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SPEECH

FIGHTING POLICE CORRUPTION AS CRIME ITSELF*

WILLIAM J. BRATTON**

I. INTRODUCTION

It is a privilege to be the Police Commissioner of New York City. Because I am the sitting Police Commissioner, I am responsible for dealing with the Mollen Commission's report,¹ and the issues of the day. So, I would like to give you a preview of what you can expect as it relates to this issue.

To understand where Mayor Giuliani² and I are going to go, I need only point to what we have been doing with the issue of crime in New York City in the last fifteen months. It has been referenced that the crime situation in the City is getting remarkably better,³ and that's good news. We are into our fifth year of crime decline.⁴ We are into our second year

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** William Bratton was appointed New York City Police Commissioner in 1994.

1. The Mollen Commission's report cites many instances of police officers tampering with evidence to justify arrests, falsifying reports and lying under oath. N.Y. CITY COMM'N TO INVESTIGATE ALLEGATIONS OF POLICE CORRUPTION AND THE ANTI-CORRUPTION PROC. OF THE POLICE DEP'T, COMM'N REP. (July 7, 1994) (Milton Mollen, Chair) [hereinafter MOLLEN COMM'N REP.].

2. Rudolph W. Giuliani, Mayor of the City of New York, 1994 to present.

3. See, e.g., Clifford Krauss, *Crime Lab; Mystery of New York, the Suddenly Safer City*, N.Y. TIMES, July 23, 1995, § 4, at 1 (stating that during the first half of 1995, compared with the first half of 1994, New York City's murder rate dropped 31%, robbery almost 22%, burglary 18%, auto theft 25%, and assault 6%).

4. See, e.g., NEW YORK CITY POLICE DEP'T, OFF. OF MGMT. ANALYSIS AND PLANNING, STAT. REP.: COMPLAINTS AND ARRESTS [hereinafter COMPLAINTS AND ARRESTS] 1989, at 6 (1990) (depicting an 8% drop in the crime index); COMPLAINTS AND ARRESTS 1990, at 6 (1991) (3% drop in the crime index); COMPLAINTS AND ARRESTS 1991, at 6 (1992) (4.4% drop in the crime index); COMPLAINTS AND ARRESTS 1992, at 6 (1993) (7.8% drop in the crime index); COMPLAINTS AND ARRESTS 1993, at 6 (1994) (4.1% drop in the crime index); COMPLAINTS AND ARRESTS 1994, at 7 (1995) (11.7% drop in the crime index).

of double digit decline⁵ and the process is accelerating.⁶ I am going to apply the same tenets that were used to bring about that very dramatic acceleration in the decline of crime over the last fifteen months to the issue of corruption.

There are four elements that we used in dealing with the issue of crime in the city. The same elements will be used and articulated in the upcoming integrity strategy⁷ that we will be issuing. The four elements are decentralization, empowerment, inclusion and performance evaluation.

II. DECENTRALIZATION

Let me talk about decentralization. We are the New York City Police Department (NYPD), a very hierarchical organization. Police commissioners are very powerful people and, among police chiefs in America, the New York City police commissioner is probably the most powerful.⁸ Ben Ward,⁹ who spoke here earlier, mentioned the executive staff, 150 people above the rank of captain, who serve entirely at the discretion of the police commissioner.¹⁰ Pat Murphy,¹¹ who also spoke earlier, referenced that in his first year he replaced ninety percent of those appointed positions.¹² In my first fifteen months, I am not sure that it has been ninety percent, but pretty close to it. At the precinct level,

5. On average, in 1994, New York City experienced a 12% decline in major felonies. See COMPLAINTS AND ARRESTS 1994, *supra* note 4; see also Krauss, *supra* note 3.

6. See COMPLAINTS AND ARRESTS 1989 - 1994, *supra* note 4.

7. See George James, *New York Calls for Precincts to Control Police Monitoring*, N.Y. TIMES, June 15, 1995, at A1 (stating that the integrity strategy presented on June 14, 1995 requires the Internal Affairs Bureau to inform precinct and unit commanders about patterns of corruption and brutality that exist in the precincts, and that the integrity strategy includes several measures to improve training and recruiting of officers).

8. See, e.g., George Kelling, *Thin Blue Line Needs Widening*, N.Y. NEWSDAY, Dec. 13, 1989, at 56 (stating that only the head of Scotland Yard has as much power as the New York City police commissioner to shape police thinking); see generally BUREAU OF JUST. STAT., SOURCEBOOK OF CRIM. JUST. STAT. 1993, 51 tbl. 1.34 (Kathleen Maguire & Ann L. Pastore, eds., 1994) (showing that New York City, with 31,236 police officers, has the largest police force in the United States).

9. Benjamin Ward was the New York City Police Commissioner from 1984 to 1989.

10. Benjamin Ward, Speech: *A Former Commissioner's View on Investigating Corruption*, 40 N.Y.L. SCH. L. REV. 45 (1995).

11. Patrick V. Murphy was the New York City Police Commissioner from 1970 to 1973.

12. Patrick V. Murphy, Speech: *Police Corruption and the Need for Leadership*, 40 N.Y.L. SCH. L. REV. 65 (1995).

where the rubber meets the road, we have replaced over fifty of the seventy-six precinct commanders in the last fifteen months. Some of the commanders moved up, but in any event, that is a significant change in the organization.

A police commissioner has the ability to move the department—to move the players that move the department. The central focus of all that we have been doing over the last fifteen months is decentralization.

III. EMPOWERMENT

No matter how good I am as police commissioner, no matter how good Pat Kelleher will be as head of the Internal Affairs Bureau and no matter how good all of those people at the senior level of the organization are, this City is just too damn big to think that we can be all-knowing, all-powerful or all-intuitive. Although I am blessed with having some of the best people, to effectively deal with crime, you need to empower much farther down in the organization. I think we have conclusively shown this over the last fifteen months. The results we have to date,¹³ and the results that we will have for the rest of the year, bear this out.

In dealing with crime, decentralization is intended to empower the police precinct commanders to have not only the responsibility and accountability for what goes on in their precincts, but also the authority to make the changes necessary to deal with what are very different little miniature cities within the confines of the city of New York.

No two precincts in this city are exactly alike and no two precincts that have similar neighborhoods are exactly alike. In addition, New York City's demographics change rapidly¹⁴ and its geography changes rapidly.¹⁵ I, as Police Commissioner, and the superstars I have around me, cannot be intimate with all of that and stay abreast of a very complex

13. See *supra* notes 3-6 and accompanying text.

14. See, e.g., U.S. BUREAU OF THE CENSUS, CURRENT POPULATION REPS., GEOGRAPHICAL MOBILITY: MAR. 1992 TO MAR. 1993, at tbl. 42 (1994) (depicting that the New York metropolitan area is second only to Los Angeles in net migration); M.P. Queen, *Immigrants Flooding Into U.S. Have Helped Transform Queens into a Brave New World*, N.Y. NEWSDAY, Aug. 1, 1993, at 1 (stating that the borough of Queens has some of the most diverse immigrant neighborhoods in New York City and the world by race, ethnicity and nationality).

15. See, e.g., Bruce Weber, *A Curve of Binding Energy*, N.Y. TIMES, Sept. 17, 1995, § 13, at 1 (describing how New York City changes from hour to hour); Sarah Jay, *New Yorkers & Co.; Of Industrial Things Past*, N.Y. TIMES, Sept. 3, 1995, § 13, at 4 (describing how New York City's landscape changes dramatically each day).

and frequently changing environment;¹⁶ it just cannot be done at the upper levels. It must be done by empowering those precinct commanders—giving them the power to make changes; giving them the authority to put people in plainclothes; letting them put out an extra car or to move their personnel around without having to go to the police commissioner.

The organization has become very specialized over the last twenty to thirty years, ironically out of concern for the corruption back in the 1970s.¹⁷ The responsibility for narcotics enforcement in the city of New York rests, as it has for most of the last twenty years, almost entirely on 1500 closely supervised detectives.¹⁸

I think that one of the reasons we have not had narcotics scandals within the narcotics bureau¹⁹ is the fact that there is close supervision and close monitoring of the detectives. At the same time, however, specialization reduced our ability to respond in a timely fashion to the dramatically changing conditions in the City. Through decentralization, we are pushing power down; empowering police precinct commanders who are then empowering the people that work with them.

16. See *supra* notes 14-15. New York City is not only the largest city in the United States, but is one of only four cities with over one million in population where the main city is growing at a greater rate than the surrounding metropolitan area. U.S. BUREAU OF THE CENSUS, 1990 CENSUS PROFILE, METROPOLITAN AREAS AND CITIES 4 (1991).

17. In the early 1970s, the Knapp Commission exposed far-reaching corruption in the narcotics section of the New York City Police Department. REP. OF THE COMM'N TO INVESTIGATE ALLEGATIONS OF POLICE CORRUPTION AND THE CITY'S ANTI-CORRUPTION PROC. (Dec. 26, 1972) (Whitman Knapp, Chair) [hereinafter KNAPP COMM'N REP.].

18. See generally Michael Z. Letwin, *A Symposium on Drug Decriminalization: Report From the Front Line: The Bennett Plan, Street-Level Drug Enforcement in New York City and the Legalization Debate*, 18 HOFSTRA L. REV. 795 (1990) (stating that New York City, with about 2000 officers, has the largest narcotics program in the country).

19. See, e.g., Mitch Gelman, *He Deploys Cops Against the Dealers*, N.Y. NEWSDAY, Dec. 12, 1988, at 49 (quoting Francis C. Hall, then-chief of the narcotics division, as stating that there has not been a major scandal in the narcotics division since the scandal investigated by the Knapp Commission in 1972); see also George James, *Allegations of Corruption Against Police Rise Twenty-Eight Percent*, N.Y. TIMES, June 16, 1995, at B3 (noting that the three most recent scandals plaguing the New York City Police Department have involved precincts or departments other than the narcotics department).

IV. INCLUSION

The whole process is also one of inclusion. I do not believe that you can effectively deal with crime, disorder and, ultimately, fear in this City unless you include, rather than exclude, the principal players. The way we were looking at crime, not only in this city but in many other cities around the country, was to control from the top—not to give power, responsibility and, particularly, authority lower down in the organization. The process we are engaged in, therefore, is also one of inclusion.

Historically, the issue of corruption and the responsibility for combatting it has rested largely with the police commissioner and the head of the Internal Affairs Division, now the Internal Affairs Bureau.²⁰ In talking with my esteemed predecessors, they, by and large, interacted with that one person. With the type of corruption we are facing today—the insidiousness and brutality of it, the issues of perjury and narcotics, and the fact that we have criminals in blue uniforms who are more vicious than some of the criminals that they are out there supposedly policing—I do not believe that you can deal with that corruption just with the police commissioner talking with the head of the Internal Affairs Bureau. We need to empower much farther down into the organization than we have ever done before in this agency—down to the precinct captain's level.

What do I mean by inclusion as it relates to corruption? We now hold meetings with the Internal Affairs Bureau every week in my office during which the first deputy commissioner, several of my deputy commissioners, all of my supervisor chiefs, and starting this week my borough commanders, and I all intend to discuss all cases that are under way in the boroughs. Inclusion by sharing information farther down in the agency at the captain level, the appropriate precinct level, and soon with the precinct commanders gets them into the game; includes them and empowers them to get into the game.

This is being done at great risk, because the traditional wisdom relating to internal corruption issues is that it is better to have fewer

20. Under pressure to respond to a series of precinct scandals, former Police Commissioner Raymond W. Kelly pledged a complete overhaul of the Internal Affairs Division in 1993, upgrading it to a full-fledged bureau and tripling the number of its investigators from 150 to 450. See Clifford Krauss, *Inquiry on Washington Spree is Seen as Test of Police Resolve*, N.Y. TIMES, May 24, 1995, at B1.

people in the know, otherwise you might lose a case.²¹ Well, that exclusionary activity certainly doesn't seem to have worked in the sense that we have had these twenty-year cycles of corruption²² or that we have had a Thirtieth Precinct type of situation.²³ I think the time has come to try something different, something dramatically different and risky. I believe it has worked in dealing with crime and I believe it will work in dealing with the issue of corruption. Time will tell. Will I lose a few cases because somebody has a loose lip? Possibly. But will I win a lot more? Will you as citizens of New York win a lot more? I think so.

What will you win? By having these precinct commanders coming into the game, by giving them authority to deal with this issue, we can begin to deal with the new insidious type of corruption that Dick Condon talked about earlier.²⁴ Pat Murphy's²⁵ great legacy, which continued through all the commissioners since him, was that the systematic corruption of 1970 was halted,²⁶ and we have not seen it move beyond the patrol officer rank or the sergeant rank for the last twenty years.²⁷ We have not had captains, deputy inspectors or chiefs accused of being,

21. See Clifford Krauss, *More Officers Caught in Stings, Police Say*, N.Y. TIMES, July 6 1994, at B2; see generally Andrew M. Herzig, *To Serve and Yet to be Protected: The Unconstitutional Use of Coerced Statements in Subsequent Criminal Proceedings Against Law Enforcement Officers*, 35 WM. & MARY L. REV. 401, 443 (1993) ("Officers, for reasons of safety and mutual reliance, tend to want to protect one another, making the job of investigating wrongdoing much harder.").

22. See Michael Armstrong, *Police Corruption: An Historical Overview*, 40 N.Y.L. SCH. L. REV. 59, 60, n.5 (1995) (briefly tracing the twenty-year cycles of corruption in New York City).

23. See Doug Bandow, *Commentary Drug Prohibition: Destroying America to Save It*, 27 CONN. L. REV. 613, 621 (1995) (describing how New York City's 30th Precinct has suffered severe embarrassment over drug-related corruption); Clifford Krauss, *11 More Officers Taken Off Duties in 30th Precinct*, N.Y. TIMES, May 5, 1995, at A1.

24. See Richard Condon, *Speech: Police Corruption and the Need for Oversight*, 40 N.Y.L. SCH. L. REV. 55 (1995).

25. See *supra* notes 11 & 12.

26. See Todd S. Purdum, *Drugs Seen as an Increasing Threat to Police Integrity*, N.Y. TIMES, Nov. 12, 1988, § 1, at 29 ("Criminologists generally agree that sweeping policy changes since 1972 have done much to control, or even eradicate, some kinds of corruption, like systematic payoffs from gambling operators, a practice that the Knapp investigation found was common and was tolerated."). See also Murphy, *supra* note 12.

27. See MOLLEN COMM'N REP., *supra* note 1, at 15 ("Unlike twenty years ago, today's corruption does not reach high into the chain of command.").

or proven to be, corrupt in many years.²⁸ That dramatic organizational change is the legacy of the Knapp Commission and Pat Murphy.²⁹ We have literally kept corruption stifled, if you will, at the lower levels of organization.

Dick Condon's salient point, however, is that those patrol officers who are corrupt become sergeants, then become lieutenants and then become captains, so it's only a matter of time until a few of them do slip into the command ranks of the NYPD.³⁰ My task, like the task of Pat Murphy, is to attack the type of corruption we are now seeing. And we have begun to see corruption move from the patrol officer to the sergeant level.³¹

In the weeks and months ahead, what you are unfortunately going to see—and you will have to expect to see it in this City—is a lot of corruption, because we are very aggressive in dealing with it. But what is going to be different about it? What you are going to see will mainly be exposed by the Department rather than by a Mollen Commission or the United States Attorney's office or the District Attorney's office. The exposure of police corruption will be initiated, investigated and coordinated with the appropriate prosecution agency, but by and large, what you will see from here on out will be exposed by the Police Department, not by another agency.

V. PERFORMANCE EVALUATION

Ultimately, we have performance evaluation—because you will be gone if you are not delivering in reducing crime and disorder in this city as a precinct commander. Over the last fifteen months, we have clearly shown that if you do not have what it takes to reduce crime and disorder in a timely fashion, to be responsive to the neighborhoods for which you are accountable, to inspire your officers to be creative and to engage in

28. *See id.* at 16 (“While certain supervisors engaged in corruption most corruption was carried out by uniformed patrol officers who are surrounded daily by drug traffickers operating in the streets, apartments and storefronts of their precincts.”).

29. *See id.* at 17 (noting that it is partially true that “organized corruption” has vanished since the days of the Knapp Commission, and that the most common form of narcotics corruption today involves lone officers stealing drugs and money from dealers).

30. Condon, *supra* note 24, at 57.

31. *See generally* MOLLEN COMM’N REP., *supra* note 1.

creative initiatives, we are going to take you out of that position.³² The ability to act in a timely fashion is the great power of the Police Commissioner of the City of New York. As Commissioner, I fully intend to use that same power and technique to deal with the issue of corruption in this city. We will be very effective at stopping the growth of corruption, nipping it in the bud, if you will, at the patrol officer level. Five to ten years down the line, those sergeants whom we are now starting to run across are going to be higher up in the organization—so expect to hear a lot about corruption cases because we have a lot of them under way. I have 580 people assigned to the Internal Affairs Bureau, and the reason we have that many is because we have enough work for all of them.

The good news is, however, that the good work of the Mollen Commission has kept our feet to the fire. We are much better now at pattern identification, use of computerization, and working with the Civilian Complaint Review Board (CCRB)³³ because the corruption we are finding today is perjury, brutality, and is drug-related.³⁴ With the CCRB's records, as well as a myriad of other indicators, with our computerization skills, our investigative skills and our patent identification, we can spot corruption a lot faster before it, in fact, becomes a problem.

32. See Clifford Krauss, *Top Police Commanders Brace for Major Shake-up*, N.Y. TIMES, Sept. 21, 1994, at B6 (stating that Police Commissioner Bratton held a meeting with New York City police commanders to announce the "most sweeping management shake-up in a generation to weed out ineffective supervisors and assign the most aggressive commanders to crime-ridden precincts . . ."). See generally Clifford Krauss, *Police Report Recommends More Training and Oversight*, N.Y. TIMES, Oct. 18, 1994, at A5 ("A task force has recommended a sweeping reorganization of the New York City police force that would raise standards for recruitment and require monthly performance evaluations of officers.").

33. N.Y. CITY CHARTER ch. 18-A, § 440, (1986 & Supp. 1992); see also 1 THE CIVILIAN COMPLAINT REV. BOARD OF THE CITY OF N.Y. 4 (July - Dec. 1993) ("The Civilian Complaint Review Board now stands as New York City's first all civilian complaint agency that is independent of the Police Department, and the membership and staff of which are comprised entirely of private citizens.").

34. MOLLEN COMM'N REP., *supra* note 1, at 16 ("Most serious police corruption today arises from the drug trade. And, not surprisingly, it is most prevalent in drug-infested precincts where opportunities for corruption most abound—and the probabilities of detection have been slim.").

VI. CONCLUSION

There is some risk with the decentralization and the inclusion of hundreds of more people into the process, but because this City is so complex, you cannot control it only at the top. You need inclusion all the way down to the precinct level. I think it has worked in crime control and I think it will work in the issue of dealing with the crime of corruption. That was a little peek, if you will, into the future. It will be outlined in more detail in the "integrity strategy" with which we will be coming out soon.³⁵

I am optimistic about the debate going on right now regarding the Mollen Commission's report. There is a commission, and that is good news. There should be a commission. Ray Kelly³⁶ came to understand that. I think it's necessary. The Commission has already identified areas that we have not addressed. No matter how good we are, we do not catch it all. The fact of the matter is that the Commission is here to stay. Whether it has subpoena powers, investigatory powers, etc., is almost off to the side. What is important is that there is a commission and it is independent. We will work closely with it, my successors and I. And I, for one, am optimistic that twenty years from now, we will not see a Mollen- or a Knapp-type of issue surfacing again.

I think that, whether it is due to the existing powers in municipal government, or the willingness to get into this game, something has changed dramatically over the last twenty years; and I happen to be quite optimistic about the future.

35. *See supra* note 7.

36. Raymond W. Kelly was the New York City Police Commissioner from 1992 to 1994.

