

KNAPP PANEL SAYS WALSH AND OTHERS IGNORED TIPS BY U.S. ON POLICE CRIMES

KRIEGEL IS SCORED

Mayor's Aide Was One of Those Who Failed to Act, Report Says

By DAVID BURNHAM

The Knapp Commission asserts in its final report that high New York police officials ignored Federal information that some of their men were suspected murderers, extortionists and heroin dealers.

The commission said its investigators had discovered evidence of three separate instances in which police officials, including former First Deputy Police Commissioner John F. Walsh, had failed to investigate allegations of serious misconduct made by the Bureau of Narcotics and Dangerous Drugs.

The commission also concluded that as of October, 1971, police corruption in New York City was "an extensive, department-wide phenomenon, indulged in to some degree by a sizable majority of those on the force."

Garelik's Comment

In discussing the widespread nature of corruption and other forms of police misconduct, the commission report said that City Council President Sanford D. Garelik, formerly the chief inspector, had told the commission "that as a field commander he had received gratuities from businessmen he came in contact with in the course of his duties."

"Instead of returning these gifts or asking that they not be sent," the commission report said, "he stated he attempted to respond by giving return gifts of equal value."

A spokesman for Mr. Garelik, who was in Florida on vacation, said the commission's "use of the word gratuity is unfair and misleading."

"There certainly was nothing morally or ethically wrong in his actions," he added.

Corruption Discussed

The commission's finding about the failure of top officials to combat corruption and its conclusion about the extent of the problem were contained in its final report, a 283-page document that repeatedly emphasized the variety of different ways corruption adversely affects the safety and well-being of the public.

In a separate case, the commission concluded that Jay Kriegel, one of Mayor Lindsay's closest associates; Arnold G. Fraiman, City Commissioner of Investigation from 1966 to 1968 and now a State Supreme Court Justice, and Commissioner Walsh all failed to act when informed of widespread bribery among plainclothes policemen responsible for enforcing the gambling laws in the Bronx.

In his position as first deputy commissioner, Mr. Walsh was the top department official responsible for combating corruption within the Police Department from 1961 to 1970.

No Comment on Mayor

The commission did not offer a judgment about whether Mayor Lindsay was culpable for the inaction in the Bronx case. But the commission did conclude that "it is clear that the Mayor's office did not see to it that the specific charges of corruption" made by one policeman — Frank Serpico — "were investigated."

The findings of the commission were released 31 months after the group was created to investigate the extent of police corruption in New York City and to determine what steps could be taken to control the problem better.

In addition to rendering its judgement concerning the handling of the allegation made by Detective Serpico, who retired from the department a few months ago, the commission outlined other instances of official inaction it had discovered,

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all of them involving unusually serious allegations regarding police involvement in the heroin. The other instances cited were as follows:

Between April, 1968, and June, 1969, the Federal Bureau of Narcotics and Dangerous Drugs forwarded to the Police Department allegations of misconduct against 72 policemen ranging in rank from patrolman to captain. The allegations included associating with known criminals, releasing arrested heroin dealers in return for bribes, selling heroin and committing murder.

The Commission said that though these charges were known to superiors of the department's central anticorruption unit, "nothing—as far as the commission was able to ascertain—was ever done about the allegations until our investigators came upon the file in the late fall of 1970."

In April, 1970, two inspectors from the Bureau of Narcotics and Dangerous Drugs informed the commander of the department's narcotic division, John P. McCahey, that they had information suggesting that nine members of his command were involved in corrupt transactions that should be investigated.

"However," the commission said, "no departmental action was ever taken on these allegations."

Sometime late in 1969, the Bureau of Narcotics and Dangerous Drugs approached the Police Department and requested assistance on an investigation that might have led to the exposure of policemen "believed to be involved in the sale of narcotics."

Attached to the file concerning this request, commission investigators reported finding a note written in the hand of Supervising Assistant Chief Inspector Joseph McGovern, the top uniformed anti-corruption official in the department and the closest associate of Commissioner Walsh.

"[DC [First Deputy Commissioner] doesn't want to help the feds lock up local police," the note said: "Let them arrest Federal people."

Serpico's Allegations Studied

The commission also analyzed the allegations of inaction made by Mr. Serpico and David Durk, a police sergeant now assigned to the department's office of organized crime control.

Both men, in an article originally published in The New York Times on April 25, 1970, charged that Mr. Kriegel, then Mayor Lindsay's liaison with the Police Department; Justice Fraiman, then City Investigation Commissioner, and Commissioner Walsh on separate occasions failed to investigate Mr. Serpico's report that most of the antigambling policemen in the southern Bronx were accepting bribes of up to \$800 a month.

"Although Walsh, Kriegel and Fraiman all acknowledged the extreme seriousness of the charges and the unique oppor-



John F. Walsh

tunity provided by the fact that a police officer was making them," the commission report said, "none of them took any action. No serious investigation was undertaken until some months later when Serpico went to his division commander.

"No general evaluation of the problems of corruption in the department was undertaken until The New York Times publicized the charges two years later, at which time the Mayor initiated the chain of events which led to the appointment of this commission," the report said.

The commission said it was unable to establish the direct responsibility of Mayor Lindsay because of variations in Mr. Kriegel's sworn testimony on this point.

"In executive session," the report said, "Kriegel recalled that Durk and Serpico had come to him for the purpose of having him bring to the attention of the Mayor serious and specific charges of corruption which had been reported to Walsh and about which nothing had been done.

"Kriegel testified he was impressed with the importance of the information and had spoken to the Mayor about it, indicating to him both the allegations of corruption and the dissatisfaction of Durk and Serpico (whom he did not mention by name) with the way the allegations were being handled by the department."

Public Testimony Differs

In his public testimony, the report said, Mr. Kriegel testified that Durk and Serpico never claimed nothing was being done—they complained only about the pace of the investigation—and that he "now recalled that he had not reported this complaint to the Mayor."

Although Mayor Lindsay was questioned privately on this point on Dec. 13, 1971, by the commission chairman, Whitman Knapp, and the commission counsel, Michael F. Armstrong, the commission report did not attempt to resolve the basic

contradiction noted in Mr. Kriegel's testimony.

At a news conference on July 1, 1971, however, five months before his meeting with the Mayor, Mr. Knapp said Mayor Lindsay, as chief executive officer of New York City, "cannot escape responsibility" for the widespread corruption the panel found among the police.

The commission report made no mention of former Police Commissioner Howard R. Leary, who resigned from the department in September, 1970, even though Mr. Knapp said more than a year ago that it was his personal feeling Mr. Leary had "a lot to answer for for the failure in leadership in the area of combating graft."

Walsh Retired in 1970

Mr. Walsh, who retired in 1970, said he would not comment on the report until he had seen it.

The commission report was scheduled for release at 10:30 this morning. The Daily News, however, broke the embargo and published an article about the report in editions that appeared on the street early yesterday evening.

About Justice Fraiman, the commission said the then Commissioner of Investigation "failed to take the action that was clearly called for in a situation which seemed to involve one of the most serious kinds of corruption ever to come to the attention of his office, and which seemed to be precisely the sort of case his office was set up to handle."

The commission said Mr. Walsh's inaction, in the face of his reputation as an implacable corruption fighter, was inexplicable.

When an investigation finally was made of Mr. Serpico's charges, without the intervention of any of these three officials, the commission said it resulted in department charges being brought against 19 policemen, 10 of whom were also indicted by Federal or county grand juries or both.

Without singling out any particular District Attorney, the commission concluded that the city's five prosecutors had not successfully grappled with the

corruption problem of the police.

After analyzing the indictments and the dispositions of police corruption cases in New York, the report said it was clear "that the risks of severe punishment for corrupt behavior are slight.

"A dishonest policeman knows that even if he is caught and convicted, he will probably receive a court reprimand or, at most, a fairly short jail sentence. Considering the vast sums to be made in some plainclothes squads or in narcotics enforcement, the gains from corruption seem far to outweigh the risks."

The commission said there were a number of explanations for the past failures of the city prosecutors, including unimaginative investigative techniques and the use of policemen as investigators who have a "natural reluctance" to investigate corruption among fellow policemen.

Summing up its findings about the anticorruption machinery in the city, the report said that at the time of the commission's appointment in May, 1970, "the combined efforts of the Police Department, the city's Department of Investigation and the District Attorneys offices simply were not equal to the task of uncovering and curbing the widespread corruption which then existed."

The major part of the commission's comments, however, were directed toward the Police Department. Acknowledging that Commissioner Murphy had made vast improvements since his appointment in the fall of 1970, the report said that before that time "the various units charged with searching out misconduct within the department and maintaining internal discipline were widely dispersed, poorly coordinated, undermanned and, in many instances, so misdirected that they were totally ineffective in rooting out corrupt policemen."

One example of the unusual chaos within the department cited by the commission involved the inability of Commissioner Walsh—the No. 2 man in the department—to ob-



The New York Times
Sanford D. Garelik

tain information from the detective bureau.

"One of the least edifying episodes in departmental history occurred one evening a few years ago when the head of the internal affairs division, charged with investigating all allegations of corruption, attempted an after-hours look into the detective bureau's files at the request of the first deputy commissioner," the report said.

Caught in the Act

"He was caught in the act by the chief of detectives, who had been tipped off to the raid, whereupon the two middle-aged lawmen exchanged a non-lethal blow or two. The chief of IAD [internal affairs division] promptly retired, leaving the chief of detectives still sole master of his own files."

In addition to this kind of administrative infighting, the commission said the investigators assigned to one key anti-corruption unit were cut by 50 per cent in 1966, that much of the department's investigative work tended to be "of low quality," and that records were disorganized, out of date and incomplete.

But the commission said a more fundamental problem was the "reluctance on the part of top-level police personnel to undertake investigations that might have led to exposure of widespread corruption inconsistent with the official line that corruption was limited to a few 'rotten apples.'"

To support this conclusion, the commission report cited the three separate cases it had uncovered when the Federal Bureau of Narcotics and Dangerous Drugs unsuccessfully sought the assistance of the Police Department to investigate corruption among policemen and detectives.

Concerning the allegations of corruption against 72 policemen given the department over a 14-month period beginning in April, 1968, the commission said two of the individual reports were vague and not very useful and one clearly exonerated the

individual detective who was involved.

"The remaining 69 reports alleged various types of police misconduct, ranging from association with known narcotics criminals to murder. Thirty officers were alleged to have accepted bribes or extorted payments for the release of apprehended suspects. Five officers were alleged to have purchased stolen goods from a notorious fence. Twenty-seven separate allegations, implicating 15 different officers including a captain, reported the direct involvement of these men in the sale of narcotics."

The report said the department's official explanation for the failure to act was that there had been a "gentleman's agreement" not to investigate the allegations against the 72 until the Federal agency had completed its own investigation.

"However," the report said, "the Federal inspectors who initially referred the allegations to the intelligence division told the commission that they do not remember any such understanding."

The commission added that even if there had been such an understanding, that some attempt should have been made by the department "to follow up on the information, by keeping in touch with BNDD to stay abreast of progress in these cases."

"The fact remains that the department was given reason to suspect that some of its members were extortionists, murderers and heroin entrepreneurs and made no attempt to verify these suspicions or dispute them," the commission concluded.

Concerning the second incident involving allegations against nine narcotics detectives, the commission said the former chief of the narcotics division—Chief McCahey—repeatedly denied under oath having been told by Federal officials "that some New York policemen were selling narcotics."

Questioned further, the report said the official "finally did admit that he recalled having met with Federal agents, but he denied that anything significant had transpired at the meeting. At the request of the commission," the report continued, "the former chief turned over his notes from the meeting [with the Federal agents] to two commission agents who accompanied him to his office at the close of his testimony."

"The notes," the report concluded without comment, "contained the names of four of the officers discussed at the meeting, as well as the names and aliases of some of the narcotics criminals who allegedly acted as middlemen for police officers who sold heroin."

The final incident, directly involving Commissioner Walsh, centered on a request from the Federal Bureau of Narcotics and Dangerous Drugs for assistance from the department on an investigation that might have led to the indictment of policemen for the sale of narcotics.

The report said "the request

had been forwarded by Deputy Inspector John Norey, commander of the intelligence division, to First Deputy Commissioner Walsh, who in turn sent it to Supervising Assistant Chief Inspector Joseph McGovern, then the commander of IAD [internal affairs division] and Walsh's right-hand man in corruption investigations."

"The request was never acted upon," the commission said. "Instead, it was filed with an attached coversheet with two notations written on it in the hand of Chief McGovern." One note concerned that statement about helping "the feds lock up local police."

The commission said it was not able to establish that these words actually expressed the sentiments of Commissioner Walsh, in part because both Inspector Norey and Chief McGovern said they "did not recall Walsh ever saying such a thing to them."

"Nevertheless," the commission report noted, "the fact is that such a statement was written down and cooperation with Federal agents was not forthcoming."

Mayor Lindsay, in a letter to Mr. Knapp accepting the commission's final report, said: "Your procedures, hearings and findings have at times been controversial, even painful, and no single observer will agree with all of your conclusions."

"There may well be conclusions which I cannot agree with," Mr. Lindsay went on, "but you have performed a vital task for our city and its police, focusing full public scrutiny and debate on one of government's more sensitive areas."



Jay L. Kriegel



The New York Times
Arnold G. Fraiman