

1 ASSOCIATION OF THE BAR  
OF THE CITY OF NEW YORK

2 -----x  
In the Matter of

3 THE MOLLEN COMMISSION  
4 HEARINGS ON  
POLICE CORRUPTION

5 -----x

6 held at:

7 42 West 44th Street  
New York, New York 10017

8 September 29, 1993  
9 9:30 a.m.

10 BEFORE:

HON. MILTON MOLLEN  
CHAIRPERSON

11 APPEARANCES:

COMMISSIONERS:

12 HON. HAROLD BAER, JR.

13 HON. HERBERT EVANS

14 HON. HAROLD TYLER

15 RODERICK C. LANKER, ESQ.

NON-COMMISSIONERS:

16 JONNY FRANK, ESQ.

17 WILLIAM GOODSTEIN, ESQ.

QUESTIONERS:

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INDEX

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
12  
13  
14  
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16  
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<u>Witness</u>	<u>Armao</u>	<u>Burns</u>	<u>Commissioners</u>
Kevin Hembury	3		9, 17, 20, 23-25, 36, 40, 50, 53, 53, 54-57, 58-59, 60, 64-68, 70, 74, 81, 82-84, 89-92, 94, 99, 100
Bernard Cawley		101	104, 106, 107, 109, 111-112, 113-114, 115-116, 117-118, 123, 125, 126-128, 132, 133, 136- 137, 145-146, 159-160, 174, 178, 179, 182

<u>Exhibits</u>	<u>Description</u>	<u>Page #</u>
<u>Commission</u>		
BAND 1	Investigating Officer's Report from the Internal Affairs Division dated 12/27/90	178
BAND 2	Investigating Officer's Report from the Internal Affairs Division dated 2/6/91	180

1  
2 MR. ARMAO: Good morning, Mr. Chairman,  
3 Commissioners. Mr. Chairman, would you administer the  
4 oath the witness, please. Mr. Hembury, would you stand.

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

9 MR. HEMBURY: I do.

10 MR. CHAIRMAN: Thank you. Would you please be  
11 seated. Mr. Armao.

12 MR. ARMAO: Mr. Hembury, before we begin, I  
13 would caution to bring the microphone a bit closer to  
14 your mouth so that we can all hear you.

15 HEMBURY EXAMINATION

16 BY MR. ARMAO

17 Q Would you please state your full name for  
18 the record?

19 A Kevin Hembury.

20 Q Mr. Hembury, were you once a police  
21 officer of the New York City Police Department?

22 A Yes, I was.

23 Q Are you here to testify about your  
24 experiences with corruption while you were a New York  
25 City police officer?

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A Yes, I am.

Q Are you represented by counsel today?

A Yes, I am.

Q Mr. Boyle, would you please identify yourself?

MR. BOYLE: Yes. Thomas Boyle.

MR. CHAIRMAN: Good morning, Mr. Boyle.

Q Mr. Hembury, have you had a full and fair opportunity to discuss with Mr. Boyle issues relating to your testimony today?

A Yes, I have.

Q How long were you a police officer, Mr. Hembury?

A Approximately six years.

Q During what period of time?

A From July 15, 1986, to June of '92.

Q Where were you assigned for the majority of your career?

A I was assigned to the 73rd precinct in the Brownsville section of Brooklyn.

Q During your career as a police officer in the 73rd precinct did you commit crimes?

A Yes, I did.

Q Did you commit acts of corruption in

1  
2 violation of your sworn duty as a police officer to  
3 enforce the law?

4 A Yes, I did.

5 Q Did you commit these crimes while you were  
6 on duty and in uniform?

7 A That's correct.

8 Q Mr. Hembury, how many acts of corruption  
9 did you engage in as a New York City police officer?

10 A Over a hundred.

11 Q When did your career come to an end, sir?

12 A May 6, 1992. I was arrested by Suffolk  
13 County.

14 Q Were you arrested by Suffolk County police  
15 authorities?

16 A That's correct.

17 Q Were you arrested, Mr. Hembury, as a  
18 result of the same investigation that lead to the arrest  
19 of Michael Dowd and four other New York City police  
20 officers?

21 A Yes, I was.

22 Q Before your arrest, had you ever met  
23 Michael Dowd?

24 A No, I didn't know Michael Dowd.

25 Q Were you subsequently prosecuted in

1  
2 Suffolk County on drug charges?

3 A Yes, I was.

4 Q Was that on a charge that you and others  
5 were involved in a conspiracy to distribute cocaine in  
6 Suffolk County?

7 A Yes, sir.

8 Q Were you convicted of that crime?

9 A Yes, I was.

10 Q Where were you convicted?

11 A I was convicted in Suffolk County.

12 Q And you were convicted on your own plea of  
13 guilty?

14 A That's correct.

15 Q You acknowledge your crime before the  
16 court?

17 A Yes, I do.

18 Q Were you sentenced.

19 A Yes, I was.

20 Q And what sentence did you receive?

21 A I received a term from two to six years  
22 for the state.

23 Q In state prison?

24 A That's correct.

25 Q Are you currently an inmate of the New

1  
2 York State correctional system?

3 A That's correct.

4 Q Are you on work release right now?

5 A Yes, I am.

6 Q Mr. Hembury, do you understand that you're  
7 here today to testify truthfully and completely about  
8 your corrupt activities as a New York City cop?

9 A Yes, I am.

10 Q Have you ever before revealed this  
11 information to the public?

12 A No, I have not.

13 Q Do you further understand, Mr. Hembury,  
14 that the Commission's taking your testimony here under  
15 oath?

16 A Yes, I do.

17 Q And that should you knowingly lie about  
18 any material fact, you could subject yourself to charges  
19 of perjury, do you understand that?

20 A Yes, I do.

21 Q Are you ready to proceed?

22 A Yes, I am.

23 Q Before we begin, Mr. Hembury, I need to  
24 caution you about two things. First, do not speculate.  
25 Just tell the Commission what you know from your own

1 first-hand experiences. Do you understand that?  
2

3 A Yes, I do.

4 Q Secondly, with regard to your description  
5 of corrupt activities, I'm advising you for the sake of  
6 protecting the confidentiality of on-going law  
7 enforcement investigations, you are not to name the names  
8 of any other police officers whom you observe committing  
9 corrupt acts or with whom you were involved in committing  
10 corrupt acts. Do you understand that, sir?

11 A I'm fully aware of that, yes, sir.

12 Q How old are you, Mr. Hembury?

13 A Twenty-nine.

14 Q Are you married?

15 A No, sir.

16 Q Where are you from originally?

17 A Born in the Bronx, raised in Smithtown,  
18 Long Island.

19 Q Do you still have family in the New York  
20 City area?

21 A Yes, I do.

22 Q Why did you become a police officer?

23 A I became a police officer because I felt  
24 that I was a people person. I could help the community.  
25 Was a good job, respectable.

1  
2 Q When you applied to become a New York City  
3 police officer, did you have expectations at that time  
4 that you could use your authority for your own personal  
5 gain?

6 A No, I did not.

7 Q When did you enter the police academy,  
8 sir? What year?

9 A In 1986.

10 Q When you were at the academy, did you  
11 receive integrity training?

12 A Very minimal integrity training, sir.

13 Q What do you mean by minimal integrity  
14 training?

15 A So minimal that I don't recall any. I  
16 believe that there was part of the curriculum that IAD  
17 came in and spoke to us. Maybe it was one time.

18 Q Mr. Hembury, you are now twenty-nine years  
19 old?

20 A That's correct.

21 Q That would make you about nine or ten  
22 years old at the time of the Knapp Commission, is that  
23 right?

24 A That's correct.

25 COMMISSIONER TYLER: I'm interested in the

1  
2 training. When you say one time, is it your view that  
3 that was like one morning session or an hour? Do you  
4 have any recollection of how much of that sort of  
5 training you received at the academy?

6 A Primarily, sir, I believe IAD came to the  
7 police academy and told the recruits of their function in  
8 the Police Department.

9 COMMISSIONER TYLER: And that was it?

10 A Correct.

11 COMMISSIONER TYLER: Thank you.

12 Q Mr. Hembury, while you were at the  
13 academy, did you personally take the integrity training  
14 seriously?

15 A No, I did not.

16 Q What about your experiences with the other  
17 recruits at the academy at that time? Based on your  
18 conversations with them, did they take it seriously?

19 A No, sir.

20 Q In fact, with regard to the Internal  
21 Affairs Division instructors, how were they perceived by  
22 your and your fellow recruits?

23 A They were perceived as being part of the  
24 job, not as a threatening or discouraging detail.

25 Q Were they perceived as being real cops, so

1  
2 to speak?

3 A In that respect, no, sir. They were  
4 considered rats. It was and still is to this day a  
5 detail in the Police Department that is not looked up  
6 upon. It's a detail that's --

7 MR. CHAIRMAN: Mr. Hembury, could you please  
8 keep your voice up a little bit more?

9 A Yes, sir. It's a detail that is pretty  
10 much what you'd be doing for the rest of your career.  
11 It's a detail where you would go and then stay there.  
12 You'd be labeled as a rat.

13 Q Sort of a dead end job?

14 A Absolutely.

15 Q How did you acquire this message about IAD  
16 when they came into the academy? Was that just a general  
17 attitude, a general perception? Did you receive it from  
18 the other instructors?

19 A I believe it was just a general perception  
20 of IAD.

21 Q Besides the academic training that you  
22 were provided at the academy, did you come to learn  
23 something about the mentality or the attitude that goes  
24 with being a New York City cop?

25 A Yes, I did.

1  
2 Q Could you describe that for the  
3 Commission, please?

4 A Yes, sir. Police academy training  
5 stressed the point of CYA, which is an acronym for cover  
6 your ass. It basically was stressed to the recruits that  
7 you should have an answer for any questions that may come  
8 your way, what you're doing there at a certain location  
9 or whatever situation you may find yourself in. Have an  
10 answer.

11 Q And when you say have an answer, does that  
12 also apply to misconduct or wrongdoing that you might be  
13 accused of by the Department?

14 A Yes, sir, it does.

15 Q From whom did you receive this message?

16 A This was an aspect of the police academy  
17 that was taught by most all instructors.

18 Q Instructors that you at the time looked up  
19 to as seasoned veterans of the Police Department?

20 A That's correct.

21 Q Mr. Hembury, before coming here today, did  
22 you happen to see the testimony of Michael Dowd?

23 A Yes, I did.

24 Q Is your answer any way influenced by the  
25 answer that he gave to the same question that I put to

1  
2 him?

3 A No, sir.

4 Q This was totally independently your  
5 experience?

6 A That's correct. In fact, the testimony  
7 that I'd seen of Michael Dowd's, I didn't see that  
8 question asked.

9 Q Thank you. Mr. Hembury, after the academy  
10 where were you assigned?

11 A I was assigned to NSU 13 which was a six-  
12 month training exercise primarily in the street, and that  
13 would be at the 113th precinct in Queens.

14 Q Once again, Mr. Hembury, I know you have a  
15 rather soft voice, but if you could try to speak into the  
16 microphone. Mr. Hembury, I'd just like to correct  
17 something for the records. Department records show that  
18 you were assigned to NSU 18. Does that refresh your  
19 recollection?

20 A Yes, sir. That's NSU 18.

21 Q With regard to your experiences in an NSU,  
22 as we have heard that is a six-month sort of rookie  
23 training ground. Is that correct?

24 A That's correct.

25 Q And are you assigned to learn the job with

1  
2 other seasoned veterans of the Police Department?

3 A Yes, you are. At the time I was in NSU,  
4 we were trained by detectives.

5 Q And are they known as field training  
6 officers?

7 A That's correct.

8 Q With regard to the testimony you just gave  
9 about the mentality that you acquired in the Police  
10 Department, was that any way reinforced during your NSU  
11 experience?

12 A Yes, it was.

13 Q In what way?

14 A It was part of the practical training by  
15 the detectives and even the senior more experienced  
16 police officers that we associated with.

17 Q Would they tell you, hey, kid, make sure  
18 you cover your ass on this job?

19 A Yes, sir.

20 Q Mr. Hembury, have you ever heard the  
21 expression being a "good" cop?

22 A Yes, I have.

23 Q What exactly does that mean to you?

24 A That exactly means someone you can trust,  
25 someone who would not rat.

1  
2 Q You mean another cop who won't complain  
3 about the wrongdoing of his colleagues?

4 A Correct.

5 Q Was that an important thing to be known  
6 as, as a good cop, in your experience?

7 A Yes, it was. To be known as a good cop  
8 was definitely part of being accepted by fellow officers  
9 in my command.

10 Q And my more specific question is did you  
11 learn the value of the need to be a good cop right from  
12 the getco, right from your experience in the NSU?

13 A Yes, sir, you did.

14 Q Tell us how you learned that.

15 A Talk in the precinct. Then I think, sir,  
16 if you look at the opposite side of that would be more  
17 effective to describe. If you weren't a good cop, you  
18 were a rat or you were not liked, you would have a hard  
19 time with your career in the Police Department both  
20 advancing and associating with other police officers.

21 Q We will develop this theme a bit later in  
22 your testimony. Again, I'll just ask you my specific  
23 question. Did you learn this within the first months of  
24 being a New York City police officer?

25 A Yes, sir, I did.

1  
2 Q Was there pressure on you during those six  
3 months to be known as a good cop?

4 A Yes, sir, there was.

5 Q When you were a rookie police officer, did  
6 you ever observe any act of misconduct?

7 A Yes, I did.

8 Q An act of misconduct which you did not  
9 complain about to the Internal Affairs Division or to  
10 your superiors?

11 A That's correct.

12 Q Can you describe for the Commissioners  
13 what you witnesses?

14 A Yes, sir. One day while I was home I  
15 observed a male black on television boasting about being  
16 a participant in a bias beating in Queens. This was in  
17 retaliation to --

18 (inaudible background dialogue)

19 A I'm not sure what exact case it was, but  
20 it was in regard to the Howard Beach incident. My next  
21 day when I came into work, I observed this male black  
22 being pushed down the stairs by some detectives  
23 handcuffed.

24 Q So he was already in custody?

25 A That's correct.

1  
2 Q And in your judgment and based on your  
3 observations, was he thrown down the flight of stairs in  
4 retaliation for the crime for which he was charged?

5 A Yes, sir.

6 Q After your NSU assignment, Mr. Hembury,  
7 where were you assigned?

8 A I was permanently assigned to the 73rd  
9 precinct in Brooklyn.

10 Q When you received that assignment, what  
11 was your personal reaction to being assigned there?

12 A I wasn't happy about it. I knew it was  
13 Brooklyn North. It was a busy place. It had a  
14 reputation for being that.

15 Q Now we've heard this from other witnesses,  
16 Mr. Hembury. What is it about the Brooklyn North  
17 precincts that is undesirable for police officers? Is it  
18 the volume of crime that these precincts have to handle?

19 A Yes, sir, it is. It's that, and a lot of  
20 things make it undesirable, sir.

21 Q Is it a hard job to do basically because  
22 you'll be very busy every day on the radio?

23 A That's correct.

24 Q Before you were assigned there --

25 MR. CHAIRMAN: May I ask this. Was the racial

1  
2 factor one of the reasons that it was deemed to be an  
3 unpopular assignment?

4 A No, judge, not my personal feeling, no.  
5 And I don't think the vast majority of police officers.  
6 No, it's not an issue.

7 Q Mr. Chairman, if you could just bring the  
8 microphone a bit closer. What particular reputation did  
9 the 73rd precinct have among police officers to your  
10 knowledge?

11 A It had a reputation for being one of the  
12 busiest precincts in the city.

13 Q Did it have a reputation based on the  
14 personnel that was assigned there?

15 A Yes. It did. It had two aspects, Mr.  
16 Armao. One was that rules were not strictly adhered to.  
17 This was a common knowledge in Brooklyn North precincts.

18 Q In other words, it wasn't a patrol guide  
19 precinct, so to speak?

20 A That's correct. Things weren't done by  
21 the book. Different precincts had different styles,  
22 different ways, different rules.

23 Q What about disciplinary problems? We've  
24 heard the term dumping ground during the course of the  
25 Commission's inquiries. Did the 73rd precinct have such

1  
2 a reputation?

3 A Yes, it did, sir.

4 Q What is a dumping ground, Mr. Hembury?

5 A A dumping ground is a place that police  
6 officers that got jammed up in the job, found some type  
7 of trouble, would be exiled, if you will, to the 73rd  
8 precinct, to the 75 precinct, as a form of punishment for  
9 their actions.

10 Q For misconduct or corruption?

11 A Yes.

12 Q I just want to jump ahead for one minute.  
13 In the years that you were assigned to the 73rd precinct,  
14 based on your conversations with other police officers  
15 who were assigned there, did you notice a high proportion  
16 of police officers who were there who had checkered pasts  
17 or were known as discipline problems?

18 A Yes, sir. There were quite a few.

19 Q Yet you were a rookie, correct? Without  
20 really any experience as a cop except for your NSU  
21 assignment, and you were assigned there as well?

22 A That's correct.

23 Q How old were you, Mr. Hembury, when you  
24 were assigned to the 73rd precinct?

25 A Approximately twenty-two, sir.

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Q And you were from Smithtown, Long Island?

A That's correct.

Q Had you ever even been in the Brownville section of Brooklyn before in your life?

A No, I have not.

Q When you arrived at the 73rd precinct, were there other police officers there whom you already knew from your academy days?

A Yes, there were.

Q How many?

A Three or four.

COMMISSIONER BAER: How many people are in the precinct? How many officers?

A The 73rd precinct has a total of around 250 police officers.

Q Just to follow up on Judge Baer's question, is it a very large precinct?

A In terms of geographically?

Q Yes, sir.

A No. In fact, it is probably the smallest precinct in the City.

Q When you were assigned to the 73rd precinct, were you assigned to a particular squad?

A Yes, I was. I was assigned to the fourth

1  
2 squad.

3 Q What about these friends of yours? Were  
4 they also, these fellow police officers, were they also  
5 assigned to the fourth squad?

6 A One was, sir.

7 Q Could you describe for the Commissioners  
8 in your first year in the 73rd precinct, what was the  
9 volume of crime there? The number of radio runs that you  
10 would respond to in a typical day.

11 A The volume of crimes in the 73rd precinct  
12 were ranking with the 75 precinct which is a very large  
13 precinct compared to the 73rd. The 73rd precinct is a  
14 very small precinct, yet it had such a high rate of crime  
15 that it would rank two and three in the City. Each year  
16 we would hit about 100 homicides. Being one square mile  
17 was a lot of homicides, as opposed to the 75 or the 34  
18 which were five times that large, having 110 homicides  
19 for the year.

20 Q I'd like you to describe for a moment now  
21 the drug trade. Was there a visible, on the street drug  
22 trade going on in your years there?

23 A Absolutely, yes.

24 Q And at this time in the mid 1980's was  
25 crack cocaine a major commodity of drug traffickers in

1 this section of Brooklyn?

2 A Yes, it was.

3 Q In that environment, Mr. Hembury, what  
4 sort of relationship did you develop with the other  
5 police officers assigned to the fourth squad?

6 A You learned very quickly in the 73rd  
7 precinct how to behave and what was expected of you. You  
8 became pretty tight with the members in your squad. You  
9 depended on them.

10 Q When you say you became pretty tight and  
11 you depended on them, in what ways did you depend on  
12 them?

13 A These were officers that were coming to  
14 your aid in need of assistance, officers that were there  
15 for you when you needed help.

16 Q Essentially, who would back you up if you  
17 were in trouble on the street, correct?

18 A That's correct.

19 Q Did you socialize together?

20 A Yes, we did.

21 Q Did you car pool together?

22 A Yes, we did.

23 Q And were these all the ingredients of the  
24 process of becoming known as good cops?  
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A Yes, sir. In retrospect it is.

Q Mr. Hembury, during the first year that you were assigned to the 73rd precinct, did you engage in any acts of corruption?

A Yes, I did.

Q Now, once again, before you begin your testimony in this area, I just want to remind you of the caution I gave you earlier. No names.

COMMISSIONER BAER: May I ask you one question, Mr. Hembury, before we get into that? As I understand your testimony thus far, you indicate that this dumping ground, the 73rd precinct, essentially has within it many police officers with checkered pasts, complaints of corruption or other kinds of complaints, including, I assume, civilian complaints, who are put in that precinct. Is that right?

A That's correct, Commissioner.

COMMISSIONER BAER: And, as I understand it, you have also told us that it is one of the highest or has one of the highest crime rates in the City of New York. Is that also your testimony?

A Yes, it is.

COMMISSIONER BAER: You have any understanding of why that kind of police officer would be put into that

1  
2 most sensitive type of precinct?

3 A It's a punishment, sir. The other aspects  
4 of being a police officer could wind you up in Queens, in  
5 Queens or in Manhattan, some place that is cushy. And to  
6 lose that and be sent to an A-house, which the 73rd  
7 precinct is, is a punishment, and whether or not it makes  
8 sense to send someone with a checkered past to the 73rd  
9 precinct. Not everybody that was dumped in the 73rd  
10 precinct had complaints of corruption. They had  
11 administrative problems, problems with maybe some of the  
12 bosses. Most of the times they were recipients of  
13 charges and specifications by the Department for an  
14 administrative problem.

15 COMMISSIONER BAER: I just want to make sure I  
16 understand. Wouldn't it be fair to say that that  
17 precinct deserved the most exemplary type of police  
18 officer that could be found?

19 A You would think so, Commissioner.

20 MR. CHAIRMAN: Mr. Hembury, you're not  
21 suggesting that all of the 250 police officers who were  
22 assigned to the 73 precinct were all problem officers?

23 A No, sir, not at all. I myself was sent  
24 there with no disciplinary action taken against me.

25 MR. CHAIRMAN: You were pretty much fresh of

1  
2 the academy at that point, and you had your six-month  
3 street training program, and then you were sent there.  
4 Is that correct?

5 A That's correct.

6 MR. CHAIRMAN: Was there any reason why you  
7 would have been sent there as a punishment factor?

8 A In regards to myself?

9 MR. CHAIRMAN: When you were first assigned  
10 there?

11 A No, sir. It was just I got lucky.

12 MR. CHAIRMAN: That's one way to look at it,  
13 yes.

14 COMMISSIONER: You were also one of the good  
15 ones?

16 A At that point when I was sent to the 73rd  
17 precinct, yes.

18 COMMISSIONER EVANS: Mr. Hembury, you testified  
19 that one of the things you learned early on when you were  
20 assigned to the 73rd was how to behave, and I would be  
21 interested in knowing if the manner in which you were  
22 taught to be behave deviated from normal police  
23 procedure.

24 A Sir, the Police Department has a lot of  
25 peer pressure, has a lot of rumors. You deviated from

1  
2 the guidelines or the mannerism in which the Department  
3 wanted you to, yes. You were there and you conformed  
4 with the other officers, even if it meant opposing  
5 guidelines set by the Department.

6 Q Mr. Hembury, let's take you back to your  
7 first year in the 73rd precinct, and I asked you this  
8 question. Did you engage in any acts of corruption  
9 during that first year?

10 A Yes, I did.

11 Q Could you please describe what's the first  
12 incident you remember?

13 A We, myself and my partner, were eventually  
14 assigned to radio motor patrol which is a sector car. We  
15 were not invited but just happened to be tagging alone  
16 for a drug raid.

17 Q Let me stop you there now, Mr. Hembury,  
18 and I'd like to focus on the word invited. What do you  
19 mean by that, to be invited to come along on a drug raid?  
20 And then we'll get to the question of what a drug raid  
21 is.

22 A Hindsight is 20/20, sir, and to look back  
23 on it now, I would tell you that after a period of being  
24 observed by other officers that I was able to be trusted,  
25 you became a part of a tight knit group. You were not

1  
2 brought in and invited specifically to do these acts, but  
3 more of you were part of the guys, part of the team.

4 Q They could trust you not to be a rat.

5 A That's correct.

6 Q Mr. Hembury, just for general purposes,  
7 can you generally describe what you mean by a drug raid  
8 and why is it corrupt?

9 A A drug raid, sir, would be going to a drug  
10 prone location, entering it, removing drugs and money for  
11 your own personal gains.

12 Q Go to locations, break down doors without  
13 a warrant for purposes to go in and steal.

14 A That's correct.

15 Q Mr. Hembury, during the course of your  
16 career, how many of these drugs raids did you participate  
17 in?

18 A At least a hundred, sir.

19 Q I'd like to ask you a few questions about  
20 how these drugs raids evolved in your experience. How  
21 would they develop? How would they be executed? Some  
22 general terms.

23 A Later on, after a year or so in the 73rd  
24 precinct?

25 Q Yeah. After you became very familiar with

1  
2 the process.

3 A At that time, we would use the police  
4 radio to rendez-vous at certain locations in the command  
5 of the 73rd precinct that was generally out of the public  
6 eye, that was some place we could congregate without  
7 being interrupted.

8 Q Did you have names for these clandestine  
9 locations?

10 A Yes, we did, sir. We had names for these  
11 locations.

12 Q Names that were meant to conceal the  
13 whereabouts of the location?

14 A That's correct. We would use terms like  
15 go to temporary headquarters which was just a location on  
16 a street, but hearing it on the radio would sound like  
17 police jargon, so maybe it wouldn't raise too much  
18 suspicion.

19 Q Did you also have other names for these  
20 locations?

21 A Yes, we did. There was the hill, the  
22 morgue, temporary headquarters.

23 Q Let's take them one by one. What was the  
24 hill?

25 A The hill was a location in a deserted

1  
2 section of the precinct that was infrequented by  
3 supervisors, by the police in general, anybody. It was  
4 just an abandoned street that was up on a hill.

5 Q And that was a location that was selected  
6 by you and your colleagues precisely because it was a  
7 concealed location.

8 A That's correct.

9 Q What was the morgue?

10 A The morgue was an area located in the  
11 southern part of our precinct that was an industrial  
12 block. One of the industries on the block was an  
13 industry that made refrigerators for the morgue, for  
14 large meat freezers. Therefore, it too the name the  
15 morgue. It also sounded professional on the radio to say  
16 meet you at the morgue. It was something that was common  
17 in the 73rd precinct, such a high rate of homicides, a  
18 lot of people were going to the morgue.

19 Q So you were using code names in order to  
20 conceal your rendez-vous from detection by whoever might  
21 be listening on the radio.

22 A That's correct.

23 Q Did you use the ordinary police frequency  
24 for the 73 precinct to communicate these messages?

25 A Yes, we did use the ordinary frequency for

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1  
2 our area. That doesn't mean that we didn't move up a  
3 couple of frequencies or down a couple. We used other  
4 frequencies.

5 Q Let me ask you this. You're saying that  
6 on occasion your coded messages would be used on the  
7 ordinary frequency. So if IAD or FIAU cared to listen  
8 in, they might hear some strange language going on in the  
9 73 for two years, is that right?

10 A Absolutely.

11 Q You also said that you used other  
12 frequencies. How were you able to do that on a  
13 Department radio, and how does the colleague receiving  
14 the message understand that he should go to a different  
15 frequency?

16 A A couple of different ways, Mr. Armao.  
17 Sometimes it's something that you discussed prior that if  
18 I was on the radio and I said Mr. Armao, go up, you would  
19 know to go to channel whatever. Some channels were point  
20 to point, that weren't monitored by central who is a  
21 dispatcher for the Police Department. Everything is  
22 communicated through a central dispatcher. This point to  
23 point was a frequency that didn't reach the City, it  
24 wasn't sent to the City. This was something that went  
25 from point A to point B.

1  
2 Q Now if you wanted to get my attention on  
3 the radio during the time that you and others were  
4 conducting these raids, you wouldn't have called me by my  
5 name, would you?

6 A No, sir, I would not have.

7 Q You would have used a nickname, right?

8 A That's correct.

9 Q Did you and the other officers have  
10 nicknames in order to conceal your identities with regard  
11 to the messages that you were sending to each other?

12 A Yes, we did. It's common that a majority  
13 of police officers have nicknames.

14 Q These nicknames, Mr. Hembury, were  
15 developed in order to further your and your colleagues  
16 corrupt activities, isn't that right?

17 A Yes, at some point. They were also used  
18 to communicate without letting anybody that might be  
19 listening know exactly who you were talking to.

20 Q What was your nickname?

21 A My nickname is Klondike.

22 Q What about some of the other nicknames  
23 that were used, without mentioning the names of the  
24 police officers to whom they were attached?

25 A We had nicknames like Pascuale, Danny Boy.

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Q That sort of thing?

A That's correct.

Q Now would you and the other members of your squad who were the good cops all know who these nicknames referred to?

A Yes, sir.

Q When you and other members of the 73rd precinct converged at a rendez-vous location, such as the morgue or the hill, on average how many radio motor patrol cars would come to the rendez-vous location?

A Sometimes, sir, all of them.

Q Now let me get this straight. How many sectors are there in the 73rd precinct?

A I'm not sure exactly how many sectors, sir. I've forgotten. But on an average we put out somewhere between eight to ten sector cars a day.

Q And has it been your experience that eight to ten sector cars would sometimes converge at the morgue or the hill in order to participate in a raid?

A Yes, sir.

Q Now you said that the 73rd precinct was a very small precinct. Did any supervisor, any lieutenant, any integrity control officer, any patrol sergeant wonder where the heck all this patrol cars were?

1  
2 A I can only assume yes, at some point or  
3 another while they were either driving in the command was  
4 wondering where all the police cars were. Absolutely.

5 Q Because they weren't patrolling the  
6 streets, keeping the peace for the people in Brownsville,  
7 were they?

8 A No, sir.

9 Q Mr. Hembury, when you first engaged in  
10 these raids, did you have a preliminary understanding  
11 about what their purpose was?

12 A Yes, I did.

13 Q Could you tell the Commission what your  
14 understanding was about the goals or the ends of the  
15 conducting these raids?

16 A In the beginning when I was first assigned  
17 to the 73rd precinct raids were conducted for a number of  
18 reasons. They were conducted to confirm that this was a  
19 drug prone location. They were conducted for giving a  
20 police officers a layout of what type of situation or how  
21 the building was laid out, if it was a building. We went  
22 and we did these raids to set up collars sometime later  
23 on, if not the next hour, maybe the next day. If we came  
24 back to this location that we had kicked in the door, we  
25 knew what the layout was, if there was an escape route,

1  
2 stuff like that, that type of nature.

3 Q Mr. Hembury, let me stop you there. What  
4 you're saying is when you first participated in these  
5 raids, it was your understanding that what was going on  
6 was police officers were sort of bending the rules to get  
7 information about drug locations.

8 A That's correct, Mr. Armao. At that time  
9 we were there to stick our noses in, find out what was  
10 going on. At that time in my career, I wasn't observing  
11 corruption.

12 Q So this would be about the first twelve  
13 months or so that you were assigned to the 73rd, is that  
14 right?

15 A That's correct. Those raids were  
16 conducted by older, more experienced officers, and at  
17 that time I'd seen no acts of corruption.

18 Q So in other words, what you're saying, Mr.  
19 Hembury, is that based upon your experiences, these raids  
20 were going on by more seasoned officers, even before you  
21 were assigned to the 73?

22 A That's correct, sir.

23 Q That's not something that you and your  
24 fourth squad colleagues invented?

25 A No, sir, and probably the more seasoned

1  
2 officers that showed me were shown by more seasoned  
3 officers when they came to the 73rd precinct.

4 Q In the first year or so, was one of the  
5 purposes -- by the way, you mentioned the word collars  
6 before. What do you mean by that?

7 A Excuse me, collars?

8 Q Collars. What are collars for those of us  
9 who don't know police jargon?

10 A Collars are arrests.

11 Q Was there any purpose to make collars  
12 involved with these raids in your first year there?

13 A Yes, sir, which goes back to your previous  
14 question why were these raids executed. I believe they  
15 were executed for arrests late in the tour. Collars for  
16 dollars is the term. I'm sure everyone's heard about it.

17 Q Let's explore this collars for dollars.  
18 First of all, when these raids resulted in arrests, in  
19 your experience, when did the raids occur with regard to  
20 the scope of your tour of duty?

21 A Well, if you were out to make an arrest  
22 that day and you went three-quarters of your tour without  
23 making an arrest, well, then maybe it was time to go do a  
24 raid and make an arrest, a late tour arrest, to maximize  
25 your overtime.

1  
2 Q So in other words, these arrests were done  
3 deliberately near the end of the tour so that the police  
4 officer could maximize the overtime pay he would receive  
5 for processing the arrest once his tour had ended.

6 A That's correct.

7 Q Was this a common practice in your  
8 experience?

9 A Yes, sir.

10 COMMISSIONER BAER: Is this average amount of  
11 overtime that a collar would bring with it?

12 A The system has changed, Commissioner, but  
13 nearly part of my career as a police officer, some  
14 collars would take twenty-four hours worth of overtime to  
15 a day or two worth of overtime. If you made it on your  
16 last tour, which would be your fifth tour, you could get  
17 forty hours of overtime on one arrest.

18 COMMISSIONER BAER: Is that time and a half or  
19 how is it calculated?

20 A Yes, sir, that's at time and half. Take  
21 it either cash or time.

22 Q Mr. Hembury, after your first year in the  
23 73rd precinct, did your understanding of the purpose of  
24 these raids change?

25 A Yes, sir, they did.

1  
2 Q Did you and fellow officers during these  
3 raids begin to steal money?

4 A Yes, sir, I did.

5 Q Did you and fellow officers begin to steal  
6 drugs?

7 A Yes, sir.

8 Q Did you and fellow officers begin to steal  
9 guns?

10 A Yes.

11 Q What is the first raid that you remember  
12 you participated in where you stole money or drugs or  
13 guns?

14 A This was a drug raid that happened in the  
15 southern part of our precinct on Lott Avenue, where at  
16 some point decided to make these raids profitable, and  
17 not to voucher the money. I didn't deal drugs, I wasn't  
18 a drug dealer, but at some point we were taking them from  
19 the drug dealers, yes.

20 Q With regard to this raid on Lott Avenue,  
21 can you give the Commissioners a description of what  
22 happened and what you did?

23 A Yes, sir. We came to this location. It  
24 was a active drug prone location that we decided to go  
25 to. This was an abandoned building. It was fortified by

1  
2 the drug dealers. Fortified I would mean they would  
3 brick or cement up the windows. This particular  
4 location, the drug dealer that was inside was placed  
5 inside and then locked in. It was a large steel door,  
6 chains, locks. This dealer was there to probably sell  
7 all of his product until someone came and let him out.

8 This particular raid took some time to get  
9 into, but there was no rush because the drug dealer  
10 wasn't going any where. It was a fortified place that he  
11 couldn't get out of. After entering this abandoned  
12 building, a search began myself, and I would approximate  
13 about six other officers, for the individual, at which  
14 time I found the individual in the basement. There was  
15 no stairs going to the basement, and the individual was  
16 attempting to hide himself under some debris.

17 Shortly, thereafter, I jumped down into the  
18 basement, grabbed the perpetrator, and at that time, I  
19 found drugs and some money. I stuffed them in my shirt  
20 or in my jacket. No one else had seen it. And I removed  
21 him from the location.

22 Q When you put the money and the drugs in  
23 your shift, what did you do after that? Was the man  
24 arrested?

25 A No, sir, he was not.

1  
2 Q In fact, there was probably no intention  
3 of to arrest anyone on that raid, was there?

4 A Not by me, sir.

5 Q What did you do with the drugs and the  
6 money?

7 A Sometime thereafter, while we left this  
8 location, I pulled out what I had and showed my partner  
9 for the day. I split the money with him, and I tossed  
10 the drugs.

11 Q When you say you tossed the drugs, you  
12 mean you threw the drugs away?

13 A That's correct, sir. I threw them in the  
14 sewer.

15 Q You didn't voucher them as found property  
16 or anything like that?

17 A No, sir, I didn't.

18 Q Now when you split the money with your  
19 partner, where did you do that?

20 A That was in the radio car, in the police  
21 car.

22 Q Do you recall how much money you took off  
23 the drug dealer that day?

24 A Not specifically. A couple of hundred  
25 dollars.

1  
2 Q How did you know at that point that your  
3 partner, since this it's the first incident that you took  
4 money, how did you know what your partner's reaction  
5 would be?

6 A I wasn't sure of my partner's reaction,  
7 but we had a very tight bond. We knew we could trust  
8 each other.

9 Q Why didn't you keep the drugs at that  
10 point?

11 A As I stated before, sir, drugs were a  
12 dirty part of that aspect. I guess that -- you know, I  
13 did this solely for greed. I could say that the drugs  
14 weren't part of what I wanted to do. I was there, I took  
15 some money, and I wasn't into selling the drugs, using  
16 them for profit, just wasn't my style.

17 Q In fact, Mr. Hembury, when you were  
18 convicted in Suffolk County on drug conspiracy charges,  
19 that was not actually for the physical distribution of  
20 drugs, was it?

21 A That's correct, sir. I was not involved  
22 with distributing drugs on Long Island. That's a  
23 misconception by the press.

24 COMMISSIONER: Is there some reason why even  
25 though you took the money, you didn't arrest the drug dealer?

1  
2 A Yes, sir. There are a couple of reasons  
3 why drug dealer wasn't arrested. For one, there would be  
4 record, official record or any type of paperwork on what  
5 had happened. Two, I didn't particularly -- it was a bad  
6 collar, sir, at that point. Once we removed the money  
7 and the drugs, even if there was a dollar missing, in my  
8 book it was a bad collar. I wouldn't want it.

9 Q Mr. Hembury, in the course of your  
10 experience conducting these raids, is there another  
11 reason why putative defendants are not arrested?

12 A (no response)

13 Q Let me just put it to you this way. Are  
14 you afraid of their complaints?

15 A Yes, sir. A complaint from this type of  
16 an action was something I tried to avoid at all costs.

17 Q Mr. Hembury, as time went on during your  
18 experience in the 73rd precinct, did you and your fellow  
19 officers come to know these drug locations rather well?

20 A Yes, sir, we did.

21 Q My question is when these raids were  
22 conducted, were they always the same locations sort of on  
23 a rotating basis?

24 A Yes. Sometimes the same drug prone  
25 location was hit, yes.

1  
2 Q What about the drug dealers involved? Was  
3 it always the same drug dealers inhabiting these drugs  
4 spots?

5 A Sometimes, yes. You came to a location,  
6 it was the same drug dealer you'd seen there the night  
7 before, the week before that.

8 Q Did they come to know you and your  
9 colleagues?

10 A I can only assume that they did, yes.

11 Q Mr. Hembury, just for the purposes of our  
12 own edification, I'd like to ask you about one or two  
13 examples of the hundred or so raids you testified you  
14 participate in because I believe they illustrate  
15 different aspects of the activity that you and your  
16 colleagues were engaged in at that time. Do you recall  
17 conducting a raise with other police officers at a  
18 location on Hopkinson and Riverdale?

19 A Yes, sir, I do.

20 Q Could you describe for the Commissioners,  
21 again, without using names, how that raid was planned and  
22 how it was executed?

23 A Yes, sir, I can. This raid was planned at  
24 the morgue. We had congregated at the morgue, discussed  
25 where we wanted to go, and then proceeded as quietly as

1 possible over to this location.

2  
3 Q Now, Mr. Hembury, let me just ask you  
4 about that. When you say you proceed as quietly as  
5 possible, was there a method by which you and the other  
6 sector cars or police cars would approach a particular  
7 drug location?

8 A Yes, sir. My personal experience was to  
9 go as quietly, no lights or sirens, maybe take the long  
10 way to a location to make sure that we weren't being  
11 followed.

12 Q No light or sirens. You mean your  
13 headlights off as well?

14 A Sometimes yes.

15 Q Would you proceed in a row?

16 A As in a caravan? Yes, we would.

17 Q Is that, in fact, the term you used and  
18 others used to describe the method of approach of  
19 approach, a caravan?

20 A Yes, it is.

21 Q In your estimation, is it a rather unusual  
22 thing to see two, three, four police cars all in a row  
23 with no lights or sirens on going down the streets of the  
24 city?

25 A Sometimes, sir, it was tactically correct

1  
2 to proceed to a job that may require a couple of units  
3 backup. But for anybody watching, there would be no  
4 reason for a group of vehicles to caravan to a location  
5 without a job being assigned, especially a job that would  
6 be a heavy job.

7 Q And the sergeants and the other  
8 supervisors would know if sector Ida or sector Henry or  
9 sector Adam was handling a job, right?

10 A That's correct. If there was a heavy job,  
11 shots fired, something of that nature, there would be  
12 radio call for it, there would be a couple of units on  
13 the air saying that they're backing the unit that was  
14 handling this job. For all that to be eliminated, to see  
15 a group of police cars traveling down the road, not going  
16 to job, yes, sir, it was very unusual.

17 Q Mr. Hembury, would you also keep radio  
18 silence while you were doing this caravanning to a drug  
19 location?

20 A Yes, sir, we would

21 Q What would you do about the jobs coming  
22 over the air?

23 A If we were assigned a job while we were  
24 doing this type of activity, depending on the nature of  
25 the job, if it was not a high priority job -- noise

1  
2 complaint, something of that nature -- we would sit and  
3 hold the job for a couple of minutes until we were done  
4 doing what we were doing. If it was one of a nature, a  
5 high priority nature, then that unit would usually just  
6 take off and go to their job.

7 Q Now at this raid we were speaking about on  
8 Hopkinson and Riverdale, when you went on these raids,  
9 one of the things I want to ask you about this, were  
10 there rookie police officers involved in this raid?

11 A Yes, sir, there was.

12 Q So they learned fast in the 73.

13 A Yes, sir.

14 Q Was this a known crack spot?

15 A This was a video store that allegedly sold  
16 candies and stuff to that nature.

17 Q But you knew it to be a crack cocaine  
18 spot.

19 A That's correct.

20 Q How did you manage to enter this video  
21 game room or video store as you put it?

22 A This video game room is set up on a  
23 sidewalk store front. You entered through the front  
24 door, and you were in a ten by ten foyer that had some  
25 video games up in the foyer. Then there was a plexi-

1  
2 glass petition between, from the plexi-glass petition to  
3 the back of his store where there were some product,  
4 there was product there.

5 Q And by product you mean drugs, right?  
6 Narcotics?

7 A Yes. Both. There was the stuff they had  
8 in the windows which could have been potato chips and  
9 also the product that they were selling there.

10 Q So when you got into this video game room,  
11 how many cops were with you?

12 A At this time there was three other police  
13 officers, myself made four.

14 Q And one of them was a rookie?

15 A That's correct.

16 Q Did he understand what was going on at  
17 this point?

18 A I'm not sure that he knew that our entry  
19 into this establishment was not proper, but then again  
20 CYA.

21 Q Not legal, in fact. You had no warrant to  
22 go into this place, did you?

23 A No, sir, but -- no, sir, we didn't.

24 Q When you got inside, were there other  
25 individuals in there?

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A Yes, there were.

Q Civilians?

A Correct.

Q What happened?

A We entered into the rear part of this video store. There was three individuals inside. We put all three individuals up against the wall, removed their money, put it on a shelf, and then we continued to search for the drugs and the money that these guys were pushing.

Q Did you eventually find drugs and money?

A Yes, I did. One of the officers I was with spotted it through a hole in the floor that was meant for the drugs and the money to be dropped in case of a police raid.

Q And that's actually what you and your colleagues were looking for, right, the stash, the drugs, and the money?

A That's correct. The rookie officer that I was with that day intended on making a legitimate arrest. He didn't know myself and the two other officers true intents.

Q So when you found the drugs and the money in the hole in the floor, what did you do?

A At that point, I realized that the drugs

1  
2 and the money were in a crawl space underneath this video  
3 store. I exited the building, and I entered through a  
4 cellar entrance from the street. I proceeded to the back  
5 of the building in this crawl space. I recovered the  
6 cash and the drugs.

7 Q What did you do with the cash and the  
8 drugs?

9 A At that time, I took the majority of the  
10 money, stuffed it in my pocket, and I brought the  
11 remaining bit of money and the drugs up to the rookie  
12 police officer, and I told him here's your collar.

13 Q And did he effect the arrests of these  
14 three individuals?

15 A Yes, he did, sir. He thought that this  
16 was a legitimate collar, that there wasn't a problem with  
17 it.

18 Q Well, that's based on what you think he  
19 knew. I mean, he was there for what you know for the  
20 purpose of making an arrest. You didn't split any money  
21 with him is that you're saying.

22 A That's correct. We didn't split any money  
23 with him.

24 Q What about the other two police officers  
25 that were with you? Did you split the money with them?

1  
2 A Yes. At some point, we lumped together  
3 the money that was taken from the three individuals in  
4 with the drug money that I had recovered, and myself and  
5 two other officers split that money.

6 Q Where did you split the money?

7 A That would be later on at the end of the  
8 tour. This took place at approximately fifteen minutes  
9 before the end of our tour.

10 Q So what would happen? Would you hold the  
11 money for it to be shared among you at some later point  
12 at some other place?

13 A I think this particular time, Mr. Armao,  
14 the other two officers held the money.

15 Q Mr. Hembury, was there a usual location or  
16 some other usual arrangement you had with your colleagues  
17 about splitting the profits, where it would be done, and  
18 how it would be one?

19 A Sometimes, yes, sir.

20 Q Could you please tell us what these  
21 arrangements were?

22 A At some point, if I was able to talk to  
23 the officers and make an arrangement to split the money,  
24 it would be any place from the locker room of the Police  
25 Department of the 73rd precinct to a corner outside of

1 the precinct. We'd do it sometimes on the way home, just  
2 stop, split the money, and be on our way.

3 Q So you split the money right in the  
4 station house on occasion?

5 A That's correct, sir, on occasion.

6 MR. CHAIRMAN: Mr. Hembury, I gather from your  
7 testimony that this rookie cop, I'd call a clean cop,  
8 took the collar, credit for the collar, is that right?

9 A That's correct, Commissioner.

10 MR. CHAIRMAN: Well, what about vouchering  
11 money or narcotics? Didn't you have to go through a  
12 process of vouchering whatever was recovered from this  
13 scene?

14 A Yes, sir. This arrest was, in his eyes, I  
15 believe, was a legitimate arrest. He arrested these drug  
16 dealers, he vouchered the money that was recovered and  
17 the drugs that was recovered.

18 MR. CHAIRMAN: You mean the money other than  
19 that which you had put away.

20 A Excuse me, sir?

21 MR. CHAIRMAN: You mean the money other than  
22 that which you had secreted.

23 A That's correct.

24 Q Mr. Hembury, on this particular location,  
25

1  
2 did a sergeant or any other supervisor arrive a the  
3 scene?

4 A Yes, there was.

5 Q What happened?

6 A At that time, the two officers that I had  
7 split money with left the scene. They just happened to  
8 be at arrest ten minutes earlier, another drug arrest.  
9 They didn't want to alert the sergeant that they were now  
10 on this arrest. So after they left, I called the  
11 sergeant to come down and verify our arrest.

12 Q And by the time the sergeant got there,  
13 your two other partners managed to leave the scene  
14 because they knew the sergeant was coming.

15 A That's correct.

16 Q Mr. Hembury, do you know whether or not  
17 these people from whom you took the money ever made a  
18 complaint against you or the other officers?

19 A Sir, this specific incident I know for a  
20 fact that these three individuals were complaining about  
21 the money that was removed from their pockets. I simply  
22 told the rookie cop that these guys are drug dealers,  
23 they make these complaints all the time, don't worry  
24 about it. We also told the perpetrators that we arrested  
25 that their money was now part of the drug money, and it

1 was all being vouchered.

2 Q So, Mr. Hembury, generally with regard to  
3 these civilian complaints, and particularly when the  
4 civilians are drug dealers, you and the other cops had  
5 the benefit of credibility, did you not? And that is, if  
6 it came down to your word against the drug dealers word,  
7 who would your supervisors believe?

8 A Absolutely. We were the police officers,  
9 they were the drug dealers.

10 Q In your experience in the 73rd precinct,  
11 did you ever actively see any supervisors or other  
12 internal integrity investigators in the Police Department  
13 pursue aggressively or actively these kinds of complaints  
14 from drug dealers?

15 A No, sir, I have not. In the six years  
16 that I was a police officer, I had failed to see one  
17 individual being arrested or even being brought up on  
18 administrative charges for this type of an action. I  
19 wasn't the first person to think of this. It was on-  
20 going.

21 Q Mr. Hembury, you said that on this  
22 particular occasion three people were arrested. Over the  
23 course of conducting these raids, was that a frequent  
24 occurrence or were there ways for you and others to avoid  
25

1  
2 the necessity of making an arrest?

3 A I'm sorry?

4 Q What I mean to say is that on other raids  
5 that you conducted, were arrests generally made or were  
6 they generally not made?

7 A Sir, arrests that -- excuse me -- when  
8 these raids were conducted, if there wasn't a police  
9 officer that was looking for an arrest, there came times  
10 where we would hit a location, we would catch the drug  
11 dealer inside of the location, we would have him stand  
12 near the front door, tell him we were going to search the  
13 location. If we find anything, you're under arrest.  
14 Shame on him if he was still standing there when we came  
15 back.

16 COMMISSIONER BAER: Mr. Armao mentioned the  
17 credibility aspect with respect to your word against the  
18 drug dealers in terms of money. Would that also be the  
19 way it would work with respect to any brutality that  
20 accompanied the arrest?

21 A Brutality charges, Mr. Commissioner, I  
22 would have to say usually leave some type of evidence on  
23 the recipient of the brutality. Therefore, there may be  
24 some credibility to the individual's saying I was beaten.  
25 Unfortunately, back to the old CYA, covering your ass,

1  
2 mentality of the Police Department, if this individual  
3 received some type of aggression by the Police  
4 Department, we had a reason why, we already knew that  
5 this guy was either resisting arrest, assaulting a police  
6 officer. We were covering our ass.

7 Q Mr. Hembury, I would like to now direct  
8 your attention just to one other example for now. May I  
9 just have a moment, Mr. Chairman?

10 MR. CHAIRMAN: Surely.

11 COMMISSIONER BAER: So is it fair to say, Mr.  
12 Hembury, that in the cases such as you just described  
13 that the police would file charges of this nature to  
14 protect themselves of resisting arrest and the like?

15 A That's correct, sir.

16 MR. CHAIRMAN: Mr. Hembury, in the six years  
17 that you were in the precinct, were you ever aware of  
18 investigations by the IAD or the FIAU as to the conduct  
19 of any of the police officers in the 73?

20 A No, sir, I was not aware of any  
21 investigation of other officers or myself.

22 MR. CHAIRMAN: Never heard about any of their  
23 investigators coming into the precinct to investigate?

24 A In regards to the type of activity I was  
25 involved in, sir?

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MR. CHAIRMAN: Corruption.

A No, sir.

Q In fact, just to follow up on the Chairman's question, Mr. Hembury --

A Commission, in regards to your question, Internal Affairs did come to the precinct on investigations. I was not privy to whether they were in a corruption capacity, their investigation, but when they came to the command, they were usually investigating some type of complaint.

MR. CHAIRMAN: Did you have any way of know, you or your fellow officers have any way of knowing when the IAD investigators were investigating any kind of complaint within your precinct?

A Sir, it was quite obvious that IAD was in our precinct. It was something that was common knowledge. IAD would come to our precinct, grab a copy of the roll call, in plain sight, not trying to be discreet, two suits, then exist in a unmarked vehicle. That day we knew IAD was in the precinct. Nothing would be done. We knew that they were unfriendly.

MR. CHAIRMAN: Would it be accurate to say that pretty much all the officers in the precinct would know when the IAD was investigating any matter within the

1 precinct?

2  
3 A Yes, sir, there was. After a year or so  
4 in the 73rd precinct, sir, you knew pretty much every  
5 cop's face, whether it be in the 75 precinct, the 75  
6 precinct squad, the housing police, they anti-crime  
7 units. You knew the friendly faces from the unfriendly  
8 faces. If a police officer in either the 75 or the 73  
9 observed an unfriendly face, they would give a warning  
10 over the radio. Every officer knew that someone was, an  
11 unfriendly was in the confines of either the 73rd  
12 precinct or the 75 precinct.

13 And they determined that by a code of W010  
14 which was watch out in the 7 plus 3. So if you heard a  
15 W010, you knew that there was unfriendlies in the 73rd  
16 precinct as opposed to a W012, the 7 plus 5, is 12.

17 MR. CHAIRMAN: Would that go out over the  
18 radio, be received in your respective radio cars?

19 A That's correct, sir. That was a common  
20 occurrence.

21 MR. CHAIRMAN: In the six years that you were  
22 in the 73 precinct, were you ever questioned by an IAD  
23 investigator or by an FIAU investigator?

24 A In regards to corruption, sir?

25 MR. CHAIRMAN: Yes.

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A No, sir. Not once.

MR. CHAIRMAN: Thank you,

Q Mr. Hembury, one of the questions that the Chairman raises is with regard to the arrests that you say were effected on these raids, in order for the police officer to process the paperwork, wouldn't he have to falsify the arrest records about where he was and how he got into a location and what he observed?

A Yes, sir. On occasion, it was joked about by some of the lieutenants and the sergeant in my precinct what scenario you were going to use.

Q Let me just stop you there for a minute. In your experience over the six years you were in the 73rd precinct, were false predicates, false stories in order to generate probable cause for an arrest a common occurrence?

A Yes, sir.

Q Now you just said there was a supervisor or a lieutenant who joked about it in your presence?

A That's correct, sir. Scenarios were were you going to (a) say that you observed what appeared to be a drug transaction, (b) you observed a bulge in the defendant's waistband, or (c) you were informed by a male black, unidentified at this time, that at that location

1  
2 there was drug sales.

3 Q So in other words, what the lieutenant  
4 was telling you is here's your choice of false predicates  
5 for these arrests?

6 A That's correct. Pick which one you're  
7 going to use.

8 Q He'd say that in your presence?

9 A Not specifically in those terms, but that  
10 was the general meaning.

11 COMMISSIONER TYLER: Mr. Hembury, that brings  
12 up another question. Did you ever testify in court in  
13 any drug prosecution when you were a police officer?

14 A Yes, I have, sir.

15 COMMISSIONER TYLER: Did you ever give false  
16 testimony based upon such a scenario such as you've just  
17 outlined to us in explaining an arrest or entry into a  
18 crack house?

19 A Sir, I very rarely -- I'd have to say no,  
20 sir. I very rarely took the arrests when I knew that  
21 this type of conduct was going to be happening. It was a  
22 bad collar, it stunk, I didn't want it. If someone else  
23 was looking for a collar, unbeknown to him what myself  
24 and some other officers did, and we could push the collar  
25 on him. I didn't want anything to do with the testimony

1  
2 involved with it, with any of the court proceedings. I  
3 didn't want to be there.

4 COMMISSIONER TYLER: So what you're telling us  
5 is that the only time you testified when you were  
6 convinced that it was a good collar, a legal collar?

7 A That's correct, sir. Collars that I took  
8 were ones of my choosing. I went out, made legitimate  
9 arrests. I very rarely had a drug collar or drug arrest.

10 COMMISSIONER TYLER: Thank you.

11 Q Mr. Hembury, I'd like to direct your  
12 attention to another one of these raids. Did you or any  
13 of your fellow police officers actually ever go out of  
14 the 73rd precinct in order to conduct a raid?

15 A Yes. We had left the confines of the 73rd  
16 precinct to engage in this type of activity, yes.

17 Q Could you describe the circumstances of  
18 that, please?

19 A I can recall one instance. We went to a  
20 location which was just on the other side of the road  
21 from the boundaries of the 73rd precinct.

22 Q Why don't you tell us how that raid was  
23 planned and how it was executed and what happened.

24 A I don't specifically remembered how it was  
25 planned, sir, but at some point myself and at least four

1  
2 to five other sector cars decided to go to a drug  
3 location that was a busy drug location, that was outside  
4 of the confines of the 73rd precinct for a couple of  
5 reasons. One, if there was an allegation made from what  
6 we were about to do, it would not fall in the confines of  
7 the 73rd precinct. This particular location was in the  
8 confines of the 83 precinct.

9 Q How did you find out about this location?  
10 Why was it selected as a place to conduct a raid?

11 A I believe I was informed by people from  
12 the street, informants if you will, prostitutes, drug  
13 addicts. At that time I became aware of this location, I  
14 began to observe it for a period of time.

15 Q So in other words, you would actually get  
16 information from informants on the street who would tell  
17 you about where drugs were being dealt because you were  
18 the police.

19 A That's correct.

20 Q And you would use this information in  
21 order to conduct these illegal raids.

22 A That's correct.

23 MR. CHAIRMAN: Was that in the expectancy that  
24 you'd be able to find some money there that you could  
25 take?

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A Yes, sir, it was.

Q Now during the course of this particular raid you're talking about that was a location in the 83rd precinct, Mr. Hembury, can you tell us how that was executed? What happened there?

A Approximately five cars, five sector cars late in the tour, I would say around 11 o'clock -- our tour ended at 11:35 -- we went to this location. It was located in Broadway. Just on the other side of the street was now the confines of the 83rd precinct. We entered the location, was a multiple dwelling, three stories high. The first floor was reportedly being used as dealing crack.

We entered this dwelling. I observed a hole cut out in the door. I observed an individual behind the door. When he observed us, this individual fled up a ladder to the second floor. Myself and approximately ten other officers went to the second floor where we found it to be, it was commonly known in the city in the Police Department as a shooting gallery. It was a wide open room or a hall if you will, about twenty to thirty individuals either sticking needles in their arms, smoking crack, some type of drug activity by these individuals were taking place.

1  
2 At which time I ran over to what I thought to  
3 be the escape route of the individual that was once on  
4 the first floor. I confirmed the escape route, and at  
5 that point I noticed a brown velvet bag filled with  
6 money. I grabbed it, stuff it in my shirt.

7 Q When you say you grabbed it and stuffed it  
8 in your shirt, when you do this, do you sort of show your  
9 colleagues here it is, I found the loot?

10 A Absolutely not.

11 Q Did anybody see you find that brown velvet  
12 bag that day?

13 A Yes, sir. One individual was privy to our  
14 main reason for going to this location, that if me or him  
15 found anything, it was split, at which time a third  
16 individual who's not in our main scheme of things  
17 observed me taking the money, sticking it in my shirt,  
18 and then said to me that he wanted a piece of it. I  
19 agreed.

20 Q Let me stop you there for a minute. So  
21 what you're saying then, Mr. Hembury, is that when you  
22 say these other individuals, you mean other police  
23 officers, right?

24 A That's correct, sir.

25 Q So what you're saying then is that there

1  
2 was even distrust or some sort of cheating among the cops  
3 who were actually involved in stealing money.

4 A That's correct, sir. This third  
5 individual who happened to observe me pocketing the money  
6 from this location became very distrusting. At that time  
7 there were other officers there. I didn't want it be  
8 known what my intentions were. I didn't want these other  
9 officers to know exactly what I did. At that time this  
10 officer was becoming such a problem at the scene, I had  
11 just given him the whole bag and said here. You want to  
12 deal with it, you go ahead and split it. Officer X,  
13 another officer, is also involved, split it three ways.  
14 I gave him the money to get him off my back, not to raise  
15 any suspicions by other police officers, and at that time  
16 I split the money in the basement in the locker room of  
17 the 73rd precinct.

18 Q And that was split three ways between  
19 yourself, your partner, and this officer who was giving  
20 you a hard time about the money?

21 A That's correct, sir.

22 Q Now is the reason that you were  
23 distrustful of him because you had never shared or split  
24 money with him before?

25 A Yes, sir, that could be one of his

1 reasons, yes.

2 Q I meant one of your reasons, one of the  
3 reasons you were distrustful of him.

4 A Oh, yes, it was my first time splitting  
5 money with that officer. I basically worked in a small  
6 group. I didn't want my actions known in the precinct.

7 Q Mr. Hembury, how many police officers were  
8 assigned to the fourth squad during the years you were  
9 there in 1987 through 1992?

10 COMMISSIONER LANKLER: Excuse me, Mr. Armao,  
11 before you go on to another area, I've got to be missing  
12 something. But on this raid outside the precinct, you've  
13 mentioned that there were five sector cars, there were  
14 ten, eleven police officers, is that correct?

15 A That's correct, Commissioner.

16 COMMISSIONER LANKLER: Where were the bosses?

17 A At that point while we were exiting that  
18 location, a boss from the 83rd precinct showed up at the  
19 scene. He was sitting there waiting for us to exit the  
20 building. He came to myself and another officer and said  
21 what's going on. We told him that we had a gun run. He  
22 asked if our supervisor was aware of it, I told him yes,  
23 was late in the tour, everybody's going home, no one was  
24 arrested, nothing was recovered. He took it for face  
25

1 value and left, and so did we.

2  
3 COMMISSIONER LANKLER: But prior to going over  
4 there, you had to think to yourself or say to yourself  
5 we've got sergeants here who we have to answer to, who  
6 are responsible for our actions. We have lieutenants. I  
7 don't know, we've got captains, we've got bosses. We're  
8 taking out five sectors cars out of the precinct into  
9 another precinct, and you don't worry about them? You  
10 don't wonder whether they're going to come with you or  
11 whether they're going to wonder where you are?

12 A You do, sir, but primarily at the end of  
13 tour at 11 o'clock, the sergeants have such a large  
14 responsibility, it's not funny. If the sergeants were to  
15 go by the book every day, you'd be home and back and  
16 those guys would still be working on the day previous.  
17 At the end of the tour at around 11 o'clock, the  
18 sergeants have an awful lot of work to catch upon on,  
19 whether it be administrative, writing specific reports on  
20 incidents that happen during the day. At that time it  
21 was a common occurrence that the sergeants weren't out  
22 during patrol. They're so bogged down by the course of  
23 the day's activities, by the end of the day, they were up  
24 to their neck in administrative duties.

25 COMMISSIONER LANKLER: But in this raid there

1  
2 was a sergeant there from the 83rd precinct.

3 A That's correct.

4 COMMISSIONER LANKLER: Waiting for you when you  
5 came out. Do you know, did you find out whether he ever  
6 had any communication or conversation with your sergeants  
7 or your bosses?

8 A No, sir. To the best of my knowledge, he  
9 didn't.

10 COMMISSIONER LANKLER: You were never  
11 questioned by any of your bosses the next day or later  
12 that night or any time as to why you were out of the  
13 precinct and what you were doing?

14 A No, Commissioner.

15 COMMISSIONER EVANS: I have one question. I  
16 know what your motive was in leaving your precinct and  
17 going into another. Do you know what the motive of the  
18 other officers were who were n the other cars who  
19 accompanied you?

20 A Commissioner, I can only assume that some  
21 of the officers were there for the thrill, some officers  
22 were there for maybe to make an arrest at a later date,  
23 maybe some of the officers were there with the same  
24 intentions as mine, but I was not aware of it.

25 MR. CHAIRMAN: Mr. Hembury, to your knowledge

1  
2 of the 250 or approximate number of officers who were in  
3 the 73rd precinct, about what percent would you say were  
4 involved in corrupt activities?

5 A I can give you an accurate figure from the  
6 platoon that I worked, sir, which was the 4 to 12, and I  
7 would tell you that the vast majority of police officers  
8 on the 4 to 12 were engaged with the same type of  
9 activities that I were.

10 MR. CHAIRMAN: What number are you referring to  
11 or speaking -- when you say the number of people in your  
12 platoon, approximately how many are you talking about?

13 A I would say around twenty to thirty.

14 MR. CHAIRMAN: That's the total number in the  
15 platoon?

16 A In the platoon, correct.

17 MR. CHAIRMAN: And you say a majority of those  
18 you believe were involved in corrupt activities.

19 A That's correct.

20 MR. CHAIRMAN: Do you have any idea about the  
21 arrest, the other 220 or so officers?

22 A Sir, yes. There were rumors of other  
23 platoons being just as dirty. Although I kind of kept my  
24 involvement to a very bare minimum with the officers I  
25 was involved with.

1  
2 MR. CHAIRMAN: Is it known through the  
3 Department that certain shifts are those shifts are more  
4 likely to have corrupt activities involved?

5 A Yes, sir. In fact, it was an aspect  
6 taught at the police academy that the midnight shift was  
7 a shift that was most susceptible to corruption.

8 MR. CHAIRMAN: By midnight you mean the 4 to 12  
9 or --

10 A The 12 to 8, sir.

11 MR. CHAIRMAN: The 12 to 8. All right, thank  
12 you.

13 Q Mr. Hembury, just following up on a  
14 question asked by Commissioner Lankler, when your squad  
15 was out in force, how many police officers comprised your  
16 entire squad?

17 A Are you talking about assigned to RMP's  
18 for the day?

19 Q Yes, assigned to RMP's. Do you recall the  
20 number? Just generally, you don't have to be specific.

21 A When I first arrived at the 73rd precinct,  
22 we had a large squad, it was the fourth squad, and I  
23 would say that we filled eight of the ten sectors  
24 available.

25 Q And there were other sectors that were

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staffed by foot patrolmen as well?

A That's correct, sir.

Q So in any given tour, let's take an average tour, how many police officers in uniform on patrol duties would be out in the street in the 73?

A A total of approximately forty police officers [tape change] or assigned to a fixer.

Q And how many sergeants would be assigned to supervise those forty or so patrol officers?

A One.

Q Wasn't it also in your experience that your squad went for months without having any supervisor assigned to it?

A That's correct, Mr. Armao. Not only is forty police officers extremely tough to supervise for one sergeant, but there came times when sergeants were promoted. Sergeants were brought to the 73rd precinct on a regular basis for their six months of training, if you will, something similar to the NSU that I was in. Sergeants are temporary assigned for six months to high crime precincts for experience and then moved on. There were quite a few times where my squad was sergeant-less, no sergeant at all.

Q So in other words, there were a lot of

1 rotating sergeants, no sergeant with any permanent stake  
2 in the command so to speak.

3 A That's correct.

4 COMMISSIONER LANKLER: In the experience level  
5 I take it both chronological age, most of the cops were  
6 your age and most of the officers had had the same  
7 general time on the job that you had.

8 A Yes. I would say that the average at the  
9 73rd precinct was around five years, three to five years.

10 Q Mr. Chairman, Commissioners, I'd like to  
11 adjourn for ten minutes.

12 MR. CHAIRMAN: All right. We'll resume at  
13 11:30.

14 (Whereupon a recess was taken.)

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

16 Q Mr. Hembury, I'd just like to remind you  
17 that you're still under oath. Mr. Hembury, I'd like to  
18 turn the subject of narcotics at this point. Did you  
19 ever observe any of your police officer colleagues in  
20 conducting these raids also steal drugs from these  
21 locations?

22 A Yes, sir, drugs were taken.

23 Q Drugs taken for their own personal use,  
24 would you split the drugs as you would split the money?  
25

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2 A Drugs were taken, sir. My own personal  
3 experience was not to get involved with the drugs. I  
4 didn't like them. I thought they were dirty. It wasn't  
5 what I was about.

6 Q When other police officers in your  
7 presence stole drugs, were the drugs split like the money  
8 was split?

9 A Not that I was aware of, sir. No.

10 Q Are you aware of what these other officers  
11 did with the drugs that they stole?

12 A I know, sir, that there was talk. There  
13 came a time when throwing the drugs away was throwing  
14 money away, that it could be turned into money.

15 Q So what you're saying is that based on the  
16 other good cops in the 73rd precinct with whom you were  
17 associated, from your conversations with them you  
18 understood that they came to the realization that  
19 throwing the drugs away was like throwing money away.

20 A That's correct.

21 Q There came a time when they took the drugs  
22 for resale to your knowledge?

23 A I can only say that it was talked about.  
24 I have no personal knowledge of drugs actually being  
25 taken for resale.

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2 Q We have had testimony before this  
3 Commission over the past two days about police officers  
4 protecting drug organizations in return for cash  
5 payments. In your experience in the 73 was that sort of  
6 activity going on to your knowledge?

7 A Yes, I believe it was. I personally was  
8 not into protecting the drug dealers. I was doing this  
9 to hurt them. It was something that I was not involved  
10 with, but I cannot say that it was not being conducted in  
11 the 73rd precinct.

12 Q Mr. Hembury, besides hurting the drug  
13 dealers, you were doing this for your own personal gain,  
14 were you not sir?

15 A That's correct.

16 Q I'd like to turn now to the subject of  
17 guns. Were guns ever stolen by police officers from  
18 these locations?

19 A Yes, they were, sir.

20 Q Why are guns such a desirable commodity?

21 A I can tell you personally that guns were  
22 kept for a number of reasons. Police officers are  
23 involved with guns. Some police officers collect guns.  
24 Guns were kept as souvenirs, some kept in briefcases for  
25 maybe a throw away gun, something to that nature, and

1  
2 also for sale.

3 Q Let me stop you there, Mr. Hembury. In  
4 your experience did you ever personally observe police  
5 officers stealing a gun or guns from a drug location?

6 A Yes, I have.

7 Q When you talk about the desire to have a  
8 gun for a throw away, what exactly do you mean?

9 A If a situation arose where possibly there  
10 was a bad shooting, something to that nature, it was an  
11 alternative that you had if you had a throw away gun.

12 Q Mr. Hembury, again, let me just press you  
13 a bit further. Are you saying that these police officers  
14 took these guns in order to give themselves a pretext, a  
15 false excuse, in the even that they shot someone  
16 unlawfully or outside department regulations?

17 A Yes. Again, the mentality was to cover  
18 your ass, Mr. Armao. And if that was an aspect to cover  
19 your ass if you arose in that situation, that was one of  
20 the reasons why a gun would be kept, yes.

21 Q If a police officer has a throw away on  
22 his person or in his briefcase, what does he do with it  
23 if he fears that a shooting he was involved in was a bad  
24 shooting, as you described it?

25 A I can only assume, I have no personal

1  
2 knowledge of a throw away gun being used, but --

3 Q Well, based on your conversations with  
4 other people when they say they'd like to have a throw  
5 away weapon, what do you understand them to mean? What  
6 use do they put this throw away weapon to?

7 A That would be probably be a weapon that  
8 would be recovered at the scene, something that'd be used  
9 as evidence against the perpetrator.

10 MR. CHAIRMAN: Well, more explicitly, are you  
11 suggesting it would be used as an excuse for having shot  
12 the perpetrator?

13 A Absolutely, sir.

14 MR. CHAIRMAN: Thank you.

15 Q Now, Mr. Hembury, I'd like to ask you  
16 during the course of your and other police officers'  
17 conducting these raids, did you ever employ the use of  
18 any other city services to assist you in conducting an  
19 illegal raid?

20 A Yes, I do, sir. At one point these drug  
21 raids were becoming more and more frequent. It was  
22 something that was being accepted by everybody, majority  
23 of the people that I worked with, and there came a time  
24 where we had information on a housing project where drugs  
25 were being sold in front of.

1  
2 Q So when you found out about this drug  
3 sales at this housing project, what did you and your  
4 colleagues do?

5 A Just so happened that these housing  
6 project was located in the middle of a block. It was  
7 very difficult to approach. There were spotters working  
8 for the drug dealers spotting the police coming down the  
9 road which would tip off the drug dealers. At one point  
10 I came to a conclusion that the only way to get to this  
11 location was by some other means than my police car, at  
12 which time I observed an ambulance, an EMS bus, that was  
13 not on a call, asked them if they could help us out. We  
14 parked our vehicles around the corner, entered this  
15 ambulance, and we had them drive us right up to the front  
16 of the place, at which time we jumped out.

17 Q How many police officers were involved in  
18 that raid?

19 A Six that I can recall, sir.

20 Q So six of you drive up to the front of a  
21 housing project with no warrant and intention to steal  
22 money, and you all jump out of an EMS ambulance, is that  
23 what you're saying?

24 A Yes, sir.

25 Q Did you or others take money from these

1  
2 drug dealers that day?

3 A No, we did not.

4 Q Why was that?

5 A No drugs or money were found.

6 Q You mentioned that the frequency of these  
7 raids increased over time. What time period are you  
8 referring to? When did they begin to get very frequent?

9 A I would say from around the year of 1990  
10 till '92.

11 Q So for two years you would describe the  
12 raid activity in the 73rd precinct as frequent?

13 A That's correct.

14 Q How many raids would you conduct in a  
15 week?

16 A I was very sporadic in these activities  
17 that I was involved in as to not to set a pattern.  
18 Sometimes I would go a week or two without any raids.  
19 Sometimes I would do three, four, five raids in a week.

20 Q And those are the ones that you are  
21 engaged in. Were there other times when other officers  
22 without your participation were also conducting raids to  
23 your knowledge?

24 A Yes, sir. If I felt that one particular  
25 location or that I myself was involved a lot for a week

1  
2 or a period of time, I would stop. That didn't mean that  
3 other officers would stop.

4 Q So based on your own calculations and your  
5 own knowledge and conversations with other police  
6 officers could you give the Commission an estimate in the  
7 years, let's say, 1991 to 1992, how many of these illegal  
8 raids were being perpetrated in a week?

9 A From conversation that I was engaged in  
10 with other officers, I would say on an average from ten  
11 to twenty per week.

12 Q And this goes totally unabated for two  
13 years and more?

14 A Yes, sir.

15 Q Did the number of police officers involved  
16 increase?

17 A Yes, it did.

18 Q Let's take 1991 to 1992 -- well, let's  
19 take late '91 to '92 before you were arrested. How many  
20 police officers would you estimate were involved in  
21 perpetrating these raids?

22 A At that time, just before my arrest by  
23 Suffolk County, I was actively involved with at least ten  
24 police officers.

25 Q Mr. Hembury, when you were arrested by

1  
2 Suffolk County, was your impression that you were being  
3 arrested for the raids you were conducting in Brooklyn?

4 A That's correct. When I was arrested on  
5 the night of May 6, I was under the assumption that I was  
6 being placed under arrest for the crimes that were being  
7 committed in the 73rd precinct.

8 Q Mr. Hembury, again, just focusing your  
9 attention on that time period, 1991 through 1992, and  
10 just for the record, you've testified that these raids  
11 were going on since 1988, but I'd just like to focus your  
12 attention on that year or year and a half. How much  
13 money would you say you earned from these raids?

14 A For my entire time at the 73rd precinct --

15 Q Just an estimate now, Mr. Hembury.

16 A I would say it was very minimal, couple of  
17 thousand dollars. Sometimes raids would take place where  
18 you got a hundred dollars.

19 Q Does it seem very little to have risked  
20 your career?

21 A Absolutely, sir.

22 Q What do you think that the number of  
23 police officers and the frequency of these raids  
24 increased over time?

25 A I believe that just as soon or later that

1  
2 I was at the 73rd precinct, it became a way that business  
3 was conducted there. The Department frowns upon uniform  
4 members of the service making drug arrests because of  
5 corruption. So what was happening, sir, was that the  
6 policemen and women in the 73rd precinct were driving  
7 around in the precinct not being effective against the  
8 drug trade that was in our command, and it was due to the  
9 Department.

10 Q Do you think that you and the other police  
11 officers also took confidence in the fact that no one was  
12 ever getting caught by Department internal investigators  
13 for this activity over such a long period of time?

14 A Yes, sir. That was my belief.

15 Q Was it also your belief, Mr. Hembury, that  
16 your supervisors were unconcerned about what was going on  
17 in the streets, so long as it didn't cause a problem for  
18 them?

19 A Yes, I do. I believe when you requested a  
20 sergeant to respond to your job, he usually took fifteen  
21 or twenty minutes to get there. If you were going to be  
22 dirty and you were going to take money, you did it before  
23 he got there. That way when he got there, everything was  
24 nice and cut and dry for him. He verified your arrest,  
25 and you were on your way.

1  
2 Q What I'm having a problem with here, Mr.  
3 Hembury, is what you've testified to is hundreds of these  
4 illegal raids with several cops involved over a period of  
5 three to four years. How is it possible that the  
6 integrity control officer of your command, the sergeants  
7 who are meant to supervise you, the commanding officer  
8 himself was unaware of this activity?

9 A It's my belief, Mr. Armao, that they were  
10 quite aware of what was going on. If I could elaborate?

11 Q Please.

12 A When I first arrived at the 73rd precinct,  
13 I was a rookie, I was hearing rumors that there were guys  
14 in the 75 precinct that were dirty. Here I was a rookie  
15 in the 73rd precinct hearing these rumors. They wound up  
16 being Michael Dowd and Kenny Eurell, who were the dirty  
17 police officers that I was hearing these rumors about.  
18 So here I am a rookie, a couple of months in a new  
19 precinct, and I'm hearing these rumors of dirty cops in  
20 the 75 precinct. It just sounds, it's unquestionable  
21 that they knew what was going on if a rookie from just  
22 arriving there can find out that there were dirty cops in  
23 a command neighboring, how could these guys not know what  
24 was going on in their own house.

25 Q When you heard about --

1  
2 MR. CHAIRMAN: Excuse me for a minute. Would  
3 you say that the corrupt activities in the 75 precinct  
4 were pretty widely known throughout Brooklyn precincts?

5 A Commissioner Mollen, from myself to hear  
6 that type of information as a rookie coming to Brooklyn  
7 North for the first time, it's unquestionable that all of  
8 Brooklyn North must have heard these same rumors.

9 MR. CHAIRMAN: Thank you. Mr. Armao.

10 Q Mr. Hembury, with regard to those rumors  
11 you heard about corruption in the 75th precinct, did the  
12 knowledge or the belief that cops from neighboring  
13 precincts were making scores, maybe bigger scores than  
14 you and your colleagues were making, did that ever  
15 increase your ambitions to make more money off the job?  
16 Did it ever increase the ambitions of your colleagues in  
17 the 73 precinct?

18 A Yes, it did. That and the fact that after  
19 a period of time it seems inevitable that a policeman in  
20 New York City Police Department is going to feel like the  
21 Department doesn't care about him or her, that they're  
22 just a number. It's a large Department. It's part of  
23 the job, but at the same time could leave you disgruntled  
24 for lack of concern about yourself. And I think that at  
25 that point, when you get to that point in your career,

1  
2 self-motivated greed and the rumors of other people  
3 making giant scores contribute to the factor of stepping  
4 over the line.

5 Q When you heard Michael Dowd discussed as a  
6 young cop in the 73rd precinct, was he discussed as a  
7 villain or as a hero?

8 A I wouldn't go so far as to call Michael  
9 Dowd a hero, but it was in a favorable light.

10 MR. CHAIRMAN: Mr. Hembury, was there much  
11 discussion among the officers in the precinct about IAD's  
12 effectiveness, its lack of effectiveness, what kind of  
13 investigators were in IAD? Was there any discussion  
14 along that line?

15 A No, sir. There was very rarely discussion  
16 on the effectiveness of IAD. I think that it was because  
17 they were so ineffective, it wasn't really a fear.

18 MR. CHAIRMAN: When I asked my question, I  
19 asked about effectiveness or ineffectiveness. Now are  
20 you saying that they were just considered so ineffective  
21 that nobody really feared them? Is that what you just  
22 said?

23 A Yes, sir.

24 MR. CHAIRMAN: Would that be a subject of  
25 discussion among you and your fellow officers, how

1  
2 ineffective the IAD was?

3 A Not that I can recall, sir. But I'm sure  
4 maybe I was thinking it on my own. It wasn't part of a  
5 discussion that I can recall.

6 COMMISSIONER EVANS: Mr. Hembury, I got the  
7 impression that you said that you felt you could justify  
8 your behavior because the Department didn't care about  
9 the individual patrolman. Can you give us some examples  
10 of things that were going on in the Department that made  
11 you feel that way?

12 A Yes, sir. There came a time that I had  
13 made a bribery collar. Bribery collars are usually  
14 awarded with some type of a recommendation for a  
15 transfer, something to that nature. I put in a transfer  
16 to go to Queens. I wanted out of this place. It was so  
17 bad there I wanted to get out. What happened was my  
18 transfer was denied after making a bribery arrest which  
19 is usually rewarded with some type of transfer, whether  
20 it be to a detail or just lateral to a different command.  
21 After being denied, you could sit back and say well, I  
22 made my bribery collar -- it's not very often that you  
23 get to make a bribery collar -- and here I was with  
24 nothing to show for it. That was one of the aspects that  
25 made me become disgruntled, if you will.

1  
2 COMMISSIONER EVANS: Did they ever give you any  
3 reason why your request was denied?

4 A Yes, sir. I was a subject of a  
5 disciplinary hearing a year or two before I made this  
6 bribery collar. It subsequently affected my transfer.

7 Q Mr. Hembury, how many times did you  
8 request a transfer out of the 73 precinct?

9 A In the five and a half years in the 73rd  
10 precinct, I requested transfer six times.

11 Q Were they all denied?

12 A Yes. All of them were denied, except for  
13 the last one. I was transferred May 6, the day I was  
14 arrested.

15 Q Mr. Hembury, there have been some who are  
16 saying that the corruption problem that the New York City  
17 Police Department faces today is really the matter of the  
18 isolated opportunity arising and temptation taking over  
19 the police officer. In your experience was corruption a  
20 matter of opportunity or was it a matter of planning and  
21 premeditation?

22 A I would have to answer that and say it was  
23 both a matter of opportunity and planning.

24 Q Well, these raids that you told us about  
25 seem to have been elaborately planned with code signals,

1  
2 rendez-vous. Weren't you and the other officers also  
3 assigning each other roles about what you would do when  
4 you arrived at the drug spot?

5 A Yes, sir.

6 Q Would you call that premeditation?

7 A Yes, sir.

8 Q I'd like to turn to the subject of what is  
9 called the Blue Wall of Silence. You told us before --  
10 Mr. Hembury?

11 A Yes, sir.

12 Q You told us before that one of the  
13 conditions that fostered this kind of corruption is the  
14 trust and confidence that you have in fellow officers not  
15 to complain about your illegal activity, is that right?

16 A That's correct.

17 Q This reluctance to report good cops --  
18 maybe we can call them bad cops now -- even extend to the  
19 honest officers in the command, that is, those officers  
20 who weren't engaging in these raids or drug rip offs or  
21 thefts of money?

22 A Yes, sir.

23 Q Why do you think that is, Mr. Hembury?

24 A I can give you an example of a situation  
25 that I'm aware of. Maybe it'll help clarify for

1  
2 everybody here what happens as a police officer. There  
3 was a situation. Two officers were on foot trying to  
4 apprehend a perpetrator. One individual, one officer was  
5 fairly close to the perpetrator when his partner let a  
6 couple of rounds go at this perpetrator thinking he was  
7 turning with a gun. Now the one officer who was fairly  
8 close to this perpetrator became very irate, was not  
9 happy with his partner shooting over his shoulder, and  
10 had a verbal confrontation with his partner.

11 Sometime later they're questioned by the  
12 administration into the regards the facts of this  
13 shooting. This officer who became irate gave his version  
14 of the story the way he seen it. It was slightly  
15 different from the officer that did the shooting. At  
16 that time this officer was labeled a rat. He was not  
17 talked to. He was the recipient of hazings that was  
18 going on in the 73rd precinct. It was --

19 Q Basically, other cops made his career  
20 miserable.

21 A That's correct.

22 Q Mr. Hembury, when this hearing opened,  
23 there was a videotape of a police officer who gave  
24 testimony with his face dissembled and his voice  
25 disguised.

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A Yes.

Q Did you see that?

A Yes, I did.

Q Could you understand why an honest cop would not want to appear in public with his full identity and give information that he gave?

A Absolutely, Mr. Armao. If you're labeled a rat, especially early in your career, you're going to have a difficult time for the remainder of your career in the New York City Police Department. You do not want to be labeled a rat. You will be the recipient of bad practical jokes, even things more serious than practical jokes. Then to leave or request to leave the environment that you were in wouldn't be the end of this labeling that you had. Phone calls would be made to wherever your final destination was in the Department. Your name traveled with you. It was something you couldn't shake.

Q In other words, your reputation would follow you, your reputation as a rat, even if you were assigned to other commands in other boroughs?

A That's correct. He could go to One Police Plaza, and there'd be phone calls made there to some of his co-workers.

Q Mr. Hembury, in your experience does the

1  
2 fear of the consequences being labeled a rat even extend  
3 so much as an officer taking the blame when another  
4 officer is actually the guilty party?

5 A Absolutely.

6 Q Did that happen in your experience, sir?

7 A Yes, it did.

8 Q Could you relate to the story to the  
9 Commissioners?

10 A Yes. There came a time I was riding with  
11 an officer who had approximately ten years on the job.  
12 He prided himself in not making an arrest in five years.  
13 He didn't like collars. We were engaged in a motorcycle  
14 stop for traffic violation. This officer knew that this  
15 individual didn't have a driver's license, motorcycle  
16 wasn't registered, inspected. He was an easy target.

17 After stopping this individual and speaking  
18 with him, this individual became irate. He became so  
19 irate to the point where I thought he was going to swing  
20 at either myself or the other officer. Seeing that this  
21 other officer doesn't make arrests, I was a rookie at the  
22 time, I made the arrest. I brought the individual to the  
23 station house, I issued him summonses.

24 Sometime thereafter, a third party, a concerned  
25 citizen looking out their window, made a complaint, a

1  
2 third-party complaint, a civilian complaint, and then I  
3 was the recipient of charges and specs by the Department.  
4 What had transpired after we had stopped and this  
5 individual became irate, we disabled, an officer that was  
6 later on the scene disabled his motorcycle by pulling a  
7 coil wire from his spark plug, tossing it in the lot. I  
8 was the recipient of charges and specs which simply  
9 stated that I smacked this individual and that I removed  
10 property from his motorcycle.

11           Sometime thereafter, I went to the trial room  
12 with the Department. I lost fifteen days vacation for  
13 this incident. I didn't smack this individual. This  
14 individual was bigger than me. If I had to hit somebody,  
15 it would have bene to bring him down, not smack an  
16 individual. And the spark plug wire, I had nothing to do  
17 with. But yet these were charges that were brought  
18 against me. I took that hit, lost my fifteen days, and  
19 that was the end of it.

20           Q    So you took a fifteen day hit all because  
21 you just could not be labeled a rat and tell the truth  
22 about who was really responsible for damaging the  
23 motorcycle.

24           A    That's correct.

25           MR. CHAIRMAN: Mr. Hembury, you said that this

1 other officer did not like to make arrests, is that true?

2 A That's correct.

3 MR. CHAIRMAN: Didn't the supervisors,  
4 commanding officer of the precinct, or others even  
5 question the fact that some officers did not make any  
6 arrests?

7 A Yes, they did. We had an officer who  
8 never made any arrests. He came to the command with  
9 myself. He was not well liked, although he did drive the  
10 captain and the lieutenant around. But to compensate for  
11 not making arrests, this individual wrote summonses. He  
12 wrote hundreds of summonses. Therefore, he was  
13 alleviated of the responsibility to make arrests.

14 MR. CHAIRMAN: But were any of the officers  
15 ever questioned for either making no arrests or very low  
16 number of arrests?

17 A Low productivity was a topic that a  
18 sergeant would discuss --

19 MR. CHAIRMAN: You were in a pretty high crime  
20 area, were you not?

21 A That's correct.

22 MR. CHAIRMAN: I think you indicated one of the  
23 heaviest high crime areas.

24 A That's a fact, sir.

25

1  
2 MR. CHAIRMAN: And despite the fact that you're  
3 in this very high crime area, there are a number of  
4 officers who would not make arrests or make a very low  
5 number of arrests.

6 A That's correct.

7 MR. CHAIRMAN: And the supervising personnel  
8 never did anything about that?

9 A No, sir. They never did anything about  
10 that. Although these officers would have an answer,  
11 saying that I haven't made any arrests, I wrote a hundred  
12 summonses this month. There was a criteria for you in  
13 regards to production on the part of a police officer.  
14 They wanted two felony collars a month and a book of  
15 summonses. That was twenty-five summonses. If you  
16 didn't produce that, you had to explain why. If it was  
17 because you were too busy writing summonses, it was an  
18 answer that they accepted.

19 Q Mr. Hembury --

20 COMMISSIONER BAER: I just wondered. The  
21 summonses, they were not desk appearance tickets, but  
22 rather summonses for automobiles, is that right?

23 A The majority were moving violations. The  
24 Department is very big on red light summonses. A red  
25 light summons is very important.

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COMMISSIONER BAER: For traffic red light?

A Correct.

Q Mr. Hembury, in your experience were all of these summonses genuine summonses?

A No, sir, they were not.

Q Could you explain to the Commissioners what you mean by your answer?

A Summonses, there's a term in the Police Department called phantom summonses. That's when you take a derelict vehicle. Just case in point, a derelict vehicle has no plates on it, maybe has a plate on it. Everyday you come by, you can drop a couple of summonses on it -- no registration, no insurance. That car doesn't belong to anybody. It's apparently marked for sanitation, and you can unload summonses on it.

Another case in point would be driving into work. You have a vehicle that cut you off. At some point you take down the information from this vehicle, whether it be his license plate and make of car. When you get to work, you drop a couple of summonses on him. They're called phantom summonses.

Q Now, Mr. Hembury, in your experience with regard to these summonses, was there a lot of pressure to put on police officers to make a agency goal otherwise

1  
2 known as a quota?

3 A Absolutely.

4 Q Did it seem to your sometimes in your  
5 supervisors' estimation -- this is just based on your own  
6 conclusions now -- that it was more important for the  
7 supervisors to get the summonses than for you guys to  
8 make collars?

9 A Absolutely. Summonses, Mr. Armao, are  
10 important part for the commanding officer of your  
11 precinct. Commanding officer of your precinct wants to  
12 impress to the borough and the brass that is in the  
13 borough that your command is producing. They want  
14 summonses. It's that simple.

15 Q Mr. Hembury, you said that these raids  
16 were going on to your knowledge at least since 1988 and  
17 involved a group of cops ranging from six to ten. Is  
18 that accurate?

19 A Yes, it is, sir.

20 Q To your knowledge was a single cop in the  
21 73rd precinct ever arrested for that activity?

22 A No, sir.

23 Q Were you in your career ever even given a  
24 command discipline for this activity?

25 A Never.

1  
2 Q I'd like to ask you, Mr. Hembury, after  
3 you were arrested by Suffolk County detectives, did  
4 anyone from the Internal Affairs Division or any other  
5 Department internal investigator attempt to interview you  
6 or debrief you regarding your knowledge of corruption?

7 A No, never once.

8 Q Mr. Hembury, who were the first people who  
9 approached you and asked you for information regarding  
10 police corruption?

11 A That would be you, Mr. Armao.

12 Q This Commission you mean, sir?

13 A Excuse me?

14 Q You mean the Mollen Commission?

15 A That's correct.

16 COMMISSIONER BAER: Do you have any idea why  
17 that may have been or was the case, Mr. Hembury?

18 A Yes, sir, Commissioner. I personally feel  
19 that the Department is afraid of scandal. They're  
20 worried about public image. It's something that would be  
21 aired by the press. The Department doesn't want their  
22 dirty laundry being aired and the Department, therefore,  
23 being dragged through a scandal.

24 COMMISSIONER BAER: So essentially, in your  
25 view, they simply shut their eyes to activities such as

1  
2 your own?

3 A I believe that public image was more  
4 important that routing out the corruption in the  
5 Department. Yes.

6 Q Mr. Hembury, are you aware whether or not  
7 the people who lived in the neighborhoods of the 73rd  
8 precinct were aware of this unabated corruption?

9 A Yes, I believe they were.

10 Q How do you know that? What do you base  
11 that on?

12 A I base that on that the drug dealers are  
13 from the community. The drug dealers knew certainly what  
14 was happening. I'm sure they spoke about it.

15 Q Yet, apparently, there seemed to be in  
16 your estimation very few civilian complaints about these  
17 activities, is that right?

18 A That's correct.

19 Q I'd like to direct your attention to the  
20 chart behind me, Mr. Hembury. What we have here is based  
21 on Department records a tabulation of the total civilian  
22 complaints against members of the 73rd precinct in  
23 various corruption areas as they're defined by the Police  
24 Department. I'd like you to look at the area that's  
25 highlighted in yellow. Would it be fair to say that the

1  
2 activities that you and your fellow officers engaged in  
3 were narcotics related corruption? Would that be an  
4 accurate way of describing the activity that you and the  
5 other officers were engaged in?

6 A Yes, sir.

7 Q Mr. Hembury, in 1988, the number of  
8 allegations coming in on members of the 73rd precinct for  
9 narcotics related corruption totals eight. In 1988, were  
10 you alone responsible for more than eight raids?

11 A Yes, I was.

12 Q In 1989, there are eleven civilian  
13 complaints. Do you believe that that is an accurate  
14 reflection on the narcotics related activity among cops  
15 in the 73rd precinct for that year?

16 A Absolutely not.

17 Q Is it just the tip of the iceberg?

18 A Just barely.

19 Q You see the other numbers of 1990, '91,  
20 and '92. That was the time you said these raids were  
21 increasing in number and the number of police officers  
22 involved, is that right?

23 A That's correct.

24 Q What is your estimation about what these  
25 numbers reflect? Do they reflect the full scope of

1  
2 corruption going on in the 73 during those years.

3 A Absolutely not.

4 Q In fact, if you added all those numbers  
5 together, Mr. Hembury, they would just constitute a small  
6 fraction of the raids that just you yourself, one single  
7 police officer, was responsible for, isn't that right?

8 A That's correct.

9 Q If Department internal investigators were  
10 relying on what is called a reactive system, a complaint  
11 driven system, based on these numbers and in light of the  
12 information that you personally know about your conduct  
13 and the conduct of other officers, would IAD or the FIAU  
14 ever know the truth extent of corruption in the 73  
15 precinct or anywhere else?

16 A No, sir. Those numbers indicated behind  
17 you would probably be an acceptable level.

18 Q In other words, what they want to know  
19 rather than what's really going on?

20 A That's absolutely correct.

21 Q Mr. Hembury, I'd like to know from your  
22 perspective, someone having been personally involved,  
23 unfortunately, in police corruption for a number of  
24 years, do you have any recommendations to make to this  
25 Commission about ways in which this kind of corruption

1  
2 can be stopped or curtailed in the future?

3 A Yes, I do, Mr. Armao. I can tell you that  
4 what made this activity for me and other officers were  
5 the things that should be changed. As I spoke of before,  
6 you had IAD would come to the precinct, let themselves be  
7 known, everybody would give a W010 over the air,  
8 everybody knew they were there, nothing was happening.  
9 None of the cops would do anything. I think that IAD was  
10 there specifically in that manner to alert us not to do  
11 anything. They didn't want to find anything out. It  
12 wasn't credible.

13 I feel that to be an effective investigating  
14 detail like that maybe something in the lines of keeping  
15 IAD or FIAU out of the precinct. If they're coming into  
16 the precinct to do an investigation, don't come to the  
17 desk and let everybody know that they're there. Maybe  
18 when roll call is done for each tour and after it's been  
19 amended, it should be standard that each tour should fax  
20 their roll call to FIAU or IAD so that if anyone from  
21 either of those two details are coming to a specific  
22 command, they don't have to come into the command to grab  
23 the roll call to find out where anybody is.

24 Q Mr. Hembury, what about the allegations  
25 from drug dealers and other defendants? Do you think

1 that they ought to be perhaps a little more believed?  
2

3 A That's difficult. It's been my experience  
4 that to now go and ask the drug dealers was there any  
5 problems, are you missing money, could open up a whole  
6 can of worms. These guys got nothing to lose. They may  
7 be vindictive. But at the same time, if now you're going  
8 to be an arresting officer in a drug case and you know  
9 that this individual is going to be questioned, well,  
10 maybe you're going to make sure that the money's straight  
11 and the drugs are proper and everything is vouchered in  
12 an orderly fashion. It would be seen as a deterrent,  
13 yes.

14 COMMISSIONER BAER: Counsel's questions are  
15 really aimed at while you're in the precinct and on the  
16 force actively, do you have any thoughts about whether or  
17 not there could be some changes or additions with respect  
18 to training that might be helpful, and if so, what do you  
19 think they might be?

20 A Yes, I do. I feel that training in the  
21 police academy wasn't adequate. They didn't tell me the  
22 types of corruption that I'd be confronted with, the  
23 types of temptations. It was a new experience for me to  
24 come to the 73rd precinct and see the things that I'd  
25 seen.

1  
2 I feel that there is a number of  
3 recommendations I can make to change some of this on-  
4 going activities, something in the manner of having an  
5 ICO for every tour. We have one ICO. He's the integrity  
6 commanding officer. He works one tour, it's usually  
7 posted somewheres in the command. You know when the ICO  
8 is working. It's only one man. You have three shifts.  
9 It would be in the Department's best interests to  
10 possibly put an ICO on every tour. There's someone out  
11 there every tour.

12 Q Lastly, Mr. Hembury, do you have any  
13 message that you want to say to other police officers who  
14 might be confronted with the same opportunities as you?

15 A Yes, I do. This whole experience was --  
16 MR. CHAIRMAN: Try to keep your voice up,  
17 please, Mr. Hembury.

18 A Yes, sir. I'm not proud of anything that  
19 I've testified here today. In fact, I'm disgraced. I've  
20 disgraced my parents, the people that I love. For  
21 another officer to come down the same road that I have,  
22 it's very difficult to make it as far as I did. I've  
23 been in prison. I've lost everything that I've owned. I  
24 almost lost a little boy that I love very much. It's  
25 been difficult. Don't do it.

1  
2 Q I have no further questions, Your Honor.

3 MR. CHAIRMAN: We stand recessed now until  
4 1:15.

5 (Whereupon a luncheon recess was taken.)

6 MR. ARMAO: The witness will be examined by  
7 Commission Counsel David Burns. I'd ask you to please  
8 administer the oath to the witness.

9 MR. CHAIRMAN: Would you please rise, Mr.  
10 Cawley. Raise your right hand, please. Do you solemnly  
11 swear or affirm that the testimony that you're about to  
12 give will be the truth, the whole truth, and nothing but  
13 the truth, so help you God?

14 MR. CAWLEY: Yes, I do.

15 MR. CHAIRMAN: Thank you. Please be seated.  
16 Mr. Burns.

17 MR. BURNS: Thank you.

18 CAWLEY EXAMINATION

19 BY MR. BURNS

20 Q Would you please state your full name.

21 A Bernard Cawley.

22 MR. CHAIRMAN: Mr. Cawley, will you please try  
23 to keep your voice up. Is the mike working? Yes, it is.  
24 All right.

25 Q Mr. Cawley, are you aware that all

1  
2 witnesses who appear before this Commission and give  
3 testimony have the right to have counsel present with  
4 them?

5 A Yes, I do.

6 Q Mr. Cawley, are you prepared to proceed  
7 today and give testimony without the presence of counsel?

8 A Yes.

9 Q Mr. Cawley, where do you currently reside?

10 A Wallkill Correctional Facility.

11 Q Is that a New York State Correctional  
12 Facility?

13 A Yes, it is.

14 Q What crime did you commit for which you  
15 are now incarcerated?

16 A Burglary with the intent to steal  
17 narcotics.

18 Q What was the narcotic involved?

19 A Cocaine and heroine.

20 Q And how much cocaine and heroine was  
21 involved in this transaction?

22 A Approximately five kilos.

23 Q Mr. Cawley, what is the sentence you are  
24 now serving?

25 A Three years to life.

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Q Before being arrested, Mr. Cawley, were you employed?

A Yes, I was.

Q Where were you employed?

A I was employed with the New York City Police Department.

Q What was your position with the New York City Police Department?

A I was a police officer.

Q When did you join the New York City Police Department, Mr. Cawley?

A July 15, 1986.

Q And that was when you entered the police academy?

A Yes, it is.

Q After your graduation from the police academy, what was your first assignment?

A I was assigned to Neighborhood Stabilization Unit in the 48th precinct. It's called NSU 7.

Q NSU 7?

A Right.

Q Could you explain to the Commissioners what an NSU, what the Neighborhood Stabilization Unit is?

1  
2 A NSU is pretty much, six months after the  
3 academy, it's on the job training. What they do is put  
4 you on foot posts in four different precincts that are in  
5 with the NSU. When you're not on a foot post, either  
6 you're driving around with a detective, you're answering  
7 radio runs in a marked police car. It's yourself,  
8 another rookie, and a detective or a sergeant.

9 Q And they're giving you, as you put it, on  
10 the job training in how to be a police officer.

11 A Correct.

12 Q While you were in the 48th precinct NSU,  
13 Mr. Cawley, did you develop a nickname?

14 A Yes, I did.

15 Q What was that nickname?

16 A The Mechanic.

17 MR. CHAIRMAN: Can we have for the record where  
18 the 48th precinct is located?

19 A It's underneath the Cross Bronx Expressway  
20 in the Bronx.

21 MR. CHAIRMAN: Thank you.

22 A You're welcome.

23 MR. CHAIRMAN: You may proceed, Mr. Burns.

24 Q Thank you. Your nickname was the  
25 Mechanic?

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A Yes, it was.

Q And why were you given this nickname?

A Because I used to tune people up.

Q What do you mean by tune people up?

A That's a police word for beating up people.

Q Did you beat people up who you arrested?

A No. We'd just beat people in general. If they're on the street, hanging around drug locations. It was a show of force.

Q Why were these beatings done?

A To show who was in charge. We were in charge, the police.

Q The police were in charge.

A Yes.

Q Mr. Cawley, who gave you this nickname the mechanic?

A My NSU sergeant.

Q So your sergeant was aware of these beatings?

A Yes, he was.

Q Were other police officers in the 48th precinct NSU giving people beatings as well?

A There was a few of them, yes.

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Q And the sergeant was aware of those beatings as well?

A Yeah. Pretty much the sergeant encouraged it because he pretty much, he rewarded the three guys that were into it, the two other officers and myself. He would reward us. Instead of putting us on foot post in the winter or something like that, we would drive around in the car with him or the other detectives.

Q So you were rewarded for this aggressive behavior and for beating people?

A Yes.

Q And you were rewarded and given this name by the sergeant who was supposed to mold your character to a certain extent to be a police officer?

A That's correct.

MR. CHAIRMAN: Was the sergeant present when you administered these beatings?

A He was present on some of them, but after work we used to go drink in the bar, myself, a few of the other officers, and the sergeant from NSU. And we used to drink and we used to talk about what we done that night at work, and sergeant, he was aware of the beatings. He was there on some of them, and some of them he wasn't.

1  
2 Q After your assignment to the 48th precinct  
3 NSU, where were you assigned, Mr. Cawley?

4 A I was assigned to patrol in the 46th  
5 precinct. I was assigned to the third squad.

6 MR. CHAIRMAN: And is that also in the Bronx?

7 A Yes, it is. It's 181st and Ryder Avenue.

8 Q Did the 46th precinct third squad have a  
9 nickname?

10 A Yes, it did. It was called the Thirsty  
11 Third.

12 Q And why was it called the Thirsty Third?

13 A Because out of maybe fifteen guys in the  
14 job, probably twelve of the guys used to drink on duty in  
15 the car.

16 Q Was this a daily activity?

17 A It wasn't a daily activity. I mean, on  
18 the midnights it was pretty much a regular thing, but  
19 during the 4 to 12's, it was pretty much on the regular.

20 Q What were your responsibilities as a  
21 police officer in the third squad in the 46th precinct?

22 A We were assigned to patrol, answer the  
23 radio.

24 Q Mr. Cawley, would you please tell the  
25 Commissioners about your experience on your first

1  
2 midnight tour in the 46th precinct?

3 A When I went to the 46th precinct, a friend  
4 of mine who I grew up with, he was a police officer in  
5 the 46th precinct also. He got to the precinct six  
6 months before I did. So it was our first midnight in the  
7 third squad, and he's not in the third squad, but he came  
8 up and told me. He says tonight the guys in the this  
9 squad, they're going to test everybody in the squad to  
10 see if you're, you know, a good guy, a standup guy,  
11 whatever. And so --

12 Q What happened?

13 A Excuse me?

14 Q What happened?

15 A All right. So on the midnight about 2  
16 o'clock in the morning, we met at Tremont-Jerome Avenue.  
17 There was about seven police cars, blue and whites. And  
18 they told us, they said listen, we're going over to this  
19 building on 176th Street and Davidson Avenue -- I think  
20 the address was 1761 -- and they said pretty much  
21 everybody in that building either their drug dealers or  
22 they belong to a motorcycle gang. They said when we get  
23 there, whoever hanging out, they have no right at  
24 hanging at this hour of the night. They said when you go  
25 up there, just start hitting people.

1  
2 So we start driving over to Davidson and 176th  
3 Street. We came on the block in all different  
4 directions. We got out of the car, and as soon as we got  
5 out of the police car, the seven cars, we just started  
6 beating people. We went into the building, whoever was  
7 in the building got beat. A lady was coming down the  
8 stairs with a big radio in her hand. They smashed the  
9 radio with the night stick. They threw her down a flight  
10 of stairs. It was just anybody who was in that building  
11 or right in front of the building got beat that night.

12 MR. CHAIRMAN: Were you in uniform at the time?

13 A Yes, I was. It was a midnight. Pretty  
14 much everybody on patrol on midnights work in uniform.

15 Q So you're saying that anyone who was in  
16 the building that night took a beating?

17 A Yes. Anybody that was in the hallways or  
18 in the courtyard.

19 Q How many police officers participated in  
20 this event that night?

21 A Well, there was seven police cars, two  
22 officers to a car, fourteen.

23 Q Were any supervisors present?

24 A No.

25 Q Why wouldn't there be any supervisors

1 present when there are seven radio cars at one location?  
2

3 A Because that midnight the sergeant's  
4 regular driver wasn't in, so he had to take somebody from  
5 the third squad to drive him. So they told him, they  
6 said listen, they told the driver of the sergeant, they  
7 said we're going over to 176th Street and Davidson about  
8 2 o'clock in the morning. Be on the other side of the  
9 precinct with the sergeant, just cruise over there.  
10 That's what happened.

11 Q So you were able to get the sergeant out  
12 of the way?

13 A Right. Because of his driver.

14 Q Was that a difficult thing to do on other  
15 occasions, get the sergeant out of the way?

16 A Not at all.

17 Q How many people were beaten this night,  
18 Mr. Cawley?

19 A I'd say ten to fifteen people.

20 Q And to the best of your recollection, what  
21 was the extent of their injuries?

22 A They were hurt but not like serious  
23 physical injury, not like they needed an ambulance right  
24 away, but I mean they got hit with sticks. I mean, of  
25 course, you're going to get hurt.

1  
2 Q Mr. Cawley, on this particular night had  
3 any of these people who were beaten committed a crime in  
4 your presence that night?

5 A No, not all.

6 Q Were any of these people who were beaten  
7 arrested that night?

8 A No.

9 Q Was this event concealed from other police  
10 officers in the precinct?

11 A No, not at all.

12 Q Others found out about it?

13 A Sure. I mean, police, they go back to the  
14 precinct and they brag about this stuff to other police  
15 officers, to their friends. Before you know it, half the  
16 people know about it.

17 MR. CHAIRMAN: Mr. Cawley, were any complaints  
18 filed against any of the police officers as a result of  
19 that incident?

20 A Not that I'm aware of.

21 COMMISSIONER BEAR: None were filed against  
22 you, I gather?

23 A No.

24 COMMISSIONER BEAR: You would be aware of that.

25 COMMISSIONER EVANS: What is the ethnic

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complexion of that neighborhood where that incident took place, Mr. Cawley?

A Pretty much Spanish and black.

COMMISSIONER BAER: Were there any Spanish or black policemen in your group?

A Well, there was one black, she was a female officer, and nobody wanted to work with her, so pretty much she would stay in the precinct during midnights or whenever and answer the telephones, do station house security. And there was, I think, about two Hispanics that were --

MR. CHAIRMAN: The question was as among those officers who went into that building and committed the --

A Oh, into that building.

MR. CHAIRMAN: -- various assaults, that you just described, that incident that night. Were there any black or Hispanic officers among the group of you?

A There was no blacks. There was approximately two Hispanics.

Q Did any of the victims of these beatings resist that night?

A Well, they didn't swing back at us if that's what you mean resist, but I mean, they were covering up. Nobody wants to get hit.

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2 Q Mr. Cawley, you said this event wasn't  
3 concealed from others in the precinct. Do you think the  
4 supervisors in the precinct at some point became aware of  
5 this incident?

6 A I'm sure they did, yeah. Because  
7 supervisors usually after 4 to 12, which they call them 4  
8 to 4's because you work 4 to 12, then you go to the bar  
9 from 12 to 4 in the morning, till the bars close. The  
10 sergeants go to the bar, I mean, the sergeants hang out  
11 with you. They're just like a regular police officer.  
12 They know everything.

13 Q So they would have had to have known about  
14 this?

15 A Sure.

16 COMMISSIONER BAER: Is there some reason that  
17 you could tell us that you believe, counsellor, there  
18 being no complaints for this unprovoked attack on  
19 innocent men and women?

20 A Excuse me, was that directed at myself?

21 COMMISSIONER BAER: Yes, I think so.

22 A Can you repeat it?

23 COMMISSIONER BEAR: I wondered whether you  
24 could tell us how it came about that there were no  
25 complaints as a consequence of what, as I understand it,

1  
2 was an unprovoked series of beatings against perfectly  
3 innocent men and women?

4 A Well, first of all, to get to the precinct  
5 from that location, it's a far walk or ride, you know.  
6 Half these people over there are crackheads, drug  
7 addicts. They didn't have cars, and plus the people who  
8 did have cars, when they came into the precinct to file a  
9 report, they got harassed by the police officers working  
10 in the precinct.

11 COMMISSIONER BAER: Is that a common  
12 occurrence?

13 A Sure it is.

14 COMMISSIONER BEAR: So, in fact, very few  
15 civilian complaints were filed in that precinct?

16 A Yes.

17 Q Mr. Cawley, you had said that the people  
18 who lived in this building were, as you characterized  
19 them, crackheads and drug addicts. Was everyone whom you  
20 beat that night a crackhead or a drug addict or could  
21 there have been some innocent people who just happened to  
22 live in that building?

23 A Yes. There could have been innocent  
24 people. If they were walking out of their apartment at  
25 that hour of the night, yeah, they could have got dragged

1  
2 into it.

3 Q Mr. Cawley, you had indicated that when  
4 you started to tell us about this event, that another  
5 officer, a friend of yours, told you that you had to prove  
6 yourself that night. Let me ask you what do you think  
7 would have happened to you if you had refused to  
8 participate in these beatings that night?

9 A If I didn't participate in those beatings,  
10 I would have pretty much been on my own. I wouldn't have  
11 been able to partner up with anybody in my squad to ride  
12 steady in a police car. Chances are I would have been on  
13 a foot post somewhere far away in the winter time,  
14 whatever, and if I needed help, they would say, well, if  
15 it comes down to him helping us, he's really not going to  
16 do it. So they would take their time coming to help me.

17 Q So this was sort of a rite of initiation,  
18 a rite of passage for you?

19 A Definitely.

20 MR. CHAIRMAN: Do you know how there was  
21 communication among all of the various officers? You  
22 said there was about seven cars that pulled up at the  
23 building.

24 A Yes.

25 MR. CHAIRMAN: Well, do you know, did they use

1  
2 the radios in the car or do you know what the means of  
3 communication was whereby they all agreed to appear at  
4 that time at that place?

5 A Well, before we went on patrol that night,  
6 they said at such and such a time, we'll meet at this  
7 location. But other times, they would say on the radio  
8 meet at Wally World, and that was the location where all  
9 the officers used to go and drink. It was a dead end  
10 street all the ways at the other end of the precinct. So  
11 if you heard Wally World, you would drive over there and  
12 see what was going on.

13 Q Mr. Cawley, would you tell the  
14 Commissioners about an incident which occurred in the  
15 building on Webster Avenue in the Bronx when yourself and  
16 two other officers entered a building with a video  
17 camera?

18 A Yes. It was on the corner of 188th Street  
19 and Webster Avenue. It was 2427 Jerome Avenue. It's a  
20 none narcotics location. They sell crack up in the  
21 building. At that day it was myself and two partners.  
22 We were driving around in a marked police van, a blue and  
23 white van, and they had an handicam camcorder in their  
24 hands. So they said let's go into this building. On  
25 that building on the third floor, that's where they sell

1  
2 the crack in the hallway.

3           So we run into the building with the camcorder.  
4 We get up to the third floor. The lookouts didn't spot  
5 us running into the building. We catch a few people in  
6 the hallway, we line them all up against the wall, and  
7 one of the officers takes the camcorder, and he starts  
8 like shooting it down the hallway. And as he's shooting  
9 it down the hallway, then we start smacking people,  
10 beating them up, girls, guys, whoever was there lined up  
11 to buy drugs and selling drugs.

12           And then I held the video camera, and police  
13 officer grabbed another guy into a headlock and had him  
14 bend over, and the other police officer, it was like a  
15 joke, acting. He climbs up on the bannisters for the  
16 railing, so it's probably like he's four, five feet up in  
17 the air, and the other officer's holding the guy in a  
18 headlock and he's bent over. The officer jumps off the  
19 bannister and lands his elbow in the guy's back, you  
20 know, like a wrestling move. And we just continued to  
21 pass the camera around, slapping people around, and stuff  
22 like that.

23           MR. CHAIRMAN: But what were you doing with the  
24 camera? What was the significance of the camera?

25           A     We just took it out on patrol that night

1  
2 just to film things. A lot of cops drive around with  
3 regular cameras in their car.

4 MR. CHAIRMAN: Well, did you film these  
5 activities that you just described?

6 A Yeah, I said I was holding the camera  
7 filming them in the hallway.

8 MR. CHAIRMAN: What did you do with the film  
9 after it was developed?

10 A The film, it's a video camera, so as soon  
11 as you take it, it's on camera already, you can watch it.  
12 At that point, we left the building, we went downstairs  
13 into the van, and we started driving around, and we're  
14 looking through the viewer of the video camera watching  
15 what was going on. We're passing it around. We were all  
16 laughing about it.

17 So then the guy who was driving says let's go  
18 over to Jerome Avenue and film some of the prostitutes.  
19 So we drove over to Jerome Avenue, and we started calling  
20 prostitutes over to the car, to the van. And the  
21 prostitutes would come over, and we have the video  
22 camera, and we'd be telling them listen, open up your  
23 shirt, show us your chest, and they'd be opening up their  
24 shirts, and we videotaped it.

25 And then, again, we just drove around more. We

1  
2 looked at the video, and then we said listen, if this  
3 videotape gets out, we're dead. So then we drove  
4 videotaping over it to erase it.

5 Q Mr. Cawley, how many individuals do you  
6 think were beaten on this particular night when you were  
7 videotaping this?

8 A About ten people.

9 Q Had any of these people committed a crime  
10 in your presence?

11 A They didn't commit a crime in my presence,  
12 but we knew what they were doing. They were up there  
13 ready to purchase drugs. There was another guy up there  
14 willing to sell them drugs.

15 Q Were any of these people who were beaten  
16 arrested that night?

17 A No.

18 Q Mr. Cawley, did you ever conduct beatings  
19 at a building on Davidson Avenue in the Bronx where there  
20 was a gang known as the Nomads?

21 A Yes, we did.

22 Q Can you tell us about some of the  
23 activities that took place with respect to the Nomads?

24 A Well, that's the same building that we had  
25 went to on the first midnight, 1761 Davidson Avenue. It

1  
2 was just like a regular. Everybody in the precinct used  
3 to all stop by that building, go in there. It was a  
4 motorcycle gang, the Nomads, people sell drugs. It was  
5 some people that lived there, normal legit people. We  
6 used to go there all the time, harass people, smack them  
7 around, go into the building, find people in the hallway,  
8 people that looked like they smoke drugs or are on drugs,  
9 and we'd start harassing them, telling them listen, where  
10 you getting the drugs from, what apartments, stuff like  
11 that.

12 And then they would just tell us, any  
13 apartment. We didn't check to see if it was a legit  
14 apartment or not. We would just go upstairs and just  
15 start kicking in the door. Go into the apartment,  
16 whosever was in there, we'd smack them around, ask them  
17 where's the drugs, where's the drugs. And then we'd  
18 pretty much leave.

19 Q This particular building where the Nomads  
20 were, this is a location that you and other officers in  
21 the precinct hit on a fairly regular basis?

22 A Yes, it is.

23 Q Mr. Cawley, what did the people who live  
24 in the building think of the police?

25 A They hate the police. You would hate the

1  
2 police, too, if you lived there.

3 Q Mr. Cawley, did there come a time when a  
4 police officer was injured at this location?

5 A Yes.

6 Q Would you please tell the Commissioners  
7 about that?

8 A All right. It was a female officer and  
9 our partner. They were driving going north on Davidson  
10 Avenue past the building. Just when they were right in  
11 front of the building, somebody threw a milk crate off  
12 the roof full of cinder blocks, and it landed right, it  
13 got the top of the, it got part of the windshield and  
14 part of the roof. It caved it in on the driver's side,  
15 and the female officer got injured pretty bad.

16 Q This police officer who was injured, had  
17 she ever participated in any of the beatings which took  
18 place at this building?

19 A No, she didn't.

20 Q Did this police officer who was injured  
21 have a reputation for being a straight and honest cop?

22 A Yes, she did.

23 Q Why do you think someone dropped a crate  
24 filled with cinder blocks off the roof onto her patrol  
25 car?

1  
2 A It was because of all the harassment that  
3 we used to bring on to the building, all the people that  
4 we used to go in and smack around, the apartment doors  
5 that we used to kick in. It was like the people were  
6 sick of it already.

7 Q It was retaliation.

8 A Definitely.

9 Q What did the police officers in the 46th  
10 precinct do? Correct that. What did some of the police  
11 officers in the 46th precinct do after this event  
12 occurred where this police officer was injured?

13 A Pretty much everybody was talking about  
14 going back over there for revenge. So it was like  
15 whenever we were working, my squad, we would go over  
16 there, harass people that were in front of the building,  
17 smacked them around. And it was the same thing that was  
18 going on with all the shifts after that happened. It was  
19 like they brought so much pressure on the building by  
20 doing that. The officers just kept going by. Every  
21 chance they got, they would say let's stop over there.

22 Q Would it be fair to say that the beatings,  
23 the frequency of the beatings increased after this  
24 incidents?

25 A Most definitely.

1  
2 MR. CHAIRMAN: Could we place in time when this  
3 occurred, approximately when?

4 A I'm not too sure. Sometime in '87, 88.

5 Q Mr. Cawley, you were saying that after  
6 this incident where the police officer was hurt, almost  
7 every tour in the precinct took an opportunity to go over  
8 to this building and administer beatings, is that  
9 correct?

10 A Yes.

11 Q Where were the supervisors at this point?  
12 Sounds as if the word has gotten out in the precinct to  
13 do this. Was there any supervision around at this point?

14 A Well, pretty much in the 46th precinct,  
15 just say on any given 4 to 12, the precinct used to turn  
16 out eighteen to twenty-two marked blue and white cars.  
17 Then it would turn out maybe two or three anti-crime  
18 cars, unmarked cars. There's only one sergeant, and it's  
19 a square mile, and he's going around on patrol to scratch  
20 everybody's books. The reason he scratches your book is  
21 to say that he seen you out there, and he's covering  
22 himself. Pretty much you get one scratch, and that's it.  
23 You really don't see the sergeant. I mean, it's a square  
24 mile full of blocks, all different streets. You just  
25 don't run into him that much.

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1  
2 Q You're saying that's it was just far too  
3 much for one supervisor to handle.

4 A Most definitely.

5 Q Mr. Cawley, what would you and other  
6 officers use to administer beatings to the residents of  
7 the 46 precinct?

8 A We would use different things. We would  
9 use our night stick. Some guys had what's called a mag  
10 flashlight. It's like a metal flashlight canister, and  
11 it takes two D batteries up to four D batteries, depends  
12 what size light you want. People used to hit people with  
13 them. And then what people used to use also was what  
14 they called sap gloves.

15 Q Could you tell us what a sap glove is?

16 A Sap glove is black leather gloves, and  
17 over the knuckles, they have a pad over the knuckles, and  
18 inside that pad is about an ounce of lead sand. So when  
19 you make a fist with the gloves on, the sand forms to  
20 your knuckles and puts like a padding on it. So it's  
21 almost like hitting somebody with a roll of quarters  
22 inside your hand, but now it's on the outside of your  
23 hand, and it's protecting your knuckles from getting  
24 injured.

25 Q Mr. Cawley, when you were with the Police

1  
2 Department, did you own sap gloves?

3 A No, I didn't.

4 Q But you did use them?

5 A Yes, I did.

6 Q Where would you get the gloves?

7 A Just from different officers in the  
8 precinct. If they were going home and I was just  
9 starting work, I would borrow them, or I would just ask  
10 them, you know, listen, could I use your gloves tonight.  
11 They used to give them up.

12 MR. CHAIRMAN: Did you carry those around  
13 routinely, every time you went out on the street?

14 A No. Just every so often, every once in a  
15 while. But some officers carry them all the time.

16 Q Mr. Cawley, are sap gloves official New  
17 York City Police Department equipment?

18 A No, they're not.

19 Q Are police officers allowed by the Police  
20 Department to carry sap gloves as part of their  
21 equipment?

22 A No, they're not.

23 Q Mr. Cawley, were your supervisors aware  
24 that officers on patrol carried sap gloves with them?

25 A I'm sure they were because every day

1  
2 before you went out on patrol you used to have to line up  
3 in the muster room for roll call, and at that time they  
4 would tell you where you're working, if you're working a  
5 sector car, if you're walking a foot post. Then after  
6 that, they used to make us open up ranks. Whoever was  
7 turning out roll call that day -- sergeant, lieutenant,  
8 captain -- they used to walk through the ranks and  
9 inspect you, tell you you need a haircut, where's your  
10 pen holder.

11 And, I mean, most police officers when they  
12 wear sap gloves, they tuck them in between their two  
13 belts. They tuck them in their pants and they hang them  
14 over their pants, and then their gun belt is over them.  
15 But, I mean, they're right in plain view, anybody can see  
16 them. So I mean, whatever supervisor was working that  
17 day, he walks right past them.

18 COMMISSIONER BAER: Mr. Cawley, in a more  
19 perfect world, would carrying a sap glove result in  
20 charges by a superior officer?

21 A (no response)

22 COMMISSIONER BAER: Do you understand the  
23 question?

24 A No.

25 COMMISSIONER BAER: In other words, carrying

1  
2 sap gloves apparently is not permitted by the Department,  
3 so if in fact an officer saw one, a supervisor officer or  
4 a supervisor, would he be obliged to prefer charges  
5 against the officer that was carrying one?

6 A Well, pretty much what the sergeant would  
7 do was just tell you take them upstairs and put them in  
8 your locker. I mean, the only that something would  
9 happen is if you hit somebody with them, and just say you  
10 broke their nose, and they pursued the issue, I mean,  
11 that's a weapon. You assaulted them with a weapon.  
12 They're almost like brass knuckles, but they don't cut  
13 you like brass knuckles do when they hit you.

14 COMMISSIONER BAER: Did that ever happen? Did  
15 anyone come by and tell a sergeant that somebody in the  
16 precinct has used one of these sap globes and broken his  
17 nose or injured him?

18 A Not that I'm aware of.

19 COMMISSIONER BEAR: And in your view, had that  
20 happened, there would have been charges that would have  
21 been preferred against the officer?

22 A I really doubt any criminal charges would  
23 have happened. You know, everybody's going to cover for  
24 the officer. If he did it, he came to the precinct,  
25 chances are the sergeant or the lieutenant, whoseever on

1  
2 the desk, they're really going to try, you know, try to  
3 jerk the guy off by telling him, oh, listen, give him a  
4 story, stuff like that.

5 COMMISSIONER EVANS: What you're saying is the  
6 use of such a glove violates Departmental regulations, is  
7 that correct?

8 A Yes, it does.

9 COMMISSIONER EVANS: Do you know of a single  
10 instance where a police officer was charged with such a  
11 violation?

12 A No. They usually just tell you put them  
13 in your locker. That's it.

14 Q Mr. Cawley, were your supervisors aware of  
15 what sap gloves were used for?

16 A Most definitely. They've been around for  
17 years. They were around when the supervisors were police  
18 officers.

19 Q And what are they used for?

20 A Oh, the only purpose I see that they're  
21 used for is to hit people. I mean, they're black leather  
22 gloves, they're not insulated. What's the only purpose  
23 for that? It has the lead sand covering your knuckles.  
24 There's only one purpose, is to hit people.

25 MR. CHAIRMAN: Were those gloves present in the

1  
2 48 as well as the 46?

3 A Most definite. Just even when I wasn't  
4 working, if you see police officers, you always see, just  
5 look at their gun belts. Chances are you're going to see  
6 sap gloves hanging over their gun belt. The standard  
7 Police Department gloves are grey insulated gloves.  
8 These are black leather gloves. They're not part of the  
9 uniform.

10 Q Mr. Cawley, I'd just like to pursue an  
11 issue that one of the judges brought up a few minutes  
12 ago. What would happen if someone did walk into the 46th  
13 precinct and complained about being beaten or being aware  
14 of beatings taking place?

15 A Usually, if they went straight up to the  
16 sergeant, he would send them over to whatever police  
17 officer was assisting him behind the desk that day. He's  
18 say talk to him, he'll give you the paperwork. What he  
19 would do then was give them a CCRB complaint report.

20 Q CCRB being the Civilian --

21 A Civilian Complaint Review Board. He would  
22 give them the paperwork to fill out. Then they'd ask him  
23 for a pen. He'd tell you, listen, there's a bodega  
24 across the street, go there and buy it, I'm not helping  
25 you. Then if they needed any help with it, he wouldn't

1  
2 help them. Then if the person went through all the  
3 aggravation to fill out the complaint report, and if he  
4 left -- usually after you fill out the complaint report,  
5 they'd tell you listen, we have to get it typed up now.  
6 There's a waiting line for the typing, it's going to be  
7 about three hours, so sit right there and wait. Half the  
8 time the people would say three hours, you got to be  
9 crazy, and they would leave. As soon as they left, he'd  
10 crumple it up and throw it right in the garbage.

11 Q So they would make it difficult or  
12 discourage people from filing a complaint.

13 A Definitely.

14 Q Mr. Cawley, were you ever called before  
15 the Civilian Complaint Review Board?

16 A Yes.

17 Q Could you tell us the circumstances  
18 surrounding that?

19 A Well, it was the night before Halloween.  
20 Myself and my partner, we were driving down Creston  
21 Avenue between 183rd and 184th Street. And it was a  
22 pretty warm night, so we had the windows of the police  
23 car open. And then all of a sudden like three eggs come  
24 from the roof, and they hit the side of the police car  
25 right where the window goes down. The eggs hits on an

1  
2 angle, and they splashed across myself and my partner.

3 At that time myself and my partner, we jumped  
4 out of the car, we ran into the building. We figured  
5 whoever was in the building, we'd catch him on the way  
6 down from the roof. So as we're going into the building,  
7 about the third floor, we find some kid about fifteen  
8 years old. And I don't know if he was nervous because he  
9 done it or he was nervous when he seen the police because  
10 people act nervous when you come around. So at that  
11 point myself and my partner we started hitting the kid,  
12 harassing him, pushing him, slapping him. Then we got  
13 into our police car and we left.

14 That night the kid and his mother went to the  
15 46th precinct, and they filled out a Civilian Complaint  
16 Review Board report.

17 Q And were you called before the Civilian  
18 Complaint Review Board with respect to this incident?

19 A Yes, I was.

20 Q And what happened there?

21 A Well, the reason that they called us, the  
22 kid really didn't know who did it. He didn't have a  
23 police car number, a badge number. So what CCRB did was  
24 they looked on the records, and they seen if there was a  
25 radio run somewhere in the area where the police would

1  
2 be. So they called myself and my partner down, and they  
3 called down two other squad car partners. And we went  
4 down there, and it was pretty fast. All of us went down.

5 They said listen, can we have a copy of your  
6 memo book report. Gave them a copy of our memo book  
7 report. Then he asked us, he says listen, were you on  
8 Creston Avenue at any time, and we just told him no. And  
9 he says all right, we'll get back to you, and that was  
10 it.

11 Q You never heard anything again?

12 A Yeah. We got a paper back a few weeks  
13 later saying that the charges were dropped.

14 Q And you had lied to the Civilian Complaint  
15 Review Board about this incident?

16 A Yes.

17 Q Mr. Cawley, would you please describe to  
18 the Commissioners a series of events which occurred on a  
19 July 4 weekend at an address on Walton Avenue in the  
20 Bronx?

21 MR. CHAIRMAN: What year?

22 Q Mr. Cawley, do you have an idea what year  
23 this is?

24 A I'm not too sure of the year. I think  
25 maybe, let me see -- '87, '88.

1  
2 Q Okay. If you could continue and describe  
3 this incident?

4 COMMISSIONER BAER: Do you remember the  
5 Halloween year with the Civilian Complaint Review Board  
6 that you've been testifying about, Mr. Cawley?

7 A Probably '88. Myself and two other  
8 partners were assigned to Orchard Beach for the holiday  
9 weekend, July 4. Pretty much they sent a few police  
10 officers from every precinct to go to Orchard Beach for  
11 crowd control for the holiday weekend. So myself and my  
12 partners, we're standing over at Orchard Beach on the  
13 boardwalk, and we're talking to all the girls, just  
14 having a good time. So towards the end of the day, they  
15 told us listen, we don't need you guys no more, go back  
16 to the precinct.

17 So we had a police van, a blue and white van.  
18 So on the way back to the precinct, one of the officers  
19 said listen, let's go over to Walton Avenue to the  
20 whorehouse, let's see what's going on. So we went over  
21 to Walton Avenue, south of Fordham Road. We went into  
22 the whorehouse. This is a private house, two stories.  
23 The second floor is the whorehouse. I'm not sure what's  
24 on the first floor. But there was like a little iron  
25 gate inside the front door on the first floor.

1  
2           So we go in through the front door is open.  
3           You're supposed to ring a bell on the iron gate, and they  
4           buzz you in from upstairs. We kicked the iron gate. It  
5           had a cheap lock on it. We go upstairs. The people  
6           upstairs heard the commotion of the gate begin kicked, so  
7           they open up the door, and as they open up the door, we  
8           were walking up the stairs.

9           We pushed our way into the apartment. We told  
10          all the people that were in the living room, a few ladies  
11          and a man, we told them sit on the couch. Then we went  
12          to the bedrooms. There was three bedrooms. We went to  
13          each bedroom, kicked open the door. There were guys in  
14          there with prostitutes having sex. Told them listen, get  
15          dressed, all of yous, brought them out into the living  
16          room. When they were in the living room, we told all the  
17          guys to leave. We sent them all out of there.

18          So then a few of the officers that I was with,  
19          the other two officers, one of the officers grabs a lady,  
20          and he tells us listen, I'm going into the back room to  
21          get laid. Takes the prostitute, he goes to the back  
22          room. So at that time my other partner took a lady and  
23          went into another bedroom. I took another prostitute and  
24          went into another bedroom.

25          Q     If I could stop you for one second.

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A Sure.

Q Were these women afraid?

A Yeah, they were terrified. They didn't know what was happening. They didn't know if they were getting arrested or what. When we took them into the bedroom, they were like, they really didn't speak English that good, and all they seen was police. They were scared. We took them into the bedroom and told them listen, don't worry, police. It's okay, it's okay. And then after we calmed the ladies down, we had sex with them.

Q And then you left the location?

A Yes.

Q Did you ever tell anyone in the precinct about this event?

A Yes. I told a friend of mine -- the guy when I first got to the precinct told me they were going to test me that night -- I had told him about it. And he went and he told the PBA delegate because he was in the PBA delegate's squad. He just told him to tell him. You know, he thought it was great what happened.

But then when he told the PBA delegate, the PBA delegate got all nervous. He's like listen, if these guys are going there and people start finding out about

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it, it's going to be a regular thing. Because that's the way cops are, they're a bunch of followers. So if they heard that we got it, we went there, they were going to start going there, pushing up on them, maybe extorting them, I don't know.

So the PBA delegate, he went and he told the precinct captain. He's like listen, you got to do something about this place because first of all, it's the only whorehouse in the precinct, and second of all, there's going to be trouble. He didn't say what happened with us there, but he just told him you have to do something about it because it's going to be bad.

Q And what did the captain do?

A The captain got himself and a few other guys, and they went and they raided the place. I don't know what happened after that.

Q To your knowledge, the PBA delegate did not tell the captain about the events which you just described in that July 4?

A No, he didn't.

COMMISSIONER BAER: The material I have suggests, Mr. Burn, that this was 1990. Does that refresh your recollection at all?

A 1990?

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COMMISSIONER BAER: That's what I have. I'm interested in knowing whether or not you share that view?

A No. It couldn't be 1990 because I got arrested by Alcohol Tobacco & Firearms in October of 1990, and prior to that I was on desk duty. So if anything, it had to be before then.

COMMISSIONER BEAR: Well, I'm just anxious to be sure we have the date as close as we can get.

Q Mr. Cawley, how often did you administer beatings to residents of the 46th precinct?

A It was pretty much a daily thing.

Q And to your knowledge how many police officers from the 46th precinct when you were assigned there participated in the beating of the residents of the precinct?

A Say about 10 percent of the precinct, which is probably thirty, thirty-five cops.

Q Mr. Cawley, how long were you assigned to the 46th precinct?

A Approximately two and a half years.

Q And in that two and a half year period, how many individuals do you think you administered beatings to in the 46th precinct?

A Approximately three to four hundred people.

1  
2 Q Mr. Cawley, weren't you ever afraid of  
3 getting caught at doing this?

4 A No. Who's going to catch us? We're the  
5 police. We're in charge.

6 Q Were you ever afraid that one of your  
7 fellow officers might turn you in?

8 A Never.

9 Q Why not?

10 A Because it was the Blue Wall of Silence.  
11 Cops don't tell on cops. And if they did tell on them,  
12 just say if a cop decided to tell on me, his career's  
13 ruined. He's going to be labeled as a rate. So if he's  
14 got fifteen more years to go on the job, he's going to  
15 miserable because it follows you wherever you go. And he  
16 could be in a precinct, he's going to have nobody to work  
17 with. And chances are if it comes down to it, they're  
18 going to let him get hurt.

19 Q So there's a certain fear factor in not  
20 reporting this type of activity?

21 A Yes.

22 Q Mr. Cawley, did there come a time when you  
23 were assigned to a specialized unit in the 46th precinct?

24 A Yes.

25 Q What was that unit?

1  
2 A The unit, it was BAND. It stood for Bronx  
3 Anti-Narcotics Drive.

4 Q Could you explain to the Commissioners the  
5 purpose and functions of this unit which, for the  
6 purposes of your testimony, we will refer to as BAND?

7 A Well, the function of the unit was just to  
8 control drugs, all drug jobs. The reason for band was to  
9 take all the drug jobs from the guys on patrol. Instead  
10 of having them go answering drug jobs and family disputes  
11 and stuff like that, they had the BAND unit that was  
12 strictly drugs. Whenever a drug job came over the radio,  
13 BAND would take it. And what it was was different  
14 locations in the precinct that had heavy narcotics  
15 activity. What they used to do was maybe put one or two  
16 BAND police officers on foot to stand around, give a  
17 police presence, try to steer people away from buying or  
18 selling drugs.

19 Q Did you ask to be transferred into this  
20 unit?

21 A Yes, I did.

22 Q Why did you ask to be transferred into the  
23 unit?

24 A Well, my partner who I was working with on  
25 patrol, he was pretty much a straight guy. He wouldn't

1  
2 take money or anything like that. So one day I was at my  
3 locker, and I was changing clothes, and two police  
4 officers that are in BAND came up to me, and they came  
5 over, and they had a bag in their hand. And they said  
6 listen, buddy, 'cause I was tight with them. I used to  
7 work out with them and stuff. So I was tight with them,  
8 they came over to me with a bag, brown paper bag. They  
9 said listen, buddy, look at this. The opened up the bag,  
10 it was full of money. They said you go to come to BAND.  
11 So I was like, right then I started seeing dollar signs,  
12 I got greedy. I went down and asked to be transferred to  
13 BAND.

14 Q And you were transferred in?

15 A Yeah, because I had good activity.

16 Q To you knowledge, at this time how were  
17 these police officers making this money?

18 A They were robbing it.

19 Q Who were they robbing?

20 A They were robbing drug dealers.

21 Q Mr. Cawley, was it a common practice for  
22 some members of the 46th precinct BAND unit, including  
23 yourself, to break into apartments which were suspected  
24 drug locations?

25 A Yes.

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Q Why did you do this?

A I'm sorry, could you repeat the last question?

Q Was it a common practice for some members of the 46th precinct BAND unit, including yourself, to break into apartments which were suspected drug locations?

A Yes.

Q Why would you break into these apartments?

A We would break into it for money, for drugs, whatever was in there.

Q Did this practice become known as doing doors?

A Yes, it did.

Q And this would be done while you were on duty and in uniform?

A Yes.

Q Mr. Cawley, how would you actually gain entry to an apartment?

A We would just kick the doors in. Just keep kicking the door. If you have to kick it twenty times, it's going to go down.

Q Mr. Cawley, at any time that you kicked a door in and entered an apartment, did you ever have a

1  
2 search warrant?

3 A Never.

4 Q Mr. Cawley, in your entire career with the  
5 New York City Police Department, did you ever execute a  
6 search warrant?

7 A No.

8 Q Mr. Cawley, if you went into an apartment  
9 and found money in that apartment, what would you do with  
10 it?

11 A We would keep it and split it up.

12 Q Amongst the officers who had entered the  
13 apartment?

14 A Yes.

15 Q Mr. Cawley, if you went into an apartment  
16 and found drugs, what would you do with it?

17 A We would take the drugs, it depends on how  
18 much drugs there was. Sometimes we'd have to go back to  
19 the precinct, put it in the trunk of one of our personal  
20 cars, or we would just hold it on us to the end of the  
21 night, and then there was a police officer in the  
22 precinct who used to buy anything that we can get.

23 Q So you would keep the drugs and sell it to  
24 this police officer?

25 A Right.

1  
2 Q If you went into an apartment and found  
3 guns, what would you do with those?

4 A We would sell them to the same police  
5 officer or another one of my partners, he would sell them  
6 also.

7 Q And you would be going into these  
8 locations in uniform while on duty?

9 A Yes.

10 Q How would you gain entry to these  
11 buildings without being noticed?

12 A Well, it depends. If we were in a marked  
13 police car, we used to turn the corner fast, drive right  
14 up to the spot, run in. If we were on foot post, we  
15 weren't supposed to leave our foot post, so we would stay  
16 on our foot post. When the sergeant came, he would give  
17 us a scratch, he would sign our books saying that he seen  
18 us on that foot post.

19 As soon as he gave us a scratch, we used to go  
20 to like the nearest corner or like a busy intersection,  
21 we used to stand there, and when we seen livery cabs  
22 coming down the street, we would pull them over. When  
23 they pulled over, if they had tinted windows, then we'd  
24 go up to them, we'd say listen, you have your license,  
25 registration, insurance. Half the times they don't have

1 something.

2 If they have that, we make up something else,  
3 oh, you have no license plate on the front, your windows  
4 are too dark. We'd say listen, we're not going to give  
5 you a ticket, but we need a favor, and they'd be all  
6 right, what do you need. We need you to drive us over  
7 here. Sometimes we'd have them drive us around for  
8 fifteen minutes, a half hour. We'd go around, find out  
9 where we're going to hit, we'd have the livery cab pull  
10 up in front of the place, double park. So now we have  
11 tinted windows on the car, so we could just sit there and  
12 just wait. As soon as the perfect opportunity comes, we  
13 jump right out of the cab, right into the building.

14 Q Mr. Cawley, how often were you involved in  
15 this practice of kicking in doors and stealing drugs,  
16 money, guns, and other contraband?

17 A How many times a day you said or how many  
18 times?

19 Q How often? What time period are we  
20 talking about here? Is it six months, a year?

21 A About a year, year and a half. About a  
22 year and a half.

23 Q And during this year and a half, in any  
24 given week, how many times would you engage in this  
25

1  
2 practice of kicking in doors?

3 A It depends. Basically, when we were  
4 kicking in doors, we used to average about five doors a  
5 night. And then we used to do that every night. But we  
6 might hit the same apartment three times that week, three  
7 different nights.

8 MR. CHAIRMAN: Mr. Cawley, did you ever make  
9 any arrests when you did any of those things?

10 A During my last year and a half?

11 MR. CHAIRMAN: Yes.

12 A No.

13 MR. CHAIRMAN: At that period of time.

14 A No.

15 MR. CHAIRMAN: Were you ever questioned by your  
16 supervisors as to why you did not make arrests?

17 A Never. They didn't even know we were  
18 going in there kicking in doors. They had no clue what  
19 was going on.

20 Q So, Mr. Cawley, was there ever an occasion  
21 when you'd kick in a door and make an arrest?

22 A In the beginning, yeah. Before I had went  
23 to the BAND unit, yet.

24 MR. CHAIRMAN: Would you be the arresting  
25 officer in those instances?

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A Excuse me?

MR. CHAIRMAN: When you made the arrests, before that year and a half you're talking about, you said you used to make arrests, is that correct?

A Sometimes, yeah.

MR. CHAIRMAN: When you did, I assume you were listed as the arresting officer?

A Myself or my partner, yeah.

MR. CHAIRMAN: When you did so, would you make out a complaint?

A Yes, that's part of the arrest paperwork.

MR. CHAIRMAN: Did you ever have to go to court and testify in those cases?

A Yes.

MR. CHAIRMAN: When you testified in those cases, did you ever testify truthfully or untruthfully?

A Basically, if we made an arrest in an apartment, we would lie at court. Can't tell them the truth because you're not supposed to be there without a warrant.

MR. CHAIRMAN: That's what I thought.

Q So in those instances where you did make arrests, you would like about the facts of that arrest in order to cover yourself for being in an apartment without

1 a search warrant.

2  
3 A Yeah. Basically, if we made arrests in  
4 the apartment, we would say different things. Like one  
5 thing we would say was hot pursuit. We seen the guy  
6 going into the building with a bag, we chased him up the  
7 stairs, he went into an apartment, we went in right after  
8 him. That's hot pursuit.

9 Another time what we would do was we'd go, we  
10 kick in an apartment, and if we were going to arrest the  
11 people in the apartment, just say if we found guns or  
12 whatever, we would tell another police officer listen, go  
13 down the block. We would have everybody handcuffed,  
14 sitting down already. We tell the other officer listen,  
15 go down the block, call 911, tell them such and such a  
16 location, such and such an apartment, you heard shots  
17 fired, you hear screaming.

18 We'd be sitting in the apartment, then all of a  
19 sudden we hear the beeping on the radio -- when it's like  
20 an emergency call the radio goes beep, beep, beep, then  
21 it says in the 46 shots fired -- and we'd be sitting  
22 there. We'd give it probably like thirty to forty  
23 seconds because cars respond fast in the 46 'cause  
24 there's so many cars handle the territory. Then after  
25 forty second, we'd scream on the radio like, you know,

1  
2 like our adrenaline was pumping. Central to 84, we're on  
3 the scene, your know, slow the units down, no further.  
4 And then we'd take then on, then we'd make up a story.

5 Q In fact, you had just been sitting in the  
6 apartment for quite some time.

7 A Yeah. Sometimes we used to sit there, the  
8 TV would be on, we just sit there and wait until we heard  
9 the radio.

10 Q Mr. Cawley, how often did you lie about  
11 the facts of an arrest?

12 A A lot.

13 Q More than half, less than half?

14 A I'd say about half.

15 Q Half the time. Mr. Cawley, did you ever  
16 like before a grand jury regarding the facts surrounding  
17 an arrest?

18 A Yes.

19 Q How often did you do that?

20 A Less than 25 percent of the time. Maybe  
21 20 percent of the time. Not every case that you make an  
22 arrest on goes to the grand jury.

23 Q Understood.

24 COMMISSIONER BAER: Do you know if people went  
25 to jail as a result of your testimony?

1  
2 A Not that I know of.

3 COMMISSIONER BAER: They didn't?

4 A Well, I really never went to trials. I  
5 imagine some people copped out before I knew, I don't  
6 know.

7 MR. CHAIRMAN: Did you ever testify at a trial?

8 A Yeah.

9 MR. CHAIRMAN: How many times approximately?

10 A Once or twice.

11 MR. CHAIRMAN: What was the result of those  
12 trials?

13 A It was a murder trial, and he got  
14 acquitted.

15 Q Mr. Cawley, to your knowledge, was lying  
16 about the facts surrounding an arrest a common practice  
17 among police officers in the 46th precinct?

18 A Yes.

19 Q Were there things that a police officer  
20 might do to enhance an arrest that had been made?

21 A Yeah, definitely.

22 Q Could you tell us some of those things?

23 A Basically, what a police officer wants, he  
24 wants medals because they look good on his uniform. So  
25 what he would do if he caught somebody with a gun, and if

1  
2 the guy had an empty gun, what he would do, a lot of  
3 aggressive cops, they carry a little baggy in their  
4 pocket, and they have all different types of bullets. So  
5 if a guy gets caught with an empty gun, it's only a  
6 misdemeanor. What he would do, he would load it up for  
7 him, charge him with the felony. Then he would write it  
8 up to get a medal out of it.

9 Other things that they used to do is if you  
10 catch somebody and they only have a little coke on them,  
11 just say maybe they have a half ounce, and you want to  
12 enhance it and you want, you know, make it look like you  
13 made a good arrest, you'd stop by the bodega on the way  
14 to the precinct and pick up a thing of Arm & Hammer  
15 baking soda. You just dump it in, mix it up.

16 So now when it goes to the police lab, it might  
17 go down as five ounces instead of a half an ounce. All  
18 the police lab does is just take a little sample out,  
19 they test it. If it tests positive, they charge you with  
20 the five ounces.

21 Q Mr. Cawley, did you ever kick in a door of  
22 an apartment and discover it was not a drug location?

23 A Yes.

24 Q What would you tell the occupants of that  
25 apartments?

1  
2 A Well, if the people were home, we used to  
3 tell them listen, it was a mistake. We thought there was  
4 a burglary here. Somebody seen somebody go into your  
5 apartment. We'd make up stories. They didn't know we  
6 were doing it to rob them. They thought we were doing it  
7 out of police work. Then we'd go down and talk to the  
8 super, and we'd tell him listen, we kicked in this door  
9 by mistake, the people are home, do you think you can fix  
10 it. The super's not going to think the police are going  
11 to lie to him. He's going to go out of his way and fix  
12 it for the people.

13 Q When a police officer takes money, drugs,  
14 guns, or other valuables from a location and keeps it for  
15 himself, is this commonly referred to as a score?

16 A Yes.

17 Q Mr. Cawley, would you please tell the  
18 Commissioners about what you consider to be your biggest  
19 score?

20 A I had an informant. His name was Jose.  
21 He owed myself and my partner, he owed myself and  
22 somebody else a favor. So one day I seen him, he was  
23 driving around in an old car with phony plates on the car  
24 and stuff. So I go up to him, I say listen, Jose, what's  
25 the story. I said you owe us one, what are you going to

1 do. so he says listen, I got something for you. So we  
2 told him all right, meet us over by Burnside and Jerome  
3 Avenue.  
4

5 So we drive over there. Again, we're in the  
6 police van, marked van in uniform. We drive over to  
7 Burnside and Jerome, we're sitting there. Next thing he  
8 comes up, he pulls up in back of us, and he comes up to  
9 the car, and he tell us, he says you know the spot at  
10 1800 University, 3B, the coke spot where they sell the  
11 grams. I said yeah. He goes, well, listen, the  
12 apartment directly on top of it is where they keep all  
13 the material for that spot. That's where all the money  
14 is, the guns, everything. So he says there's probably  
15 nobody in there. We said all right.

16 So we pulled up in front of the apartment, in  
17 front of the building, myself and my partner. We run  
18 into the building, we go upstairs. First, we stop at the  
19 third floor in the regular spot, the coke spot, just look  
20 around in there fast. Then we walk upstairs to the  
21 fourth floor. We don't know whether to believe this guy  
22 or what. So first, we're listening by the door. We  
23 really don't hear nothing. So then we're playing with  
24 the door, and we hear movement inside the apartment. So  
25 we said this is probably it.

1  
2 So we start kicking the door, and the door was  
3 strong. It wasn't going in. So as we're kicking the  
4 door, I hear like a rumble in the apartment, and then I  
5 hear a big bang. Mostly drug apartments on the fire  
6 escape, they'll put plywood with bolts into the wall to  
7 prevent people from coming in the fire escape window. So  
8 I heard a big bang, and I told my partner, I said listen,  
9 I said it sounds like they went out the fire escape. So  
10 he says all right. So we kick the door a few more times.  
11 It's better if the person wasn't in the apartment.

12 Q Why is that?

13 A Because if he's in the apartment, he could  
14 say you robbed him. If he's not in the apartment, he  
15 doesn't know what you did with the stuff. He don't know  
16 if you turned it in. He don't know if you flushed it  
17 down the toilet bowl. He don't know if you kept it for  
18 yourself. It was always better to let them go.

19 So we kicked the door a few more times. Then  
20 we ran up the two stories to the roof. We go over to the  
21 ladder going down the fire escape, and we could see the  
22 guy going through the lot like he just jumped off the  
23 fire escape and he was running through the lot. So he  
24 was gone.

25 At that time myself and my partner, we climbed

1  
2 down the fire escape, we went into the apartment. The  
3 fire escape was in the bedroom, so we went in through the  
4 bedroom window. It was an empty apartment. So we walked  
5 through a little hallway where the bathroom is that leads  
6 you right into the living room. As we go into the living  
7 room, right over to your left, there was like a desk,  
8 right by the windows, and it had piles of cocaine on it,  
9 on newspaper, it was like open, and then there was a full  
10 kilo.

11 So my partner, he goes over and he just grabs  
12 his hand and he starts like scooping it into a baggy. So  
13 I told my partner, I said listen, don't get that stuff on  
14 your hands, it might seep in through your hands, and now  
15 you'll have cocaine in your system. If you test, you're  
16 going to test positive. So he says all right. So he  
17 starts getting the newspaper, and he pours it into the  
18 baggies. As he's doing that, I go and look in the  
19 closet, and in the closet on the top shelf I found a  
20 MAC10. It's a semi-automatic machine gun. It holds a  
21 clip with thirty rounds. It can be converted to an  
22 automatic.

23 I find that in the closet, then I find a green  
24 garbage bag in the closet. I look into the bag, and  
25 there's money in there, all in rubber bands and stuff

1  
2 like that. And then in the back of the closet was a 22  
3 rifle. So I yell to my partner, I said yea, check this  
4 out. So he says all right, let's get out of here. At  
5 that time we had all the coke bagged up. We took the  
6 coke, put it into the garbage bag with the gun and the  
7 money. We tied the garbage bag up, and now he says he  
8 wanted the rifle for himself. It was a 22 rifle. So we  
9 left that outside the garbage bag.

10 So I told him, I said listen, I said our van is  
11 parked in front of the building. I says we can't go out  
12 the front door with this stuff. I said let me bring the  
13 van around the back, this way it's a quiet street, we can  
14 just walk in the van with the stuff.

15 Q Excuse me, this is a marked Police  
16 Department van?

17 A Yeah.

18 Q Okay.

19 A So I go around, I go off the roof, I go  
20 out the front door, I get in the van, I drive it around  
21 the corner, and then I go over to the fire escape and I  
22 yell to my partner. He starts coming down the fire  
23 escape with the garbage bag in one hand and the rifle in  
24 the other hand. He gets to the first floor, he throws  
25 the rifle down to me, I catch the rifle, then he throws

1  
2 the garbage bag down with the guns, the drugs, and the  
3 money. I catch that. He climbs down off the fire  
4 escape. Now we get into the van --

5 Q If I could just stop you for one second.  
6 I just want to sort of get the mental, the image here.  
7 This is your partner, is in uniform at this point.

8 A Right.

9 Q He's climbing down the fire escape with a  
10 green garbage bag filled with cocaine and money and a  
11 MAC10.

12 A The MAC10's in the bag.

13 Q It's in the bag.

14 A Right.

15 Q And in the other hand, he's holding a  
16 rifle.

17 A Right.

18 Q And he climbs down the fire escape and  
19 gives it to you and then jumps off the fire escape.

20 A Right. Okay. So now we get into the van,  
21 and we say to ourselves what are we going to do with this  
22 now, it too much. We can't go back to the precinct with  
23 this stuff and put it in our car. If we get caught with  
24 it, we're dead.

25 So I told him, I said well, listen, I know a

1  
2 friend that's home that we could drop it off. So we went  
3 to the phone, I called up my friend, I told him, I said  
4 listen, I said we just got some stuff, I got to drop it  
5 off. I said are you going to be home. He says yeah. I  
6 said well, listen, I said I'll be there in ten minutes,  
7 you got to be outside. Because it's two precincts over.  
8 I have to drive through another precinct, then into the  
9 other precinct to drop the stuff off.

10 So myself and my partner, going over towards my  
11 friend's house, there's a hospital over that way. So I  
12 told my partner, I said well, this is what we'll do.  
13 We'll call central, that's the radio dispatcher, and I  
14 said we'll tell her we just picked up an old lady who's  
15 sick, and we got to drive her to the hospital. So we  
16 call central, we tell her listen, we just pick up an  
17 aided case, we're going to drive her over to Jacoby  
18 Hospital. She says all right.

19 As we're going over towards the hospital, going  
20 towards my friend's house, we drop by my friend's house,  
21 we dropped the garbage bag off and the gun. He's  
22 standing outside. He goes inside with it. Then we  
23 cruise back to the precinct slow, and we told the radio  
24 dispatcher we dropped the lady off at the hospital, we're  
25 going back to the precinct. So at that time we went back

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1 to the precinct, and we asked if we could take lost time.

2 Q What does that mean you took lost time?

3 A Lost time is you want to go home early,  
4 you got to put in a slip. You know, I want three hours  
5 off, lost time. After we take lost time, we get into his  
6 car, and we said listen, we got to get a scale now  
7 because we got to split this stuff up. So we drive over  
8 to a bodega on 176th Street and Jerome Avenue, and we buy  
9 what's called a Triple Beeb Scale. That's what they  
10 weight large quantities of cocaine on. We pay \$95 for  
11 the scale.

12 This time we go over to my friend's house. We  
13 pick up the garbage and the rifle. So I said let's go  
14 back to my house, we'll weight everything up, count it  
15 out, and we'll split it up. So we pick up the back, we  
16 drive back to my house, we weighed everything up, came  
17 out to about two kilos of cocaine. Then we counted up  
18 the cash. It came out over 16,000 cash.

19 So I told my partner, I said listen, we got to  
20 take care of the person who I dropped the stuff off at  
21 his house. So my partner says all right, listen, there's  
22 a lot of singles. Let's just give them to them. So I  
23 said all right. It was over \$500 in one dollar bills.  
24 So we gave him that for letting him keep the stuff at his  
25

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1  
2 house.

3 Q And you and your partner split the  
4 \$16,000?

5 A Right.

6 Q What did you do with the cocaine?

7 A I had given it to a police officer at my  
8 precinct to sell for me.

9 Q What were the proceeds of that sale? How  
10 much did you get for that?

11 A Well, I just got \$8,000 out of it. I  
12 don't know what he had sold it for.

13 MR. CHAIRMAN: What did you do with the guns,  
14 the MAC10 and the rifle?

15 A Well, my partner wanted to keep the rifle  
16 for himself, and the MAC10, he held onto. We didn't sell  
17 that right away.

18 MR. CHAIRMAN: When you say you didn't sell it  
19 right away, did you ultimately sell it?

20 A Yes.

21 MR. CHAIRMAN: To what kind of person did you  
22 sell it? If you know.

23 A All right. We had went back to that same  
24 apartment a few days later, and in that apartment we  
25 found an Ouzi, which is almost the same as a MAC10. It's

1  
2 a thirty round semi-automatic gun. My partner at that  
3 time had sold both of these guns to a guy who moves  
4 anything you can get. It was his connection upstate. He  
5 sold the two guns to him for a thousand dollars.

6 MR. CHAIRMAN: As far as you know, he might  
7 have sold it to some other criminal after that, is that  
8 correct?

9 A Yes.

10 Q Mr. Cawley, this person who you refer to  
11 who the guns were sold to, to your knowledge, was that  
12 person ultimately arrested?

13 A Yes, he was.

14 Q Are you aware of the charges that that  
15 person was arrested for?

16 A Yes. He got arrested by the feds for  
17 RICO, kidnapping, and murder.

18 Q Getting back to this location at 1800  
19 University Avenue where you made your big score, Mr.  
20 Cawley, was this the only time you had made a score at  
21 this particular location?

22 A No.

23 Q How often would you go to this location?

24 A We would stop by there every night.

25 Q In order to make a score, to hit the

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1  
2 place?

3 A Right.

4 Q Mr. Cawley, you had mentioned when you  
5 were testifying about the events surrounding your big  
6 score, as you called it, that you were given the  
7 information about the two kilos and the cash by an  
8 informant by the name of Jose, is that correct?

9 A Yes.

10 Q Could you tell us about how you developed  
11 your relationship with this informant Jose?

12 A Well, we were -- let me see. All right.  
13 We knew of an apartment at 57 West 174th Street that used  
14 to sell cocaine. So one day myself and about five other  
15 police officers wanted to go and raid that apartment. It  
16 was a small hallway, so if the people looked out the  
17 door, they could see because nobody could stand to either  
18 side of the door. It was like the only door at the end  
19 of this hallway.

20 So I went and I crouched down underneath the  
21 peek hole, and my partners hid down by the stairs. I  
22 heard the guy open up the peek hole to let somebody out.  
23 At that time, as soon as he opened up the door, I crashed  
24 in with my gun out and started hitting people, making  
25 them all lay on the floor. At that time my partners came

1  
2 in. In the apartment that day they found two guns, and  
3 they found some cocaine.

4 so Jose was there, and Jose kept begging me  
5 please, don't arrest me, don't arrest me. So I says all  
6 right, I said, I'll let you go. So I opened up the door,  
7 and I let Jose leave. So then a few days later, I go to  
8 another drug spot, I think it was 1770 Andrews Avenue,  
9 and we kick in another apartment door, and Jose is in  
10 that apartment again. So I told Jose, listen. He starts  
11 begging me again. So I said all right, listen, I give  
12 you a break last time, I said this is the last break. I  
13 let Jose go again.

14 About another week later I go back to 54 West  
15 174th Street, kick in the apartment door, Jose's there  
16 with a friend. So I was like listen, this is it. I said  
17 I'm arresting you. In that apartment we found a few  
18 ounces of cocaine. So we didn't want to say we arrested  
19 him in the apartment because we had no right being there.

20 So we took Jose and his partner, we arrested  
21 them. We went and we told the story as as we were  
22 passing by the building, we seen Jose and his friend  
23 standing at the building in the doorway. When they seen  
24 us, all we seen was a brown paper bag hit the floor. We  
25 jump out of the car, we grabbed the paper bag, we chased

1  
2 them, we find them, you now, we arrest them, open up the  
3 paper bag, it's a few ounces of cocaine. So we arrest  
4 him.

5 Q So you've lied about the circumstances,  
6 the facts surrounding Jose's arrest.

7 A Right. Right. So now it's about a week  
8 or two weeks later, and we got to go now and present the  
9 case to the grand jury. So I'm standing outside the  
10 courtrooms downstairs in the courthouse, and I bump into  
11 Jose, and he comes over and he starts begging to me. He  
12 says like listen, he goes they're going to offer me four  
13 to life. He goes I can't do this. He goes I'm old. You  
14 got to do something for me. You got to help me.

15 So I told him, I says listen, I said one hand  
16 washes the other. If I'm going to help you, you got to  
17 help me. He says well, what do you want. I says I want  
18 money. He goes you got it. If you help me, I'll set you  
19 up with some spots. I said all right. So I talked to my  
20 partner, he was the one that was going into the grand  
21 jury. I said listen, I says this guy Jose, he's going to  
22 do things for us. I said you got to get him off. My  
23 partner says all right.

24 So he went into the grand jury, and he said  
25 that he seen the other guy standing in front of the

1  
2 building, seen him drop the bag. So they indicted him,  
3 they let Jose go.

4 Q So your partner changed the lie from the  
5 original lie about the circumstances surrounding the rest  
6 to a different lie in front of the grand jury so that  
7 Jose could walk away.

8 A Be our informant, yes.

9 Q What kind of information did Jose provide  
10 to you, Mr. Cawley?

11 A Well, Jose gave us information on  
12 different drug apartments, where the drugs were, who was  
13 selling it, stuff like that. Jose's the one who told us  
14 the information on that one I just spoke about.

15 Q About the big score.

16 A Right.

17 Q Did you use the information that Jose  
18 provided to you to make arrests?

19 A No.

20 Q What did you use the information for?

21 A For our own profit.

22 Q Did Jose tell you about an apartment,  
23 rather another apartment at 1800 University Avenue which  
24 you made a score at?

25 A Yeah. He had told us -- 1800 University

1  
2 is divided up into three buildings, the right, the left,  
3 the center. He had told us, he goes if you go into the  
4 center building, go up to the first floor, make a right,  
5 he goes it's the door on your left. He goes that's where  
6 they keep the stuff for one of the spots. He goes that's  
7 where they cut it up and package it, and they bring it  
8 next door to the other apartment.

9           So myself and my partner, we pull up to the  
10 building, we go in, and Jose's standing in the hallway,  
11 and he's acting like he's the super's helper. When you  
12 go into any building, everybody in there's the super's  
13 helper. Jose's standing there with a broom. I'm the  
14 super's helper. He knows who we are, he's just playing  
15 it off.

16           So we go into the building, we push Jose, we  
17 smack him, and then he starts pointing, that's the door.  
18 Go over to the door, kick the door in. Go check out the  
19 apartment. It's an empty apartment. But when I had went  
20 into the back room, I had seen a little desk with some  
21 cocaine and a scale. So I come back outside, and I tell  
22 Jose -- we get him, myself and my partner -- and we drag  
23 him in the apartment, you know, like we're harassing him  
24 and stuff.

25           We drag him into the apartment, we barricade

1  
2 the apartment door. So Jose tells me, he says listen, he  
3 goes the stuff's here. It's in the floor somewhere, you  
4 got to find it. And basically, all the apartments have  
5 hardwood floors, and most of the drug apartments, what  
6 they do is they get those square stick on tiles, those  
7 wax tiles, and that's what they do. They tile the whole  
8 apartment with that. But one tile, they pick it up, and  
9 cut a hole in the floor, and they stick the tile on it.  
10 So now if you just look at it, it's a regular floor. You  
11 got to try every tile.

12 So at that time we went into the bedroom, my  
13 partner, myself, and Jose, and we said we got to try  
14 every tile. So we give Jose a knife, I took a knife, my  
15 partner took a knife, and we went, we got on our hands  
16 and our knees, and we tried every tile in the apartment.

17 Q Let me just stop you for one second there.  
18 You're on duty when you're doing this?

19 A Yeah.

20 Q And you're in uniform?

21 A Yes.

22 Q It's you and your partner and Jose, down  
23 on your hands and knees in this apartment?

24 A Yes.

25 Q Peeling away every tile until you find the

1  
2 stuff?

3 A Yeah, we're just trying the corners. If  
4 it stuck hard, you know that's no the one. As soon as  
5 you get the tile that's the one, it comes right up.

6 Q Continue, please.

7 A So in the bedroom, we found the tile in  
8 the floor. Pick up the tile, put our hand in the  
9 floorboard, and we come out with some cocaine. It's  
10 about five ounces of cocaine. So now we're about to  
11 leave the apartment, and I look at the floor in the  
12 living room, it's got the same tiles as the floor in the  
13 bedroom. So I tell him, yea, we can't go. There's got  
14 to be another hole in here.

15 So at that point we get on our hands and knees  
16 again, and we try every tile. Over by the window, we  
17 hit, we got a hole in the floor, in that file we found a  
18 38 caliber revolver and we found some cash. Probably  
19 about \$2,400, \$2,500 worth of cash. So now we're about  
20 to leave, so we said we just can't leave Jose here now.  
21 After cleaning out the apartment, how's he going to lie  
22 to them. So we told Jose listen, we're going to make  
23 like we're arresting you.

24 So there was a jacket in the apartment, a nice  
25 three quarter leather jacket, goose down. Told Jose to

1  
2 put on the jacket, we handcuffed him behind his back,  
3 then we put the money, the drugs, and the gun on him. We  
4 talked him out, and we put him into the back of the  
5 police car. I sat in the back of the police car with him  
6 just like a regular arrest.

7 We're driving as if we're going to the  
8 precinct, and we keep watching behind us. There's no  
9 cars following us. When the time was right, we made a  
10 turn off, and we drove to an isolated area over by the  
11 Harlem River right where Metro North is. No cars come  
12 down there or nothing. So we pull up over here with  
13 Jose. The river's like five feet away from us. So we  
14 take Jose out of the car, we take the stuff out of his  
15 pockets, and Jose's starting to get real scared. What're  
16 you doing to me, what're doing. He thought we were going  
17 to kill him and throw him in the water.

18 After we take the stuff out of Jose, take the  
19 handcuffs off of him. Now he's happy. And we take the  
20 handcuffs off of him, then we divide up the money right  
21 there. And Jose --

22 Q Two ways, three ways?

23 A Excuse me? Three ways. Even cut for  
24 everybody. So after we divide up the money, Jose keeps  
25 begging me let me have the gun, let me have the gun. So

1  
2 I was like no, I'm not giving it to you. But he's like  
3 listen, you promised me, you promised. You have to give  
4 it to me. So I says all right, listen, I'll give you the  
5 gun, but I said, I'll take the bullets. I said you're  
6 not driving in the back of the cop car with the gun  
7 loaded. You know, I don't know what he's going to do  
8 now.

9 So we take the cocaine, we had tape in the car.  
10 We tape the cocaine up nice and tight. So now we say to  
11 Jose listen, you can't go back around the area. He's  
12 like I live over there, what am I going to do. So we  
13 said listen --

14 Q Let me just interrupt you for one second.  
15 Why can't Jose go back to the neighborhood?

16 A Because now they think he's arrested, he  
17 just can't walk around three hours later with money in  
18 his pocket. So we drive him, I said listen, I know a  
19 hotel I can drive you to on Fordham and Kotanah Avenue.  
20 We put him in the car, we drive to Fordham and Kotanah  
21 Avenue. We each chip in a few dollars, we get him the  
22 room for two nights.

23 Then myself and my partner, we go back to the  
24 precinct, take lost time again. We go back over to 176th  
25 Street and Jerome Avenue, we buy another scale for \$95.

1  
2 We drive over to the hotel. Jose's sitting there. We go  
3 in there, we weigh up the cocaine, we weigh it up, we cut  
4 it up three ways, even split for everybody. And then we  
5 leave Jose.

6 I told Jose listen, I got court tomorrow. When  
7 I'm down in court, I'll try to find you some documents  
8 where you could show these people the documents, and  
9 they'll believe that you were arrested. Where are you  
10 going to get them if you weren't arrested? So I went  
11 down to court the next day. I was in uniform. I went  
12 into the arraignment part of court, and there was a court  
13 officer there. So I asked the court officer, I said  
14 listen, if somebody gets arrested, what kind of paperwork  
15 do you give them when they out. So he says I give them  
16 this. It was like a blue legal document. So I said  
17 listen, could I have some. So he gave me about ten of  
18 them.

19 I went back to the precinct that night, it was  
20 about 3 in the afternoon, filled out the paperwork, drove  
21 over the hotel, met Jose, and gave him the paperwork.

22 Q Mr. Cawley, how much time did this all  
23 take?

24 A Between in the apartment to the lost time?

25 Q That's right.

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A About an hour.

Q An hour?

A Yeah.

Q I know I've asked you this question before, but where were your supervisors during this time?

A There's only one supervisor. He's anywhere. He can be back at the precinct watching TV, he could be out on patrol. Nobody knows.

Q And you had no concern about him catching you doing this?

A No, not at all.

Q Mr. Cawley, did Jose provide you with other locations as well?

A Yes, he did.

Q Did he provide you with a location at Davidson Avenue and Evelyn Place?

A Yes.

Q What kind of a score did you make at that location?

A Well, see, I told Jose that we were paying too much attention to one area, around Tremont/University Avenue. So I told Jose, listen, you got to find other places because it's getting too hot over there. One of the drug dealers had put a contract on him for \$10,000.

1  
2 So Jose tells me, listen, one of my brother-in-laws, he  
3 works at a coke spot on Evelyn Place and Davidson Avenue.  
4 He goes I could set that up for us. So I said all right.

5 So a few days later, Jose's at Evelyn Place and  
6 Davidson Avenue hanging out with his brother-in-law. We  
7 go there, myself and my partner. It's a block outside of  
8 our precinct. It's one block in the 52nd precinct. Jose  
9 tells us that apartment. Myself and my partner, we go  
10 into the building, we kick in the apartment, in the  
11 apartment we don't find too much. We find like a half  
12 ounce of cocaine and maybe \$1,000.

13 So Jose tells us, he says, listen, he goes, I  
14 could use the cocaine because I could cook it up and sell  
15 it for crack, I could make more money. So myself and my  
16 partner, we're like well, it's better that way this way  
17 we don't have to do nothing with it. We'll give it to  
18 him. So we let him keep the half ounce of cocaine, and  
19 then we split the money. Myself and my partner, we each  
20 took like \$400. We gave Jose like \$200 because he took  
21 the cocaine with it.

22 Q Mr. Cawley, could you tell us how often  
23 during the typical work week in the 46th precinct would  
24 you along with other police officers kick in apartment  
25 doors?

1  
2 A How many times a day or how many times a  
3 week?

4 Q How many times during the week, how many  
5 times a day?

6 A The average was like five, five doors a  
7 day, and even more. It depends. We always went, we  
8 always had certain spots we always hit. Every day we go  
9 like hit this building, hit that building.

10 Q To your knowledge, Mr. Cawley, how many  
11 police officers in the 46th precinct when you were  
12 assigned there were engaged in this practice of kicking  
13 in apartment doors and conducting warrantless searches?

14 A About thirty to forty, around there.

15 Q And, Mr. Cawley, when you kicked in an  
16 apartment door, how often did you take money --

17 [tape change]

18 Q Mr. Cawley, what tours did you work when  
19 you engaged in this activity?

20 A Basically, we worked 4 to 12's and  
21 midnights.

22 Q What did you do in the day tours?

23 A Well, day tours were pretty much for  
24 police work. We used to go out, we used to get our  
25 activity. We used to get the twenty-five parking

1  
2 tickets, we used to sit on red lights, give our the three  
3 red lights for the month to seven movers.

4 Q Do what you might consider real police  
5 work?

6 A Yes.

7 Q Mr. Cawley, during your testimony you  
8 referred to --

9 COMMISSIONER BAER: Excuse me. Were those  
10 quotas?

11 A Yes, they were.

12 COMMISSIONER BAER: Who gave you those quotas?

13 A Well, the Police Department says there's  
14 no quotas, but if you don't give them their twenty-five  
15 parkers and their ten movers with their three red lights,  
16 when it comes time to get a detail like OCCB, anything  
17 like that, Bronx Sex Crimes, they look at your activity  
18 report. They say listen, you haven't been doing no  
19 activity you don't get nothing. If you go out and you  
20 give ten to twelve red lights a month, they love you,  
21 they'll do anything for you because you're bringing in  
22 money.

23 Q Mr. Cawley, during your testimony this  
24 afternoon, you've referred to your partner a number of  
25 times --

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A Mr. Burns, could I say one more thing?

Q Sure.

A In the precinct if you want overtime, what they'll tell you is listen, we'll give you eight hours overtime, you got to come in and do red lights. We want ten, twelve red lights. And that's it. They'll put you in a car by yourself, you go out there, you sit on a red light, you just give them their ten or twelve. If you finish by 12 o'clock in the afternoon, you can get upstairs and watch TV the rest of the day. They're happy.

Q Are those legitimate red lights or just red lights?

A Depends. I've seen people up in the TV room, sitting down just making names out of no where, you know, putting down a license plate. They'll just start making up numbers, and then they'll put Temporary Pennsylvania, and they'll write you out a steady red light, they'll write you out no registration. They'll bang out all their summonses like that. Same thing with parking tickets.

Q Mr. Cawley, during your testimony this afternoon, you've referred to your partner a number of times when telling us about specific events. Is this

1  
2 always the same person you're referring to or are these a  
3 number of police officers who are your partners during a  
4 number of these different events?

5 A No. It's all different police officers.  
6 See, if the put two guys out in a marked police car, if  
7 one of them make an arrest, instead of putting that car  
8 out of service, they'll tell them which guy you want on a  
9 foot post. You look at the list, you see who's good, you  
10 know who's down, you get them.

11 Q Mr. Cawley, you were arrested by officers  
12 of the Internal Affairs Division and agents of the  
13 Federal Bureau of Alcohol, Tobacco & Firearms in October  
14 of 1990, is that correct?

15 A Yes.

16 Q And you were arrested with another police  
17 officer from the 46th precinct, is that correct?

18 A Yes.

19 Q Mr. Cawley, did there come a time in early  
20 1991 when you decided to cooperate with investigators  
21 from the Internal Affairs Division of the New York City  
22 Police Department?

23 A Yes.

24 Q And provide them with information  
25 regarding the criminal activities of yourself and others

1  
2 in the 46th precinct?

3 A Yes.

4 Q At that time, Mr. Cawley, did you tell  
5 investigators from the Internal Affairs Division about  
6 the apartments at 1800 University Avenue where you made  
7 your big score of two kilos and \$16,000 in cash and two  
8 guns?

9 A Yes, I did.

10 Q Did you tell investigators from the  
11 Internal Affairs Division that this location was hit  
12 frequently by various police officers from the 46th  
13 precinct?

14 A Yes.

15 Q Mr. Cawley, did you give investigators  
16 from the Internal Affairs Division the name of the drug  
17 dealer who occupied that specific apartment at 1800  
18 University Avenue?

19 A Yes, I did.

20 Q To your knowledge, Mr. Cawley, did  
21 investigators from the Internal Affairs Division ever  
22 attempt to contact this individual?

23 A Not that I'm aware of, no.

24 Q Mr. Chairman, I have in my possession a  
25 document which I deemed marked as Commission's BAND

1  
2 Exhibit Number 1. It's an investigating officer's report  
3 from the Internal Affairs Division of the New York City  
4 Police Department dated December 27, 1990. This is a  
5 debriefing report of Mr. Cawley, in which Mr. Cawley  
6 provided the Internal Affairs Division with the names of  
7 four police officers who he alleged were involved with  
8 stealing drugs and money from this particular drug dealer  
9 at this specific apartment at 1800 University Avenue.  
10 Investigators from this Commission, Mr. Chairman, have  
11 determined that three of these four police officers are  
12 still on the job today.

13 (Commission BAND Exhibit 1 marked for  
14 identification)

15 MR. CHAIRMAN: Does the record indicate what  
16 action was taken, if any?

17 Q No, it does not. Mr. Chairman, I would  
18 also like to inform you that investigators from this  
19 Commission, based upon the information which was found in  
20 these Internal Affairs Division reports, were able to  
21 locate this individual drug dealer who occupied this  
22 apartment, and he was interviewed and has corroborated  
23 the events which Mr. Cawley testified to here today.

24 Mr. Cawley, when you cooperated with the  
25 Internal Affairs Division, did you make them aware of

1 your relationship with your informant Jose?

2 A Yeah. I even gave them Jose's home phone  
3 number.  
4

5 MR. CHAIRMAN: How long ago was that?

6 A That was after I got arrested in '90.  
7 Probably early '91.

8 Q To your knowledge, Mr. Cawley, did the  
9 Internal Affairs Division ever contact Jose?

10 A Not at all. No.

11 COMMISSIONER BEAR: Is that also your  
12 understanding from your interview, Mr. Burns?

13 Q Yes, that's true. To your knowledge, Mr.  
14 Cawley, do you believe that Jose would have been of value  
15 to the Internal Affairs Division in expanding their  
16 investigation of the 46th precinct?

17 A Yes. I had spoken to Jose a while ago,  
18 and Jose had told me after I had gotten arrested fellow  
19 police officers from the 46th precinct approached him on  
20 trying to make him their informant to make scores  
21 themselves.

22 Q So they wanted Jose to provide them with  
23 information so they could steal drugs, money, guns, etc.?

24 A That's correct.

25 Q But the Internal Affairs Division never

1 contacted Jose as far as you know?

2 A No.

3 Q Mr. Chairman, I have in my possession a  
4 document which I deem marked as Commission's BAND Exhibit  
5 Number 2. It's an investigating officer's report of the  
6 Internal Affairs Division of the New York City Police  
7 Department dated February 6, 1991. This report, among  
8 other items, makes reference to Mr. Cawley having lied so  
9 that Jose's drug charges could be dropped and the fact  
10 that Jose was Mr. Cawley's informant.

11 Mr. Chairman, investigators from this  
12 Commission have located this gentleman Jose and have  
13 interviewed him. This Jose has corroborated everything  
14 that Mr. Cawley has testified to here today with respect  
15 to their activities together.

16 (Commission BAND Exhibit 2 marked for  
17 identification)

18 Q Mr. Cawley, do you recall how many police  
19 officers in the 46th precinct you identified for the  
20 Internal Affairs Division as being involved in criminal  
21 conduct?

22 A Approximately ten to fifteen.

23 Q Mr. Chairman, investigators from this  
24 Commission have determined that Mr. Cawley identified  
25

1  
2 thirteen separate police officers to the Internal Affairs  
3 Division as being involved in criminal conduct in the  
4 46th precinct. This Commission has determined that ten  
5 of these police officers remain on the police force  
6 today.

7 Mr. Cawley, when you were working with the  
8 Internal Affairs Division of the New York City Police  
9 Department, was it your impression that they were  
10 seriously interested in the information you provided to  
11 expand their investigation into the 46th precinct?

12 A No. My dealings with Internal Affairs, I  
13 had met them once in the Bronx District Attorney's  
14 office, and the Bronx District Attorney was willing to  
15 make, he wanted to make cases. IAD told me like this,  
16 because I had an open case with the Bronx District  
17 Attorney's office, they said listen, we got your future  
18 in our hand. Listen, we want you to hand deliver these  
19 people. If not, you're going to jail. I said how am I  
20 going to hand delivery anybody. They don't even want to  
21 know me. And that was it. They really didn't want to do  
22 nothing.

23 Q Mr. Cawley, to your knowledge, who  
24 conducted the investigation which resulted in your jail  
25 sentence which you're serving right now?

1  
2 were a police officer, you were evaluated by your  
3 superiors, is that correct?

4 A Yes.

5 Q What were your formal evaluations like?

6 A Every evaluation I had was above standards  
7 because of my activity.

8 Q Mr. Cawley, has any member of this  
9 Commission made any promises to you in exchange for your  
10 testimony here today?

11 A No.

12 Q Mr. Cawley, would you like to make a  
13 statement to the Commissioners?

14 A Yes, I would. The things I have done were  
15 wrong. I participated in acts which may have devastated  
16 families and destructed homes and ruined lives. I am in  
17 prison now and will remain there for the foreseeable  
18 future. I have lied to cover my acts and committed  
19 perjury to further my greed. I truly regret my actions,  
20 and I would like to apologize to anyone who I've hurt.

21 Q I have no further questions of this  
22 witness, Mr. Chairman.

23 MR. CHAIRMAN: Thank you. Now, Mr. Armao, do  
24 you have any other witnesses to call this afternoon?

25 MR. ARMAO: Your Honor, there are no further

1 witnesses for this afternoon.

2  
3 MR. CHAIRMAN: All right. Now we will adjourn  
4 at this time. We will not be sitting tomorrow because  
5 this room will not be available, but we will resume  
6 Friday morning at 9:30. Good afternoon.

7 (Whereupon the hearing was adjourned until  
8 Friday, October 1, 1993, at 9:30 a.m.)  
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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 Fraser  
REPORTER

Carol G. Sebba  
TRANSCRIBER