chiefs who are accountable for corruption or to change the forces that generate that corruption. When corruption involving money exists, the only impact of these prosecutors sometimes is to increase the size of payoffs as a result of the increased risk perceived by police.

Somewhere Bruce Smith observed quite correctly that most reform has proved quite futile and quite ineffective against the ills it was intended to cure. As a moralist, not a pragmatist, I submit that the reason for the truth of Smith's observation lies in the fact that reformers usually seek to discover and excise the immoral. The cloud of publicity that results obscures the pragmatic problems of changing the administrative climate that produced the

corruption. Pragmatists are correct when they say that moral outrage at corruption is not enough. There must be a frank recognition of the constructive, valuable potential of corruption to adjust the law to the day-to-day operations of society. Even assuming infinite wisdom in the legislature, we must know that no set of laws in our rapidly changing, highly interdependent society can satisfy all of the people all of the time. Furthermore, we cannot ignore the deplorable reliance that Americans place on the effectiveness of laws to eradicate undesirable practices or behavior. Most American reformers remain perpetually surprised at how stubbornly resistant to change human behavior is.

Some laws are passed as the result of pressure by the politically powerful. These laws provide an economic advantage to those who lobbied for them but create economic disadvantages for others. Those adversely affected seek to minimize their disadvantages by corrupting officials who enforce the laws. Corruption is, consequently, a lubricant for the adjustment of problems and is also a symptom of problems in the social structure itself.

Although anti-corruption policies spawned by bad laws and bad men have not eliminated corruption, I cannot accept corruption as being good or necessary for people in a civilized society. I am against it, because it debilitates both society and people. If corrupt behavior has a real utilitarian value, then the society or community in which it appears is shaky. I not only believe that corruption is immoral, I believe it weakens social structures. When a house burns due to defective wiring approved by a corrupt building inspector, the people who burned to death in the building are not going to complain, but the immorality as well as the absence of a pragmatic, constructive value are apparent. When I see innocent people killed as a result of corruption, my moral outrage burns as brightly as the building in which they died, and my emotional hostility is

reinforced toward all forms of police corruption, including the officer who can be bought. I do not, however, accept the belief of many writers and policemen that corruption is like pregnancy — one cannot be a little bit corrupt. No belief is more destructive of police integrity than this one. If you read from right to left instead of from left to right, the corruption scale becomes an integrity spectrum. An infinite number of variations exist in the scale of venality. A policeman who accepts a free cup of coffee is simply not as corrupted as the policeman who sells the name of a police informer to the Mafia. We cannot fall into the trap of pretending that all corruption is equally bad.

Corruption Involving Money

Although the side effects of some corrupt practices are advantageous to both the police organization and the community it serves, it just is not true that the advantage in the long run outweighs the disadvantages of corruption. On the scale of social and individual destructiveness, corruption involving money must be rated as the most harmful. However, this kind of corruption is not a pure evil. It is often a deterrent to as well as an expeditor of illegal activities. It deters illegality by constituting an expense to the activity concerned; it expedites by making a broader market and increased gross possible. Normally one might assume that the price structure of corruption would tend to increase until other economic forces would check the increase. The force tending to check the increase is the profit margin. If the margin is too slim in relation to expense and effort, resistance to extortion arises. Even corrupt policemen are subject to the economic forces inherent in a free economy.

I remember the commander of a precinct saying to me when I had brought the Tactical Patrol Force into his precinct that it was no wonder the Force could do more

and better police work than his own men who were too busy making a buck to work. Corruption, particularly extortion, has its own dynamics. No level of corrupt activity will remain static—it tends to diminish or increase. An immense effort is needed to achieve a measurably diminished level of corrupt activity, but a similar quantitative increase can be created by the simple neglect of a commander.

The good will of the politicians who control the police organization is central to any police achievement in general and to the chief's continued tenure in particular. Unfortunately, one of the principal destroyers of police integrity is the political apparatus. Police organizations are most susceptible to corruption by politicians, particularly those having some political control over the police.

Most of us have forgotten that the police are subject to political control. Whatever the evil consequence of this control may be, our system of government places elected officials and politicians in control of police. The corruption of the politician and the corruption of the police by the politician are not always blatant, crude affairs, nor do they always involve money. Minor concessions or compromises are made that are not always unreasonable. Political demands by constituents have a way of remaining unsatisfied, and a well-intentioned politician may gradually corrupt a police organization by asking favors to meet those demands. The muckrakers knew about political and police corruption, but they mistakenly supposed that only politicians were corrupt. They forgot that it is a human weakness to be more concerned with one's own welfare than with the welfare of others. They forgot that corruption haunts the places of power. They forgot that people who corrupt seek the company of those who have the discretion to apply power.

In New York City, like many other places, the policeman as a civil servant was generally free from

political control and was able to apply governmental power and participate in corrupt activity. He simply did not share his proceeds with a politician. Of course, if a policeman conducted extortion crudely, without the required finesse and moderation, an influential victim could complain to a politician to constrain the cop's future activity. If politicians were unreachable or unable to deliver immunity, the victim could complain to the highest ranking officer available.

If a police hierarchy is actively corrupt, little problem in controlling the police exists except in moderating the size of the hierarchy's demands. If it is not corrupt, it may still be used to curb the unreasonable, illicit demands of subordinates. In approaching an honest department, people who want to corrupt it must focus on the lower echelons as their best targets, although they are able to confer only limited immunity. In my experience a highly sophisticated, corrupt scheme could exist with only individual men corrupted at the bottom of the police hierarchy. Some patrolmen made fortunes while their superiors made nothing.

When individual corruption involving money becomes repetitive, patterns form and become part of the police subculture. Normally, a consideration is granted in exchange for money. When patterns become pervasive, personal and organizational disintegration is at a maximum, and when the patterns have matured, the honest policeman is viewed ambiguously. An honest policeman can be tolerated and even welcomed in a corrupt department just as long as he restricts his law enforcement work. If he takes any action to threaten the pattern of corruption, however, he becomes a pariah. If he threatens the security of the participants in the corrupt pattern, he becomes a traitor.

Just as corruption patterns and levels differ in an organization and its sub-units, so does it vary among men.

Although the organizational patterns and levels reflect the dominant socio-political value system of the community, the "meat-eater" challenges all patterns and levels. If he escapes retribution, he is followed by hundreds of "grass-eaters." One of the best illustrations of the dynamics of corruption patterns occurred in the 13th Division in New York where at one time the Division "pad" was divided into two "pads," one for black cops and the other for whites. These segregated "pads" were eventually found to be economically unsound, and the Division "pad" was reunified, without regard to race or color. Apparently, our most cherished bigotries are dissolved when we possess incentives of corrupt economic gain.

Most policemen stop taking money when a limit of acceptable behavior is defined by the group. In Manhattan, robbing DOAs was a very general custom. However, when I was reassigned to Brooklyn, a radio car team with a reputation of being "meat-eaters" turned in twenty-thousand dollars in cash found in the shoe box of a dead woman who was on welfare. In Brooklyn, robbing DOAs just was not done, at least, not in my precinct. In narcotics enforcement, men who readily admitted taking drugs and money from dealers would vigorously deny reselling the narcotics directly to other dealers or individuals. Most corrupt policemen do not see themselves as rogues or villains, and they do not lack for the esteem of their colleagues. "Meat-eaters" are generally admired, if not revered, for their "guts." They usually have a kind of code of ethics best exemplified by the "stand-up guy."

The panacea of decriminalization is the most obvious and most often offered solution for corruption involving money. Legalization undoubtedly has its place in any program designed to eliminate graft, but it is not an easy solution. Legalization brings regulation with it, and regulation brings enforcers. If the activity which generates the corruption is complex, increased discretion in the

application of power must be granted to the enforcers. When enforcers are given discretion in the application of power, an ideal situation exists for producing corrupt patterns. Legalization can generate more graft than existed originally in a department. Although the government unwisely attempts to regulate some conduct, it should not fail to try to regulate human conduct just because it might generate graft. What ought to be legalized and what ought not to be legalized is a matter that requires a great deal of consideration of the facts in each particular case.

To the extent that a widespread disparity exists between a community's expressed taboos against a behavior and its indulgence in that behavior, to that extent the community has produced an incentive for corruption. On the other hand, to the extent that a community has abdicated any effort to regulate any debasing human behavior, that community has probably acquired an illness more debilitating than corruption.

A sergeant I knew was a "bookmaking" sergeant. At the time, I was a "ballplaying" sergeant, because I investigated all minor complaints against children playing ball in the streets, etc. My colleague investigated bookmaking complaints for a "sawbuck" a piece. He sent his children to college. One became a doctor, another a lawyer, and the third, a priest. If he had been honest, his sons probably would have become firemen or cops. For the sergeant's family, corruption was not an unmitigated evil, although corrupt police generally do not spend their earnings on a wife or a family. Usually, their money goes for "booze and broads."

Organized crime figures form another principal group that corrupts policemen. These people provide on a continuing basis illegal goods and services for a profit. Organized crime does not involve only activities operated by New York Italians. Despite what local police say, I have yet to see any community totally devoid of the

influence of organized crime. A searching look at the areas of vice and the methods used to merchandise it furnishes a prime clue to the gravity of corruption. If the marketing activities occur in a fixed location with little effort at concealment, organized corruption of the police probably exists ninety percent of the time.

No one, including policemen, can be trusted to see things objectively when self-interest is involved. Few men are able to act in accordance with their long range interests when that action conflicts with an immediate, short term gain. They will not act objectively when their potential gain carries with it very little risk to long term interests as it does in most police departments. That lack of risk explains why a policeman will jeopardize a \$17,000-a-year job and pension for a five-dollar bill and why good pay and good fringe benefits will not immunize a department from the disease of corruption. Good pay for policemen is a deterrent to police corruption. It does not help much, however, when the officer has a \$50,000 house, an eight-percent mortgage, and three children.

Administering the Elimination of Corruption

If a police chief is aware of corruption within his department, he must assess the problem. In the first place, I am convinced that the elimination of any pattern of corruption, particularly concerning money, can only be accomplished through police administration. External threats, like those delivered by special prosecutors, may indict a few culprits and focus public attention on corruption, but only when a chief is skillful enough and determined enough will real change occur. The first prerequisite for curing corruption is, therefore, a single-minded determination by the chief to achieve personal and organizational integrity, regardless of its cost. I also believe this kind of determination is only possible with a new chief and in most cases with a new political adminis-

tration. Exposure of cases of entrenched corruption involving a wide spectrum of activities and large numbers of people will usually unseat the political and police administrations if they have been in power for a long time. During these exposures, the chief himself, whether he is new or experienced, must be free from any taint of corruption. Once exposure begins, it cannot be legitimately confined to the most corrupt, and the anti-corruption chief must be prepared to hurt even those who are peripherally involved.

The administrator should turn first to those operational areas of police authority that are vital to the economic health of any given group of businesses or people, e.g., pistol permits, liquor licenses, entertainment, street utilization, etc. Such people will corrupt with money and will come to police, the source of discretionary power, as moths fly toward light. Corruption involving money must be regarded as more dangerous to the effectiveness and integrity of the police than a transaction in which police discretion is not affected by money. The larger the number of functional areas in which corrupt transactions occur, the more sophisticated and mature the corruption virus must be assumed to be. An isolated corrupt act offers less danger to the police organization, but it should be regarded as a primitive form of corruption. Those departments in which police power is directed away from the public interest and made partial to special interests without bribes can be assumed to be under improper, political control. Because no money is involved, the chief can change this diversion by a simple command. His officers are probably eager for just such an order.

Secondly, a chief should discover the existing areas of vice and organized crime activities and the visibility of the marketing operations of each. Look into prostitution, gambling, narcotics-trafficking, selling of pornography-obscenity, loan-sharking, hijacking, and fencing. If no

evidence of these activities can be developed with a capable investigation, corruption is probably a minor problem. However, if in particular circumstances, a legitimate market cannot supply a given demand, a "black market" will develop to become a source of graft. That "black market" will be administered by organized crime. The range of its activity is conditioned by the opportunity to make a profit.

Thirdly, a chief must determine the degree of influence that the political apparatus has over him. I believe in political control of the police, because I would not like living in a country where the police do not take orders from the people's elected representatives. However, political control can easily become subversive. A political organization is busy serving people who want the help of the government but who are not very concerned with the general welfare. A politician will try to force the police organization to serve individuals rather than the general public, thereby relieving the pressure of individual citizens upon him. Not all of a politician's efforts are illegitimate. Most are not, but many are subversive.

A detailed evaluation and appraisal is needed to determine the legitimacy of political influence. I would recommend a study of the following: 1. To what extent are the most qualified applicants recruited and appointed? Determine whether the chief has any voice in recruitment and appointments. 2. Are the most qualified of available people promoted? Who decides to promote? 3. Are political changes followed by personnel changes? 4. If a personnel department does not exist, who appoints personnel—the chief or politicians? 5. To what extent does direct communication between political figures and police exist? Direct communication ought to exist only between the chief and the executive of the political authority. 6. Does the chief have the authority to fire and demote police? Does he administer internal discipline? If

he does not, a dangerous condition exists. 7. To what extent do the decisions of the chief have to be checked with the political authority?

Governmental executive authority should ideally be able to appoint and fire the chief of police, and the chief should have a minimum right to hire and fire those directly subordinate to him. Tenure provisions should exist for both superior officers and men who are not in command or in executive roles. Policy ought to be created by the chief after he consults with the political authorities, but internal administration should be conducted without political interference. Sheriffs are both politicians and police chiefs, and I do not know how a good police officer ever obtains enough money to run for sheriff or becomes popular enough to get elected. I think it is difficult for a sheriff to obtain a nomination without some sacrifice of integrity. Although some sheriffs run good departments, the system of electing sheriffs can, I am sure, promote corruption.

If extensive political control of a department exists and assessment has disclosed a great probability of corruption involving money, the chief should resign and find another job. Only if the chief is working for a new political executive who wants reform and only if that executive will give internal administrative freedom to the chief, should the police chief remain in office.

The chief may assign detectives to examine the many areas of corruption in the police administration. Since the details of administration and the patterns of corruption are unique, each department should be examined individually. What areas shall be reviewed, and what can they be expected to disclose? Certain administrative practices can be important in initially determining the extent of corruption. A chief should consider the following: 1. Are expense accounts accurate? Are they accounts of justified expenses? Are payments limited to artificial maximums?

2. Are preferred assignments made on the basis of merit or influence? 3. To what extent are personal services provided to individuals or businesses that might need bank escorts or need help in repossessing automobiles? 4. What is the department's policy on moonlighting, overtime, training, etc.? Ascertain to what extent official policy is observed and to what extent it is not. 5. To what extent are arrest or summons quotas explicitly or implicitly in existence? Quotas are the most serious of corruption incentives. 6. What are the salary and fringe benefits of police compared to other employees in the community? 7. In areas of consensual crime, do actual operations reflect actual, officially articulated policy? For example, check the Sabbath law and ascertain whether it is enforced. If it is, is it enforced in accordance with official policy? If it is not, does departmental policy indicate that it should not be enforced? 8. What licenses are issued by the department, and are they issued to applicants on an impartial basis? Do the police and public encounter bureaucratic red tape in the issuance of licenses?

An investigator uses relevant rumor and reputation not only in assessing these eight particular areas but in determining the direction and intensity of the investigation. A corrupt exchange of benefits is not likely to result in any official notice or complaint to the department. However, the success of a corrupt transaction is discussed among police, is distorted in repetition, and reaches the investigative officer as rumor or hearsay. He can assume that hearsay has a rough degree of truth and that it can and should be used as an investigative tool. There is no more devastating indictment than the statement by a mayor or commissioner of a large city who replies to charges by countercharging that they are just rumor or hearsay. Rumor and hearsay are good investigative tools. If a department has been corrupt for some time, charges based on rumor usually have a basis in truth.

An investigation should be extended by examining miscellaneous police records: 1. investigative reports recounting acts of police heroism and requests for awards and rewards, 2. records of actions involving police combat, 3. expense accounts related to vice activities, 4. reports on arrests of prostitutes (I have never known a department that could withstand close scrutiny here), 5. anonymous complaints against members of the force which may indicate whether complaints were investigated fairly, and 6. civilian complaints of police brutality which, when two or more officers are present, usually involve a united front by the officers.

If an examination discloses a general aura of infallibility and omniscience, the chief's or his investigator's suspicions should be aroused. If his suspicions have been aroused by evidence uncovered by the investigation, he should pursue his leads in those areas. For example, has the intelligence unit ever detected corruption on its own initiative? If it has not, it must be suspected, although the internal affairs unit may have conducted corruption investigations. Are Rules and Regulations observed in actual conduct and in operations? Conduct a close examination of crime statistics and crime clearance rates from which a very close approximation of the integrity of the executive group may be drawn. Because the authoritarian nature of police forces generally results in men giving their superior what he wants, it is logical that any lack of integrity by the executive group will be reflected in the attitudes of the men. Is arrest and summons activity the principal factor in preferred assignments and promotions? If so, the records of the men should be subjected to qualitative analysis.

Conduct an investigation to detect whether any abuses exist in the awarding of vacation days, overtime, and pensions. I had grown suspicious in New York City that some policemen had turned their attention from book-makers to disorderly conduct cases that would result in

overtime salary. A "fin" from a bookmaker cannot compete with a day's pay at time and a half. Some disability pensions also looked very suspicious to me. Look also for messages or signals among the initiated. No matter what words flow from an executive's office, the promotion to command of a man with a reputation for corruption conveys a very clear message — corruption is acknowledged and rewarded.

There is no more melancholy story than that of police unions and fraternal organizations allowing their members to be corrupted and debased without protest. These groups have often blocked efforts to reform. I remember that all the line organizations in New York City, including the Captain's Association, joined unanimously in preventing me from using the polygraph in internal investigations of corruption involving money. I had never heard them protest the use of polygraphs in other investigations. Moreover, I have never heard of a line organization taking the initiative in maintaining the integrity of its own members. Line organizations themselves should be investigated. Their fund-raising activities, the philosophy of their leaders and members, the union contract if one exists, and the connections between the organization and the Division of Internal Affairs should be examined critically.

A chief might also turn his attention to those trades that are most likely to promote corruption involving money. He might opt to investigate trucking, towing, moving companies, cigarette smuggling, private garbage collection firms, stolen car rings, private investigators, all vice activities, garages, junk yards, parking lots, massage parlors whatever their pseudonym, after-hours locations (in dry counties, any night spot), ambulance-chasing by lawyers (an investigator should ascertain whether or not a formal procedure exists for releasing information to lawyers in connection with civil and criminal cases), peddlers,

businesses that handle liquor as their principal product, and any other firms that regularly violate the law incidental to the conduct of business. The modus operandi of the extortions in these trades are likely to be unique to the community.

The higher the visibility of illegal activity, the more likely corruption involving money will be. The more public the business is, the greater the market and profit will be for the operators. Money paid to the police for uninterrupted activity may be a small price to pay. In New York City, we estimated that the cost of police protection for numbers men was less than three cents on the grossed dollar.

A myth persists that organized crime cannot exist without police protection, but it can, and it does. The myth ignores the other parts of the criminal justice system. In New York City, a numbers man was back in operation before the policeman finished his arrest report. Policy operators preferred not to have their work interrupted, but they could continue doing business nevertheless. Bookmaking in New York City is now almost entirely done by telephone. The bookmaker thereby avoids arrest on the street, but he would be able to attract a larger market and a greater profit were he able to operate as he had previously. In 1970, out of thousands of felony-gambling arrests, only one convicted man was sent to state prison. This conviction rate was one helluva deterrent to gamblers. Later when we set up controlled "pads" (that is, accepting bribes as a means to make a bribery arrest and as a means of obtaining intelligence) and arrested the bribers, their punishment on conviction was often less than the amount of the bribe. This, too, was one helluva deterrent to corruption.

Other activities which serve as a focus for investigation include reports from patrols. Particularly useful are descriptions of "open doors" and unoccupied places that

have been burglarized; of people found dead or unconscious in public; of evidence about throw-down weapons; of visible, repeated violations in areas of patrol, e.g., parking violations by the construction industries and overloading violations by truckers; and of public roadways occupied for private gain, e.g., peddlers, sidewalk cafes, private parking areas, and hand books and numbers locations.

A chief should also examine the criminal investigations that his department has undertaken. An investigator can use his office in many ways to extort money or favors. Skilled, corrupt investigators can extort money from both sides of a criminal transaction and leave both participants happy as Bill Phillips of Knapp Commission fame was able to demonstrate. In gambling an investigator can make money in many ways. He can inform the gambler of the receipt of a complaint, the identity of the complainant, the activities of other investigators, the evidence collected, and the placement of wiretaps, etc. Even if an arrest must be made, the arrest creates for the corrupt officer broad economic opportunity. He can downgrade the arrest charge or arrange the arrest at a time and under circumstances to suit the convenience of the gambler. I recall hearing on a wiretap a gambler calling his wife to tell her that he would be a little late for dinner because he would be arrested shortly.

Any officer, either at trial or at hearings for probable cause, has many diversified opportunities for making money. For example, he can sell to the arrested gambler back copies of the gambler's confiscated gambling sheets; he can conceal or "deep-six" crucial evidence; he can allow the defendant to make phone calls, and he can arrange a stand-in arrest by allowing a numbers runner to substitute for his employer. In some cases he may even assist the gambler by making sure that operations continue while the gambler is in court. Facts in affidavits can be

altered. A carefully examined affidavit from a careless officer will disclose that he had been able to see around corners and through walls. Although an officer may do none of these things, any man on the force can allow a gambler to pay him to not investigate, or frame the gambler if he does.

An important area for corrupt activity involves arrests for prostitution. The risks of "money-corruption" are not as great in prostitution arrests as they are in other vice enforcement activities. If arrests for prostitution are made without illegal enforcement actions, even if prostitution is a significant problem, then a department probably has no major problem with integrity. Ironically, it is not the honest policeman who necessarily suppresses illegal activities like prostitution; it is the corrupt officer who can often better harass prostitutes, homosexuals, and pimps because of his lack of concern with ethics and legal restraints.

When Mayor Lindsay was berating us for not cleaning up Times Square, I told him that the city ought to get out of the "pimping" business. The surrogate pimps were city magistrates who, when a prostitute could not pay a modest fine, would give her about ten days on the street to raise money to pay the fine and her lawyer.

After checking the areas of prostitution and gambling, a chief should next investigate narcotics enforcement, another corruption-prone area. The key to determining whether corruption exists in this area is to assess whether the support resource commitments are proportionate to the man-hour commitments. How much "buy" money is available per investigator? How much expense money is available, and are high quality cars available? Inadequate support resources constitute a major incentive to corrupt actions. Ascertain the quality of arrests. Determine whether or not arrest activity is always isolated and oriented to individual criminal acts, or does it excise the drug

distribution system. Are all arrests of the "buy-and-bust" type? Is there central registration of informants or not? Does money get paid to informants only after their information results in arrests? Is there an implicit arrest quota? If the answer to any or all of these questions is affirmative, a chief should proceed with caution.

In a multi-pronged investigative effort, the chief or his investigator should establish whether or not police engaged in servicing or in commanding other personnel within the department are doing so for an exchange of money. For instance, I remember even at the height of the 1950s Gross investigation in New York that vice enforcement officers paid a lieutenant or sergeant two dollars for each arrest that was booked. The vice officer's time was valuable, and he wanted prompt service. The superior officer felt he had a right to, at least, a small share of the illegal money. I remember in the 1960s policemen charged other policemen flat fees for any wiretap or bug that the former installed, and I remember that when a police car went to the city's repair shop, prompt service could only be obtained by paying money. These instances were widely accepted facts-of-life. When policemen start extorting money from one another, it is a symptom of advanced moral decay.

Court appearances and affidavits, particularly those supporting probable cause, ought to be examined by an investigator. A court attendant who schedules cases may be amenable to expediting the case of a busy officer who offers money. Are all conversations with defense attorneys and their clients made a matter of record? Beware of the courtroom — more corrupt activities occur there than in any other single place.

A chief should check into department records to ascertain when, how many, and under what circumstances bribery arrests were made. If none were made, further inquiry is needed. If some were made, the records should

be given detailed study. The results of this study, together with an analysis of rumor, hearsay, and reputations, should provide very concrete investigative leads.

In New York City, thousands of cops have never accepted a bribe. They would advise a briber to put the money away. To me these officers were nice guys but bad cops. Their reaction to the offer of a bribe merely created a climate in which it was safe to offer a bribe. They consequently vastly increased the incidence of offers and the revenue of corrupt officers. Every urban community of any real size will produce some bribery that justifies arrests if properly managed. Consequently, if no arrests for bribery are recorded, a chief should ask, "Why not?" The gravamen accorded to an arrest for bribery should not be excessive. When we began an administrative effort to increase arrests for bribery, one officer who was known to me as a "pad" member made a \$500 bribery arrest. In New York City this cop was "getting-on-the-sheet." He was producing the statistics that his boss wanted. If the boss wanted arrests for bribery, for vice, or for gambling, the officer would get them, sometimes with improper methods. Diligence and care must be used in utilizing arrests for bribery as a device for increasing the integrity of a department.

Contributing to the ineffectiveness of arrests for bribery as a corrective method is the lighthearted way the judiciary approaches the cases. I never could resist needling judges. We studied the punishments administered when convictions were obtained — fines were negligible and sometimes were less than the amount of the bribe. I never did investigate what happened to the bribe money. I often wonder whether the defendant applied it against his fine. Would not the court be the receiver of the bribe if the bribe became the fine? It is no wonder that policemen go bad. Too often they ape the morality of judges.

In corrupt police circles extensive communications exist

between criminals interested in affecting the operations of the criminal justice system and corrupt police within the system. An internal unofficial communications system also exists among corrupt police officers. Each police officer is known by a number of men well enough and long enough to know whether he "takes," and if he does, under what conditions he "takes." The knowledge is unofficially transmitted to those who want it. Bribes by the skillful groups like gambling combines are not offered until the gamblers' specialist in corruption has assembled a background on the police officer who has created a reasonable belief that he will not arrest a briber. I mentioned previously that I had never been offered a bribe. I am sure that I did not receive an offer, because I was checked out with policemen who knew my reputation.

A chief should also examine another major area for potential police corruption — traffic. Police traffic supervision offers a broad field for corruption. Opportunities are as varied as the police imagination is fertile. One police lieutenant in a prominent Midwest department bragged to me about a really good colleague who, under no circumstances, would shakedown a fellow officer for a traffic offense. Although it was good to learn of some virtue rather than none at all, I knew that the reputation of his department for traffic shakedowns was universal and legendary. A chief or his investigator should have little difficulty in detecting corruption in traffic supervision. Check the discretion in the issuance of citations or summonses and the assistance provided to motorists in trouble. Where congestion occurs, do parked cars offer ample evidence of widespread violations? Once again, the activities of trucking and construction industries should be examined to determine highly visible traffic violations. How is information given by police to counsel in reference to traffic accidents? How is the property of dead or unconscious victims of traffic accidents processed? Is there

evidence of citation quotas? Do owners of garages, parking lots and night clubs make arrangements with police for additional illegal parking space? Examine the automobile recovery rate. A low rate of recovery indicates that professional conversion may be occurring in junk yards and body repair shops. It may be appropriate to put junk yards under surveillance. Police frequenting suspected premises are suspicious.

Graft can be classified into three categories— minor gratuities, "scores" and "pads" which in Philadelphia are called "steady notes." A "score" is a one time extortion resulting from a random set of circumstances. A "pad" is a conspiracy by policemen to collect money regularly from people who conduct illegal activities. Most money collected by a "pad" is distributed in shares to each member, multiple shares usually going to superior officers and part shares going to clerical men. The "pad" is the most serious evil, and if it exists, it is safe to conclude that gratuities and "scores" also exist. If a "pad" flourishes, the probability is high that the "meat-eaters" are finding new ways to increase their income and are directly initiating other criminal activity. Instead of waiting for an "open door" or a fire to steal merchandise, "meat-eaters" will break into a store or warehouse. Sometimes, they will initiate fencing operations. On the other hand, direct criminality is often a result of the failure of "pads" to grow— "steady notes" would make extemporaneous risks foolish.

Unless men are careless, a "pad" cannot be easily detected, and in almost no case can its existence be satisfactorily proved. Two "pads" were finally uncovered and proved for the first time in 1972 by the Organized Crime Bureau of the New York City Police Department. The corrupt operations were quite sophisticated, particularly on Staten Island where the officers and gamblers on the "pad" had no direct communication with each other.

The "bagman" who collected from the gamblers was a retired police lieutenant. He met once a month with the "split man," the officer who collected for the "pad" and distributed the money in shares to each member of the "pad." The distribution of money seldom occurred in boroughs where the officers worked. In some cases, meetings occurred in a neighboring state. The only way to uncover a properly organized "pad" is to infiltrate the conspiracy.

Since "scores" are unpredictable, they cannot be intercepted by normal investigative techniques based on when or where the next offense will occur. Initiating an investigation of a "score" from a formal complaint seems to be logical and rational, but it is seldom productive unless the culprit has made the fatal mistake of promising to return to complete the "score." Complaints of corruption should be subjected to an intense analysis and classification. Only those that are potentially productive on a cost-effective basis should be investigated. Useless ones should be filed; others may be used as intelligence.

Corruption complaints, therefore, ought to be considered basically as intelligence and never as the sole basis for assessing the magnitude of the problem. A "score" is best detected not by attempting to prove an historical occurrence — which, unless the officer is incredibly stupid, cannot be satisfactorily done — but by targeting the allegedly corrupt officer from complaints about him and reproducing the circumstances that will induce him, if he is guilty, to "score" again. When intelligence analysis of all available data indicates that a certain officer is corrupt, an extensive investigation of his life-style should be conducted. Although not infallible, this investigation is an excellent corroborative device.

Petty gratuities are not difficult to detect. Surveillance will usually determine where or when gratuities are allegedly received. If not, an undercover investigator,

pretending to be a regularly assigned policeman can determine the truth or falsity of an allegation.

Because corruption patterns vary within a department from location to location, from individual to individual, from time to time, I found that gambling "pads" and "steady notes" varied from division to division in the New York City Police Department. Narcotics corruption almost always occurred with "scores." Intelligence debriefing revealed that in the early 1950s and 1960s senior officers as well as patrolmen were directly involved with collecting and distributing extortion money.

Finally, a chief or his investigator should look for the corrupters. These are people outside of the department who can usually be found at police social affairs, retirement dinners, promotion ceremonies, ethnic gatherings, and precinct parties, or those with a wide circle of personal acquaintances within the department. Some of these people will be harmless police "buffs," but some will not be. After these people are identified, a background investigation will usually enable one to identify the "buffs" and to tentatively identify possible corrupters.

Another source of corruption requiring investigation are social affairs. Audit the records for all police social affairs to determine whether the full cost of the affair was covered by those in attendance, and if not, ascertain who paid the rest of the cost. Does the department or an organization of departmental members solicit money from the public for any reason, and if so, who are the people or organizations regularly solicited?

Men within a department who are aggressively corrupt usually have what appears to be the best records. They are often rated highly, possess numerous awards for heroism, and have made the most felony and the most misdemeanor arrests. In New York City, they are called "superstars." "Superstars" corrupt more policemen than the Mafia although the number is somewhat less than the

number corrupted by police administrators. The chief or his investigator should pay particular attention to the departmental gossip about "superstars." The "superstar" will be a con man par excellence. He will be adept at giving his boss anything he wants. However, his record will probably not withstand intense scrutiny. "Superstars" are the principal figures in corruption, and they are the logical, initial target of investigations of corruption.

Illegal gambling operations can use police protection daily. Gamblers, more than any other criminals, have the know-how to initiate corrupt operations. Night clubs and all places where alcoholic beverages are served are usually so over-regulated that owners will pay the police to be absent.

Obtaining Evidence of Corruption

Once a chief has surveyed where corrupt activities might or are most likely to be found, he must get the facts and the evidence of corruption. The right combination of approaches and practices will be dependent upon the individual organization and should be uniquely adapted to it. There is no standard blueprint, no standard tool.

The first approach I recommend is corruption assessment, a formal requirement that all commanders make an estimate of the corruption problem in their commands. This assessment of the problem suggests the program that must be undertaken to cope with the problem. The reports of all major commanders should be subjected to critical analysis as to whether or not they accurately reflect reality. In New York City, I often felt that we judged the quality of a report, not the accuracy of the assessment. If a headquarters command cannot objectively judge reports, corruption assessments by field commanders are probably not a wise measure.

A chief can use a civilian complaint review board to examine how a department processes public complaints,

either inside or outside the command hierarchy. Most civilian complaints, however, do not refer to corruption but rather to maltreatment. These complaints are generally but not always of little value in detecting consensual corruption activities like shakedowns. If a complaint board exists, however, it can be used to ascertain the degree of existing truth and integrity among departmental members. It is a good detector of the strength of the police secrecy code which, to use a Mafia term, can be called The Code of Omerta.

The chief can also turn to federal agencies for investigations and prosecutions. The Hobbs Act, 18 USC 1951 (1970) makes it a federal crime to obstruct in any degree the movement of commercial shipments by extortion. The Act can be used as the legal basis for federal action. The Organized Crime Control Act of 1970, among other statutes, creates overlapping jurisdictions between federal and local agencies in many areas of criminal activity that have been historically subject to corruption. The chief who does not have people in his own organization whom he can trust will normally find federal agencies sympathetic and helpful. However, these agencies are not likely to assist a chief looking for a cosmetic job or a federal blessing for the status quo.

Commanders, not the Division of Internal Affairs, are basically responsible for the discipline, efficiency, and integrity of their men. The thrust of Internal Affairs should be to keep the chief informed as to how well subordinate commanders fulfill their responsibility for the integrity of their men. In medium-sized and large police departments a substantial allocation of resources must be made not only to Internal Affairs but to all commanders of line and staff to enable them to fulfill their responsibilities. Then, commanders can and should be held accountable for any widespread failure of integrity. Any commander who proves to be unable to cope with

corruption should be demoted or fired.

Maintaining a high level of morality in a department also requires a board of ethics. If none exists, or if one that does exist does nothing, ethical problems are being buried. Because ethical and moral problems beset a policeman from his first hour at work, he should be able to discuss these problems long before he faces problems of corruption involving money. There are hundreds of problems involving ethics, and the police administrator must face them and not just hope they will fade away.

It is difficult for me to accept simplified statements that by fiat achieve a generalized solution to very complex problems. Take the problem of a rookie who is offered his first free cup of coffee. Most police administrators will support a ban on accepting that free cup of coffee. Some administrators will maintain that the first swallow is the first step on the road to hell. Others maintain that to accept a free cup of coffee is as wrong as to steal all of the heroin in New York City. They all simply believe the cliché — corruption is like pregnancy, one cannot be a little bit pregnant. However, prominent police writers and most chiefs I know, devout believers in the cliché, attend free civic lunches and dinners without a sense of ethical compromise. A chief who receives a request from the Chamber of Commerce to attend a free luncheon is not wrong to attend, but that chief's theory that a cop is doomed to eternal hellfire for a free cup of coffee is wrong. One cannot be a little bit pregnant, because that is a fact as the free cup of coffee is. Whether the girl was right or wrong in becoming pregnant, or the policeman is right or wrong in accepting the cup of coffee depends only in part on the fact, more on the totality of circumstances. The offer of a cup of coffee in American life is like extending one's arm for a handshake. It is a social grace that eases the formality of a meeting. I do not see any harm in the coffee or the handshake,

providing no quid pro quos are involved. A board of ethics might, therefore, agree with me and permit an officer to accept a free cup of coffee, providing he made an appropriate notation about the coffee in his daily log. But one thing is certain: the department that forbids a free cup of coffee is forbidding a practice of most of the men in the department.

The totality-of-circumstances rule, as in search and seizure, is probably the best guide to correct behavior, particularly if secrecy is no longer possible. If an officer who publicly accepts an item must prove the correctness of his acceptance, a high level of integrity is involved in the transaction. In a town in Florida, a Christmas tree was regularly placed in police headquarters during the holiday season. Businessmen and citizens placed gifts under the tree. At Christmas the gifts were distributed to members of the force at a party. I see nothing unethical about the acceptance of these gifts. No law was violated. None of the citizens, the police, or the media reporters in the town were unaware of the gifts, and no effort was made to keep the party a secret. Free Christmas trees and free gifts are not desirable, but under these circumstances accepting them was not unethical. The function of a board of ethics is to raise questions of ethics, to encourage discussion, and to reach a consensus on solutions and on recommendations for future policy to be determined by the chief.

The Internal Affairs Unit

Every police department of more than one man must regulate its internal affairs. In small departments, the regulations can be established by the chief himself or, as the department grows larger, by a trusted subordinate. When a department is comprised of approximately a hundred people, a special unit concerned only with internal affairs is required. Whatever the organizational

form, the internal affairs unit will have functions that should be closely examined.

The unit, usually called Internal Affairs, should monitor all sub-command internal investigations and provide staff assistance when necessary. Internal Affairs only conducts those investigations which require the services of specialists. The unit may also be directed on occasion to conduct an important investigation when the chief does not fully trust his sub-unit commanders. Internal Affairs can function efficiently only if the unit is provided the necessary support and material allocation.

The unit needs a wiretap and eavesdropping capability if it is legal. If it is not legal, exposing any systematic, sophisticated corruption will be difficult, maybe impossible. The best recording equipment is needed for consent recording and undercover work. Beeper systems are mandatory for auto surveillance in sensitive investigations. Warrants are now required to install the beepers, and probable cause will need to be proved before police use these systems. As more and more police operations require judicial sanction, I wonder where the facts for probable cause are going to be found in consensual crime situations. Perhaps our judiciary will consider Revelation in determining probable cause. The unit should also have pencil registers, polygraphs, unmarked cars for surveillance, sufficient expense money, and equipment for undercover work.

At the headquarters of Internal Affairs, recent photographs of men assigned to duty in corruption prone activities should be kept on file for identification purposes. Information on the career backgrounds of these men is also useful, and makes it possible to make an identification without a leak in the investigation. Headquarters at Internal Affairs should also know where individuals are working at all times to enable an investigation to begin without alerting local commands.

Some measures can be taken among the field

operational units to simplify the investigative task of Internal Affairs. In corruption prone investigative areas, the basic operational unit of the field forces ought to be comprised of one sergeant and six investigators; one lieutenant should supervise three sergeants with their units. The seven-man basic unit is not as secure for the corrupt as a two-man team but has the advantage of a far greater operational flexibility. In addition, the sergeants and lieutenants may be held accountable by Internal Affairs for the actions of their subordinates more easily. At one time in the Bronx I had one sergeant supervising forty investigators. It is obvious that no matter what the men did the sergeant should not be reasonably held accountable. The unaccountability of the sergeant was obviously the result of poor organization.

Every field investigator should be required to keep a detailed account of his daily activities, including the location, identity, and reasons for developing contacts. The activities of each day should be keyed to an assigned case number or numbers as directed by the sergeant. Daily expenses should be charged in the log against a particular case or number. Because of the log, supervision is made easier. A man may be reluctant to record corrupt contacts, and yet, his failure to list the contact may give his supervisor sufficient reason to discipline him. The log should be routinely submitted to headquarters every morning to increase the effectiveness of spot supervision.

A classification system for complaints should exist in Internal Affairs. Cases should receive attention based upon the priority accorded to them by rational analysis. Non-specific complaints are in most cases not worth developing beyond the facts alleged. Internal Affairs investigators should be directed at solving problems identified by the corruption analysis. When Internal Affairs directs all of its man-hours to investigation of complaints, it is prima facie evidence of mismanagement. Finally, a guide listing the

functions of Internal Affairs and the procedures for investigations should exist. This guide should contain special information and operational policies used by the unit.

Where rumors of widespread police corruption have persisted for a long time in a department, an inference of ineffectiveness of Internal Affairs, its intelligence and its administrator is warranted. If investigation does not disclose most of the recommendations made above, the inference may be upgraded to a presumption of corruption.

Most local police agencies cannot afford assigning men to a specialized career in Inspections or Internal Affairs, although a few large departments might be able to train Internal Affairs investigation specialists and support a separate career ladder. The disadvantage of such an idea lies in the fact that specialists become outsiders. The advantage, or course, is that they have no ties to the men in the field and can be more objective. My guess is that personnel regulations in most cities make a separate career ladder for Internal Affairs not feasible as an organizational concept. However, the place of Internal Affairs in the organization is not as crucial as the attitudes and determination of the members of the unit. Their attitude must be one of abhorrence of any corrupt police behavior, and their determination must be to rid the department of corrupt men.

More important is the attitude of the average police officer toward corrupt men and activities, and the gravity with which he views the seriousness of the corruption problem. I once distributed an opinion questionnaire to the members of the Narcotics Division of the New York City Police Department. I asked them to estimate what percentage of their colleagues in the Division were corrupt. Only two percent of the men thought that fifty percent of the Division were corrupt. The overwhelming majority

believed that two percent or less were corrupt. When I indicated that I agreed with the minority's opinion, the men's disapproval of my appraisal was unconcealed and noisy. While at the time I could not provide them with the facts, today I believe all of them would agree that half of the Division was corrupt. Police find it difficult to see themselves objectively. Ironically, the officer who was showing my anti-corruption slides at the meeting was later indicted for participation in a "pad."

I am convinced that even in the most corrupt organizations, the majority of men do not really want corruption. The men have adopted a posture involving minimum risk and maximum benefits within the system. Although the rewards of corruption are not insignificant and generate a great deal of resistance to reform, I believe that most men would rather be honest than dishonest, ethical rather than unethical and moral rather than immoral. It is most important, consequently, no matter how difficult it is to achieve for the administrator, to appeal to people's basic instincts and not write off those who have been corrupt. It is important to get the message across that nothing corrupt will be tolerated in the future, and while the past will not be forgiven, the primary emphasis is on eliminating present and future corruption. Catching the dishonest policeman is merely one tactic in a strategy for achieving the objective which is integrity. Generally, mass transfers of men from an area of corruption is cowardly, because it taints the honest as well as the corrupt and erases the premium for integrity. Any forced rotation system established to lessen the temptation of corruption is unfair to the honest cop. I oppose transfers and forced rotation systems because honest men will reinforce the best values.

If an administration wants honest police, it must provide an honest working climate. The administrator must eliminate all political influence in internal administration

and all resistance to enforcing the law justly, impartially, and humanely. In a department where job tenure is involved, effecting change in the substantially corrupt is not as difficult as one thinks. If one can generate enthusiasm for integrity, most men "on-the-take" will stop on their own, especially when the executive order of the day is a demand for honesty.

All informants working for all investigators ought to be centrally registered. All probable cause affidavits based on information supplied by informants should be identified in appropriate police reports by code name. Fees should never be paid to informants who are not registered, and no man should ever be required or permitted to pay an informant from his own resources.

Bribery arrests or the lack of them should be evaluated in light of the local situation with the caveat previously mentioned.

Debriefings by police of selected, arrested individuals or of members of the department who work in identified areas of corruption should be regularly held, and an Internal Affairs representative should be present. We found in New York City that debriefings conducted by headquarters intelligence specialists were much more likely to produce significant information than debriefings held at the field command level. When debriefing prisoners in narcotics-trafficking, gambling, and other specialized areas of corruption, an expert is more apt to get useful information than a desk sergeant.

Financial questionnaires and other forms investigating life-styles should be completed on any police official suspected of corruption. The retired police "bagman" mentioned earlier owned race horses, and the Knapp Commission's star witness, William Phillips, owned airplanes.

I credit "turn-arounds" as a most significant device for correcting corruption. For years the basic philosophy of

the New York City Police Department was to obtain evidence and take immediate action against those individuals when appropriate. Most officers are well aware of the difficulty of proving a criminal case against anyone, especially a policeman. No matter how strong the case against him when he is caught, no policeman is likely to incriminate himself further by exposing others. If he did, however, incriminate others, his statement — that of a confessed criminal — would not carry as much weight as the subsequent statements of those he incriminated. Consequently, if the files of Internal Affairs reveal that more than ninety percent of corruption investigations are neither proved or disproved, and if there is no indication that they have used culprits as an investigative device to catch other culprits, then a valuable resource has been overlooked. More alarming still is the failure of the files to reveal any reports of corruption by identified officers or units other than Internal Affairs.

Police officers who are caught red-handed cannot normally be “turned-around” with a promise of criminal immunity, but with the additional promise of departmental immunity (the quantum of proof is not as great in departmental personnel actions as in criminal trials), an officer will sometimes “turn” and agree to cooperate. This procedure requires a unified approach between the prosecutor and the responsible police official. The technique is to get the “turned-around” officer back in the field as a source of continuing intelligence and with a recorder to corroborate his testimony. The “turn-around” interview must be done in great secrecy.

Generally, the value of the man who “turns” is proportionate to his villainy. It is not worth police attention if he is only a “grass-eater” and can probably only prove his own culpability. Many who object to immunizing a villain to obtain evidence against the less venal completely misunderstand the two reasons for “turn-

arounds": 1. Only a man with stature as a corrupt officer can after his arrest quickly secure evidence against everyone in a corrupt conspiracy, and 2. That a "meat-eater" will "turn" on a "grass-eater" to save himself reduces the leadership and recruiting influence of the "meat-eater." The revelations of a "meat-eater" make everyone afraid to participate in any corrupt scheme with a group of others, especially with a man having a reputation for corrupt behavior. Too often in the past, the only police to get punished were those who confessed. I wanted immunity for those who talked because instead of one culprit I was able to make cases against many culprits. In one instance, I caught over forty by this method. Keeping the "turn-around" in the department was a small price to pay. I have been criticized for my use of "turn-arounds," because they destroy the confidence and trust one officer has in another. I plead guilty. I wanted to put the fear of God (if not of the Commissioner) in every police officer who thought of encouraging corrupt behavior in another policeman. When improper behavior is purely personal and has no vocal group support, the incidence of corruption is greatly reduced.

I have also been criticized for my use of field associates. Before they were assigned to field commands, I recruited new men as headquarters' agents who would report on corruption involving money. The men were carefully briefed not to report misdeeds like drinking on duty and lateness. They were to report anything they saw that they suspected implied an exchange of money. Every new man assigned to the Organized Crime Control Bureau was interviewed. Only a few volunteered as field associates which is an indication in itself as to the depth of the problem. Fewer were accepted. Each group of associates had a control agency, and the names of group members and control agents were listed. Lists were kept in a rented bank safety deposit box. Only the Division Commander

and his deputy had access to the box. I did not know who the field associates were. I was pleased, however, that field commands learned through rumor about the field associates, because the field personnel would suspect that every new man was a potential undercover agent. "Pad" members would have to approach every new man with great caution, although the odds were great that he was not an agent from headquarters. The existence of field associates did not immediately frighten field personnel, but when "pads" in the 13th Division in Brooklyn and on Staten Island were exposed, and an indictment of about ten officers for narcotics shakedowns was made in the Bronx, police began to respect the Bureau and fear the "turn-around" and the field associate.

We expanded the use of "turn-arounds" in corruption investigations in two ways. First, when an individual offering a bribe was in active organized crime, our field associate accepted the bribe under controlled conditions, usually with the knowledge and consent of the prosecutor. All facts were made a matter of record, and the city treasury became the beneficiary of the bribe money. Our objective was not only to make a case against a gambler but was also to gain the gambler's confidence so that he became an intelligence source. We hoped that the briber would lead us to other kinds of economic crime and to corrupt police. Second, we used the briber to make cases against policemen who were extorting or accepting money from him. This use of a "turn-around" infuriated police, yet not one of them ever objected to the use of the same techniques of "turn-arounds" in narcotics enforcement.

Great trust existed historically between professional gamblers and police officers on their payrolls. Numbers men, for instance, are relatively vulnerable to extortion by "pads," because to do a maximum business, they must have an established location. Bookmakers today are pri-

marily interested in good intelligence on police operations and on projected busts. As business over the phone became the dominant operational method and handbooks fell into disuse, bookmakers became less vulnerable to a "pad" and increasingly vulnerable to "scores." We planned to have field associates infiltrate and subvert the mutual trust between gamblers and police and to destroy the safety in which they did business together. I intended to use the "turn-around" as an intelligence source to check my other sources, and when other cases matured, to arrest the gambler. Gamblers had been making a mockery of justice for decades, and even though judges apparently did not think it important, I did.

Probably the most controversial measure we adopted, and one that I recommend without qualification, is integrity-testing. The chief who does everything I have outlined may remain somewhat dissatisfied with the imprecise measurements of anti-corruption efforts. I was never satisfied. I harrassed my commanders to devise some practical experiments to give me an accurate measurement of our failures and successes with police integrity. I insisted that the laws on entrapment be followed and that a fair test of an officer's integrity be devised. Each department will have different kinds of corruption and must, therefore, be tested differently. We used, for example, some of the following tests: 1. Wallets containing money were allegedly found and given to officers who were asked to safeguard the contents and return the wallets to their owners. 2. A hundred dollars was placed in the glove compartment of a car that was illegally parked. These cars were almost certain to be towed away to the police compound where an inventory of what was in the car had to be made. 3. Anonymous notification was made to 911 of apparently abandoned cars in which valuable property had been planted. 4. We routed packages of white powder, allegedly heroin or cocaine, into the

possession of officers who were led to believe that only they knew that they had "heroin" in their possession. 5. We established businesses as fronts. For example, in Times Square we opened a pornographic bookstore under the District Attorney's supervision. Although our principal objective was to penetrate the pornography industry, we also wanted to learn whether regular policemen would accept payoffs.

These deceptions created a real storm of protest from police and public. However, there is nothing unfair about them, and the results from these ruses provided us with a more accurate picture of reality than any other single practice.

Toward the role of the media in police corruption, my complaint is not how much they expose but how little. Perhaps this is due to the fact that the average reporter assigned to police stories on the average newspaper is a novice with no status, tenure, prestige, or experience. Nevertheless, the chief who has a problem of corruption and wants to do something about it should build the best possible communication with the media. If a reporter and his editor trust the integrity of a chief and his effectiveness in achieving reform, the reporter — inexperienced or experienced — will provide the chief with a great deal of information, and experienced police reporters often know more about corruption than the average corrupt policeman.

Internal corruption (the extortion of one police officer by another) is best verified or disproved by using an undercover agent rather than trying to prove allegations of past corruption made in a complaint. If the complaint is of widespread, flagrant corruption, an undercover agent can detect it easily, providing that he is not subverted or in turn corrupted. Subversion of undercover agents can be best prevented through close supervision by a control agent.

No chief should be unaware of the problems arising

from the *Miranda* and *Geraghty* decisions that tend to delay the criminal justice process. In 1973 I sat on a discipline case involving conduct by a policeman in 1964. The nine-year delay had been caused by criminal and civil cases arising from the case. A chief should be able to administer discipline without being forced into interminable inaction because of legal indecisiveness.

In New York City, a policeman could appeal an administrative action taken against him from court to court. The courts have been increasingly active in applying legal standards and restraints on disciplinary hearings. In one case, a sergeant was proven guilty of accepting fifty dollars from a merchant at Christmas. He was found guilty and was fired. Any veteran cop knows that a sergeant collecting fifty dollars at Christmas is not a first offender — he just got caught for the first time. Nevertheless, the sergeant was reinstated later by the court. In another case, a narcotics detective was fired for demonstrated and admitted failure in many cases to process narcotics evidence properly. He was also later reinstated by the courts.

Although no universal rules probably exist for the administration of punitive discipline, the chief should make sure that all departmental procedures are fair and reasonable, that a wide range of punitive options be open to administrators or commanders, that local commanders have maximum power subject to review by higher authority, that suspensions occur immediately in serious cases and are resolved in less than sixty days. When more time for resolution is required, suspension from the force might not be needed, but the accused's assignment should be reviewed and changed when necessary. Doubts about the integrity of officers should be resolved in favor of the department when assignment or discipline are concerned but not when punitive discipline is to be administered. When criminal and civil cases are involved, take the necessary administrative action at the risk of prejudicing

other cases. Lengthy suspensions are intolerable and inequitable.

Corruption threatens not only police organizations, it threatens all private and public enterprises. When it permeates a police department, it constitutes a particularly acute threat to public welfare and safety. I generally have high regard for police everywhere, but I become frustrated and angry when all they can see is corruption in the police of New York City. The fixing of summonses, immunity of important people from arrest, illegal gambling "legalized" in country clubs, the dictation of promotions and dismissals by politicians are not unique to New York City. Every small, medium and large police department has the threat of corruption, be it endemic or epidemic. Corruption is a disease afflicting everyone, and its specific nature must be individually diagnosed and treated.

Efforts to prevent police corruption by recruiting educated, intelligent men have been failures. A smart man may steal more efficiently and may be more difficult to detect than a simple man. No stereotyped measures or set of measures will guarantee the integrity of a policeman. Integrity develops from a set of values in the minds and hearts of the people who are police. The higher the ethical set, the less the need for administrative controls on the freedom or action of police. The lower the values, the more administrative control is necessary and the less effective operations become. If police departments become sufficiently subverted from impartial law enforcement to the forces of greed and the service of special interests, liberty and freedom will be eroded, and democracy must fall.

Corruption debases and degrades those who corrupt and those who are corrupted. The personal tragedies anger me most, and because of them I am unable to become resigned to corruption. I have heard hundreds of police say, "It has ever been thus, and thus it will always be — a

leopard cannot change its spots." I try to reply, "Not true. Things can change and do change. Men are not leopards. They can and do change often for the worse and sometimes for the better."

Police corruption is always a danger, but it does not inevitably conquer people in police work. It can be contained. It can be restrained. It can be excised. The late Chief William H. Parker, almost single-handedly, reformed the Los Angeles Police Department from one of the most corrupt departments in the country to one of the least corrupt. New York City's police were also reformed under Commissioners Patrick V. Murphy and Donald Cawley. The present Commissioner indicated to me he intended to make the reforms stick, and from what I hear he has. Whether a chief succeeds or fails to achieve long tenure is not a very important goal. To me a much more important goal for any chief is to use his executive power daily to give police officers an honest chance to do an honest day's work in an honest police department.

ABOUT THE AUTHOR

William McCarthy has had a long and distinguished career as a police officer, an officer in the United States Air Force, as a consultant to the federal government, and as an educator. A graduate magna cum laude with a baccalaureate in Business Administration from the College of the City of New York, he became a patrolman in the New York City Police Department in 1940. A year later, he enlisted in the U.S. Air Corps. Commissioned as a second lieutenant with a pilot's rating in 1943, he flew thirty-two bombing missions with the Eighth Air Force and received, among other citations, the Air Medal with four Oak Leaf Clusters and the Distinguished Flying Cross. In 1948 he returned to the police department as patrolman. In ten years, he was a captain and the first commanding officer of the Tactical Patrol Force. In 1964, after numerous assignments, he retired as a deputy chief inspector from the police department and became an instructor at Broward Community College, Fort Lauderdale, Florida. In addition to his teaching duties, he was a police consultant to numerous police agencies until 1971. At that time, William McCarthy was recalled by the New York City Police Department and was appointed Deputy Commissioner for Organized Crime Control. He was named first Deputy Commissioner before he retired again in 1974. Since his retirement Mr. McCarthy, in addition to resuming his teaching duties at Broward Community College and lecturing throughout the country, has been a police consultant to the Police Foundation, to the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance as well as numerous state and city police agencies.

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