

ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK

-----X
In the Matter of

THE MOLLEN COMMISSION
HEARINGS ON
POLICE CORRUPTION
-----X

held at:

42 West 44th Street
New York, New York 10017

September 28, 1993
9:30 a.m.

BEFORE:

HON. MILTON MOLLEN
CHAIRPERSON

APPEARANCES:

COMMISSIONERS:

HON. HAROLD BAER, JR.

HON. HERBERT EVANS

HON. HAROLD TYLER

RODERICK C. LANKLER, ESQ.

NON-COMMISSIONERS:

JONNY FRANK, ESQ.

WILLIAM GOODSTEIN, ESQ.

QUESTIONERS:

JOSEPH P. ARMAO, ESQ.
CHIEF COUNSEL

LESLIE U. CORNFELD, ESQ.
DEPUTY CHIEF COUNSEL

DAVID BURNS, ESQ.
ASSOCIATE COUNSEL

CHARLES M. GURIA, ESQ.
ASSOCIATE COUNSEL

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<u>Witness</u>	<u>Armao</u>	<u>Cornfeld</u>	<u>Commissioners</u>
Joseph Trimboli	3		36, 56, 71, 78-81, 83-85, 93, 103, 106-107, 117, 119, 120
Mr. X		127	177-178
Alexander Ferugia		181	199, 210, 212- 213, 217

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2

MR. ARMAO: Mr. Chairman, Commissioners, during

3

the course of Michael Dowd's career of corruption as was

4

testified to yesterday, the principal New York City

5

Police Department investigator into the activities and

6

crimes of Michael Dowd was Sergeant Joseph Trimboli of

7

the Brooklyn North Field Internal Affairs Unit. If it

8

please the Commission, I ask that Sergeant Trimboli be

9

called as the next witness. Sergeant, would you please

10

stand and take the oath from the Chairman?

11

MR. CHAIRMAN: Raise your right hand please.

12

Do you solemnly swear or affirm that you'll tell the

13

truth, the whole truth, and nothing but the truth in the

14

course of your testimony during these proceedings, so

15

help you God?

16

SERGEANT TRIMBOLI: I do.

17

MR. CHAIRMAN: Thank you, Mr. Trimboli. Mr.

18

Armao, proceed.

19

EXAMINATION OF SERGEANT

20

TRIMBOLI BY MR. ARMAO

21

Q Sergeant Trimboli, are you currently a

22

police officer with the New York City Police Department?

23

A Yes, I am.

24

Q And how long have you been a member of the

25

NYPD?

1

2

A I'm in my twentieth year now.

3

Q What's your current rank and assignment?

4

A Sergeant, and I run the first detective

5

squad in Brooklyn.

6

Q When you say you're the commanding

7

officer?

8

A Yes.

9

Q Have you been subpoenaed to appear before

10

this Commission today?

11

A Yes, I have.

12

Q And are you represented by an attorney or

13

attorneys?

14

A Yes, I am.

15

Q Gentlemen, would you please state your

16

appearance for the record.

17

MR. STALLONE: George Stallone.

18

MALE SPEAKER: (inaudible)

19

Q Sergeant Trimboli, this Commission has

20

summoned you to testify about your experiences and

21

involvement in the New York City Police Department's

22

investigation of former police officer Michael Dowd and

23

other police officers of the 75th precinct. Do you

24

understand the scope of your testimony?

25

A Yes, I do.

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Q Sergeant, what was your role in the investigation of Michael Dowd and the other members of the 75th precinct during the years 1986 to 1991?

A I was (inaudible).

MR. CHAIRMAN: Sergeant, could you please keep your voice up.

Q Sergeant, if you would do us the courtesy of putting the microphone a little closer to your mouth. I think the other microphone is the one to use.

MR. CHAIRMAN: Fine.

Q Sergeant, during the years 1986 to 1991, did you investigate allegations that Michael Dowd and other police officers assigned to the 75th precinct shook down drug dealers and stole money from prisoners and DOA's?

A Yes, that's correct.

Q Did you investigate allegations that Michael Dowd and his partner accepted thousands of dollars a week to protect drug organizations?

A Yes, that's correct.

Q Did you investigate allegations that Michael Dowd and other police officers of the 75th precinct engaged in drug sales?

A Yes.

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2

Q Did you investigate allegations that

3

Michael Dowd and other police officers of the 75th

4

precinct used, purchase, and sold narcotics?

5

A That's correct.

6

Q Did you also investigate allegations,

7

Sergeant Trimboli, that Michael Dowd and other members of

8

the 75th precinct engaged in armed robberies?

9

A Yes.

10

Q Sergeant, during the course of these

11

investigations, what resources did the New York City

12

Police Department apply to apprehend Michael Dowd and

13

others on these charges.

14

A As I said before, I was the sole

15

investigative arm of the Police Department (inaudible).

16

There was another investigator from Field Internal

17

Affairs (inaudible).

18

Q Were you essentially a one-man

19

investigation team into these allegations by and large?

20

A (inaudible)

21

Q Did your commanding officers ever provide

22

you with adequate resources and personnel to conduct

23

these investigations with any hope of success?

24

A No.

25

Q Did the Internal Affairs Division ever

1

2

provide you with any assistance in conducting these investigations?

3

4

A No.

5

Q Was the Internal Affairs Division

6

completely aware of the nature and scope of the investigations you were conducting?

7

8

A They were aware of the nature and the

9

scope of the investigations. They were aware of the

10

allegations and they monitored my investigations weekly.

11

Q Sergeant Trimboli, when were you assigned

12

to the Brooklyn North Field Internal Affairs Unit? And

13

for the purposes of this examination, I will refer to the

14

Field Internal Affairs Unit as the FIAU. When were you

15

first assigned to the FIAU, Sergeant?

16

A I believe that was in the spring of 1986.

17

Q Sergeant, I'd like to show you a chart

18

that describes the internal apparatus for investigations

19

in the Police Department before January of 1993 when you

20

were conducting these investigations. Sergeant Trimboli,

21

can you see the chart?

22

A Yes, I can.

23

Q Sergeant, at the time you were conducting

24

these investigations was the Internal Affairs Division

25

principally divided up into three sections -- an

1
2 investigation section, a field operations section,
3 management resources section? The investigation section,
4 I imagine, based on your knowledge as an internal
5 investigator for the last five years, were those IAD
6 personnel who conducted investigations that were kept by
7 the Internal Affairs Division, correct?

8 A That's correct.

9 Q With regard to the Field Internal Affairs
10 Unit, was that in any way accountable to IAD?

11 A Yes. The Field Internal Affairs Unit
12 reports directly to IAD.

13 Q Did IAD have a supervisory role with
14 regard to investigations conducted by the FIAU?

15 A All the cases received at the FIAU were
16 received from IAD units themselves.

17 Q Nonetheless, the -- Mr. Chairman, I'm
18 sorry, I'll try to keep my voice up. Apparently, my
19 microphone has been turned off. Sergeant Trimboli,
20 during that time, however, were the Field Internal
21 Affairs Unit a part of the Internal Affairs Division or
22 were they separate?

23 A They were separate.

24 Q And to what immediate authority did the
25 Field Internal Affairs Unit report to?

1

2

A We reported to both the Internal Affairs

3

Unit and the control borough commander.

4

Q So essentially, the FIAU as the Department

5

report and the Dowd investigation states was responsible

6

to two different authorities.

7

A That's correct.

8

Q That's one on the one hand IAD.

9

A That's correct.

10

Q And on the other hand to your borough

11

commander.

12

A Yes.

13

Q During your five years as an FIAU

14

investigator, how would you describe the relationship

15

between IAD and the Brooklyn North FIAU?

16

A It was not a good relationship.

17

Q Why was it not a good relationship?

18

A The Internal Affairs Division (inaudible)

19

looks down on the Field Internal Affairs Division

20

(inaudible). They knew that we lacked manpower and that

21

we lacked equipment to conduct proper investigations and

22

that equipment was never forthcoming.

23

Q Sergeant, what area of New York City did

24

the Brooklyn North FIAU cover, what precincts?

25

A The 73, the 75, the 77, the 79, 81, 83, 84.

1

2

Q Are these busy precincts?

3

A I would say that.

4

Q Was the FIAU in Brooklyn North during those years responsible for a large number of corruption investigations?

7

A (inaudible)

8

Q Who was assigning cases to the Brooklyn North FIAU?

10

A Internal Affairs Division.

11

Q So the Internal Affairs Division essentially controlled the workload of the FIAU, is that

13

--

14

A That's correct.

15

Q Was that also true of the other FIAU's that existed within the Department?

17

A Yes.

18

Q Did IAD then have the unreviewed discretion to assign investigations it saw fit or chose the FIAU's for investigation?

21

A (inaudible)

22

Q So the FIAU did not have the authority to turn back investigations that were assigned by IAD?

24

A We did not.

25

Q In other words, you had to do the workload

1

2 that they put upon you?

3 A That's correct.

4 Q What was the nature of the allegations in
5 your five years as an FIAU investigator? What kind of
6 corruption cases did you investigate?7 A Well, usually the investigations were
8 supposed to entail allegations of non-criminalized
9 activity. But more important, during the course of my
10 time, in the field internal affairs unit (inaudible)
11 involved in criminal activity on the part of police
12 officers.13 Q What did you understand the mission of the
14 Internal Affairs Division to be with respect to the kinds
15 of cases that it was supposed to investigate?16 A My understanding was that the Internal
17 Affairs Division would handle investigations of a
18 criminal nature.19 Q And what about the FIAU's? What were they
20 supposed to handle?21 A They would handle acts of misconduct
22 involving police officers on and off duty of a non-
23 criminal nature.24 Q Yet, as you just testified, you as an
25 internal investigator assigned to the FIAU were

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responsible for investigating allegations of cops
associating with drug traffickers?

A That's correct.

Q Police officers committing armed
robberies?

A (inaudible)

Q And these were cases that were assigned to
you by the Internal Affairs Division, is that correct?

A Correct.

Q During the years that we mentioned, 1986
to 1991, could you tell us what the staffing level of the
Brooklyn North FIAU was with regard to the number of
investigators that were available?

A The number of investigators that we had in
the vicinity of 20 people, and I believe that the number
in of itself was undermanned, and it remained undermanned
for the entire period of time that I was there. Numerous
requests were made by our captain to the borough command
to Internal Affairs to supply more investigator, and none
were ever forthcoming.

Q Was it essentially the responsibility
though of the patrol bureau or the patrol borough to
assign personnel to the FIAU's?

A No.

1

2

Q Whose primary responsibility was that?

3

A (inaudible)

4

Q Sergeant Trimboli, during your tenure,

5

given the staffing level at the FIAU you just testified

6

to, what was the workload of a typical Brooklyn North

7

FIAU investigator during those years?

8

A The workload was at times totally

9

unmanageable.

10

Q What do you mean by unmanageable? Can you

11

give us some rough numbers?

12

A Yes. At one point in time, these

13

investigators handled upwards of thirty-five to forty

14

investigations at one time.

15

Q That that investigator was primarily or

16

solely responsible for?

17

A (inaudible)

18

Q And were these investigations sometimes of

19

a complex, unit-wide nature?

20

A The majority of the investigations

21

involved observations at drug locations (inaudible) on

22

and off duty (inaudible).

23

Q So you weren't just doing allegations of

24

police officers taking free pizza or using their

25

Department shield at a toll booth or something?

1

2

A I don't think I ever had a free pizza

3

case.

4

Q Given the nature of these investigations,

5

what equipment was at your disposal for conducting these

6

investigations?

7

A They supplied approximately twenty

8

investigators with two, what they called, non-descript

9

autos.

10

Q Now what do you mean by non-descript auto?

11

A Unmarked cars.

12

Q What sort of unmarked cars were they that

13

were available to you?

14

A They provided us with Plymouth Furies.

15

Q The sort of Plymouth Fury that any cop

16

under investigation might notice a mile away?

17

A Yeah, just minus the blue and white paint.

18

Q Sergeant Trimboli, was it possible, given

19

your experience in the Brooklyn North FIAU during this

20

period, for an investigator to investigate successfully

21

so many serious allegations given the lack of manpower,

22

the heavy caseload, and the lack of equipment?

23

A Certainly, in my own experience and from

24

those investigators that I knew in my unit, a conscious

25

effort was made to conduct serious investigations.

1

2 However, it was nearly impossible to do that.

3 Q Given the circumstances we just described?

4 A Give the workload and the circumstances
5 that we've just spoken of.

6 Q Were these circumstances known to your
7 superiors in the Brooklyn North FIAU?

8 A Yes, they were.

9 Q Were these circumstances known to the
10 borough chief who oversaw the FIAU?

11 A Yes.

12 Q Were these circumstances known to the
13 Internal Affairs Division?

14 A Yes.

15 Q On average, based on your experience, how
16 long would an average FIAU investigation take to
17 complete?

18 A Initially, when you receive the case for
19 investigation from Internal Affairs, the case had a date
20 stamped on the bottom which was usually two or three
21 months from the date that you had received it, indicating
22 that that's when the report was due. And in my
23 experience, I don't recall any investigator ever
24 returning one of those reports prior to that date.

25 Q In other words, were there time limits on

1

2 the amount of time you could take to complete an
3 investigation?

4

A They had time limits in that they would
5 have liked to have seen the report by a specific time.
6 However, they came to realize no reports were ever
7 forthcoming in the time period specified.

8

Q Given the circumstances in which the FIAU
9 and you yourself found yourself in, did investigations
10 deteriorate into a way of mechanically investigating
11 cases by rote, so to speak?

12

A What happened with the investigations were
13 you knew, given a particular type of investigation, if
14 you had to do an observation on a police officer, the
15 formula to get the investigation closed and have no
16 question asked was to do five on-duty and five off-duty
17 observations, and they had to be at least one hour in
18 length. And you made sure you covered all these basic
19 bases and submitted them in a closing report in order to
20 get rid of that case.

21

Q So when you say no questions asked, what
22 you mean to say that if an FIAU investigator --

23

A Excuse me, sir?

24

Q When you say with no questions asked, that
25 you could close an investigation with no questions asked,

1

2 are you telling the Commission so long as you did a
3 number of mechanical steps, that is, five on-duty, five
4 off-duty physical observations, that would be enough to
5 close the case without your superiors questioning it?

6

A There were certain prerequisites for a
7 particular type of an investigation, that's why I'm
8 trying to say, and in a case that involved conducting
9 observations of the police officer, you could not
10 conclude that investigation without first conducting a
11 specified number of on- and off-duty observations on an
12 off-duty, certain length of involved.

13

Q In your experience and in your
14 conversations with other FIAU investigators, were many
15 investigations closed by investigators just after they
16 completed the checklist of enough on-duty and off-duty
17 observations?

18

A Yes, but that doesn't mean to imply that
19 the investigators did not give their best effort to the
20 case itself, what they had at their disposal.

21

Q Given their circumstances with manpower
22 and equipment?

23

A That's correct.

24

Q How did a case be closed? Once you've
25 done the required number of steps, what do you do?

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25

A Well, after you finish the required number of steps, you would draft a preliminary closing to that particular investigation, and you would submit it to a lieutenant who headed a particular team of investigators. He would review it and make certain changes, after which he would submit it to the commanding officer of the unit who would make changes of his own, and ultimately you'd get a finished product.

Q Now were these case closings reviewed for quality, for substance by any of the FIAU superiors?

A Yes.

Q By the commanding officer?

A Yes.

Q Would they then be reviewed by the borough commander for his approval?

A Yeah. Upon completion of the closing at the Field Internal Affairs Unit level, all cases were submitted to the borough commanding officer for his review and possible comments as to any additional steps he may have required be done.

Q Once the borough commander signed off on the investigation, where did it go from there, to your knowledge?

A It went to the Internal Affairs staff.

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Q Just referring to the chart, is that what's marked as staff supervisory unit?

A That's correct.

Q Sergeant Trimboli, wasn't it the dedicated mission of the staff supervisory unit of IAD to ensure that no Field Internal Affairs Unit investigation would be closed without a thorough quality check by IAD?

A That's correct.

Q So once the borough commander signed off on an FIAU closing, it would then go to IAD for approval, is that right?

A That's correct.

Q After the staff supervisory unit approval, would it go to the commanding officer of IAD for his approval?

A Yes.

Q And then it would go to the Chief of Department?

A Yes.

Q So in other words, each one of these closings then technically should have reviewed by top commanders in the Police Department, correct?

A That's correct.

Q In your experience, Sergeant, what are the

1

2 dispositions by which an FIAU investigation might be
3 closed?

4

A You can close a case substantiated,
5 meaning that the allegation under investigation has been
6 proven. You can close it unsubstantiated, meaning that
7 you haven't been able during the course of your
8 investigation to obtain any evidence to prove or disprove
9 the allegation.

10

Q So the disposition unsubstantiated
11 basically means you're back to square one. You don't
12 know whether or not the police officer has engaged in the
13 corrupt activity or whether he has.

14

A Yes. Based on your investigation at that
15 time, you're unable to prove or disprove the allegations.

16

Q Basically, no result.

17

A Correct.

18

Q In the time that you were in the Brooklyn
19 North FIAU, what percentage of cases would you estimate
20 were closed as unsubstantiated?

21

A Oh, I figure between 75 and 80 percent.

22

Q Did you ever have a case closing rejected
23 by IAD?

24

A I may have had one.

25

Q Was there pressure from your superiors to

1

2 get cases closed rather than to get results from the
3 investigations?

4

A There was pressure to get case closings
5 each and every month.

6

Q What's the reason for that?

7

A Nobody ever explained that to me. It's
8 just that the team supervisors always requested that a
9 certain number of investigations be closed by each
10 investigator each month, and I was aware of the fact that
11 if the office didn't close a certain number of cases, he
12 would be receiving a phone call from the Internal Affairs
13 Unit.

14

Q Sergeant Trimboli, during your time there,
15 was an FIAU investigator rated by the amount of case
16 closings rather than the amount of cases he
17 substantiated?

18

A I don't even believe there was a rating
19 system.

20

Q What about your commanding officer? Are
21 you aware that they had pressure to close cases
22 regardless of the result?

23

A As I said before, I believe that if they
24 didn't close a certain number of cases each month, they
25 would receive a phone call.

1

2

Q A phone call from whom?

3

A Internal Affairs.

4

Q So there was a sort of quota system for the amount of cases that had to be closed in a given period of time.

7

A That's correct.

8

Q And I imagine that those closings were done regardless of the necessary investigative steps to see these investigations through successfully?

11

A I think that they pretty scrupulously reviewed the investigations as far as basic investigative steps before it would actually be forwarded to Internal Affairs because then there would be the possibility it could be knocked.

16

Q Sergeant, when you speak about the lack of manpower and the lack of resources, the pressure to close cases, were those the circumstances that existed in 1986 when you first joined the FIAU?

20

A It got worse.

21

Q Did they exist either at that level or worse throughout your tenure in the FIAU?

23

A That's correct.

24

Q When did you first hear of Michael Dowd?

25

A 1986.

1

2

Q What were the circumstances of that?

3

A The office received an allegation that Mr.

4

Dowd and his partner were shaking down drug dealers,

5

taking property off of DOA's, and ripping off prisoners.

6

Q Is that the first allegation you handled

7

with regard to Michael Dowd?

8

A That's correct.

9

Q Now, Sergeant, as I ask you these

10

questions regarding the nature of your investigations, I

11

just want to remind you to please refrain from using the

12

names of other police officers whose acts of corruption

13

are not a matter of public record. I'll also be asking

14

you about informants. I would please ask you to refer to

15

them by the first letter of their last name.

16

A Okay.

17

Q At the time that you received this

18

allegation on Michael Dowd shaking down drug dealers and

19

stealing money from DOA's, what was, if I can ask you,

20

the corruption climate from the view of an internal

21

investigator in the Brooklyn North precincts?

22

A Well, the number of corruption complaints

23

that were coming into our particular unit was steadily on

24

the rise throughout the borough and was in the 75th

25

precinct in particular.

1

2

Q Was the special prosecutor at the time, to

3

your knowledge, also conducting a precinct-wide

4

investigation into corruption in the 77th precinct?

5

A I believe either they were in the process

6

of closing it down or still conducting it, yes.

7

Q In November of 1986, thirteen members of

8

the 77th precinct, which is a Brooklyn North precinct,

9

were arrested. Based on your experience as a police

10

corruption investigator at the time and place, Sergeant,

11

was the 77th precinct case aberration?

12

A No.

13

Q Based on your experience in conducting the

14

investigation into the 75th precinct for five years, was

15

the 75th precinct just as bad as the 77th was at the

16

time?

17

A It far exceeded the 77 precinct.

18

Q Do you believe those circumstances were

19

known to IAD?

20

A Yes.

21

Q Do you believe they were known to New York

22

City Police Department managers, superiors?

23

A What do you mean by managers superiors?

24

Q People in IAD.

25

A Internal Affairs were the people who,

1

2 again, received the initial corruption allegations, so
3 obviously they were aware of the number and nature of
4 those allegations coming in.

5

Q So when you received an allegation
6 against, let's say, Michael Dowd, that was already an
7 allegation that was put on the records of IAD, correct?

8

A That's correct.

9

Q So if IAD were tabulating or doing an
10 analysis of the number and nature of corruption
11 complaints in the 75, it would have been pretty apparent
12 to them what the situation was?

13

A I would hope so.

14

Q Did you complete your investigation of
15 Michael Dowd on that allegation of shaking down drug
16 dealers?

17

A Yes.

18

Q After you completed that investigation,
19 what was the next time you heard about Michael Dowd?

20

A There were other investigators in my
21 office who received corruption complaints pertaining to
22 Michael Dowd, and I assisted them in conducting
23 observations at drug locations, and I entered drug
24 locations.

25

Q So Michael Dowd was a pretty notorious

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1

2 figure in the Brooklyn North FIAU by, let's say, 1987?

3

A He was Number 1 on the hit parade.

4

Q In July of 1988, a robbery occurred within
5 the confines of the 75th precinct. Are you aware of the
6 circumstances of that case?

7

A Yes, I am.

8

Q Could you please relate what happened, as
9 best you know, to the Commission?

10

A Not having been present in force during
11 the arrest itself, I'm aware that three -- one present,
12 one suspended, and one former -- New York City police
13 officers were involved in an armed robbery at 923 Livonia
14 Avenue on, I believe, it was July 1 or July 2, 1988.

15

Q Now was a police officer named Walter
16 Yerku convicted of that crime eventually?

17

A Yes.

18

Q A police officer named Jeffrey Guzzo
19 convicted for that crime?

20

A Yes.

21

Q A police officer named Henry Chickie
22 Guevarra arrested for that crime?

23

A Yes.

24

Q Based on your investigations of Michael
25 Dowd, Sergeant Trimboli, were these three police officers

1

2 all assigned to the 75 precinct?

3 A Yes.

4 Q Were they assigned there when Michael Dowd
5 was assigned there?

6 A That's correct.

7 Q Did you generate enough evidence to
8 convince you as an internal investigator that these men
9 were members of Michael Dowd's crew, so to speak?

10 A To my satisfaction, yes.

11 Q Do you know who first responded to that
12 robbery allegation of three police officers, or I should
13 say two former police officers, involved in an armed
14 robbery?15 A I believe it was members of my office. I
16 don't remember their specific names.17 Q Do you know who eventually investigated
18 that case?

19 A My office investigated the case.

20 Q And was it at some point taken over by the
21 Internal Affairs Division?

22 A That's correct.

23 Q Does the Internal Affairs Division,
24 therefore, have the absolute prerogative to take over
25 cases from the FIAU that it deems serious?

1

2

A That was my understanding.

3

Q And that cases that ought to be

4

investigated by IAD rather than FIAU, is that right?

5

A That's correct.

6

Q Do you know the reasons why the Internal

7

Affairs Division took over the Yerku robbery case?

8

A My belief was that we were talking about

9

an armed robbery involved three members and former

10

members of the Department. Again, as I had said before,

11

we had a criminal act, and this was something best

12

handled by Internal Affairs.

13

Q The Commission has had information from

14

other FIAU investigators that IAD had the reputation

15

among FIAU's of stealing easy cases from the FIAU's for

16

them to get the arrest statistics. Is that true, based

17

on your experience?

18

A Yes.

19

Q Do you believe that might have been one of

20

the reasons that IAD stepped in on the Yerku

21

investigation?

22

A I believe that Mr. Yerku was there to be

23

handed to them on a silver platter.

24

Q In fact, he had already been detained by

25

FIAU investigators the night before and was waiting in

1

2 the precinct, was he not?

3

A Yes, he was.

4

Q Sergeant, did that kind of relationship
5 and the relationship you described before have any affect
6 on the FIAU investigators' perception of IAD?

7

A There was a great deal of animosity
8 between the two units.

9

Q As you began to conduct your
10 investigations into the 75th precinct, did you come to
11 have any suspicion that Michael Dowd might be involved in
12 that robbery at 923 Livonia?

13

A During the course of my investigation,
14 yes.

15

Q How did you come by that information?

16

A Well, initially I received information
17 from the integrity control officer who was a lieutenant
18 at the 75th precinct at the time that the individuals who
19 were investigated, meaning Guzzo, Guevarra, and Yerku,
20 were associates of Michael Dowd. They hung around with
21 him at the precinct. So initially that made me tie the
22 four of them together.

23

Q At that point did that robbery, you said
24 it was an armed robbery of a -- do you remember the
25 nature of the allegation?

1

2 A It was supposed to be a bodega.

3 Q When you say it was supposed to be, did
4 you know what it actually was?

5 A Well, I came to know it to be a drug
6 location.

7 Q So in other words, what it was is a cop
8 and two former cops doing an armed robbery of a drug
9 location?

10 A That's correct.

11 Q Did that indicate to you and your
12 superiors in the FIAU that the 75th precinct may have a
13 wider problem than just that one robbery?

14 A What that robbery actually did to me was
15 it served as a catalyst. What it did was we had been
16 receiving an exorbitant number of corruption complaints
17 alleging drug use and drug trafficking by plain clothes
18 cops out of uniform in unmarked cars in an around the
19 confines of the 75th precinct.

20 Nobody was every able to make a connection with
21 any members of the 75th precinct simply because
22 descriptions of the officers or alleged officers in plain
23 clothes never fit the description of any officers in the
24 75th precinct on duty at that time or officers in
25 surrounding commands on duty at that time. The

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2 descriptions of the autos that were alleged to use never
3 fit the description of any department autos.

4

5 Now all of a sudden, three cops get locked up
6 in the 75th precinct for an armed robbery, and it's the
7 precinct where they work. And they're off duty, and
8 they're out of uniform, and they're using their own car.
9 It doesn't take much to realize that there's a tremendous
10 tie-in here between all these allegations that are coming
11 in and all of sudden this group of individuals that
12 appear to be freelancing off duty in their own command.

13

14 Q Well, based on these suspicions as you
15 just described the, did the FIAU do anything in response
16 to that?

17

18 A Yes. My commanding officer asked me to
19 initiate a self-generated investigation on July 11, 1988,
20 and the nature of that investigation was to investigate
21 police patrol and personnel within the confines of the
22 75th precinct. In actuality, what the investigation was
23 was my commanding officer took every corruption
24 investigation presently being investigated in our office
25 regarding the 75th precinct and gave it to me and had me
put it under the umbrella of that one self-generated
investigation.

26

27 Q So your commanding officer in the FIAU at

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2 the time had his suspicions aroused enough to feel, hey,
3 we better do something here and get all of these
4 allegations and start a precinct-wide investigation, is
5 that correct?

6 A That's correct.

7 Q One of the things I don't believe that the
8 public is aware of, Sergeant Trimboli, is that the case
9 that you handled, the self-generated case, was not simply
10 about Michael Dowd, was it?

11 A No, sir.

12 Q It was about Michael Dowd and many other
13 police officers in the 75th precinct.

14 A It was about all corruption investigations
15 that were coming in involving the 75th precinct.

16 Q Did you inform or did your commanding
17 officer inform the Internal Affairs Division about the
18 opening of the self-generated case?

19 A Yes.

20 Q Did IAD at that time ever question why the
21 FIAU thought it needed to open a precinct-wide
22 investigation?

23 A No, that question was never raised.

24 Q Did IAD through staff or any other channel
25 ever call to offer their participation in this case?

1

2

A No, they called for copies of my

3

worksheets.

4

Q Let's get to that. Did IAD place what is

5

called a monitor on this case?

6

A Yes.

7

Q Could you describe for the Commissioners

8

what a monitor is?

9

A I was told that the Internal Affairs

10

Division would closely monitor everything that I did

11

during the course of that investigation, and the vehicle

12

that they would use to monitor me would be that I would

13

have to submit to them worksheets of everything that I

14

did in that investigation.

15

Q So in other words, every worksheet that

16

you complete would be immediately delivered to IAD for

17

their review.

18

A Yes.

19

Q What do you write on worksheets? For

20

those of us who've never been police officers, what is on

21

a worksheet?

22

A Today's the 28th of September, and I

23

conducted an observation at 42 West 44th Street. During

24

the course of that observation, I saw A, B, C, and D.

25

Q So in other words what you would do is

1

2 describe in fair detail what you did with regard to the
3 investigation on a particular day.

4

A That's correct.

5

Q So if someone were reading those
6 worksheets, they would essentially have a running history
7 of your investigation.

8

A That was the intent of the worksheets.

9

Q How do the worksheets actually get to IAD?

10

A I was supposed to forward them on a weekly
11 basis.

12

Q And did you do that?

13

A Most of the time, yeah.

14

Q I'd like if I could ask Mr. Michado to
15 place a chart of the various corruption allegations that
16 Sergeant Trimboli became responsible for at this point in
17 July of 1988.

18

(pause)

19

Q Sergeant, while the Commission staff is
20 putting up the chart, at the time that you opened the
21 self-generated case and IAD placed a monitor on it, did
22 you come to detect that IAD had a particular interest in
23 this self-generated case?

24

A (no response)

25

Q Did you have a conversation with any

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2 member of the IAD staff unit with regard to this?

3

A Well, as I said before, I was supposed to
4 submit worksheets on a weekly basis relative to this
5 investigation.

6

Q Sergeant, could you keep your voice up
7 please.

8

A Yeah, I'm sorry. I was supposed to submit
9 worksheets on a weekly basis, and on occasion I didn't do
10 that. And when I didn't, that prompted Internal Affairs
11 to send two of their detectives down to my office to
12 gather those worksheets. And on one particular occasion,
13 they sent two detectives who said, sarge, we're here for
14 your worksheets. We really wish you'd send them because
15 Sullivan needs these worksheets because this is the
16 hottest thing in the city, and he discusses these things
17 with Commissioner Ward every Monday morning, so we got to
18 have these worksheets.

19

Q So in other words (inaudible) detectives
20 from IAD that you had to give your worksheets in promptly
21 because Chief Sullivan needed to brief the Police
22 Commissioner with regard to the Dowd investigation.

23

A That's correct.

24

Q And Chief Sullivan, as I understand, at
25 the time was the Chief of Inspectional Services, correct?

1

2

A That's correct.

3

4

Q Which would have meant he was the super chief in charge of IAD.

5

A Correct.

6

7

MR. CHAIRMAN: Could we establish what the date was at that time?

8

A Excuse me, sir?

9

10

MR. CHAIRMAN: Approximately what was the date that occurred?

11

A That was in the latter part of 1987.

12

Q The latter part of 1988?

13

A '87.

14

15

16

17

Q '87. Sergeant Trimboli, in July of 1988, when you opened up the self-generated case, I'd like to go through with you the various allegations which were being handled by the Brooklyn North FIAU.

18

19

MALE SPEAKER: Excuse me, sir. Could you just wait one second --

20

Q Yes.

21

22

MALE SPEAKER: I want to try to keep these dates straight.

23

A I have a correction to make.

24

Q Yes, go ahead, Sergeant.

25

A That date was late 1988, not '87, as far

1

2 as when I was told by the detectives to be more timely
3 with the submission of my worksheets. I'm sorry.

4

Q That's because the self-generated case was
5 opened in July of 1988.

6

A That's correct.

7

Q Now the first allegation is the one you
8 spoke about, Sergeant Trimboli, that Officer Dowd and his
9 partner shakes down drug dealers and steals money?

10

A Yes.

11

Q The FIAU was also investigating an
12 excessive force case against Michael Dowd and other
13 members of the 75th precinct as well, correct?

14

A I'm not privy to that one.

15

Q That was not incorporated in the self-
16 generated?

17

A No.

18

Q You already had an allegation in the
19 Brooklyn North FIAU that Officer Dowd and his partner
20 were accepting \$8,000 a week from a drug ring?

21

A Yes.

22

Q And that was part of your self-generated
23 case?

24

A Yes, it was.

25

Q You have an allegation that members of the

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2 75th precinct were drinking and using drugs in Auto Sound
3 City?

4 A Eventually, that became part of my
5 investigation.

6 Q Could I just stop you right there. Do you
7 know the name Baron Perez?

8 A Yes.

9 Q Is he known to you to be a convicted drug
10 dealer?

11 A Yes.

12 Q And at the time you were conducting these
13 investigations, was he also the manager of Auto Sound
14 City?

15 A Yes.

16 Q Auto Sound City being what, if you could
17 just tell us briefly?

18 A Auto Sound City was a front for a major
19 Dominican drug operation.

20 Q And putatively it was?

21 A An auto stereo shop.

22 Q There was also an allegation that Officer
23 Dowd was dealing drugs and had several hones n various
24 places. That was part of your self-generated case as
25 well, correct?

1

2

A That's correct.

3

Q And the last one, the armed robbery of the

4

L&T Grocery Stores at 923 Livonia Avenue, was the one

5

that was conducted by IAD, correct?

6

A That's correct.

7

Q So up until July of 1988, we have six

8

outstanding allegations against Michael Dowd, correct?

9

A That's correct.

10

Q All of which were farmed out to the FIAU,

11

correct?

12

A That's correct.

13

Q Not one of which, except for the grocery

14

store robbery, was kept by IAD?

15

A Correct.

16

Q And it was only in July of 1988, when you

17

opened the self-generated case that most all of these

18

allegations were put in one investigative basket, so to

19

speak?

20

A Yes.

21

Q In light of this, Sergeant Trimboli, given

22

six or seven allegations, including armed robbery which

23

indicated to you and your superiors that you had a

24

precinct-wide corruption situation, did IAD have any

25

involvement whatsoever in the 75th precinct investigation

1

2 up to this point, other than your investigation of Walter
3 Yerku in that robbery?

4

A The only involvement I knew of was the
5 monitoring of the worksheets that I submitted to them.

6

Q During the time that you were conducting
7 your self-generated case, was IAD, to your knowledge,
8 also conducting their investigation into the robbery of
9 the L&T Grocery Store?

10

A I had no knowledge of what Internal
11 Affairs was doing.

12

Q Did they inform you with regard to what
13 they were doing, who the suspects might be, what
14 information they might have acquired?

15

A They provided me with no information
16 whatsoever.

17

Q Based on your experience as a police
18 corruption investigator, if you, in fact, have such
19 overlapping investigations, as we now know from Police
20 Department records, did this sort of thing require strict
21 coordination, so that you're not stumbling over each
22 other in tipping off the investigation?

23

A Well, coordination of anything between two
24 groups would definitely have enhance the possibilities of
25 arriving at a successful conclusion.

1

ARMAO - TRIMBOLI

41

2

Q And you had no such coordination with IAD?

3

A None.

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5 generated case, Sergeant, so they were being kept abreast
6 of your investigative steps, correct?

7 A That's correct.

8 Q But it wasn't a two-way street. You
9 received no information from them.

10 A No.

11 Q Sergeant, isn't IAD and the FIAU on the
12 same team?

13 A Yes.

14 Q Did it appear that way to you while you
15 were doing the Michael Dowd investigations?

16 A No.

17 Q I like to give an example of, if you can
18 remember, Sergeant, of the affects of lack of
19 coordination. Do you recall that on July 12, 1988,
20 Officer Guevarra or former Officer Guevarra was arrested
21 outside of Bailey's Bar?

22 A I recall that, yes.

23 Q Could you tell the Commission what the
24 significance of Bailey's Bar is?

25 A I had been provided with information that

1
2 Bailey's Bar was the local drinking establishment
3 frequented by [tape change] assigned to the 75th
4 precinct, and it was the location that we wished to
5 conduct observations at in order to monitor the
6 activities of the 75th precinct police officers under
7 this self-generated case that we had initiated. The
8 arrest of Mr. Guevarra, who I might mention was a
9 bartender at Bailey's, precluded the possibility that any
10 police officers would dare to return to that location
11 after he was arrested.

12 Q So basically the arrest of Guevarra by IAD
13 at that location blew for you as an investigative
14 resource.

15 A What it did was it eliminated it as a
16 location to be looked at.

17 Q Did IAD inform you that they were going to
18 effect the arrest of Guevarra on that day?

19 A No.

20 Q Did they ask you to participate in the
21 arrest?

22 A No.

23 Q Do you know if he was ever debriefed by
24 IAD?

25 A No.

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2

Q I like to direct your attention now,

3

Sergeant, as your investigation develops, to the period

4

September and October of 1988. At that time were

5

significant developments beginning to happen in your

6

case?

7

A Yes.

8

Q On or about September 13 of '88, did you

9

receive information regarding Michael Dowd from two

10

federal informants, Mr. R and Mr. Q?

11

A Yes.

12

Q Was it consistent with other information

13

that you had on Michael Dowd and other members of the

14

75th precinct?

15

A That's correct.

16

Q Could you just tell us briefly what the

17

information was that you received from these two federal

18

informants?

19

A These two federal informants, Mr. R and

20

Mr. Q, were drug operatives who had been arrested by

21

federal authorities operating within the confines of the

22

75th precinct. They turned federal informant, and they

23

turned, and they advised the authorities that they had

24

been making payoffs to uniformed members of the service

25

assigned to the 75th precinct.

2 Q And specifically, did they mention Michael
3 Dowd and other members of his crew?

4 A That's correct.

5 Q Sergeant Trimboli, who were the internal
6 investigators that first interviewed Mr. R and Mr. Q?
7 Was it FIAU or IAD?

8 A Initially, it was the federal authorities
9 who debriefed them, after which it was Internal Affairs
10 Division personnel.

11 Q Were you ever asked or informed by IAD
12 that they had these two informants and invited to
13 participated in the debriefing?

14 A I was not invited to participate in any
15 debriefing.

16 Q How did you eventually receive the
17 information that there was even a Mr. R and a Mr. Q out
18 there?

19 A A worksheet prepared by an Internal
20 Affairs Division investigator was passed along to another
21 investigator in my unit who was assisting me with the
22 self-generated case, and he provided it to me because it
23 specifically mentioned Mr. Dowd.

24 Q How long did it take you to get that
25 worksheet with the information?

1

2

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4

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25

A I'm not sure the exact period of time from the time they did the interview until the time I received the worksheet, but I would gather it was several months.

Q I'd like to now direct your attention to October of 1988. Did you make a significant observation in our around Auto Sound City during that time?

A You're talking about my visit to the location?

Q Yes, sir.

A Yes.

Q Could you tell us what happened that day?

A We knew that Sound City was a major drug operation. We had information to believe that police officers were involved in that drug operation, and also it fronted as a car stereo shop. So I brought an automobile to that location and parked it outside and then availed myself of use of other than the entrance that they normally use and got myself into another part of the building.

While I was in the building, I came across a number of individuals inside -- by the way, the interior of the building suggested to me that it was not a car stereo shop -- and I came across a number of individuals who were kind of taken aback by my entering the room

1
2 where they were congregating, and I was grabbed behind by
3 an individual who later became known to me as Baron
4 Perez.

5 And without using the graphic language that he
6 and I then exchanged, I was asked what I was doing there,
7 and I helped escort myself out of the building as quickly
8 as possible with him trailing behind me.

9 Q Did you notice a particular vehicle inside
10 Auto Sound City that day?

11 A Yes.

12 Q What did you see?

13 A I saw a red Corvette, '87.

14 Q Did you know it belonged to Officer Dowd?

15 A Yes.

16 Q And did Mr. Perez in your conversation
17 with you acknowledge that he knew Michael Dowd?

18 A Yes.

19 Q A significant development in the
20 investigation.

21 A I would think so.

22 Q Was that worksheet passed onto IAD?

23 A Yes.

24 Q So now at this point, just in October of
25 1988, besides the six or seven different allegations

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implicating Michael Dowd, you also have, you and IAD also have information from key federal informants implicating Michael Dowd in protecting the drug organization, and you during your investigative work have made a direct connection between Michael Dowd and Baron Perez.

A That's correct.

Q Does IAD at this point decide that they should enter the case or assist you in this investigation?

A No.

Q I like you to (inaudible) to 1989. Did another informant become available to you, a Mr. A?

A Are you saying '89 or '88?

Q I'm sorry, 1988.

A Now we're even. We each lost a year there somewhere.

Q I'm sorry. In October of '88, the same month that you made this observation in side Auto Sound City, did another informant become available to you?

A I'll refer to him as Mr. A. Okay?

Q Yes, sir.

A All right. Yeah, I came in contact with another drug dealer, Mr. A, and I spoke with him, and Mr. A advised me that he was aware of a number of police

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officers assigned to the 75th precinct who were trafficking narcotics. He specifically mentioned Michael Dowd. He specifically mentioned his partner, I'll call him Police Officer E.

Q You mean Kenneth Eurell?

A All right, Kenneth Eurell. He specifically mentioned Walter Yerku, Jeffrey Guzzo, Chickie Guevarra.

Q And all of these people, Sergeant Trimboli, were known to you to be in that 75th precinct Dowd crew, is that right?

A Yeah. Three of them had already done an armed robbery, and as I said, we had numerous allegations against the other people he mentioned.

Q Did he tell you anything about what they were doing with these drug organizations?

A Yeah. He told me that they were receiving four grand a week each to protect drug organizations in the 75th precinct.

Q Which, by the way, Sergeant, if I may interrupt you, exactly corroborates one of the allegations that became part of your self-generated case.

A That's correct.

Q Please continue.

1
2 A He told me that he socialized with these
3 police officers, that they frequented hotels in the
4 vicinity of Kennedy Airport where they engaged in sex and
5 drug parties. And I asked him how he had ever come to
6 know and associate with these cops, and although he
7 didn't tell me during the course of our first meeting, he
8 eventually told me that his father ran a store within
9 three, four blocks of the 75th precinct and that another
10 dealer who I came to know as Mr. A ran a drug operation
11 out of his father's store and that this individual was
12 the one who had hired Michael Dowd and some other police
13 officers to accept monies.

14 Q So (inaudible) stop right there a minute.
15 So by the way October of '89 rolls around, you were
16 talking several years before Michael Dowd is ever
17 arrested. During your investigation, your efforts is
18 generating information that Dowd is connected with Perez,
19 you have an informant that tells you that Michael Dowd
20 and a number of other police officers are involved in
21 drugs in the 75th precinct. You have information from
22 two federal informants giving you the exact same
23 information that Michael Dowd and other police officers
24 assigned to the 75 are involved with drug dealers.
25 What's the impression you're beginning to get as an

1

2 investigator about the nature and scope of your
3 investigation at this point?

4

A At this point it was absolutely mind
5 boggling. I couldn't even being to comprehend that in
6 1988 any police officer could possibly become involved in
7 something of this magnitude.

8

Q And it wasn't just one police officer at
9 this point, is that right?

10

A No, because what Mr. Arroyo also told me
11 was --

12

Q I would caution you once again just to
13 please use the --

14

A Mr. A, I'm sorry. Too late.

15

Q That's okay, Sergeant, just please
16 continue. What was your impression at this point?

17

A What Mr. A also told me was that he had,
18 we were aware of at that point only one armed robbery,
19 and that was at 923 Livonia. And what Mr. A told me was,
20 in fact, there had been numerous stickups committed in
21 the confines of the 75th precinct and that these stickups
22 had been committed by police officers and that some of
23 these stickups had been committed at the behest of Mr. A
24 to settle a beef with a rival drug dealer.

25

Q So now what you have is information that

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2 these 75th precinct cops are not just shaking down drug
3 dealers, but you've got an ongoing robbery ring that's
4 associated with drug organizations.

5

A That's correct.

6

Q And the person that's staffing these
7 robbery rings are cops.

8

A The staffing of the robbery rings are
9 cops, and, in addition, he told me that at the conclusion
10 of these robberies, the proceeds of these robberies were
11 transported to a location in the 75th precinct, and I
12 don't know if I'm allowed to tell you what that location
13 was.

14

Q (inaudible)

15

A Okay. The drugs or the proceeds from the
16 robberies were transported to Bailey's Bar in the 75th
17 precinct which we had mentioned as a watering hole for
18 cops, and there was a back room at Bailey's, and a group
19 of cops so identified by Mr. A would congregate back
20 there, and he put the figure at eight to ten cops, who
21 would await the stickup men's return from their exploits,
22 and they would then deposit the proceeds on a pool table
23 in the back room, and the officers present would partake
24 in the proceeds of the crime.

25

Q Sergeant Trimboli, did you have

1

2

3

4

allegations that Michael Dowd was one of those police officers who was involved in either the robberies or the distribution of the proceeds at Bailey's?

5

6

A I had allegations that Michael Dowd was setting up some of the stickups.

7

8

9

10

Q Now as your investigation begins to expand this way, Sergeant, do you or your commanding officer in October of 1989 directly call IAD to tell them about this?

11

12

13

A Yes.

Q I'm sorry, it's 1988. What was your

purpose for calling IAD at the time?

14

15

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21

22

A Well, I mean, I think it's obvious on the face of it we're not just talking about investigating mere allegations coming into a command. We've now received information verified or not from a number of different sources that the stickup wasn't an aberration, that there are a number of individuals involved in the stickups, and possibly a dozen others involved in the distribution and use. You're talking maybe now fifteen, twenty cops.

23

24

Q You're talking a 77th precinct situation essentially.

25

A You're talking something far beyond the

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1

2 ability of Joseph Trimboli to investigate.

3

Q And at the time Joseph Trimboli was about
4 the entire investigation team, correct?

5

A On and off, yes.

6

Q Sergeant, did you directly speak to
7 someone in the staff unit about this situation?

8

A I spoke to staff about this, yes.

9

Q And do you recall what response you --
10 well, what did you ask them, what did you want IAD to do
11 for you?

12

A I wanted Internal Affairs to either take
13 the investigation off my hands or to provide me with the
14 personnel and the facilities to successfully conduct this
15 investigation.

16

Q Did you receive a telephone call back from
17 IAD in response to your request?

18

A I was told via telephone by two separate
19 individuals assigned to IAD, two captains, I believe, if
20 my memory serves me correct, that number one, I would not
21 be receiving any assistance as far as people were
22 concerned. They told me they didn't have any. And
23 number two, they would be unable to provide me with any
24 vehicles since we didn't have vehicles. We had to use
25 our own cars to follow these people around which was

1

2 ludicrous.

3

4 Q Were you using your own private vehicle in
the course of this investigation?

5

A Yeah.

6

Q With your own license plates?

7

8 A Yeah. And besides telling us that, they
told us, but don't forget we're going to continue to
9 monitor what you're doing.

10

11 Q So the only assistance that they offered
you was basically to continue doing what they were doing
12 all along.

13

A That's correct.

14

Q Which was essentially what?

15

A Essentially monitor us and that's all.

16

17 Q After that telephone conversation, did you
commanding officer also then call again back to IAD on
18 that day and consult with staff in support of your
19 request for assistance?

20

A Yes, he did.

21

22 Q Do you recall what response your
commanding officer received?

23

24 A Yeah. He was basically told the same
thing, that they wouldn't provide any personnel or
25 equipment and that if I remember this correctly, that if

1

2 wanted any personnel or equipment, we should go see our
3 borough commander.

4

Q Were you also told you had the green light
5 to go to other agencies? Do you recall that?

6

A Yes.

7

Q Well, isn't IAD a division in the Police
8 Department primarily responsible for investigating
9 corruption at this time?

10

A Yes, it is.

11

Q So what other agencies did they want you
12 to go to?

13

A Well, they didn't specify, but I had some
14 ideas of my own.

15

Q What was that?

16

A I went to the special prosecutor's office.

17

Q You did that on your own initiative?

18

A Yes, sir.

19

Q So essentially, Sergeant, what you're
20 saying is after you accumulated all of this evidence and
21 all of these allegations, your first request to IAD gets
22 the response of go elsewhere, we're not going to help
23 you?

24

A That's correct.

25

Q Was this your first attempt to solicit

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IAD's help in this investigation?

A My inclination is to say that it wasn't, but I couldn't say that with any sureness at this point. It's been a long time.

Q Well, I'll ask you was it the last time in your memory that you asked IAD for assistance during the course of this investigation?

A No.

COMMISSIONER: I'm sorry. You say this is the last time you ever asked IAD for help?

A No. I said to the best of my recollection (inaudible) it was the last time.

Q Not the last time. Did you continue your investigation despite IAD's refusal to assist?

A Yes, I did.

Q At that time in November of 1988, did yet another informant emerge about Michael Dowd and other cops in the 75?

A Yes.

Q Do you recall Mr. P?

A Yes, I recall Mr. P.

Q In sum and substance, Sergeant, can you tell us what Mr. P told you about the activities of 75th precinct police officers?

1
2 A Mr. P was another drug dealer. What was
3 so frightening about Mr. P was even though he mentioned
4 Mr. Dowd -- it seemed that everybody in the 75th precinct
5 knew about Mr. Dowd -- he mentions a second group of
6 cops, totally apart from this nightmare that I'm
7 investigating under the self-generated case. Now I'm
8 having thrust upon me yet a second group of cops also
9 working out of the 75th precinct that are trafficking
10 coke.

11 Q So now the investigation's expanding even
12 further for you?

13 A Yes.

14 Q Do you recall him naming five other police
15 officers in particular as being involved in the purchase
16 and sale of narcotics?

17 A Yes.

18 Q Do you recall him telling you that the cop
19 with the red Corvette is a drug runner for a Colombian
20 drug ring?

21 A Yes.

22 Q Who did you understand by that time the
23 cop with the red Corvette to be?

24 A Michael Dowd.

25 Q In November of 1988, where was Michael

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2 Dowd assigned?

3 A I believe by that time he had entered in
4 the alcohol recovery program, and I believe he could
5 possibly have been assigned to motor transport at that
6 time.

7 Q He was assigned, just for the record,
8 Department records show that he was assigned at the
9 Whitestone Pound.

10 A So he had already gone to Whitestone.

11 Q After Mr. P's information came into you,
12 do you remember receiving a call from the commanding
13 officer of the Whitestone Pound in that month of November
14 of 1988?

15 A Yes.

16 Q And was it with regard to Michael Dowd?

17 A Yes.

18 Q What did he tell you?

19 A He told me about Mr. Yerku now.

20 Q What did he tell you about Mr. Yerku?

21 A Well, he called me. I had contacted the
22 commanding officer of the Whitestone Pound because of the
23 fact that with Mr. Dowd assigned to the Pound made it
24 extremely difficult for me to do on-duty observations of
25 him. And my on-duty observations basically consisted of

1

2

3

4

5

6

driving along the Whitestone Expressway and finding a high rise across the Expressway and getting up on top of the roof of an eight story building with a pair of night glasses and watching him across the Expressway as he worked at the Pound.

7

8

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17

But in addition to doing that, I needed the assistance of the commanding officer, though I was reluctant to bring other individuals into it for security purposes, I needed that assistance to know of his movements, his meal periods, the hours that he worked, when he would take time off, things of that nature. And I received information from commanding officer that on a particular day during the course of normal activity at the Pound, somebody discovered Mr. Yerku roaming around inside a Police Department facility. And they grabbed him and they brought him to the commanding officer.

18

19

Q He was at the Pound? That was the facility he was at?

20

A He was inside the Whitestone Pound.

21

Q While Michael Dowd was there working?

22

23

24

25

A Yes. And eventually Michael Dowd did come into the commanding officer's office, and he said, you know, as it was relayed to me, he told the commanding officer that he had brought Mr. Yerku to the Pound with

1

2 him that day.

3

Q That Mr. Dowd did?

4

A Yes.

5

6 So, Sergeant Trimboli, now we have another
7 observation directly connected Michael Dowd and a police
8 officer convicted for the armed robbery, correct? We
9 have Walter Yerku now who is a known associate of Michael
Dowd based on your information.

10

A Yeah, that's true.

11

12 Q And this comes after you get allegations
13 with regard to five different police officers from Mr. P?

13

A Yes.

14

15 Q How many suspects are now included in your
16 self-generated investigation?

16

17 A I would say maybe twenty to twenty-five
18 people.

18

19 Q So, once again, the investigation was more
20 than just an investigation of Michael Dowd?

20

A Yes.

21

22 Q Do you know if the borough commander was
23 aware of the extent and nature of your investigation at
24 that time?

24

A Yes, he was.

25

Q Did the borough commander ever personally

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2 visit you with regard to this investigation?

3

4

A Which borough commander are we speaking of now?

5

Q I'm speaking about the chief (inaudible).

6

7

A No, he didn't visit me, but he came to the office, yes.

8

9

Q Could you describe the circumstances of that meeting?

10

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A Well, I arrived at work one morning, and I was advised by one of the detectives that the chief was in the rear office where I maintain my records, and the guy says, you know, you better get back there. The chief's been standing there for like ten minutes, and he hasn't moved a muscle, and he's staring at the wall.

So I go back there, and he doesn't move at all to acknowledge me. He's just there staring at the wall, but he does communicate to me. He says, sergeant, he says -- again, I'm not going to use the graphic language/ Basically what he says to me, what is this.

Q Referring to what?

A I had a board with the pictures of approximately twenty-five police officers assigned to the 75th precinct on it. And I said to him, I said, Chief, don't get excited. The majority of these individuals

1

2

have not been found at this point in time to have

3

committed a criminal act. These are just people that I

4

am looking at as part of an investigation either by their

5

association or some other connection with individuals

6

that I know to have been engaged in criminal activity.

7

I'm just looking at them at this point.

8

Q Why did you assume that the chief would be

9

excited when he saw your photographs and chart up on the

10

wall?

11

A If you're the commanding officer of a

12

borough and you walk into a place and you see the

13

photographs of twenty-five cops assigned to one command

14

on a wall, I'm sure that that would be an absolute horror

15

story for any borough commander.

16

Q And a threat to his career?

17

A Without a doubt.

18

Q Sergeant Trimboli, did he instruct you to

19

do anything with your diagram and your photographs?

20

A Yeah. He told me to cover it up

21

immediately.

22

Q Did you do that?

23

A Yes, I did.

24

Q Now, Sergeant, in November of 1988, as

25

your investigation expanded with the new information from

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2 Mr. P, the information about Mr. Yerku at he Pound, did
3 you once again in 1988, November of '88, ask IAD for
4 help?

5 A Yes.

6 Q Could you tell us the circumstances of
7 that?

8 A I have to --

9 Q You need to refresh your recollection?

10 A Yes, I do.

11 Q Go ahead. What do you have with you today
12 to do that, Sergeant?

13 A I have some worksheets that were provided
14 to me. If you specify which one you're talking about.

15 Q Are they your worksheets that you
16 presented at the time of the incident?

17 A Yes, they are.

18 Q The date of the worksheet, Sergeant, is
19 November 21 of 1988.

20 A Does it compare with the COFIAU and
21 COPBVN?

22 Q Yes, sir.

23 A Okay.

24 Q Do you recall debriefing your commanding
25 officer at the time with regard to the information that

1

2 you have been successfully developing during this time?

3

4 A Yeah. There here one refers to the
information received from the CO of the Pound.

5

6 Q Yes, and once you had that observation,
7 did that make you go to your CO and say, hey, I'd better
get on the horn with IAD again?

8

9 A I called my commanding officer, and I made
10 a phone call to staff, and I wanted to make IAD aware of
11 the fact that former police officer Yerku had been found
12 in a Police Department facility and that he had been
brought to that location by police officer Dowd.

13

14 Q At that time had a new patrol borough
commander been assigned to the Brooklyn North borough?

15

16 A Yes, that was Chief Gallagher.

17

18 Q Did you and your commanding officer confer
19 with Chief Gallagher with regard to your communications
20 with IAD?

21

22 A Yes.

23

24 Q Could you please describe that for the
25 Commission.

26

27 A Well, I called Captain Friedland who was
28 at Chief Gallagher's office at the time.

29

30 Q Now the Captain is the CO of the FIAU?

31

32 A Yes. I spoke to him and let him know what

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2 had occurred at the Pound, and he requested that I come
3 over to the borough immediately and that I speak to Chief
4 Gallagher about it, and I did. I went and I sat down in
5 the office with the Chief and with Captain Friedland. He
6 asked me some questions, and then Captain Friedland asked
7 me to give him a brief synopsis of exactly what had been
8 going on in the 75th precinct, and I did.

9 He turned and he said to Captain Friedland that
10 he felt that there was a need at that point in time to
11 set up a special team to do investigations in the 75th
12 precinct because obviously that there was a problem
13 there. He also said that he would like for us to request
14 a meeting with Internal Affairs that he himself could sit
15 in on.

16 Q So the borough chief is then asking you
17 and your commanding officer to make arrangements for a
18 chief in the Department to go to Internal Affairs to
19 speak about a corruption investigation.

20 A That's correct.

21 Q Rather unusual in your experience?

22 Q I hadn't had anything in my experience in
23 the Department before, so I don't know whether or not
24 that's unusual.

25 A Did you, in fact, try to make arrangements

1

2 --

3 A Yes.

4 Q to meet with IAD?

5 A I didn't, my captain did.

6 Q And what do you know about the result of
7 that?8 A My recollection is that the results were
9 that my captain was told that IAD saw no need to sit down
10 with the borough commander and discuss any of these
11 matters.12 Q And of these corruption investigation
13 matters?

14 A Yeah.

15 Q This is the second request then that the
16 FIAU, and in this case the borough commander, has made in
17 two months to IAD, and both of them were rejected?

18 A Yes.

19 Q What was your reaction when a borough
20 chief couldn't get a meeting over at IAD?

21 A I couldn't believe it.

22 Q I'm sorry, I didn't hear you.

23 A I could not believe it.

24 Q Why couldn't you believe it?

25 A I mean, we're talking about a chief, a

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2 borough commander. He's responsible for the uniformed
3 personnel in an entire borough. And if that doesn't
4 carry some weight in the Department, then a sergeant has
5 no hope in the world.

6 Q And at this particular point, he's got a
7 corruption problem on this hands, correct?

8 A He's got a big problem on his hands.

9 Q Where is the place he should go with this?

10 A Internal Affairs.

11 Q So no meeting with Chief Gallagher?

12 A No meeting.

13 Q No meeting at all in November of 1988?

14 A No, sir.

15 Q At this point, Sergeant Trimboli, did you
16 continue with your debriefings of Mr. A?

17 A Yes.

18 Q I like to direct your attention to
19 December of 1988. Did you have an opportunity to meet
20 and debrief him at that point?

21 A Talking about my meeting at the special
22 prosecutor's office?

23 Q Yes, sir.

24 A Yes.

25 Q At this point have you enlisted the aid of

1

2 the special prosecutor?

3

4 A I went to the special prosecutor's office.
5 Again, Internal Affairs had given me the green light to
6 go to an outside agency, and so I went to the special
7 prosecutor's office. And I spoke to people there, and I
8 appraised them of what was going on, and I told them that
9 I had an individual who was privy to operations involving
10 police officers in the 75th precinct and that I had spoke
11 to this drug dealer at length and that I felt that he was
12 somebody that the special prosecutor would be interested
13 in speaking to.

13

14 Q Was the special prosecutor cooperative in
15 trying to arrange the meetings for your with Mr. A?

15

16 A The special prosecutor told me, and he
17 eventually did make arrangements to have Mr. A removed
18 from a correctional facility and brought down to Rector
19 Street to be interviewed.

19

20 Q I'd like to stop you, Sergeant Trimboli,
21 and just summarize the amount of information that you
22 were able to generate with regard to the 75th precinct
23 corruption case. Since 1986, as we can see from the
24 chart, there are ten separate allegations involving
25 Michael Dowd and other members of the 75 up until
December of '88. In July and August of '88, three

1

2 members of the 75th precinct are arrested for armed
3 robbery, and we know that they're members of Michael
4 Dowd's crew.

5

6 You had information from Rivas, excuse me, from
7 Mr. R and Mr. Q that Michael Dowd and other members of
8 the 75th precinct were involved in protecting drug
9 organizations. You have information from Mr. A that not
10 only are they doing (inaudible), but they're also doing
11 armed robberies. Is all of that correct so far?

11

A That's correct.

12

13 Q You also have information from Mr. P that
14 a whole other group of 75th precinct police officers are
15 involved in drug sales and drug use, is that correct?

15

A That's correct.

16

17 Q You have information from your own
18 observation that Baron Perez knows Michael Dowd.

18

A Yes.

19

20 Q You have information that Walter Yerku was
21 at the Pound with Michael Dowd.

21

A Yes.

22

23 Q And would it be fair to say, Sergeant,
24 that all of this information and these observations are
25 sort of cross-corroborating each other?

25

A Yes.

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Q And are in many ways substantiating the

3

allegations that have been farmed out to the FIAU through

4

December of 1988?

5

A Yes, because some of these complaints

6

listed on the board specifically mention Officer Dowd.

7

Others are anonymous and do not name the specific

8

officer, but we know, based upon what we have, the

9

knowledge we've received from these individuals, we do

10

now have targets to apply these anonymous allegations to.

11

Q But nonetheless, the information you have

12

is, in fact, corroborating what were these anonymous

13

allegations or some of them were anonymous at least?

14

A Yes.

15

Q And despite two requests, one, in fact,

16

from a borough chief, IAD refused either to take over the

17

case or lend any assistance at this point.

18

A That's correct.

19

Q Were you at all, in the face of all of

20

this information, substantial evidence, that IAD closed

21

its investigation into Walter Yerku and the other members

22

of the 75th precinct?

23

A No, they never told me that.

24

Q For the record, on December 26 of 1988,

25

IAD confidential investigation unit number 1, based on

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Police Department records, closed its investigation into the 75th precinct police officers who were involved in that robbery. Sergeant Trimboli, were you provided with a copy of that closing report before appearing here today?

A December 27 of 1988?

Q Yes, sir?

A I have a copy here.

Q Have you had an opportunity to review that closing report?

A Yes, I have.

Q Do you see any significant omissions with regard to that closing report?

COMMISSIONER: Excuse me, I'm not clear. When did he first obtain this report? Is it something recent?

Q Sergeant, did you have an opportunity to see that report recently or had you had it all along?

A This was provided to me within the last forty-eight hours.

Q By investigators of the Mollen Commission for you to review it?

A That's correct. Yes.

Q Sergeant --

(inaudible dialogue)

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Q Sergeant, does Michael Dowd's name or any allegation about Michael Dowd appears anywhere in that closing report?

A Not to my knowledge, no.

Q Based on information that was available to you and that was available to IAD at the time, is that closing report a fair and accurate assessment of the information that obtained during the course of this investigation by IAD?

A Based upon the fact that I have been provided information by several sources that there was a relationship between the men who were arrested for this stickup and other members of the 75th precinct, including Michael Dowd, based upon that, this report does accurately, in my estimation, reflect what was going on at the time.

Q In fact, all of the information you were getting, you were providing on worksheets and sending over to IAD, is that correct?

A That's correct.

Q In January of 1989, were you continuing your investigation of Michael Dowd?

A Yes.

Q Did Michael Dowd take a trip in January of

1

2 '89 that was of significance to your investigation?

3

A Yes, sir.

4

Q What was that about?

5

A I received information from the commanding officer, again, at the Whitestone Pound that Michael Dowd had been talking around and indicated to several other individuals with whom he worked at the Whitestone Pound that he was planning a trip. And so I ventured to try and determine, well, where was he going and who was he going with. And eventually I made a visit to Kennedy Airport, and I was able to get somebody to provide me with that information, and I found out that he was making a trip to the Dominican Republic, and that he was taking one other individual with him on that trip.

16

Q Was this individual another police officer?

17

A That's correct.

18

Q So you had, again, another potential target in your investigation?

19

A Another new target, yeah.

20

Q The investigation continues to expand at this point.

21

A Yeah.

22

Q Are you able to do an surveillance of

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2 Michael Dowd -- by the way, where did Michael Dowd go on
3 this trip?

4

A Dominican Republic.

5

Q And, of course, all the allegations were
6 that he was associated with Dominican drug organizations,
7 correct?

8

A That's correct.

9

Q Were you there at the airport upon Michael
10 Dowd's return?

11

A No. I absented myself for specific
12 reasons.

13

Q What was that?

14

A Well, I had made contact with Customs
15 officials, and I arranged so that Michael Dowd and his
16 traveling companion would be tossed when they got off the
17 plane.

18

Q What was the result of that?

19

A No contraband was found.

20

Q Were you also told that someone in
21 particular --

22

MR. CHAIRMAN: Speak up, I'm sorry.

23

A I'm very sorry, sir. They were tossed --
24 what?

25

(inaudible comment)

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A They were searched. Customs advised me that as part of their normal procedure, they were allowed to remove a percentage of passengers from any returning planes from the Dominican Republic and ask them to step into another room and search them. And I asked if they would do me the favor and have these two particular individual included in that group, and they agreed to do that, and these individuals were searched.

Q Sergeant Trimboli, were you informed who came to pick up Mr. Dowd and his police officer companion at the airport?

A Yes. That was Walter Yerku.

Q Why was Dowd's trip to the Dominican Republic significant to your investigation? What did it tell you? What does it tell any internal investigator?

A Well, all the allegations here and all the people that I had had contact with during this investigation were Dominicans for the most part. And he's making a trip to the Dominican Republic, four-day trip, and my suspicions were at least aroused to the level where I felt that there was a need to look into this further.

Q What does it tell you about the means, the financial means available to Michael Dowd?

1

2 A Well, the trip in and of itself didn't
3 raise any question in my mind about his financial needs.

4 Q Did you find out where he was staying,
5 what kind of trip he had planned based on your
6 investigation?

7 A That required a little effort. I don't
8 know if you want me to go into that part of it now.

9 Q Well, just based on your general
10 information at the time.

11 A I found through sources that when he
12 arrived in the Dominican Republic, he was staying at a
13 resort that was \$500 a person per night.

14 Q Once again, did all of this, the trip to
15 the Dominican Republic, the place he was staying warn you
16 or persuade you that you had much more evidence of
17 Michael Dowd's connection to Dominican drug dealers at
18 this point?

19 A Yeah. And I guess that's evidenced by the
20 fact that I wanted them searched when they came back.

21 Q Now did you report that information to
22 IAD?

23 A They knew about the trip before [tape
24 change]

25 Q After Dowd gets back from the Dominican

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Republic with the other police officer, you're doing observations, as I understand from the records, out in Suffolk County at that point, is that correct?

5

A Among other locations, yeah.

6

Q And, again, on your own?

7

A Sometimes, yeah.

8

Q In your own vehicle?

9

A Yes, sir.

10

Q On your own time?

11

A Sometimes.

12

Q Did you make an observation of any

13

significance to the scope of your investigation in

14

February of '89 while you were surveiling one of the Dowd

15

residences?

16

A You're talking about the house on Wiley

17

Street?

18

Q I believe so, yes.

19

A Michael Dowd's house?

20

Q I believe so.

21

A Yeah. At that time during the course of a

22

weekend observation at Mr. Dowd's house, sometime after

23

8:30 at night, I'm not sure, this is five years ago, Mr.

24

Dowd stepped out of his residence to get into his red

25

Corvette, and the guy that stepped out of his residence

1

2 behind him was Walter Yerku.

3

Q Did you also at that time make an
4 observation at Dowd's brother's home?

5

A Yes.

6

Q What about that observation? Did that
7 implicate yet another police officer in this
8 investigation?

9

A Well, I came to know during the course of
10 the investigation that Michael Dowd had a brother who was
11 also a police officer and that he was assigned to a
12 Queens precinct and that his brother had a residence that
13 was maybe a half to three quarters of a mile from where
14 Mr. Dowd resided in Brentwood. So it was easy enough for
15 me if I was doing an observation at one location to jump
16 over to the other location and also do observations
17 there, go back and forth. And during the course of one
18 of my observations there, Mr. Yerku came out of Mr.
19 Dowd's brother's house.

20

COMMISSIONER TYLER: Forgive me, Mr. Armao, but
21 it's not clear to me, first of all, where were you doing
22 this?

23

A Suffolk County. Brentwood. I believe
24 that the town that they resided in is Brentwood, I'm not
25 sure.

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COMMISSIONER TYLER: And you're telling us about your own investigations, both on hours and off hours, in February of '89, correct?

A I believe so, yes.

COMMISSIONER TYLER: Approximately.

A Approximately, yes, sir.

COMMISSIONER TYLER: Is there any reason why you suddenly broadened your scope at that time?

A Two things sir. First of all, Mr. Dowd resided in Brentwood. Mr. Dowd resided in Brentwood.

COMMISSIONER TYLER: Yes.

A His brother resided in Brentwood.

COMMISSIONER TYLER: Right. I know that. That's why I'm asking?

A Why? Why am I including his brother?

COMMISSIONER TYLER: Is there anything that happened? Was this as result of the trip to the Dominican Republic?

A No, this was a result of my conversations with Mr. A. Mr. A implicated Michael Dowd's brother as being part of the group of individuals who were involved in the narcotics use and trafficking.

COMMISSIONER TYLER: Right. And you knew, in any event, by that time that Dowd had a brother, he lived

2 where he lived, and that he was a police officer.

3 A Correct.

4 COMMISSIONER TYLER: Thank you very much.

5 MR. CHAIRMAN: At that time had Yerku been
6 arrested?

7 A Yes. He had been arrested at that point
8 probably six to eight months prior to that time.

9 MR. CHAIRMAN: And during that period of time
10 after he'd been arrested, you saw him in the company of
11 Mr. Dowd?

12 A I had seen him in the company of Mr. Dowd,
13 and he had, in addition, been observed at the Whitestone
14 Pound in the company of Mr. Dowd.

15 (inaudible dialogue by Commissioners)

16 A Judge?

17 MR. CHAIRMAN: Yes.

18 A Just to clarify, these observations that
19 I'm speaking about are made after Mr. Yerku was arrested.

20 MR. CHAIRMAN: Yes, you've said that. That's
21 what I was concerned about, and you've answered that
22 question. Thank you.

23 A Right.

24 MR. CHAIRMAN: Mr. Armao, is this an
25 appropriate time to break?

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2

MR. ARMAO: Yes, Your Honor.

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MR. CHAIRMAN: Would you prefer to resume or
would you want to take a break at this time?

5

6

MR. ARMAO: We'll adjourn for five minutes,
Judge, ten minutes?

7

8

MR. CHAIRMAN: Ten minutes. We'll resume at
11:20.

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MR. ARMAO: Thank you.

(Whereupon a recess was taken.)

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Q Sergeant Trimboli, I'd just like to
recapitulate where we were before the break. I'd like to
direct your attention now to February of 1989 after Dowd
and his police officer companion come back from the
Dominican Republic. The information available to the
internal investigation apparatus of the New York City
Police Department is as follows. There are at least ten
separate allegations of serious corruption against Michael
Dowd and other members of the 75, is that right?

21

A That's correct.

22

23

24

25

Q You have information that three members of
the 75, both current and past, were arrested for armed
robbery of a drug location, is that correct?

A That's correct.

2 Q You have information from Messrs. R and Q,
3 specifically naming Michael Dowd and others as being
4 associated with drug traffickers.

5 A Correct.

6 Q You have information from Mr. A that
7 Michael Dowd and others are involved in drug activity as
8 well as doing armed robberies.

9 A That's correct.

10 Q You have information from Mr. P about a
11 whole other group of 75th precinct cops involved in
12 narcotics trafficking and drug use, is that correct?

13 A That's correct.

14 Q You also at this time have observations of
15 Walter Yerku at the Pound with Michael Dowd.

16 A Yes.

17 Q You have observations that Baron Perez
18 personally knows Michael Dowd, and you saw his red
19 Corvette inside Auto Sound City.

20 A Correct.

21 Q You also now have information that Michael
22 Dowd and yet another member of the 75th precinct took a
23 trip to the Dominican Republic.

24 A That's correct.

25 Q And all of this information is known to

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your commanding officers in the patrol borough?

A Yes.

Q And all of this information is known to the personnel at IAD.

A Excuse me, sir?

Q And all of that information is also known by personnel in IAD?

A Yes, they received copies of all my reports.

Q And in light of that information two requests to IAD were made for assistance, and both of them were rejected.

A That's correct.

Q Again --

COMMISSIONER TYLER: Before we go further, Sergeant, I just want to be sure that we have a complete story. Most of the conversation thus far has been in the last half of the last decade. With respect to a number of items, I'd be interested in what you can tell us about whether there've been any changes. You mentioned first that there was significant animosity between the FIAU and the IAD, again, in the 80's, and I'm interested in whether the Department has done anything to change that construct and reduce that animosity, to your knowledge.

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A Sir, I'm no longer a member of that

3

particular unit, and I haven't been for the past two

4

years, so I really don't know what I consider to be some

5

significant changes as it affects to relationship between

6

the two units.

7

COMMISSIONER TYLER: How about '90 or '91,

8

which we haven't gotten to yet? Was it pretty much the

9

same at the end of your tenure?

10

A Yes.

11

COMMISSIONER TYLER: And in terms of the

12

coordination between the Dowd investigation between the

13

IAD and the FIAU, was that also a similar, there was a

14

lack of coordination all throughout the period of time

15

that you were conducting your investigations?

16

A You're talking about my investigation with

17

Michael Dowd and other members of the 75?

18

COMMISSIONER TYLER: And, indeed, anything else

19

you might be able to tell us on a broader level, if

20

anything.

21

A I don't think it gets much broader than

22

that particular investigation, and I don't think you

23

could term the relationship as one of coordination.

24

There was no coordination. It was my investigation.

25

COMMISSIONER TYLER: That's what I understood.

2 In other words, there really was a lack of coordination
3 between what you were doing and the IAD, and that was a
4 continuing problem throughout the period that we're
5 talking about and, indeed, through the end of '91 or when
6 you left.

7 A Yeah. I discontinued my involvement with
8 that case in 1990.

9 COMMISSIONER TYLER: Very well.

10 MR. CHAIRMAN: You may resume, Mr. Armao.

11 Q At that time in February of 1989,
12 Sergeant, just to continue with the developments in your
13 investigation, as Judge Tyler mentioned before, when you
14 were doing the surveillances out in Suffolk County in and
15 around that time, did you notice whether or not another
16 police officer not assigned to the 75th precinct might be
17 involved with Michael Dowd and other members under
18 investigation by your?

19 A Yes, sir.

20 Q Again, without using the particular
21 officer's name, what did you observe while you were
22 surveilling out in Suffolk County?

23 A Again, to be perfectly clear, it was an
24 observation during which I observed a police officer, and
25 you're talking now about Brentwood, I assume.

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Q What I'm speaking about is did you make an observation of an association between Michael Dowd and a then current member of the Brooklyn North Narcotics Division?

A Not between Michael Dowd and a member of the Narcotics Division. It was not Michael Dowd.

Q Was it somebody else?

A It was somebody with whom I had observed Michael Dowd.

Q Was it the same police officer who accompanied Michael Dowd to the Dominican Republic?

A That's correct.

Q Did that have an impact on your view of the investigation knowing now there was a narcotics officer involved?

A We're talking about narcotics allegations here. The last thing I wanted to see was the even suspected involvement of a narcotics officers.

Q Did you eventually at some point report that information to IAD?

A Oh, yeah.

Q Before we get to that particular event, did you relationship with Mr. A, the informant, begin to develop at this time?

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A Well, aside from my initial conversation with Mr. A, I had several conversations with him in the presence of the special prosecutor, special prosecutor's office, and we did develop, as much as you can develop and trust a relationship with a drug dealer.

Q Did you then begin to formulate plans with the special prosecutor's office to use Mr. A in a covert capacity?

A Mr. A had provided information which lead me to believe that he had access not only to members of a Dominican drug cartel, but to a number of police officers assigned to the 75th precinct with whom he either, according to his own words now, either shared, distributed narcotics with, set up robberies with, etc. So he was a wealth of information as far as I was concerned, and he was a perfect individual to use to set up a scam in the 75th precinct.

Q By scam you mean a sting operation?

A Yes, sir.

Q Did you develop a plan to use Mr. A in that capacity?

A I tried to develop a plan, yes, sir.

Q Could you tell us the events of what happened with Mr. A once you found out he was willing to

1

2 wear a wire, so to speak, for you?

3

4 A Well, what happened was we had several
5 meetings at the special prosecutor's with Mr. A, and
6 initially, he withheld certain amounts of information.
7 It was quite obvious to me and quite obvious to the
8 special prosecutor that he withholding, and so we let him
9 sit on it a while and told him come back when he was
10 willing to be more forthright with us.

11

12 And his attorney later made arrangements for
13 him to meet with us on a second occasion, during which he
14 provided more information that we were looking for and
15 that we had already corroborated through either
16 independent observation or through other sources. And it
17 was at that point in time I asked Mr. A to demonstrate to
18 me his ability to contact the drug cartel.

19

20 Q Now that was in February of 1989, is that
21 correct?

22

23 A I believe so.

24

25 Q It was after Michael Dowd had come back
from the Dominican Republic?

26

27 A That's correct. Yes.

28

29 Q Were the drug traffickers Mr. A was
30 speaking about the drug traffickers you knew to be
31 associated with Michael Dowd?

32

1

2

A Yes.

3

4

Q So how did he demonstrate his ability to speak to these drug traffickers?

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A I had him make a phone call from the special prosecutor's office to a drug location in the 75th precinct, at which I knew through personal observation both of these drug traffickers to operate from.

10

Q Was he able to do that?

11

12

13

14

A He made the phone call, and he

demonstrated to both mine and the special prosecutor's satisfaction that not only did he know Mr. P, but he also knew the guy who was running the operation.

15

16

Q In fact, didn't he speak to Baron Perez on

the telephone?

17

A That's Mr. P, yes.

18

19

Q And when he made that telephone call, was

is to Auto Sound City?

20

A Yes, sir.

21

22

23

Q So at this point I would imagine that Mr.

A has a great deal of significance for the success of the investigation?

24

25

A Mr. A was a wealth of information, and he

was a direct link not only to the traffickers, but to the

1

2 police officers. You couldn't ask for a better contact.

3

Q So was he now your best hope at making a
4 successful case against Michael Dowd and the others?

5

A In my opinion at that time, yes.

6

Q After he had demonstrated that he had
7 access to these drug traffickers, did you inform IAD
8 about this?

9

A I discussed the matter with the special
10 prosecutor's office, and they told me that they would
11 agree to set up a scam or sting in the 75th precinct
12 using Mr. A and that I would coordinate or set up a
13 scenario where we would be able to use him, and the
14 entire idea was that I would use Mr. A to get us -- we
15 have two Mr. A's here, so I'm going to have a problem.

16

Q Well, why don't we speak about the Mr. A
17 who had access to Baron Perez, the one who told you about
18 the robberies and the drug traffickers.

19

A That's the guy I'm talking about. We were
20 going to use him to take another associate of Mr. Perez's
21 from Sound City.

22

Q Is that Adam Diaz?

23

A Yes, okay. Adam Diaz. We were going to
24 use Mr. A to set up Mr. Diaz, and once we took Mr. Diaz,
25 Mr. Diaz, we hoped, would be able to give us the entire

1

2 ring.

3

Q So it was your plan at that point to use Mr. A to get sufficient evidence over Adam Diaz, whom you knew to be a drug trafficker, to give you information about corrupt cops.

7

A Yeah. We felt that once we set a scenario up where we could take Mr. A down, Adam down, he would have no alternative but to give us the rest of the ring.

10

Q Now did you communicate this information to Internal Affairs?

12

A Through my commanding officer, yes.

13

Q And what was the result of that communication?

15

A I was advised that the Internal Affairs Division was totally against setting up any operation that would involve me being held accountable for removing a trafficker from prison to set up a scam.

19

Q So in other words, you encountered resistance from IAD in using a criminal informant?

21

A They didn't want me to be the one to sign Mr. A out. They didn't want me to be the one that would be held accountable for the comings and goings of Mr. A while he was out. They wouldn't be contrary to the operation, they said, as long as the special prosecutor's

25

1

2 office itself would take full responsibility on all
3 counts for Mr. A.

4 Q In your conversations with representatives
5 from the special prosecutor's office, were they willing
6 to meet those conditions and take responsibility?

7 A Yes.

8 Q Sergeant Trimboli, since the time you were
9 assigned to the FIAU, you've worked in other
10 investigative commands in the Police Department?

11 A Yes, sir.

12 Q Is it not a normal practice to use
13 informants in covert operations without requiring that
14 their use in some way meet conditions based upon another
15 agency's responsibility?

16 A Well, the only way I can answer that is by
17 saying that I've never been involved with an informant
18 where we needed to coordinate it with another agency.

19 Q How did you interpret IAD's conditions for
20 the use of Mr. A? What was the message it sent to you
21 personally?

22 A I had known based upon what had occurred
23 in the 77th precinct, I had known Internal Affairs to, in
24 fact, use drug operatives in the scam that they set up
25 there, so that I didn't understand their reluctance at

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2 that point in time to use Mr. A.c

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MR. CHAIRMAN: Sorry, I'd like to clarify one
4 thing. You referred a couple of times to using Mr. Diaz
5 to catch the ring or break up the ring. You're talking
6 about a ring of corrupt police officers, is that correct?

7

A That's correct, sir.

8

MR. CHAIRMAN: All right. You may resume, Mr.
9 Armao.

10

Q With regard to the events that were
11 happening in February/March 1989, did you eventually have
12 a meeting at the Internal Affairs Division regarding the
13 progress and state of your investigation at that time?

14

A Yes, sir.

15

Q Can you please tell the Commission how
16 that meeting was arranged?

17

A Well, I was told by my commanding officer
18 that my presence was requested at Internal Affairs to
19 discuss the status of my investigation.

20

Q And this was after the Internal Affairs
21 Division understood that you know had a "proactive"
22 informant available to you?

23

A Yes, sir.

24

Q Did you attend that meeting in Internal
25 Affairs?

1

2

A Yes, sir.

3

Q And was that on or about March 9 of 1989?

4

A At around that period of time, yes. I

5

don't remember the exact date.

6

Q Who attended the meeting with you?

7

A I was taken there by my captain.

8

Q And what was the purpose of the meeting as

9

you understood it?

10

A As I understood the meeting, it was to

11

review the status of my investigation to that point.

12

Q Was that the first time that you ever had

13

a meeting in your experience with Internal Affairs to

14

give them a progress report directly, that's face to

15

face, on an investigation?

16

A It was the first time that I sat down with

17

a number of individuals that were present, yes.

18

Q Were there top ranking members of IAD

19

present at this meeting?

20

A Yes, sir.

21

Q Could you describe for the Commissioners

22

what happened once you arrived at Internal Affairs that

23

day?

24

A When I arrived at Internal Affairs with

25

the captain, I was told to sit out in the hallway, and

1

2 the captain was brought into a room, and he was in the
3 room for a brief period of time. And when he came out of
4 the room, I was motioned to come into the room, and the
5 first thing that happened when I got into the room was I
6 was accused of trafficking drugs from South America.

7

Q By whom were you accused of trafficking
8 drugs from South America?

9

A An inspector of the New York City Police
10 Department.

11

Q Assigned to what division?

12

A Internal Affairs.

13

Q What were you asked at this meeting,
14 Sergeant Trimboli? And who asked you?

15

A Well, at the meeting there were, to the
16 best of my recollection -- and, again, I couldn't even
17 tell you the names of all the individuals present, I know
18 some of them -- but there were chiefs, there were
19 inspectors, and there were several captains present at
20 that meeting.

21

Q What happened when you were summoned in?

22

A Well, after they accused me of making
23 numerous trips to South America myself and alluded to the
24 fact that I was doing very well financially, and the
25 stupidity of the whole thing was that they referred to a

1

2 \$35.00 Rolex that I was wearing as evidence of my drug
3 trafficking escapades.

4

5 They then started to review my investigation
6 with me, and instead of reviewing the case, they started
7 to berate me as to the progress that I had reached to
8 that point in time, telling me that I had been unable at
9 that point in time to gather one iota of criminal
10 evidence against any of the people that I was alleging
11 were involved in this drug conspiracy. Nobody made
12 mention of the fact that I was the only one investigating
13 this drug conspiracy.

13

14 I let them say what they had to say, and now
15 that they had me wound up, I decided to aggravate them a
16 little bit more. So I provided them with the names of
17 two other individuals, two more people, that I had
18 observed associating again with people that I was looking
19 at, and these two individuals were assigned to Brooklyn
20 North Narcotics. So in unison so all the people present
21 pulled their pens out of their pockets and copied down
22 the names of these two officers and requested their tax
23 numbers. Everybody has a tax number in the Department as
24 a means of identification, and I provide that to them,
25 and they wrote that down. And they said thank you very
much, and they told me to step out of the room.

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Q So the extent of your involvement in this meeting was, one, to be berated and accused of being a drug trafficker, and the second, to give the names of two other potential targets of the investigation.

A If they were calling me a drug trafficker, they didn't say you're a drug trafficker. They just alluded to the fact that since we were there and they were aware that Michael Dowd had just come back from South America and that I was implying that was involved with drug traffickers, they were now telling me or inquiring as to how many trips to South America I had made. So I guess that is an assumption on my part. That's the way I took it.

Q Do you know whether or not your commanding officer asked IAD for assistance at this point or asked them to take over the case?

A I couldn't answer that because I was asked to leave the room.

Q Do you know whether or not there was any discussion on the planned use of the informant Mr. A?

A I don't remember the discussion taking place at that meeting. I remember sometime after that a discussion about using an informant taking place at the offices of FIAU, yes.

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Q And with whom did you have that discussion?

A With my commanding officer.

Q Did he then relay information from IAD to you about using Mr. A?

A Again, they put the conditions on it that the special prosecutor would have to take full responsibility for Mr. A if he were to be removed from prison and used in any sort of a sting and that IAD would consider providing an undercover, excuse me, providing an uncover to work with Mr. A if that came about.

Q Mr. Chairman, I think at this point we will adjourn for the lunch break, if the Commission so --

MR. CHAIRMAN: We'll break now. We'll try and make it a short break and resume at 12:45.

(Whereupon a luncheon recess was taken.)

MR. CHAIRMAN: Mr. Armao, you may proceed.

Q Thank you, Mr. Chairman. Sergeant

Trimboli, just to resume where we were before the lunch break, in the beginning days of April of 1989, you stated that you had the use of Arroyo in a covert operation. Would you describe this time as the potentially most productive time of your 75th precinct investigation?

A That's correct.

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Q On or about April 4 of 1989, did you have a conversation with your commanding officer regarding a new assignment other than the 75th precinct?

A Yes.

Q Could you describe for the Commissioners what were the conditions?

A My commanding officer told me that he had been in contact with borough commander and that some new information had come to light on an unrelated matter.

Q What was that unrelated matter?

A My commanding officer told me to go out with him and take a walk through the park because he didn't want to talk in the building.

Q Was that unusual that he should ask that?

A I never took a walk with anybody in the park before.

Q Well, when you walked through the park, what did you commanding officer tell you?

A He told me that the borough commander had received information at a cocktail party from an unidentified source that a 77 precinct-type scandal was about to erupt in the 79th precinct in Brooklyn.

Q Did your commanding officer tell you who he got that information from?

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A No, in fact, I asked my commanding officer after he gave me all the information at his disposal to make this individual available to me because I wanted to question him at length, and I was told that this individual would not be produced.

Q Why would this information or this individual not be produced?

A I was not made privy to the reason. I was just told that I would work on what I had been given to that point in time, and that was it.

Q Was the assignment you received directed by the Chief of the Patrol Borough?

A That's correct.

Q Through your commanding officer to you?

A Directly to me. I was taking by my commanding officer to the Patrol Borough Headquarters and specifically given the information from the Chief himself.

Q At this point were you reporting all of the developments in the case we just described during the course of your morning testimony through your commanding officer?

A That's correct.

Q And does your commanding officer report

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directly to the Chief of Brooklyn North Patrol Borough?

A That's correct.

Q Did you report the fact --

COMMISSIONER: Excuse me one second.

(inaudible dialogue)

A Yeah. Everything was reported to my commanding officer, I said, on written reports, and he referred all the information to the Borough Commander.

Q And at that time you commanding officer was aware of the fact that you had the planned use of Mr. A in this undercover operation?

A That we anticipated using Mr. A in an undercover operation, yes.

Q Sergeant Trimboli, what was your reaction to this new assignment?

A Well, first of all, I didn't want the assignment, obviously, because I had the 75, and second of all, I related to my commanding officer that I felt that the order I was being given was illegal.

Q Illegal in what sense?

A The allegations that I was being asked to investigate were criminal conduct, and I could not investigate these allegations without them first being referred to the Internal Affairs Division. And if the

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Internal Affairs Division decided that they were not going to investigate this here, they would have to give it a corruption or C number and refer it back to my unit for investigation. But I could not circumvent the process by taking on an investigation without so advising IAD first.

8

Q Was IAD ever advised of this, do you know?

9

A They were advised of it in the sense that

10

worksheets were forwarded to them, yes.

11

Q Was a C number ever applied to this case,

12

to your knowledge?

13

A No, sir.

14

Q And a C number means a corruption

15

allegations?

16

A It means that the case, the information

17

was sent to IAD, they reviewed it, they made a conscious

18

decision whether or not they intended to take an

19

investigation, and if they determined not to take that

20

investigation, they were then referring it to my unit for

21

investigation.

22

Q Did the chief at that time and your

23

commanding officer ever explain why they chose that

24

moment, the moment in time that was potentially most

25

productive for the 75th precinct investigation, to assign

1

2

to you what is allegedly another precinct-wide investigation?

3

4

A No, sir.

5

6

Q Were you able ever to interview the informant who had given this information?

7

A No, sir.

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COMMISSIONER TYLER: So let me understand. It wasn't just that you were assigned to this 79th precinct investigation, it was that at the same time you were taking off the 75th precinct investigation?

A They didn't put it in terms that I would be taken off the 75th precinct, they told me that I would have to divert some of my attention away from the 75th precinct.

COMMISSIONER TYLER: I see. Thank you.

Q And facing the commands the chief and your commanding officer, did you initiate an investigation into the 79th precinct?

A Yes, sir.

Q And once again, the allegations as you understood them were corruption and crime allegations?

A They were drug-related allegations.

Q Were you ever told that the allegations involved any racial divisions among police officers in

1

2 the 79 or --

3 A No

4 Q -- was it your understanding that it was
5 crime related?6 A My understanding, and I was told directly
7 by the chief and my commanding officer, that it involved
8 members of specialized units in the 75 precinct ripping
9 off drug operations.10 Q Sergeant Trimboli, did you conduct that
11 79th precinct investigation?

12 A Yes, sir.

13 Q And approximately how long did it take
14 you?

15 A Six to eight weeks.

16 Q During that time, did you also work
17 somewhat on the 75th precinct investigation?

18 A I did do some work at the 75, yes, sir.

19 Q At the conclusion of your six weeks of
20 investigation into the 79 precinct allegations, what were
21 the results? Did you find any of these charges
22 substantiated?

23 A No, sir.

24 Q When you were take for the walk by Captain
25 Friedland, when you were spoken to by the chief at the

1

2 time, and when you weren't able to meet the informant,
3 did you have any understanding in your mind that you
4 developed about why you should receive this new
5 assignment at this particular time?

6

A I was confused as to why it was being
7 given to me. I was one person, I was doing an
8 investigation they were well aware of, and there were
9 nineteen other investigators or more in the office that
10 it could have been given to.

11

Q Have you reached a conclusion today or do
12 you have an opinion today about why you were assigned
13 this investigation?

14

A The appearance I would have to say, based
15 upon what I now know today in hindsight and plus my gut
16 feeling, at the time I was conducting a joint
17 investigation was that doing the 79, being assigned to do
18 the 79 precinct, I was being hindered for whatever reason
19 from doing my job in the 75th precinct.

20

Q As time went on after the 79th precinct
21 case, did you continue your investigative activities into
22 the 75 precinct?

23

A Yes, sir.

24

Q Did you ever get a chance to use Mr. A in
25 an undercover capacity?

1

2

A Excuse me?

3

Q Did you ever get the opportunity to use

4

Mr. A in an undercover capacity?

5

A No, sir.

6

MR. CHAIRMAN: Sergeant, you indicate that now in hindsight you feel that it was inappropriate or wrong to take you off the 75 or at least to divert you from the 75 to the investigation into the 79th, is that correct?

10

A Yes, sir.

11

MR. CHAIRMAN: Do you recall at this time what you believed at that time when that transfer was made when you were asked to undertake the 79th precinct? Did you have a reaction within yourself as to why you were being diverted to that precinct?

16

A Judge, as I said, initially when they gave me that investigation, I felt it was illegal. And after I started doing that investigation and I was sitting in unmarked autos in East New York and Bed-Stuy for hours at a time finding absolutely nothing, I came to question why I was sitting where I was sitting.

22

MR. CHAIRMAN: You mean instead of working on an active investigation which you were involved at the 75?

24

25

A Instead of working on an active

1
2 investigation with name individuals who I had information
3 were involved in a criminal conspiracy, I was chasing a
4 precinct where I had not been allowed to interview the
5 person who had helped initiate that investigation, and I
6 had no named people to look at. It made no sense to me
7 at all.

8 MR. CHAIRMAN: Thank you, Sergeant. You may
9 proceed.

10 Q Sergeant Trimboli, I'd now like to direct
11 your attention later on in the year in 1989.
12 Specifically, in October of 1989, did you get information
13 that Michael Dowd's former partner, Mr. Eurell, was
14 applying for pension disability?

15 A Yes, sir.

16 Q And as a result of that, did you make a
17 trip to IAD?

18 A Yes, sir.

19 Q What was the purpose of your trip to IAD?

20 A I went to Internal Affairs with the
21 commanding officer of my unit to review a case folder, an
22 IAD investigation.

23 Q Do you remember what investigation that
24 was?

25 A I believe it may have been Walter Yerku

1

2 investigation.

3

Q Were you reviewing the file of the Walter
4 Yerku investigation in order to get information on Mr.
5 Eurell for a particular purpose?

6

A Well, Mr. Eurell had applied for a
7 disability pension, and I realized that at that point in
8 time that I only had a short period of time left during
9 which I would be able to deal with Mr. Eurell before he
10 would be able to get out of the Police Department with
11 three-quarters, tax free pension, and I wouldn't be able
12 to touch him any more. That's why I went to review the
13 folder.

14

Q When you got to IAD, was the case agent,
15 the IAD investigator who was supervising that case,
16 available to be interviewed by you?

17

A No, sir.

18

Q Did you ask to see him?

19

A I was told he was unavailable.

20

Q What was the condition of the
21 investigative folder?

22

A Let me just preface that by saying what an
23 investigative folder is, okay. Can I have that latitude?

24

Q Thank you.

25

A An investigative folder is one in which

1
2 during the course of your investigation you incorporate
3 each individual worksheet on each item you do during the
4 course of your investigation. Those worksheets are
5 listed on an index, dated, and signed. At the conclusion
6 of that investigation, as I mentioned earlier, there is
7 also a closing, which is a synopsis of all the steps
8 taken during the course of that investigation.

9 The folder that I was shown consisted of no
10 index, no numbered worksheets, three-quarters of the
11 worksheets were unsigned by either an investigator or a
12 supervisor. The captain who was with me asked me at one
13 point what I thought of the case folder and the
14 individual who happened to be standing there providing us
15 with worksheets as we went along. And we had asked that
16 person at one point in time if he could provide us with
17 any input into this case folder, and he said no, he
18 really couldn't because he really hadn't participated in
19 the investigation.

20 And my captain said to me, Joe, he says, what
21 do you think about all this. I says besides the
22 disrespect being shown to a captain to present him with a
23 farce of a case folder like this, this man here is a
24 liar. He's saying that he didn't participate in this
25 investigation, and, therefore, he couldn't provide any

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information. However, his names appears on three-
quarters of the worksheets as the accompanying
investigator.

Q Sergeant Trimboli, why was that case
folder in your estimation and based on your experience as
an internal investigator a farce?

A As I said, it was indexed, the worksheets
weren't signed, there were a lot of things missing.

Q Do you believe that was an attempt to
deprive you of information that may have been necessary
to your investigation?

A I believe I was provided with other than
the case folder that was the actual case folder for that
investigation.

Q Sergeant Trimboli, to the best of your
recollection, when you went to IAD at that meeting, did
you learn about other information that IAD had with
regard to 75th precinct investigations that was never
made available to your previously?

A Yes, sir.

Q I have a worksheet here that's dated
October 24 of 1989, Sergeant Trimboli. Were you ever
told --

A Let me just get that worksheet, okay?

1

2 October 24?

3 Q Yes, sir.

4 A Yes.

5 Q When you were in IAD in October of 1989,
6 you had already been conducting your self-generated case
7 for well over a year, isn't that correct?

8 A That's correct.

9 Q Did you learn for the first that IAD had
10 generated information from a confidante of Walter Yerku,
11 that there were twenty to twenty-five cops assigned to
12 the 75th precinct who were systematically robbing drug
13 dealers?

14 A That's correct.

15 Q Do you recall seeing information that on
16 one occasion Michael Dowd, this informant, this
17 confidante of Walter Yerku, was informing that Walter
18 Yerku went to a drug location to pick up a drug package
19 for Michael Dowd?

20 A That's correct.

21 MR. CHAIRMAN: Keep your voice up please,
22 Sergeant.

23 A That's correct.

24 Q Did you also discover at that time,
25 Sergeant Trimboli, that this confidante of Walter Yerku

1

2 who had filed harassment charges against him had been
3 called up on the telephone by Michael Dowd and told to
4 drop the charges?

5 A That's correct.

6 Q And were you also told that a Detective
7 Wizer once overheard Walter Yerku say that after he was
8 arrested on that harassment charge, "If this isn't
9 handled right, I'll call Hines and blow the whistle."

10 A That's correct.

11 Q Sergeant Trimboli, would not this
12 information have been very significant for you to have
13 known as least a year before you found out about it by
14 chance at IAD in October of '89?

15 A Absolutely.

16 Q Have you come to any conclusion why IAD,
17 fully aware that you were conducting a self-generated
18 investigation into precinct-wide corruption in the 75
19 precinct, would withhold this information from you?

20 A This is part and parcel of the behavior of
21 the people who ran IAD at that particular time towards
22 the people who worked in the Field Internal Affairs Unit.
23 I can find absolutely no reason why that unit would
24 withhold from me information germane to my investigation
25 for over a year.

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Q In October of 1989, did you make an

attempt to debrief Walter Yerku while he was incarcerated
for the robbery charge?

A Yes, sir.

Q What was your reason for waiting to
debrief Mr. Yerku?

A Quite obviously, during the course of this
hearing, you've been that I made attempts to approach
informants, pick up witnesses, and everything seemed for
one reason or another to fall by the wayside. Walter
Yerku was a stickup man. Walter Yerku was a close
confidante of Michael Dowd. Walter Yerku was now
incarcerated doing time by himself. And so I felt that
Walter Yerku was ripe to be approached.

Q Did you make arrangements to interview
Walter Yerku at some point?

A A fellow investigator in my office came to
me and told me that he was going to have occasion to
interview Mr. Yerku on the following day on an unrelated
matter, and he asked me if I wanted to participate in the
phone call, and I told him, of course, that I did. And
the call was made, and I spent some time on the phone
with Yerku during which he let me know how he was doing
time, and he didn't appreciate that he was doing time and

1

2 somebody else was out free roaming around, do you know
3 what I mean.

4 And I got off the phone and picked it back up,
5 but my partner was on the other end continually talking
6 to him, and Mr. Yerku made a statement, I know what you
7 want, and if you come up here and you talk to me, I'll
8 give you the man in the red Corvette.

9 Q Who did you understand that to be?

10 A Michael Dowd.

11 Q Did you notify IAD that you had an
12 intention to debrief Walter Yerku about his knowledge of
13 police corruption?

14 A I notified our commanding officer who in
15 turn notified IAD.

16 Q What was IAD's reaction to your plan?

17 A They wanted to know under what
18 circumstances we had occasion to all of a sudden be
19 contacting Walter Yerku, and when we told them that we
20 were going to make a trip upstate to speak with him at
21 the correctional facility where he was doing time, they
22 told us that they would get back to us on that, to hold
23 off.

24 After that, we were called and notified through
25 our commanding officer that IAD had decided that they

1

2 were going to be the ones to go up and conduct this
3 particular interview, and that we would be left behind.
4 In fact, we would hold the investigation in abeyance as
5 such time as they got back to us with the results of
6 their interview.

7

Q So you were ordered by IAD to suspend your
8 investigation while they did this interview?

9

A Yes, sir.

10

Q Were you invited to participate in this
11 debriefing interview?

12

A No, sir.

13

Q Did you eventually get notified of the
14 results of this debriefing?

15

A Yeah. We had to initiate a phone call to
16 them sometime later. They didn't get back to us.

17

Q How long did it take you to get the Yerku
18 debriefing information?

19

A Well over a month.

20

Q When you got the information, did you
21 notice anything unusual about it? I imagine it was given
22 to you in the form of an IAD worksheet?

23

A I received a worksheet, and the only thing
24 missing from the worksheet was the one thing that we
25 wanted to go pu there for and that was Michael Dowd.

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Q You mean to say there was no mention of Michael Dowd in the debriefing?

A None at all.

Q Did you inquire as to why there was no mention of Michael Dowd?

A Yes, sir, and we were told that Mr. Yerku had made no mention at all of Mr. Dowd, so they didn't initiate anything.

Q You mean they didn't ask about Michael Dowd?

A No.

Q Sergeant Trimboli, after that event, did you continue your investigation and your surveillances?

A Yes, sir.

Q Were you, again, on your own?

A Yes, sir.

Q Using your own private car?

A Yes, sir.

Q Did you get cases reassigned from you so that you could devote more time to the investigation at this stage?

A No. It was at this point in time that the feeling in the office was that my investigation in this matter was winding down, so to speak, and I was starting

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to be given other cases and other duties and responsibilities in the command.

MR. CHAIRMAN: Can we set the date for that? When you say at this time, approximately when was that?

A I would imagine it had to be late summer, early fall '89.

MR. CHAIRMAN: Thank you.

Q And from the fall of 1989, when did your investigative activity more or less cease on your self-generated case and your other investigations into Dowd and his colleagues?

A The investigations began to close, if that's what you're making reference to?

Q When did the investigation close?

A I believe they began to close in December of '89 and January and February of 1990.

Q In 1990?

A Yes, sir.

Q Sergeant Trimboli, just one other matter before I go to this chart. The allegations that Walter Yerku gave that did not include Michael Dowd, did IAD follow up on those allegations?

A No, they gave them to me to investigate.

Q Sergeant Trimboli, once again I'd like you

1
2 to look at the chart that's behind me, if you would. If
3 you look at the case definitions, the allegations, do
4 they fairly and accurately represent the allegations that
5 you and others investigated with regard to the 75th
6 precinct?

7 A To the best of my knowledge, I believe
8 they do.

9 Q Sergeant Trimboli, with regard to the
10 first allegation, Officer Dowd and his partners steal
11 money from drug dealers, DOA's, what was the disposition
12 of that case?

13 A Unsubstantiated.

14 Q Did you know of other misconduct during
15 your investigations?

16 A Yes, sir.

17 Q And what was that?

18 A We gave Mr. Dowd charges for leaving his
19 assigned post while in uniform, operating his vehicle,
20 his private vehicle in uniform while on duty, and for
21 failing to safeguard his radio.

22 Q But essentially the original allegation
23 was unsubstantiated which means (inaudible), correct?

24 A That's correct.

25 Q Would you please --

2

MR. CHAIRMAN: Sergeant Trimboli, who made that

3

determination to close the case in that manner?

4

A Excuse me, sir?

5

MR. CHAIRMAN: Who made the decision to close

6

that complaint --

7

A The self-generated case itself?

8

MR. CHAIRMAN: That particular charge.

9

A That particular case itself was closed

10

with other misconduct noted, misconduct being what I just

11

stated.

12

MR. CHAIRMAN: You know who made that decision

13

to close it that way?

14

A That was a normal thing that was done in

15

the office. He was observed over a period of time. No

16

information was found on the original allegations, other

17

misconduct was found and noted, and he was charged with

18

it, and that investigation was closed.

19

MR. CHAIRMAN: Thank you.

20

Q The second allegation --

21

MALE SPEAKER: Excuse me, one second. One

22

minute.

23

(inaudible dialogue)

24

Q The second allegation, Officer Dowd --

25

MALE SPEAKER: Excuse me. I like him to

1

2 amplify his response to Judge Mollen with respect to who
3 made the decision to close the particular complaint.

4

A The decision a to the closing the case as
5 it actually pertained to the initial allegations is made
6 by the superior officers. That's not my conscious
7 decision.

8

MR. CHAIRMAN: You say your superior office,
9 you mean within the FIAU?

10

A That's correct, sir.

11

MR. CHAIRMAN: Thank you. Thank you for the
12 clarification.

13

Q And then, Sergeant, they're reviewed by
14 IAD and approved as a closed case, correct?

15

A That's correct.

16

Q The second allegation, Officer Dowd and
17 other officers used excessive force, do you know how that
18 investigation was closed?

19

A Unsubstantiated.

20

Q The allegation that 75th police officers
21 frequent a drug location, how was that allegation closed?

22

A Unsubstantiated.

23

Q The allegation that Officer Dowd and his
24 partner accept \$8,000 a week from drug dealers, how was
25 that closed?

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A Unsubstantiated.

Q The allegation that 75th precinct police officers drink and used drugs at Auto Sound City, how was that closed?

A Unsubstantiated.

Q The allegation that Officer Dowd deals drugs and lives beyond his means, how was that closed?

A Unsubstantiated?

Q The armed robbery case, you said before (inaudible)?

A Yes, sir.

Q Was Michael Dowd even charged in that case?

A No, sir.

Q Your self-generated case into precinct-wide corruption in the 75 precinct, how was that closed?

A Unsubstantiated.

Q An allegation that Officer Dowd's PBA card was found was recovered from a (inaudible), how was that closed?

A Unsubstantiated.

Q The allegations from Mr. P, that 75th precinct police officers purchase and sell drugs, how was that closed?

1

2

A Unsubstantiated.

3

4

Q An allegation that Dowd and his partner
sell drugs, how was that closed?

5

A Unsubstantiated.

6

7

Q The Yerku allegations, that police
officers engaged in drug activity, how was that closed?

8

A Unsubstantiated.

9

10

11

Q The allegations from (inaudible)
informant, that he observed Officer Dowd using drugs
while in Auto Sound City, how was that closed?

12

A Unsubstantiated.

13

14

Q (inaudible) alleged that Police Officer
Dowd worked for a drug ring, how was that closed?

15

A Unsubstantiated.

16

17

Q Were you investigating Officer Dowd while
he was in the 94 precinct?

18

A Yes, sir.

19

20

Q Were you aware of the allegation that he
accepted liquor from a bar owner?

21

A Excuse me, sir?

22

23

Q Were you aware of the an allegation that
he accepted liquor, whiskey, from a bar owner?

24

A No, sir.

25

Q Remove the chart, please. That was also

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closed as unsubstantiated. You should note for the

Commissioners that the federal informant alleged that

Officer Dowd worked for a drug (inaudible) was opened as

an IAD preliminary case and never substantiated.

Finally, on May 6 of 1992, after all of these allegations

go unsubstantiated, Sergeant Trimboli, is Officer Dowd,

to your knowledge, finally arrested?

A Yes.

Q And by whom is he arrested?

A Suffolk County.

Q All of these allegations were all

investigated as indicated by the FIAU, except where

indicated otherwise?

A Yes, sir.

Q That is, one man, one car, and a pair of

binoculars and not much else.

A For the most part, yes.

Q Sergeant Trimboli, in the Police

Department's report on the Dowd investigations, the

Department indicated that a failure to apprehend Michael

Dowd was the result of the failure of the NYPD's internal

investigations apparatus to coordinate and share critical

information. Do you agree with that?

A Absolutely.

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Q Based on your first-hand experiences in

3

conducting these investigations, have you reached a

4

conclusion that there were other reasons that the NYPD

5

was unsuccessful in apprehending Michael Dowd?

6

A I believe, based upon my experience, and

7

obviously this is something that was discussed in my

8

office among investigators who were aware of what I was

9

involved in, that there was a lack of resolve to go after

10

these individuals because it would involve initiating a

11

scandal to what had occurred in the 77th precinct and

12

that it would be a tremendous embarrassment to the New

13

York City Police Department.

14

Q I like to ask you two questions that you

15

were asked when you were interviewed for the Department's

16

report on the Michael Dowd investigations. First, you

17

were asked your opinion on the following allegation. The

18

Dowd investigation was mishandled because high ranking

19

members of the Department wanted to avoid creating

20

scandal and protect their careers. At that time you

21

stated you had no opinion. Do you have an opinion today?

22

A Yes, sir.

23

Q What is your opinion?

24

A My opinion is that they did not want this

25

investigation.

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Q This investigation to succeed?

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A They did not want this investigation to exist. They wanted it to go away.

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Q Second, you were asked your opinion about the following statement. The Internal Affairs Division handling of the Dowd investigation shows a trail of bureaucratic blunders and bureaucratic foul ups which cast doubt on IAD's ability to police the police force. At the time your responded I think I better not have an opinion on that one. Do you have an opinion today?

12

A Yes, I do.

13

Q What is your opinion?

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A I believe that if we look at the history of the New York City Police Department and you go back one century, back in 1895, Teddy Roosevelt became one of, at that time, four New York City Police Commissioners. And part of his program was that he was going to route out corruption in the New York City Police Department. It's been ninety-eight years, and here we are again for maybe the third or fourth time as far as I can remember. I believe there has to be some sort of a safeguard established, possibly outside the realm of the Department itself, to monitor activities within the Department.

Q Sergeant Trimboli, what is your single

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2 greatest regret from your experiences as a police
3 corruption investigator?

4 A Obviously, the greatest regret is that I
5 was unable to stop Michael Dowd, the people who I knew he
6 was associated with, the people who I suspected he was
7 associated with, and the people who I was unsuccessful in
8 ever identifying or associated with him.

9 Q Mr. Chairman, that concludes the staff's
10 examination of Sergeant Trimboli.

11 MR. CHAIRMAN: Sergeant Trimboli, I would just
12 like to say on behalf of the Commission that you deserve
13 the commendation and gratitude of the people of the City
14 of New York. Thank you.

15 A Thank you, sir.
16 (inaudible dialogue)

17 A I want to make a statement.
18 (inaudible dialogue)

19 A Later I'm going to make a statement to the
20 press.
21 (inaudible dialogue)

22 A If they have any questions. I don't know.
23 Do they have any questions?
24 (inaudible dialogue)

25 MR. CHAIRMAN: Thank you very much. Your

1

2 examination's completed. Again, our thanks.

3

A Thank you.

4

MR. CHAIRMAN: Thank you, Mr. Genovese.

5

MR. ARMAO: Mr. X, I would ask that Mr. X
6 stand. Mr. Chairman, would swear in the witness, please.

7

MR. CHAIRMAN: Do you solemnly swear or affirm
8 that the testimony you're about to give will be the
9 truth, the whole truth, and nothing but the truth, so
10 help you God?

11

MR. X: Yes, I do.

12

MR. CHAIRMAN: Thank you. Be seated please.

13

EXAMINATION OF MR. X

14

BY MS. CORNFELD

15

Q You have asked that your identity not be
16 disclosed at these hearings today, is that correct?

17

A Yes, ma'am.

18

Q You will, therefore, be referred to as Mr.
19 X through today's testimony, is that understood?

20

A Yes, ma'am.

21

Q Mr. X, why have you requested that your
22 identity be concealed today?

23

A For several reasons. One, personal
24 safety, and two, because I'm still openly involved with
25 investigations with law enforcement agencies, and I

1

2 wouldn't want to compromise --

3

4 MR. CHAIRMAN: Would you try speaking into the
5 microphone, please.

6

7 Q (inaudible) mike. We're having
8 (inaudible) hearing you.

9

10 A You need bigger mikes.

11

12 Q Speak in the mike, it should be
13 sufficient. So I'd like to ask you this then. Given
14 those reservations, why are you testifying here at all
15 today?

16

17 A Primarily because I think the public needs
18 to know what goes on in the Police Department and in the
19 Internal Affairs Division.

20

21 Q Has this Commission made you any promises
22 or guarantees regarding your testimony today?

23

24 A No, they haven't.

25

26 Q Could you explain to the Commissioners and
27 the public what it is that you do in connection with law
28 enforcement?

29

30 A I'm a confidential operative. I go into
31 places where primarily law enforcement officials,
32 officers could not infiltrate because of my ties with the
33 community, and I have a free realm of a lot of
34 activities.

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Q Can you tell us generally what law enforcement agencies you have worked for over the past years without revealing any information that would disclose your identity?

A The Federal Bureau of Investigations, the Drug Enforcement Administration, the Alcohol, Tobacco & Firearms, the OCCB group in New York City, the IAD, FIAU, DOI, and various other local and state law enforcement agencies.

Q Have you been registered with any of those law enforcement agencies?

A Yes, ma'am. I'm registered with all of them that I've just mentioned.

Q Has any of your work with these agencies lead to any arrests or to any convictions?

A Yes, they have.

Q Could you tell us about that briefly?

A I have presently forty-eight convicted felons who, as a result of my assistance in investigations, have been convicted by a court of law.

Q So many of those convictions were the result of trials?

A Some were, yes.

Q Has the information that you provided ever

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2

let the court to sign an order for search warrant or for
electronic eavesdropping?

3

4

A Yes, ma'am.

5

6

Q I'd like to now turn briefly to the
information that you provided to the Department in 1991.

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11

In 1991, did you provide the New York City Police
Department with information about a group of corrupt
officers in the 9th precinct and about an opportunity to
gather evidence against an entire group of officers
engaging in narcotics related corruption?

12

A Yes, I did.

13

14

15

16

17

Q Did you wear a body recorder and work with
the Manhattan South FIAU, purchase drugs from one
particular police officer in anticipation of developing
evidence for an event that we'll hear about a little
later?

18

A Yes, ma'am.

19

20

21

Q And was it the sale of drugs and those
recorded conversations that lead to the arrest of a
police officer?

22

A Yes, it did.

23

24

25

Q Was the arrest of one police officer in
the 9th precinct the objective of the investigation that
you worked on with Manhattan South FIAU?

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2

A No, it wasn't.

3

4

Q Could you tell us please what the objective of that investigation was briefly?

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A Right. The investigation was to include various police officers in the 9th precinct that were engaged in narcotics use, and there was a barbecue that was going to happen in which all these officers were invited and told that some drugs would be available, but they should BOD, bring their own drugs.

11

12

13

Q Was there a reasonable likelihood of accomplishing that objective based on your personal knowledge?

14

A Yes, ma'am.

15

16

17

Q And by that objective I mean of gathering evidence that could lead to the arrest of a group of corrupt officers in the 9th precinct?

18

A Yes, ma'am.

19

20

Q And was that objective accomplished?

A No, it wasn't.

21

22

Q And could you briefly tell us why that was?

23

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A The case suddenly was interrupted, and it was stated that the officer in question would be arrested, and that instead it cancelled the rest of the

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case because without this particular officer in play,
there was no barbecue.

Q We'll get back to that to the
investigation in a few minutes, and that's going to be
the focus of your testimony today. But at this point I'd
like to back up and focus on how it was that you obtained
information which lead to the arrest of one police
officer and could have lead to the arrest of a network of
police officers.

A I had personal knowledge through the fact
that these officers would sometimes come to my place of
business.

Q Okay. We'll get to that in a moment. Let
me just first go over your personal background. Are you
from the New York area, Mr. X?

A Yes, I am.

Q How old are you?

A I'm thirty years old plus.

Q And you're saying plus so as not to reveal
your date of birth?

A Yes. I don't want to leave any specific
details.

Q Do you have any children?

A Yes, I do.

1

2

Q Do you have a criminal record?

3

A Yes, I do.

4

Q Tell us about that.

5

A I have a conviction in the Bronx.

6

Q Do you understand that the oath that you

7

took today requires that you testify fully and

8

truthfully?

9

A Yes, I know.

10

Q Do you understand that if Commission

11

learns that you have failed to testify truthfully and

12

fully, that we will refer your case to prosecutors for

13

perjury?

14

A Yes. That's understood.

15

Q What would the impact of perjury be on

16

your career as a confidential operative?

17

A Well, if I was caught committing perjury

18

or if I was lying to you or anybody else, what it would

19

do is ruin my credibility for the future dealing with the

20

people that I deal with. It's my credibility that makes

21

me so effective.

22

Q You'd ruin your credibility. Is that

23

because there are some law enforcement officials that do

24

know your identity today?

25

A Yes. There are a lot of law enforcement

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1
2 officers who know my identity.

3 Q Do you understand before we begin with
4 your testimony that you're not to reveal the names of any
5 police officers in your testimony current or present with
6 the exception on occasion of the one police officer who
7 was arrested and whose name is a matter of public record?

8 A Yes, I do understand this.

9 Q Are you ready to proceed, Mr. X?

10 A Yes, I am.

11 Q Have you ever participated in or witnesses
12 corruption by members of the New York City Police
13 Department in the 9th precinct?

14 A Yes, I have.

15 Q Can you first tell the Commissioners and
16 the public exactly where the 9th precinct is?

17 A The 9th precinct is located in the East
18 Village --

19 Q What kind of precinct --

20 A Fifth Street --

21 Q I'm sorry.

22 A Fifth Street, all the way from about
23 Broadway to the water, the East River, and from 14th
24 Street to Houston.

25 Q What kind of a precinct is the 9th

1

2 precinct?

3

A The area itself or the precinct house

4

itself?

5

Q The area itself. What I'm interested in

6

is the kind of criminal activity.

7

A Oh. You have Alphabet City there. It's

8

one of the biggest drug supermarkets in New York City.

9

Q So it's a precinct with a heavy narcotics

10

trade?

11

A Yes, ma'am.

12

Q Can you tell us about your experience that

13

you said when you witnessed or participated in corruption

14

starting with the circumstance of how that developed?

15

A Originally, I was introduced to an officer

16

and okayed to an officer by someone that I was working

17

with, and vice versa, the officer was introduced to me

18

that I was okay to deal with, and that officer then took

19

in confidence the opportunity utilize narcotics with me,

20

in front of me, and in my establishment.

21

Q Can you tell us about that establishment

22

and in any way that establishment helped you develop

23

relationship with any police officers? Before you begin,

24

I'd like to set the time that we're talking about now.

25

Is the time timeframe approximately 1989?

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2

A Yeah. The time period is about 1989 till about the beginning part of 1991.

3

4

Q Okay. Could you proceed then.

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A My establishment was located conveniently on Third Avenue, excuse me, Third Street, and the officers would find it very convenient and comfortable to come into my establishment on numerous occasions and use narcotics and alcohol while on duty, before getting off duty, before getting on duty. It seemed to be a centralized meeting place.

12

13

14

Q So you're saying that a group of cops, while they on duty and off duty, would hang out in your shop, engage in narcotics?

15

16

17

A Primarily, on duty, yes.

Q And also drink alcohol?

A Yes, ma'am.

18

19

20

21

Q While on duty. Approximately, could you tell us how many police officers are you talking about that would hang out in your shop engaging in these activities?

22

23

24

A Approximately twelve.

Q Approximately twelve police officers, and you base this on your personal knowledge?

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A Yes, ma'am.

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Q Who else, if anyone, was hanging out in your shop other than police officers?

A There were myself, my co-worker, various drug dealers from the neighborhood --

Q Dealers from the community?

A Yes.

Q In the 9th precinct?

A Yes.

Q Would hang out in your shop?

A These were drug dealers that were associated with the police officers, especially the officer in question. They were very good friends with him, so it was very convenient for them to come in, associate in my place of business.

Q I just want to make sure we're understanding what you're saying then. That you're saying that a group of police officers would hang out in your shop, often while on duty, engaging in the use of narcotics, drinking on the job, and associate hanging out with local drug dealers from the community.

A Yes, ma'am.

Q And could you tell us once again what your basis for this knowledge?

A I was participating with these officers,

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and I was there. It was my store.

Q How would these officers get to your shop?

A Sometimes in the vehicles, sometimes in their scooters, sometimes on foot patrol.

Q And when they would get to your location on a scoot or in a vehicle, where would they park these vehicles?

A Either right in front of my shop or right next to my shop, there was a restaurant, so it looked very convenient for the vehicles to be parked there.

Q And for how long a period of time would these police officers leave their vehicles unattended and hang out in your shop engaging in the activities that you just mentioned?

A Any where from one hour to four or five hours, sometimes the entire tour.

Q And during this time, one to two vehicles or however many vehicles would be left unattended in front of the shop?

A Yes.

Q Did you ever notice that a supervisor came in and said what's going on here, at any time?

A No, ma'am.

Q Did any supervisor or member of the New

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York City Police Department other than the group of officers that would hang out there ever come in and say what's going on?

A No.

Q Based on your -- I'm sorry.

A These officers had a tactical plan. Where my store was located, it was easy to observe the oncoming traffic from Second Avenue, and they could see any vehicle, any supervisor that would be able to come to the location. If a supervisor passed by, they could not make a left into Third Street. What they would do is make the left on Second Street, and by the time anybody had come around, they could be gone from the location. This only happened once or twice, I believe.

Q So your shop was selected as a hang out then because it was a safe haven in some respects?

A Because of it's convenient location, yes.

Q And how do you know that?

A They had mentioned this. This was stated. From my shop it was a half a level off the street, and you could observe the entire street level, and they'd boast that this was good for them because they could see people coming if necessary.

Q I'd like to go back to something that you

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2 mentioned a few minutes ago which is the use of narcotics
3 by certain police officers. Based on your personal
4 knowledge, how many police officers were engaging in the
5 use of narcotics in your shop?

6 A About five. Five that I could swear to.

7 Q And when you say you could swear to, what
8 do you mean?

9 A These I either were engaged with this
10 usage or I had observed them visually.

11 Q What kind of drugs were they using?

12 A Cocaine.

13 Q And when you engage --

14 A Sometimes marijuana, but basically
15 cocaine.

16 Q And this was while these officers were on
17 duty?

18 A Primarily, yes.

19 Q Primarily, while they were in uniform?

20 A Yes.

21 Q What time of day was it primarily when
22 they would engage in this activity?

23 A Usually, this activity started around 2
24 o'clock in the afternoon and sometimes ended at 11:45 at
25 night, right before the midnight tour cancelled or was

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about to finish.

Q And who often were these police officers, this group of five officers in particular, engaging in the use of narcotics while on duty in your shop?

A At any given time, once, twice a week, three times a week. It was never steady. Sometimes if it was a pay week, you saw them early that week till all the way to the next week. They'd be there everyday, or different officers would change. Basically, it was the same group of officers, it was like a crew, their own stead group.

Q Were there other police officers that were ever present in the shop that were not engaging in the use of narcotics who were observing these other police officers?

A Yes, there was.

Q How did those police officers react to the fact that their colleagues were engaging in narcotics while in uniform while on duty?

A Well, a lot of them, those that did come into the shop the knew the activities that were going on would either laugh it off or say, hey, what you guys doing, you know, we're about to get off. They would all chuckle, and they would go.

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Q Did any of those police officers ever say, you're on duty, you're a New York City cop, what are you doing, doing lines of cocaine in a shop?

A No. No, no.

Q So what you're saying then basically is that for well over a year a group of police officers in the 9th precinct would regularly come into your shop, often in broad daylight, while on duty while in uniform and hang out with other cops and drug dealers and engage in the use of narcotics?

A This is correct.

Q Did they ever seem like they were afraid that they'd be caught?

A No. They pretty much had the routine down pat. They knew what to look for, and they knew that their precinct was anyway under investigation. They knew the officers that would be investigated. They had call sign on the radio. If somebody was in the sector or there was somebody like an investigator or a supervisor come into the area, they would get some type of call sign on the radio.

Q What do you mean by call sign?

A On the radio, it would be a code. I can't really recall the exact words, but usually it was the

1

2 name of girl or something, or it would be an accident
3 would bleep on the radio or something.

4

Q To tip them off --

5

A Right.

6

Q -- that IAD or law enforcement was in the
7 area?

8

A The investigators were in the area or
9 somebody, supervisory was probably in the area or doing
10 roving or whatever.

11

Q Mr. X, you're not a cop, how do you know
12 this?

13

A They educated me.

14

Q What do you mean they educated you?

15

A The cops educated me. Through their boast
16 and through my dealings with them, I learned different
17 things from them. Also, through my dealings with other
18 law enforcement agencies, I learned typically the
19 procedures and the way the Department does things.

20

Q One other question on this subject, why is
21 it that this group of police officers felt comfortable
22 engaging in the use of narcotics openly in your shop?
23 How'd they know they could trust you?

24

A First, I had done cocaine with one of the
25 officers in the past, and he gave me the in to the other

1

2 officers, so he okayed me so the rest of the officers
3 accept me.

4

Q I want to turn to drinking just briefly.
5 How many police officers were regularly engaged in
6 drinking alcohol in your premises?

7

A Out of the twelve that I mentioned, I
8 would say pretty much all of them on and off.

9

Q And again, would these police officers be
10 drinking alcohol while on the job?

11

A Yeah, like I said, on or off.

12

Q And in uniform.

13

A Yeah.

14

Q And did any of these police officers ever
15 drink enough so they'd reach a state of intoxication?

16

A All the time.

17

Q How do you know that?

18

A First, it was visually obvious, and other
19 times it would be that they would be so high that they
20 could not go to radio calls, they could not respond to
21 radio calls. So what they'd say, oh, I'm so f'd up.
22 Then they'd respond to the call as though they were there
23 at the scene, and it was unfounded, or they would respond
24 to the call that they had taken care of it, and that
25 there's no longer a situation there. Or a lot of times

1

2 they would act as though they were busy or something, a
3 traffic stop or somewhere. They, in fact, were in my
4 store high and intoxicated.

5

Q And how do you know that?

6

A I was with them, I was doing the coke with
7 them, I was drinking alcohol with them, and you can see
8 it. Your know, their manner of speech, their manner of
9 the way they were moving, etc. Some would stand around
10 the store, you know, at 11 something, it'd be almost time
11 to go back in so they could end the tour, and they would
12 leave my store staggering. One even fell down the stairs
13 one time. It was funny.

14

Q Were there any other acts of corruption
15 that you have personal knowledge of that this group of
16 police officers in the 9th precinct were engaging in?

17

A Yes.

18

Q Could you tell us about that please?

19

A For instance, they used to boast of how
20 they used to hit dealers and stuff, and at the same time
21 the dealers from the area also knew me, and they knew
22 that I had some sort of contact with these officers.
23 They would ask me to put in a word for them so they
24 wouldn't get hurt or hit by these officers. Or in turn,
25 the officers would ask me who did I know had stash or had

1
2 product or something, and that person usually got
3 targeted that evening, either got ripped off. Or they
4 attempted to arrest the person, and then they let the
5 person escape, and, in turn, they take the product from
6 the person.

7 Q And by stash or product, you mean
8 narcotics?

9 A Cocaine, crack, money, guns.

10 Q How did you know or how did you have
11 knowledge of the fact that this group of police officers
12 would be shaking down drug dealers?

13 A Some of it I've heard them through their
14 admission, some of it through the drug dealers' admission
15 telling it to me. Basically, that's it.

16 Q When you say through their admission, what
17 do you mean?

18 A They would tell me. They'd say, yeah, we
19 grabbed that guy, duh, duh, duh, he didn't have nothing,
20 he had something, or we're going to go back. He's going
21 to set us on to this other, we're going to do this other
22 guy.

23 Q So they'd be boasting about this in the
24 shop?

25 A Correct. Or sometimes they would have a

1
2 discussion with other drug dealers in my shop of who else
3 to get. Like some of the drug dealers that used to come
4 into my shop would tell the specific officers, this guy's
5 going to be on D Street tonight on 6, and he's just got a
6 new shipment in, etc. In other words, he'd be carrying,
7 etc., so they'd go after that guy.

8 Q And the relationship between the police
9 officers in the 9th, this group of police officers, and
10 the drug dealers of the community were that close that
11 they would hang out and discuss these kinds of matters?

12 A Yeah, well, it was like a clique. It was
13 a crew, it was a group. These guys, they were pretty
14 well (inaudible).

15 Q Except that this crew you're just
16 referring to include not only cops but cops and drug
17 dealers?

18 A Correct. They worked in harmony. Without
19 one you couldn't have the other because a lot of times
20 some of the drug dealers while these guys are in uniform
21 would go, leave my shop, purchase product or get product,
22 come back to the shop, and the guys would do it if the
23 cops didn't bring it themselves.

24 Q You made several references this afternoon
25 to drug dealers telling you things, giving you

1
2 information. Why would the drug dealers ever share this
3 information with you?

4 A I had close ties to the community. One of
5 the things that I did was to help the drug dealers not
6 get busted by cops by building reinforcement situations.
7 But at the same time, the drug dealers saw these cops in
8 my shop a lot, and they knew I had some sort of influence
9 with one or two of them, and they would ask me to put in
10 a word so they wouldn't get hit.

11 Q And by hit you mean what?

12 A Ripped off, either busted or ripped off or
13 just ripped off or given a black and blue lesson. All
14 depends what the situation is. Every instance is
15 different.

16 Q By a black and blue lesson, you mean what?

17 A A beating. It's a term that they use
18 often. A black and blue discussion was a beating that
19 they usually gave.

20 Q A black and blue discussion was a beating.
21 And whose term of art was that?

22 A Excuse me, I heard a couple of officers
23 use that phrase.

24 Q Was there any other information that you
25 had about acts of corruption that police officers were

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2 engaging in the 9th precinct?

3

4 A Uh, yes. Some of it to do with the
5 dealers, some of it to do with them informing the dealers
6 that TNT was in the area, some of it being that they
7 would go to certain stores that they knew were selling
8 drugs, and there were also safe havens such as my shop.

9

10 Q So there were leaking information you
11 mean?

12

13 A Correct.

14

15 Q What kind of information --

16

17 A Some of the former officers from the 9th
18 precinct had got into the TNT squad, and when those
19 squads were about to hit areas of the 9th precinct, they
20 would get in touch with some of the officers that used to
21 hang out in my store. And those officers would, in turn,
22 tell their friends, look, keep it cool tonight, don't
23 have much shit, you know, or send a dumb in there with a
24 little bit of product in case you get hit.

25

26 Q And by TNT could you tell us what you
27 mean?

28

29 A Tactical Narcotics Team.

30

31 Q Do you have any knowledge of what these
32 police officers were getting in return for the
33 information that they were sharing with people on the

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street?

A Lot of times free drugs, a lot of times money, a lot of times hook ups. There was a lot of trading and bartering of different things -- guns, cocaine. I mean, it was very frequent to do a favor for a dealer and get drugs, especially they all like to use. So there was nothing more than getting a free basay, as they called it.

Q Those are pretty powerful statements you just made. I'd like to ask again what your personal basis of knowledge is for the facts for what you just said that these police officers were leaking information to drug dealers and others in the community.

A I've been there, I've seen them, I spoke to some of the officers that were even on the TNT that have come by in another car. I spoke to some of the officers that were hanging out in my shop. Then they go by, and then the guy says we got to watch out for this sector, we got to watch out for this. They're going to come here, etc., etc.

Q So you'd overheard it in the shop?

A Excuse me?

Q You say you'd overhear this in your shop?

A They would tell it to me as a part of a

1

2 boast. I mean, you know --

3 Q Oh, I see.

4 A It was common to get the information and
5 say, oh, we have to warn this one, we have to warn that
6 one.

7 Q But you said before as part of a boast.
8 Could you explain what you mean by that?

9 A Well, they always wanted to seem, you
10 know, real superior as though they ran the area, they
11 ruled the streets. So in doing so, they had to exert
12 their power, you know, and to help a drug dealer out,
13 that meant that the drug dealer owed them a favor,
14 especially if it was a tight buddy of their, which they
15 had many.

16 Q Now was this a common practice?

17 A Yes, ma'am.

18 Q Based on your personal knowledge?

19 A Yes, ma'am.

20 Q Did you ever have any contact with these
21 police officers that would hang out in your shop outside
22 of your shop?

23 A Yes, ma'am.

24 Q Could you tell us about that please?

25 A At times they would drive me to locations

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2 where I had jobs sites or they would pick me up from job
3 sites or they would see me in the street, and I'd get
4 into the vehicle, the RMP, and we'd hang out, you know,
5 drink couple of beers, do couple of lines of coke.
6 Different occasions, different situations.

7

Q So police officers while they were on duty
8 in their RMP would pick you up and drive around with you
9 in the car?

10

A Correct.

11

Q And on occasion, you're saying, you'd do
12 lines of coke in the RMP?

13

[tape change]

14

A -- set up with another dollar rolled up
15 into his draw, and then we'd pass it around.

16

Q With how many police officers did you ever
17 engage in the use of cocaine in an RMP?

18

A Three that I know of.

19

Q Three personally that you were involved
20 with?

21

A Three that I could name by name, yes.

22

Q I'd like to ask you not to name any names
23 today.

24

A I believe there were more, but to my
25 recollection there's three that I recall, three that

1

2 stand out.

3

Q Okay. I just want to remind you that we
4 want no testimony today based on speculation. Everything
5 you're testifying about can only be on personal
6 knowledge, unless we make that clear beforehand.

7

A Good enough.

8

Q Were these police officers doing anything
9 else in their RMP's?

10

A Drinking --

11

Q Drinking?

12

A Yeah. They'd either drink beer or
13 alcohol, liquor. What they used to do sometimes is, like
14 with beer, they had these skins that had like Coca Cola
15 or Pepsi on the outside. And these skins are very
16 comfortable wrapped around the beer can, so they can
17 actually be drinking beer in front of people, commanders,
18 etc. No one would know the difference.

19

Q And no one would know. And was that a
20 common occurrence that police officers while on duty
21 would drink beers with some kind of a concealer?

22

A Yes. They had obtained these skins at
23 some police function, and it seemed that all the officers
24 had them, and it seemed that many of the units that I
25 seen, many of the officers that I seen, I seen them with

1

2

the beer cans with the outside skin.

3

4

5

Q How many police officers do you have personal knowledge of that would drink on duty in their patrol cars?

6

A About twelve.

7

Q About twelve.

8

A Yeah.

9

10

Q And that's based on your personal knowledge?

11

A Personal knowledge.

12

13

Q And were they drinking ever to a state of intoxication?

14

15

16

A A lot of times, yes. A lot of times you could see it. A lot of times they used to race the RMP's, just to race them.

17

Q Just to race them while they were on duty/

18

19

20

A Shoot down to Houston to D Street and back and see how long they take to go a fourteen square block perimeter.

21

22

23

Q They ever seem concerned that someone might see them racing in the streets of the 9th precinct while under the influence of alcohol?

24

25

A No. They pretty much were assure that they weren't going to get bothered. Also, the cops knew

1

2

what they were up to, and nobody messed with them.

3

Q What do you mean nobody messed with them?

4

A Nobody messed with them. The neighborhood

5

never messed with them, and the other police looked the

6

other way or were involved.

7

Q Before we turn to the next segment of your

8

testimony, I just want to turn back to a reference you

9

made before about guns. Do you have any knowledge of

10

police officers engaging in any corrupt activities in

11

connection with guns?

12

A Yes, ma'am.

13

Q Could you tell us about that?

14

A Two on personal knowledge and one on an

15

officer's admission. Once I seen one officer give a gun

16

to my co-worker who he had taken off of a drug dealer and

17

had no use for it. And another time I saw another

18

officer sell a gun to another officer, and it was

19

supposed to be a good throw gun, a good piece.

20

Q By good throw gun, you mean what?

21

A It was small enough to conceal that in

22

case they ever got in a situation where the perpetrator

23

needed to have a gun on them, this gun would be easily

24

accessible to put on the perpetrator. It was a small,

25

like a .25 or something to that nature. It was a small

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gun. I remember it. It was silver with a pearl handle.

Q And these police officers would then steal these guns and either give them to other officers or you're saying resell them to dealers on the street?

A Yes.

Q Was that a common occurrence do you know?

A To my knowledge, yes. It was very common. A lot of times they didn't keep but only dirty piece in their possession.

Q I'm sorry?

A I said it was known to be that they only kept about one dirty piece on their possession or close to them. Usually, they would find some way to dispose of it by either giving it away or trading it in for a favor or selling it, vice versa.

Q And during the two years that these police officers were engaging in the act that you just discussed, did the police officers ever seem concerned that a supervisor or anyone within the Department would ever ask them what they were doing?

A No. They seemed to know who was coming, when they were coming, and they had it pretty well arranged.

Q I'd like to turn to another area now.

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2 Have you ever had any contact with the Internal Affairs
3 Division of the New York City Police Department?

4

A Yes, I have.

5

Q Could you tell us about that? Could you
6 tell us about your experiences with IAD briefly?

7

A Initially, in '91, I had given an
8 allegation to IAD about a homicidal cop in the 7th
9 precinct, and they treated the allegation as though it
10 was frivolous, as though it didn't exist, as I was making
11 it up. You know, here's another guy just bullshitting to
12 make his way. And that didn't turn out to be the case.

13

Q What do you mean it didn't turn out to be
14 the case?

15

A Well, after IAD dismissed the case as
16 unfounded, etc., the FIAU unit, a detective and a
17 sergeant came up to me and another person I was working
18 with and asked me for the details to that, and IAD said
19 there was no such officer. FIAU found within twenty-four
20 hours, they found a picture, a name, the whole works.
21 They gave me a one out of six pick out, and I picked the
22 guy right out.

23

Q So in other words, you gave the
24 information to IAD about a police officer that was
25 involved in an act of corruption, a rather serious act of

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corruption, is that correct?

A Correct.

Q IAD told you that no such member of the service existed?

A Right. That the allegation was frivolous, that there was no such officer in the precinct, there was no such officer on the force.

Q And within twenty-four hours, the FIAU, after you giving them the information, was able to determine that a police officer of that identity did, in fact, exist.

A Yes, ma'am.

Q Did you have any other contacts with IAD over the years?

A Yes, I have.

Q And did you give them information about police corruption?

A Yes, I have.

Q Could you tell us how IAD reacted to you when you give them information about police corruption?

A Well, basically, they treated me like I was shit. You know, even with my clear record of being credible, they liked to dismiss what I said to them because a lot of it was very harsh, something that would

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be incredible to believe. But so incredible to believe that it was true. And they didn't care what I had to say as long as whatever I said didn't involve them doing too much work. I don't know what to say other than that.

Q Did you get the sense that IAD was committed to uncovering the extent of police corruption?

A I got the sense that they couldn't care less. I got the sense that they really didn't care to hear about police corruption. They didn't care to hear who was involved or exactly what was the person doing. They wanted to know certain facts, and if the facts didn't pan out the way they liked it, they dismissed the issue.

Q Okay. I'd like to turn now to the information about the 9th precinct. Did there come a time when you reported the information about corruption in the 9th precinct to anyone in the New York City Police Department?

A I'm sorry, rephrase that.

Q Did you ever report the information about corruption in the 9th precinct to anyone in the New York City Police Department?

A Yes. Yes and no.

Q Could you tell us about that?

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A Yes, I told it to FIAU, but originally I hadn't told anybody. I wasn't sure who I was dealing with. When I was dealing with IAD, they weren't listening to what I would say anyway, and to tell them about the 9th precinct meant to jeopardize my situation, my business, I lived in the area, my place of residence. Again, I had an established clientele in the area. All these things would come in jeopardy. So, no, I didn't tell IAD about the 9th precinct right off the bat.

Q When did you ultimately tell someone about the 9th precinct?

A After I found myself very secure with the two officers from FIAU. The officers from FIAU had requested me and asked me if I knew of any other corruption in the Department, and at that time I said yes, and they asked me for names, and I gave them names. And the guys at FIAU chuckled and looked around at me and showed me a list, and I had named at least three people from the list. And from there we proceeded an investigation.

Q So a list of police officers that FIAU had of corrupt officers, you were able to identify in your first meeting.

A Correct. They had already been

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investigating some of the officers that used to hang out
in my store.

Q I see. What exactly did you tell them at
that first meeting about corruption in the 9th precinct?

A That I wasn't sure what information I
would give them at this point because I had a lot to
consider, a lot of self-preservation.

Q I understand that. I could understand
from what you said that it certainly could be difficult
to give that information. You were friendly with the
officers that hung out in your shop, is that correct?

A Yes, ma'am.

Q You said you would hang out with them both
in your shop --

A Yeah. They used to help me out. They
used to give me a lot, you know, I had no problem in that
precinct.

Q So my question is this then, why would you
ever give the Department information about police
corruption in connection with your shop?

A As I said, this started in '89, and this
was about '91, and it had already gotten way out of hand.
It had started with just one or two officers just coming,
casually hanging out, doing a little liquor, once in a

1 while doing a little coke. It had escalated to full-
2 fledged parties. I mean, they used to keep my business,
3 my business normally closed at 6 o'clock. My business
4 would normally stay open with these officers inside with
5 the gates drawn till 11:30, you know, very late in the
6 evening.
7

8 At a time I became very abusive. I couldn't
9 function. I couldn't get my job done. Because they were
10 very good friends with my co-worker and because I knew
11 them and because I had done a lot of favors in the area,
12 etc., you know, I had the clout to go after them. But
13 then after reconsidering the situation, I agreed to help
14 the FIAU take down these cops.

15 Q Did you also know if the information that
16 you provided to the FIAU was truthful, that you would
17 have been paid for the information you provided?

18 A Correct. That's standard. If you provide
19 information which lead to an arrest and a conviction,
20 there was money to be gained at the end, yes.

21 Q Department records indicate that it was
22 approximately March of 1991 when you first had contact
23 with Manhattan South FIAU, is that accurate?

24 A I believe that's correct, yes.

25 Q Could you tell us exactly what it was you

1
2 told Manhattan South FIAU when you met with them in March
3 of 1991?

4 A Once I had decided or agreed to help them,
5 I had informed them it was not only those officers that I
6 named, but there were several others and that they were
7 engaged in a lot of activities, and I described the
8 activities that I knew of. At the same time I had
9 informed them of a barbecue in which most of these
10 officers were invited to and were requested to bring bod
11 as I said, it's called bring your own drugs. Plus the
12 person who was throwing the barbecue was going to have a
13 couple of ounces available for casual use.

14 Q How many police officers did you expect
15 would be at this barbecue where they were told to bring
16 their own drugs?

17 A Well, I knew of at least twelve, but there
18 were a lot more. First of all, I had saw the list, and
19 the list had a lot of officers not only from the 9th
20 precinct, but it had the officers that I knew of from the
21 9th precinct. And also two there were going to be
22 officers from a Staten Island precinct which the officer
23 used to play basketball with and by his admission state
24 that they used to get into coke and stuff and they were
25 okay. They were called cop cops.

1

2

Q They were what?

3

A Cop cops.

4

Q What do you mean by cop cops?

5

A You know, Al Brown referred, excuse me.

6

Yeah, Alan Brown referred to them they weren't cops, they

7

were cop cops, means they were cool. They were able to

8

do narcotics or alcohol or do this stuff, and these guys

9

wouldn't tell. They've already been checked out by each

10

other. So they were cop cops.

11

Q A way of saying that they were, to use

12

someone else's phrase from yesterday, good cops. Cops

13

that would engage in acts of corruption or use drugs on

14

the job.

15

A Yeah. But in this particular instance the

16

word was cop cops.

17

Q I see.

18

A Well, cop's cop, excuse me.

19

Q You say that you saw a list. Who was

20

having this party specifically?

21

A Say again?

22

Q Who was having this party?

23

A Alan Brown.

24

Q And Alan Brown was a police officer in the

25

9th precinct?

1

2

A He was a police officer at that point,

3

yes.

4

Q Other than cops, did you know of anyone

5

else that was going to be attending this barbecue?

6

A Myself was invited along with other

7

friends of mine. My co-worker was invited. A lot of the

8

cops that used to hang in my store were invited. Various

9

people.

10

Q Anyone else from the community of the 9th

11

precinct?

12

A Yeah, of course. We had the drug dealer

13

that got arrested with Alan Brown, he was coming. A

14

couple of other drug dealers that were from that street.

15

Q So at this party that this police officer

16

was having, this barbecue, there were going to be least

17

twelve police officers, and in addition to that, other

18

drug dealers they hung out with in the precinct?

19

A There was twelve that I knew of, but there

20

were also more that I didn't know there names.

21

Q Okay.

22

A And, yes, there were additional, there

23

were drug dealers that were invited.

24

Q And how do you know that this police

25

officer was throwing a big party, big barbecue in which

1

2 cops would be there along with drug dealers from the
3 community?

4

A He did the invitations in front of me. A
5 lot of times guys would be told, eh, I got this barbecue,
6 whatever, you better come. You know it's BOD, but I'll
7 have something available, etc. Bring your girl or
8 whatever.

9

Q When was this barbecue supposed to take
10 place?

11

A I believe around the 4th of July time.

12

Q The 4th of July --

13

A The weekend of July 4th weekend.

14

Q Fourth of July weekend 1991.

15

A Correct.

16

Q And this was now March 1991, is that
17 correct?

18

A Correct.

19

Q Did you think that it was unusual to hear
20 about a barbecue or party three and a half months before
21 the event?

22

A No. When they like to do something, they
23 like to do it right and big. And Brown likes to do
24 things big.

25

Q And this was going to be something that

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2 was going to be big?

3

4 A And this was big. All the bay buddies
5 were going to be there. Some former cops that were
6 discharged from the Department were going to be there.
7 Lotta known drug dealers were going to be there. Lotta
8 known cops were going to be there.

9

10 Q Okay. So you gave the Manhattan South
11 FIAU this information in March of 1991. How did they
12 react to the information about this barbecue that was
13 going to occur?

14

15 A They were enthusiastic. They had
16 considered it to be one of the avenues they would take to
17 close a lot of other cases that they had that were
18 unsolved or unfounded or just in their files. What this
19 barbecue would have done would have tied these officers
20 to the scene of the crime, as you would say. They would
21 be there caught doing their drugs, partying all high, and
22 at this point, they was supposed to have taken place a
23 raid with myself being wired and another person being
24 wired.

25

26 Q Okay.

27

28 A At times it was also considered that I
29 would go in with an undercover officer. In fact, I asked
30 Brown if I could bring somebody, and he said, yeah, bring

1

2

3

4

5

whoever you want, and I basically meant that I would bring a female companion. He said, I don't care, bring whoever you want. You know, he trusted me that I would bring somebody that's cool.

6

7

8

Q So the Manhattan South FIAU had then developed a tactical plan for infiltrating this 4th of July barbecue, is that what you're saying?

9

A Correct.

10

11

Q Had you ever been asked to wear a wire to that barbecue?

12

A Yes, I was.

13

14

Q Did you agree to wear a wire to that barbecue?

15

A Yes, I did.

16

17

18

Q Did you ever make plans to have another police officer, a female police officer accompany you to that barbecue?

19

20

A That was evaluated, yes. That was reviewed, and that was supposed to be the plan, yes.

21

22

Q And, in fact, did you ask Police Officer Brown if you could bring a guest to the barbecue?

23

24

25

A Yeah. I okayed it with him. He said, yeah, bring anybody I want. As I say, he trusted my judgment of the fact that I would bring somebody who was

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cool.

Q So plans were well underway, and we'll hear more about those plans from the next witness. Was a district attorney involved with the investigation at this point?

A Yes, he was.

Q Was the district attorney involved in developing the tactical plans for infiltrating this party?

A Yes. The district attorney became aware to me at the beginning of the case, way back in March, when we had proposed the tactics we would use to catch these officers.

Q And you had meetings with the assistant district attorney?

A Yes, I was.

Q And what was the assistant district attorney's reaction to the potential that this case had?

A He loved it. It was going to be a great case. We were going to get a lot of arrests. For me it meant a very good financial reward. You know, I won't deny that. Also, at the same time, it meant that it was going to close down shop for a lot of guys in the 9th precinct.

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Q Close down shop for a lot of guys in the 9th precinct, and by that you mean the corrupt activities of the group of cops would have to end?

A Correct.

Q Did there come a time when you decided in anticipation of that 4th of July barbecue to buy drugs off of police officer Alan Brown?

A Yes. It was considered we get a solid case. Since my closest tie to those officers was Alan Brown, it was considered that we get some concrete evidence on Alan Brown in lieu of getting the rest of the officers later.

Q So did you, in fact, make a purchase then of drugs off of Officer Alan Brown?

A Yes, I did.

Q Would that have been on May the 13th, 1991?

A I believe so, yes.

Q Okay. And you were the person, did you wear a body recorder at that time in connection with this purchase?

A Yes, I did.

Q And were you able to capture conversations of Police Officer Brown in connection with your selling

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of drugs?

A Yes, I did. He made full admission, and at the same time he sold us drugs.

Q So after May 13, 1991, there was evidence that the Department that a police officer was using drugs, is that correct?

A Yes. We had a controlled buy that was successful. Yes, ma'am.

Q After that first controlled buy, did anyone in the Department ever ask you or the team of investigators to expedite the operation because now there was knowledge that a member of the Department was using drugs and was on the street?

A No. Not to expedite it, but to expand on the case, to widen it, to go as deep as we can with as many officers as we can.

Q Who was it that wanted you to go as deep as you could? Who were you working with at this time?

A At this time I was working with the two officers from the Field Internal Affairs Unit and assistant district attorney.

Q So Manhattan South FIAU, I'd just like to note. And after the first buy, were you continuing with your efforts to develop a tactical plan for infiltrating

1

2 this party?

3

A Yes.

4

Q Did there come a time when there was a

5

second purchase of drugs off of Police Officer Alan

6

Brown?

7

A Yes, ma'am.

8

Q Were you the undercover that was used to

9

make this purchase?

10

A Yes, I was.

11

Q Did you once again wear a body recorder?

12

A Yes, I did.

13

Q To capture conversations about this police

14

officer using drugs?

15

A I caught the conversation of him using

16

drugs, and at this conversation he also confirmed the

17

barbecue was going to take place and possibly the people

18

that were going to be there.

19

Q So he mentioned that there would be other

20

officers at the barbecue on the tape?

21

A Yes.

22

Q And he confirmed that the barbecue was

23

going ahead as planned?

24

A He made it invitations to other officers

25

while I was wearing this body wire.

1

2

Q He did? And that was recorded?

3

A Yes, ma'am.

4

Q And that recording was given to Manhattan

5

South FIAU?

6

A Yes, it was.

7

Q And to the district attorney?

8

A Yes, it was.

9

Q And the date of that second buy was June

10

the 4th, 1991?

11

A Yes, it was.

12

Q So twenty-two days had already passed

13

between the first buy off of Alan Brown and the second

14

buy, is that accurate?

15

A Yes, it was.

16

Q After the second buy, when you now had

17

evidence twice of a police officer using drugs, did

18

anyone from the Department urge you to expedite the

19

investigation at this point, right after the second buy?

20

A Right after the second buy?

21

Q Right after the second buy.

22

A Like immediately after?

23

Q Immediately after.

24

A No.

25

Q And after the second buy, did you continue

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plans to develop your tactical plan for infiltrating the party?

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6

7

A Yes. It was discussed that we were going to try to buy narcotics, possibly even from the person that was also providing them to Al Brown, and also to possibly buy firearms.

8

9

10

11

Q Okay. Let me back up a moment. You mean when you made the second buy, there was also discussion on that tape about police officer Brown being able to purchase guns illegally?

12

13

14

A Illegally, yes.

Q And was any decision made on how to

develop that information?

15

16

A Well, it was tactical at that point.

There was no certain decision.

17

18

19

20

Q Did the district attorney and Manhattan South FIAU instruct you for when the third buy occurred to say anything to police officer Alan Brown to try to develop the information on guns?

21

22

A Yes. They wanted to me to infiltrate further, deeper if I can, yes.

23

24

25

Q And so were you instructed then by the DA and Manhattan South FIAU to try to purchase guns off of Alan Brown at the third buy?

1

2

A Yes, ma'am.

3

4

5

Q And what was the purpose of these purchases of drugs off of Alan Brown? Was that the objection of the investigation?

6

7

8

9

A No, it wasn't. It was to build a foundation for the entire investigation which really was all the cops that were alleged to be bad in that precinct.

10

11

12

Q Okay. Now let's get to the third buy.

The date was set for the third buy of June the 14th, 1991, is that correct?

13

14

15

16

A Yes.

Q And that was twenty-two days before the barbecue that had been the focus of your investigation.

Is that accurate?

17

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19

20

A Correct.

Q And at this point you said that you had

developed a tactical plan for infiltrating that party, is that correct?

21

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24

25

A Correct.

Q You had agreed to wear a wire?

A Yes, I did.

Q You were going to possibly be accompanied

by another police officer, is that accurate?

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A Yes, ma'am.

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Q And other plans were well underway that we'll hear about from the next witness. What was your understanding of what was going to happen at that third buy initially?

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A Initially, it was just going to be a controlled buy. We were going to buy whatever possible, whether it be firearms or narcotics. And we were going to elaborate more on the people that were going to be at the party and try to get that on tape.

12

13

14

Q And instead, what happened on June the 14th, 1991, twenty-two days away from the 4th of July barbecue?

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17

18

A Ay, on that particular morning, myself and the person I was working with undercover were informed that that control buy would actually be a controlled buy and an arrest.

19

20

Q What was your reaction to that decision, to that order?

21

22

23

A I was pissed. I was angry because we have developed a case, and we had enough to make a very big case, and they were just willing to settle for one guy.

24

25

Q And what was the reaction of the Manhattan South FIAU investigators that you were working with?

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A They were pissed off. They couldn't really show it as far as being angry, but they were very displeased that our case was being interrupted that way, or disrupted.

6

Q Did they make their anger clear though?

7

A Yes, they did.

8

9

Q What was the reaction of the assistant district attorney that was working on this case?

10

A Also, furious.

11

12

MR. CHAIRMAN: Mr. X, do you know who made that decision to arrest Officer Brown on that 14th day?

13

14

A It was my understanding that it had come from higher ups.

15

Q We'll pursue that objection --

16

17

18

MR. CHAIRMAN: When you say it was your understanding, what is your understanding based upon factually?

19

20

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A Well, here it is, I'm in a situation where I'm pissed off, and I'm saying, you know, one cop versus five or six, seven cops, to me that's more money, and they're cutting my --

23

24

25

MR. CHAIRMAN: Understand. But you made a statement in answer to my first question that you understand that it was higher ups that ordered the arrest

1

2 without waiting for the development of a case against a
3 number of police officers, is that correct?

4

A Correct.

5

MR. CHAIRMAN: What do you base that
6 understanding on? Were you told anything?

7

A I was told this, yes. I was told this by
8 the officers that I was working with, that they were only
9 at liberty to give me the response that it came from
10 higher ups.

11

Q Before --

12

A There were other details to that.

13

Q We'll get to that in just a minute.

14

Before we get to that, which will be the final point today,
15 I'd like to ask if you could explain to the public what
16 the impact of the order that came down from within the
17 Department to arrest Alan Brown twenty-two days before
18 the barbecue had on that investigation.

19

A It killed the rest of the case.

20

Q And why was that?

21

A Because allowing this party to exist would
22 have meant catching all these officers in the act. If
23 the party was cut down, then these officers would be
24 alerted, and since Brown was like one of the major parts
25 of the crew, it would be that either Brown would rat them

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out or they would compromise. So nobody would go anyway even if he did have it.

Q Of course, would the 4th of July take place?

A To my knowledge, it did not.

Q Whose barbecue was that going to be?

A Al Brown's barbecue.

Q Was it likely that after he was arrested, he'd still have this barbecue?

A No. I don't think so.

Q Mr. X, was there a single legitimate reason that you were aware of for ordering the arrest of Alan Brown twenty-two days before this barbecue?

A I can give you the official reason, or I could give you the real reason.

Q Before we get to that, if you could just answer this question that I just asked. Are you aware of a single legitimate reason for ordering the arrest of Alan Brown twenty-two days before the barbecue?

A Yes.

Q Of a legitimate reason?

A Legitimate reason? Their reason. The response reason. I don't know if it's legitimate or not. To me it wasn't legitimate, no.

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Q That's what I was getting at. Could you tell us what your understanding of why the order to arrest Brown came down twenty-two days before the barbecue despite the consequences --

A Do you want the official reason or the real reason?

Q Why don't we hear both. Let's start with the official reason.

A The official reason was is that the Department couldn't allow an officer who they know was ingesting cocaine to be in possession of a firearm while performing duties in the City of New York as a police officer. That was the official reason.

Q And what did you understand the real reason to be?

A The real reason was that if this barbecue took place and the officers would be exposed, then it would show that there was heavy criminal activity within the Police Department of the 9th precinct and that it would make some people in the ranks look very bad and that it was part of an embarrassment scheme. That's my understanding. They were feared that it was going to draw a big embarrassment. It was going to show that many cops were crooked, etc.

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Q And that was your understanding of why the order came down?

A Yes, ma'am.

Q At this point we have no further questions. We'll hear in a few moments -- if there's any questions from the Commissioners -- then we'll hear from the detective who ran this investigation.

MR. CHAIRMAN: Thank you, Mr. X.

A Thank you.

MS. CORNFELD: Should we wait for the judge?

MR. CHAIRMAN: No, let's go.

MR. ARMAO: Mr. Chairman, would you mind swearing in the witness, please?

MR. CHAIRMAN: Sergeant, would you please raise your right hand? Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

DETECTIVE FERUGIA: I do.

MR. CHAIRMAN: Thank you. You may proceed, Miss Cornfeld.

EXAMINATION OF DETECTIVE

FERUGIA BY MS. CORNFELD

Q Could you please state your name for the record?

2

A Detective Alexander Ferugia, Shield Number

3

3337, Manhattan South IAB.

4

Q Detective, are you currently a member of

5

the New York City Police Department?

6

A Yes, I am.

7

Q Are you testifying here today pursuant to

8

a subpoena?

9

A Yes.

10

Q Do you understand that the oath that you

11

just took requires that you testify truthfully and fully

12

today?

13

A Yes, I do.

14

Q Do you understand that you're not to

15

disclose the name of any members of the Department

16

current or former with the exception of the one police

17

officer that was arrested which is a matter of public

18

record?

19

A Yes, I do.

20

Q Have you asked that you face not be

21

concealed at these hearings today?

22

A Yes, I did.

23

Q Could you tell us why that is?

24

A I'm still currently conducting

25

confidential investigation regarding internal

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investigations.

MR. CHAIRMAN: Ask that the record reflect that the New York City Police Department also ask that no photographs be taken, no visual identification be made of this witness because of the sensitive nature of investigations that he's involved in. You may proceed, Miss Cornfeld.

Q Can you tell us what grade detective you are in the New York City Police Department?

A I'm a first grade detective.

Q Can you tell us what it means to be a first grade detective?

A It's the highest ranking detective that you can achieve in the Department.

Q Where have you been assigned in the Department for the last twenty-two years?

A In Manhattan South Field Internal Affairs Unit.

Q Detective, are you the investigator who ran the case Mr. X just described a few moments ago?

A Yes.

Q And have you worked with Mr. X in the 9th precinct case?

A Yes, I did.

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Q And was it his information and assistance as an undercover which lead to the arrest of one police officer?

A Yes.

Q How many cooperative witnesses have you worked with in your twenty-two years in Manhattan South FIAU?

A Several. Many people, many (inaudible).

Q And how would you rank Mr. X relative to the other cooperative witnesses that you've work with?

A Excellent. As excellent witness, as an excellent informant.

Q Was he one of your best?

A Yes, he was.

Q Mr. X testified that at a critical juncture in the investigation, an order came down from within the Department to arrest Officer Brown. Did you hear that testimony or is that consistent with your recollection?

A Yes, that's consistent.

Q Detective, can you tell us --

MR. CHAIRMAN: Excuse me. Would you please keep your voice up when you respond.

A Yes, sir.

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MR. CHAIRMAN: Thank you.

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Q What was your reaction to the order that came down from within the Department to arrest police officer Brown twenty-two days before the 4th of July barbecue?

A I was surprised that it came down. We were dismayed about it.

Q When you say we, who do you mean?

A Well, me, the other investigators that were part of the investigation at the time, and ADA's office.

Q The ADA being the assistant district attorney?

A That's correct.

Q Why were you, the other investigators working on the investigation, and the assistant district attorney dismayed, to use your language, by the decision to arrest Alan Brown at that point?

A We felt that the investigation could have continued further, and if it did continue further, we would have involved other police officers that we had knowledge about that were doing or conducting, that were involved in narcotics.

Q How many police officers did you think you

1

2 had the potential of uncovering evidence of corruption
3 and ultimately arresting as a result of this
4 investigation?

5

A Any where from half a dozen to a dozen
6 police officers, if not more.

7

Q But you ultimately arrested a police
8 officer. Why doesn't that mean that your investigation
9 was a success?

10

A Well, we had information about other
11 police officers that were involved in drugs and that were
12 involved with the same police officer. At the time, we
13 had also information that there was going to be a
14 barbecue on the 4th of July weekend, in July of '91, that
15 would have involved those police officers and police
16 officer Brown. To our understanding, we had information
17 that narcotics, cocaine was being ordered for that party
18 to be used by those police officers.

19

Q Are you aware of a single legitimate
20 reason for the order that came down within the Department
21 to arrest Officer Brown twenty-two days before the
22 barbecue?

23

A No, I'm not.

24

Q Are you familiar generally with the 77th
25 precinct case?

1

2

A Yes.

3

4

Q Is that a case which lead to the arrest of thirteen police officers in 1986?

5

A Yes.

6

7

8

Q In your opinion was there a reasonable likelihood the 9th precinct corruption case could have been as large as the 77th precinct case?

9

A Very possible, yes.

10

Q And was that clear to IAD?

11

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A I believe so. From my recollection, they did know, they were appraised of what was going on with the investigation.

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Q I'd like to advise the Commissioners and the public at this point that, as will be made clear in the final report, Detective Ferugia's testimony has been corroborated by the other investigators who worked on the 9th precinct case and by the assistant district attorney working on that case.

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Commission attorneys and investigators have interviewed the other FIAU investigators and supervisors on the case, including the former commanding officers of Manhattan South FIAU. They have uniformly indicated that they did not agree with the order to prematurely close the case, felt that there was no legitimate reason for

1

2 closing it of which they were aware, and all testify that
3 the order to prematurely arrest Alan Brown eliminated the
4 opportunity to make a precinct-wide corruption case. Is
5 that consistent with your understanding?

6

A Certainly is, yes.

7

Q Detective Ferugia, when were you appointed
8 to the Department?

9

A January 2, 1970.

10

Q Where have you been assigned within the
11 Department?

12

A I've been assigned to the Warrant Squad,
13 I've been assigned to the 17th precinct, Manhattan South
14 Task Force, temporarily assigned to --

15

MR. CHAIRMAN: You're letting your voice drop,
16 Detective. Would you please try to gear it up.

17

A I was assigned to the 17th precinct, to
18 the Manhattan South Task Force, temporarily assigned to
19 the 9th precinct at one time, and temporarily assigned to
20 the U.S. Attorney's office.

21

Q I'd like to turn to the 9th precinct for a
22 moment. How serious a problem was police corruption in
23 the 9th precinct based on your personal knowledge?

24

A Well, I myself had conducted several
25 investigations into 9th precinct personnel, the extent of

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which lead me to believe that the corruption or misconduct, serious misconduct in the 9th precinct was widespread.

5

6

Q And what type of police corruption was most prevalent?

7

8

A Believe corruption or misconduct dealing with narcotics.

9

10

11

Q Do you know whether IAD and top commanding officers in the Department knew about the allegations of corruption against police officers in the 9th precinct?

12

13

A Yes, I believe they did know.

14

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Q During your years, your twenty-two years in MANhattan South FIAU, how many opportunities like the 9th precinct case did you have? Let me rephrase that. How many precinct-wide cases for serious corruption were ever made in a Manhattan South precinct?

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19

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A I believe one, maybe two.

21

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23

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Q One, maybe two, in your twenty-two years on the job?

25

A Yes.

Q And given that, how would you and the other investigators rank this 9th precinct investigation in importance in Manhattan South FIAU?

A As one of the most important.

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Q Did there come a time when Mr. X -- I'd like to turn to the investigation now -- did there come a time when Mr. X gave you information about police corruption in the 9th?

A Yes.

Q What did he tell you at your first meeting?

A The first time we met Mr. X was in the early part of 1991. We were discussing an entirely different case at the time which had come down from the internal Affairs Division. And at that meeting we had asked him questions regarding certain police officers in the 9th precinct at which time we had received positive answers regarding narcotics use involvement.

Q What else did he tell you at that first meeting?

A He informed us about certain police officers that had used drugs in his presence.

Q And he mentioned the barbecue as well?

A The barbecue was mentioned shortly after that first meeting.

Q So shortly after your meeting with Mr. X, did you open an investigation in the 9th precinct based on the information he provided you?

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A Yes, we did.

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Q And what was the objective of that investigation?

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A The objective of that investigation was to substantiate the allegations about the use or distribution of narcotics by police officer Brown and other members of the service in the 9th precinct.

9

10

Q And was there a particular event that you were targeting?

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14

A Yes. The 4th of July weekend for 1991 was the event that we were targeting that the barbecue was set for, and some of these officers, if not more, were invited to.

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18

Q Okay. I'd like to turn to those officers for a moment. Let's first start with Brown. Had police officer Brown ever been investigated by the Department before?

19

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22

23

A Yes. Yes, he has.

Q Department records indicate that there

were over seven corruption allegations filed against him in March of 1991. Is that consistent with your understanding?

24

25

A Yes, that right.

Q What was the nature of most of those

1

2

corruption allegations?

3

A They were narcotic based allegations.

4

Q And do you know if some of them dated back

5

to the early 1980's?

6

A Yes, I did.

7

Q Was there any allegations linking Officer

8

Brown to other police officers in the 9th precinct?

9

A Yes, there was.

10

Q Could you tell us about that briefly?

11

A I'm trying to recall a particular case.

12

Q Did they generally involve association and

13

narcotics related activities?

14

A Yes, they did.

15

Q With other officers of the 9th precinct.

16

A With officers in the 9th precinct, yes.

17

Q The group of officers that were going to

18

be at the party --

19

A Yes.

20

Q Actually, we'll get to that in a moment

21

because what I'd like to do now is to refer you to this

22

chart. This chart has been prepared to help the public

23

and the Commissioners understand the scope of your

24

investigation. For the sake of confidentiality, the

25

names of the police officers have not been disclosed with

1

2

the exception of the name Alan Brown because that's a matter of public record. Detective, are you familiar with this chart?

5

A Yes, I am.

6

7

8

Q When you were requested to appear at private hearings before the Mollen Commission, did you review this chart?

9

A Yes, I did.

10

11

Q And at that time, did you review the names of the police officers on that chart?

12

A Yes.

13

14

Q Do the red circles indicate the police officers that you expected would be at that party?

15

A Yes. That's correct.

16

17

18

Q And including Officer Brown, does that mean there were ten police officers that you were expecting?

19

A Yes. That's correct.

20

21

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23

Q Do the yellow circles indicate the network of police officers that you thought there was a reasonable likelihood of arresting for the evidence gathered at the barbecue?

24

A Yes, that's correct.

25

Q And altogether does that come to a total

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of approximately seventeen officers, including Alan
Brown?

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4

A That's right.

5

6

Q And two of them were former members of the
Department, is that right?

7

A Yes, that's correct.

8

9

Q So at least fifteen current members of the
Department?

10

A That's correct.

11

12

13

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Q As you can see, all but one of those
police officers is colored in yellow in the middle. Does
that indicate to your knowledge that they had former
corruption allegations against them?

15

A Yes.

16

17

Q Can you tell us what the nature of most of
those corruption allegations was?

18

A Narcotics, drugs.

19

20

Q Did some of those officers have as many as
seven or eight allegations of corruption against them?

21

A Some of them do, yes.

22

23

24

Q You mentioned before that the 9th precinct
had the potential to be another 77th precinct case, is
that correct?

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A Yes, I did.

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Q Could you explain to the Commissioners and the public why you think the case had such potential?

A Well, considering the background of the police officers that were involved, that were attending the party, we felt that if we had caught these police officers at the party in drug use or with drugs, we may have been able to sustain a better investigation and continue in a sort of a domino effect and continue with the investigation and eventually arrest or dismiss from the Department several other police officers.

Q Were many of the officers on this chart former partners of Alan Brown?

A Yes. Several of them were.

Q Were any of the members, police officers on this chart, were there names found in the books of drug dealers?

A Yes, there were a few.

Q And those names were found together, together the names were found in a single --

A In a single book, yes.

Q Were most of the names on this chart in Alan Brown's address book at the time of arrest?

A Yes.

Q Did many of these officers on this chart

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share a common apartment at one time?

A Yes, in one way or another.

Q And did many of the officers on this chart have allegations of narcotics related corruption filed against them together?

A That's correct.

Q So the network, you're saying, was quite strong, the connection between this group of police officers?

A That's right.

Q I'd like to briefly turn to IAD's involvement with this case. Do you recall attending a meeting in March of 1991 at IAD?

A Yes, I do.

Q Without revealing any names, could you tell us generally who was there from the Internal Affairs Division?

A There was some, I believe, lieutenants, captains, and inspectors at the meeting, maybe a chief, too, I don't remember exactly, but they were high ranking.

Q Were they top commanding officers in IAD that attended that meeting?

A Yes.

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Q Was it common practice for you to attend such a high level meetings at the Internal Affairs Division with a group of high ranking officers?

A No.

Q In fact, in your twenty years, twenty-two years in Manhattan South FIAU, how many times have you been summoned to IAD to attend a meeting with such a group of high ranking officers?

A To my recollection, I think there was one other time.

Q One other case in twenty-two years?

A Yes.

Q And was that also a large case with a potential to uncover precinct-wide corruption?

A Yes, it was.

Q Did the Manhattan South FIAU at that meeting in March explain to IAD the potential that this case had?

A Yes. We informed them of the barbecue, we informed them of the drugs, and we informed them of the number of police officers that may be involved.

Q Did IAD asked to be briefed regularly on the progress and development of that case?

A Yes, they did ask.

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Q And was that carried out?

3

A It was, yes.

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Q Records indicate that at the time of the meeting, the Internal Affairs Division was closing a ten-month investigation against four police officers who were the target of your investigation. Do you [tape change]

8

9

A I did read the report that you offered me, yes.

10

11

12

Q We'll get to that in a moment. Did IAD at the time of that meeting ever provide you with the files on that investigation?

13

14

A Did IAD provide me with the information regarding that case?

15

16

Q In March of 1991.

17

A At that meeting?

18

Q Yes.

19

A No.

20

21

Q Did IAD even mention to you that they had closed an investigation that week involving four targets of your investigation?

22

A No, they never informed about that.

23

24

Q When did you learn about the IAD case involving those four police officers in the 9th precinct?

25

A In spring of '93. Spring of this year.

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Q So almost two years after that meeting.

3

A Excuse me? No, two months after that

4

meeting.

5

Q After the March 1991 meeting you mean.

6

A Yes, I'm sorry.

7

MR. CHAIRMAN: You said 1993. You meant 1991?

8

A No. I meant spring of '93 is when I was

9

informed about that particular case.

10

Q So it would have been two years then after

11

that first meeting with IAD?

12

A That's correct.

13

Q How did you find out about the existence

14

of that case?

15

A Through your efforts.

16

Q So in other words, when you were

17

subpoenaed to come to the Mollen Commission and we asked

18

you questions about investigations and we asked you about

19

that case, that's how you first learned about its

20

existence?

21

A Yes. Well, at that time, I'm not sure of

22

the time span here, but we had requested certain C number

23

cases which were not available to us before this hearing,

24

and then we did find out that IAD had conducted that

25

investigation a year and a half before we got that

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information.

Q Would it have been helpful to you to have that access to those files while you were conducting your 9th precinct case?

A Yes, it would have.

Q And despite that, you were not even informed that that investigation had ever been conducted?

A That's correct. We were never informed about it.

Q I'd like to turn back now to the 9th precinct network case that you were investigating. After the meeting in March of 1991, did you continue to develop the investigation?

A After what date?

Q After the meeting with Internal Affairs Division of March of 1991, did you continue to develop plans in connection with your investigation?

A Yes, we did.

Q Was the assistant district attorney in Manhattan working with you?

A Yes, he was.

Q And what was the focus of the investigation?

A As I said before, the focus of the

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1 investigation was to substantiate the allegation of drug
2 use and dealings in drugs by police officer Brown and
3 other members of the service in the 9th precinct.
4

5 Q As many as twelve or more members of the
6 Department?

7 A Yes.

8 Q Did you have a tactical plan that you were
9 developing for infiltrating this barbecue in the summer
10 of 1991?

11 A Yes. We had reason to believe that
12 narcotics, as I said before, was going to be present at
13 the party, and we had made plans to get into the party
14 with an undercover and Mr. X.

15 Q And did you ask Mr. X if he would wear a
16 wire?

17 A Yes, we did.

18 Q Did he agree to wear a wire?

19 A He did.

20 Q Were there any plans to have a police
21 officer accompany Mr. X to the barbecue?

22 A Yes, there was. That's correct.

23 Q And those plans were underway?

24 A Excuse me?

25 Q Those plans were underway as well?

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A Yes, they were.

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Q Were you doing any surveillances of the house where the barbecue was going to be?

5

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A Yes, we did. We took photographs of the area, and we studied the area to see where we could set up certain surveillance vans.

8

9

Q Where was this barbecue going to take place generally, if you could just tell us what borough?

10

11

A In Staten Island.

12

13

Q And was it police officer Brown's home or a family member's home?

14

15

A Excuse me?

16

17

Q Was it a family member's home where the barbecue was going to take place?

18

19

A Yes, it was.

20

21

Q Did there come a point where you were working with the district attorney to issue warrants in connection with this investigation?

22

23

A Yes.

24

25

Q So that the tactical plan had actually gotten that far?

A Yes. It certainly did.

Q Did there come a time when you made a purchase of drugs off of Alan Brown?

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A Yes. We did that three times.

Q Okay. Was the first purchase of drugs on May the 13th, 1991?

A Yes, I think it was. Yes.

Q And after the first purchase of drugs, was IAD briefed on that?

A They were.

Q Was the commanding officer of the patrol borough Manhattan South briefed on that?

A Yes, he was.

Q At that point, was anyone rushing you to make a second buy off of police officer Brown now that you knew that he was a police officer using drugs?

A No, nobody was rushing us.

Q Did anyone even suggest to you that you monitor police officer Brown more closely now that you know that there's a police officer using drugs in the Department?

A No.

Q Was there any sense of crisis at all over the fact that he had now purchased drugs?

A Not that I know of.

Q And after the first buy, did you continue plans for the barbecue?

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A Yes, we did. We made the plans, and we started making plans for a second buy.

Q Okay. When did that second buy occur, beginning of June?

A Yes. I don't remember the exact date, but that was in the beginning of June. I think it was maybe June 4.

Q That's right. That's what Department record indicate, that it was on June the 4th, which would be twenty-two days after the first buy, is that correct.

A That's correct.

Q After the first buy, was the second buy successful?

A Yes, it was.

Q Was there any conversations that were captured of any significance?

A Yes. We had received additional information that, through Mr. X and I believe it was on tape, that guns were available through police officer Brown.

Q And did you decide to try to develop that information in connection with this investigation?

A Yes, we did.

Q What was your plan?

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A Well, everything was tentative at this time, but we had discussed it with the district attorney's office and we had plans possibly to purchase guns from police officer Brown through Mr. X.

Q And for the guns, what was the reason that you wanted to develop the gun evidence if you already had evidence of purchase of narcotics?

A We wanted to fortify our case against police officer Brown. It was with the hope that police officer Brown would turn state's evidence on us.

Q But was the objective to try to develop evidence in anticipation of the barbecue?

A Yes. That's correct.

Q Okay. And was the purchase of guns, in fact, going to be made at the time of the barbecue?

A I don't remember exactly when the purchase of the guns would have been made. I don't know, I can't remember off hand when that was going to be made, but it would have been approximately about that time, yes.

Q After the second buy of drugs off of police officer Brown, was anybody rushing you at this point with the investigation?

A After the second buy?

Q Just after the second buy.

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A No.

Q Was anyone particularly alarmed over the fact that you had even more evidence that a member of the Department was using drugs?

A Not that I'm aware of.

Q Was anybody expressing concern that there was a threat to the community at this point?

A Again, not that I'm aware of. No.

Q Okay. Was a date eventually set for a third purchase of drugs off of Alan Brown?

A Yes, it was.

Q And was that date June the 14th, 1991?

A I believe so.

Q And was that twenty-two days before the barbecue was scheduled to occur?

A Yes, it was twenty-two days before the barbecue.

Q So at this point, you've made two buys off of Alan Brown, is that correct?

A That's correct.

Q You've gotten confirmation of the party not only through Mr. X, but also on tape, is that correct?

A That's correct.

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Q All plans were underway for infiltrating the barbecue?

A Yes.

Q In fact, you had even gone to the extent of working on the warrant with the district attorney?

A That's correct.

Q Now you're twenty-two days away from the barbecue, what happened?

A We were told that we were going to make the third buy from police officer Brown and arrest him at that time.

Q What was your reaction to that?

A Well, we took a step backwards and tried to think about it. We were all disappointed at that whole situation that we had to arrest Brown. We felt that there was more to the investigation, and if we continued, it would have yielded a lot more than police officer Brown.

Q And what was the reaction of the district attorney?

A He was totally surprised. He was dismayed, disappointed about it.

Q And what impact did that have on the outcome of this investigation and the opportunity to

1
2 uncover corruption of a whole network of police officers
3 in the 9th precinct?

4 A It basically brought the investigation to
5 a stop.

6 Q I want to clarify just what it was you
7 were asking for. Did you express that Manhattan South
8 FIAU express their concern and their dismay to anyone
9 outside of Manhattan South FIAU?

10 A Well, besides the district attorney's
11 office, we expressed it to our commanding officer at the
12 time, and I'm sure that was relayed over to IAD.

13 Q Okay, I'd just like to indicate that
14 Department records indicate that it was. But what
15 exactly was it that you were asking for? Was Manhattan
16 South FIAU suggesting that Alan Brown not be arrested?

17 A No. They were saying to arrest police
18 officer Brown.

19 Q But you were asking for a delay of twenty-
20 two days, is that correct?

21 A We were asking the delay to go ahead with
22 the investigation and continue into the barbecue.

23 Q Did the Internal Affairs Division
24 understand what the impact of arresting Alan Brown
25 twenty-two days before the barbecue would be?

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2

A I believe they did.

3

4

Q And was Internal Affairs Division aware that all you were asking for was twenty-two days?

5

A Yes.

6

7

8

Q Was the Internal Affairs Division aware that twenty-two days had passed between just the first buy and the second buy?

9

A That's correct.

10

Q And despite that, the order remained?

11

A Yes, it remained.

12

13

14

Q I'd like to turn to that order for a moment now. Who communicated the order to effect the arrest of Alan Brown?

15

16

17

A I don't know who communicated the order. We got the order from our CO which was Captain Miley at the time.

18

19

Q From the commanding officer of Manhattan South?

20

A Manhattan South, yes.

21

22

Q Do you have any understanding who communicated the order to him?

23

24

A I believe he received it or he had talked to the borough head at the time.

25

Q The commanding officer of the patrol

1

2 borough?

3

4 A The commander of the patrol borough of
Manhattan South.

5

6 Q What is your understanding of who ordered
the arrest of Alan Brown?

7

8 A My understanding from what I could
remember is that I believe it was a combination of the
9 borough commander and Internal Affairs.

10

11 MR. CHAIRMAN: May I ask what you base that
understanding on?

12

13 A Excuse me, sir?

14

15 MR. CHAIRMAN: May I ask what information you
16 base that understanding on? As to who directed that
17 Officer Brown be arrested at the next buy instead of
18 awaiting the outcome of your further efforts to
19 investigate other police officers as well.

20

21 A Just general conversation within the unit.

22

23 Q I'd like to point out to the Commissioners
24 to follow up on the Chair's question which is an
25 important one that the one area where memories of the top
commanding officers in IAD and Manhattan South patrol
borough seem to fade in the course of private hearings
over the past few months was with who specifically
directed the order in IAD. At private hearings

Commission investigators and attorneys questioned the top commanding officers in IAD and the commanding officer of Manhattan South patrol borough about who directed the order.

When questioned, not a single commanding officer of IAD could remember who directed the order, although all agreed that the top commanding officers of IAD had been regularly apprised of the progress of that investigation, and all agreed that the order would have had to have been authorized by the top commanding officers of IAD or the Chief of the Inspectional Services Bureau.

Indeed, the evidence unequivocally establishes that the order from within the Department was directed by the commanding officers within the Inspectional Services Bureau, either alone or jointly with the commanding officer of Manhattan South patrol borough and was authorized by the commanding officers of IAD and IAB, despite the fact that the order knowingly eliminated an opportunity for Manhattan South to uncover and prove widescale narcotics related corruption in the 9th precinct.

Detective, at this point I'd like to ask you, again, if you were aware at this point of a single

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2 legitimate reason for the order to arrest Alan Brown
3 twenty-two days before the barbecue?

4 A Excuse me, say that again?

5 Q Are you aware of a single legitimate
6 reason for the order to arrest Alan Brown?

7 A No.

8 Q Some officers and members of the
9 Department have suggested that the decision to arrest
10 Alan Brown after the third buy and to prematurely close
11 the case might have been based on a concern that he be
12 taken off the street because he was a danger to the
13 community. Do you agree that that would have been a
14 legitimate reason?

15 A Well, that's one of the reasons that we
16 were told, but I don't believe it was a legitimate reason
17 at all.

18 MR. CHAIRMAN: Well, Detective, traditionally,
19 has that not been the reason given in other instances, if
20 you know, where there are investigations as to possible
21 corruption on a number of police officers and a key
22 officer be arrested, and the reason given is to get him
23 off the street and to take away his gun?

24 A I haven't had the opportunity to come
25 across that.

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MR. CHAIRMAN: Have you ever heard about that policy?

A Yes. Yes, I have heard.

MR. CHAIRMAN: In your opinion, as apparently a long-time member of FIAU, do you think that that is a valid reason to do so?

A Not in this case, no.

Q And in fact, in your investigation --

MR. CHAIRMAN: Didn't you suggest that it might be more important to get a larger number of police officers who carried guns off the street if they're corrupt cops?

A If the concern was that we had a police officer that was using drugs out on the street and that had a gun, on the other hand, you had several other police officers that were doing the same thing, and I think it was more important to get more of the police officers instead of just a single one.

MR. CHAIRMAN: Thank you.

Q Exactly. And how many police officers did you think you could get off the street as a result of carrying out your investigation?

A I would say anywhere from six to fifteen. Anywhere you could look on that chart and see the number

1

2 of police officers involved.

3

Q Okay. I just want to point out one other
4 fact to the Commissioners that goes to the question that
5 the Chairman just asked. Are you familiar with the
6 central personnel index of police officer Brown?

7

A Yes, I am.

8

Q And does that show that there have been
9 allegations of narcotics use against Officer Brown since
10 1980?

11

A Yes, I'm familiar with that.

12

Q And does it show that in 1988, three years
13 before this incident, that there was a recommendation
14 that police officer Brown be terminated from the
15 Department?

16

A Yes. I recall that.

17

Q And are you aware that despite that, he
18 was placed on disciplinary probation for one year?

19

A Yes, I'm familiar with that.

20

Q And during the period that he was on
21 probation, he was found to be wrongfully in possession of
22 forged documents, his evaluation was below standard, and
23 there was at least one allegation that he was associating
24 with known felons, and he was intoxicated regularly while
25 on the job. This was during the period he was on

1

2 probation. Detective, would that have been a basis for
3 terminating Officer Brown from the Department several
4 years ago?

5

A I would say so at this time, yes.

6

Q At this point I would like to present to
7 the Commissioners and the public the testimony of three
8 officers that were involved with the investigation.

9

MR. CHAIRMAN: Are you through with this
10 witness?

11

Q No, we're not actually. There are tape
12 recordings, Your Honor, that we're going to play at this
13 time.

14

(pause)

15

Q Okay. We're going to play three tapes.
16 It will just take a few moments, and then we're going to
17 complete with this witness. I'd like to state the
18 following. When questioned about the impact that the 9th
19 precinct network investigation would have had on the
20 Department if the investigation had not been prematurely
21 closed as it was, a top ranking commanding officer in IAD
22 said the following when questioned under oath --

23

MR. CHAIRMAN: Wait, wait. Miss Cornfeld, just
24 a moment please.

25

Q -- at a private hearing.

1

2 testimony, and I'd like to ask that tape two be played at
3 this time.

4

TAPE NUMBER 2: (inaudible)

5

Q And finally, a supervisor of the
6 investigation of this network case was asked why in his
7 opinion the case prematurely closed at the expense of
8 losing a corruption case against fifteen police officers,
9 the supervisor of this 9th precinct investigation
10 responded as follows. I'd like to ask that tape number
11 there be played.

12

TAPE NUMBER 3: (inaudible)

13

Q Detective, one final question. Based on
14 your opinion, do you think that the decision to
15 prematurely close the 9th precinct corruption case was
16 influenced by a desire or was based on a desire to avoid
17 another 77th precinct scandal and to avoid embarrassment
18 to the Department and the commanding officers responsible
19 for the precinct?

20

A Yes, I do.

21

Q I have no further questions at this time.

22

MR. CHAIRMAN: Detective, are a number of the
23 officers who were the subject of your investigation and
24 against whom there have been allegations of corruption
25 still in the Department?

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A Some of them are still in the Department,
yes. Majority of them are still in the Department.

MR. CHAIRMAN: Thank you very much, Detective.
You performed a great public service by your willingness
to come here and testify, and on behalf of the people of
our City, I thank you.

A You're welcome, sir.

MR. CHAIRMAN: At this time, we will recess,
and we will resume at 9:30 tomorrow morning.

(Whereupon the hearing was adjourned to
September 29, 1993, at 9:30 a.m.)

I DO HEREBY CERTIFY:

THAT I was present at the above proceeding and made verbatim record of everything spoken except as directed by the Chairman presiding.

THAT the foregoing pages are a true and complete transcript of the record made by me in my capacity as Reporter.

Allen Krager
REPORTER

Carol Scherke
TRANSCRIBER