

ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK

-----X
In the Matter of

THE MOLLEN COMMISSION
HEARINGS ON
POLICE CORRUPTION

-----X

held at:

42 West 44th Street
New York, New York 10017

October 1, 1993
9:30 a.m.

BEFORE:

HON. MILTON MOLLEN
CHAIRPERSON

APPEARANCES:

COMMISSIONERS:

HON. HAROLD BAER, JR.

HON. HERBERT EVANS

HON. HAROLD TYLER

RODERICK C. LANKLER, ESQ.

NON-COMMISSIONERS:

JONNY FRANK, ESQ.

WILLIAM GOODSTEIN, ESQ.

QUESTIONERS:

JOSEPH P. ARMAO, ESQ.
CHIEF COUNSEL

LESLIE U. CORNFELD, ESQ.
DEPUTY CHIEF COUNSEL

DAVID BURNS, ESQ.
ASSOCIATE COUNSEL

CHARLES M. GURIA, ESQ.
ASSOCIATE COUNSEL

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<u>Witness</u>	<u>Burns</u>	<u>Cornfeld</u>	<u>Commissioners</u>
James Wood	3		5, 7, 20, 14, 16, 18, 19, 20, 22, 33, 34, 39, 40, 43
James Dowd	47		54, 66
Robert McKenna		74	76, 89

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MR. ARMAO: Your Honor, the Commission is ready to proceed. I would ask the Commission to call the first witness, James Wood.

MR. CHAIRMAN: Please rise, Mr. Wood. Raise your right hand. Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. WOOD: I do.

MR. CHAIRMAN: Thank you. Please be seated.
Mr. Armao.

MR. ARMAO: Your Honor, the questioning of Mr. Wood will be conducted by Associate Counsel David Burns.

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

MR. BURNS: Thank you.

EXAMINATION OF JAMES

WOOD BY DAVID BURNS

Q Mr. Chairman, by way of background, in March of 1993, investigators from the Internal Affairs Bureau of the New York City Police Department arrested two members --

MR. CHAIRMAN: Mr. Burns, could you please keep you voice --

MALE SPEAKER: In the black microphone.

MR. CHAIRMAN: Speak a little more slowly

2 because as it comes through the microphone it gets kind
3 of filtered.

4 Q In March of 1993, investigators from the
5 Internal Affairs Bureau of the New York City Police
6 Department arrested two members of the Drug Enforcement
7 Task Force, otherwise known as the DETF, on charges of
8 selling narcotics. These officers were Sergeant Joseph
9 Termini and Detective Jeffrey Beck. Also arrested was
10 New York State Police Investigator Robert Robles.

11 Sergeant Termini and Detective Beck had given
12 an informant four ounces of heroine to sell for them.
13 Upon receiving this heroine, the informant contacted
14 former New York City Lieutenant James Wood and then New
15 York City Police Sergeant James Dowd and informed them of
16 the situation and asked for their advice. Wood and Dowd
17 contacted the Internal Affairs Bureau and convinced the
18 informant to work with the Internal Affairs Bureau in
19 making a case against these officers.

20 The informant cooperated and worked with the
21 Internal Affairs Bureau, and as a result of this efforts,
22 Beck, Termini, and Robles were arrested. According to
23 public record, all three have reached plea agreements
24 with the United States Attorney's Office for the Southern
25 District of New York and are now awaiting sentencing.

2 COMMISSIONER BAER: This is a different Mr.
3 Dowd than we've spoken to before at these hearings, Mr.
4 Burns?

5 Q Yes, he is. Of no relation to Michael
6 Dowd, who we heard earlier this week. Could you please
7 state your full name?

8 A James Wood.

9 Q Mr. Wood, are you currently employed?

10 A Yes, I am.

11 Q And where are you employed?

12 A I work for a security company in the
13 Bronx.

14 MR. CHAIRMAN: Mr. Wood, would you try to keep
15 your voice up please.

16 A Yes, sir.

17 MR. CHAIRMAN: Thank you.

18 Q What was your prior employment, Mr. Wood?

19 A I was a lieutenant in the New York City
20 Police Department.

21 Q Are you retired from the Police
22 Department?

23 A Yes, I am.

24 Q When did you retired from the Police
25 Department?

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A July 1992.

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Q And your rank at the time of retirement was lieutenant?

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A Yes.

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Q Mr. Wood, would you please give the Commission a brief history of your career with the New York City Police Department?

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A I was appointed to the Police Department in January of 1970. I went to several different patrol precincts, and I spent fourteen years of my twenty-three years in the narcotics division.

13

14

15

Q Mr. Wood, have you received any special awards or recognition for your work from the Police Department or other law enforcement agencies?

16

17

A I have about forty Department recognitions from the Police Department.

18

19

Q Mr. Wood, how many years did you spend conducting and supervising narcotics investigations?

20

21

22

A Close to fourteen years.

Q How many narcotics investigations do you think you've conducted?

23

24

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A Around a thousand.

Q Mr. Wood, would you please describe for the Commissioners just one or two of the larger cases

2 you've worked on, just to give us an example of the kind
3 of work you did?

4 A With the informant that was involved in
5 this case, we did a case that we went to California, and
6 we seized three hundred kilos of cocaine and arrested
7 nineteen Colombia nationals. I've worked on cases in
8 South America where we seized eight hundred kilos of
9 coke, six hundred of coke, a couple of million dollars.

10 Q You said you retired as a lieutenant, you
11 were with the Drug Enforcement Task Force. How long were
12 you with the DETF?

13 A From December of '87 to my retirement in
14 July, 1992.

15 Q Could you please explain to the
16 Commissioners what the Drug Enforcement Task Force is?

17 A It's a tri-agency under the auspices of
18 the Drug Enforcement Agency. It's composed of New York
19 City police officers, state police, and DEA agents.

20 MR. CHAIRMAN: DEA is --

21 A Drug Enforcement --

22 MR. CHAIRMAN: -- is a branch of the federal
23 government, is that correct?

24 A Department of Justice.

25 MR. CHAIRMAN: Thank you.

2 Q Mr. Wood, would you explain to the
3 Commissioners what the actual structure of the DETF was
4 as an organization?

5 A When I originally arrived, there was four
6 divisions with twelve enforcement groups. Each division
7 had three enforcement groups that were comprised of a
8 mixture of New York City police officers, state troopers,
9 and DEA agents.

10 Q Who supervised each of these divisions
11 within the DETF?

12 A Originally, when I arrived, there was two
13 City, myself and another City lieutenant, and two DEA
14 special agents.

15 Q And who did these division chiefs report
16 to?

17 A Deputy chiefs, either an inspector from
18 the New York City Police Department or a captain of the
19 New York State Police.

20 Q And, I assume, you would report to the
21 inspector from the New York City Police Department within
22 that structure?

23 A That's correct.

24 Q Who did the commanding officer of the DETF
25 report to? Who did the NYPD commanding officer report

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2 to?

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A The chief of the Task Force was a DEA
special agent.

5

6

Q Who within the Police Department would the
inspector who was the commanding officer report to?

7

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A The chief of the Organized Crime Control
Bureau.

9

10

Q Mr. Wood, how many NYPD personnel were
assigned to the DETF when you first arrived there?

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A I think there was approximately eighty.

Q Mr. Wood, just to interrupt for one

second, you're here without the representation of
counsel, is that correct?

15

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17

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A That's correct.

Q And the gentleman sitting next to you is

an investigator from this Commission, is that correct?

A Yes, sir.

19

20

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Q Thank you. Getting back, you said there
was approximately how many NYPD personnel assigned to the
DETF?

22

23

24

25

A Somewhere around eighty I believe.

Q And you had talked about the groups within
the DETF. When you first arrived at DETF, how many
groups were there?

2 A Twelve.

3 Q Did that number ever expand while you were
4 at the DETF?

5 A Yes. It expanded to fifteen, and then
6 eventually to eighteen.

7 Q And these groups were made up of DEA
8 agents, NYPD detectives, and state police investigators?

9 A That's correct.

10 Q Did each of these groups have an NYPD
11 sergeant assigned as a supervisor?

12 A No.

13 Q So in some of these groups, you're saying,
14 that there were NYPD detectives working without NYPD
15 supervision within the group.

16 A Yes.

17 Q Was this lack of NYPD supervision a cause
18 for concern?

19 A Most definitely.

20 Q Why is that, Mr. Wood?

21 A Police Department supervisors are taught
22 they are totally accountable for all their subordinates'
23 actions. With the State Police and the DEA, our men
24 weren't held as accountable to them as they would be with
25 a City sergeant.

2 Q Mr. Wood, how did the procedures, the
3 supervision, used by the DEA and the State Police compare
4 with that of, say, the narcotics division of the Police
5 Department?

6 A They were much looser.

7 Q Can you expand upon that a little bit,
8 maybe give us some examples of what you mean by looser?

9 A For instance, there were times I would go
10 into a group and look for a city detective and ask a
11 supervisor from a different agency where the detective
12 was, and not only didn't he know where he was, but he
13 didn't even know what tour he was working.

14 Q Mr. Wood, why is this such an important
15 issue?

16 A In a place like the Drug Enforcement Task
17 Force, the amount of currency and assets and drugs that
18 are seized astronomical, and it's very important that
19 there be close supervision.

20 Q So you're saying that there is a
21 relationship between the quality of supervision and the
22 integrity within the unit?

23 A Most definitely.

24 Q Mr. Wood, could you give us a kind of
25 rough idea of the seizures or the amounts of seizures

2 made by the Drug Enforcement Task Force?

3 A In 1991, the Drug Enforcement Task Force
4 seized \$17 million in U.S. currency, \$138 million in
5 assets, four and a half tons of cocaine, and thirty-seven
6 pounds of heroine was seized.

7 Q Mr. Wood, when did you first become
8 uncomfortable with the supervisory structure at the Drug
9 Enforcement Task Force?

10 A On my assignment to the Task Force.

11 Q Did you discuss these concerns with the
12 NYPD commanding officer at the DETF?

13 A Yes, several times.

14 Q Did the NYPD commanding officer share
15 these concerns?

16 A Yes, he did.

17 Q Do you know what, if anything, the
18 commanding officer did to address this problem?

19 A On several occasions they requested more
20 supervisors be assigned to the Task Force.

21 Q To your knowledge, what was the Police
22 Department's repone to this request?

23 A I can only assume it was no because we
24 never received any more supervisors.

25 Q Mr. Wood, are you aware of other requests

2 made by commanding officers of the DETF for more
3 supervisors?

4 A Yes, I am.

5 Q Mr. Wood, I'm showing you a series of
6 documents which I deem marked as Commission DETF Exhibits
7 1 through 6. Could you please tell us if you've seen
8 these documents before today?

9 (Commission DETF Exhibits 1 through 6 marked
10 for identification)

11 A Could you just repeat your last question?

12 Q Sure. Have you seen these documents
13 before today?

14 A Yes, I have.

15 Q Could you please tell the Commissioners
16 what's contained in these documents?

17 A These are six different requests by three
18 different commanding officers of the Drug Enforcement
19 Task Force requesting more supervisors.

20 Q Could you tell us what is the date of the
21 earliest requests there?

22 A September 21, 1984.

23 Q And you if you could tell us what is the
24 date of the last memo?

25 A October 12, 1991.

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2 Q Mr. Wood, you've had an opportunity to
3 read these memoranda?

4 A I have in the past, yes.

5 Q What is the basis upon which the
6 commanding officers make these requests?

7 A I'll read just a sentence from one of
8 them. In order to ensure the continuance of high level
9 of integrity, as well as strict compliance with
10 Department's regulations required for day to day
11 operations within the Task Force, it is absolutely
12 essential that more supervisors be assigned to the Drug
13 Enforcement Task Force.

14 Q So one of the basis for these requests is
15 integrity, concerns about integrity in the unit?

16 A That's the most important.

17 Q Is this a theme that runs through each of
18 these memos?

19 A Yes, it is.

20 MR. CHAIRMAN: Did there come a time when more
21 supervisors were assigned to the DETF?

22 A Yes, there did, but not until after the
23 arrest of the three individuals.

24 MR. CHAIRMAN: Thank you.

25 Q So what you're saying is that to your

2 knowledge up until the arrests of Beck and Tormini and
3 Robles, the response to these memoranda was that no
4 further supervision was coming?

5 A That's correct.

6 Q Mr. Wood, are you familiar with the
7 position of integrity control officer, otherwise known as
8 the ICO in the New York City Police Department?

9 A Yes, I am.

10 Q Would you please explain the purpose and
11 function of an integrity control officer?

12 A Integrity control officer is assigned to a
13 command to ensure that the command maintains a high
14 degree of integrity.

15 Q Did the Drug Enforcement Task Force have
16 an integrity control officer?

17 A So to speak, the administrative lieutenant
18 had a collateral duty of the integrity control officer.
19 It was like a part-time job for him.

20 Q So in addition to other responsibilities,
21 including being the administrative lieutenant, this
22 lieutenant was responsible for the integrity of the unit
23 as well?

24 A When his duties of administrative
25 lieutenant were completed, then he assumed the role of

2 the integrity control officer.

3 Q And you said there were roughly eighty to
4 eighty five NYPD personnel assigned to the Drug
5 Enforcement Task Force?

6 A Yes.

7 Q And the integrity control officer would be
8 responsible for ensuring the integrity of all these
9 people on a part-time basis?

10 A Yes.

11 Q In your opinion, Mr. Wood, was a part-time
12 integrity control officer sufficient to ensure the
13 integrity of the NYPD personnel assigned to the Drug
14 Enforcement Task Force?

15 A Not, it was not.

16 Q To your knowledge, Mr. Wood, did the
17 commanding officer of the Drug Enforcement Task Force
18 ever request a full-time integrity control officer?

19 A Yes, he did.

20 Q To your knowledge, Mr. Wood, when did the
21 Drug Enforcement Task Force finally receive a full-time
22 integrity control officer?

23 A After the arrest of the three individuals.

24 MR. CHAIRMAN: When you say three individuals,
25 you're referring to Officers Beck, Tormini, and State

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2 Investigator Robles?

3 A Yes, sir.

4 Q At this point, Mr. Wood, I'd like to
5 question you about your knowledge of the investigation
6 conducted by the Internal Affairs Bureau which resulted
7 in the arrests of Beck, Tormini, and Robles. Mr. Wood,
8 during your tenure with the New York City Police
9 Department, did you become familiar with an informant
10 known to you as Pepe?

11 A Yes, I did.

12 Q Would you please tell the Commissioners
13 how you came to know Pepe?

14 A In 1983, Pepe was arrested by uniform
15 patrol officers in the 50th precinct, and he told them he
16 had a lot of narcotic information, and he was willing to
17 cooperate. They contacted me.

18 Q And Pepe cooperated with you?

19 A Yes.

20 Q And he became your informant?

21 A Yes.

22 Q Could you just explain to the
23 Commissioners what you mean by an informant, what an
24 informant does?

25 A An informant would supply you with

2 information into different drug operations, make
3 introductions of undercover officers to drug operatives.

4 MR. CHAIRMAN: Is that a standard way that the
5 narcotics division obtains its information about drug
6 dealers?

7 A Yes, sir. It's the primary way.

8 Q What kind of narcotics cases did Pepe work
9 on for you, Mr. Wood?

10 A Multi-kilo cocaine cases.

11 Q To your knowledge, what other law
12 enforcement agencies did Pepe work with in addition to
13 the New York City Police Department?

14 A He worked with the DEA, the Los Angeles
15 Police Department, Pasadena Police Department, and Miami
16 Police Department.

17 Q Was Pepe a reliable and credible
18 informant?

19 A He was highly reliable and credible.

20 Q Mr. Wood, I assume you've worked with
21 many, many informants while conducting narcotics
22 investigations, is that correct?

23 A Yes, I have.

24 Q How would you characterize Pepe as
25 compared to the other informants you've worked with?

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2 A He was one of the best.

3 Q In your opinion, Mr. Wood, how valuable
4 was Pepe to the New York City Police Department in its
5 efforts to investigate the narcotics trade in the City?

6 A Pepe was invaluable to the Police
7 Department.

8 MR. CHAIRMAN: Did the information that he gave
9 you lead to many arrests and convictions?

10 A Many, many arrests and convictions.

11 Q Mr. Wood, did there come a time in late
12 1992 when Pepe contacted you?

13 A Yes, he did.

14 Q Would you please tell the Commissioners
15 about that?

16 A Pepe reached out for me at my new place of
17 business, and in a three-way conversation between him,
18 myself, and Sergeant James Dowd, he told us that he had
19 something very important to tell us, that he felt that he
20 was in a lot of trouble, and that some of the officers
21 that I used to work with were doing things wrong.

22 Q Did there come a time when yourself,
23 Sergeant Dowd, and Pepe sat down and talked about this?

24 A The next night we met.

25 Q Could you tell us about that meeting?

2 A The next night the three of us met in a
3 Bronx diner, and Pepe told us that Beck and Tormini had
4 given him four ounces of heroine and that they wanted him
5 to sell it for him and that he felt that there was
6 several other officers involved.

7 COMMISSIONER BAER: Have we established who
8 Beck and Tormini are? Could you tell me again if you
9 have? Were they officers in the Police Department?

10 A Yes. Detective Beck and Sergeant Joe
11 Tormini were both assigned to the Drug Enforcement Task
12 Force, and they were New York City police officers.

13 Q Mr. Wood, did you know Detective Beck and
14 Sergeant Tormini?

15 A Yes, I did.

16 Q You worked with them at the Drug
17 Enforcement Task Force?

18 A Yes.

19 Q Did you consider Detective Beck and
20 Sergeant Tormini to be your friends?

21 A Yes, I did.

22 Q When you met with Pepe that night, what
23 did he want to do with the information?

24 A He wanted me to take him to the FBI.

25 Q Why did he want you to take him the FBI?

2 A He was afraid to go the City police
3 because he felt that because it involved City police
4 officers that his life may be put in jeopardy.

5 Q And what did you tell Pepe?

6 A I convinced Pepe to trust me and listen to
7 me and let take him to the New York City Police Internal
8 Affairs Division.

9 Q Why didn't you send Pepe to the FBI, Mr.
10 Wood?

11 A Well, first of all, I felt an allegiance,
12 having been a police officer for twenty-three years. I
13 also didn't want the Police Department embarrassed by
14 having na outside agency investigate police corruption,
15 and I felt also that I could keep a handle on it and help
16 Pepe along if needed to.

17 Q What happened after this meeting with
18 Pepe?

19 A The next morning I called a chief assigned
20 to the Organized Crime Control Bureau, and I told him
21 about the information that I had.

22 Q And what did this chief tell you?

23 A He asked me if it was good reliable
24 information, and I told him unfortunately, yes, it is.
25 He told me to wait awhile, he would get back to me.

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2 Q Did the chief ultimately get back to you?

3 A We had several conversations that day, and
4 eventually he told me that two IAD officers would be
5 coming to my officer at around 5 in the evening.

6 MR. CHAIRMAN: At this time you had left the
7 Department, is that correct? You were in private life?

8 A I had retired in July, and this was
9 December.

10 MR. CHAIRMAN: Thank you.

11 Q Ultimately, did personnel from the
12 Internal Affairs Bureau come to your office?

13 A Finally, about 7:30 that night, an
14 inspector and a captain from the Internal Affairs Bureau
15 came to my office.

16 Q Could you tell us about what transpired in
17 your office?

18 A When they got there, they wanted to know
19 why the informant wasn't there, so I told them that I
20 thought they would want to get an overview of what he had
21 told me without him being present before I beeped him.
22 And they said no, no, no, just get him here. So I beeped
23 him, and about ten minutes later he came to my office.

24 Q Did you tell this inspector and the
25 captain about your relationship with Pepe as well as

2 Pepe's reliability and credibility?

3 A Yes, I did.

4 Q What happened after Pepe arrived at your
5 office?

6 A Pepe arrived, I made the introductions,
7 and then there was like complete silence for a few
8 minutes. So I figured let me get the ball rolling, I'll
9 ask a couple of questions. So I started asking
10 questions, and they really never started to chime in. I
11 basically conducted the majority of the debriefing until
12 almost the end, when they started to ask a few questions.

13 Q Did there come a time when this inspector
14 and the captain from the Internal Affairs Bureau wanted
15 to know where the heroine was, where this four ounces of
16 heroine was?

17 A Yes. Pepe explained to them that he was
18 afraid to keep it in his own home, so he had an entrusted
19 friend in New Jersey, and he had placed it in this
20 gentleman's home.

21 Q What did the inspector and the captain
22 instruct Pepe to do with the heroine?

23 A The inspector and the captain instructed
24 Pepe to go to New Jersey the next morning and pick up the
25 heroine and meet them at IA headquarters on Poplar Street

2 in Brooklyn.

3 Q So the inspector and the captain told Pepe
4 to transport four ounces of heroine from New Jersey to
5 Brooklyn and take it to their building?

6 A That's correct.

7 Q Did they expect that Pepe would just want
8 into the building with the four ounces of heroine and
9 asked for them? What was the scenario here?

10 A I assumed that that's what they had
11 intended to do, but I suggested that perhaps they meet
12 somewhere in the vicinity instead of bringing him right
13 to a police facility since the case did involve corrupt
14 police officers.

15 Q Mr. Wood, was Pepe at all familiar with
16 the borough of Brooklyn?

17 A I don't think he's ever been in Brooklyn
18 in his life.

19 Q What happened after this, after you've
20 made these arrangements for Pepe to meet with IAD at some
21 side street in Brooklyn?

22 A Pepe started to leave, and I said, well,
23 aren't you going to give him a phone number so he can
24 contact you. They were reluctant to give him an office
25 phone number, so they gave him a beeper number. And then

2 Pepe said to the captain, I think it was, he says what
3 code do you want me to put in the beeper, and the captain
4 said what do you mean code. So we explained that when he
5 sees a strange number in the beeper, by having a code,
6 say 111, he would know it was the informant calling him,
7 even though it was a strange number.

8 Q Did you provide any other guidance to the
9 inspector and the captain as to how to approach this
10 investigation?

11 A After Pepe had left, the inspector turned
12 to me and said, you know, I really wouldn't know how to
13 even do an investigation like this. So I told him that
14 any help that he would need, I would give him some
15 guidance, and I just told him a couple of tips. I
16 suggested that he gets money together to pay the cops for
17 the heroine to keep the case going, and I also advised
18 him against the use of any surveillance vans when they're
19 doing something with the cops.

20 Q Why did you advise them against using
21 surveillance vans?

22 A These particular officers were in an elite
23 narcotics unit. They had been conducting high level
24 narcotic investigations for several years, and knowing
25 that they were doing something wrong, that would have

2 been one of the first things they would look for.

3 Q Mr. Wood, to you knowledge, how much money
4 were Beck and Tormini expecting from the sale of the
5 heroine?

6 A I believe it was \$25,000.

7 Q And I assume the next logical step in this
8 investigation would be to give Beck and Tormini this
9 money, so they think the heroine has been sold and
10 somehow capture that event on audio and video if
11 possible.

12 A After you put together some background,
13 that would to me be the next logical step.

14 Q At this point, Mr. Wood, after Pepe and
15 the inspector and the captain have left your office, have
16 you formed an opinion as to the ability and/or experience
17 of these individuals to conduct this investigation?

18 A I knew there was going to be a problem.
19 They looked like they didn't have an idea of what
20 direction to go at all, so I was hoping there would be
21 someone else in the Internal Affairs Division that would
22 have the experience to guide them.

23 Q What happened after this in terms of the
24 investigation?

25 A The next morning, I forget what time, I

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2 think it was 9, 9:30, they were supposed to meet the
3 informant at a Brooklyn location where he was to give
4 them the heroine. I think it was 9:30. At about 9:45 I
5 received a call from my office from the captain, and he
6 said, hey, your boy never showed up. So I said what do
7 you mean? He says, well, he's supposed to be here at
8 9:30 with the heroine, he never showed up.

9 I said you don't understand. Informants don't
10 work on the same kind of clock that we do, especially
11 this guy. He's always half an hour, hour late. I said
12 just hang in there, and he'll show up, believe me. He
13 said, well, I've been beeping him, and he's not returning
14 my beeps. So I told him, listen, I'll beep him, and I'll
15 call you right back.

16 I beeped the informant and about a minute later
17 he called me and said what's going on, I've been waiting
18 here since 9:30, nobody showed up yet. So I called back
19 the captain and told him, and they went to meet with the
20 informant.

21 Q Did you hear from the captain again that
22 day?

23 A Later that day, the captain called me all
24 ecstatic, you were right, you were right. He brought up
25 the heroine.

2 Q And I assume at this point, Pepe is going
3 to work and is working with the Internal Affairs Bureau
4 on this investigation?

5 A That's correct.

6 Q When did you hear from the Internal
7 Affairs Bureau again?

8 A About a week later on a Saturday night, I
9 think it was, early evening, 8:30, 9 o'clock, I was home
10 with my family, and the phone rang. The person
11 identified himself as a sergeant from the Internal
12 Affairs action desk, and he asked me if I was retired
13 lieutenant James Wood residing at such and such location.
14 He read my old tax number, and he said are you the
15 lieutenant who gave corruption information on fellow
16 members of the Task Force.

17 I was a little taken back, but I said yes. And
18 he asked me several different questions that lead me to
19 believe that they were on an active surveillance on these
20 particular officers. About ten minutes later, my phone
21 rang again, and it was a detective from the Internal
22 Affairs Division's action desk. He went through the same
23 litany of questions and had other similar questions about
24 the surveillance.

25 About twenty minutes after that, a different

2 sergeant from the Internal Affairs Bureau called my home
3 again, asked me the same litany of questions, and then
4 asked me several different questions about a surveillance
5 they were conducting, at which time my family became
6 alerted and knew that I had involved myself in something
7 with the Police Department.

8 Q Mr. Wood, did you speak with Pepe during
9 the course of this investigation?

10 A Several times.

11 Q What did Pepe tell you about the
12 investigation?

13 A Right from the onset, I think just from
14 the meeting in the office, we knew we had a problem, and
15 things just got worse after that. When they met Pepe the
16 next day in Brooklyn, an undercover IAD officer just
17 walked up to his car and banged on the window of the car
18 and scared the life out of him not knowing who he was,
19 and then he eventually showed him his shield but then
20 lead him right to Poplar Street with the heroine, right
21 to the building. And it just got worse. He was scared.
22 He actually thought they were going to get him killed.

23 Q Did Pepe tell you about certain events
24 that occurred during the course of the investigation
25 which he had a problem with?

2 A Yes. The same day that he gave them the
3 heroine, and undercover IAD officer took him to a mall in
4 Brooklyn, and they walked around the mall for several
5 hours. Eventually, the officer was beeped, and at that
6 point, he told Pepe, okay, we're going to call up which
7 one of the officers, I don't know. I think they were
8 going to beep Tormini.

9 Q You mean they were going to beep one of
10 the corrupt police officers.

11 A Right. And they wanted him to tell them
12 that he had the \$25,000 for him. So Pepe tried to
13 explain to the IAD officer that perhaps this isn't the
14 best idea right now because they're going to get raised
15 up or be alerted because, first of all, they know he
16 never goes to Brooklyn, and there would be a lot of
17 questions as to why he already had the money.

18 But the officer insisted that he was running
19 the investigation and wouldn't hear of it, took him to a
20 pay phone, hooked up a recording device to a public phone
21 in the mall, and had the informant beep one of the
22 officers.

23 Q Did the officer ultimately respond to the
24 beep?

25 A Yes. And the first thing he said what are

2 you doing in Brooklyn, and then eventually he had
3 concerns, he asked questions about you already have the
4 money.

5 Q Did Pepe tell you about the use of a
6 surveillance van?

7 A Shortly after that day, there came a time
8 where one of the officers was to come to Pepe's residence
9 and pick up the payment for the heroine. The informant
10 was in the apartment with several IAD officers awaiting
11 for the corrupt officer to arrive, and he never did. One
12 of the IAD officers said, see, I told you. They gave the
13 informant the feeling that this wasn't true, it was
14 unbelievable, and he felt that it was actually a scheme
15 for him to steal \$25,000 from them.

16 The next morning the informant receives a phone
17 call from one of the corrupt officers who says what's
18 going on, I came to get the money last night. There was
19 a surveillance van and several surveillance cars in your
20 block, and he went on to describe the colors of the van,
21 some of the cars, and even the identity of some of the
22 officers sitting in the car.

23 Thanks to his quick thinking, he told them hey,
24 there's a Colombian living in my building, and the police
25 are doing something with him. And apparently, at least

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2 for the time being, they bought it.

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Q Meaning the corruption officers believed
Pepe's story?

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A He had to do more than that because later
in the day, Detective Beck, I believe it was, came and
took Pepe in his car, and Pepe turned the tables on him.
To try to get the heat off him, he said, hey, I think I'm
being set up by you guys. You guys must have went to the
FBI, and now you're framing me. This things all off.
And by him doing that, he kept the case going.

Q So at this point, Pepe, in some ways you
might say, rescued the case.

A Yes, he did.

Q Did Pepe tell you that the investigators
in the Internal Affairs Bureau had problems believing him
and problems with his credibility throughout this
investigation?

A He felt they never really believed him or
trusted him.

Q Mr. Wood, at any time during this
investigation, did anyone from the Internal Affairs
Bureau sit down and debrief you regarding your knowledge
of the Drug Enforcement Task Force or the targets of this
investigation?

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A Never.

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Q Mr. Wood, did Pepe feel safe working with the Internal Affairs Bureau?

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A There were times when we spoke, he told me that he was not only in fear of his life, but even the safety of his family because of the way they were conducting the investigation. He went as far as to say that if these guys were really coke or heroine dealers, he already would be dead.

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Q You mean if he was working against drug dealers as opposed to crooked cops, he thinks he would have been killed?

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A Yes.

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COMMISSIONER BAER: Could I go back a moment to the building. I understand that there was some concern on the part of you and the informant in terms of going into this building in Brooklyn, this police facility. Was this a police facility where Beck and Tormini would go from time to time?

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A It's an Internal Affairs building that active police officers assigned to Internal Affairs Division conduct their business out of, and also police officers who are under investigation and going to hearings actively go in and out of the building.

2 MR. CHAIRMAN: This is on Poplar Street, is it
3 not?

4 A That's correct.

5 Q Mr. Wood, Pepe has worked with some of the
6 premier law enforcement agencies in this country, is that
7 correct?

8 A Yes.

9 Q And that would include narcotics
10 investigators from the New York City Police Department,
11 is that correct?

12 A Yes.

13 Q Mr. Wood, what was Pepe's assessment of
14 the investigative abilities of the investigators from the
15 Internal Affairs Bureau?

16 A He told me they didn't have any
17 investigative abilities.

18 Q Mr. Wood, after speaking with Pepe about
19 this investigation and based upon your twenty-three years
20 in the New York City Police Department, what was your
21 assessment of the abilities of the Internal Affairs
22 Bureau?

23 A It appears to me they weren't competent.

24 COMMISSIONER BAER: Would you characterize the
25 strategy for this investigation the way in which you

2 presented it to the inspector and the captain, was it a
3 peculiarly sophisticated type of investigation or what it
4 something that happens frequently or did during your time
5 working with the Police Department?

6 A We handed a simple investigation to IA. I
7 gave them a highly credible informant who already had the
8 heroine. All they had to do is tie it in a bow and
9 complete it.

10 Q Mr. Wood, did there come a time when you
11 attempted to assist in this investigation by speaking
12 with someone at the Drug Enforcement Task Force?

13 A Throughout the investigation through my
14 conversations with Pepe, I became frustrated. I guess
15 I'm still a frustrated investigator. And initially when
16 he gave me the information, I was hurt and I was sick
17 over it, but as time went on, I became angered, angered
18 at what they had done.

19 All through it, I kept on going over in my mind
20 where could they be getting the heroine from because I
21 knew that most of the cases we did were cocaine cases.
22 And then one day I was having a conversation with a
23 former senior investigator with the State Police who used
24 to one of my supervisors, one of my group supervisors,
25 and he told me, hey, since you left, we've been doing a

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2 lot of heroine cases.

3 It was a hunch, but it was a good hunch that
4 maybe the heroine may have been coming from that group,
5 and I knew that Detective Tormini had been temporarily
6 assigned to that group. But I couldn't do anything at
7 that point.

8 About a week later [tape change] -- what was
9 going on. I told him about the investigation, and I told
10 him of my feelings that maybe the heroine was coming from
11 his group. He's probably one of the best senior
12 investigators in the task force, probably one of the most
13 knowledgeable and probably one of the most trustworthy.

14 For about two weeks I never heard from him.
15 Then one day he called very upset, and he said to me I
16 think I found it. He had been delving through and
17 reviewing all the lab reports and all the lab results,
18 and he felt he came up with a discrepancy that pointed
19 towards where the heroine was missing.

20 But now he had a dilemma, what do we do. For
21 him to go forward, he had to say that I had told him and,
22 in the eyes of IAD, compromise the investigation. But I
23 told him don't worry about it, just go to your boss and
24 tell him, tell him I told you, which he did.

25 Q So what you're saying is that the State

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2 Police investigator was able to locate the seizure where
3 he thought the heroine had come from, meaning the four
4 ounces of heroine that Beck and Tormini had given to
5 Pepe?

6 A That's correct.

7 Q And he went to his supervisor to tell him
8 in an effort to assist the investigation?

9 A Yes. In order to show what he found, he
10 had to tell them that he knew of the investigation, and
11 that day, just about every investigator assigned to the
12 investigation arrived at the task force office.

13 Q Can you explain that please?

14 A After he told his bosses that he knew the
15 investigation, they had to notify IAD, and IAD wanted to
16 come up to the office to interview everybody. And
17 against his insistence not to -- I mean, let's face it.
18 All these investigators from IAD coming to the office
19 when you're investigating corrupt cops is not the best
20 idea in the world, but they came there anyway.

21 Q Mr. Wood, to your knowledge, what
22 ultimately happened to the State Police supervisor as a
23 result of his assisting in this investigation?

24 A The State Police inspector who heads their
25 inspections division gave him disciplinary charges for

2 failure to promptly report a corruption allegation. But
3 I'd like to note here that once the superintendent of the
4 State Police found out about it, he stopped the charges.

5 Q After this, officers Beck, Tormini, and
6 Robles were, in fact, arrested by the Internal Affairs
7 Bureau of the New York City Police Department, is that
8 correct?

9 A That's correct, yes.

10 Q And that was in March of 1993, is that
11 correct?

12 A Yes. The senior investigator, he went on
13 to help them in their investigation, and he actually
14 worked on the investigation with them for two or three
15 weeks towards the end of it and was helpful in cloning
16 beepers and rudimentary investigative skills. He gave
17 them what they lacked.

18 Q After the completion of this investigation
19 and Beck and Tormini and Robles are under arrest, what
20 was your next experience with respect to this
21 investigation?

22 A Two IAD officers arrived in my office with
23 a subpoena for work records.

24 Q And what happened with the subpoena?

25 A I called the assistant U.S. attorney and

2 said what's going on. I felt I should at least had the
3 courtesy of a phone call before two people from IAD walk
4 into my office and embarrass me in front of employees who
5 work for me. And he apologized, and he said, listen, I
6 should have spoken to you prior to this, but I'd like you
7 to come down to my office and meet with me, so we could
8 go over some of the background on these three individual
9 officers. And I set up an appointment to go see him.

10 MR. CHAIRMAN: Mr. Wood, you said that they
11 served you a subpoena for your work records. What work
12 records are you referring to? By this time you were out
13 of the Department, were you not?

14 A Yes. Prior to my having any knowledge of
15 their corrupt acts, on several occasions each one of
16 these three officers did some work for my new company,
17 security work.

18 Q Mr. Wood, what occurred at this meeting?

19 A I went to the U.S. Attorney's office, and
20 he walked me into a conference room where there were four
21 other gentlemen -- a lieutenant from IAD, a captain from
22 IAD, an inspector from the State Police, and a DEA
23 special agent. The questioning started with Mr. Fine
24 actually asking me background information, but quickly it
25 turned to interrogating me.

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MR. CHAIRMAN: Would you identify for the record who Mr. Fine is please?

A Mr. Fine is the assistant U.S. attorney.

Q Continue, Mr. Wood.

A They started asking me questions like are you owners in this new company where you're employed, do you know Jeff Beck's father, did he ever do investigative work for you. They asked me a few other names that I didn't recognize, and then there came a time where the State Police inspector said to me, you know, you caused a big problem when you told the State Police senior investigator about the case.

I felt confused at that point because this senior investigator gave to them the one piece of evidence that they needed to complete the chain of evidence for a conviction, and I told him so. And he seemed to get upset, and he pointed over at me, and he said I want your home address. Against my better judgment, I sat there and gave him my home address. He then said I want the name of your new company and the address of your company which I did.

The captain from IA with a smirk on his face then says to me, hey, I heard Beck and Tormini were your boys. He saw how upset I got at that point, and I stood

2 up, and he said, hey, hey take it easy. That's only what
3 I've been told. So I said, yeah, I really like those
4 guys, but when they did what they did, I told you about
5 it.

6 Q So, Mr. Wood, is it fair to say that at
7 this point you had become a target of this investigation?

8 A Most definitely.

9 Q Mr. Wood, did there come a time when you
10 learned that Pepe had been questioned about his
11 activities with yourself and Jim Dowd?

12 A Yes. The informant was since relocated,
13 and after he was relocated, he was flown from his new
14 residence back to the Southern District where he was
15 brought into an office with the assistant U.S. attorney
16 and several other IAD investigators, and they said,
17 listen, we feel you haven't been totally honest with us.

18 Isn't it true that during the course of your
19 relationship with Lieutenant Wood and Sergeant Dowd, that
20 they skimmed money from the funds that they paid you and
21 that you gave them kickbacks and that over the last few
22 years that you worked for them, you gave them large
23 amounts of jewelry, diamond, and expensive watches. And
24 it isn't it a fact that you installed an underground
25 sprinkler system in Lieutenant Wood's home? All of which

2 is false, and all of which the informant told them was a
3 lie.

4 Q Mr. Wood, you knew Jeff Beck and Joe
5 Tormini personally, didn't you?

6 A Yes.

7 Q They were your fiends, isn't that correct?

8 A Yes.

9 Q But when Pepe told you that they were
10 selling heroine, you turned them into the New York City
11 Police Department, didn't you?

12 A Yes.

13 Q And you didn't go to the FBI as Pepe
14 wanted because you didn't want to embarrass the Police
15 Department, is that correct?

16 A That's correct.

17 Q But after all this, what did the Police
18 Department do to you?

19 A They made me a subject of the
20 investigation.

21 Q Mr. Wood, based upon this experience, what
22 message do you think the Police Department is sending to
23 honest police officers such as yourself who are aware of
24 corruption?

25 A They're not exactly encouraging honest

2 cops to come forward and give up the corrupt cops.

3 Q Mr. Wood, based on this experience, if
4 another police officer found himself in the same
5 situation you were in, that is having knowledge of
6 corruption, would you recommend they report this to the
7 Internal Affairs Bureau?

8 A Not in the state in which IA exists today.

9 Q Mr. Wood, this week this Commission has
10 heard testimony from several former New York City police
11 officers. These officers have characterized honest
12 police officers who turn in corrupt officers as rats.
13 Mr. Wood, do you consider yourself to be a rat?

14 A No.

15 COMMISSIONER BAER: I'm not sure what the
16 motivation, what you believe the motivation is. Are you
17 telling us you think that IAD and its successor were
18 clumsy and inefficient, or are you telling us that in
19 your view from your experience and overview of what
20 transpired, that it's more than that, that it's
21 wilfulness?

22 A Part of the problem is that they are
23 inept, incompetent. The other part of the problem is
24 they don't believe there are honest cops, and it becomes
25 an us against them. And because they are incompetent

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2 investigators, they can never tell who the good guys from
3 the bad guys.

4 Q Mr. Wood, was your assistance in this
5 investigation ever formally recognized by the New York
6 City Police Department?

7 A Never.

8 Q Mr. Wood, do you have a statement you'd
9 like to read to the Commission today?

10 A Yes. Like most New Yorkers this past
11 week, I've watched these proceedings with a mixture of
12 heartache and revulsion. As a former lieutenant in the
13 New York City Police Department, I am appalled at the
14 testimony of criminality and brutality rendered before
15 this Commission by corrupt police officers and former
16 police officers, and at the same time, I'm profoundly
17 saddened for the great majority of decent, hardworking,
18 heroic cops who will be tarnished by these sickening
19 disclosures.

20 It is my hope that the members of this
21 Commission, as well as the citizens of the City of New
22 York, will understand that most NYPD officers feel
23 betrayed by these rogue cops. I feel betrayed by them
24 just as I felt betrayed when I first heard of corruption
25 of some of my former colleagues in the Drug Enforcement

2 Task Force.

3 When I learned from a confidential informant
4 that a conspiracy to sell heroine existed among officers
5 in my former command, some of whom I counted among my
6 closest friends, I was devastated. Like all police
7 officers I knew a code of silence existed, but I also
8 knew that it did not exist among good cops, and I truly
9 believed that these men were good cops.

10 Looking back on it, I do not believe I was
11 naive, simply that I was deceived, as are many other good
12 officers who daily work side by side with cops who would
13 disgrace their uniforms and their oaths. These are ugly
14 minority, but they affect the Department and the lives of
15 citizens of New York far outreach the proportion to their
16 numbers. They have affected my life in a profound way,
17 and it's for that reason that I've come here to testify
18 today.

19 I'm not here to point a finger at any
20 individual or set of individuals who I feel are
21 responsible for a breakdown in the system of monitoring
22 police officers. Responsibility will be determined by
23 members of this Commission. My primary purpose in
24 testifying today is to air my belief that this City needs
25 a viable, energetic Internal Affairs apparatus that has

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2 the will and the authority to weed out and arrest corrupt
3 officers before they are allowed to taint the entire
4 Police Department, a Department that I was proud to serve
5 for twenty-three years.

6 In closing, I must report that I have received
7 threats of retaliation for my preceding testimony. But
8 outweighing those threats, I've also received
9 overwhelming encouragement from my former colleagues and
10 total strangers alike within the Police Department. I
11 thank them for all their support during difficult time in
12 my life. Thank you.

13 MR. CHAIRMAN: Mr. Wood, on behalf of the
14 people of our City, I want to express our deep gratitude
15 and appreciation for your integrity, for your willingness
16 to come forward and for your courage. Thank you very
17 much.

18 There will be a five minute recess, and then we
19 will resume.

20 (Whereupon a recess was taken)

21 MR. ARMAO: Ready to proceed, Your Honor. Ask,
22 Mr. Chairman, to call the next witness, James Dowd.

23 MR. CHAIRMAN: Mr. Dowd, would you please rise.
24 Raise your right hand. Do you solemnly swear or affirm
25 that the testimony that you're about to give will be the

2 truth, the whole truth, and nothing but the truth, so
3 help you God?

4 MR. DOWD: (no audible response)

5 MR. CHAIRMAN: Please be seated. Thank you.

6 MR. ARMAO: Your Honor, I'd ask Mr. Burns to
7 proceed with the questioning.

8 MR. CHAIRMAN: All right, Mr. Burns.

9 EXAMINATION OF JAMES

10 DOWD BY DAVID BURNS.

11 Q Thank you. Would you please state your
12 full name.

13 A James Dowd.

14 Q Mr. Dowd, just to clarify. Are you in any
15 way related to former police officer Michael Dowd?

16 A Not at all. No.

17 MR. CHAIRMAN: Mr. Dowd, would you please raise
18 your voice or pull the mikes a little closer.

19 A Yes, sir.

20 MR. CHAIRMAN: Go ahead, Mr. Burns.

21 Q Mr. Dowd, are you currently employed?

22 A Yes, I am.

23 Q And where are you employed?

24 A Excuse me?

25 Q Where are you employed?

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A I work for a newspaper distribution company.

Q Prior to your current employment, where were you employed, Mr. Dowd?

A I was a sergeant in the 47 precinct detective squad.

Q With the New York City Police Department?

A That's correct.

Q Are you now retired from the Police Department, Mr. Dowd?

A Yes, I am. I'm retired.

Q And when did you retire?

A I retired in June of 1993, this past summer.

Q And you said your rank at your retirement was sergeant?

A I was a sergeant in the detective squad, correct.

Q Mr. Dowd, could you please give the Commissioners a brief summary of your career with the New York City Police Department?

A I was appointed to the Police Department in November of 1979 where I was assigned to the Midtown North precinct, later assigned to the Bronx, then back to

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2 Manhattan Task Force, then a robbery unit. I was then
3 transferred to the narcotic division in 1983 where I
4 spent three or four years. Then I was into the detective
5 bureau, then I was promoted to sergeant in 1988. I was a
6 detective in the Drug Enforcement Task Force, Bronx
7 Narcotics, Manhattan South Narcotics before being
8 promoted to sergeant. When I was promoted to sergeant, I
9 was put back in uniform. I worked for a year in the
10 Bronx. Then I was transferred back to the detective
11 bureau.

12 Q Mr. Dowd, have you ever received any
13 honors or awards for your service with the Police
14 Department?

15 A Yes. I have twenty or so citations.

16 Q Mr. Dowd, during your tenure with the New
17 York City Police Department did you develop a
18 relationship with a confidential information known to you
19 as Pepe?

20 A Yes, that's correct.

21 Q Could you please tell us about Pepe and
22 how you came to know him?

23 A I first came to know Pepe, I believe, it
24 was late 1983 or '84 when he was arrested in the 50th
25 precinct in the Bronx. I was an investigator at the

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time, and I was asked to debrief this individual after he was arrested.

Q And after his debriefing, he went to work for you as an informant?

A Yeah. During the debriefing he told myself and Lieutenant Wood, who was my supervisor in Bronx Narcotics at the time, that he had quite a bit of information on drug dealing going on in New York City and elsewhere.

Q As an informant, what kinds of cases did Pepe work on for you?

A Well, we started out buying ounces of cocaine in the Bronx, and it lead to kilos and multi-kilos to the point where we did a pretty large case out in Los Angeles, California, and Pasadena where we recovered more than 300 kilos of cocaine and arrested twenty or so individuals.

Q So it would be fair to say that eventually Pepe was working on complex, sophisticated narcotics investigations and operating at the highest levels of the narcotics trade in this country?

A That would be correct, yes.

Q To your knowledge, Mr. Dowd, what other law enforcement agencies did Pepe work for?

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A Pepe worked for the New York City Police Department, the Los Angeles police, Pasadena Police Department, the Drug Enforcement Task Force. I believed he worked in Miami, maybe a couple of other spots, but I'm not sure.

Q In your experience, Mr. Dowd, conducting narcotics investigations, how reliable did you find Pepe to be as an informant?

A Pepe was extremely reliable. I not only investigated the cases that he gave us, I acted as an undercover in quite a few of the high level cases.

Q Mr. Dowd, can you give us an estimate, if you can, of how many individuals you think were arrested as a result of Pepe's work as an informant?

A I would estimate somewhere in the area of 200 or so individuals were arrested because of his cooperation.

Q And could you give us an idea, and I know it's difficult to do this, of the volume of narcotics which you believe were seized as a result of Pepe's work?

A To the best of my knowledge, I would say probably a close to a thousand kilos of cocaine, heroine, some marijuana.

Q Is it fair to say, Mr. Dowd, that in your

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opinion Pepe was an extremely reliable informant, made a substantial contribution in this city's efforts to combat the narcotics trade?

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A He was probably the best informant I saw in the fourteen years I was on the job.

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Q Mr. Dowd, did there come a time in late 1992, when Pepe contacted you with a problem?

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A In early December of 1992, I had received a telephone call from Jim Wood, and he had said to me that there was something wrong with Pepe, that it appeared that he might have been in fear for his life for some reason, and that Pepe wasn't really coming out with the full story. Jimmy, knowing that I had worked with Pepe, thought that maybe I could get the full story from him.

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Pepe then called me, and we actually had a three-way conversation because Pepe's phone was able to do that, and during this conversation, he informed us that a couple of our friends and members of the task force, Drug Enforcement Task Force, had given his four ounces of heroine to sell for him.

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Q Mr. Wood, did you detective Beck at this time?

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A I knew Jeff Beck. I worked with Jeff in

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2 Bronx Narcotics, and I know Jeff socially.

3 Q Did you consider him to be a friend?

4 A Yes, I did. I considered him to be a
5 friend.

6 Q Mr. Dowd, what did Pepe want to do with
7 this information and the four ounces of heroine?

8 A Well, at first he felt bad that he had to
9 come to us knowing that these guys were our friends. He
10 said a couple of times during our conversations that he
11 knew it was difficult, and if we wanted him to forget
12 that the whole thing happened, he would do that. And he
13 would either sell the stuff or give it back to them and
14 just make believe nothing ever happened.

15 But it was beyond that point, and we explained
16 to him that although they were friends of ours, they had
17 taken that one step over the line and comprised not only
18 themselves, but the rest of the Department.

19 Q What happened after this meeting with
20 Pepe?

21 A Well, we had told him -- he had originally
22 wanted to bring the information to the FBI because he
23 felt that because it was New York City detectives that
24 there might have been some sort of inside information
25 given out through the Internal Affairs Bureau or

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Division, whatever it was at that point, and that his identity would be compromised and he may be in some type of danger.

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But because we had an allegiance, as Jim had previously stated, to the Police Department, and because we didn't want the Department to suffer any type of embarrassment, we decided that we had to go to the Internal Affairs Bureau with the information.

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MR. CHAIRMAN: When you're talking about Jim, you're talking about Jim Wood?

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A Jim Wood. Mr. Wood during this conversation had indicated to me that because I was still on the job and was still an active member of the service, that it might be better if he was to bring it to the attention of the Internal Affairs Bureau first because Jim felt that there was a possibility that there would be some sort of harassment from the Internal Affairs Bureau. And at the time I was on a list to retire on a disability retirement, and he didn't want to see anything delay that process, and he basically did me the favor of taking this to one of his old bosses in the Organized Crime Control Bureau.

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Q So Jim Wood originally reached out to the Police Department with this information?

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A That's correct.

Q Did there come a time, Mr. Dowd, when you were contacted by the Internal Affairs Bureau?

A Yes. After Jim had spoken to his contact, I also called him and advised him that I, too, was involved, and I knew the entire situation with the stolen heroine and what was going on. I informed this chief that I was then going to call the Internal Affairs Bureau and let them know what I was doing and about the information that I had. He told me not to, just to wait until Internal Affairs calls me.

I waited a few minutes, I was at my home at the time, and a captain from Internal Affairs called me and spoke to me regarding the case, and he wanted to know what I knew, who told me, and basically to what extent I was involved in the knowledge of this information.

Q Did you offer your services to assist in this investigation, Mr. Dowd?

A During the conversation with this captain, I wanted to give him a good background on the informant, being that I had done some very high level cocaine buys with him. And I felt that as his supervising investigator, it was extremely important that he get every bit of background information not only on the

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individuals that they're investigating, but on the informant himself so that they would become more comfortable working with this individual.

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He really didn't let me get too far. He gave me the impression that he didn't need my help in any way, and he told me that, he sort of cut me short, and he told me that if he needs me, he'll call me which he never did.

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Q Just to clarify, this is a captain from the Internal Affairs Bureau you had this conversation with?

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A That's correct.

Q Soon after this, was it your

understanding, Mr. Dowd, that Pepe was working with the Internal Affairs Bureau on this investigation?

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A Yes. I stayed in contact with Jim Wood, and I stayed in contact with the informant, Pepe, two or three times a week during the course of the investigation.

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Q During these conversations with Pepe while the investigation was ongoing, did he express to you his concerns about how the investigation was being conducted?

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A Right off the bat, he had called me and told me the first meeting they had set up to pick up the money, the Internal Affairs officers had planted an

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observation van in front of his house, and there were cars parked all around his home and that Jeff Beck had picked up on this van immediately.

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Q So Pepe expressed to you some concerns about the operational aspects of this investigation?

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A Yeah. At one point, it was funny, he had called me, and he said these guys, they think they're detectives. They couldn't smoke at a barbecue.

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Q Did Pepe feel that the investigators from the Internal Affairs Bureau had experience in dealing with informants?

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A No. It appeared to him from what he told me that they had never really worked with an informant at this high level type of a case before. He felt that they were treating him badly, that they were sort of turning on him, maybe suggesting that he had done some previous things with these detectives. At one point, he even said to me, he said, you know, you and Jim Wood always treated me with respect and dignity. These people think I'm just some Spic off the street.

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Q This is an inspector in the Police Department and a captain that were conducting this investigation?

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A The captain, I don't know to what extent

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he was involved in it, but he was one of the supervisors that was doing the investigation. Yes, that's correct.

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Q Mr. Dowd, did Pepe ever tell you that he was afraid for his life during the course of this investigation?

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A Several times during the investigation, Pepe had stated that Jeff had told him, Jeff Beck had told him that he knew he was being followed, and he kept hinting to Pepe, trying to find out whether Pepe was involved in this in any manner. At one point, he had a phone conversation with Jeff Beck, and Jeff had told him that he was home at the time. Jeff had lived an hour away from the City, and when Pepe had hung up, about ten minutes later, there was a knock at the door, and who was it, it was Jeff Beck. He wasn't home, and he wasn't an hour away. He was right downstairs on a pay phone.

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And at that point Pepe felt that he had been compromised, and he was afraid for not only his life, but the life of his family, who at the time was asleep in the apartment.

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Q Based on your experience Mr. Dowd, do you think the Internal Affairs Bureau was putting Pepe in danger during the course of this investigation?

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A Well, I think that they were putting him

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2 in danger basically because they were totally unprepared
3 to deal with a case like this. They didn't have the
4 experience to deal with a case like this, they didn't
5 have the right people, and they didn't use all the tools
6 that they should have used.

7 Q Based on your knowledge of this
8 investigation, Mr. Dowd, as told to you by Pepe, as well
9 as your own experience in conducting narcotics
10 investigations, do you have any opinion as to the quality
11 of the work that was done by the Internal Affairs Bureau
12 on this particular investigation?

13 A Well, right from the getco, they were
14 totally unorganized. When you begin an investigation
15 like this or any high level investigation, you don't just
16 jump right into it. You sit down, and you discuss
17 everything there is to discuss. You discuss the
18 backgrounds of the individuals that are involved. You
19 discuss the background of the informant, how reliable is
20 the informant, who has the informant worked for, what has
21 the informant given you over the years, is he credible.
22 And if he is credible, then you treat him as such.

23 They never did any of this. Probably the most
24 ridiculous and serious in my opinion is they made the
25 informant drive to New Jersey, out of state, pick up four

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2 other two occasions, I had called him. Like I said
3 before, I had kept in touch with Pepe and Jim Wood during
4 the investigation because knowing Pepe for so long and
5 doing work with him, I was not going to abandon him at
6 this point and just throw him to the wolves.

7 So I basically acted as an advisor to Pepe, and
8 I told him I was there if he ever felt that he had to
9 talk something out, to call me and let me know what was
10 going on, which he did. During the early stages of the
11 investigation, Pepe had informed me that he was afraid
12 for his life, that the investigators were inexperienced,
13 they didn't know what to do.

14 They didn't know how to clone a beeper which
15 means just to get another beeper, and every call that
16 comes into it will come to the other beeper so they'll
17 know what the number is. They were making him make very
18 important recorded phone calls from public telephones in
19 malls. They were following Jeff Beck, and not what we
20 would call a loose tail in the business, but they were
21 right on top of Beck, and Beck knew what was going on.
22 He saw them in the mirror of his car.

23 And right from the getco, I had explained to
24 this captain that you are dealing with undercover
25 narcotics agents. These people, they are always looking

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2 in their rear view mirror. To this day, unconsciously I
3 still look in my rear view mirror to see who's behind me.
4 But these guys, this was inbred in them. They always did
5 this. And I said to him that it was poor judgment to do
6 that and that I was there if they needed my help, and he
7 did not use it.

8 Q Mr. Dowd, during the course of his working
9 with the Internal Affairs Bureau, did Pepe ever tell you
10 that he had information about other corrupt police
11 officers in a particular precinct in the City?

12 A During one of our conversations, Pepe was
13 describing to me how inept the Internal Affairs
14 investigators were and that he would never give them any
15 additional information. And I said what do you mean
16 additional information? And he said, well, there are
17 other corrupt cops in a precinct in this City that I know
18 for a fact that are not only stealing and selling drugs,
19 but they're providing protection for drug dealers.

20 Well, I finished the conversation with Pepe, I
21 hung up the phone, and I called this captain at IAB, and
22 I told him what Pepe had told me and that if he wanted, I
23 would secure the information from the informant, so he
24 could set up another case. This captain, much to my
25 surprise, told me that they can only handle one thing at

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a time, so let's finish this one, and when we're finished with this one, we'll do something with the other cops.

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Q After this conversation, did this captain from the Internal Affairs Bureau ever contact you regarding trying to develop this additional information?

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A He has never called me back.

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Q Now you're aware, Mr. Dowd, that in March of 1993 the Internal Affairs Bureau did, in fact, arrest Detectives Beck, Tormini, and Investigator Robles, is that correct?

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A Yes, I'm aware of that.

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Q Mr. Dowd, did there come a time after this arrest when you were ordered to appear at the offices of the Internal Affairs Bureau?

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A Yes. The day before I was scheduled to retire, I had gotten a notification to appear at the Internal Affairs Bureau, which was sometime in May.

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Q May of 1993?

A May of 1993.

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Q Did you know why you were being asked to come down to the Internal Affairs Bureau?

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A I had a good idea why I was going down, but I had asked the investigator who was a sergeant why I was coming down, was I coming down as a witness, and I

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was told, yes, I was coming down as a witness. And I asked him, well, in that case, I guess I don't need an attorney. He said, well, if I was you, I would bring an attorney. And at that point, I knew something was up, but I wasn't exactly sure what it was.

Q What occurred when you actually went down to this meeting at the Internal Affairs Bureau?

A I had gone down that afternoon, but I left my home which is quite a distance from the City, and I drove about an hour and a half. I had to go to Queens and then back down to New York. I got to the Internal Affairs office, and I requested to use their men's room, at which time the sergeant at the time became very fidgety and nervous and ran into another office and came back out and said my bosses say you can't use our bathroom.

And I said what's the problem here? I looked at my I.D. card, and I said my I.D. card says I'm a sergeant in the New York City Police Department. You are a sergeant in the New York City Police Department, and you're saying I cannot use your bathroom. He said, well, that's what my supervisors say. I said, well, where am I supposed to go? He said, well, there's restaurants down in the street. Why don't you go find a restaurant and go

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to the bathroom down there?

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At that point, I knew something was up. I didn't know what it was, but I knew something was going on.

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Q What occurred after this at the Internal Affairs Bureau?

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A A short time later my attorney had arrived from the Sergeant's Benevolent Association. We were brought into a little room where a tape recorder was set up, and a lieutenant and a sergeant began to ask me questions. One of the first questions was how did I know this informant, where I had worked, when I worked with him.

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Then they started asking me isn't it true that you had an underground sprinkler system installed by this informant for free, and I sort of laughed and I said, well, if you can find an underground sprinkler system at my house, I'll pay you for it because I don't have an underground sprinkler system. I never did, I'd like to have one, but I don't have one.

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He then said isn't it true that you accepted graft, money from this informant? Did you ever see Jim Wood accept money from this informant? Did this informant ever buy you a ladies' and men's gold Rolex

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watch? And he went on with these questions.

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At the time I was upset because I don't know where they could have come up with these things, and I asked him, I said where did you get these allegations. Did they come from Beck? I was entitled to know where these allegations were coming from, and according to Police Department procedure, from what I understand it, I was entitled to that information, and when I requested it, it was not given to me. But it was obvious where it was coming from. It had come from Beck and Tormini and these other guys that were spilling their guts trying to get out of what they were already in.

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Q Mr. Dowd, had it become clear to you that yourself and Jim Wood had become targets of the Internal Affairs Bureau investigation?

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A It was evident at that time, yes, that myself and Lieutenant Wood were targets of this investigation all of a sudden. I think it appeared to me that IAB was trying to cover their tracks because they knew [tape change].

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COMMISSIONER BAER: Is it fair to say that when you had this telephone call inviting you down and the conversation got to whether or not what your role was, that the appropriate response from what happened when you

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got there was that you were a target rather than a witness or did witness give you enough information?

A When I got down there, it was pretty apparent that -- the word isn't target, it's more subject of the investigation, that, yes, we were a subject of the investigation.

COMMISSIONER BAER: And I guess my question is whether or not that's not the way it should have been conveyed to you on the telephone as adverse to witness?

A Correct. When these notifications are made, they are normally made through the precinct in a diary. Then the precinct will notify you which they did. I called this investigator and let him know, hey, tomorrow's my last day. I would like to come down the day before, and he said no problem. And at that time, I had asked him exactly what the course of questioning was going to be, what is the problem. Am I a witness or am I a subject? And at that time, he had told me you're a witness, just come on down, there shouldn't be any problems.

COMMISSIONER BAER: And when you came, it was fairly clear quite quickly that you were, in fact, the target?

A That's correct.

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Q Mr. Dowd, was there any truth to the allegations made against you that day?

A Absolutely no truth.

Q Mr. Dowd, you knew Jeff Beck and Joe Tormini personally, didn't you?

A Yes, I did.

Q And you considered them friends?

A Yes, I did. I considered them friends.

Q And when you found out they were selling heroine, you turned them into the New York City Police Department, isn't that correct?

A Yes, I did.

Q And you offered your assistance to the Police Department in conducting an investigation of their activities, isn't that correct?

A That is correct.

A After all this, what did the Police Department do to you, Mr. Dowd?

Q They turned on me. They made me feel that I was a criminal myself. In my fourteen years on this job, I have never had an allegation of corruption or misconduct against me, and that the day before I retire, they hit me with this, it's a slap in the face.

A Given this experience, Mr. Dowd, what

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message do you think the Police Department is sending to honest police officers such as yourself who report corruption?

Q I think the basic message is that if you have information, you better find somebody that's competent and willing to do the right thing with it. And obviously, the Internal Affairs Bureau is incapable of doing that.

A Mr. Dowd, earlier this week, this Commission heard testimony from several former police officers. These former officers characterized honest officers who report corruption as rats. Mr. Dowd, do you consider yourself to be a rat?

Q Well, I think in this City and in this Police Department the word rat takes on many different definitions. If I happen to fit into Michael Dowd's definition of the word rat, then I take that as a compliment, and I'll accept that label, and I'll wear it as a badge of honor.

There are a couple of other things that have disturbed me more than being called a rat by Michael Dowd. One of the things that really bothers me is how easily the press and the people in this City look at cops like myself and Jim Wood as exceptions to the norm. We

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are exceptions to the norm, we are the norm. The exceptions are the low lifes like Michael Dowd, Bernie Cawley, and the drug dealers, the criminals that call themselves cops.

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What also bothers me is this fascination with this code of silence, this alleged Blue Wall of Silence. It's not a Blue Wall of Silence. It's a Blue Wall of Reluctance. When the police officers of this Department have to turn to an agency like the Internal Affairs Bureau that is filled with incompetence in experience, arrogance, and corruption of their own, where does that leave our cops? That leaves them out in the cold, and it's important that the people of this City and the Commission understand this.

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The other thing which bothers me is the fact of the us against them attitude that the press has picked up on this past week, and that all the naysayers like Norman Siegel and Eric Adams like to jump on. Us against them, maybe sometimes we have reason to believe that. When disrespect and disregard for police come from the highest rung of politics in this City right from City Hall as evidenced in Washington Heights couple of years ago, where the Mayor runs to the aid of a drug dealing, gun toting low life and he villainizes Police Office O'Keefe

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2 for doing everything he could to protect himself. Maybe
3 we have reason to believe that,

4 One other thing. We may be looked upon as
5 heroes. Joseph Tromboli is a good cop. He did his job,
6 he did a good job, and he was treated terribly. But he
7 is no hero, nor am I or Jim Wood. We are paid to do this
8 job, and we do it to the best of our ability. The heroes
9 of this City are not sitting in this room. The heroes of
10 this City are riding around in those blue and white cars,
11 and the heroes of this City are out there knocking doors
12 down at this minute, being shot at and beat up and
13 knifed. Those are the heroes of this City.

14 And until we come to recognize this fact, this
15 City and this Police Department will continue to
16 flounder. We have to acknowledge that our police
17 officers are the best in the world. Thank you.

18 Q I have no further questions of this
19 witness.

20 MR. CHAIRMAN: Mr. Dowd, as I said to Mr. Wood,
21 this City, the people of this City owe you an enormous
22 debt of gratitude and appreciation for your integrity,
23 your forthrightness, your courage. I must disagree with
24 you in only one respect. Whether you wish to accept it
25 or not, you and Mr. Wood and Sergeant Tromboli are true

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heroes. I don't think there's any higher form of heroism than moral courage, and you've manifested it. Thank you very much.

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A Thank you.

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MR. CHAIRMAN: We'll take a ten minute break now.

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(Whereupon a recess was taken.)

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MR. ARMAO: You Honor, I ask the Commission to call the next witness, Lieutenant Robert McKenna.

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MR. CHAIRMAN: Lieutenant McKenna, please rise, raise your right hand. Do you solemnly swear that the testimony you're about to give will be the truth, the whole truth, and nothing by the truth, so help you God?

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MR. McKENNA: I do.

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MR. CHAIRMAN: Thank you. Please be seated.

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MR. ARMAO: Your Honor, the questioning will be conducted by Leslie Cornfeld.

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MR. CHAIRMAN: Miss Cornfeld, proceed please.

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EXAMINATION OF ROBERT

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McKENNA BY LESLIE CORNFELD

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Q Can you please state your name for the record?

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A Robert McKenna.

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Q Are you currently a member of the New York

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2 City Police Department?

3 A Yes, I am.

4 Q What is your rank?

5 A Lieutenant.

6 Q How long have you been a member of the
7 Department?

8 A Nineteen years four months.

9 Q Can you tell us briefly about where you've
10 served in the Department?11 A After the academy, I had commands in
12 Manhattan South, the 6th, the 9th, the 10th, the 13th
13 precincts. In Brooklyn South I had commands in the 60,
14 63, 70, 71, and 72 precincts.15 Q Can you tell the Commissioners about any
16 honors or distinctions that you've received for your
17 services as a New York police officer?18 A I've received four commendations and one
19 community service commendation. I've received eight of
20 these medals for various bribery arrests throughout my
21 career.22 Q Are you testifying here pursuant to a
23 subpoena today?

24 A Yes. I've received last night.

25 Q Do you understand the questions that we

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will ask you require that you testify about your personal knowledge of police corruption in the Department?

A Yes, I do.

Q Do you understand that the questions will require that you testify about the Department's commitment to uncovering and preventing corruption?

A Yes, I do.

Q Will that be difficult for you, Lieutenant?

A Yes, I will be difficult, but I'm really proud to be here, proud to represent the many thousands of good cops that are out there, the cops that have been beaten by the press and everything else the last few days.

Q Are you ready to proceed?

A Yes.

Q Based on your personal knowledge and experiences, how serious a problem is police corruption in the Department today?

A It's bordering a crisis situation. It's a really potentially dangerous problem that we have now.

Q Have you been following the testimony these past few days at these hearings?

A Yes, I have.

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Q Does the testimony accord with your understanding of the nature and the extent of corruption today?

A Yes, it has.

Q Can you describe to the Commissioner's your understanding of the nature of corruption today?

A The large amount of drug use, the monies that go along with drug use, the weapons that are associated with drug use are really, really extensive in certain precincts.

Q And what do you base that on, Lieutenant?

A My knowledge. I've supervised any where between 6,000 to 8,000 police officers throughout my career.

Q We've had testimony about the personal use of narcotics. What is your knowledge about the problem of drug use in the Department today?

A I really think it's very severe. It really is a serious problem that we do have.

Q And what's the basis of that conclusion?

A My conversations with other police officers, with other supervisors throughout the City, people in the health care, in particular, the people in alcohol rehabilitation where they tell me that the people

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that are going there, the cops that are going there are actually cocaine addicted. And they're actually telling me straight out, not only myself, other lieutenants and their families and other sergeants, and they're saying that you don't realize how serious a problem that you have the Department.

Q Lieutenant, what's the logic of sending a police officer with a narcotics problem to an alcohol rehabilitation clinic?

A There is no logic. Absolutely none.

Q And what's the consequence of that?

A They come back the same as they left, addicted to cocaine. .

COMMISSIONER BAER: Was there a reason why it's done, as it was done with Dowd?

A I guess they really don't want to face the problem with the officer. They want to give it a chance to move away and say, okay, we'll puff it away, we'll give him thirty days, and he'll come back all clean and nice and shiny, and that's not the case. He's still the tarnished brass he went up there.

Q Lieutenant, how does police corruption affect the reputation of you and other honest cops in the community today?

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2 A The concept of community policing, the
3 cops have to go out there, and they have to work with the
4 community. We have to work together. What happens now
5 is when they look and they see corruption, they see it
6 festering, the people say -- and they look at the
7 prevailing drug problems in their neighborhoods -- and
8 they say, no, they got to be on the take. So what they
9 do is they take a step back, they're not that helpful any
10 more, they don't give us the information that we need to
11 fight the crime, the drugs, and everything else. So they
12 pull back, and we can't do our job to help them to clean
13 up their neighborhoods.

14 We have to work together as police in the
15 community. It's really, really important that we work
16 together, and if they pull away from us, we can't do our
17 job.

18 Q And so what are you saying about who the
19 victims of police corruption are?

20 A It's the good police officers, and it's
21 also the community themselves.

22 Q I'd like to turn now to how the honest
23 cops react to this corruption around them. Do the honest
24 cops typically know about the extent of corruption in
25 their commands?

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A Yes.

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Q And do they typically turn in a report of

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corruption around them?

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A No.

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Q And why is that?

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A It's a subconscious fear. It's also a

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fear of the drug dealers themselves, the bad cops,

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because the bad cops do have access to their home

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addresses. They've seen the wives and kids of the cops.

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The cops fear that something can happen to the kids. But

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it's also the subconscious reaction.

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Cops come on the job, they come on with this

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ideal attitude that other cops can't do anything wrong,

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that they're good, everyone wants to go out and fight

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crime. And when they see the guys in blue that are bad

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and they look at themselves and they say maybe I can go

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bad too, and I don't want that to happen. So if I block

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it off, if I turn it away, maybe it won't happen to me.

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Q But you're saying that they're aware of

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the corruption around them?

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A Yes.

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Q Do the honest cops feel threatened by the

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corruption around them?

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A Yes.

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Q And you said before that it hampers their ability to carry out their jobs?

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A It does, yes.

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Q And despite that, even the honest cops, you're saying, remain silent?

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A Yes. At times, yes.

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Q How far does the silence extend? How do even the honest cops react when they're questioned, for example, by IAD or by law enforcement authorities?

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A They find the easiest answer. Sometimes it could be I didn't see, because we can't tell what a person sees. I didn't hear it. They can say that they were there, but they didn't see what happened? It's just an easy out to protect their self.

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Q Did they ever go so far as to commit perjury to cover for corruption around them? I know it's a difficult question.

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A Yeah. I believe they could have, yes.

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Q Do you have any personal experience or knowledge of even honest cops committing perjury to cover for corruption around them?

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A A few times, yes.

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Q What is the consequence of breaking this silence?

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A The cops are ostracized at times. They're held away, they're pushed away off to the side. They're kept away from the rest of the group. I could almost say it'd be like the effects of having a divorce. You're separated from your family. You're alone over here. Your family, the cops, are over there.

You have to understand, cops are social human beings. They have to belong. They want to belong with the group. They go out together, they eat together, they go out with families, parties. And now he's ostracized, now he's taken away, and he has to be by himself. You know, it's really scared because what that leads to is you got the bad cops just sitting in the wings just waiting for him to come over and be accepted, and he just slowly, slowly drifts away right over into their arms.

Q We've heard testimony over the past few days that corrupt cops believe they were able to get away with the career of corruption on the job because even the honest cops were silent. Do you agree with that?

A I believe it a lot that they feel that they got away. What they do is they work on the cops' inner feeling. They work and they say, hey, if you rat on anybody, you're going to be called a rat, you're going to be called a rat. And they work on the feelings of the

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good cops because they know the good cops are afraid, they don't want to get involved, and also the good cops are caught in a Catch 22 situation.

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Because if the good cop interferes, or even a sergeant or a supervisor interferes with that officer or disciplines him, calls him away, he may interfere with an investigation. If he interferes with that investigation, what happens is then the Internal Affairs turns on that supervisor and goes after him or her.

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Q What about supervisors? You've been a supervisor now for ten years in the Department, is that correct?

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A Yes.

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Q We've heard testimony over the past few days that some supervisors close their eyes to the corruption in their commands. Based on your personal experience as a supervisor, does this sometimes happen?

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A Yes, it does sometimes happen. Sergeants or supervisors don't want to get involved, basically just don't want to get involved.

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Q Why is that? Why is that even supervisors would close their eyes? What's the motive?

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A Some are politically motivated. It could be a career hampering move. In fact, corruption could be

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2 uncovered in certain commands. Instead of taking the
3 look of, hey, you uncovered corruption in your command,
4 we're going to reward you, it's more of, you uncover or
5 there is corruption in your command, well, you must have
6 had some problem or you weren't doing your job, so we're
7 going to hammer you, we're going to keep you in your spot
8 for long, long time. So what do they do? They just
9 shove it off to the side. Hopefully, they'll get
10 promoted or transferred, and they leave.

11 Q Isn't there a concern though that if their
12 reputations are going to be harmed if they would try to
13 get rid of this corruption?

14 A Oh, in that case, what they do is they
15 just transfer the cop in question.

16 Q Based on your experience, is that done?

17 A Yes.

18 Q And where are these cops typically
19 transferred to?

20 A Usually to a high crime precinct. Usually
21 those high crime precincts are the ones that usually have
22 a large drug problem.

23 Q And what's the consequence of transferring
24 cops with corruption problems to high crime precincts?

25 A It'd be like putting turf builder on

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2 grass. It just helps it grow. So it makes that cop even
3 worse.

4 Q So why is it done?

5 A I don't know, but it's been done over and
6 over and over again.

7 Q I'd like to step back a moment to when you
8 were first appointed to the New York City Police
9 Department in 1974. What was your understanding about
10 the extent of police corruption in your early years on
11 the job?

12 A When I came on, it was just a couple of
13 years after the Knapp Commission, and we had gone through
14 extensive training in the academy about the corruption
15 and its downfalls. So when we came out into the command,
16 we believed that there was no corruption at all. It was
17 almost as though you were on the plains, and there was a
18 massive fire, and everything was decimated, and there was
19 nothing there. So we believed that actually corruption
20 through the Knapp Commission was gone. There was none
21 around at all.

22 Q Was there any training that you received
23 at that time?

24 A Extensive training in the academy,
25 constantly.

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Q And what impact did that have?

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A Oh, it was a strong impact. We went out with the feeling that hey, we're going to go out there, we're going to do a good job. There's no corruption. It's great. The field is open for us, we can go out there, so we can do a good job.

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Q How much contact do you have with rookie cops today?

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A As the special operations lieutenant, I oversee their unit.

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Q And does the same attitude that you just expressed after the Knapp Commission exist among rookie cops and young cops today?

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A No.

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Q And what do you base that on?

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A My knowledge of their training and their experiences. I ride with them, I get their feeling of what's going on. The other day, actually it was, what, two months ago, I was riding around the precinct with some guys in the car -- that was right after the newspapers came up with the different stories on corruption -- and I just wanted to get the cops' perspective on what was going on, what their feelings of the depth of corruption was on the streets. And then I

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started realizing that there was various stages of denial.

So then I gave them a story of how corruption impacted on me, and then when I saw them, they were sitting in the car, not sort of like daydreaming, but they were actually thinking about what I said, and I really thought that was good. It was really good. So obviously, they're not getting the full force that I got when I was in the academy.

Q What impact do you think that these hearings will have on those police officers?

A Well, I'm really hopeful that they can see what's going on, see what we saw as rookies. We saw the cops getting taken away in handcuffs. We saw the cops testifying that they're going to do X amount of years because there was twenty years when that really wasn't displayed and shown. It wasn't taken serious. Now with these hearings, hopefully, they'll take it serious. Not have that denial and say, hey, we could get locked up if we do this.

Q I want to go back again to your early days on the job. Did you hear about corruption at all in those days?

A No, not at all. As rookies cops, they

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never even let us around. My foot post was so far out in the far reaches of the command, I had to take two buses to get there. Basically, I had to do a commute to my own foot post.

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Q And why were you sent to the far reaches of the command?

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A Well, I thought that's where they wanted me to stay. I thought that's was the important area for me to be.

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Q And now what do you think looking back?

A Nah. They wanted me as far away from them as possible.

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Q Why?

A Obvious. They were doing something that they didn't want me to see.

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Q At the time you didn't know that.

A No, we believed that it was gone. We believed that everything was gone. Everything was absolutely gone.

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Q You mentioned before a sense of denial. Was that sense of denial the reason that you didn't see the corruption even then?

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A Yeah. Well, part of it is you come out of the academy, hey, it's gone. There's nothing there.

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2 It's great. The cops are back to being good cops.
3 They're out there, then as a rookie cops -- especially as
4 a rookie cop because you have all these beliefs. All of
5 a sudden now you look at it and say, mmm, now thinking
6 back, you say, maybe, you're looking at it you're saying,
7 maybe I did sort of deny anything, by saying if I
8 believed it then, then maybe I could become corrupt, and
9 I didn't want to do it. It's just a form of denial that
10 we have.

11 Q And the denial you're saying is based upon
12 a fear that if he or she could do it, then maybe I'll be
13 there one day?

14 A Yes.

15 Q Obviously, your perceptions of a
16 corruption-free Department didn't last long based upon
17 your earlier testimony. When did your perceptions about
18 corruption on the job change, Lieutenant?

19 A I was in the 9th precinct in a narcotics
20 team. We were having a tactics meeting in the back room.
21 We were deciding, we had just received information from
22 an informant that two kilos of heroine were going to be
23 sold at a location. So in the back room we're deciding
24 which group would go in the back of the building, who's
25 going to go up the roof, I was going to be with the

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sergeant, we were going to take the front.

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But you have to understand, this was prior to having the vest, and we were going in with out little off duty 38's.

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So we're in the back discussing what we're going to do, and a cop walks into the back, a uniformed cop named Frenchie, and he says, hey, guys, what's going on. We tell him, hey, we're doing a raid on Second Street in a little while. He says, well, if you need me, I have the sector. I'll give you backup. We said great, we can all use uniform backup. It's great.

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When we go to the location, as we're pulling up the block, I told the sergeant, hey, sarge, you better watch out. All the people that are normally in that building are outside. We go in, we hit the building. We couldn't even find a glassine inside. So we come back, we lick out wounds. We were really annoyed. It was a total bust. So we went back, we did something else somewhere else.

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About a month later we were doing an observation, buys, sales, which means that we go out, on rooftops, watch people buy. We pick up the customers, then we pick up the dealer. We watched this one guy buy, he jumped in a cab, we stopped him. He still had the

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eight tins of cocaine in his hand.

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So when we grab him, we place him under arrest, he tells us I'm a lawyer, I can't take a hit. So we say that's okay. What are you going to do for us? He says, look, I'll tell you about the drug operations. And we said fine, no problem, let's go down to Manhattan South Narcotics. We'll register you as an informant.

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We bring him down to Manhattan South Narcotics, we sit him down at the table, and the first thing I do is say do you know any cops on the take, and he says Frenchie. And I went wait a minute, Frenchie was in our room, that's when we did the hit. I said that to myself. The lawyer looks at me straight in the eyes, and he says you did a raid on Second Street last month. He says there were two kilos being sold. Frenchie pulled up five minutes before you were there. He was paid \$5,000 by the drug dealers for the information. So I asked him how did you know, and he says I was standing right next to French when he got the money.

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Q How did you react --

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MR. CHAIRMAN: Approximately when did those incidents occur?

24

A That was back in 1980.

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Q How did you react to that situation?

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A I wanted to rip his face off.

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Q And what happened to Frenchie? Was he promptly removed from the Department?

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A No. Nothing. He was back on patrol, riding around in his sector car. Even though we made the notifications to Internal Affairs, nothing happened.

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Q What was he doing when he went back?

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A Well, we had set up another operation in another area of the precinct, and I'm up in an observation post watching the dealer on the street. We had already picked up one buyer, and we were waiting for a second buyer to solidify the case. Up comes Frenchie in his radio car, gets out, grabs the guy, brings him into the building, comes back out about five minutes later, and takes off.

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So we go down, arrest the dealer, and as we grab a hold of his stash, we say, come on, where's your money, come on, we know where your money is. He says, no, Frenchie took it. So I told my boss, my boss said he's going to notify IAD.

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Q Was Frenchie living the lifestyle of a typical New York City cop?

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A No. He had a huge house, nice car, the best of clothes. He'd walk into the station house, I'd

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be in jeans and sneaker, and I'd look at him and say
what's wrong with this picture. We make the same salary.

Q Was it clear to you and the other police
officers what he was doing each day on the job?

A Yes.

Q The Commissioners looked into this
incident, Lieutenant, and we've learned that despite how
notorious Frenchie was, that there were a total of two
corruption complaints that were ever filed against him
with the Internal Affairs Division. Why would that be?

A I don't know. We told the boss, and the
boss was supposed to make the notification. We did what
we were supposed to do.

Q Why would it be that the other police
officers who saw Frenchie each day weren't reporting this
to the Internal Affairs Division?

A Well, obviously, they had know about us
telling Internal Affairs, and they must have looked and
said, well, if Frenchie's walking out there, still out
there after they make the notification to Internal
Affairs, what's the use, why bother. Why should I be
labeled that label?

Q And what's that label that you're
referring to?

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A I hate using a word that Dowd used, but if you want to use it, it's the word rat. I just hate using that word.

Q Why do you hate using that word?

A Because I prefer the word cheese eater. It's a little softer.

Q Did you, who said before that you could have been killed because of Frenchie, continue to make reports to IAD about the acts he was carrying out in your precinct?

A No. I made the two. I felt that was sufficient and let them run with the ball if they had to. I'll leave it up to them and let hold the ball.

Q And why was it that even you didn't continue to make reports of corruption and the acts of this corrupt police officer to the Department?

A You just give up. You just say I've had it. If I do it and I've done it and they're not doing anything, then why bother.

Q And based on your personal knowledge, is that the attitude shared by other police officers on the job today?

A Yes.

Q What finally happened to this police

1
2 officer, Lieutenant?

3 A Frenchie had received a radio run with
4 another officer who had worked with me for a long time,
5 and they had gone into a building on a dispute. They saw
6 some of the people arguing in the hallway, and one of
7 them ran into an apartment. Frenchie kicked in the door
8 to the apartment, and the other officer with Frenchie
9 observed a quantity of drugs and money on a table.
10 Frenchie told the other officer to go to the roof to see
11 if anybody was up on the roof. When the officer came
12 back down the stairs, there was no money, just the drugs.

13 I know because Frenchie that night was bragging
14 to me that he made his big score. He showed me all the
15 drugs. I hated Frenchie so much I didn't even care. And
16 even though everyone knew that it was great when a cop
17 made a collar, I just didn't want to talk to Frenchie.

18 So about six months later, Frenchie was going
19 to trial, or maybe sometime afterwards, Frenchie was
20 going to trial. And the other officer gave me a call --
21 I was on trial also -- and he said look, he says Frenchie
22 wants me to tell them that I didn't see the money, and I
23 told him just tell the truth. Tell them if you saw the
24 money, you saw the money. Tell them the truth. Don't
25 lie for Frenchie. He's going to pull you down. He's a

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desperate man, he's going to pull you down. So the officer went back, told the truth, and Frenchie was subsequently convicted.

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Q And what was the impact of this officer testifying against another police officer at trial?

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A He was ostracized, and he went the other way. He wound up using crack. He was fired from the job. Then he wound up selling. He decided to go to rehab, and he's working as a counsellor now.

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Q Why would this have been a consequence of testifying against a corrupt police officer?

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A There was no support for the officer. No one to say you did a good job, you did the right thing. But, in fact, the other officers, the corrupt officers, as I said before, were waiting in the wings. This officer being ostracized had no where to go, being that he is a social being, and he went off to the wrong group.

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Q Was there a union delegate in your precinct at this time?

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A Yes.

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Q What was the union delegate encouraging this police officer to do when he was deciding whether or not he should testify against a corrupt police officer?

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A He told him don't rat on a cop.

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Q Even though the cop was a criminal?

A Yes. And I told him that he was an idiot, that he was wrong, and he said, no, Frenchie's still a cop. I said, no, he's a thief, he's not a cop.

Q Lieutenant, this incident occurred almost ten years ago. Do you think that these same attitudes about corruption exist today?

A In places, yes. Yes.

Q Was Frenchie associated with any other 9th precinct officer that we've heard testimony about in these hearings?

A Yes. He was associated with Al Brown.

Q How was he associated with Alan Brown?

A They were partners.

Q You aware of whether police officer Brown was ever arrested?

A Yes, he was.

Q At around the time of his arrest, do you know whether there were other police officers in the 9th precinct who were associated with Alan Brown?

A Yes.

Q Do you know whether the group of officers was also engaging in corrupt activities?

A Yes.

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Q How do you know that?

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Q Did you come to any conclusions about why that other group of cops were never apprehended?

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A Well, I would say that they weren't being investigated properly. And if there were complaints, because I know, I told my supervisor about Al Brown, so I felt that it should have been investigated from at least the time when I said something.

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Q Did you come to any conclusions about why those police officers, group of police officers were not apprehended?

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A What I said was not followed through.

Q What about more generally? Was there any other reason that you know?

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A No. Just that if they were doing an investigation, they weren't doing an investigation.

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Q You testified before the Commission in the past that there was a concern about scandal. Do you recollect that?

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A Yes.

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Q Is that consistent with your recollection?

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A Well, if using that, then I would say that

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it was kept under the rug for the fact that they were

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worried about a scandal in the 9th precinct.

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Q I'd like to know turn to your experience

7

as a supervisor in the New York City Police Department.

8

You've been a supervisor for ten years, is that correct?

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A Yes.

10

Q How important is the role of supervision

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in preventing or uncovering corruption?

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A First line supervision is the most

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important tool that we have in preventing corruption in

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the Department. The sergeant works with his men every

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day. He's close with them. He gets the information from

16

them if necessary. A good strong supervisor is extremely

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important in fighting corruption.

18

Q And are all supervisors in the Department

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doing that today?

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A No. No.

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Q And why would that be?

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A Some don't want to get involved. Some are

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politically motivated as I said before. Others just want

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to go along with their career. If it doesn't bother

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them, it doesn't affect them, just leave it alone. Don't

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upset the apple cart.

Q And where would that message or incentive come from, not to upset the apple cart?

A Well, usually the supervisors.

Q And by not upsetting the apple cart, you mean what exactly?

A Don't make any waves, don't get any undue attention to the command. Just sort of leave it alone.

Q Even at the expense of leaving corruption alone?

A At times, yes.

Q As a supervisor -- let me ask you this. How would you describe yourself as a supervisor on the job?

A Strong, forceful.

Q In the area of corruption. And what's the basis for that?

A I'm not afraid to take disciplinary action against subordinates if need be. I've given command disciplines to sergeants. I've given cops below standard ratings on their evaluations. I've had to recommend that police officers take the Dole test, to be fired, because I felt that they were using drugs.

Q And what has been the consequence to you

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of being a strict supervisor in your precinct?

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A Sometimes you wind up with your tires getting slashed, paint getting scraped on the car, mail not being delivered, messages from home not being given, messages from other people not being received, notes in your mailbox.

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Q And, Lieutenant, as a supervisor, have you ever felt pressured from superior officers not to uncover or report corruption in your command?

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A Yes.

Q And how was that pressure or message

communicated to you?

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A Threats -- threats of transfer, threats of disciplinary action, changes in tours so that you have to work the undesirable tours. Minor, subtle things that let you know that they don't like what you're doing.

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Q And what's the consequence of that in the Department today?

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A Well, it enables the cop when he's out there to look at a supervisor, to whom he's supposed to look for help, and not be able to get the help that he wants and that the doors going to be closing to the cops that are looking for help.

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Q Lieutenant, during your ten years as a

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supervisor on the job, has IAD ever come to you as a supervisor and asked about information on police corruption?

A No.

Q As a supervisor on the job, has IAD made any effort to encourage you to contact them with information that you might have about corruption?

A No.

Q So what are you saying then? Has there been any meaningful effort by the Department to counteract the pressure on police officers and supervisors to remain silent?

A None. Absolutely none.

Q Lieutenant, how much contact have you had with the Internal Affairs Division over the years?

A I've had a few contacts. I had one where my partner and I were on patrol. We stopped a car -- well, actually, we just went up behind the car because it was illegally parked, and he had a box full of jewelry inside, and he had a jeweler's eyepiece, and he was thumbing through the jewelry. So I asked him whose it was, he said it was his friend's. I said okay, I waited for his friend to come. His friend said someone gave it to him.

1
2 So we went back to the precinct to check out
3 the information, and it wound up that that jewelry was
4 taken in a burglary from New Jersey three hours prior.
5 So during the investigation with the car, I found out
6 that the car was stolen and that when the car was stolen,
7 the owner reported that, someone reported that the car
8 was recovered. The owner comes back a few days later and
9 says, no, in fact, my car was not recovered.

10 During that time period, when the woman comes
11 back and says my car wasn't recovered, about there weeks
12 later, the alarm is finally put on the car. In that
13 time, the car is then registered out in New Jersey.

14 We felt there was something, there might be
15 some collusion with that dealings with the car. Also, I
16 call him the fence, the fence told us, he says cops in my
17 precinct use my car to go skying. We, again, felt that
18 there should be an investigation by Internal Affairs. So
19 I called up Internal Affairs, and I gave them all the
20 information that I possibly had.

21 About six months later, we're going to trial.
22 The district attorney asked me to call up the IAD
23 investigator and to find out the status of the case. I
24 call up the investigator, and the investigator says to
25 me, well, you didn't seem too enthused, so we didn't do

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anything with the case. And I said excuse me, I just risked everything I had to give you the information to be called a rat out there, and you're telling me because I wasn't enthused that you're not going to investigate it. I just slammed the phone down. I was totally annoyed.

Q Lieutenant, how often are members of the Department enthusiastic --

[tape change]

-- corruption, how many allegations of corruption would be investigated?

A Absolutely none.

Q And what message did that send to you and other police officers on the job?

A Either you have to be the most persistent son of a gun or you're not going to get anything done.

Q And what was your conclusion after that and other episodes that you refer to about the Department's commitment to preventing and uncovering the full extent of the corruption?

A I don't think it's absolute. I don't think it's complete. I think there are a lot of holes in that commitment.

Q And why is that?

A Because of the fact that there's not that

1 much training as I received as a rookie. My experiences
2 with Internal Affairs, the lack of investigation, the
3 lack of investigating a Frenchie situation. You come
4 everything together, and you come up with a piece of
5 Swiss cheese.
6

7 Q Is there any recommendation that you can
8 make to the Commission about how this situation could be
9 improved in the future? How the commitment could be even
10 stronger?

11 A I honestly think that you need a non-
12 political oversight committee just to give Internal
13 Affairs the nudge, the nudge that they need to make sure
14 that they're doing what they have to do. And to be
15 innovative, I think you should put a cop on that
16 committee, at least someone on the committee would know
17 what the hell's going on out there.

18 Q Lieutenant, one final question at this
19 point. What does it mean to honest cops like you when
20 your Department is less than fully committed to
21 uncovering the full extent of corruption?

22 A It makes it very difficult for us to do
23 our job. We have to work with the community, but the
24 community looks around, they see the persistent drug
25 problems. They say it has to be that the cops are

1 corrupt. Good cops make fantastic collars. They go down
2 to court, they tell the ADA the story, and the ADA wants
3 corroborating evidence by a civilian witness. And the
4 cop's saying you don't believe me? I'm a uniformed cop,
5 I need a witness? Then you have judges who look at us
6 with diminished respect. Juries, we can't get a
7 conviction with juries based on a police officer's
8 statement.
9

10 But you know what hurts the cop? It hurts the
11 cop personally. It hurts the cop when he goes to a
12 party, a family function, and he's talking about the good
13 arrest he made, the amount of drugs that he's taken off
14 the street. Invariably, someone behind his back says,
15 yeah, come on, tell us how much was really there. Nah,
16 you can be honest with us. And a cop cringes, and his
17 stomach tightens.

18 Or you get the cop who decides he wants to buy
19 a new car for his wife to pick up the kids from school
20 because the other one's falling apart. Now he works a
21 little overtime to get the down payment, and he knows
22 that the payments are going to be a little tight, but
23 they do it. And he's driving down the street because
24 he's real happy that he's got his new car. Jealous
25 neighbor yells across the street, yeah, and how many pay

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offs did it take to get that one. And his stomach tightens, and it really, really hurts.

But you know what really hurts? It's when he goes to pick up his kids from school, because parents talk, kids listen, they're at school, they talk among themselves. Little kid comes in, he sits in the back seat, he's got bright eyes, and he looks at his Daddy, says, Daddy, do you steal money. The cop's stomach tightens. Some cops cry silently. Others just wish it was a bad dream, and it'll all go away.

But you know what? The good cops do get a chance to smile. They smile when they find out that a bad cop gets arrested finally. They can't smile outwardly because that's still taboo, so they smile inwardly. Then a cop goes to work, goes down to his locker, he puts his uniform on, takes a step back, smiles with the biggest smile he can absolutely have because he knows that he is one of the good cops in the greatest Police Department in the world.

Q Lieutenant, I have no further questions at this point.

MR. CHAIRMAN: Lieutenant, again, on behalf of the people of our City, I want to thank you for your willingness to come forward and for being a good cop, a

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good sergeant, a good lieutenant. Good luck to you.
Thank you.

A Thank you, sir. But I would appreciate it
if the people would thank the cops out on patrol.
They're taking the full brunt of this, sir. I think the
people should show them, to reassure them, to give them
the support and give them the thank yous when they're out
there because without that, they're going to be separate.
They need the people to support them and let them know.
Go thank the cop when he does something.

MR. CHAIRMAN: Thank you.

Q Thank you.

A Thank you.

MR. CHAIRMAN: We will now recess these
hearings until 9:30 Monday morning.

(Whereupon the hearing was adjourned to October
4, 1993, at 9:30 a.m.)

I DO HEREBY CERTIFY:

THAT I was present at the above proceeding and made verbatim record of everything spoken except as directed by the Chairman presiding.

THAT the foregoing pages are a true and complete transcript of the record made by me in my capacity as Reporter.

Allen Frase

REPORTER

Carole Gehrke

TRANSCRIBER